



Title:

Housing Services Internal Policy-Department of Social Services-Pools and Trampolines

Policy No.:

SL 006

Revisions:

April 28, 2014

March 16, 2017

April 3, 2018

Effective Date:

July 20, 2006

Applies to:

The policy and procedures contained in this document apply to semi-detached homes.

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Purpose of the policy

The Housing Services wish to establish regulations regarding pools (this term includes spas) and trampolines for the safety and health of their tenants. Also, for their own security and that of other citizens, the Housing Services require their tenants to respect all regulations pertaining to pools, such as 1) the Town of Hawkesbury's municipal By-law **35-2013** or any other By-law replacing it requiring owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, 2) the Town of Hawkesbury's municipal By-law **2-2018** or any other By-law replacing it requiring a permit for the installation of above-ground pools, 3) the *Ontario Electrical Safety Code*, and 4) the *Ontario Building Code*.

In order to ensure this, a procedure has been established.

The Housing Services Regulations

1. Trampolines will only be accepted in the backyard. They must be supervised by an adult when being used by children. Tenants are required to install a net around the trampolines.
2. For the installation of pools, trampolines, or wading pools, tenants must ask for permission (**see example in Schedule A**) in writing from the Housing Services and provide a proof of two million (\$2,000,000) liability insurance. Tenants will not be allowed to install a pool, trampoline, or wading pool until they have obtained written permission (**see example in Schedule B**) from the Housing Services. The Housing Services may revoke their permission from any tenant who does not respect the present policy and/or municipal By-laws or *Codes*.
3. Before installing a pool, tenants must obtain a permit from the Town of Hawkesbury, as per their municipal By-law **2-2018**. In addition, tenants are required to have liability insurance for all types of pools (including inflatable pools, wading pools, etc.) and trampolines. We must receive proof of liability insurance and a copy of the permit from the city. Once the swimming pool is installed, the tenant must provide Housing Services with the inspection report from the Town of Hawkesbury.
4. Small wading pools without a filter (e.g. wading pools) must be filled with no more than six (6) inches of water. To mitigate the safety hazard of young ones accessing an unsupervised pool and to reduce the exposure to mosquitoes and the related potential for West Nile Disease, these pools must be emptied each and every night before sundown and cannot be filled with water before 9 a.m. When emptying the pool, tenants must be careful not to flood their neighbours' basements or yards or their own. Also, wading pools must be turned upside down overnight in order to prevent rain buildup. If the fences do not reach regulatory height, which is 1.22 m (four feet), these pools cannot be installed since the municipal By-law makes no exception for such pools.

5. The filter on larger pools must be functional at all times when there is water in the pool in order to prevent the water from becoming stagnant, to reduce the potential for West Nile Disease, and to prevent odour emissions. The filter must be installed 1.22 m (four feet) from the pool to prevent children from jumping off the filter into the pool.
6. All pool filters must be plugged directly into a GFCI outlet. The GFCI outlet prevents the risk of electrocution. Extension cords connecting the filter to the GFCI outlet are strictly prohibited. If there is no GFCI outlet in the backyard or on the side of the building, or if the outlet is too far away from the pool's filter, the tenant is responsible for the installation of a GFCI outlet at his own expense if he wishes to install a pool. The Housing Services will not cover this expense. In addition, the GFCI outlet installation must be done by a certified electrician, and the tenant must provide the proof that it has been done by a certified electrician.
7. The Housing Services are not responsible for the installation of fences to comply with municipal By-law for pools. Article 19 of our lease states that: *"The Tenant shall not make any alterations to...the Leased Premises...without the prior written approval of the Landlord."* The Housing Services will not permit any changes to the fences. Therefore, if a fence does not comply with the municipal By-law, a tenant may not install a pool in the yard unless it reaches the above-ground regulatory height and provided that the pool ladder is retractable or removable and that it is retracted when there is no supervision.
8. During the pool's installation, the tenant must ensure that there are no obstacles closer than 1.22 m (four feet) from the pool. For example, if a tenant has a trampoline in the backyard, it must be 1.22 m (four feet) from the pool. This is to prevent accidents. In addition, the pool must be installed at least 1.22 m (four feet) from all backyard fences.
9. The gate to the backyard, for tenants with pools, must be equipped with an automatic safety latch to prevent the drowning of neighbourhood children who might come into the yard. In addition, the pool's ladders should be stored in a shed or in the house or they can be fastened securely to a fence at a distance of at least 1.22 m (four feet) from the pool.
10. The *Ontario Building Code* stipulates that the horizontal clearance between a building containing plumbing and existing above-ground electrical conductors of high voltage shall be not less than three metres (10 feet). Pools include plumbing, so they must be at least three metres (10 feet) away from high-voltage lines. Since a high-voltage line goes through yards on Portelance Avenue, certain yards are not large enough to enable pools to be installed three metres (10 feet) away from it. Consequently, pools will be prohibited for the following addresses on Portelance Street: 707, 715, 717, 725, 727, 735, 737, 745, 747, 755, 757, 765, and 767.

Procedure

To ensure that tenants respect all regulations pertaining to pools and trampolines, following is the procedure that has been adopted:

1. For the installation of pools and trampolines, tenants must request permission in writing from the Housing Services and provide a proof of liability insurance. For the above-ground pool, the procedure is the same except the insurance coverage must be extended to a swimming pool. Tenants will not have the right to install a pool until they have obtained written permission from the Housing Services. In addition, confirmation of liability insurance is required when requesting permission.
2. Tenants must also obtain a permit from the Town of Hawkesbury to install a pool.
3. Once the pool is installed, the tenant must provide Housing Services with the inspection report from the Town of Hawkesbury.
4. During the summer, semi-detached homes and bungalows will be inspected to check if tenants comply with all regulations and the present policy on pools.
5. Those who do not comply will receive a 24-hour notice letter (**see example in Schedule C**). In this letter, we will allow tenants seven (7) days to make the necessary changes. After this time, another inspection will be made.
6. After the 3rd infraction, we will revoke our permission, the tenant will have to remove his/her pool or trampoline, and we will not give him/her permission to install a pool in the years to come. If the tenant refuses to remove his/her pool, the Housing Services may send the tenant a Notice to Terminate a Tenancy Early (N5) for having caused a dangerous act.

Conflict

If there should be a conflict between this policy on pools and trampolines and municipal By-laws, the *Ontario Electrical Safety Code*, or the *Ontario Building Code*, in case of contention, the latter would have precedence.

Questions

If you have questions about this document, please contact your Housing Services Manager at the United Counties of Prescott and Russell.

APPROVED BY: _____

DATE: _____

Schedule A: Example of request for permission for installation (pool, wading pool, trampoline)

Alain Lacelle, Supervisor
Housing Services
59 Court Street, P. O. Box 303
L'Orignal ON K0B 1K0

Mr. Lacelle:

RE: REQUEST FOR AUTHORIZATION & CONSENT

I/We request your permission to install the following in my/our backyard:

☐ a pool ☐ a wading pool ☐ a trampoline

I/We understand that I/we must comply with your internal policy on pools and trampolines with all regulations pertaining to pools such as: 1) the Town of Hawkesbury's municipal By-law **N° 35-2013** requiring owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools, 2) the Town of Hawkesbury's municipal By-law **N° 2-2018** requiring a permit to install an above-ground pool, 3) the Ontario Electrical Code, and 4) the Ontario Building Code.

In addition and in order to obtain my/our permit, I/we, _____, authorize Virginie Viau, Community Relations Worker - Housing Services, to forward to the Buildings and Inspections Services of the Town of Hawkesbury information regarding my/our 2022 pool application.

If my/our request is approved, I/we will obtain a permit from the Town of Hawkesbury before installing my/our pool. I/We will also ensure that an inspection of the said pool is carried out once it is installed.

******I/We understand that I/we need to provide a copy of our liability insurance******

Date: _____

Name of Tenant: _____

Signature: _____

Address: _____

Witness: _____

Schedule B: Example of approval letter

DATE:
NAME:
ADDRESS:

Sir, Madam:

RE: AUTHORIZATION – SWIMMING POOL AND/OR TRAMPOLINE

We acknowledge receipt of your request for permission and proof of liability insurance and we grant you permission to install:

- ☐ a swimming pool
- ☐ a trampoline
- ☐ a wading pool

Please be reminded that you are required to respect our policy on swimming pools and trampolines, as well as the Town of Hawkesbury's municipal By-laws **N° 35-2013** and **N° 2-2018**, which set out the city's requirements on swimming pools, fences, and gates. Make sure you comply with them at all times.

SWIMMING POOL: You must send us a copy of your permit from the Town of Hawkesbury by _____; otherwise, you will be in violation. Once the pool is installed, you must contact the Town of Hawkesbury at 613-632-0106, ext. 2221 or ext. 2222, to have your pool inspected and provide us with a copy of the inspection report.

TRAMPOLINE: No permit from the Town of Hawkesbury is required; however, make sure your trampoline has a safety net; otherwise, you will be in violation.

WADING POOL: No permit from the Town of Hawkesbury or proof of insurance is required; however, make sure to empty your wadding pool every night; otherwise, you will be in violation.

We thank you for your collaboration. Should you have any questions, do not hesitate to contact me at 613-675-4661.

Véronique Pagé-Charlebois
Community Relations Worker
Housing Services

Schedule C: Example of 24-Hour Notice – Pool Inspection letter

Date

L'Original ON

RE: 24-Hour Notice – Pool Inspection

Madam, Sir,

In collaboration with the Chief Building Official for the Town of Hawkesbury, we inspected your pool today _____. We must advise you that you are in contravention of By-law No 35-2013 of the Town of Hawkesbury being a By-law to require owners of privately owned outdoor swimming pools to erect and maintain fences and gates around such swimming pools.

We have noticed that you are contravening the following sections:

- Section 4.1: "...If a swimming pool is 1.219 m or more above ground, a fence will not be necessary provided that the ladder is well secured." The ladder was not secured during our inspection.
- Section 4.2: "...no part of such pool...shall be located closer than 1.5m to any rear or interior side lot line." Your pool is too close to the fence or your filter is too close to your pool.
- Section 4.3: "All swimming pools shall be completely enclosed by a fence not less than 1.2 m high..." Your fence does not meet the required standards and your pool must be removed.
- Section 4.3: "Gates in the aforesaid fence shall...be equipped with a self-latching device and lock located at the top and inside the gate." You must install a self-latching device and lock.
- Section 4.3: "Every gate shall be locked except when the fenced-in area is actually being used and supervised by the owner..." Your gate was not locked and there was no supervision during our inspection.
- Section 7: "No mechanical equipment for the operation of any private swimming pool shall be installed or operated in such a manner as to become obnoxious, offensive or dangerous by reason of the presence of emission of odour, noise, gas fumes, vibrations or refuse matter."

We must advise you that you are contravening the Town of Hawkesbury By-law No. 2-2018 respecting Construction, Demolition, Change of Use Permits, and Inspections.

- You do not have a permit to install an above-ground pool. You must either obtain a permit or remove your pool within seven days, otherwise you may receive an eviction notice.

We must advise you that you are contravening the *Ontario Electrical Code*:

- The pool filter must be plugged on an exterior GFCI plug. Extension cords are strictly prohibited.
- The installation of a GFCI plug must be done at your expense, and you must provide us with proof that it has been done by a certified electrician. If this is not done, you will have to remove your pool.

We must advise you that you are contravening our policy on pools and trampolines:

- You have not sent your request in writing to install a pool in your back yard. Please find enclosed the letter you can fill out to make this request in writing. If you do not send your written request within seven days, we will ask that you remove your pool. If you do not remove it, we may send you an eviction notice.
- Your trampoline is in the front yard and should be in the back yard
- Since your pool has no filter, it should not contain more than six inches of water and it should be emptied every night before darkness.
- Since your fence does not have the required height, which is 1.2 m., even if you have a small pool with no filter, it cannot be installed.

We will be doing another inspection of your pool on _____ to make sure that you have made the necessary changes to comply. If these are not done by 9 A.M. on this date, you could receive an eviction notice on the grounds that you are causing a dangerous act.

Please consider this letter as your minimum 24-hour notice as per the *Residential Tenancies Act, 2006*, CHAPTER 24, for entry to your unit. We thank you for your cooperation on this matter.

Virginie Viau
Community Relations Worker