



REPORT FOR ACTION

Re-opening NY23.38: Request for Fence Exemption – 24 Swiftdale Place

Date: March 17, 2021
To: North York Community Council
From: Manager, Municipal Licensing and Standards, East District
Wards: 16 – Don Valley East

SUMMARY

This staff report concerns 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 advise Council concerning an application submitted by the owner of 24 Swiftdale Place for a site-specific Fence Exemption, pursuant to Section 447- 1.5 B. (1) of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to exempt the location of the Swimming Pool Enclosure Gate in the rear yard which does not comply with the location restrictions in Section 447-1.3. E. (1) (a) a violation as detailed below in the following chart:

The subject property, 24 Swiftdale Place, is located in Ward 16, in a residential zone property.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Pool Enclosure in the rear yard. Juliet Gate around rear door from Garage.	The Juliet Gate constructed out of 38mm chain link fencing is too close to the pool.	Section 447-1.3. (1) A swimming pool enclosure, including any gate forming part of the enclosure, shall: (a) Be no closer than 1.2 metres horizontally to the water's edge in the pool;

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the North York Community Council:

1. Refuse to grant the application for an exemption permit, by the owners of 24 Swiftdale Place, for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences.

OR

2. Grant the application for the proposed fence thereby to be constructed at 24 Swiftdale Place. Direct and require that 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

Bonavista Pools applied for a Pool Fence Enclosure Permit at 24 Swiftdale Place on July 13, 2018, two months after Toronto Buildings had issued the Building Permits to construct a new dwelling at 24 Swiftdale Place. The Pool Fence Enclosure Permit was issued on July 24, 2018.

By-law Enforcement Officer Bruce Quick attended 24 Swiftdale Place on May 29, 2020, for a Pool Fence Enclosure inspection and met with Peter Brown of Bonavista Pools. During the inspection, the Pool was observed to be installed as per plan 1.2 metres away from the back wall of the garage. The Officer also observed there was a door into the pool enclosure at the rear of the garage not on the original plan. Mr. Brown was informed the proposed Juliet Gate around the door would be in violation of Section 447-1.3. E. (1) (a) of the Fence Bylaw.

On November 17, 2020 Mr. Brown, on behalf of the property owners of 24 Swiftdale Place applied for Fence Exemption to permit the Juliet Gate to be installed.

As required by Section 447- 1.5 B.(5), 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 Scarborough Community Council will consider the application.

COMMENTS

The proposed fence violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to the Juliet Gate that is in non-compliance with provisions pertaining to the distance away from the water's edge in the pool.

CONTACT

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SIGNATURE

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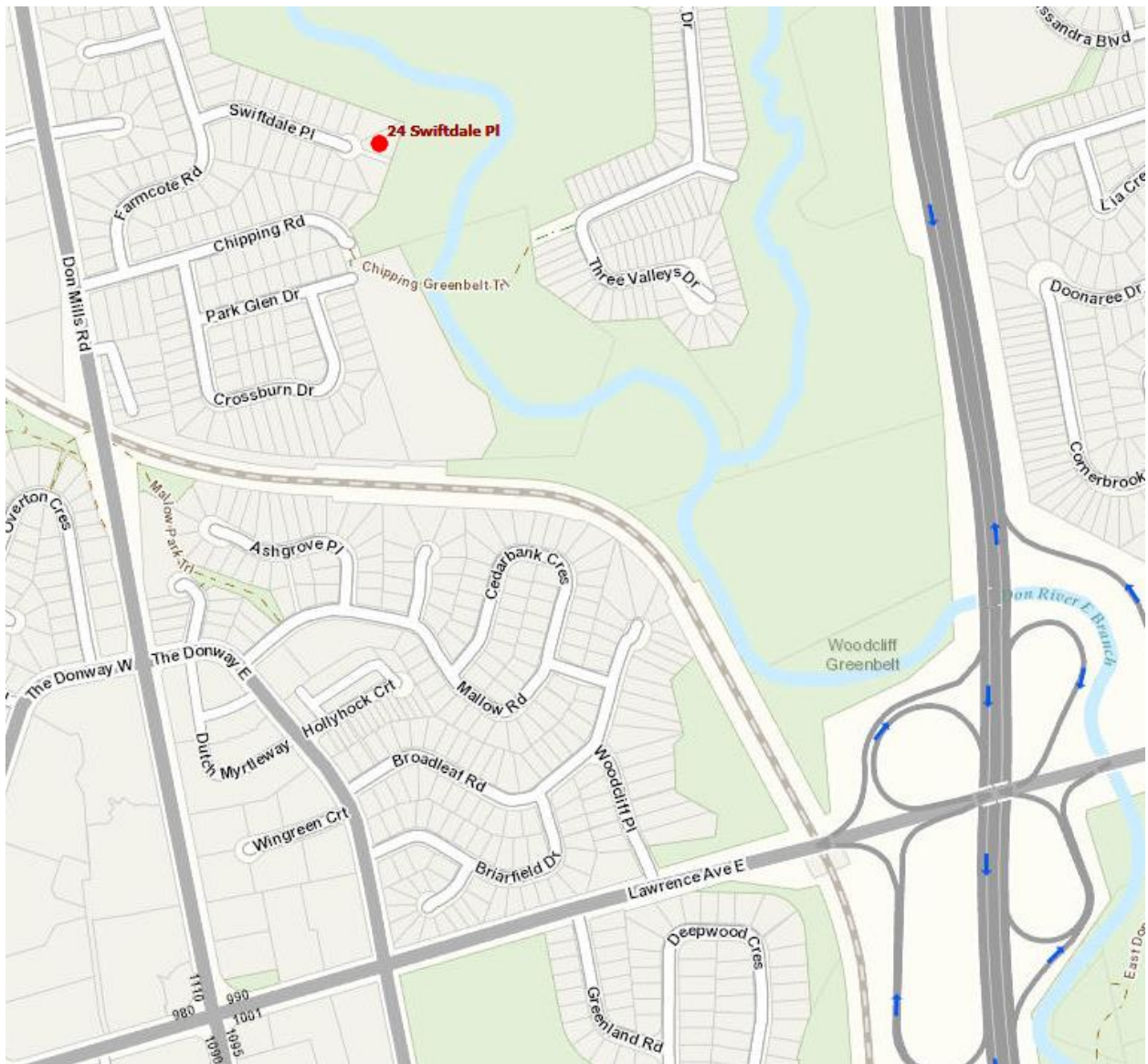
ATTACHMENTS

Attachment 1. – Location of 24 Swiftdale Place. iView Map

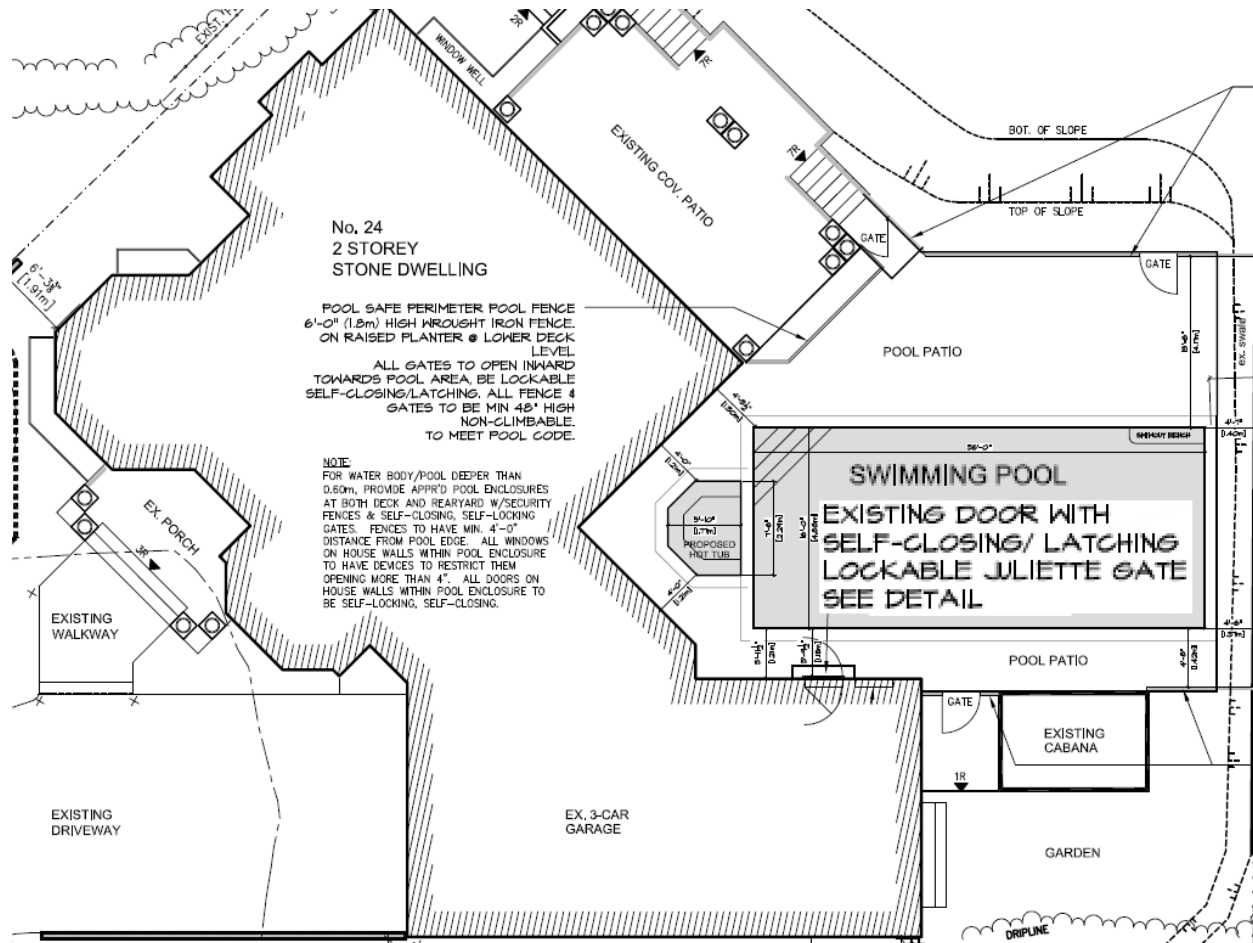
Attachment 2. –. Site Plan

Attachment 3. – Photo of Juliet Gate

Attachment 1. - Location of subject property iView Map



Attachment 2. – Site Plan



Attachment 3. – Photo of Juliet Gate

