



## STAFF REPORT INFORMATION ONLY

### Natural Garden Exemption – Supplementary Report

<b>Date:</b>	November 23, 2012
<b>To:</b>	City Council
<b>From:</b>	Executive Director, Municipal Licensing and Standards
<b>Wards:</b>	All
<b>Reference Number:</b>	P:\2012\Cluster B\MLS\CC12022

#### SUMMARY

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This report responds to the Licensing and Standards Committee's request to report directly to City Council on Toronto Municipal Code, Chapter 441 Fees and Charges, Section 2(A) VI to ensure fairness on how the \$200.00 appeal fee is applied.

The appeal is the final step in the process and staff are projecting between six to ten appeals per year. Staff in Municipal Licensing and Standards and Parks, Forestry and Recreation will work cooperatively with the home owner to help them meet the criteria of a naturalized garden. The intent of establishing the appeal process is to provide an opportunity for those applicants who choose to further contest the City's decision and to provide additional evidence proving the growth of their garden as naturalized. The associated fee is to cover the administrative costs of the appeal process.

To request an appeal, an application form would be submitted to Municipal Licensing and Standards along with the applicable \$200.00 fee. Once the appeal application has been received, staff will prepare a report to the appropriate Community Council advising of the refusal of the natural garden and the owner's intent to appeal the decision.

#### Financial Impact

There is no financial impact as a result of receiving this report.

#### DECISION HISTORY

At its meeting of November 16, 2012, the Licensing and Standards Committee requested the Executive Director, Municipal Licensing and Standards report to City Council, on the proposed amendments to Chapter 441, Fees and Charges.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.LS17.2>

## **COMMENTS**

The proposed amendment to Toronto Municipal Code Chapter 489, Grass and Weeds does not include an application fee for a natural garden exemption.

Should the natural garden exemption be denied by the Executive Director, Municipal Licensing and Standards, a refusal letter will be sent to the home owner. This letter will explain the reasons for refusal, list the criteria for a naturalized garden and outline the appeal process.

If an owner expresses interest in working with the City to meet the criteria of a natural garden, the likelihood of an appeal would be reduced or eliminated. The intent is to help home owners across the City beautify their yards in an environmentally friendly way that also meets City standards.

Should the home owner choose to appeal the refusal, the appeal will go to the appropriate Community Council through a report by ML&S. A fee of \$200.00 is attached to this appeal application to cover the administrative costs. In providing a public forum for a Community Council Appeal, a notice of hearing is required to be sent to all residents within 100 metres of the applicant's residence. This mirrors the City's Noise By-Law, Chapter 591.

Should the homeowner be successful in the appeal, Council could waive the \$200.00 fee.

## **CONTACT**

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## **SIGNATURE**

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