



**STAFF REPORT
ACTION REQUIRED**

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 301 Davisville Avenue.

Date:	October 17, 2011
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards, Toronto and East York District
Wards:	Ward 22– St. Paul’s
Reference Number:	IBMS No. 11-183868

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The purpose of this report is to consider a request by the owner of 301 Davisville Avenue to be exempted from Chapter 447– Fences, Section 447-.2, Table 1. This section states that the maximum height of a front yard fence not within 2.4 metres of lot line on a residential property is 1.2 metres and the maximum height of a side and rear yard fence on a residential property is 2.0 metres.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 301 Davisville Avenue.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

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

ISSUE BACKGROUND

The Municipal Licensing & Standards Division previously had received an application for a Fence Exemption in 2010 that was heard before the Toronto and East York Community Council on May 25, 2010. At that time the applicants request was denied and a Notice to bring the fence into compliance was issued. The Property owner requested to appealed the decision as there had been a significant development on her neighbours property, namely a fence of equal size and length built. Municipal Licensing and Standards investigated and found that in addition to the overheight fence in the rear yard of 301 Davisville Avenue, additional sections of fence had been added to the side and front yards. It was also confirmed that the neighbour's rear yard fence did exceed the height restrictions. A Notice of Violation was issued. As a result Municipal Licensing and Standard received an application for an exemption to the Fence By-law from the property owner at 301 Davisville Avenue for an existing board on board wood fence in the front , side and rear yards. The existing fence has varying heights in three sections. Section 1 Front yard measures 1.76 metres in height, Section 2 Side yard measures 2.07 metres in height and Section 3 Rear yard measures 2.74 metres in height.

The property owner of the subject property states the reasons for the fence is for privacy and security.

Should the request for an exemption be approved, a condition of approval should include that when the fence is replaced it should be constructed in compliance with Toronto Municipal Code, Chapter 447-Fences or its successor by-law.

CONTACT

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SIGNATURE

Gus Michaels, Manager
Toronto and East York District

ATTACHMENTS

Attachment 1: Photograph front yard fence

- Attachment 2: Photograph side yard fence
- Attachment 3: Photograph rear yard fence
- Attachment 4: Photograph neighbouring fence