

Application for Fence Exemption – 89 Dawlish Avenue

Date: April 14, 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.

1) The purpose of this report is to consider an application by the owner(s) of 89 Dawlish Avenue to maintain a Pool Enclosure with no fence in the rear yard west side of the property which consists of a brick wall of a garage from the neighbouring property and is a Violation as specified in the Toronto Municipal Code, Chapter 447-1.3 (A) (2)– Enclosure required

2) Also, the owner(s) of 89 Dawlish Avenue would like consideration to maintain a Pool Enclosure (GATES) attached to the house which is a Violation of The City of Toronto Municipal Code, Chapter 447 1 (E) (1)(b) - Construction standards

A Notice of Violation was issued on Mar 24, 2023

The subject property of 89 Dawlish Avenue is located in Ward 15, on a residentially zoned property. This property is a detached house.

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 89 Dawlish Avenue, to allow them to maintain a Pool Enclosure with no fence in the rear yard west side of the property, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.3 (A) (2)– Enclosure required
2. Also Refuse to grant the application for an exemption permit, by the owner(s) of 89 Dawlish Avenue, to allow them to maintain a Pool Enclosure (GATES) attached to the house which is in Violation of The City of Toronto Municipal Code, Chapter 447 1 (E) (1)(b) - Construction standards

OR

3. Grant the application for an exemption permit, by the owner(s) of 89 Dawlish Avenue, to allow them to maintain a pool enclosure with a gap in the fence and gates that are attached to the house. 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

After receiving a Fence violation notice dated Mar 24, 2023, The owner(s) submitted a fence exemption application, in writing, on March 30, 2023. The application is requesting a site specific exemption for an existing fence, with Section 447-1.5.(B) of Toronto Municipal Code

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 and Construction Standards

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear yard -West facing lot line	Enclosure Required - Completely encloses the area in which the swimming pool is located	447-1.3 (A) (2)– Enclosure required
Rear yard	Attached to Rear Door to house.	Gates are closer than one metre to any external condition that may facilitate climbing the outside of 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;	Chapter 447 1 (E) (1)(b) - Construction standards

CONTACT

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ATTACHMENTS

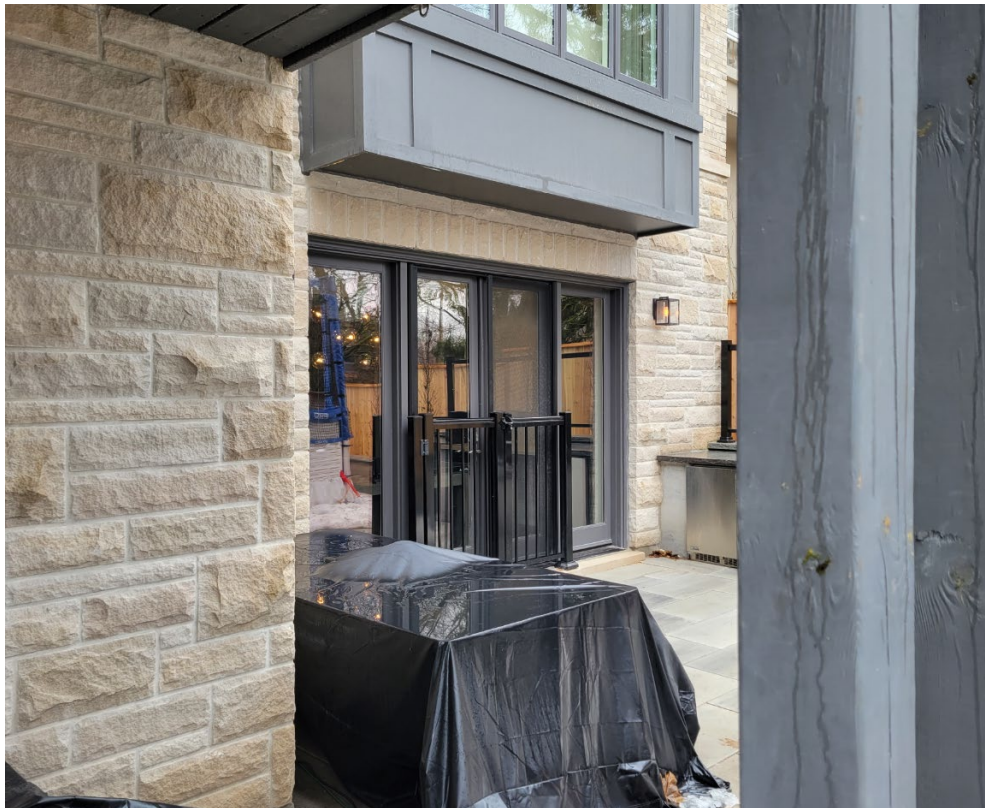
Attachment 1: iView Map of Property – 89 Dawlish Avenue
Attachment 2: 4 Photos of fence Taken by MLS Officers at Time of inspection – 89 Dawlish Avenue
Attachment #3: Zoning Certificate and Application Drawings – 89 Dawlish Avenue

Attachment 1: iView Map of Property – 89 Dawlish Avenue



Attachment 2: 4 Photos of fence Taken by MLS Officers at Time of inspection – 89 Dawlish Avenue





Attachment #3: Zoning Certificate and Application Drawings – 89 Dawlish Avenue



Certificate No: **22 125150 ZAP 00 ZR**

Folder RSN: **5074093**

ZONING APPLICABLE LAW CERTIFICATE

Issued pursuant to Section 363-10.1. of Chapter 363 - Toronto Municipal Code

Property Address:	89 DAWLISH AVE
Proposed Use of Property:	SFD
Date of Issuance:	May 19, 2022
Expiry Date of Certificate:	May 19, 2023

Examination of your application has been completed and it has been determined that the submitted proposal complies with the applicable City Zoning By-law(s) and all other Applicable Law, as set out in Division A, Part 2, Sentence 1.4.1.3 of the Ontario Building Code.

This approval is based on the drawings and documents submitted with this application and attached to this document.

Any changes to this proposal will invalidate this Zoning Applicable Law Certificate.

Should there be changes to the Zoning By-law or other applicable law prior to the issuance of the building permit you will be required to comply with those changes.

Where a building permit application is being submitted in connection with the proposal, you must include a copy of this Zoning Applicable Law Certificate with the permit application.

Building permit applications without Zoning Applicable Law Certificate will be considered incomplete submissions and will not be subject to prescribed timeframes in Article 1.3.1.3. of Division C, Part 1 of the Ontario Building Code.

William M. Johnston, P. Eng., Chief Building Official and Executive Director

