



40 Shields Court, Markham, Ontario L3R 0M5 Tel. 905 475-6980 • Fax 905 475-7076 • Toronto Line: 416-490-6980

October 12, 2010

Toronto City Hall - Municipal Licensing and Standards Division
12th Floor - East Tower
Toronto, ON M5H 2N2
Attention: Jim Hart

Dear Jim:

**Re: 33 Avenal Drive, Toronto
Swimming Pool Enclosure Exemption Request
Regarding Notice of Violation No. 14935**

I have been asked by my client, Dr. Stephen Fishman, the owner of the property located at 33 Avenal Drive in Toronto, to contact you for your consideration of a Fence Exemption under the Toronto Municipal Code, Chapter 447-5, Subsection C(1). The exemption that I am requesting pertains to the required enclosure between the back door of the house and the pool. Currently, the wall of this building forms part of the swimming pool enclosure, and it has a door in it. I am requesting the exemption on two grounds; the original Building Permit issuance date, and the diminutive size of the lot.

The original Building Permit for the house was issued in 2007 with drawings that clearly showed the swimming pool in the backyard. The Building Department, however, would not issue the pool specific permit at that time because, they said, they could not issue a Pool Enclosure Permit for a building that was not substantially complete. This was prior to the changes to the Pool Enclosure regulations were instituted, requiring a "fourth" fence between the pool and the house. If the permit had been issued then, then no fence would be required between the house and the pool.

The real challenge that is faced on this particular site, as it pertains to this "fourth" fence, is the sheer size of the lot. There is simply no room in this backyard to house a swimming pool, a functional back patio, as well as a fence that divides the two. Further, my client hopes that you consider; 1) he does not have young children living or visiting at his home, and 2) his back door is a large format, very heavy sliding door. It cannot be opened by a young child.

Thank you in advance for your consideration. If you require any further supporting information, please feel free to contact me. I will respond immediately.

Yours very truly,
BonaVista Pools Limited

Peter Brown
Vice President
(905)475-6980

ATTACHMENT 2

Big enough to be reliable, small enough to care.