

## **Granting Shared By-Law Authorities During Transition of Urban Forestry Branch**

**Date:** November 13, 2024

**To:** Infrastructure and Environment Committee

**From:** General Manager, Parks, Forestry and Recreation and Executive Director, Environment and Climate

**Wards:** All

### **SUMMARY**

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The City of Toronto's Environment and Climate Division leads, coordinates and is accountable for the City's environment and energy sustainability outcomes. With the goal of making Toronto one of the most sustainable cities in the world, the division facilitates the development and implementation of strategic community and corporate-wide environment and energy policies and programs. The City of Toronto's Urban Forestry branch of the Parks, Forestry and Recreation Division is responsible for the health, maintenance, protection and expansion of Toronto's tree canopy and natural areas and ravine lands in the city. The branch also leads the City's implementation of various nature-based solutions and natural infrastructure projects, which are a critical component of Toronto's climate resilience.

Effective January 1, 2025, the Urban Forestry branch will be moving from the Parks, Forestry and Recreation Division in Community and Social Services and joining the Environment and Climate Division in Corporate Services. The transition of Urban Forestry to the Environment and Climate Division strongly aligns with the division's City-wide mandate and goals for environmental protection and climate action, most notably TransformTO – the City's Net Zero Strategy, and the City's renewed approach to climate resilience. Strategically realigning this portfolio will ensure the City of Toronto remains a municipal powerhouse in climate resilience excellence.

During the transition period, senior leadership from both divisions require full authority to implement and enforce various City by-laws, where purview over trees exist. The purpose of this report is to seek City Council approval to make technical amendments to various by-laws, granting shared authorities to the Executive Director, Environment and Climate Division concurrent with the existing power and duties of the General Manager, Parks, Forestry and Recreation.

## RECOMMENDATIONS

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The General Manager, Parks, Forestry and Recreation and the Executive Director, Environment and Climate recommend that:

1. City Council amend Municipal Code Chapters 813, 658, 608, 632, 743, 918 and 441 as described in Attachment 1, to grant the Executive Director, Environment and Climate equal authority as the General Manager, Parks, Forestry and Recreation which would allow either Division head to implement and enforce the relevant provisions.

## FINANCIAL IMPACT

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Parks, Forestry and Recreation and Environment and Climate Division confirm that there are no financial impacts associated with this report.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial impact information.

## DECISION HISTORY

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At its meeting on May 11, 2022, City Council adopted item EX32.15, Tree Removal Permit Appeals - Delegation to Community Council, which delegated the authority to make final decisions on Tree Removal Permit Appeals to Community Councils.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EX32.15>

At its meeting on December 15, 16 and 17, 2021, City Council adopted item IE26.6, Actions to Reaffirm Toronto's Tree Canopy Target, which reaffirmed Toronto's canopy cover target of 40 per cent by 2050 to align with the City's TransformTO Net Zero Strategy.

<https://secure.toronto.ca/council/agenda-item.do?item=2021.IE26.6>

At its meeting on December 9 and 10, 2015, City Council approved revisions to the City's tree by-laws.

<https://secure.toronto.ca/council/agenda-item.do?item=2015.PE8>.

## COMMENTS

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The urban forest is comprised of trees along streets, in parks, ravines and natural areas, on private property and in landscaped open spaces, throughout the city of Toronto. Trees, provide shade, energy savings, wildlife habitat, reduction of stormwater runoff, carbon sequestration, and improve air quality through removal of carbon dioxide and airborne pollutants. Trees are a critical component of the city's network of green

infrastructure and are key to the city's climate resilience. The City of Toronto has long recognized the importance of trees and urban forests and the benefits they provide. In 2021, City Council reaffirmed Toronto's canopy cover target of 40 per cent by 2050 to align with the City's TransformTO Net Zero Strategy.

As announced on July 31, 2024, the Urban Forestry branch will be moving from the Parks, Forestry and Recreation Division in Community and Social Services and joining the Environment and Climate Division in Corporate Services, effective January 1, 2025. The transition of Urban Forestry to the Environment and Climate Division strongly aligns with the division's City-wide mandate and goals for environmental protection and climate action, most notably TransformTO – the City's Net Zero Strategy, and the City's renewed approach to climate resilience. Strategically realigning this portfolio will ensure the City of Toronto remains a municipal powerhouse in climate resilience excellence.

During the transition period, senior leadership from both divisions require full authority to implement and enforce various City by-laws, where purview over trees exist. The intent of the City's tree by-laws are to regulate tree injury and removal, protecting trees from unnecessary harm, while promoting maximum tree protection and compensation, including replacement planting.

Trees of all sizes and species are protected by the following bylaws:

- City Street Tree By-Law, *City of Toronto Municipal Code, Chapter 813, Article II*
- Ravine and Natural Feature Protection By-law, *City of Toronto Municipal Code, Chapter 658*
- Parks By-Law *City of Toronto Municipal Code, Chapter 608.*

Trees with a diameter-at-breast-height (DBH) of 30 cm or greater on private property (outside ravine-regulated areas) are protected by the Private Tree By-Law, *City of Toronto Municipal Code, Chapter 813, Article III.*

Authorities to remove dangerous trees or branches exist in the Property, Vacant or Hazardous By-Law, *City of Toronto Municipal Code, Chapter 632, Article III.*

Additional tree-related provisions exist in the following bylaws:

- Streets and Sidewalks, Use of, *City of Toronto Municipal Code Chapter 743*
- Parking on Residential Front Yards and Boulevards, *City of Toronto Municipal Code Chapter 918*
- Fees and Services *City of Toronto Municipal Code Chapter 441.*

An itemized list of the required technical amendments to the relevant City of Toronto Municipal Codes is included in Attachment 1.

In 2015, the City's tree by-laws, Municipal Code 813 - Trees and Municipal Code 658 - Ravine and Natural Feature Protection, were amended to improve customer service, improve response times and enhance enforcement and transparency. In 2022, City Council delegated the authority to make final decisions on tree permit appeals to Community Councils. The Urban Forestry branch is currently reviewing the City's tree by-laws for potential subject matter amendments. Public engagement and a report-back on the tree by-law review are anticipated in 2025.

## **CONTACT**

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Kim Statham, Director, Urban Forestry, Parks, Forestry and Recreation  
Telephone: 416-392-6478, Email: kim.statham@toronto.ca

## **SIGNATURE**

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Howie Dayton  
General Manager, Parks, Forestry and Recreation

James Nowlan  
Executive Director, Environment and Climate

## **ATTACHMENTS**

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Attachment 1 - Required Technical Amendments

## Attachment 1 - Required Technical Amendments (in highlight)

### Municipal Code Chapter 813 – Trees

- Title heading on page 1. 813-5. Powers and duties of the General Manager and the Executive Director.
- Title heading on page 1. 813-15. Powers and duties of the General Manager and the Executive Director.
- 813-3. Definitions.
  - 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 or the Executive Director.
  - DESTROY – To remove, cut down, or in any way injure a tree to such an extent that it is deemed by the General Manager or the Executive Director to be an imminently hazardous tree, or that the tree's vitality has been reduced to such an extent that in the opinion of the General Manager or the Executive Director, the tree cannot recover to be maintained in a safe or healthy condition, further maintenance is not warranted and the tree should be removed.
  - Add definition for Executive Director role as follows: EXECUTIVE DIRECTOR – The Executive Director, Environment and Climate or their successor or designate.
  - GOOD ARBORICULTURAL PRACTICE – Tree Planting, maintenance and removal performed in accordance with the American National Standards, ANSI 3000 and best management practices identified by the International Society of Arboriculture, to the satisfaction of the General Manager or the Executive Director.
  - INJURE and INJURY – Any act that will harm a tree's health in any manner, including failure to protect in accordance with standards set by the General Manager or the Executive Director.
  - 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, Executive Director, City Forester, Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector, Arborist Foreperson, students and City contractors working for Urban Forestry.
  - STANDARDS – Minimum requirements or guidelines established by the General Manager or the Executive Director pertaining to the protection and preservation of trees.
  - TREE PROTECTION POLICY AND SPECIFICATIONS FOR CONSTRUCTION NEAR TREES – The most recent version of the City of Toronto's Specifications for Construction Near City Trees as established by the General Manager or the Executive Director.

- 813-4. Authority for planting, care and maintenance and removal of trees. The planting, care and maintenance, protection, preservation and removal of all trees located on any City street shall be under the supervision of the General Manager and the Executive Director.
- 813-5. Powers and duties of the General Manager and the Executive Director. The General Manager and the Executive Director are authorized to:
- 813-5.G. Remove or cause to be removed trees which are dead, hazardous or no longer viable to maintain, certified as such by the General Manager or the Executive Director.
- 813-5.H. Remove, injure or cause the removal or injury of trees as may be required to facilitate emergency work, certified as such by the General Manager or the Executive Director.
- 813-5.P.(2) The General Manager or the Executive Director is satisfied that there is no reasonable alternative to tree removal in order to complete the approved work;
- 813-5.P.(3) The General manager or the Executive Director is satisfied that the applicant has undertaken to implement satisfactory replanting; and
- 813-5.Q.(1) The General Manager or the Executive Director is satisfied that there is no reasonable alternative to tree removal in order to complete the work;
- 813-5.Q.(2) The General Manager or the Executive Director is satisfied that the applicant has undertaken to implement satisfactory replanting; and
- 813-5.R. Require that any tree planted on a City street be approved by the General Manager or the Executive Director and planted in accordance with the appropriate City of Toronto Tree Planting Detail. Approval will include the planting location, species, size and condition.
- 813-5.S. Require replacement planting for every tree removed, unless otherwise determined by the General Manager or the Executive Director.
- 813-6.C.(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 or the Executive Director.
- 813-6.C.(2) The approval of the General Manager or the Executive Director under (1) may be subject to conditions imposed by the General Manager or the Executive Director including production of satisfactory evidence that all other requisite approvals have been obtained.
- 813-7.A. Any person who wishes to injure, destroy or remove a tree shall submit an application to the General Manager or the Executive Director, on the prescribed form and shall provide the following to the satisfaction of the General Manager or the Executive Director.
- 813-7.A.(4) A landscape plan satisfactory to the General Manager or the Executive Director, and the ward councillor;
- 813-7.A.(6) A tree protection plan, where required by the General Manager or the Executive Director;
- 813-7.A.(7) Such additional information and documentation as the General Manager or the Executive Director may require.
- 813-8. Review of applications; criteria. The General Manager or the Executive Director shall consider the following criteria prior to issuing or refusing to issue a permit:
- 813-9. Permit refusal. The General Manager or the Executive Director shall not issue a permit where:

- 813-9.B. The information required by 813-7A has not been provided to the satisfaction of the General Manager or the Executive Director.
- 813-9.F. The tree is a heritage tree, or should in the opinion of the General Manager or the Executive Director be recommended for designation as a heritage tree.
- 813-10.A.(4) Compliance with approved landscape and tree protection plans to the satisfaction of the General Manager or the Executive Director.
- 813-10.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 or the Executive Director.
- 813-10.B.(1) The General Manager or the Executive Director may require payment of the appraised value of the 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.
- 813-10.B.(2) Where tree planting or replacement planting is not physically possible on site, the General Manager or the Executive Director may;
- 813-10.B.(3) The General Manager or the Executive Director 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 or the Executive Director, 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 or the Executive Director.
- 813-10.B.(4) The General Manager or the Executive Director 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 or the Executive Director, 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.
- 813-11. Definitions
  - ARBORIST – An expert in 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 or the Executive Director.
  - 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 or the Executive Director to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree.
  - Add definition for Executive Director role as follows: EXECUTIVE DIRECTOR – The Executive Director, Environment and Climate or their successor or designate.
  - GOOD ARBORICULTURAL PRACTICE – Tree planting, maintenance and removal performed in accordance with the American National Standards ANSI

3000 and best management practices identified by the International Society of Arboriculture to the satisfaction of the General Manager or the Executive Director.

- INJURE and INJURY – Any act that will harm a tree's health in any manner, including failure to protect in accordance with standards set by the General Manager or the Executive Director.
- 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, Executive Director, City Forester, Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector, Arborist Foreperson, students and City contractors working for Urban Forestry.
- TREE PROTECTION POLICY AND SPECIFICATIONS FOR CONSTRUCTION NEAR TREES – The most recent version of the City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees as established by the General Manager or the Executive Director.
- 813-13.A. Removal of a terminally diseased, dead or imminently hazardous tree certified as such by the General Manager or the Executive Director.
- 813-13.C. Pruning of tree branches that interfere with utility conductors as certified by the General Manager or the Executive Director.
- 813-13.D. Emergency work as certified by the General Manager or the Executive Director.
- 813-14.A. An owner who wished to injure or destroy a tree shall submit an application on the prescribed form and shall provide the following to the satisfaction of the General Manager or the Executive Director:
- 813-15. Powers and duties of the General Manager and the Executive Director. The General Manager and the Executive Director are authorized to:
- 813-15.D. Stop any work causing injury or destruction to trees having a diameter of 30 centimetres or more measured at 1.4 metres above ground level that is taking place without a permit or contrary to the conditions of a permit or other standards established by the General Manager or the Executive Director.
- 813-15.F. Require an applicant to provide a tree protection guarantee or tree planting security deposit by the submission of a letter of credit or alternative form of security in a form and content acceptable to the General Manager or the Executive Director to ensure compliance with conditions of permit issuance.
- 813-16. Review of applications; criteria. The General Manager or the Executive Director shall consider the following criteria:
- 813-17. Permit refusal. The General Manager or the Executive Director shall not issue a permit for the injury or destruction of trees where:
- 813-17.B. The information required by 813-14A has not been provided to the satisfaction of the General Manager or the Executive Director.
- 813-17.G. The tree is a heritage tree, or should in the opinion of the General Manager or the Executive Director be recommended for designation as a heritage tree.
- 813-18. Issuance of permits. The General Manager or the Executive Director is authorized to issue permits where:
- 813-18.B. Despite 813-17C the General Manager or the Executive Director may issue permits to injure or destroy healthy trees where:



- 813-18.B.(2) The trees are growing in inappropriate locations, as certified by the General Manager or the Executive Director, and cannot be maintained on a routine basis due to restrictive site conditions.
- 813-18.B.(4) Trees are to be relocated and the General Manager or the Executive Director is satisfied that the trees will be sufficiently prepared for relocation.
- 813-18.B.(8)(2) The General Manager or the Executive Director is satisfied that there is no reasonable alternative to tree injury, removal or destruction for the completion of the work; and
- 813-18.B.(8)(3) The General Manager or the Executive Director is satisfied that the applicant has undertaken to implement satisfactory replanting; and
- 813-18.B.(9)(1) The General Manager or the Executive Director is satisfied that there is no reasonable alternative to tree injury, removal or destruction for the completion of the work; and
- 813-18.B.(9)(2) The General Manager or the Executive Director is satisfied that the applicant has undertaken to implement satisfactory replanting; and
- 813-18.B.(11) The owner has submitted a tree protection plan to the satisfaction of the General Manager or the Executive Director and it is determined by the General Manager or the Executive Director that the injury is minor in nature and will allow the tree to continue to survive in good condition.
- 813-18.1. Issuance of permits; healthy trees; additional conditions. Despite 813-17C, and subject to 813-18.2, the General Manager or the Executive Director may issue permits to injure or destroy healthy trees where the conditions set out in 813-18B do not apply.
- 813-18.2.B. The owner shall submit tree protection plans and landscaping and replanting plans to the satisfaction of the General Manager or the Executive Director, and the ward councillor.
- 813-19.A. In a manner and form satisfactory to the General Manager or the Executive Director.
- 813-19.1. Boundary trees; notice. Upon receipt of an application to injure or destroy a boundary or neighbour tree, the General Manager or the Executive Director shall:
- 813-20.A. Replacement trees shall be planted and maintained in good condition for a period of two years after planting to the satisfaction of the General Manager or the Executive Director in accordance with landscaping and replanting plans submitted by the applicant and approved by the General Manager or the Executive Director.
- 813-20.B. Where replacement planting is not physically possible on site, the General Manager or the Executive Director may:
- 813-20.C. Where a property is not subject to site plan approval, the applicant shall provide a written undertaking and release to ensure that replacement planting is carried out and maintained in accordance with landscaping and replanting plans approved by the General Manager or the Executive Director.
- 813-21.B. Where a property is not subject to site plan approval, the applicant shall provide a written undertaking and release to ensure that tree protection is carried out and maintained in accordance with tree protection plans and arborist reports submitted by the applicant and approved by the General Manager or the Executive Director.
- 813-21.E. Prior to the commencement of any work on the site, tree protection barriers shall be installed in accordance with the City of Toronto Tree Protection Policy and Specifications for Construction Near Trees, and in accordance with

approved tree protection plans and arborist reports, to the satisfaction of the General Manager or the Executive Director.

- 813-21.F. Tree protection barriers shall be maintained in good condition and shall not be altered, moved or removed unless and until authorized by the General Manager or the Executive Director.
- 813-22.A. Where the General Manager or the Executive Director refuses to issue a permit, an applicant may within 14 days of the date of refusal appeal to the appropriate community council by submitting a written request to the General Manager or the Executive Director that the permit application be heard by the appropriate community council.
- 813-22.B. Where an applicant has filed an appeal, the General Manager or the Executive Director shall prepare and forward a report on the application to the next appropriate community council meeting, setting out the grounds for refusal of the application.
- 813-22.C. Prior to the General Manager or the Executive Director reporting to community council, the City Clerk shall notify the Ward Councillor, abutting property owners and any other persons who have expressed written interest in the application of the date the application will be considered by community council.
- 813-22.D. Upon consideration of the application, the appropriate community council may uphold the decision of the General Manager or the Executive Director or may direct the General Manager or the Executive Director to issue a permit, subject to conditions satisfactory to the community council.

## **Municipal Code Chapter 658 – Ravine and Natural Feature Protection**

- 658-1. Definitions.
  - ARBORIST – An expert in 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 or the Executive Director.
  - 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 or the Executive Director to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree.
  - Add a definition for the Executive Director role as follows: EXECUTIVE DIRECTOR – The Executive Director, Environment and Climate or their successor or designate.
  - INJURE: 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 or the Executive Director.
  - 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, Executive Director, City Forester, Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning

Assistant, Urban Forestry Manager, Arborist Inspector, Arborist Foreperson, students and City contractors working for Urban Forestry.

- STANDARDS – Minimum requirements or guidelines established by the General Manager or the Executive Director pertaining to the protection and preservation of trees and ravines or slopes.
- 658-4.A.(1) Removal of a terminally diseased, dead or imminently hazardous tree, certified as such by the General Manager or the Executive Director.
- 658-4.A.(3) Pruning of tree branches that interfere with utility conductors as certified by the General Manager or the Executive Director.
- 658-4.A.(6) Emergency work as certified by the General Manager or the Executive Director.
- 658-4.A.(7) Normal maintenance and play enhancement activities within manicured areas of turf of an existing golf course and certified by the General Manager or the Executive Director.
- 658-4.B.(4) Emergency work as certified by the General Manager or the Executive Director.
- 658-4.B.(6) Normal maintenance and play enhancement activities within manicured areas of turf of an existing golf course as certified by the General Manager or the Executive Director.
- 658-5.A. An owner who wishes to do any of the following within a protected area shall submit a completed application to the General Manager or the Executive Director:
- 658-6.A. Issuance of permits. The General Manager and the Executive Director are authorized to issue permits:
- 658-6.A.(4) For the 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 or the Executive Director.
- 658-6.A.(5) Where a plan has been prepared for a ravine restoration or forest stewardship, management or enhancement and the plan has been approved by the General Manager or the Executive Director.
- 658-6.A.(6) Where tree injury, destruction or removal is in accordance with the plans approved by the General Manager or the Executive Director.
- 658-6.A.(7) Where the placing or dumping of fill or the alteration of grade is outside of the Toronto and Region Conservation Authority's regulated area and is in accordance with plans approved by the General Manager or the Executive Director.
- 658-6.A.(8) Where the injury, destruction or removal of trees has been ordered or approved by the General Manager or the Executive Director for arboricultural management, pest management, or otherwise for the purposes of dealing with trees affected by disease or infestations.
- 658-6.A.(12)(b) The General Manager or the Executive Director 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
- 658-6.A.(12)(c) The General Manager or the Executive Director is satisfied that the applicant has undertaken to implement satisfactory replanting and site restoration, as applicable.

- 658-6.A.(13)(b) The General Manager or the Executive Director 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
- 658-6.A.(13)(c) The General Manager or the Executive Director is satisfied that the applicant has undertaken to implement satisfactory replanting and site restoration, as applicable.
- 658-6.A.(14)(a) The General Manager or the Executive Director 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
- 658-6.A.(14)(b) The General Manager or the Executive Director is satisfied that the applicant has undertaken to implement satisfactory replanting and site restoration, as applicable.
- 658-6.B.(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 or the Executive Director in accordance with the approved tree removal or replacement plan or woodland management or rehabilitation plan submitted by the applicant.
- 658-6.B.(2) Where replacement planting is not physically possible on site, the General Manager or the Executive Director may:
- 658-6.B.(3) The General Manager or the Executive Director 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 or the Executive Director may require an applicant to post a security acceptable to the General Manager or the Executive Director 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.
- 658-6.C. Expiry of permits and applications. The General Manager and the Executive Director is authorized to establish expiry dates for permits and applications.
- 658-6.D. Transfer of permits. The General Manager and the Executive Director is authorized to approve or refuse the transfer of an application or permit.
- 658-6.E.(1) The General Manager and the Executive Director is authorized to require the submission of a new application where:
- 658-6.E.(2) The General Manager or the Executive Director 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.
- 658-6.G. Boundary and neighbour trees; notice. Upon receipt of an application to injure or destroy a boundary tree or neighbour tree, the General Manager or the Executive Director shall:
- 658-7.B. The tree is healthy and the management of the tree or forest cover has not been addressed through submission of plans to the satisfaction of the General Manager or the Executive Director.
- 658-8.A. Where the General Manager or the Executive Director refused to issue a permit, an applicant may within 30 days of the date of refusal appeal to the community council having jurisdiction over the area in which the subject property is located, by written notice delivered to the General Manager or the Executive

**Director** setting out the reasons why the applicant believes a permit should be issued and requesting to be heard by the community council.

- 658-8.B. Where an applicant has filed an appeal, the General Manager **or the Executive Director** shall prepare and forward a report on the application to the next community council meeting, setting out the grounds for refusal of the application.
- 658-8.C. Upon consideration of the application, the appropriate community council may uphold the decision of the General Manager **or the Executive Director** or may direct the General Manager **or the Executive Director** to issue a permit, subject to any conditions the community council may deem appropriate.
- 658-11. Restoration of site. 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 **or the Executive Director**.
- 658-13. Remedial action. 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 **or the Executive Director**, 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.

## **Municipal Code Chapter 608 – Parks**

- 608-1. Definitions. Add definition for the Executive Director role as follows:  
**EXECUTIVE DIRECTOR – The Executive Director, Environment and Climate or their successor or designate.**
- 608-39. Definitions.
  - 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 **or the Executive Director** to be an imminently hazardous tree or it becomes necessary to remove the tree.
  - INJURE – Failure to protect a tree in accordance with the City of Toronto’s “Tree Protection Policy and Specifications for Construction Near Trees” or other standards set out by the General Manager **or the Executive Director**, entirely or in part, or any act that will harm a tree’s health in any manner.
  - STANDARDS – Minimum requirements or guidelines established by the General Manager **or the Executive Director** pertaining to the protection and preservation of trees.
- 608-40.A.(1) Remove, cut down, destroy or injure a tree or part of a tree located in a park except with the prior written approval of the General Manager **or the Executive Director**.
- 608-40.A.(3) Undertake or cause to undertake any activities that are contrary to the City’s Tree Protection Policy and Specifications for Construction Near Trees and any other standards or conditions imposed or set out by the General Manager **or the Executive Director** for the protection of a tree located in a park except with the prior written approval of the General Manager **or the Executive Director**; or



- 608-40.A.(4) Attach in any manner any object or thing to a tree or part of a tree located in a park except with the prior written approval of the General Manager or the Executive Director.
- 608-40.B.(1) No person shall attach decorative lights to a tree located in a park except with the prior written approval of the General Manager or the Executive Director and upon production of satisfactory evidence that all other requisite approvals have been obtained.
- 608-40.B.(2) The requests may be subject to conditions imposed by the General Manager or the Executive Director.
- 608-41.A. Every person doing any work in a park or accessing a property through a park shall carry out such work or access in accordance with the City's Tree Protection Policy and Specifications for Construction Near Trees and any other standards or conditions imposed or set out by the General Manager or the Executive Director.
- 608-41.B. The General Manager or the Executive Director is authorized to request funds to secure the protection of a tree in a park by posting a letter of credit in a form and content acceptable to the City, in an amount sufficient to cover the appraised value of the tree, as well as removal and replacement costs.
- 608-42.A. Any person who injures, destroys or removes a tree without prior written approval of the General Manager or the Executive Director may be subject to providing payment to the City in an amount sufficient to cover the appraised value of the tree, as well as removal and replacement costs and the costs of any specific arboricultural procedures to be undertaken to remedy the tree.
- 608-42.B. Removal by General Manager or Executive Director; conditions for tree removal requests.
- 608-42.B.(1) The General Manager or the Executive Director is authorized to remove or cause to be removed healthy trees located in a park.
- 608-42.B.(2) Approval for tree removal request may be subject to conditions imposed by the General Manager or the Executive Director that include payment of tree value, removal and replacement costs and the replanting of a replacement tree or trees by the applicant.
- 608-43. Pruning of trees on private property. The General Manager and the Executive Director is authorized to prune or cause to be pruned all trees located on private property, the branches of which extend over a park, including the pruning of branches that are hazardous or create an unsafe condition.

## **Municipal Code Chapter 632 – Property, Vacant or Hazardous**

- 632-1.B. For the purposes of the enforcement of 632-5, includes the General Manager of Parks, Forestry and Recreation, the Executive Director of Environment and Climate, the City Forester and a person who hold the position of Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector and Arborist Foreperson.

## Municipal Code Chapter 743 – Streets and Sidewalks, Use of

- 743-34.A.(6)(c) Trees shall be of a species approved by the City's General Manager of Parks, Forestry and Recreation Services **or the Executive Director of Environment and Climate**, and the property owner shall agree to maintain the trees in a healthy and vigorous state of growth for a two year period, at which time the City will assume ownership and responsibility for the trees; and
- 743-43.H. No person shall, without written authorization from the General Manager of Parks, Forestry and Recreation Services **or the Executive Director of Environment and Climate**, or his or her designate or successor, remove a tree to construct a walkway or driveway, and no walkway or driveway will be authorized by the General Manager until the General Manager of Parks, Forestry and Recreation Services **or the Executive Director of Environment and Climate**, or his or her designate or successor, is satisfied that the walkway or driveway can be constructed without damaging an adjoining tree.

## Municipal Code Chapter 918 – Parking on Residential Front Yards and Boulevards

- 918-12.A. The applicant must in writing and to the satisfaction of the General Manager of Parks, Forestry and Recreation **or the Executive Director of Environment and Climate** guarantee the health of a tree or trees in accordance with the requirements of Chapter 813, Trees, and accept all costs and the responsibility for any injury to a tree or trees that may be caused by the granting of the front yard parking licence.
- 918-12.C. The applicant agrees and undertakes in writing to plant a tree, as directed by the General Manager on the boulevard fronting or in the front yard of the residential property for which the licence is being sought at the applicant's expense and to the satisfaction of the General Manager of Parks, Forestry and Recreation **or the Executive Director of Environment and Climate**.
- 918-12.E. If the General Manager of Parks, Forestry and Recreation **or the Executive Director of Environment and Climate** determines it is not feasible for the planting of a tree on the boulevard fronting or in the front yard of the residential property for which the licence is being sought, the applicant must pay a tree planting service fee for planting of a tree, on City property in the general area, preferably on the same street as outlined in Chapter 441, Fees and Charges.

## Municipal Code Chapter 441 – Fees and Charges

- Appendix E – Schedule 1. Remove the below Urban Forestry items from Appendix E - Schedule 1 and place in Appendix C – Schedule 20 (Environment and Climate schedule).

8.7000	Urban Forestry	Construction Related Permit Fee (increasing injury/removal permits- Development)	Market Based	Per Tree	\$411.35	Yes
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8.7001	Urban Forestry	Non- Construction Related Permit Fee (increasing injury/ removal permits- Non- Development)	Market Based	Per Tree	\$137.50	Yes
8.7002	Urban Forestry	Construction / Non- Construction Permit Fee (increasing injury/ removal health city- owned trees)	Market Based	Per Tree	\$411.35	Yes
8.7003	Urban Forestry	Construction Private Boundary/Neighbour Tree Permit	City Policy	Per Tree	\$861.16	Yes
8.7004	Urban Forestry	Non-Construction Private Boundary/ Neighbour Tree Permit	City Policy	Per Tree	\$287.03	Yes
8.7006	Urban Forestry	Construction Contravention Fee - Private Trees	City Policy	Per Tree	\$861.16	Yes
8.7007	Urban Forestry	Non-Construction Contravention Fee - Private Trees	City Policy	Per Tree	\$287.03	Yes
8.7008	Urban Forestry	Construction Contravention Fee - Private Ravine/Natural Feature Tree	City Policy	Per Tree	\$861.16	Yes
8.7009	Urban Forestry	Non-Construction Contravention Fee - Private Ravine/Natural Feature Tree	City Policy	Per Tree	\$287.03	Yes
8.7010	Urban Forestry	Dumping/Alteration of Grade Contravention Fee - Private Ravine/ Natural Feature Tree	City Policy	Per Tree	\$861.16	Yes
8.7012	Urban Forestry	Appraised City Tree Value	City Policy	Unit Tree Cost	Variable	Yes
8.7014	Urban Forestry	Remedial Work for Hazardous Trees	City Policy	Per remedial work	\$267.82	Yes



8.7015	Urban Forestry	Additional Cost Per Hour Fee for Remedial Work for Hazardous Trees	City Policy	Per Hour	\$176.29	Yes
8.7016	Urban Forestry	Sidewalk Café – Boulevard Tree Planting Fee	City Policy	Per Tree	\$753.15	Yes
8.7020	Urban Forestry	Ravine and Natural Features Protection Line Certification (Digital or Paper)	Full Cost Recovery	Per Request	\$88.85	Yes
8.7021	Urban Forestry	Construction Contravention Inspection Fee - Street Trees	City Policy	Per Tree	\$861.16	Yes
8.7022	Urban Forestry	Non-Construction Contravention Inspection Fee - Street Trees	City Policy	Per Tree	\$287.03	Yes