

Application for Fence Exemption- 16 Nordale Crescent

Date: January 15, 2019
To: Etobicoke York Community Council
From: Janet Stoeckl, District Manager Municipal Licensing and Standards
Wards: Ward 5, York South-Weston

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 16 Nordale Crescent to maintain the currently erected 4th fence - pool enclosure fence in the rear yard. The fence does not meet 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 the application for an exemption submitted by the owner of 16 Nordale Crescent, to maintain an erected wrought iron 4th fence in the rear yard, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or
2. Grant the exemption to permit the wrought iron fence in the rear yard to be sufficient in height and condition as the 4th fence - pool enclosure fence. At such time as replacement of the fence is required that the replacement fence will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

The recommendations in this report have financial impact on 16 Nordale Crescent.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property is a single family dwelling situated along the South of Nordale Crescent in Ward 2 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain an erected wrought iron pool enclosure fence, which is 0.1 metres below height requirement and facilitates climbable factors under Construction Standards, contrary to Sections 1.3.E(1)(c) of Chapter 447 of the Toronto Municipal Code.

The Municipal Licensing and Standards Division received a formal complaint regarding Pool Construction without a permit on September 4th, 2017. A Notice of Violation and Property Standards Order was served on September 4th, 2017. Application for permit to the Buildings Department was submitted on September 8th, 2017. A Pool Enclosure Permit was created on September 11th, 2017; during a final inspection on November 28th, 2018 the interior / 4th fence failed approval. A fence exemption application was submitted December 3rd, 2018.

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.

The following chart indicates the violations and relevant sections of Toronto Municipal Code, Chapter 447, Fences:

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear yard	4th fence (interior) - pool enclosure	Element or attachment facilitate climbable factor	1.3.E (1)(C)

The property owner(s) seek this exemption for safety and security of the pool enclosure and financial costs to replace.

CONTACT

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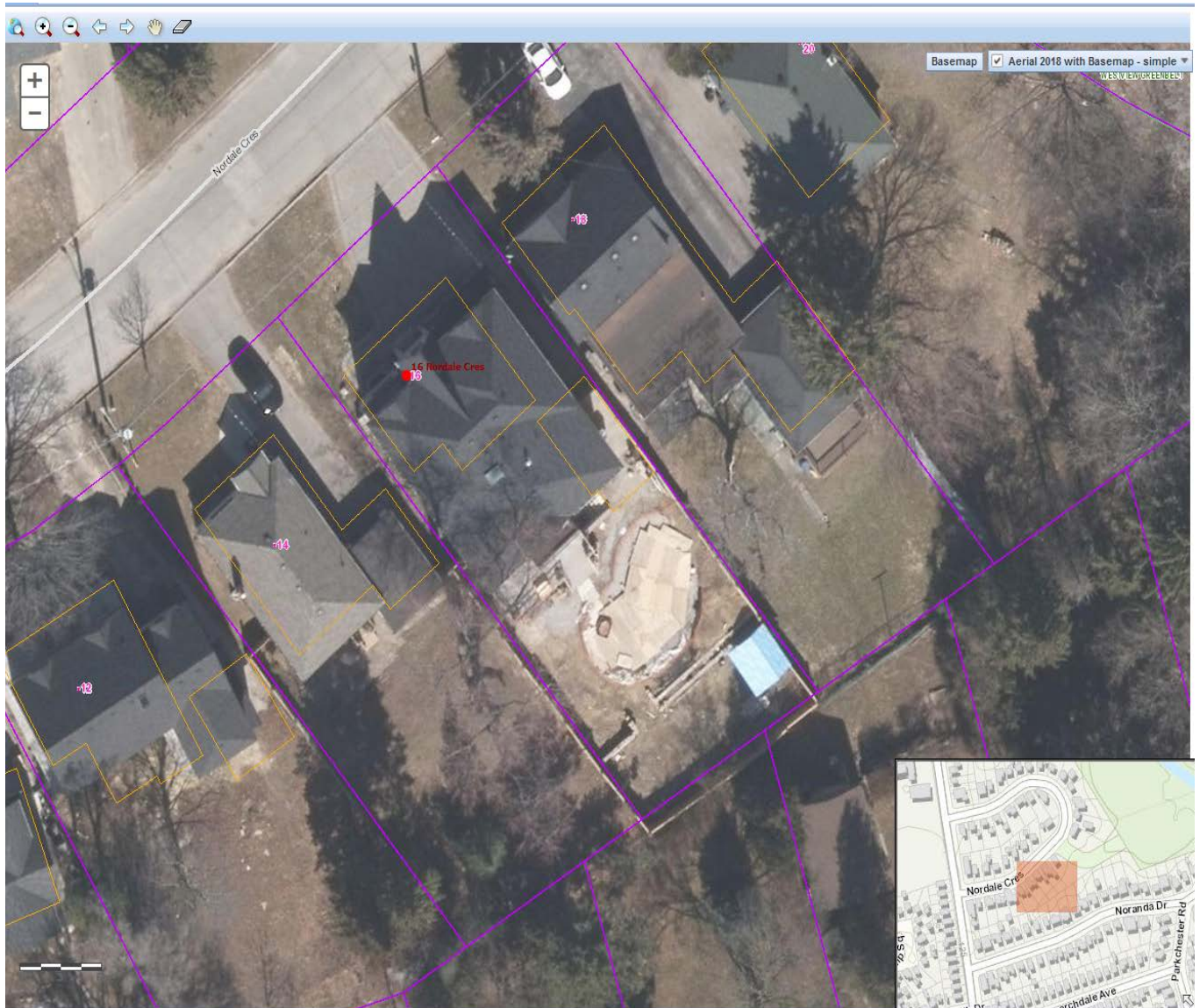
SIGNATURE

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ATTACHMENTS

Attachment 1:	View of the subject property; 16 Nordale Crescent
Attachment 2:	Pool Enclosure drawings approved by Buildings Department
Attachment 3:	North facing view exterior fence and patio pool enclosure
Attachment 4:	North facing view of dwelling walkout patio with pool enclosure
Attachment 5:	North facing view of dwelling walkout patio with pool enclosure gates
Attachment 6:	North facing view of pool enclosure and gate
Attachment 7:	North facing view of pool enclosure and gate

Attachment 1: View of the subject property; 16 Nordale Crescent



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Attachment 3: North facing view exterior fence and patio pool enclosure



Attachment 4: North facing view of dwelling walkout patio with pool enclosure



Attachment 5: North facing view of dwelling walkout patio with pool enclosure gates



Attachment 6: North facing view of pool enclosure and gate



Attachment 7: North facing view of pool enclosure and gate

