



STAFF REPORT ACTION REQUIRED

Request for Fence Exemption for 11 Fallingbrook Drive

Date:	April 2, 2007
To:	Scarborough Community Council
From:	Bill Blakes, Manager, Municipal Licensing and Standards, Scarborough District
Wards:	Ward 36 – Scarborough Southwest
Reference Number:	IBMS No. 06-114808

SUMMARY

This staff report is about a matter for which Scarborough Community Council has delegated authority to make a final decision.

The purposes of this report is to consider a request by the owner(s) of 11 Fallingbrook Drive to be exempted from Chapter 447-Fences section (3) of the Toronto Municipal Code. This section states the requirements of pool enclosure fences. “No element or attachment between 100 millimetres and 1.2 metres above grade that may facilitate climbing the outside of the enclosure.”

RECOMMENDATIONS

It is recommended this request to permit the existing wrought iron fence to be refused based on the non-compliance with the requirements set out in Chapter 447 of the Toronto Municipal Code.

Financial Impact

No financial implications.

DECISION HISTORY

The City of Toronto Council enacted the amalgamated Fence By-Law on July 6th, 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 fences and gates around swimming pools. This by-law and the amendments are now found in Chapter 447 of the Toronto Municipal Code.

ISSUE BACKGROUND

A permit was approved and issued through Toronto Buildings with respect with the pool enclosure permit. Municipal Licensing and Standards has issued a Notice of Violation to the owner(s) under Chapter 447-3 pool enclosure requirements. A letter from the agent of the owner requesting an exemption to the fence by-law Chapter 447 was received by Municipal Licensing and Standards. The subject property owner has erected a pool enclosure fence constructed of wrought iron 1.2 metres high along the south rear property line which is climbable and along the south west side yard a decorative wrought iron fence which is 1.9 metres high which is climbable. Both violations are caused by the horizontal rail spacing.

CONTACT

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SIGNATURE

Bill Blakes, Manager, Municipal Licensing and Standards, Scarborough District.

ATTACHMENTS

1. Correspondence dated November 28, 2005
2. Pictures