

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 62 Chartwell Rd

Date: May 31, 2021

To: Etobicoke York Community Council

From: District Manager, Municipal Licensing and Standards, West District

Wards: Ward 3 - Etobicoke-Lakeshore

SUMMARY

This staff report concerns 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 advise Council concerning an application by the property owner of 62 Chartwell Rd for a site-specific Fence Exemption, pursuant to Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to allow for a fence, which does not comply with the construction of a swimming pool meeting the standards stipulated by Section 447-1.3(E)(3) of the bylaw.

The swimming pool enclosure is located in the rear yard and is not constructed of open mesh construction. The enclosure uses a garage wall as part of the construction and does not allow for visibility of the pool from the main living area.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the property owner of 62 Chartwell Rd, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit (with or without conditions), thereby allowing the fence to be maintained as constructed. Direct and require that the

installation be maintained in good repair without alteration. 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 anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on May 11 2021, in regards to a proposed fence installation, in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences. The property owner has indicated that security cameras will be installed around the yard to ensure visibility of the pool.

As required by Section 447-1.5(B), 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 Etobicoke-York Community Council will consider the application.

The subject property, 62 Chartwell Road, is located in Ward 3. The property is a 2 storey detached residential home.

See the table below for the dimensions of the fence in question.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard		The swimming pool enclosure is made of wood and incorporates the garage wall as part of the fence. The garage does not meet the open mesh construction guidelines for the enclosure	Section 447-1.2(E)(3) Every Fence used as part of the swimming pool enclosure shall be constructed of open mesh construction

COMMENTS

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences with respect to height, it does not appear to contravene any other provisions of the bylaw.

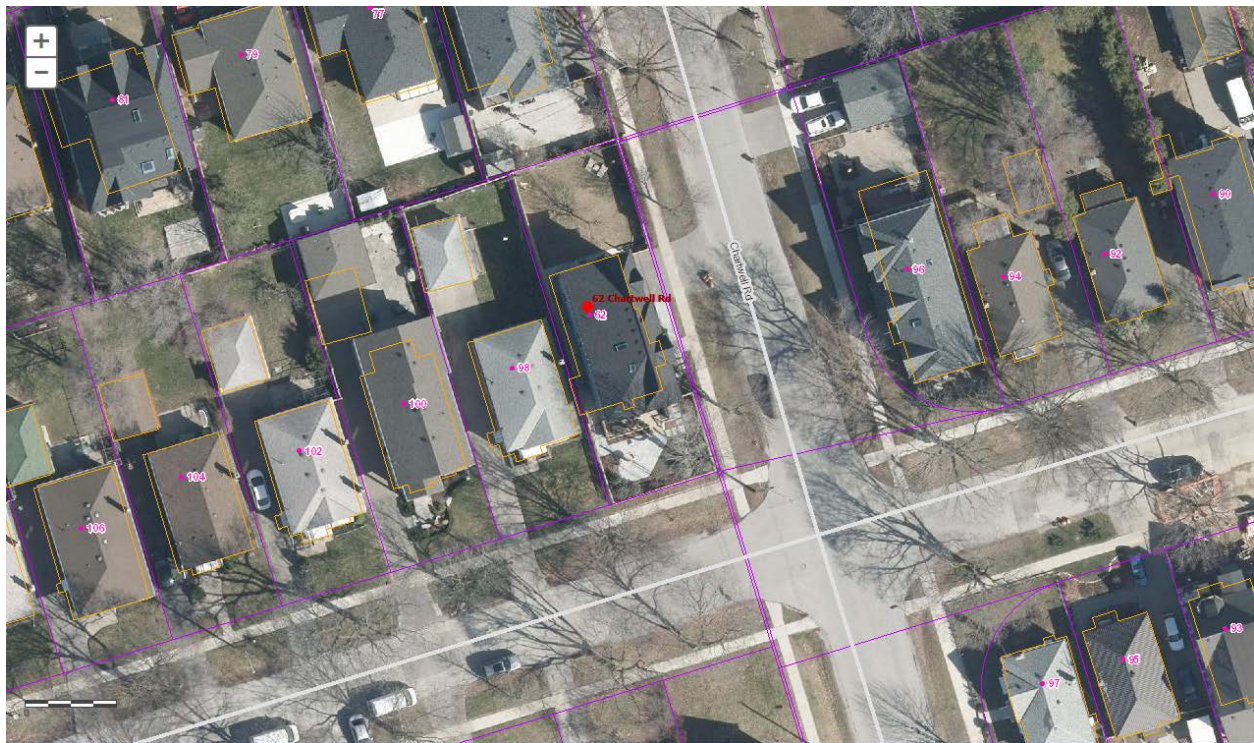
CONTACT

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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS



Attachment 1: iView Map of property – 62 Chartwell Rd



Attachment 2: photo indicates the garage used as part of the enclosure for the pool (photo taken facing South)



Attachment 3: photo taken to show the depth of the rear yard and where the pool will be located (photo taken facing North)