

Request for Fence Exemption – Rear– 531 Cranbrooke Ave

Date: March 26, 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 531 Cranbrooke 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 of 447-1.3 E (1) (b) of the bylaw permit Pool enclosure to violate height and climbable features contrary to 447-1.3 E (1) (b) of the bylaw.

The subject property 531 Cranbrooke Ave is located in Ward 8, on a residentially zoned property.

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENTS
Rear Yard	South Side of the property.	Pool Enclosure does not comply with current Pool enclosure requirements as related to gate height and possible climbable features within the house.	447-1.3 E (1) (b) A swimming pool enclosure, including any gate forming part of the enclosure, shall: Be no closer than one metre to any external condition that may facilitate climbing the outside of the enclosure unless the height of the enclosure is at least 1.8 metres for a distance of at least one metre on each side of the condition

GENERAL LOCATION	SPECIFIC LOCATION	EXISTING CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENTS
Rear Yard	South Side of the property.	Pool enclosure does not have a separation from the dwelling unit to the pool.	447-1.3 C (3) 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.

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 531 Cranbrooke Ave, Permit pool enclosure 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 fence height and climbable features 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 22, 2019 for an existing fence in the South Side 447-1.3 E (1) (b) and 447-1.3 C (3) 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 in violations of 447-1.3 E (1) (b) and 447-1.3 C (3) of the bylaw. The Pool enclosure was missing the forth fence which separates the dwelling from the pool. As well as the gate height and possibility of climbable features.

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 height and climbable features as per 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 East - Kitchen door

Appendix 3 – Photo taken from South Side facing North - Basement walk out door

Appendix 4 – View of notification area in relation to 531 Cranbrooke Ave.

Appendix 1 - Location Subject Property from iView.

531 Cranbrooke Ave fence exemption application **Folder #19-109223 FEN 00 IR**

Location of subject property from iView:



Appendix 2 – Photo taken from South Side facing East
Kitchen door

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Appendix 3 – Photo taken from South Side facing North
Basement walk out door

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**Appendix 4 – View of notification area in relation to 531 Cranbrooke Ave.
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