TORONTO

STAFF REPORT
ACTION REQUIRED

Request for a Natural Garden Exemption to the Toronto Municipal Code, Chapter 489 - Grass and Weeds at 144 Manor Road East

Date:	October 20, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 22 St Paul's
Reference Number:	IBMS No. 09-157072

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The Grass and Weeds by-law provides that the owner or occupant of private land shall cut the grass and weeds on their land and remove the cuttings whenever the growth of grass and weeds exceeds 20 centimetres in height. The subject property has plant growth in excess of 20 centimetres in the front and rear yard areas for which the owner has applied for relief to be exempted as a natural garden. See Attachments 1 and 2.

The front and rear yards were inspected and the Natural Environment Inspector determined that the garden was not within the provision of the natural garden exemption requirements. See Attachment 3.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council confirm the notice and direct that a second notice be given to the property owners at 144 Manor Road under this section.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standards Division received an application for exemption from the Grass and Weed by-law to permit plant material to remain at a height in excess of 20 centimetres by exempting the growth as a natural garden. This request was reviewed and the property was inspected by Natural Environment staff who determined that the plant growth in its current state did not qualify as a natural garden.

ISSUE BACKGROUND

In response to a Notice of Violation issued for Long Grass and Weeds the property owner submitted a letter requesting that a review be conducted with a view to designating the front and rear yard areas as natural gardens. The property was attended by a City of Toronto, Natural Environment Inspector, who found this garden was not within the provisions of a natural garden exemption. In order to meet the criteria of a natural garden, proper weeding and pruning must be undertaken. To be in compliance with the natural garden exemption, a garden must be consistent with a "managed and natural landscape". See Attachments 1, 2 and 3.

The findings are as follows:

A mix of trees, shrubs, herbaceous perennials. Invasive weeds have been establishing themselves among the rear yard and have taken over most of the desirable plants.

Invasive weeds present include: *Glechoma hederacea* (Ground Ivy), *Plantago major* (Broad-leaved plantain), *Chenopodium album* (Lamb's Quarters), (*Lactuca scariola*) Prickly lettuce, *Solanum dulcamara* (Deadly nightshade), *Polygonum persicaria* (Lady's Thumb), Common burdock (*Arctium minus*), Nodding beggarticks (*Bidens cernua*), Smooth pigweed (*Amaranthus hubridus*), Dandelion (*Taraxacum officinale*), Goldenrod (*Solidago sp*).

Some trees and shrubs are in need of proper pruning to remove broken /dead / overgrown branches.

Maintenance required to meet the provisions of a natural garden.

Removal of invasive and inappropriate plants (listed above).

Proper pruning and removal of dead / broken /overgrown branches of trees and shrubs.

On-going weed removal and proper pruning of tree / shrub material when required is recommended in order to comply with the requirement to be ‘managed”.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 255-2004 on April 16, 2004 to prescribe the maximum height permitted for long grass and weed growth. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 489 – Grass and Weeds. The by-law further provides that the owner or occupant upon receipt of notice under this section may request that the issuance of the notice be reviewed by community council on the basis that the growth is exempt as a natural garden.

The By-law provides that a “natural garden” – has been deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses or combinations of them whether native or non-native, consistent with a managed and natural landscape other than regularly mown grass.

CONTACT

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SIGNATURE

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Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

Attachment 1, Photo of Front Yard
Attachment 2, Photograph of Rear Yard
Attachment 3, Report from Natural Environment

Attachment 1, Photo of Front Yard

Attachment 2, Photograph of Rear Yard

TORONTO

Memorandum

Parks, Forestry & Recreation
Brenda Patterson, Acting General Manager

Parks, Forestry & Recreation
24th Floor, 55 John Street
M5V 3C6

Garth Armour
Coordinator
Natural Environment
Parks, Forestry & Recreation

DATE: 29 September, 2009

TO: Romano, John
Rizzo, Tina
UDS - Municipal Licensing and Standards

FROM: Garth Armour, Coordinator – Natural Environment
Parks, Forestry and Recreation

RE: **Natural Gardens Inspection**
Location: 144 Manor Road East

The above noted - property was inspected by Patricia Landry of my section for potential natural garden status which is covered by Chapter 489 of the Municipal Code:

Grass & Weeds – Article 2 A. – Height Restriction, which states: "The owner or occupant of private land shall cut the grass and weeds on their land and remove the cuttings whenever the growth of grass and weeds exceeds 20 centimetres in height."

The 'natural garden' exemption **(Article 2 B.)** reads as follows:

For the purposes of this section, the term "grass and weeds" shall refer to:
1. **All noxious weeds and local weeds designated under the *Weed Control Act*; and**
2. **Any other vegetation growth which does not form part of a natural garden that has been deliberately implemented to produce ground cover, including one or more species of wildflowers, shrubs, perennials, grasses, or combinations of them, whether native or non-native, consistent with a managed and natural landscape, other than regularly mown grass.**

Our findings are as follows:

We found this garden ***not*** to be within the provisions of the natural garden exemption. In order to meet the criteria of a natural garden, proper weeding and pruning must be undertaken. To be in compliance with the natural garden exemption, a garden must be consistent with a **"managed and natural landscape"**.

Findings:
1. A mix of trees, shrubs, and some herbaceous perennials. Invasive weeds have been establishing themselves among the rear yard and have taken over most of the desirable plants.

2. Invasive weeds present include: *Glechoma hederacea* (Ground Ivy), *Plantago major* (Broad-leaved

Attachment 3, Report from Natural Environment - Page 1

plantain), *Chenopodium album* (Lamb's Quarters), *Lactuca scariola* (Prickly Lettuce), *Solanum dulcamara* (Deadly nightshade), *Polygonum persicaria* (Lady's Thumb), Common burdock (*Arctium minus*), Nodding beggarticks (*Bidens cernua*), Smooth pigweed (*Amaranthus hybridus*), Dandelion (*Taraxacum officinale)*, Goldenrod (*Solidago sp*).

3. Some trees and shrubs are in need of proper pruning to remove broken /dead / overgrown branches.

Maintenance required to meet the provisions of a natural garden:

1. Removal of invasive and inappropriate plants (listed above).

2. Proper pruning and removal of dead / broken /overgrown branches of trees and shrubs.

3. On-going weed removal and proper pruning of tree / shrub material when required is recommended in order to comply with the requirement to be 'managed".

Once this, or similar work is conducted, in order to qualify as a natural garden under the Grass and Weeds Chapter of the Municipal Code it must continue to be: **'consistent with a managed and natural landscape other than mown grass".** The key term here is 'managed'.

We will be happy to conduct an additional inspection to determine if this is the case, once the homeowner has completed their work.

Garth Armour
Coordinator, Natural Environment
Parks, Forestry and Recreation

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