

**Request for Fence Exemption – Pool Enclosure –
237 Warren Rd, Toronto.**

Date: November 17th, 2020

To: Toronto and East York Community Council

From: Chris Ellis, District Manager, Municipal Licensing & Standards, Toronto and East York District

Wards: Ward 12.

SUMMARY

This staff report is in regards to a matter for which the Toronto and East 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(s) of 237 Warren Rd for a site-specific Fence Exemption, pursuant to the Toronto Municipal Code, Chapter 447- Fences. The property owner(s) is seeking Council's permission to be exempt from Chapter 447–1.3.C(3) –'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', contrary to Section 447-1.3.C(3) of the bylaw, as detailed in the following chart:

The subject property 237 Warren Rd is located in Ward 12, on a residentially zoned lot.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT
Rear yard	Rear wall of property, leading into rear yard / Proposed enclosed pool area.	Access to pool area through wall of building that forms part of a pool enclosure.	Chapter 447–1.3.C(3) 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.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the owner(s) of 237 Warren Rd, for failing to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences as it relates to pool enclosures.

OR

2. Grant the application for the proposed pool enclosure without conditions. Direct and require that the installation be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence or enclosure is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

Bonavista Pools on behalf of the owner(s) submitted a fence exemption application, in writing, on 20th August 2020 for a new pool enclosure installation to be exempt from the provision in the bylaw that there shall be no access to the enclosed pool area through the wall of the building that forms part of the pool enclosure, contrary to Section 447-1.3.C (3) of Toronto Municipal Code, Chapter 447- Fences, as reasons for the application.

Upon inspection of the property by ML&S, the house, pool, enclosure and landscaping are still under construction.

There are ten (10) doorway openings and nine (9) opening windows on the ground floor leading from the house into the proposed enclosed pool area.

The proposed swimming pool installation would have a mechanical pool safety cover. In order to retract the cover to access the pool, a key would be required to operate the mechanism. There would be no part of the pool enclosure between the openings in the house, and the pool.

As required by Section 447-5(C), Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Toronto and East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application.

COMMENTS

The proposed pool enclosure violates Toronto Municipal Code, Chapter 447- Fences requirements with respect to a wall of a building which forms part of the pool enclosure, has access through it into the enclosed area. It does not contravene any other provisions of the bylaw.

CONTACT

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SIGNATURE

Christopher Ellis
Manager, Municipal Licensing and Standards, Toronto and East York District

ATTACHMENTS

Appendix 1 – Proposal Plan Drawing

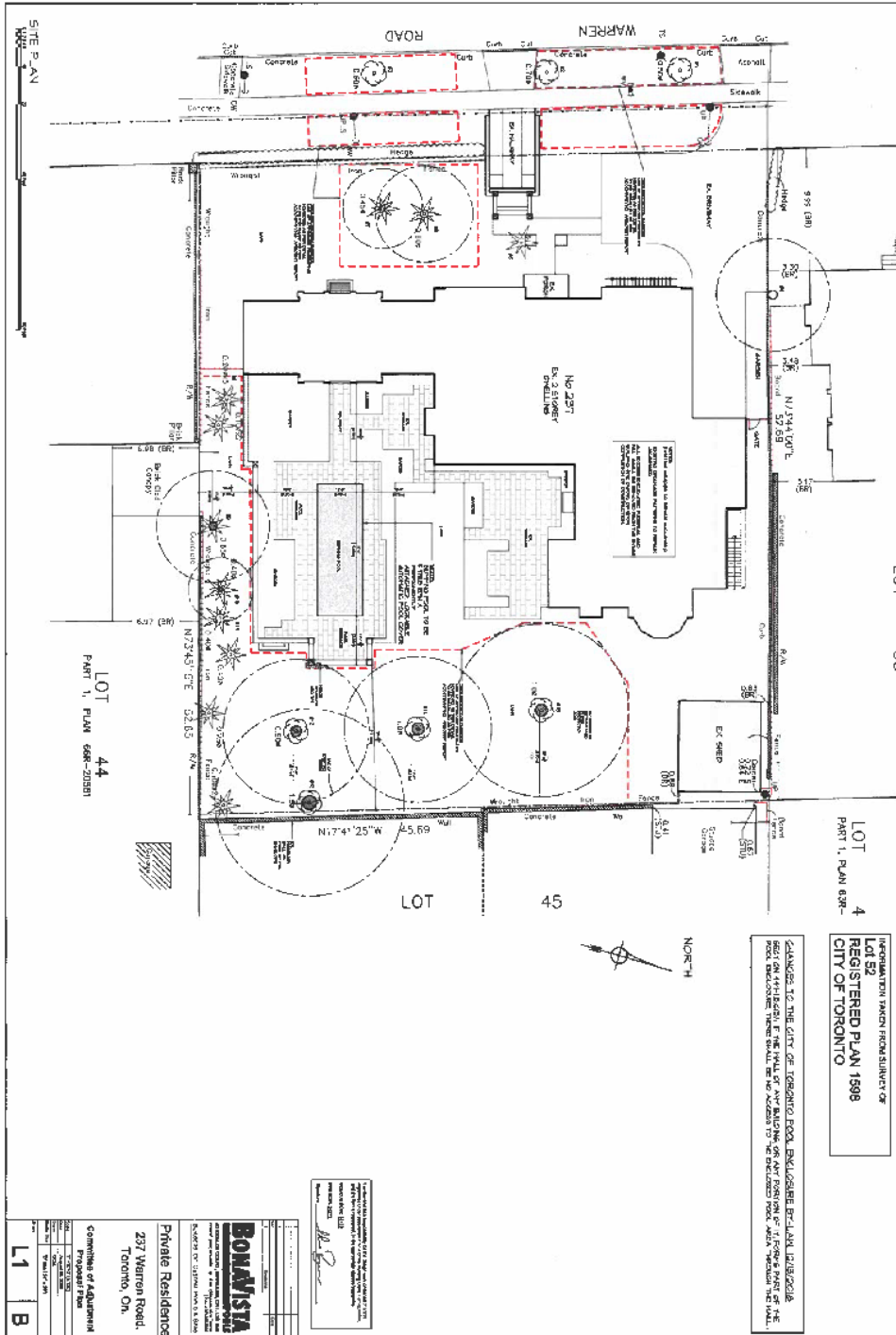
Appendix 2 – Elevation photo taken from pool area of the rear yard of property looking towards house showing opening doors.

Appendix 2a - Elevation photo taken from pool area of the rear yard of property looking towards house showing opening doors.

Appendix 1 – Proposal Plan Drawing

237 Warren Rd fence exemption application Folder #20

193362 FEN 00 IR



**Appendix 2 – Elevation photo taken from pool area of
the rear yard of property looking towards house
showing opening doors.**

**237 Warren Rd fence exemption application
Folder #20 193362 FEN 00 IR**



**Appendix 2a – Elevation photo taken from pool area of
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