



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request - 68 Frost Street

<b>Date:</b>	February 26, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Ward:</b>	Ward 2 - Etobicoke North
<b>Reference Number:</b>	ML&S Folder No. 06-173531FEN

### SUMMARY

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This Staff Report is about a matter for which the community council has delegated authority from City Council to make a final decision. The subject matter is an application for an exemption to the Fence By-law under Chapter 447 of the Toronto Municipal Code to maintain an existing chain link fencing with a mesh size of 50 millimetres (2 inches) in the rear yard and permission to maintain a window opening facing the pool, which forms part of the swimming pool enclosure, without a limiting device to 100 millimetres (4 inches).

### RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

The Etobicoke York Community Council deny the request for the exemption based on non-compliance with the requirements set out in Chapter 447 of the Toronto Municipal Code.

### FINANCIAL IMPACT

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There are no financial implications resulting from the adoption of this report.

### ISSUE BACKGROUND

On September 6, 2006, a Municipal Standards Officer attended at the subject property in response to a complaint and found an above-ground swimming pool at the rear yard

which did not have a proper pool enclosure (Attachment 3). A search of our records indicated no permit being issued for this pool enclosure.

It is understood that the property owners/applicant(s) erected an above-ground swimming pool in May of 2000. The fence on the east side is of a chain-link type, with a 50-millimetre (2 inches) metal mesh interwoven with vinyl slats and also has a cedar hedge on the inner side of the fence (Attachment 2). A window facing the rear yard which also forms part of the swimming pool enclosure does not have any protection to prevent it from opening more than 100 millimetres (4 inches). Both issues/infractions are the subject of this exemption request.

As a result of our findings, a Notice of Violation was issued on September 15, 2006 for violation of the Fence By-law under Chapter 447 of the Toronto Municipal Code.

## **COMMENTS**

The fencing on the east side is within the required height under the said By-law. The By-law requires a chain-link meshing forming part of swimming pool enclosures to be of 38 millimetres (1½ inches) maximum in size, pursuant to Section 447-3E(2)(a) of Toronto Municipal Code Chapter 447. The cedar hedge on the inner side of the fence may be deterrent to climbers, but it does not preclude the possibility of someone climbing over it. The window at the south elevation of the house forming part of the swimming pool enclosure does not have a limiting device to prevent it from opening more than 100 millimetres, this being contrary to Section 447-3C(3) of Toronto Municipal Code Chapter 447.

It should be noted that remaining fencing which forms part of the pool enclosure does comply with the By-law (Attachment 1).

## **CONTACT**

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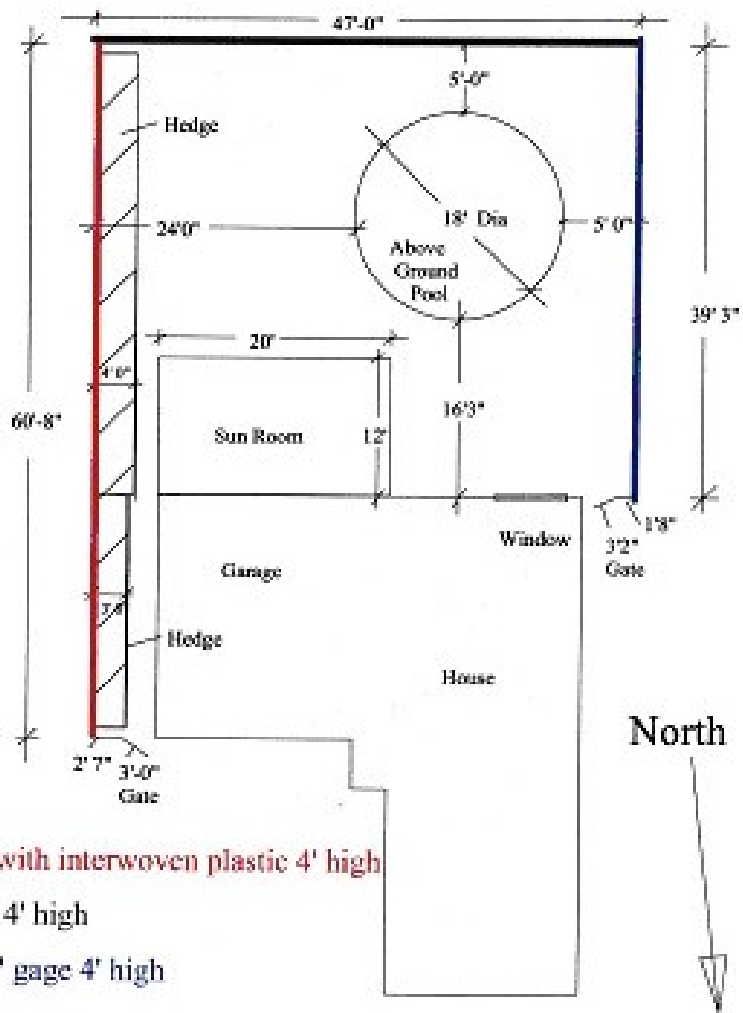
## **SIGNATURE**

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Curtis Sealock, District Manager  
Etobicoke York District  
Municipal Licensing and Standards

## **ATTACHMENTS**

- Attachment 1: Drawing of Pool Enclosure
- Attachment 2: Photographs showing the subject fence on the east side taken from 66 Frost Street and 68 Frost Street respectively
- Attachment 3: Photographs showing the Pool



East Fence - 2" gage with interwoven plastic 4' high  
 Other enclosure type 4' high  
 West chain link 1 1/4" gage 4' high

68 Frost Street  
 Etobicoke, Ontario  
 Jan. 30/07  
 N.T.S.

**Attachment 1: Drawing of the Fence Enclosure**



Fence on the east elevation partly covered by a cedar hedge



Photograph showing the subject fence on the east elevation  
Taken from the neighbouring property at 66 Frost Street  
(Note: The fence appears to be out of plumb because of the way that the vinyl slats are woven)

**Attachment 2: Photographs showing the fence on the east side**



Photograph showing the pool relative to the house (looking south east)



Photograph showing the entrance gate and the fence on the west side (the mesh here which is 32 millimetres (1¼ inches) in size is in compliance)

**Attachment 3: Photographs showing the Pool**