

**MEMORANDUM**

**TO:** Councillor Cesar Palacio, Chair, and Members of the Licensing & Standards Committee  
**FROM:** Councillor Peter Milczyn, Ward 5, Etobicoke-Lakeshore  
**DATE:** March 18, 2013  
**RE:** LS19.2 PUBLIC NOTIFICATION FOR FENCE EXEMPTIONS

I requested that the issue of providing public notice to interested parties on Fence By-law Exemption Applications be adopted as a result of an incident in my community whereby a Fence Exemption was granted when no objections were raised to an application. Subsequently the fence was constructed and neighbours raised various objections that would have been known to Community Council had the affected residents been notified in advance of the proposal. Written and posted notice is already given for various other types of applications such as Minor Variance and Tree Removal applications. The lack of notice for Fence Exemption applications was an oversight that should now be corrected.

I am generally in support of the Staff Recommendations however I propose additional recommendations which will ensure more meaningful notice is granted and greater clarity as to the circumstances for providing notice is given. I request that the staff recommendations be deleted and replaced with the following recommendations;

**RECOMMENDATIONS**

1. The City of Toronto Municipal Code Chapter 447, Fences is amended to require that in the case of rear-yard fences only adjoining property owners are given notice of fence exemption applications, generally in accordance of Appendix "A" of this report.
2. The City of Toronto Municipal Code Chapter 447, Fences is amended to require that in the case of front-yard or flankage-yard fences all property owners within a sixty (60) metre radius of the subject property be given notice of fence exemption applications, generally in accordance of Appendix "A" of this report.
3. For all types of fence exemption applications the owner of the property shall post a notice on the property in a place visible to the public at least ten (10) days prior to the meeting date, the nature of the exemption being sought, the name of the owner of the property, and the date of the meeting.
4. The By-law be amended to ensure that the Notice provisions are adhered to for all manner of Fence Exemption Applications regardless whether they were initiated subsequent to a Notice of Violation being issued or prior to the construction of the proposed fence.
5. 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.

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*Getting things done for Etobicoke-Lakeshore*

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There is a distinct difference in the potential impact of an exemption to a rear-yard fence, which could only impact abutting property owners, and a potential exemption to a front-yard or flankage-yard fence, which due to its high visibility could impact the broader community. Consequently I believe broader notification for the latter type of application is warranted and reasonable.

Notice should be posted in a place visible to the public that is consistent with practices for the posting of other notices which are related to the development or modification of property.

While many Fence Exemption applications may come about as a result of a Notice of Violation being issued to the property owner as a result of a complaint after the erection of the fence, there are also a number of applications that are made prior to construction of a fence. The Municipal Code should be amended in a manner that ensures that appropriate Notice is given under any and all circumstances when a Fence Exemption application is made to the City of Toronto.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter Milczyn", with a stylized flourish at the end.

Peter Milczyn