

Request for a Fence Exemption - 37 Purdon Drive

Date: February 1, 2023

To: North York, Community Council

From: District Manager, Municipal Licensing and Standards

Wards: Ward 06 – North York

SUMMARY

This staff report is in regards to 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 advise Council concerning an application by the property owner of 37 Purdon Drive for a site-specific Fence Exemption, pursuant to Section 447-1.3.E(2)(C) of Toronto Municipal Code, Chapter 447, Fences. The property owner is seeking Council's permission to allow for an aluminum fence, which does not comply with the standards stipulated by Section 447-1.3.E(2)(C) of the bylaw.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that the North York Community Council give consideration to the exemption application and decide to:

1. Refuse to grant the application for an exemption, by the property owner of 37 Purdon Drive, for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

or

2. Grant the application for a fence exemption by the property owner of 37 Purdon Drive, thereby allowing the erected fence to be maintained as constructed. At such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

There is no financial impact anticipated in this report.

DECISION HISTORY

No previous decision history.

COMMENTS

The subject property, 37 Purdon Drive, is a single family detached residential home situated in Ward 6.

The fence is located in the rear yard as a part of a future pool enclosure separating pool area from rear yard access points. The fence material will be made of aluminum, 47ft long, 4' 2" in height, with horizontal rails 4ft apart, 3/4" vertical pickets 4" apart with 2" square vertical post 6ft apart anchored into concrete piers across the backyard.

The application was not based on a complaint from the public; it resulted as part of the findings in the pool fence preliminary review.

The property owner is seeking relief from the by-law regulations to be able to use aluminum fencing to prevent any access into pool area. The owner states aluminum is a

metal, it is not specifically excluded anywhere in Chapter 447, is a more readily available, and is a better material for maintenance. He further states that aluminum is a regularly used structural load-resisting material used in many structural applications such as balconies, enclosures, etc.

As required by Section 447-1.3-E (2)(C); Municipal Licensing & Standards has responded to the fence exemption application Toronto Municipal Code on by preparing this report for North York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that the North York Community Council will consider the application.

Municipal Licensing Standards' reviewed the proposed application and determined that it does not comply with the Toronto Municipal Code, Chapter 447- Fences, as detailed in the following chart:

General Location	Specific Location	Deficiency	By-Law Section
Rear Yard	Rear Yard	Aluminum is not a permitted material	447 - 1.3 - E(2)(c)

The property owner(s) seek this exemption for safety purposes.

CONTACT

Christina Savella, Supervisor
Municipal Licensing and Standards
West District
Tel: 647-333-4023 Fax: 416-647 333 5063
Email: christina.savella@toronto.ca

SIGNATURE

Joe Magalhaes
District Manager

ATTACHMENTS

Attachment 1 - Rear Yard - 37 Purdon Drive-location of proposed fence
Attachment 2 - Rear Yard - 37 Purdon Drive-closer view of proposed fence location
Attachment 3 - Rear Yard - 37 Purdon Drive-aluminum fence style and location
Attachment 4 - Rear Yard - 37 Purdon Drive- supporting letter from neighbouring property
Attachment 5 - Rear Yard - 37 Purdon Drive- supporting letter from neighbouring property
Attachment 6 - Rear Yard - 37 Purdon Drive- supporting letter from neighbouring property

Attachment 4- 37 Purdon Drive *supporting letter from neighbouring property*

City of Toronto
Municipal Licensing and Standards, West District
Etobicoke Civic Centre
399 The West Mall, North Block, 3rd Floor
Toronto, Ontario, M9C 2Y2

Re: 37 Purdon Drive, Toronto, Ontario, M3H 4W9
Fence Exemption for Pool Enclosure Application

I am confirming that Mr. John Silvestri, owner of 37 Purdon Drive, has informed me that he is planning to use an aluminum fence in his rear yard as part of the pool enclosure and that I have no objection.

Name:

Kopman

Signature:



Address:

4 HYFAN COURT, NORTH YORK, ONT, M3H 4W9

Date:

OCT. 25, 2022

Attachment 5- 37 Purdon Drive *supporting letter from neighbouring property*

City of Toronto
Municipal Licensing and Standards, West District
Etobicoke Civic Centre
399 The West Mall, North Block, 3rd Floor
Toronto, Ontario, M9C 2Y2

Re: 37 Purdon Drive, Toronto, Ontario, M3H 4W9
Fence Exemption for Pool Enclosure Application

I am confirming that Mr. John Silvestri, owner of 37 Purdon Drive, has informed me that he is planning to use an aluminum fence in his rear yard as part of the pool enclosure and that I have no objection.

Name:

ROMAN TURCO

Signature:



Address:

51 Purdon Dr

Date:

Oct 25/2022

Attachment 6- 37 Purdon Drive *supporting letter from neighbouring property

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Municipal Licensing and Standards, West District
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Re: 37 Purdon Drive, Toronto, Ontario, M3H 4W9
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I am confirming that Mr. John Silvestri, owner of 37 Purdon Drive, has informed me that he is planning to use an aluminum fence in his rear yard as part of the pool enclosure and that I have no objection.

Name: S. WASERMAN
Signature: S. Waserman
Address: 35 PURDON DR
Date: OCT 25/22