Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – Fences at 5 Fairmount Crescent

**Date:** February 5, 2013

**To:** Toronto East York Community Council

**From:** Municipal Licensing and Standards Division, Toronto and East York District

**Ward:** Ward 22 – St. Paul's

**Reference Number:** File Folder # 12 237721 FEN 00 IR

**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 purpose of this report is to consider a request by the owner of 5 Fairmount Crescent to be exempt from Chapter 447 – Fences, Section 447-2B, to permit the maintenance of the existing wooden fence which varies in height; on the east side 2.0 metres; on the west side 2.13 metres to 3.10 metres. The City of Toronto Municipal Code Chapter 447, Fences, provides that a fence including posts in a rear yard can be constructed to a maximum height of 2.0 metres.

**RECOMMENDATIONS**

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

1. Grant the exemption, with or without conditions, and cancel the notice; for the property municipally known as 5 Fairmount Crescent, Toronto Ontario.

   or

2. Refuse the exemption and direct that a final Notice be given pursuant to Toronto Municipal Code Chapter 447 - Fences, Section 2B for the property municipally known as 5 Fairmount Crescent, Toronto Ontario.
Financial Impact

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

The City of Toronto Municipal Code, Chapter 447 – Fences, Section 447- 2B, provides for the maximum permitted height of a fence in a rear yard should not exceed 2.0 metres in height.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for an exemption from Toronto Municipal Code Chapter 447- Fences, in regards to maintaining the existing wooden fence which varies in height; on the east side 2.0 metres; on the west side 2.13 metres to 3.10 metres. The City of Toronto Municipal Code Chapter 447, which exceeds the maximum allowable height of 2.0 metres.

The stated purpose for requesting the exemption is for the purpose of privacy, security and creation of a green space in the yard area. This fence abuts the properties at 3 and 7 Fairmount Crescent and the adjacent property owners are in support of maintaining the fence as installed.

COMMENTS

The Council of the City of Toronto enacted the amalgamated by-law No. 472-2000 on July 6, 2000, to prescribe the height and description of fences on private property. This By-law and the amendments are now found in the Toronto Municipal Code, Chapter 447 – Fences.

CONTACT

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SIGNATURE

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Kim Kilburn, Acting District Manager,
Municipal Licensing and Standards
Toronto and East York District
ATTACHMENTS
Attachment 1: Photograph of Fence on East Side
Attachment 2: Photograph of Fence on West Side