



Report
Staff Report
The Corporation of the City of Brampton
3/26/2025

Date: 2025-03-20

Subject: **Summary of Amendments to the Draft Encroachment and Ground Cover Maintenance and Prohibited Plants By-laws**

Contact: Pam Cooper, Manager, Environmental Planning

Allyson Sander, Strategic Leader, Project Management, Legislative Services

Report number: Planning, Bld & Growth Mgt-2025-269

RECOMMENDATIONS:

1. That the report from Pam Cooper, Manager, Environment Planning, Environment and Development Engineering to the Council Meeting of March 26, 2025 re: **Summary of Amendments to the draft Encroachment and Ground Cover Maintenance and Prohibited Plants By-laws**, be received;
2. That the Grass and Weed Cutting By-law 166-2011, as amended, be repealed;
3. That the Ground Cover Maintenance and Prohibited Plants By-law be enacted;
4. That the Encroachment By-law be enacted; and,
5. That amendments to the Administrative Penalties (Non-Parking) By-law 218-2019, as amended, be adopted.

OVERVIEW:

- **Staff presented two reports to the Committee of Council on March 19, 2025, proposing the adoption of an Encroachment By-law and a Ground Cover Maintenance and Prohibited Plants By-law.**
- **Members of the public and the Committee of Council provided feedback on the language and provisions of the proposed by-laws.**
- **This report addresses those comments and summarizes amendments made to the draft by-laws.**

BACKGROUND:

City staff conducted a comprehensive review of existing by-laws and practices, leading to the development of two new by-laws: the Encroachment By-law and the Ground Cover Maintenance and Prohibited Plants By-law. These were presented at the Committee of Council meeting on March 19, 2025.

During the meeting, public delegations and City Councillors raised concerns regarding the language of the by-laws and the implications for property transfers. Staff were directed to review these comments and report back with any necessary amendments.

CURRENT SITUATION:

This section outlines the feedback received and the corresponding amendments made to the draft by-laws, where applicable.

1. Public delegate recommendation to replace "native" gardens with "naturalized" gardens to be more inclusive of non-native plant species.

Current Provision: Both the definition of "Garden" and the general maintenance provision use the term "native habitat".

Amendment: The word "native" is replaced with "naturalized" in the Groundcover Maintenance and Prohibited Plants By-law.

Rationale: Almost no gardens are comprised entirely of native plants, which means most naturalized gardens would not be protected by the by-law's definition of a "garden". The word "naturalized" is more inclusive than "native".

2. Public delegate recommendation to establish an appeal process for disputing the classification of plant species.

It would create an administrative burden to establish a formal appeal process in association with the Ground Cover Maintenance and Prohibited Plants By-law for the purpose of disputing the classification of plant species. However, Enforcement officers have the flexibility to allow more time to work with the homeowner and horticulture staff to determine if a plant is listed on the Prohibited Plants list.

3. Public delegate recommendation to revise the maximum permitted height for all ground cover to a maximum permitted height for turfgrass only.

Current Provision: The general maintenance provision for Ground Cover states that it cannot exceed a height of twenty centimetres (20 cm).

Amendment: The Ground Cover definition has been revised to mean not only low growing vegetation such as sod with living turfgrass but also “plants grown in a dense, uniform manner to act as lawn replacement”.

Rationale: The revision to the Ground Cover definition will ensure residents are required to keep their turfgrass lawns or ground cover grown as a lawn replacement at a height of no more than 20 cm.

4. Public delegate recommendation to replace language referencing "unreasonably overgrown" vegetation with terminology focused on "maintenance."

The City of Brampton values the right of residents to enhance their streetscapes through naturalized gardens and boulevard gardens, which contribute to urban beautification, biodiversity, and environmental sustainability. However, it is essential to balance individual gardening freedoms with public safety, accessibility, and community standards. The requirement that gardens be maintained and not neglected is a necessary and fair standard that serves the broader interests of all residents and property owners.

The Encroachment By-law, however, has been amended to remove more subjective language regarding maintenance standards including “**clean**” and “**tidy**”, and replace it with language that requires boulevard gardens to be maintained so as to not be **neglected** and to comply with all other applicable by-laws and legislation. This standard aligns with existing property maintenance by-laws, ensuring fair enforcement without imposing overly restrictive regulations.

The Ground Cover Maintenance By-law has also been amended to remove the subjective “**unreasonably overgrown**” and replace it with a statement that gardens be “**maintained and intentionally Cultivated**”. “Cultivate” is already defined in the Ground Cover Maintenance By-law to mean “undertake maintenance through deliberate effort or care”.

5. City Councillor comments regarding the transfer of maintenance responsibility upon property ownership transfer.

Every owner of private property is responsible for the boulevard abutting their property, including the maintenance thereof. Residents have the right to plant sod, seed or plant species as required, just as they would have the right to do on their property. Where a property is sold, the buyer assumes responsibility for all existing landscaping, including any private property or boulevard gardens, unless a purchase and sale agreement states otherwise.

Where a boulevard garden was installed in compliance with the Encroachment By-law without an encroachment agreement, the new owner may continue maintaining it or revert back to sod or seed without approval from Realty Services.

Properties Sold with an Encroachment Agreement

Encroachment agreements are registered on title and may be transferred to subsequent owners with no additional fees. Sellers or their agents should disclose any existing encroachment agreements to potential buyers. These agreements are public records accessible through the land registry office.

Subsequent owners are required to comply with the terms and conditions associated with the registered agreement and may discontinue the encroachment at their sole discretion without further approval by the City. An agreement may be removed from title at the request of the homeowner if they no longer wish to continue with the encroachment.

Future Enforcement

Where an enforcement officer receives a complaint, after investigation Enforcement consults with Realty Services. Where applicable, Realty Services mails a letter to the owner advising them of the requirements and options available to them. Property owners will be given a period of time to perform any required actions.

Staff have removed the non-transferable clause from the by-law.

CORPORATE IMPLICATIONS:

Financial Implications:

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

STRATEGIC FOCUS AREA:

The enactment of the new Ground Cover Maintenance and Prohibited Plants By-law will achieve the Term of Council Strategic Focus Areas of:

- **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.

The introduction of a dedicated Encroachment By-law represents a proactive step toward balancing risk management with community enhancement. By establishing clear guidelines for all forms of encroachments on City lands, Brampton can ensure safety, maintain infrastructure integrity and promote beautification efforts that align with its vision for vibrant and sustainable public spaces.

Authored by:

Reviewed by:

Pam Cooper, Manager, Environmental Planning, Environment & Development Engineering

Michael Heralall, P. Eng, Director, Environment & Development Engineering

Reviewed by:

Approved by:

Robert Higgs
Director, Enforcement and By-law Services,
Legislative Services

Laura Johnson
Commissioner, Legislative Services

Approved by:

Approved by:

Steve Ganesh, MCIP, RPP
Commissioner, Planning, Building and Growth Management

Marlon Kallideen
Chief Administrative Officer