

Chapter 658

RAVINE AND NATURAL FEATURE PROTECTION¹

- | | |
|---|---|
| § 658-1. Definitions. | § 658-9. Power of entry; inspection powers. |
| § 658-2. Permit required for prohibited activities. | § 658-10. Restoration of site. |
| § 658-3. Interpretation. | § 658-10.1. Removal of dangerous trees. |
| § 658-4. Exceptions. | § 658-11. Offences; additional remedies. |
| § 658-5. Filing of applications; form and content. | § 658-12. Remedial action. |
| § 658-6. Review of applications; issuance of permits; conditions. | § 658-13. Conflicting provisions. |
| § 658-7. Council approval required. | Schedule A-1 to Ch. 658, Index Maps, 1-4 |
| § 658-8. Permit appeals. | Schedule A-2 to Ch. 658, Data Maps |

¹ Editor's Note: The title of this chapter was revised from "Ravine Protection" to "Ravine and Natural Feature Protection" 2008-05-27 by By-law No. 513-2008.

[HISTORY: Adopted by the Council of the City of Toronto 2002-10-03 by By-law No. 838-2002.² Amendments noted where applicable.]

GENERAL REFERENCES

Heritage — See Ch. 103.

Fences — See Ch. 447.

Trees — See Ch. 813

§ 658-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated, and any abbreviation of a term as noted in brackets shall have a corresponding meaning:

APPLICANT — The registered owner of the property that is the subject of an application under this chapter or the registered owner's authorized agent. **[Amended 2008-05-27 by By-law No. 513-2008]**

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. **[Amended 2008-05-27 by By-law No. 513-2008]**

ARBORIST — A person who is a specialist or expert in the area of the care and maintenance of trees and includes an arborist qualified by the Ontario Training and Adjustment Board Apprenticeship and Client Services Branch, a certified arborist qualified by the International Society of Arboriculture, a consulting arborist registered with the American Society of Consulting Arborists, a registered professional forester or a person with other similar qualifications as approved by the General Manager.³ **[Amended 2008-05-27 by By-law No. 513-2008]**

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. **[Amended 2008-05-27 by By-law No. 513-2008]**

EMERGENCY WORK — Includes work associated with drain repairs, utility repairs or structural repairs to a building, work to prevent soil erosion, slipping of soil or damage to trees or any other work of an emergency nature. **[Amended 2008-05-27 by By-law No. 513-2008]**

² Editor's Note: This by-law was passed under the authority of sections 223.1 and 223.2 of the *Municipal Act*, R.S.O. 1990, c. M.45. This by-law repealed Chapter 455, Filling and Grading, of the City of Toronto Municipal Code; Chapter 276, Ravines, of the Municipal Code of the former City of Toronto; former Borough of East York By-law No. 117-97, "A by-law respecting the protection of trees and other vegetation in ravine," as amended; and former City of Scarborough By-law No. 23626, "A by-law respecting the protection of ravines," as amended.

³ Editor's Note: The former definition of "Commissioner," which immediately followed this definition, was repealed 2008-05-27 by By-law No. 513-2008.

FILL — Earth, sand, gravel, rubble, rubbish, garbage, or any other material whether similar to or different from any of these materials, whether originating on the site or elsewhere, used or capable of being used to raise, lower, or in any way effect the contours of the ground.

GENERAL MANAGER — The General Manager of Parks, Forestry and Recreation. **[Added 2008-05-27 by By-law No. 513-2008]**

GRADE — A defined elevation of land that has been established as a result of geologic, hydrologic, or other natural processes or by human alteration; that defines ravines, depressions, hills, stream channels, eskers or steepness of terrain. **[Amended 2008-05-27 by By-law No. 513-2008]**

HERITAGE TREE — A tree that has been designated under Part IV of the *Ontario Heritage Act*.⁴

IMMINENT HAZARD — Where a tree has been destabilized or structurally compromised, the supporting roots have failed or are cut or a main stem has cracked and is in immediate danger of breaking causing potential damage or injury to life or property. **[Amended 2008-05-27 by By-law No. 513-2008]**

INJURE: **[Amended 2008-05-27 by By-law No. 513-2008]**

- 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.

OFFICER — Includes an inspector and means a person designated from time to time by Council to enforce this chapter.⁵

OWNER:

- A. The registered owner of the property that is the subject of an application under this chapter.
- B. For purposes of making an application involving trees, “owner” shall include the owner of either property where the base of a tree straddles a property line or whose property is physically impacted by the roots or crown of a tree on adjacent property.

PERMIT — A permit required under this chapter.

⁴ Editor’s Note: See R.S.O. 1990, c. O.18.

⁵ Editor’s Note: The former definition of “ornamental trees,” which immediately followed this definition, was repealed 2008-05-27 by By-law No. 513-2008.

PROTECTED AREA — A shaded area on any Data Map in Schedule A-2 at the end of this chapter. **[Amended 2004-07-22 by By-law No. 729-2004]**

PROTECTED FEATURE — Any tree, woodland vegetation or slope in a protected area including: **[Added 2008-05-27 by By-law No. 513-2008]**

- 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.

RAVINE: [Amended 2008-05-27 by By-law No. 513-2008]

- 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.

REFUSE — Includes leaves, branches and logs that have not fallen naturally, roots, construction material, debris and household garbage. **[Amended 2008-05-27 by By-law No. 513-2008]**

ROOFTOP GARDEN — Does not include the rooftops of parking garages or other structures at grade.

ROUGE PARK — The urban wilderness park as defined in the Rouge Park Management Plan, 1994, as amended from time to time.

SPECIFICATIONS FOR CONSTRUCTION NEAR TREES — The most recent version of the City’s “Tree Protection Policy and Specifications for Construction Near City Trees.”

STANDARDS — Minimum requirements or guidelines established by the General Manager pertaining to the protection and preservation of trees and ravines or slopes. **[Amended 2008-05-27 by By-law No. 513-2008]**

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. **[Added 2008-05-27 by By-law No. 513-2008]**

TREE — A tree of any species and any size. **[Added 2008-05-27 by By-law No. 513-2008]**

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. **[Added 2008-05-27 by By-law No. 513-2008]**

WOODLAND — A treed area that provides environmental benefits, including erosion prevention, water retention, provision of habitat or recreation. **[Amended 2008-05-27 by By-law No. 513-2008]**

§ 658-2. Permit required for prohibited activities.

- A. No person shall, on any land in a protected area, injure or destroy any tree unless authorized by permit to do so.
- B. No person shall, on any land in a protected area, place or dump fill or refuse or alter the grade of the land unless authorized by permit to do so.

§ 658-3. Interpretation.

[Amended 2004-07-22 by By-law No. 729-2004; 2008-05-27 by By-law No. 513-2008]

- A. The City Surveyor may plot the boundary line defining a protected area on a plan or map drawn to a suitable scale, upon request, at the expense of the requestor.

§ 658-4. Exceptions.

[Amended 2003-02-07 by By-law No. 123-2003]

- A. Despite § 658-2A, a permit is not required in the following circumstances:
 - (1) Removal of a dead tree. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (2) Destruction of a tree that represents an imminent hazard to persons or property as certified by the General Manager. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (3) Pruning of a tree in accordance with good arboricultural practice to maintain the health of the tree.
 - (4) Pruning of tree branches that interfere with utility conductors as certified by the General Manager. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (5) Pruning or removal of fruit trees maintained for fruit production. **[Amended 2008-05-27 by By-law No. 513-2008]**

- (6) Injury or destruction of trees on rooftop gardens or in interior courtyards, solariums, raised podiums or planters. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (7) Emergency work as certified by the General Manager. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (8) Normal maintenance and play enhancement activities within manicured areas of turf of an existing golf course as certified by the General Manager. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (9) Farming, maintenance and management activities associated with Agricultural Heritage Reserve Zones located within the Rouge Park.
 - (10) Maintenance or management activities or improvement of recreational opportunities or infrastructure associated with Special Management Zones within the Rouge Park. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (11) The erection of any fence if the fence is erected in accordance with the applicable provisions of any zoning by-law or fence by-law, provided that the fence is maintained such that the uphill side of the fence is kept clear of refuse and fill. **[Amended 2008-05-27 by By-law No. 513-2008]**
- B. Despite § 658-2B, a permit is not required in the following circumstances:
- (1) Cultivation or tilling of garden beds as long as such work does not alter or create slopes at greater than 10 percent.
 - (2) Placing of soil involving an amount of less than five cubic metres for the purposes of maintaining existing manicured areas.
 - (3) Placing or dumping of fill or refuse or alteration of the grade of land on rooftop gardens or in interior courtyards, solariums, raised podiums or planters. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (4) Emergency work as certified by the General Manager. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (5) Grade changes within areas that are regulated by the Toronto and Region Conservation Authority. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (6) Normal maintenance and play enhancement activities within manicured areas of turf of an existing golf course as certified by the General Manager. **[Amended 2008-05-27 by By-law No. 513-2008]**
 - (7) Farming, maintenance and management activities associated with Agricultural Heritage Reserve Zones located within the Rouge Park.

- (8) Maintenance or management activities or improvement of recreation opportunities or infrastructure associated with Special Management Zones within the Rouge Park. **[Amended 2008-05-27 by By-law No. 513-2008]**
- (9) The erection of any fence if the fence is erected in accordance with the applicable provisions of any zoning by-law or fence by-law, provided that the fence is maintained such that the uphill side of the fence is kept clear of refuse and fill. **[Amended 2008-05-27 by By-law No. 513-2008]**

§ 658-5. Filing of applications; form and content.

[Amended 2008-05-27 by By-law No. 513-2008]

- 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.

§ 658-6. Review of applications; issuance of permits; conditions.

[Amended 2008-05-27 by By-law No. 513-2008]

A. Issuance of permits, which may include conditions.

The General Manager shall review all completed permit applications and is authorized to issue permits to injure or destroy trees and to place or dump fill or refuse or alter the grade of land in the following circumstances:

- (1) When trees cause or are likely to cause structural damage to load-bearing structures.
- (2) Where site plan approval, subdivision approval, consent or Committee of Adjustment approval under the *Planning Act*⁶ 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.
- (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.
- (4) Pruning of tree roots in accordance with good arboricultural practice causing minimal damage to the trees, provided that the pruning takes place under the direction of an arborist approved by the General Manager.
- (5) Where the removal or injury of trees, alteration of grade or placement of fill in protected areas is in accordance with the City's "Guidelines for Protection and Management of Ravines and Natural Features."
- (6) In protected areas that have undergone a Schedule B or C Municipal Class Environmental Assessment process.

⁶ Editor's Note: See R.S.O. 1990, c. P.13.

- (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.
- B. Conditions; replacement trees and site restoration.
- (1) Where a tree is to be injured or destroyed, the issuance of a permit shall be subject to conditions ensuring that replacement trees are planted to the satisfaction of the General Manager in accordance with the approved tree removal or replacement plan or woodland management or rehabilitation plan submitted by the applicant.
 - (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.
 - (3) The General Manager shall obtain a guarantee from the applicant to ensure that the tree removal or replacement plan or woodland management or rehabilitation plan is carried out, and where substantial replanting or site restoration is required or where the applicant has previously violated conditions to a permit, the General Manager may require an applicant to post security acceptable to the General Manager in an amount equal to 120 percent of the total cost of replanting and maintaining the trees for a period of two years or restoring the lands, or both.
 - (4) Where a tree is to be injured, the issuance of a permit shall be subject to conditions that ensure that the tree is protected in accordance with good arboricultural practices.

§ 658-7. Council approval required.

[Amended 2008-05-27 by By-law No. 513-2008]

The injury or destruction of trees, the placing or dumping of fill or refuse or the alteration of the grade of land must be authorized by City Council in the following circumstances:

- A. The tree is a heritage tree.
- B. The tree is healthy and the management of the tree or forest cover does not meet the City's "Guidelines for Protection and Management of Ravines and Natural Features."

§ 658-8. Permit appeals.

[Amended 2008-05-27 by By-law No. 513-2008]

- A. Where the General Manager refuses to issue a permit, an applicant may within 30 days of the date of refusal appeal to City Council through the community council having jurisdiction over the area in which the subject property is located, by written notice delivered to the General Manager setting out the reasons why the applicant believes a permit should be issued and requesting to be heard by the community council.
- B. Where an applicant has filed an appeal, the General Manager shall prepare and forward a report on the application to the next community council meeting, setting out the grounds for refusal of the application.
- C. Upon reviewing the recommendation on appeal of the community council, City Council may uphold the decision of the General Manager or may direct the General Manager to issue a permit subject to any conditions Council may deem appropriate.

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

[Amended 2008-05-27 by By-law No. 513-2008]

- 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.

§ 658-10. Restoration of site.

[Amended 2008-05-27 by By-law No. 513-2008]

A person who injures or destroys a tree or places or dumps fill or refuse, or alters the grade of land in a protected area without a permit or in contravention of a condition of a permit, shall replace the tree and remove the fill, or refuse, regrade the area and take any other steps required to restore the site to its original condition to the satisfaction of the General Manager.

§ 658-10.1. Removal of dangerous trees.

[Added 2008-05-27 by By-law No. 513-2008]

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 poses a danger to persons or property.

§ 658-11. Offences; additional remedies.

- A. A person who contravenes any provision of this chapter is guilty of an offence.
- B. A director or officer of a corporation who knowingly concurs in the contravention of this chapter is guilty of an offence. **[Amended 2004-07-22 by By-law No. 729-2004; 2008-05-27 by By-law No. 513-2008]**
- C. A person convicted of an offence under this chapter is liable: **[Added 2004-07-22 by By-law No. 729-2004; amended 2008-05-27 by By-law No. 513-2008]**
 - (1) To a minimum fine of \$500 per tree and a maximum fine of \$100,000 for the injury or destruction of any tree in a protected area.
 - (2) To a minimum fine of \$500 and maximum fine of \$100,000 for any other offence under this chapter.
 - (3) To a special fine of \$100,000.
- D. Despite § 658-11C, an offence under § 658-2B of this chapter is a continuing offence and subject to a minimum fine of \$500 and a maximum fine of \$10,000 for each day or part of a day that the offence continues. **[Added 2004-07-22 by By-law No. 729-2004; amended 2008-05-27 by By-law No. 513-2008]**
- 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 and a maximum fine of \$10,000 for each day or part of a day that the offence continues. **[Added 2004-07-22 by By-law No. 729-2004; amended 2008-05-27 by By-law No. 513-2008]**

§ 658-12. Remedial action.

[Amended 2002-11-28 by By-law No. 1081-2002; 2008-05-27 by By-law No. 513-2008]

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.

§ 658-13. Conflicting provisions.

To the extent of any conflict between the provisions of this chapter and any by-laws of the former municipalities respecting ravines, fill and grading and injury or destruction of trees, the provisions of this chapter shall prevail.

TORONTO MUNICIPAL CODE
RAVINE AND NATURAL FEATURE PROTECTION

SCHEDULE A-1 TO CH. 658, INDEX MAPS, 1-4⁷

[Amended 2002-11-28 by By-law No. 1081-2002; 2003-02-07 by By-law No. 123-2003; 2003-09-24 by By-law No. 940-2003; 2004-07-22 by By-law No. 729-2004; 2004-09-30 by By-law No. 803-2004; 2008-05-27 by By-law No. 513-2008]

⁷ Editor's Note: The maps that comprise Schedule A-1 are available for purchase through Survey and Mapping Services (416) 392-7665 or by e-mail to mapsales@toronto.ca.

TORONTO MUNICIPAL CODE
RAVINE AND NATURAL FEATURE PROTECTION

SCHEDULE A-2 TO CH. 658, DATA MAPS⁸
**[Amended 2004-07-22 by By-law No. 729-2004; 2004-09-30 by By-law No. 803-2004;
2008-05-27 by By-law No. 513-2008]**

⁸ Editor's Note: The maps that comprise Schedule A-2 are available for purchase through Survey and Mapping Services (416) 392-7665 or by e-mail to mapsales@toronto.ca.