Request for a Fence Exemption – 40 Hillside Drive

Date: December 17, 2015

To: Toronto and East York Community Council

From: Municipal Licensing and Standards Division, Toronto and East York District

Wards: Ward 29 – Toronto-Danforth

Reference Number: IBMS No. 15 258317 FEN 00 IR

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The purpose of this report is to consider a request by the owner of 40 Hillside Drive to be exempted from Chapter 447 – Fences, Section 447-2(C) Access Protection. The Fence By-Law provides that if the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall.

The applicant proposes operable windows within the swimming pool enclosure.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Toronto and East York Community Council to:

1. Not grant the proposed access protection exemption for 40 Hillside Drive.
   Or
2. Grant the proposed access protection exemption to 40 Hillside Drive with the provision that it is to maintain all protective guards and attributes in place.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND
The Municipal Licensing and Standards Division received from the agent for the property owners, an application for exemption from the Fence By-law to allow operable windows within the swimming pool enclosed area. The applicant has cited proposed security measures such as window guards to ensure no access to the pool enclosure. The property owners are relocating the original pool as a result of building renovations and additions to the property. The entire property is considered a Toronto and Regional Conservation protection area and has been approved under permit number C-150866.

COMMENTS

The Council of the City of Toronto enacted the amalgamated by-law No. 472-2000 on July 6, 2000, to prescribe the height and description of fences on private property. This By-law and the amendments are now found in the Toronto Municipal Code, Chapter 447 – Fences.

CONTACT

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SIGNATURE

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ATTACHMENTS
Attachments 1-3: Photos
Attachment 4: IView mapping