Request for Fence Exemption- 46 Exford Drive

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<th>Date:</th>
<th>April 25, 2013</th>
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<td>To:</td>
<td>Scarborough Community Council</td>
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<tr>
<td>From:</td>
<td>Bill Blakes, Manager, Municipal Licensing and Standards, Scarborough District</td>
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<td>Wards:</td>
<td>Ward 37-Scarborough Centre</td>
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<tr>
<td>Reference Number:</td>
<td>IBMS No. 12 257911</td>
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**SUMMARY**

This Staff report is about a matter for which the 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(s) of 46 Exford Drive to be exempted from Chapter 447-Fences section Article 1-Table 1 of the Toronto Municipal Code. This section states that all fences located in the front yard shall be a maximum height of 1.2 metres and any fence within 2.4 metres of any driveway shall be open mesh chain-link fence or of an equivalent open fence construction for at least 2.4 metres from the lot line at which the driveway begins so as not to obstruct the view of the boulevard or highway.

**RECOMMENDATIONS**

Municipal Licensing and Standards, Scarborough District, recommends that Scarborough Community Council:

1. Refuse the application for exemption from Chapter 447-Fences, of the Toronto Municipal Code, for the existing wooden 2 metre high fence located in the front yard and is within 2.4 metres of the neighbouring driveway which is located on 46 Exford Drive all on private property.

2. Confirm the notice and direct that a second notice be given under this article.
Financial Impact
There are no financial implications

DECISION HISTORY
The City of Toronto Council enacted the amalgamated Fence By-law on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain fences and gates around swimming pools. This by-law and the amendments are now found in Chapter 447 of the Toronto Municipal Code.

ISSUE BACKGROUND
The owner(s) of 46 Exford Drive has submitted an application for a Fence Exemption under Chapter 447 Fences and was received by Municipal Licensing and Standards on April 22, 2013. A Notice of Violation was issued for existing wooden 2 metre high fence located in the front yard based on a complaint to Municipal Licensing and Standards. An investigation of the fence revealed that it is located on the city portion of the boulevard and Transportation Right of Way Management has requested the owner to remove the fence from the city boulevard and to relocate the fence to private land of 46 Exford Drive. A Notice of Violation was issued to the owner(s) on October 11, 2012. The owner is proposing to re-locate the fence that is on the city right of way onto private land. The new fence will be similar in construction as the existing, 2 metres high and constructed of wood.

Glenn Shimoda
Supervisor
Municipal Licensing and Standards
Scarborough District
416-396-7371

SIGNATURE

______________________________________
Bill Blakes, Manager, Municipal Licensing and Standards, Scarborough District

ATTACHMENTS
1. Photographs
2. Letter of Undertaking 46 Exford Drive
3. Letter from Owner
4. Proposed fence drawing
5. Survey