

Application for Fence Exemption 134 Rykert Crescent

Date: May 6, 2021
To: North York Community Council
From: East District Manager Municipal Licensing and Standards
Wards: Ward 15- Don Valley West

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 homeowner of 134 Rykert Crescent requesting access from the property's home to the pool enclosure area in the rear yard remain without a fourth fence.

The pool enclosure does not meet the requirements specified in City of Toronto Municipal Code, Chapter 447, Fences. (Table #1 for violation deficiency and By-law section)

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse the application for an exemption submitted by the homeowners of 134 Rykert Crescent to allow access from the property's home to the pool enclosure area in the rear yard through openings in the wall of the building, which does not comply with provisions of City of Toronto Municipal Code, Chapter 447, Fences, and direct that a second unappealable Notice of Violation be issued under City of Toronto Municipal Code, Chapter 447, Fences; or
2. Grant the exemption to the homeowners of 134 Rykert Crescent to allow access through openings in the wall of the building to the pool enclosure area in the rear yard to remain without the benefit of a fourth fence. If at any time a replacement of any fence forming part of the pool enclosure is required, that the replacement fence will comply with Municipal Code Chapter 447, Fences or its successor by-law.

FINANCIAL IMPACT

The recommendations in this report have no financial impact.

DECISION HISTORY

An application for a fence exemption was submitted by the property owners based on the fact that they are requesting access from openings in the wall of the dwelling that from part of the pool enclosure area in the rear yard which is in violation of the TCM 447- Fences. Accordingly, all required notifications have been sent in accordance with Municipal Code Chapter 447, by the City Clerk's office of the date that the application for exemption will be considered by North York Community Council. (Attachment 1)

COMMENTS

A pool enclosure inspection was conducted at the property, and it was determined that the subject property has openings in the wall of the building which form part of the pool enclosure area in the rear yard, which does not comply with the provisions of Toronto Municipal Code Chapter 447- Fences.

Table #1

LOCATION	ORIENTATION	DEFICIENCY	BY-LAW SECTION*
Rear Yard	South, West and East side of the property	If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall, namely access from basement walkout, stairs by the gate and patio door entrance.	1.3 C.(3)

As a result of these findings of non-compliance, a Notice of Violation was issued to the property owner. In response to the Notice of violation, the property owners submitted an application for a Fence Exemption.

The Fence Exemption application was submitted by the homeowner of 134 Rykert Crescent on the grounds that the fourth fence preventing access from openings in wall of building forming part of the pool enclosure is not required due to the fact that the property owner has purchased an Elephant Pool Cover.

However, should the North York Community Council decide to grant the owner the exemption, the owner will be subject to the conditions for compliance as set out in recommendation 2.

CONTACT

Gail Pryce
Municipal Licensing and Standards
East District Supervisor
Tel: 416-396-7431 Fax: 416-395-7056
Email: Gail.Pryce@toronto.ca

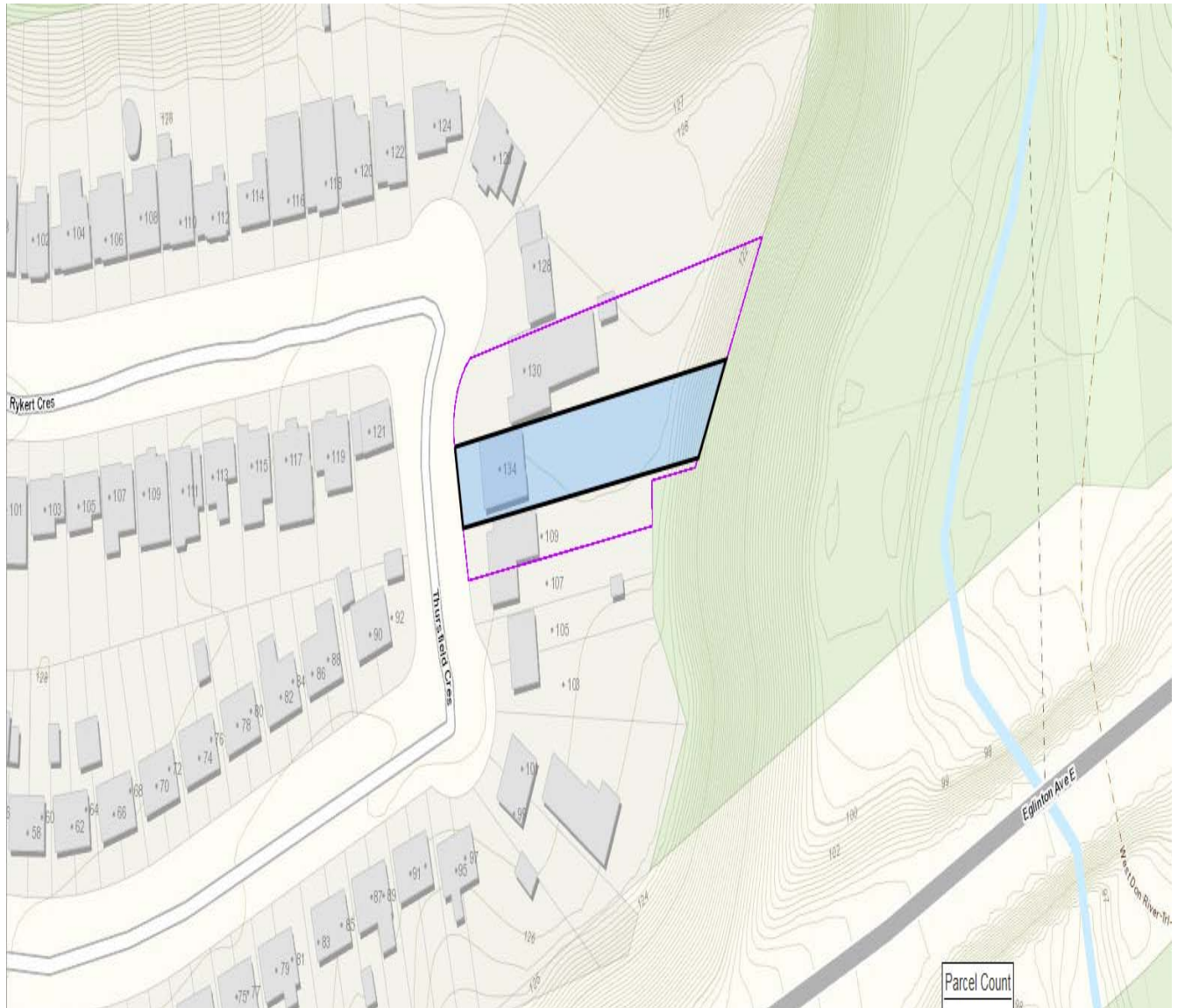
SIGNATURE

Elena Sangiuliano, East District Manager
Municipal Licensing and Standards
Tel: 416-392-3088 Fax: 416-395-7056
Email: Elena.Sangiuliano@toronto.ca

ATTACHMENTS:

1. View of Notification area for 134 Rykert Crescent
2. Front view of 134 Rykert Crescent
3. West view of the pool enclosure area
4. Stairs from property to pool enclosure area
5. Walkout from basement into pool enclosure area

Attachment 1: View of Notification area for 134 Rykert Crescent



Attachment 2: Front view of 134 Rykert Crescent



Attachment 3: West view of the pool enclosure area.



Attachment 4: Stairs from property to pool enclosure area



Attachment 5: Walkout from basement into pool enclosure area.

