



Application for Fence Exemption – 50 Cumberland Street

Date: May 29, 2022
To: Toronto and East York Community Council
From: District Manager, Municipal Licensing and Standards, Central District
Wards: Ward 11

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 consider an application by the property owner of 50 Cumberland St. 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 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 7th floor of 50 Cumberland St. This would not comply with the standards stipulated by Section 447-1.3 D. Namely, pool on Multi Residential Property is to be a minimum of 1.8 metres in height.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of 50 Cumberland St, 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 a fence exemption permit to the property owners of 50 Cumberland St., 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 bylaw.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on April 04, 2022, in regards to a proposed 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 fence enclosure is located on level 7 of The Pemberton Condominium at 50 Cumberland St. The shared amenity terrace has a pool with an enclosure. The client is requesting a bylaw exemption to allow for a 1.2 metre high enclosure instead of the requisite 1.8 metres. It will be composed partially of clear tempered glass guard panels and concrete planters forming the wall.

The reason for this request is a significant portion of the pool enclosure is defined by raised concrete planter wall. If the pool glass enclosure must be 1.8 metres high than the concrete wall must be 1.8 meters high. This would create an intrusive and unappealing amenity terrace with limited sightlines leading to potential safety concerns. The 1.8 metre tall planters would provide clear sightlines above the planter walls, improving aesthetics, comfort and safety.

The subject property of 50 Cumberland St. is located in Ward 11, on a CR zoned area. 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*
7 th floor of Condominium	To be located around the perimeter of the outdoor amenity.	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, the entire pool will be enclosed by a 1.2 metre high glass safety fence and a concrete wall enclosing a flower garden. Other areas around the pool do not appear to contravene other provisions of the bylaw.

CONTACT

Anthony Stewart, Supervisor
Municipal Licensing & Standards Division
Toronto and East York District
E-mail: Anthony.Stewart@toronto.ca

SIGNATURE

Christopher Ellis, Manager,
Municipal Licensing and Standards

Toronto and East York District

ATTACHMENTS

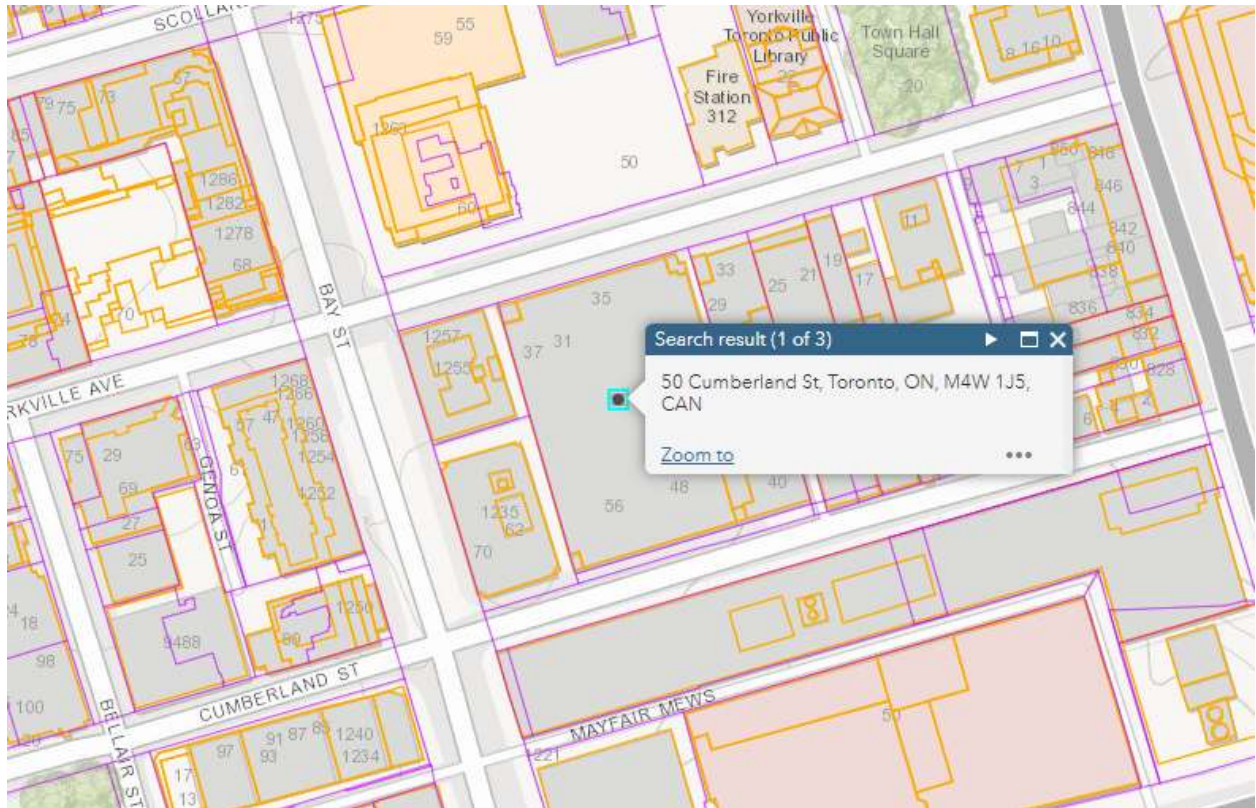
Attachment # 1: iView Map of property –50 Cumberland St.

Attachment # 2: Pool Area Glass Guard Details

Attachment # 3: Pool guard rendering illustrating 1.2 metres High Planters and glass Guard

Attachment # 4: Landscape layout of the pool area

Attachment # 1: iView Map of property –50 Cumberland St.



Attachment # 3: Pool guard rendering illustrating 1.2 metres High Planters and glass Guard



