

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 29 Fairhaven Dr

Date: May 31, 2021

To: Etobicoke York Community Council

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

Wards: Ward 1 - Etobicoke North

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 29 Fairhaven Dr 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 construct a swimming pool enclosure, which does not comply with the standards stipulated by Section 447-1.3(E)(3) of the bylaw and to erect a new fence, which does not comply with the height standards stipulated by Section 447-1.2(B)(1) of the bylaw.

The proposed rear perimeter fence would form a barrier to the neighbouring properties and the fence material is pressure treated wood, board on board. Secondly, 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.

No complaint was filed for the fence.

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 29 Fairhaven Dr, 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 installed as. 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 April 28 2021, in regards to a proposed fence installation, in accordance with Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences.

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, 29 Fairhaven Dr, is located in Ward 1. The property is a detached bungalow 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	West side of the 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 away on either side of the fence

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	West side of the yard	The fence will be made of wood and have a height of 2.4 m (7 feet 10 inches)	Section 447-1.2(B)(1) Maximum height of 2 metres when measured at any point along its length from the average grade level measured perpendicular to and one metre away on either side of the fence
	North side of the yard	The fence is made of wood and is currently 2.1 m (6 feet 9 inches including a grade difference of 6 inches) in height	
	South side of the yard	The fence is made of wood and is currently 2.5 m (8 feet and 3 inches) in height	

COMMENTS

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

CONTACT

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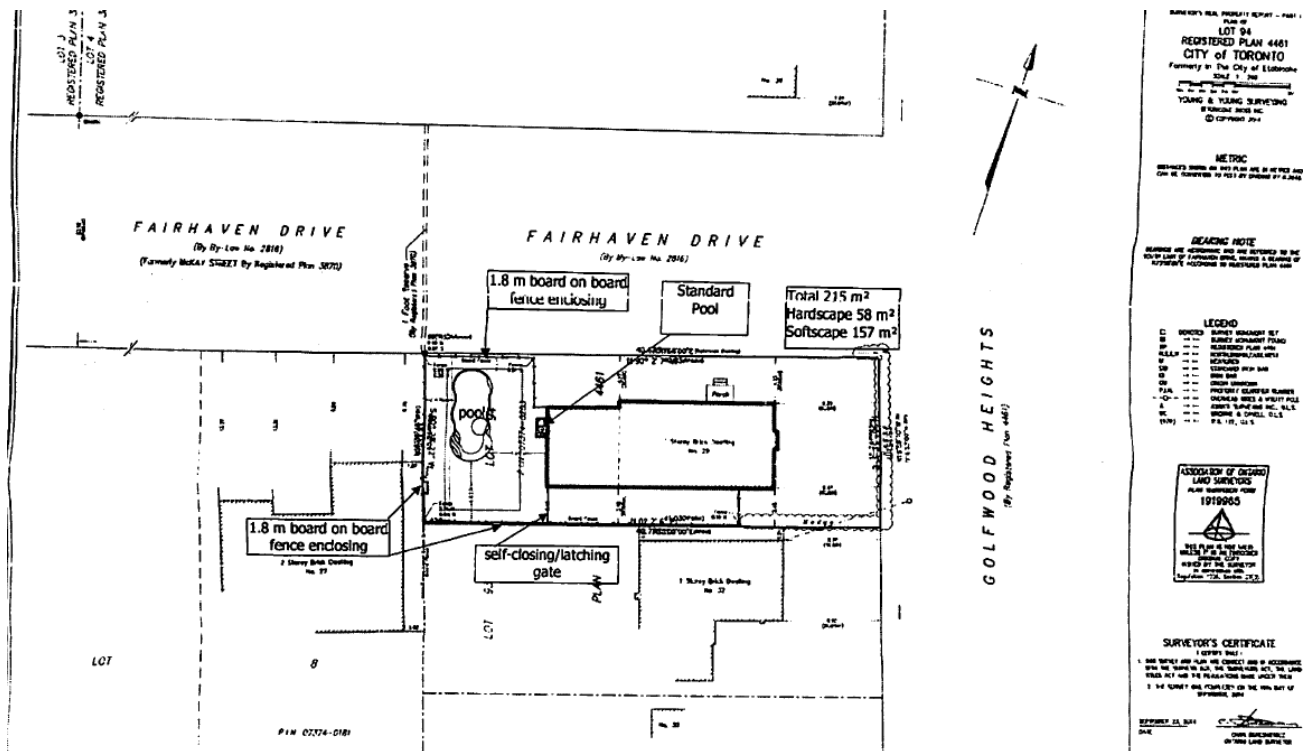
SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS



Attachment 1: iView Map of property – 29 Fairhaven Drive



Attachment 2: Pool enclosure permit plans



Attachment 3: Fence on North side of the property (photo taken facing south)



Attachment 3: Fence on North side of the property (photo taken facing west)



Attachment 5: Swimming pool enclosure using the garage as part of the enclosure (photo taken facing east)