



STAFF REPORT ACTION REQUIRED

Application for Fence Exemption 27 BROME ROAD

Date:	May 27, 2016
To:	Etobicoke York Community Council
From:	Kimberley Kilburn, District Manager, Municipal Licensing and Standards
Wards:	Ward 12 – York South – Weston
Reference Number:	Municipal Licensing and Standards Folder # 16-148670 FEN 00 IR

SUMMARY

This staff report is in regards to a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the owner of 27 Brome Road for a fence exemption to maintain an existing pool enclosure where all entrances to the building are not located outside of the enclosure area, as a result the enclosure is in violation of the provisions of the City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council give consideration to the exemption application and decide to:

1. Refuse the application for an exemption submitted by the owner of 27 Brome Road to maintain the pool enclosure, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

The recommendations in this report have no financial impact.

DECISION HISTORY

The property was investigated as a result of a pool fence enclosure permit submitted to Toronto Building. Subsequently the application for a pool fence enclosure exemption was submitted by the property owner of 27 Brome Road. The fence enclosure is located in the rear yard on the south side of the property.

Accordingly, all required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office advising of the date that the application for the exemption will be considered by Etobicoke York Community Council.

ISSUE BACKGROUND

The pool enclosure was originally installed with the required fourth side of the fencing; however, that section of the enclosure was removed by the owner in order to facilitate repairs. The owner was advised by Municipal Licensing and Standards that the fourth section of the enclosure must be installed.

An inspection was conducted to verify that the fourth section of the enclosure had been replaced as advised. The observation during the inspection revealed no fourth section of the pool fence enclosure was installed or replaced. In addition while conducting the inspection several other pool enclosure violations were noted and a Notice of Violation was issued to the property owner.

City of Toronto Municipal Code, Chapter 447, Fences states that a swimming pool enclosure shall be designed and constructed so that all entrances to any building are located outside the enclosed area.

In response to the Notice of Violation, the property owner submitted an application for a fence exemption. The reason for this request by the owner is aesthetics.

The following chart indicates the violations and relevant sections of Toronto Municipal Code Chapter 447, Fences:

LOCATION	ORIENTATION	DEFECT	SECTION
Rear yard	Rear Yard south wall of dwelling	The swimming pool enclosure does not comply with this article, fence height, picket spacing, climbability from steps area, and double gates non permitted, gate not self closing.	3A
Rear yard	Rear Yard south wall of dwelling	Swimming pool enclosure gate is not self closing or equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside at least 1.5 metres above grade.	3D.(1)

LOCATION	ORIENTATION	DEFECT	SECTION
Rear yard	Rear Yard south wall of dwelling	Swimming pool enclosure is closer than 1 metre to any external condition that may facilitate climbing, the ledge at the steps to the house.	3E.(1)
Rear yard	Rear Yard south wall of dwelling	Swimming pool enclosure is constructed having spaces between the pickets in excess of 38 millimetres where the horizontal rails are spaced less than 1.2 metres apart.	3E.(2)(c)

COMMENTS

The subject swimming pool enclosure is at this time in violation of the Toronto Municipal Code, Chapter 447 Fences. And as such presents a safety hazard to the occupants and anyone attending the property.

CONTACT

Anthony Bartolo, Supervisor (Acting)
Municipal Licensing and Standards
Investigation Services
Etobicoke York District
[Tel:416-397-7603](tel:416-397-7603), Fax:416-394-2904
E-mail: abartol@toronto.ca

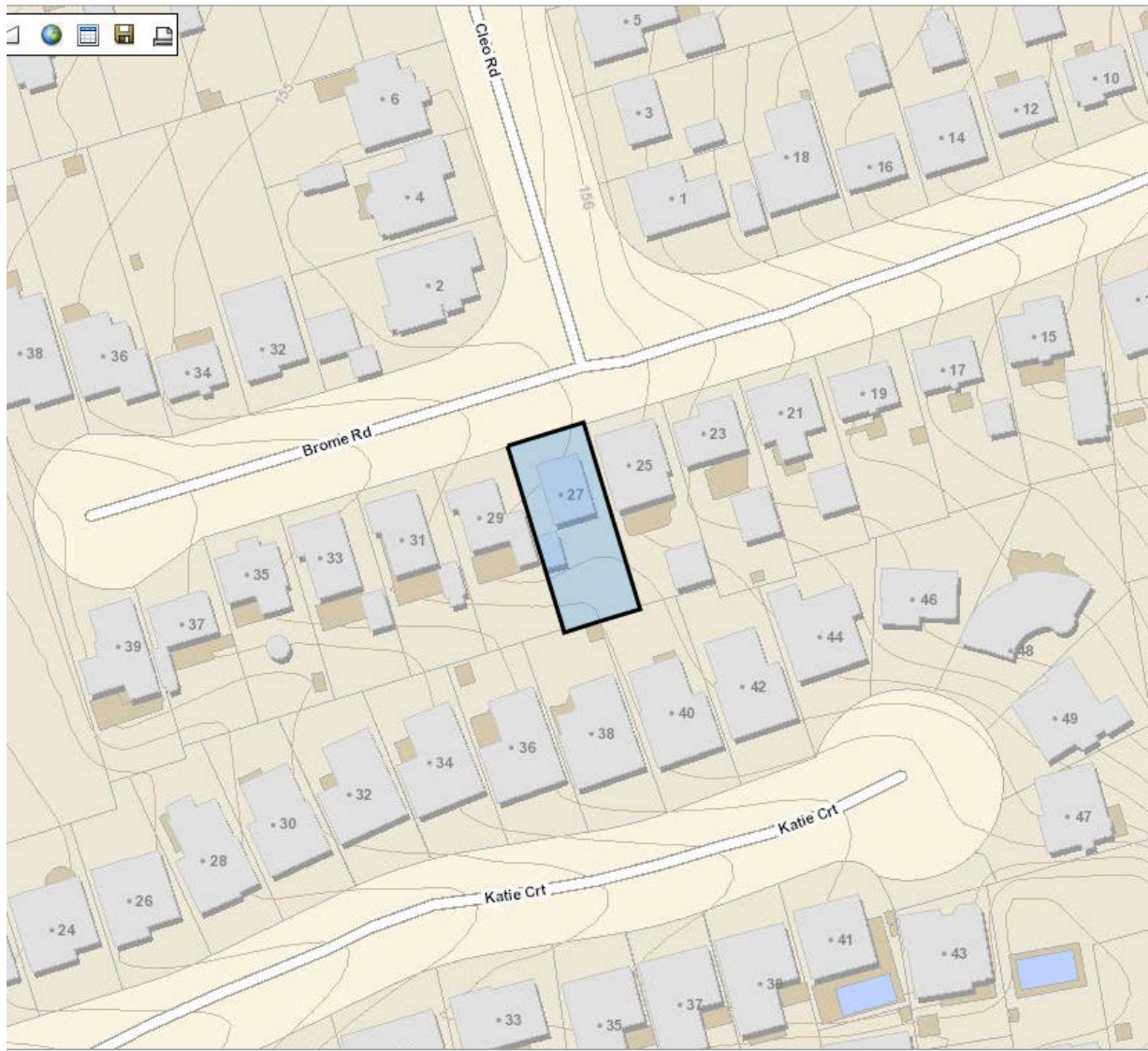
SIGNATURE

Kimberly Kilburn, District Manager
Municipal Licensing and Standards
Investigation Services
Etobicoke York District.

ATTACHMENTS

Attachment 1: Map of Adjacent properties
Attachment 2: Photo of pool and fence
Attachemnt 3: Photo of double gate

Attachment 1



Attachment 2



Attachment 3

