



**STAFF REPORT
ACTION REQUIRED**

**Fence Exemption Request – Front Yard
56 Crossbow Cres.**

Date:	March 17, 2015
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 33
Reference Number:	IBMS No. 15-108570

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws. The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to permit hedges in the front yard which are in violation of the By-law.

RECOMMENDATIONS

Municipal Licensing and Standards, North York District, recommends that:

- 1. The North York Community Council refuse the exemption from Chapter 447 – Fences, for the property at 56 Crossbow Cres.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The City of Toronto Council enacted the amalgamated Fence By-Law 472-2000 on July 6, 2000 to prescribe the height and description of fences on private property and to require owners' of privately owned outdoor swimming pools to erect and maintain safety fences and gates around private swimming pools. This By-Law and the amendments are now found in the Toronto Municipal Code Chapter 447 - Fences.

ISSUE BACKGROUND

The subject property is a single family dwelling located in the former City of North York.

Fences, in the front yards are limited to 1.2 metres in height, pursuant to Section 447-2.B, Toronto Municipal Code, Chapter 447. In addition, any fence within 2.4 metres of any driveway shall be an open mesh chain-link fence or of an equivalent open-fence construction for at least 2.4 metres from the lot-line at which the driveway begins so as not to obstruct the view of the boulevard or highway, pursuant to Section 447-3C(1), Toronto Municipal Code, Chapter 447.

The front yard fence/hedge on private property is in violation of one of these provisions. The hedge does not allow for open-fence construction and is therefore required to be removed 2.4 meters back from the city property line or be replaced with open meshed fencing.

COMMENTS

The Municipal Licensing and Standards Division received a formal complaint on August 15, 2014 about the height of the front yard hedges on the subject property. The investigations by staff confirmed that the front yard hedge was not an open-mesh construction for at least 2.4 m from the front lot line at which the driveway begins and a Notice of Violation dated September 30, 2014 was issued , pursuant to Section 447-2B(1), Toronto Municipal Code, Chapter 447."

The property owner seeks the exemption to maintain the hedges as they feel the by-law is being indiscriminately applied and feels this is due to a dispute with respect to original property lines.

Should the recommendation not be accepted and the request approved, the following condition of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

CONTACT

Alison Williams, Acting Supervisor, North York District
Municipal Licensing and Standards Division

Tel: 416-396-7727

Fax: 416-395-7056

E-mail: awillia3@toronto.ca

SIGNATURE

Elena Sangiuliano, Acting Manager, North York District
Municipal Licensing and Standards

ATTACHMENTS

1. Aerial Map of 56 Crossbow Cres.
2. Photos of Front Yard Fence at 56 Crossbow Cres.