

FILLING AND GRADING

Chapter 184

FILLING AND GRADING

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Schedule A, Areas Where Permit is Required

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[HISTORY: Adopted by the City Council of The Corporation of the City of Toronto 1995-03-27 as By-law No. 1995-0255.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Development of land ^C See Ch. 165.

Ravines ^C See Ch. 276.

Trees ^C See Ch. 331.

¹ **184-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

APPLICATION ^C Permit application form to place or dump fill or alter the grade of land.

COMMISSIONER ^C Commissioner, Community Services. **[Added 1997-03-24 by By-law No. 1997-0119]**

EMERGENCY WORK ^C Drain repairs, utility repairs and structural repairs to a building of an emergency nature. **[Added 1997-03-24 by By-law No. 1997-0119]**

ENVIRONMENTALLY SENSITIVE AREA ^C Includes an environmentally significant area, natural area or ravine as defined and designated in the City of Toronto Official Plan.

INSPECTOR ^C The person or persons designated from time to time by Council to enforce this chapter.

¹ **184-2. Permit required.**

No person shall, on any land in the areas described in Schedule A,² place or dump fill or alter the grade of land unless authorized by permit to do so.

¹ **184-3. Exemptions. [Added 1997-03-24 by By-law No. 1997-0119³]**

This chapter does not apply to:

- A. Emergency work.
- B. The cultivation or tilling of garden beds as long as such work does not alter or create slopes at greater than ten percent (10%).

¹ Editor's Note: This by-law was passed under the authority of section 223.1 of the Municipal Act, R.S.O. 1990, c. M.45.

² Editor's Note: Schedule A is included at the end of this chapter.

³ Editor's Note: This by-law also repealed former ~ 183-3, Form and content of application. See now ~ 184-4.

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- C. Top dressing of lawns.
- D. The placing or dumping of fill involving an amount of soil of less than five (5) cubic metres.
- E. Excavation of soil involving an area of less than nine (9) square metres and a depth of less than zero and five-tenths (0.5) metre having no significant impact on trees, ground cover, vegetation, watercourses or storm swales, and not altering or creating a slope at greater than ten percent (10%).
- F. Ravine control areas designated under Municipal Code Chapter 276, Ravines.
- G. The placing or dumping of fill or alteration of the grade of land by any municipality or by a local board as defined in the Municipal Affairs Act.⁴

¹ 184-4. Form and content of application. [Added 1997-03-24 by By-law No. 1997-0119⁵]

An owner who wishes to place or dump fill or alter the grade of land on any property in an area described in Schedule A shall submit to the Commissioner an application on the prescribed form and shall provide the following:

- A. Name, address and telephone number of the applicant.
- B. Purpose for which the permit is required.
- C. Landscaping, grading, filling or dumping plans acceptable to the Commissioner.

¹ 184-5. Notification of applicant. [Added 1997-03-24 by By-law No. 1997-0119⁶]

- A. Prior to consideration of the completed permit application by the Commissioner, the owner shall prepare a notice advising of the application, in the form required by the Commissioner, and shall post the notice on the property in a manner so that the notice is visible to passers by for a period of not less than fourteen (14) days prior to the date on which the Commissioner will consider the application.
- B. Prior to consideration of the application, the Commissioner shall, so far as is practicable, notify the Ward Councillor and abutting property owners of the application advising of the date the application will be considered.

¹ 184-6. Review of applications; issuance or rejection; appeals. [Added 1997-03-24 by

⁴Editor's Note: See R.S.O. 1990, c.M.46.

⁵Editor's Note: This by-law also repealed former ~ 184-4, Filing of applications, as amended.

⁶Editor's Note: This by-law also repealed former ~ 184-5, Inspection of property; report of Commissioner of Parks and Recreation.

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By-law No. 1997-0119⁷

- A. The Commissioner shall review all completed permit applications and is authorized to issue permits under this section except where:
- (1) It will result in the injuring or destruction of trees.
 - (2) An environmentally sensitive area will not be adequately protected and preserved.
 - (3) Metro land forms or contours will not be adequately protected and preserved.
 - (4) An ecological system, including natural areas, features and functions, will not be adequately protected and preserved.
 - (5) Significant vistas or views will not be adequately protected and preserved.
 - (6) Significant features of heritage or archaeological, historical, architectural, cultural or scientific interest will not be adequately protected and preserved.
 - (7) Flood or erosion control will be negatively impacted.
- B. The Commissioner shall issue a permit where the applicant complies with the provisions of this section unless the Commissioner receives written objection to the issuance of the permit, in which case the Commissioner shall refuse to issue a permit.
- C. Where an objection is received, the Commissioner shall refuse to issue a permit and shall prepare and forward a report to the next meeting of the Neighbourhoods Committee.
- D. Where the Commissioner refuses to issue a permit under Subsection A(1), an applicant may appeal to the Neighbourhoods Committee in writing setting out the reasons why the applicant believes the application complies with this section and requests to be heard by the Committee.
- E. Where an applicant has filed an appeal to the Neighbourhoods Committee, the Commissioner shall prepare and forward a report on the application to the next Committee meeting, setting out the grounds for refusal of the application.
- F. Where an application has been refused and an appeal has been filed under this section, the Committee may direct the Commissioner to issue a permit.

⁷ 184-7. Time limit for considering application; criteria.

- A. The Neighbourhoods Committee shall consider the application no later than forty-five (45) days after receipt of an application by the City Clerk.

⁷Editor's Note: This by-law also repealed former ~ 184-6, Notification of Ward Councillor and owners of adjacent property.

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- B. In considering an application, the following criteria shall be considered, and the issuance of a permit shall not be authorized for the placing or dumping of fill or altering of grade where:
- (1) The application form is not completed or landscaping, grading, filling or dumping plans acceptable to the Commissioner have not been filed. [**Amended 1997-03-24 by By-law No. 1997-0119**]
 - (2) It will result in the injuring or destruction of trees.
 - (3) An environmentally sensitive area will not be adequately protected and preserved.
 - (4) Natural land forms or contours will not be adequately protected and preserved.
 - (5) An ecological system, including natural areas, features and functions, will not be adequately protected and preserved.
 - (6) Significant vistas and/or views will not be adequately protected and preserved.
 - (7) Significant features of heritage or archaeological, historical, architectural, cultural or scientific interest will not be adequately protected and conserved.
 - (8) Flood or erosion control will be negatively impacted.

' 184-8. (Reserved)'

' 184-9. Training and supervision of inspectors. [Amended 1997-03-24 by By-law No. 1997-0119]

The Commissioner is responsible for ensuring that each inspector is properly trained to perform his or her duties and, where an inspector is not an employee, for supervising that inspector.

' 184-10. Powers and duties of inspectors, employees and agents.'

- A. An inspector may, during daylight hours and upon producing a certificate of designation, enter and inspect any land, but not buildings on the land, in the areas described in Schedule A.⁹
- B. An inspector may, in carrying out an inspection, be accompanied by an assisting person.
- C. Employees and agents of the City, under the supervision of the Commissioner, may enter on the land for the purpose of carrying out the work as set out in an order issued under ¹

⁸Editor's Note: Former ~ 184-8, Inspectors designated, as amended, was repealed 1997-03-24 by By-law No. 1997-0119.

⁹Editor's Note: Schedule A is included at the end of this chapter.

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184-15A after the time period set out in the order has expired. [Amended 1997-03-24 by By-law No. 1997-0119]

' 184-11. Restoration of site. [Amended 1997-03-24 by By-law No. 1997-0119]

Any person who places or dumps fill or alters the grade of land in an area described in Schedule A¹⁰ in contravention of this chapter or a permit issued under this chapter shall remove the fill, regrade the area and/or take any other steps required to restore the site to its original condition to the satisfaction of the Commissioner.

' 184-12. Notice of violation.

- A. If, after inspection, the inspector is satisfied that there is a contravention of this chapter, he or she shall notify the owner of the land and occupants of the property:
- (1) Setting out the particulars of the contravention and the date of reinspection; and
 - (2) Providing an opportunity to appear before the inspector and make representations in connection with the notice.
- B. A notice under Subsection A may either be delivered to the owner or occupant by personal service or by prepaid registered mail to the address of the owner as shown on the last revised assessment roll and to the occupant at the property address.

' 184-13. Order to correct violation.

- A. If, on the date of reinspection set out in a notice served under ' 184-12, the inspector is satisfied that the notice has not been complied with, the inspector may make an order setting out:
- (1) A municipal address or legal description of the land.
 - (2) Reasonable particulars of the work to be done to correct the contravention.
 - (3) The time period in which there must be compliance with the order.
 - (4) Notice that in default of the work being done in compliance with the order within the time period specified, the matter or thing shall be done by or under the direction of an inspector at the expense of the owner, and the City may recover the expenses incurred in doing so by registering a notice of lien on the land in the Land Registry Office for the City of Toronto.
- B. A notice under Subsection A may either be delivered to the owner by personal service or

¹⁰Editor's Note: Schedule A is included at the end of this chapter.

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by prepaid registered mail to the address of the owner as shown on the last revised assessment roll.

' 184-14. Posting of notice.

Where the inspector is unable to effect service under ' 184-12 or 184-13, the inspector shall place a placard containing the terms of the notice or order in a conspicuous place on the property, and the placing of the placard shall be deemed to be sufficient service of the notice or order on the owner.

' 184-15. Work performed by City; costs to become lien.

- A. If, after inspection, following the time period specified in the order, the owner fails to do the work required by the order, in addition to any other remedy, the City may do the work, and the cost of doing the work, including interest to the date of payment, shall be a lien against the land.
- B. The City Solicitor shall register a notice of lien in the Land Registry Office.

' 184-16. Interference with authorized agents prohibited.

No person shall obstruct an inspector who is carrying out an inspection under this chapter or a person carrying out work under ' 184-15A.

' 184-17. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence and, on conviction, is liable to a fine of not more than the maximum fine under section 61 of the Provincial Offences Act.¹¹

' 184-18. (Reserved)¹

' 184-19. Effective date.

This chapter comes into force on March 28, 1995, being the date section 56 of the Planning and Municipal Statute Law Amendment Act, 1994 comes into force, as set out in a Proclamation from the Lieutenant Governor dated February 15, 1995.

¹¹Editor's Note: This section was passed under the authority of section 320 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, and, under section 61 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, a person convicted of an offence under this section is liable to a fine of not more than five thousand dollars (\$5,000.).

¹²Editor's Note: Former ~ 184-18, Exemptions, was repealed 1997-03-24 by By-law No. 1997-0119. See now ~ 184-3.

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SCHEDULE A

AREAS WHERE PERMIT IS REQUIRED

| Description | Rationale |
|---|---|
| 1. Lands adjacent to the Ellis Ravine and Grenadier Pond, being: 12, 23, 25, 27, 29 and 31 Ellis Park Road; 181, 187, 191, 201, 203, R203, 207, 215, R215, 221, 223, 223A, 225, 227, 233, 235, 239, R245, R249 and R251 Ellis Avenue; 1, 3, 5, 7, 9, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33 and 35 Grenadier Heights; and 7, 11, 15, 17, 19, 21, 23, 25, 27 and 75 Woodland Heights [Amended 1997-03-24 by By-law No. 1997-0119] | Protection of an environmentally sensitive area Protection of an ecological system, including natural areas and an emergent marsh Protection of a significant vista/views |
| 2. 90, 94 and 100 Lyndhurst Avenue; 1 and 3 Nina Street; and 31, 36 and 37 Wells Hill Avenue [Added 1995-05-15 by By-law No. 1995-0317] | Protection of significant large trees against injury or destruction caused by development |
| 3. 75 Ellis Avenue; 2, 4, 6, 8, 10 and 12 Grenadier Ravine Drive; 1947 and 1997 Bloor Street West [Added 1997-03-24 by By-law No. 1997-0119] | Protection of an environmentally sensitive area Protection of an ecological system, including natural areas and an emergent marsh Protection of a significant vista/views Protection of an environmentally sensitive area Protection of a significant vista/views |