

255 Parkview Avenue - 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 18 Willowdale

SUMMARY

The Applicant for 255 Parkview Avenue has requested North York Community Council to exempt their property from the following by-law requirements:

1. City of Toronto Municipal Code Chapter 447

Section 447 1.3C.(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.

2. Section 447-1.2A(5) - No person shall erect, own or maintain, or cause or permit the erection or maintenance of any fence that uses materials not usually intended for use in permanent fencing, unless specifically permitted by this chapter or another by-law.

The applicant for 255 Parkview Avenue is requesting an exemption to permit the existing rear yard fence to remain as constructed. The fence enclosure has been built such that the basement walk-up door is incorporated within the enclosure.

Furthermore, the applicable by-law stipulates that swimming pool enclosures shall be constructed in accordance with prescribed standards and shall be comprised exclusively of one of the following materials: chain-link fencing, metal picket fencing, glass panels, or masonry walls.

Municipal Licensing and Standards Division has inspected the subject property and issued a notice of violation under City of Toronto Municipal Code Chapter 447. - Fences

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 Section 447 1.3C.(1) and Section 447-1.2A(5)

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 255 Parkview Avenue, for the 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 at 255 Parkview Avenue

COMMENTS

Municipal Licensing and Standards Inspection Results:

The existing fence violates the City of Toronto Municipal Code, Chapter 447 – Fences 447-1.3. Swimming pool enclosure requirements:

GENERAL LOCATION	SPECIFIC LOCATION	CONSTRUCTION and DEFICIENCY	BY-LAW SECTION and REQUIREMENT*
Rear yard Pool Enclosure	Basement Walk Up.	The enclosure has been constructed in a manner that permits direct access to the pool area through the wall.	Section 447 1.3C.(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 Pool Enclosure	All three sides forming the perimeter of the rear yard pool enclosure.	The enclosure has been constructed using powder-coated commercial-grade metal cladding, supported on horizontal pressure-treated timber joists and 6x6 pressure-treated timber posts. These materials and construction methods are not permitted as standard components of permanent fencing for a pool enclosure under the by-law.	Section 447-1.2A(5) Restrictions on fences: No person shall erect, own or maintain, or cause or permit the erection or maintenance of any fence that uses materials not usually intended for use in permanent fencing, unless specifically permitted by this chapter or another by-law.
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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.

May 26 2008 Toronto City Council (LS13.3)

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

CONTACT

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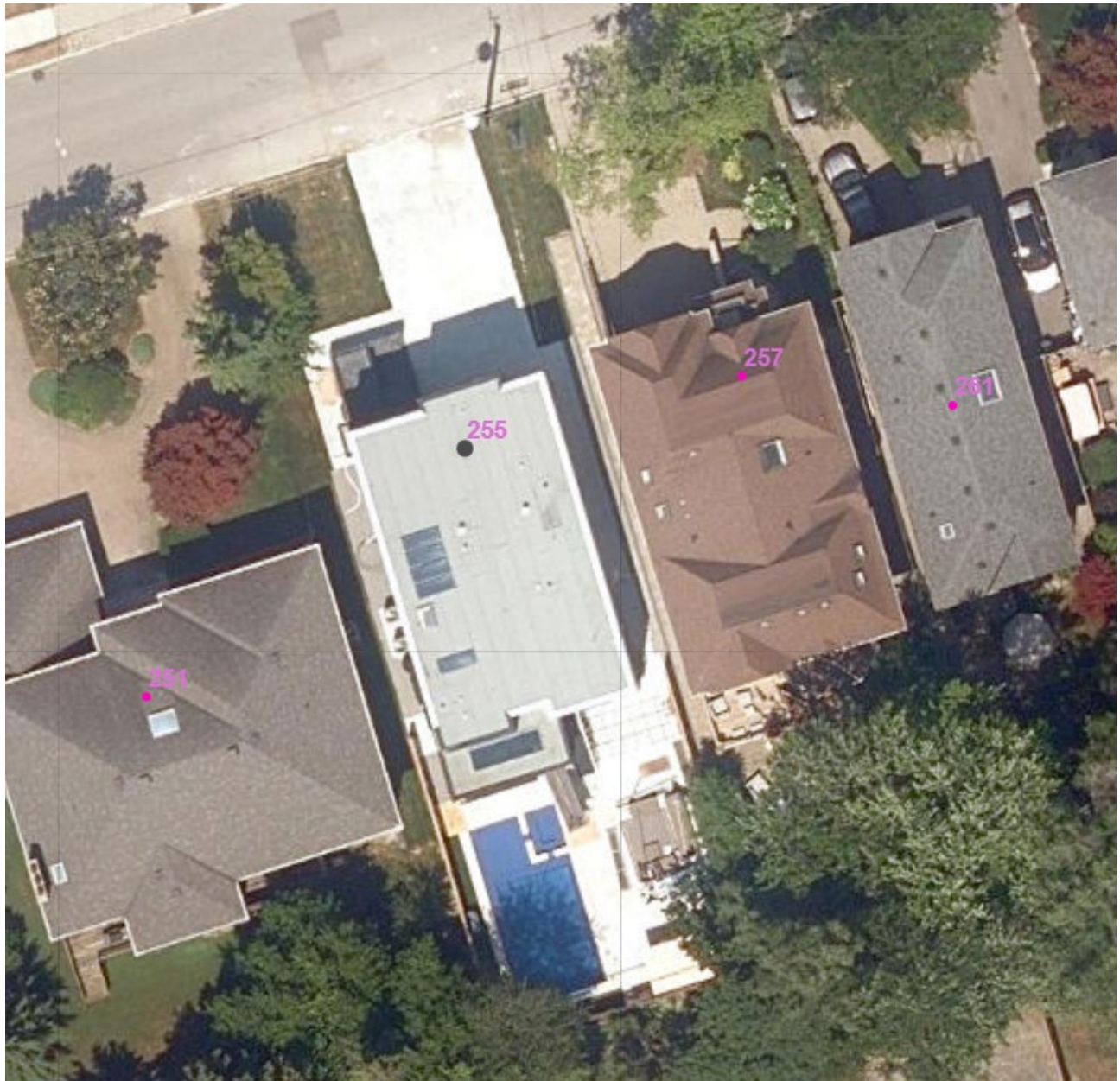
SIGNATURE

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ATTACHMENTS

- Attachment 1: iView Map of Property – 255 Parkview Avenue - City of Toronto.
- Attachment 2: MLS Staff Photo Rear Yard - Pool Enclosure - Restrictions on fences
- Attachment 3: MLS Staff Photo Rear Yard - Pool Enclosure - Restrictions on fences
- Attachment 4: MLS Staff Photo Rear Yard - Pool Enclosure - Access protection
- Attachment 5: MLS Staff Photo Rear Yard - Pool Enclosure - Access protection

Attachment 1: iView Map of Property – 255 Parkview Avenue - City of Toronto.



Attachment 2:MLS Staff Photo Rear Yard - Pool Enclosure - Restrictions on fences



Attachment 3: MLS Staff Photo Rear Yard - Pool Enclosure - Restrictions on fences



Attachment 4: MLS Staff Photo Rear Yard - Pool Enclosure - Access protection



Attachment 5: MLS Staff Photo Rear Yard - Pool Enclosure - Access protection

