



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 16 McKenzie Avenue

Date:	May 23, 2008
To:	Toronto East York Community Council
From:	Municipal Licensing and Standards Division, Toronto East York District
Wards:	Ward 27, Toronto Centre, Rosedale
Reference Number:	IBMS No. 08 141821

SUMMARY

This staff report is about a matter for which the Community Council has delegated authority from City Council to make a final decision. The purpose of this report is to consider a request by the property owners of 16 McKenzie Avenue to be exempted from various safety standards for their privately owned outdoor swimming pool under construction and to supplement compliance alternatives in lieu of providing a 4-sided fenced swimming pool enclosure.

Toronto Municipal Code Chapter 447 – Section 3(C)(3)(a) requires that any walls forming part of a swimming pool enclosure should not have any entrance doors. The owner proposes that the wall of the detached single family dwelling on the south side and the wall of the new detached 2-car garage on the north side form part of the swimming pool enclosure and the combined total of 4 entrance doors will be equipped with compliance alternative safeguards.

Toronto Municipal Code Chapter 447 – Section 3(C)(3)(b) requires that any windows within 1.5 metres of the floor of any building shall be equipped with a guard which prohibits the passing of a spherical object of 100mm in diameter. The owner proposes that all such ground floor windows in both buildings will be fitted with child proof window limiting devices rather than window guards.

Toronto Municipal Code Chapter 447 – Section 3(E)(2) requires that only chain link, wood or metal picket fences form all or part of a swimming pool fence enclosure. The owner proposes to erect a slat metal fence of regulation height and openings measuring approximately 24 feet in length.

RECOMMENDATIONS

Municipal Licensing & Standards Division recommends that Community Council not grant the fence exemption.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

With the passing of By-Law 1240-2007 on November 20, 2007 new safety standards were introduced into Toronto Municipal Code Chapter 447 – Fences for new privately owned outdoor swimming pools. The proposed fence/pool enclosure does not comply with the safety standards.

ISSUE BACKGROUND

The owner's agent applied for their swimming pool fence enclosure building permit on March 31, 2008 after the inception of the by-law and therefore must comply with the new safety regulations.

COMMENTS

The City of Toronto Council enacted the amalgamated 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.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto East York District

ATTACHMENTS

1. Site Plan A1