

51 Tanbark Cres- Application for Fence Exemption

Date: May 23, 2024

To: North York Community Council

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

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 Tanbark Cres to install the proposed pool enclosure in the rear yard. The west side of the enclosure has no fence to prevent access to the pool from the dwelling. The proposal includes a juliette style gate to prevent access from the dwelling to the enclosure. The proposed enclosure does not extend 1m out from the door on each side entering the enclosure.

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

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 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

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 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 Scarborough 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(s) of 51 Tanbark Crescent, thereby allowing the construction of the fence as proposed. 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 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: Applicant's photo - 51 Tanbark Cres - Current rear Yard dwelling access
to pool area.
Attachment 5: Applicant's photo - 51 Tanbark Cres - Proposed enclosure - Juliette style
gate
Attachment 6: Applicant's photo - 51 Tanbark Cres - site plan drawings

ATTACHMENTS

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: Applicant's photo - 51 Tanbark Cres - Current rear Yard dwelling access to pool area.

Existing Site Conditions

51 Tanbark Crescent,
Toronto, Ontario
M3B 1N7



Attachment 5: Applicant's photo - 51 Tanbark Cres - Proposed enclosure - Juliette style gate

Proposed Fence Plan

51 Tanbark Crescent,
Toronto, Ontario
M3B 1N7



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51 Tanbark Crescent,
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