

63 Bernick Road - Application for Fence Exemption

Date: April 28, 2026
To: North York Community Council
From: District Manager, Municipal Licensing and Standards, East District
Wards: Ward 17 Don Valley North

SUMMARY

The Applicant for 63 Bernick Road has requested North York Community Council to exempt their property from the following by-law requirements:

1. City of Toronto Municipal Code Chapter 447

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 (4 ft) horizontally from the water's edge of the pool.

2. Section 447-1.3E(2)(a) - Gate and end (terminal) posts for a chain-link fence shall be embedded to a minimum depth of 760 millimetres (30 inches) in concrete with a minimum diameter of 200 millimetres.

The applicant for 63 Bernick Road is requesting an exemption to permit the existing rear yard fence to remain as constructed. The fence enclosure is located closer than the required 1.2 metres (4 feet) horizontally from the water's edge of the swimming pool and remains at a setback of approximately 0.648 metres (25.5 inches).

In addition, the applicable by-law requires that chain-link fence posts for a swimming pool enclosure be embedded to a minimum depth of 760 millimetres (30 inches) in concrete. In this instance, however, the fence has been surface-mounted and bolted into patio stones using anchor bolts and therefore does not meet the required embedment depth or construction standards set out in the by-law.

Municipal Licensing and Standards Division has inspected the subject property and issued a notice of violation under City of Toronto Municipal Code Chapter 447. - Fences

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, East District recommends

that North York Community Council pursuant to City of Toronto Municipal Code Fences Chapter 447 Section 447-1.3E(1)(a) and Section 447-1.3E(2)(a)

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 63 Bernick Road, for the existing fence described in the Summary of this report.

FINANCIAL IMPACT

There is no financial impact on the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions at 63 Bernick Road

COMMENTS

Municipal Licensing and Standards Inspection Results:

The existing fence violates the City of Toronto Municipal Code, Chapter 447 – Fences 447-1.3. Swimming pool enclosure requirements:

Section 447-1.3E Construction standards.

Sub Section (1) (a) A swimming pool enclosure, including any gate forming part of the enclosure shall be no closer than 1.2 meters horizontally to the water's edge in the pool.

Section 447-1.3E(2)(a) Construction standards.

Every fence and gate used in a swimming pool enclosure shall be constructed to the following standards: (a) A chain-link fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner and in compliance with the following: Gate and end (terminal) posts for a chain-link fence shall be embedded to a minimum depth of 760 millimetres in concrete with a minimum diameter of 200 millimetres (8 inches).

City of Toronto Municipal Code Chapter 447 Fences by-law sets out the requirements for Pool Fence Enclosures that must provide adequate barriers to ensure safety for all residents and users, including children and pets. Specifically, Chapter 447 sets out requirements to prevent access to hazardous areas and to withstand environmental pressures, such as wind and snow, to prevent hazards associated with fence failure, emphasizing safety, durability, aesthetics, and compliance with regulations.

The intent behind pool enclosure regulations is to prevent non-swimmers, including young

children, from gaining unintended access to unsupervised pool areas.

May 26 2008 Toronto City Council (LS13.3)

On May 26 and 27, 2008, the City Council adopted the following motions:

1. The current provisions in Toronto Municipal Code Chapter 447, Fences with respect to four-sided pool enclosures are not amended to include any alternative safety devices.
2. Individuals be able to request an exemption from the four-sided pool enclosure provision, when it would not be practicable, because of a disability, as defined in the Ontarians with Disabilities Act, of an occupant of the building, to provide access in accordance with the requirements of the by-law.
3. When an exemption is granted, conditions considered appropriate by City Council to prevent a young child gaining access to the pool area unsupervised, be imposed.
4. When the need for an exemption ceases to exist, the pool enclosure is reinstated to comply fully with the provisions of the Chapter.

CONTACT

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SIGNATURE

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ATTACHMENTS

- Attachment 1: iView Map of Property – 63 Bernick Road - City of Toronto.
Attachment 2: MLS Staff Photo Rear Yard – Pool Enclosure - Pool Fence Setback
Attachment 3: MLS Staff Photo Rear Yard - Pool Enclosure - Pool Fence Setback
Attachment 4: MLS Staff Photo Rear Yard - Surface-Mounted Anchor Bolts
Attachment 5: MLS Staff Photo Rear Yard - Surface-Mounted Anchor Bolts



iView Map of Property – 63 Bernick Road - City of Toronto.



MLS Staff Photo Rear Yard – Pool Enclosure - Pool Fence Setback



MLS Staff Photo Rear Yard - Pool Enclosure - Pool Fence Setback



MLS Staff Photo Rear Yard - West Side



MLS Staff Photo Rear Yard - South Side