

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 1 Rhinestone Dr

Date: May 31, 2021

To: Etobicoke York Community Council

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

Wards: Ward 2 - Etobicoke Centre

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 1 Rhinestone 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.

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 1 Rhinestone 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 May 17 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, 1 Rhinestone Dr, is located in Ward 2. 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	East 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

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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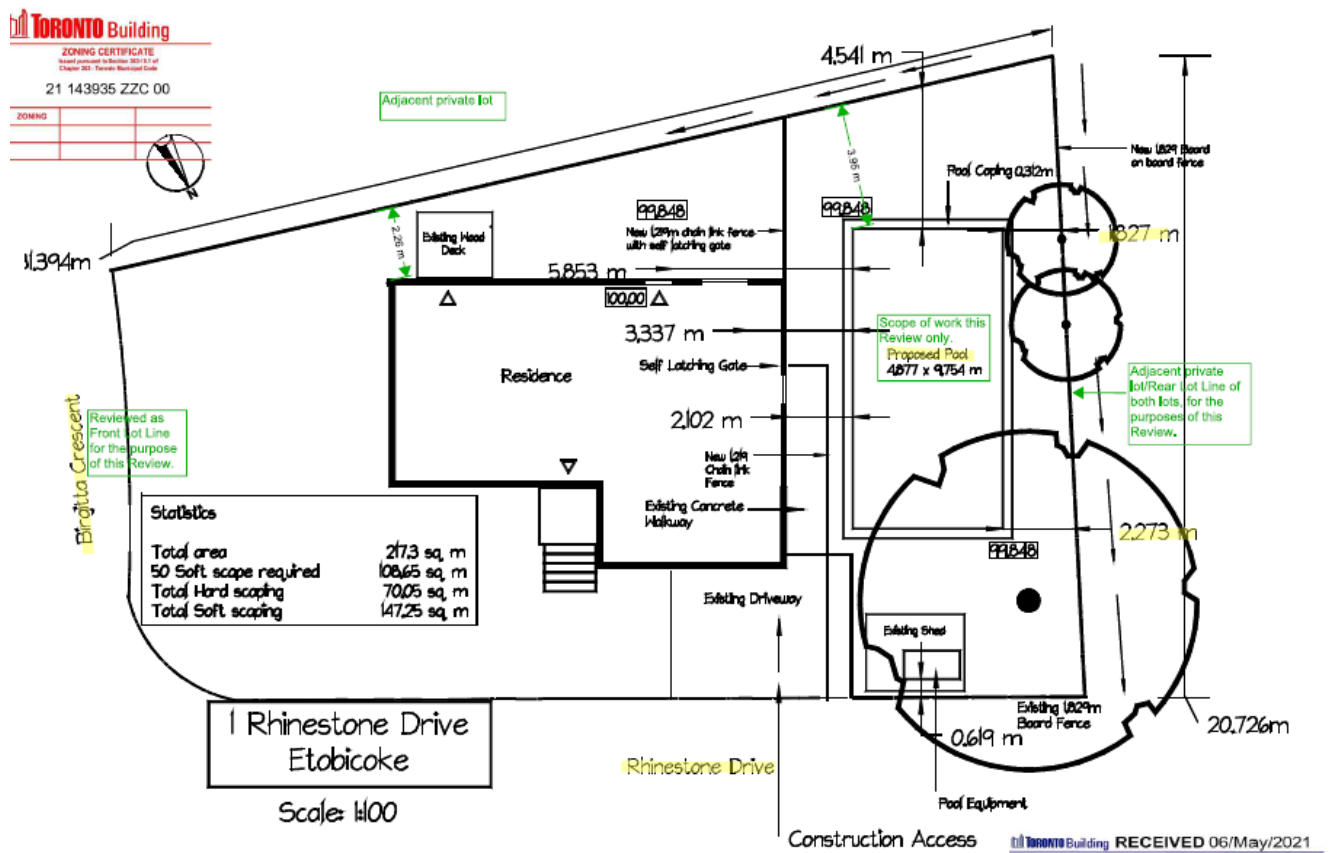
SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS



Attachment 1: iView Map of property – 1 Rhinestone Drive



Attachment 2: Pool enclosure permit plans