

June 6, 2024

By E-Mail: teycc@toronto.ca

Toronto and East York Community Council
City Clerk's Office
City of Toronto
100 Queen Street West
2 West
Toronto, ON
M5H 2N2

Dear Sir/Madam:

**Re: TE14.27 - 48 Warren Road - Request for a Fence Exemption
Community Council Meeting – June 11, 2024**

Aird & Berlis LLP are lawyers for Mr. Daniel Kanter and Ms. Yael Latner, the owners of the property located at 48 Warren Road, Toronto. On behalf of our clients we respectfully request that Toronto and East York Community Council grant the requested exemption from Section 447-1.3.C(3) of Municipal Code Chapter 447, related to the location of a pool enclosure.

The Proposed Pool Enclosure

Our clients are proposing to construct a pool and lounge area at the rear of their property, located entirely behind (to the west) of an existing garage and coach house, as shown in figure 1 below.

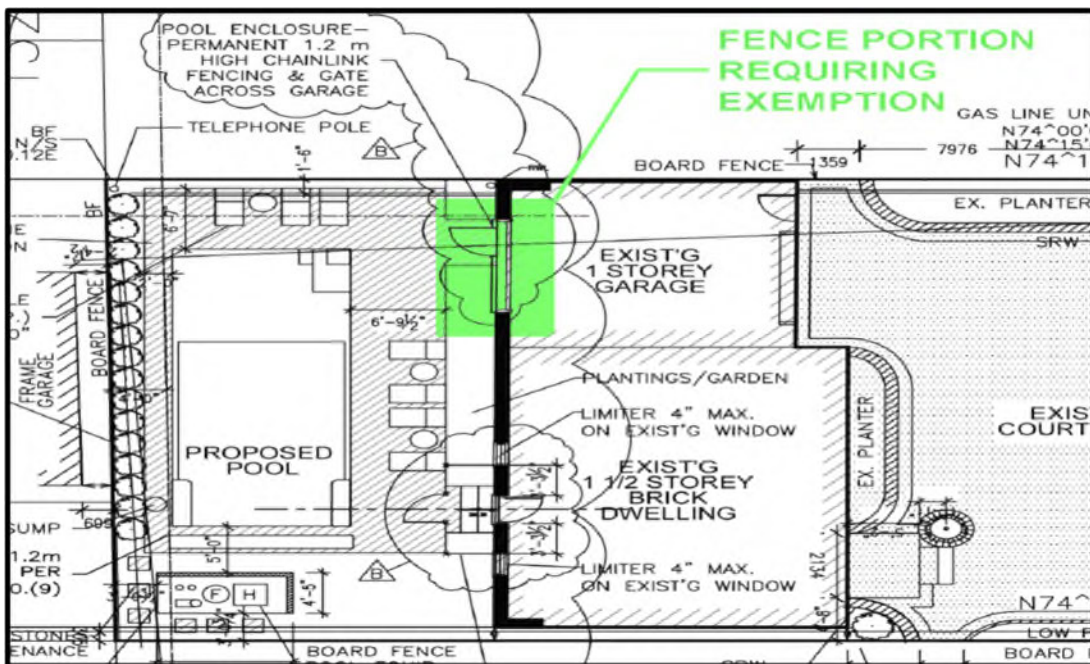


Figure 1

With the pool being located directly behind the existing structures, the rear wall of the structures will enclose the pool from the east. The rear wall of the garage includes a traditional garage style door which will permit ingress and egress to the pool area.

Our client proposes to build a permanent aluminum gate that is mounted on and flush with the garage door to ensure controlled and safe access to the pool. The gate will have a minimum height of 1.2 metres, and will comply with the construction standards set out in section E of the by-law. The pool enclosure will therefore meet all the substantive safety/construction requirements established by the by-law.

Our client requires a single exemption from section C(3) of the by-law. That section provides that if a "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."

The only reason this exemption is required is because the aluminum gate is proposed to be mounted on and flush with the garage door. Therefore, we submit that proposed fence exemption is highly technical in nature. If the gate were located slightly further away from the garage, no exemption would be required. However, our clients prefer to locate the gate directly against the garage to maximize the usable space around the pool, while continuing to provide a sufficient pool enclosure and a safe environment.

As the parents of young children who live at the property, pool safety is an utmost priority for our clients. Notwithstanding the required exemption, the proposed pool enclosure maintains the overall intent and spirit of the pool enclosure regulations.

Access to the pool will be fully controlled, and there will be no negative impact to any surrounding properties as a result of the exemption.

Our clients have also consulted with their neighbours. The property owner directly to the south has provided a letter of support for this application, which is enclosed. Other neighbours have been contacted and have advised our clients that they have no objection to this application.

Conclusion

For these reasons, our clients request that the application for a fence exemption permit be granted without conditions. Our clients takes no issue with the recommended direction that the installation be maintained in good repair without alteration, and in full compliance with Municipal Code Chapter 447, or its successor by-law.

Enclosed with this letter is a draft site plan which shows the proposed pool and enclosure, and a graphic prepared by our clients' landscape architect which depicts the proposed pool and pool area.

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I will be attending at the June 11, 2024 meeting of Toronto and East York Community Council to speak to this application and to answer any questions that Council may have.

Yours truly,

AIRD & BERLIS LLP



Matthew Helfand
MH:tp

Enclosures

60573190.1



Sarah Morgenstern & Todd Hergarten

[REDACTED]

March 5, 2024

Subject: Support for Neighbour's Pool Fence Exemption Request

To the Representatives of Community Council.

I am writing to express my full support for my neighbours, the Kanter family, in their request for a pool fence exemption. Having observed the safety measures they have implemented, I am confident that their pool area is secure.

Having reviewed the drawings and photos of the proposed 3.05m fence and gate section spanning the garage door opening on the west face of the coach house of my line neighbours Dan Kanter and Yael Latner at 48 Warren Road, I wish to offer my support for this application; it has no impact visually on our property and will contribute to overall safety on Warren Road.

I kindly request that you consider approving their exemption request, as their dedication to maintaining a safe environment is evident.

Thank you for your attention to this matter.

Sarah Morgenstern & Todd Hergarten

Sincerely,
Sarah Morgenstern & Todd Hergarten

[REDACTED]