### 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 for the pool fence 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 6 Forest Wood.

### FINANCIAL IMPACT

There is no financial impact anticipated in this report.

### DECISION HISTORY

The owner(s) obtained a permit for a pool enclosure fence. The fencing was inspected by a Municipal Licensing and Standards Officer. The owner(s) were issued a Notice of Violation for fencing in the rear yard. The owner(s) subsequently applied for a fence exemption.

### ISSUE BACKGROUND

This is a detached home located in the former City of North York (Attachment 1).
The minimum height for a pool fence enclosure is 1.2 metres pursuant to Section 447-3.D. Chapter 447, Fences, of the Toronto Municipal Code.

Every fence used for a pool fence enclosure shall have a non-climbable facing material installed on the outside of the enclosure which extends from no more than 50 millimetres above grade to the required minimum height of the enclosure, but, if a hard surface such as concrete, asphalt, paving stones or patio slabs extends for a distance of 500 millimetres on each side of a gate, the clearance under the gate may be no more than 100 millimetres pursuant to Section 447-3. E. (1).

The existing fence on the stairs to the rear deck presents an opening under the fence due to the run and rise of the stairs that exceeds 100 millimetres by approximately 110 millimetres. The fence on the deck and stairs is 1.06 metres in height and it is required to be a minimum of 1.2 metres in height. The fence at the west or rear of the property is constructed of lattice a non-permitted construction material; however, this fence is on top of a retaining wall and there is significant drop in grade to the property behind 6 Forest Wood of over 1.8 metres (Attachments 2, 3, 4 and 5).

COMMENTS

The owner(s) wish to maintain the existing fencing and they have a letter of support from the local Councillor (Attachment 6).

Should the recommendation not be accepted and the request approved, the following condition 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, District Manager,
Municipal Licensing and Standards,
North York District

ATTACHMENTS

1. Aerial view of 6 Forest Wood
2. Photo of stairs
3. Photo of stirs and deck
4. Photo of rear fence from 6 Forest Wood
5. Photo of rear fence from lower elevation
6. Letter of support