

51 Wimpole Drive- Application for Fence Exemption

Date: May 6, 2024.

To: North York Community Council

From: District Manager, Municipal Licensing and Standards, East

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 51 Wimpole Drive 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:

North York Community Council refuse to grant the application for an exemption permit, by the owner(s) of 51 Wimpole Drive 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 existing sliding glass door of the 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 metre to any external condition that may facilitate climbing the outside of the enclosure unless the height of the enclosure is at least 1.8 metres for a distance of at least one metre on each side of the condition;

Rear yard	Rear yard pool enclosure.	Existing pool enclosure has a chain-link fence with a mesh size is 50.8 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
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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 51 Wimpole Drive. 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 51 Wimpole Drive, thereby allowing the proposed 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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SIGNATURE

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List the attachments.

- Attachment 1: iView Map of Property – 51 Wimpole Drive - City of Toronto.
- Attachment 2: Municipal Standards Officer's Photo – Metal Fence Opening
- Attachment 3: Municipal Standards Officer's Photo – Rear Deck/Enclosure

ATTACHMENTS

Attachment 1: iView Map of Property – 51 Wimpole Drive



Attachment 2: Municipal Standards Officer's Photo 51 Wimpole Drive - West side of the existing pool enclosure.



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

