

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 83 Westhead Road

Date: May 4, 2026

To: Etobicoke York Community Council

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

Wards: 3 Etobicoke-Lakeshore

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 83 Westhead Road, requesting approval for a site-specific Fence Exemption under Toronto Municipal Code Chapter 447 – Fences, for an existing pool fence located at 83 Westhead Road located within the Etobicoke York District.

The purpose of this report is to advise Community Council of an application submitted by the owner of 83 Westhead Road, requesting a site-specific Fence Exemption pursuant to Section 447-1.3. E.(2)(a)–(e) of Toronto Municipal Code Chapter 447 – Fences.

The owner of 83 Westhead Road 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 2.0 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.

The proposed fence does not create any 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 83 Westhead Road 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 municipally known as 83 Westhead Road is developed with a single-family detached residential dwelling.

The application was not initiated because of a public complaint but arose from deficiencies identified during a pool enclosure preliminary review conducted by Municipal Licensing and Standards.

The property owner submitted a Fence Exemption application on June 13, 2025, seeking permission to retain an existing swimming pool enclosure.

Under Toronto Municipal Code Chapter 447-1.3.E.(2)(a)–(e), all swimming pool enclosures are required to be constructed of permitted durable materials, including wood, chain-link, metal picket, glass panel systems, or masonry.

The existing fence is constructed of vinyl (PVC)/composite material with steel post components. These materials are not permitted under Chapter 447 and are not listed among the approved materials in the Municipal Code. As such, the fence does not meet the required material standards intended to ensure structural integrity and safety.

While the fence appears to comply with the minimum height and gate safety requirements of the by-law, it does not comply with the prescribed material requirements. Accordingly, the pool enclosure is not in compliance with Chapter 447.

The fence contravenes Section 447-1.3.E.(2)(a), (b), (c), (d), and (e) of the Municipal Code.

In support of the exemption request, the property owner has indicated the following:

The fence was recently installed at significant cost.

The material was selected to complement the property's landscaping; and
Removal and replacement with permitted material would result in financial hardship.

Despite these considerations, the fence remains non-compliant with the material standards prescribed for swimming pool enclosures under the Municipal Code.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT
Rear Yard	Pool Enclosure Fence	Vinyl (PVC)/composite fence (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.

CONTACT

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SIGNATURE

Brian Nogueira
District Manager, West District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of Property – 83 Westhead Road - City of Toronto.

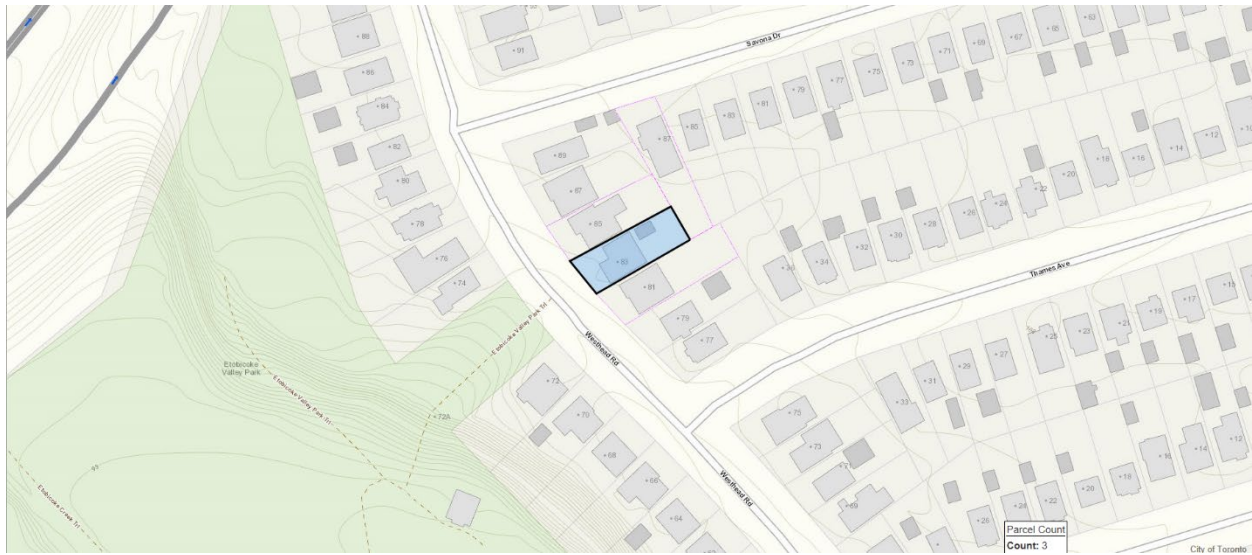
Attachment 2: Full length view of the fourth fence separating the rear deck. Pictures taken by officer - 83 Westhead Road - City of Toronto.

Attachment 3: Partial view of the vinyl fence being used to form the pool fence enclosure. Pictures taken by officer - 83 Westhead Road - City of Toronto.

Attachment 4: View of the pool enclosure, including gate access. Pictures taken by officer - 83 Westhead Road - City of Toronto.

Attachment 5: Side yard showing vinyl fence forming part of the pool enclosure. Pictures taken by officer - 83 Westhead Road - City of Toronto.

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Attachment 5: Side yard showing vinyl fence forming part of the pool enclosure. Pictures taken by officer - 83 Westhead Road - City of Toronto.

