

<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MEETING ON SEPTEMBER 10, 2019</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT</b>	<b>SWIMMING POOL FENCE BY-LAW REVIEW UPDATE</b>

**RECOMMENDATION**

That, on the recommendation of the Managing Director, Development & Compliance Services & Chief Building Official, this report **BE RECEIVED** for information purposes.

**BACKGROUND**

As part of the City’s Strategic Plan, Civic Administration is reviewing and updating Council’s By-laws. One of the By-laws being reviewed in 2019 is the Swimming Pool Fence By-law.

More recently, two emerging issues have been brought to the attention of Civic Administration:

- Homes with garage doors on the front and rear of the residential attached garage creating access to pool.
- Pool construction delays.

**Front and Rear Facing Garage Doors**

For standard garages (forward facing garage door and rear-yard/side-yard facing man-door), the Pool Fence By-law requires that the man-door be equipped with a self-closing device and self-latching device. There has been a recent demand for homes with front and rear garage doors, which creates compliance issues when pools are installed in the rear yard. The following photo illustrates the issue.



Although the garage doors can be closed (either manually or remotely), most doors contain safety features which return the door to an open position if the plane of the door is broken during closure. This causes a compliance issue and potential risk of a child wandering into a rear yard containing a pool. The simple solution to this is provide a gate with a self-closing/self-latching gate for the rear garage door. For various reasons, some homeowners are not in

favour of this solution.

As part of this review, a scan of pool fence by-laws has been undertaken. Waterloo, Ottawa and Brampton, all include regulations relating to when a wall of a building forms part of the enclosure. Ottawa's by-law specifically references garage doors.

### **Pool Construction Delays**

The Pool Fence By-law does not have a sunset clause for completion of the pool fence. Often, delayed pool construction leads to altered fencing plans which have not been fully approved by the City for compliance. This causes compliance issues in the field as in many cases the inspections are being reviewed based on revised plans which have not been approved for construction. Civic Administration recommend adding a time limit on the pool fence permit to encourage up-to-date drawings to ensure compliance with the Pool Fence By-law.

<b>CONCLUSION</b>
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The municipal purpose of the Pool Fence By-law is public safety (specifically young children). Civic Administration will continue to consult with the pool fence industry as well as the Pool and Hot Tub Council of Canada to seek solutions to these and other by-law compliance issues.

Civic Administration will present an amendment to the Pool Fence By-law in Q4-2019/Q1-2020 and hold a Public Participation Meeting in time for any new amendments to be in force and effect for the 2020 pool season.

<b>PREPARED BY:</b>	<b>RECOMMENDED BY:</b>
<b>OREST KATOLYK, MLEO (C) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER</b>	<b>GEORGE KOTSIFAS, P. ENG. MANAGING DIRECTOR, DEVELOPMENT &amp; COMPLIANCE SERVICES &amp; CHIEF BUILDING OFFICIAL</b>