

Authority: Parks and Environment Committee Item 12.3, adopted as amended,
by City of Toronto Council on January 29 and 30, 2008
Enacted by Council: January 30, 2008

CITY OF TORONTO

BY-LAW No. 118-2008

To amend City of Toronto Municipal Code Chapter 813, Trees, to improve the permit application process; to amend the fine provisions in accordance with the *City of Toronto Act*; to make technical amendments and to amend Municipal Code Chapter 441, Fees and Charges to increase applicable fees.

WHEREAS it is desirable to make certain amendments to Chapter 813, Trees, of the City of Toronto Municipal Code in order to improve the tree permit application process;

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

1. Chapter 813, Trees, Article II, Trees on City Streets, is amended by:

A. Deleting the definition of Commissioner in § 813-3.

B. Inserting the following definition in § 813-3 in alphabetical sequence:

GENERAL MANAGER — The General Manager Parks, Forestry and Recreation.

C. Deleting all references to the “Commissioner” and substituting the “General Manager”.

D. Deleting the definition of Injure/Injury and substituting the following:

INJURE and INJURY — Any act that will harm a tree’s health in any manner, including failure to protect in accordance with standards set by the General Manager.

E. Reformatting subsection § 813-8 by adding subsection § 813-8B so that it reads as follows:

A. Any person who contravenes any provision of this article is guilty of an offence.

B. A person convicted of an offence under this article is liable:

(1) To a minimum fine of \$500.00 per tree and to a maximum fine of \$100,000.00.

(2) To a special fine of \$100,000.00.

F. By adding the following section:

§ 813-8.1. Remedial action.

Wherever this article directs or requires any matter or thing to be done by a person, in default of its being done by the person directed or required to do it, the matter or thing may be done under the direction of the General Manager, and the City may recover the costs incurred by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

2. Chapter 813, Article III, Tree Protection is amended by:

A. Changing the title, Tree Protection, to Private Tree Protection.

B. Amending § 813-9. Definitions, by:

(1) Deleting the definition of Commissioner.

(2) Adding the following definitions in alphabetical sequence:

DIAMETER MEASUREMENT — A measurement taken at:

(a) 1.4 metres above ground level for trees with straight, upright stems.

(b) 1.4 metres along the centre of the stem axis for trees growing on an angle from a horizontal grade and trees growing vertical on slopes measured at right angles to the stem.

(c) 1.4 metres above ground level for each stem of a double stem or multi-stemmed tree.

GENERAL MANAGER — The General Manager, Parks, Forestry and Recreation.

(3) Amending the definition of Hazardous Tree by adding the word “Imminently” before the word “Hazardous”.

(4) Placing the definition of “Imminently Hazardous Tree” in alphabetical sequence.

(5) Deleting the definition of Injure/Injury and substituting the following:

INJURE and INJURY — Any act that will harm a tree’s health in any manner, including failure to protect in accordance with standards set by the General Manager.

- C. Deleting all references to the “Commissioner” and substituting the “General Manager”.
- D. Deleting § 813-10 and substituting the following:
- No person shall injure or destroy any tree, including a multi-stem tree having at least one stem, that has a diameter measurement of 30 centimetres or more measured at 1.4 metres above ground level in accordance with this article, unless authorized by permit to do so.
- E. Adding the word “imminently” before the word “hazardous” in § 813-11A.
- F. Adding a new subsection § 813-12B as follows:
- Despite § 813-12A(2) no fee shall be payable with respect to:
- (1) The not-for-profit portion of housing projects undertaken by:
- (a) The Toronto Community Housing Corporation.
- (b) Habitat for Humanity.
- (c) Recognized not-for-profit housing organizations including organizations providing social housing as referred to in subsection 7(1) paragraphs 1-4 of the *Residential Tenancies Act, 2006*.
- (2) Owners living below the low-income cut off as determined by Statistics Canada.
- G. Amending § 813-12(2) by deleting the reference to the application fee set out in § 441-19 and replacing it with a reference to the application fee set out in § 441, Appendix C, Schedule 8.
- H. Deleting § 813-13F.
- I. Amending § 813-13 by adding a new subsection F. as follows:
- F. Require an applicant to post a letter of credit in a form and content acceptable to the General Manager to ensure compliance with conditions of permit issuance.

- J. Deleting § 813-16 and replacing it with the following:

§ 813-16. Issuance of permits.

The General Manager is authorized to issue permits where:

- A. Trees are in poor condition and cannot be maintained in a healthy and safe condition.
- B. Despite § 813-15C the General Manager may issue permits to injure or destroy healthy trees where:
 - (1) The trees are causing or are likely to cause structural damage to load-bearing structures or roof structures.
 - (2) The trees are growing in inappropriate locations, as certified by the General Manager, and cannot be maintained on a routine basis due to restrictive site conditions.
 - (3) Injury or destruction is required in order to remediate contaminated soil.
 - (4) Trees are to be relocated and the General Manager is satisfied that the trees will be sufficiently prepared for relocation.
 - (5) Injury or destruction is required for trees specifically identified on plans approved by the Ontario Municipal Board, City Council or a final and binding decision of the Committee of Adjustment.

- K. Adding the following subsection:

§ 813-16.1. Issuance of permits; notification; consultation.

The General Manager may issue permits to injure or destroy healthy trees where:

- A. Trees are appropriately sited, and not causing or likely to cause structural damage to load bearing structures or roof structures;
- B. Trees are growing on top of underground parking structures, if removal or injury is required to facilitate repairs to the structure and a satisfactory replanting and/or tree protection plan is included with the request;
- C. Injury or destruction is required based upon plans approved by the Ontario Municipal Board, City Council or a final and binding decision of the Committee of Adjustment provided that:
 - (1) Notice has been posted in accordance with § 813-17; and

- (2) The General Manager and the ward councillor are satisfied that the applicant has undertaken to implement satisfactory landscaping, replanting and tree preservation plans.
- L. Deleting the reference to § 813-16F(4) in § 813-17 and replacing it with a reference to § 813-16.1.
- M. Deleting the words “an officer” and “officer” and substituting the words “the General Manager” in § 813-21.
- N. Deleting the words “an applicant” and replacing them with the words “a person” in § 813-22.
- O. Deleting § 813-23 and substituting the following:
- § 813-23 Offences.**
- A. Any person who contravenes any provision of this article is guilty of an offence.
- B. A person convicted of an offence under this article is liable:
- (1) To a minimum fine of \$500.00 per tree and to a maximum fine of \$100,000.00.
- (2) To a special fine of \$100,000.00.
3. Chapter 441, Fees and Charges, Appendix C, Schedule 8, Parks, Forestry and Recreation is amended by adding the following:

	I	II	III	IV	V
	Category	Activity	Fee Basis	Fee	Annual Adjustment
907	Tree Permit Applications - Construction Related	Applications to injure or remove trees associated with activity that includes but is not limited to building, demolition, excavation, boring, placement of fill or surface treatment, storage of construction materials or equipment, storage of soil, construction waste or debris, movement of vehicles and equipment. Applications for official plan amendments, zoning by-law amendments, plans of subdivision and condominiums, site plan control, minor variance, consent and building permit applications.	Per tree	\$300.00 per tree	No

City of Toronto By-law No. 118-2008

	I	II	III	IV	V
	Category	Activity	Fee Basis	Fee	Annual Adjustment
908	Tree Permit Applications Non-Construction Related	Applications to injure or remove trees not associated with construction related activity.	Per tree	\$100 per tree	No
909	Tree Permit Applications - City Owned Trees	Applications to injure or remove healthy City owned trees.	Per tree	\$300 per tree	No

ENACTED AND PASSED this 30th day of January, A.D. 2008.

SANDRA BUSSIN,
Speaker

ULLI S. WATKISS
City Clerk

(Corporate Seal)