



**STAFF REPORT
ACTION REQUIRED**

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 231 Palmerston Avenue

Date:	May 28, 2012
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 19 – Trinity Spadina
Reference Number:	IBMS No.11-103090

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 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 metres.

The existing wooden fence is located in the rear yard. The section of fence on south side of property line is constructed to a height of 2.2 metres for a span of 8.78 metres. The section of fence on the north side of the property line is constructed to a height of 2.2 metres for a span of 16.15 metres in length. Both sections are not in compliance with the By-law.

RECOMMENDATIONS

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

1. Not grant the fence exemption for 231 Palmerston Avenue.
2. Issue a second Notice of Violation

Financial Impact

There is no financial impact resulting from the adoption of this report.

DECISION HISTORY

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 rear yard fence. A letter of support has been filed by the applicant along with the exemption request. The stated purpose for maintaining the fence at the current height is to provide privacy, security and aesthetic appearance.

The By-law provides that a fence in the rear yard area can be constructed to a height of 2 metres.

ISSUE BACKGROUND

The City of Toronto Council 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.

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 metres in height.

COMMENTS

The fence is constructed of wood, board on board with lattice at the top. The rear yard is used primarily as amenity space. The landscaped area contains a variety of perennial plants as well as a pond.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Photograph 1

Attachment 2: Photograph 2