



STAFF REPORT ACTION REQUIRED

Request for a Natural Garden Exemption to the Toronto Municipal Code, Chapter 489 - Grass and Weeds at 488 Main Street

Date:	August 21, 2008
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 31 – Beaches – East York
Reference Number:	IBMS No. 08-163902

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 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 rear yard area for which the owner has applied for relief to be exempted as a natural garden.

The property was attended by a City of Toronto, Natural Resource Specialist, who did not identify any noxious weeds. The inspection found the rear yard plant growth was acceptable and qualified the rear yard to be exempted as a natural garden.

RECOMMENDATIONS

Municipal Licensing and 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 in the rear yard 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 June 16, 2008 requesting that a review be conducted with a view to designating the rear yard area as a natural garden. The owner stated in the request for the exemption that, “The garden at 488 Main Street has both a city supplied rain barrel and composter to aid my natural garden and contains the following plants and flowers: Lavender, Onions, Tomato Plants, Tiger Lilies, Day Lilies, Grape, Sunflowers, Silver Korean Grass, various Herb plants, Tulips, Hyacinth in addition to other varieties of plants and flowers.” The property was attended by a City of Toronto, Natural Resource Specialist, who initially identified a number of weeds, namely ragweed, dog-strangling vine and deadly nightshade that needed to be removed before a determination of qualifying as a natural garden could be confirmed. A return visit conducted on August 8, 2008 found acceptable conditions that qualified the plant growth to be exempted as a natural garden.

COMMENTS

The City of Toronto Council enacted the amalgamated By-Law 255-2004 on April 16, 2004 to prescribe the maximum height permitted for 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. Photograph of rear yard