



**STAFF REPORT
ACTION REQUIRED**

**Request for a Natural Garden Exemption to the Toronto
Municipal Code, Chapter 489 - Grass and Weeds at 93
Dunn Avenue**

Date:	August 21, 2008
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 14 – Parkdale-High Park
Reference Number:	IBMS No. 08-174988

SUMMARY

This staff report is about a matter for which the Toronto and East York Community Council has delegated authority from City Council to make a final decision. The applicant, being the property owner is seeking an exemption to the provisions of the City of Toronto Municipal Code, Chapter 489 Grass and Weeds, Section 489-3E on the basis that the growth is exempt as a natural garden.

The Grass and Weeds By-law provides that 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 subject property has plant growth in excess of 20 centimetres in the front yard area for which the owner has applied for relief to be exempted as a natural garden.

RECOMMENDATIONS

Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Grant the exemption, with or without conditions, and cancel the notice; or
2. Confirm the notice and direct that a second notice be given under this section.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standard Division received an application for exemption from the Grass and Weeds By-law to permit plant material to remain at a height in excess of 20 centimetres by exempting the growth as a natural garden.

ISSUE BACKGROUND

In response to a Notice of Violation issued for Grass and Weeds the property owner submitted a letter dated July 22, 2008 requesting that a review be conducted with a view to designating the rear yard area as a natural garden. The property was attended by a City of Toronto Natural Resource Specialist who spoke with the homeowner. The homeowner appears to be in the process of cleaning up the garden waste. It was recommended to the homeowner that further removal of any remaining invasive weeds (Creeping Bellflower, Deadly Nightshade, Ground Ivy) is required. Furthermore, the homeowner was asked to prune the shrubs (Rosebush and Forsythia) in the area. At the time of inspection, the garden did not meet the natural garden requirements.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 255-2004 on April 16, 2004 to prescribe the maximum height permitted for long grass and weed growth. This By-Law and the amendments are now found in the Toronto Municipal Code, Chapter 489 – Grass and Weeds. The by-law further provides that the owner or occupant upon receipt of notice under this section may request that the issuance of the notice be reviewed by community council on the basis that the growth is exempt as a natural garden.

The By-law provides that a “natural garden” – 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.

CONTACT

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SIGNATURE

Elizabeth Glibbery, Manager

ATTACHMENTS

1. & 2. Photographs, rear yard