

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 – 5 Gaylord Ave

Date: September 18, 2023

To: Etobicoke York Community Council

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

Wards: Ward 2 - Etobicoke Centre

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 5 Gaylord 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 447-1.3(1)(E)(b). The applicant is seeking permission to maintain a pool enclosure fence constructed of stand-alone glass approximately 1.2m in height with an external condition that may facilitate climbing less than 1 metre from the enclosure. There is a fixed barbeque with a countertop within 1 metre of the enclosure. There is also a stairway leading up to the enclosure where there is part of a concrete ledge which may facilitate climbing. The enclosure height from the ledge is approximately 1.1 metres.

RECOMMENDATIONS

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

1. Refuse the application for property owner of 5 Gaylord 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 September 12, 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, 5 Gaylord Ave, and is located in Ward 2. The property is a detached residential home.

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

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear yard, fourth fence of pool enclosure	External condition less than 1 metre from enclosure that may facilitate climbing outside the closure. Namely; fixed barbeque and ledge at top of the stairway.	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.

COMMENTS

On September 12, 2023, property owner at 5 Gaylord Ave submitted an application for a fence exemption.

The applicant is seeking permission to maintain a pool enclosure fence in the rear yard.

On September 06, 2023, officer C. Cormier attended the property to conduct a final pool enclosure inspection. The officer observed two areas of the pool enclosure which had objects on the exterior of the enclosure which may facilitate climbing. The officer observed a fixed barbeque with a countertop measured approximately 1ft (0.3m) from the pool enclosure. The officer observed a staircase coming from the basement of property up to the pool enclosure. At the top of the staircase, there is a concrete ledge on the outside of the enclosure. The height from the ledge to the top of the enclosure measured 1.1 metres. The officer observed the rest of the enclosure to meet all requirements of the bylaw. There are three fences surrounding the property line approximately 2m in height made of wood with two self closing, self latching gates which are capable of being locked. The property owner installed stand alone glass as a fourth fence with two glass gates which are self closing, self latching and capable of being locked. The property owner submitted an engineers report confirming safety of the glass installed.

A Notice of Violation was not issued as the property owner agreed to submit a fence exemption application for the deficiencies observed.

*Alternate recommendation is to grant the application for a fence exemption permit (with or without conditions) to the property owners of 5 Gaylord 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 – GIS MAP

Attachment B – Site Map – Including Drawings

Attachment C – Engineer Report for Glass Fencing

Attachment D – Photos Submitted by Property Owner/Applicant

Attachment E – Letters of Support for Fence Exemption Application

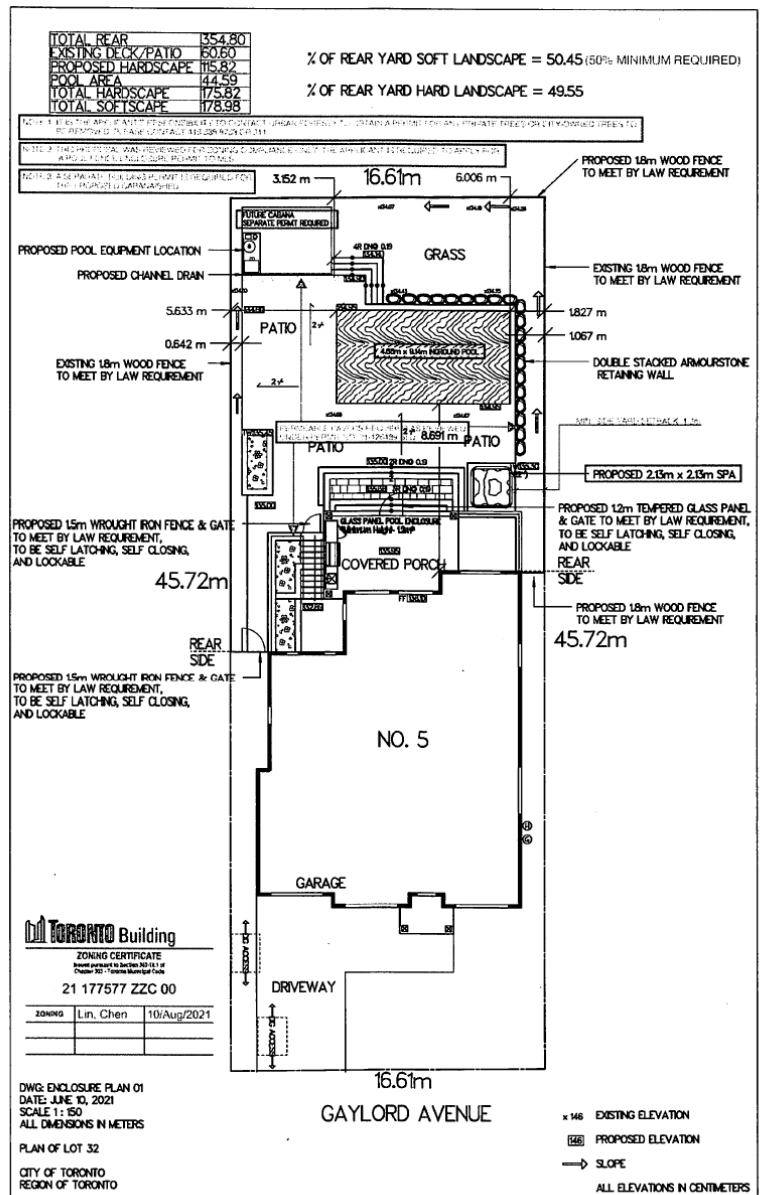
Attachment F – Photos Taken by Officer C.Cormier

Attachment A

GIS MAP



Site Map



Attachment C

Engineers report for stand alone glass

GDS Engineering

Glass Design Systems
Windows, Curtainwall & Railings
12 Castleford Drive
Scarborough, Ont. M1T 3X5
Cell: 416 909 4317

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Date: August 30, 2023
House: 5 Gaylord Avenue
Toronto, Ontario
Subject: Glass Railing installed on Deck of House as a barrier to Pool Area at Rear of House
Glass Railing installed on Retaining Walls around Window Well and Stairs to Basement
Permit # 21 326489 BLD 00 NH
Height of Glass Railing on Porch: 48"
Height of Glass Railing on Retaining Walls: 42"
Glass: 12mm Tempered
Mini Posts: Stainless Steel Spigots
Brackets: Stainless Steel

At the Rear of the House in the backyard, a Pool has been installed.
A Glass Fence c/w a Glass Gate is installed on the Deck at the back of the House as a barrier to the Pool area.

Stainless Steel Spigots are attached and supported on top of Concrete Deck
Each Spigot c/w Base Plate is secured with 4 Anchor Bolts.
The Glass is inserted and supported in the Spigots.
Stainless Steel Brackets attach and connect Glass Panels to each other.
A Glass Door c/w Hinges is supported on the adjacent Glass Panel.
A Lock has been installed on the Interior side of the Pool.

Stainless Steel Spigots are installed on top of the Concrete Retaining Walls.
The Glass is inserted and supported in the Spigots
Stainless Steel Brackets connect and attach Glass Panels to each other.
A 48" Glass Door is installed at the Basement Exit to the Exterior.

All Glass are 12mm thick and tempered to meet Safety requirements.

The Glass Guard Fence Barrier has been installed to meet the Structural Performance and Safety requirements as per the 2012 Ontario Building Code Division B

The Railings and Guard has been designed to resist specified loads as per Table 9.8.8.2 and as per Sentences 9.8.8.2(1) and 9.8.8.3(2) of the 2012 Ontario Building Code Division B.

The Glass Guard Rail System has been installed to meet the Structural Performance and Safety requirements as per the 2012 Ontario Building Code Division B Subsection 9.8.8.

Jay Singh P.Eng. BSS

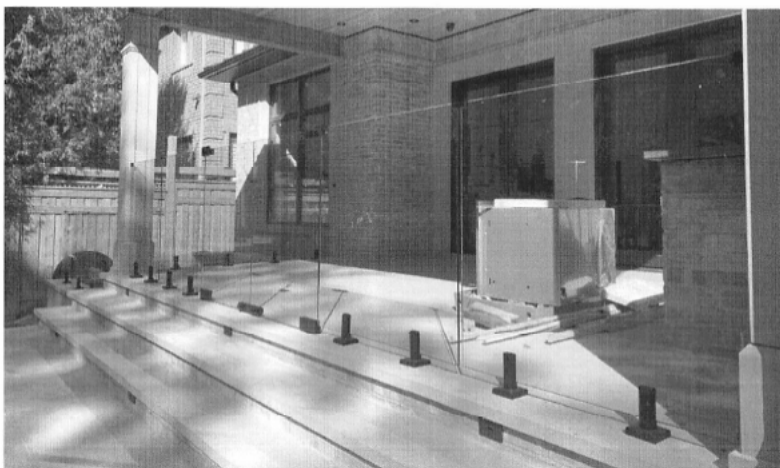


Attachment D

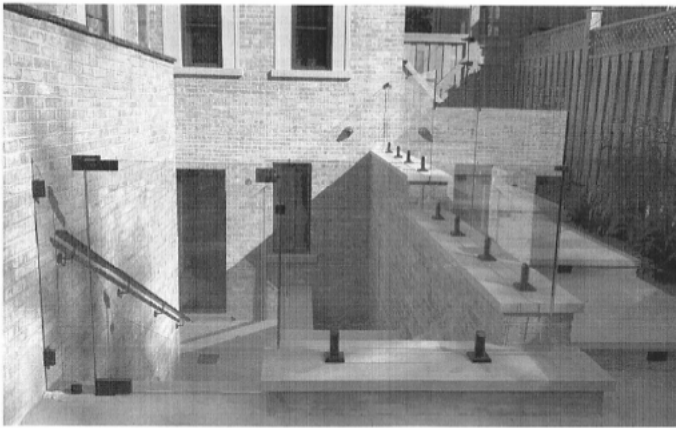
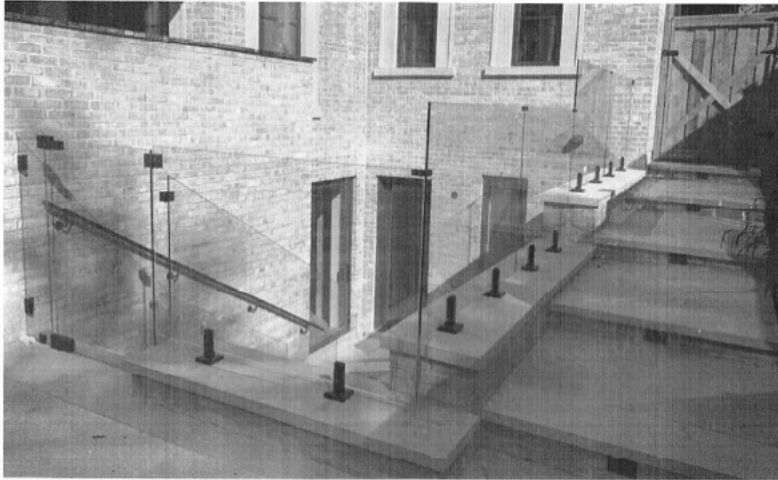
Photos submitted by property owner/applicant

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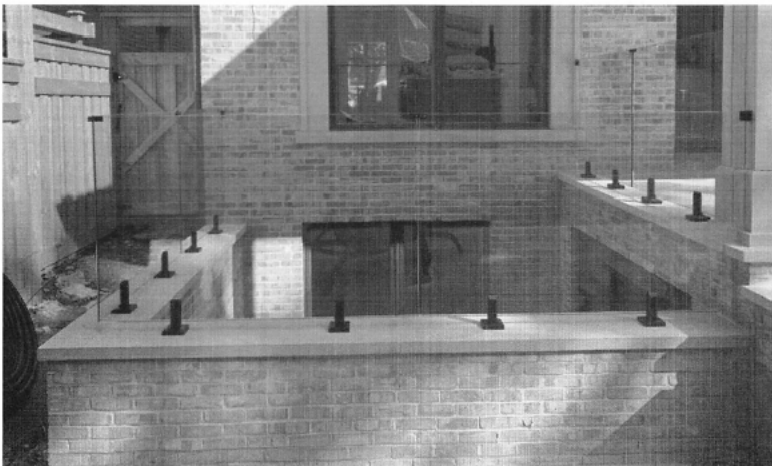
Glass Railing on rear Porch

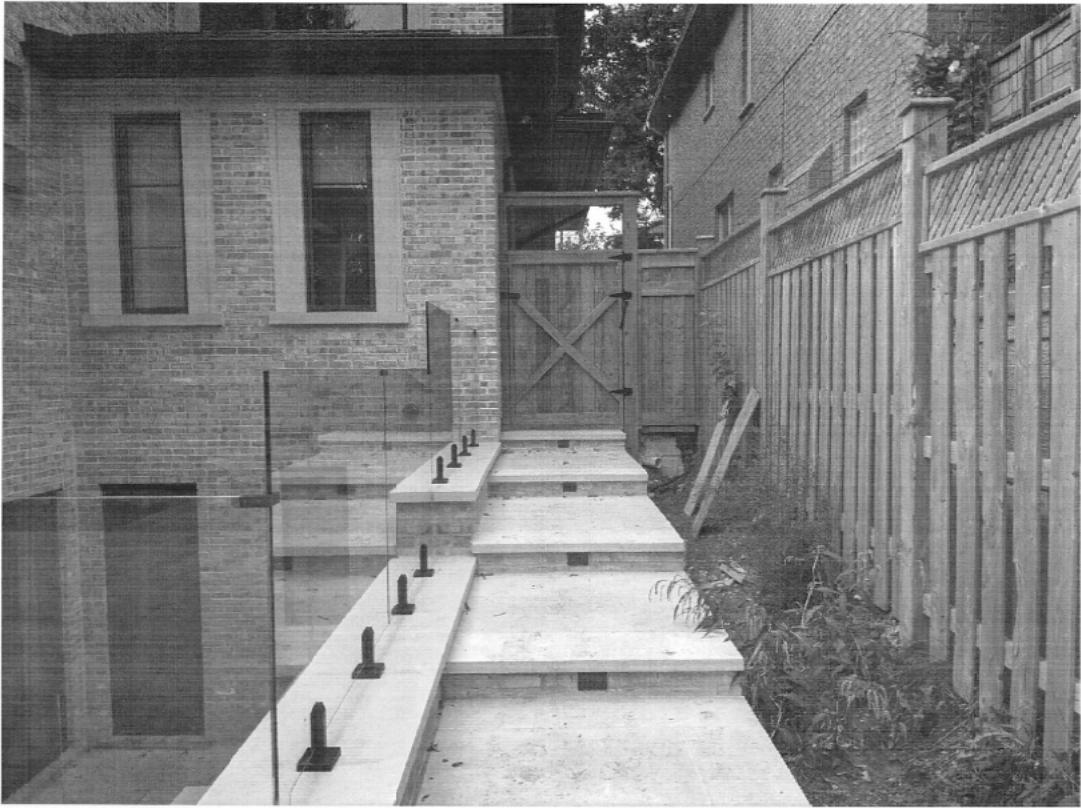


Glass Railing on Retaining Wall around Stairs to Basement



Glass Railing on Retaining Wall around Window Well





Attachment E

Letters supporting fence exemption application for pool enclosure

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: PIETRE KENNEDY
Address: 9 GAYLORD AVE
ETOB ON
M9B 1R8

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: PAUL McDONALD
Address: 7 GAYLORD AVE.

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: Sarah Kelleher
Address: 11 Gaylord Ave, Etobicoke, ON M9B 1R8

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: Alyson Landry
Address: 94 Wedgewood Dr
Etobicoke, ON
M9B 4J5

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: Shannon Mathews

Address: 85 Shaver Ave W, Toronto ON

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: Telma Da Silva

Address: 89 Shaver Ave. N.

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: Ryan Pearce
Address: 138 Shaver Ave N.
Toronto ON M9B4N8

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,


Name: Bryan Aildred
Address: 16 Blaketon Rd Etobicoke ON

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: Thomas Lindsay
Address: 1402-820 Burnhamthorpe Rd
Etobicoke, ON, M9C4W2

Sept 11, 2023

Attn: Pool Enclosure Committee, City of Toronto.

To whom it may concern;

I have reviewed the pool enclosure at 5 Gaylord Ave, and have no objections with the current layout or structure used. I will support the application for minor variance to the enclosure as submitted.

Sincerely,

Name: Kathryn Martin
Address: 1402-820 Burnhamthorpe Rd
Etobicoke, ON M9C 4W2

Attachment F
Photos taken by Officer C. Cormier on September 06, 2023







