Application for Fence Exemption
Pool Enclosure at 35 Poplar Heights Drive

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<th>Date:</th>
<th>May 28, 2013</th>
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<td>To:</td>
<td>Etobicoke York Community Council</td>
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<tr>
<td>From:</td>
<td>Curtis Sealock, District Manager, Municipal Licensing and Standards</td>
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<td>Wards:</td>
<td>Ward 4 – Etobicoke Centre</td>
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<td>Reference Number:</td>
<td>Municipal Licensing and Standards Folder 11-278386 FEN 00 IR</td>
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SUMMARY

This report is in regard to an application submitted by the property owner of 35 Poplar Heights Drive for an exemption to the Fence By-law to maintain metal grating over two basement window openings that form part of the pool enclosure at the rear yard of the subject property, 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 Etobicoke York Community Council:

1. Refuse the application submitted by the property owner of 35 Poplar Heights Drive for an exemption to the Fence By-law to maintain metal grating with pickets no more than 100 millimetres apart over two basement window openings that form part of the pool enclosure at the rear yard of the subject property, for the reason that this installation does not comply with the provisions of the City of Toronto Municipal Code, Chapter 447, Fences.

Financial Impact

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

The subject property is a single family dwelling with a swimming pool erected at the rear yard (Attachment 1).

During the inspection of the swimming pool enclosure under Permit #11-278376, the Municipal Standards Officer noted two basement window openings at the rear wall of the house that form part of the pool enclosure (Attachments 2, 3 and 4). While they were subsequently protected by metal grating with pickets that are spaced no more than 100 millimetres apart (that do not allow the passage of a child), technically the installation does not comply with the Fence By-law and accordingly the property owners submitted an application for an exemption (Attachments 4 and 5). Otherwise the pool enclosure was found to be in compliance.

COMMENTS

To enhance safety standards and avoid unsupervised children from entering the swimming pool area, the Fence By-law was amended in year 2010 to require the "fourth fence" to be installed to separate the house from the pool area. Section 447-3A(3) of the City of Toronto Municipal Code, Chapter 447, Fences, requires an owner of a swimming pool to erect and maintain a swimming pool enclosure that has no opening except a gate as prescribed in the By-law.

This Fence Exemption application was submitted for technical reasons to maintain the metal grating installed over the two basement window openings in lieu of a fence or a gate, on the ground that the installation does form proper protection from access into the pool area.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1: Property Survey
Attachment 2: Site Plan showing location of Basement Windows and Pool Area
Attachment 3: Pool Enclosure Detail
Attachment 4: Photos of Basement Windows before and after Grating Installation
Attachment 5: Close-up Photos showing Metal Grating over Basement Windows
Attachment 1: Property Survey
NOTE: DOTTED RED LINES DENOTE METAL PICKET FENCE

Attachment 2: Site Plan showing location of Basement Windows and Pool Area
Attachment 3: Pool Enclosure Detail
Attachment 4: Photos of Basement Windows before and after Grating Installation
Attachment 5: Close-up Photos showing Metal Grating over Basement Windows