

Authority: Economic Development and Parks Committee Report No. 5, Clause No. 10,
as adopted by City of Toronto Council on May 9, 10 and 11, 2000
Enacted by Council: June 8, 2000

CITY OF TORONTO

BY-LAW No. 388-2000

**To regulate planting, care, maintenance, and protection of trees on City Highways/Roads
or Street Allowances and to ensure the sustainability of the urban forest.**

WHEREAS pursuant to section 312 of the Municipal Act, R.S.O. 1999, Chapter M-45, as amended, Council may pass by-laws respecting trees on Public Highways;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Definitions

In this By-law,

“Care and Maintenance” means the care and maintenance of trees in accordance with good arboricultural standards and includes inspection, pruning, cabling and bracing, treatments for insect and disease problems, watering and fertilization.

“City Street” means a common or public highway, road, street, lane or any road allowance or portion thereof under the jurisdiction of the City of Toronto.

“Commissioner” means the Commissioner Economic Development, Culture and Tourism or his or her delegate.

“Destroy”/“Destruction” means to remove, cut down or in any other way injure a tree to such an extent that it is deemed necessary to remove or cut down the tree.

“Emergency Work” includes work associated with drain repairs, utility repairs and structural repairs to a building or any other work of an emergency nature.

“Injure”/“Injury” means not protecting a tree in accordance with the City of Toronto’s Specifications for Construction Near Trees and/or other standards set out by the Commissioner, entirely or in part, and/or any acts which will harm a tree’s health in any manner.

“Person” includes a company, a corporation, a partnership or an individual person.

“Specifications for Construction Near Trees” means the most recent version of the City of Toronto’s ‘Specifications for Construction Near City Trees’.

“Standards” mean minimum requirements or guidelines established by the Commissioner pertaining to the protection and preservation of trees.

“Trees” means any shade or ornamental tree, all or part of which is located on, above or below a City Street. Ownership and maintenance of trees which have 50% or more of their main stem situated on a City road allowance will be the responsibility of the City.

“Tree Planting Detail” mean the most recent version of illustrated details with notes pertaining to the planting of trees on any City Street; as found in the City of Toronto Streetscape Manual.

“Tree Value”/“Appraised Value” means the monetary value of a tree as determined through calculations using the City of Toronto’s Tree Appraisal and Evaluation form.

2. Authority for Planting, Care and Maintenance and Removal of Trees

The planting, care and maintenance, protection, preservation and removal of all trees located on any City Street shall be under the supervision of the Commissioner.

3. Powers and Duties of the Commissioner

The Commissioner is authorized to:

- (i) Plant, or cause to be planted, trees on City Streets;
- (ii) Care for and maintain or cause to be cared for and maintained, any tree located on any City Street;
- (iii) Transplant, remove or cause to be transplanted or removed any tree planted or located on any City Street where deemed necessary in the public interest;
- (iv) Remove or cause to be removed without notice or compensation to any person, any object or thing that adversely affects a tree or part of a tree on a City Street;
- (v) Prune or cause to be pruned all trees located on private property, the branches of which extend over a City Street, including the pruning of branches which are hazardous or create an unsafe condition;
- (vi) Implement or cause to be implemented necessary treatments for insect and disease problems associated with trees located on a City Street;
- (vii) Remove or cause to be removed trees which are dead, hazardous or no longer viable to maintain, certified as such by the Commissioner;
- (viii) Remove, injure or cause the removal or injury of trees as may be required to facilitate emergency work, certified as such by the Commissioner;

- (ix) Remove or cause to be removed healthy trees located on a City Street, where a written request for tree removal has been received from an adjacent property owner, that includes a landscape plan satisfactory to the Commissioner and the Ward Councillor(s). Such requests for removals may be subject to conditions which include payment of tree value, removal and replacement costs and the replanting of a replacement tree or trees by the applicant;
- (x) Refuse the removal of trees located on a City Street and refer the matter to the appropriate Community Council;
- (xi) Permit the pruning of tree roots in accordance with good arboricultural practices causing minimal damage to the tree. Such requests for injury may be subject to conditions which include the payment of tree value, removal and replacement costs, the posting of a letter of credit and the planting of a tree or trees by the applicant;
- (xii) Stop any work causing injury or destruction to a tree located on a City street that is taking place without permission from the Commissioner and/or contrary to the City of Toronto's Specifications for Construction Near Trees' and/or other standards set out and imposed by the Commissioner for the protection of a tree or trees.

4. Protection, Injury and Removal of Trees and Prohibited Activities

(1) Protection

Every person doing any work on City Streets shall carry out such work in accordance with the City's 'Specifications for Construction Near Trees', and any other standards set out by the Commissioner.

(2) Injury and Removal

No person shall injure, destroy or remove a tree without the prior written approval of the Commissioner. Approval may be subject to such conditions as the Commissioner may impose, including payment of tree value, removal and replacement costs, replanting, posting a letter of credit in a form and content acceptable to the City in an amount sufficient to cover the appraised value of the subject tree as well as removal and replacement costs, provision of a detailed tree protection plan and provision of a qualified arborist or forester's report detailing specific arboricultural procedures to be undertaken.

(3) Prohibited Activities

- (i) No person shall remove, cut down, destroy or injure any tree or part of a tree located on a City Street except with the prior written approval of the Commissioner;

- (ii) No person shall mark, cut, break, peel, deface or bury the roots of any tree or any part of a tree located on a City Street;
- (iii) No person shall undertake or cause to undertake any activities which are contrary to the City of Toronto's Specifications for Construction Near Trees and/or any other standards or conditions imposed and set out by the Commissioner pertaining to the protection of a tree located on a City street except with the prior written approval of the Commissioner;
- (iv) No person shall attach in any manner any object or thing to a tree or part of a tree located on a City Street except with the prior written approval of the Commissioner;
- (v) Despite Subsection (iv), no person shall attach decorative lights to a tree located on a City Street except with the prior written approval of the Commissioner and upon production of satisfactory evidence that all other requisite approvals have been obtained. Such requests may be subject to conditions imposed by the Commissioner.

5. Tree Planting and Removal

(1) Planting of Trees

Any tree planted on a City Street must be approved by the Commissioner and planted in accordance with the appropriate City of Toronto Tree Planting Detail. Approval by the Commissioner will include the planting location, species, size and condition.

The Commissioner may request a monetary deposit in an amount appropriate to secure the planting of trees. These funds may be held by the City until after the planting of the trees for a period of time-determined by the Commissioner and shall be released by the City provided that the trees are healthy and in a state of vigorous growth after the stipulated time period.

(2) Removal of Trees

- (i) When a tree is removed a replacement tree must be planted unless otherwise determined by the Commissioner. The planting location, species, size, condition and planting date must be approved by the Commissioner.

- (ii) Where the Commissioner or City Council has approved the removal of a tree, such approval may be subject to conditions which include the applicant providing payment of tree value, removal and replacement costs and a minimum of one replacement tree being planted for each tree approved for removal.

6. Offences

Any person who contravenes any provision of this by-law is guilty of an offence.

7. Repeal

Article 1, Chapter 331, Trees, of the former City of Toronto Municipal Code;

Article 1, Chapter 243, Trees, of the former City of Etobicoke Municipal Code;
and

By-laws Nos. 118-97 of the former Borough of East York; 211-74 of the former Metropolitan Toronto; 31729 of the former City of North York; 21682 of the former City of Scarborough; and 2507-92 of the former City of York

are hereby repealed.

ENACTED AND PASSED this 8th day of June, A.D. 2000.

CASE OOTES,
Deputy Mayor

NOVINA WONG,
City Clerk

(Corporate Seal)