



**STAFF REPORT
ACTION REQUIRED**

**Request for a Fence Exemption – Rear Yard
70 Cree Avenue**

Date:	September 16, 2016
To:	Scarborough Community Council
From:	Elena Sangiuliano, Acting District Manager Municipal Licensing & Standards, Scarborough District
Wards:	Ward 36 – Scarborough East
Reference Number:	IBMS No. 16 -195492

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 70 Cree Avenue for a site-specific Fence Exemption, pursuant to Section 447-5.C of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to be exempt from the requirement for a Pool Enclosure fence to be 1.2m away from the water's edge, which does not comply with the location restrictions in Section 447-3 E. (1) (a) 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 70 Cree Avenue, for the Pool Enclosure fence located in the rear yard that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for a fence exemption permit at 70 Cree Avenue, for the existing fence Pool Enclosure to remain in the rear yard. Direct and require that at such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The property owner at 70 Cree applied for and was issued a Pool Enclosure Permit by Toronto Buildings on June 9, 2016. An inspection of the Pool Enclosure fence by an MLS Investigations Officer on July 13, 2016 revealed there were five locations where the Pool Enclosure fence did not meet the minimum setback of 1.2m from the water's edge. After consulting with Municipal Licensing and Standards the property owner submitted a fence exemption application, in writing, on July 22, 2016, for the existing Pool Enclosure fence to be exempted from the set back requirement.

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, 70 Cree Avenue, is a two story single family residential dwelling. It's located in Ward 43 south of Ellesmere Rd. east of Scarborough Golf Club Rd. in a Residential Zoned Area of Woburn Community.

Municipal Licensing Standards' review of the proposed fence installation has determined that it will not comply with maximum height restrictions for residential fences in the front yard provided by Section 447-2 of Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

GENERAL LOCATION	SPECIFIC LOCATION	DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	Pool Enclosure Fence	1. Pool Enclosure fence setback less than 1.2m from the water's edge at five locations.	Section 447-3 E. (1) (a) A swimming pool enclosure, including any gate forming part of the enclosure, shall: Be no closer than 1.2 metres horizontally to the water's edge in the pool

COMMENTS

While the existing Pool Enclosure fence violates Toronto Municipal Code, Chapter 447-Fences requirements with respect to the setback at five locations, it does not contravene any other provisions of the bylaw.

CONTACT

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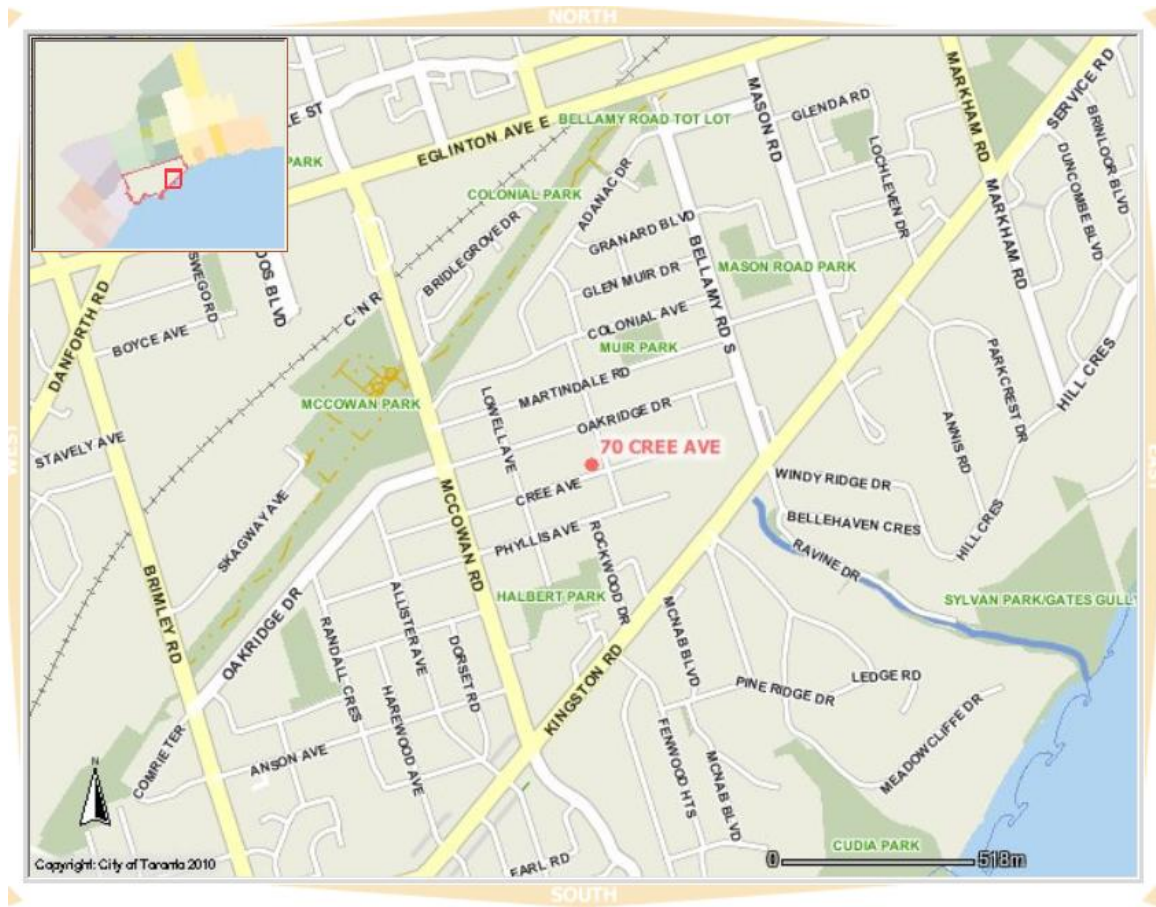
SIGNATURE

Elena Sangiuliano
Acting Manager, Scarborough District

APPENDICES

Appendix 1 - Location of 70 Cree Avenue, iView Map

Appendix 2 - Photo of existing Pool Enclosure fence.



Address	Postal Code	Former Municipality	Ward
70 CREE AVE	M1M 1Z6	SCARBOROUGH	Scarborough Southwest (36)

Appendix #1



Pool Enclosure 70 Cree Avenue

Locations where the fence is not minimum 1.2m away from the water's edge

Appendix #2