



STAFF REPORT ACTION REQUIRED

Fence Exemption Request 620 Bedford Park Avenue

Date:	June 3, 2010
To:	North York Community Council
From:	District Manager, Municipal Licensing and Standards, North York District
Wards:	Ward 16 - Eglinton Lawrence
Reference Number:	IBMS No. 10 179402

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 allow changes to an approved swimming pool fence enclosure.

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 620 Bedford Park Avenue.**

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

The owner submitted plans and received a building permit to install a swimming pool and a swimming pool fence enclosure on September 17, 2009. Inspection revealed that fences in the rear yard forming the swimming pool fence enclosure are not in compliance with

Chapter 447 of the Toronto Municipal Code and as a result, a Notice of Violation was issued to the owners who have subsequently applied for a Fence Exemption.

ISSUE BACKGROUND

This is a single family detached dwelling bordering Woburn Park and located in a sixth density residential (R6) zone by former City of North York Zoning By-Law 7625. (*See Attachment 2*)

The following fence sections located in the rear yard forming the swimming pool fence enclosure were found to be in non-compliance with Toronto Municipal Code:

- (1) On the first floor level at the rear, a 1.20 metre high guard and self-closing and latching gate on top of the deck which measures approximately 2.40 metres above grade, is constructed of wood pickets and wood lattice which are not recognized materials for a swimming pool fence enclosure. (*See Attachments 3 & 4*)
- (2) At the grade level at the rear, a 1.20 metre high guard and self closing and latching gate serving a basement walkout door is constructed of wood pickets which is not a recognized material for a swimming pool fence enclosure. (*See Attachment 5*)
- (3) On the north property line backing onto Woburn Park, the wood fence forming part of the swimming pool fence enclosure has a 0.60 metre wide opening to accommodate the growth of a Norway Maple tree. (*See Attachments 6 & 7*)

COMMENTS

The owner(s) wish to maintain the swimming pool fence enclosure, because they believe they have provided a swimming pool fence enclosure of equivalent safety.

In addition to the wrong materials being used for the swimming pool fence enclosure, one identified issue of concern centres on the 0.60 metre opening in the pool enclosure at the north property line fence adjacent to Woburn Park. The owner has placed two small cedar trees on the pool side abutting the Maple Tree and together with Parks Department maintaining a 2.0 metre high chain link fence on the park side with the proper 38 millimetre chain link mesh size, however this chain link fence is owned by the Parks Department. This issue might be addressed by installing a swimming pool fence enclosure either underneath or around the tree to the required height.

Should the recommendation not be accepted and the request approved, the owner is required to obtain a new swimming pool fence enclosure building permit and a condition of approval should include that if any portion of the fence is replaced, it should be constructed to be in compliance with Chapter 447, or any successor by-law.

CONTACT

Murray Smith, Supervisor, Municipal Licensing and Standards, North York District
Tel: 416-395-7014, Fax: 416-395-7056, E-mail: msmith4@toronto.ca

SIGNATURE

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

ATTACHMENTS

1. Zoning Map.
2. Site and fencing plan approved under Building Permit #09-169853.
3. Photo from 1st floor level deck showing wood picket and lattice guard as pool enclosure.
4. Photo from 1st floor level deck showing wood picket and lattice gate as pool enclosure.
5. Photo at grade showing basement walkout with wood picket fence as pool enclosure.
6. Photo from backyard showing 0.60 metre opening for Norway Maple tree with 2 cedar trees.
7. Photo from Woburn Park showing Norway Maple Tree and Parks & Recreation fence.