Fence Exemption Request
41 Bevdale Road

Date: March 12, 2013
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, North York District
Wards: Ward 23 – Willowdale
Reference Number: IBMS No. 12 195544

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 41 Bevdale Road.

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 chain-link fence forming part of a swimming pool enclosure is found in Section 3 E. (2) (a), Chapter 447, Fences, of the Toronto Municipal Code. A chain-link fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner and in compliance with Table 3, which requires the mesh size of the fencing on Residential Property to be no greater than 38 millimetres.

The existing chain-link fencing in the rear yard forms part of a pool enclosure. The chain-link fencing on the west side of the yard, was measured by an Officer and was found to be greater than the 38 millimetres maximum permitted and is the subject matter of this exemption request. The existing chain-link fence does not comply with Section 3 E. (2) (a) of Chapter 447, Fences, as it exceeds the maximum required size for Mesh Size.

COMMENTS

The owner contends that in order to comply with the mesh size requirements she would have to severely damage, if not destroy, an eight-foot high hedge, as the fence is within the hedge. She further suggests that the existing hedge should be considered as a fence and form a part of the pool enclosure.

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, Manager
Municipal Licensing and Standards
North York District

ATTACHMENTS

1. Site Plan forming part of Pool Enclosure Permit Application
2. Photographs of fence/hedge
3. iView 2