

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 enclosure and gate to prevent access into the pool area. If the 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 submitted the Fence Exemption application on September 10, 2025, with a revision on May 22, 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 applicant proposes a wrought iron Juliette-style safety gate forming part of the pool enclosure. The proposed enclosure will measure approximately 2.15 metres in length and 1.2 metres in height and will consist of metal pickets spaced approximately 4 inches apart, together with a self-closing and self-latching gate mechanism. The latch mechanism is proposed to be installed at a height of approximately 1.2 metres above the rear door sill.

While the proposed gate includes safety features intended to restrict unauthorized access to the pool area, the proposal 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 creates direct access from the dwelling into the enclosed pool area and therefore does not comply with the Municipal Code. Due to the existing construction and layout of the pool area, a compliant alternative enclosure configuration does not appear feasible, which is the basis for the exemption request.

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.

CONTACT

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SIGNATURE

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District Manager, West District
Municipal Licensing and Standards

ATTACHMENTS

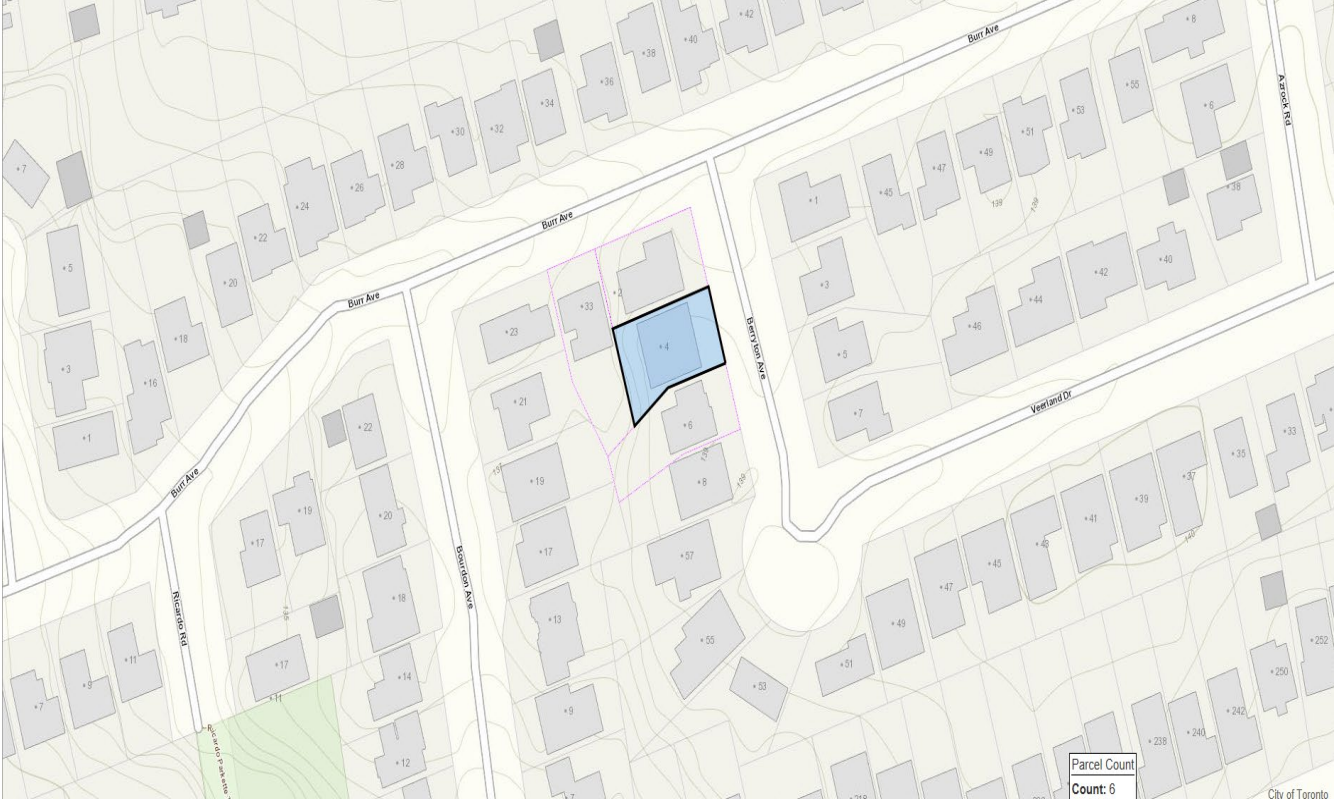
Attachment 1: iView Map of Property – 4 Berryton Avenue - City of Toronto.

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-style gate installation to be affixed to the exterior concrete wall at the rear access of the dwelling located at 4 Berryton Avenue, City of Toronto.

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

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-style gate installation to be affixed to the exterior concrete wall at the rear access of the dwelling located at 4 Berryton Avenue - City of Toronto.



