

**Natural Garden Exemption Request
115 Hadrian Drive**

Date:	April 16, 2007
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 2, Etobicoke North
Reference Number:	ML&S Folder No. 06-167178 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.

A Notice of Violation has been issued which requires that the long grass and weeds be cut at 115 Hadrian Drive to comply with the said Chapter of the Toronto Municipal Code. This application is made on the basis that the growth is exempt as a Natural Garden.

RECOMMENDATIONS

Municipal Licensing and Standards recommends that:

The Etobicoke York Community Council grant the Natural Garden Exemption and cancels the Notice, on the condition that the owner complies with the following recommendations of Parks, Forestry and Recreation on or before June 30, 2007;

1. an alternate ground cover be used which will grow in conditions of moderate shade and poor soil. It is recommended that the initial planting be quite dense to ensure rapid establishment. Alternatively, adding more herbaceous plants to eliminate bare soil areas which encourage weed development;

2. amend the soil with organic matter such as compost (for alternate ground cover option) after removal of invasive and inappropriate plants. Ideally, an ‘Organic Soil’ would be established, which is soil comprised of about 20 percent organic matter in the upper one foot;
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 25, 2006, requiring the owner of 115 Hadrian Drive 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 115 Hadrian Drive 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

Italo Joe Luzi, Supervisor, Etobicoke York District
Municipal Licensing and Standards

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SIGNATURE

Curtis Sealock, Etobicoke York District Manager
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Parks, Forestry and Recreation Report

Parks, Forestry & Recreation
Brenda Librecz, General Manager

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

Garth Armour
Coordinator
Natural Environment
Parks, Forestry & Recreation

DATE: 14 November, 2006

TO: Joe Luzi Italo, Vaughan Shaw
UDS - Municipal Licensing and Standards

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

RE: Natural Gardens Inspection
Location: 115 Hadrian Drive

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 to be within the provisions of the natural garden exemption.

Front Yard:

1. Large area of lawn well maintained.

Rear Yard:

1. perimeter of yard has some shrubs, there were a few weeds found (D.S.V. (Dog Strangling Vine

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2. *Cynanchum nigrum*, Deadly Nightshade *Solanum dulcamara*)
 3. Spoke with homeowner, provided her with information on natural gardens and showed them the weeds that needed to be removed in order to be in compliance with the natural garden exemption.
 4. The weeds were removed from the garden, but the area will require regular weeding in order to maintain control over the weeds.

Maintenance activities recommended to continue to meet the provisions of a natural garden:

1. We recommend the use of an alternate ground cover, which will grow in conditions of moderate shade and poor soil. It is recommended that the initial planting be quite dense to ensure rapid establishment. Alternately, adding more herbaceous plants to eliminate bare soil areas which encourage weed development.
2. Amend the soil with organic matter such as compost (for alternate ground cover option) after removal of invasive and inappropriate plants. Ideally, an 'Organic Soil' would be established, which is soil comprised of about 20% organic matter in the upper one foot.
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'.

Garth Armour
Coordinator, Natural Environment
Parks, Forestry and Recreation

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Attachment 1 – Parks, Forestry and Recreation Report