

169 Beechwood Avenue - Application for Fence Exemption

Date: May 27, 2026

To: North York Community Council

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

Wards: Ward 15 Don Valley West

SUMMARY

The Applicant for 169 Beechwood Avenue has requested North York Community Council to exempt their property from the following bylaw requirements:

City of Toronto Municipal Code Chapter 447 - 1.3 Swimming pool enclosures.

- Section C. Access Protection (3)
- Section C. Access Protection (6)(c)(1)
- Section E. Construction standards (1)(b)
- Section E. Construction standards (2) (c) [1]

The Applicant for 169 Beechwood Avenue is requesting an exemption for their existing fence as constructed.

- The swimming pool enclosure constructed with vertical metal pickets has spaces more than 38mm apart (137mm and 86mm measured) where horizontal rails are spaced less than 1.2 meters apart. (Section E. (2) (c) [1])
- The swimming pool enclosure is less than 1.8 meters high and is closer than 1 meter to an external condition (exterior wall plug with safety dome cover, and the exterior BBQ counter), which can facilitate climbing the outside of the enclosure where both external conditions are situated within less than 1 meter. (Section E. (1)(b))
- The south-west corner (south and west wall) of the building has walkout access points (2) without any fourth fence pool enclosure. (Section C. (3))
- The perimeter fence gate at the west and east side of the property are not equipped with a lockable, self-latching device. In addition, two pool fourth fence enclosure gates are not self-closing. (Section C. (6)(c)(1))

RECOMMENDATIONS

The District Manager, Municipal Licensing and Standards, Central District recommends that North York Community Council pursuant to City of Toronto Municipal Code Fences Chapter 447. 1.3 Section E. (2) (c) [1] and Chapter 447 1.3 Section E. (1)(b) as per the Notice of Violation issued. In addition, North York Community Council pursuant to City of

Toronto Municipal Code Fences Chapter 447 1.3 Section C (3), and Section C. (6)(c)(1).

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 169 Beechwood Avenue, for the existing fence described in the Summary of this report.

FINANCIAL IMPACT

There is no financial impact to the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions for 169 Beechwood Avenue.

COMMENTS

The application was not initiated because of a public complaint but arose from deficiencies identified during a preliminary pool enclosure inspection. The owner of 169 Beechwood Avenue submitted the Fence Exemption application on August 26, 2024.

The existing fence violates the City of Toronto Municipal Code, Chapter 447 – Fences requirements

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear Yard	1) Rear Yard - Closest to sliding door egress with roof (east side) 2) Rear Yard - Closest to sliding door egress with roof (west side)	1. The swimming pool enclosure is less than the minimum required height of 1.8 meters and is situated within less than 1.0 meters of an external condition (0.35 meters - exterior wall plug safety cover) that provides a means of climbing the outside of the enclosure. 2. The swimming pool enclosure is less than the minimum required height of 1.8 meters and is situated within less than 1.0 meter of an external condition (exterior BBQ counter table) that provides a means of climbing the outside of the enclosure.	Chapter 447 Section E. (1)(b) Construction standards. A swimming pool enclosure, including any gate forming part of the enclosure, shall: Be no closer than one meter to any external condition that may facilitate climbing the outside of the enclosure unless the height of the enclosure is at least 1.8 meters for a distance of at least one meter on each side of the condition.

Rear Yard	Rear Yard – All iron fences as part of pool enclosure	The swimming pool enclosure constructed with vertical metal pickets has spaces between the pickets more than 38mm apart (137mm and 86mm measured) where horizontal rails are spaced less than 1.2 meters apart.	Chapter 447 Section E. (2) (c) [1] Construction standards. Every fence and gate used in a swimming pool enclosure shall be constructed to the following standards. A metal picket fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner as follows: [1] Vertical pickets shall be spaced not more than 38 millimeters apart where horizontal rails are spaced less than 1.2 meters apart and not more than 100 millimeters apart where horizontal rails are spaced at least 1.2 meters apart
Rear Yard	Walkout Access 1) Rear Yard – West property wall with single door egress 2) Rear Yard – South-West corner wall with sliding doors egress facing south	1.The door egress has no pool enclosure fence and leads directly to pool. 2.The sliding doors egress has no pool enclosure fence and leads directly to pool.	Chapter 447 - 1.3 Section C (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.
Rear Yard	1) Rear Yard – West side perimeter access gate to backyard/pool 2) Rear Yard – East side perimeter access gate to backyard/pool 3) Rear Yard - forth fence gate enclosure for main/ground level access 4) Rear Yard - fourth fence gate enclosure for	1.West side perimeter gate is not equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside 1.5 meters above grade 2.East side perimeter gate West side perimeter gate is not equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside 1.5 meters above grade 3.Forth fence gate enclosure for main/ground	Chapter 447 - 1.3 Section C. (6)(c)(1) Access Protection. Every gate in a swimming pool enclosure shall: If it is a single gate: Be self-closing and equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside at least 1.5 meters above grade

	basement level access	floor access is not self-closing. 4.Forth fence gate enclosure for basement level stairs access is not self-closing.	
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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 [quoted form 2008 Staff Report]

May 26 2008 Toronto City Council (LS13.3)

City Council on May 26 and 27, 2008, 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 be reinstated to comply fully with the provisions of the Chapter.

CONTACT

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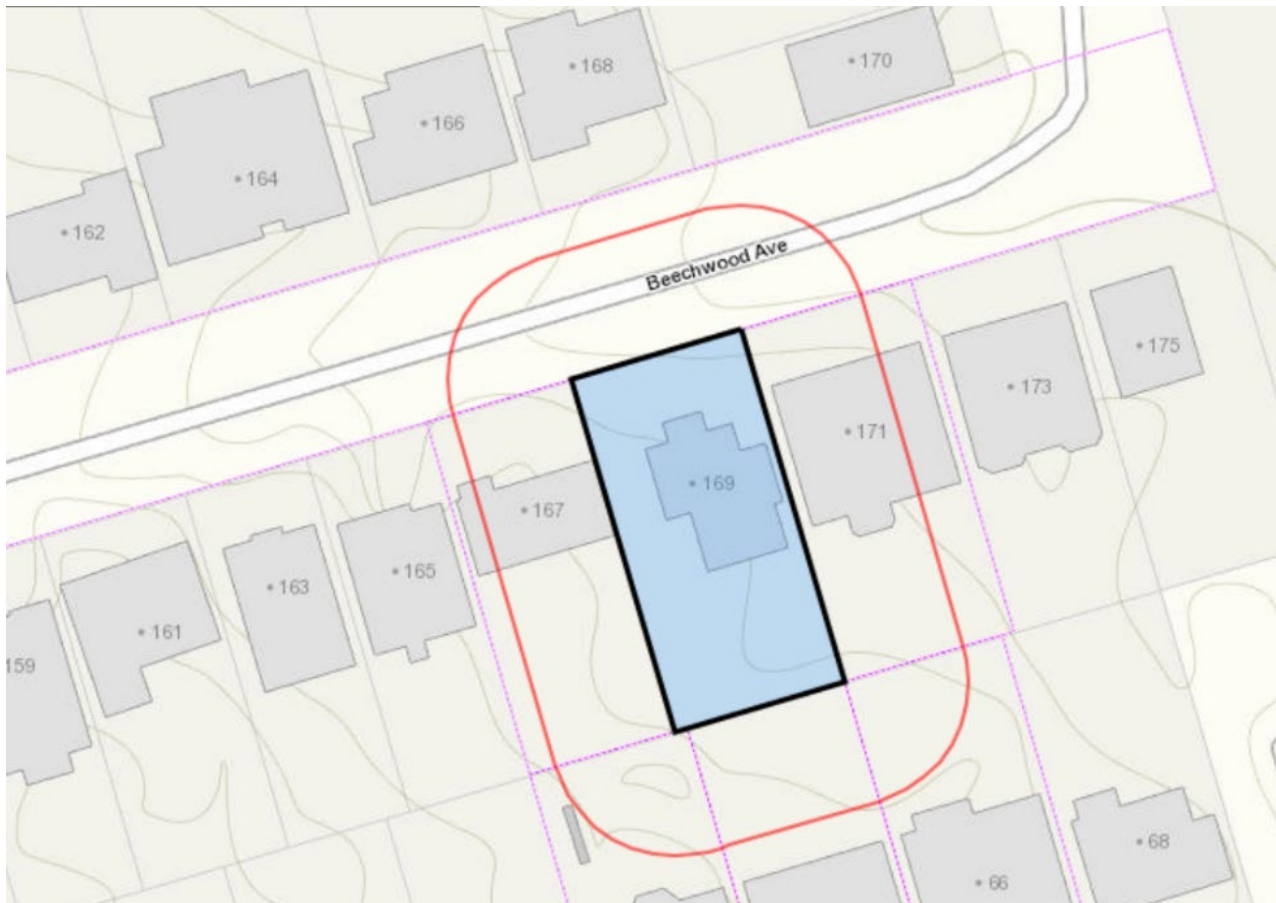
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ATTACHMENTS

- Attachment 1: GIS Map of Property – 169 Beechwood Avenue - City of Toronto.
- Attachment 2: Overview of rear yard with gates, fences, and pool from the furthest south of the property. 169 Beechwood Avenue
- Attachment 3: West side perimeter entry fence that is self-closing, but not equipped with a lockable, self-latching device. 169 Beechwood Avenue
- Attachment 4: East side perimeter entry fence that is self-closing, but not equipped with a lockable, self-latching device. 169 Beechwood Avenue
- Attachment 5: Forth fence gate enclosure for main/ground floor access is not self-closing. 169 Beechwood Avenue
- Attachment 6: Forth fence gate enclosure for basement level stairs access is not self-closing. 169 Beechwood Avenue
- Attachment 7: West facing side walkout access point without gate (south-west corner of building). 169 Beechwood Avenue
- Attachment 8: South facing walkout access point without gate – 2 sliding doors. 169 Beechwood Avenue
- Attachment 9: Exterior electric outlet with safety cover protruding from wall which is 0.35 meters away from forth fence. 169 Beechwood Avenue
- Attachment 10: Exterior BBQ and counter less than 1 meter away from forth fence. 169 Beechwood Avenue
- Attachment 11: Swimming pool enclosure fence constructed with vertical metal pickets. 169 Beechwood Avenue
- Attachment 12: Swimming pool enclosure fences constructed with vertical metal pickets. 169 Beechwood Avenue
- Attachment 13: Swimming pool enclosure approved permit (22-143316)
- Attachment 14: Swimming pool enclosure approved permit (zoomed)

Attachment 1: GIS Map of Property – 169 Beechwood Avenue. City of Toronto



Attachment 2: Overview of rear yard with gates, fences, and pool from the furthest south of the property.



Attachment 3: West side perimeter entry fence that is self-closing, but not equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside at least 1.5 meters above grade.



Attachment 4: East side perimeter entry fence that is self-closing, but not equipped with a lockable, self-latching device located on the inside near the top of the gate or on the outside at least 1.5 meters above grade.



Attachment 5: Forth fence gate enclosure for main/ground floor access is not self-closing.



Attachment 6: Forth fence gate enclosure for basement level stairs access is not self-closing.



Attachment 7: West facing side walkout access point without gate (south-west corner of building).



Attachment 8: South facing walkout access point without gate – 2 sliding doors.



Attachment 9: Exterior electric outlet with safety cover protruding from wall which is 0.35 meters away from forth fence.



Attachment 10: Exterior BBQ and counter less than 1 meter away from forth fence.



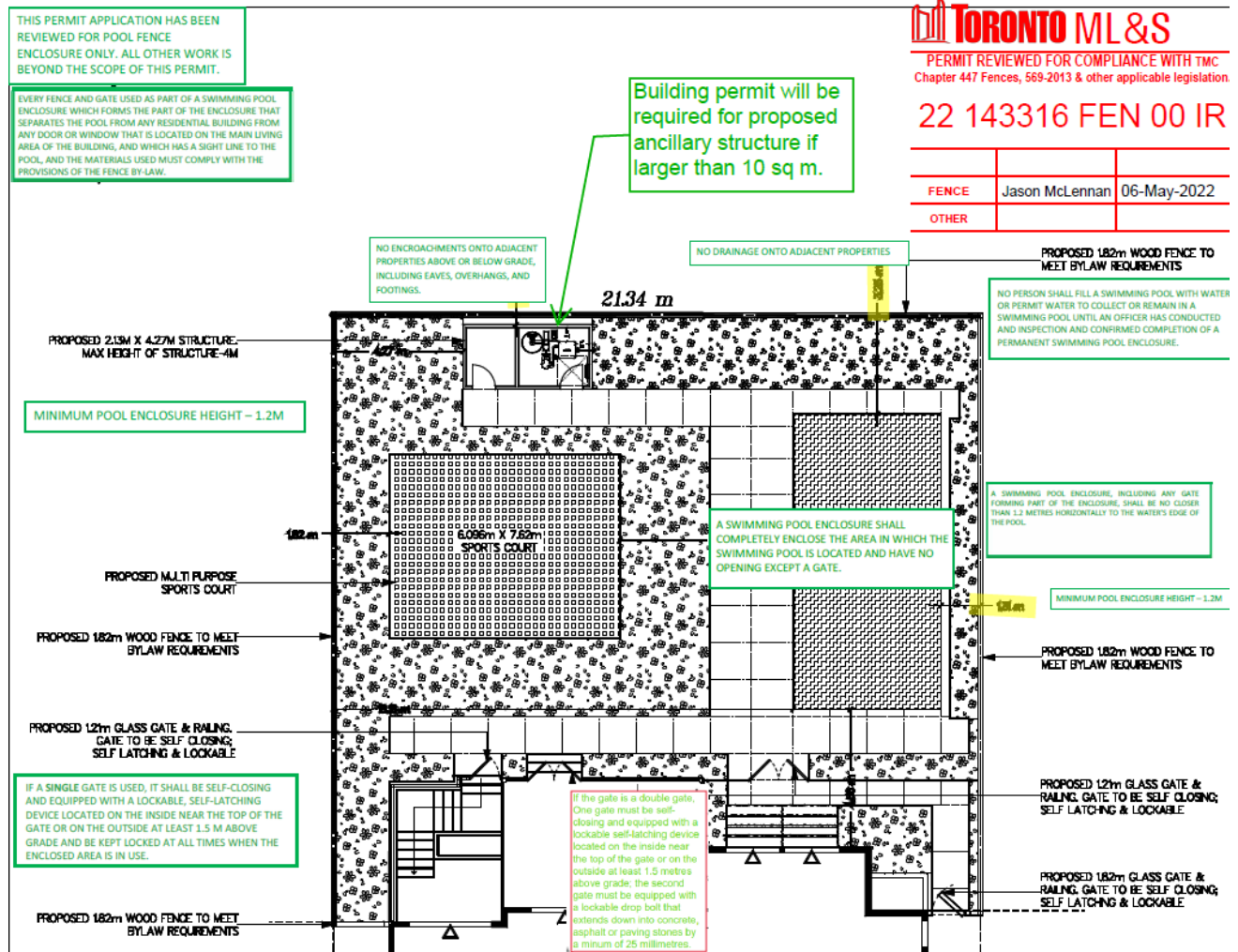
Attachment 11: All swimming pool enclosure fences constructed with vertical metal pickets have spaces between more than 38mm apart (137mm/5.4inches).



Attachment 12: All swimming pool enclosure fences constructed with vertical metal pickets have spaces between more than 38mm apart (73.6mm/2.9inches).



Attachment 13: Original approval pool permit



Attachment 14: Original approval pool permit (zoomed)

