Request for a Natural Garden Exemption to the Toronto Municipal Code, Chapter 489 - Grass and Weeds at 103 Pendrith Street

Date: January 31, 2011
To: Toronto and East York Community Council
From: Municipal Licensing and Standards Division, Toronto and East York District
Wards: Ward 19 – Trinity Spadina
Reference Number: IBMS No. 10-186979

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 both the front and rear yard areas 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 grant the natural garden exemption for 103 Pendrith Street, with the condition that proper weeding and pruning must be undertaken and cancel the Notice of Violation.

Financial Impact

There is no financial impact anticipated in this report.
DECISION HISTORY

In response to a Notice of Violation issued for Long Grass and Weeds the property owner submitted a letter requesting that a review be conducted with a view to designate the front and rear yard areas as a natural garden. The City of Toronto Natural Environment Specialist attended the property and an assessment found the areas to be within the provisions of the natural garden exemption. See Attachment 3.

ISSUE BACKGROUND

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.

COMMENTS

Should the request for an exemption be approved, a condition of approval should include proper weeding and pruning must be undertaken. The area consists of a mix of shrubs and herbaceous perennials including English Ivy (Hedera helix), Asiatic lilies, Purple Sandcherry (Prunus sp.), Ninebark (Physocarpus sp.), Forsythia, Lilac, Alpine currant, Echinacea, Juniper, Russian sage (Perovskia sp.), Geranium, Phlox, Japanese Maple, Dogwood (Cornus sp.), Hosta, Astilbe, Ferns, Rhododendron, Nest Spruce, Coral bells (Heuchera sp.), Climbing Hydrangea and Yew. There were a few common garden weeds including Lady’s thumb (Polygonum persicaria) and Wood Sorrel (Oxalis dillenii). Both are low-growing and easily controlled.

CONTACT

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SIGNATURE

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Elizabeth Glibbery, Manager
Toronto and East York District

ATTACHMENTS

1. Photograph, front yard
2. Natural Environment Report