



Application for Fence Exemption – 99 Broadway Avenue

Date: May 29, 2022
To: Toronto and East York Community Council
From: District Manager, Municipal Licensing and Standards, Central District
Wards: Ward 12

SUMMARY

This staff report concerns 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 advise Community Council concerning an application by the property owner of 99 Broadway Ave. for a site-specific Fence Exemption, pursuant to Section 447-1.5(B) of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Community Council's permission to keep a fence for a pool enclosure at the height of 1.2 metres. This pool fence enclosure will be located on the 6th floor podium of 95-99 Broadway Ave. This outdoor terrace is flanked on the north and south by the two condominium towers. The east and west sides has 2.0 metres wind screens. This would not comply with the standards stipulated by Section 447-1.3 D. Namely, Pool fence on Multiple Residential Property is to be at least 1.8 metres in height.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, Central District recommends that Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 99 Broadway Ave, for a proposed fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447-1.3 D- Fence Bylaw.

OR

2. Grant the application for an exemption permit to the property owners of 99 Broadway Ave., thereby allowing the proposed fence to be installed. 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 is required that such installation will comply with Municipal Code Chapter 447, Fences, or its successor by-law.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on January 31 2022, in regards to an existing fence installation, in accordance with Section 447-1.3(D) of Toronto Municipal Code, Chapter 447- Fences.

As required by Section 447-1.5(B), 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.

The pool is located on an outdoor terrace flanked on the north and south side by the condominium towers, and to the east and west by 2 metre high wind screens. The full glass enclosure provides clear visibility of the pool from the interior amenity rooms. There is no public entry to the pool area, and access to the pool area is provided only to the residents and their guests. The builder will render the pool area secure and safe by locking the access gates when the pool is not operational.

The subject property of 99 Broadway Ave. is located in Ward 12, on a CR zone. This property is a high rise condominium.

See the table below for the dimensions of the fence in question.

GENERAL LOCATION	SPECIFIC LOCATION	PROPOSED CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
6 th floor podium	To be located around the perimeter of the outdoor amenity. East and west side fence	Minimum height for a swimming pool enclosure on a Multiple Residential property is 1.8 metres. They are requesting this to 1.2 metres, similar to a single residential property.	Section 447-1.3(D) (1) Table 2 of Toronto Municipal Code. Minimum height of a swimming pool enclosure on a multiple Residential property- 1.8 metres

COMMENTS

While the proposed fence violates Toronto Municipal Code, Chapter 447- Fences with respect to its height, section of the north and south sides are adjoining onto residential condominium properties at 95 and 99 Broadway Avenue with 2 access points on each side, equipped with self-closing and self-latching glass gates. The pool area can only be accessed with the use of a fob device. The east and west sides are equipped with 2 metres height wind screens. All other aspects around the pool do not appear to contravene other provisions of the bylaw except the location of the handle on the lock installed below 1.5 Metres on the outside of the pool area, which has been brought to the attention of the applicant.

CONTACT

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SIGNATURE

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ATTACHMENTS

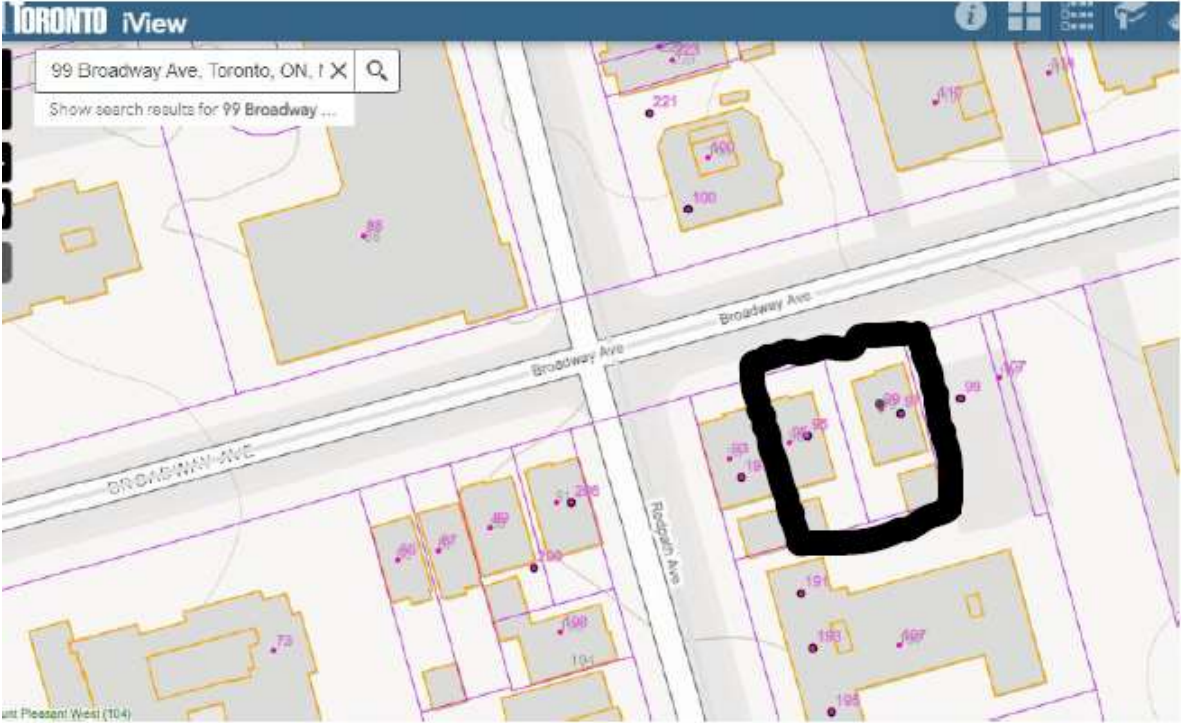
Attachment 1: iView Map of property – 95-99 Broadway Ave.

Attachment 2: Glass fence 1.2 Metres with self-closing device

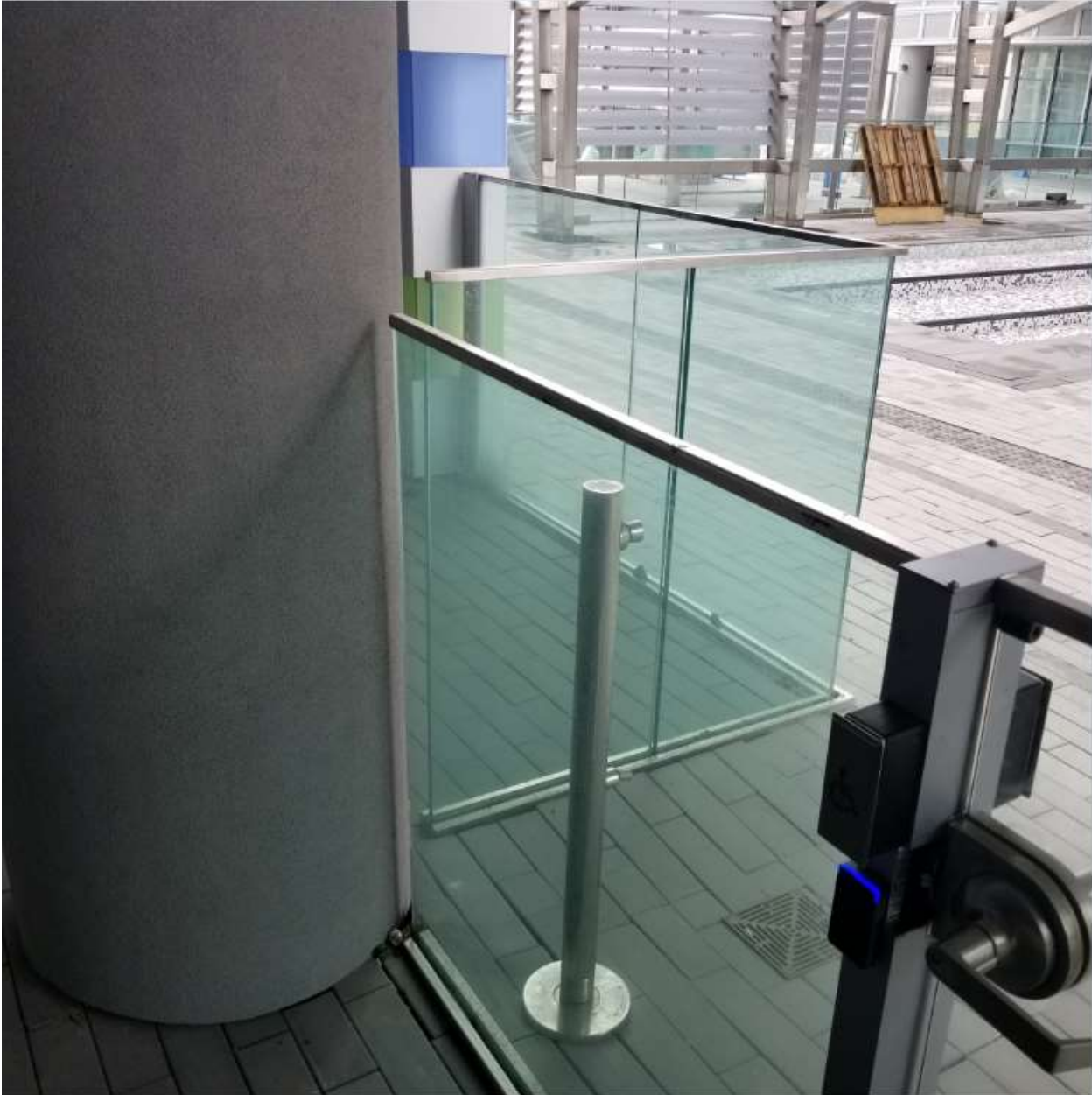
Attachment 3: Glass fence 1.2 Metres at 95 Broadway Ave.

Attachment 4: Glass fence 1.2 Metres with self-closing device and west view of the
Wind-screen

Attachment # 1: iView Map of property – 95-99 Broadway Ave.



Attachment # 2: Glass fence 1.2 Metres with self-closing device and east view of the wind screen.



Attachment 3: Glass fence 1.2 Metres at 95 Broadway Ave.



Attachment 4: Glass fence 1.2 Metres with self-closing device and west view of the wind screen

