Request for Fence Exemption – 42 Fallingbrook Dr.

<table>
<thead>
<tr>
<th>Date:</th>
<th>November 21, 2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>To:</td>
<td>Scarborough Community Council</td>
</tr>
<tr>
<td>From:</td>
<td>Bill Blakes, Manager, Municipal Licensing and Standards</td>
</tr>
<tr>
<td>Wards:</td>
<td>Ward 36 Scarborough Southwest</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>IBMS 10 196143</td>
</tr>
</tbody>
</table>

**SUMMARY**

This Staff report is about a matter for which 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(s) of 42 Fallingbrook Drive to be exempted from Chapter 447-Fences Article 1 and of Chapter 447 Table 1 and Sec 3-pool enclosures.

Table 1 state that the maximum height of all fences including gates on private property in the rear yard/side yard is 2 metres.

Sec 3- pool enclosures state that the minimum height of a fence for a pool enclosure is 1.2 metres non-climbable and 2 metres maximum that it completely encloses the area of the swimming pool.

Swimming pool enclosures completely encloses the area in which the swimming pool is located.

No opening except a gate that complies with the by-law

Be no closer than 1 metre to any external condition that may facilitate climbing the outside of the enclosure.

Vertical boards shall be attached to horizontal rails.
RECOMMENDATIONS

Municipal Licensing and Standards, Scarborough District, recommends that Scarborough Community Council:

1. Refuse the existing approx 2.34 metre high wood fence and gate located on the Eastside rear and side of the property.

Pool Enclosure
1. Refuse the exterior condition that may facilitate climbing the retaining wall next to the equipment shed.
2. Refuse the open condition next to the stairway with the equipment shed.
3. Refuse the exterior condition that may facilitate climbing the outside of the enclosure at the land beside the stairway.
4. Refuse the horizontal board construction
5. Refuse the approx 3.0 metre high fence in the rear and Westside.

Financial Impact
There are no financial implications.

DECISION HISTORY
The City of Toronto Council enacted the amalgamated Fence By-law on July 6, 2000 to prescribe the height and description of fences on private property and to require owners of privately owned outdoor swimming pools to erect and maintain fences and gates around swimming pools. This by-law and the amendments are now found in Chapter 447 of the Toronto Municipal Code.

ISSUE BACKGROUND
The owner(s) of 42 Fallingbrook Drive have submitted an application for a fence exemption under Chapter 447 and was received by Municipal Licensing and Standards on November 8, 2011 for an existing approx 2.34 metre high wood fence and gate (2.13 metre high) located on the east side rear and side yard of the property. Also, to be exempt from Section 3 Swimming Pools Chapter 447: the existing wood fence located in the rear yard south/west corner is 3 metres; no pool enclosure located near stairway; an external condition that facilitates climbing on the exterior stairway and retaining wall and construction of the existing wood fence has horizontal boards instead of vertical boards. Notices of Violations have been issued for both.
CONTACT
Glenn Shimoda
Supervisor
Municipal Licensing and Standards
Scarborough District
416-396-7371

SIGNATURE

_______________________________
Bill Blakes, Manager, Municipal Licensing and Standards, Scarborough District

ATTACHMENTS
Photographs