

Application for Fence Exemption – 46 Ferris Road

Date: May 30, 2022
To: Toronto & East York Community Council
From: Manager, Municipal Licensing & Standards, Central District
Wards: Ward 19 – Beaches-East York

SUMMARY

This staff report concerns a matter for which the Toronto & 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 by the owner(s) of 46 Ferris Road to maintain a fence of vinyl horizontal boards in the rear yard on the east side of the property that measures 1.8 meters (5.9 feet) high. The fence is part of a pool enclosure and vinyl was used for aesthetics. The Toronto Municipal Code, Chapter 447-1.2A (5)-Restrictions on fences states that every fence that uses materials not usually intended for use in permanent fencing, unless specifically permitted by this chapter or another by-law. Based on a complaint, a Notice of Violation was issued on March 11, 2021.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto & East York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 46 Ferris Road, to maintain a vinyl fence in the rear yard on the east side of the property that measures 1.8 meters (5.9 feet) which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.2A (5)-Restrictions on fences.

OR

2. Grant the application for an exemption permit, by the owner(s) of 46 Ferris Road, to allow them to maintain a vinyl fence in the rear yard on the east side of the property that measures 1.8 meters (5.9 feet). 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-Fences, 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 Toronto & East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto & East 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 (East side)	The existing fence is made of vinyl.	447-1.2A (5)- Restrictions on fences Materials not usually intended

The fence on the east side of the rear yard is made of vinyl, which violates Toronto Municipal Code, Chapter 447-Fences. There is also an issue with the self-closing gate mechanism. The Toronto Municipal Code, Chapter 447-1.3C (6.C.1) – Access Protection states that every gate in a swimming pool enclosure shall be self-closing and equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside at least 1.5 meters above grade.

CONTACT

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SIGNATURE

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

ATTACHMENT

Attachment 1: iView Map of Property
Attachment 2: Applicant photo of fence
Attachment 3: Applicant photo of fence



Attachment 1: iView Map of Property



Attachment 2: Applicant photo of fence



Attachment 3: Applicant photo of fence