



Planning, Building and By-law Services

Prepared for: Council-in-Committee

Report: PBBS-19-2026

Meeting Date: April 13, 2026

1. Title

Proposed Lot Maintenance By law

2. Recommendations

That: Report PBBS-19-2026 Proposed Lot Maintenance By-law be received; and further

That: Staff be directed to prepare the necessary By-law;

3. Relation to Council's Corporate Strategic Plan

Priority: Quality of life and community well-being

Initiative: N/A

4. List of Stakeholders

Residents and Property Owners of the Town of Fort Erie

5. Purpose of Report

Staff are seeking Council's approval to update the Towns Lot Maintenance [By-law No. 92-2019](#) in response to a recent Superior Court ruling that found prohibitions on long grass and naturalized areas to be a violation of the Canadian Charter of Rights and Freedoms under freedom of expression.

The decision arose from a dispute in which a GTA municipality enforced a by-law requiring grass and weeds to be maintained below twenty centimeters. The property owner challenged the regulation, arguing that allowing naturalized growth supported biodiversity and pollination. The Court found that the municipality failed to provide evidence that a maximum grass height or weed removal was necessary to protect public health or safety and held that municipalities must demonstrate minimally impairing solutions rather than relying on common practice.

This decision sets a precedent and will affect how municipalities across Ontario regulate long grass and naturalized areas.

Current By-law

Under the Town Lot Maintenance By-law 92-2019, section 6.1 states.

*Every Owner shall ensure that, other than on land zoned for agricultural operations, turf grass or similar vegetation is kept trimmed to a maximum length height of 15 **centimeters** (6 inches), including the grassy boulevard portion of any highway or part thereof, in front of, alongside, or at the rear of, any building or land;*

This section will be repealed and replaced with legislation that balances residents' freedom of expression with community standards and property maintenance concerns.

Town staff from various Departments including the By-law Department, Legal and Legislative Services as well as Community Planning have reviewed the existing Lot Maintenance [By-law 92-2019](#) for the purpose of improving clarity, easier interpretation and enforcement. The By-law will be enhanced to ensure that;

- Turf grass and similar vegetation, are delineated to specific areas of a property to protect public health, safety and property standards
- Mandatory setbacks, are articulated, to minimize impacts on neighbouring properties

The proposed changes are outlined in the Analysis section of this report.

6. Analysis

The following table summarizes the proposed changes to the Lot Maintenance By-law being considered during the amendment of the Lot Maintenance By-law 92-2019.

Lot Maintenance By-law Section(s)	Subsection(s)	Description
2.0 - Definitions	2.2.1 (new) Buffer Strip	Added to define the parameters of a buffer strip for lot sizes under one hectare
2.0 - Definitions	2.51 (new) Health or Safety Hazard	Added to clarify conditions that would constitute health or safety hazards

2.0 - Definitions	2.16 (amended) Perimeter Strip	Added to define the parameters of a perimeter strip for lot sizes over one hectare
2.0 Definitions	2.18.1 (new) Prohibited Plants	Added to identify plants in schedule “B” that are prohibited from being kept of land within the Town
2.0 - Definitions	2.25 (new) Vegetative Growth	Added to define what constitutes vegetative growth for the purposes of this By-law
3.0 Maintenance – Refuse	3.2 (amended)	Amended to allow Officers to address instances where properties create a health or safety hazard
6.0 – Vegetation on Property	6.1 (repealed) and (replaced)	This section is to be repealed as it conflicts with recent court ruling and has been replaced with two new sections (6.1 and 6.3) that balances public health, safety and property standards for properties within the Town
6.0 Vegetation on Property	6.2 (new)	This section has been added to address how health and safety hazards must be addressed in naturalized gardens
6.0 Vegetation on Property	6.3 (new)	This section has been added to address how vegetative growth that exceeds 15 cms will be addressed to balance court rulings with community standards

7. Financial, Staffing and Accessibility (AODA) Implications

There have been no amendments of existing fine amounts. The Town should not anticipate an increase in revenue generated through the application of this amendment.

8. Policies Affecting Proposal

[By-law 111-2019](#), Being a By-law to establish a System for Administrative Penalties.

9. Comments from Departments, Community and Corporate Partners

The draft By-law responds to enforcement concerns and enhances the ability to serve the public.

Town staff from various Departments including the By-law Department, Legal and Legislative Services as well as Community Planning reviewed the By-law and made relevant comments that have been implemented.

In March of 2026, a “Let’s Talk Fort Erie” engagement page was launched to initiate comments and feedback from residents for improvement. Staff from Communications and Marketing promoted the initiative on the Town’s social media platforms and directly through the Town’s official website. The consultation period began on Friday March 20th and remains open. At this time no formal responses have been received. If responses are received, they will be reviewed and considered in the preparation of the draft By-law.

10. Alternatives

Council has the option of making no changes to the existing Lot Maintenance By-law 92-2019 or propose alternative policies or standards that can be incorporated in a revised draft.

11. Communicating Results

Should Council accept the recommendation, a community notification through the “Let’s Talk Fort Erie” will be provided to respondents from the initial consultation period and will be posted on relevant social media platforms.

12. Conclusion

That the proposed draft Lot maintenance By-law is approved by Council in its entirety and that [By-law 92-2019](#) be repealed.

13. Report Approval

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Approved by:

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Chief Administrative Officer

14. Attachments

Appendix 1 – Draft Lot Maintenance By law