

Application for Fence Exemption – 438 Heath St. E.

Date: January 12, 2022

To: North York Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 15 – Don Valley West

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 consider an application by the owner(s) of 438 Heath St. E., to maintain a chain link fence in the rear yard on the west side of the property which has 2 ½ inch mesh surrounded by approximately 15 feet high/100 feet long cedars, which extend approximately 4 - 5 feet in depth on both sides of the chain link fence. Also, to maintain the same chain link fence, which is less than 1.2 metres in height in a few sections. The chain link fence height and location between the cedars are forming part of a pool enclosure does not meet the requirements of a pool enclosure as specified in the Toronto Municipal Code, Chapter 447-1.3 - Fences. A Notice of Violation was issued on September 15, 2021.

RECOMMENDATIONS

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

1. Refuse to grant the application for an exemption permit, by the owner(s) of 438 Heath St E., to allow them to maintain both the chain link fence with 2 1/2 inch mesh located between the existing cedars, and in some sections measures less than the required 1.2 metres in height, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.3 Table 3 - Minimum Standards for Chain-Link Fence Construction.

OR

2. Grant the application to maintain the existing chain link fence in the rear yard, west side of the property, which in some sections is less than the required 1.2 metres in height and has 2 1/2 inch mesh and surrounded by approximately 100 feet of cedar trees extending approximately 5 feet in depth on both sides of the chain link fence.

Direct and require that existing fence and cedars be maintained in good repair without alteration. Direct and require that at such time as replacement of the fence 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

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 North York Community Council will consider the application.

COMMENTS

The proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to swimming pool enclosures.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	West side of the property.	Rear Yard - West Side of Property: Swimming pool enclosure is less than 1.2 metres high on single residential property. Namely, there is a section of chain link fencing at the North End of the chain link fence that measures less than the 1.2 meters or 48inch height requirement.	Enclosure Height: The minimum height of a swimming pool enclosure above the highest outside grade within one metre of the enclosure shall comply with the following Table when measured at any point along the enclosure – Pool on Single Residential Property – 1.2 metres in height.

		West Side of Property - Rear Yard: Swimming pool enclosure and gate made of chain-link material is constructed of a chain link mesh greater than 38 millimetres.	Minimum Standards for Chain-link fence construction – Mesh size 38 millimetres maximum.
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CONTACT

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SIGNATURE

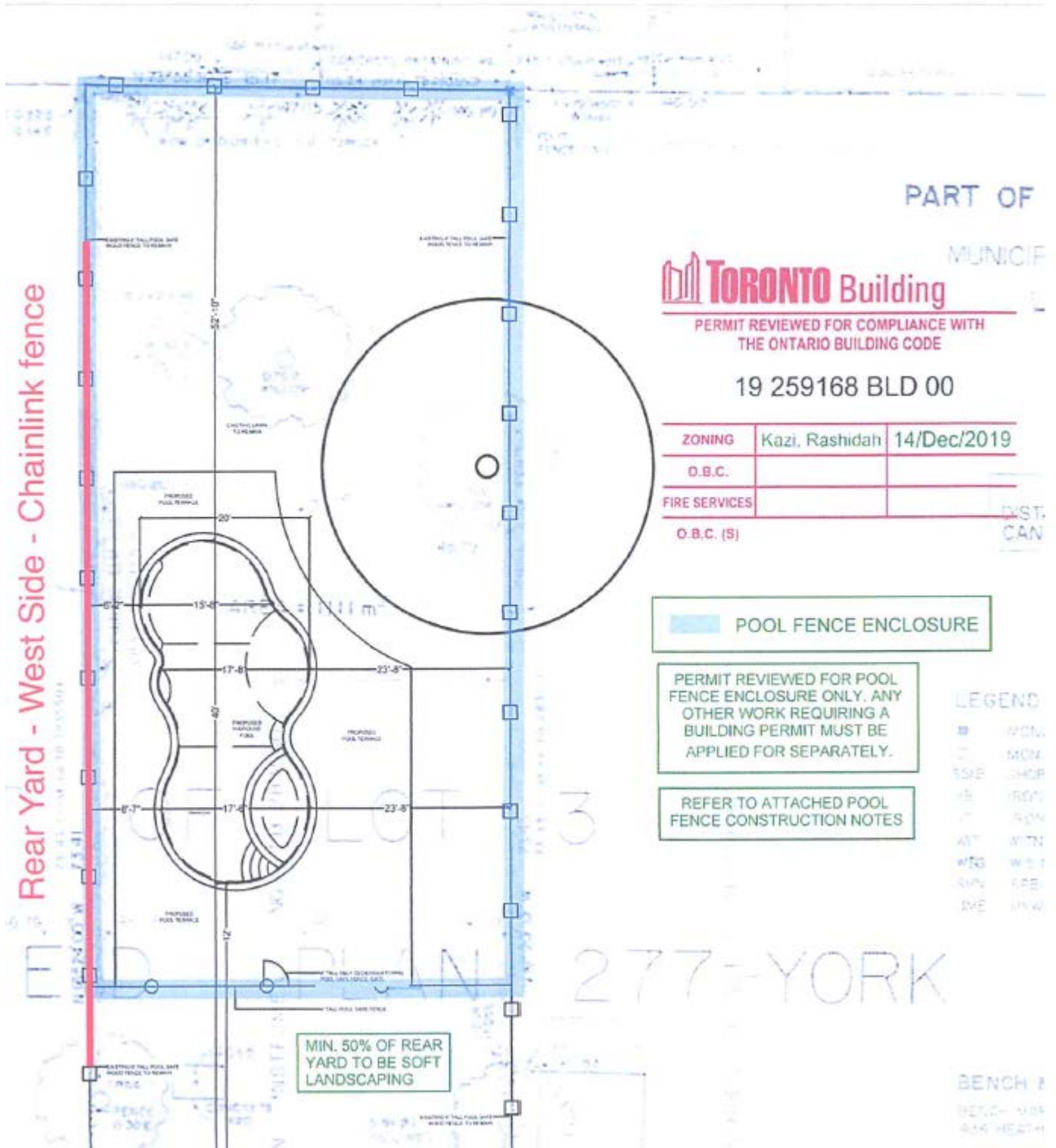
Elena Sangiuliano
Manager, Municipal Licensing and Standards, East District

ATTACHMENTS

1. I-view image of 438 Heath Ave. E.
2. Approved site plan – 438 Heath Ave. E.
3. Drone photo of pool after installation (supplied by homeowner).
4. Photo showing hedge supplied by homeowner facing south
5. Additional photo of hedge supplied by homeowner



Attachment #1 – I-view image of 438 Heath Ave. E.



Attachment 2 – Approved Site Plan – 438 Heath Ave. E.



*Drone shot after pool was completed

Attachment 3 – Drone photo of pool after installation (supplied by homeowner).



Attachment 4 – Photo showing hedge supplied by homeowner facing south



Attachment 5 – Additional photo of hedge supplied by homeowner