

Chapter 612

PESTICIDES, USE OF

§ 612-1. Definitions.

§ 612-3. Offences.

§ 612-2. Restrictions.

[HISTORY: Adopted by the Council of the City of Toronto 2003-05-23 by By-law No. 456-2003.¹ Amendments noted where applicable.]

GENERAL REFERENCES

Property standards — See Ch. 629.

§ 612-1. Definitions.

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

ENCLOSED — Closed in by a roof or ceiling and walls with an appropriate opening or openings for ingress or egress, which openings are equipped with doors which are kept closed except when actually in use for egress or ingress.

HEALTH HAZARD — A pest which has or is likely to have an adverse effect on the health of any person.

INFESTATION — The presence of pests in numbers or under conditions which involve an immediate or potential risk of substantial loss or damage.

PEST — An animal, a plant or other organism that is injurious, noxious or troublesome, whether directly or indirectly, and an injurious, noxious or troublesome condition or organic function of an animal, a plant or other organism.

PESTICIDE — Includes:

- A. A product, an organism or a substance that is a registered control product under the federal Pest Control Products Act which is used as a means for directly or indirectly controlling, destroying, attracting or repelling a pest or for mitigating or preventing its injurious, noxious or troublesome effects.
- B. Despite Subsection A, a pesticide does not include:

¹ Editor's Note: This by-law was passed under the authority of section 130 of the *Municipal Act, 2001*, S.O. 2001, ch. 25. Section 2 of this by-law states that it comes into force 2004-04-01.

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- (1) A product that uses pheromones to lure pests, sticky media to trap pests or “quick-kill” traps for vertebrate species considered pests, such as mice and rats.
- (2) A product that is or contains only the following active ingredients:
[Amended 2004-05-20 by By-law No. 385-2004]
 - (a) A soap;
 - (b) A mineral oil, also called “dormant or horticultural oil”;
 - (c) Silicon dioxide, also called “diatomaceous earth”;
 - (d) Biological pesticides, including Bt (bacillus thuringiensis) and nematodes; **[Amended 2005-02-16 by By-law No. 121-2005]**
 - (e) Borax, also called “boric acid” or “boracic acid”;
 - (f) Ferric phosphate;
 - (g) Acetic acid;
 - (h) Pyrethrum or pyrethrins;
 - (i) Fatty acids;
 - (j) Sulphur; or
 - (k) Corn gluten meal.

§ 612-2. Restrictions.

- A. No person shall apply or cause or permit the application of pesticides within the boundaries of the City.
- B. The provision set out in Subsection A does not apply when pesticides are used:
 - (1) To disinfect swimming pools, whirlpools, spas or wading pools;
 - (2) To purify water intended for the use of humans or animals;
 - (3) Within an enclosed building;
 - (4) To control termites;
 - (5) To control or destroy a health hazard;
 - (6) To control or destroy pests which have caused infestation to property;
 - (7) To exterminate or repel rodents;
 - (8) As a wood preservative;

- (9) As an insecticide bait which is enclosed by the manufacturer in a plastic or metal container that has been made in a way that prevents or minimizes access to the bait by humans and pets;
- (10) For injection into trees, stumps or wooden poles;
- (11) To comply with the *Weed Control Act*² and the regulations made thereunder;
or
- (12) As an insect repellent for personal use.

§ 612-3. Offences.

Any person who contravenes any provision of this chapter is guilty of an offence and, upon conviction, is liable to a fine or penalty provided for in the *Provincial Offences Act*.³

² Editor's Note: See R.S.O. 1990, c. W.5.

³ Editor's Note: This section was passed under the authority of section 425 of the *Municipal Act, 2001*, S.O. 2001, ch. 25, and, under section 61 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, a person convicted of an offence under this section is liable to a fine of not more than \$5,000.