



## STAFF REPORT ACTION REQUIRED

### Request for a Natural Garden exemption to the Toronto Municipal Code, Chapter 489 - Grass and Weeds at 374 St.Clarens Avenue

<b>Date:</b>	May 28, 2012
<b>To:</b>	Toronto and East York Community Council
<b>From:</b>	Municipal Licensing and Standards Division, Toronto and East York District
<b>Wards:</b>	Ward 18 – Davenport
<b>Reference Number:</b>	IBMS No. 10-247864

#### SUMMARY

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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 of grass and weeds in excess of 20 centimetres in the front yard area for which the owner has applied for relief to be exempted as a natural garden.

#### RECOMMENDATIONS

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Municipal Licensing & Standards recommends that the Toronto and East York Community Council:

1. Grant the natural garden exemption for 374 St. Clarens Avenue, with the condition that weed removal and proper pruning is undertaken and maintained on an on-going basis.
2. Cancel the Notice of Violation.

## **Financial Impact**

There is no financial impact resulting from the adoption of this report.

## **DECISION HISTORY**

In response to a Notice of Violation issued for Long Grass and Weeds, the property owner submitted a request that a review be conducted with a view to designate the front yard area as a natural garden. The City of Toronto Natural Environment Specialist inspected and assessed the front yard. The assessment found the area to be within the provisions of the natural garden exemption requirements.

## **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 the approval should include proper weeding and pruning is undertaken on an on-going basis. Furthermore, it is recommended that invasive weeds such as deadly nightshade be removed. The area consists of a mix of shrubs and herbaceous perennials.

## **CONTACT**

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## **SIGNATURE**

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Gus Michaels, District Manager  
Municipal Licensing and Standards  
Toronto and East York District

## **ATTACHMENTS**

Attachment 1: Report from Parks Forestry and Recreation Division, Natural Environment

Attachment 2: photograph of front yard