

Request for a Fence Exemption - 154 Riverside Drive

Date: May 7, 2024
To: Toronto and East York, Community Council
From: District Manager, Municipal Licensing and Standards
Wards: Ward 04 – Parkdale / High Park

SUMMARY

This staff report concerns a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision.

The purpose of this report is to advise Council concerning an application by the property owner for a site-specific Fence Exemption, pursuant to Section 447-1.5 B of Toronto Municipal Code, Chapter 447- Fences. The property owner is seeking Council's permission to permit a tempered glass gate affixed to the rear dwelling wall, which does not comply with Section 447-1.3.C.(3) of the Swimming Pool Enclosures of the bylaw.

The property owner is seeking relief from the by-law regulations by permitting the continued erection of a tempered glass gate affixed to the rear dwelling wall preventing direct access from the dwelling to the swimming pool.

Municipal Licensing and Standards Division did not receive a complaint; however, this violation was observed during the final inspection for the pool enclosure permit.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Refuse to grant the application for an exemption permit, by the property owner of, for a fence enclosure that fails to comply with the provisions of Toronto Municipal Code, Chapter 447, Fences and to issue a second notice to the property owner to bring the fence into compliance.

OR

2. Grant the application for a fence exemption permit, without conditions, thereby allowing the fence enclosure to be maintained as constructed. Additionally, direct and require that the installation be maintained in good repair without alteration. At such time as replacement of the fence is required that such installation will comply with Municipal Code Chapter 447, or its successor by-law.

FINANCIAL IMPACT

The property will have financial impact if the fence exemption is denied. Erection of an 14 metre fence will be required to create a Chapter 447 compliant pool enclosure.

DECISION HISTORY

The property owner submitted a fence exemption application, in writing, on April 10 2024, in regards to an existing pool enclosure, in accordance with Section 447 1.3.C(3) of Toronto Municipal Code.

As required by Section 447-1.5 B, Municipal Licensing & Standards has responded to the fence exemption application by preparing this report for Toronto and East York Community Council's consideration, and, the City Clerk has sent all requisite notifications of the date that Toronto and East York Community Council will consider the application.

COMMENTS

The subject property, is located in Ward 4 Parkdale / High Park and is a 2 Story single family dwelling.

Municipal Licensing Standards' investigated the area where the fence is installed; the fence erected does meet the required measurements; however, does not meet the Bylaws requirement as seen in the table below.

General Location	Specific Location	Deficiency	By-Law Section
Rear Yard	West side of the property	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	Section 447-1.3.C(3)

CONTACT

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SIGNATURE

Peter Hardisty
District Manager

ATTACHMENTS

- Attachment #1: View from rear yard facing dwelling
- Attachment #2: View from pool deck facing basement walkout (gate)
- Attachment #3: View from basement walkout with gate
- Attachment #4: View of tempered glass gate mounted to exterior wall



Attachment #1: View from rear yard facing dwelling



Attachment #2: View from pool deck facing basement walkout (gate)



Attachment #3: View from basement walkout with gate



Attachment #4: Close up tempered glass gate mounted to exterior wall