

LONDON CONDOMINIUM CORPORATION NO. 11
c/o 34 Berkshire Court
London ON N6J 3N7

Chair and members
Community and Protective Services Committee
c/o City Clerk's Department, Room 308
Corporation of the of City of London
300 Dufferin Avenue
London, ON, N6A 4L9

April 10, 2017

re File No. 16-260872

The Board of Directors, London Condominium Corporation # 11, (LCC#11) regrets that the naturalization project undertaken in 2011 inadvertently encroached on the property of London Condominium Corporation #758. As soon as the weather permits, the Board will take all necessary measures to remedy the situation to bring the LCC#11 into compliance with the boundary regulations of the City of London Yard & Lot Maintenance By-law.

The Board is, however, requesting that the remainder of the "work order" be rescinded. The reasons for this request fall into two broad areas, the Weed Control Act itself and the petition submitted to the City.

The Weed Control Act

- A. The petition addressed to the City of London (Oct 3, 2016) notes: "The dominant species in the subject area is the nodding thistle. . ."

The "Frequently asked Questions" site published by The Ministry of Agriculture, Food, and Rural Affairs notes that effective January 1, 2015 nodding thistle has been removed from the Schedule of Noxious Weeds.

The site also explains that some plants, such as nodding thistle, have been removed from the list because they are a "food source for pollinators, such as bees." This is a case of a potential benefit outweighing a possible harm.

- B. The same "Frequently asked Questions" site also addresses the purpose and scope of the Weed Control Act. Only three reasons are given:

“The intent of the Weed Control Act is to reduce:

1. The infestation of noxious weeds that negatively impact on agriculture and horticulture lands.
2. Plant diseases by eliminating plant disease hosts such as common barberry and European buckthorn.
3. Health hazards to livestock and agricultural workers caused by poisonous plants.”

In 2016, when the Board of Directors was dealing with the issue of the naturalized area, Mr. Phair, the President of LCC#11, contacted the Ministry of Agriculture, Food and Rural Affairs about the Canada thistle in the naturalized area.

The Ministry’s response was as follows:

“Under the Provincial legislation, since you are located in the City of London, it is not necessary to control this weed under the Noxious Weeds Act.”
[A copy of this communication is attached.]

Concerns regarding the petition

In addition to the petitioners’ request based on the Weed Control Act, a number of other points were raised. The Board of Directors feels that some of these points need clarification.

C. Role of UTRCA at LCC#11

In 2011, at the Annual General Meeting of LCC#11, the resident owners expressed a desire to participate in London’s Forestation Program. When Mr. Phair approached City Hall he was informed that the funds available for reforestation private land had been depleted. The City’s representative suggested that the Corporation ask for UTRCA’s assistance. Acting on this suggestion, Mr. Phair requested this aid, and the UTRCA agreed to provide the trees and volunteer planters for LCC#11.

The UTRCA was essentially helping London fulfil its laudable aims of “greening” the City.

Additionally, UTRCA offered, and LCC#11 accepted, some signage asking that people respect the naturalised area. The signs merely ask people to protect the area. There is absolutely nothing in the wording that suggests “sanctions” or any sort of legal repercussions.

D. Tick-borne diseases

Berkshire Park is essentially a naturalized, passively managed area which abuts some of the property of LCC#11, and deer have been seen entering the park from Condominium's property. A number of years ago, the City cleared and maintains a small playground area in Berkshire Park and also provides play equipment clearly designed for young children. The City would not have placed the playground here if natural undergrowth in the rest of the park presented a danger of Lyme disease.

E. Use of property of LCC#11

The petition to the city implies that the reforestation project has somehow infringed on the rights of the neighbourhood.

Children have traditionally used the unnaturalized area behind 36, 34, 32, and 30 Berkshire Court for winter recreation because LCC#11's property is best suited to sliding at this spot. The area behind these four residences comprises three elements: (i) a small level area at the top of the hill directly under the windows of the owners; (ii) a hillside; and (iii) a larger level area at the bottom of the hill. The level ground directly behind the units, the hill side, and approximately half of the lower level are all part of the grounds of LCC#11 and so are private property and NOT part of Berkshire Park. The Corporation is under no obligation to allow to the public free access to and use of its grounds.

Similarly, as noted in the petition, non-residents often used the grounds of LCC#11 as a short-cut linking Berkshire Court to the various Sifton properties located at the bottom of the hill. In spite of "No Trespassing" signs posted by LCC#11, this incursion became so bothersome to some of the residents of LCC#11 that it was forced to erect fencing and gates beside 36 Berkshire Court to close the passageway most frequently used by trespassers.

F. Heightened hay-fever incidence

Hay-fever is certainly very annoying. A number of web-sites list plants that cause the problem. Copies of two of these on-line publications are included with this request, and it will be noted that they list NEITHER Canada thistle NOR nodding thistle as allergens

G. Imputed dangers of Canada thistle to neighbourhood property

Canada thistle can be propagated either by seed or the spreading of the roots, the latter accounting for significant spread of the plant. The root moves laterally and then sends up a shoot that will develop into a new plant. Since the naturalised area is surrounded by grassed areas that are regularly mowed, these shoots will be cut down while they are still only an inch or so high; hence they will never reach seed producing maturity.

If any seeds should happen to land on people's lawns or gardens, then the normal mowing/weeding that are traditionally carried out by property owners will prevent the establishment of the plant.

While Canada thistle is a threat to agriculture, like nodding thistle it is a food source for pollinators, such as bees, as well as birds.

H. Use of glyphosate, as suggested in the work order

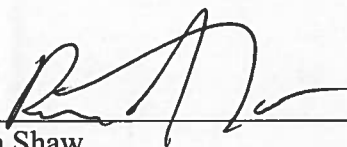
Glyphosate (marketed as "Roundup) is at best a controversial pesticide, with concerns raised about its safety by environmental advocacy groups. (See inclosed publication by Sierra Club Canada). Indeed, some countries have banned it entirely.

Ontario allows its use, subject to limitations, one of which is that it cannot be used just for aesthetic ends. The petition refers to the naturalized area as "an unsightly growth of weeds" while praising "well-groomed and attractive open lawn." Judged by this criterion (ugly weed vs. attractive lawn), the use of glyphosate would be, at least in part, for cosmetic ends.

Application of glyphosate to the naturalized area would kill off much more than the Canada thistle and thus negate the good that LCC#11 intended by naturalizing part of its property. And given the possible adverse effect it might have on the residents of Berkshire Village (which population includes many children) the Board of LCC#11 believes that application of this pesticide poses more risk to Berkshire Village than do the Canada thistles.

Thank you for taking the time to consider LCC#11's request to re-evaluate File no. 16-260872.

For the Board of Directors
London Condominium Corporation # 11



Brian Shaw
Director, Vice-president, and Secretary

cc Mr. A Omar
Municipal Law Enforcement Officer
Development & Compliance Services, Rm 706
By-law Enforcement Section