

10 Viewbank Road - Application for Fence Exemption

Date: January 4, 2024

To: Scarborough Community Council

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

Wards: Ward 20, Scarborough Southwest

SUMMARY

This staff report concerns a matter for which the Scarborough 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 10 Viewbank Road to maintain an existing pool enclosure in the rear yard on the north side of the property which has a fence height of less than 1.2 meters and the location of the pool enclosure is also less than 1.2 meters from the water's edge. This is contrary to the Toronto Municipal Code, Chapter 447-1.2 C (1)

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, East District recommends that:

1. Scarborough Community Council refuse to grant the application for an exemption, by the property owner(s) of 10 Viewbank Road for a fence that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to direct the issuance of a notice to the property owner(s) to bring the fence into compliance.

FINANCIAL IMPACT

There is no financial impact anticipated in 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 Scarborough Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Scarborough Community Council will consider the application.

Comments

The proposed fence violates Toronto Municipal Code, Chapter 447 – Fences requirements with fence height and pool enclosures.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION & DEFICIENCY	BY-LAW SECTION & REQUIREMENT*
Rear yard	Pool enclosure on the east side of the yard.	The water's edge is 1.1 meters from existing pool enclosure.	Chapter 447 Section 1.3 E. (1) (a) Construction standards. A swimming pool enclosure, including any gate forming part of the enclosure, shall: Be no closer than 1.2 meters horizontally to the water's edge in the pool
Rear yard	Pool enclosure in the rear yard on deck.	Rear walkout has an existing enclosure on deck made of glass fencing. (Four panels) measuring 1.1m	Chapter 447 Section 1.3.D. (1) Enclosure height. The minimum height of a swimming pool enclosure above the highest outside grade within one meter of the enclosure shall be 1.2 meters

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

Municipal Licensing and Standards recommends Scarborough Community Council refuse to grant the application for an exemption by the property owner of 10 Viewbank Road. Should Scarborough 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 10 Viewbank Road thereby allowing the existing fence to be maintained as constructed. 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 – 10 Viewbank Road - City of Toronto.
- Attachment 2: Municipal Standards Officer's Photo Rear Pool Enclosure - 10 Viewbank Road
- Attachment 3: Municipal Standards Officer's Photo Rear Pool Enclosure - 10 Viewbank Road
- Attachment 4: Municipal Standards Officer's Photo Rear Pool Enclosure - 10 Viewbank Road

ATTACHMENTS

Attachment 1: iView Map of Property – 10 Viewbank Road - City of Toronto.



**Attachment 2: Municipal Standards Officer's Photo Rear Pool Enclosure - 10
Viewbank Road**



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Attachment 3: Municipal Standards Officer's Photo Rear Pool Enclosure - 10 Viewbank Road



Attachment 4: Municipal Standards Officer's Photo Rear Pool Enclosure - 10 Viewbank Road

