



STAFF REPORT ACTION REQUIRED

Urban Forestry – Increase in Complaints under the Municipal Tree Protection Bylaws

Date:	November 16, 2016
To:	Budget Committee, Executive Committee
From:	General Manager, Parks, Forestry and Recreation Division
Wards:	All
Reference Number:	P:\2016\Cluster A\PFR\BU26-111816-AFS#23988

SUMMARY

The purpose of this report is to increase the 2017 Interim Operating Budget Estimates for Parks, Forestry and Recreation to accommodate the cost of adding an additional six temporary positions for six months to address a recent surge of complaints regarding bylaw infractions under the Street Tree and Private Tree By-laws (*City of Toronto Municipal Code, Chapter 813, Articles II and III*) and Ravine and Natural Feature Protection By-law (*City of Toronto Municipal Code, Chapter 658*) as well as an increase in permit applications.

The cost of this response will be recovered by the permit and contravention fees generated under the bylaws during this period.

RECOMMENDATIONS

The General Manager, Parks, Forestry and Recreation recommends that:

1. City Council approve an additional temporary six positions for a duration of six months from January 2017 to June 2017 for a temporary initiative to address the increase in complaints and permit applications under the Municipal Tree Protection By-Laws with an associated gross expenditure of \$0.284 million gross and \$0 net, to fully recovered by permit and contravention fees generated under the bylaws for this purpose.

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2. City Council approve that the 2017 Interim Operating Budget Estimates for Parks, Forestry and Recreation be adjusted accordingly by \$0.142 million gross and \$0 net, to provide sufficient spending authority in advance of the 2017 Budget process.
3. City Council direct the General Manager, Parks, Forestry and Recreation to report back through the 2017 Second Quarter Operating Variance Report on the progress of this response.

Financial Impact

The cost of the additional six positions, five temporary Arborist Inspectors and one temporary Supervisor of Tree Protection and Plan Review, for a period of six months, January – June 2017, to address the increased workload is \$0.284 million. The positions are expected to generate revenue through the collection of permit and contravention fees as set out in the Fees and Charges By-law (*Municipal Code, Chapter 441, Schedule E*) of approximately \$0.291 million over a six month period which will be sufficient to offset the cost of the additional staff.

The Deputy City Manager & Chief Financial Officer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

On March 10, 2015, City Council amended item EX3.4, "2015 Operating and Capital Budgets" which included the addition of bylaw contravention fees for Parks, Forestry and Recreation to the Fees and Charges By-law (*Municipal Code, Chapter 441, Schedule E*). The fees were introduced as a mechanism to enhance the enforcement function of the Tree Bylaws including the Ravine and Natural Feature Protection By-law.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.EX3.4>

On December 9, 2015, City Council amended item PE8.5, a report titled "Revisions to the Tree Bylaws" which reviewed various aspects of the tree bylaws in order to improve bylaw effectiveness, allow for better customer service and reduce service delays. Among others, the report resulted in amendments to the tree bylaws to specifically reference the collection of contravention inspection fees and to align with the Fees and Charges By-law.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.PE8.5>

On October 19, 2016, the Parks and Environment Committee adopted item PE14.3, a report titled "Improving Enforcement of the City's Tree By-laws" which requested the

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General Manager, Parks, Forestry and Recreation to include, as part of the report back in 2017 on the impact of the 2015 revisions to the Tree Bylaws, options for further improvements to enforcement.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PE14.3>

ISSUE BACKGROUND

Since the creation of the Tree Bylaws (*City of Toronto Municipal Code, Chapter 813, Articles II and III*) and Ravine and Natural Feature Protection By-law (*City of Toronto Municipal Code, Chapter 658*), their administration has been primarily based on an educational and compliance model. As a result, thousands of property owners, developers and builders have been educated on the importance of protecting and enhancing the city's urban forest. While most individuals respect and follow the tree bylaws, numerous contraventions are reported and investigated each year.

In instances where a contravention of these bylaws has occurred Urban Forestry may charge a contravention fee, make orders requiring that the contravening activity be discontinued or that work be done to correct the contravention. This is beneficial in that it can educate the land owner on the importance of trees as well as mitigating tree damage. Urban Forestry can also take legal action and pursue prosecution when warranted by the magnitude of the contravention.

Over the past several months, complaints have intensified such that Urban Forestry does not have the resources to respond to the demand for investigations or the increasing amount of applications. As a result, response times for permit applications have increased and only 50% of complaints are being investigated. In November 2016, additional temporary positions, funded from 2016 overachievement of permit and contravention fees, were put in place to address the increased need for bylaw enforcement.

COMMENTS

Increased enforcement of the Street Tree, Private Tree and Ravine and Natural Feature Protection By-laws is required in order to prevent irreversible damage to Toronto's tree canopy through unauthorized and unnecessary removal and/or injury of trees. Given the immediate need to address enforcement issues and the current backlog of complaints, it is anticipated that the temporary positions created in November, 2016, are required to continue to June, 2017.

Parks, Forestry and Recreation will require funding for five temporary Arborist Inspectors and one temporary Supervisor of Tree Protection and Plan Review, for a period of six months, January – June 2017. The funding is available from permit and

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contravention fees collected under the Tree Bylaws and as set out in the Fees and Charges By-law (*Municipal Code, Chapter 441, Schedule E*). Urban Forestry will continue to monitor the situation during this time and report back to City Council on the progress of this response through the second quarter Corporate Variance Report process.

The 2016 service levels for Urban Forestry include 1,356 reactive bylaw contravention inspections and a revenue target of \$0.156 million for bylaw contravention fees. To date, in 2016, 1,483 service requests for bylaw contraventions have been initiated and fee revenue of \$0.150 million has been collected.

CONTACT

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SIGNATURE

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