

## **10 Whitecap Boulevard - Application for Fence Exemption**

**Date:** May 28, 2026

**To:** Scarborough Community Council

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

**Wards:** Ward 20 – Scarborough Southwest

### **SUMMARY**

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The Applicant for 10 Whitecap Boulevard has requested Scarborough Community Council to exempt their property from the following by-law requirements:

City of Toronto Municipal Code Chapter 447 1.3D(1) – Swimming Pool Enclosures; Enclosure Height.

The pool enclosure fence has a height ranging from 1.10 meters to 1.14 meters. This is lower than the required 1.2 meters.

AND

City of Toronto Municipal Code Chapter 447 1.3E(2)(a) – Swimming Pool Enclosures; Construction Standards.

The pool enclosure fence posts spacing ranges to a maximum of 3.12 meters. This is greater than the maximum of 2.4 meters.

AND

City of Toronto Municipal Code Chapter 447 1.3E(2)(a) – Swimming Pool Enclosures; Construction Standards.

The pool enclosure fence posts utilize a quick detach screw and are not embedded in concrete. Enclosure posts are required to be embedded in 0.76 meters of concrete.

Municipal Licensing and Standards Division has inspected the subject property and issued a notice of violation of City of Toronto Municipal Code Chapter 447 1.2(B)(1).

## RECOMMENDATIONS

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The Acting District Manager, Municipal Licensing and Standards, East District recommends that Scarborough Community Council, pursuant to City of Toronto Municipal Code Fences Chapter 447:

1. Refuse to grant an exemption to Chapter 447, Fences, to the property owner of 10 Whitecap Boulevard, for the existing fence described in the Summary of this report.

## FINANCIAL IMPACT

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There is no financial impact to the City of Toronto.

## DECISION HISTORY

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There is no previous decision history

## COMMENTS

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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 – Pool Enclosure | Pool enclosure fence has a height ranging from 1.10 meters to 1.14 meters, which is less than the 1.2 meters required in the bylaw.           | Chapter 447 1.3D(1) – Swimming Pool Enclosures; Enclosure Height.<br><br>Minimum required height is 1.2 meters. |
| Rear Yard        | Rear yard – Pool Enclosure | The pool enclosure fence posts spacing ranges to a maximum of 3.12 meters, which is greater than the maximum 2.4 meters allowed in the bylaw. | Chapter 447 1.3E(2)(a) – Swimming Pool Enclosures; Construction Standards                                       |

|           |                            |                                                                                                                                                                      |                                                                                                                                     |
|-----------|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
|           |                            |                                                                                                                                                                      | Spacing of posts, 2.4 meters maximum                                                                                                |
| Rear Yard | Rear yard – Pool Enclosure | The pool enclosure fence posts utilize a quick detach screw and are not embedded in concrete. Enclosure posts are required to be embedded in 0.76 meters of concrete | Chapter 447 1.3E(2)(a) – Swimming Pool Enclosures; Construction Standards.<br><br>Depth of embedment, 760 millimeters (0.76 meters) |

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 [\[quoted from 2008 Staff Report\]](#)

May 26 2008 Toronto City Council (LS13.3)

City Council on May 26 and 27, 2008, adopted the following motions:

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.

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.

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.

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 – 10 Whitecap Boulevard- City of Toronto

Attachment 2: Supervisor's photo -Overview of fence at 10 Whitecap Boulevard

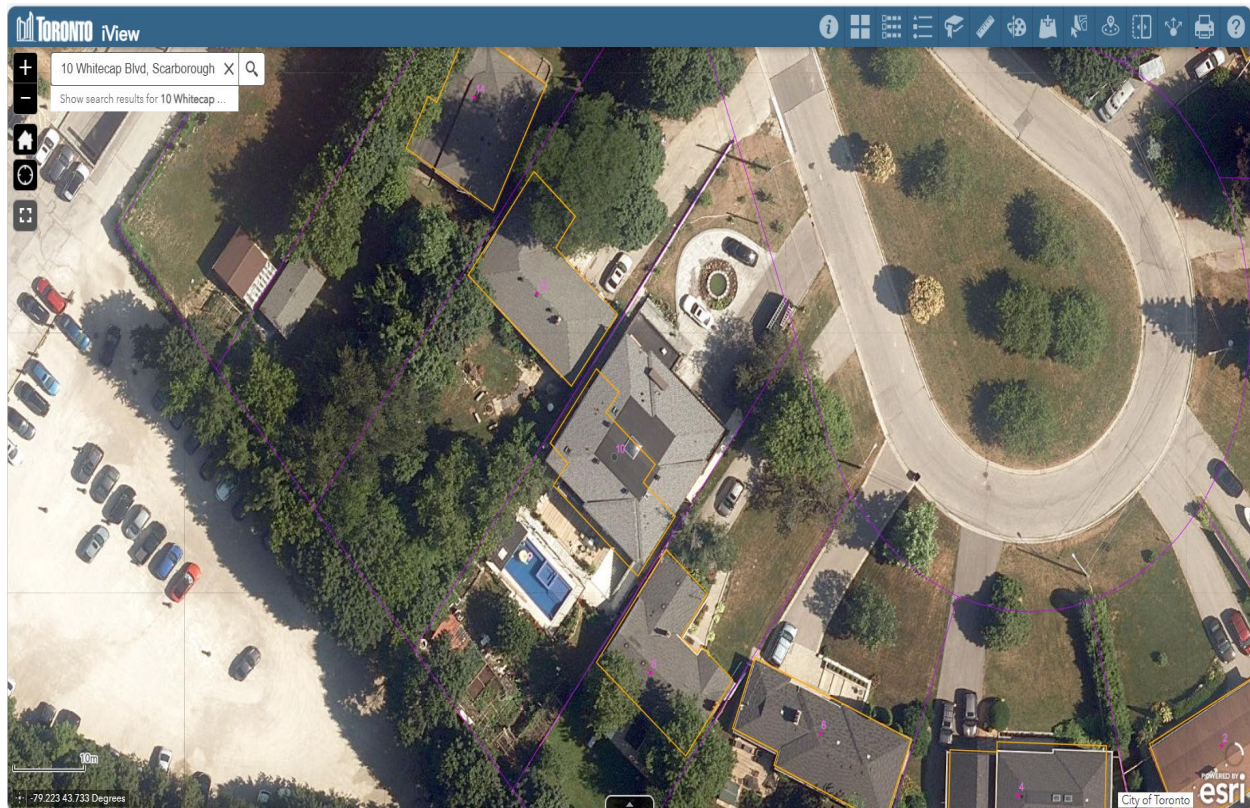
Attachment 3: Supervisor's photo – Pool Enclosure Fence Height (1.10 meters)

Attachment 4: Supervisor's photo – Pool Enclosure Fence Post Spacing (3.12 meters)

Attachment 5: Supervisor's photo – Pool Enclosure Fence Post (not embedded)

Attachment 6: Approved Pool Enclosure Fence Drawing

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