



## REPORT FOR ACTION

### Enforcement of Tree Protection

Date: December 18, 2019

To: Infrastructure and Environment Committee

From: General Manager, Parks, Forestry and Recreation

Wards: All

#### SUMMARY

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This report respond to the motions adopted by City Council at its meeting on October 2, 2019 directing the General Manager, Parks, Forestry and Recreation to submit a report to the Infrastructure and Environment Committee outlining the number of inspections, fees, orders and summons related to the enforcement of tree protection, and to include recommendations on how to better utilize existing tools for tree protection and to report on strategies to improve the average response time to reports of possible contraventions.

#### RECOMMENDATIONS

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

1. City Council receive this report for information.

#### FINANCIAL IMPACT

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

#### DECISION HISTORY

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At its meeting on October 2, 2019 City Council requested the General Manager, Parks, Forestry and Recreation to:

1. Report to the January 9, 2020 meeting of the Infrastructure and Environment Committee outlining the following for 2018 and the first three quarters of 2019:
  - a. the number of proactive inspections;
  - b. the number of sites where complaint-driven inspections took place and infractions were observed;
  - c. the number of inspection fees charged on first and on second visits;
  - d. the number of Orders to Comply issued;
  - e. the number of Stop Work Orders issued;

- f. the number of Part 3 Summons issued; and
- g. recommendations on how these tools can be better utilized for tree protection.

2. Review the timeliness of response from the Compliance and Enforcement Unit to reports of possible tree by-law contraventions and report back on strategies to improve the average response time of five days and service standard of seven days.

3. Include additional details, such as the nature of tree by-law contraventions and the number issued per Ward, where feasible, in future quarterly reports to the Infrastructure and Environment Committee.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2019.IE7.9>

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

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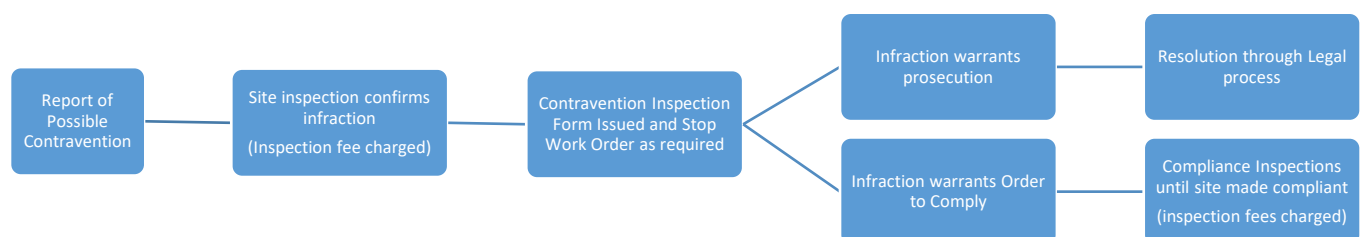
### Background

Urban Forestry regulates the injury, destruction or removal of trees through *Municipal Code Chapters 658 Ravine and Natural Feature Protection* and *813 Trees*, known as the City's tree bylaws. These bylaws allow the City to issue permits for the injury or removal of a tree, require tree protection zones to be established on construction sites, require payment of the tree value and its removal, and require compensation planting. The overall objective of the Compliance and Enforcement Unit is to enforce tree bylaws and initiate appropriate actions when contraventions are committed.

### Framework and Practices

Urban Forestry's Compliance and Enforcement Unit responds to an average of 2100 by-law infraction related service requests annually. Many service requests are generated by 311 through public complaints while others are proactive inspections initiated by staff.

The process flow illustrated below describes the actions carried out following a report of a possible by-law contravention.



## Response Times

Since the implementation of the Compliance and Enforcement Unit in 2016 response times have been reduced by eighty-six percent. On average, approximately thirty percent of initial contravention inspections are completed within twenty four hours of being reported and fifty percent within three days; with the remainder of lower priority contraventions within the service standard. This response time improvement is attributed to a full staffing complement to support inspection volumes and incorporating supervisory review to ensure orders are issued where applicable.

In 2018, as a result of low numbers of proactive inspections resulting in actual infractions (only twenty percent of inspections had actual tree related issues), staff were re-distributed geographically and efforts were focused towards reactive type inspections in 2019.

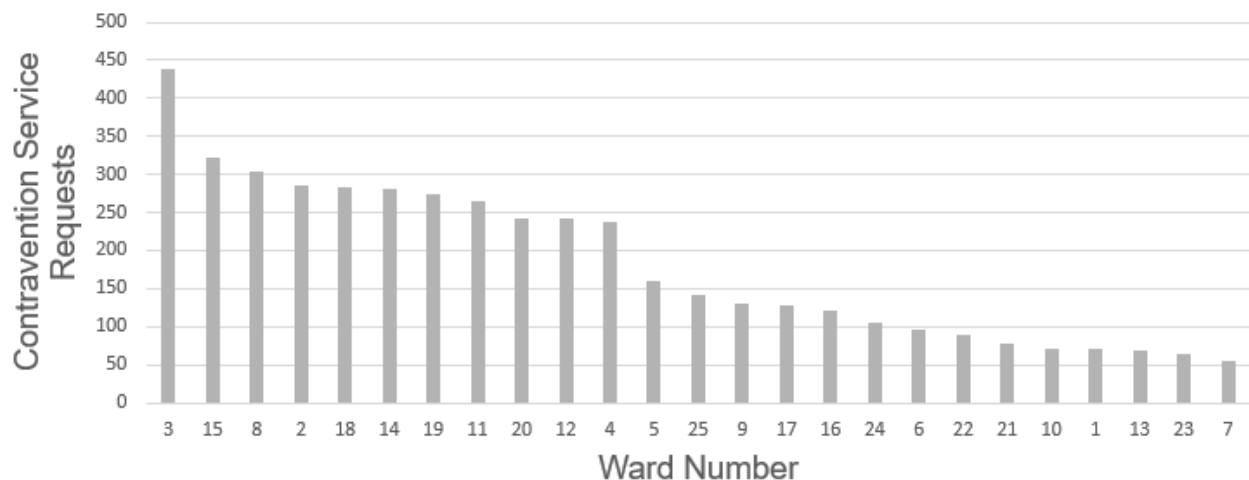
<b>Year</b>	<b>2018 Total</b>	<b>2019 Total (January to November 2019)</b>
Number of complaint driven inspections	2423	2198
Number of proactive inspections	796	532

It is anticipated that bylaw related contravention inspections will decrease as the public becomes more aware of the potential costs associated with infractions. This will result in fewer complaint driven calls requiring inspection thereby improving staff response time.

In consultation with the City Solicitor, Urban Forestry staff continue to review procedures, making revisions where necessary to ensure effective enforcement and fee payment requirements are applied when associated with contraventions. This includes improved follow-up on orders to comply, enhanced collection of fees for inspection of non-compliant sites and increased prosecutions of contraventions against City-owned trees.

Urban Forestry continues to explore strategies to improve response times. 311 scripts and applicable knowledge bases are being reviewed to improve the ability of staff to triage priority contravention inspections. A new Work Management System is being developed that will have controls in place to minimize and prevent data entry errors and will have the ability to run exception reports to identify anomalies for quicker follow-up. The new system is expected to be implemented by 2021.

Compliance and Enforcement staff have recently been allocated to specific wards to ensure efficient deployment to address compliance issues in a timely manner. This practice is expected to reduce travel time and allow inspection officers to improve their knowledge of the area and develop familiarity with local contractors and developers. Ward specific contravention related service requests for 2018 and 2019 are combined in the table below.



## Compliance and Enforcement Inspections

Once Compliance and Enforcement staff confirm that a contravention has occurred, they issue Orders to Comply, which describe the work needed to correct the contravention. The requirement to pay Contravention Inspection Fees is also identified at this time. Contravention Inspection Fees are a user fee implemented to recover costs associated with investigating tree bylaw contravention(s) and ordering corrective action. Fees are applied for each tree found to be in contravention.

The following data represents the number of inspection fees charged by Urban Forestry's Compliance and Enforcement Unit between 2018 to November 2019.

Year	2018 Total	2019 Total (January to November 2019)
Number of inspection fees (charged on first and second inspections)	735	640

It should be noted that Contravention Inspection fees were only applied during the first visit. In consultation with the City Solicitor and through procedural changes, fees are now required to be applied for follow-up inspections where compliance has not been achieved. It is anticipated that these figures will increase as a result of this change. This new data will be tracked starting in Q1 2020.

## Compliance and Enforcement Data

Once Compliance and Enforcement staff confirm that a contravention has occurred a Contravention Inspection Fee, an Order to Comply and Stop Work Order (if applicable) are subsequently issued.

The following data represents the orders issued by Urban Forestry's Compliance and Enforcement Unit between 2018 to November 2019.

<b>Year</b>	<b>2018 Total</b>	<b>2019 Total (January to November 2019)</b>
Stop Work Orders Issued	596	390
Orders to Comply Issued	391	329

Orders to Comply 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 or the removal of unauthorized construction materials within minimum Tree Protection Zones. Stop work Orders are also used on site to immediately demand discontinuation of work associated with trees that have not been permitted for injury or removal.

For sites that do warrant prosecution Urban Forestry may also pursue charges under Part 3 of the Provincial Offences Act for offences under Municipal Code Chapters 658 and 813. In addition, the initial inspection fees are also charged in these instances. The following data represents the number of Part 3 Summons issued by Urban Forestry's Compliance and Enforcement Unit between 2018 to November 2019 and the number of sites associated with Part 3 Summons issued.

<b>Year</b>	<b>2018 Total</b>	<b>2019 Total (January to November 2019)</b>
Part 3 Summons Issued	43	33
Sites where Part 3 Summons were issued	9	5

This action is primarily reserved for sites where the contravention is significant in nature and where there is no work that could remedy the infraction (e.g. a severely damaged or completely removed City-owned tree). These charges may result in fines or settlements levied against offenders. Part 3 Summons are typically issued to all parties involved with a contravention with multiple summons issued based on the number of charges and offenders found.

## **Conclusion**

The Compliance and Enforcement program was initiated in 2016 with the objective of enforcing tree protection policies and bylaws in order to protect the City's urban forest. Since this time and through consultation with City Legal, a number of operational procedures have been implemented. Urban Forestry continues to improve its processes, implementing improved standards of enforcement and data collection. It is

anticipated that enforcement program improvements will result in fewer contraventions overall thereby improving response times.

## CONTACT

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## SIGNATURE

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Janie Romoff  
General Manager  
Parks, Forestry and Recreation

## ATTACHMENTS

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