



STAFF REPORT ACTION REQUIRED

Application for Fence Exemption 44 Fairlin Drive

Date:	December 8, 2009
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 5, Etobicoke-Lakeshore
Reference Number:	ML&S Folder Number 09 154718 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 1.37 metre high iron fence with tempered glass inserts on the deck and stairs, which separate the main floor of the house from the swimming pool area at the rear 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 on the deck and stairs, comprised of an iron fence with tempered glass insert 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 deck and stairway off the main floor of the house at the rear of the property, leading to the pool area.

Along the east and west property line, the pool enclosure is made up of iron fencing and along the north property line the fencing is board on board wooden fencing. These perimeter fences including the self closing and self latching iron gates on the east and west side of the house are in compliance with the provisions of City of Toronto Municipal Codes Chapter 447, Fences.

While the pool has been covered with a rigid pool cover, the pool enclosure currently is not in compliance with the Fence By-law. A temporary chain link fence has been erected across the width of the rear yard for safety reasons.

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. All gates shall be self-closing and self-latching, and provided with a latching device installed on the pool side, over the top of the gate, to the latch on the pool side.
3. The perimeter iron fencing and horizontal wood slat fencing shall be constructed and maintained in the manner that they are not climbable.

4. 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.
5. The existing temporary fence shall remain in place when the pool is 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.

CONTACT

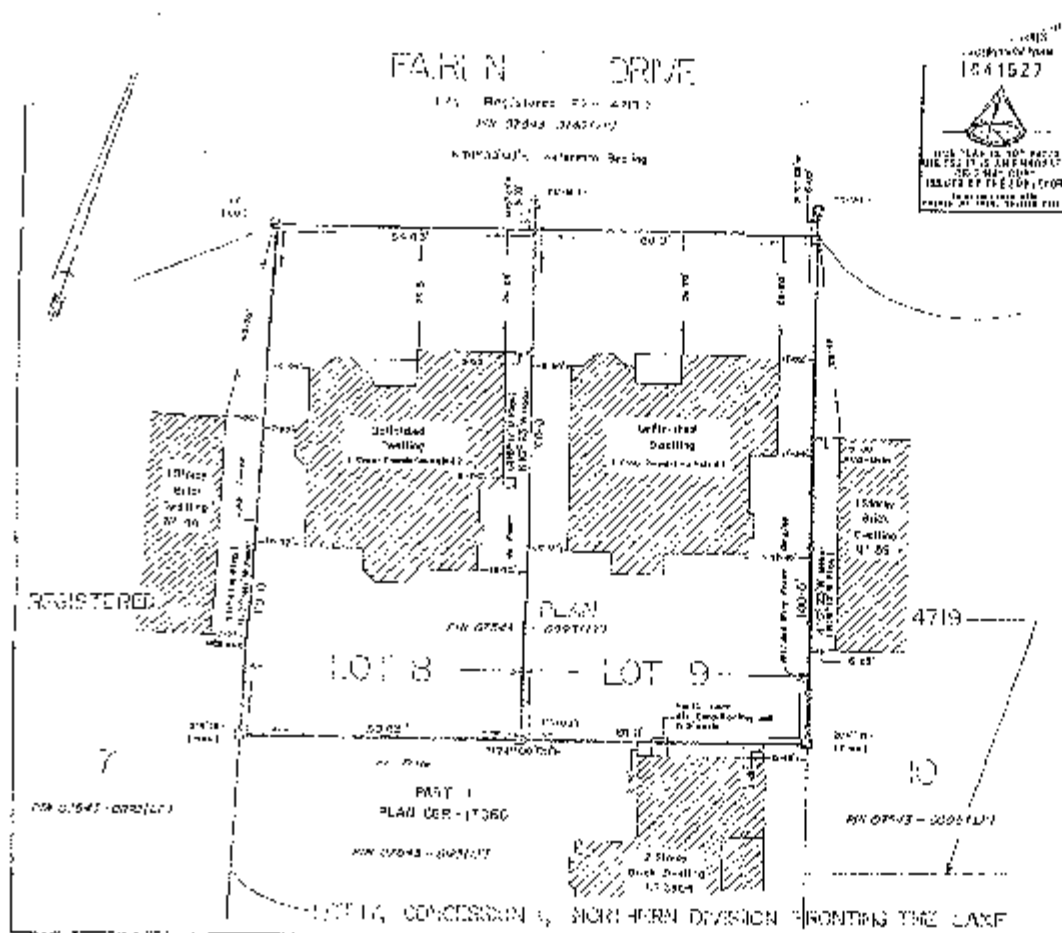
Kimberley Kilburn, Supervisor
Municipal Licensing and Standards
Etobicoke York District
Tel: 416-394-2536 Fax: 416-394-2904
E-mail: kkilbur@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1:	Survey 44 Fairlin Drive, Lot 9
Attachment 2:	Pool Enclosure, Fence Layout
Attachment 3:	Iron Fence, Tempered Glass Detail Drawing
Attachment 4:	Photo, Rear deck area



SURVEYOR'S REAL PROPERTY RECORD
PART I
PLAN OF
LOTS 8 AND 9,
REGISTERED PLAN
CITY OF ETOBICOKE
MUNICIPALITY OF METTORCH
Scale 1 inch = 20 Feet

PART 2
This plan must be read in conjunction with
Survey Report dated 31st May 1990

© 1990 Kimmell's Waterway Beings

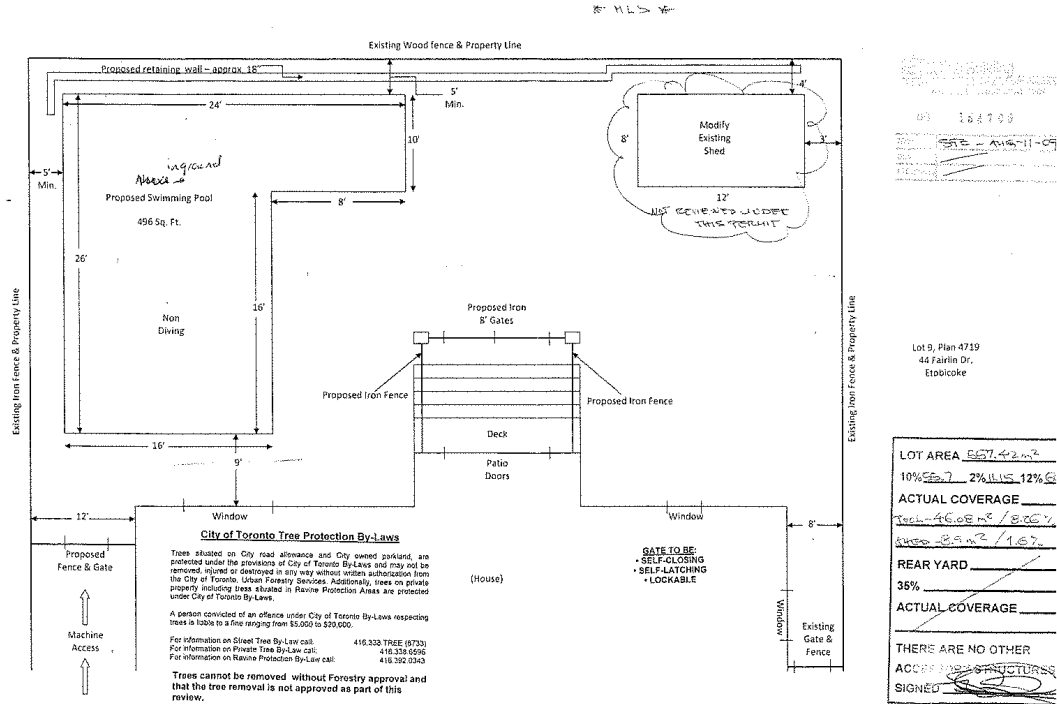
NOTE:
Setbacks shown from the lot lines are
south of the Fairlin Drive on a corner
shown on Registered Plan 4713.

Symbol	Description	Notes
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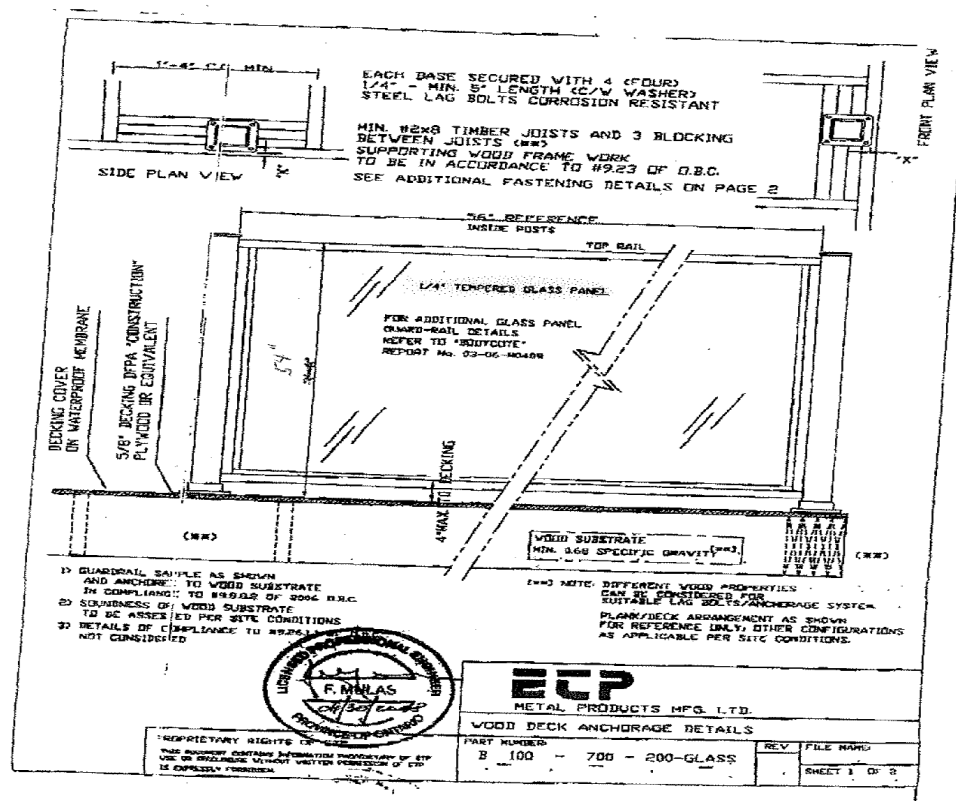
SURVEYOR'S CERTIFICATE
I hereby certify that the data on this plan were
obtained by the following means:
Date: 31st May 1990

CLARKING AND TAYLOR
ONTOLOGICAL SURVEY
770 BAYVIEW AVE
MIDLAND, ONT. M2M 2P2

Attachment 1: Survey 44 Fairlin Drive, Lot 9



Attachment 2 – Pool Enclosure – Fence Layout



Attachment 3 – Iron Fence/Tempered Glass Insert Detailed Drawing

44 Fairlin Dr



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December 8, 2009

Attachment 4, Photo- Rear Deck Area