Fence Exemption Request
15 Marchwood Drive

Date: May 28, 2012
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, North York District
Wards: Ward 10 – York Centre
Reference Number: IBMS No. 11-313092

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 permit fencing in a rear yard pool enclosure which is in violation of the 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 15 Marchwood Drive.

FINANCIAL IMPACT

There is no financial impact anticipated in this report

DECISION HISTORY

The owner(s) obtained a pool permit with the Toronto Building Division. An inspection by a Municipal Standards Officer resulted in a Notice of Violation being issued. The owner(s) subsequently applied for a fence exemption.
ISSUE BACKGROUND

This is a single family detached home located in the former City of North York.

The requirements for the construction of a wood fence forming part of a swimming pool enclosure is found in Section 3 E. (2) (b), Chapter 447, Fences, of the Toronto Municipal Code. A wood fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner of vertical boards that shall not be less than 19mm by 89mm lumber and vertical boards shall be attached to horizontal rails that are not less than 38mm by 89mm lumber.

The existing wood fencing in the rear yard forms part of a pool enclosure (Attachments 1 & 3). The wood fencing consists in part of lattice panels which is the subject matter of this exemption request. Each panel was measured by an Officer and was found to be 74 inches (1.88m) tall, with 1¼ inch (32mm) spacing with both the vertical and horizontal lattice boards being 1½ inches (38mm) in width (Attachment 2). The lattice panels do not comply with Section 3 E. (2) (b) of Chapter 447, Fences, as they do not meet the minimum required size for lumber.

COMMENTS

Should the recommendation not be accepted and the request approved, the following conditions of approval should include that when the fence is replaced it should be constructed in compliance with Chapter 447 or its successor by-law.

CONTACT

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SIGNATURE

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Eletta Purdy, District Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Site Plan forming part of Pool Enclosure Permit Application
2. Photograph of wooden fence
3. Photograph of wooden fence.