



Bylaws for Biodiversity:

Collaborative Toolkit for Municipalities

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Attributions



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Table of Contents

Who is this Toolkit for?	1
What is in the Toolkit?	1
Section 1: General Overview	3
Why are Natural Gardens Important?	4
What is a Habitat Garden?	5
Identifying Habitat Gardens: Habitat Garden or un-mowed lawn?	7
How do Habitat Gardens Respond to the Biodiversity Crisis?	8
Bylaw Shared Understandings	9
Lack of Alignment	10
Bylaw Enforcement Challenges	11
Stakeholders in Bylaw Reform	12
Collaborative Toolkit Introduction	13
Section 2: Collaborative Engagement Series	14
Meeting Series 1: Updating Bylaws	15
Meeting Series 2: Reviewing Enforcement Processes	17
Section 3: Municipal Staff Review Questionnaires	19
Internal Enforcement Review	20
Staff Training Review	24
Section 4: Review of the Municipal Process	27
Fact Finding Review Script	28
Municipal Staff De-Complaint Screening Script	30
References	32

Who is the Toolkit for?

The Bylaws for Biodiversity Toolkit was created in response to growing interest in stewardship of habitat gardens and other “naturalized” forms of landscaping on private property. Despite this interest, there remains a patchwork of outdated public policies – namely, municipal bylaws – that purport to regulate standards for private property in ways that contradict and undermine the objective shared by municipalities and residents to support biodiversity. Bylaw disputes over the aesthetics of landscaping on private property continue to create conflicts across communities. These conflicts can be mitigated through evidence-based bylaw development and enforcement procedures.

This toolkit is provided for stakeholders in such conflicts, particularly residents invested in gardening for biodiversity, and municipal officials and employees whose work involves reviewing or enforcing bylaws.

What’s in the Toolkit?

This Toolkit was developed as a supplementary material to: *Bylaws for Biodiversity: Barriers and Opportunities for Naturalized Gardens on Private Property (A Review of Municipal Policies, Codes and Enforcement Practices in Canada)*, which is the third report in the Bylaws for Biodiversity series, supported by the Ecological Design Lab at Toronto Metropolitan University (TMU). This toolkit was completed in partial fulfillment for the Advanced Graduate Planning Studio (PL8110, Winter 2024) at TMU’s School of Urban & Regional Planning, working in partnership with the David Suzuki Foundation (via Colleen Cirillo and Jode Roberts) and supervised by Prof. Nina-Marie Lister.

The basis for developing this toolkit stemmed from a research study by the TMU students, who investigated the current state of municipal bylaws that apply to naturalized gardens. This study aimed to identify areas for improvement, as well as solutions to support enhancements to the process of designing and establishing the intent of bylaw enforcement mechanisms.

Ultimately, this Toolkit is intended to be used by enforcement officials to inform approaches to validating complaints pertaining to landscaping on private property, enabling them to identify and implement suitable courses of action, while ensuring their process is legally sound, reproducible, and respectful of individuals’ constitutional right to express their environmental beliefs.

Section 1: General Overview of this document provides a summary of habitat gardens, including their ecological benefits and relevance to municipal governance, as well as the challenges involved in enforcing bylaws that permit or limit natural and habitat gardens.

The *Meeting Series* in Section 2 of this report, supports the collective participation of Subject Matter Experts (SMEs), advisory committee members and residents with the intent of finding solutions to outdated enforcement procedures. In the event that a municipality chooses to update its applicable bylaw, the *Meeting Series* can also help guide resident participation, highlight the challenges and barriers to biodiversity created by bylaw enforcement, and better support expression of beliefs through the Canadian Charter of Rights and Freedoms on private land. In addition, elected officials can also use the *Meeting Series* to engage constituents, and advocate for bylaws that align with municipal and provincial policies which serve to support biodiversity. Finally, local planners can also benefit from the *Meeting Series* by using it to guide public participation and support stakeholder engagement in updating bylaws and related procedures.

To aid in the *Meeting Series*, this toolkit also provides *Municipal Staff Review Questionnaires*, found in Section 3. These questionnaires are intended to be used by Municipal staff to conduct an internal review, in order to determine the current state of their understanding of the existing bylaw enforcement process, as well as its challenges and context.

Finally, provided in Section 4, *the Fact Finding Review Script* is designed to be used by residents to contact their local municipality to further their understanding of bylaw enforcement procedures regarding naturalized gardens. This script supports residents who wish to advocate for best practices in enforcement of bylaws in their communities. The script also supports residents in understanding the administrative process related to the municipality receiving a complaint, confirming if a bylaw violation has occurred, and if so, determining how an order is issued, including potential penalties.



Use Strong-Stem Plants (In Our Nature, 2024)



Natural Garden Design Services (In Our Nature, 2024)



Section 1: General Overview

Why Are Natural Gardens Important?

Sandy Bell, a resident of Toronto's east-end, was fined \$50 in 1993 for her naturalized front yard (Johnson, 2021). The reason being, her front yard violated a bylaw that regulated the "excessive growth" of "grass" and "weeds" (Johnson, 2021). After taking matters to the Ontario Court of Justice in 1996, the judge ruled that the bylaw unjustifiably violated Section 2 b) of the freedom of expression guaranteed by the Canadian Charter of Rights and Freedoms (Johnson, 2021). This ruling was a significant victory for homeowners who wish to support biodiversity on their private property.

All residents of Canada have the legal right to express their environmental values without fear of being penalized for deviating from the norm.

Despite this ruling, hundreds of residents across Canadian municipalities continue to receive notices for creating habitat gardens in their yards. It is clear that a tension has long existed between traditional bylaw enforcement and enactment, and the contemporary shift in aesthetic preferences and ecological focus on private property.

As such, this toolkit aims to bridge the gap between public policy initiatives that support biodiversity, and the bylaws which govern yard maintenance that hinder a resident's right to have a naturalized garden. By lifting these constraints, the intent is that residents feel more confident in choosing to engage with nature and support biodiversity in their yards, and in their gardens.



Watershed Garden Illustration (High Country Gardens, n.d.)

What Is a Habitat Garden?

A “natural” or “naturalized” garden or yard is:

“designed to have environmental benefits and may create a habitat for birds, butterflies and other wildlife. It is managed within a certain boundary and may contain both native and non-native plants” (City of Toronto, n.d., p. 1).

However, it is not entirely accurate to refer to every garden as a "habitat garden" since they are manipulated to serve a specific purpose. For example, some gardens may be created to attract pollinators, while others may be designed to help with water management. Regardless of their function, these gardens are intentionally planned with a combination of native and non-native plant species and layouts to deliver their intended purpose while simultaneously combating the biodiversity crisis (King, 2020). Moving forward, this document will refer to natural or naturalized gardens as habitat gardens. This not only emphasizes their role in supporting local wildlife, but also encourages the creation of environments that are ecologically beneficial.

Below are some examples of different types of habitat gardens. Habitat gardens may start in many ways. This includes permitting existing vegetation – grass included – to grow to full maturity, so that existing native plants on the property can be recognized, and detrimental plants removed. This list is by no means exhaustive.



(Sustainable Roots, n.d.)

Pollinator Garden

Designed to attract pollinators such as birds, butterflies, bees and insects. They can contain a combination of native and non-native plant species (Sustainable Roots, n.d.).



(Tough, 2021)

Wildflower Garden

Typically consisting of native wildflowers, and provide habitat for pollinators. Native wildflowers generally require less care and water due to adapting to the local climate (DSF, 2023).



(In Our Nature, n.d.)

Winterized Garden

Designed to support wildlife habitat year round. This might include a variety of flower sizes, like plants with strong stems, that can withstand the weight to snow and provide shelter for over-wintering wildlife (In Our Nature, n.d.).



(Samuels, 2024)

Bioretention and Rain Garden

Stormwater infiltration system that filters water contained from paved areas using nature. This strategy removes contamination from runoff and helps reduce pollutants in watercourses and recharge groundwater (TRCA, n.d.).



(Government of Ontario, 2020)

Rock or brush piles and logs

Simply piling stones, leaves, or branches to provide shelter for wildlife (Government of Ontario, 2020).



(CVC, 2012)

Native Woodland Garden

Mimics the historic native forests of Southern Ontario. Woodland gardens can benefit the watershed through increased urban forest cover, while protecting native plants. Wildlife, including butterflies and bees, can also use the garden as habitat.

Identifying a Habitat Garden: Habitat Garden or Unmowed Lawn?

A habitat garden typically involves the deliberate planting of native and non-native vegetation, including grasses, wildflowers, shrubs, and trees that support wildlife habitat including migration and hibernation – as opposed to an unmowed / neglected lawn, which lacks intention (Government of Ontario, 2020). **The garden is cared for, with intention and purpose to create a habitat that mimics local ecosystems.** These yards often require minimal maintenance and provide food and shelter for native wildlife, support pollinators, and enhance soil health. Once mature, the garden may produce flowers at certain times of year.

An unmowed lawn refers to a traditional turfgrass lawn that is left to grow without regular mowing. This can result in the passive growth of both native and non-native species. The creation of a habitat garden may begin by allowing patches of turfgrass to grow around young plantings while they establish. The key difference is unmowed lawn lacks intentional design.

Habitat Gardens



Pollinator Garden (Sustainable Roots, n.d.)

Uncut Turfgrass



Bob Tymczyszyn (Walter, 2022)

Turfgrass lawn in transition



Sideroad Vegetated Border (Ourhabitatgarden.org, n.d.)



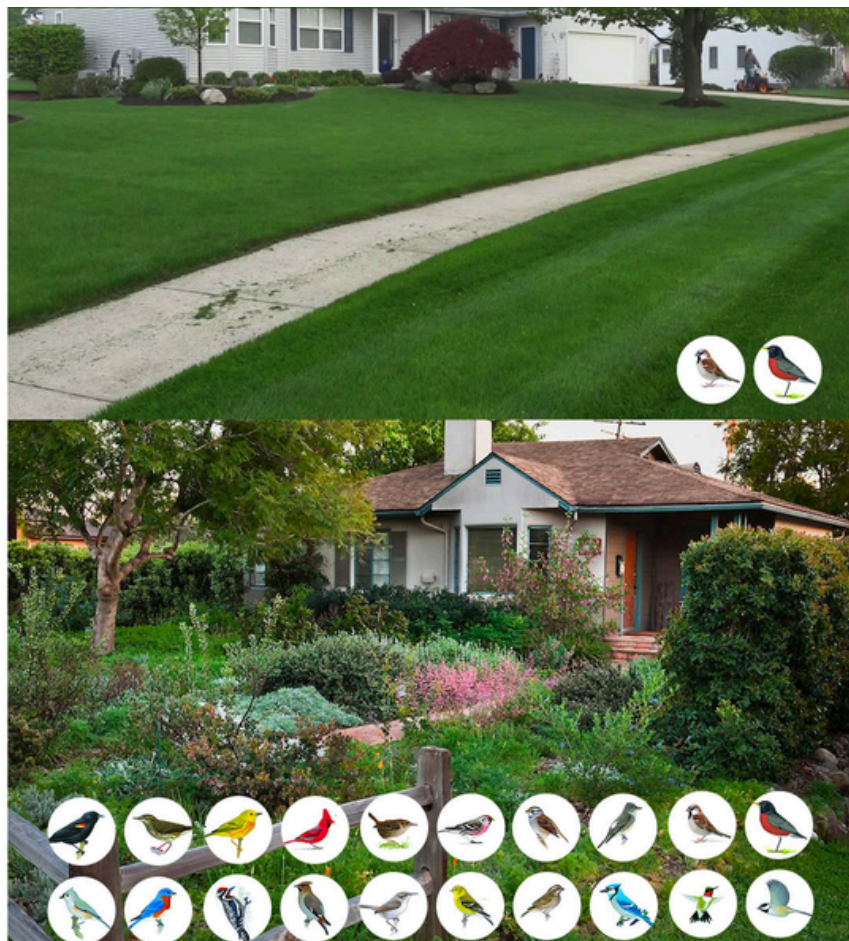
Reducing Lawn Area (Ourhabitatgarden.org, n.d.)

How Do Habitat Gardens Respond to the Biodiversity Crisis?

The global Intergovernmental Science–Policy Platform on Biodiversity and Ecosystem Services (IPBES) released a concerning message in 2019 regarding the deteriorating state of global biodiversity. Addressing the root cause of the biodiversity crisis requires a united effort that involves

“aligning local, national and international sustainability efforts and mainstreaming biodiversity and sustainability . . . so that together, individual and collective actions result in a reversal of the deterioration of ecosystem services at the global level” (IPBES, 2019, p. 17).

While this toolkit focuses on protecting a resident's right to establish habitats in their yard, it also emphasizes the need to enable all individuals to take meaningful action to address the global biodiversity crisis.



Yards with diverse native planting supporting biodiversity (Healthy Yards, 2021)

Bylaw Shared Understandings

Municipal governance is implicated in how communities respond to the challenges of enforcing bylaws to permit or limit natural and habitat gardens. These bylaws are written by planners and municipal lawyers that are ultimately approved by elected officials. This toolkit highlights the urgent need for stronger, more supportive, nature-positive bylaws and fair enforcement measures. Clear and precise language is essential to fulfilling the intent and scope of bylaws, to create conditions for effective and consistent enforcement, and to support public understanding and compliance (Samuels, 2024).

It is indisputable that municipal bylaw enforcement is vital to the long-term health and wellbeing of communities. As such, bylaws can leverage prohibitions to affirm public safety (e.g., regulating noxious weeds, limiting height of plants adjacent to right of ways to ensure they do not obstruct sight lines for drivers).

Concurrently, municipalities may opt to promote proactive environmental measures, such as through environmental policies of their official plans. This is evident in declarations of a climate emergency, which have been adopted by municipalities across Canada. Declaring a climate emergency can support municipalities to prioritize health, safety and well-being in a changing world. The recognition of an emergency is a step to destabilize that which is considered business-as-usual or “normal.” Climate change planning can provide a lens to be applied throughout municipal services, including in bylaw enforcement.

Synergies can be found between updating norms for landscaping through enforcement of municipal bylaws, and municipal climate plans, which generally involve reducing greenhouse gas emissions through carbon sequestration and energy saving, conserving water, and adapting neighbourhoods to risks of natural hazards such as flooding and extreme heat (Samuels, 2024).





Reframing landscaping standards through a climate lens helps to centre the severity of risks to people and property and underscore the need for policy interventions. By facilitating climate-conscious landscaping practices through bylaw reforms, municipalities can demonstrate leadership and support for collective action to implement climate solutions.

It is important to begin an analysis of the cultural understanding of bylaws by recognizing current social norms. Learned expectations of manicured turfgrass lawns and tidy gardens foreclose possibilities for diversification and perpetuate habitat loss in urban areas. There is tremendous stigma and speculation surrounding the magnitude of risks posed by habitat gardens that do not materially align with bases for enforcement of bylaw provisions concerned with matters of health and safety. It is therefore critical that updates to bylaws and enforcement procedures use clear, reproducible language that can overcome differences in understanding and help to shift norms towards tolerance.

Lack of Alignment

Currently, there is a lack of alignment between municipal policies focussing on climate action and biodiversity, and bylaws regulating property standards and yard maintenance. Of the seven municipalities studied – Toronto, London, Hamilton, Prince Edward County, Fredericton, Saskatoon and Lunenburg – all had public initiatives in place to support biodiversity and climate resilience in public spaces or on municipal land.

However, municipalities enforce widely inconsistent bylaws with respect to biodiversity in naturalized gardens on private land. For example, many municipalities enforce a yard maintenance and/or property standards bylaw that places a universal height restriction on plants, which limits native species from reaching maturity and completing their lifecycle. Furthermore, if a bylaw compliance order is issued, municipalities reserve the right to issue a financial penalty, which discourages residents from attempting to naturalize their yard. It is evident that greater effort is needed to create alignment between public policy and municipal bylaws.





Bylaw Enforcement Challenges

Research leading to the development of this toolkit found that municipal bylaw enforcement processes often involve subjective interpretation and application of bylaws in complaint contexts. For instance, bylaw enforcement officers typically lack training necessary to discern native species from noxious weeds, and to interpret whether a yard is being neglected or undergoing naturalization. Furthermore, complaint-driven enforcement processes generally favour the complainant by seeking to satisfy expectations of service delivery. In practice, this means that following a complaint, a compliance order could be issued to the owner of a naturalized yard irrespective of whether an actual violation of the bylaw has occurred.

This study also found that the issuance of bylaw compliance orders does not consider previous case history, such as in cases where repeat offenders are subject to numerous complaints over the same alleged violation. For example, a property owner who maintains a naturalized garden may be issued a compliance order which can be rescinded by the municipality upon review. However, that same property owner may continue to be the subject of complaints from neighbours, subsequently leading to the municipality repeatedly issuing compliance orders regardless of its previous decisions and any resolute action for the property that is expected to carry forward.

Stakeholders in Bylaw Reform

Engaging stakeholders is critical for the success of any municipal initiative. Stakeholders are individuals, groups, or organizations who have a vested interest in or are affected by the outcomes of the initiative. Involving stakeholders from the outset ensures that diverse perspectives are considered, potential challenges are identified, and solutions are more likely to be effective and sustainable, which will save time and resources in the long run.

As an administrative staff member, it is helpful when starting this process, to also get support from an internal champion. This could be a superior or a municipal official in a position of authority, who can aid in making the process smoother.

When engaging SMEs, it is important to ensure continuity between consultation and output such that feedback shared is captured and reflected in products such as summary reports. Failure to provide transparency and accountability to consulted stakeholders may create an impression of disengagement or insincerity, and compromise the goals of the consultations.

Key stakeholders to consider involving in a collaborative engagement initiative to review and update bylaws and bylaw enforcement, include but are not limited to:

1. Government Officials (Internal Stakeholders)

- Elected officials: City, town or county councillors
- Administrative officials: Department heads, policymakers, bylaw enforcement employees, communication officials, and the relevant municipal agencies

2. Academic and Research Institutions (External Stakeholders)

- Local universities, colleges, research centres, and educational institutions with expertise

3. Other local organizations (External Stakeholders)

- Non-for-profits (e.g., David Suzuki Foundation, Blooming Boulevards Mississauga)
- Community interest groups advocating for biodiversity
- Indigenous peoples, recognizing their relationships with plants that have traditional uses




4. Subject Matter Experts (SME)

- Residents (external stakeholders)
- Municipal advisory committees related to environmental and biodiversity matters

Collaborative Toolkit Introduction

This table identifies a high-level collaborative engagement process for municipalities to conduct bylaw and enforcement review.

These stages show how a municipality would adopt this toolkit, undertake an internal review, and end with a feedback and evaluation stage. There are several points where participants in the municipality would be able to provide feedback, and adjust the approach to make this collaborative engagement process fit best for their community and team.

Stage	Activities	
Stakeholder Identification	<ul style="list-style-type: none"> Identify key individuals or departments within the municipal council and bylaw enforcement teams who should be involved 	<p>Participants</p> 
Toolkit Overview	<ul style="list-style-type: none"> Schedule a meeting to introduce the toolkit and its objectives to participants 	
Setup Working Group	<ul style="list-style-type: none"> Establish a working group with relevant participants for the collaborative engagement meetings 	<p>Meeting Series 1 and 2 start</p> 
Training Session	<ul style="list-style-type: none"> Educate relevant groups about the toolkit while discussing current enforcement procedures 	<p>Municipal Staff Review Questionnaire</p> 
Feedback	<ul style="list-style-type: none"> Solicit feedback from participants on the toolkit and revise to ensure for most effective use 	
Implementation	<ul style="list-style-type: none"> Collaborate with city council members to run working groups Run meeting series 1 and 2 Bylaw amendment as deemed appropriate (through a Council vote) prior to training staff on new procedures 	
Monitoring and Evaluation	<ul style="list-style-type: none"> Monitor toolkit implementation and gather feedback Make necessary adjustments to the toolkit to improve its effectiveness over time. 	



Section 2: Collaborative Engagement Series

Meeting Series 1: Updating the Bylaws

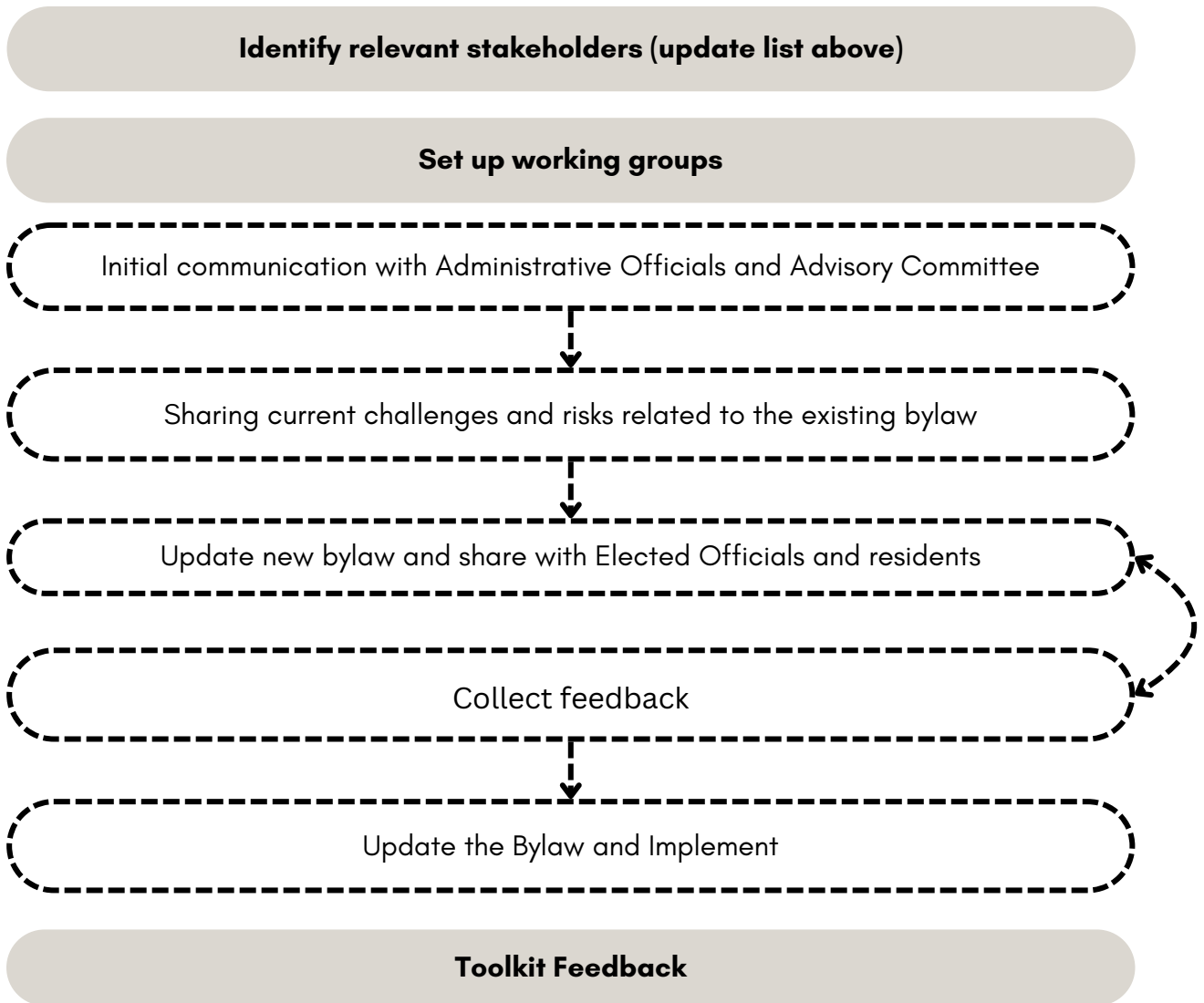
The purpose of Meeting Series 1, is to **support the organization and management of collaborative engagement with participants during the bylaw update process.** It synthesizes reflections from bylaw officers' experiences with the existing bylaw, and incorporates them into the bylaw update process. Participants will have several opportunities to dialogue and iterate, ending with the ultimate bylaw update and corresponding plan for implementation.

Note: If there are any anticipated challenges to this process, it is recommended to encourage buy-in from managers or an internal champion to mitigate potential issues.

Participants

- Administrative officials: municipal planners, bylaw officers, bylaw enforcement officials, and any relevant departments
- Subject matter experts (SME): Advisory committee members and residents
- Elected officials: City, town or county councillors

Suggested Workflow



Meeting Series 2: Reviewing Enforcement Processes

The purpose of Meeting Series 2 is to collectively identify challenges and issues in the enforcement process. As working group participants will propose solutions and implement proposed enforcement changes. These meetings will occur over the duration of the growing season as that is typically when bylaws applicable to vegetation are enforced. Feedback is collected from participants at multiple points to ground the discussion, and inform recommendations in evidence from real-time, real-world scenarios and lived experiences.

Information gathering should be followed by a second, mid-season / quarterly meeting to identify issues and gaps. Feedback should be aggregated to allow stakeholders to discuss and brainstorm solutions as well as potential pathways to implementation. At the end, a review should be carried through a final feedback session and survey.

Participants

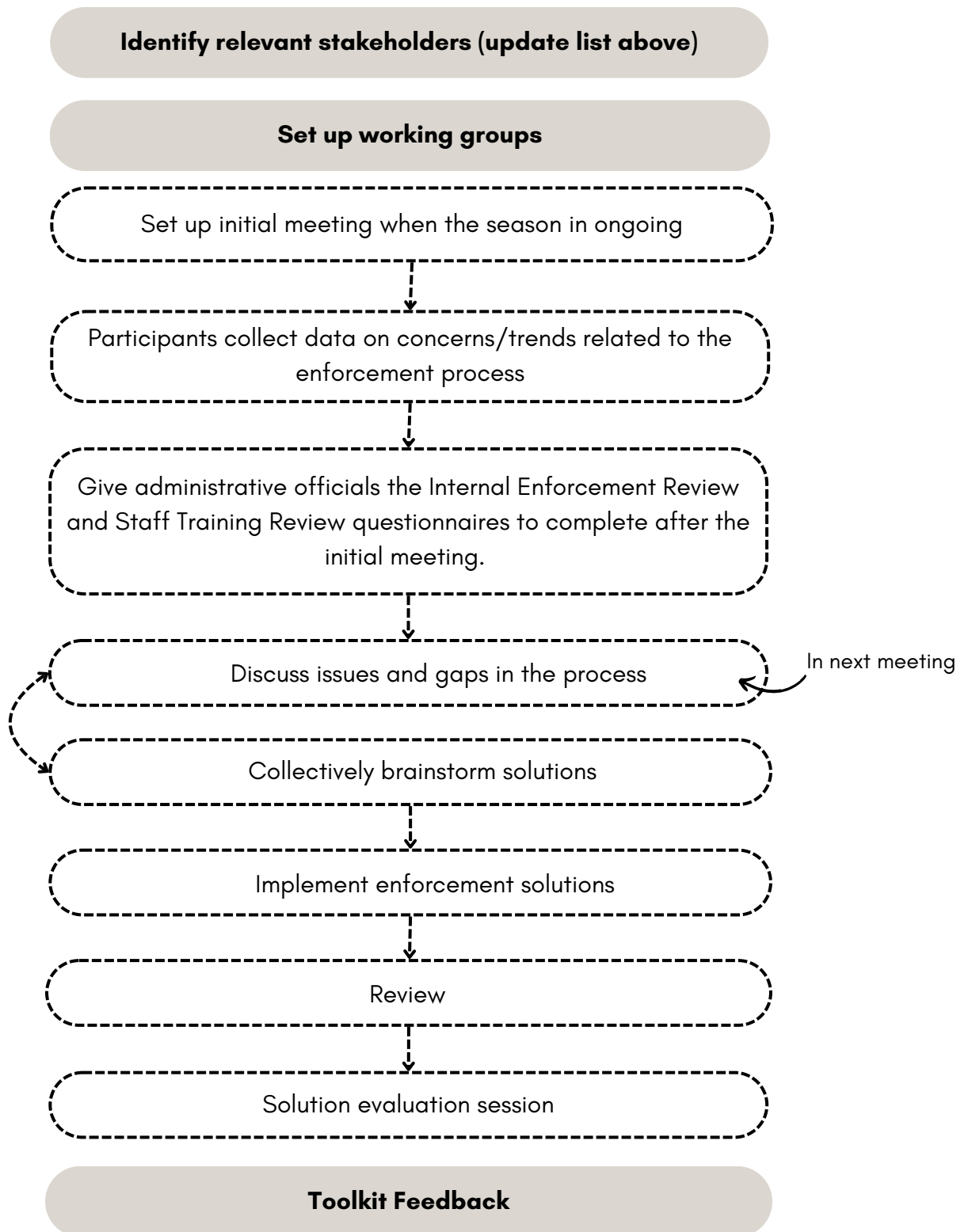
- Administrative officials: Communications officials, bylaw officials, bylaw enforcement officials, and any relevant departments
- Subject matter experts (SME): Advisory committee and residents
- Elected officials: City, town or county councillors

Further Consideration: Complaint Screening

To streamline the enforcement process from the beginning, municipalities should consider adopting a filtering system to manage complaints before involving enforcement officials. To do so, municipalities can consider using their civic websites as a means to require complainants to provide the specific and detailed nature of their complaint. Many municipalities already have a section on their website dedicated to public feedback. This is an online portal where community members can also report bylaw infractions. Rather than relying solely on receiving complaints via telephone, municipalities should consider adding a drop-down menu to this pre-existing system on their websites, and require fields with **specific, but limited criteria**, for a complaint (e.g., specifying violations). Not only does this help to prioritize and categorize complaints, but it ensures that only the most urgent, relevant, and accurate issues are pursued. Before reaching enforcement, a filtering system would verify the validity of each complaint and gather all the necessary details before proceeding, avoiding frivolous inaccurate complaints.

For example, complainants should have to identify the prohibited plant and upload photos. The drop-down menu can also be restricted for a complaint to issues only regarding 'health and safety.' That way, if a complainant uses terms that are subjective, arbitrary or vague, and that relate to appearance or aesthetics such as "overgrown, excessive, weedy, messy etc." the municipality is able to filter or cancel the complaint, and there is no need for enforcement.

Suggested Workflow





Section 3: Municipal Staff Review Questionnaires



Internal Enforcement Review

Instructions:

- Please read each question carefully and answer based on your personal experience.
- Ensure that all questions are answered and if they do not apply to your job description or experience you may write N/A.
- Your responses will be used for research and review purposes only, with responses anonymized.

Note: This questionnaire will be used in the meeting series 2: Reviewing Enforcement Processes to gain a current state understanding of the existing bylaw enforcement process, its challenges, and context.

Part One: Contact Information	
Name	
Department	
Contact Information	

Part Two: Typical process

1. How are complaints and violations about weed and grass bylaws typically processed in the city?

2. How are the complaints managed from notification to resolution after a violation is identified?



Internal Enforcement Review

3. How does the municipal staff/ weed inspector/ bylaw enforcement officer determine if enforcement is necessary?

4. How does the municipal staff determine fines and penalties for non-compliance?

5. How are appeals to the enforcement action recorded and processed?

Part Three: Challenges Faced

6. What challenges do the bylaw officers face while enforcing/ implementing the weed and grass bylaws/ yard maintenance bylaw?

7. How is enforcement processes affected by changing levels of enforcement activity during peak growing seasons?



Internal Enforcement Review

Part Five: Communicating with the Public

12. How does the municipality provide communications to inform the public, including complainants and recipients of complaints, about the bylaw and its enforcement process?



Staff Training Review

Instructions:

- Please answer each question to the best of your ability as the input will help support the bylaw enforcement process and staff professional development
- Your responses will be used for internal municipal review and further research

Note: This questionnaire will be used in the meeting series 2: Reviewing Enforcement Processes to gain a current state understanding of the municipal staff training and support related to bylaw enforcement.

Part One: Contact Information

Name	
Department	
Contact Information	

Part Two: Available training and resources

1. Is there a specialized training or certification program related to enforcement of the grass and weeds bylaw for the responsible officers?

2. How does the municipality ensure that the enforcement officers have resources or support that would improve the enforcement procedure?



Staff Training Review

Part Three: Evaluate enforcement effectiveness

3. How does the municipality measure/evaluate the effectiveness of the bylaw enforcement?

4. What are the key performance indicators used to track progress and identify areas for improvement in the weed and grass bylaw enforcement?

Part Four: Public Awareness

5. How does the city ensure that residents and community groups are aware of the bylaw and enforcement process?

6. What are the measures taken by the city to engage residents and promote compliance to effectively implement the grass and weeds bylaw?



Staff Training Review

Part Five: Improving the process

7. What initiatives are available to help residents understand their responsibilities toward yard maintenance?

8. How can bylaw officers submit their recommendations to improve the enforcement based on their experience in the city?

9. Does the municipality adapt lessons from other municipalities as best practices to improve the enforcement mechanism?



Section 4: Review of the Municipal Process

Fact Finding Review Script

Instructions:

- Please identify your municipality’s complaint information centre.
- Your responses will be recorded anonymously and used for training and research purposes.
- For residents involved in advocating for best practice and change in enforcement to conduct fact finding reviews on their municipality enforcement procedure.

Script	Municipal Staff Response	Notes
1. How can I ensure that prohibited plants are not growing in my yard or my neighbour’s yard?		
2. Can you describe the process of filing a complaint?		
3. Once a complaint has been submitted, what is the municipal procedure for enforcement?		
3a. Does a bylaw enforcement officer conduct a site visit?		
3b. Does the bylaw enforcement officer work to identify the specific plants that are growing on the property?		

Fact Finding Review Script cont.

Script	Municipal Staff Response	Notes
3c. Does the bylaw enforcement officer differentiate between turfgrass and native species when issuing a height restriction violation?		
3d. Is there a dedicated team of bylaw officers that address biodiversity/ environmental bylaw infractions?		
4. Do bylaw officers receive training on native plant species and yard naturalization?		
4a. How familiar are the assigned bylaw officers with habitat gardens and native plants?		
5. What are the requirements for a naturalized yard?		
5a. What resources are available to educate my neighbours about habitat gardens?		
5b. If someone is creating a naturalized yard, what are the rules regarding the time period when the garden is being worked on and naturalized?		

Municipal Staff De-Complaint Screening Script

Purpose:

- These questions can be used by municipal staff to create a more robust screening process for bylaw violation complaints. This can help to deescalate potential vexatious complaints from residents and reduce resident misinformation on the topic of habitat gardens.
- Additionally, it is an opportunity to provide residents calling with information about the bylaw’s purpose and scope, and with information about permitted and prohibited plants.

Municipal Staff Responses	Notes
<p>1. Hello, what are the health or safety issues you are calling about?</p>	<p>This is a clarifying question to confirm the complainant is not vexatious.</p> <p>If the complainant is calling about the messiness, unkemptness, or general dislike of a neighbour’s habitat garden then the municipal staff can ask questions 2.</p>
<p>2. Which plant specifically are you concerned about?</p>	<p>This question can be used to confirm if THE PLANT is a noxious weed or invasive plant listed by the provincial guidelines. If they are unsure, a solution could be requesting that the complainant either:</p> <p>a) checks (with the internet or on a recommended government webpage) and resubmits the complaint, or</p> <p>b) takes a photo of the specific plant of concern and resubmits.</p> <p>Additionally the municipal staff could explain that the bylaw is only concerned about noxious weeds or invasive plants as they are a risk to public health and safety.</p>

Municipal Staff Responses	Notes
3. Do you know about habitat gardens?	This could be a useful opportunity to explain about habitat gardens. (See pages 4-7)
4. Explain the purpose of the bylaws.	<p>If the complainant is confused and unsure about how to frame their concerns, explaining the intention of the bylaw may diffuse tension and reset their expectations.</p> <p>For example: In the City of Toronto the <i>Turfgrass and Prohibited plants bylaw</i> requires all properties to maintain their lawns and gardens with a focus on health and safety requirements, such as managing the height of turfgrass, keeping properties free of prohibited plants listed in the bylaw, and ensuring that sight lines are not obstructed.</p>

References

- City of Toronto. (n.d.). Natural Gardens: Fact Sheet. https://www.toronto.ca/wp-content/uploads/2017/12/87f4-natural_gardens_fact_sheet.pdf
- Credit Valley Conservation (CVC). (2012). *Native Woodland Garden* [Photograph]. Credit Valley Conservation. <https://files.cvc.ca/cvc/uploads/2012/05/11-281-residentialwoodland-booklet-web-singlepages.pdf>
- The David Suzuki Foundation (DSF). (2023). What native plants attract pollinators in Ontario?. David Suzuki Foundation. <https://davidsuzuki.org/living-green/what-native-plants-attract-pollinators-in-ontario/>
- Government of Ontario. (2020). Creating wildlife habitat. Government of Ontario. <https://www.ontario.ca/page/creating-wildlife-habitat>
- Government of Ontario. (2020). *Rock or brush piles and logs* [Photograph]. Government of Ontario. <https://www.ontario.ca/page/creating-wildlife-habitat>
- Healthy Yards. (2021). *Yards with diverse native planting supporting biodiversity* [Photograph]. Healthy Yards. <https://www.facebook.com/healthyyardsinternational/photos/a.367647497006552/1214019682369325/?type=3>
- High Country Gardens. (n.d.). *Watershed Wise Pre-Planned Garden* [Sketch]. High Country Gardens. <https://www.highcountrygardens.com/content/gardening/build-a-rain-garden>
- In Our Nature. (2024). *Use Strong-Stemmed Plants* [Photograph]. In Our Nature. <https://www.inournature.ca/designing-gardens-for-winterinterest#:~:text=For%20the%20best%20winter%20interest,pyramidal%20clusters%20of%20foxglove%20beardtongue.>
- In Our Nature. (2024). *Natural Garden Design Services* [Photograph]. In Our Nature. <https://www.inournature.ca/designing-gardens-for-winterinterest#:~:text=For%20the%20best%20winter%20interest,pyramidal%20clusters%20of%20foxglove%20beardtongue.>
- IPBES. (2019). Summary for policymakers of the global assessment report on biodiversity and ecosystem services (summary for policy makers). [object Object]. <https://doi.org/10.5281/ZENODO.3553458>

King, A. (2020, October 7). This ecologist was told she could keep her natural garden. Here's why she's fighting city hall anyway. CBC.

<https://www.cbc.ca/news/canada/toronto/ecologist-new-by-law-natural-garden-1.5752995>

Johnson, L. (2021). Brief Summaries of the Sandy Bell case (1996) and the Douglas Counter case (2002; appealed 2003) regarding the Constitutionally protected right to a "natural garden." <https://ecologicaldesignlab.ca/>.

<https://ecologicaldesignlab.ca/site/uploads/2024/01/Brief-summary-of-Bell-and-Counter-court-cases-by-Lorraine-Johnson.pdf>

Sustainable Roots. (n.d.). *North York, 2020* [Photograph]. Sustainable Roots.

<https://www.sustainablerootseco.com/gardens>

Toronto and Region Conservation Authority (TRCA). (n.d.). *Bioretention and Rain Gardens* [Photograph]. TRCA. <https://sustainabletechnologies.ca/home/urban-runoff-green-infrastructure/low-impact-development/bioretention-and-rain-gardens/>

Tough, F. (2021). Wildflower Garden [Photograph]. Northern Wildflowers.

<https://northernwildflowers.ca/blogs/our-blog?page=3>

Walter, K. (2022, June 15). St. Catharines properties with overgrown grass and weeds face new penalties. St. Catharines Standard.

https://www.stcatharinesstandard.ca/news/council/st-catharines-properties-with-overgrown-grass-and-weeds-face-new-penalties/article_c6a6e021-ee77-57b8-b59f-52e599dc8f3c.html