

123 Sheldrake Blvd - Fence Exemption Report

Date: July 16, 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 123 Sheldrake Blvd to allow the current metal balcony guard to remain at a height of 1.15m (3.79ft) which does not meet the required height of 1.2m (4ft).

This is contrary to the City of Toronto Municipal Code Chapter 447 1.3.D(1) Swimming Pool Enclosures - Enclosure Height.

Please note, a previous fence exemption request was submitted and adopted by council with respect to a self closing/self latching rear egress door on January 24, 2024.

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 123 Sheldrake Blvd to use the metal balcony guard at its existing height of 1.15m(3.79ft).

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 proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with respect to swimming pool enclosures/access protection.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear Yard	Rear Balcony on south side of dwelling.	Metal Balcony guard height measures 1.15m (3.79ft) which does not meet the requirement of 1.2m (4ft)	447 1.3.D(1) Swimming Pool Enclosures - Enclosure Height Minimum height required 1.2m (4ft)

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

Municipal Licensing and Standards recommends North York Community Council refuse to grant the application for an exemption by the property owner of 123 Sheldrake Blvd. 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 123 Sheldrake Blvd. Thereby allowing the proposed fence to remain as is. 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

Andrew Orlik, Supervisor
Municipal Licensing & Standards Division
East District
Tel. # 647-212-6157
E-mail: andrew.orlik@toronto.ca

SIGNATURE

Jason Lutchman Manager,
Municipal Licensing and Standards
Tel: # 416-397-1192
E-Mail: jason.lutchman@toronto.ca

ATTACHMENTS

Attachment 1: iView Map of Property – 123 Shelldrake Blvd
Attachment 2: Applicant Photo - Rear Balcony Guard



Attachment 1: iView Map of Property – 123 Shel Drake Blvd



Attachment 2: Applicant Photo - Rear Balcony Guard