

Authority: Parks and Environment Committee Item 9.2, as adopted by City of Toronto Council on November 29, 30 and December 1, 2011

## **CITY OF TORONTO**

### **BY-LAW No. 248-2013**

#### **To amend City of Toronto Municipal Code Chapter 813, Trees and Chapter 658, Ravine and Natural Feature Protection, to harmonize language and processes and to make technical amendments to Municipal Code Chapter 441, Fees and Charges.**

The Council of the City of Toronto enacts:

**1. Chapter 813, Trees, Article II, Trees on City Streets, is amended as follows:**

**A. By amending § 813-3. Definitions by adding the following definitions in alphabetical sequence:**

APPLICATION - A completed permit application form with supporting documentation as identified in the application package or requested by Urban Forestry for permission to injure, destroy or remove trees.

ARBORIST - An expert in the care and maintenance of trees including 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.

HERITAGE TREE - Trees designated under Part IV of the *Ontario Heritage Act* or trees recognized as heritage trees by the Ontario Heritage Tree Program of Trees Ontario.

IMMINENTLY HAZARDOUS TREE - A destabilized or structurally compromised tree that is in imminent danger of causing damage or injury to life or property.

OFFICER - A City employee whose duties include the enforcement of this chapter, including but not limited to those persons holding the positions of: General Manager, City Forester, Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector and Arborist Foreperson.

PERMIT - A permit required by this article.

**B. By amending the following definitions in § 813-3:**

- (1) The definition of DESTROY is amended by deleting the symbol "/" and word "DESTRUCTION" and the words "to remove or cut down the tree" at the end of the definition and adding the words "by the General Manager to be an imminently hazardous tree or is no longer viable and it becomes

necessary to remove the tree" at the end of the definition so that the definition reads as follows:

DESTROY - to remove, cut down or in any other way injure a tree to such an extent that it is deemed by the General Manager to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree.

- (2) The definition of EMERGENCY WORK is amended by adding the words "work of an urgent nature" at the beginning of the definition and the words "work required to prevent soil erosion, slipping of soil or damage to trees" at the end of the definition so that the definition reads as follows:

EMERGENCY WORK - Work of an urgent nature, including but not limited to work associated with drain repairs, utility repairs, structural repairs to a building and work required to prevent soil erosion, slipping of soil or damage to trees.

- (3) The definition of TREES is amended by deleting the letter "s" and the words "shade or ornamental" so that the definition reads as follows:

TREE - Any tree, all or part of which is located on, above or below a City street. Ownership and maintenance of trees that have 50 percent or more of their main stem situated on a City road allowance will be the responsibility of the City.

- (4) The definition of SPECIFICATIONS FOR CONSTRUCTION NEAR TREES is amended by correcting the name of the document to read TREE PROTECTION POLICY AND SPECIFICATIONS FOR CONSTRUCTION NEAR TREES and adding the words "as established by the General Manager" at the end of the definition.

C. By amending § 813-5. Powers and duties of General Manager as follows:

- (1) By deleting existing §§ 813-5I and J.
- (2) By re-numbering § 813-5K as § 813-5I and by deleting the word "Permit" and substituting the word "Allow".
- (3) By re-numbering existing § 813-5L as § 813-5J and by adding the word "unauthorized" before, and the word "removal" after, the word "injury" and deleting the remainder of the section following the word "tree" so that the section now reads as follows:

Stop any work causing unauthorized injury, removal or destruction of a tree.

(4) By adding the following as §§ 813-5K to S:

- K. Issue permits for injury, destruction and removal of trees in accordance with the criteria and subject to the conditions set out in this article.
- L. Refuse to issue permits for injury, destruction or removal of trees and refer the matter to the appropriate community council.
- M. Establish expiry dates for permits.
- N. Approve or refuse requests to transfer a permit or application.
- O. Require the submission of a new application where:
  - (1) A permit has expired;
  - (2) A request to transfer a permit or application has been refused;
  - (3) Additional trees are required to be injured, destroyed or removed.
- P. Issue permits for the removal of trees located on a public right-of-way where work is required within the right-of-way and:
  - (1) Council has approved the work;
  - (2) The General Manager is satisfied that there is no reasonable alternative to tree removal in order to complete the approved work;
  - (3) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and
  - (4) The ward councillor has been advised that a permit will be issued.
- Q. Issue permits for the removal of trees located within a utility easement where the repair or replacement of the utility is required for the provision of such utilities, and:
  - (1) The General Manager is satisfied that there is no reasonable alternative to tree removal in order to complete the work;
  - (2) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and

- (3) The ward councillor has been advised that a permit will be issued.
  - R. Require that any tree planted on a City street be approved by the General Manager and planted in accordance with the appropriate City of Toronto Tree Planting Detail. Approval will include the planting location, species, size and condition.
  - S. Require replacement planting for every tree removed, unless otherwise determined by the General Manager.
- D. By deleting the text and heading in § 813-6. "Protection; injury and removal of trees; prohibited activities" and substituting the following heading and text:

**§ 813-6. Compliance; permit required; approval required; prohibited activities.**

A. Compliance.

Every person carrying out work on City streets or carrying out work that will impact trees on City streets, shall carry out such work in accordance with:

- (1) This article;
- (2) The City's Tree Protection Policy and Specifications for Construction near Trees;
- (4) The terms and conditions of any permit;
- (5) The provisions of any approved tree protection plan or arborist report; and
- (6) Any other standards as defined in § 813-3.

B. Permit required.

No person shall injure, destroy, remove or permit the injury destruction or removal of a tree without a permit.

C. Approval required.

- (1) No person shall attach or permit to be attached to a tree any object or thing, including decorative lights without the prior written approval of the General Manager.
- (2) The approval of the General Manager under (1) may be subject to conditions imposed by the General Manager including production

of satisfactory evidence that all other requisite approvals have been obtained.

D. Prohibited activities.

No person shall bury the roots, mark, cut, break, peel or deface any part of a tree.

E. By deleting § 813-7 and substituting the following:

**§ 813-7. Applications; form and content; application fees.**

A. Any person who wishes to injure, destroy or remove a tree shall submit an application to the General Manager, on the prescribed form and shall provide the following to the satisfaction of the General Manager:

- (1) The name, address and telephone number of the applicant;
- (2) Subject to § 813-7B, the non-refundable application fee set out in Chapter 441, Fees and Charges, Appendix C, Schedule 7;
- (3) The purpose for which the permit is required;
- (4) A landscape plan satisfactory to the General Manager and the ward councillor;
- (5) An arborist report identifying the location, species, size and condition of trees on the property and describing protection measures to be implemented;
- (6) A tree protection plan, where required by the General Manager, identifying the location, species and size of trees on the property and illustrating details of protection measures including protective barriers and hoarding;
- (7) Such additional information and documentation as the General Manager may require.

B. No application fee.

No application 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) Persons living below the low-income cut off as determined by Statistics Canada.

- F. By adding the following as § 813-8. Review of applications; criteria:

**§ 813-8. Review of applications; criteria.**

The General Manager shall consider the following criteria prior to issuing or refusing to issue a permit:

- A. The application form is complete;
- B. The applicant has paid all required fees;
- C. The condition of the tree;
- D. The location of the tree;
- E. The protection of environmentally sensitive areas;
- F. The protection of natural landforms or contours;
- G. The protection of ecological systems;
- H. Erosion and flood control;
- I. The protection of significant vistas;
- J. Landscape plans, arborist reports and tree protection plans submitted by the applicant are satisfactory;
- K. Whether or not a tree is a heritage tree or should be protected as a heritage tree.

- G. By adding the following as § 813-9. Permit Refusal:

**§ 813-9. Permit refusal.**

The General Manager shall not issue a permit where:

- A. The application form is incomplete.

- B. The information required by § 813-7A has not been provided to the satisfaction of the General Manager.
- C. Environmentally sensitive areas, ecological systems, natural landforms or contours will not be adequately protected and preserved.
- D. Erosion or flood control will be negatively impacted.
- E. Significant vistas will not be adequately protected and preserved.
- F. The tree is a heritage tree, or should in the opinion of the General Manager be recommended for designation as a heritage tree.
- H. By adding the following as § 813-10. Permit Conditions:

**§ 813-10. Permit conditions.**

- A. A permit to injure, remove or destroy a tree shall be subject to the following terms and conditions:
  - (1) The injury, destruction or removal of a tree shall be carried out by or under the supervision of an arborist;
  - (2) Compliance with good arboricultural practices;
  - (3) Compliance with the City's Tree Protection Policy and Specifications for Construction Near Trees and any other standards as defined in § 813-3;
  - (4) Compliance with approved landscape and tree protection plans to the satisfaction of the General Manager;
- B. A permit to injure, remove or destroy a tree may be subject to the following additional terms and conditions as determined by the General Manager:
  - (1) The General Manager may require payment of the appraised value of any trees to be removed plus removal and replacement costs and a minimum of one replacement tree to be planted on site for each tree removed.
  - (2) Where tree planting or replacement planting is not physically possible on site, the General Manager may:
    - (i) Require replacement planting at another suitable location;
    - or

- (ii) Accept a cash in lieu in payment in an amount equal to 120 percent of the cost of planting and maintaining a tree for a period of two years.
  - (3) The General Manager may require the provision of a tree protection guarantee by submission of a letter of credit or alternative form of security in a form and content acceptable to the General Manager, to ensure compliance with conditions of permit issuance, in an amount which represents the appraised value of the tree to be protected, the removal costs and tree replacement costs. The tree protection guarantee will be released by the City once all construction activities are complete and compliance with all permit terms and conditions have been verified to the satisfaction of the General Manager.
  - (4) The General Manager may require the provision of a tree planting security deposit by submission of a letter of credit or alternative form of security in a form and content acceptable to the General Manager, to ensure compliance with approved landscape plans. The tree planting security deposit shall be in an amount equal to the cost of planting and maintenance for two years and will be released by the City provided that the trees are healthy and in a state of vigorous growth two years after planting.
- I. By deleting existing § 813-8. Offences and § 813-8.1. Remedial action, and incorporating these sections in new Article IV, Offences and Enforcement.
- 2. Chapter 813, Trees, Article III, Private Tree Protection, is amended as follows:
  - A. By re-numbering existing § 813-9. Definitions, as § 813-11 and adding the following definitions in alphabetical sequence:

PERMIT - A permit required by this article.

TERMINALLY DISEASED - Advanced and irreversible decline in tree health, that has resulted in the majority of crown die back or failure, due to severe insect infestation or infection by a pathogen.
  - B. By amending the following definitions:
    - (1) The definition of APPLICATION is amended by adding the word "completed" before the word "permit" and adding the words "with supporting documentation as identified in the application package or requested by Urban Forestry for permission to injure, destroy or remove trees so that the definition now reads as follows:



APPLICATION - A completed permit application form with supporting documentation as identified in the application package or requested by Urban Forestry for permission to injure, destroy or remove trees.

- (2) The definition of DESTROY is amended by adding the words "or in any other way "before the word "injure", deleting the words "to remove or cut down the tree" at the end of the definition and adding the words "by the General Manager to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree" at the end of the definition so that the definition reads as follows:

DESTROY - To remove, cut down or in any other way injure a tree to such an extent that it is deemed by the General Manager to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree.

- (3) The definition of EMERGENCY WORK is amended by deleting the words "required to be done immediately in order to prevent imminent damage" and substituting the words "of an urgent nature, including but not limited to work associated with" at the beginning of the definition, moving the words "soil erosion" to the end of the definition and adding the words "or damage to trees" so that the definition reads as follows:

EMERGENCY WORK - Work of an urgent nature, including but not limited to work associated with drain repairs, utility repairs, structural repairs to a building and work required to prevent soil erosion, slipping of soil or damage to trees.

- (4) The definition of HERITAGE TREE is amended by adding the words "or trees recognized as heritage trees by the Ontario Heritage Tree Program of Trees Ontario".

- (5) The definition of OFFICER is amended by adding the words "A City employee whose duties include the enforcement of this chapter, including but not limited to" at the beginning of the definition and adding the "the General Manager" as an officer so that the definition reads as follows:

OFFICER - A City employee whose duties include the enforcement of this chapter, including but not limited to those persons holding the positions of: General Manager, City Forester, Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector and Arborist Foreperson.

- C. By re-numbering existing § 813-10 as § 813-12 and changing all subsequent references to § 813-10 to § 813-12 and by replacing the word "or" after "injure" with a comma and adding the words "or remove or permit the injury, destruction or removal of" after the word "destroy" and before the words "any tree".

- D. By re-numbering § 813-11 as § 813-13 and adding the word "terminally" before the word "diseased" in re-numbered § 813-11A.
- E. By adding the words "as certified by the General Manager" in re-numbered § 813-13C and D.
- F. By adding the words "and Natural Feature" to the title of Chapter 658 before the word "Protection" in re-numbered § 813-13F.
- G. By re-numbering § 813-12 as § 813-14, changing all subsequent references to § 813-12 to § 813-14 and correcting the reference in re-numbered § 813-14(2) to refer to Schedule 7 not Schedule 8.
- H. Section 813-13 is amended by:
  - (1) Re-numbering § 813-13 as § 813-15 and changing all subsequent references to § 813-13 to § 813-15.
  - (2) Adding the words "or alternative form of security" after the word "credit" in re-numbered § 813-15F.
  - (3) Adding the following as §§ 813-15G, H and I, respectively:
    - G. Establish expiry dates for permits.
    - H. Approve or refuse a request to transfer a permit or application.
    - I. Require the submission of a new application where:
      - (1) A permit has expired;
      - (2) A request to transfer a permit or application has been refused; or
      - (3) Additional trees are required to be injured, destroyed or removed.
- I. By re-numbering § 813-14 as § 813-16.
- J. By re-numbering § 813-15 as § 813-17 and changing all subsequent references to § 813-15 to § 813-17.
- K. By re-numbering § 813-16 and § 813-16.1 as § 813-18 and § 813-18.1 respectively and changing all subsequent references accordingly.
- L. By adding the following as subsection (6) to re-numbered § 813-18B:
  - (6) Injury, destruction or removal is required to permit activities associated

with the day to day operations of a cemetery for the interring or disinterring of remains.

M. By moving existing § 813-16.1B and adding it to re-numbered § 813-18B as § 813-18B(7).

N. By adding the words "for injury or removal" after the word "identified" in § 813-18B(5).

O. By adding the following as § 813-18B(8):

Trees are located on lands owned by the City, its agencies boards or commissions where:

- (1) Council has approved works that will impact trees; and
- (2) The General Manager is satisfied that there is no reasonable alternative to tree injury, removal or destruction for the completion of the work; and
- (3) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and
- (4) The ward councillor has been advised that a permit will be issued.

P. By adding the following as § 813-18B(9):

Trees are located within a utility easement and work is required within the easement for the provision of the utility where:

- (1) The General Manager is satisfied that there is no reasonable alternative to tree injury, removal or destruction for the completion of the work; and
- (2) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and
- (3) The ward councillor has been advised that a permit will be issued.

Q. By re-numbering § 813-16.1C as § 813-18.1B, deleting the words "provided that" and adding the words "where trees have not been specifically identified for injury or removal on the approved plans" after the word "Adjustment".

R. By re-numbering and re-formatting § 813-16.1 as § 813-18.1 so that the section reads as follows:

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

A. Notice has been posted in accordance with § 813-19; and

- B. The General Manager and the ward councillor are satisfied that the applicant has undertaken to implement satisfactory landscaping, replanting and tree preservation plans, where:
- (1) Trees are appropriately sited, and not causing or likely to cause structural damage to load bearing structures or roof structures; or
  - (2) 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 where trees have not been specifically identified for injury or removal on the approved plans.
- S. By re-numbering § 813-17, § 813-18, § 813-19 and § 813-20 as § 813-19, § 813-20, § 813-21 and § 813-22 respectively.
- T. By deleting the following existing sections and incorporating these sections in new Article IV, Offences and Enforcement.
- (1) § 813-8. Offences;
  - (2) § 818-13.8.1. Remedial action;
  - (3) § 813-21. Order to correct violation;
  - (4) § 813-22. Remedial action;
  - (5) § 813-23. Offences.
- U. By re-numbering the remaining sections in sequence.
3. Chapter 813, Trees, is amended by adding the following as Article IV, Offences and Enforcement:

**ARTICLE IV**  
**Offences and Enforcement**

**§ 813-25. Inspection and power of entry.**

- A. An officer may enter upon any lands at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (1) This chapter;
  - (2) The conditions of any permit issued under this chapter;
  - (3) A direction or order of the City made under this chapter or the *City of Toronto Act, 2006*, respecting compliance with this chapter; or

- (4) An order made by a court under section 372 of the *City of Toronto Act, 2006*, prohibiting the continuation or repetition of a contravention of this chapter.
- B. A person carrying out an inspection under Subsection A may:
  - (1) Require the production for inspection of documents or things relevant to the inspection;
  - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (3) Require information from any person concerning a matter related to the inspection; and
  - (4) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

**§ 813-26. Remedial action.**

If a person fails to comply with an order to do work to correct a contravention of this chapter, the City may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

**§ 813-27. Orders to comply.**

- A. An officer who finds a contravention of this chapter may make one or more orders requiring:
  - (1) The contravening activity to be discontinued (under section 384 of the *City of Toronto Act, 2006*); or
  - (2) Work to be done to correct the contravention (under section 385 of the *City of Toronto Act, 2006*).
- B. The order may be served personally on the person to who it is directed or by registered mail to the last known address of that person and, where the order is served by mail, the service shall be deemed to have been made on the third day after the day of mailing.
- C. If there is evidence that the occupant of the property is the registered property owner, the notice shall be served on both the registered property owner and the occupant of the property.
- D. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection B, a placard stating the terms of the order

and placed in a conspicuous place upon the land on or near the property shall be deemed to be sufficient service on the owner.

- E. If the delay necessary to serve an order under the preceding subsections would result in an immediate danger to the health or safety of any person, the order may be served personally on the person to whom it is directed or by a placard stating the terms of the order and placed in a conspicuous place upon land on or near the property.

**§ 813-28. Offences.**

- A. No person shall obstruct an officer who is carrying out an inspection under this Chapter.
- B. No person shall deface, cover up or remove a placard placed under § 813-27D or E.
- C. Every person who contravenes a provision of this chapter is guilty of an offence, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence.
- D. Every person who contravenes an order under subsection 384(1) or 385(1) of the *City of Toronto Act, 2006*, is guilty of an offence.

**§ 813-29. Penalties.**

A person who is convicted of an offence is liable:

- A. To a minimum fine of \$500.00 and a maximum fine of \$100,000.00 per tree; and
- B. A special fine of \$100,000.00 (under subsection 370 (1) (d) of the *City of Toronto Act, 2006*).

**4. Chapter 658, Ravine and Natural Feature Protection, is amended as follows:**

- A. By adding the following definition to § 658-1. Definitions in alphabetical sequence:

TERMINALLY DISEASED - Advanced and irreversible decline in tree health, that has resulted in the majority of crown die back or failure, due to a severe insect infestation or infection by a pathogen.

- B. By amending the following definitions in § 658-1. Definitions:

- (1) The definition of ARBORIST is amended by deleting the words "A person who is a specialist or expert in the area of" and substituting "An expert in".

- (2) The definition of DESTROY is amended by adding the words "by the General Manager" after the word "deemed", by changing the words "imminent hazard" to "imminently hazardous tree" and by adding the words "is no longer viable and it" so that the definition reads as follows:

DESTROY - To remove, cut down or in any other way injure a tree to such an extent that it is deemed by the General Manager to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree.

- (3) The definition of EMERGENCY WORK is deleted and replaced by the following:

EMERGENCY WORK - Work of an urgent nature, including but not limited to work associated with drain repairs, utility repairs or structural repairs to a building, and work required to prevent soil erosion, slipping of soil or damage to trees.

- (4) The definition of HERITAGE TREE is amended by adding the words "or trees recognized as heritage trees by the Ontario Heritage Tree Program of Trees Ontario".

- (5) The definition of IMMINENT HAZARD is deleted and replaced with the following definition:

IMMINENTLY HAZARDOUS TREE - A destabilized or structurally compromised tree that is in imminent danger of causing damage or injury to life or property.

- (6) The definition of OFFICER is amended by adding the words "A City employee whose duties include the enforcement of this chapter, including but not limited to" at the beginning of the definition and adding "the General Manager" as an officer so that the definition reads as follows:

OFFICER - A City employee whose duties include the enforcement of this chapter, including but not limited to those persons holding the positions of: General Manager, City Forester, Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector and Arborist Foreperson.

- (7) The definition of Permit is deleted and replaced with the following definition:

PERMIT - A permit to:

- A. Injure, destroy or remove trees;

- B. To place or dump fill or refuse; and
  - C. To alter the grade of land.
- (8) The definition of SPECIFICATIONS FOR CONSTRUCTION NEAR TREES is amended by correcting the name of the document to read TREE PROTECTION POLICY AND SPECIFICATIONS FOR CONSTRUCTION NEAR TREES.
- C. By replacing the word "or" before the word "destroy" with a comma; adding the words "remove or permit the injury, destruction or removal of" after the word "destroy" and before the words "any tree" and moving the words "on any land in a protected area" in § 658-2A so that the section reads as follows:
    - A. No person shall injure, destroy, remove or permit the injury, destruction or removal of any tree on any land in a protected area, unless authorized by permit to do so.
  - D. By adding the words "or permit the placing or dumping of fill or refuse or alteration of grade after the word "land" and moving the words "on any land in a protected area" in § 658-2B so that the section reads as follows:
    - B. No person shall place or dump fill or refuse or alter the grade of land or permit the placing or dumping of fill or refuse or alteration of grade on any land in a protected area unless authorized by permit to do so.
  - E. By amending § 658-4A(1) to read as follows:
    - (1) Removal of a terminally diseased, dead or imminently hazardous tree, certified as such by the General Manager.
  - F. By deleting § 658-4A(2) and renumbering §§ 658-4A(3) to (11) as §§ 658-4A(2) to (10).
  - G. By adding the words "having a soil depth of less than 1.5 metres above a built substructure", after the word "trees" in re-numbered § 658-4A(5).
  - H. By deleting the words "Review of applications" in the heading to § 658-6 so that the heading reads "Issuance of permits; conditions."
  - I. By deleting the words "which may include conditions" in the heading to § 658-6A, so that it reads "Issuance of permits".
  - J. By deleting all of the words after the words "General Manager" in § 658-6A and substituting the words "is authorized to issue permits" so that it reads as follows:

The General Manager is authorized to issue permits:



- K. By adding the words "For the" at the beginning of § 658-6A(4).
- L. By deleting existing § 658-6A(5) and adding the following as §§ 658-6A(5) to (8):
- (5) Where a plan has been prepared for ravine restoration or forest stewardship, management or enhancement and the plan has been approved by the General Manager.
  - (6) Where tree injury, destruction or removal is in accordance with plans approved by the General Manager.
  - (7) Where the placing or dumping of fill or the alteration of grade is outside of the Toronto Region Conservation Authority's regulated area and is in accordance with plans approved by the General Manager.
  - (8) Where the injury, destruction or removal of trees has been ordered or approved by the General Manager for arboricultural management, pest management, or otherwise for purposes of dealing with trees affected by disease or infestations.
- M. By renumbering §§ 658-6A(6), (7) and (8) as §§ 658-6A(9), (10) and (11) respectively.
- N. By adding the following as §§ 658-6A(12), (13) and (14):
- (12) For lands owned by the City, its agencies boards or commissions provided that:
    - (a) Council has approved the work that will impact trees or alter the grade of land; and
    - (b) The General Manager is satisfied that there is no reasonable alternative to tree injury, destruction or removal or the alteration of grade in order to complete the work: and
    - (c) The General Manger is satisfied that the applicant has undertaken to implement satisfactory replanting and site restoration, as applicable.
  - (13) Where City work is required within a right-of-way in a protected area provided that:
    - (a) Council has approved the work that will impact trees or alter the grade of land; and

- (b) The General Manager is satisfied that there is no reasonable alternative to tree injury, destruction or removal or alteration of grade in order to complete the work; and
    - (c) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting and site restoration, as applicable.
  - (14) Where a utility easement is located within a protected area and repair or replacement of the utility is required for the provision of such utilities; provided that:
    - (a) The General Manager is satisfied that there is no reasonable alternative to tree injury, destruction or removal or alteration of grade in order to complete the work; and
    - (b) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting and site restoration, as applicable.
- O. By adding the following as § 658-6C. Expiry of permits:

The General Manager is authorized to establish expiry dates for permits.
- P. By adding the following as § 658-6D. Transfer of permits:

The General Manager is authorized to approve or refuse the transfer of an application or permit.
- Q. By adding the following as § 658-6E Permit replacement:
  - (1) The General Manager is authorized to require the submission of a new application where:
    - (a) A permit has expired;
    - (b) A request to transfer a permit or application has been refused;
    - (c) Additional trees are required to be injured, destroyed or removed.
  - (2) The General Manager may refuse to issue a replacement permit or may issue a replacement permit subject to additional or alternative conditions as provided for in this article.
- R. By amending § 658-7B by deleting the words "does not meet the City's Guidelines for Protection and Management of Ravines and Natural Features" and substituting the words "has not been addressed through submission of plans to the satisfaction of the General Manager".

- S. By adding the word "Enforcement" and the symbol ";": to the beginning of the heading in § 658-9 so that it reads "Enforcement; power of entry; inspection powers".
- T. By adding the following as § 658-10. Orders to comply:
  - A. An officer who finds a contravention of this chapter may make one or more orders requiring:
    - (1) The contravening activity to be discontinued (under section 384 of the *City of Toronto Act, 2006*); or
    - (2) Work to be done to correct the contravention (under section 385 of the *City of Toronto Act, 2006*).
  - B. The order may be served personally on the person to who it is directed or by registered mail to the last known address of that person and, where the order is served by mail, the service shall be deemed to have been made on the third day after the day of mailing.
  - C. If there is evidence that the occupant of the property is the registered property owner, the notice shall be served on both the registered property owner and the occupant of the property.
  - D. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection B, a placard stating the terms of the order and placed in a conspicuous place upon the land on or near the property shall be deemed to be sufficient service on the owner.
  - E. No person shall deface, cover up or remove a placard placed under § 658-10D.
  - F. If the delay necessary to serve an order under the preceding subsections would result in an immediate danger to the health or safety of any person, the order may be served personally on the person to whom it is directed or by a placard stating the terms of the order and placed in a conspicuous place upon land on or near the property.
- U. By renumbering § 658-10, § 658-11, § 658-12 and § 658-13 as § 658-11, § 658-12, § 658-13 and § 658-14, respectively.
- V. By deleting § 658-10.1.

5. Chapter 441, Fees and Charges, Appendix C, Schedule 7, is amended by adding the symbol and words " - private trees" on lines 7000 and 7001 and by adding the symbol and words " - City owned trees" on line 7002.

Enacted and passed on February 21, 2013.

Frances Nunziata,  
Speaker

Ulli S. Watkiss,  
City Clerk

(Seal of the City)