



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 120 Castlewood Road

Date:	October 23, 2009
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	IBMS No. 09-148799

SUMMARY

This staff report is about a matter that the Community Council has delegated authority to make a final decision, provided that it is not amended so that it varies with City policy or by-laws.

The subject matter is an application for an exemption to Chapter 447 of the Toronto Municipal Code, Fences, to vary from the provisions governing enclosures for swimming pools.

RECOMMENDATIONS

- 1. Municipal Licensing and Standards recommends exemption from Chapter 447 – Fences, for the property at 120 Castlewood Road be refused.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The owner(s) of 120 Castlewood Road applied for and were issued a Building Permit for the construction of an inground swimming pool in the rear yard in June 2009. They subsequently applied for a fence exemption to vary from the requirements regarding the type of enclosure required under Chapter 447.

ISSUE BACKGROUND

The property known municipally as 120 Castlewood Road is a single family detached home comprising a frontage of 10.15m (33.33 ft) and depth of 33.5m (110 ft.). (*Attachment 1*).

Swimming pool enclosures are required to completely enclose the swimming pool and must be a minimum height of 1.2 metres. In addition, Section 447 C(3)(a) prohibits the direct entrance from the dwelling to the pool area. Secondary entrances must be self-closing, self latching and lockable [Section 447 – C (2)(b)].

The owner(s) are currently constructing the swimming pool, which will be enclosed by a board-on-board perimeter fence on the north, south and west property lines. To address the separation of the swimming pool from the main dwelling, they are proposing a 106cm (42 in.) railing around the below grade stairs at the north-west corner of the house. (*Attachment 2*). The patio door at the rear of the house encompasses almost the entire back wall (*Attachment 3*). It is proposed that a locking mechanism be installed on the patio door, which would also be tied into the security system and would indicate when the door was ajar. The owner(s) also propose the installation of a light beam on the exterior side of the patio door, which would trip the security system if anyone crossed the beam. A safety monitor would also be installed in the pool and would trigger an alarm when an object of 6.8 kg. (15 lbs.) or more entered the water (*Attachment 4*).

The applicants advise that they are proposing these methods of security in order to better utilize the limited rear yard space (*Attachment 5*), and that the neighbours to the north and south of the property have no objection to the application.

COMMENTS

The Building Code Act permits a railing height of 106 cm (42 in.) around below grade stairs. However, as the railing is proposed to form part of the pool enclosure, it is deficient by 15 cm (6 in.). This is a concern as the railing forms part of the perimeter enclosure.

The light beam, while innovative could be defeated by crawling under or hopping over depending upon the location and height of the beam. The pool alarm device does not assist in barring individuals from the swimming pool area. The pool alarm relies upon six AA batteries and in the case of the beam, the building electrical system. There is a concern regarding adequate backup in the event that the electrical system goes down although it is noted that an alarm sounds when the pool monitor battery is low.

CONTACT

Bryan Byng, District Manager, Municipal Licensing and Standards, North York District
Tel: 416-395-7020, Fax: 416-395-7056, E-mail: bbyng@toronto.ca

SIGNATURE

Bryan Byng, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS