



STAFF REPORT ACTION REQUIRED

Request for a Fence Exemption – 238 Livingston Road- Ward 43

Date:	May 3, 2016
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 43 – Scarborough East
Reference Number:	IBMS No. 16 139948

SUMMARY

This staff report concerns a matter for which the Scarborough Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the property owner of 238 Livingston Road for a site-specific Fence Exemption, pursuant to Section 447-3 of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to not install a fence that separates the pool from the residential building contrary to Section 447-3 of the bylaw.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Scarborough Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 238 Livingston Road, and to install a fence which separates the pool from the residential dwelling which complies with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit, with the condition that a Building Permit be approved, thereby allowing the fence not to be constructed as proposed.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on April 13, 2016, to exempt the installation of a fence that separates the pool from the residential dwelling, in accordance with Section 447-5(C) of Toronto Municipal Code, Chapter 447- Fences as reasons for the application.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

ISSUE BACKGROUND

The subject property, 238 Livingston Road, is located in Ward 43, in a residential area. The owner(s) are proposing to install a swimming pool. At this writing of the report no permit has been applied for the pool in Toronto Buildings.

Municipal Licensing Standards' review of the proposed enclosure determined that it will not comply with the restrictions for fences for swimming pools provided by Section 447- 3 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	1. Pool enclosure	1. No fence enclosure separating pool from residential dwelling.	Section 447-3 (E)(3) Every fence and gate used as part of a 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 mesh

COMMENTS

Toronto Municipal Code, Chapter 447- Fences requirements with respect to swimming pools, the exemption of a fence does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sanguiliano
Acting Manager, Scarborough District

APPENDICES

Appendix 1 – Location of 238 Livingston Road. iView Map

Appendix 2 – Proposed site plan .

Appendix 3 – Description detail

Appendix 4 – Photo's 1 to 4



Livingston Rd

240

238

236

0 0.003

Appendix #1

A-6 FOOT WOODEN GATES TO ADDED WITH SELF LATCHING LOCKS AND A BOLT LOCK TO ENSURE ADDED SECURITY WHEN THE POOL IS NOT IN USE

B-6 FOOT WOODEN GATE TO BE ADDED WITH SELF LATCHING LOCK AND A BOLT LOCK FOR ADDED SECURITY WHEN THE POOL IS NOT IN USE

C-4 FOOT CHAIN LINK FENCE WITH A GATE WITH SELF LATCHING LOCK

E-4 FOOT CHAIN LINK FENCE WITH A GATE WITH SELF LATCHING LOCK

D-2 BASEMENT WINDOWS HAVE BARS ACROSS WINDOWS WITH A LOCK ON THEM THAT CAN ONLY BE OPENED FROM THE INSIDE OF THE HOUSE WITH A KEY BY THE HOME OWNER

D-2 BEDROOM WINDOWS WILL HAVE CHILD SAFTY LOCKS ADDED

The pool enclosure area will consist of -C-D-E AND CURRENT WOODEN FENCED AREAS OF F-G-H

Appendix # 3

238 Livingston Road- Photo 1 Rear Yard



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238 Livingston Road- Photo 2



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238 Livingston Road-Rear Yard Photo 3



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