Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 53 First Avenue

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<th>Date:</th>
<th>March 20, 2013</th>
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<tr>
<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Municipal Licensing and Standards Division, Toronto and East York District</td>
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<td>Wards:</td>
<td>Ward 30 – Toronto Danforth</td>
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<td>Reference Number:</td>
<td>IBMS File #12-263172</td>
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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 applicant being the property owner is seeking exemption to the provisions of the City of Toronto Municipal Code, Chapter 447 Fences, Section 447-2(B), for a fence erected in the rear yard of the property which exceeds the maximum allowable height. The Fence By-law provides that a fence in a rear yard abutting a lane can be constructed to a height of 2.5 metres.

The exemption is for a section of wood fence in the rear yard along the south side of the property that is constructed to a height of approximately 2.74 metres for a span of 5.5 metres.

RECOMMENDATIONS

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

1. Not grant the fence exemption for 53 First Avenue.
2. Issue a Second Notice of Violation.
Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The City of Toronto Municipal Code, Chapter 447-Fences, Section 447-2(B), provides that the maximum permitted height of a fence on a single residential property abutting a lane should not exceed 2.5 metres in height.

ISSUE BACKGROUND

The Municipal Licensing and Standards Division received an application for an exemption from the Fence By-law from the property owner in response to a Notice of Violation. The property owner sites privacy, aesthetics and safety as the reasons for having erected the fence.

COMMENTS

The Council of the City of Toronto enacted the amalgamated By-law No. 472-2000 on July 06, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned swimming pools to erect and maintain safety fences and gates around private swimming pools. 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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Kimberley Kilburn, (Acting) District Manager
Municipal Licensing and Standards Division
Toronto and East York District

ATTACHMENTS
Photograph 1 – wood fence along south side of property