

## **55 Sunnydene Crescent - Application for Fence Exemption**

**Date:** December 07, 2023

**To:** North York Community Council

**From:** District Manager, Municipal Licensing and Standards, East District

**Wards:** Ward 15, Don Valley West

### **SUMMARY**

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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 55 Sunnydene Crescent to maintain an existing pool enclosure in the rear yard. The pool enclosure has gates that do not have self closing/self latching devices and the latches are not the required height. In addition, the egresses from the dwelling, forming part of the pool enclosure has external conditions that may facilitate climbing.

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

### **RECOMMENDATIONS**

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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 55 Sunnydene Crescent 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.

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## 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.

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## 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 rear yard gates (Both side yard gates).                 | The gates of the existing pool enclosure are void of self-closing, self-latching devices and the latch is 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        | The existing sliding glass door of the dwelling leading into the pool enclosure. | The existing sliding glass door leading to the pool enclosure has an existing rear egress, three in total.                                  | 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:<br>((b) Be no closer than one meter to any external condition that may facilitate climbing the outside of the |

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|  |  |  | 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 safety and aesthetics purposes.

Municipal Licensing and Standards recommends North York Community Council refuse to grant the application for an exemption by the property owner of 55 Sunnydene Crescent. 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 55 Sunnydene Crescent, 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 – 55 Sunnydene Crescent - City of Toronto.
- Attachment 2: Applicant’s Photo – Rear Egress of Dwelling – Pool Enclosure
- Attachment 3: Applicant’s Photo – Rear Egress of Dwelling – Pool Enclosure
- Attachment 4: Applicant’s Photo – Rear Egress of Dwelling – Pool Enclosure
- Attachment 5: Applicant’s Photo – Rear Side Yard Gates – Pool Enclosure

## ATTACHMENTS

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### Attachment 1: iView Map of Property – 55 Sunnydene Crescent - City of Toronto



**Attachment 2: Applicant's Photo – Rear Egress of Dwelling – Pool Enclosure**



*Figure 5: Glass door #1 with self-closing, self-locking mechanism*

**Attachment 3: Applicant's Photo – Rear Egress of Dwelling – Pool Enclosure**



*Figure 4: Glass door #2 with self-closing, self-locking mechanism*

**Attachment 4:** Applicant's Photo – Rear Egress of Dwelling – Pool Enclosure



*Figure 3: Glass door #3 at rear of house with self-closing, self-locking gate*

**Attachment 5: Applicant's Photo – Rear Side Yard Gates – Pool Enclosure**

