Fence Exemption Request
243 Lord Seaton Road

Date: August 8, 2013
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, North York District
Wards: Ward 25 – Don Valley West
Reference Number: IBMS No. 13-211038

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to permit fencing along the south side of the property line that exceeds the maximum height which is in violation of the By-law.

RECOMMENDATIONS

Municipal Licensing and Standards, North York District, recommends that:

1. The North York Community Council refuse the exemption from Chapter 447 – Fences, for the property at 243 Lord Seaton Road.

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

As a result of a public complaint, an inspection by a Municipal Standards officer resulted in a Notice of Violation being issued. The owner subsequently applied for a fence exemption.

ISSUE BACKGROUND

This is a single family detached home located in the former City of North York (Attachments 1, 2 and 3).
Any fence in the rear yard can be a maximum of 2 metres in height except where it borders a public highway where it can be a maximum of 2.5 metres in height, pursuant to Section 447-3.B, Chapter 447, Fences, of the Toronto Municipal Code.

The owner wishes to maintain the existing wooden board-on-board fencing that has been constructed along the south property line which follows the sloped grade of the rear yard. There are 4 sections of the fence that exceed the permitted height of 2 metres. These sections are panels 5 through 8 as shown in the photographs. The height of the 4 fence panels ranges from 2.0 metres to 2.4 metres high. The height of the posts at these sections ranges from 2.1 metres to 2.57 metres. The highest post is on panel 8 shown in the photographs. *(Attachments 4 through 8).*

**COMMENTS**

The owner wishes to maintain the existing fencing for privacy, safety, security and aesthetic reasons.

Should the recommendation not be accepted and the request approved, the following conditions of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

**CONTACT**

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**SIGNATURE**

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Michael Carey, Acting District Manager
Municipal Licensing and Standards
North York District

**ATTACHMENTS**

1. iView of 243 Lord Seaton Road
2. iView of 243 Lord Seaton Road – close up view
3. Survey of lot for 243 Lord Seaton Road
4. Photo of fence panels 1 to 7 from rear yard
5. Photo of fence panels 3 to 8 from rear yard
6. Photo of remaining fence panels along south side of property line
7. Photo of fence panels 1 to 6 from neighbouring side
8. Photo of fence panels 7 and 8 from neighbouring side