

## **51 Tanbark Cres- Application for Fence Exemption**

**Date:** April 8, 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 51 Tanbark Cres to maintain an existing pool enclosure in the rear yard. The west side of the enclosure has no fence to prevent access to the pool from the dwelling.

This is contrary to the Toronto Municipal Code, Chapter 447-1.3 C (3) (e)

### **RECOMMENDATIONS**

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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 Tanbark Cres 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**

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There is no financial impact anticipated this report.

## DECISION HISTORY

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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

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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 pool enclosure from rear door of the dwelling.	The existing pool west side of the enclosure has no fence to prevent access to the pool from the dwelling.	Chapter 447 Section 1.3 C (3) (e) If the wall of any building, or any portion of it, forms part of the pool enclosure, there shall be no access to the enclosed pool area through the wall.

Municipal Licensing and Standards recommends North York Community Council refuse to grant the application for an exemption by the property owner of 51 Tanbark Cres. 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 51 Tanbark Cres, thereby allowing the proposed pool enclosure to exist without an enclosure preventing access to the pool from the dwelling. At such time as replacement of the pool enclosure 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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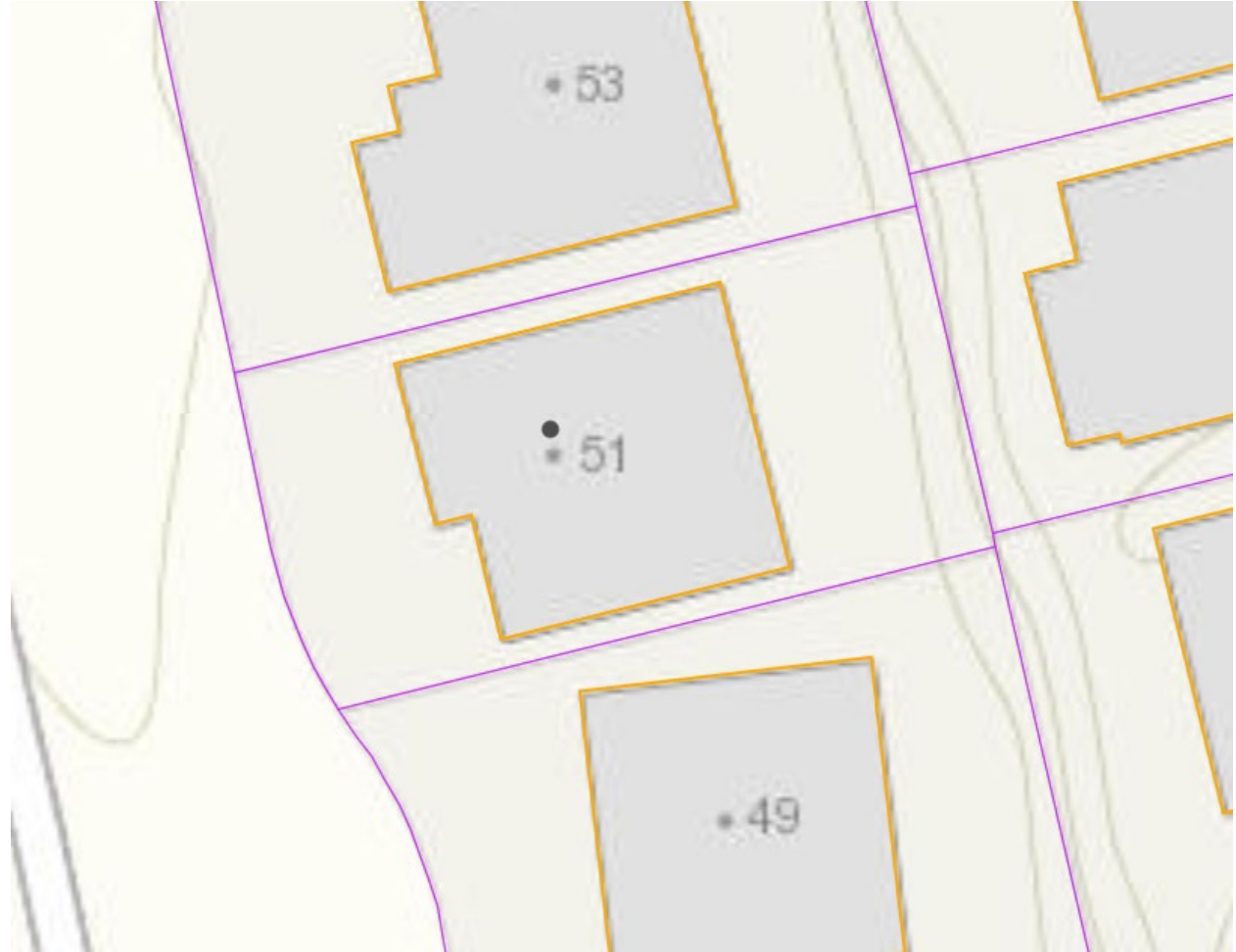
List the attachments.

- Attachment 1: iView Map of Property – 51 Tanbark Cres - City of Toronto.
- Attachment 2: Municipal Standards Officer's Photo - 51 Tanbark Cres - Rear Yard
- Attachment 3: Municipal Standards Officer's Photo - 51 Tanbark Cres - Rear Yard dwelling access to pool area.
- Attachment 4: Municipal Standards Officer's Photo - 51 Tanbark Cres - Rear Yard dwelling access to pool area.

## ATTACHMENTS

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iView Map of Property – 51 Tanbark Cres - City of Toronto.



Attachment 2: Municipal Standards Officer's Photo - 51 Tanbark Cres - Rear Yard dwelling access to pool area.



Attachment 3: Municipal Standards Officer's Photo - 51 Tanbark Cres - Rear Yard dwelling access to pool area.



Attachment 4: Municipal Standards Officer's Photo - 51 Tanbark Cres - Rear Yard dwelling access to pool area.

