



Town of Smiths Falls

Property Standards and Yards By-law Update

Deputation to the Committee of the Whole

June 27, 2022

Agenda

Project Outline

- Project Purpose
- Emerging Findings
 - Yard Naturalization
 - Quality of Housing
- Moving Forward
 - Initial Public Survey Results
 - Next Steps

Project Team

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Project Planner
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Project Purpose

A challenge with property standards across Ontario is that they have not kept up with a trend towards naturalized yards

Municipalities across Ontario are also facing an on-going pressure to intervene on matters of housing quality through by-law enforcement.

- The Town identified these two priorities as part of a “refresh” of its Property Standards By-law (last amended in 2015).
- Two part update:
 - (i) Naturalization of Yards;** and,
 - (ii) Quality of Housing.**

Project Purpose continued

Part 1: Yard Naturalization

From both an aesthetics and plant species perspective, these landscape treatments may conflict with traditional property standards in a by-law, even though yard naturalization may be desirable from a sustainability perspective.

- Exploring **naturalized yards** as an alternative to cultivated lawns
 - Can support biodiversity
 - Viewed by some as more environmentally-friendly
- Through the **naturalization of yards**, opportunities for urban agriculture and the coordination of the Yards By-law will be considered

Project Purpose

Part 2: Housing Quality

More and more Ontario municipalities are stepping in to address this need.

With the Landlord and Tenant Board (LTB) being inundated with significant issues such as evictions, it becomes challenging for “minor” issues to be handled.

In particular, tenants are seeking help separate from the LTB when their housing unit has fallen into disrepair.

- Property standards by-laws have advanced beyond their original purpose to deter dilapidated buildings, and now speak to a wide range of maintenance issues
- With **Quality of Housing**, reasonable standards will be enforced that fall within the Town’s capacity and is not discriminatory between renters and owners



Emerging Findings | Yard Naturalization

Emerging Findings: Yard Naturalization

Municipalities are encouraging naturalized yards to replace cultivated lawns with maintained natural gardens

- Municipal approaches to promoting yards naturalization vary widely
 - Some provided a comprehensive guide to selecting plant species and planning a naturalized garden (e.g. City of Guelph, Hamilton and Peterborough);
 - Others explicitly defined what constitutes grass and listed prohibited plants to ensure health and safety requirements are met (e.g. City of Toronto and Mississauga).

Emerging Findings: Yard Naturalization

Residents are often limited to where and what they can plant and are still subject to yard maintenance, zoning and lands encroachment by-laws

- Municipalities have emphasized the importance of upholding basic maintenance and aesthetic standards, such as:
 - Cutting grass
 - Removing garbage
 - Controlling noxious weeds

Yard Naturalization | Yards By-Law Coordination

- Some municipalities have a property standards by-law that works in tandem with a yards by-law

- Two distinct by-laws appears to be the modern approach to yards and property standards, and is best understood when considering the enabling legislation
 - Property standards: Section 15.1 of the Ontario Building Code Act
 - Yards: a by-law under the Municipal Act

Yard Naturalization | Urban Agriculture

- Research did not find urban agriculture as a common subject matter addressed in by-laws
- Urban agriculture was addressed through policy (e.g. Official Plan) and programs

- Smiths Falls does not need to specifically address urban agriculture in its by-laws, but should not deter it

Yard Naturalization | Supplementary Guides

- A number of municipalities have developed supporting material to encourage and educate citizens on property standards.
- These resource materials provide a user-friendly method of communicating the expectations inherent in the by-law.
- These materials also assist with offering interpretation to by-law officials when investigating a property standards complaint.

- The Town of Smiths Falls should create a user-friendly brochure to guide residents that are naturalizing their yards



Provide a comprehensive section in the by-law on yard naturalization

- Other municipalities have moved towards this direction
- Yard naturalization is expected to become more common in Smiths Falls, following the broader trend





Emerging Findings | Quality of Housing

Emerging Findings/Direction | Quality of Housing

- A number of municipalities address emerging issues of housing quality:
 - The City of Hamilton's by-law is so specific that "one rat or mouse" constitutes an infestation
 - The City of Brampton addresses mould and mildew
 - City of Peterborough, Ottawa, and Mississauga by-laws address snow removal

- The Town of Smiths Falls should update property standards to encompass emerging issues of housing quality
- Case law reminder: can not discriminate between owners and renters in the application of the by-law

A photograph of gardening supplies including a watering can, gloves, a hat, and pots, with the text 'Moving Forward' overlaid in a white box.

Moving Forward

Public Survey

Based on the public survey that was provided on the Town of Smiths Falls, “Speak Up Smiths Falls” webpage

- 903 participants had contributed
- 82.4% felt the Town of Smiths Falls should allow natural landscapes for yards
- 54.2% felt the Town of Smiths Falls should intervene on insect/rodent infestations

However:

- 41.3% were not Smiths Falls residents or property owners

Due to the external influence, the project team is cross-sectioning the data to better understand the community’s views



Next Steps

- Provide specific criteria to better identify what represents owner neglect
- Update both property standards and yards by-laws to work better in tandem
- Update property standards to address quality (housing)
- Prepare updated draft by-laws
- Public consultation





Thank You