

Application for Fence Exemption – 188 York Mills Road

Date: April 8, 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 188 York Mills Road to maintain a 1.0 meter (42 inch) tempered glass guard rail on the balcony in the rear yard which does not meet the require height of 1.2 meters (47inches) as required in The Toronto Municipal Code, Chapter 447-1.3D(1) Table 2 - Minimum Height of swimming pool enclosure and to allow access through a wall of a building that forms part of the enclosure contrary to the City of Toronto Municipal Code Chapter 447-1.3(C)3 Access Protection. A Notice of Violation was issued on August 23, 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 188 York Mills Road, to allow them to maintain the 1.0 meter (42 inch) tempered glass guard rail on the balcony and to allow access through a wall of a building that forms part of the enclosure contrary to the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.3D(1) and 447-1.3(C)3.

OR

2. Grant the application for an exemption permit, by the owner(s) of 188 York Mills Road, to allow them to maintain the 1.0 meter (42 inch) tempered glass guard rail on the balcony and to allow access through a wall of a building that forms part of the enclosure. Direct and require that the existing fence be maintained in good repair without alteration. Direct and require that at such time as a 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 447-1.5(B)(1), 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	Rear yard & balcony	Current guard is 1.0 meters (42 inches) Wall of building forms part of the pool enclosure and provides direct access to the pool area	447-1.3D(1) Table 2 Minimum Required height is 1.2 meters 447-1.3(C)3 Access protection – 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.

CONTACT

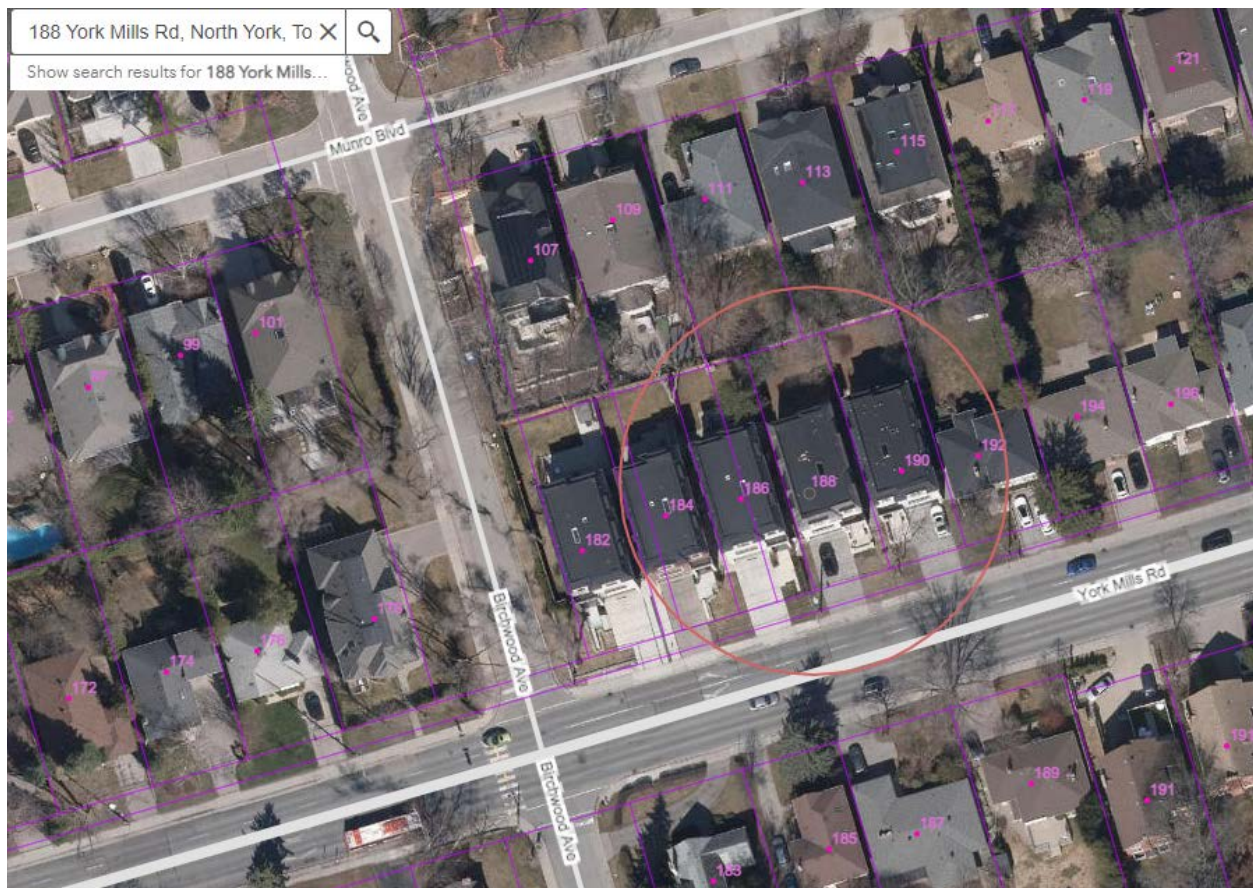
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SIGNATURE

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Manager, Municipal Licensing and Standards, East District

ATTACHMENTS

- Attachment 1: iView Map of Property – 188 York Mills Road
- Attachment 2: Photo of rear yard showing balcony rail
- Attachment 3: Photo of balcony rail
- Attachment 4: Photo of patio door providing direct access to pool
- Attachment 5: Photo of 2nd patio door providing direct access to pool



Attachment 1: iView Map of Property – 188 York Mills Road



Attachment 2: Photo of rear yard showing balcony rail



Attachment 3: Photo of balcony rail



Attachment 4: Photo of patio door providing direct access to pool



Attachment 5: Photo of 2nd patio door providing direct access to pool