



REPORT FOR ACTION

Number of Tickets Issued and Charges Laid Against Builders for Failure to Protect City Trees

Date: August 16, 2019

To: Infrastructure and Environment Committee

From: General Manager, Parks, Forestry and Recreation

Wards: All

SUMMARY

This purpose of this report is to provide a response to the motion adopted by City Council at its meeting on May 22, 2018 requesting that the General Manager, Parks, Forestry and Recreation report quarterly to the Infrastructure and Environment Committee on the number of tickets issued and charges laid against builders for failure to protect City trees in Toronto.

Urban Forestry's Compliance and Enforcement Unit does not issue tickets under the Provincial Offences Act. Instead Urban Forestry issues Orders to Comply under Chapter 813 Trees and Chapter 658 Ravine and Natural Feature Protection of the Municipal Code and requires payment of Contravention Inspection Fees in accordance with Chapter 441 of the Municipal Code. When the contravention is significant in nature or when voluntary compliance is not achieved, a Part 3 Summons under the Provincial Offences Act may be issued. This report provides details on the number of tree bylaw contravention complaints investigated, Orders to Comply issued and the number of Part 3 Summons served for the purposes of enforcement of the City's tree bylaws.

RECOMMENDATIONS

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

1. City Council receive this report for information.

FINANCIAL IMPACT

There are no financial implications resulting from the adoption of this report.

DECISION HISTORY

At its meeting on May 22, 23, and 24, 2018 City Council requested that the General Manager, Parks, Forestry and Recreation report quarterly to the Parks and Environment Committee (now Infrastructure and Environment Committee) on the number of tickets issued and charges laid against builders for failure to protect city trees.
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PG29.1>

COMMENTS

Compliance and Enforcement Unit

Urban Forestry defines a contravention as an unauthorized injury, destruction or removal of a tree regulated by Municipal Code Chapters 658 Ravine and Natural Feature Protection and 813 Trees, known as the City's tree bylaws. Established in 2017 and fully operational in 2018, the Compliance and Enforcement Unit administers and enforces specific sections of the City's tree bylaws. Officers inspect sites where bylaw contraventions have been reported or observed and follow up with property owners and contractors to ensure that tree damage is mitigated and compensated for.

Orders to Comply

Once Compliance and Enforcement staff confirm that a contravention has occurred, they issue Orders to Comply to have work completed to correct the contravention. Orders outline precise bylaw provisions that were contravened, provide a detailed description of how it was contravened, provide clear direction for correction and a deadline date on when this work is required to be completed. Examples of "work to be done to correct the contravention" include tree planting and the removal of unauthorized construction materials within minimum Tree Protection Zones of trees protected by tree bylaws.

The requirement to pay Contravention Inspection Fees is also identified at this time. Contravention Inspection Fees are user fees implemented to recover costs associated with investigating tree bylaw contravention(s) and ordering corrective action. The investigation includes site inspections to collect evidence, preparation of the Order to Comply and any follow up required to ensure compliance with the Order. The fees are collected on the principle that the cost associated with correcting the contravention should be paid by those contravening the City's tree bylaws.

Provincial Offences Charges (Part 3 Summons)

Urban Forestry may pursue charges under Part 3 of the Provincial Offences Act for offences under Municipal Code Chapters 658 and 813. This action is typically reserved for sites where the contravention is significant in nature or where voluntary compliance is not achieved. These charges may result in fines or settlements levied against offenders.

Compliance and Enforcement Data

Below are quarterly contravention and enforcement volumes from 2018 to the end of the second quarter of 2019. This data is tracked based on the inspection date.

Year	2018				2019	
Quarter	Q1	Q2	Q3	Q4	Q1	Q2
Bylaw Contraventions Inspected	405	793	740	485	312	629
Orders to Comply Issued	113	110	97	72	29	94
Part 3 Summons Issued	2	0	39	2	2	0

CONTACT

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SIGNATURE

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ATTACHMENTS
