

Application for Fence Exemption – 30 Blithfield Avenue

Date: June 28, 2023
To: North York Community Council
From: Manager Municipal Licensing and Standards, East District
Wards: Ward 17 – Don Valley North

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 30 Blithfield Avenue to construct a chain link fence in the rear yard of the property which would be within the required 1.2 Metres from the Waters Edge. This is in contravention to what is specified in the Toronto Municipal Code, Chapter 447-1.3(E) (1)(a) - 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. Construction Standards

A Notice of Violation was issued on Jun 07, 2023.

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 30 Blithfield Avenue, to allow them to construct a chain link fence within 1.2 metres horizontally from the water edge, which does not comply with the Toronto Municipal Code, Chapter 447, Fences, specifically section 447-1.3 (E) (1)(a) - 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 of the pool. Construction Standards
OR
2. Grant the application for an exemption permit, by the owner(s) of 30 Blithfield Avenue, to allow them to construct a chain link fence within 1.2 metres horizontally from the water edge. 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.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear yard Pool Enclosure	Current Fence – Not yet constructed	447-1.3(E) (1)(a) - 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. Construction Standards

CONTACT

Levi Cato, Supervisor
Municipal Licensing & Standards Division
North York District
Tel. # 437-239-7558
E-mail: Levi.Cato@toronto.ca

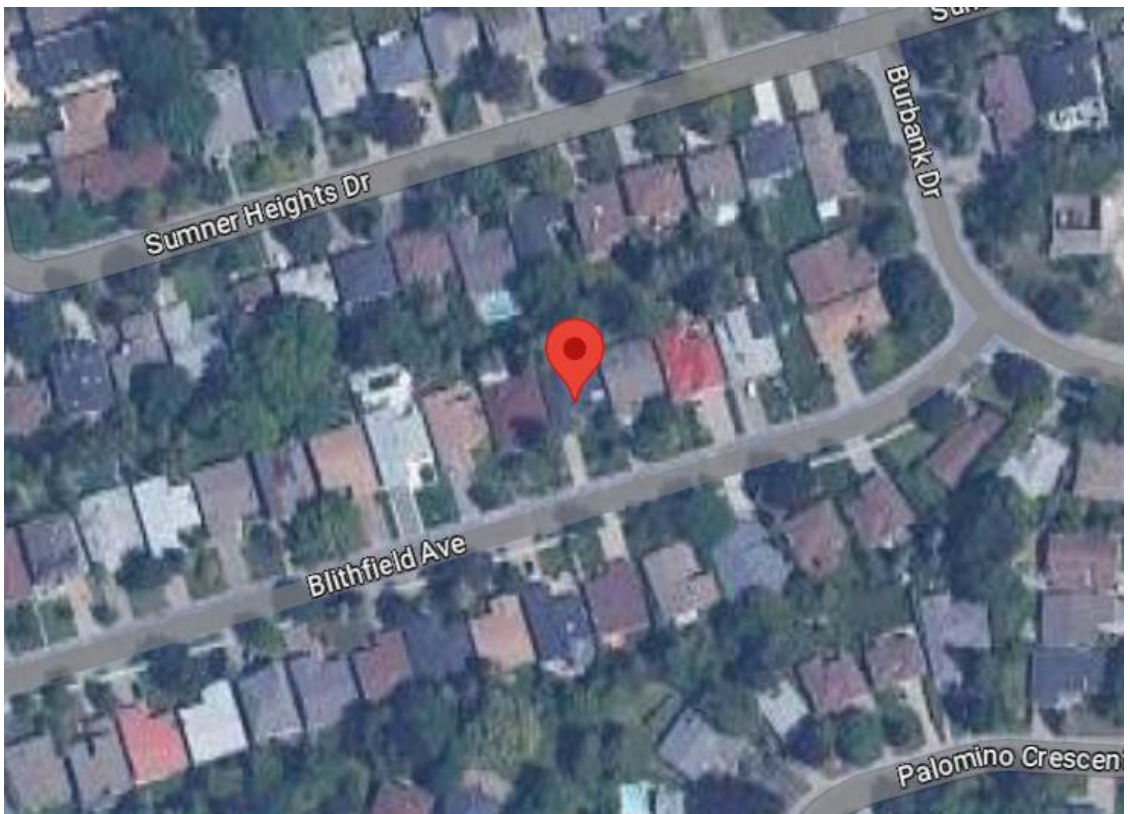
SIGNATURE

Jean Paul Nadeau
(Acting)Manager,
Municipal Licensing and
Standards East District
Tel: #416-396-7311
E-Mail: jeanpaul.nadeau@toronto.ca

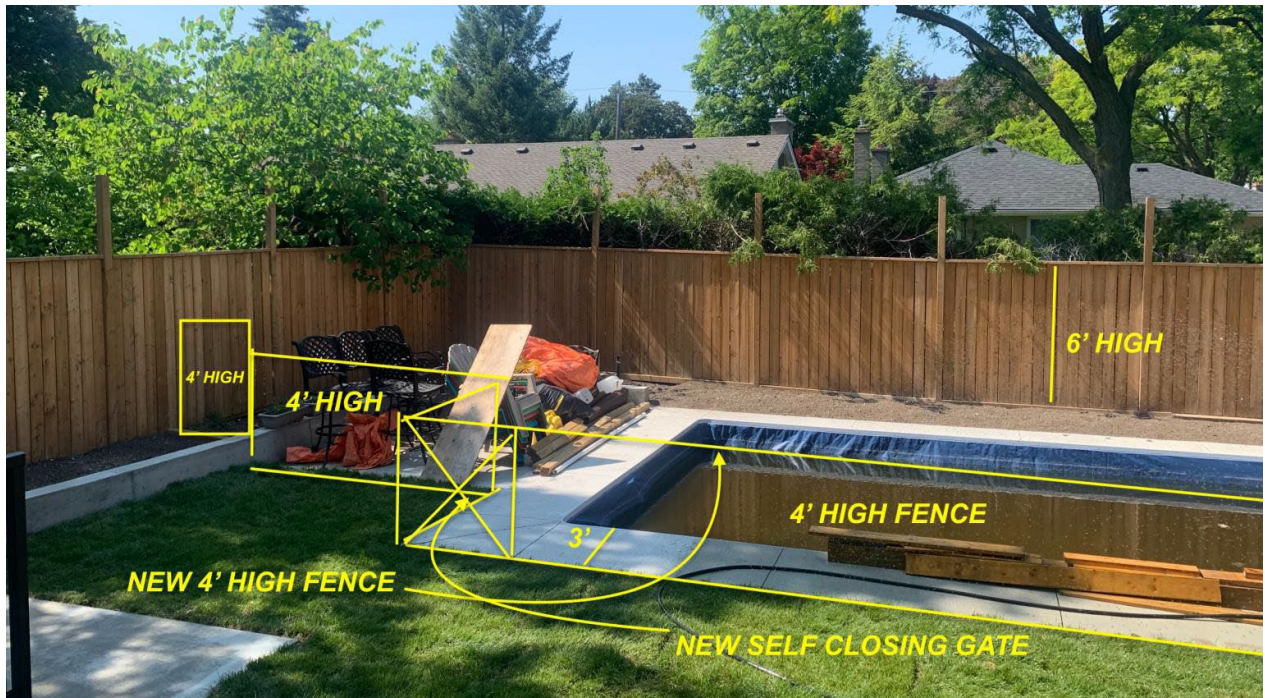
ATTACHMENTS

Attachment 1: iView Map of Property – 30 Blithfield Avenue
Attachment 2: 2 Photos of Proposed fence provided by applicant – 30 Blithfield Avenue
Attachment 3: Photos of fence taken by Officer S. Moss at time of inspection – 30
Blithfield Avenue
Attachment 4: Notice of Violation – 30 Blithfield Avenue
Attachment 5: Approved Pool Enclosure Drawing – 30 Blithfield Avenue

Attachment 1: iView Map of Property – 30 Blithfield Avenue



Attachment 2: 2 Photos of Proposed fence provided by applicant – 30 Blithfield Avenue



Attachment 3: Photos of fence taken by Officer S. Moss at time of inspection – 30 Blithfield Avenue





Attachment 4: Notice of Violation – 30 Blithfield Avenue

NOTICE OF VIOLATION

June 6, 2023

Re: 30 BLITHFIELD AVE
Legal Description: PLAN M677 LOT 292
Roll Number: 1908113320041000000
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.(1)(c)	Rear yard fence on the south, east and west elevation: Swimming pool enclosure, including any gate forming part of the enclosure has an element or attachment between 100 millimetres and 1.2 metres above grade that may facilitate climbing outside of the enclosure. There is a horizontal fence support on the outside of the enclosure. This facilitates climbing.	Move the horizontal support to the interior side of the pool enclosure or install additional vertical wood board on board planks on the exterior enclosure.	June 27, 2023.
2.	1.3E.(1)(d)	East elevation gate: Swimming pool enclosure, including any gate, has an outside facing material which extends to the required minimum height from more than 100 millimetres above a hard surface. The opening from the bottom of the gate to the concrete walkway is approximately 127 mm.	Add an additional horizontal board at the bottom of the gate to decrease the opening to 100 mm or less.	June 27, 2023.
3.	1.3C.(6)(c).[2]	East elevation gate: Single gate swimming pool enclosure gate is not kept <u>locked at all times</u> except when the enclosed area is in use.	Install a lock.	June 27, 2023.

Item #	Bylaw Section	Location and Description	Required Action	Compliance Date
4.	1.3E.(1)(d)	West elevation gate: Swimming pool enclosure, including any gate, has an outside facing material which extends to the required minimum height from more than 100 millimetres above a hard surface. The opening from the bottom of the gate to the concrete walkway is approximately 127 mm.	Add an additional horizontal board at the bottom of the gate to decrease the opening to 100 mm or less.	June 27, 2023.
5.	1.3C.(6.) (c).[2]	West elevation gate: Single gate swimming pool enclosure gate is not kept <u>locked at all times</u> except when the enclosed area is in use.	Install a lock.	June 27, 2023.
6.	1.3C.(6)(c).[1]	West elevation gate: Single gate swimming pool enclosure gate is not self closing or equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside at least 1.5 metres above grade. The gate is not self latching.	Adjust the self closing mechanism so that the gate self latches closed.	June 27, 2023.
7.	1.3A.(2)	Rear north elevation yard: The swimming pool enclosure fails to completely enclose the area in which the swimming pool is located. There is no enclosure between the dwelling and the pool.	Install an <u>enclosure between</u> the rear dwelling and the pool.	June 27, 2023.
8.	1.3B.(7)	Rear north elevation yard: Allowing water to collect or remain in a swimming pool without an approved permanent swimming pool enclosure in place.	Install a temporary fence between the rear dwelling and the pool.	Immediately.

Attachment 5: Approved Pool Enclosure Drawing – 30 Blithfield Avenue



ZONING APPLICABLE LAW CERTIFICATE
Issued pursuant to Section 363-2.2 of Chapter 363 - Toronto Municipal Code

22 190850 ZAP 00

ZONING	Smith, Albert	26/Aug/2022



PERMIT REVIEWED FOR COMPLIANCE WITH TMC
Chapter 447 Fences, 569-2013 & other applicable legislation.

22 198095 FEN 00 IR

FENCE	Jason McLennan	31-Aug-2022
OTHER		

