

City of Toronto Act, 2006 Public Notice

Municipal Licensing and Standards is proposing that the Council of the City of Toronto adopt amendments to Chapter 447, Fences, and Chapter 441, Fees and Charges.

At its meeting to be held in Committee Room 1 in Toronto City Hall on Friday, May 4, 2018 at 9:30 a.m., or as soon as possible thereafter, the Licensing and Standards Committee of Toronto City Council will hear in person or by his or her counsel, agent, or solicitor, any person who wishes to speak to the matter.

The proposed amendments are subject to the decision of the Licensing and Standards Committee and the decision of Toronto City Council. Consequently, the proposed amendments may be modified. Additional or other amendments to the above-noted By-laws, including amendments not contemplated or considered in the proposal by Municipal Licensing and Standards, may occur as a result of the decisions of the Licensing and Standards Committee and Toronto City Council.

It is proposed that the By-laws be amended at the Council meeting to be held on May 22, 23, and 24, 2018, or at a subsequent meeting.

Municipal Licensing and Standards is proposing that:

General Fence Requirements

1. City Council amend Chapter 447, Fences, to allow fences that are located in a front yard between two private properties to be a maximum of 2.0 metres in height and specify that this does not apply to fences within a 2.4 metre distance from a front lot line.
2. City Council amend Chapter 447, Fences, to remove maximum height requirements for any hedge, shrub, or other vegetation that acts as a fence, except when the hedge, shrub, or vegetation is within a 2.4 metre distance from a lot line abutting a public highway, other than a public lane.

Change Pool Enclosure Requirements

3. City Council amend Chapter 447, Fences, to permit double gates to be used in a pool enclosure if:
 - a. one gate is equipped with a self-closing and lockable self-latching device;
 - b. the other gate has a lockable drop bolt that extends down into concrete, asphalt, or paving stones by a minimum of 25 millimetres; and
 - c. the lockable drop bolt is kept in the locked position, except when the enclosed area is in use.
4. City Council amend Chapter 447, Fences, to allow wooden pool enclosure fences to be constructed using horizontal boards if:
 - a. the width and height of the boards is not less than 19 millimetres by 89 millimetres or greater;

- b. the boards are spaced not more than 20 millimetres apart;
- c. the boards are not offset or protrude any more than 15 millimetres from the board immediately above or below; and
- d. the maximum board length is not greater than 2.4 metres.

5. City Council amend Chapter 447, Fences, to remove all requirements that pool enclosure posts must be embedded in concrete to a minimum depth of 900 millimetres below grade and instead specify that the posts must be securely fastened to the ground and structurally sound.

6. City Council amend Chapter 447, Fences, to clarify that the swimming pool enclosure cannot restrict visibility of the pool from any window or door located in the main living area of the building by replacing "access level" with "main living area."

7. City Council amend Chapter 447, Fences, to remove Section 447-3.F(3), which is a redundant section related to fence exemption applications, and direct that Section 447-5.C, which has a broader application, continues to apply.

8. City Council amend Chapter 447, Fences, to raise the minimum height requirement of metal picket pool enclosure fences on multiple residential properties and non-residential properties from 1.5 metres to 1.8 metres.

9. City Council amend Chapter 447, Fences, to allow swimming pools to be filled with water when temporary fencing is erected according to the By-law and to specify that the pool area cannot be in use until permanent fencing has been installed, inspected, and confirmed to be complete by the Executive Director, Municipal Licensing and Standards.

Opt Out of Line Fences Act

10. City Council exercise its power under the City of Toronto Act, Section 109 to exempt the City of Toronto from the Line Fences Act and amend Chapter 447, Fences, and Chapter 441, Fees and Charges, accordingly (reference numbers 147, 148, 149, 150, and 151).

11. City Council terminate all Fence Viewer appointments, effective June 20, 2018, and amend or rescind the appointing By-laws accordingly.

Administrative Changes

12. City Council update Municipal Code Chapter 447, Fences, to be consistent with authority under the City of Toronto Act, 2006 to:

- a. increase the maximum fine amount from \$5,000 to \$100,000;
- b. establish special fines where it is determined that the conduct could have resulted in economic advantage or gain to the party found to have breached the By-law;
- c. create an offence for failing to comply with a notice of violation or other order or direction made under the By-law;

d. establish that directors or officers of a corporation knowingly concurring in the contravention of any offence under the By-law by the corporation are guilty of an offence; and

e. specify the authority of the City to enter on land to carry out an inspection to determine compliance with the By-law, a notice of violation or other direction or order of the City, or a direction or order made under a By-law.

13. City Council amend Chapter 447, Fences, to remove reference to the list of site-specific exemptions in Schedule A.

14. City Council amend Chapter 447, Fences, to replace all references to the Chief Building Official with the Executive Director, Municipal Licensing and Standards.

Implementation

15. City Council authorize the City Solicitor and Executive Director, Municipal Licensing and Standards, to re-structure, consolidate, and simplify all existing requirements to improve the readability of Toronto Municipal Code Chapter 447, Fences.

16. City Council direct that the changes to Toronto Municipal Code Chapter 447, Fences, become effective as of June 20, 2018.

17. City Council direct that fences and swimming pool enclosures that were lawfully erected before June 20, 2018, or that are granted exemptions, be deemed to comply with Chapter 447 until they are replaced.

To view copies of the report outlining and explaining the proposed amendments, you may view the Licensing and Standards Committee's agenda at:

<http://app.toronto.ca/tmmis/decisionBodyProfile.do?function=doPrepare&decisionBodyId=1037#Meeting-2018.LS25>

current as of Friday, April 27, 2018. To obtain copies of the report at no cost, or to submit comments or make a deputation to the Licensing and Standards Committee, please contact the Committee no later than 12:00 p.m. on Thursday, May 3, 2018:

Licensing and Standards Committee
City Clerk's Office
Toronto City Hall, 100 Queen Street West
10th Floor, West Tower, Toronto, Ontario, M5H 2N2
Telephone: 416-397-4592
Fax: 416-392-1879
E-mail: lsc@toronto.ca

To ask questions regarding the content of the report respecting the above, please contact:

Carleton Grant
Director, Policy and Strategic Support
Municipal Licensing and Standards
Toronto City Hall, 100 Queen Street West

Toronto, Ontario, M5H 2N2
Telephone: 416-338-5576
E-mail: carleton.grant@toronto.ca

Any comments received after the Committee meeting will be forwarded to City Council.

While the report sets out proposed changes, the Committee and/or City Council may make amendments and may adopt fees that differ from the recommendations set out in the report.

If this matter is postponed at the Committee meeting or City Council meeting or considered at a subsequent Committee or City Council meeting, no additional notice will be provided other than the information on the subsequent Committee or City Council agenda. Please contact the above City officials if you require notice in these cases.

The Licensing and Standards Committee will make its final recommendations on Friday, May 4, 2018, which will be forwarded to City Council at its meeting on May 22, 23, and 24, 2018.

Notice to people writing or making presentations to the Licensing and Standards Committee: The *City of Toronto Act, 2006* and the City of Toronto Municipal Code authorize the City of Toronto to collect any personal information in your communication or presentation to City Council or its committees.

The City collects this information to enable it to make informed decisions on the relevant issue(s). If you are submitting letters, faxes, e-mails, presentations, or other communications to the City, you should be aware that your name and the fact that you communicated with the City will become part of the public record and will appear on the City's website. The City will also make your communication and any personal information in it - such as your postal address, telephone number, or e-mail address - available to the public, unless you expressly request the City to remove it.

Many Committee, Board, and Advisory Body meetings are broadcast live over the internet for the public to view. If you speak at the meeting you will appear in the video broadcast. Video broadcasts are archived and continue to be publicly available.

If you want to learn more about why and how the City collects your information, write to the City Clerk's Office, Toronto City Hall, 100 Queen Street West, Toronto ON M5H 2N2 or by calling 416-397-4592.

Dated at the City of Toronto this 27th day of April, 2018.

Ulli S. Watkiss
City Clerk