



## **Staff Report for Council Meeting**

**Date of Meeting:** September 9, 2020

**Report Number:** SRCS.20.26 – Referred from the September 9, 2020 Council Meeting

**Department:** Community Services

**Division:** Community Standards

**Subject:** Grass and Weeds By-law No. 31-19 – Exemption Request

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### **Purpose:**

To provide Council with information related to the request for 1 & 2 Debonair Street to be exempted from the Grass and Weeds By-law requirement to maintain adjoining municipal boulevards.

### **Recommendations:**

- a) That Staff Report SRCS.20.26 be received.
- b) That the request for 1 & 2 Debonair Street to be exempted from the Grass and Weeds By-law requirement to maintain adjoining municipal boulevards be denied.

### **Contact Person:**

Tracey Steele, Director of Community Standards, extension 2476

### **Report Approval:**

**Submitted by:** Darlene Joslin, Commissioner of Community Services

**Approved by:** Mary-Anne Dempster, City Manager

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner and City Manager. Details of the reports approval are attached.

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### Background:

The Grass and Weeds By-law No. 31-19 (“the By-law”) sets out minimum standards for the maintenance of grass and weeds in the City. The By-law was approved by Council on March 25, 2019 following a comprehensive review, which included municipal benchmarking, a review of complaint and enforcement statistics, and a web-based public survey.

Among other things, the By-law requires that private property owners maintain the grass and weeds on municipal boulevards adjoining the front and side yards of their property, unless their property adjoins a four-lane street. This requirement was recommended to Council as the result of:

- Operations and maintenance issues (with associated cost and staff resourcing implications) arising from the previous absence of a requirement to this effect;
- Benchmarking results indicating that the majority of suburban and urban municipalities in the Greater Toronto Area require property owners to maintain municipal boulevards adjoining their property; and,
- Responses to the web-based survey indicating that the majority of residents would prefer to maintain adjoining boulevards themselves rather than pay additional taxes for this service. Specifically, 87% of 520 survey respondents indicated that residents should be required to cut grass on the City-owned boulevard in front/beside their property, while 13% indicated that they would be willing to pay extra, possibly through taxes, for this service.

After enactment of the By-law the City received a number of inquiries and concerns regarding the new requirement to maintain the grass and weeds on municipal boulevards. To date, all of these concerns have been addressed through discussions focusing on the three points above, with the exception of the concerns from the owners of 1 and 2 Debonair Street.

### Discussion

The Owners of 1 and 2 Debonair Street (“the Owners”) support their request for exemption from the Grass and Weeds By-law boulevard maintenance requirement on the basis of 5 main points. The following paragraphs respond briefly to each of those points.

1. The Owners contend that their properties are exceptional in terms of the ratio of lawn area to boulevard area.

During the development of the By-law a review was conducted to evaluate the different level of impact the boulevard mowing requirement would have on different types of lots. As a result of the review, properties adjoining four-lane streets were exempted from the boulevard mowing requirement. 1 and 2 Debonair Street are both properties with end unit townhouses that front onto a neighborhood street

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(Debonair), and side onto a two-lane collector street (Canyon Hill Avenue). There are approximately 55 other properties in the City that share similar circumstances.

2. The Owners suggest that there is a difference between an “adjoining” boulevard and an “adjacent” boulevard and that the By-law only requires them to maintain what they define as “adjoining.”

The By-law defines the “boulevard” as all lands between the travelled portion of the highway and the adjoining property:

“Boulevard” means the part of a Highway, which may or may not contain a sidewalk, that is not used, or intended to be used, for vehicle travel by the general public, and is situated between the travelled portion of the highway and the boundary line of adjoining Property.

3. The Owners believe maintaining the boulevard poses a risk to their safety and introduces additional liability.

It is our understanding that cutting the grass on private property along the sidewalks and boulevards and cutting the grass within the boulevard areas represents a similar safety risk and does not increase the Owners exposure to liability claims. Any liability claim related to the municipal right-of-way would likely be filed against the City of Richmond Hill as the recognized “property owner”.

4. The Owners believe they should have been directly consulted on the development of the By-law.

Richmond Hill residents were consulted on the development of the new By-law through a web-based public survey. Both the survey, and the review of the grass and weeds by-law in general, were advertised on the City website, on the Bulletin Board pages of the Liberal, and through social media. There were over 500 respondents to the survey.

5. The Owners contend that they should be given an exemption similar to other properties (specifically on Bantry Avenue).

Properties on Bantry Avenue are exempt from the boulevard-mowing requirement consistent with the By-law. In some sections of Bantry it is rear lots that are adjacent to Bantry, in other sections Bantry is a four-lane road, and in other areas there is a landscape buffer between the private properties and the boulevard which results in the boulevard not adjoining the private property.

Given all of the above, staff recommend that the request for exemption be denied.

The Owners currently have the following options open to them:

1. Maintain the boulevard;

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2. Do not maintain the boulevard in which case the City will mow the grass when it exceeds 20 cm in length (typically 3 times per year) and the Owners will be charged the cost of mowing (currently \$87.50) plus an administrative fee (\$115, as set out in the Tariff of Fees) each time mowing is required; or,
3. Replace the grass in the boulevard with some other type of low growing plant that does not need to be mowed as permitted pursuant to the City's Highway Obstruction By-law.

### **Financial/Staffing/Other Implications:**

The recommendations of this report have no staffing or financial implications.

A Council decision to grant the requested exemption would result in an approximate annual cost to the City of \$1,200 (\$600 per property) annually.

If Council were to decide to exempt all 55 end unit townhomes that side onto two-lane collector streets from the boulevard mowing requirement, it is estimated that the direct financial cost would be approximately \$33,000 annually combined with a significant staffing implication resulting from the need for coordination and contract administration.

### **Relationship to the Strategic Plan:**

The recommendations of this report are consistent with the Strategic Plan action item of maintaining a clean and safe community through education, community involvement and enforcement.

### **Conclusion:**

In March of 2019 the City enacted a new Grass and Weed By-law No. 31-19, which sets minimum standards for the maintenance of grass and weeds in Richmond Hill.

Boulevard mowing requirements of the By-law were a response to operational issues, benchmarking and public survey results.

The Owners 1 & 2 Debonair Street have requested an exemption from the requirement that they mow the boulevard adjoining their property and have submitted a request to Council outlining 5 main reasons they believe their request should be granted. Staff are recommending denial of the exemption request.

### **Attachments:**

n/a

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### Report Approval Details

Document Title:	SRCS.20.26 Grass and Weed By-law - Exemption Request.docx
Attachments:	
Final Approval Date:	Sep 8, 2020

This report and all of its attachments were approved and signed as outlined below:

**Tracey Steele - Sep 4, 2020 - 11:26 AM**

**Darlene Joslin - Sep 8, 2020 - 9:25 AM**

**MaryAnne Dempster - Sep 8, 2020 - 9:33 AM**