

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 4 Berryton Avenue

Date: April 13, 2026

To: Etobicoke York Community Council

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

Wards: 5 York South - Weston

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 4 Berryton Avenue, requesting approval for a site-specific Fence Exemption under Toronto Municipal Code, Chapter 447 - 1.3C. (3) Fences, for a proposed pool fence located at 4 Berryton Avenue within the Etobicoke York District.

The purpose of this report is to advise Council concerning an application by the property owner of 4 Berryton Avenue for a site-specific Fence Exemption, pursuant to Section 447-1.3.(C). 3 of Toronto Municipal Code, Chapter 447, Fences. The property owner is seeking Council's permission to allow for a Juliette-style gate, which does not comply with the standards stipulated by Section 447 - 1.3C. (3) of the by-law.

The property owner is seeking relief from the by-law regulations to be able to use a Juliette-style gate to prevent access into the pool area. If owner was to erect a 4th fence between the pool and the deck, there will be limited access to move in that area.

The proposed fence does not create a sightline obstruction.

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 4 Berryton Avenue 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

The subject property, 4 Berryton Avenue, is a single-family detached residential dwelling.

This application was not initiated because of a public complaint but arose from findings during a pool fence preliminary review.

The owner of 4 Berryton Avenue submit the Fence Exemption application on September 10, 2025, with a revision March 30, 2026.

The property owner is seeking relief from the by-law regulations to permit the installation of a Juliette-style gate at the rear access point of the dwelling, with the intent of preventing access into the pool area. It is noted that if a fourth fence were to be constructed between the pool and the deck, it would significantly limit access and movement within that area.

The proposed Juliette-style gate installation is to be affixed to the exterior concrete wall at the rear access of the dwelling. The gate will be securely anchored approximately 1 metre on either side of the opening.

The proposed fence/ gate consists of:

Wrought iron gate construction

Metal pickets spaced approximately 4 inches apart

Self-closing and self-latching mechanism with spring action (Juliette-style gate)

The proposed gate dimensions are:

Length: 3.524 metres

Height: 1.2 metres

The latch mechanism will be installed at a height of 1.2 metres above the rear exiting door sill. The gate will fully cover the existing rear door frame and will be securely affixed to the exterior concrete wall.

The proposed gate incorporates key safety features, including a self-closing mechanism, self-latching device, and elevated latch placement. These features are

consistent with the intent of the by-law to prevent unauthorized or unsupervised access to the pool area.

Notwithstanding the above, the proposed fence enclosure contravenes Toronto Municipal Code, Chapter 447, Section 447-1.3C (3), which states:

“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.”

The proposal introduces an access point through the wall of the dwelling into the pool enclosure, which does not comply with the requirements of the Municipal Code.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT
Rear Yard	Rear Yard access door from house	Pool enclosure includes the wall of home acting as part of the pool enclosure using Juliette-style gate	447 - 1.3C. (3) Access Protection 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.

The property owner seeks this exemption for safety purposes.

CONTACT

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SIGNATURE

Brian Nogueira
District Manager, West District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of Property – 4 Berryton Avenue - City of Toronto

Attachment 2: Full view of rear yard showing inground pool, rear deck with steps, and rear access door from the house, 4 Berryton Avenue, City of Toronto

Attachment 3: Rear yard – Proposed Juliet gate installation to be affixed to the exterior concrete wall at the rear access of the dwelling. The gate will be securely anchored approximately 1 metre on each side.

Attachment 4: Rear yard – measured distance of 92 inches from the edge of the deck to the water's edge.

Attachment 5: Pool Permit Drawing, illustrating the approved pool layout and associated enclosure details, 4 Berryton Avenue, City of Toronto.

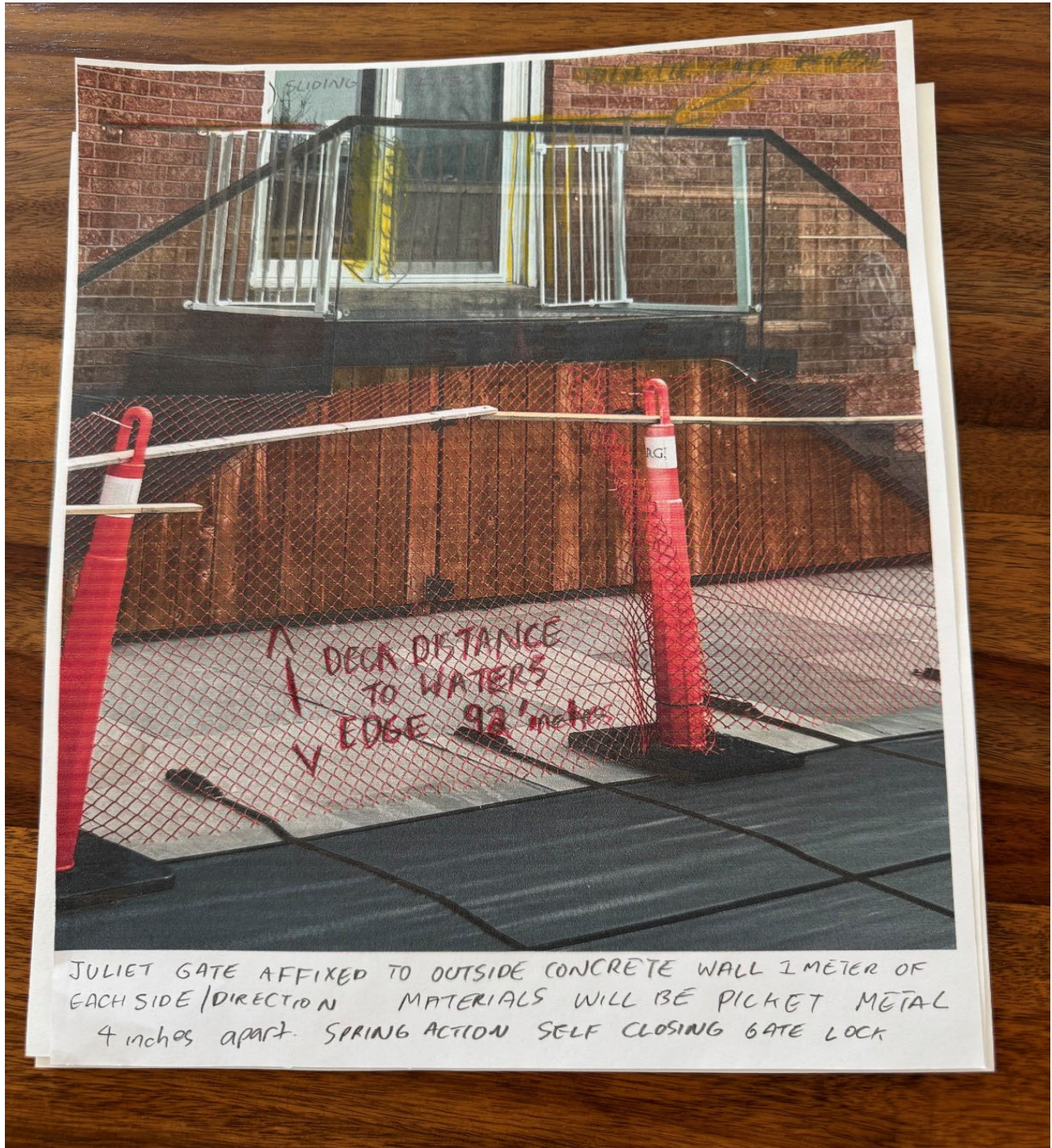
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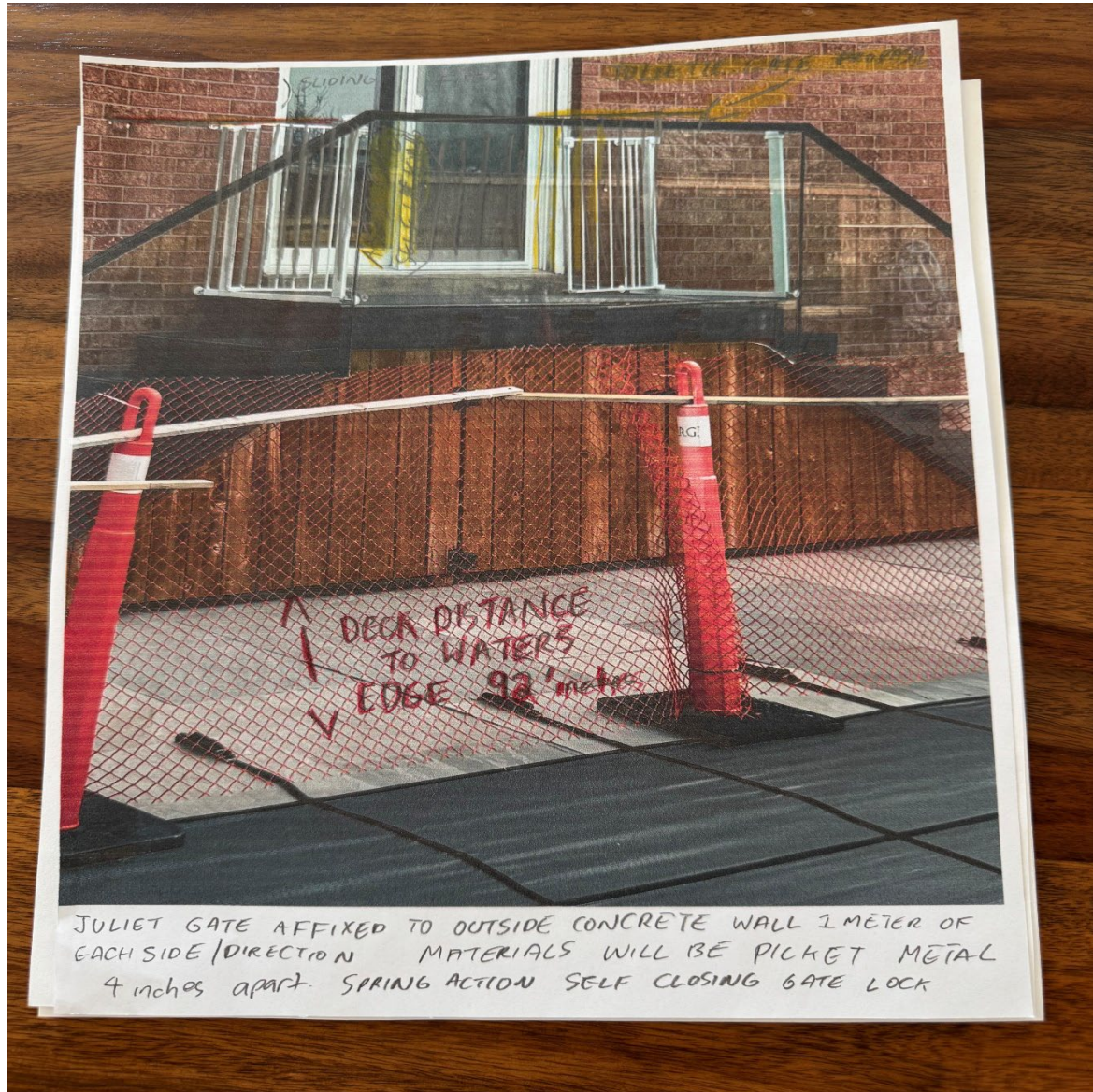
Attachment 2: Full view of rear yard showing inground pool, rear deck with steps, and rear access door from the house - 4 Berryton Avenue - City of Toronto



Attachment 3: Rear yard – Proposed Juliet gate installation to be affixed to the exterior concrete wall at the rear access of the dwelling. The gate will be securely anchored approximately 1 metre on each side – 4 Berryton Avenue - City of Toronto



Attachment 4: Rear yard – measured distance of 92 inches from the edge of the deck to the water's edge – 4 Berryton Avenue - City of Toronto



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