

Growing Space for Trees: Protecting and Enhancing the Tree Canopy While Supporting Infill Housing and Addressing Concerns with Iceberg Homes - Recommendation Report

Date: November 18, 2025

To: Planning and Housing Committee

From: Chief Planner and Executive Director, City Planning and Executive Director, Environment, Climate and Forestry

Wards: All

SUMMARY

Toronto's trees are essential in addressing biodiversity loss, mitigating the impacts of climate change, and contributing to the development of attractive, livable and healthy neighbourhoods. New infill housing is needed to help address Toronto's housing crisis. This report presents proactive solutions to ensure the city's existing tree canopy is supported and that there is growing space for trees as new housing is built.

This report recommends Official Plan and City-wide Zoning By-law amendments to protect and enhance the city's tree canopy while supporting infill housing development and to address the impacts on the tree canopy and water management associated with iceberg homes (houses which exhibit a larger below ground footprint than their above ground footprint or with multi-storey basements). Staff undertook extensive consultation on the amendments and have made revisions following feedback from the public and stakeholders.

Recommended amendments to the Official Plan address objectives to protect and enhance the tree canopy and growing space for trees as part of both new and infill development in Neighbourhoods and Apartment Neighbourhoods.

Recommended amendments to the City-wide Zoning By-law address landscaping and setback regulations, including requirements that apply minimum building setbacks below ground (consistent with existing setbacks above ground) for all low-rise residential buildings (e.g. detached houses, semi-detached houses, townhouses, and multiplexes), except for apartment buildings, in the Residential Zone category.

This report also describes updates to conditions for Committee of Adjustment applications to require new trees and protect growing space, as well as five specific tree by-law amendment proposals that were consulted on in the fall that will be discussed in detail in a future report on the City's tree by-laws.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning and Executive Director, Environment, Climate and Forestry recommend that:

1. City Council adopt the Official Plan Amendment 857 in accordance with Attachment 1.
2. City Council adopt the Zoning By-law Amendment in accordance with Attachment 3.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the recommended Official Plan Amendment 857 and Zoning By-law Amendment referred to in Recommendations 1 and 2 as may be required.

FINANCIAL IMPACT

The City Planning and the Environment, Climate and Forestry divisions confirm that there are no financial implications resulting from the recommendations included in this report in the current budget year or in future years. Staffing resources and expertise needed to advance the due diligence required, and to support enabling work of any of the proposed strategies outlined in the report will be accommodated within the existing approved budgets for relevant City Divisions.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the financial implications as identified in the Financial Impact section.

EQUITY IMPACT

Strategies to protect and enhance Toronto's tree canopy and growing space, while also supporting infill housing growth in the city's neighbourhoods, contribute to a number of strategies and actions that support equity-seeking groups, including: the Resilience Strategy, TransformTO and the HousingTO 2020-2030 Action Plan. A healthy tree canopy contributes to a healthy, resilient and complete community. Trees assist in cooling outdoor and indoor spaces, reducing utility costs, providing shelter and improving living conditions for all residents and in particular, vulnerable populations.

CLIMATE IMPACT

On October 2, 2019, City Council voted unanimously to declare a climate emergency and accelerate efforts to mitigate and adapt to climate change. At its meeting on January 29, 2020, City Council adopted the 2018 Tree Canopy Study and on December 15, 2021, reaffirmed Toronto's target of 40 per cent tree canopy cover by 2050 to align with the City of Toronto's TransformTO NetZero Strategy. Protecting and enhancing Toronto's urban tree canopy supports climate resilience; it is a key part of the City's green infrastructure that provides multiple benefits, including reducing stormwater runoff and air pollution, and reducing the urban heat island effect. The 2018 Tree Canopy Study valued the contribution of Toronto's urban forest to ecosystem services as \$55 million annually, including carbon sequestration, energy savings, pollution removal, and avoided runoff.

Infill housing helps reduce greenhouse gas (GHG) emissions through the efficient use of land and resources. Density within the built-up area enables low carbon transportation choices, such as walking, cycling and public transit. Housing built in Toronto also reduces sprawl and reduces transportation driven GHG emissions regionally. Density enables the use of existing infrastructure, which avoids carbon-intensive infrastructure built elsewhere. Smaller infill buildings can more easily achieve net zero operational emissions, and low carbon materials are readily available at this scale. These buildings are also more easily deconstructed and much of the existing material can be salvaged and reused.

Infill housing development that is planned and designed to protect and enhance Toronto's tree canopy and provide soft landscaping for growing space supports the City's resilience to the impacts of climate change, notably urban heat island and stormwater runoff impacts.

It is important that iceberg homes be considered through a climate impact lens to protect and enhance the city's tree canopy and allow for soft landscaping for growing space. The addition of sub-surface structures reduces available water for trees, increases stormwater runoff, and risks of undesirable ponding and flooding.

DECISION HISTORY

At its meeting on May 8, 2025, Planning and Housing Committee, through item PH21.6, - Growing Space for Trees: Protecting and Enhancing the Tree Canopy While Supporting Infill Housing and Addressing Concerns with Iceberg Homes - Proposals Report, requested City Planning to use proposed amendments to Official Plan policies and to the City-wide Zoning By-law 569-2013 as the basis for public and stakeholder consultation and to bring forward final recommendations in the fourth quarter of 2025. <https://secure.toronto.ca/council/agenda-item.do?item=2025.PH21.6>

A detailed Decision History is provided in Attachment 5.

BACKGROUND - POLICY AND REGULATORY FRAMEWORK

Planning Act

The Planning Act governs land use planning in Ontario and establishes the means by which a municipality must implement land use planning decisions. Section 2 of the Planning Act requires that municipalities, when carrying out their responsibility under the Act, have regard for matters of provincial interest including: (a) the protection of ecological systems, including natural areas, features and functions; (e) the supply, efficient use and conservation of energy and water; (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians; ... and (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

Provincial Planning Statement, 2024

All decisions of Council in respect of the exercise of any authority that affects a planning matter shall be consistent with the Provincial Planning Statement (2024) (the "PPS (2024)"), and shall conform to provincial plans, including the Greenbelt Plan (2017), and others. It includes policies to reduce greenhouse gas emissions and prepare for the impacts of a changing climate, such as:

- incorporating climate change considerations in planning for and the development of infrastructure;
- promoting green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and
- planning for stormwater management, including maximize the extent and function of vegetative and pervious surfaces and promote low impact development.

City of Toronto Act

The City's tree by-laws are enacted pursuant to Section 104 of the City of Toronto Act. It grants the City the authority to enact by-laws prohibiting or regulating the destruction or injuring of trees. The Act stipulates that tree by-laws do not apply where a condition is imposed on the approval of a site plan, a plan of subdivision or a consent for the injuring or destruction of trees.

Section 212(1) Paragraph 9 of the Act states "the City shall adopt and maintain policies with respect to the following matter: the manner in which the City will protect and enhance the tree canopy and natural vegetation in the City." This provision came into effect on March 1, 2019.

Official Plan

The Official Plan envisions Toronto as a sustainable city, becoming "more resilient to climate change, demonstrated in our land use planning decisions, infrastructure investments, ... restored biodiversity". Policy 3.4.1 specifies that changes to the built environment will be "environmentally friendly, sustainable, low carbon, and resilient to

climate change based on: b) sustaining, restoring and enhancing the health and integrity of the natural ecosystem; d) preserving and enhancing the urban forest." Official Plan policy 3.1.16 also states that: "the preservation, long term growth and increase in the amount of healthy trees will be a priority for all development. Development proposals will demonstrate how the protection, provision and maintenance of trees and their growing spaces above and below ground will be achieved."

Through Schedule 3 Application Requirements in the Official Plan, the City is authorized to require a Soil Volume Plan as part of a complete application for Zoning By-Law, Plan of Subdivision, Consent to Sever and Site Plan Control applications. For properties with existing trees, a "Tree Protection Plan" is also required to identify the location, species and size of trees, the extent of injury (where applicable) and to illustrate details of protection measures including the location of protective barriers.

Official Plan Amendment 583

On June 15, 2022, City Council adopted Official Plan [Amendment 583](#) (OPA 583) which updated environment and climate change policies, including policies to enhance the urban forest. OPA 583 came into effect September 2, 2025, when it was approved with minor modifications by the Minister of Municipal Affairs and Housing. The new policies include: 3.4.1 a) protecting and improving the health of the natural ecosystem, by (xi) maintaining pervious area where possible, and identifying opportunities to reduce impervious area through redevelopment, and prioritizing green infrastructure; and d) preserving and enhancing the urban forest by: (i) providing suitable growing environments for trees, including adequate soil volumes; (ii) increasing tree canopy coverage, especially of long-lived native and large shade trees with an emphasis on increasing tree canopy, distribution, and diversity in areas of the city with lower tree canopy coverage; and (iii) regulating the injury and destruction of trees and protecting mature and native trees. These new policies support the protection and enhancement of growing space for trees, including during infill housing development.

City-wide Zoning By-law 569-2013

Chapter 10 of the City-wide Zoning By-law applies to all lands, uses, buildings, and structures in the Residential Zone category. The Residential Zone category permits uses generally associated with the *Neighbourhoods* designation in the Official Plan. This zone category comprises the Residential (R) Zone, Residential Detached (RD) Zone, Residential Semi-Detached (RS) Zone, Residential Townhouse (RT) Zone, and the Residential Multiple (RM) Zone. Through the EHON initiative, permissions for laneway suites, garden suites and multiplexes (up to four units) have been expanded to all residential zones. Permissions for multiplexes containing up to six dwelling units as-of-right were also recently adopted by City Council for the lands within Toronto and East York Community Council boundaries and Ward 23 through [By-law 654-2025](#).

Chapter 15 of the City-wide Zoning By-law applies to all lands, uses, buildings and structures in the Residential Apartment Zone category. The Residential Apartment Zone category permits uses generally associated with the *Apartment Neighbourhoods* designation in the Official Plan. This zone category comprises the Residential Apartment (RA) Zone and the Residential Apartment Commercial (RAC) Zone.

Building Setbacks

Current zoning regulations do not control below ground setbacks for small-scale residential buildings, such as houses with large below ground footprints (e.g. an iceberg home). Zoning regulations for laneway suites and garden suites were adopted by Council in 2018 and 2022. Minimum required setbacks for both laneway suites and garden suites apply above and below ground.

On lands under the jurisdiction of the Toronto and Region Conservation Authority (TRCA), City-wide Zoning By-law 569-2013 establishes required minimum building setbacks from a shoreline hazard limit or a stable top-of-bank on a lot, with some exceptions. It also sets out required minimum building separation distances from a shoreline hazard limit or a stable top-of-bank, with some exceptions.

Building Length and Depth

The City-wide Zoning By-law also regulates building length and building depth above and below ground; however, these do not limit the number of levels or storeys below ground. The City-wide Zoning By-law defines building depth as "the horizontal distance between the front yard setback required on a lot and the portion of the building's rear main wall furthest from the required front yard setback, measured along a line that is perpendicular to the front yard setback line". Building length is defined as "the horizontal distance between the portion of the front main wall of a building on a lot closest to the front lot line, and the portion of the rear main wall of the building closest to the rear lot line, measured along the lot centreline". In a Residential Zone category, building length and building depth regulations apply to all main walls of a building above and below ground, excluding the footings for the building. The Residential Apartment Zone category does not include regulations associated with building length or depth.

Soft Landscaping

The City-wide Zoning By-law defines "soft landscaping" as "landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements". The intent of soft landscaping requirements is to ensure provision of growing space for a healthy tree canopy and other vegetation. Trees and vegetation, and the associated growing space, help absorb stormwater at the source, reduce the urban heat island effect, and support biodiversity by providing refuge, habitat and foraging areas for insects, birds and small animals, and provide aesthetic and health benefits.

Properties must comply with Zoning By-law requirements associated with landscaping and soft landscaping or seek an amendment or variance. Zoning By-law compliance is verified through the preliminary review of submitted plans to confirm zoning and applicable law compliance (Zoning Applicable Law Certificate), and as part of the building permit application process. Since no permit application is required to alter landscaping and soft landscaping, many residents may be unaware that they must comply with zoning requirements when they install or modify landscaping on their property.

The City-wide Zoning By-law defines "landscaping" as "an area used for trees, plants, decorative stonework, retaining walls, walkways, or other landscape or architectural elements. Driveways and areas for loading, parking or storing of vehicles are not landscaping". Soft landscaping is defined as "landscaping excluding hard-surfaced areas such as decorative stonework, retaining walls, walkways, or other hard-surfaced landscape-architectural elements". Green roofs, artificial turf, and permeable paving are not included in the calculation of areas dedicated to soft landscaping. In addition, the City-wide Zoning By-law regulations for soft landscaping do not require a minimum amount of soil depth or volume.

The City-wide Zoning By-law includes exceptions to Residential Zone and Residential Apartment Zone category landscaping and soft landscaping requirements. For example, the water surface of ancillary structures (e.g. swimming pools or fountains) used to hold water is considered soft landscaping. The Zoning By-law also allows for the area within a minimum building setback covered by any part of a building or structure that is permitted to encroach (e.g. a porch or deck) into the required minimum setback to be excluded from the calculation of landscaping and soft landscaping.

Lot Coverage

Lot coverage is used in some areas of the city (mainly Scarborough, North York, and Etobicoke) to regulate the area of the lot that is covered by buildings (i.e. the building footprint). It is intended to provide for a certain ratio of open space on a site, to provide opportunities for landscaping and tree planting, and to ensure sufficient stormwater infiltration. Maximum lot coverage requirements may result in a building that is smaller than what other performance standards (i.e., setbacks, building depth) may permit as these regulations work together to control the overall built form of the building. While the open space that results from maximum lot coverage requirements could be used for soft landscaping, there is no requirement that all open space on site be used for soft landscaping beyond the landscaping requirements described above.

O. Reg. 462/24 (ARUs)

City-wide Zoning By-law 569-2013 was updated through Council item [2025.PH23.1](#) in July 2025 to align with the introduction of O. Reg. 462/24, regarding Additional Residential Units (ARUs) and permitted maximum lot coverage. Where an ARU is located in a principal building or ancillary building, the maximum lot coverage of all buildings and structures on the lot is 45%. In addition, the minimum separation distance between the principal building and a one storey laneway or garden suite was reduced from 5 metres to 4 metres, resulting in a reduction of open space.

Iceberg Homes

"Iceberg home" is a colloquial term coined to describe a house that exhibits a larger below ground footprint than its above ground footprint. This includes houses which have more than one level of basement. The creation of the extensive below ground construction typically includes additional or reinforced concrete, which has a higher amount of embodied carbon than other materials used for housing construction. Iceberg homes are regulated by the same regulations as other houses.

PUBLIC AND STAKEHOLDER ENGAGEMENT

Public Consultation

Five community engagement sessions were held to consult on the amendments:

- One in-person open house at Toronto Public Library - Annette Street Branch, on Monday June 23, 2025, from 4 p.m. to 7 p.m.
- One in-person open house at Toronto Public Library - Northern District Branch, on Wednesday June 25, 2025, from 4 p.m. to 7 p.m.
- Three virtual sessions, on Thursday June 26, 2025, from noon to 1 p.m., on Friday June 27, 2025, from noon to 1 p.m., and Thursday September 11, 2025 from 7 p.m. to 8 p.m.
- The in-person sessions were attended by about 4 and 7 participants respectively, and the three virtual sessions were attended by 8, 14 and 21 participants, respectively.

In addition to providing an overview of the amendments, staff presented information about iceberg homes and the City's existing mechanisms for protecting and enhancing the tree canopy during development of infill housing.

A list of stakeholder groups that were notified about the consultation sessions is provided in Attachment 4.

Stakeholder Consultation

Two virtual meetings were held with the Building Industry and Land Development Association (BILD). The first was held on May 20, 2025. A second virtual meeting was held on September 19, 2025 to present updated Official Plan language and the proposed expansion of the types of buildings to be affected by City-wide Zoning By-law updates.

Comments on Official Plan Updates

In general, many who provided input supported strengthening policies to protect and enhance the City's tree canopy, not only during infill development, but as part of all development in *Neighbourhoods* and *Apartment Neighbourhoods*. Among this group, many stated that they support the proposed amendments, and some called for stronger, clearer wording in the policies to provide less leeway for avoiding the protection of trees and growing space during intensification and infill development.

Several participants pointed to the flexibility included in the Expanding Housing Options in *Neighbourhoods* policies as a good way to support both trees and infill housing development. They encouraged the use of mechanisms that enable concessions on design aspects such as location, setbacks, height and massing to protect trees and growing space. Others, however, did not support increasing tree planting space or preservation through allowing increased height limits in residential zones.

Comments on City-wide Zoning By-Law Updates

Overall, there was strong support for amendments to the definition of "soft landscaping". Most attendees supported permeable pavement and artificial turf not being considered soft landscaping, while a few suggested that they could be considered soft landscaping as they allow for water infiltration. Many participants noted that enhancing definitions in the City-wide Zoning By-law would help achieve the proposed Official Plan objectives regarding the quality of landscaping and soft landscaping.

The majority of consultation attendees supported structures containing water (e.g. swimming pools, hot tubs, fountains and artificial ponds) not be considered soft landscaping. Some commenters supported artificial ponds being considered as soft landscaping due to the benefits of increased biodiversity and the provision of water sources for animals, but others specifically did not. Concerns were also raised that the regulations would be taken advantage of by people constructing artificial ponds to use as swimming pools, and that the liners used for artificial ponds are not porous.

Attendees supported the expansion of requiring building setbacks to be applied above and below ground for all low-rise residential building types, except for apartment buildings.

Other Comments

While there was strong support for policies to protect the tree canopy during development, many participants expressed concern and frustration with a perceived lack of compliance with and enforcement of existing policies, whether these are in the Official Plan, Zoning By-law, or tree by-laws. For some, frustration is compounded by a sense that the Committee of Adjustment (CofA) frequently approves variances regardless of their impacts on the tree canopy.

COMMENTS

Following extensive consultation internally and with the public and stakeholders, the following amendments are recommended to protect and enhance the city's tree canopy while supporting infill housing development:

- Amendments to Official Plan policies for Neighbourhoods and Apartment Neighbourhoods; and
- Amendments to the City-wide Zoning By-law respecting landscaping and setback regulations.

Recommended Official Plan Policy Amendments

The recommended amendments focus on the city's Neighbourhoods, which are areas with some of the most growing space for trees but where that growing space is increasingly being converted to impermeable surfaces, and Apartment Neighbourhoods, to ensure that residents there also benefit from the tree canopy. The recommended amendments are identified in Attachment 1: Recommended Amendment No. 857 to the

Official Plan. Minor changes have been made from what was endorsed for consultation in response to consultation feedback and because some proposed amendments became redundant as a result of OPA 583 coming into effect on September 2, 2025. The recommended amendments were evaluated to address matters not covered by OPA 583. They are incorporated into Chapter 4 of the Official Plan can be found in Attachment 2.

Official Plan 4.1 Neighbourhoods

- Addition of "protection of the tree canopy" to Policy 4.1.5., which applies to all development in neighbourhoods, highlights the importance of the tree canopy to the character of a neighbourhood. In the context of this policy, the term "protection" is speaking to the tree canopy as a whole, rather than to individual tree removal or injury, and protection of the tree canopy as a whole includes actions such as adding more trees and preserving growing space.
- Addition of "maximize contiguous soft landscaping within front and rear setbacks that is supportive of maintaining and enhancing the tree canopy" to Policy 4.1.9. to ensure, to the extent possible, front and rear setbacks remain places where trees can grow. The term "maximize" does not mean that the setbacks will be completely covered with soft landscaping; it means that, once other requirements and needs have been addressed, the remaining area of the setbacks should be covered with soft landscaping. Contiguous soft landscaping is generally more conducive to tree growth than several small areas of soft landscaping.
- New policy 4.1.14 to facilitate design changes where necessary to preserve trees. This was modified from an earlier proposal that was made redundant by the approval of OPA 583. In its revised form, this policy uses similar language as in OPA 649 Multiplexes in Neighbourhoods to extend it to infill housing more broadly. It also helps support Urban Forestry in achieving improved tree preservation outcomes at the CofA.

Official Plan 4.2 Apartment Neighbourhoods

- Addition of "locating, massing, and designing new buildings to protect the tree canopy" and "locating, massing and designing new buildings to maximize areas of soft landscaping that support the growth of new tree plantings to maturity" to Policy 4.2.2., which applies to all development in apartment neighbourhoods, highlights the importance of the tree canopy to improving the quality of life in apartment neighbourhoods. The language now focuses on protection of the tree canopy as a whole, and the term "maximize" means that, once other requirements and needs have been addressed, the remaining area should be covered with soft landscaping.
- Additions of "trees" and "and planting trees" to Policy 4.2.3. e), and addition of "including the planting of new trees" to Policy 4.2.4 b) v., highlights the role that trees play in improving the quality of landscaped open space and outdoor amenity space in apartment neighbourhoods.

- Addition of description of "landscaping" to be "soft landscaping to support tree growth" to Policy 4.2.4 b) vii. promotes planning of setbacks early to enable successful tree planting.
- Addition of "with the capacity and conditions to support growth of large trees" to Policy 4.2.6 makes explicit the expectation that growing space for trees be planned for during the earliest stages of planning development on larger sites.

Recommended Zoning By-law Amendments

The recommended amendments to the City-wide Zoning By-law seek to reinforce and clarify the intent of soft landscaping, and address issues associated with iceberg homes. To implement Official Plan policies encouraging biodiversity and the growth of healthy trees, staff recommend updating the definition of "soft landscaping" to expressly indicate that it does not include artificial turf or permeable pavement. Staff reviewed the need to provide guidance on soil depth and found the recommended changes to the definition would sufficiently address growing space for trees. Structures containing water, except for artificial ponds, are recommended to be removed from the calculation of soft landscaping in Residential Zones and Residential Apartment Zones.

As a result of additional consultation following the April 17, 2025 Proposals Report, staff also recommend requiring minimum building setbacks below ground for all low-rise residential buildings (e.g. detached houses, semi-detached houses, townhouses and multiplexes), except for apartment buildings, in the Residential Zone category. The recommended Zoning By-law Amendment is shown in Attachment 3.

Artificial Turf and Permeable Pavements

Staff recommend an update to the definition of soft landscaping to clarify that artificial turf and permeable pavements are not soft landscaping. Artificial turf, a synthetic, fibrous surface made to resemble turf grass, is not defined in the City-wide Zoning By-law. Permeable pavements are surfacing materials which have porous properties, allowing water to more easily percolate through them into the substrate. Typical types of permeable pavements include pervious concrete, porous asphalt and permeable interlocking precast concrete pavers. Artificial turf and permeable pavements do not support healthy soil, the growth of trees and other types of vegetation which help absorb stormwater at the source, reduce the urban heat island effect, support biodiversity by providing refuge, habitat and foraging areas for insects, birds and small animals, and provide aesthetic and health benefits. For the purposes of the Zoning By-law, permeable pavements and artificial turf are not considered soft landscaping as they do not meet the intent of the Official Plan policies aimed at ensuring the provision of growing spaces for a healthy tree canopy and other vegetation.

Staff have considered whether permeable pavements, intended for on-site parking, should be considered as soft landscaping for multiplexes located within Scarborough, Etobicoke-York, and North York districts where parking is often voluntarily provided. The multiplex monitoring report adopted by City Council in June 2025 did not identify soft landscaping as a major issue for multiplex implementation. As discussed above, permeable pavements fail to address a number of important purposes of soft

landscaping requirements. As a result, staff recommend a consistent city-wide approach to the definition of soft landscaping to ensure the intent of the Official Plan is achieved.

Structures Containing Water (including swimming pools, hot tubs, fountains, and artificial ponds)

Pools and other water-retaining features can include those intended for recreation, such as a hot tub or swimming pool, or aesthetic purposes, such as a fountain. These features may assist in short-term stormwater retention, but they do not contribute to biodiversity objectives of the Official Plan, and in some circumstances may result in the need to injure existing trees and conflict with root zones in a way that precludes the planting of new trees. The recommended amendments clarify that the water surface of ancillary structures containing water, except artificial ponds, are not to be considered soft landscaping. Artificial ponds are typically designed to create a miniature ecosystem supporting different types of plant and/or animal life, unlike other types of ancillary structures containing water.

Iceberg Homes

Variance applications for iceberg homes have been considered by the CofA and have been the subject of Toronto Local Appeal Body (TLAB) appeals. The large majority of examples of CofA applications for iceberg homes have been detached houses. Concerns have been raised within the surrounding communities regarding potential impacts, including to the tree canopy and to soil permeability, drainage, groundwater and stormwater management, injuries to mature trees, limitations on new planting opportunities, construction impacts on adjacent properties, and the amount of concrete required (embodied carbon). These impacts sometimes have the potential to affect adjacent properties and the broader geographic area. Common variances sought include building length and building depth. Typical conditions applied to iceberg homes include:

- Requiring the proposal to be constructed substantially in accordance with the architectural plans submitted to the CofA, to the satisfaction of the Director, Community Planning.
- Requiring a complete application for a permit to injure or remove privately owned tree(s) under Municipal Code Chapter 813, Trees Article III, Private Tree Protection, to the satisfaction of the Supervisor, Urban Forestry, Tree Protection and Plan Review.

Public consultation comments suggested that consideration be made to expand the scope of the review from detached houses to a wider range of low-rise residential building types.

To address issues associated with iceberg homes, staff recommend required minimum building setbacks for low-rise residential buildings (i.e. detached houses, semi-detached houses, townhouses and multiplexes), except for apartment buildings, to apply below ground consistent with existing above ground minimum setbacks in the Residential Zone category. Apartment buildings frequently have basement floorplates which exceed the floorplate of levels above the ground, allowing for additional parking and drive

aisles, storage, and spaces use for functional operation of the building. Because of this, staff recommend continuing not applying below ground setbacks to apartment buildings.

This change would contribute to decreasing the amount of embodied carbon associated with development below ground and has the potential to ensure the provision of more adequate soft landscaping to conform with the Official Plan. Requiring building setbacks above and below ground aligns with the requirements for laneway and garden suites. In addition, this update will align with recent changes to the Official Plan advanced through OPA 583, including:

- requiring city-building activities and changes to the built environment manage the quantity of stormwater while encourage water infiltration where feasible;
- minimize the extraction and discharge of groundwater into the City's sewer system;
- reducing the adverse effects of stormwater and snow melt, recognizing that wet weather flow is most effectively managed where it falls;
- reducing greenhouse gas emissions while promoting low carbon buildings that are resilient to climate change;
- preserving and enhancing the urban forest by promoting suitable growing environments for trees, including adequate soil volumes;
- reducing the risks to life, health, safety, property, and ecosystem health associated with flooding, unstable slopes, and erosion; and
- promoting the maintaining and enhancement of existing tree canopies and soft landscaping.

Relief can be sought through the CofA if a larger below ground space is desired, and the CofA can add conditions on the approval to address potential concerns with iceberg homes.

Enhancing Existing Tree By-laws

The Environment, Climate and Forestry Division's Urban Forestry section is in the process of reviewing the City's tree by-laws for potential amendments and are planning on reporting on the outcome of the review in Q1 2026 (the "Tree Bylaw Review Report"). The review of the Tree By-laws included community engagement which was undertaken in September 2025.

The tree by-laws help to implement Official Plan policies because they regulate the protection of the city's urban forests and natural environment, including tree removal and replacement and safeguarding sensitive natural areas like ravines. The review of the Tree By-laws is intended in part to complement the recommended Official Plan Amendments by protecting more trees and their growing space on private property; better protecting large, mature trees; better deterring unauthorized tree removal; and incentivizing tree preservation in development.

The following proposed amendments to the tree by-laws were presented to the public during Environment, Climate, and Forestry Division's community engagement in September 2025. The actual proposed amendments to the tree by-laws will be discussed in detail and presented to Council for their consideration in the tree by-law Review Report.

Private Tree By-law Threshold

Currently, under Toronto Municipal Code Chapter 813, Trees (MCC 813), a tree located on private property larger than 30 centimetres (cm) in diameter at 1.4 meters (m) above ground (30 cm DBH) requires a permit from the City in order for a person to injure, remove, or destroy the tree. This threshold of 30 cm protects mature trees that provide the greatest environmental and social benefit in Toronto. The City is exploring lowering this size of the tree DBH to protect more trees earlier in their growth.

Compliance and Enforcement Enhancements

To improve deterrence and incentivize compliance, the City is considering higher financial penalties for offences under the tree by-laws.

Distinctive Tree Category

Large, healthy trees 61 cm and larger in diameter provide significant environmental and community benefits. A new “Distinctive Tree” category is being considered to recognize and better protect mature trees of this size.

Ravine and Natural Feature Protection (RNFP) Bylaw Fees

Under Toronto Municipal Code Chapter 658, Ravine and Natural Feature Protection (MC 658), unlike MC 813, there are no application fees set out under Toronto Municipal Code Chapter 441, Fees and Charges, for removing or injuring trees located in ravine-protected areas. To ensure a more equitable and consistent approach, the City is considering introducing permit application fees applicable to ravine and natural feature areas to help cover the cost of reviewing and processing permits. Environment, Climate and Forestry Division is proposing that voluntary stewardship projects, involving planting native trees, removing invasive species or restoring habitats, would be exempt from paying an application fee.

Tree Preservation Incentives

The cost of maintaining large-growing trees can be a barrier to tree planting and preservation for private property owners. In addition to the proposed bylaw amendments to the tree by-laws outlined above, Environment, Climate and Forestry is also reviewing the possibility of establishing a grant program that would allow eligible private property owners to apply for a grant to help offset the cost of maintenance of large, healthy trees on their property.

Expansion of Urban Forestry Committee of Adjustment Conditions to Require New Trees and Protect Growing Space

The Urban Forestry section of the Environment, Climate and Forestry Division is a commenting division on CofA applications for variances to the zoning by-law and consent to sever. Urban Forestry's review and response to variance and consent applications are specific to the site and focus on the proposed variances or the consent that will impact trees protected under the tree by-laws. Urban Forestry staff provide comments to the CofA and may object to an application, request deferral, confirm that

Urban Forestry staff have no objections or that staff have no objections subject to certain conditions.

Urban Forestry's CofA commenting practices and conditions will be revised as necessary to align with any changes resulting from the Tree By-law Review. Urban Forestry has recently modified a CofA condition requiring a new City tree to clarify its application and secure better growing space. Urban Forestry is also examining opportunities to expand upon this condition to request planting or cash in lieu of planting as a condition of minor variances or consent to sever where growing space for trees is lost.

If approved, the amendments to the Official Plan policies proposed in this report will help support imposing these conditions.

CONCLUSION

This report proposes a set of tools to enable Toronto to better protect and enhance its tree canopy while supporting infill housing development and addressing concerns about iceberg homes. Multiple rounds of consultation with the public and stakeholders have helped to inform the recommended amendments to the Official Plan and the City-wide Zoning By-law, and enhancing CofA conditions will promote more tree planting and protect growing space.

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ATTACHMENTS

Attachment 1: Recommended Amendment No. 857 to the Official Plan - Growing Space for Trees Policies (separate attachment)

Attachment 2: Recommended Official Plan Policy Revisions Incorporated with the In-Force Chapter 4 of the Official Plan Showing Differences (separate attachment)

Attachment 3: Draft Zoning By-law Amendment to City-wide Zoning By-Law 569-2013 (separate attachment)

Attachment 4: Notification List of Groups for Stakeholder Consultations

Attachment 5: Detailed Decision History of Protecting and Enhancing the Tree Canopy While Supporting Infill Housing and Addressing Concerns with Iceberg Homes

Attachment 4: Stakeholder Consultation Notification

The following stakeholder groups were sent notification of the Spring-Summer 2025 community consultations on the proposed amendments to Official Plan policies and to City-wide Zoning By-law 569-2013:

More Neighbours Toronto	Building Industry and Land Development Association (BILD)	Federation of North Toronto Residents' Associations (FoNTRA)
Environmental Defence	Residential Construction Council of Ontario (RESCON)	Confederation of Resident and Ratepayer Associations (CORRA)
The Neighbourhood Organization (TNO)	Long Branch Neighbourhood Association	South Eglinton Ratepayers and Residents Association (Serra)
Right to Housing Toronto	Harbord Village Residents' Association	South Forest Hill Resident Association
Maytree Foundation	Harbourfront Community Association	South Hill District Homeowners' Association
Housing Matters	Harbourview Estates Residents Association	South Pape Area Residents
Centre for Independent Living in Toronto	Harmony Housing Co-Operative	St Andrews Ratepayers Association
Co-operative Housing Federation of Toronto	Harvard-Triller-Grafton-Callender Residents Assoc.	St Lawrence Neighbourhood Association
Tenants for Social Housing	Heathwood Ratepayers' Association	St. Andrew's Ratepayers Association
Agincourt Village Community Association	Heathwood Ratepayers, President	St. Lawrence Neighbourhood Association
Albion Neighbourhood Services	Henry Farm Community Interest Association	St. Stephen's Community House
Alexandra Park Community Association	High Park Residents' Association (HPRA)	Summerhill Residents' Association
Annex Residents' Association	High Park Tenants' Association (HPTA)	Sunnylea-Kingsway Community Association - SKCA
Applegrove Community Complex	Highland Creek Community Association	Sunnyside Community Association
Avenue Road-Eglinton Community Association	Hillcrest Residents Association, President	Sunnyside Residents' Association
Avenue-Bay Cottingham (ABC) Residents' Association	Houselink And Mainstay Community Housing	Swansea Area Ratepayer's Association
Balmy Beach Neighbourhood Association	Hugh Garner Housing Co-Op	Teddington Park Residents Association (TPRA)

More Neighbours Toronto	Building Industry and Land Development Association (BILD)	Federation of North Toronto Residents' Associations (FoNTRA)
Bathurst Finch Network	Humber Bay Shores Condominium Association	The Kew Beach Neighbourhood Association
Bathurst Quay Neighbourhood Association	Humber Bay Shores Residents Association	The Pocket
Bathurst Quay Neighbourhood Association	Humber Summit Ratepayers Association	The Republic Residents Association
Bay Cloverhill Community Association	Humber Valley Village Residents' Association	The Roots Of 7 Oaks
Bayview Cummer Neighbourhood Association	Humberlea Community Group	Thistletown Historical Society
Bayview Manor Ratepayers Association	Humewood Neighbourhood Ratepayers Association	Thompson Orchard Community Association
Bayview Sheppard Neighbourhood Alliance	Huron-Sussex Residents' Organization	Thorncliffe Park Tenants' Association
Bayview Village Association	Islington Ratepayers and Residents Association	Thorncrest Village Residents' Association
Bayview Woods Association	Junction Residents' Association	Todmorden Neighbourhood Association
Beach Hill Neighbourhood Association	Junction Triangle Community Action Network	Topham Park Community Association
Beach Metro Community News	Kensington Residents Association	Topham Park Homeowners Association
Beach Triangle Residents' Association	Kingsway Park Ratepayers' Inc	Toronto Entertainment District Residents Association (TEDRA)
Beaconsfield Village Residents Association	Korean Senior Citizens Society of Toronto	Toronto Womens' Housing Co-Op
Bedford Park Residents' Organization	Lakeshore Ratepayers' & Residents' Association	Trefann Court Residents' Association
Bedford-Wanless Ratepayers' Association	Lawrence Park Ratepayers' Association	Trinity Bellwoods Community Association
Bennington Heights Residents Association	Leaside Residents Association	Upper Avenue Community Association
Bloor West Village Residents' Association	Liberty Village Residents Association	Upper Jarvis Neighbourhood Association
Bloor-By-The-Park, Chairman	Long Branch Residents Association	Valleyanna Residents Association

More Neighbours Toronto	Building Industry and Land Development Association (BILD)	Federation of North Toronto Residents' Associations (FoNTRA)
Bloordale Community Improvement Association	Lytton Park Residents Organization	Valleyfield Ratepayers Association
Bloor-East Neighbourhood Association	Mainstay Housing	Victoria Village Community Association
Birch Cliff Village Community Residents Association	Manse Valley Community Association	Warren Park Ratepayers Association
Brian Village Association	Markland Wood Homeowners Association	Wellington Place Neighbourhood Association
Brockton Triangle Neighbours	Maryvale Community Association	Wenderly Park Community Association
Buttonwood Hill Residents Association (BHRA)	McGill-Granby Village Residents' Association	West Bend Community Association
Cabbagetown Residents' Association	Midland Park Community Association	West Lansing Homeowners Association
Castle Hill Neighbourhood Association	Midland Park Residents Association	West Rouge Community Association
Cathedral Court Co-Op Homes Corp	Mimico Lakeshore Community Network	West Toronto Community Legal Services
Cd Farquharson Community Association	Mimico Lakeshore Network	West Toronto Junction Historical Society
Centennial Community and Recreation Association	Mimico Residents' Association	West Willowdale N.E. Neighbourhood Association
Central Neighbourhood House	Moore Park Residents' Association	West Willowdale Neighbourhood Association
Charles Area Neighbourhood Alliance	Moss Park Residents Association	Weston Village Residents' Association
Christie Pits Residents' Association	Mount Dennis Community Association	Weston Village Residents Association (Wvra)
Church Wellesley Neighbourhood Association	New Toronto Lakeshore Village Residents	Willowdale Central Ratepayers Association
Cliffcrest Scarborough Village SW Residents	New Toronto Ratepayers Association	Winchester Park Residents' Association

More Neighbours Toronto	Building Industry and Land Development Association (BILD)	Federation of North Toronto Residents' Associations (FoNTRA)
Concerned Citizens of Quarry Lands Development	Newtonbrook West Residents Association	Woodbine Gardens Community Association (Wgca)
Confederation of Resident and Ratepayer Associations in Toronto	North Bendale Community Association	Woodbine Gardens Homeowners Association
Corktown Residents and Business Association	North Etobicoke Tenants Association	Woodbine Heights Association
Cornelius Parkway Ratepayers' Association	North Rosedale Ratepayers' Association	Woodbine Village Residents Association
Cottingham Square Community Association	Northcliffe Village Residents' Association	Wychwood Barns Community Association
Danforth East Community Association	Oak Street Housing Co-Op	Yonge Corridor Condominium Association
Danforth Residents Association	Oakvale Avenue Residents Association	York Mills Heights Residents Association, President
Davenport Neighbourhood Association	Old Orchard Grove Ratepayers Association	York Mills Neighbours Association
Deer Park Residents Group	Oriole Park Residents' Association	York Mills Valley Association
Dentonia Park Co-Operative Homes Inc	Ossington Community Association	York Quay Neighbourhood Association
Don Mills Residents Assoc	Palmerston Area Residents Association	Yorkdale West Comm Ratepayers Assoc
Dorset Park Neighbourhood Association	Parkdale Community Health Centre	Kensington Market Community Land Trust
Dovercourt Park Community Association	Parkdale Community Information Centre	Regal Heights Residents' Association
Downsview Lands Community Association	Parkdale Residents Association	Republic Residents Association
Downsview Residents Association	Parkview Hills Community Association	Richmond Gardens Ratepayers and Residents Association
Dufferin Grove Residents' Association	Playter Area Residents Association	Richmond Park Community Association
Dufferin-Eglinton Community Group	Pleasant View Community Association	Ridgeway Ratepayers Association
East Waterfront Community Association	Pocket Community Association	Rockcliffe Smythe Community Association
East York Tenants' Alliance	Primrose Housing Co-Op, Co-Ordinator	Roncesvalles-Macdonell Residents' Association

More Neighbours Toronto	Building Industry and Land Development Association (BILD)	Federation of North Toronto Residents' Associations (FoNTRA)
Edward's Gardens Neighbourhood Association	Quantum Owners And Residents Association (Quora)	Rosedale-Moore Park Association
Eglinton Park Residents' Association	Ralph Thornton Community Centre	Royal York Gardens Tenants Association
Faywood And Vicinity Ratepayers Association	Rathnelly Area Rate Payers Association	Rustic Maple Leaf Homeowners Group
Federation Of South Residents Associations	Glen Agar Residents' Association (GARA)	Scarborough Historical Society and Archives
Fieldstone Co-Operative Homes	Glen Andrew Community Association	Scarborough Rosewood Community Association
Finch North Homeowners' Association, President For Ward 9 Community Development Co-Operative	Glenorchy Residents Association	Seaton Village Residents' Association
Forest Hill Homeowners Association	Gooderham & Worts Neighbourhood Association	Silvertown Community Association
Foxwell Ratepayers' & Neighbourhood Association	Governors Bridge Ratepayers Association	Sos Preservation Group
Friends of Kensington Market	Governor's Bridge Ratepayers Association	South Armour Heights Residents Association
Friends Of Silver Creek	Grange Community Association	South Armour Heights Residents' Association
Garden District Residents' Association	Greater Beach Neighbourhood Association	North Corso Residents Association
Garment District Neighbourhood Association (GDNA)	Greater Yorkville Residents' Association	South Corso Italia Neighbourhood Association (SoCoRes)
	Greenhills Community Association	South Eatonville Residents Association
	Guildwood Village Community Association	South Eglinton Davisville Residents Association

Attachment 5: Detailed Decision History of Protecting and Enhancing the Tree Canopy While Supporting Infill Housing and Addressing Concerns with Iceberg Homes

On October 1, 2021, City Council adopted MM36.33, Assessing the Impacts of Iceberg Houses, which requested staff to report back on issues associated with iceberg houses.
<https://secure.toronto.ca/council/agenda-item.do?item=2021.MM36.33>

At its meeting on May 25, 2022, City Council, through item IE30.18, Planting Spaces on Private Property, requested Parks Forestry and Recreation, in consultation with Municipal Licensing and Standards, Toronto Building, and City Planning to report on potential strategies to protect and enhance the City's tree canopy and growing space, while also supporting infill housing growth in the City's Neighbourhoods.
<https://secure.toronto.ca/council/agenda-item.do?item=2022.IE30.18>

At its meeting on May 10, 2023, City Council, through item PH3.16 Expanding Housing Options in Neighbourhoods: Multiplex Study - Final Report requested City Planning and Parks, Forestry and Recreation to report in the third quarter of 2023 with a status update on work previously requested in Items 2021.PH29.2 and 2022.IE30.18, which respectively requested staff to consider strategies to protect and enhance growing space and the City's tree canopy and growing space, while also supporting infill housing growth in the City's Neighbourhoods, and to report back regarding potential strategies to protect and enhance the city's tree canopy and growing space, while also supporting infill housing growth in the city's Neighbourhoods.
<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH3.16>

At its meeting on December 13, 14 and 15, 2023, City Council, through item PH8.6, Growing Space for Trees: Protecting and Enhancing the Tree Canopy While Supporting Infill Housing, requested City Planning and Parks, Forestry and Recreation to report by the fourth quarter of 2024 on a suite of strategies related to protecting and enhancing the City's tree canopy and growing space, while also supporting infill housing growth in the city's Neighbourhoods.
<https://secure.toronto.ca/council/agenda-item.do?item=2023.PH8.6>

At its meeting on April 5, 2024, Planning and Housing Committee adopted item PH11.4, - Zoning for Residential Basements - Preliminary Report, that included a request for City Planning to report back on strategies to address the impacts of iceberg homes, including consideration of ways of identifying applications for iceberg homes, and applying a climate lens to final recommendations.
<https://secure.toronto.ca/council/agenda-item.do?item=2024.PH11.4>

At its meeting on May 28, 2024, Infrastructure and Environment Committee adopted item IE14.12, Annual Report on Tree By-law Removal Permit Appeals and Requests, that reported on the total number and outcomes of. tree removal permits considered by Urban Forestry
<https://secure.toronto.ca/council/agenda-item.do?item=2024.IE14.12>

On February 5, 2025, City Council adopted EX20.12, Reducing Stormwater Runoff and Mitigating Basement Flooding, which in part directed Toronto Water, in consultation with

Toronto Building, City Planning and Development Review, to report back with a strategy to address stormwater management in the minor variance process, including an overview of existing policies, as part of the report back to City Council in the third quarter of 2025.

<https://secure.toronto.ca/council/agenda-item.do?item=2025.EX20.12>

On June 25 and 26, 2025, City Council adopted PH22.3, Expanding Housing Options in Neighbourhoods - Multiplex - Monitoring Program - Final Report to make further amendments to the Zoning By-law and to Municipal Code Chapter 415 to facilitate multiplex construction, and to consolidate and continue multiplex related monitoring.

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PH22.3>

On July 23 and 24, 2025, City Council adopted PH23.1, Expanding Housing Options in Neighbourhoods - Garden Suites Monitoring Program - Final Report to further amend Official Plan policies and Zoning By-law permissions for garden suites to further support the effective implementation of garden suites and to align Zoning By-law 569-2013 with Ontario Regulation 462/24, regarding Additional Residential Units (ARUs).

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PH23.1>

At its meeting on July 23 and 24, 2025, City Council, through item MM32.21, that included a request to provide additional tools to ensure the protection of by-law protected trees in the update on Urban Forestry Committee of Adjustment conditions through the City's Growing Space for Trees Initiative.

<https://secure.toronto.ca/council/agenda-item.do?item=2025.MM32.21>

On July 23 and 24, 2025, City Council adopted MM32.5, Creating More Affordable Housing Options in Our Neighbourhoods, that included direction to consider opportunities for permitting permeable paving solutions, especially those integrated with low-growing plants, to be counted as part of the soft landscaping requirement for multiplexes located within certain wards, where the permeable paving solution is intended for the provision of on-site parking.

<https://secure.toronto.ca/council/agenda-item.do?item=2025.MM32.5>

On October 30, 2025, Planning and Housing Committee adopted item PH25.11, Addressing Stormwater Management in the Minor Variance Process, which provides a summary of the City's stormwater management policies pertinent to the minor variance review process, and identifies opportunities to improve stormwater management-related procedural changes to further Committee of Adjustment improvement.

<https://secure.toronto.ca/council/agenda-item.do?item=2025.PH25.11>