Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 64 Galt Ave

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<th>Date:</th>
<th>May 18, 2016</th>
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<td>To:</td>
<td>Toronto and East York Community Council</td>
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<tr>
<td>From:</td>
<td>Scott Sullivan, District Manager Municipal Licensing &amp; Standards, Scarborough 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 No. 16 156893 FEN 00 IR</td>
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SUMMARY

This staff report concerns 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 advise Council concerning an application by the property owner of 64 Galt Ave 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 for the existing fence, which does not comply with maximum fence height restrictions stipulated by Section 447-2 of the bylaw.

The existing wood, board on board, fence was measured to be 79 inches or 2.0 metres along the North and South side of the property. The rear fence gate was measured to be 113" or 2.87 metres along with posts that were 116" or 2.95 metres.

The application is based on a complaint that was received and investigated by Municipal Licensing and Standards.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:
1. Refuse to grant the application for an exemption permit, by the property owner of 64 Galt Ave, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and direct that a second un-appealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447 - Fences.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence to be maintained as constructed. Direct and require that the installation be maintained in good repair without alteration. 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 submitted a fence exemption application, in writing, on May 17, 2016, for a pre-existing fence, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences, listing that he was approved for a carport that has a height greater than the fence in question as the 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 Toronto and East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application. (Attachment 9)

ISSUE BACKGROUND

The subject property, 64 Galt Ave., is located in Ward 32. It is a two and half story semi-detached, single family dwelling.

Municipal Licensing Standards' review of the fence installation has determined that it does not comply with maximum height restrictions for residential fences provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences.

Subsequently a Notice of Violation was issued to the owners of 64 Galt Ave on March 23, 2106, based on the inspection conducted by a Municipal Standards Officer. The following chart details the fence in question:
Municipal Licensing Standards' investigated the fence installation and determined that it did not comply with maximum height restrictions for residential fences provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences.

**COMMENTS**

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

**CONTACT**

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**SIGNATURE**

Scott Sullivan, District Manager,
Municipal Licensing and Standards
Toronto and East York District
The following attachments are included:

Attachment 1-3: Photos provided by Applicant
Attachment 4: Architect drawings provided by Applicant
Attachment 5-7: Photos of the fence (taken by MLS Officer)
Attachment 8: iView Survey of the property
Attachment 9: Notification to neighbours