

Request for a Fence Exemption - 31 Fairleigh Crescent

Date: March 15, 2021

To: North York, Community Council

From: District Manager, Municipal Licensing and Standards

Wards: Ward 08 – 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 of 31 Fairleigh Crescent to maintain a rear yard cement board and stucco finish pool fence, which restricts the visibility of the pool from the doors that are located on the main living area, which does not meet all of the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences.

RECOMMENDATIONS

Municipal Licensing and 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, by the property owner of 31 Fairleigh Crescent, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

or

2. Grant the application for a fence exemption by the property owner of 31 Fairleigh Crescent, thereby allowing the pool fence to be maintained as constructed. At such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property, 31 Fairleigh Crescent is a two storey single family detached dwelling situated along Fairleigh Crescent in Ward 8 (Attachment # 1).

The property owner is seeking relief from the by-law regulations to maintain a rear yard pool fence that is constructed of cement board and stucco finish; which restricts the visibility of the pool contrary to Section 447-1.3.E(4) of Chapter 447 of the Toronto Municipal Code.

As required by Section 447-5(C), 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 the North York Community Council will consider the application.

Municipal Licensing Standards' investigated the wall installation and determined that it does not comply with the Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

Location	Orientation	Deficiency	By-Law Section
Rear Yard	North-South, Perimeter of rear yard.	Visibility of the pool is restricted from any door or window that is located on the main living area which obstructs the line of sight to the pool due to objects erected, planted or otherwise placed.	447-1.3 E(4)

CONTACT

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SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1 - Aerial map - 31 Fairleigh Crescent
Attachment 2 - Rear S/E Yard - 31 Fairleigh Crescent
Attachment 3 - Stairs into Pool - 31 Fairleigh Crescent
Attachment 4 - Rear N/E Yard - 31 Fairleigh Crescent
Attachment 5 - View from the deck - 31 Fairleigh Crescent
Attachment 6 - Kitchen exit door, facing the pool - 31 Fairleigh Crescent



Attachment 1 - Aerial map - 31 Fairleigh Crescent



Attachment 2 - Rear S/E Yard - 31 Fairleigh



Attachment 3 - Stairs into Pool - 31 Fairleigh Crescent



Attachment 4 - Rear N/E Yard - 31 Fairleigh Crescent



Attachment 5 - View from the deck - 31 Fairleigh Crescent



Attachment 6 - Kitchen exit door, facing the pool - 31 Fairleigh