TORONTO

STAFF REPORT
ACTION REQUIRED

Request for a Fence Exemption – 296 RUSTIC ROAD.

Date:	September 20, 2016
To:	Etobicoke York Community Council
From:	Kimberly Kilburn, District Manager, Municipal Licensing and Standards
Wards:	Ward 12, York South - Weston
Reference Number:	IBMS No. 16 161853 FEN 00 IR

SUMMARY

This staff report is in regards to a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application by the owner of 296 Rustic Road, for a fence exemption to maintain an existing wrought iron fence in the front yard of the property.

The height of the fence does not comply with the Toronto Municipal Code, Chapter 447 – Fences.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council give consideration to the exemption application and decide to:

1. Refuse the application for an exemption submitted by the owner of 296 Rustic Road, to maintain the existing front yard fence, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or

2. Grant the exemption to permit the existing fence in the front yard to be maintained in the same condition without alteration. At such time as replacement of the fence is required that the replacement fence will comply with Municipal Code Chapter 447, or its successor by-law.

Financial Impact

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

DECISION HISTORY

The property was investigated as a result of a fence complaint submitted to the Municipal Licensing and Standards Division. Subsequently the application for a fence exemption was submitted by the property owner of 296 Rustic Road. The fence is located in the front yard on the south side of the property.

Accordingly, all required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office advising of the date that the application for the exemption will be considered by Etobicoke York Community Council.

ISSUE BACKGROUND

As a result of the compliant, an inspection was conducted, and it was found that 296 Rustic Road is a single family all brick detached property. On the south side of the property located in the front yard is a wrought iron fence and gates found to be in violation of the Toronto Municipal Code Chapter 447 – Fences, Section 447-2B.(1).

LOCATION	ORIENTATION	DEFECT	SECTION
Front Yard	South side of property	Fence in front yard varies in height from 2.3m to 1.67m in height. The permitted height in a front yard of residential property shall not exceed 1.2m	2B.(1)

As a result of the Notice of Violation being issued, the Municipal Licensing and Standards Division received an application for a exemption from the owners of 296 Rustic Road for relief from the Toronto Municipal Code Chapter 447 – Fences, to allow for the fence to remain at the installed height in the front yard on the south side of the property. The applicant has cited proposed security, safety and aesthetic concerns for the excess in fence height.

COMMENTS

The subject fence is in violation of the Toronto Municipal Code Chapter 447 – Fences, however does not present a hazard to the owners or anyone using the property.
Should Etobicoke York Community Council choose to approve the exemption, such approval should be subject to the conditions outlined in Recommendation 2 of this report.

CONTACT

Kimberly Kilburn, District Manager,
Municipal Licensing and Standards,
Investigation Services
Etobicoke York District

SIGNATURE

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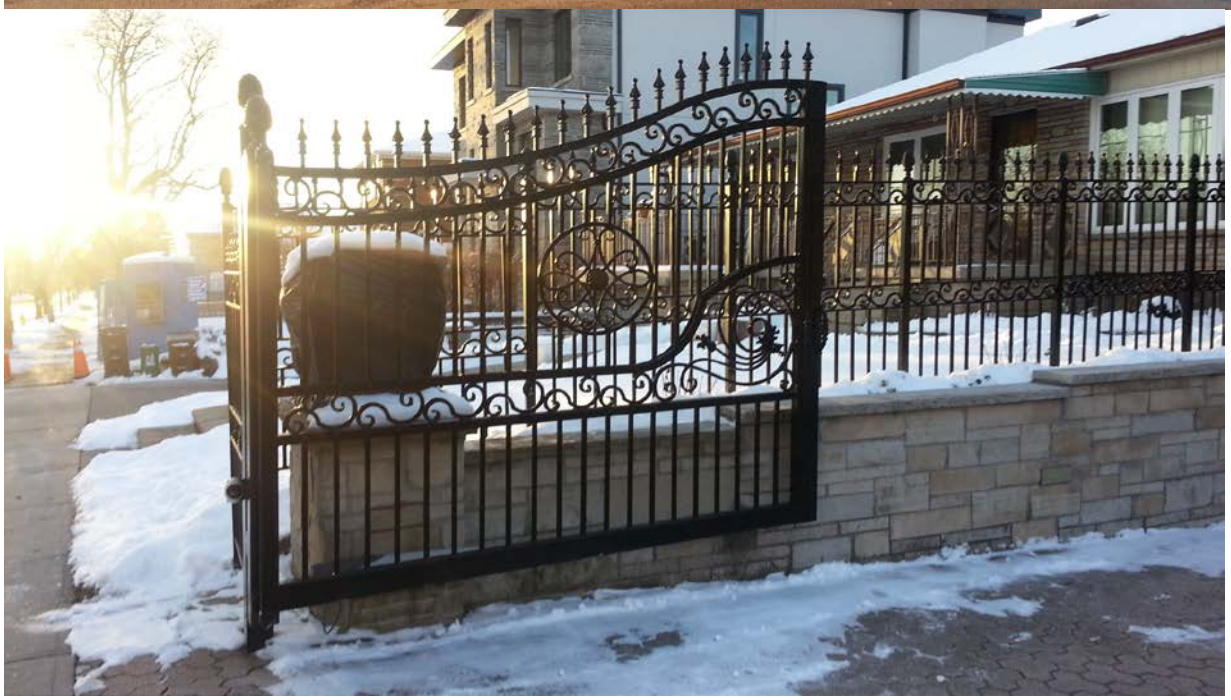
Kimberly Kilburn, District Manager,
Municipal Licensing and Standards
Investigation Services
Etobicoke York District

ATTACHMENTS

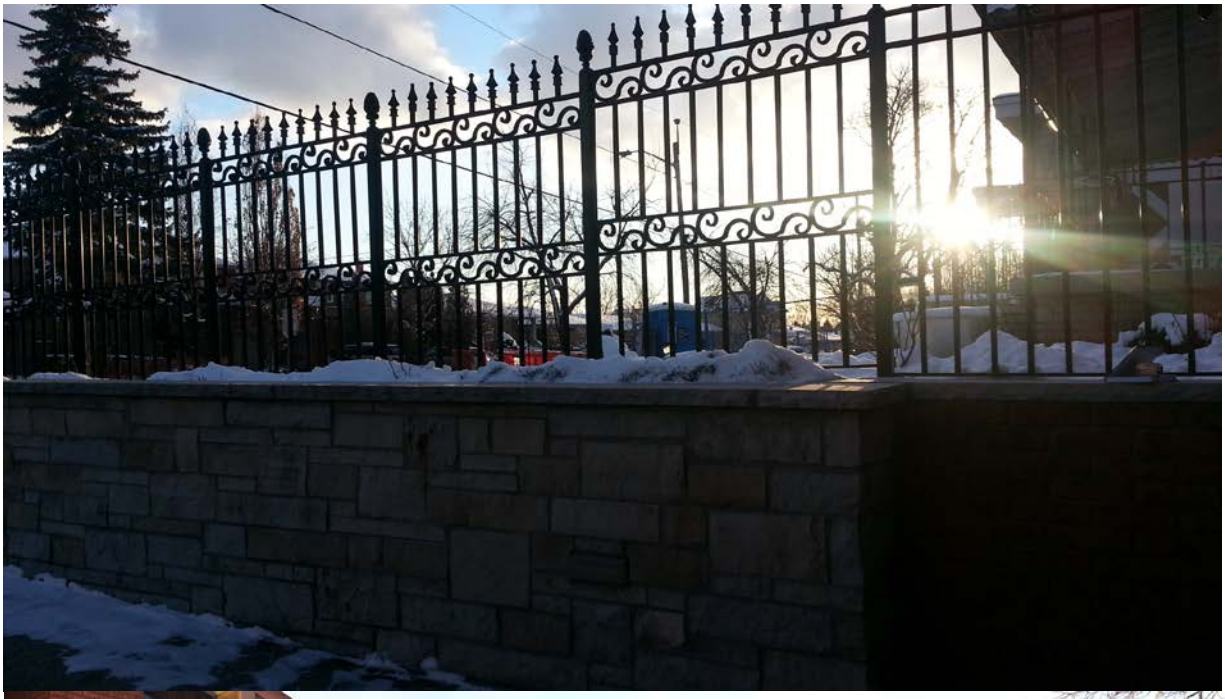
Attachments 1-4: Photos
Attachment 5: Mapping

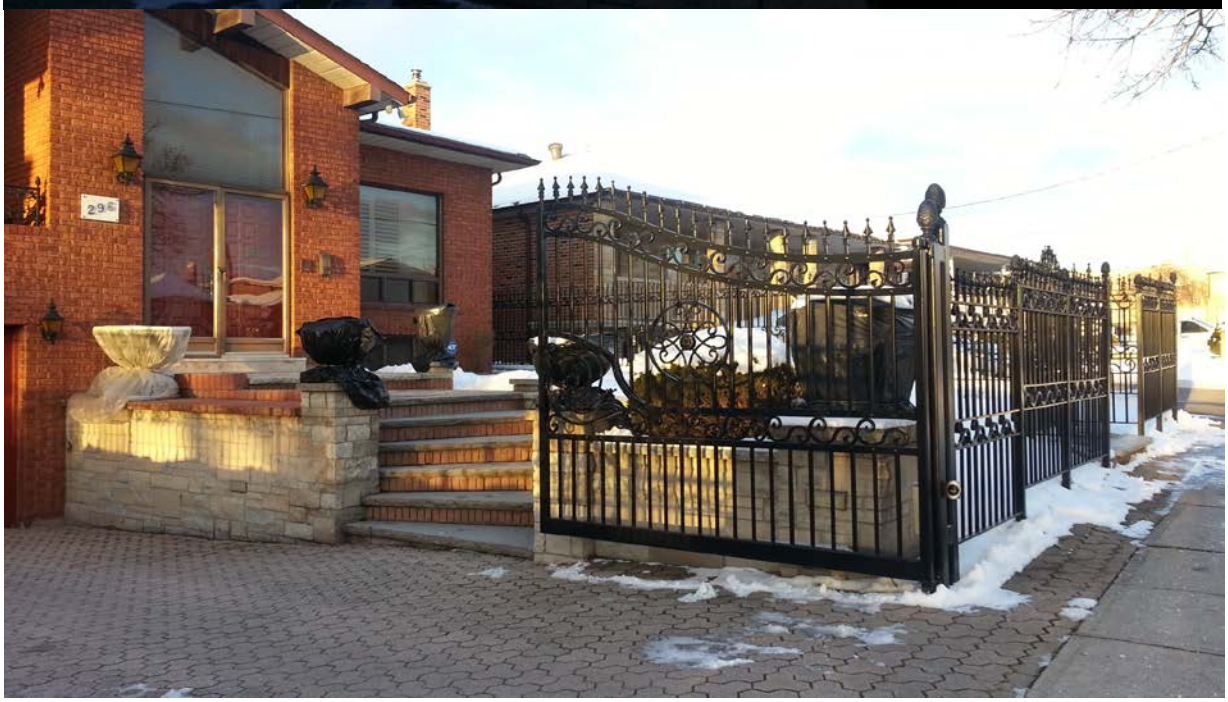
Attachment 1





Attachment 2



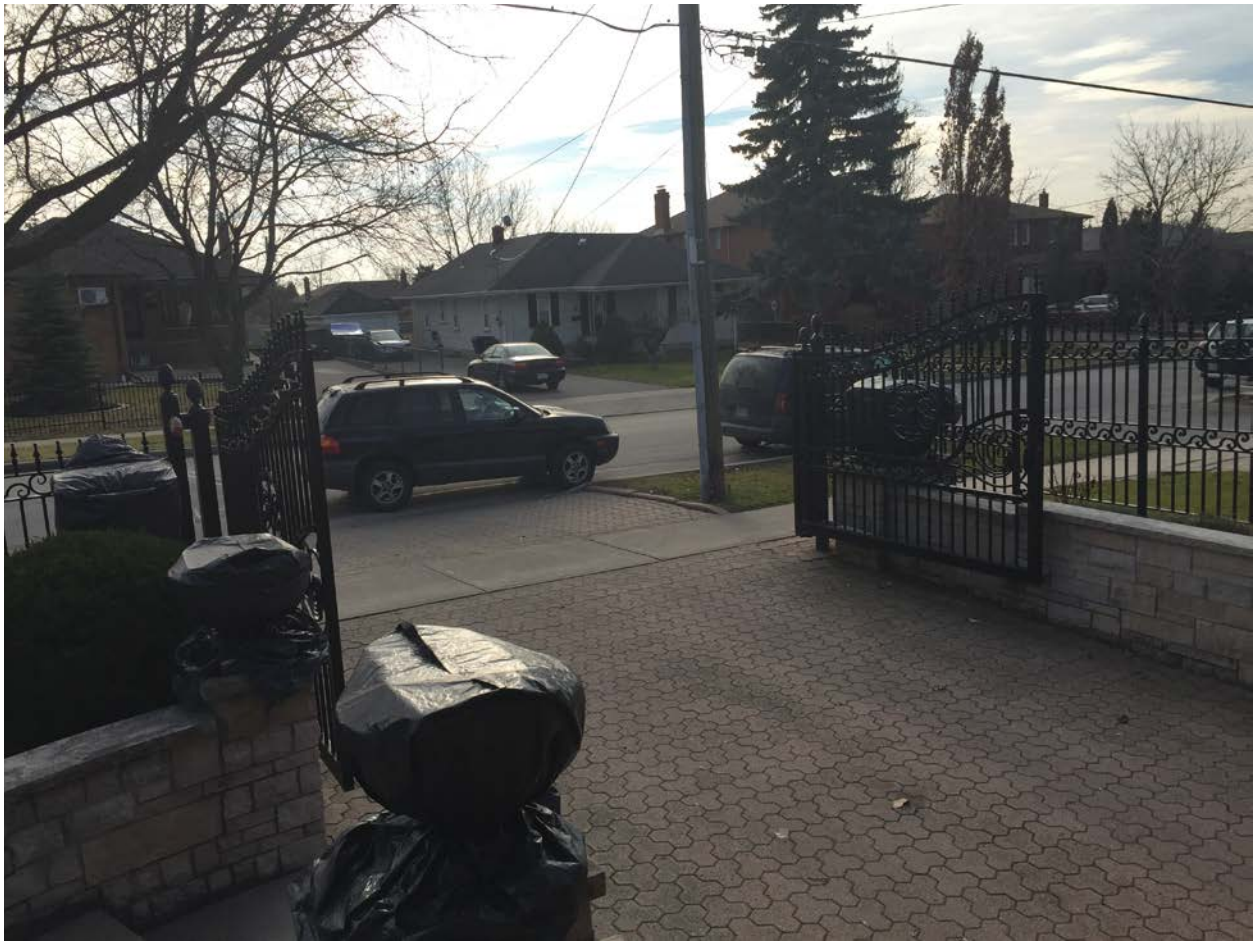


Attachment 3





Attachment 4



Attachment 5



