













Kell-Com Construction Ltd.

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November 28, 2005

James Slocum
East Division Supervisor
CH-Scarb Urban Dev Services / MLS
150 Borough Drive, 3rd Floor
Scarborough, Ont. M1P 4N7

Re: Fence Amendment for 9 Fallingbrook Dr.

Dear Mr. Slocum,

At the request of our client, Joe Atkins, owner of 9 Fallingbrook Drive, we are writing to request amendments to Chapter 447, Fences in two instances, as it pertains to the protection and enclosure for swimming pools for this property.

First, there is a 48" high metal fence set atop a 48" high timber retaining wall which runs along the top edge of the bluffs adjacent to a new pool structure. The new pool was designed in conjunction with review and permit approval by the TRCA. Mr. Atkins would like to keep the metal fence at its current height, although it does not meet the requirements of horizontal rail heights for a pool fence. His reasoning is that the timber retaining wall itself complies with the swimming pool fence code (once the steel tie back rods are cut back) and a higher fence will unnecessarily obstruct the view to the lake. (see photos 1 + 2)

The second condition which requires an amendment is a new wrought iron fence just installed, which was made incorrectly by the manufacturer. The fence is made of arched sections. The "mid" horizontal arch was to have been 48" high at its lowest point, but instead was made to 42" and rising to 48", thus not fully in compliance. However, the top bar of the fence varies between 6'-0" and 6'-6" in height and the large posts are capped with a metal acorn, thus making this an imposing fence and difficult to climb in any case. As well, it serves as a guard over a terraced planter structure which is not climbable by young children. (see photos 3 + 4)

We believe that these amendments or exemptions to the fence code are both minor and substantially in compliance with the intent of the code and should be acceptable to council's approval. Enclosed find 2 copies of each photo and a cheque for \$200 to cover the application fee.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Sherman', with a long horizontal flourish extending to the right.

Michael Sherman
cc/J. Pearce MLS
Enclosure.

TORONTO MUNICIPAL CODE
FENCES

§ 447-3

- (1) A swimming pool enclosure, including any gate forming part of the enclosure, shall:
 - (a) Be no closer than 1.2 metres horizontally to the water's edge in the pool;
 - (b) Be no closer than one metre to any external condition that may facilitate climbing the outside of the enclosure unless the height of the enclosure is at least 1.8 metres for a distance of at least one metre on each side of the condition;
 - (c) Have no element or attachment between 100 millimetres and 1.2 metres above grade that may facilitate climbing the outside of the enclosure; and
 - (d) Have a facing material installed on the outside of the enclosure which extends from no more than 50 millimetres above grade to the required minimum height of the enclosure, but, if a hard surface such as concrete, asphalt, paving stones or patio slabs extends for a distance of 500 millimetres on each side of a gate, the clearance under the gate may be no more than 100 millimetres.
- (2) Every fence and gate used in a swimming pool enclosure shall be constructed to the following standards:
 - (a) A chain-link fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner and in compliance with the following Table:

TABLE 3
MINIMUM STANDARDS FOR CHAIN-LINK FENCE CONSTRUCTION

Fence Components	Pool on Single Residential Property	Pool on Multiple Residential or Non-Residential Property
MESH SIZE	38 millimetres maximum	38 millimetres maximum
MESH GAUGE (Galvanized wire)	14 gauge galvanized wire and 2 gauge vinyl for 12 gauge total thickness	11 gauge galvanized wire and 2 gauge vinyl for 9 gauge total thickness

