

Application for Fence Exemption – 187 Sheldrake Boulevard

Date: January 16, 2023

To: North York Community Council

From: Manager Municipal Licensing & Standards, East District

Wards: Ward 15 – Don Valley West

SUMMARY

This staff report concerns a matter for which the North 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 187 Sheldrake Boulevard to maintain a Pool Fence Enclosure in the rear yard of the property which has a gate that is within 1 Metre of an opening, as specified in the Toronto Municipal Code, Chapter 447 - 1.3C (3) Swimming pool enclosures – Access Protection.

A Notice of Violation was issued on Jun 04, 2022.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the North York Community Council:

1. Refuse to grant the application for an exemption permit, by the owner(s) of 187 Sheldrake Boulevard, to allow them to maintain a Pool Fence Enclosure in the rear yard of the property which has a gate that is within 1 Metre of an opening, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447 - 1.3C.(3) Swimming pool enclosures – Access Protection.

OR

2. Grant the application for an exemption permit, by the owner(s) of 187 Sheldrake Boulevard, to maintain a Pool Fence Enclosure in the rear yard of the property which has a gate that is within 1 Metre of an opening. 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 North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that North 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/Access Protection.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear Yard Access Door	Rear Yard - Basement doors: Fail to prevent access to the enclosed pool area through the wall of building forming part of pool enclosure. Namely gate is not permitted at the doorway exit/entrance for the basement.	447 - 1.3C.(3) If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall.

CONTACT

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North York District
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SIGNATURE

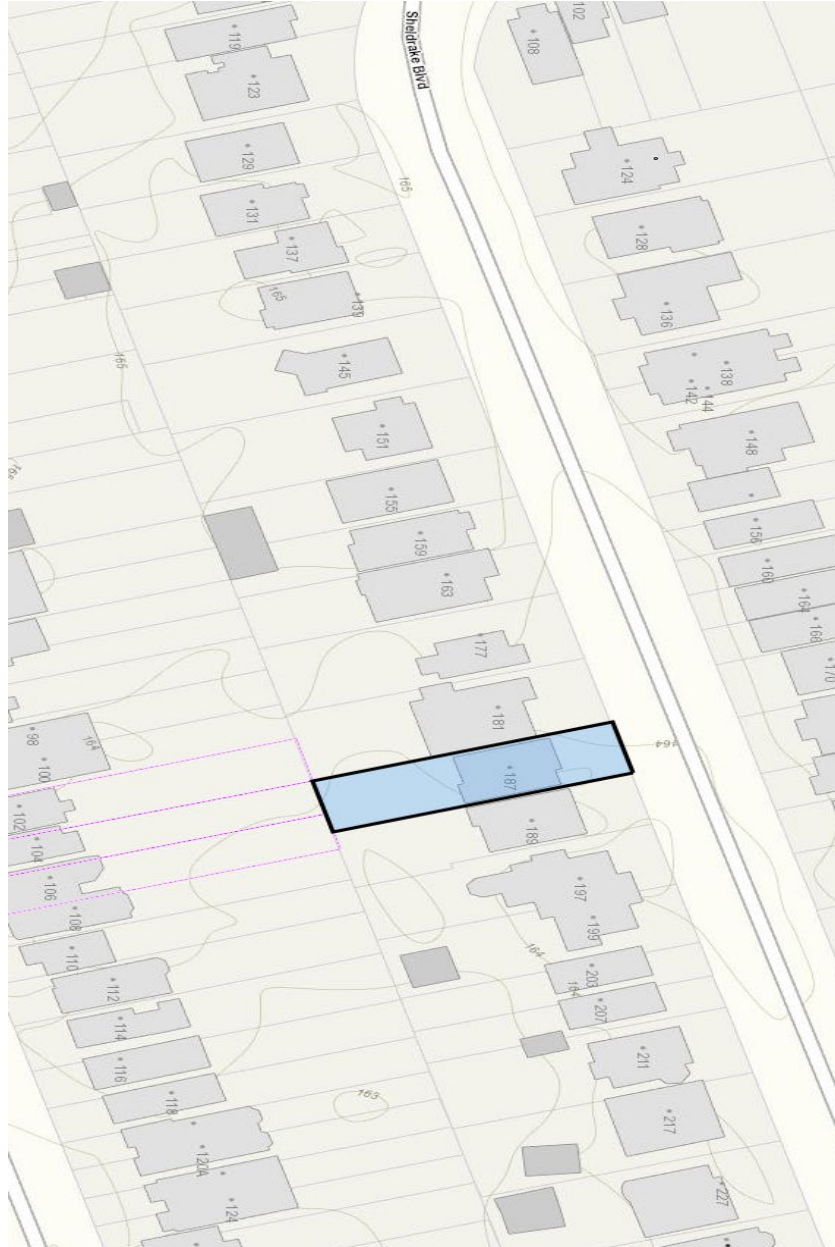
Terry Karabassis

Terry Karabassis
Manager, Municipal Licensing and Standards, East District

ATTACHMENTS

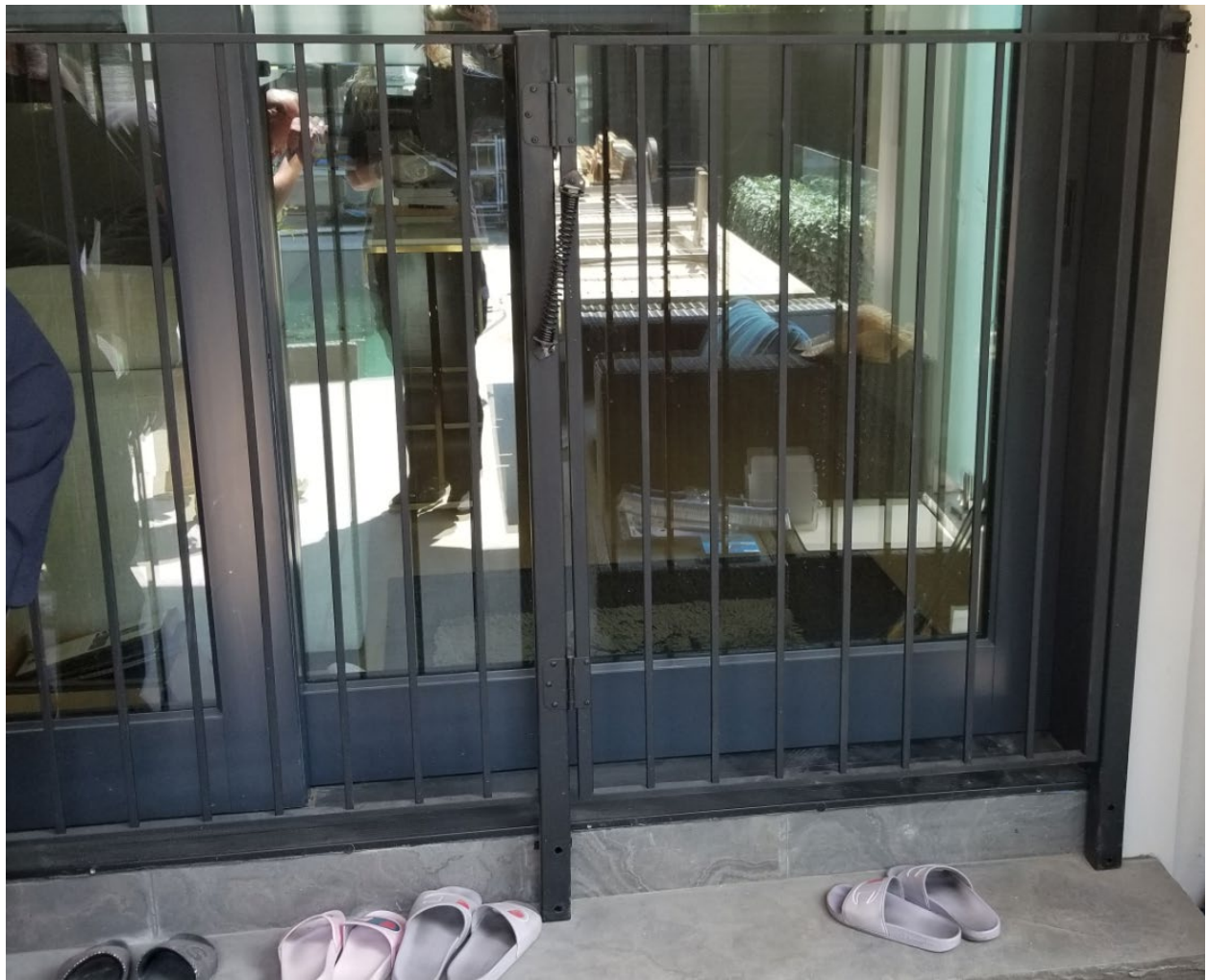
Attachment 1: iView Map of Property – 187 Sheldrake Boulevard
Attachment 2: 2 Photos of Fence Gate (Taken by Officer Bloomfield)– 187 Sheldrake Boulevard
Attachment 3: Notice of Violation (7 Violations) Issued to owners 187 Sheldrake Boulevard

Attachment 1: iView Map of Property – 187 Sheldrake Boulevard



Attachment 2: 2 Photos of Fence Gate (Taken by Officer Bloomfield)– 187 Sheldrake Boulevard





Attachment 3: Notice of Violation (7 Violations) Issued to owners 187 Sheldrake Boulevard

NOTICE OF VIOLATION

June 4, 2022

Re: 187 SHELDRAKE BLVD

Legal Description: PLAN 691 BLOCK E PT LOT 16 RP 64R15095 PART 1

Roll Number: 1904104300050100000

City of Toronto

An inspection of the above location has revealed that the **Toronto Municipal Code, Chapter 447, Fences, as amended**, is being contravened. You are hereby required to correct the following violation(s) on or before the compliance date(s) listed next to each contravention.

The item(s) listed herein are in violation of the Toronto Municipal Code, Chapter 447, Fences.

Item #	Bylaw Section	Location and Description	Required Action	Compliance Date
1	1.3E.(2).(b).[1].(d).b	East Side Yard - swimming pool fencing: Wood fence used in swimming pool enclosure is constructed with vertical posts spaced in excess of 2.4 metres.	Bring into compliance	July 4, 2022
2	1.3C.(3)	Rear Yard - Basement doors: Fail to prevent access to the enclosed pool area through the wall of building forming part of pool enclosure. Namely gate is not permitted at the doorway exit/ entrance for the basement.	Bring into compliance	July 4, 2022
3	1.3D.(2)	Rear Yard - East Side Yard: Height of swimming pool enclosure fence exceeds the height	Bring into compliance	July 4, 2022

Item #	Bylaw Section	Location and Description	Required Action	Compliance Date
		permitted by the Bylaw, namely 447-1.2B, Table 1. The East side fence exceeds the allowed.		
4	1.2B.(1)	Rear Yard - East Side: Height of the fence exceeds the height permitted by the Chapter. Namely; The fence on the east side of the pool area.	Bring into compliance	July 4, 2022
5	1.3C.(3)	Rear Yard - Patio doors: Fail to prevent access to the enclosed pool area through the wall of building forming part of pool enclosure. Namely gate not permitted at doorway exit/entrance. Main floor patio doors	Bring into compliance	July 4, 2022
6	1.3D.(2)	Rear Yard - West Side Yard: Height of swimming pool enclosure fence exceeds the height permitted by the Bylaw, namely 447-1.2B, Table 1. The West Side fence exceeds the allowed.	Bring into compliance	July 4, 2022
7	1.3E.(1).(a)	West Side Yard - corner nearest to the house: A swimming pool enclosure, including any gate, is closer than 1.2 metres horizontally to the water edge.	Bring into compliance	July 4, 2022

It is an offence to violate the requirements of the Toronto Municipal Code Chapter 447-Fences. Please be advised that, if the above property is not brought into compliance with the requirements of the Toronto Municipal Code Chapter 447-Fences by the compliance date(s) listed next to each contravention, you may be charged with an offence, and upon conviction, you are liable to a fine or penalty.