



Report
Staff Report
 The Corporation of the City of Brampton
 3/19/2025

Date: 2020-01-29

Subject: **New Ground Cover Maintenance and Prohibited Plants By-law**

Secondary Title: **Proposal to Repeal and Replace Grass and Weed Cutting By-law 166-2011**

Contact: Pam Cooper, Manager, Environmental Planning, Environment and Development Engineering Division

Report number: Planning, Bld & Growth Mgt-2025-110

RECOMMENDATIONS:

1. That the report from Pam Cooper, Manager, Environmental Planning, Environment and Development Engineering Division to the Committee of Council Meeting of March 19, 2025, re: **New Ground Cover Maintenance and Prohibited Plants By-law**, be received;
2. That Council repeal Grass and Weed Cutting By-law 166-2011, as amended;
3. That Council enact the Ground Cover Maintenance and Prohibited Plants By-law in Attachment 1; and
4. That Council approve the proposed amendments to the Administrative Penalties (Non-parking) By-law 218-2019, as amended, in Attachment 2.

OVERVIEW:

- **In 2021, Council endorsed the Brampton Grow Green Environmental Master Plan (EMP) Refresh (CW124-2021), including an action to “Review and update the City by-laws to ensure they do not restrict designed naturalization efforts on public and private lands.”**
- **A recent surge in public interest in alternative gardening styles, and recent court decisions over residents’ rights to maintain more naturalized gardens on their property has led to the need for Ontario municipalities to update Yard Maintenance by-laws.**

- **Staff completed a comprehensive review of the Grass and Weed Cutting By-law 166-2011 which included public engagement and input opportunities.**
- **Staff drafted a new By-law to update maintenance requirements, reduce ambiguity and improve alignment with current City policies, goals and practices.**
- **The proposed By-law provides more clarity on maintenance requirements for private front and back lawns and gardens, reducing uncertainty and giving residents more freedom over their approach to gardening on their property including the option of maintaining more sustainable and natural gardens.**
- **This update also moves forward the Council Priorities under “Environmental Resilience & Sustainability” and “Health & Wellbeing” and aligns with the City’s strong Sustainability framework.**

BACKGROUND:

The City of Brampton has a strong Natural Heritage and Sustainability framework that contains a number of strategic plans, policies and programs that encourage and support the provision of more opportunities for landowners to naturalize private property. The proposed changes to Bylaw 166-2011, the Grass and Weed Cutting By-law, directly support the goals, objectives and policies of these approved strategic plans, including the Council Priorities under “Environmental Resilience & Sustainability” and “Health and Wellbeing” as well as the Brampton Grow Green Environmental Master Plan. In 2021, Council approved the Environmental Master Plan (EMP) Refresh and its Action Plan (CW124-2021). Related Action 37 states: *“Review and update the City by-laws to ensure they do not restrict designed naturalization efforts on public and private lands.”*

Other strategic plans and programs the Bylaw update supports include: the Brampton 2040 Vision, the recently adopted Brampton Plan (Official Plan) the proposed Climate Change Adaptation Plan (CCAP), the Natural Heritage Environmental and Management Plan (NHEMs), the Natural Heritage Restoration Program (NHARP) and the Brampton Eco Park Strategy.

Furthermore, in 2021, Brampton was designated a Bee City, committing to the protection of pollinators and demonstrating our commitment to improve and maintain pollinator habitat across the City. This By-law update directly supports this ongoing commitment.

Naturalized and sustainable gardening is growing in popularity among homeowners and municipalities. There are several direct benefits gained by naturalized or fusion gardens:

- increased pollinator habitat,
- reduction of stormwater runoff from properties,
- reduced fertilizer and herbicide use, and
- decrease in water use.

Ontario municipalities have been updating their Yard Maintenance by-laws because of a recent surge in public interest in alternative gardening styles and recent court decisions favouring residents' rights to maintain more naturalized gardens on their property. Most prominent is the 1996 court case, which ruled in favour of a resident who appealed a charge by the City of Toronto for the growth of her naturalized front yard garden. The Ontario Court of Justice found that Toronto's by-law was primarily concerned with aesthetics, not the health and safety of human beings, or environmental nuisance. As well, it found that "wild gardens" are a form of freedom of expression protected by the Canadian Charter of Rights and Freedoms. A 2022 order to comply in the Town of Smith Falls was rescinded and Council is currently reviewing the Property Standards Bylaw, "and will be considering a yard naturalization provision."

Considering these developments, it became imperative that Staff complete a comprehensive review of the City of Brampton's Grass and Weed Cutting By-law 166-2011 to align with current City policies, goals and practices and to be aware of emerging legislative trends. This By-law applies to private property, and not publicly owned boulevards/right-of-ways.

CURRENT SITUATION:

Staff Review

Environmental Planning, Enforcement & By-law Services, Horticultural, and Legal staff completed a comprehensive review of By-law 166-2011. This also involved an assessment of related Brampton by-laws, such as the Property Standards By-law, Boulevard Maintenance & Highway Obstruction By-law, and the proposed new Encroachment By-law, as well as by-laws of other GTA and Ontario municipalities.

This review also included recently updated Yard Maintenance By-laws from other municipalities in the GTA and Ontario, including the Cities of Toronto, Ottawa, Guelph, Mississauga and Barrie.

The outcome of this review found the current Grass and Weed Cutting By-law was outdated, unclear, and did not align with current City plans, policies and practices.

Proposed New Ground Cover Maintenance and Prohibited Plants By-law

The new by-law recognizes that homeowners can help protect the natural environment through establishing various garden styles on their property. Additionally, various garden styles can improve:

- local food opportunities,
- biodiversity,
- pollinator habitats,
- stormwater runoff, and
- conservation of natural resources.

As part of the new Ground Cover Maintenance and Prohibited Plants By-law, changes focused on clarification of allowances and maintenance requirements, and removal of ambiguous language and statements.

The key changes to the Grass and Weed Cutting By-Law include:

- Introducing the term “prohibited plants” to replace the use of the ambiguous term “weed”, and adding a list of prohibited plants;
- Distinguishing “gardens” from “ground cover” (e.g. turf grass/lawn);
- Modernizing and updating provisions regarding the maintenance of gardens and ground cover;
- Updating by-law title to “Ground Cover Maintenance and Prohibited Plants By-law”;
- Aligning with the proposed new Encroachment By-law; and
- To support the continued enforcement of excessive growth violations, staff are also recommending an amendment to the Administrative Penalties (Non-parking) By-law 218-2019 to establish new graduated penalties for non-compliance with escalating penalties for repeat violations. The penalty amount for first time offences is not changing from the currently established penalty under the current Grass and Weed Cutting By-law 116-2011 (\$250).

Outreach

In addition to the staff background review, public outreach activities were conducted throughout 2022 and 2023. This was done through:

- a dedicated webpage
- an online survey
- presentations to the Brampton Environmental Advisory Committee (BEAC)
- a presentation to the Brampton Horticultural Society
- attendance in person at City events with engagement boards to talk with, and collect input from residents (e.g. Farmers Market)

The outreach results revealed residents were generally in strong support of the proposed changes. Primary concerns were in regard to the potential lack of maintenance or abandonment of yards, which have been addressed in the new By-law through provisions that require proper upkeep of yards.

Alignment with the Encroachment By-law

The proposed new Ground Cover Maintenance and Prohibited Plants By-law aligns with the proposed new Encroachment By-law which will regulate encroachment on City lands and also permit soft landscaped gardens that encroach onto boulevards, subject to conditions that safeguard public safety and City maintenance operations.

Education

This By-Law update will require Environmental Planning to work with Horticulture (Community Services) to develop education materials for Enforcement Staff and By-law Services. Environmental Planning will also work with Communication Services to develop education materials for residents to educate about the benefits of naturalizing yards and which plants are prohibited.

Next Steps

City staff will develop new outreach and education materials for both internal staff and residents to build awareness of and ensure successful implementation of the new By-law. This may include a combination of promotion through existing programs/resources, social media, webpages and advertisements.

CORPORATE IMPLICATIONS:

Financial Implications:

There are no immediate direct financial implications resulting from the approval of the recommendations in this report or adoption of the new By-law.

Other Implications:

There are no other implications resulting from the approval of the recommendations of this report or adoption of the new By-law.

STRATEGIC FOCUS AREA:

- Health & Well-being: Focusing on citizens' belonging, health and wellness through local food production.
- Environmental Resilience & Sustainability: Focusing on nurturing and protecting our environment for a sustainable future through increased pollinator habitat and decreased stormwater runoff.

CONCLUSION:

The enactment of the new Ground Cover Maintenance and Prohibited Plants By-law will modernize and align maintenance of yards on private property with current City policies, goals, practices and other bylaws, and provide residents more clarity on the

maintenance of sustainable gardens on their property including fusion, pollinator and naturalized gardens. Staff hereby request that the existing Grass and Weed Cutting By-law 166-2011 be repealed, and the new Ground Cover Maintenance and Prohibited Plants By-law be moved forward for adoption.

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Attachments:

Attachment 1 – Proposed Ground Cover Maintenance and Prohibited Plants By-law
Attachment 2 – Draft By-law to Amend By-law 218-2019