

<b>TO:</b>	<b>CHAIR AND MEMBERS COMMUNITY AND PROTECTIVE SERVICES COMMITTEE MAY 24, 2017</b>
<b>FROM:</b>	<b>G. KOTSIFAS, P. ENG. DIRECTOR OF DEVELOPMENT AND COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL</b>
<b>SUBJECT:</b>	<b>38 BERKSHIRE COURT – NATURALIZED AREA</b>

**RECOMMENDATION**

That on the recommendation of the Director of Development and Compliance Services and Chief Building Official, this report on compliance and enforcement protocol to address the naturalized area on private property, referred to as 38 Berkshire Court, **BE RECEIVED** for information purposes.

**BACKGROUND**

At its meeting on October 18, 2016, the Community and Protective Services Committee (CPSC) received a public submission in the form of a petition and delegation with regard to “Nature Restoration Site” at Berkshire Court. The concerns included the lack of a buffer strip between the naturalized area and the abutting property, and the influx of noxious weeds.

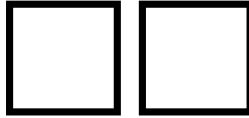
The CPSC referred the matter to Civic Administration for a report.

Sometime prior to April of 2012 Upper Thames River Conservation Authority (UTRCA) was approached by the condominium owners of 2 - 46 Berkshire Court who requested assistance in naturalizing the slope of the green space on the north side of the property. The goal was to reduce grass cutting, increase wildlife habitat and species biodiversity. UTRCA sourced the trees and organized the planting days through their Communities for Nature Program – Community Forestry.

On April 27, 2012 – 83 students from Byron Northview and Woodland Heights Schools planted 230 native species including elderberry, nannyberry, birch, red maple, red osier dogwood, Kentucky coffee, sycamore, serviceberry, sugar maple and white cedar. On November 9, 2012 another 25 students from London Christian Secondary School planted 100 native species including bur oak, red maples, alternate leaf dogwood, staghorn sumac, white cedar. The second planting was funded by RBC Bluewater Program.

In the summer of 2016 after the City of London Municipal Law Enforcement Services area received a complaint regarding weeds at 38 Berkshire Court. As a result of that complaint the UTRCA Professional Forester, and UTRCA Resource Specialist met on site with a Municipal Law Enforcement Officer (MLEO) and the condominium owners of 2-46 Berkshire Court. At that time the area was in full summer bloom, and as such observed from the perimeter of the planted area. During the inspection the presence of noxious weeds was not found. During that same site inspection the MLEO took a series of photographs that were later reviewed with the City of London Ecologist Planner. The photographs taken at that time did not depict the presence of noxious weeds.

The green space of 2 - 46 Berkshire Court abuts the adjoining green space of the property to the north comprising of the rear yard common area of 282- 368 Berkshire



Place. There are no physical boundary markers or separations between the two abutting properties making it difficult to determine the location of the property boundary.

During the 2016 summer inspection it was determined that the complaint of weeds was deemed to be invalid, and there was no clear indication that the naturalized area did not have a buffer strip between the two properties. Subsequently the complaint was closed at that time.

Shortly after the direction of the CPSC on October 18, 2016 another inspection was undertaken. The photographs of the October inspection were reviewed by the Ecologist Planner and it was determined that the area contained some Canada Thistle, which is a noxious weed.

To determine the property boundary the MLEO enlisted the services of the City of London Geomatics Division. Their finding allowed the MLEO to determine that there was not the presence of the required 0.9 metre buffer strip as per the Yard & Lot Maintenance By-law and further the four plus years of growth had presumably allowed the naturalized area to encroach upon the abutting neighbouring property to the north.

In March of 2017 after communicating with a certified landscape company about the proper method of eradication of Canada Thistle, the MLEO prepared a written communication to Director Vice-President and Secretary of London Condominium Corporation #11 (2 - 46 Berkshire Court). The communication indicated the findings and details of the fall inspection and subsequent work completed by Geomatics, as well as the professional advice of the landscape company. The communication requested of Condominium Corporation #11 compliance to the regulations of the Yard & Lot Maintenance By-law during the next growing season. Compliance was to include the removal and continuous treatment of any noxious weeds, as well as the creation and maintenance of the required 0.9 metre buffer strip on the lands of Condominium Corporation #11 as to prevent the naturalized area from encroaching upon the neighbouring property. The MLEO who prepared the communication also included within the communication an air photo of the area in question. On the air photo the property line had been plotted by the MLEO, showing measurements from mature trees on the neighbouring property as benchmarks. This was done in an effort to assist London Condominium Corporation #11 in the determination of their property boundary and the subsequent location of the required buffer strip.

The communication further indicated that during the growing season of 2017 Municipal Law Enforcement Services would periodically monitor the growth of the area in order to determine that compliance has been achieved and maintained.

<b>PREPARED BY:</b>	
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<b>RECOMMENDED BY:</b>	<b>REVIEWED &amp; CONCURRED BY:</b>
<b>O. KATOLYK MLEO (C) CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER</b>	<b>G. KOTSIFAS, P. ENG. DIRECTOR OF BUILDING CONTROLS AND CHIEF BUILDING OFFICIAL</b>

This report was prepared with assistance of the UTRCA Resource Specialist, and City of London Ecologist Planner