Request for Fence Exemption – 280 Birkdale Road

<table>
<thead>
<tr>
<th>Date:</th>
<th>September 20, 2012</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 37 Scarborough Centre</td>
</tr>
<tr>
<td>Reference Number:</td>
<td>IBMS 12 246855</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 280 Birkdale Road for a purposed replacement fence for a swimming pool enclosure to be exempted from Chapter 447- Fences Article 1 and also section 2 of the Toronto Municipal Code. Chapter 447- Fences states:

1. The maximum height of a fence in the rear yard is 2 metres when abutting onto a "residential" zoned property
2. The maximum height of a fence in the rear yard is 2.5 metres when abutting onto a "non residential" zoned property
3. Enclosure completely encloses the area in which the swimming pool is located and has no opening except a gate that complies with this by-law. Every fence and gate used as part of the swimming pool enclosure which forms the part of the enclosure that separates the pool from any residential building on the same property shall be constructed of open mesh chain link or equivalent open fence construction. "Section 3" was added to Chapter 447 in May 2008.
RECOMMENDATIONS
Municipal Licensing and Standards, Scarborough District, recommends that Scarborough Community Council:

Refuse the application for exemption from Chapter 447 – Fence, of the Toronto Municipal Code, as per proposed height requirements and proposed incomplete pool enclosure as per design of 280 Birkdale Road.

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 280 Birkdale Road have submitted an application for a Fence Exemption under Chapter 447 and was received by Municipal Licensing and Standards on September 14, 2012 for a proposed wood pool enclosure. This application is to replace 2 sides of a existing swimming pool enclosure located on the south and west sides of the property. The proposed wood enclosure on the south side(abutting residential properties) is approx 2.5 metres high, allowable is 2 metres and located on the west side(abutting residential and park land properties) the gate frame work construction is approx 3 metres high, allowable is 2.5 metres. Also, no enclosure separating the swimming pool from the dwelling has been proposed. An inspection from Municipal Licensing and Standards revealed the remaining enclosure complies to Chapter 447 Fence By-law and no permit is required.

CONTACT
Glenn Shimoda
Supervisor
Municipal Licensing and Standards
Scarborough District
416-396-7371

SIGNATURE

_______________________________
Bill Blakes, Manager, Municipal Licensing and Standards

280 Birkdale Road- Fence Exemption
ATTACHMENTS
Photo's
Drawings