

Authority: Planning and Transportation Committee Report No. 3, Clause No. 2a,  
as adopted by City of Toronto Council on June 22, 23 and 24, 2004  
Enacted by Council: June 24, 2004

**CITY OF TORONTO**

**BY-LAW No. 557-2004**

**To amend City of Toronto Municipal Code Chapter 447, Fences, to amend certain definitions and make various other amendments.**

WHEREAS Council has authorized various amendments to be made to Municipal Code Chapter 447, Fences;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Chapter 447, Fences, of The City of Toronto Municipal Code is amended as follows:
  - A. Section 447-1 is amended by deleting the definition of “FENCE” and substituting the following:

“FENCE – A noise attenuation barrier or any structure, except a structural part of a building, used to wholly or partially screen from view, enclose or divide a yard or other land, or mark or substantially mark the boundary between adjoining land, and includes any hedge or grouping of shrubs used for the same purpose.”
  - B. Section 447-2B(1) is deleted and the following substituted:

“(1) No fence described in the following Table shall, when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence, exceed the height set out in the Table for the fence.”
  - C. The first row entries in columns 3 and 4 in Table 1, Maximum Height of Fences in § 447-2B, set out opposite “Fence in front yard within 2.4 metres of front lot line” in column 1, are both amended by deleting “800 millimetres” and substituting “1 metre”.
  - D. Section 447-3B(2) is amended by adding “with the non-refundable fee set out in Municipal Code Chapter 441, Fees, and” after “accompanied”.
  - E. Section 447-3B(3) is deleted and the following substituted:

“(3) The Chief Building Official shall refuse or revoke a permit for a swimming pool enclosure if:

    - (a) The proposed swimming pool enclosure would contravene this article or any other applicable law;
    - (b) It was issued in error or on mistaken, false or incorrect information; or

- (c) The required application fee under Municipal Code Chapter 441, Fees, has not been paid.”

F. Section 447-3C is amended as follows:

- (1) Subsection C(2) is deleted and the following substituted:

- “(2) Where a wall of a building forms part of a swimming pool enclosure, any access point to the enclosed area in the wall shall:

- (a) Be no closer than 1.2 metres horizontally to the water’s edge in the pool; and

- (b) Where the entrance is a door leading from a garage into the swimming pool area, be supported on substantial hinges, be self-closing and equipped with a lockable, self-latching device located not less than 1.5 metres above grade and be kept locked at all times except when the enclosed area is in use.”

- (2) By adding the following after subsection C(3):

- “(3.1) Every owner of a swimming pool shall be responsible to take all steps necessary to control any access point to the swimming pool area.”

G. Section 447-5A is deleted and the following substituted:

- A. If a person is required to erect a specified fence under a site plan agreement, a subdivision agreement, another City by-law or any law, statute or regulation of a provincial or federal authority having jurisdiction, the fence is exempt from the provisions of this chapter with which it does not comply.

H. Section 447-5 Exemptions, is amended as follows:

(1) By deleting Subsections B to AA; and

(2) By adding the following:

B. Site specific exemptions to this article are listed in Schedule A, at the end of this chapter.

ENACTED AND PASSED this 24th day of June, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)

**SCHEDULE A TO CH. 447, ART. I****SITE SPECIFIC EXEMPTIONS**

- (1) The wood fence approximately five metres high and 60 metres long to be constructed approximately 119 metres from the westerly boundary along the north side of the property known municipally in 2001 as “220 Brockport Drive” (Ward 2) may be retained despite the height restrictions in § 447-2B(1) and (2).
- (2) The wrought iron fence approximately 1.5 metres high to be installed within 2.4 metres of the front lot line, on or near the north lot line, the south lot line and the east lot line of the front yard of the property known municipally as “340 Centennial Road” may be installed despite the height restrictions in § 447-2B(1) and (2).
- (3) The section of the fence located along the easterly 7.3 metres of the south property line of the property known municipally in 2001 as “3 Kingsmill Road” (abutting the parking lot at 1 Kingsmill Road) may be maintained at a height of approximately 2.4 metres despite the height restrictions in § 447-2B(1) and (2).
- (4) The section of the wrought iron fence located on or near the south property line of the property known municipally in 2002 as “25 Kentish Crescent” may be maintained despite the requirement that external conditions be no closer than one metre to a swimming pool enclosure, as set out in § 447-3E(1)(b).
- (5) The portion of the swimming pool enclosure surrounding the swimming pool located on the property known municipally in 2002 as “1610 Woodbine Heights Boulevard” may be retained despite the existence of a neighbouring decorative lattice fence that constitutes an external climbable condition measuring 1.5 metres in height and abutting the swimming pool enclosure, the lattice fence creating a violation of the requirement that external conditions be no closer than one metre to a swimming pool enclosure as set out in § 447-3E(1)(b), (c) and (d).
- (6) The fences measuring between 1.9 metres and 2.385 metres in height along the west property line, between 1.9 metres and 2.2 metres in height along the north property line and between 1.9 metres and 2.1 metres in height along the south property line of the property known municipally in 2001 as “8 Fairway Drive” may be retained despite the height restrictions in § 447-2B(1) and (2).
- (7) The swimming pool enclosure surrounding the swimming pool located on the property known municipally in 2002 as “31 Delbert Drive” and consisting of a fence measuring 2.28 metres in height may be retained despite the height restrictions in § 447-2B(1) and (2), despite the requirement that external conditions be no closer than one metre to a swimming pool enclosure as set out in § 447-3E(1)(b), (c) and (d), and despite the requirement that window safety devices be installed on any ground floor window which is less than 1.5 metres above floor level and located in the wall of a building forming part of a swimming pool enclosure, as set out in § 447-3C(3).

- (8) The swimming pool enclosure surrounding the swimming pool located on the property known municipally in 2002 as “17 Deanvar Avenue” is acceptable and may be retained despite the fact that the enclosure is not at least 1.2 metres in height as required in § 447-D(1) and is closer than 1.2 metres to the water’s edge in violation of § 447-3E(1)(a).
- (9) The existing wooden lattice fence located on the west side of the rear yard patio of the property known municipally in 2003 as “16 Woodthorpe Road,” measuring approximately 2.44 metres in height and approximately 4.73 metres in length, may be retained despite the height restriction of 2 metres for such fences in § 447-2B(1).
- (10) The section of the proposed wooden fence to be located on the south and west property lines within the flankage yard of the property known municipally in 2003 as “1318 Warden Avenue” may be constructed at a height of approximately 2.0 metres within 2.4 metres of the property line, despite the height restriction of 800 millimetres for such fences in § 447-2B(1).
- (11) The existing wooden lattice fence located along the north side of the rear yard of the property known municipally in 2003 as “254 Windermere Avenue,” measuring approximately 2.53 metres in height and extending approximately 7.2 metres to the west, may be retained despite the height restriction of two metres for such fences in § 447-2B(1).
- (12) The existing wooden fence located on the property line between the properties known municipally in 2003 as “4 Karnwood Drive” and “6 Karnwood Drive,” measuring between approximately 2.10 metres and 2.17 metres in height, may be retained despite the height restriction of two metres for such fences in § 447-2B(1).
- (13) A wooden fence of approximately 2.5 metres in height may be constructed along the east side boundary line of the rear yard of the property known municipally in 2003 as “291 Dunforest Avenue,” despite the height restriction of two metres for such fences in § 447-2B(1).
- (14) The existing corrugated sheet metal panels measuring approximately three metres in height located along the north and west property lines of the property known municipally in 2003 as “3526 Lake Shore Boulevard West” may remain despite the prohibition against sheet metal or corrugated metal panels in § 447-2A(3) and despite the height restriction of 2.5 metres for such fences in § 447-2B(1); and the existing corrugated sheet metal panels located on the inside west face of the fence along the east property line between Elder Avenue and the Canadian National Railway right-of-way may remain despite the prohibition against sheet metal or corrugated metal panels in § 447-2A(3), provided the height is reduced to 2.5 metres and a wooden fence 2.5 metres high is constructed facing the residential properties on Elder Avenue.

- (15) The corrugated metal panels attached to the chain link fence located along the south side of the property known municipally in 2003 as “6 Eugene Street” may be retained despite the prohibition against sheet metal or corrugated metal panels in § 447-2A(3), provided that the property owner maintains and repairs the fence to the satisfaction of the Commissioner of Urban Development Services or his or her designate.
- (16) The existing wooden lattice fence ranging in height from approximately 2.87 metres to approximately 3.12 metres, and a wooden board-on-board fence approximately 2.4 metres in height, both of which are located along the north side of the rear yard of the property known municipally in 2003 as “93 Erie Street,” may be retained despite the height restriction of two metres for such fences in § 447-2B(1).
- (17) The two wooden panels of arched fence measuring approximately 2.33 metres in height at their highest point located along the south boundary line of the rear yard of the property known municipally in 2003 as “31 Blue Springs Road” may be retained despite the height restriction of two metres for such fences in § 447-2B(1).
- (18) The portion of the existing wooden fence measuring approximately 2.69 metres in height and 5.08 metres in length, located along the west side of the rear yard of the property known municipally in 2003 as “80 Waniska Avenue,” along with the wooden lattice fence measuring approximately 2.69 metres in height and 0.86 metre in width, located at the end of the house across the walkway on the west side of the property, may be retained despite the height restriction of two metres for such fences in § 447-2B(1).
- (19) The existing close boarded wooden fence located along the north side of the rear yard of the property known municipally in 2003 as “550 Rushton Road,” ranging in height from approximately 1.98 metres to 2.29 metres, may be retained despite the height restriction of two metres for such fences in § 447-2B(1).
- (20) The proposed chain link fence measuring approximately 2.5 metres in height, to be constructed along the properties known municipally in 2003 as “10, 22 and 36 Willowridge Road,” approximately 41.61 metres of which will be located at the front yard and approximately 21.18 metres will be located at the side yard of the properties, may be constructed despite the height restriction of 1.2 metres for front yard fences and 2.5 metres for side yard fences of multiple residential properties, as set out in § 447 2B(1).
- (21) The existing sections of the perimeter chain link pool fence with a 51 millimetre mesh size, may be retained for a section of fence 18.6 metres long along the north boundary and 14.6 metres along the eastern boundary of the rear yard of the property known municipally in 2004 as “7 Cedarwood Avenue”, despite the requirement for a mesh size no greater than 38 millimetres for pool fences in § 447-3E(2), provided that the property owner replaces the exempted chain link so that it is in compliance with Chapter 447, Fences, when the old growth cedar hedging growing through the fence is removed.
- (22) The existing wooden lattice fence located along the east property line of the rear yard of the property known municipally in 2004 as “49 Battersea Crescent”, measuring approximately 2.18 metres in height and extending approximately 15.24 metres in length, may be retained despite the height restriction of 2 metres for such fences in § 447-2B(1).

- (23) The existing swimming pool enclosure surrounding the pool at “431 The Kingsway” is exempt from the requirement in § 447-3C(2) that an entrance through a building wall forming part of a pool enclosure be equipped with a self-closing lockable device installed at least 1.5 metres above the floor level, and from the requirement in § 447-3E(2)(b) that all swimming pool fence enclosures be constructed with vertical posts spaced at a maximum of 2.4 metres apart.
- (24) The proposed open wrought iron grill fence to be located along the north property line (being the front yard) of the property known municipally in 2004 as “2085 Islington Avenue”, measuring between 1.83 and 2.10 metres in height and extending approximately 115 metres in length, along with concrete pillar supports measuring approximately 2.8 metres in height, may be retained despite the height restriction of 1.2 metres for such fences in § 447-2B(1), and the proposed open wrought iron grille fence to be located along the west property line (being the flankage yard), measuring between 1.83 and 2.10 metres in height and extending approximately 165 metres in length, along with concrete pillar supports measuring approximately 2.8 metres in height, may be retained despite the height restriction of 2 metres for such fences in § 447-2B(1).
- (25) The two existing wooden deck screens located along the north property line of the rear yard of the property known municipally in 2004 as “119 Gracefield Avenue”, measuring approximately 2.87 metres in height and extending approximately 2.44 metres in length, may be retained despite the height restriction of 2 metres for such fences in § 447-2B(1). An additional deck screen measuring approximately 2.0 metres in length and 2.87 metres in height (including height of existing fence) may be constructed extending south beyond the existing screen, provided however, that should the light fixture attached to the exterior of the property located at 117 Gracefield Avenue and facing the deck at 119 Gracefield be removed, the deck screen blocking the light fixture must be removed.