

Authority: Parks and Environment Committee Item 15.2,  
as adopted by City of Toronto Council on May 26 and 27, 2008  
Enacted by Council: May 27, 2008

## CITY OF TORONTO

### BY-LAW No. 513-2008

**To amend City of Toronto Municipal Code Chapter 658, Ravine Protection, to include tableland forests and forested portions of the Lake Iroquois shoreline; to make technical amendments to improve clarity and consistency and to provide for fines in accordance with the *City of Toronto Act, 2006*.**

WHEREAS tableland forests and forested portions of the Lake Iroquois shoreline are important natural features in the City of Toronto that are vulnerable to degradation resulting from the destruction of trees and changes in grade; and

WHEREAS it is necessary to provide protection for these areas; and

WHEREAS it is necessary to update the fine provisions of Chapter 658 to bring fines in line with the *City of Toronto Act, 2006*; and

WHEREAS it is desirable to make certain technical amendments to Chapter 658, Ravine Protection in order to improve clarity and effectiveness;

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

1. Chapter 658, Ravine Protection, of The City of Toronto Municipal Code is amended by:
  - A. Changing the name of the Chapter to Ravine and Natural Feature Protection.
  - B. Deleting all references to the “Commissioner” and substituting the “General Manager”.
2. Section 658-1. Definitions is amended as follows:
  - A. By amending the definition of Applicant by adding the words “or the registered owner’s authorized agent” at the end of the definition.
  - B. By deleting the definition of Application and substituting the following:

APPLICATION — A completed permit application form with supporting documentation as identified in the Application package or requested by Urban Forestry, for permission to injure or destroy trees, to place or dump fill or refuse, or to alter the grade of land within a protected area.
  - C. By deleting the definition of Commissioner.

- D. By deleting the definition of Destroy and substituting the following:

DESTROY — To remove, cut down or in any other way injure a tree to such an extent that it is deemed to be an imminent hazard or it becomes necessary to remove the tree.

- E. By amending the definition of Emergency Work by deleting the word “and” wherever it appears and replacing it with the word “or”.

- F. By inserting the following definition in alphabetical sequence:

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

- G. By amending the definition of Grade by deleting the word “and” wherever it appears and replacing it with the word “or”.

- H. By amending the definition of Imminent Hazard by inserting the words “or structurally compromised,” after the word “destabilized”.

- I. By deleting the definition of Injure and substituting the following:

INJURE:

A. Not protecting trees in accordance with the City’s “Tree Protection Policy and Specifications for Construction Near Trees” or other standards set by the General Manager.

B. Any act or omission that will harm a tree’s health in any manner.

- J. By deleting the definition of Ornamental Trees.

- K. By adding the following definition in alphabetical sequence:

PROTECTED FEATURE — Any tree, woodland vegetation or slope in a protected area including:

A. Ravines.

B. Tableland Forests.

C. Treed Portions of the Lake Iroquois Shoreline.

D. Rouge Park.

E. Publicly owned parks and golf courses located in valleys.

L. By deleting the definition of Ravine and substituting the following:

RAVINE:

- A. A discernable land form with a minimum two-metre change in grade between the highest and lowest points of elevation that may have vegetation cover and that has or once had water flowing through, adjacent to, or standing on, for some period of the year;
- B. Contiguous buffer areas, areas of tree canopy and environmentally significant areas that contribute to the ecological function of a ravine.

M. By amending the definition of Refuse by adding the word “roots” followed by a comma after the word “naturally” and by adding a comma after the word “material”.

N. By adding the words “or slopes” at the end of the definition of Standards.

O. By adding the following definitions in alphabetical sequence:

TABLELAND FOREST — Woodland areas that are not contiguous with Ravines, including small non-wooded openings that contribute to the ecological function of the tableland forest.

TREE — A tree of any species and any size.

TREED PORTIONS OF THE LAKE IROQUOIS SHORELINE — Woodland portions of the shoreline of glacial Lake Iroquois and contiguous slopes with a minimum two-metre change in grade between the highest and lowest points of elevation, and contiguous buffer areas.

P. By deleting the word “and” and substituting the word “or” in the definition of Woodland.

- 3. Section 658-3 is amended by deleting the words “provide a digital file or”.
- 4. Section 658-4A(1) is amended by deleting the words “or a tree in declining or poor condition that cannot be maintained in a healthy and safe condition certified as such by the Commissioner” and adding a period after the word “tree”.
- 5. Section 658-4A(2) is amended by adding the words “as certified by the General Manager”.
- 6. Section 658-4A(5) is amended by deleting the words “ornamental trees” and substituting the words “fruit trees maintained for fruit production”.
- 7. Section 658-4A(6) is amended by adding a comma after the word “solariums”, deleting the word “or” and adding the words “or planters” at the end of the sentence.

8. Section 658-4A(8) is amended by adding the words “as certified by the General Manager” at the end of the sentence.
9. Section 658-4A(10) is amended by changing the word “and” to “or” wherever it appears.
10. Section 658-4A(11) is amended by deleting the word “and” after the words “zoning by-law” and adding the word “or”.
11. Section 658-4B(3) is amended by adding a comma after the word “solariums”, deleting the word “or” and adding the words “or planters” at the end of the sentence.
12. Section 658-4B(5) is amended by deleting the word “fill”.
13. Section 658-4B(6) is amended by adding the words “as certified by the General Manager” at the end of the sentence.

Section 658-4B(8) is amended by changing the word “and” to “or” wherever it appears.

Section 658-4B(9) is amended by deleting the word “and” after the words “zoning by-law” and adding the word “or”.

14. Section 658-5 is reformatted and reworded as follows:
  - A. An owner who wishes to do any of the following within a protected area shall submit a completed application to the General Manager:
    - (1) Injure or destroy a tree.
    - (2) Place or dump fill or refuse.
    - (3) Alter the grade of land.
  - B. A completed application shall consist of the following:
    - (1) The applicant’s name, address and telephone number.
    - (2) The purpose for which the permit is required.
    - (3) In the case of an application to injure or destroy a tree:
      - (a) An inventory of trees and other vegetation.
      - (b) A tree protection plan.
      - (c) A tree removal plan.
      - (d) A tree replacement, woodland management, stewardship, or rehabilitation plan.

- (4) In the case of an application to dump fill or refuse or to alter the grade of land:
- (a) A grading plan showing existing and proposed conditions.
  - (b) A drainage plan.
  - (c) A geotechnical report.
- 15.** Section 658-6A is amended by adding the words and symbols “, which may include conditions,” after the word “permits”.
- 16.** Section 658-6A(2) is deleted and the following is substituted:
- (2) Where site plan approval, subdivision approval, consent or committee of adjustment approval under the *Planning Act* has been obtained, and:
- (a) Tree injury or destruction is required based on plans approved by the Ontario Municipal Board, City Council, or a final and binding decision of the Committee of Adjustment.
  - (b) The placing or dumping of fill or the alteration of the grade of land is required based on plans approved by the Ontario Municipal Board, City Council, or a final and binding decision of the Committee of Adjustment.
- 17.** Section 658-6A(3) is amended by inserting the following as § 658-6A(3) and renumbering the remaining subsections in numerical sequence.
- (3) Where a building permit, front yard or boulevard parking permit or permission for driveway widening has been obtained, and:
- (a) Tree injury or destruction is required to facilitate construction in accordance with an approved permit or permission.
  - (b) The placing or dumping of fill or the alteration of the grade of land is required in order to facilitate construction in accordance with an approved permit or permission.
- 18.** Section 658-6A(4) is renumbered as § 658-6A(5) and is amended by:
- A. Adding the word “Where” at the beginning of the sentence.
  - B. Adding the words “or injury” after the word “removal”.
  - C. Deleting the word “and” and substituting the word “or”.
  - D. Inserting the word “is” after the word “areas” and before the word “in”.

- E. By deleting the reference to the City's "Guidelines for Management of Woodlands and Alteration of Grade" as amended from time to time" and substituting "Guidelines for Protection and Management of Ravines and Natural Features".
- 19.** Section 658-6A is amended by adding the following subsections:
- (7) Where injury or destruction of trees is required to remediate contaminated soil.
- (8) Where placement of fill or alteration of grade is required to remediate contaminated soil.
- 20.** Section 658-6B(1) is amended by:
- A. Adding the words "injured or" before the word "destroyed".
- B. Deleting the words "a replacement tree is" and substituting the words "replacement trees are".
- 21.** Section 658-6B is amended by inserting the following as § 658-6B(2) and renumbering the remaining sections in numerical sequence:
- (2) Where replacement planting is not physically possible on site, the General Manager may:
- (a) Require replacement planting at another suitable location; or
- (b) Accept a cash in lieu payment in an amount equal to 120 percent of the City's cost of replanting and maintaining the required trees for a period of two years.
- 22.** Section 658-6B(2), renumbered as § 658-6B(3), is amended by:
- A. Deleting the words "Where a property is not subject to site plan approval" so that the subsection commences with the word "The".
- B. Deleting the words "written undertaking" and substituting the word "guarantee".
- C. Deleting the words "a letter of credit" and substituting the words "security acceptable to the General Manager".
- 23.** Section 658-7 is amended by:
- A. Deleting the word "and" in the preamble and substituting a comma.
- B. Deleting the reference to the City's Guidelines for Management of Woodlands and Alteration of Grade in § 658-7B and substituting "Guidelines for Protection and Management of Ravines and Natural Features".

24. Section 658-9 is deleted and replaced with the following:

**§ 658-9. Power of entry; inspection powers.**

- A. An employee or officer of the City may enter upon on any lands at any reasonable time for the purpose of carrying out an inspection to determine whether:
- (1) This chapter is being complied with.
  - (2) The conditions of any permit issued under this chapter are being complied with.
- B. A person carrying out an inspection under § 658-9A may:
- (1) Require the production of documents relevant to the inspection.
  - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies.
  - (3) Require information from any person concerning a matter related to the inspection.
  - (4) Alone or in conjunction with a person possessing special or expert knowledge, make examinations and take tests, samples and photographs necessary for the purposes of the inspection.

25. Section 658-10 is amended by deleting the word “replant” and substituting the word “replace”.

26. Section 658-10 is amended by adding a new subsection § 658-10.1 as follows:

**§ 658-10.1. Removal of dangerous trees.**

The owner or person in charge of any land upon which a tree is situated shall remove or prune to remove any dead, diseased, decayed, damaged or dangerous tree or branch, certified as such by the General Manager, that pose a danger to persons or property.

27. Section 658-11. Offences, is amended as follows:

- A. By deleting subsections B, C, D and E and substituting the following:
- B. A director or officer of a corporation who knowingly concurs in the contravention of this chapter is guilty of an offence.

- C. A person convicted of an offence under this chapter is liable:
- (1) To a minimum fine of \$500.00 per tree and a maximum fine of \$100,000.00 for the injury or destruction of any tree in a protected area.
  - (2) To a minimum fine of \$500.00 and maximum fine of \$100,000.00 for any other offence under this chapter.
  - (3) To a Special fine of \$100,000.00.
- D. Despite § 658-11C an offence under § 658-2B of this chapter is a continuing offence and subject to a minimum fine of \$500.00 and a maximum fine \$10,000.00 for each day or part of a day that the offence continues.
- E. Despite § 658-11C failure to comply with permit conditions in accordance with § 658-6B is a continuing offence and subject to a minimum fine of \$500.00 and a maximum fine \$10,000.00 for each day or part of a day that the offence continues.

**28.** Section 658-12 is deleted and replaced with the following section:

**§ 658-12. Remedial action.**

Wherever this chapter 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, from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

**29.** Schedule A-1 Index Map is amended by deleting index maps 1-4 and substituting revised index maps 1-4, dated April 2008.

**30.** Schedule A-2 Data Map is amended by deleting the existing data maps and substituting revised data maps dated March 2008.

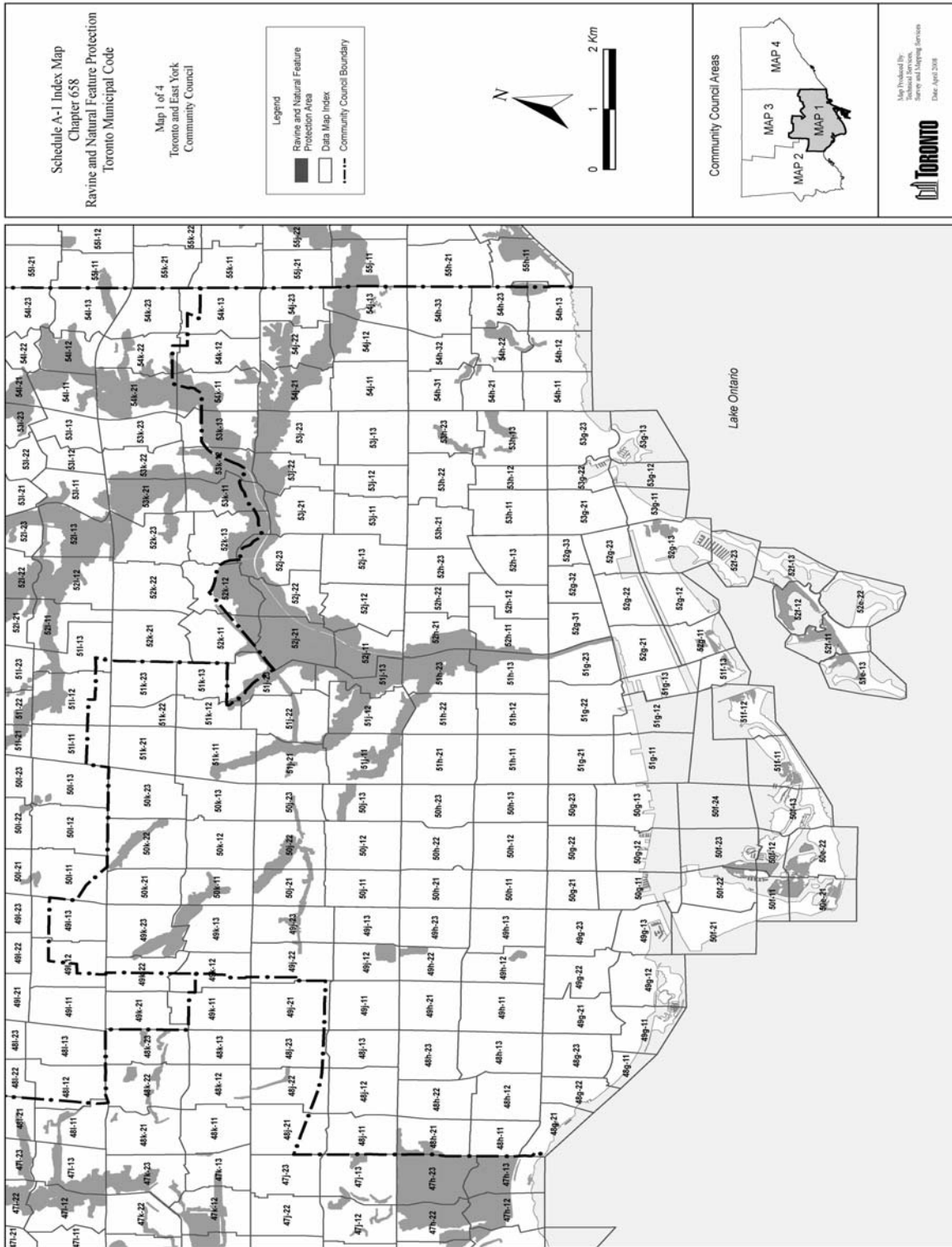
ENACTED AND PASSED this 27th day of May, A.D. 2008.

GLORIA LINDSAY LUBY,  
Deputy Speaker

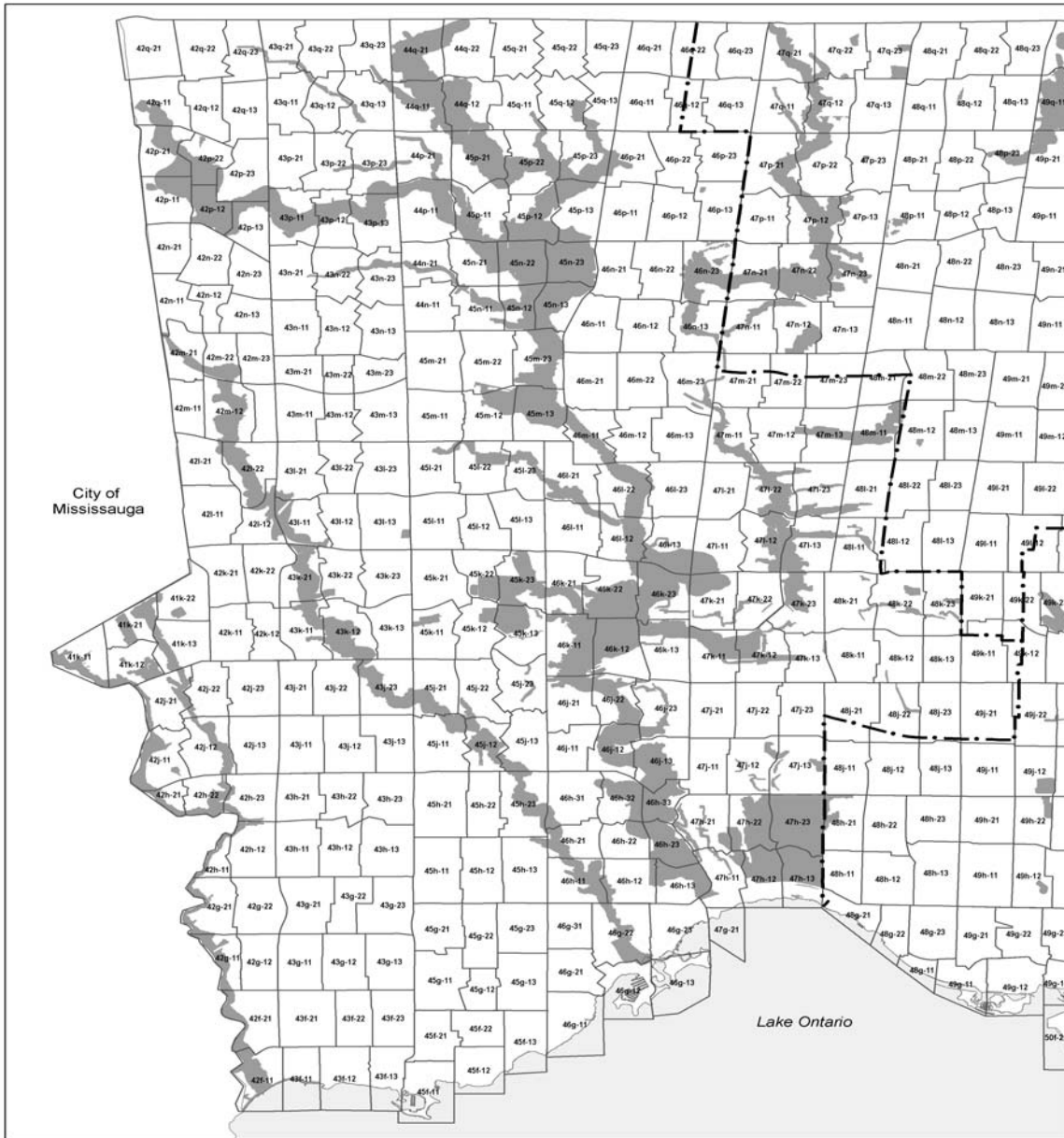
ULLI S. WATKISS  
City Clerk

(Corporate Seal)





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 City of Toronto By-law No. 513-2008



Schedule A-1 Index Map  
 Chapter 658  
 Ravine and Natural Feature Protection  
 Toronto Municipal Code

Map 2 of 4  
 Etobicoke York  
 Community Council

**Legend**

- Ravine and Natural Feature Protection Area
- Data Map Index
- Community Council Boundary



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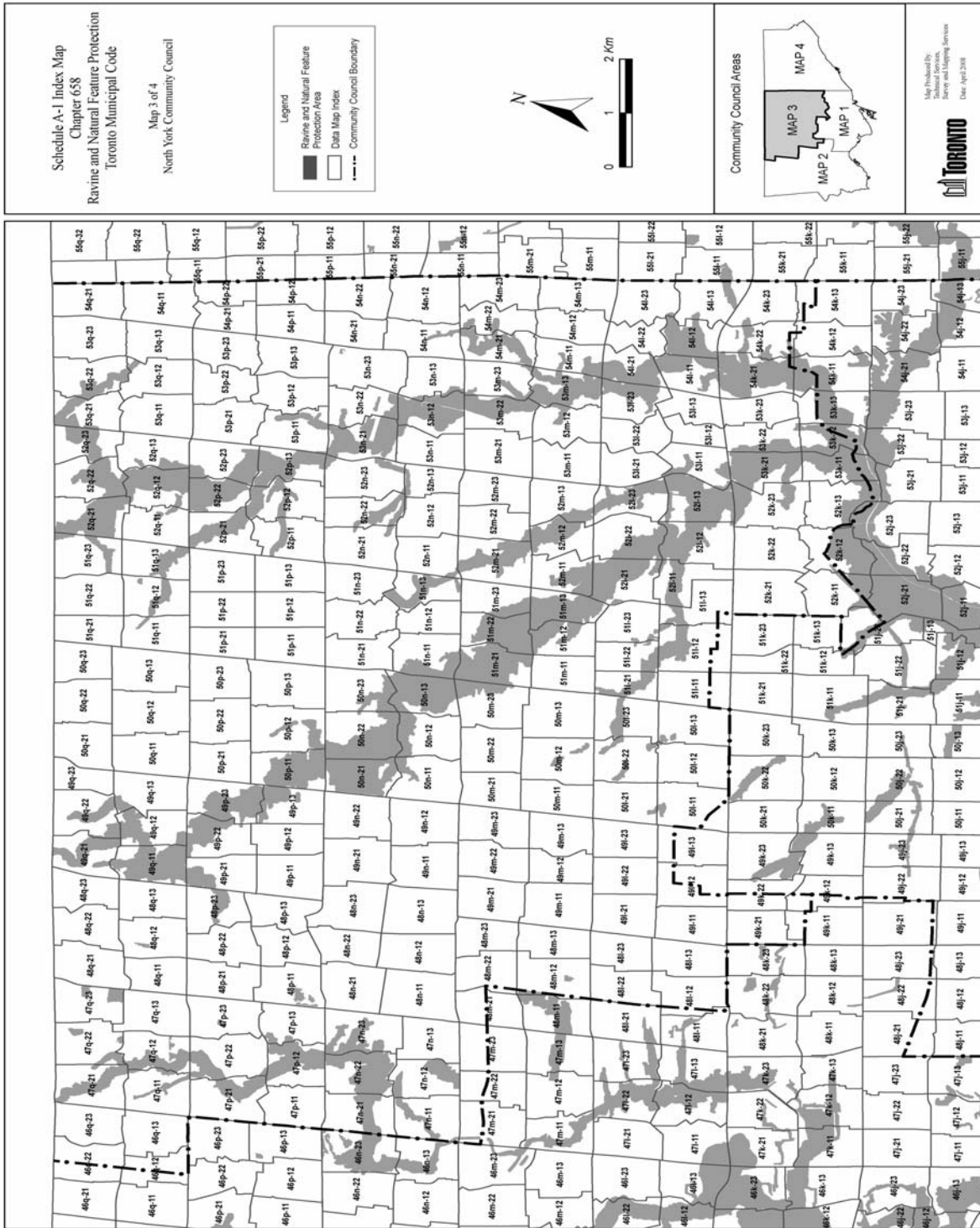
**TORONTO**

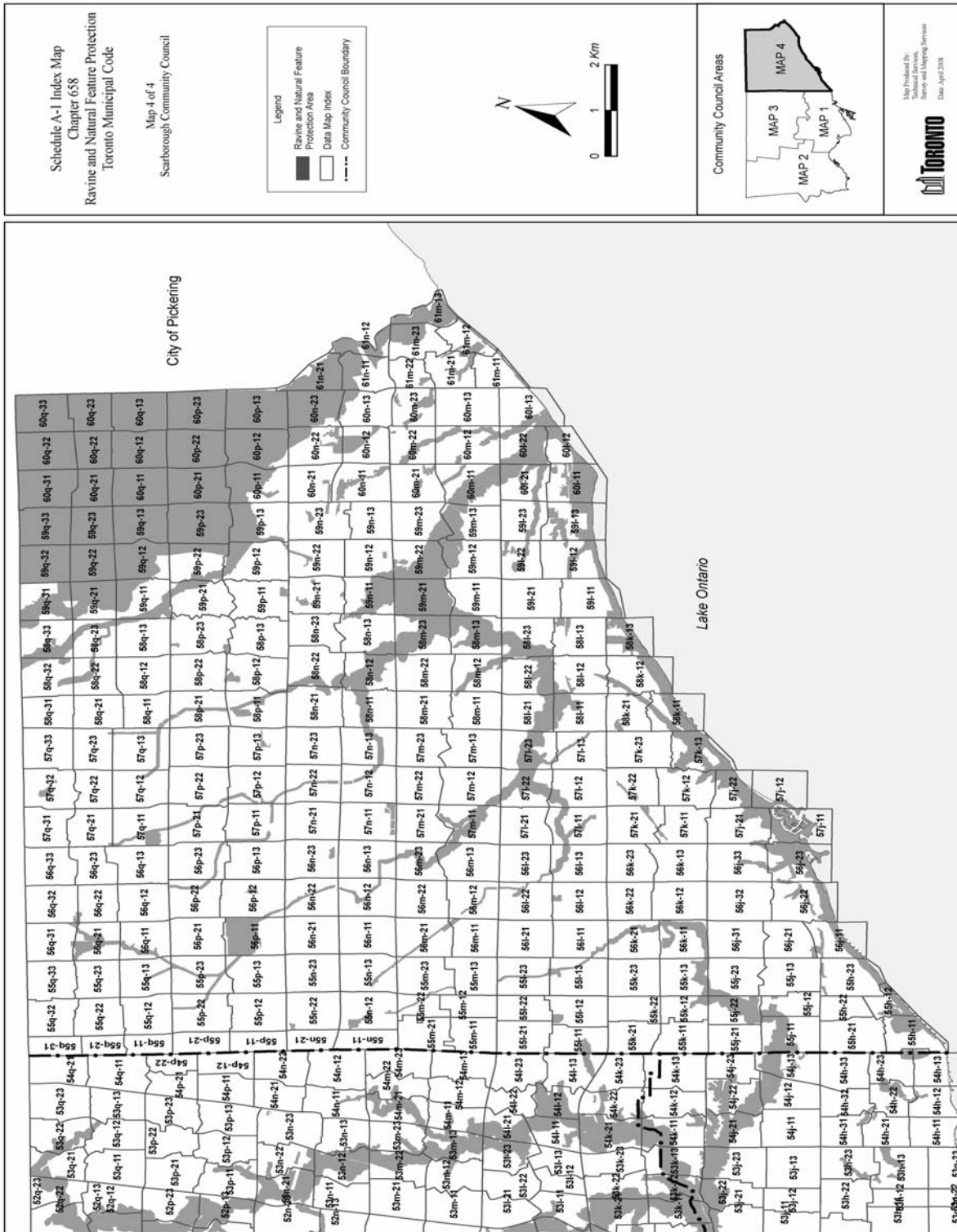
Map Produced By:  
 Technical Services,  
 Survey and Mapping Services

Date: April 2008

**Community Council Areas**

MAP 1  
 MAP 2  
 MAP 3  
 MAP 4





**Schedule A-2 Data Maps**

(On file in the City Clerk's Office)