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January 18, 2012

To: Chair and Members of the Licensing and Standards Committee

Re: Natural Garden Exemptions – Request for Report

At the January 10, 2012 meeting of Etobicoke York Community Council, in considering Natural Garden Exemption requests, there was discussion around changes to existing bylaws and practices that may be appropriate to better inform the public of these types of requests, ensure full cost recovery to the City for inspections related to Natural Gardens and clarify when these exemptions are no longer applicable.

Currently, when one requests an exemption to Chapter 489, Grass and Weeds, on the basis that the lands in question form a Natural Garden, a report is submitted to the appropriate Community Council, with only the complainant notified of the request for an exemption. This means that a neighbor, who may have issue with the current state of the lands but was not the one to formally report this to the City would not be aware of the exemption request and consequently would not have an opportunity to submit comments to the Community Council for consideration. Changes should be made to this practice so that at a minimum, the immediately surrounding neighbors are notified when there is a request for a Natural Garden Exemption.

At Etobicoke York Community Council we learned that when it is contended by the owner of a property that the growth on their lands forms a Natural Garden, a referral is made by Municipal Licensing and Standards (MLS) to Parks, Forestry and Recreation (PF&R) for inspection of the property to see if it qualifies as a Natural Garden. Staff may have to attend the property numerous times for re-inspection; however, unlike re-inspections conducted by MLS wherein re-inspection fees can be charged to recover costs, there are no bylaws in place to allow for re-inspection fees to be charged when PF&R staff must re-inspect Natural Gardens. Provisions should be made so that the City can recover the costs incurred for these re-inspections.

Finally, there is currently no definitive timeframe as to when a Natural Garden Exemption expires. If a property owner applies for this type of exemption, it may be beneficial to stipulate that this type of exemption is only effective until such time that the property changes ownership.

RECOMMENDATIONS:

1. That the Executive Director, Municipal Licensing and Standards, be requested to report to the May 2012 meeting of the Licensing and Standards Committee on the feasibility of providing notification to area residents when a request for a Natural Garden Exemption is to be considered by Community Council and criteria as to who should be notified.

2. That the Executive Director, Municipal Licensing and Standards, in consultation with the General Manager, Parks, Forestry & Recreation, report to the May 2012 meeting of the Licensing and Standards Committee on implementing re-inspection fees for Natural Gardens to allow for costs to the City incurred as a result of these inspections to be recovered.
3. That the Executive Director, Municipal Licensing and Standards, be requested to report to the May 2012 meeting of the Licensing and Standards Committee on the feasibility of amendments to existing bylaws to stipulate that Natural Garden Exemptions are only effective until such time that the property with the exemption changes ownership.

Yours Sincerely,

Frances Nunziata
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