

## **53 Yorkminster Road- Application for Fence Exemption**

**Date:** December 7, 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 53 Yorkminster Road to maintain an existing pool enclosure in the rear yard. The west side of the enclosure has opening greater than the permitted spacing and the staircase from the deck 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**

---

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 53 Yorkminster 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	The staircase from the deck forming part of the pool enclosure.	Existing pool enclosure has climbable objects. Namely; the stairs raisers as the guard is less than 1.8 meters high.	Chapter 447 Section 1.3 E.(1).(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
Rear yard	West side of the existing pool enclosure.	Existing metal pool enclosure has openings greater than 100 millimeters.	Chapter 447 Section 1.3 E(2)(c)1. A metal picket fence used in a swimming pool enclosure shall be not more than 100 millimeters apart where horizontal rails are spaced at least 1.2 meters apart.

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 53 Yorkminster 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 53 Yorkminster 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**

---

Andrew Orlik, Supervisor  
Municipal Licensing & Standards Division  
East District  
Tel. # 416-392-3076  
E-mail: [andrew.orlik@toronto.ca](mailto:andrew.orlik@toronto.ca)

## **SIGNATURE**

---

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

List the attachments.

Attachment 1: iView Map of Property – 53 Yorkminster Road - City of Toronto.  
Attachment 2: Municipal Standards Officer's Photo – Metal Fence Opening  
Attachment 3: Municipal Standards Officer's Photo – Rear Deck/Enclosure  
Attachment 4: Municipal Standards Officer's Photo -- Rear Deck/Enclosure

## ATTACHMENTS

---

### Attachment 1: iView Map of Property – 53 Yorkminster Road



**Attachment 2: Municipal Standards Officer's Photo 53 Yorkminster Road - West side of the existing pool enclosure.**



**Attachment 3: The staircase from the deck forming part of the pool enclosure.**



**Attachment 4: The height of the pool enclosure from top of stair raiser.**

