

7 Cicada Court - 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 7 Cicada Court to maintain an existing pool enclosure in the rear yard. The enclosure has horizontal boards that do not meet the required dimensions, the gates of the pool enclosure do not have self closing/self latching devices and the latches are not the required height. In addition, the open mesh fencing construction has openings that are too large.

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 7 Cicada Court 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	Existing pool enclosure	Existing pool enclosure has a chain-link fence with a mesh size is 57.15 millimeters.	Chapter 447 Section 1.3 E.(2).(a) A chain-link fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner and in compliance with the following: mesh size 38 millimeters maximum.
Rear yard	Rear yard pool enclosure.	Existing glass pool enclosure measures 1.092 meters in height.	Chapter 447 Section 1.3 D (1) Enclosure height. The minimum height of a swimming pool enclosure on a Single Residential Property at the highest outside grade within one meter of the enclosure shall be a minimum of 1.2 meters

Rear yard	Rear yard pool enclosure 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	Rear yard pool enclosure.	Existing horizontal boards are 19 millimeters by 76.2 - millimeter lumber.	Chapter 447 Section 1.3 E.(2)(b) 2. Horizontal boards shall be: [a] At least 19 millimeters by 89 millimeter lumber;

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 7 Cicada Court. 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 7 Cicada Court, 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.

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SIGNATURE

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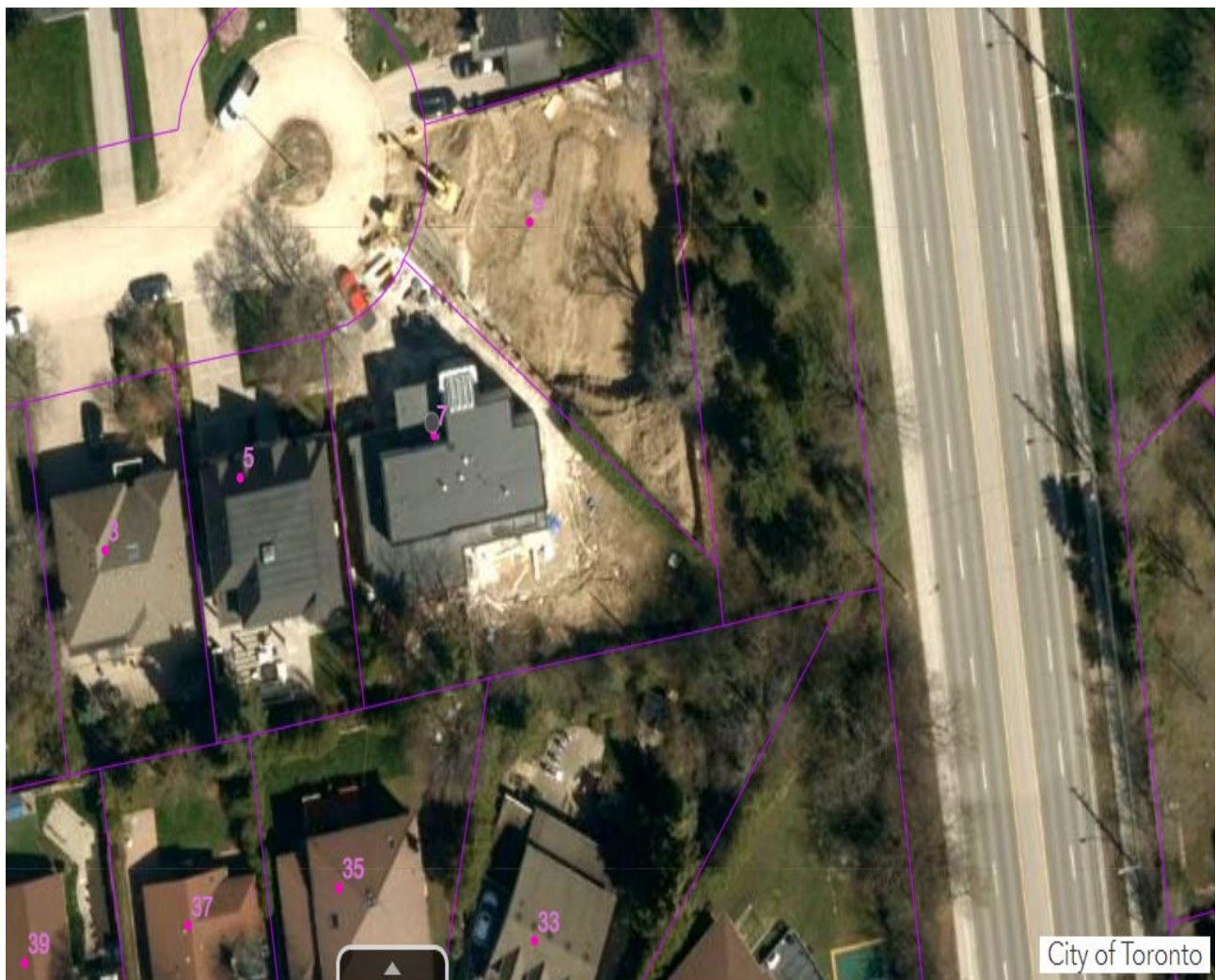
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List the attachments.

- Attachment 1: iView Map of Property – 7 Cicada Court - 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 – 7 Cicada Court - City of Toronto



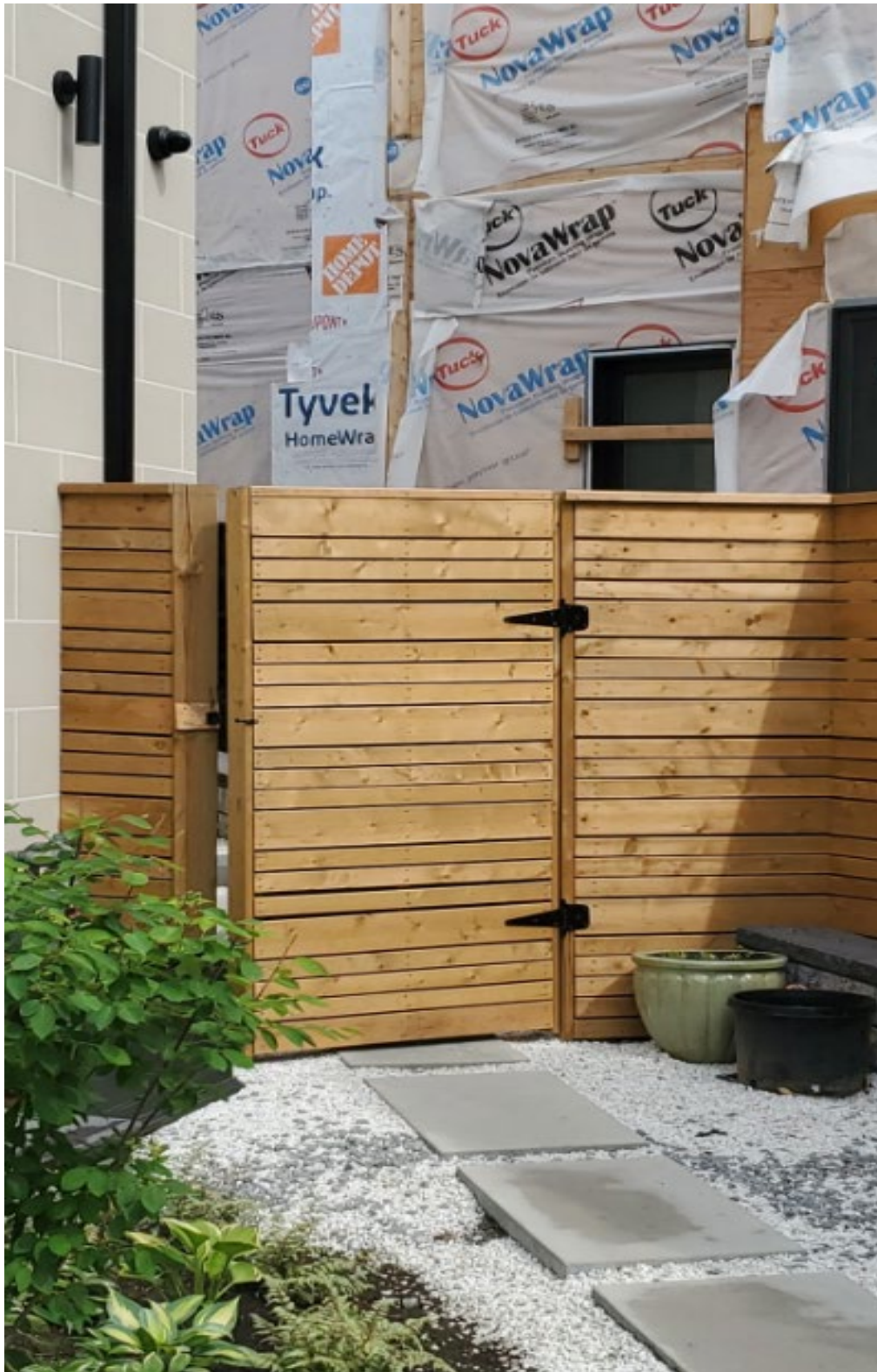
Attachment 2: Municipal Standards Officer's Photo - 7 Cicada Court - Existing pool enclosure. – Existing Metal Fence Opening



Attachment 3: Municipal Standards Officer's Photo - 7 Cicada Court - Existing pool enclosure.



Attachment 4: Municipal Standards Officer's Photo - 7 Cicada Court - Existing pool Enclosure.



Attachment 5: Municipal Standards Officer's Photo - 7 Cicada Court - Existing pool Enclosure.



Attachment 6: Municipal Standards Officer's Photo - 7 Cicada Court - Existing pool Enclosure.



