



STAFF REPORT ACTION REQUIRED

Request for a Natural Garden Exemption to the Toronto Municipal Code, Chapter 489 - Grass and Weeds at 78 Dagmar Avenue

Date:	September 24, 2009
To:	Toronto and East York Community Council
From:	Municipal Licensing and Standards Division, Toronto and East York District
Wards:	Ward 30 – Toronto – Danforth
Reference Number:	IBMS No. 09-164481

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

The front and rear yards were inspected and the Natural Environment Inspector determined that the garden was within the provision of the natural garden exemption requirements.

RECOMMENDATIONS

The Municipal Licensing and Standards Division recommends that the Toronto and East York Community Council grant the Natural Garden Exemption to 78 Dagmar Avenue, with or without conditions, and cancel the notice.

Financial Impact

There is no financial impact anticipated in this report.

DECISION HISTORY

The Municipal Licensing and Standards 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. This request was reviewed and the property was inspected by Natural Environment staff who determined that the plant growth qualified as a natural garden.

ISSUE BACKGROUND

In response to a Notice of Violation issued for Long Grass and Weeds, the property owner submitted a letter dated September 2, 2009 requesting that a review be conducted with a view to designating the front and rear yard areas as natural gardens. The owner stated in the request for the exemption that, the gardens consist of “Ontario Native Plants”, including but not limited to “field thistle, ironweed, green & grey-headed coneflowers, pearly everlasting, sky blue aster, virgin’s bower and some native grasses such as little bluestem and Indian grass”. See Attachments 1 and 2. On September 10, 2009 a site inspection was conducted by Natural Environment staff and a report was produced dated September 10, 2009 which found acceptable conditions that qualified the plant growth to be exempted as a natural garden (see Attachment 3).

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 a 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
Toronto and East York District

ATTACHMENTS

Attachment 1, Photograph of front yard area
Attachment 2, Photograph of rear yard area
Attachment 3, Report from Natural Environment