Fence Exemption Request  
247 Epsom Downs Drive

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<th>Date:</th>
<th>September 20, 2012</th>
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<td>To:</td>
<td>North York Community Council</td>
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<tr>
<td>From:</td>
<td>District Manager, Municipal Licensing and Standards, North York District</td>
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<td>Wards:</td>
<td>Ward 9 – York Centre</td>
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<td>Reference Number:</td>
<td>IBMS No. 12-237515</td>
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**SUMMARY**

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 fencing in the rear yard which is in violation of the By-law.

**RECOMMENDATIONS**

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 247 Epsom Downs Drive.

**FINANCIAL IMPACT**

There is no financial impact anticipated in this report

**DECISION HISTORY**

This issue was a public complaint. The matter was investigated by a Municipal Licensing and Standards Officer. The owner(s) were issued a Notice of Violation for fencing in the rear yard. The owner(s) subsequently applied for a fence exemption.
ISSUE BACKGROUND

This is a detached home located in the former City of North York.

The maximum height for a fence in the rear yard is 2 metres. Further no fence when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the maximum height pursuant to Section 447-2.B. Chapter 447, Fences, of the Toronto Municipal Code.

The existing wood fencing runs along the east property line in the rear yard for approximately 10 meters. This fence is approximately 2.5 metres in height. There is an approximate grade difference of 10 centimetres with 245 Epsom Downs Drive at the higher elevation (Attachments 1, 2 and 3).

COMMENTS

The owner(s) wish to maintain the fence for reasons of privacy and safety (Attachment 4).

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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Eletta Purdy, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Photo of rear yard from 247 Epsom Downs Drive
2. Photo of rear yard from 245 Epsom Downs Drive
3. Photo of side yard showing elevation difference
4. Letter requesting fence exemption