

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 23 Hampshire Heights

Date: January 12, 2026

To: Etobicoke York Community Council

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

Wards: 2 Etobicoke Centre

SUMMARY

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

This report responds to an application submitted by the property owner of 23 Hampshire Heights, requesting approval for a site-specific Fence Exemption under Toronto Municipal Code Chapter 447 – Fences, for an existing pool fence located at 23 Hampshire Heights located within the Etobicoke York District.

The owner of 23 Hampshire Heights has applied for a Fence Exemption to permit an existing swimming pool enclosure constructed of vinyl (PVC) material located in the rear yard. The subject fence is a 2-metre-high vinyl/PVC rear perimeter pool fence. Vinyl (PVC) is not a permitted pool fence material under Chapter 447, and an exemption is required for the fence to remain in place.

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, West District recommends that Etobicoke York Community Council:

1. Refuse to grant the application for exemption by the owner of 23 Hampshire Heights because the fence fails to comply with the provisions of Toronto Municipal Code, Chapter 447 Fences.

FINANCIAL IMPACT

There is no financial impact to the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions for this property

COMMENTS

Municipal Licensing and Standards staff inspected the property at 23 Hampshire Heights on October 21, 2025, and a Notice of Violation was issued on November 13, 2025.

The property owner submitted a Fence Exemption application on November 24, 2025. The application requests permission to allow the existing 2.0-metre-high vinyl/PVC rear perimeter pool fence to remain. In support of the request, the property owner has cited the following:

- The fence was recently installed at significant cost.
- The vinyl/PVC material was selected to complement the property's existing landscaping; and
- Removal and replacement of the fence with a permitted material would result in financial hardship.

Community Council is being asked to consider whether to grant a site-specific Fence Exemption for this non-compliant material.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT
Rear Yard	Pool Fence	Vinyl fence around the pool (non permitted material). A pool fence must be constructed of permitted durable materials.	Chapter 447-1.3.E. Section (2)(a)(b)(c)(d)(e) Construction standards. Every fence and gate used in a swimming pool enclosure shall be constructed to the following standards: wood, chain-link, metal pickets, glass panels, and masonry

The pool enclosure fence at 23 Hampshire Heights is non-compliant with Toronto Municipal Code Chapter 447 due to the use of vinyl (PVC), a non-permitted fence material. Etobicoke York Community Council must determine whether to grant or deny the exemption request.

CONTACT

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SIGNATURE

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Municipal Licensing and Standards

ATTACHMENTS

Attachment A: iView Map of Property – 23 Hampshire Heights - City of Toronto.

Attachment B: North-facing view of the rear perimeter fence. Photograph taken by the attending Officer at 23 Hampshire Heights.

Attachment C: View of the northwest side of the pool. Photograph taken by the attending Officer at 23 Hampshire Heights.

Attachment D: East view of the rear perimeter fence. Photograph taken by the attending Officer at 23 Hampshire Heights.

Attachment E: Southeast gate providing access to the rear yard pool area. Photograph taken by the attending Officer at 23 Hampshire Heights.

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Attachment D: East view of the rear perimeter fence. Photograph taken by the attending Officer at 23 Hampshire Heights.



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