

311 Patricia Avenue - Application for Fence Exemption

Date: April 2, 2024.

To: North York Community Council

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

Wards: Ward 18, Willowdale

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 311 Patricia Avenue to maintain an existing pool enclosure in the rear yard. The height of the pool enclosure fence exceeds the height of the bylaw. The rear yard (West fence) measures 2.16 meters in height. The rear yard (South fence) measures 2.1 meters in height. The rear yard (East fence) measure 2.13 meters high.

The gates of the pool enclosure do not have self closing/self latching devices and the latches are not the required height. There are egresses from the dwelling leading directly into 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:

North York Community Council refuse to grant the application for an exemption permit, by the owner(s) of 311 Patricia Avenue 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	Rear yard pool enclosure fences	Rear yard fencing has been built higher than 2 meters.	Chapter 447 Section 1.5(B)(1) Item 9. MAXIMUM HEIGHT OF FENCES. (2 Meters)

The property owner(s) seek this exemption for privacy purposes.

Municipal Licensing and Standards recommends North York Community Council refuse to grant the application for an exemption by the property owner of 311 Patricia Avenue. 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 311 Patricia Avenue, thereby allowing the existing fence to be maintained. 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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List the attachments.

Attachment 1:	iView Map of Property – 311 Patricia Avenue - City of Toronto.
Attachment 2:	Municipal Standards Officer's Photo
Attachment 3:	Municipal Standards Officer's Photo – Side yard Gate
Attachment 4:	Municipal Standards Officer's Photo -- Existing pool Enclosure. Gate Latch.
Attachment 5:	Municipal Standards Officer's Photo – Fence Height.
Attachment 6:	Municipal Standards Officer's Photo – Side yard Gate
Attachment 7:	Municipal Standards Officer's Photo – Fence Height.
Attachment 8:	Municipal Standards Officer's Photo – Fence Height.

ATTACHMENTS

Attachment 1: iView Map of Property – 311 Patricia Avenue - City of Toronto



Attachment 2: Municipal Standards Officer's Photo - 311 Patricia Avenue - Existing pool enclosure.



Attachment 3: Municipal Standards Officer's Photo - 311 Patricia Avenue - Existing pool enclosure. - Side yard Gate.



Attachment 4: Municipal Standards Officer's Photo – 311 Patricia Avenue - Existing pool Enclosure. Gate Latch.



Attachment 5: Municipal Standards Officer's Photo – 311 Patricia - Existing pool Enclosure. - Fence Height.



Attachment 6: Municipal Standards Officer's Photo – 311 Patricia Avenue - Existing pool Enclosure. – Side Yard Gate.



Attachment 7: Municipal Standards Officer's Photo – 311 Patricia - Existing pool Enclosure. - Fence Height.



Attachment 8: Municipal Standards Officer's Photo – 311 Patricia - Existing pool Enclosure. - Fence Height.

