

City Council

Notice of Motion

MM34.14	ACTION			Ward: All
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Technical Amendment to Chapter 447 - Fences - by Councillor Stephen Holyday, seconded by Councillor Mark Grimes

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Planning and Housing Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Stephen Holyday, seconded by Councillor Mark Grimes, recommends that:

City Council amend subsections 447-1.3E(2)(b)[1] [b] and [c] of City of Toronto Municipal Code Chapter 447, Fences, so they read as follows:

(b) A wood fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner as follows:

[1] Vertical boards shall be:

[b] Spaced not more than 38 millimetres apart where horizontal rails are spaced less than 1.2 metres apart;

[c] Spaced not more than 100 millimetres apart where horizontal rails are spaced 1.2 metres apart or more.

Summary

While conducting a review of the City's Fence Chapter concerning a routine constituency matter, a technical issue within the By-law came to my attention.

Sub-section 447-1.3 concerns Pool Enclosures, and Part E contains the description of minimum construction standards for wood fences forming part of a pool enclosure. Part E (2) (b) [1] within the subsection describes vertical boards in a fence as:

"(b) spaced at least 38 mm apart where horizontal rails are spaced at less than 1.2 metres apart;"

and

"(c) spaced at least 100 mm apart where horizontal rails are spaced 1.2 metres apart or

more;"

The intent of the Chapter is to promote an effective barrier to form an enclosure and restrict access to the pool. Minimum spacing of boards is counterintuitive, and therefore these clauses should be amended to describe maximum spacing.

I have discussed this concern with staff and they have confirmed that a technical correction is necessary. Due to the urgent nature of the issue, and the safety element, a Motion before City Council is the most expedient remedy. City staff have advised that the amendment in this Motion is the appropriate solution.

Background Information (City Council)

Member Motion MM34.14