

19 Ivor Road - Application for Fence Exemption

Date: December 04, 2023

To: North York Community Council

From: District Manager, Municipal Licensing and 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 19 Ivor Road to maintain an existing pool enclosure in the rear yard. The pool enclosure has three gates, all of which do not have self closing/self latching devices and the latches do not meet the required height on the gates. In addition, the rear egress from the dwelling and the fence forming part of the pool enclosure are constructed so that they have external conditions that may facilitate climbing.

This is contrary to the Toronto Municipal Code, Chapter 447-1.3

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, East District recommends that:

1. North York Community Council refuse to grant the application for an exemption permit, by the owner(s) of 19 Ivor Road to maintain a swimming pool enclosure in the rear yard of the property for an enclosure that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to direct staff to issue a second notice to the property owner to bring the swimming pool enclosure into compliance.

Financial Impact

There is no financial impact anticipated 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 existing fence violates Toronto Municipal Code, Chapter 447 – Fences requirements:

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Rear yard pool enclosure has gates on both side yards and one internal gate.	The gates of the existing pool enclosure are void of self-closing, self-latching devices and the latches are less than 1.5 meters above grade.	Chapter 447 Section 1.3 C (6) (c) Gates must be self-closing and 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 meters above grade.
Rear yard	Rear yard pool enclosure has gates on both side yards and one internal gate.	The existing rear yard pool enclosure has a side yard fence and a rear egress with an enclosure that may facilitate climbing.	Chapter 447 Section 1.3 E.(1).(E). (1) (b) Construction standards. (1) A swimming pool enclosure, including any gate forming part of the enclosure, shall: ((b) Be no closer than one meter to any external condition that may

			facilitate climbing the outside of the enclosure unless the height of the enclosure is at least 1.8 meters for a distance of at least one meter on each side of the condition;
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The property owner(s) seek this exemption for aesthetics purposes.

Municipal Licensing and Standards recommends North York Community Council refuse to grant the application for an exemption by the property owner of 19 Ivor Road.

Should North York Community Council grant the application for a fence exemption, the following recommendation may be adopted, in accordance with Municipal Code Chapter 447:

1. Grant the application for a fence exemption by the property owner of 19 Ivor Road, thereby allowing the proposed fence to be constructed. 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

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SIGNATURE

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List the attachments.

- Attachment 1: iView Map of Property – 19 Ivor Road - City of Toronto.
- Attachment 2: Municipal Standards Officer's Photo – Pool Gate - Side Yard
- Attachment 3: Municipal Standards Officer's Photo – Pool Gate - Side Yard
- Attachment 4: Municipal Standards Officer's Photo -- Pool Gate - Side Yard
- Attachment 5: Municipal Standards Officer's Photo -- Pool Gate latch Height.
- Attachment 6: Municipal Standards Officer's Photo -- Pool Gate - Pool Enclosure Gate.
- Attachment 7: Municipal Standards Officer's Photo -- Pool Gate & Enclosure.

ATTACHMENTS

Attachment 1: iView Map of Property – 19 Ivor Road - City of Toronto



Attachment 2: Municipal Standards Officer's Photo - 19 Ivor Road - Existing Pool Gate Enclosure. — Rear Yard Gate



Attachment 3: Municipal Standards Officer's Photo - 19 Ivor Road - Existing Pool Gate Enclosure. — Rear Yard Gate



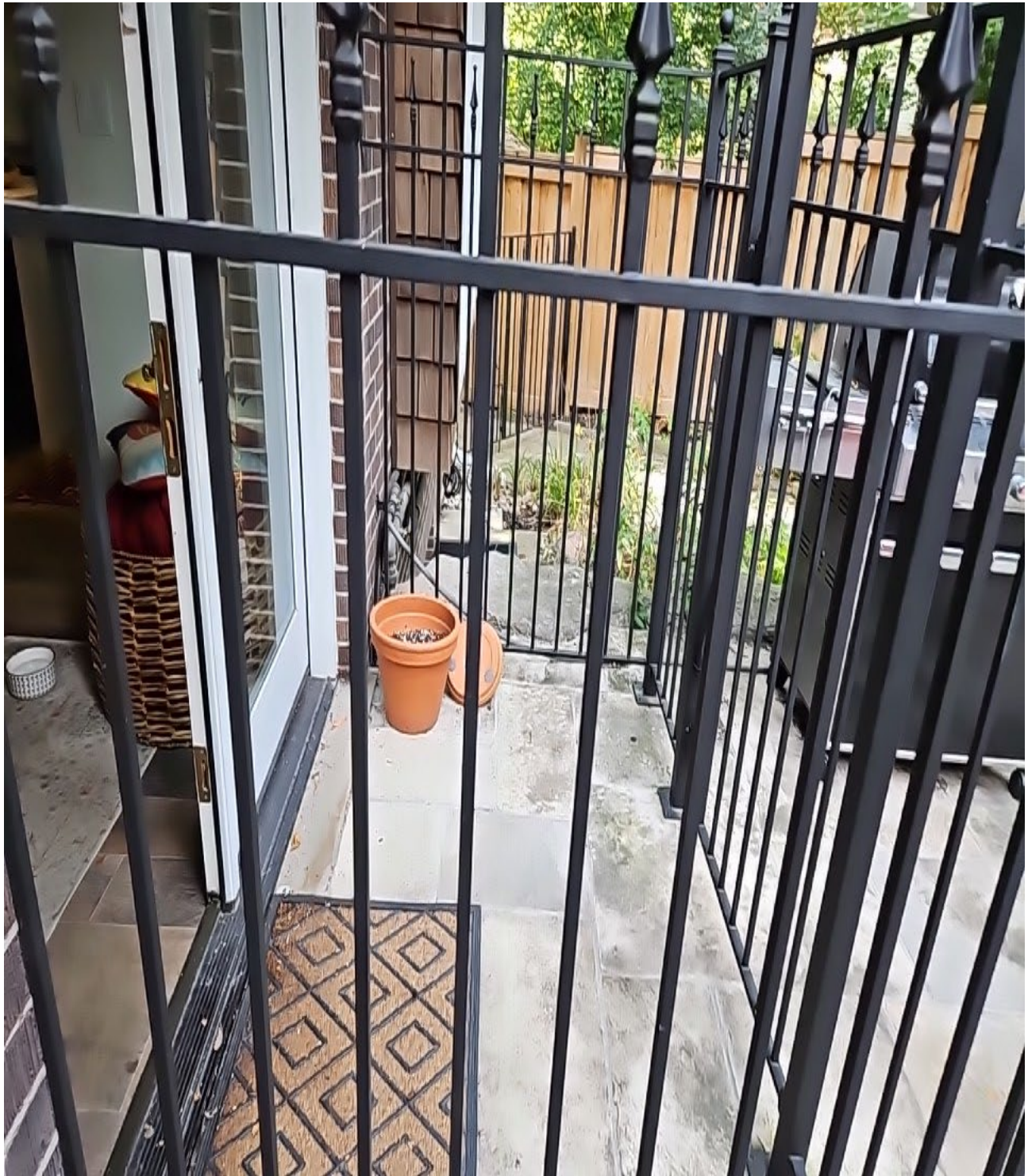


Attachment 4: Municipal Standards Officer's Photo - 19 Ivor Road - Existing Pool Gate Enclosure. — Rear Yard Gate



Attachment 5: Municipal Standards Officer's Photo - 19 Ivor Road - Existing Pool Gate Enclosure. — Rear Yard Gate

Attachment 6: Municipal Standards Officer's Photo - 19 Ivor Road - Existing Pool Enclosure. – Pool Gate - Pool Enclosure Gate.



Attachment 7: Municipal Standards Officer's Photo - 19 Ivor Road - Existing Pool Enclosure. – Pool Gate - Side Yard Pool Enclosure/Gates.

