

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 112 Dell Park Avenue

Date: April 24, 2026

To: North York Community Council

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

Wards: 8 Eglinton -Lawrence

SUMMARY

This staff report concerns a matter for which the North 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 112 Dell Park Avenue, requesting approval for a site-specific Fence Exemption under Toronto Municipal Code, Fences, for a proposed pool fence located at 112 Dell Park Avenue within the North York District.

The application relates to an existing and proposed pool enclosure that does not comply with the required setback and access protection provisions under Toronto Municipal Code Chapter 447-1.3C (3) and 447-1.3E(1)(a). Specifically, the enclosure does not meet the minimum required setback from the pool water's edge and the required separation from the last step of the dwelling. In addition, the proposed configuration incorporates the dwelling wall as part of the pool enclosure, resulting in non-compliance with access protection requirements, as access is provided through the building wall.

The owner of 112 Dell Park Avenue is seeking relief from these requirements through a site-specific exemption.

The proposed fence does not create any sightline obstruction.

RECOMMENDATIONS

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

1. Refuse to grant the application for exemption by the owner of 112 Dell Park 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 municipally known as 112 Dell Park Avenue 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 owner of the property submitted a Fence Exemption application on January 14, 2026.

The existing pool enclosure consists of wood fencing along the east and north sides of the pool area, with a height of approximately 1.8 metres. The setback from the enclosure to the water's edge measures approximately 1.2 metres on the west side and approximately 0.8 metres on the north side. The north side does not meet the minimum required setback of 1.2 metres.

Temporary fencing has been installed along the east and south sides of the pool enclosure, measuring approximately 1.9 metres in height and generally corresponding with the location of the proposed permanent fencing.

On the south side, the enclosure is located approximately 1.2 metres from the water's edge and approximately 0.9 metres from the last step providing access from the

dwelling. The minimum required separation between the enclosure and the last step is 1.0 metre to mitigate climbability concerns; the existing condition is deficient by approximately 0.1 metres.

The existing pool enclosure does not comply with the City of Toronto Municipal Code, Chapter 447, as follows:

Section 447-1.3C (3) Where a wall of a building forms part of a pool enclosure, there shall be no access to the enclosed pool area through that wall.

Section 447-1.3E(1)(a) A swimming pool enclosure, including any gate forming part of the enclosure, shall be located no closer than 1.2 metres horizontally from the water's edge of the pool.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear Yard	North Side	Existing wood pool fence does not meet combined minimum clearance requirements. A minimum of 1.0 m (climbability clearance) and 1.2 m (water's edge setback), totaling 2.2 m, is required. The current provided distance is approximately 2.1 m.	Chapter 447-1.3E(1)(a) A swimming pool enclosure, including any gate forming part of the enclosure, shall be no closer than 1.2 metres horizontally to the water's edge of the pool.
Rear Yard	South Side	The combined distance between the last step, water's edge, and proposed fourth fence is approximately 2.1 m, which is deficient where a minimum combined clearance of 2.2 m is required to satisfy both climbability and setback provisions.	Chapter 447-1.3E(1)(a) A swimming pool enclosure, including any gate forming part of the enclosure, shall be no closer than 1.2 metres horizontally to the water's edge of the pool.
Rear Yard	Rear / East Side	The proposed fourth wall (fence) forming part of the enclosure is not yet constructed. The design incorporates the dwelling wall as part of the pool enclosure, with access proposed via a Juliette-style barrier. This configuration results in non-compliance as access is permitted through the dwelling wall.	Chapter 447-1.3C(3) Where a wall of a building forms part of a pool enclosure, there shall be no access to the enclosed pool area through that wall.

CONTACT

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SIGNATURE

Brian Nogueira
District Manager, West District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of Property – 112 Dell Park Avenue - City of Toronto.

Attachment 2: Photograph of rear yard showing measurements from wood fence to the water's edge, from water's edge to the proposed location of the fourth fence, and from the bottom step to the proposed location of the fourth fence, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 3: Photograph of full rear yard, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 4: Photograph showing temporary fencing erected between the pool and rear access from the dwelling, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 5: Photograph of rear yard illustrating wood fence, in-ground pool, and rear access from the dwelling, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 6: Photograph showing measurement from the wood fence to the water's edge of the pool, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 7: Photograph of rear yard showing in-ground pool filled with water, taken by Officer – 112 Dell Park Avenue, City of Toronto.

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