

5-21 Brahms Ave - Application for Fence Exemption

Date: June 08, 2026

To: North York Community Council

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

Wards: Ward 17 Don Valley North.

SUMMARY

The applicant for 5-21 Brahms Ave has requested North York Community Council to exempt their property from the following by-law requirements:

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

The applicant of 5-21 Brahms Ave is requesting an exemption for their existing fence as constructed: 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 447 – Fences.

RECOMMENDATIONS

The Acting District Manager, Municipal Licensing and Standards, East District recommends that North York Community Council pursuant to City of Toronto Municipal Code Fences Chapter 447 1.3E.(1)(b)

1. Refuse to grant an exemption from Section 447-1.3E.(1)(b) of Toronto Municipal Code Chapter 447 – Fences for the existing swimming pool enclosure at 5-21 Brahms Avenue.

FINANCIAL IMPACT

There is no financial impact on the City of Toronto.

DECISION HISTORY

There are no previous Fence Exemption decisions on this 5-21 Brahms Ave

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, Southwest Side - Pool Enclosure	The swimming pool enclosure does not meet the minimum height requirement of 1.8 metres, as climbable features are present within 1.0 metre of the exterior. Specifically, the rock retaining wall and stepped concrete wall provide a means of access for climbing the outside of the enclosure.	Chapter 447 Section 447 1.3E.(1)(b) Be closer than one meter to any external condition that may facilitate climbing 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.

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 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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SIGNATURE

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ATTACHMENTS

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| Attachment 1: | iView Map of Property – 5-21 Brahms Ave - City of Toronto. |
| Attachment 2: | Officers photo – Fence below height, climbable condition |
| Attachment 3: | Officers photo – Fence below height, climbable condition |
| Attachment 4: | Officers photo – Fence below height, climbable condition |

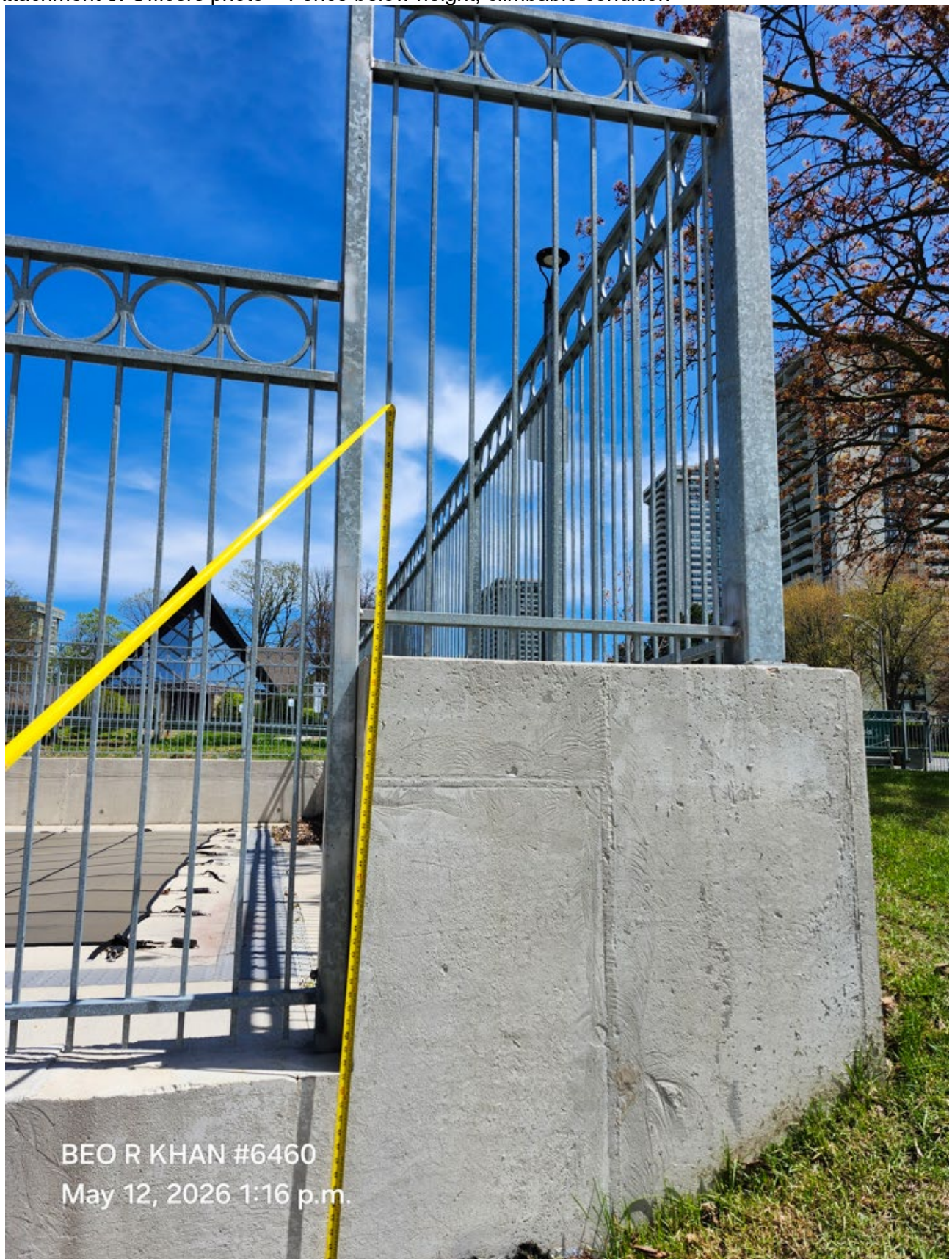
Attachment 1: iView Map of Property – 5-21 Brahms Ave - City of Toronto.



Attachment 2: Attachment 2: Officers photo – Fence below height, climbable condition



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



BEO R KHAN #6460
May 12, 2026 1:16 p.m.

Attachment 4: Officers photo – Fence below height, climbable condition

