

Request for Fence Exemption – 28 Bowring Walk

Date: March 19, 2019

To: North York Community Council

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

Wards: Ward 6 – York Centre

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 28 Bowring Walk 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 447-1.3E (c) permit rear yard pool enclosure which facilitates a climbable feature contrary to Chapter 447-1.3E (c) of the bylaw.

The subject property 28 Bowring Walk is located in Ward 6, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENTS
South Side	South side of property.	South side Neighbours Lattice fence is a climbable feature leading into subject property	A swimming pool enclosure, including any gate forming part of the enclosure, shall: Have no element or attachment between 100 millimetres and 1.2 metres above grade that may facilitate climbing the outside of the enclosure.

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 28 Bowring Walk, rear yard pool enclosure which facilitates a climbable feature 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 rear yard pool enclosure which facilitates a climbable feature 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 January 28, 2019 for an existing fence in the South Side 447-1.3E (c) of Toronto Municipal Code, Chapter 447- Fences as reasons for the application. Upon inspection of the property by ML&S, the fence was found to be a rear yard pool enclosure which facilitates a climbable feature contrary to 447-1.3E (c) of the bylaw.

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

The proposed pool enclosure violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to climbable feature not 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 iview.

Appendix 2 – Photo taken from South Side facing North

Appendix 3 - Photo taken from Rear yard facing South

Appendix 4 – View of notification area in relation to 28 Bowring Walk.

Appendix 1 - Location Subject Property from iView.

28 Bowring Walk fence exemption application **Folder #19-109237 FEN 00 IR**

Location of subject property from iView:



Appendix 2 – Photo taken from South Side facing North

28 Bowring Walk fence exemption application

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Appendix 3 – Photo taken from Rear yard facing South

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Appendix 4 – View of notification area in relation to 28 Bowring Walk.
fence exemption application Folder #19-109237 FEN 00 IR

