

31 Norden 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 16, Don Valley East

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 31 Norden Crescent to permit a swimming pool enclosure in the rear yard where the gate forming part of the enclosure is less than one meter from external conditions that may facilitate climbing the outside of the enclosure.

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 31 Norden 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 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 exiting fence violates Toronto Municipal Code, Chapter 447 – Fences requirements:

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	The existing pool enclosure from rear door of the dwelling.	The existing pool enclosure leading from the rear door on the wood deck closer than one meter to any external condition that may facilitate climbing the outside of the enclosure	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;
Rear yard	The existing pool enclosure from rear door of the dwelling.	The gate of the existing pool enclosure is void of a 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

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 31 Norden 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 31 Norden Crescent, thereby allowing the pool enclosure to remain as 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 – 31 Norden Crescent - City of Toronto.
Attachment 2:	Applicant's Photo – Pool Enclosure – Rear Yard
Attachment 3:	Applicant's Photo – Pool Enclosure – Rear Yard

ATTACHMENTS

Attachment 1: iView Map of Property – 31 Norden Crescent - City of Toronto



Attachment 2: Applicant's Photo – Pool Enclosure – Rear Yard



Attachment 3: Applicant's Photo – Pool Enclosure – Rear Yard

