

Request for Fence Exemption – Rear yard – 84 Glencairn Ave,

Date: March 29, 2019

To: North York Community Council

From: Elena Sangiuliano, District Manager, Municipal Licensing & Standards, North York District

Wards: Ward 8 – Eglinton - Lawrence

SUMMARY

This staff report is in regards to a matter for which the North 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(s) of 84 Glencairn Ave for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to be exempt from Chapter 447–1.3 (1) – owner of a swimming pool shall erect and maintain a swimming pool enclosure that Complies with this article, Namely, Metal rod and nylon fence on the South side of the enclosure is not made or constructed in a manner which complies with the By law.

The subject property 84 Glencairn Ave is located in Ward 8, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear	South side of property, rear yard.	Pool enclosure is not made or constructed in a manner which complies with the By law	Chapter 447–1.3 (1) – owner of a swimming pool shall erect and maintain a swimming pool enclosure that Complies with this article

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the owner(s) of, 84 Glencairn Ave Pool enclosure for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and that a second un-appealable Notice of Violation be issued under the City of Toronto Municipal Code Chapter 447 Fences
OR
2. Grant the application for the Pool enclosure without conditions. Direct and require that the installation be maintained in good repair without alteration. 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 owner(s) submitted a fence exemption application, in writing, on November 20, 2018 for an existing fence in the rear yard Chapter 447 of Toronto Municipal Code –Sec 1.3 (1) – owner of a swimming pool shall erect and maintain a swimming pool enclosure that Complies with this article, Upon inspection of the property by ML&S, the fence was found to be not made or constructed in a manner which complies with the By law.

As required by Section 447-1.5 (B) (5), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North York Community Council will consider the application.

COMMENTS

Upon inspection by the Supervisor it was found that the fence was not structurally sound as well as the posts were removable and not installed in a manner which assured they were fixed and in place when not in use. The proposed Pool Enclosure violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to construction and materials permitted by the by law, it does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Elena Sangiuliano
Manager, Municipal Licensing and Standards, North York District

ATTACHMENTS

- Appendix 1 – Location Subject Property from view.
- Appendix 2 – View from South side facing north
- Appendix 3- View from South side facing North East
- Appendix 4- View of latch holding the fence to the rods
- Appendix 5 - View of the East side rod and attachment to fence
- Appendix 6 – View of notification area in relation to 84 Glencairne Ave

Appendix 1 - Location Subject Property from iView.

84 Glencairne Ave fence exemption application **Folder #18 258730 FEN 00 IR**

Location of subject property from iView:



Appendix 2 – View from South side facing north

84 Glencairne Ave fence exemption application
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Appendix 3 – View from South side facing North East

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Appendix 4 – View of latch holding the fence to the rods

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Appendix 5 – View of the East side rod and attachment to fence.

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Appendix 5 – View of notification area in relation to 84 Glencairne Ave

