



**STAFF REPORT
ACTION REQUIRED**

**Natural Garden Exemption Request
129 Humbercrest Boulevard**

Date:	October 13, 2011
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 13, Parkdale – High Park
Reference Number:	ML& S Folder No. 11 270932 LGW

SUMMARY

This staff report is in response to a request to review the requirements of a Notice to Comply issued under Toronto Municipal Code, Chapter 489, Grass and Weeds, requiring that long grass and weeds be cut at 129 Humbercrest Boulevard 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

Municipal Licensing and Standards recommends that Etobicoke York Community Council:

1. Approve this exemption request from the owner at 129 Humbercrest Boulevard and cancel the Notice to Comply, on the condition that the garden is maintained free from any noxious weeds and invasive plants.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

On, July 13, 2011, a Notice to Comply was issued to the owner of 129 Humbercrest Boulevard, requiring the grass and weeds to be cut in accordance with Toronto Municipal Code, Chapter 489, Grass and Weeds. (Attachment 1)

A request was received on July 19, 2011, from the owner requesting a review of the Notice to Comply and exemption to the By-law requirements be granted on the basis that the lands form a Natural Garden.

COMMENTS

Chapter 489 of the Toronto Municipal Code, Grass and Weeds, requires grass and/or weeds in excess of 20 centimetres (8 inches in height) to be cut upon receipt of a served Notice. The Chapter also provides for that the issuance of the Notice be reviewed by the local Community Council on the basis that the growth is exempt as a Natural Garden.

Upon review of a Natural Garden Exemption request, the corresponding Community Council may either:

- (a) Grant the exemption, with or without conditions, and cancel the Notice; or
- (b) Confirm the Notice and direct that a second Notice be given.

This report is prepared in consultation with staff of Natural Environment and Horticulture Unit of Parks, Forestry and Recreation, who reported on October 12, 2011, that the garden was found to be within the provisions of the natural garden exemption. The plantings were found to be comprised of a mix of trees, shrubs, herbaceous and perennial plants. Ongoing weed removal and proper pruning of plant material when required is recommend in order to maintain compliance with the natural garden requirements. (Attachment 2)

CONTACT

Kimberley Kilburn, Supervisor
Etobicoke York District
Municipal Licensing and Standards
Tel: (416)394-2536 Fax: (416)394-2904
E-mail: kkilbur@toronto.ca

SIGNATURE

Curtis Sealock, District Manager
Etobicoke York District
Municipal Licensing and Standards

ATTACHMENTS

Attachment 1: Photos of Garden
Attachment 2: Natural Environment Parks, Forestry and Recreation Findings

Attachment 1: Photos of Garden



Attachment 2: Natural Environment Parks, Forestry and Recreation Findings



Memorandum

Parks, Forestry & Recreation
Brenda Patterson, Acting General Manager

Parks, Forestry & Recreation
24th Floor, 55 John Street
M5V 3C6

Garth Armour
Coordinator
Natural Environment
Parks, Forestry & Recreation

DATE: October 13, 2011

TO: Chip Au; Kimberley Kilburn
UDS - Municipal Licensing and Standards

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

RE: **Natural Gardens Inspection**
Location: 129 Humbercrest Boulevard

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 property to be within the provisions of the natural garden exemption. . To be in compliance with the natural garden exemption, a garden must be consistent with a “**managed and natural landscape**”.

Findings:

1. A mix of shrubs, herbaceous perennials and lawn. Small amount of garlic mustard and ragweed present, samples removed and given to the homeowner / resident, and he agreed to remove any existing and / or newly emerging seedlings of the weed.

Maintenance required to continue to meet the provisions of a natural garden:

1. On-going weed removal and proper pruning of plant material when required is recommended in order to continue to be in compliance with the natural garden exemption.

Garth Armour
Coordinator, Natural Environment
Parks, Forestry and Recreation
GA/(pl)