



**STAFF REPORT  
ACTION REQUIRED**

**Request for a Fence exemption to the Toronto Municipal Code, Chapter 447-Fences at 55 Tranby Avenue**

<b>Date:</b>	October 14, 2011
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Ward:</b>	Ward 20 – Trinity Spadina
<b>Reference Number:</b>	IBMS Folder No.11-246536

**SUMMARY**

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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 applicant being the property owner is seeking exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), to permit the existing wooden fence in the rear yard, to exceed the maximum allowable height. The Fence By-law provides that a fence in the rear yard can be constructed to a height of 2.0 metres.

The section of wooden fence on the east side of the property is constructed to a height of 2.29 metres for a length of 12.5 metres. The section of wooden fence on the west side of the property is constructed to a height of 2.13 metres for a length of 5.94 metres. The section of wooden fence on the south side of the property is constructed to a height of 2.21 metres for a length of 4.72 metres. All three sections of fence do not comply with maximum height in the By-law.

**RECOMMENDATIONS**

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Municipal Licensing & Standards Division recommends that the Toronto and East York Community Council not grant the fence exemption for 55 Tranby Avenue, confirm the notice and direct that a second notice be given under this article.

**Financial Impact**

There is no financial impact anticipated in this report.

## **DECISION HISTORY**

The City of Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B), provides that the maximum permitted height of a fence in a rear yard should not exceed 2.0 metres in height.

## **ISSUE BACKGROUND**

The Municipal Licensing and Standards Division received an application for exemption from the Fence By-law, in response to a Notice of Violation issued on a complaint received about the height of the fence. The stated purpose for erecting the current fence was to improve the aesthetics in the rear yard.

## **COMMENTS**

The Council of the City of Toronto enacted the amalgamated By-law No. 472-2000 on July 06, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned 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.

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 bylaw.

## **CONTACT**

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## **SIGNATURE**

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Gus Michaels, Manager, Municipal Licensing and Standards Division  
Toronto and East York District

## **ATTACHMENTS**

- Attachment 1– 55 Tranby Avenue – photograph of fence on west side of property
- Attachment 2 – 55 Tranby Avenue – photograph of fence on south side of property
- Attachment 3– 55 Tranby Avenue – photograph of fence on east side of property
- Attachment 4– 55 Tranby Avenue – photograph of fence on east side of property