

59 Hesketh Court - Application for Fence Exemption

Date: May 29, 2026

To: North York Community Council

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

Wards: Ward 16 – Don Valley East

SUMMARY

The applicant for 59 Hesketh Court has requested North York Community Council to exempt their property from the following by-law requirements:

City of Toronto Municipal Code Chapter 447 E.(2)(a)(2)

and

City of Toronto Municipal Code Chapter 447, 1.3E.(1).(b)

The applicant 59 Hesketh Court is requesting an exemption for their existing fence as constructed: The terminal fence posts are not installed to the required depth in concrete as per the bylaw. Furthermore, the swimming pool enclosure, has climbable conditions and thus, the enclosure is less than the minimum required height of 1.8 metres, as an external condition that provides a means of climbing the outside of the enclosure is situated within 1.0 metres.

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

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 E.(2)(a)(2) and to City of Toronto Municipal Code Fences Chapter 447 1.3E.(1).(b)

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 59 Hesketh Court for their 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 on this 59 Hesketh Court

COMMENTS

Municipal Licensing and Standards Inspection Results:

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	Rear Yard, East Side - Pool Enclosure	The swimming pool enclosure, is less than the minimum required height of 1.8 metres and is situated within 1.0 metre of an external condition that provides a means of climbing the outside of the enclosure due to raise garden bed.	Chapter 447 Section 447 1.3E.(1).(b) 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, North Side - Pool Enclosure	Terminal fence posts shall be installed to a depth of embedment of 760 millimetres in 200-millimetre diameter concrete.	447 E.(2)(a)(2) Pool on Single Residential Property TERMINAL POSTS: (2) Depth of embedment: 760 millimeters (in 200-millimeter concrete).

City of Toronto Municipal Code Chapter 447 Fences 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)

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 not be 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

James Slocum Supervisor
Municipal Licensing and Standards
Investigation Services – East District
Tel. 416 396 7739
Email: james.slocum@toronto.ca

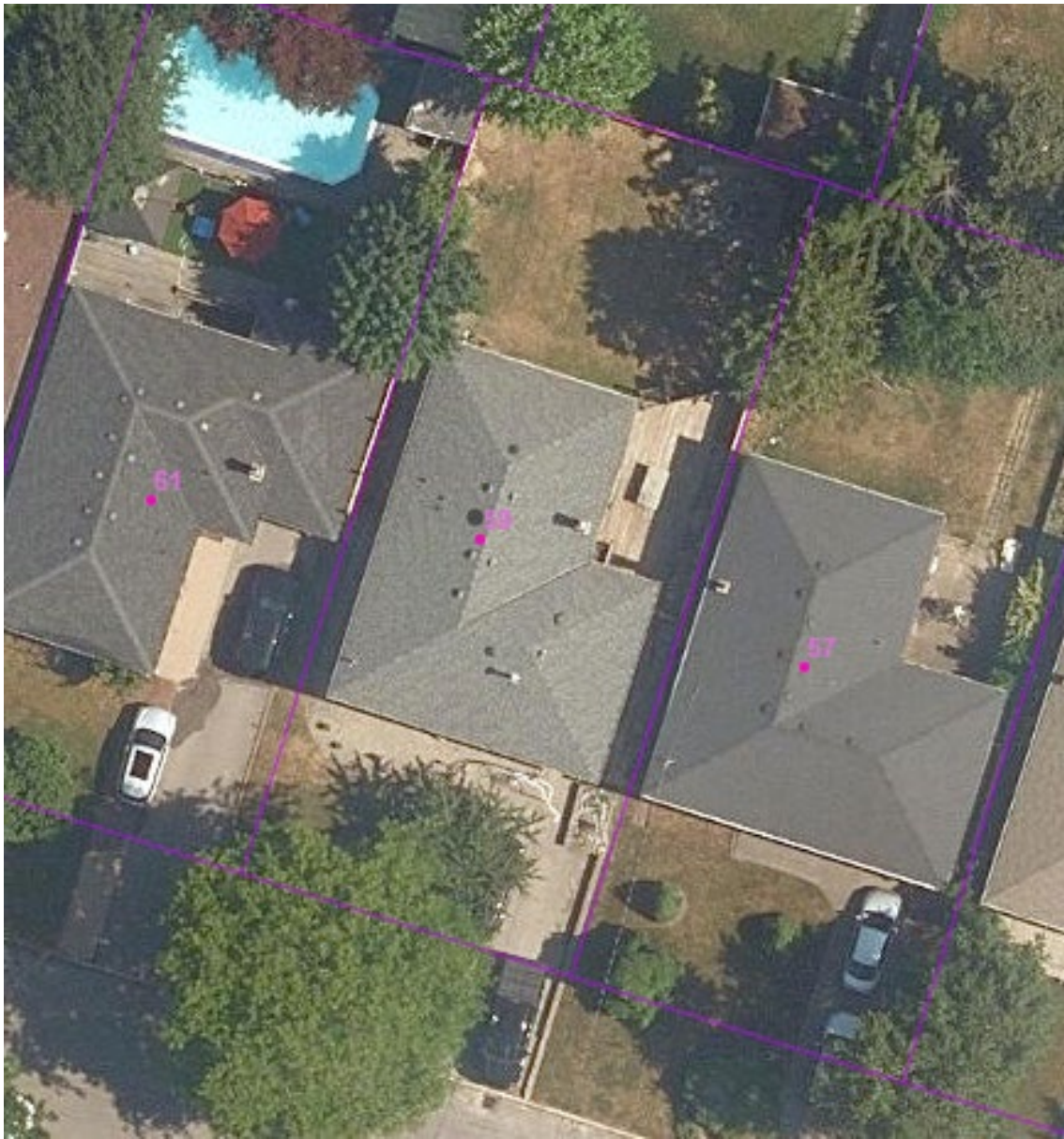
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Christina Savella
Acting Manager Municipal Licensing and Standards
Municipal Licensing and Standards
Investigation Services – East District
Tel: 647-333-4023
Email: christina.savella@toronto.ca

ATTACHMENTS

- Attachment 1: iView Map of Property – 59 Hesketh Court - City of Toronto.
- Attachment 2: Officers photo – 59 Hesketh Court – Rear Yard
- Attachment 3: Officers photo – Fence below height, climbable condition
- Attachment 4: Officers photo – Fence height, climbable condition
- Attachment 5: Officers photo – Terminal posts not embedded, anchor-bolted

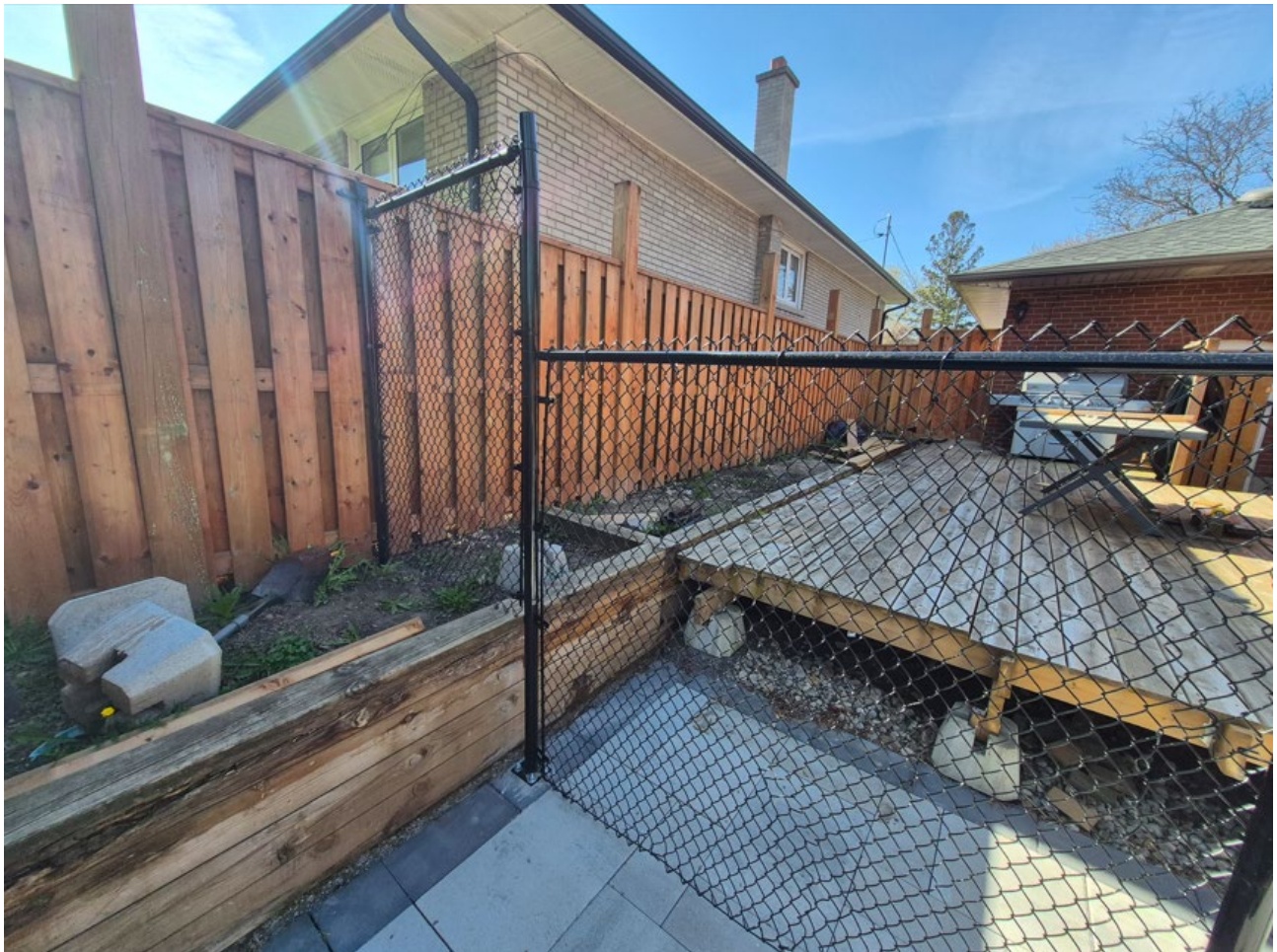
Attachment 1: iView Map of Property – 59 Hesketh Court - City of Toronto.
(Pre-Pool Construction).



Attachment 2: Officers photo – 59 Hesketh Court – Rear Yard



Attachment 3: Officers photo – Fence below height, climbable condition



Attachment 4: Officers photo – Fence height, climbable condition



Attachment 5: Officers photo – Terminal posts not embedded, anchor-bolted

