

TORONTO MUNICIPAL CODE
CHAPTER 489, GRASS AND WEEDS

Chapter 489

GRASS AND WEEDS

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[HISTORY: Adopted by the Council of the City of Toronto 2004-04-16 by By-law No. 255-2004.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Property maintenance - See Ch. 623.

Property standards - See Ch. 629.

Trees - See Ch. 813.

Weed Control Act - See R.S.O. 1990, c. W.5.

§ 489-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EXECUTIVE DIRECTOR – The Executive Director, Municipal Licensing and Standards, or his or her designate. **[Added 2013-02-21 by By-law No. 238-2013]**

OFFICER - A City employee whose duties include the enforcement of this chapter.

OWNER - Includes:

- A. The person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on the person's own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and

¹ Editor's Note: This by-law was passed under the authority of sections 127, 128, 130 and 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25. Section 2, Transition, of this by-law, stated: A. A by-law listed in Section 3 continues to apply for purposes of any notice given under the by-law until the work required by the notice is completed or any enforcement proceedings in respect of the notice have been concluded; B. Where a person is alleged to have contravened a by-law listed in Section 3 before the date this By-law comes into force, the by-law continues to apply for purposes of any enforcement proceedings brought against the person until the proceedings have been concluded. Section 3, Repeal, of this by-law repealed the following by-laws: Former City of Etobicoke Municipal Code Chapter 167, Long Grass, Cutting off; former City of North York By-law No. 30822, "A By-law to require the owners or occupants of private property to cut grass and weeds on their lands and remove the cuttings," as amended; former City of Toronto Municipal Code Chapter 202, Grass and Weeds; Clause 2(a) of former City of York By-law No. 2683-93, "To require the cutting of grass and weeds on private property and adjacent highways," as amended and codified as section 803.2.1 former City of York Municipal Code Chapter 803, Grass and Weeds.

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- B. A lessee or occupant of the land who, under the terms of a lease, is required to repair and maintain the land.

§ 489-2. Maximum height.

- A. 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.
- B. For the purposes of this section, the term "grass and weeds" refers to:
- (1) All noxious weeds and local weeds designated under the *Weed Control Act*; and
 - (2) Any other vegetation growth that 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.

§ 489-3. Notice to comply.

- A. An officer who finds private land in contravention of this chapter may give written notice to the owner or occupant of the land requiring compliance with this chapter within the time period specified in the notice but no sooner than 72 hours after the notice is given.
- B. The notice may be served personally on the person to whom it is directed or by registered mail to the last known address of that person, in which case it shall be deemed to have been given on the third day after it is mailed.
- C. If there is evidence that the person in possession of the land is not the registered property owner, the notice shall be served on both the registered property owner and the person in possession of the land.
- D. If the address of the owner or occupant is unknown or the City is unable to effect service on the owner or occupant under Subsection B, a placard stating the terms of the notice and placed in a conspicuous place upon the land shall be deemed to be sufficient notice.
- E. Exemptions. [**Amended 2013-02-21 by By-law No. 238-2013**²]
- (1) An owner may apply for an authorization for an exemption from a prohibition or limitation contained within this chapter on the basis that the growth is exempt as a natural garden by filing with the Executive Director an application in the form prescribed by the Executive Director.
 - (2) A notice, including notice by placard, given or placed under this section, shall contain the statement that the owner may, upon receipt of notice under this section, within the time prescribed in the notice to comply, request that the issuance of the notice be reviewed and the growth be authorized by the Executive

² Editor's Note: By-law No. 238-2013 deleted and replaced Subsection 489-3E. This subsection was previously amended March 6, 2007 by By-law No. 176-2007.

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Director on the basis that the growth is exempt as a natural garden by filling with the Executive Director an application in the form prescribed by the Executive Director.

- (3) Upon receipt of an application under Subsection E(1) or (2), the Executive Director shall give written notice to the Councillor of any ward where the growth is located, and where the request for review is for a growth located on a boundary street between wards, to the Councillors of the adjoining wards.
- (4) The Executive Director shall authorize the exemption if all of the following conditions have been met:
 - (a) All of the Councillors notified under Subsection E(3) have either:
 - [1] Not responded within 14 days of the notice; or
 - [2] Responded indicating that they have no objection to the application being approved.
 - (b) The applicant has complied with all terms and conditions of approval of the last exemption issued to them under this section, if any.
 - (c) The applicant has provided the following:
 - [1] The applicant's name, address and telephone number;
 - [2] A general description of the nature of the growth that is subject to the request for an exemption; and
 - [3] A written undertaking, in a form satisfactory to the Executive Director, that the owner or occupant will maintain the natural garden free of noxious and or invasive weeds and in good repair.
 - (d) The growth has been inspected by a City horticulturalist who has recommended approval of the exemption.
- (5) An exemption issued under Subsection E(4) shall be subject to the following terms and conditions:
 - (a) The natural garden will be restricted to the location set out in the exemption authorization letter;
 - (b) The natural garden will remain well maintained;
 - (c) The natural garden will be kept free of noxious weeds; and

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- (d) Any other conditions respecting health, safety and nuisance as the Executive Director considers advisable.
- (6) Exemption effective.
 - (a) Subject to Subsection E(6)(b), an exemption authorized by the Executive Director shall take effect 21 days after the issuance of a notice of decision.
 - (b) If an application for review has been made under Subsection E(7) within 21 days of the date of the issuance of a notice of decision, the exemption shall not be valid unless the Application is withdrawn or otherwise dealt with under Subsection E.
- (7) Where the Executive Director refuses to grant an exemption under this section, the applicant shall be notified in writing and advised that they may apply to have the Executive Director's decision reviewed by the Community Council which has jurisdiction for the location of the proposed natural garden by filing an application within 21 days of the date of the Executive Director's notice, along with the applicable fee as set out in Chapter 441, Fees and Charges, with the City Clerk at the address shown on the notice.
- (8) Notice of hearing shall be sent to all residents within 100 metres of the location where the natural garden is proposed to be located as shown on the last revised assessment rolls and at the applicant's expense.
- (9) Where the location of the proposed natural garden under application falls on the boundary street of more than one Community Council, each affected Community Council shall provide its recommendations to Council for its consideration of the application under Subsection E(7).
- (10) Council, or the Community Council under delegated authority, may issue or refuse an exemption application made under Subsection E(7).
- (11) If the Community Council under delegated authority or Council issues an exemption, the exemption is subject to the conditions set out in Subsection E(5), unless the Community Council under delegated authority or Council provides otherwise, and to any other conditions respecting health, safety and nuisance as the Community Council under delegated authority or Council considers advisable.
- (12) A Community Council under delegated authority or Council may require, as a condition of approval, that City staff monitor the natural garden.
- (13) Despite anything contained in this section, where an application for an exemption is made by the City or any of its agencies, boards or commissions:
 - (a) The application shall be submitted directly to the Executive Director by the City department, agency, board or commission seeking the exemption.

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- (b) The fees in Chapter 441, Fees and Charges, do not apply.

§ 489-4. Failure to comply; removal by City; costs.

- A. If an owner or occupant fails to comply with a notice given under § 489-3 or is refused an exemption, the Executive Director may enter upon the lands at any time between sunrise and sunset for the purposes of doing the things described in the notice. **[Amended 2013-05-10 by By-law No. 582-2013]**
- B. Costs incurred by the City in doing the work required to be done by the notice may be recovered by action or adding the costs to the tax roll and collecting them in the same manner as taxes.

§ 489-5. Exemptions.

Nothing in this chapter shall affect:

- A. Any right or duty of the City with respect to any highway right of way; or
- B. The application and enforcement of the *Weed Control Act* with respect to noxious weeds growing on land, including within a natural garden.

§ 489-6. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence.³

³ Editor's Note: This section was passed under the authority of section 425 of the *Municipal Act, 2001*, S.O. 2001, c. 25, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.