

## **143 Dunington Drive - Fence Exemption Report**

**Date:** July 15, 2024

**To:** Scarborough Community Council

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

**Wards:** Ward 20 - Scarborough Southwest

### **SUMMARY**

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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 143 Dunington Drive to allow the rear yard pool enclosure fences on the North, South and East sides to exceed the maximum allowable height of 2.0 meters (6.5 feet) as follows;

North Side - 2.43 meters (8 feet)

South Side - 2.13 meters (7 feet)

East Side - 2.43 meters (8 feet)

As well as the rear deck east guard, which acts as part of the pool enclosure does not meet the height standard of 1.2 meters (4 feet).

Rear Deck guard facing East - 1.18 meters (3.87 feet)

This is contrary to the City of Toronto Municipal Code Chapter 447-1.3(D)2 Enclosure Height and 447-1.3(C)3 Access Protection.

## **RECOMMENDATIONS**

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

Scarborough Community Council refuse to grant the application for an exemption permit, by the owner(s) of 143 Dunnington Drive to allow the rear yard fences on the north, south and east sides to exceed 2.0 meters and refuse to allow the deck guard to maintain a height that does not meet the minimum standard of 1.2 meters for a pool enclosure.

## **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 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**

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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 Pool Enclosure	1.) Rear yard North Fence	1.) Fence Height is 2.43 meters (8 feet) exceeding the maximum height of 2.0 meters (6.5feet)	1.) Chapter 447-1.3(D)2 Enclosure Height - Maximum Height is 2.0 meters (6.5 feet)
	2.) Rear yard South Fence	2.) Fence Height is 2.13 meters (7 feet) exceeding the maximum height of 2.0 meters (6.5 feet)	2.) Chapter 447-1.3(D)2 Enclosure Height - Maximum Height is 2.0 meters (6.5 feet)
	3.) Rear yard East Fence	3.) Fence Height is 2.43 meters (8 feet) exceeding the maximum height of 2.0 meters (6.5 feet)	3.) Chapter 447-1.3(D)2 Enclosure Height - Maximum Height is 2.0 meters (6.5 feet)
	4.) Rear yard Deck facing East	4.) Deck guard is 1.18 meters (3.87 feet)	4.) Chapter 447-1.3(C)3 Access Protection - Minimum height is 1.2 meters (3.93 feet)

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

Municipal Licensing and Standards recommends Scarborough Community Council refuse to grant the application for an exemption by the property owner of 134 Dunington Drive. 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 of 143 Dunington Drive. Thereby allowing the proposed fence to be 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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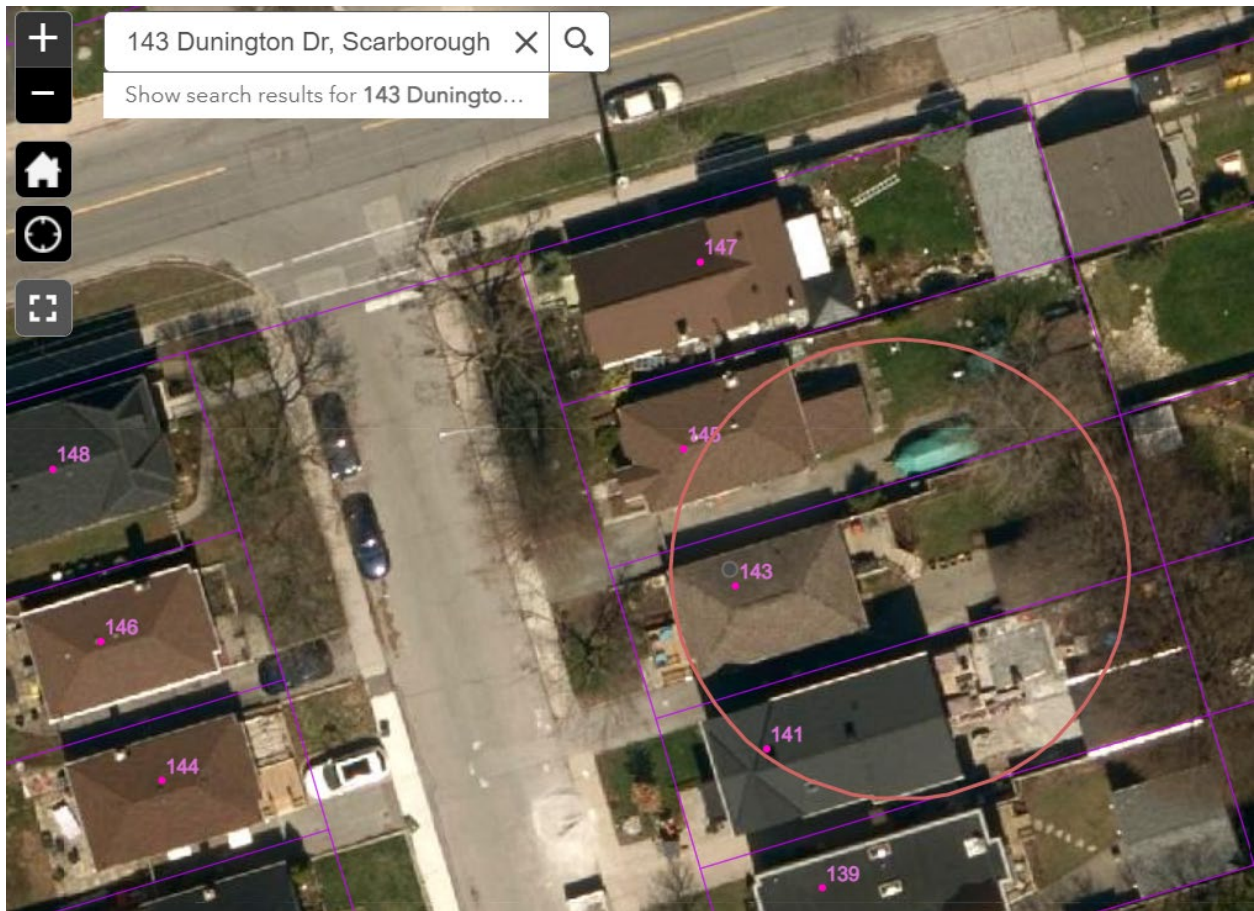
## **SIGNATURE**

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## **ATTACHMENTS**

Attachment 1: iView Map of Property – 134 Dunington Drive  
Attachment 2: Applicant Photo - rear yard north side fence  
Attachment 3: Applicant Photo - rear yard south side fence  
Attachment 4: Applicant Photo - rear yard east side fence  
Attachment 5: Deck Guard  
Attachment 6: Deck Guard Measurement



Attachment 1: iView Map of Property – 143 Dunington Drive



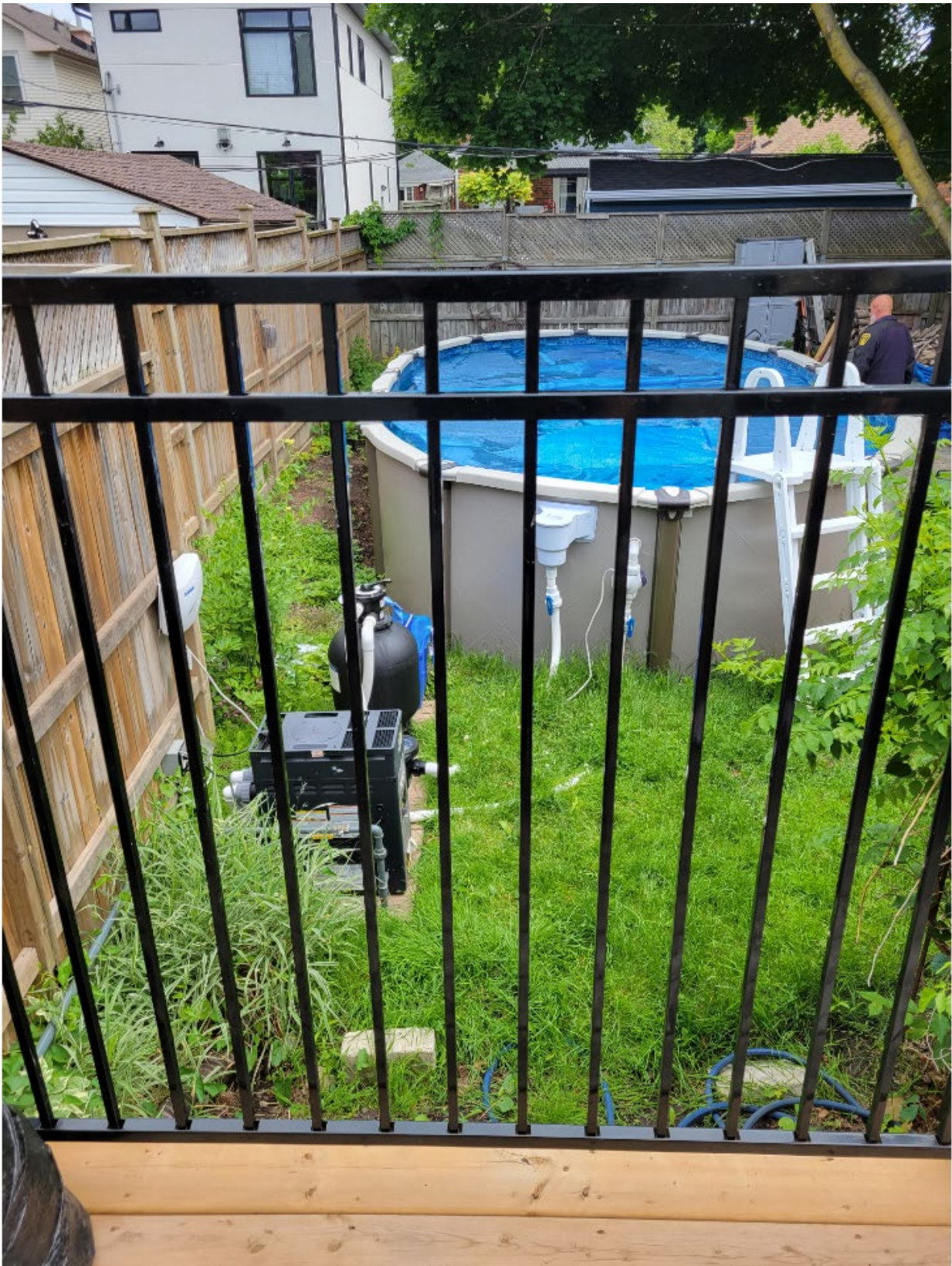
Attachment 2: Applicant Photo - rear yard north side fence



Attachment 3: Applicant Photo - rear yard south side fence



Attachment 4: Applicant Photo - rear yard east side fence



Attachment 5: Deck Guard



Attachment 6: Deck Guard Measurement