



## STAFF REPORT ACTION REQUIRED

### Natural Garden Exemption Request 37 Turnberry Avenue

<b>Date:</b>	October 15, 2008
<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. 08-192972 LGW

#### **SUMMARY**

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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 that long grass and weeds be cut at 37 Turnberry Avenue 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**

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

1. The Etobicoke York Community Council deny 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 August 6, 2008, a Notice of Violation was issued requiring the owner of 37 Turnberry Avenue to cut the grass and weeds in accordance with Toronto Municipal Code, Chapter 489, Grass and Weeds. The owner submitted a request, dated August 12, 2008, for an exemption to the by law as a Natural Garden, (Attachment 1 and 2).

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. Such an application for review was received for the lands at 37 Turnberry 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 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).

The property was re-inspected on October 22, 2008 and the yards were observed to be free of overgrown grass and weeds.

## **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 –Photo's of 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:** Romano, John  
UDS - Municipal Licensing and Standards

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

**RE: Natural Gardens Inspection**  
**Location:** 37 Turnberry Avenue

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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:**

1. Rear yard and laneway overgrown with invasive weeds, a lot of debris and garbage also present, including a a steel shopping cart. Invasive weeds present: Lamb’s quarters (*Chenopodium album L.*), Broad-leaved plantain (*Plantago major L.*), Smooth pigweed (*Amaranthus hybridus L.*), Ground Ivy (*Glechoma hederacea*), Tall beggarticks (*Bidens vulgata*), Yellow avens (*Geum aleppicum*).

Maintenance required to meet the provisions of a natural garden:

1. Removal of invasive and inappropriate plants (listed above).

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2. Removal of garbage and debris.
  3. On-going weed removal and proper pruning of plant 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**