TORONTO

REPORT FOR ACTION

Application for Fence Exemption – 17 Finchley Road

Date: March 1, 2018
To: Etobicoke York Community Council
From: Joy Correia, Acting District Manager - Municipal Licensing & Standards
Wards: Ward 4 – Etobicoke Centre

SUMMARY

This staff report is in regards to a matter for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to consider an application submitted by the owner of 17 Finchley Road to maintain an existing swimming pool enclosure fence/gate. The existing fence/gate measures approximately 1.06m. The fence/gate does not meet all of the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the Etobicoke York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption, by the owner of 17 Finchley Road to maintain an existing swimming pool fence/gate which measures 1.06m, contrary to the permitted regulation of 1.2m regulation found in the City of Toronto Municipal Code Chapter 447 - Fences.

   or

2. Grant the application for a fence exemption by the owner of 17 Finchley Road, without conditions, thereby allowing the swimming pool enclosure fence/gate to be maintained, as requested. Direct and require that the fence/gate be maintained in good repair without alteration. Direct and require that at such time as replacement of the swimming pool enclosure fence/gate is required, that such installations will comply fully with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property is a single family residential dwelling situated in the Islington Avenue and Dundas Street West neighbourhood of Ward 4. (Attachment 1)

The property owner is seeking relief from the by-law regulations to maintain an existing swimming pool enclosure fence/gate at the south east elevation that does not meet the required height of 1.2m, contrary to Section 447-3 of Chapter 447 of the Toronto Municipal Code.

Municipal Licensing & Standards conducted an inspection as a result of a swimming pool permit application on or about November 20, 2017 relevant to the rear swimming pool enclosure fence/gate. The investigating Officer noted a glass fence/gate secured into an aluminum channel. As a result of the officer's inspection, a Notice of Violation was issued on November 21, 2017. The fence in its current state measures 1,06m, which is prohibited. The property voluntarily applied for a fence exemption on or about November 24, 2017.

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

Municipal Licensing Standards' review of the existing swimming pool enclosure fence/gate installation has determined that it does not comply with Toronto Municipal Code, Chapter 447- Fences.

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard/South -East Elevation	South-East Elevation, abutting 15 Finchley Road and 26 Herne Hill respectively.	The existing swimming pool enclosure fence/gate does not meet the permitted height of 1.2m	Section 447-3

CONTACT

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SIGNATURE

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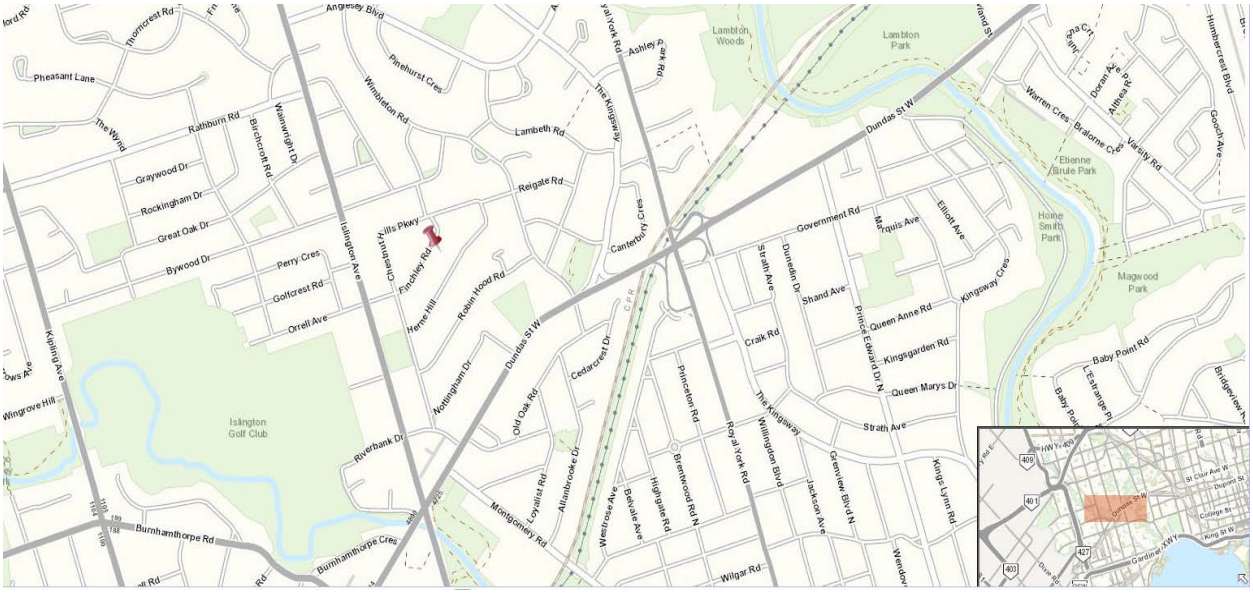
ATTACHMENTS

Attachment 1: Neighbourhood Map identifying 17 Finchley Road
Attachment 2: Fence/gate swimming pool enclosure in rear yard.



Attachment 1: Neighbourhood Map identifying 17 Finchley Road


Attachment 2: Fence/gate swimming pool enclosure in rear yard.