

City of Mississauga
Corporate Report



<p>Date: March 17, 2026</p> <p>To: Chair and Members of General Committee</p>	<p>Originator's files:</p>
<p>From: Raj Sheth, P.Eng, Commissioner of Community Services</p>	<p>Meeting date: April 8, 2026</p>

Subject

Turfgrass and Prohibited Plant Species By-law

Recommendation

1. That a new Turfgrass and Prohibited Plant Species By-law be enacted to prescribe standards for the maintenance of turfgrass and to prohibit specific plant species, as outlined in the Corporate Report from the Commissioner of Community Services, dated March 17, 2026, entitled "Turfgrass and Prohibited Plant Species By-law".
2. That the Nuisance Weed and Tall Grass Control By-law 0125-2017, as amended, be repealed.
3. That Legal Services be authorized to make an application to the Ministry of the Attorney General for set fines in the amount of \$305 under Part I of the Provincial Offences Act for the new Turfgrass and Prohibited Plant Species By-law.
4. That all necessary By-laws be enacted.

Executive Summary

- On January 6, 2026, the Ontario Superior Court of Justice struck down Sections 5 (tall grass height) and 6 (destruction and removal of Nuisance Weeds and Nuisance Weed Seeds) of the City of Mississauga's Nuisance Weed and Tall Grass Control By-law 0125-2017, declaring them unconstitutional for unjustifiably infringing upon the constitutional right to freedom of expression under Section 2(b) of the Canadian Charter of Rights and Freedoms.
- As a result of this decision, the existing Nuisance Weed and Tall Grass Control By-law 0125-2017 is recommended to be repealed.
- To address immediate enforcement gaps and establish clear, defensible standards, staff recommend enacting a new Turfgrass and Prohibited Plant Species By-law.
- The proposed by-law is narrowly scoped and regulates "Turfgrass", which will be defined

with a maximum height limit of 20 cm to clarify enforcement standards for conventional lawns.

- Furthermore, the term “Prohibited Plant Species” is recommended to be introduced and accompanied by a Prohibited Plant Species List, developed in consultation with the Parks, Forestry & Environment Division and subject matter experts, to regulate species presenting public health and safety risks.
- Staff consulted with a panel of subject matter experts – including university professors and representatives from research institutions – specializing in conservation biology, ecology, invasive species management, and urban landscape practices. Their advice informed the proposed regulatory framework.
- The proposed framework provides clear and objective standards that support the maintenance of property, limits regulation to what is necessary to achieve public health and safety objectives and avoids regulating broader landscaping or aesthetic choices. The new by-law supports enforcement while providing flexibility for residents in how they manage their properties.
- Further parameters regarding ‘naturalized gardens’ are not addressed in this report and will be considered as part of a future, comprehensive review of the Property Standards By-law.

Background

On January 6, 2026, the Ontario Superior Court of Justice released its decision in *Ruck v. City of Mississauga*, declaring Sections 5 and 6 of the City’s Nuisance Weed and Tall Grass Control By-law 0125-2017 (the “Weed and Grass Control By-law”) to be of no force or effect. The Court held that gardening practices, including the maintenance of a naturalized garden, constitute expressive activity protected under Section 2(b) of the *Canadian Charter of Rights and Freedoms* (the “Charter”).

The Court accepted that the City’s objectives relating to public health, safety, and property standards were pressing and substantial. However, it found the Weed and Grass Control By-law did not meet the test required to justify a limitation on Charter-protected expression. As such, Justice Doi ruled that Section 5, which requires every owner to cut and maintain tall grass to a height not exceeding 20 cm and Section 6, which requires every owner to destroy and remove all Nuisance Weeds and Seeds on their land, unjustifiably restricted the applicant’s ability to express themselves, namely through the maintenance of a naturalized garden on their property.

Importantly, the decision does not preclude municipalities from regulating vegetation. Rather, it affirms that regulation must be clearly defined, evidence-based, and narrowly tailored to address municipal objectives.

Present Status

As Section 5 (tall grass height) and 6 (nuisance weeds) of the By-law are currently not in effect, Enforcement's Property Standards, Investigations & Enforcement (PSIE) do not currently have enforceable standards under the Weed and Grass Control By-law to address overgrown turf lawns or safety hazards posed by hazardous plants. Without replacement standards, PSIE lacks a clear regulatory mechanism to respond to related complaints.

Comments

In response to the Court's decision and to align the by-law with practices that help ensure human health and safety while restoring enforceable standards, staff recommend repealing the Weed and Grass Control By-law and replacing it with a new Turfgrass and Prohibited Plant Species By-law (the "new By-law").

The proposed new By-law is intentionally limited in scope and is not a comprehensive redesign of property maintenance regulations. It removes terminology and provisions that are no longer defensible and is designed to address deficiencies by clearly defining what is regulated and why, restricting regulation to circumstances where municipal intervention is necessary to protect human health and safety.

The following recommendations were made in consultation with Forestry, comparable jurisdictions, and a panel of subject matter experts, including academic and research professionals, specializing in relevant disciplines such as conservation biology, ecology, invasive species management, and urban landscape practices (see Appendix 1).

Jurisdictional Scan

Staff reviewed the approaches of the Cities of Brampton, Hamilton, Toronto and Vaughan as well as the Town of Oakville. As suggested by experts, Toronto was seen as a top example, and staff held multiple consultations with them throughout the research process.

The jurisdictional research informed on the approaches taken by other municipalities and their regulatory framework regarding grass maintenance and prohibited species (see Appendix 2). The proposed framework is informed by this review and aligns with prevailing municipal practices, particularly with respect to a 20 cm height standard and the regulation of prohibited species.

Grass Definition and Height Limits

The new By-law introduces the term "Turfgrass," defined as a ground cover of perennial grasses cultivated for lawns that forms a dense and uniform turf when mown. This definition establishes a clear, consistent basis for identifying and regulating areas intended to be maintained as turfgrass. To ensure measurable and enforceable standards under the replacement framework, staff recommend limiting Turfgrass to a maximum height of 20 cm.

The recommendation improves clarity for property owners and PSIE by clearly identifying the type of grass requiring maintenance and its applicable standards. When Turfgrass is allowed to grow beyond a certain height, it can reach a flowering stage that contributes to pollen-related allergies. Setting a maximum height of 20 cm ensures Turfgrass is maintained before flowering occurs, thereby reducing potential exposure (as referenced in Appendix 3). This threshold also reflects common height standards in other North American communities.

Prohibited Plant Species

With the Superior Court ruling that struck down Section 6 relating to “noxious weeds” and associated Schedule “A” of the Weed and Grass Control By-law, staff recommend prohibiting plants that present a safety risk to the residents of Mississauga. In consultation with Forestry and external experts, it is recommended to introduce the term “Prohibited Plant Species”, defined as a plant species designated by the City as posing significant risks to human health upon physical contact and therefore prohibited.

The accompanying Prohibited Plant Species List will be limited to plant species that present known public health or safety risks or impacts. The following lists the plants recommended for inclusion in the Prohibited Plant Species List, along with supporting rationale.

Prohibited Plant Species	Justification
<ul style="list-style-type: none"> Giant Hogweed (<i>Heracleum mantegazzianum</i>) 	Can cause severe burns on human skin from phototoxic sap
<ul style="list-style-type: none"> Poison Ivy (<i>Rhus radicans L. or Toxicodendron radicans</i>) 	Can cause blisters and skin irritation on humans through an oil that is present in the leaves, stems, and roots of the plant
<ul style="list-style-type: none"> Poison Hemlock (<i>Conium maculatum L.</i>) 	Poisonous if ingested and can cause skin reactions for humans handling the plant
<ul style="list-style-type: none"> Wild Parsnip (<i>Pastinaca sativa</i>) 	Sap can cause skin burns on humans if exposed to light
<ul style="list-style-type: none"> Poison Sumac (<i>Toxicodendron vernix</i>) 	All parts of the plant contain a resin that causes skin irritation in humans

This approach shifts the focus of regulation to clearly articulated health and safety objectives. Note that the list will be periodically reviewed and supplemented by publicly available reference materials to increase awareness and understanding.

Enforcement and Implementation

The new By-law will take effect immediately upon Council approval. The updated framework establishes clear, objective standards to address existing enforcement gaps related to overgrown turfgrass and prohibited plants. The updated framework, including clear definitions and standards, provide Municipal By-law Enforcement Officers (MBEO) with the necessary tools to reduce ambiguity and ensure effective, consistent and defensible enforcement. If approved,

Enforcement will collaborate with 311 and Strategic Communications to ensure that knowledge bases and online materials are updated to reflect the approved recommendations in plain-language, complete with illustrations where needed.

Strategic Communications have been engaged to review opportunities for education and outreach with property owners to understand the new regulatory framework requirements and the enforcement approach that will be undertaken. The following outlines enforcement practice when a complaint is received:

- Under the new By-law, the MBEO will investigate the complaint, including conducting a site inspection to verify the application of the new By-law.
- Where a by-law contravention is confirmed, the MBEO may proceed to issue a Notice of Contravention requiring compliance within 7 days.
- Adding a fine of \$305 under Part 1 of the *Provincial Offences Act* for this new By-law provides MBEOs with a necessary tool to ensure compliance. This is consistent with the penalties prescribed under the current framework.
- In the event the property owner does not comply within the prescribed compliance date, the MBEO may pursue remediation of the property through the City's subcontractor.
- The associated cost of the remediation will be applied to the property owner's tax roll, including an administrative fee of \$445 or 15% of the total costs of the invoice, whatever is greater.
- Re-inspection fees will also apply as follows: \$400 for the initial re-inspection; \$800 for the second re-inspection; and \$1,200 for the third and any subsequent re-inspection.

Supporting Ecological Benefits

The immediate focus of this report is to recommend time-sensitive amendments. The new By-law will not prescribe or promote specific landscaping practices. Its purpose is to establish minimum standards only where necessary to address known health and safety risks.

By limiting regulation to Turfgrass and a defined list of Prohibited Plant Species, the proposed framework avoids unnecessary interference with residents' landscaping choices and preserves flexibility for non-turfgrass and naturalized landscapes. Broader considerations, including any required parameters related to naturalized gardens, will be addressed through a comprehensive review of the Property Standards By-law.

Engagement and Consultation

To supplement the approaches taken in other jurisdictions, staff convened a panel of subject matter experts who shared their expertise and technical insights. Building on these experts' advice and the findings from the jurisdictional review, Enforcement and Forestry staff incorporated best practices and technical considerations into the development of the revised regulatory framework. These considerations helped shape an approach to turfgrass maintenance and prohibited plant species regulation that is responsive to the Superior Court's ruling and the enforcement context.

Engagement with experts and stakeholders on naturalized gardens, as referenced in the ruling, was not required to support the recommendations outlined in this report. This work is proposed as part of a future review of the Property Standards By-law, where staff will build on the direction established through the ruling by continuing collaboration with subject-matter experts and exploring partnership opportunities to inform evidence-based approaches to ecological landscaping.

Financial Impact

There are no significant financial impacts resulting from the recommendations in this report. Like the Weed and Grass Control By-law, any enforcement costs will be managed from within the existing budget or partially recovered via re-inspection or remediation administrative fees.

Conclusion

The proposed new By-law responds to the January 6, 2026, decision of the Ontario Superior Court of Justice by establishing a narrowly tailored, evidence-informed framework that provides clear standards while protecting human health and safety and respecting Charter-protected expression. The new By-law protects human health and safety while providing flexibility for residents in how they manage their properties. By addressing only turfgrass maintenance and prohibited plant species, the City restores necessary enforcement tools without overreaching into areas that require further study and consultation.

These new areas, like naturalized gardens, will contribute to Enforcement's broader review of the Property Standards By-law, which aims to establish clear and more consistent lot maintenance standards. This future review will be informed by consultations, enforcement experience, and peer-reviewed research.

Attachments

- Appendix 1: Consulted Experts
- Appendix 2: Jurisdictional Scan
- Appendix 3: Bylaws for Biodiversity: Remodelling City of Toronto's Municipal Code Chapter 489: Grass and Weeds by Carly Murphy, Toronto Metropolitan University.



Raj Sheth, P.Eng, Commissioner of Community Services

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