

**Natural Garden Exemption Request
21 Bearwood Drive**

Date:	October 17, 2008
To:	Etobicoke York Community Council
From:	Curtis Sealock, Manager, Municipal Licensing and Standards
Wards:	Ward 4, Etobicoke Centre
Reference Number:	ML&S Folder No. 08-183806 LGW

SUMMARY

This staff report is in response to a request to review the requirements of a Notice issued under Toronto Municipal Code, Chapter 489, Grass and Weeds, requiring the long grass and weeds be cut at 21 Bearwood Drive to comply with the said Chapter, on the basis that the growth is exempt 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 recommend that:

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

Financial Impact

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

ISSUE BACKGROUND

On July 18, 2008, a Notice of Violation was issued requiring the owner of 21 Bearwood Drive to cut the grass and weeds in accordance with Toronto Municipal Code, Chapter 489, Grass and Weeds. The owner submitted a request, dated July 28, 2008, for an exemption to the by law as a Natural Garden.

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 a review of the requirements of such a Notice on the basis that the lands form a Natural Garden (Attachment 2). Such an application for review was received for the lands at 21 Bearwood 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, (Attachments 1 and 2).

COMMENTS

Parks, Forestry and Recreation investigated the property and report that they found, “this garden is *not* within the provisions of the natural garden exemption.” Municipal Licensing and Standards is recommending the refusal of this application due to the fact that this is not a Natural Garden, (Attachment 3).

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1 - Photo's of the property

Attachment 2 – Photo of the property

Attachment 3 - Parks, Forestry and Recreation Report



Attachment 1 - Photo's of the property



Attachment 2 – Photo of the Property

DATE: 3 October, 2008

TO: Correia, Joy
UDS - Municipal Licensing and Standards

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

RE: Natural Gardens Inspection
Location: 21 Bearwood 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 is *not* within the provisions of the natural garden exemption. In order to meet the criteria of a natural garden, proper weeding and pruning must be undertaken. To be in compliance with the natural garden exemption, a garden must be consistent with a **“managed and natural landscape”**.

Findings:

Rear Yard:

1. Invasive weeds present: European buckthorn (*Rhamnus cathartica*), Manitoba maple (*Acer negundo*) Ground ivy (*Glechoma hederacea*), Deadly nightshade (*Solanum dulcamara*), Sow thistle (*Sonchus arvensis*), Broad-leaved plantain (*Plantago major L.*), Common mullein (*Verbascum thapsus L.*).
2. There are some desirable perennial plants present, but are being overgrown and choked out by the above-mentioned weeds. They are: Hosta, Yarrow, Virginia Creeper, Wood violets, Vinca minor,

Rose and Moss phlox.

Maintenance 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 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’.

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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Attachment 3 – Parks, Forestry and Recreation Report