



## STAFF REPORT ACTION REQUIRED

### Fence Exemption Request 167 St. Germain Avenue

<b>Date:</b>	April 7, 2010
<b>To:</b>	North York Community Council
<b>From:</b>	District Manager, Municipal Licensing & Standards – North York District
<b>Wards:</b>	Ward 16 Eglinton-Lawrence
<b>Reference Number:</b>	IBMS No. 10-141294

#### SUMMARY

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This staff report is about a matter for which the Community Council has delegated authority from City Council 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 fence exemption to Chapter 447 of the Toronto Municipal Code - Fences, to allow the existing wooden fence at the property to be remain as the swimming pool fence enclosure in non-conformance with the Fence By-Law.

#### RECOMMENDATIONS

**Municipal Licensing and Standards, North York District, recommends that:**

- 1. The North York Community Council refuse the exemption from Chapter 447 – Fences, for the property at 167 St. Germain Avenue.**

#### FINANCIAL IMPACT

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

#### DECISION HISTORY

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The owner(s) agent submitted plans and received a building permit to install a swimming pool fence enclosure in October 2009, with the approved plans indicating that the three existing 1.80m high wood fences meet the standards for a swimming pool fence enclosure. (*Attachment #2*)

## **ISSUE BACKGROUND**

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The property is a detached single family dwelling located in a R2 zoning district. (*Attachment 1*)

Inspection by the area Municipal Standards Officer has now determined that the existing 1.80m high wood fences on the west, south and east side of the rear yard do not comply with Toronto Municipal Code Chapter 447 – Fences, because the wood boards for the fence are horizontal and the by-law only recognizes vertical board fences for swimming pool fence enclosures. Additionally, a half inch space exists between each member of the horizontal fence board and this opening creates a climbable feature and a safety hazard.

The owners submitted a Fence Exemption application on March 28, 2010 and are requesting that the horizontal board fence be accepted, despite the standards for wooden swimming pool fence enclosures.

Should the recommendation not be accepted and the request approved, a condition of approval should include that if and portion of the fence is replaced, it should be constructed in compliance with any revised Chapter 447 or any successor by-law.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

1. Zoning Map
2. Pool enclosure Building Permit site plan issued under IBMS folder #09-179264.
3. Letter of application from owners with attached photo dated March 28, 2010.
4. ML&S photo taken April 8, 2010, showing one section of horizontal board fence.
5. ML&S photo taken April 8, 2010, showing 3 sides of yard and un-finished pool.