

**Natural Garden Exemption Request
39 Bristol Avenue**

Date:	February 20, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 17, York South-Weston
Reference Number:	ML&S Folder No. 06-168991 LGW

SUMMARY

This staff report is about an application for exemption to the requirements under Chapter 489 of the Toronto Municipal Code, Grass and Weeds, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

The Notice requires that long grass and weeds be cut at 39 Bristol Avenue to comply with the said Chapter of the Toronto Municipal Code, on the basis that the growth is exempt as a Natural Garden.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

The Etobicoke York Community Council grants the Natural Garden Exemption and cancels the Notice, on the condition that the owner complies with the following recommendations of Parks, Forestry and Recreation:

1. Removal of invasive weeds and inappropriate plants at the front, side and rear yards as described in the Parks, Forestry and Recreation report (Attachment 1). This shall be conducted on an ongoing basis to ensure eradication and prior to additional planting of native species and/or alternate ground covers;

2. Pruning back of perennial herbaceous plant material and woody shrubs where required;
3. Use of an organic mulch spread 38 millimetres to 50 millimetres (1½ inches to 2 inches deep around all plants, such as shredded pine bark which will suppress weeds, help retain moisture in the soil and add valuable nutrients to the soil; and
4. On-going weed removal and pruning of shrub material is recommended in order to comply with the requirement to be “managed”.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

In response to a complaint, a Notice of Violation was issued on August 16, 2006, requiring the owner of 39 Bristol Avenue to cut the long grass and weeds in accordance with Toronto Municipal Code, Chapter 489, Grass and Weeds.

Chapter 489 of the Toronto Municipal Code, Grass and Weeds, regulates “long grass and weeds” requiring same to be cut upon receipt of a served Notice. The Chapter also provides for review of the requirements of such a Notice on the basis that the lands form a Natural Garden. An application for review was received for the property municipally known as 39 Bristol Avenue in the former City of Toronto, and this report is prepared in accordance with the requirements of the said Chapter to provide background information to assist the Etobicoke York Community Council in making a decision.

COMMENTS

Parks, Forestry and Recreation investigated the property and reported that this garden is within the provisions of the natural garden exemption (Attachment 1). In order to continue to meet the criteria of being consistent with a managed and natural landscape, the owner must implement a regular maintenance program that includes ongoing weeding and pruning as required, other than mown grass. Such work must be conducted on an ongoing basis, in order to continue to qualify as a natural garden under Chapter 489 of the Toronto Municipal Code, Grass and Weeds.

Any exemption granted by the Etobicoke York Community Council will become null and void if the owner does not comply with the conditional requirements stipulated by Parks, Forestry and Recreation.

CONTACT

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Etobicoke York District
Municipal Licensing and Standards
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SIGNATURE

Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Parks, Forestry and Recreation Report

Attachment 1: Parks, Forestry and Recreation Investigation Report



Parks, Forestry & Recreation
Brenda Librecz, General Manager

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

Memorandum

Garth Armour
Coordinator
Natural Environment
Parks, Forestry & Recreation

DATE: 26 September, 2006

TO: John Romano
UDS - Municipal Licensing and Standards

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

RE: **Natural Gardens Inspection**
Location: 39 Bristol Ave.



The above noted property was inspected by Patricia Landry of my section on April 24th, 2006 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.**

This is the second site visit for this location. Patricia met with the homeowners, on site, to discuss the requirements for natural garden status.

We found this garden to be within the provisions of the natural garden exemption.

In order to continue to meet the criteria of being consistent with a **“managed and natural landscape”** the homeowner must implement a regular maintenance program which includes ongoing weeding and pruning as required.

Front / side yard:

1. Front and side yards have a few invasive weeds, which were identified and shown to the homeowner. In order to be in compliance with the natural garden exemption removal of these weeds is required. The homeowner agreed to remove these weeds. These include: *Lactuca scariola* (Prickly lettuce), *Plantain major* (Broad-leaved Plantain), *Chenopodium album* (Lamb’s Quarters), *Polygonum persicaria* (Lady’s Thumb), *Malva neglecta* (Common Mallow), *Bidens cernua* (Nodding

Attachment 1 (Continued)

beggarticks), *Cirsium arvense* (Canada thistle), *Solanum dulcamara* (Climbing Nightshade).

2. Garden consists of trees, shrubs and herbaceous perennials including: Linden tree, birch, lilac, cedar, sedum rose, asters, perovskia (Russian sage), Columbine, coreopsis, Coneflower, Cosmos.
3. Bark mulch was used on front garden.

Back Yard:

1. Perennial plant material included: Dianthus, Rudbeckia, Rose of Sharon, Coreopsis, Pear, Peonies.
2. Some of the weeds mentioned above were found in the back yard as well.

Recommended maintenance activities required to continue to meet the provisions of a natural garden:

1. Continued removal of invasive and inappropriate plants (listed above). This should be conducted on an ongoing basis to ensure eradication prior to additional planting of native species and \ or alternate ground covers.
2. Pruning back of perennial herbaceous plant material and woody shrubs where required.
3. Use of an organic mulch spread 1.5 – 2” deep around all plants, such as shredded pine bark which will suppress weeds, help retain moisture in the soil and add valuable nutrients to the soil.
4. On-going weed removal and pruning of shrub material is recommended in order to comply with the requirement to be ‘managed’.

Such work must be conducted on an ongoing basis, in order to continue 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’.

Garth Armour
Coordinator, Natural Environment
Parks, Forestry and Recreation

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