

Request for a Fence Exemption to the Toronto Municipal Code, Chapter 447 - 112 Dell Park Avenue

Date: June 3, 2026

To: North York Community Council

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

Wards: 8 Eglinton -Lawrence

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 owner of 112 Dell Park Avenue requesting a site-specific Fence Exemption under Toronto Municipal Code Chapter 447, Fences, for an existing and proposed pool enclosure located within the North York District.

The application relates to an existing pool enclosure that does not comply with the setback requirements prescribed under Toronto Municipal Code Chapter 447-1.3E(1)(a) and 447-1.3E(1)(b). Specifically, the enclosure does not maintain the minimum required separation distance from the pool water's edge and does not provide the required clearance from the last step of the dwelling.

The owner is seeking relief from these provisions through a site-specific exemption application to permit the existing and proposed configuration of the pool enclosure. Staff have reviewed the application and note that the proposed fence does not create any sightline obstruction or visibility concerns for pedestrians or vehicular traffic.

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 112 Dell Park Avenue 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 112 Dell Park Avenue is developed with a single-family detached residential dwelling.

The application was not initiated because 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 January 14, 2026, seeking relief from the provisions of Toronto Municipal Code Chapter 447 related to minimum setback and climbability clearance requirements for an existing swimming pool enclosure.

The existing pool enclosure consists of wood fencing located along the east, north, and south sides of the pool area, with a fence height of approximately 1.8 metre. The enclosure generally complies with the minimum height requirements prescribed under Chapter 447; however, deficiencies exist with respect to the minimum required horizontal setbacks from the water's edge and climbability clearances from adjacent features.

On the north side of the pool enclosure, the fence is located approximately 0.8 metres from the water's edge, whereas a minimum setback of 1.2 metres is required

On the south side of the pool enclosure, the enclosure is situated approximately 1.2 metre from the water's edge and approximately 0.9 metre from the last step providing access from the dwelling to the rear yard. Chapter 447 requires a minimum separation distance of 1.0 metre from climbable conditions, including exterior steps. The existing condition therefore results in an approximate deficiency of 0.1 metre. The combined clearance between the last step, the water's edge, and the pool enclosure measure approximately 2.1 metre, where a minimum combined clearance of 2.2 metre is required.

The existing pool enclosure does not comply with the following provisions of Toronto Municipal Code, Chapter 447:

Chapter 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 metre horizontally from the water's edge of the pool.

Chapter 447-1.3E(1)(b) – A swimming pool 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 metre for a distance of at least one metre on each side of the condition.

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear Yard	North Side	Existing wood pool fence is located approximately 0.8 metres from the water's edge, whereas a minimum setback of 1.2 metres is required.	Chapter 447-1.3E(1)(a) A swimming pool enclosure, including any gate forming part of the enclosure, shall be no closer than 1.2 metres horizontally to the water's edge of the pool.
Rear Yard	South Side	The combined distance between the last step, water's edge, and proposed fourth fence is approximately 2.1 m, which is deficient where a minimum combined clearance of 2.2 m is required to satisfy both climbability and setback provisions.	Chapter 447-1.3E(1)(a) A swimming pool enclosure, including any gate forming part of the enclosure, shall be no closer than 1.2 metres horizontally to the water's edge of the pool.
Rear yard	Pool Enclosure	The existing pool enclosure is located less than the required minimum separation distance from climbable conditions associated	Chapter 447-1.3E(1)(b) Be no closer than one metre to any external condition that may facilitate climbing the outside of the enclosure

		with the dwelling access steps. The south side clearance measures approximately 0.9 metres, where a minimum of 1.0 metre is required.	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:
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CONTACT

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SIGNATURE

Brian Nogueira
District Manager, West District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: iView Map of Property – 112 Dell Park Avenue - City of Toronto.

Attachment 2: Photograph of rear yard showing measurements from wood fence to the water's edge, from water's edge to the proposed location of the fourth fence, and from the bottom step to the proposed location of the fourth fence, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 3: Photograph of full rear yard, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 4: Photograph showing temporary fencing erected between the pool and rear access from the dwelling, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 5: South side where the proposed fencing would be which would require the 0.1m exemption, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 6: Photograph showing measurement from the wood fence to the water's edge of the pool, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 7: Photograph of rear yard showing in-ground pool filled with water, taken by Officer – 112 Dell Park Avenue, City of Toronto.

Attachment 1: GIS Map of Property – 112 Dell Park Avenue - City of Toronto.



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