

2 Green Valley Road - Request for Fence Exemption

Date: May 29, 2026

To: North York Community Council

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

Wards: 15 - Don Valley West

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.

The report responds to an application submitted by the property owner of 2 Green Valley Road requesting approval for a site-specific Fence Exemption under Sections 447-1.3E(2)(c)(1), 447-1.3D(1), 447-1.3E(1)(b), and 447-1.3C(1) of Toronto Municipal Code Chapter 447 – Fences.

The property owner is seeking Council's permission to maintain two metal picket fences in the rear yard forming part of a swimming pool enclosure. The fences have horizontal rails spaced approximately 0.89 metres apart, with vertical pickets spaced greater than 38 millimetres apart. One fence encloses the walkout basement means of egress, while the other separates a portion of the rear yard from the pool area.

In addition, an existing barbeque counter measuring approximately 0.95 metres in height forms part of the pool enclosure between the dwelling and the pool area. The barbeque counter contains features that may facilitate climbing, including drawer handles and barbeque controls. The enclosure also includes an existing door that provides direct access from the dwelling into the pool area. The homeowners have advised that the door is no longer in use and intend to replace it with a fixed, non-operable window.

The existing metal picket fences, barbeque counter, and door do not comply with the requirements of Chapter 447 of the Toronto Municipal Code. The fence construction does not meet the prescribed pool enclosure standards, the barbeque counter does not meet the minimum enclosure height requirement of 1.2 metres and may facilitate climbing, and the existing door provides direct access from the dwelling into the enclosed pool area contrary to the access protection requirements of the by-law.

RECOMMENDATIONS

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

1. Refuse to grant the application for exemption by the owner of 2 Green Valley Road 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 Municipal Licensing and Standards Division inspected the subject property September 22, 2023, and a Notice of Violation was issued. The owner of 2 Green Valley Road submit the Fence Exemption application on May 9, 2024.

The privacy screen violates the City of Toronto Municipal Code, Chapter 447-1.3C(1) access protection as well as Chapter 447-1.3E(1)(b) construction standards, Chapter 447-1.3E(2)(c)(1) constructions standards and Chapter 447-1.3D(1) enclosure height.

Access Protection:

- (1) A swimming pool enclosure shall be designed and constructed so that all entrances to any building are located outside the enclosed area.

Construction Standards:

E.(1) A swimming pool enclosure, including any gate forming part of the enclosure, shall:

- (b) Be no closer than one metre to any external condition that may facilitate climbing the outside of the enclosure unless the height of the enclosure is at least 1.8 metres for a distance of at least one metre on each side of the condition.

E.(2) A metal picket fence used in a swimming pool enclosure shall be constructed in a good, workmanlike manner as follows:

(c)(1) Vertical pickets shall be spaced not more than 38 millimetres apart where horizontal rails are spaced less than 1.2 metres apart and not more than 100 millimetres apart where horizontal rails are spaced at least 1.2 metres apart.

Enclosure Height:

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.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT
Rear Yard	Rear wall of house	Door that enters from dwelling to pool area.	Chapter 447 Section 447-1.3C(1) Access Protection - A swimming pool enclosure shall be designed and constructed so that all entrances to any building are located outside the enclosed area.
Rear Yard	Rear	Barbeque forming part of enclosure with attributes that may facilitate climbing.	Chapter 447 Section 447-1.3E(1)(b) A swimming pool enclosure, including any gate forming part of the enclosure, shall: Be no closer than one metre to any external condition that may facilitate climbing the outside of the enclosure unless the height of the enclosure is at least 1.8 metres for a distance of at least one metre on each side of the condition.
Rear Yard	Rear	Metal picket fence used to sever pool area from dwelling.	Chapter 447 Section 447-1.3E(2)(c)(1) A metal picket fence used in a swimming pool

			enclosure shall be constructed in a good, workmanlike manner as follows: Vertical pickets shall be spaced not more than 38 millimetres apart where horizontal rails are spaced less than 1.2 metres apart and not more than 100 millimetres apart where horizontal rails are spaced at least 1.2 metres apart.
Rear Yard	Rear	The barbeque counter and metal picket fence under minimum height as set out in the bylaw.	Chapter 447 Section 447-1.3D(1) Enclosure Height- 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.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment A: iView Map of Property – 2 Green Valley Road. City of Toronto

Attachment B: Rear yard half scape.

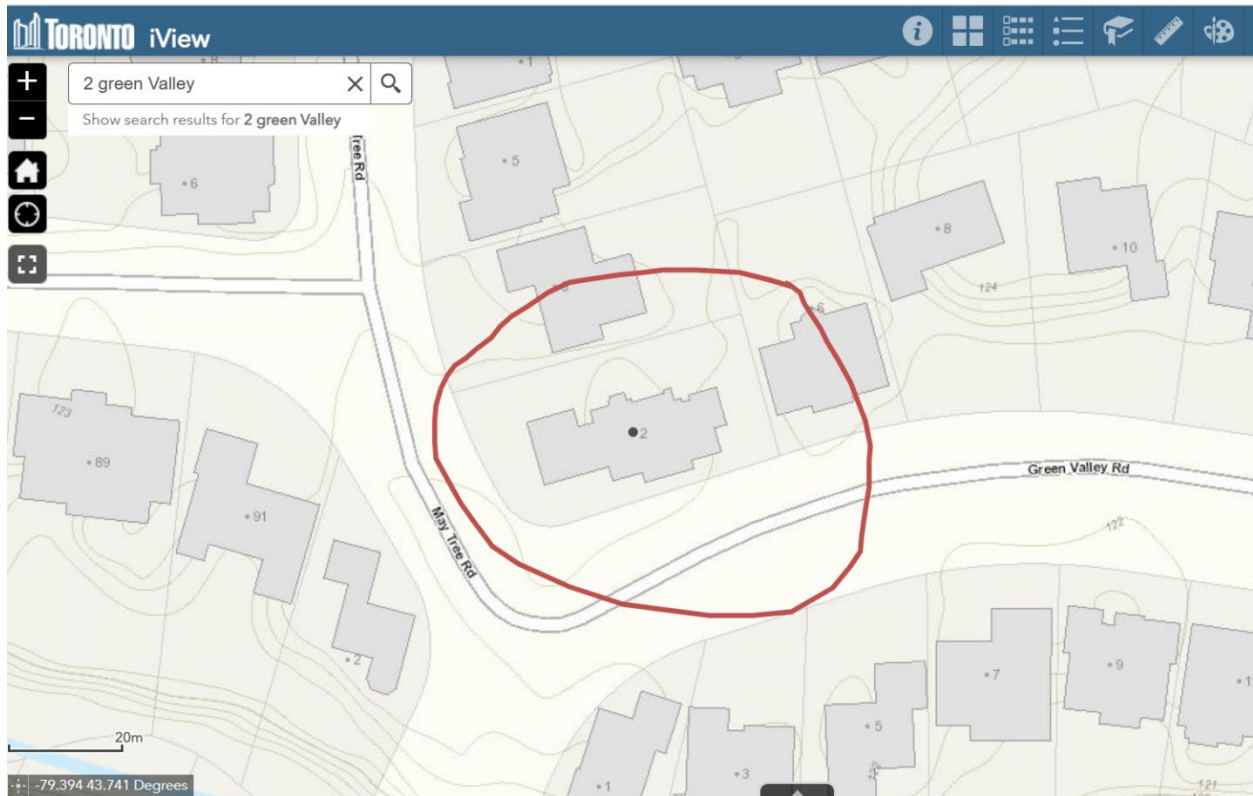
Attachment C: Walkout Basement means of egress.

Attachment D: Barbeque from pool side.

Attachment E: Barbeque looking into pool area.

Attachment F: Door from dwelling into pool area.

Attachment A: iView Map of Property – 2 Green Valley Road. City of Toronto



Attachment B: Rear yard half scape. Taken by Municipal Standards staff.



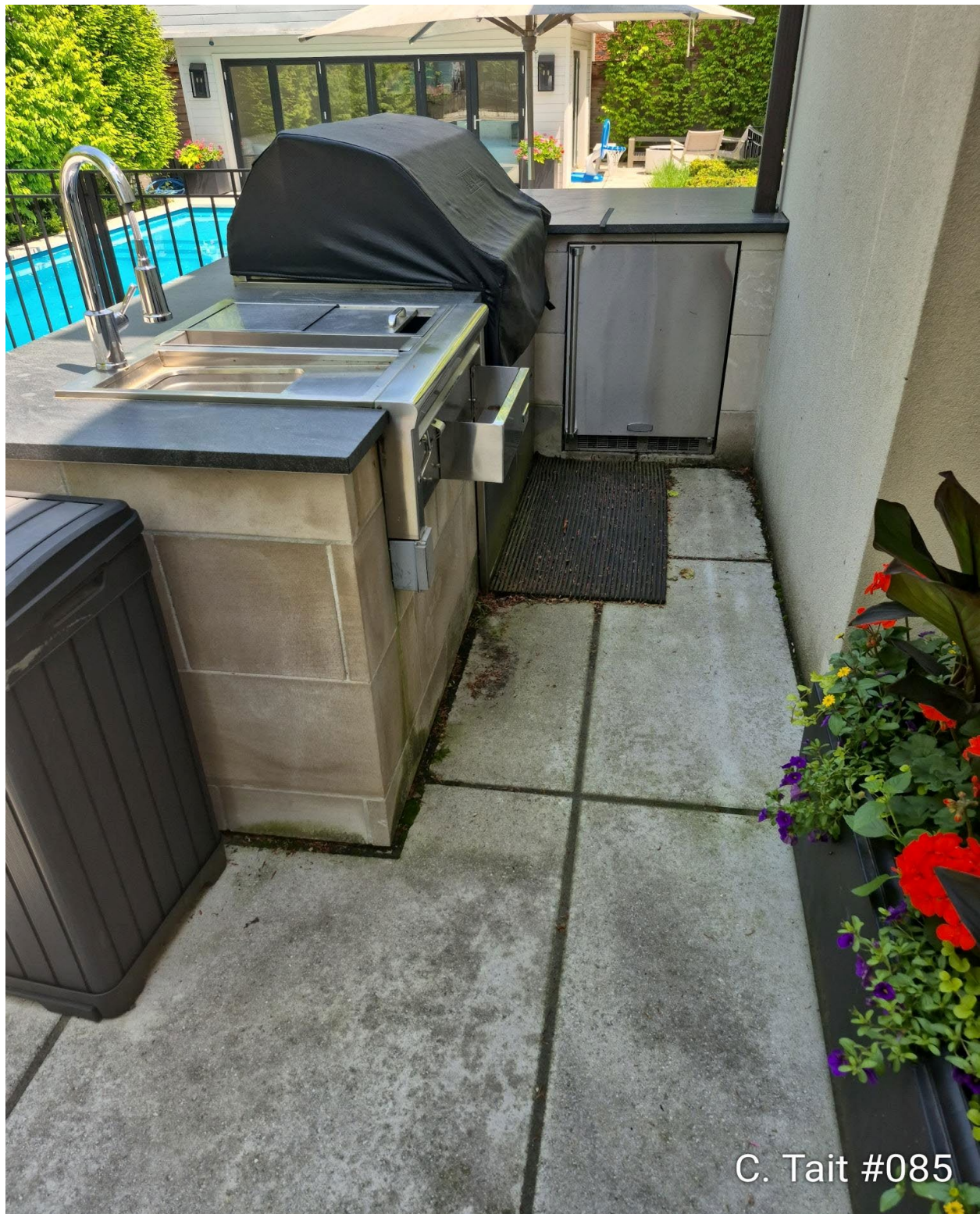
Attachment C: Walkout Basement means of egress. Taken by Municipal Standards staff.



Attachment D: Barbeque from pool side. Taken by Municipal Standards staff.



Attachment E: Barbeque looking into pool area. Taken by Municipal Standards staff.



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Attachment F: Door from dwelling into pool area. Taken by Municipal Standards staff.

