

Committee of the Whole (2) Report

DATE: Tuesday, June 21, 2022

WARD(S): ALL

TITLE: LONG GRASS AND WEEDS BY-LAW

FROM:

Gus Michaels, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report seeks to enact a new Long Grass and Weeds By-law, to enable staff to rectify issues with long grass and weeds on private properties in a more timely manner.

Report Highlights

- The proposed by-law will enable staff to more quickly address instances in which grass, ground cover, and weeds have exceeded 20 cm in height, where the property owner has not complied with orders to cut and remove the vegetation.
- The Long Grass and Weeds By-law will serve as an additional means by which staff can keep Vaughan communities safe and beautiful.

Recommendations

1. THAT Council authorize the proposed by-law amendments in Attachment 1 of this report, in a form satisfactory to the City solicitor.

Background

By-law and Compliance, Licensing and Permit Services staff have noted instances in the City of Vaughan in which private properties have not been maintained, and grass and weeds have become overgrown. In addition to detracting from the beauty of the community, overgrown properties can create a habitat which attracts and sustains vermin and pest infestation, as well as creating sightline obstructions for pedestrians and motorists.

Two City by-laws currently address this, Property Standards By-law 231-2011 and Dumping By-law 103-2020, which state that grass and weeds must not exceed 20 cm (approximately 8 inches) in height, and that they must be cut and removed if so.

In the instance of a violation of the Property Standards By-law, officers have the option to issue an order under the authority of the Building Code Act, which also provides for the order to be appealed to the Property Standards Committee; staff note that in some instances, this appeal process allows property issues to extend for long periods of time, contributing to derelict yards with overgrown grass and weeds.

Reducing resolution time

In the new by-law proposed, staff suggest that if a property owner has grass, ground cover and/or weeds that exceed 20 cm in height, that an enforcement officer be able to issue an order for these to be cut and removed; however, there would be no option to appeal the order. The owner would be given at least three days to comply after the order has been served and, if compliance has not been obtained by then, the City would then have the option to mow the grass, ground cover and weeds, and recuperate the associated costs. If the owner failed to pay such costs upon being billed, the amounts would then be added to the owner's property taxes.

Enforcement Options

Staff suggest including a range of enforcement options in the by-law to address non-compliance, such as to allow enforcement officers to issue:

- an order requiring grass, ground cover and weeds to be removed as soon as within three days of issuance;
- a municipal administrative monetary penalty of \$250; or
- a fine of between \$500 and \$100,000.

While there would be no option to appeal an order to cut the grass so that the City can move quickly to address any issues, property owners would still be able to appeal any administrative monetary penalties or provincial fines, as is the case with other by-laws, by requesting adjudication for a monetary penalty or attending court for a provincial fine. Other municipalities have similar municipal penalties, as shown below.

City	Penalty for long grass and weeds infraction
Vaughan	Now: In line with the Building Code Act, up to \$100,000 for a person and \$1,500,000 for a corporation Proposed: \$250 to \$100,000
Brampton	\$250 to \$100,000

Hamilton	\$75 to \$100,000
London, ON	\$175 to \$5000
Markham	\$500 to \$100,000
Mississauga	Up to \$100,000
Ottawa	\$500 to \$100,000
Toronto	Up to \$100,000
Richmond Hill	\$100 to \$100,000

Previous Reports/Authority

[Council-Approved By-law Strategy](#) Item 3, Report No. 3, of the Priorities and Key Initiatives Committee, which was adopted without amendment by the Council of the City of Vaughan on June 24, 2014.

[Property Standards By-law](#). Item 37, Report No. 54, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on December 13, 2011.

Analysis and Options

Staff recommend the following policies, based on the reasoning provided below:

NO	CURRENT STATE	RECOMMENDATION	INTENDED OUTCOME
1	The current by-laws governing grass height have an order-appeals process which sometimes results in long grass and weeds not being removed in a timely manner, as residents challenge the order to do so.	To create a "Long Grass and Weeds" by-law that requires grass, weeds and ground cover exceeding 20 cm to be cut and removed within as little time as three days by the property owner, which if not done can be done by the City with costs charged to the owner.	To ensure properties within Vaughan have appropriate heights of grass, weeds and ground cover, and do not overgrow and create habitats for vermin and pests.
2	At present, both the Property Standards By-law and the Dumping By-law have requirements with respect to long grass and weeds. This can create confusion as to which rules apply to properties in the City.	To remove provisions for maximum grass and weed height from the Property Standards and Dumping By-laws.	To eliminate redundancy and have all long grass and weed height restrictions in one by-law, the Long Grass and Weeds by-law, contributing to clear governance.

NO	CURRENT STATE	RECOMMENDATION	INTENDED OUTCOME
3	Various City by-laws advise that if an infraction is committed within the by-law, enforcement officers can issue orders, issue non-punitive municipal administrative monetary penalties, or issue provincial fines which may be higher and punitive.	To create enforcement provisions in the new Long Grass and Weeds By-law, in which, if a property is not in compliance with the by-law, enforcement officers may issue: <ul style="list-style-type: none"> • an order requiring grass, ground cover and weeds to be removed as soon as within 72 hours of issuance; • an administrative monetary penalty of \$250, or provincial fine of between \$500 and \$100,000. 	To provide Enforcement Services with a range of tools with which to encourage compliance.
4	Various by-laws within the City state that, if the City performs remedial work on a property, or if a Person has unpaid City by-law penalties or fines, they can be added to a person's tax roll.	To create similar provisions within this new by-law, that remedial work and unpaid penalties and fines can be added to a person's tax roll.	To ensure the City can recuperate costs for work performed and fines and penalties issued.

Financial Impact

The provisions of the proposed by-law are in line with current practice and as such will be administered and enforced through the existing staff complement in both By-law and Compliance, Licensing and Permit Services, and Parks, Forestry and Horticulture Operations (Parks). As such, the new by-law is not anticipated to have a financial impact on the City's budget.

Broader Regional Impacts/Considerations

The Regional Municipality of York (the Region) Environmental Services staff actively work to maintain a healthy environment within the Region, such through forest conservation, greening strategy work and removal of weeds determined by the Province of Ontario to be poisonous or otherwise harmful. This by-law will help to ensure that the City is also working in tandem with the Region to maintain a healthy and beautiful community that is free of overgrown grass and weeds.

Conclusion

These recommendations are in line with the Term of Council priority of Environmental Stewardship, and the objective of maintaining safety in our community. The report was developed in consultation with staff from Public Works and Legal Counsel.

For more information, please contact: Susan Kelly, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext.8952

Attachments

1. Attachment 1 – Proposed Changes to By-laws

Prepared by

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783

Approved by

A handwritten signature in blue ink, appearing to read "Gus Michaels".

Gus Michaels,
Deputy City Manager,
Community Services

Reviewed by

A handwritten signature in black ink, appearing to read "Nick Spensieri".

Nick Spensieri, City Manager