



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request – Front Yard 56 Marmion Avenue

<b>Date:</b>	December 01, 2014
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing and Standards, North York District
<b>Wards:</b>	Ward 16 – Eglinton-Lawrence
<b>Reference Number:</b>	IBMS No. 14-224616

#### SUMMARY

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This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to permit hedges in the front yard which are in violation of the By-law.

#### RECOMMENDATIONS

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**Municipal Licensing and Standards, North York District, recommends that:**

- 1. The North York Community Council refuse the exemption from Chapter 447 – Fences, for the property at 56 Marmion Avenue.**

#### FINANCIAL IMPACT

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There is no financial impact anticipated in this report

#### DECISION HISTORY

The City of Toronto Council enacted the amalgamated Fence By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners' of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code Chapter 447 - Fences.

## **ISSUE BACKGROUND**

The subject property is a single family located in the former City of North York, west of Avenue Road between Lawrence Avenue West and Wilson Avenue (*Attachment # 1*).

Fences, in the front yards are limited to 1.2 metres in height, pursuant to Section 447-2.B, Toronto Municipal Code, Chapter 447. The existing front yard hedge is in violation of these provisions and measured between 1.6 and 2.8 metres in height, at the time of writing (*Attachments # 2*).

## **COMMENTS**

The Municipal Licensing and Standards Division received a formal complaint on July 20, 2014 about the height of the front yard hedges on the subject property. The investigations by staff confirmed that the front yard hedges exceeded the permitted heights and a Notice of Violation dated July 23, 2014 was issued and remains outstanding pending the outcome of this exemption application request. It is noted that the hedges have been trimmed since the exemption application, but they remain in excess of the permitted height.

The property owner seeks the exemption to maintain the hedges for reasons of privacy and aesthetics. A letter of support from the neighbour to the west has also been submitted with the fence exemption application (*Attachment # 3*).

Should the recommendation not be accepted and the request approved, the following condition of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

## **CONTACT**

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## **SIGNATURE**

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Bill Blakes, North York District Manager  
Municipal Licensing and Standards

## **ATTACHMENTS**

1. Aerial Map of 56 Marmion Avenue
2. Photos of Front Yard Fence at 56 Marmion Avenue
3. Letter of Support from neighbour @ 58 Marmion Avenue