

Authority: Etobicoke Community Council Report No. 7, Clause No. 8,
as adopted by City of Toronto Council on July 4, 5 and 6, 2000
Enacted by Council: July 6, 2000

CITY OF TORONTO

BY-LAW No. 405-2000

**To prohibit or regulate the placing or dumping of fill or the alteration of the grade of land
in defined areas.**

WHEREAS pursuant to section 223.1 of the Municipal Act, Council may by by-law, prohibit or regulate the placing or dumping of fill or the alteration of the grade of land in any defined area or on any class of land and may require a permit to be obtained; and

WHEREAS it is necessary to regulate the placing or dumping of fill or the alteration of the grade of land in certain defined areas as set out in Schedule "A" attached to this by-law;

THEREFORE the Council of the City of Toronto enacts as follows:

1. Definitions

As used in this by-law, the following terms shall have the meanings indicated:

"Application" means the permit application form to place or dump fill or alter the grade of land.

"Commissioner" means Commissioner, Urban Development Services.

"Emergency Work" means drain repairs, utility repairs and structural repairs to a building of an emergency nature.

"Environmentally Sensitive Area" means an environmentally significant area, natural area or ravine as defined and designated in the former City of Etobicoke Official Plan.

"Inspector" means the person or persons designated from time to time by Council to enforce this by-law.

2. Permit required

No person shall, on any land in the areas on the Index Map and defined by heavy outline on Maps 1 to 7 inclusive as set out in Schedule "A", place or dump fill or alter the grade of land unless authorized by permit to do so.

3. Exemptions

This by-law does not apply to:

- A. Emergency work.
- B. The cultivation or tilling of garden beds as long as such work does not alter or create slopes at greater than ten percent (10%).
- C. Top dressing of lawns.
- D. The placing or dumping of fill involving an amount of soil of less than five (5) cubic metres.
- E. Excavation of soil involving an area of less than nine (9) square metres and a depth of less than zero and five-tenths (0.5) metre having no significant impact on trees, ground cover, vegetation, watercourses or storm swales, and not altering or creating a slope at greater than ten percent (10%).
- F. The placing or dumping of fill or alteration of the grade of land by any municipality or by a local board as defined in the Municipal Affairs Act.

4. Form and Content of Application

An owner who wishes to place or dump fill or alter the grade of land on any property in an area described in Schedule "A" shall submit to the Commissioner an application on the prescribed form and shall provide the following:

- A. Name, address and telephone number of the applicant.
- B. Purpose for which the permit is required.
- C. Landscaping, grading, filling or dumping plans acceptable to the Commissioner.

5. Notification of Applicant

- A. Prior to consideration of the completed permit application by the Commissioner, the owner shall prepare a notice advising of the application, in the form required by the Commissioner, and shall post the notice on the property in a manner so that the notice is visible to passers by for a period of not less than fourteen (14) days prior to the date on which the Commissioner will consider the application.
- B. Prior to consideration of the application, the Commissioner shall, so far as is practicable, notify the Ward Councillor and abutting property owners of the application advising of the date the application will be considered.

6. Review of Applications; Issuance or Rejection; Appeals

- A. The Commissioner shall review all completed permit applications and is authorized to issue permits under this section except where:
- (1) It will result in the injuring or destruction of trees.
 - (2) An environmentally sensitive area will not be adequately protected and preserved.
 - (3) Natural land forms or contours will not be adequately protected and preserved.
 - (4) An ecological system, including natural areas, features and functions, will not be adequately protected and preserved.
 - (5) Significant vistas or views will not be adequately protected and preserved.
 - (6) Significant features of heritage or archaeological, historical, architectural, cultural or scientific interest will not be adequately protected and preserved.
 - (7) Flood or erosion control will be negatively impacted.
- B. The Commissioner shall issue a permit where the applicant complies with the provisions of this section unless the Commissioner receives written objection to the issuance of the permit, in which case the Commissioner shall refuse to issue a permit.
- C. Where an objection is received, the Commissioner shall refuse to issue a permit and shall prepare and forward a report to the next meeting of the Etobicoke Community Council
- D. Where the Commissioner refuses to issue a permit under Subsection A(1), an applicant may appeal to the Etobicoke Community Council in writing setting out the reasons why the applicant believes the application complies with this section and requests to be heard by the Community Council.
- E. Where an applicant has filed an appeal to the Etobicoke Community Council, the Commissioner shall prepare and forward a report on the application to the next Community Council meeting, setting out the grounds for refusal of the application.
- F. Where an application has been refused and an appeal has been filed under this section, the Community Council may direct the Commissioner to issue a permit.

7. Time Limit for Considering Application; Criteria

- A. The Community Council shall consider the application no later than forty five (45) days after receipt of an application by the City Clerk.
- B. In considering an application, the following criteria shall be considered, and the issuance of a permit shall not be authorized for the placing or dumping of fill or altering of grade where:
 - (1) The application form is not completed or landscaping, grading, filling or dumping plans acceptable to the Commissioner have not been filed.
 - (2) It will result in the injuring or destruction of trees.
 - (3) An environmentally sensitive area will not be adequately protected and preserved.
 - (4) Natural land forms or contours will not be adequately protected and preserved.
 - (5) An ecological system, including natural areas, features and functions, will not be adequately protected and preserved.
 - (6) Significant vistas and/or views will not be adequately protected and preserved.
 - (7) Significant features of heritage or archaeological, historical, architectural, cultural or scientific interest will not be adequately protected and conserved.
 - (8) Flood or erosion control will be negatively impacted.

8. Designation Training and Supervision of Inspectors

The Commissioner may designate inspectors for purposes of enforcing the provisions of this by-law and is responsible for ensuring that each inspector is properly trained to perform his or her duties and, where an inspector is not an employee, for supervising that inspector.

9. Powers and Duties of Inspectors, Employees and Agents

- A. An inspector may, during daylight hours and upon producing a certificate of designation, enter and inspect any land, but not buildings on the land, in the areas described in Schedule "A".
- B. An inspector may, in carrying out an inspection, be accompanied by an assisting person.

- C. Employees and agents of the City, under the supervision of the Commissioner, may enter on the land for the purpose of carrying out the work as set out in an order issued under section 14A after the time period set out in the order has expired.

10. Restoration of Site

Any person who places or dumps fill or alters the grade of land in an area described in Schedule "A" in contravention of this chapter or a permit issued under this chapter shall remove the fill, regrade the area and/or take any other steps required to restore the site to its original condition to the satisfaction of the Commissioner.

11. Notice of Violation

- A. If, after inspection, the inspector is satisfied that there is a contravention of this by-law, he or she shall notify the owner of the land and occupants of the property:
- 1) Setting out the particulars of the contravention and the date of reinspection; and
 - 2) Providing an opportunity to appear before the inspector and make representations in connection with the notice.
- B. A notice under Subsection A may either be delivered to the owner or occupant by personal service or by prepaid registered mail to the address of the owner as shown on the last revised assessment roll and to the occupant at the property address.

12. Order to Correct Violation

- A. If, on the date of reinspection set out in a notice served under section 11, the inspector is satisfied that the notice has not been complied with, the inspector may make an order setting out:
- 1) A municipal address or legal description of the land.
 - 2) Reasonable particulars of the work to be done to correct the contravention.
 - 3) The time period in which there must be compliance with the order.
 - 4) Notice that in default of the work being done in compliance with the order within the time period specified, the matter or thing shall be done by or under the direction of an inspector at the expense of the owner, and the City may recover the expenses incurred in doing so

by registering a notice of lien on the land in the Land Registry Office for the City of Toronto.

- B. A notice under Subsection A may either be delivered to the owner by personal service or by prepaid registered mail to the address of the owner as shown on the last revised assessment roll.

13. Posting of Notice

Where the inspector is unable to effect service under section 11 or 12 the inspector shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner.

14. Work Performed by City; Costs to Become Lien

- A. If, after inspection, following the time period specified in the order, the owner fails to do the work required by the order, in addition to any other remedy, the City may do the work, and the cost of doing the work, including interest to the date of payment, shall be a lien against the land.
- B. The City Solicitor shall register a notice of lien in the Land Registry Office.

15. Interference With Authorized Agents Prohibited

No person shall obstruct an inspector who is carrying out an inspection under this by-law or a person carrying out work under section 14A.

16. Offences

Any person who contravenes any provision of this by-law is guilty of an offence.

ENACTED AND PASSED this 6th day of July, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)

SCHEDULE A
INDEX MAP



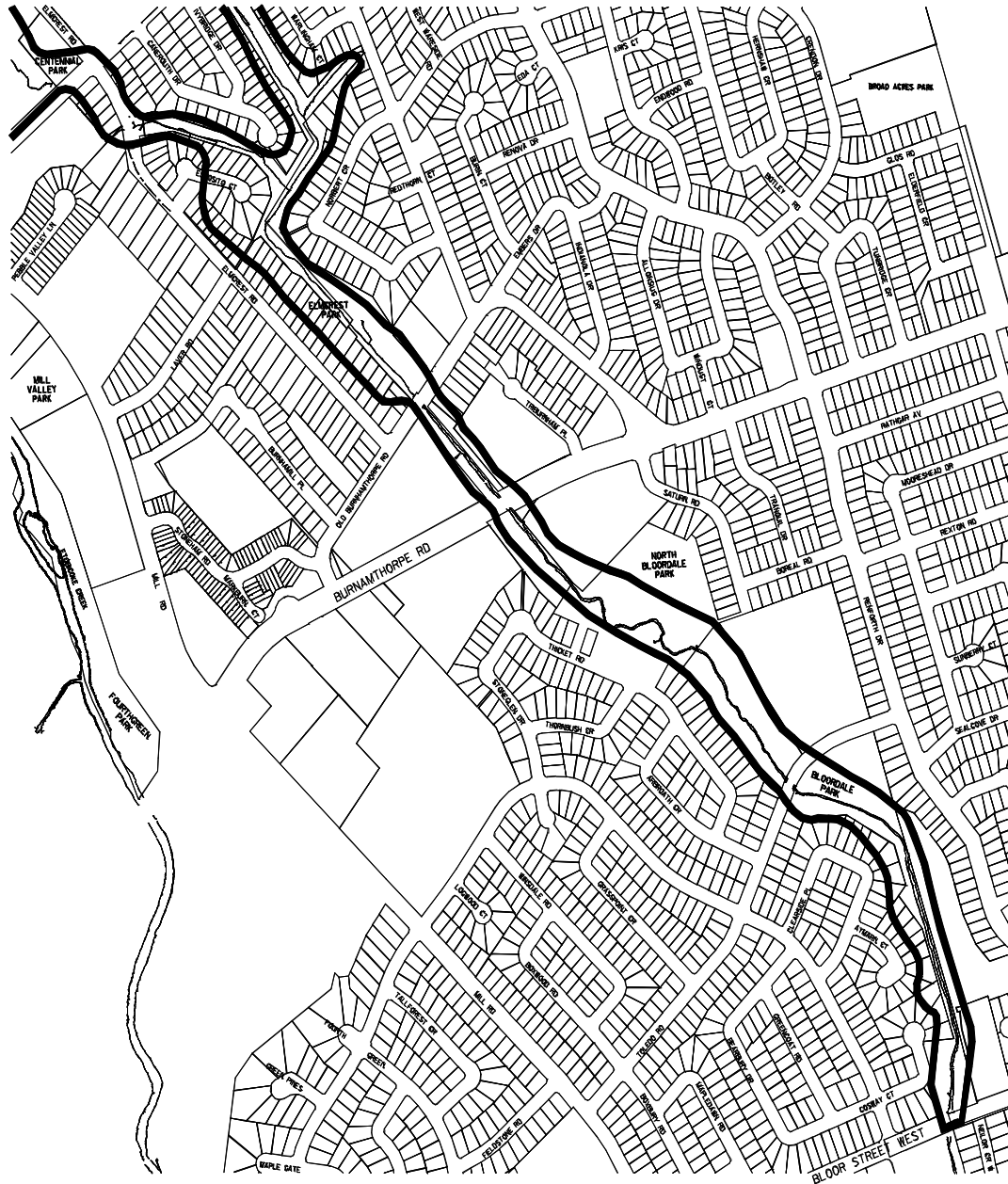
BASE MAP COMPILED FROM
LARGE SCALE MAPPING,
CITY OF TORONTO

 LANDS SUBJECT TO PROVISIONS OF BY-LAW




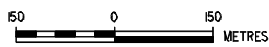
WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE 2000
RAVINEZ/ETOB.DGN
FILE# 1210 DRAWN: CM

SCHEDULE A
MAP 10F 7



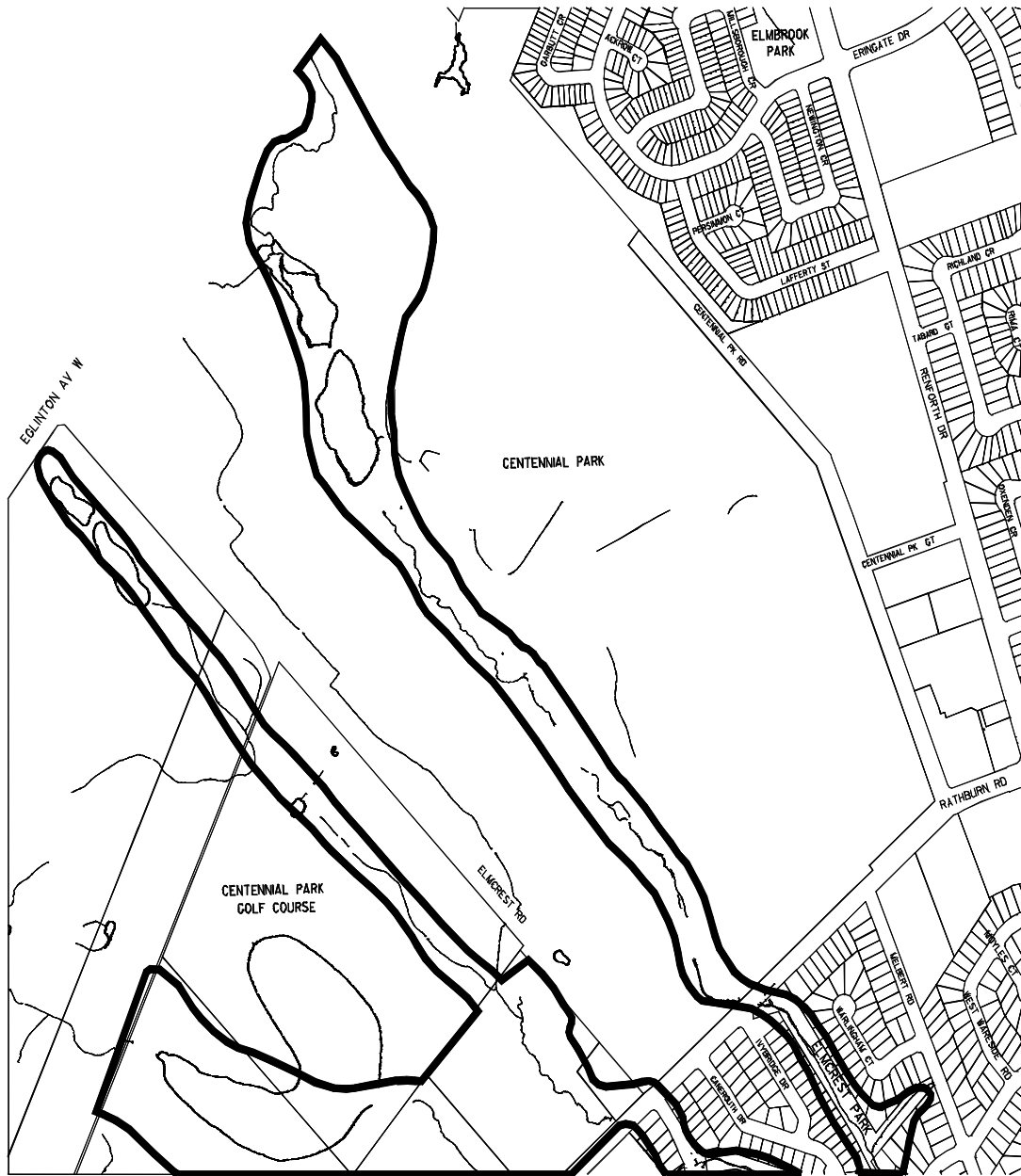
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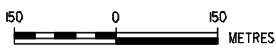
WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2000
RAVINE2/ETOB1-DCN
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SCHEDULE A
MAP 2 OF 7

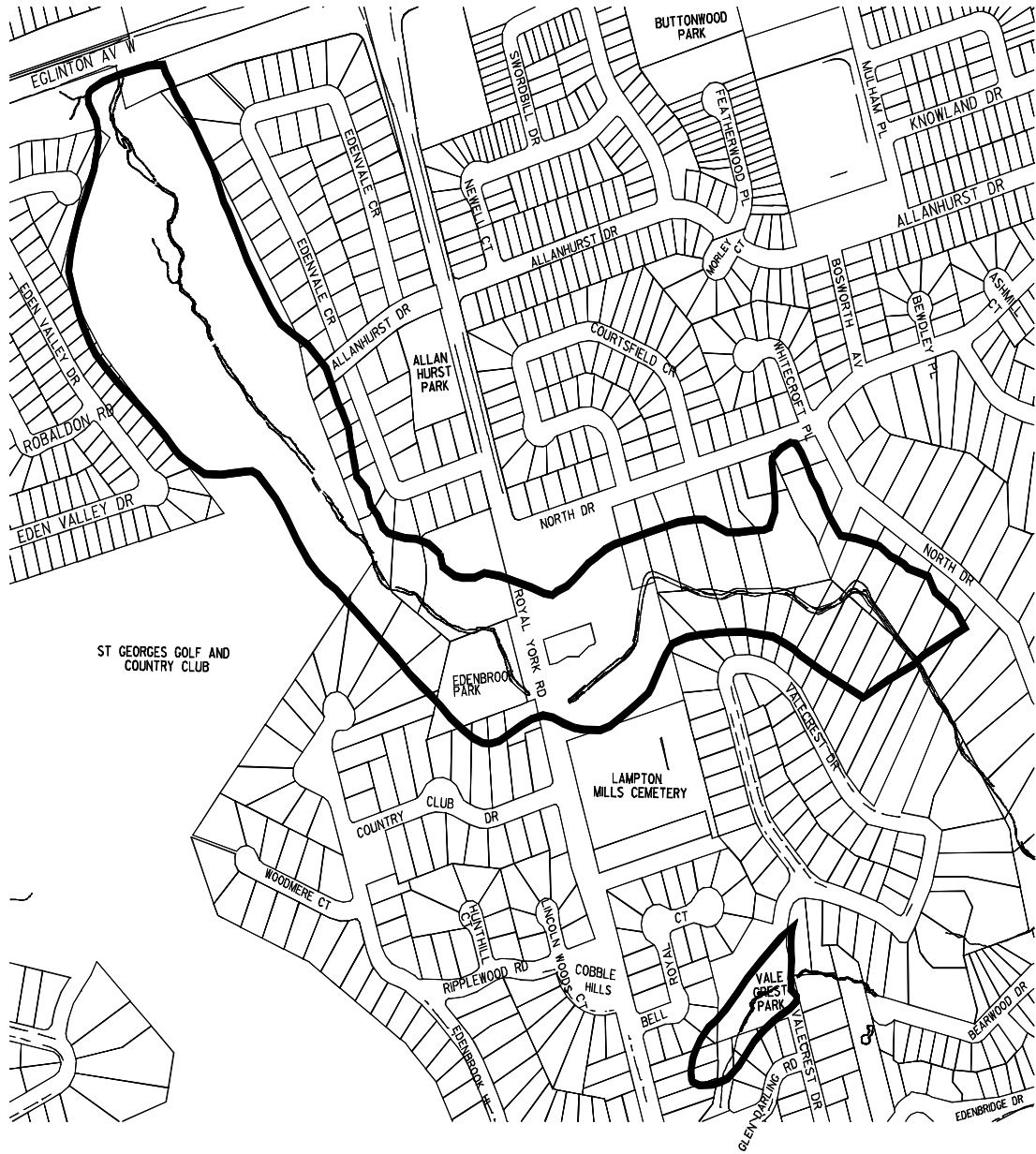


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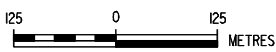


WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2000
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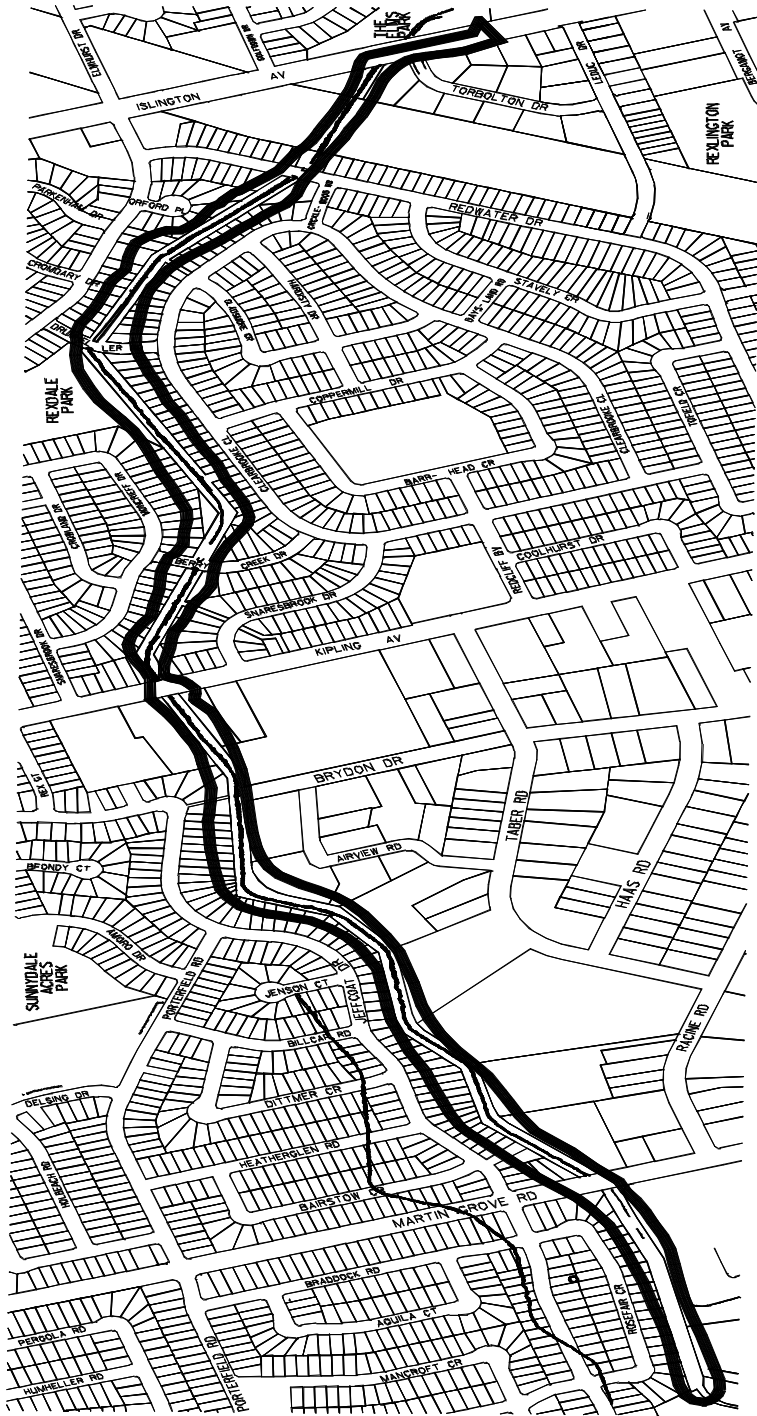
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WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO JUNE, 2000
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**SCHEDULE A
MAP 5 OF 7**



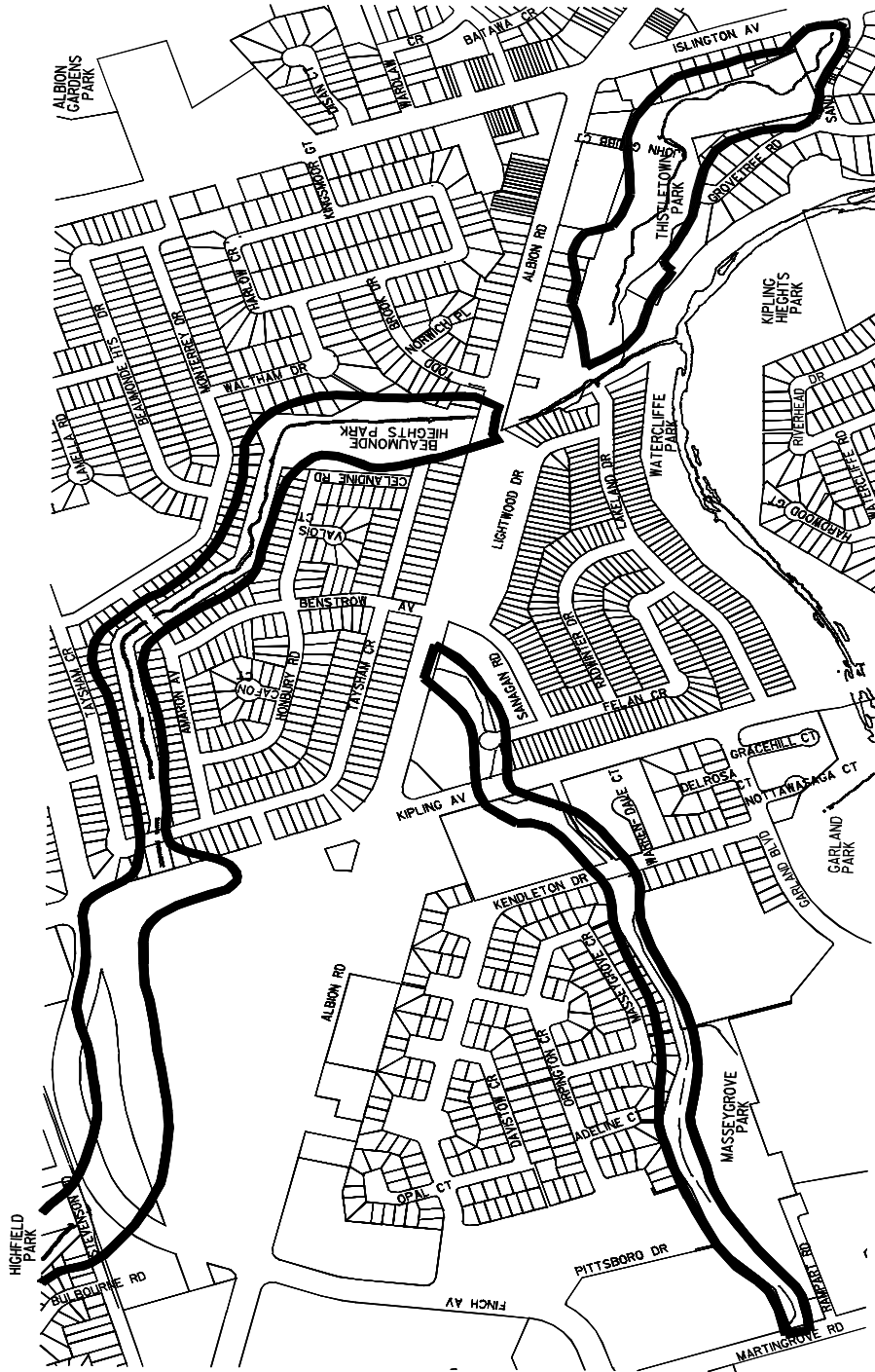
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WORKS AND EMERGENCY SERVICES
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SCHEDULE A
MAP 6 OF 7



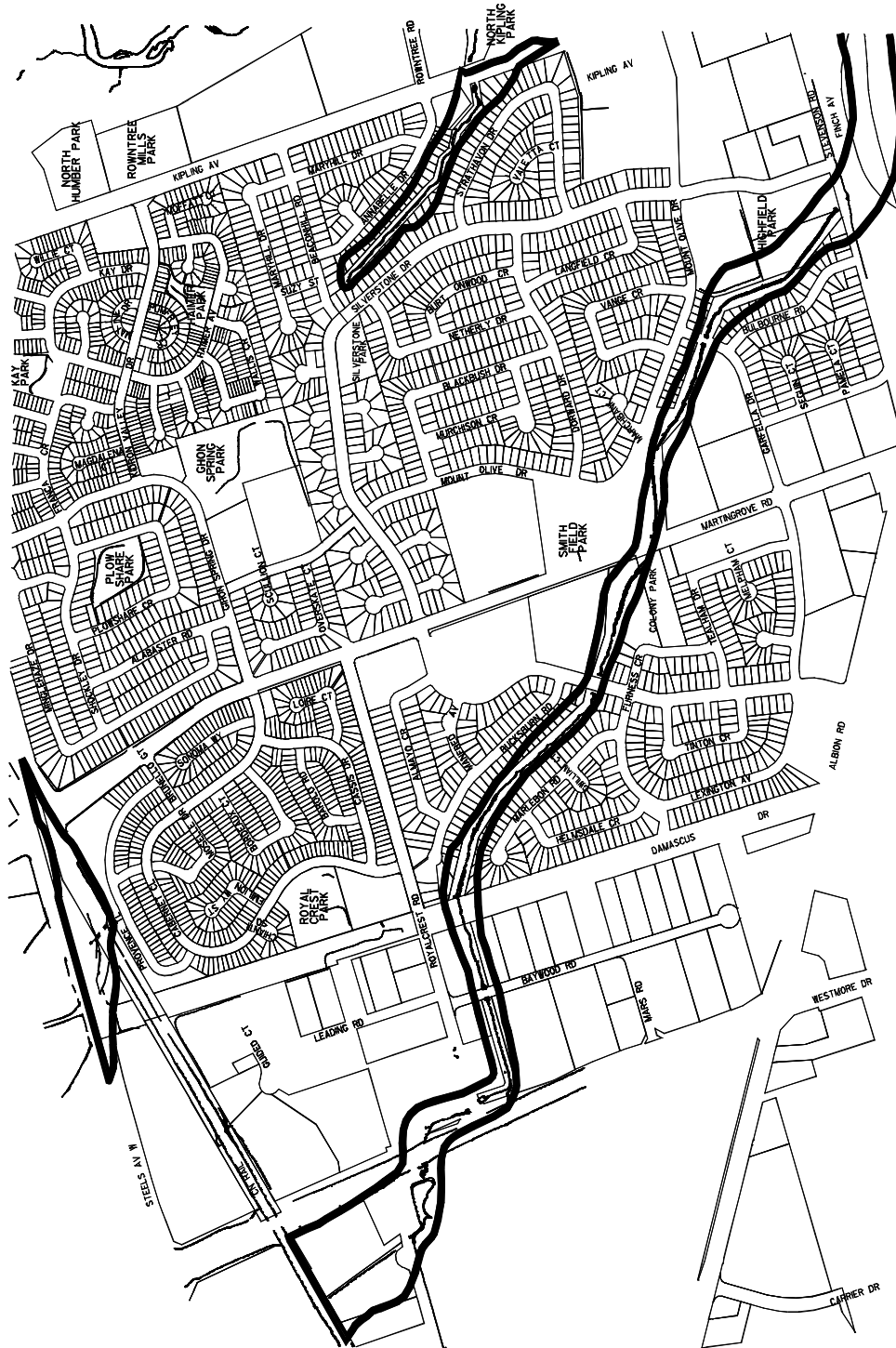
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WORKS AND EMERGENCY SERVICES
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SCHEDULE A
MAP 7 OF 7



 LANDS SUBJECT TO PROVISIONS OF BY-LAW

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WORKS AND EMERGENCY SERVICES
SURVEY AND MAPPING SERVICES
TORONTO
DATE: FEBRUARY, 2000
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