

Attachment 2: Proposed Bylaw Amendments

A. Toronto Municipal Code Chapter 813, Trees

As indicated in the staff report, the proposed amendments to Toronto Municipal Code Chapter 813, Trees, are:

General - Executive Director Authority

1. Grant only the Executive Director, Environment, Climate and Forestry the authority to implement and enforce the relevant bylaw provisions, instead of equal authority between the Executive Director, Environment, Climate and Forestry and the General Manager, Parks and Recreation.

Article II – Trees on City Streets

Definitions

2. Add the following definition of “Executive Director” to § 813-3. Definitions.:

EXECUTIVE DIRECTOR – The Executive Director, Environment, Climate and Forestry or their designate or their successor.

3. Delete the definition of “General Manager” from § 813-3. Definitions. in its entirety.

4. Amend the definition of “Good Arboricultural Practice” in § 813-3. Definitions. as follows:

GOOD ARBORICULTURAL PRACTICE - Tree planting, maintenance and removal performed in accordance with the American National Standards, ANSI 300 and best management practices identified by the International Society of Arboriculture, to the satisfaction of the Executive Director.

5. Amend the definition of “Tree Planting Detail” in § 813-3. Definitions., to allow for an approved equivalent of the City of Toronto Streetscape Manual, as follows:

TREE PLANTING DETAIL - The most recent version of illustrated details with notes pertaining to the planting of trees on any City street; as found in the City of Toronto Streetscape Manual or approved equivalent.

Article III – Private Tree Protection

6. Add the following definition of “Distinctive Tree” to § 813-11. Definitions.:

DISTINCTIVE TREE – A healthy tree, as determined by the Executive Director which (a) is not designated a Heritage Tree and (b) has at least one stem with a diameter measurement greater than 61 centimetres.

7. Add the following definition of “Executive Director” to § 813-11. Definitions.:

EXECUTIVE DIRECTOR – The Executive Director, Environment, Climate and Forestry or their designate or their successor.
8. Delete the definition of “General Manager” from § 813-11. Definitions. in its entirety.
9. Amend the definition of “Good Arboricultural Practice” in § 813-11. Definitions. as follows:

GOOD ARBORICULTURAL PRACTICE - Tree planting, maintenance and removal performed in accordance with the American National Standards, ANSI 300 and best management practices identified by the International Society of Arboriculture, to the satisfaction of the Executive Director.

10. Add the following definition of “Stump Diameter” to § 813-11. Definitions.:

STUMP DIAMETER – The measurement of the diameter of a tree’s trunk, if the diameter cannot be measured using the diameter measurement, taken:

- (a) at 0.3 metres above ground level of the tree stem, and if not feasible;
- (b) at the highest point below 0.3 metres above ground level.

Protected Trees

11. Delete and replace § 813-12. Permit required., to expand the type of trees that require a permit, as follows:

§ 813-12. Permit required.

Except as provided in this Article III, no person shall, without authorized by a permit issued under §813-18., injure, destroy, or remove or permit the injury, destruction, or removal of any tree, including a multi-stem tree, that:

- A. Was planted as a condition of approval of a variance or consent;
- B. Was planted subject to a Site Plan Agreement that required the planting and maintenance of one or more trees;
- C. Was planted as part of the condition of plans and drawing approved though Site Plan Control;
- D. Was planted as a result of compliance actions, including the issuance of an Order to Comply by an Officer;
- E. Was planted as a result of permit condition under § 813-20.; or

- F. If Sections A, B, C, D, and E do not apply, at least one stem has a diameter measurement of 30 centimeters or more.

Circumstances When a Permit is not Required

- 12. Amend the permit exemption in § 813-13.B., to remove “to maintain tree health”, as follows:
 - B. Pruning of a tree in accordance with good arboricultural practice.
- 13. Amend the permit exemption in § 813-13.E., to remove the soil depth requirement, as follows:
 - E. Injury or destruction of a tree located in rooftop gardens, interior courtyards, solariums, or on elevated podiums.

Powers and Duties of Executive Director

- 14. Amend the Executive Director’s authorization in § 813-15.D., to stop any work causing injury or destruction to any protected tree, as follows:
 - D. Stop any work causing injury or destruction to a tree protected under § 813-12. taking place without a permit or contrary to the conditions of a permit or other standards established by the Executive Director.

Application Criteria

- 15. Add a new section L. to § 813-16. Review of applications; criteria., that requires the Executive Director to consider distinctive trees, as follows:
 - L. If the tree is a distinctive tree.

Permit Issuance

- 16. Amend § 813-18.B.(5), to update the references to the “Ontario Municipal Board”, as follows:
 - (5) specifically identified for injury or removal on plans approved by the Ontario Land Tribunal, Toronto Local Appeal Body, City Council, or a final and binding decision of the Committee of Adjustment.

Permit Conditions

- 17. Delete § 813-20.H. in its entirety, because replacement trees have been included in the amended to § 813-12. Permit required. above.

Article IV – Offences and Enforcement

Diameter of a Protected Tree if Injured or Destroyed

18. Add a new subsection (5) to § 813-25.B., which allows a person to determine if an injured or destroyed tree is considered protected by measuring its stump diameter, as follows:

- (5) In the event the diameter measurement of a tree cannot be measured because it has been injured or destroyed, a tree with a stump diameter of 40 centimeters or greater will be considered a protected tree as set out in § 813-12.F.

B. Toronto Municipal Code Chapter 658, Ravine and Natural Feature Protection

As indicated in the staff report, the proposed amendments to Toronto Municipal Code Chapter 658, Ravine and Natural Feature Protection, are:

Executive Director Authority

1. Grant only the Executive Director, Environment, Climate and Forestry the authority to implement and enforce the relevant bylaw provisions, instead of equal authority between the Executive Director, Environment, Climate and Forestry and the General Manager, Parks and Recreation.

Definitions

1. Add the following definition of “Diameter Measurement” to § 658-1. Definitions.:

DIAMETER MEASUREMENT - A measurement taken at:

- A. 1.4 metres above ground level for a tree with straight, upright stems;
 - B. 1.4 metres along the centre of the stem axis for a tree growing on an angle from a horizontal grade and a tree growing vertical on slopes measured at right angles to the stem; or
 - C. 1.4 metres above ground level for each stem of a double stem or multi-stemmed tree.
2. Add the following definition of “Distinctive Tree” to § 658-1. Definitions.:

DISTINCTIVE TREE – A healthy tree, as determined by the Executive Director which (a) is not designated a Heritage Tree and (b) has at least one stem with a diameter measurement greater than 61 centimetres.

3. Add the following definition of “Executive Director” to § 658-1. Definitions.:

EXECUTIVE DIRECTOR – The Executive Director, Environment, Climate and Forestry or their designate or their successor.

4. Delete the definition of “General Manager” from § 658-1. Definitions. in its entirety.

5. Add the following definition of “Good Arboricultural Practices” to § 658-1. Definitions.:

GOOD ARBORICULTURAL PRACTICE - Tree planting, maintenance and removal performed in accordance with the American National Standards, ANSI 300 and best management practices identified by the International Society of Arboriculture, to the satisfaction of the Executive Director.

6. Add the following definition of “Voluntary Stewardship Project” to § 658-1. Definitions.:

VOLUNTARY STEWARDSHIP PROJECT - An activity or activities undertaken to enhance, restore, or maintain the ecological health of ravines and natural features, including the removal of invasive species and planting of native vegetation, as determined by the Executive Director.

Interpretation – City Surveyor

7. Delete § 658-3. Interpretation. in its entirety, whereby a City Surveyor may plot boundary lines if requested to align the bylaw with existing City of Toronto practices.

Circumstances When a Permit is not Required

8. Amend the permit exemption in § 658-4.A.(2), to remove “to maintain tree health”, as follows:
 - (2) Pruning of a tree in accordance with good arboricultural practice.
9. Amend the permit exemption in § 658-4.A.(5), to remove the soil depth requirement, as follows:
 - (5) Injury or destruction of a tree located in rooftop gardens, interior courtyards, solariums, or on elevated podiums.

Application Fee

10. Add a new subsection (5) to § 658-5.B., that requires the payment of a non-refundable application fee, as follows:
 - (5) Subject to § 658-5.C., the payment of a non-refundable application fee set out in Chapter 441, Fees and Charges, Appendix C, Schedule 20.
11. Add a new section C. to § 658-5. Filing of applications; form and content., that exempts owners from paying the application fee in specific circumstances, as follows:
 - C. Despite § 658-5.B.(5), no application fee shall be payable by an owner with respect to:

- (1) The not-for-profit portion of housing projects undertaken by:
 - (a) Toronto Community Housing Corporation.
 - (b) Habitat for Humanity.
 - (c) Recognized not-for-profit housing organizations including organizations providing social housing as referred to in subsection 7(1), paragraphs 1-4 of the Residential Tenancies Act, 2006.
- (2) Persons living below the low-income cut off before tax as determined by Statistics Canada.
- (3) Work conducted as a part of a voluntary stewardship project, as determined by the Executive Director.
- (4) Work conducted by the Toronto and Region Conservation Authority for stewardship or restoration purposes, as determined by the Executive Director.
- (5) Work conducted by a City division for stewardship or restoration purposes, as determined by the Executive Director.

Application Review Criteria

12. Add a new § 658-5.1. Review of applications; criteria, which outlines the criteria the Executive Director shall consider when reviewing and application, as follows:

§ 658-5.1. Review of applications; criteria.

The Executive Director shall consider the following criteria when reviewing an application:

- A. The application form is complete.
- B. The applicant has paid all required fees.
- C. The condition of the tree.
- D. The location of the tree.
- E. The protection of environmentally sensitive areas.
- F. The protection of natural landforms or contours.
- G. The protection of ecological systems.
- H. Erosion and flood control.
- I. The protection of significant vistas.

- J. Whether or not a tree is a heritage tree or should be protected as a heritage tree.
- K. The arborist report, tree protection plan, landscaping and replanting plans, woodland management plan, stewardship plan, rehabilitation plan, grading plan, drainage plan, and geotechnical report are satisfactory.
- L. If the tree is a distinctive tree.

Permit Issuance

- 13. Amend § 658-6.A.(2), to update the references to the “Ontario Municipal Board” as follows:
 - (2) Where site plan approval, subdivision approval, consent or Committee of Adjustment approval under the Planning Act has been obtained, and:
 - (a) Tree injury or destruction is required based on plans approved by the Ontario Land Tribunal, Toronto Local Appeal Body, City Council, or a final and binding decision of the Committee of Adjustment.
 - (b) The placing or dumping of fill or the alteration of the grade of land is required based on plans approved by the Ontario Land Tribunal, Toronto Local Appeal Body, City Council, or a final and binding decision of the Committee of Adjustment.

Permit Conditions

- 14. Amend § 658-6.B.(1), to clarify that site restoration is also a condition of a permit, as follows:
 - (1) Where a tree is to be injured or destroyed, the issuance of a permit shall be subject to conditions ensuring that the site is restored and replacement trees are planted to the satisfaction of the Executive Director in accordance with the approved tree removal or replacement plan or woodland management or rehabilitation plan submitted by the applicant.

C. Toronto Municipal Code Chapter 441, Fees and Charges

As indicated in the staff report, the proposed amendments to Toronto Municipal Code Chapter 441, Fees and Charges, are:

1. A new fees for applications under Toronto Municipal Code Chapter 658, Ravine and Natural Feature Protection to be added to Appendix C, Schedule 20 as follows:

Environment, Climate and Forestry – New Fees

Rate ID	User Fee Description	Service	Fee Category	Fee Basis	Recommended Fee	Annual Adj.
EE8.7023	Ravine tree: Non-Construction Permit Application Fee	Urban Forestry	City Policy	Per Tree	\$87.57	Yes
EE8.7024	Ravine Boundary/Neighbour Tree: Non-Construction Permit Application Fee	Urban Forestry	City Policy	Per Tree	\$183.03	Yes
EE8.7025	Ravine Tree: Construction Permit Application Fee	Urban Forestry	City Policy	Per Tree	\$262.72	Yes
EE8.7026	Ravine Boundary/Neighbour Tree: Construction Permit Application Fee	Urban Forestry	City Policy	Per Tree	\$549.08	Yes
EE8.7027	Alteration of Grade - No Trees: Permit Application Fee	Urban Forestry	City Policy	Per Application	\$632.51	Yes