



**STAFF REPORT  
ACTION REQUIRED**

**Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – Fences at 1608 Woodbine Heights Boulevard**

<b>Date:</b>	April 19, 2012
<b>To:</b>	Toronto East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Wards:</b>	Ward 31 – Beaches East York
<b>Reference Number:</b>	IBMS No. 12 122434 FEN 00 IR

**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 purpose of this report is to consider a request by the owner of 1608 Woodbine Heights Boulevard to be exempted from Chapter 447 – Fences, Section 447-2B, to permit three existing posts to exceed the maximum allowable height. The existing posts are 3.98 metres high, 1.98 metres in excess of the allowable height and are for supporting netting to prevent basketballs from the rear yard passing into neighbouring yards. The existing wooden fence is 1.98 metres high and in compliance with the by-law provisions.

The Fence By-law provides that a fence including posts in a rear yard can be constructed to a maximum height of 2.0 metres.

**RECOMMENDATIONS**

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Municipal Licensing and Standards recommends that the Toronto and East York Community Council:

- 1) Not grant the fence exemption for 1608 Woodbine Heights Boulevard, and confirm the Notice.
- 2) Direct that a second Notice be given in this Article.

## **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## **DECISION HISTORY**

The City of Toronto Municipal Code, Chapter 447 – Fences, Section 447- 2B, provides for the maximum permitted height of a fence (including posts) 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. The stated purpose of the extended height of the posts is for supporting netting to prevent basketballs from the rear yard passing into neighbouring yards. The existing posts are 3.98 metres high, 1.98 metres in excess of the allowable height.

## **COMMENTS**

The Council of the City of Toronto enacted the amalgamated by-law No. 472-2000 on July 6, 2000, to prescribe the height and description of fences on private property. 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 the approval should include that when the fence is replaced or the posts removed the fence and posts are in compliance with Toronto Municipal Code, Chapter 447- Fences or its successor By-law.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1: Site plan of post installation and basketball net area

Attachment 2: Photo of posts with netting