

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 132 Burbank Drive

Date: April 28, 2026

To: North York Community Council

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

Wards: 17 Don Valley North

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 132 Burbank Drive requesting approval for a site-specific exemption under Toronto Municipal Code, Chapter 447 (Fences), in relation to a pool enclosure located at 132 Burbank Drive.

Municipal Licensing and Standards staff have reviewed the application and conducted a site inspection. The existing pool enclosure does not comply with the requirements of

Chapter 447.

Observed conditions at the rear yard upper deck include:

Upper deck glass enclosure measuring approximately 1.07 metres in height

Approximately 160 millimeters gap at the southeast corner post

Approximately 680 millimeters gap at the southwest corner post

Approximately 280 millimeters gap at the northwest corner between building wall and glass post

A climbable bench measuring approximately 425 millimeters in height located on the west side of the deck within 1 metre of the enclosure

Basement walkout area with no enclosure

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 132 Burbank Drive 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 132 Burbank Drive is developed with a single-family detached residential dwelling.

The application was not initiated as a result of a public complaint but arose from deficiencies identified during a preliminary pool enclosure review conducted by Municipal Licensing and Standards. The owner submitted a Fence Exemption application on June 26, 2024.

For the purpose of this report, a recent inspection of the property was conducted by Municipal Licensing and Standards on April 27, 2026, to confirm existing site conditions and support the findings and recommendations contained in this report. Based on that inspection, the existing pool enclosure does not comply with the City of Toronto Municipal Code, Chapter 447, specifically

The existing enclosure fails to comply with the following provisions of Toronto Municipal Code, Chapter 447:

Chapter 447-1.3(A)(2): Pool enclosure must completely enclose the pool area

Chapter 447-1.3(C)(3): Where a building wall forms part of the enclosure, there shall be no access through that wall

Chapter 447-1.3(D)(1): Minimum enclosure height of 1.2 metres

Chapter 447-1.3(E)(1)(c): Prohibits climbable elements within 1 metre of the enclosure
 The identified deficiencies create multiple openings and climbable access points, significantly increasing the risk of unintended or unauthorized entry into the pool enclosure area.

The observed deficiencies present multiple access points and gaps that compromise the integrity of the enclosure system and increase the risk of unauthorized access to the pool area.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear Yard – Upper Deck	Southeast corner	160 millimeters gap at corner post	Chapter 447-1.3. A.(2) Completely encloses the area in which the swimming pool is located
Rear Yard - Upper Deck	Southeast corner	Glass enclosure approximately 1.07 metres in height	Chapter 447-1.3.D(1) The minimum height of a swimming pool enclosure above the highest outside grade within one metre of the enclosure shall comply with the following Table when measured at any point along the enclosure 1.2 metres.
Rear Yard – Upper Deck	Southwest Corner	680 millimeters gap at corner post	Chapter 447-1.3. A.(2) Completely encloses the area in which the swimming pool is located
Rear Yard – Upper Deck	Northwest Corner	280 millimeters gap between building wall and glass post	Chapter 447-1.3. A.(2) Completely encloses the area in which the swimming pool is located
Rear Yard – Upper Deck	West Side	Climbable bench approximately 425 millimeters in height located within 1 m of enclosure	Chapter 447-1.3E.(1)(c) The minimum height of a swimming pool enclosure above the highest outside grade within one metre of the enclosure shall comply with the following Table when measured at any point along the enclosure.
Rear Yard – Basement Walkout	Walkout Access	No enclosure observed at basement walkout	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

Christina Savella - Acting Manager
Municipal Licensing and Standards
Investigation Services – West District
Tel. 647-333-4023
Email: Christina.Savella@toronto.ca

SIGNATURE

Christina Savella
District Manager, East District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of Property – 132 Burbank Drive - City of Toronto.

Attachment 2: Upper deck, southeast corner – 160 mm gap between the building and glass post. Pictures taken by officer. 132 Burbank Drive

Attachment 3: West side – climbable bench with 280 mm gap between wall and glass post, and 680 mm gap between posts. Pictures taken by officer. 132 Burbank Drive

Attachment 4: Deck glass enclosure. Pictures taken by officer. 132 Burbank Drive

Attachment 5: Deck glass enclosure – full view. Pictures taken by officer. 132 Burbank Drive.

Attachment 6: Basement walkout access to enclosure area. Pictures taken by officer. 132 Burbank Drive

Attachment 7: Basement walkout access to enclosure area. Pictures taken by officer. 132 Burbank Drive

Attachment 1: iView Map of Property – 132 Burbank Drive - City of Toronto.



Attachment 2: Upper deck, southeast corner – 160 mm gap between the building and glass post. Pictures taken by officer. 132 Burbank Drive



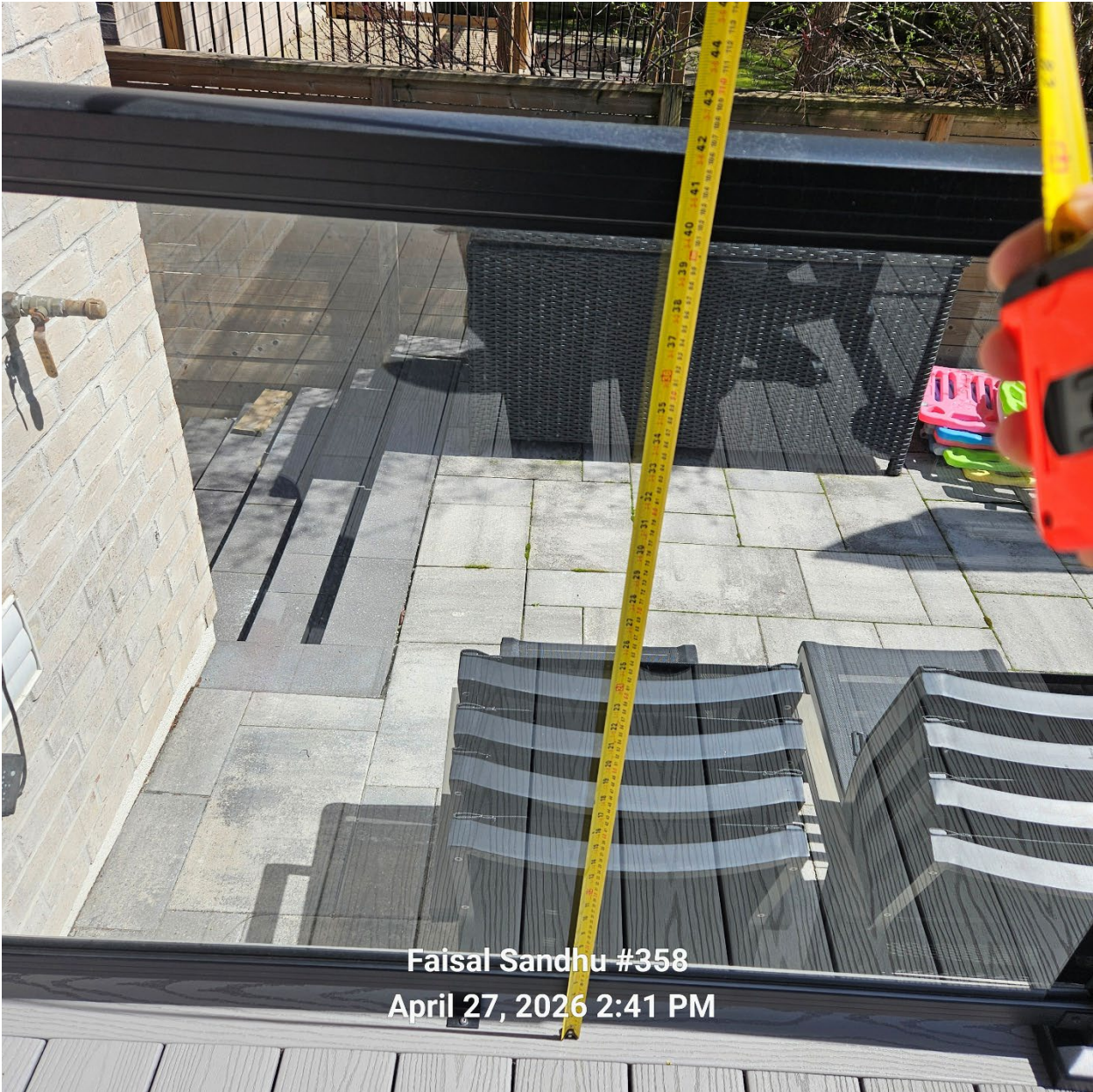
Attachment 3: West side – climbable bench with 280 mm gap between wall and glass post, and 680 mm gap between posts. Pictures taken by officer. 132 Burbank Drive



Attachment 4: Deck glass enclosure. Pictures taken by officer. 132 Burbank Drive



Attachment 5: Deck glass enclosure – full view. Pictures taken by officer. 132 Burbank Drive.



Attachment 6: Basement walkout access to enclosure area. Pictures taken by officer.
132 Burbank Drive



Attachment 7: Basement walkout access to enclosure area. Pictures taken by officer.
132 Burbank Drive

