



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447-Fences at 33 Avenal Drive

Date:	December 13, 2010
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards, Toronto and East York District
Wards:	Ward 21- St Paul's
Reference Number:	IBMS No. 10-128124

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The purpose of this report is to consider a request by the owner of 33 Avenal Drive to be exempted from Chapter 447– Fences, Section 447-3 C (1) Access Protection. This section states that "A swimming pool enclosure shall be designed and constructed so that all entrances to any building are located outside the enclosed area".

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council not grant the fence exemption for 33 Avenal Drive.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The City of Toronto Municipal Code, Chapter 447-Fences, Section 447-3C(1)), provides that a swimming pool enclosure shall be designed and constructed so that all entrances to any building are located outside the enclosed area.

ISSUE BACKGROUND

The Municipal Licensing & Standards Division received an application for an exemption from the Fence Bylaw. The property owner of the subject property submitted a letter of support to be exempt from the bylaw that requires a fence between the principle residence and the swimming pool.

COMMENTS

The Municipal Licensing and Standard Division conducted an inspection regarding a pool permit application. The inspection found that the pool was filled with water and enclosure was incomplete. A Notice of Violation was issued. There is a temporary enclosure erected around the pool pending the outcome of the Community Council decision.

Should the recommendation be adopted, and the request approved, a condition of approval should include that:

- A. The west side door be equipped with a self closing device.
- B. The sliding door located at the rear opening on to the patio be affixed with a locking mechanism 1.5 metres above grade.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

Attachment 1: Survey

Attachment 2: Letter from owner's agent requesting exemption