

Application for Fence Exemption- 373 Rustic Road

Date: October 20, 2019
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 05 – York South-Weston

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 submitted by the owner of 373 Rustic Road to maintain a rear yard board on board fence with a height of 2.43 metres, which does not meet all of the requirements specified in City of 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 to grant the application for an exemption, by the property owner of 373 Rustic Road to maintain a rear yard board on board fence with a height of 2.43 metres; contrary to the regulations found in the City of Toronto Municipal Code Chapter 447 – Fences, Section 2B.(1).

or

2. Grant the application for a fence exemption by the property owner of 373 Rustic Road, without conditions, thereby allowing the erection of a rear yard wooden board on board fence to be maintained in good repair. Direct and require that the rear yard fence be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence is required that such installations 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

No previous decision history.

COMMENTS

The subject property is a single family dwelling situated along the Southern portion of Rustic Road in Ward 5 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain a rear yard board on board fence with a height of 2.43 metres, which exceeds the permitted height of 2.0 metres, contrary to Sections 447-2B.(1) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a formal complaint on August 1st, 2019. A Notice of Violation was served on August 2, 2019. A fence exemption application was submitted on August 15, 2019.

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

Municipal Licensing Standards' review of the intended erection of a rear yard board on board wooden fence has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

Item #	Bylaw Section	Location and Description	Required Action	Compliance Date
1	1.2B.(1)	Exterior - Perimeter Wood Fence: Height of the fence exceeds the height permitted by the Chapter, Namely; Wood fence exceeds 2.0 meters in height.	Reduce wood fence down to 2.0 meters around the perimeter of the property.	September 4, 2019

The property owner(s) seek this exemption for privacy, security and safety issues.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Aerial map of 373 Rustic Road
Attachment 2: Rear Yard Fence of 373 Rustic Road from 371 Rustic Road
Attachment 3: Attachment 3: Rear Yard Fence of 373 Rustic Road



Attachment 1: Aerial map of 373 Rustic Road



Attachment 2: Rear Yard Fence of 373 Rustic Road from 371 Rustic Road



Attachment 3: Rear Yard Fence of 373 Rustic Road