



STAFF REPORT ACTION REQUIRED

Application for Fence Exemption 197 Edenbridge Drive

Date:	September 23, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 4, Etobicoke Centre
Reference Number:	ML&S Folder Number 09-171110 FEN 00 IR

SUMMARY

This report is in response to an application made by the owner of the property for a fence exemption to install a 1.2 metres high tempered glass fence enclosure including fence, guardrails and gates of similar construction and a 1.8 metres high fence made up of horizontal wood slats above the deck, that separates the house from the swimming pool and fish ponds at the rear yard, and, maintain a 17.8 metres long section of 1.2 metres high chain link fence of 50 mm mesh size, together with a 1.5 metres high gated entrance made up of horizontal wood slats, on the east side of the property. This is a matter in which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that:

1. Etobicoke York Community Council refuse the application, as the proposed fence does not comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

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

ISSUE BACKGROUND

Municipal Licensing and Standards has received a request from the owner of the property for a fence exemption to install a section of the pool enclosure in tempered glass construction that separates the house from the swimming pool at the rear yard.

The section of tempered glass pool enclosure is being constructed along the perimeter of the entrance to the basement and the deck at the rear of the house. It consists of a 1.2 metres high fence and gate around the basement entrance at grade level, and a guardrail and a gate at the deck level. The glass fence, guards and the gates are made up of 12 millimetres thick tempered glass housed in aluminium framing (Attachments 1, 2 and 3)..

On the east side, there is a 1.5 metres high gate made up of horizontal wood slats that provides access into the rear yard. Also on this side, there is a 1.8 metres high fence of similar construction installed above the deck (Attachments 1 and 4)

Along the east property line, the pool enclosure is made up of a 1.2 metres high chain link fence, which consists of a 20 metres long section of 38 millimetres mesh size chain link fence on the south end, a 17.8 metres long section of 50 millimetres mesh size chain link fence backing on the neighbour's 1.8 metres high metal panelled fence at the middle, and a 2 metres long section of 38 millimetres mesh size chain link fence at the north end (Attachments 1 and 4).

The pool enclosure along the south and west property lines is made of 1.2 metres high wrought iron picket fence and a 1.2 metres high 38 millimetres mesh size chain link fence respectively. There is also a gated entrance on the west side which is made up of 1.5 metres wrought iron pickets.

While the pool and fish ponds have been filled with water and the pool enclosure currently is not in compliance with the Fence By-law, a temporary metal fence has been erected across the width of the rear yard for safety reasons (Attachment 2).

COMMENTS

Section 447-2A.(5) of Chapter 447 of the Toronto Municipal Code, Fences, states that "No person shall erect, own or maintain, or cause or permit the erection of maintenance of any fence that uses materials not usually intended for the use in permanent fencing, unless specifically permitted by this or another by-law."

The fences permitted under the current edition of the Fence By-law include a chain link fence of 38 millimetres mesh size, a wood fence made up of close vertical boards, and a metal picket fence. The fences and gates for the pool enclosure at this property as made up of glass, horizontal wood slats, and chain link fence of 50 millimetres mesh size are not permitted in Toronto Municipal Code, Chapter 447, Fences.

Should the application be approved, it must comply with the following conditions:

1. The tempered glass fence, guards and gates shall be installed in accordance with the Manufacturer's and Engineer's specification.
2. The glass gates shall be self-closing and self-latching, and provided with a latching device installed on the pool side at a position that measured a total distance of 1.5 metres from the inside of the deck, over the top of the gate, to the latch on the pool side.
3. The horizontal wood slat gate and fencing shall be constructed in the manner that they are not climbable.
4. Should the neighbour's 1.8 metres high metal fence behind the section of 50 millimetres mesh size chain link fence on the east side be removed, this non-conforming 17.8 metres long section shall be replaced immediately by a fence in compliance with Toronto Municipal Code, Chapter 447, Fences.
5. The gate on the south side shall be provided with a self-closing and self-latching device and permanently locked;
6. The rest of the pool enclosure as well as the landscaped garden shall be constructed in accordance with the Toronto Municipal Code, Chapter 447, Fences, and the Ontario Building Code.
7. The existing temporary fence shall remain in place when the pool and ponds are filled with water, until the Fence Exemption is approved and the fence enclosure completed and inspected in accordance with Toronto Municipal Code, Chapter 447, Fences.
8. Amended drawings shall be submitted and Fence Enclosure Permit to be obtained from Toronto Building Division.

CONTACT

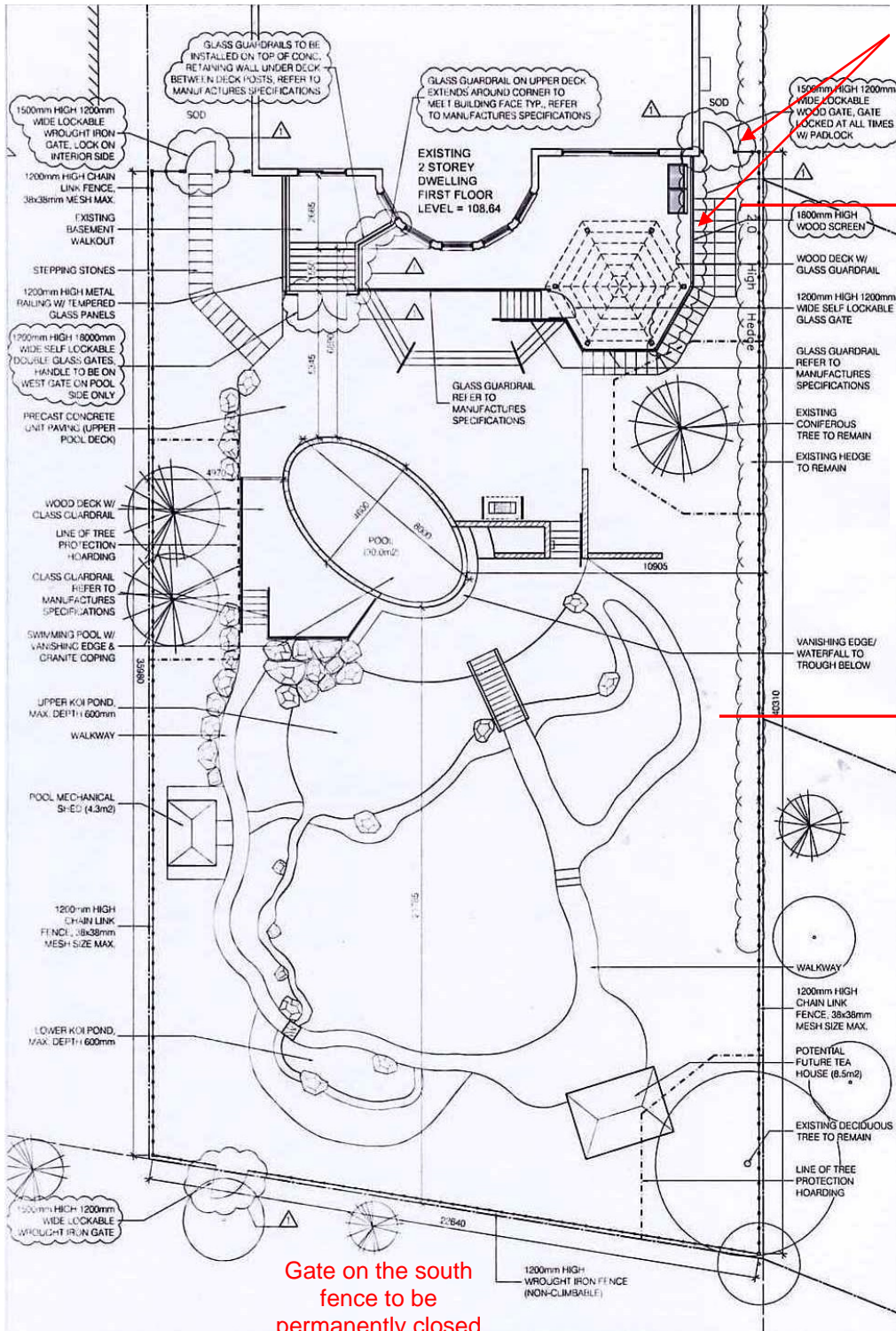
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SIGNATURE

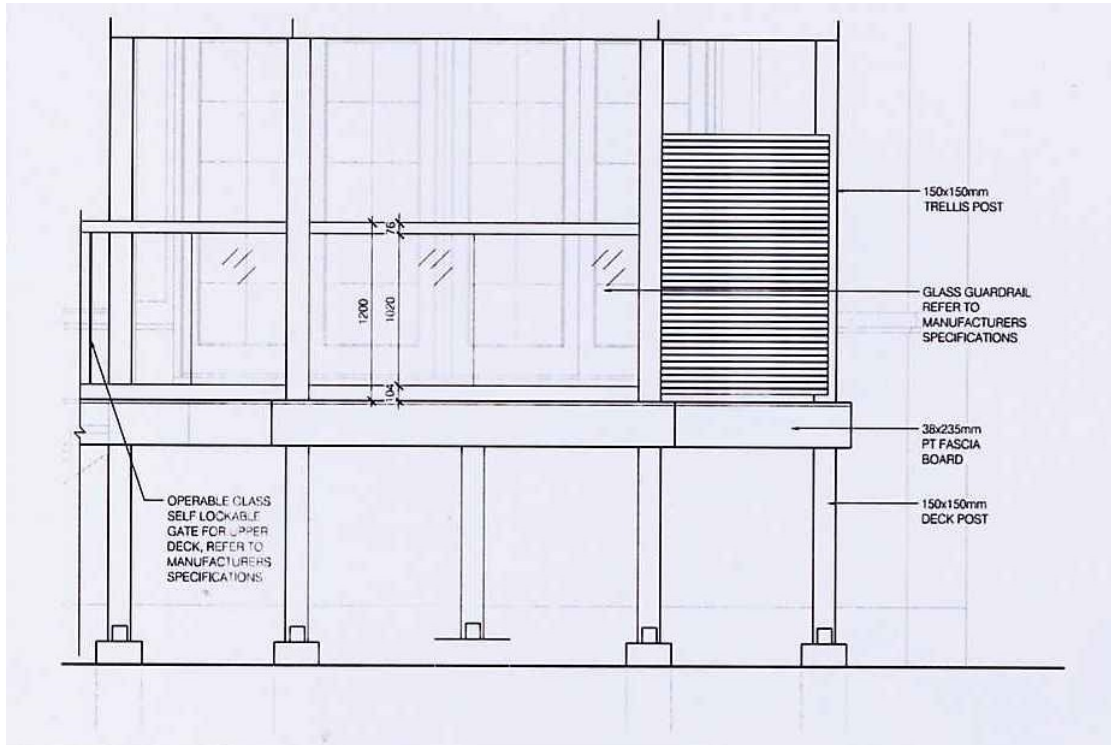
Curtis Sealock, District Manager
Municipal Licensing and Standards
Etobicoke York District

ATTACHMENTS

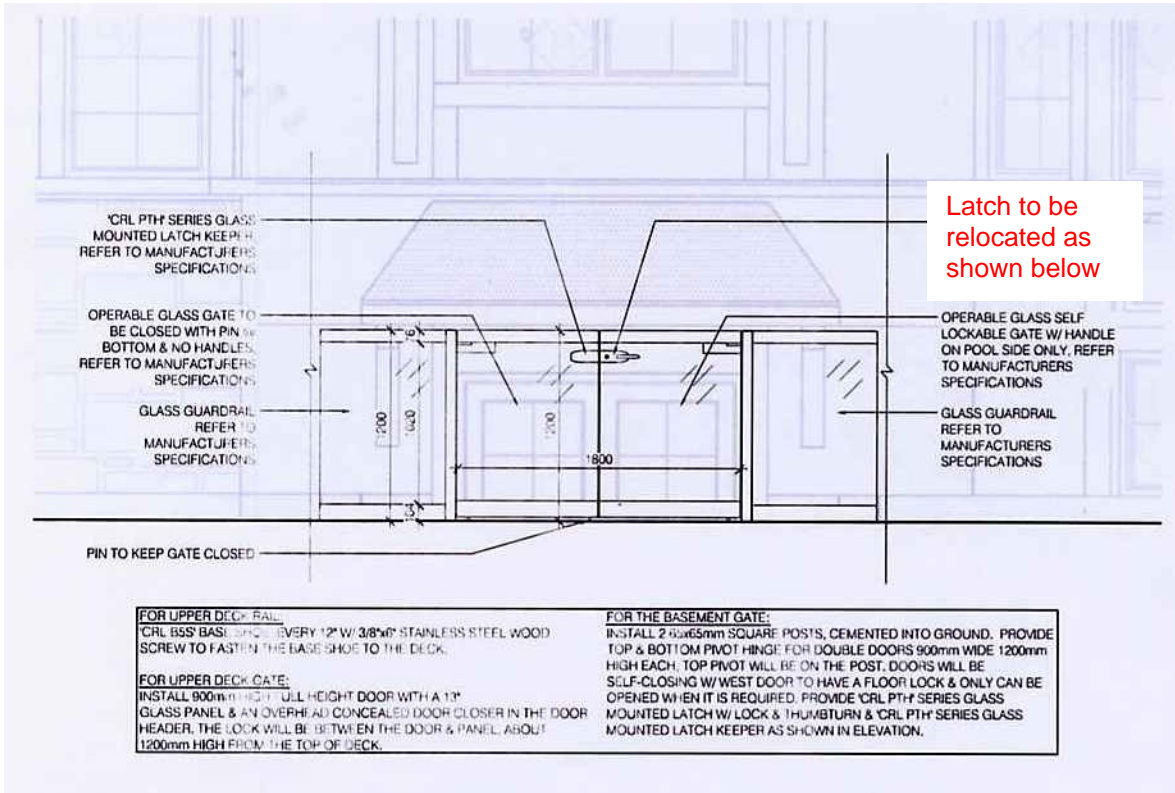
Attachment 1: Site Plan
Attachment 2: Glass Guardrail as Pool Enclosure
Attachment 3: Glass Fencing Detail and Latch Location
Attachment 4: Photos Showing Non-complying Sections of Pool Enclosure



ATTACHMENT 1: SITE PLAN

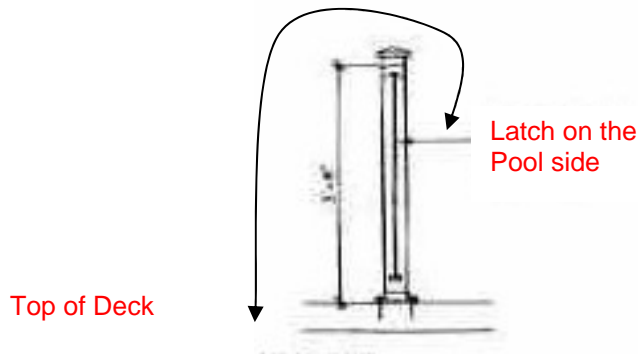


ATTACHMENT 2: GLASS GUARDRAIL AS POOL ENCLOSURE



Latch to be relocated as shown below

Minimum Total Distance from latch to top of deck to be 1.5 metres



ATTACHMENT 3: GLASS FENCING DETAIL & LATCH LOCATION



HORIZONTAL WOOD SLATS GATE



50 MM MESH SIZE CHAIN LINK FENCE

ATTACHMENT 4: NON-COMPLYING POOL ENCLOSURE