Application for Fence Exemption
100 Valecrest Drive

Date: September 21, 2012
To: Etobicoke York Community Council
From: Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards: Ward 4: Etobicoke Centre
Reference Number: Municipal Licensing and Standards Folders 12-215517

SUMMARY

This report is in regard to an application submitted by Gib-San Pools Ltd. on behalf of the property owners of 100 Valecrest Drive for a Fence Exemption to maintain the existing 2.29 metres high translucent glass screen at the rear of the property that is in violation of Chapter 447 of Toronto Municipal Code, Fences. This is a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

RECOMMENDATIONS

Municipal Licensing and Standards recommend that the Etobicoke York Community Council:

1. Refuse the application submitted by Gib-San Pools Ltd. on behalf of the property owners of 100 Valecrest Drive for a Fence Exemption to maintain the existing 2.29 metres high translucent glass screen at the rear of the property, on the basis that the fence does not comply with the requirements set out in Chapter 447 of Toronto Municipal Code, Fences.

Financial Impact

There are no financial implications resulting from the adoption of this Staff Report.
ISSUE BACKGROUND

In response to a complaint that a fence erected at the rear of 100 Valecrest Drive is too high, a Municipal Standards Officer attended this location and found a 2.29 metres high translucent glass screen erected at the rear of the property, approximately 0.56 metres away from the existing 1.6 metres high close board wooden fence with a lattice top that forms part of the pool enclosure (Attachments 1, 2 and 3). A Notice of Violation was issued to the property owners and a Fence Exemption Application was received from Gib-San Pools Ltd. on behalf of the property owners.

There is a swimming pool installed at the rear yard of the property. Record shows a pool enclosure comprising a 1.6 metres high closed board wooden fence with a lattice top was put up under a building permit in year 2003 in accordance with the Fence By-law at that time.

Pursuant to section 447-2 of the City of Toronto Municipal Code Chapter 447, Fences, the maximum height of a fence at the rear yard of a single residential property is 2.0 metres.

COMMENTS

The 2.29 metres high translucent glass screen is made up of seven 10 millimetres thick 1.5 metres wide by 1.2 metres high sand blasted tempered glass panels in two sections, with the glass panels supported by 2.29 metres high wooden posts embedded in the ground. The screen is installed approximately 0.56 metres in front of an existing pool enclosure and up-lights are installed at the space in between to light the glass panels at night (Attachment 4). It is understood that the screen was erected both for privacy as well as decorative purposes. The screen is built across the rear property line and spans over two properties, 74 and 76 Valecrest Drive, at the rear (Attachments 1, 2, 3 and 6).

It is the applicant's opinion that this glass screen is a decorative landscaped feature instead of a fence.

Section 447-1 of Toronto Municipal Code, Chapter 447, Fences, defines a Fence as:

A barrier, including one for noise attenuation, or any structure, except a structural part of a building, that wholly or partially screens from view, encloses or divides a yard or other land, or marks or substantially marks the boundary between adjoining land, and includes any hedge or shrub that has the same effect.

As this glass screen creates some degree of obstruction to view, it is a fence by definition that is subject to the regulated 2 metres height restriction for single residential properties. It has exceeded the maximum height by 0.29 metres (approximately 11 inches). Being translucent, it allows light to pass through.
The screen is visible from the back yard of 74 and 76 Valecrest Drive, and partly from 102 Valecrest Drive (Attachments 3, 5 and 6).

**CONTACT**

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**SIGNATURE**

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Curtis Sealock, District Manager  
Municipal Licensing and Standards  
Etobicoke York District

**ATTACHMENTS**

Attachment 1: Aerial and Site Map  
Attachment 2: Site Survey  
Attachment 3: Photos of the Glass Screen at the Backyard  
Attachment 4: Details of the Glass Screen in front of the existing Pool Enclosure  
Attachment 5: Photos showing Glass Screen and property at 102 Valecrest Drive  
Attachment 6: Photos of Screen taken from the Neighbouring Properties
Attachment 1: Aerial and Site Map
Attachment 2: Site Survey
Attachment 3: Photos of the Glass Screen at the Backyard
Attachment 4: Details of the Glass Screen in front of the existing Pool Enclosure
Attachment 5: Photos showing Glass Screen and property at 102 Valecrest Drive
View of Screen as seen from the backyard of 102 Valecrest Drive

View of Screen as seen from the backyards of 74 and 76 Valecrest Drive

**Attachment 6: Photos of Screen taken from the Neighbouring Properties**