

Public Notification for Fence Exemptions

Date:	March 4, 2013
To:	Licensing and Standards Committee
From:	Executive Director, Municipal Licensing and Standards
Wards:	All
Reference Number:	P:\2013\Cluster B\MLS\LS13005

SUMMARY

The purpose of this report is to respond to a request from the Licensing and Standards Committee that public notification be given as part of the fence exemption process. Currently, the process does not provide notice to neighbouring residents within a community affected by a possible fence exemption. To comply with the Committee's request, Municipal Licensing and Standards (ML&S) is recommending the addition of providing public notice to the Toronto Municipal Code Chapter 447, Fences.

RECOMMENDATIONS

The Executive Director, Municipal Licensing and Standards, recommends that:

1. The City of Toronto Municipal Code Chapter 447, Fences be amended to require that only adjoining property owners be given notice of fence exemption applications, generally in accordance with Appendix "A" of this report.
2. City Council direct the City Solicitor to prepare the necessary bill(s) to make such by-law amendments as may be required to give effect to the recommendations in this report and to make any necessary minor substantive or stylistic refinements as may be identified by the Executive Director, Municipal Licensing and Standards or the City Solicitor.

Financial Impact

Currently the Toronto Municipal Code Chapter 447, Fences ("Chapter 447") has an application fee of \$200.00 for fence exemptions. The cost of notifying adjoining residents of fence exemption applications will be nominal, and will be covered by the current application fee.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

At its meeting of May 24, 2012, the Licensing and Standards Committee referred LS13.9 to the Executive Director, Municipal Licensing and Standards to report back on a process for notifying the community when applications for variances to Chapter 447 are being brought before Community Councils.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS13.9>

ISSUE BACKGROUND

Toronto Municipal Code Chapter 447, Fences, has an exemption process that allows residents to apply for a site-specific exemption from the requirements of the by-law. When a request for an exemption has been received along with the required application fee of \$200.00, the Executive Director, ML&S, or their designate, reports to Community Council for consideration of the exemption. The owner of the property will be notified once a date has been set for Community Council to review and decide on the exemption. No notice to the community is currently provided.

COMMENTS

This report proposes amendments to Chapter 447, Fences, requiring that only owners of adjoining properties be notified of the fence exemption application, thereby giving them the opportunity to depute at Community Council. Once the date has been set for Community Council to review the exemption, a notification of the date will be circulated to the owner, the adjoining properties and is to be visibly posted on the property.

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SIGNATURE

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ATTACHMENT

Appendix A: Proposed Amendments to Municipal Code, Chapter 447, Fences

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1. Subsection 447-5C(1) is to be amended to add the words "of violation" after "notice" in the first line so that it reads:

"(1) A person given a **notice of violation** under this article may request to have the fence considered by Council or community council under delegated authority for a site-specific exemption from any of the requirements of this article on or before the date indicated on the notice of violation."

2. Section 447-5C is to be amended by renumbering the existing subsections C(6) and (7) as C(9) and (10), and adding the following as new subsections C(6), (7) and (8):

"C(6) The City Clerk shall send, by prepaid mail, notice of the community council meeting to consider the fence exemption request, to the owner of the property and to the owners of all adjoining properties.

(7) Upon receiving notice of the date of the community council meeting, the owner of the property shall post a notice on the property in a place visible to the public, indicating the name of the property owner and the date of the meeting.

(8) The template for the notice to be posted under subsection (7) shall be provided by the Municipal Licensing and Standards Division.

3. Newly numbered subsection 447-5C(9)(a) and (b) are to be amended to add "of violation" after "notice" in the first lines of each subsection so that they read:

"(9) Council, or community council under delegated authority, may:

(a) Grant the exemption, with or without conditions, and cancel the **notice of violation**; or

(b) Confirm the **notice of violation** and direct that a second **notice of violation** be given under this article."

4. Newly numbered subsection 447-5C(10) is to be amended to add "to C(9)" after "C(1)" and to add "of violation" after "notice" in the first line so that it reads:

"(10) Subsections C(1) to C(9) do not apply to a second **notice of violation** given under Subsection C(9)(b)."