



**STAFF REPORT  
ACTION REQUIRED**

**Request for a Fence Exemption – Front Yard  
141 Earlton Road**

<b>Date:</b>	September 16, 2016
<b>To:</b>	Scarborough Community Council
<b>From:</b>	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
<b>Wards:</b>	Ward 40 – Scarborough Centre
<b>Reference Number:</b>	IBMS No. 16-212750

**SUMMARY**

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This staff report concerns a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the property owner of 141 Earlton Road for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to allow a metal picket fence in the front yard which does not comply with maximum fence height restrictions stipulated by Section 447-2 of the bylaw.

**RECOMMENDATIONS**

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Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 141 Earlton Road, for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit at 141 Earlton Road, thereby allowing the fence to remain as installed. Direct and require that the installation

be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

**Financial Impact**

There is no financial impact anticipated in this report.

**DECISION HISTORY**

The property owner installed a metal picket fence in the front yard at 141 Earlton Road which exceeds the permitted height of 1.2 m.

Municipal Licensing and Standards issued a Notice of Violation on August 8, 2016 for Height of the fence exceeding the height permitted by the Chapter 447 Fences of the Toronto Municipal Code.

The property owner submitted a fence exemption application, in writing, on August 14, 2016, to permit the fence in the front yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "safety, security and aesthetics " as reasons for the application.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

**ISSUE BACKGROUND**

The subject property, 141 Earlton Road, is a detached, single-family residential dwelling. It is located in Ward 40 south of Sheppard Avenue Rd. and west of Kennedy Road. in a Residential Zoned Area of Tam O'Shanter Community.

Municipal Licensing Standards' review of the proposed fence installation has determined that it will not comply with maximum height restrictions for residential fences in the front yard provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	1. Adjacent to the north lot line;	Exceeds the permitted height of 1.2 m	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.

## **COMMENTS**

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to height, it does not contravene any other provisions of the bylaw.

## **CONTACT**

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## **SIGNATURE**

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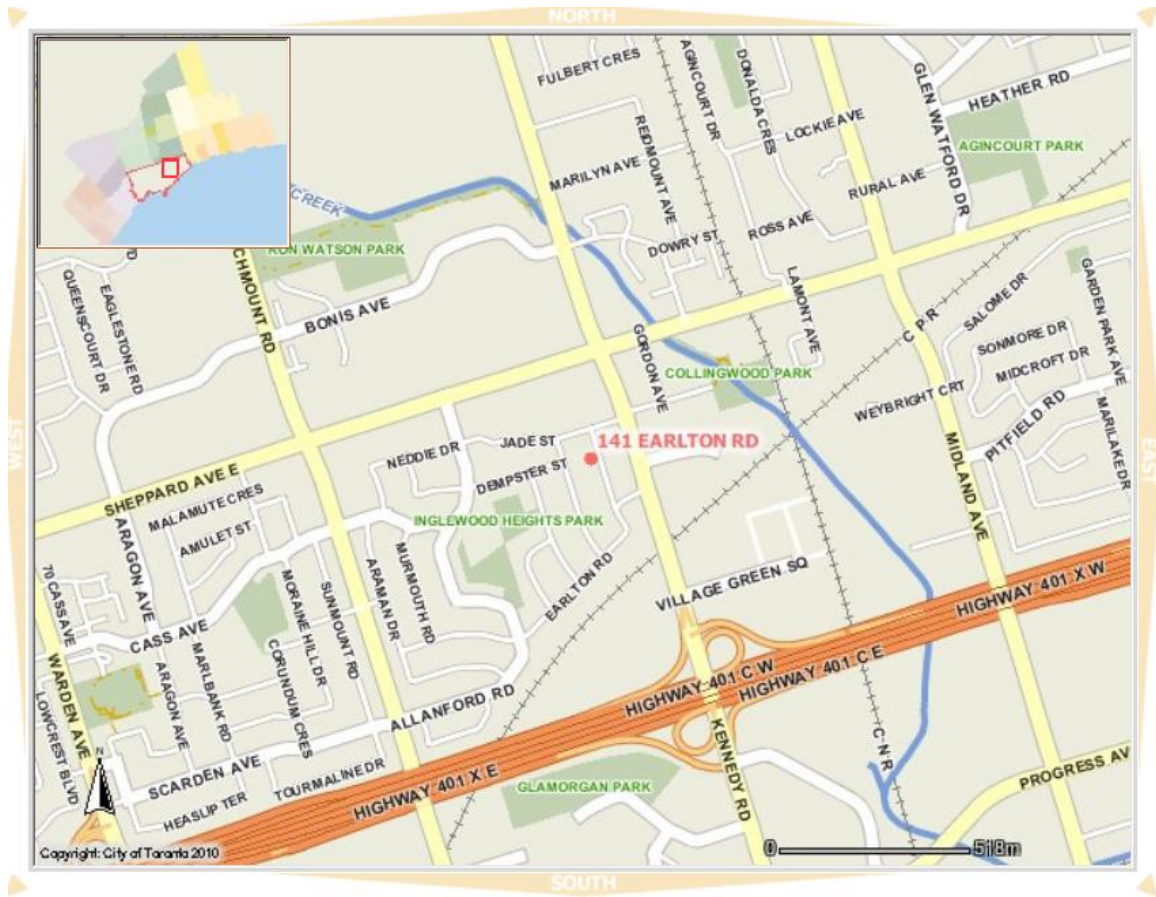
Elena Sangiuliano  
Manager, Scarborough District

## **APPENDICES**

Appendix 1 – Location of 141 Earlton Avenue iView Map

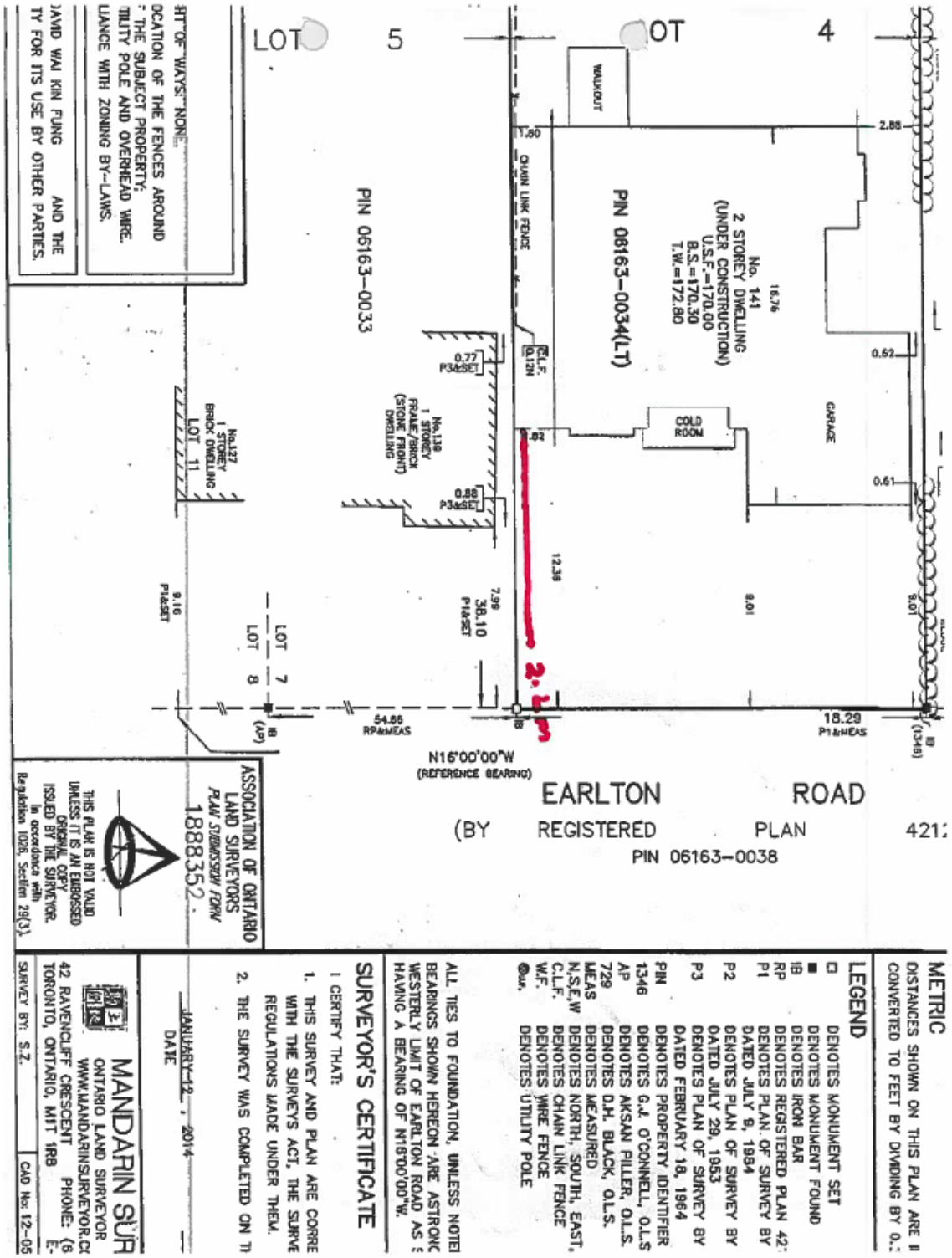
Appendix 2 – Survey provided by Property Owner of 141 Earlton Avenue.

Appendix 3 – Photo of the Metal Picket Fence at 141 Earlton Avenue.



Address	Postal Code	Former Municipality	Ward
141 EARLTON RD	M1T 2R8	SCARBOROUGH	Scarborough-Agincourt (40)

Appendix #1



Survey with Fence Location provided by property owner of 141 Earlington Road.



Photo of existing 1.65m high fence at 141 Earlton Road