

## **115 Munro Boulevard - Application for Fence Exemption**

**Date:** January 4, 2024

**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 115 Munro Boulevard to maintain an existing pool enclosure in the rear yard. The pool enclosure has three gates that do not have self close/self latching devices and the latches are not the required height on both side yard gates. In addition, the Juliet Balcony 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 115 Munro Boulevard 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 both side yard gates and rear pool gates. (Three in total) and the existing sliding glass door from dwelling leading into the pool enclosure.	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 from dwelling leading into the pool enclosure.	The existing sliding glass door leading to the pool enclosure has an existing Juliet balcony.	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 115 Munro Boulevard. 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 115 Munro Boulevard, 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 – 115 Munro Boulevard - City of Toronto.  
Attachment 2: Municipal Standards Officer’s Photo – Pool Gate - Side Yard  
Attachment 3: Municipal Standards Officer’s Photo – Juliet Balcony.  
Attachment 4: Municipal Standards Officer’s Photo -- Pool Gate - Side Yard  
Attachment 5: Municipal Standards Officer’s Photo -- Pool Gate.

## ATTACHMENTS

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### Attachment 1: iView Map of Property – 115 Munro Boulevard - City of Toronto



**Attachment 2: Municipal Standards Officer's Photo - 115 Munro Boulevard - Existing Pool Enclosure. – Pool Gate - Side Yard**



**Attachment 3: Municipal Standards Officer's Photo - 115 Munro Boulevard - Existing Pool Enclosure - Juliet Balcony.**



**Attachment 4: Municipal Standards Officer's Photo - 115 Munro Boulevard - Existing Pool Enclosure. – Pool Gate - Side Yard**



**Attachment 5: Municipal Standards Officer's Photo - 115 Munro Boulevard - Existing pool Enclosure. – Pool Gate.**

