



**STAFF REPORT
ACTION REQUIRED**

**Request for a Fence Exemption – Front Yard
29 MacDuff Crescent**

Date:	September 16, 2016
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	IBMS No. 14-213117

SUMMARY

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 29 Macduff Crescent 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 maintain a fence (hedge) which does not comply with maximum fence height restrictions stipulated by Section 447-2 of the bylaw.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 29 MacDuff Crescent to maintain a fence (hedge), 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 29 MacDuff Crescent, thereby allowing the fence (hedge) to remain. Direct and require that the fence (hedge) be maintained in good repair. Direct and require that at any such time the fence (hedge) is removed a replacement of the fence is required and 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 submitted a fence exemption application, in writing, on May 16, 2016, for the existing fence (hedge) in the front yard, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing "privacy and that the hedge has been there over forty years" 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, 29 MacDuff Crescent, is a two story single family residential dwelling. It's located in Ward 36 east of Brimley Road, north of St. Clair Avenue in the a Residential Zoned Area of Cliffcrest Community.

Scarborough Municipal Licensing and Standards, received a complaint regarding the height of the hedge in the front yard of 29 MacDuff Crescent on August 12, 2014. Municipal Licensing and Standards investigated and the height of the fence (hedge) was measured to be 3.96 meters, (thirteen feet), which exceeded the permitted height of 1.2 meters (four feet).

A Notice of Violation was issued August 28, 2014. There was no compliance and charges were issued. A conviction was registered on February 5, 2016. At the subsequent Sentencing Hearing on May 10, 2016 the property owners provided an Arborist's Report (Prepared by Harmony Tree Service) and informed the court they had made application for a Fence Exemption, the Sentencing Hearing has been deferred so the Fence Exemption can be heard at Scarborough Community Council.

GENERAL LOCATION	SPECIFIC LOCATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Front Yard	Front Yard between 29 and 27 MacDuff Crescent	1. Exceeds Permitted Height- of 1.2m	Section 447-2 (B)(1) Maximum height of 1.2 metres, measured at any point along its length.

COMMENTS

As per the recommendations in the Arborist's Report the fence (hedge) was trimmed to the a height of 2.4 meters (eight feet) which violates the Toronto Municipal Code, Chapter 447- Fences requirements with respect to height, does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sangiuliano
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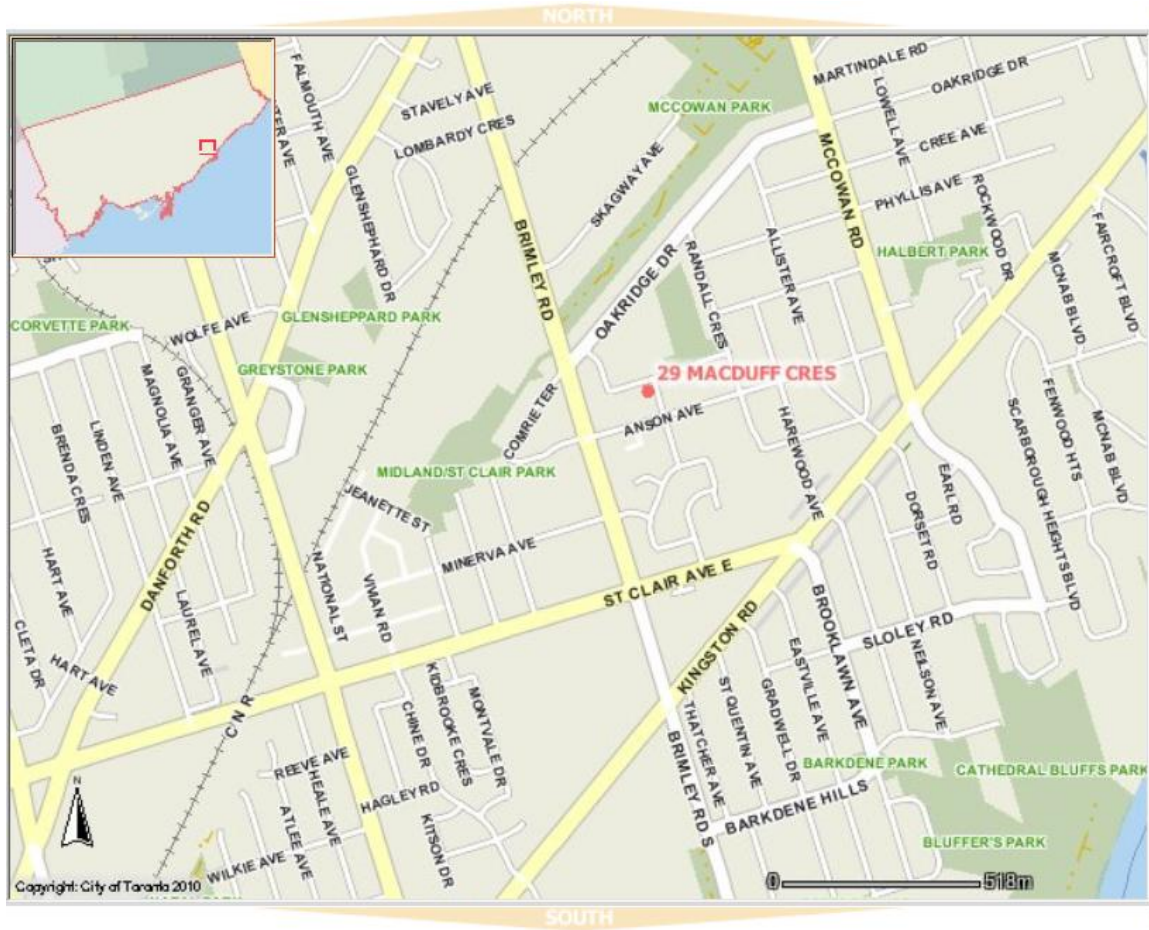
APPENDICES

Appendix 1 - Location of 29 MacDuff Crescent, iView Map

Appendix 2 - Photo of the fence (hedge) front view.

Appendix 3 - Photo of fence (hedge) at 29 MacDuff Crescent looking west from 29 MacDuff Crescent

Appendix 4 - Photo of fence (hedge) at 29 MacDuff Crescent looking east from 27 MacDuff Crescent



Address	Postal Code	Former Municipality	Ward
29 MACDUFF CRES	M1M 1X6	SCARBOROUGH	Scarborough Southwest (36)

Appendix #1



Fence (hedge) at 29 MacDuff Crescent looking south from MacDuff Crescent



Photo of fence (hedge) at 29 MacDuff Crescent looking west from 29 MacDuff Crescent



Photo of fence (hedge) at 29 MacDuff Crescent looking east from 27 MacDuff Crescent