



## STAFF REPORT ACTION REQUIRED

### Natural Garden Exemption Request 83 Oakwood Avenue

<b>Date:</b>	April 5, 2007
<b>To:</b>	Etobicoke York Community Council
<b>From:</b>	Curtis Sealock, Manager, Municipal Licensing and Standards
<b>Wards:</b>	Ward 17, York South-Weston
<b>Reference Number:</b>	ML&S Folder No. 06-169005 LGW

### SUMMARY

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This staff report is about an application for an exemption to the City of Toronto Municipal Code, Chapter 489, Grass and Weeds to maintain the property at 83 Oakwood Avenue as a Natural Garden, for which the Etobicoke York Community Council has delegated authority from City Council to make a final decision.

### RECOMMENDATIONS

#### **Municipal Licensing and Standards recommends that:**

The Etobicoke York Community Council refuses this application on the grounds that it does not meet the requirements of a natural garden as set forth in the Toronto Municipal Code, Chapter 489, Grass and Weeds.

That Community Council confirm the notice and direct that a second notice be given to the owner.

### FINANCIAL IMPACT

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

## ISSUE BACKGROUND

On August 9, 2006, a Notice of Violation was issued requiring the owner of 83 Oakwood Avenue to cut the 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. Such an application for review was received for the lands at 83 Oakwood 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.

## COMMENTS

Parks, Forestry and Recreation investigated the property and report that they found, “this garden to be **not** within the provisions of the natural garden exemption.

In order to meet the criteria of being consistent with a “**managed and natural landscape**” and to be within the provisions, proper weeding must be undertaken. The homeowner must complete the recommended maintenance.:

Removal of invasive and inappropriate plants (listed below).

### **Front Yard:**

1. A mix of shrubs and herbaceous perennials. Small population of invasive weeds present (European Buckthorn, Rhamnus cathartica and Climbing nightshade, Solanum dulcamara, 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 beggarticks), Cirsium arvense (Canada thistle).
2. On-going weed removal and proper pruning of 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 an on-going 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”.

If an owner or occupant fails to comply with a notice given under the Toronto Municipal Code, Grass and Weeds, Chapter 489, Section -3 or is refused an exemption and fails to comply with the second notice given under Section -3E (6), Municipal Licensing and

Standards, may enter upon the lands at any time between sunrise and sunset for the purposes of doing the things described in the notice.

## **CONTACT**

John Romano, Supervisor  
Etobicoke York District  
Municipal Licensing and Standards  
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## **SIGNATURE**

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

## **ATTACHMENTS**

Attachment 1 and 2: Parks, Forestry and Recreation Report

**DATE:** 5 March, 2007

**TO:** Romano, John  
UDS - Municipal Licensing and Standards

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

**RE:** **Natural Gardens Inspection**  
**Location:** 83 Oakwood Ave.

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 *not* within the provisions of the natural garden exemption. However, in order to meet the criteria of being consistent with a “**managed and natural landscape**” and to be within the provisions, proper weeding must be undertaken.

**Front Yard:**

1. A mix of shrubs and herbaceous perennials. Small population of invasive weeds present (*European Buckthorn*, *Rhamnus cathartica* and Climbing nightshade, *Solanum dulcamara*, *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 beggarticks), *Cirsium arvense* (Canada thistle).

Attachment 1 - Parks, Forestry and Recreation Report

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

1. Removal of invasive and inappropriate plants (listed above).
2. On-going weed removal and proper pruning of 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 an on-going 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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