

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 115 Langden Ave

Date: September 18, 2023

To: Etobicoke York Community Council

From: District Manager, Municipal Licensing and Standards, West District

Wards: Ward 5 – York South-Weston

SUMMARY

This staff report concerns a matter for which the Etobicoke 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 115 Langden 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 maintain a fence in the rear yard of the property that will not comply with the standards stipulated by Section 447-1.2(B)(1). The applicant is seeking permission to maintain a fence constructed of treated wood and lattice fencing on top. The entire height of the fence, including the lattice, is approximately 2.4m.

The property owner is seeking Community Council's permission to maintain a fence in the rear yard of the property that will not comply with the standards stipulated by Section 447-1.3(E)(1)(a). The applicant is seeking permission to maintain the fence/pool enclosure to be less than 1.2m from the water's edge in the pool.

The property owner is seeking Community Council's permission to maintain a fence in the rear yard of the property that will not comply with the standards stipulated by Section 447-1.3(E)(1)(b). The applicant is seeking permission to maintain the fence/pool enclosure to permit an external condition that may facilitate climbing located less than 1m from the enclosure. The condition which may facilitate climbing is an outdoor fixed barbeque which has a countertop located within 1 metre of the enclosure.

The property owner is seeking Community Council's permission to maintain a fence in the rear yard of the property that will not comply with the standards stipulated by Section 447-1.3(E)(3). The applicant is seeking permission to maintain the fence/pool enclosure to have a fence which separates the pool from the building to be made of

material which restricts the visibility of the pool. The fence/pool enclosure is made of wood boards which are not equivalent to open mesh chain link fence.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that Etobicoke York Community Council:

1. Refuse the application for property owner of 115 Langden Ave. The proposed fence would fail to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences. A notice of violation to direct the property owner to bring the fence into compliance will be issued.

FINANCIAL IMPACT

There is no anticipated Financial Impact from this report.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on July 11, 2023, in regards to a fence exemption application for an existing fence in accordance with Section 447-1.5(B) 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 Etobicoke York Community Council consideration, and, the City Clerk has sent all requisite notifications of the date that Etobicoke York Community Council will consider the application.

The subject property, 115 Langden Ave, and is located in Ward 5. The property is a semi-detached residential home.

See the table below for the dimensions of the fence to be erected.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
South, East and West sides of property.	Rear yard of property.	Height of the fence exceeds the height permitted by the Chapter. Namely; The existing fence is 2.4m in height.	Chapter 447-1.2B(1) Fence in a front yard and side yard; and not within 2.4 metres of a lot line abutting a public highway (public highway does not

			include a public lane); shall not exceed a height of 2 metres.
Rear yard	Rear yard of property.	Swimming pool enclosure is constructed closer than 1.2m horizontally to the water's edge in the pool.	Chapter 447-1.3(E)(1)(a) Construction standards. A swimming pool enclosure, including any gate forming part of the enclosure, shall: be no closer than 1.2 metres horizontally to the water's edge in the pool.
Rear yard	Rear yard	External condition less than 1 metre from enclosure that may facilitate climbing outside the closure. Namely; fixed barbeque.	Chapter 447-1.3(E)(1)(b) Construction Standards. A swimming pool enclosure, including any gate forming part of the enclosure, shall: be no closer than one metre to any external condition that may facilitate climbing outside the enclosure unless the height of the enclosure is at least 1.8 metres for a distance of at least one metre on each side of the condition.
Rear yard	Rear yard	Fence enclosure which separates the pool from the residential building is not constructed of open mesh chain link fence or equivalent open fence construction that does not restrict visibility of the pool from any door or	Chapter 447-1.3(E)(3) Construction Standards. Every fence and gate used as part of a swimming pool enclosure which forms the part of the enclosure that separates the pool from any residential

		window located on the main floor of the building.	building on the same property shall be constructed of open mesh chain link fence or equivalent open fence construction that does not restrict visibility of the pool.
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COMMENTS

On July 11, 2023, property owner at 115 Langden Ave submitted an application for a fence exemption.

The applicant is seeking permission to maintain a fence in the rear yard of the property. The fence is constructed of treated wood and lattice fencing on top approximately 2.4m in height.

The applicant is seeking permission to maintain a fence in the rear yard of the property which is part of a pool enclosure. The fence is less than 1.2m from the water's edge. The current measurements from the water's edge are 1.09m, 0.92m, and 0.76m.

The applicant is seeking permission to maintain the fence in the rear yard of the property which is part of a pool enclosure. There is an external condition less than 1 metre from the enclosure which may facilitate climbing. The object is an outdoor barbeque with a countertop.

The applicant is seeking permission to maintain the fence in the rear yard of the property which is part of a pool enclosure. The fence which separates the pool from the residential building is not open mesh chain link fence or equivalent. The current fence is made of up wooden boards spaced out, but not spaced enough to provide visibility to the pool from all windows and doors of the main floor of the property.

The property currently has a charge before the courts on a previous violation. The violation was constructing a pool without a pool enclosure permit. There was a Notice of Violation previously issued on September 16, 2020.

A pool enclosure permit folder was opened on February 12, 2023.

On March 29, 2023, officer M. Calabrese attended the property and observed a pool in the rear yard with an enclosure. The officer observed multiple deficiencies of the enclosure including, the setback of the enclosure less than 1.2m from the water's edge, a fixed barbeque on the outside of the enclosure less than 1 metre from the enclosure which may facilitate climbing, and, what appeared to be, plywood boards used in fourth fence restricting visibility.

The applicant is requesting the exemption for their privacy and security.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 115 Langden Ave, thereby allowing the current fence to be maintained. Direct and require that the existing fence be maintained in good repair without alteration. 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.

CONTACT

Chantal Cormier, Acting Supervisor
Municipal Licensing and Standards
Investigation Services – West District
Tel. 647-210-4781
Email: Chantal.Cormier@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment A – Letter of submission by applicant
Attachment B – GIS Map
Attachment C – Letter supporting fence exemption application
Attachment D – Letter supporting fence exemption application
Attachment E – Letter supporting fence exemption application
Attachment F – Letter supporting fence exemption application
Attachment G – Letter supporting fence exemption application
Attachment H – Letter supporting fence exemption application
Attachment I – Letter supporting fence exemption application
Attachment J – Site plan
Attachment K – Site drawings
Attachment L – Site drawings

Attachment M – Photos submitted by applicant

Attachment N – Photos taken by Municipal Licensing and Standards Officer

Attachment A

Letter of Fence Exemption Submission.



EPIC DESIGNS INC.
257 DUNRAVEN DRIVE
TORONTO, ONTARIO
M6M-1H8
(416) 564 2435

APPLICANT: MARCO VIEIRA, EPIC DESIGNS INC.
ADDRESS: 115 LANGDEN AVENUE
PROPERTY OWNER: NUNO DOMINGOS

Dear Sir/Madam,

My name is Marco Vieira, from Epic Designs Inc. and this letter is to acknowledge that I am acting as the agent and applicant of the application for the property at 115 Langden Avenue.

This application is being submitted to the City of Toronto to request for a Fence Exemption for the existing pool fence at the back of the property, since it does not comply with the required setback.

As part of this application, we have prepared drawings and are presenting to Community Council pictures of the existing fence, requesting with this an exemption.

Should you be in support of this application, please sign and date this letter in the space provided below.
Thank you for your attention.

Very Truly,

A handwritten signature in black ink, appearing to read "Marco Vieira", is written over a horizontal line.

Marco Vieira,
Epic Designs Inc.

Attachment B

GIS MAP



Attachment C

Letter of support.

Fence Exemption

115 Langden Avenue, Toronto

To Whom it may Concern:

I, ADITYA NARAYAN,
owner (s) of property 117 Langden Avenue, do not have any
objection in regards to the application for the Fence Exemption Application, that the
applicant and agent of this application, Marco Vieira, is submitting to the City of Toronto.

We are aware of the nature of this application and that the owner and applicant are
requesting an exemption to the already installed pool enclosure fence.



(Signature)

ADITYA NARAYAN

(Name)

July 12, 2023

(Date)

Attachment D

Letter of Support.

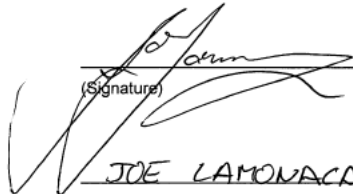
Fence Exemption

115 Langden Avenue, Toronto

To Whom it may Concern:

I, JOE LAMONACA
owner (s) of property 119 LANGDEN AVE do not have any
objection in regards to the application for the Fence Exemption Application, that the
applicant and agent of this application, Marco Vieira, is submitting to the City of Toronto.

We are aware of the nature of this application and that the owner and applicant are
requesting an exemption to the already installed pool enclosure fence.


(Signature)
JOE LAMONACA JULY/12/2023
(Name) (Date)

Attachment E

Letter of Support.

Fence Exemption

115 Langden Avenue, Toronto

To Whom it may Concern:

I MATHEW JULIUS PAGOWSKI - HALICZYN
owner (s) of property 111 LANGDEN AVE, do not have any
objection in regards to the application for the Fence Exemption Application, that the
applicant and agent of this application, Marco Vieira, is submitting to the City of Toronto.

We are aware of the nature of this application and that the owner and applicant are
requesting an exemption to the already installed pool enclosure fence.



(Signature)

MATHEW JULIUS PAGOWSKI - HALICZYN 12 JULY 23
(Name) (Date)

Attachment F

Letter of Support.

Fence Exemption

115 Langden Avenue, Toronto

To Whom it may Concern:

I, AMELIA OLIVEIRA,
owner (s) of property 115 LANGDEN AVE, do not have any
objection in regards to the application for the Fence Exemption Application, that the
applicant and agent of this application, Marco Vieira, is submitting to the City of Toronto.

We are aware of the nature of this application and that the owner and applicant are
requesting an exemption to the already installed pool enclosure fence.

Amelia Oliveira
(Signature)

AMELIA OLIVEIRA JULY 12 2023
(Name) (Date)

Attachment G

Letter of Support.

Fence Exemption

115 Langden Avenue, Toronto

To Whom it may Concern:

I Gulseren Yildiz
owner (s) of property 115 Langden Ave do not have any
objection in regards to the application for the Fence Exemption Application, that the
applicant and agent of this application, Marco Vieira, is submitting to the City of Toronto.

We are aware of the nature of this application and that the owner and applicant are
requesting an exemption to the already installed pool enclosure fence.


(Signature)

GULSEREN YILDIZ July 18-2023
(Name) (Date)

Attachment H

Letter of Support.

Fence Exemption

115 Langden Avenue, Toronto

To Whom it may Concern:

I, Steve Da Silva
owner (s) of property 148 Cordella Ave, do not have any
objection in regards to the application for the Fence Exemption Application, that the
applicant and agent of this application, Marco Vieira, is submitting to the City of Toronto.

We are aware of the nature of this application and that the owner and applicant are
requesting an exemption to the already installed pool enclosure fence.

Steve Da Silva
(Signature)

Steve Da Silva JW/12/2023
(Name) (Date)

Attachment I

Letter of Support.

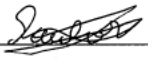
Fence Exemption

115 Langden Avenue, Toronto

To Whom it may Concern:

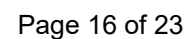
I, Paulo Antonio Silva Junior
owner (s) of property 110 LANGDEN, do not have any
objection in regards to the application for the Fence Exemption Application, that the
applicant and agent of this application, Marco Vieira, is submitting to the City of Toronto.

We are aware of the nature of this application and that the owner and applicant are
requesting an exemption to the already installed pool enclosure fence.


(Signature)

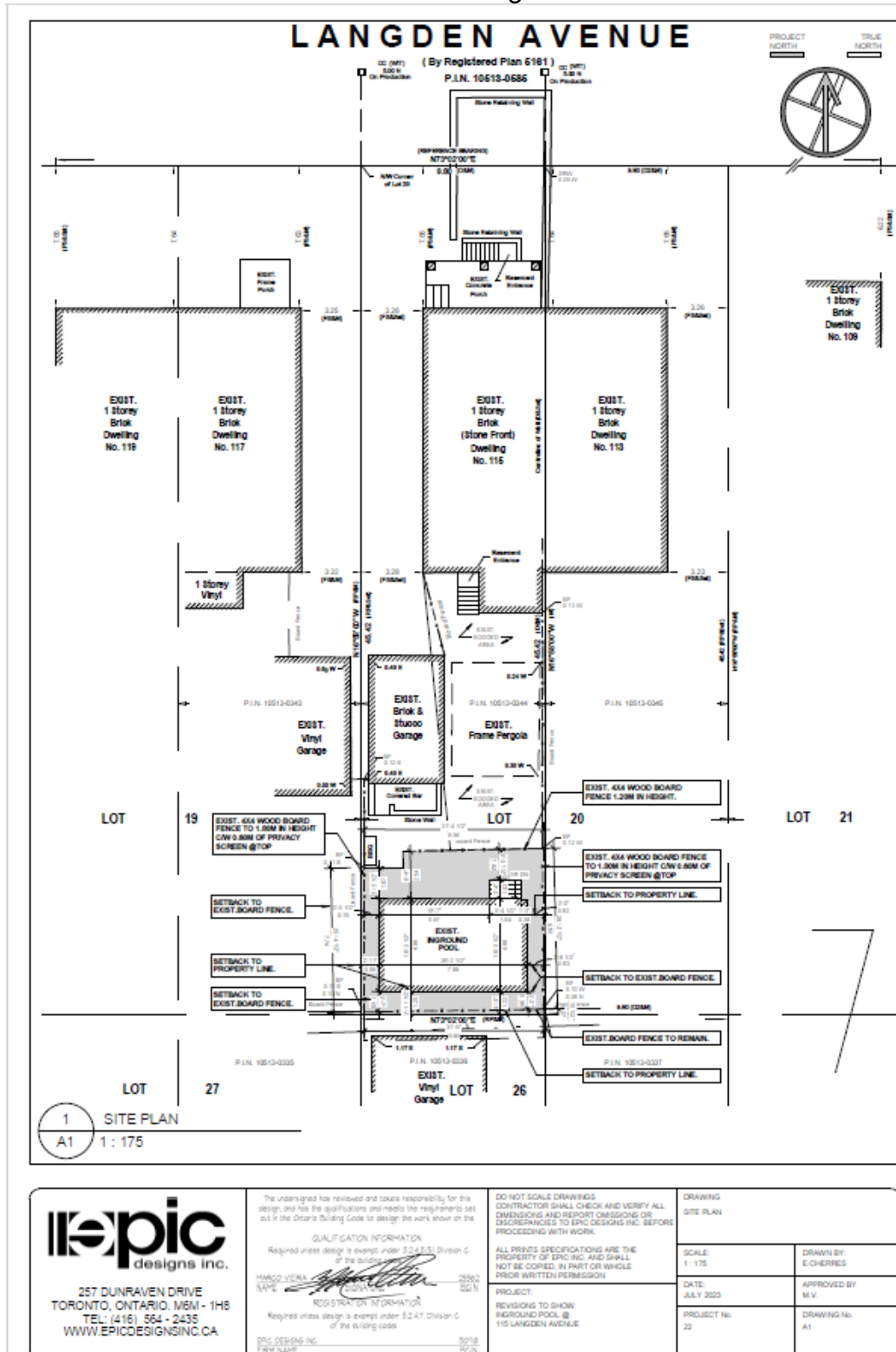
Paulo Antonio Silva Junior
(Name) (Date) April 12, 2023

Site Plan.



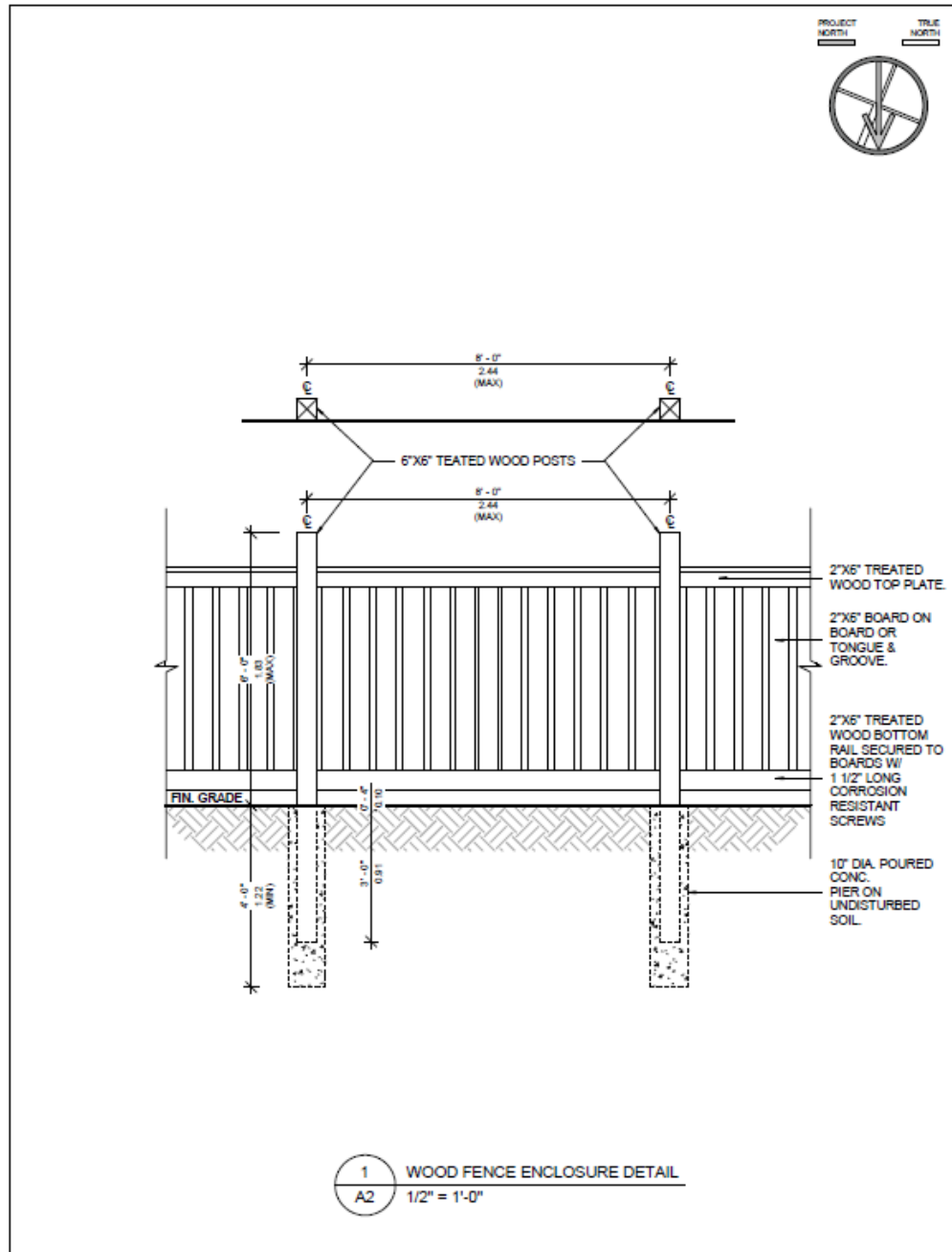
Attachment K

Site Drawings.



Attachment L

Site Drawings.



257 DUNRAVEN DRIVE TORONTO, ONTARIO, M6M - 1H8 TEL: (416) 564 - 2435 WWW.EPICDESIGNSINC.CA	The undersigned has reviewed and accepts responsibility for this design and has the qualifications and meets the requirements set out in the Ontario Building Code to design the work shown on the drawing. QUALIFICATION INFORMATION Required unless design is exempt under S.2.4.3(3) Division C of the building code. MARGO YERMA NAME: <i>[Signature]</i> REG. NO.: 28862 DATE: 07/2023 REGISTRATION INFORMATION Required unless design is exempt under S.2.4.1 Division C of the building code. EPIC DESIGNS INC. FIRM NAME: _____ REG. NO.: _____		DO NOT SCALE DRAWINGS CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS AND REPORT OMISSIONS OR DISCREPANCIES TO EPIC DESIGNS INC. BEFORE PROCEEDING WITH WORK. ALL PRINTS SPECIFICATIONS ARE THE PROPERTY OF EPIC INC. AND SHALL NOT BE COPIED, IN PART OR WHOLE, PRIOR WRITTEN PERMISSION. PROJECT: REVISIONS TO SHOW INGROUND POOL @ 115 LANGDEN AVENUE		DRAWING FENCE DETAIL SCALE: 1/2" = 1'-0" DATE: JULY 2023 PROJECT No. 22	
	DRAWN BY: E. CHERRIES		APPROVED BY M.V.			
	DRAWING No. A2					

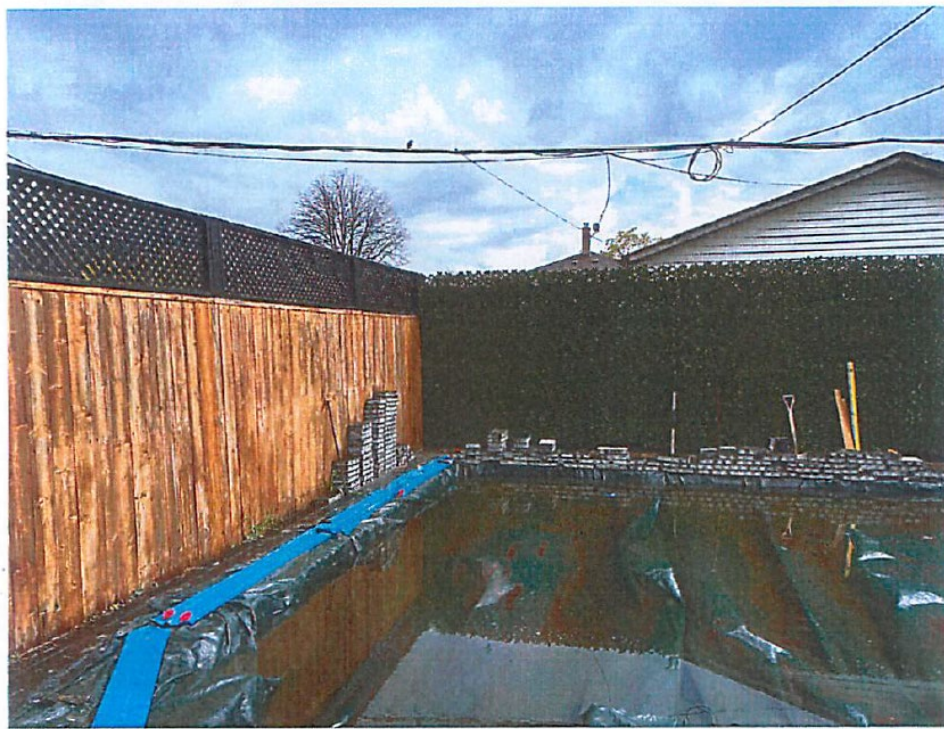
Attachment M

Photos Submitted By Applicant





115 LANGDEN AVENUE – SITE PHOTOS





Attachment N

Photos taken by Municipal Licensing and Standards Officer.



