

Authority: Planning and Transportation Committee Report No. 2, Clause No. 5(a),  
adopted as amended, by City of Toronto Council on April 15 and 16, 2004  
Enacted by Council: April 16, 2004

## CITY OF TORONTO

### BY-LAW No. 255-2004

#### **To adopt a new City of Toronto Municipal Code Chapter 489, Grass and Weeds and to repeal the tall grass and weeds by-laws of the former municipalities.**

WHEREAS under the following provisions of the *Municipal Act, 2001*, S.O. 1991, c. 25, as amended, Council may pass by-laws with respect to health, safety and nuisance matters related to long grass and weeds:

- (a) section 127: to require the owner or occupant of land to clean and clear the land and to regulate how this shall be done;
- (b) section 128: to prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances;
- (c) section 130: to regulate matters not specifically provided for by this Act or any other Act for purposes related to the health, safety and well-being of the inhabitants of the municipality; and

WHEREAS the negative impacts of long grass and weeds on the health, safety and well being of the inhabitants of the City include fire safety and safety concerns related to the impairment of visual sight lines, creation of habitats for mosquitoes and rodents, and contributes to neighborhood blight; and

WHEREAS Council has declared its opinion, under section 128 of the *Municipal Act, 2001*, that if land is not maintained free of long grass and weeds as described in this By-law, this is a matter that is or could become or cause public nuisances; and

WHEREAS under section 425 of the *Municipal Act, 2001*, by-laws may be passed by a municipality for providing that any person who contravenes any by-law of the municipality passed under the authority of the *Municipal Act, 2001* is guilty of an offence; and

WHEREAS under section 427 of the *Municipal Act, 2001*, if a municipality has authority by by-law or otherwise to direct or require that a matter or thing be done, the municipality may, in the same or another by-law direct that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing it by action, or the costs may be added to the tax roll and collected in the same manner as taxes;

The Council of the City of Toronto HEREBY ENACTS as follows:

**1. Municipal Code amendment.**

The City of Toronto Municipal Code is amended by adding the following chapter:

**Chapter 489**

**GRASS AND WEEDS**

**§ 489-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

OFFICER — A City Employee whose duties include the enforcement of this chapter.

OWNER — Includes:

- A. The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
- B. A lessee or occupant of the land who, under the terms of a lease, is required to repair and maintain the land.

**§ 489-2. Maximum height.**

- A. 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.
- B. For the purposes of this section, the term "grass and weeds" refers to:
  - (1) All noxious weeds and local weeds designated under the *Weed Control Act*; and
  - (2) Any other vegetation growth that 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.

**§ 489-3. Notice to comply.**

- A. An officer who finds private land in contravention of this chapter may give written notice to the owner or occupant of the land requiring compliance with this chapter within the time period specified in the notice but no sooner than 72 hours after the notice is given.

- B. The notice may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- C. If there is evidence that the person in possession of the land is not the registered property owner, the notice shall be served on both the registered property owner and the person in possession of the land.
- D. If the address of the owner or occupant is unknown or the City is unable to effect service on the owner or occupant under Subsection B, a placard stating the terms of the notice and placed in a conspicuous place upon the land shall be deemed to be sufficient notice.
- E. Review of notice.
- (1) A notice, including notice by placard, given or placed under this section shall contain the statement that the owner or occupant may, upon the receipt of notice under this section, request that the issuance of the notice be reviewed by the Community Council on the basis that the growth is exempt as a natural garden.
  - (2) The Community Council in Subsection E(1) shall be the Community Council for the geographic area in which the land is located.
  - (3) If the land is located in the geographic area of more than one Community Council, the review request may be heard by any Community Council responsible for one of the geographic areas in which the property is located, and notice of the review request will be given to the Councillor of any ward in which the land is located.
  - (4) A request for review under Subsection E(1) shall be in writing to the Commissioner of Urban Development Services as indicated on the notice and must be received within the time period for compliance specified in the notice.
  - (5) When a request for review has been received under Subsection E(4), the Commissioner of Urban Development Services, shall prepare a report and refer the matter to the Community Council for consideration and shall not take any action under this chapter until the matter has been dealt with by the Community Council and Council.
  - (6) An owner or occupant requesting a review of a notice, and any other interested person, shall be heard by the Community Council which may recommend that Council:
    - (a) Grant the exemption, with or without conditions, and cancel the notice; or
    - (b) Confirm the notice and direct that a second notice be given under this section.

**§ 489-4. Failure to comply; removal by City; costs.**

- A. If an owner or occupant fails to comply with a notice given under § 489-3 or is refused an exemption and fails to comply with the second notice given under § 489-3E(6), the Commissioner of Urban Development Services, or persons acting upon his or her instructions, may enter upon the lands at any time between sunrise and sunset for the purposes of doing the things described in the notice.
- B. Costs incurred by the City in doing the work required to be done by the notice may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

**§ 489-5. Exemptions.**

Nothing in this chapter shall affect:

- A. Any right or duty of the City with respect to any highway right of way; or
- B. The application and enforcement of the *Weed Control Act* with respect to noxious weeds growing on land, including within a natural garden.

**§ 489-6. Offences.**

Any person who contravenes any provision of this chapter is guilty of an offence.

**2. Transition.**

- A. A by-law listed in Section 3 continues to apply for purposes of any notice given under the by-law until the work required by the notice is completed or any enforcement proceedings in respect of the notice have been concluded.
- B. Where a person is alleged to have contravened a by-law listed in Section 3 before the date this By-law comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded.

**3. Repeal.**

The following by-laws are repealed:

- A. Former City of Etobicoke Municipal Code Chapter 167, Long Grass, Cutting of.
- B. Former City of North York By-law No. 30822, "A By-law to require the owners or occupants of private property to cut grass and weeds on their lands and remove the cuttings.", as amended.
- C. Former City of Toronto Municipal Code Chapter 202, Grass and Weeds.

- D. Clause 2(a) of former City of York By-law No. 2683-93, “To require the cutting of grass and weeds on private property and adjacent highways.”, as amended and codified as section 803.2.1 former City of York Municipal Code Chapter 803, Grass and Weeds.

ENACTED AND PASSED this 16th day of April, A.D. 2004.

DAVID R. MILLER,  
Mayor

ULLI S. WATKISS  
City Clerk

(Corporate Seal)