

TORONTO MUNICIPAL CODE  
CHAPTER 813, TREES

**Chapter 813**

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**[HISTORY: Adopted by the Council of the City of Toronto as indicated in article histories.  
Amendments noted where applicable.]**

**GENERAL REFERENCES**

Tree permit fees - See Ch. 441.  
Tree care in parks - See Ch. 608.  
Ravine protection - See Ch. 658.

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ARTICLE I

**Inspection; Removal of Infested Trees**  
**[Adopted 2000-05-11 by By-law No. 310-2000]**

**§ 813-1. Inspection for presence of Asian Long-Horned Beetles and other pests; removal of infested trees.**

The City Forestry staff is authorized to inspect for the presence of Asian Long-Horned Beetles and other alien forest pests and to remove infested trees, on all public and private property, with the consent of the property owner.

**§ 813-2. Right to enter private property.<sup>1</sup>**

The City Forestry staff is authorized to enter upon private property to inspect for the presence of Asian Long-Horned Beetles and other alien pests and to remove infested trees.

ARTICLE II

**Trees on City Streets**  
**[Adopted 2000-06-08 by By-law No. 388-2000<sup>2</sup>]**

**§ 813-3. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**APPLICATION** - A completed permit application form with supporting documentation as identified in the application package or requested by Urban Forestry for permission to injure, destroy or remove trees. **[Added 2013-02-21 by By-law No. 248-2013]**

**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. **[Added 2013-02-21 by By-law No. 248-2013]**

**CARE AND MAINTENANCE** - The care and maintenance of trees in accordance with good arboricultural standards and includes inspection, pruning, cabling and bracing, treatments for insect and disease problems, watering and fertilization.

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<sup>1</sup> Editor's Note: This section shall come into effect upon City Forestry staff being designated as inspectors by the President of the Canadian Food Inspection Agency in accordance with section 21 of the *Plant Protection Act*, S.C. 1990, c. 22, and section 13 of the *Canadian Food Inspection Act*, S.C. 1997, c.6.

<sup>2</sup> Editor's Note: This by-law was passed under the authority of section 312 of the *Municipal Act*, R.S.O. 1990, c. M.45. This by-law also repealed the following: Article I, Chapter 331, Trees, of the former City of Toronto Municipal Code; Article I, Chapter 243, Trees, of the former City of Etobicoke Municipal Code; By-law No. 118-97 of the former Borough of East York; Section 10 of By-law No. 211-74 of the former Metropolitan Toronto; By-law No. 31729 of the former City of North York; By-law Nos. 20975 and 21682 of the former City of Scarborough; and By-law No. 2507-92 of the former City of York. This listing of repealed by-laws was amended July 6, 2000 by By-law No. 484-2000.

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CITY STREET - A common or public highway, road, street, lane or any road allowance or portion thereof under the jurisdiction of the City of Toronto.<sup>3</sup>

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 to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree. **[Amended 2013-02-21 by By-law No. 248-2013]**

EMERGENCY WORK - Work of an urgent nature, including but not limited to work associated with drain repairs, utility repairs, structural repairs to a building and work required to prevent soil erosion, slipping of soil or damage to trees. **[Amended 2013-02-21 by By-law No. 248-2013]**

GENERAL MANAGER - The General Manager Parks, Forestry and Recreation. **[Added 2008-01-30 by By-law No. 118-2008]**

HERITAGE TREE - Trees designated under Part IV of the *Ontario Heritage Act*<sup>4</sup> or trees recognized as heritage trees by the Ontario Heritage Tree Program of Trees Ontario. **[Added 2013-02-21 by By-law No. 248-2013]**

IMMINENTLY HAZARDOUS TREE - A destabilized or structurally compromised tree that is in imminent danger of causing damage or injury to life or property. **[Added 2013-02-21 by By-law No. 248-2013]**

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. **[Amended 2008-01-30 by By-law No. 118-2008]**

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, City Forester, Urban Forestry Supervisor, Urban Forestry Co ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector and Arborist Foreperson. **[Added 2013-02-21 by By-law No. 248-2013]**

PERMIT - A permit required by this article. **[Added 2013-02-21 by By-law No. 248-2013]**

PERSON - Includes a company, a corporation, a partnership or an individual person.

STANDARDS - Minimum requirements or guidelines established by the General Manager pertaining to the protection and preservation of trees. **[Amended 2008-01-30 by By-law No. 118-2008]**

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<sup>3</sup> Editor's Note: The definition of "Commissioner," which previously followed this definition, as amended October 5, 2000 by By-law No. 869-2000, was repealed January 30, 2008 by By-law No. 118-2008.

<sup>4</sup> Editor's Note: See R.S.O. 1990, c. 0.18

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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.

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. **[Amended 2013-02-21 by By-law No. 248-2013]**

TREE - Any tree, all or part of which is located on, above or below a City street. Ownership and maintenance of trees that have 50 percent or more of their main stem situated on a City road allowance will be the responsibility of the City. **[Amended 2013-02-21 by By-law No. 248-2013]**

TREE VALUE/APPRAISED VALUE - The monetary value of a tree as determined through calculations using the City of Toronto's Tree Appraisal and Evaluation form.

**§ 813-4. Authority for planting, care and maintenance and removal of trees.**

**[Amended 2008-01-30 by By-law No. 118-2008]**

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.

**§ 813-5. Powers and duties of General Manager.**

**[Amended 2000-10-05 by By-law No. 869-2000; 2008-01-30 by By-law No. 118-2008]**

The General Manager is authorized to:

- A. Plant, or cause to be planted, trees on City streets.
- B. Care for and maintain, or cause to be cared for and maintained, any tree located on any City street.
- C. Transplant, remove or cause to be transplanted or removed any tree planted or located on any City street where deemed necessary in the public interest.
- D. Remove or cause to be removed without notice or compensation to any person any object or thing that adversely affects a tree or part of a tree on a City street.
- E. Prune or cause to be pruned all trees located on private property, the branches of which extend over a City street, including the pruning of branches which are hazardous or create an unsafe condition.
- F. Implement or cause to be implemented necessary treatments for insect and disease problems associated with trees located on a City street.

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- 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.
- 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.
- I. Allow the pruning of tree roots in accordance with good arboricultural practices causing minimal damage to the tree. Such requests for injury may be subject to conditions which include the payment of tree value, removal and replacement costs, the posting of a letter of credit and the planting of a tree or trees by the applicant. **[Amended 2013-02-21 by By-law No. 248-2013]**
- J. Stop any work causing unauthorized injury, removal or destruction of a tree. **[Amended 2013-02-21 by By-law No. 248-2013]**
- K. Issue permits for injury, destruction and removal of trees in accordance with the criteria and subject to the conditions set out in this article. **[Added 2013-02-21 by By-law No. 248-2013]**
- L. Refuse to issue permits for injury, destruction or removal of trees and refer the matter to the appropriate community council. **[Added 2013-02-21 by By-law No. 248-2013]**
- M. Establish expiry dates for permits. **[Added 2013-02-21 by By-law No. 248-2013]**
- N. Approve or refuse requests to transfer a permit or application. **[Added 2013-02-21 by By-law No. 248-2013]**
- O. Require the submission of a new application where: **[Added 2013-02-21 by By-law No. 248-2013]**
  - (1) A permit has expired;
  - (2) A request to transfer a permit or application has been refused;
  - (3) Additional trees are required to be injured, destroyed or removed.
- P. Issue permits for the removal of trees located on a public right of way where work is required within the right-of-way and: **[Added 2013-02-21 by By-law No. 248-2013]**
  - (1) Council has approved the work;
  - (2) The General Manager is satisfied that there is no reasonable alternative to tree removal in order to complete the approved work;
  - (3) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and

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- (4) The ward councillor has been advised that a permit will be issued.
- Q. Issue permits for the removal of trees located within a utility easement where the repair or replacement of the utility is required for the provision of such utilities, and: **[Added 2013-02-21 by By-law No. 248-2013]**
- (1) The General Manager is satisfied that there is no reasonable alternative to tree removal in order to complete the work;
- (2) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and
- (3) The ward councillor has been advised that a permit will be issued.
- R. Require that any tree planted on a City street be approved by the General Manager and planted in accordance with the appropriate City of Toronto Tree Planting Detail. Approval will include the planting location, species, size and condition. **[Added 2013-02-21 by By-law No. 248-2013]**
- S. Require replacement planting for every tree removed, unless otherwise determined by the General Manager. **[Added 2013-02-21 by By-law No. 248-2013]**

**§ 813-6. Compliance, permit required; approval required; prohibited activities.<sup>5</sup>**

A. Compliance.

Every person carrying out work on City streets or carrying out work that will impact trees on City streets, shall carry out such work in accordance with:

- (1) This article;
- (2) The City's Tree Protection Policy and Specifications for Construction near Trees;
- (4) The terms and conditions of any permit;
- (5) The provisions of any approved tree protection plan or arborist report; and
- (6) Any other standards as defined in § 813-3.
- B. Permit required.

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<sup>5</sup> Editor's Note: By-law No. 248-2013, enacted February 21, 2013 changed the title of Section 813-6 from "Protection, injury and removal of trees; prohibited activities" and replaced Section 813-6 in its entirety.

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No person shall injure, destroy, remove or permit the injury destruction or removal of a tree without a permit.

C. Approval required.

- (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.
- (2) The approval of the General Manager under (1) may be subject to conditions imposed by the General Manager including production of satisfactory evidence that all other requisite approvals have been obtained.

D. Prohibited activities.

No person shall bury the roots, mark, cut, break, peel or deface any part of a tree.

**§ 813-7. Applications; form and content; application fees.<sup>6</sup>**

A. Any person who wishes to injure, destroy or remove a tree shall submit an application to the General Manager, on the prescribed form and shall provide the following to the satisfaction of the General Manager:

- (1) The name, address and telephone number of the applicant;
- (2) Subject to § 813-7B, the non-refundable application fee set out in Chapter 441, Fees and Charges, Appendix C, Schedule 7;
- (3) The purpose for which the permit is required;
- (4) A landscape plan satisfactory to the General Manager and the ward councillor;
- (5) An arborist report identifying the location, species, size and condition of trees on the property and describing protection measures to be implemented;
- (6) A tree protection plan, where required by the General Manager, identifying the location, species and size of trees on the property and illustrating details of protection measures including protective barriers and hoarding;
- (7) Such additional information and documentation as the General Manager may require.

B. No application fee.

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<sup>6</sup> Editor's Note: By-law No. 248-2013, enacted February 21, 2013 changed the title of Section 813-7 from "Tree planting and removal" and replaced Section 813-7 in its entirety.



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No application fee shall be payable with respect to:

- (1) The not-for-profit portion of housing projects undertaken by:
  - (a) The 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*<sup>7</sup>.
- (2) Persons living below the low-income cut off as determined by Statistics Canada.

**§ 813-8. Review of applications; criteria.**<sup>8</sup>

The General Manager shall consider the following criteria prior to issuing or refusing to issue a permit:

- 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. Landscape plans, arborist reports and tree protection plans submitted by the applicant are satisfactory;
- K. Whether or not a tree is a heritage tree or should be protected as a heritage tree.

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<sup>7</sup> Editor's Note: See S.O. 2006, c. 17.

<sup>8</sup> Editor's Note: By-law No. 248-2013, enacted February 21, 2013 deleted "§§ 813-8 Offences and 813-8.1 Remedial action" and incorporated these sections in a new Art. IV "Offences and Enforcement".

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**§ 813-8.1. (Reserved)<sup>9</sup>**

**§ 813-9. Permit refusal.**

**[Added 2013-02-21 by By-law No. 248-2013<sup>10</sup>]**

The General Manager shall not issue a permit where:

- A. The application form is incomplete.
- B. The information required by § 813-7A has not been provided to the satisfaction of the General Manager.
- C. Environmentally sensitive areas, ecological systems, natural landforms or contours will not be adequately protected and preserved.
- D. Erosion or flood control will be negatively impacted.
- E. Significant vistas will not be adequately protected and preserved.
- F. The tree is a heritage tree, or should in the opinion of the General Manager be recommended for designation as a heritage tree.

**§ 813-10. Permit conditions.**

**[Added 2013-02-21 by By-law No. 248-2013<sup>11</sup>]**

- A. A permit to injure, remove or destroy a tree shall be subject to the following terms and conditions:
  - (1) The injury, destruction or removal of a tree shall be carried out by or under the supervision of an arborist;
  - (2) Compliance with good arboricultural practices;
  - (3) Compliance with the City's Tree Protection Policy and Specifications for Construction Near Trees and any other standards as defined in § 813-3;

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<sup>9</sup> Editor's Note: By-law No. 248-2013, enacted February 21, 2013 deleted "§§ 813-8 Offences and 813-8.1 Remedial action" and incorporated these sections in a new Art. IV "Offences and Enforcement".

<sup>10</sup> Editor's Note: By-law No. 248-2013, enacted February 21, 2013, renumbered § 813-9 "Definitions" to Section 813-11 and added new Section 813-9 "Permit refusal".

<sup>11</sup> Editor's Note: By-law No. 248-2013, enacted February 21, 2013, renumbered § 813-10 "Permit required" to Section 813-12 and added new Section 813-10 "Permit conditions".

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- (4) Compliance with approved landscape and tree protection plans to the satisfaction of the General Manager;
- 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:
- (1) The General Manager may require payment of the appraised value of 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.
- (2) Where tree planting or replacement planting is not physically possible on site, the General Manager may:
- (i) Require replacement planting at another suitable location; or
- (ii) Accept a cash in lieu in payment in an amount equal to 120 percent of the cost of planting and maintaining a tree for a period of two years.
- (3) The General Manager 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, 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.
- (4) The General Manager 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, 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.

ARTICLE III

**Private Tree Protection**

**[Adopted 2004-09-30 by By-law No. 780-2004<sup>12</sup>; amended 2008-01-30 by  
By-law No. 118-2008<sup>13</sup>; 2013-02-21 by By-law No. 248-2013<sup>14</sup>]**

**§ 813-11. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

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<sup>12</sup> Editor's Note: This by-law was passed under the authority of sections 135, 391 and 427 of the *Municipal Act, 2001*, S.O. 2001, c. 25.

<sup>13</sup> Editor's Note: This by-law changed the title of Art. III from "Tree Protection" to "Private Tree Protection."

<sup>14</sup> Editor's Note: By-law No. 248-2013, enacted February 21, 2013 renumbered the previous §§ 813-9 - 813-19 to §§ 813-11 - 813-22.

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APPLICATION - A completed permit application form with supporting documentation as identified in the application package or requested by Urban Forestry for permission to injure, destroy or remove trees. **[Amended 2013-02-21 by By-law No. 248-2013]**

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. **[Amended 2008-01-30 by By-law No. 118-2008]**

ARBORIST REPORT - A technical report that identifies the species, size and condition of trees and describes tree protection measures to be implemented.<sup>15</sup>

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 to be an imminently hazardous tree or is no longer viable and it becomes necessary to remove the tree. **[Amended 2013-02-21 by By-law No. 248-2013]**

DIAMETER MEASUREMENT - A measurement taken at: **[Added 2008-01-30 by By-law No. 118-2008]**

- A. 1.4 metres above ground level for trees with straight, upright stems.
- B. 1.4 metres along the centre of the stem axis for trees growing on an angle from a horizontal grade and trees growing vertical on slopes measured at right angles to the stem.
- C. 1.4 metres above ground level for each stem of a double stem or multi-stemmed tree.

EMERGENCY WORK - Work of an urgent nature, including but not limited to work associated with drain repairs, utility repairs, structural repairs to a building and work required to prevent soil erosion, slipping of soil or damage to trees. **[Amended 2013-02-21 by By-law No. 248-2013]**

ENVIRONMENTALLY SENSITIVE AREA - Includes an environmentally significant area, natural area or ravine as defined and designated in the City of Toronto official plan.

GENERAL MANAGER - The General Manager, Parks, Forestry and Recreation. **[Added 2008-01-30 by By-law No. 118-2008]**

GRADE - A defined elevation of land established as a result of natural processes or by human alteration.

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<sup>15</sup> Editor's Note: The definition of "Commissioner," which previously followed this definition, was repealed January 30, 2008 by By-law No. 118-2008.

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HERITAGE TREE - A tree designated under Part IV of the *Ontario Heritage Act*<sup>16</sup> or trees recognized as heritage trees by the Ontario Heritage Tree Program of Trees Ontario. **[Amended 2013-02-21 by By-law No. 248-2013]**

IMMINENTLY HAZARDOUS TREE - A destabilized or structurally compromised tree that is in imminent danger of causing damage or injury to life or property. **[Amended 2008-01-30 by By-law No. 118-2008]**

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. **[Amended 2008-01-30 by By-law No. 118-2008]**

LANDSCAPING AND REPLANTING PLAN - A plan which identifies the location, species and size of existing trees, trees to be planted and other landscape elements on a property and provides details regarding planting methodology.

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, City Forester, Urban Forestry Supervisor, Urban Forestry Co-ordinator, Urban Forestry Planner, Urban Forestry Planning Assistant, Urban Forestry Manager, Arborist Inspector and Arborist Foreperson. **[Amended 2013-02-21 by By-law No. 248-2013]**

OWNER - For purposes of making an application under this article, shall include the owner of either property where the base of a tree straddles a property line or whose property is physically impacted by the roots or crown of a tree on adjacent property.

PERMIT – A permit required by this article. **[Added 2013-02-21 by By-law No. 248-2013]**

ROOFTOP GARDEN - Does not include the rooftops of parking garages or other structures at grade.

TERMINALLY DISEASED - Advanced and irreversible decline in tree health, that has resulted in the majority of crown die back or failure, due to severe insect infestation or infection by a pathogen. **[Added 2013-02-21 by By-law No. 248-2013]**

TREE PROTECTION PLAN - A plan that identifies the location, species and size of trees on a property and provides tree protection measures, including but not limited to protective barriers and hoarding.

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. **[Amended 2008-01-30 by By-law No. 118-2008]**

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<sup>16</sup> Editor's Note: See R.S.O. 1990, c. O.18.

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**§ 813-12. Permit required.**

**[Amended 2008-01-30 by By-law No. 118-2008; 2013-02-21 by By-law No. 248-2013]**

No person shall injure, destroy or remove or permit the injury, destruction or removal of any tree, including a multi-stem tree having at least one stem that has a diameter measurement of 30 centimetres or more measured at 1.4 metres above ground level in accordance with this article, unless authorized by permit to do so.

**§ 813-13. Exceptions.**

Despite § 813-12, a permit is not required under this article for the following activities:

- A. Removal of a terminally diseased, dead or imminently hazardous tree certified as such by the General Manager. **[Amended 2008-01-30 by By-law No. 118-2008; 2013-02-21 by By-law No. 248-2013]**
- B. Pruning of a tree in accordance with good arboricultural practice to maintain tree health.
- C. Pruning of tree branches that interfere with utility conductors as certified by the General Manager. **[Amended 2013-02-21 by By-law No. 248-2013]**
- D. Emergency work as certified by the General Manager. **[Amended 2013-02-21 by By-law No. 248-2013]**
- E. Injury or destruction of trees on rooftop gardens, in interior courtyards having a soil depth of less than 1.5 metres above a built substructure, in solariums or on elevated podiums.
- F. Injury or destruction of trees in ravine protection areas designated under Chapter 658, Ravine and Natural Feature Protection. **[Amended 2013-02-21 by By-law No. 248-2013]**

**§ 813-14. Applications; form and content.**

- A. An owner who wishes to injure or destroy a tree shall submit to the General Manager an application on the prescribed form and shall provide the following: **[Amended 2008-01-30 by By-law No. 118-2008]**
  - (1) The name, address and telephone number of the applicant.
  - (2) The non-refundable application fee set out in Chapter 441, Fees and Charges, Appendix C, Schedule 7. **[Amended 2011-09-27 by By-law No. 1174-2011; 2013-02-21 by By-law No. 248-2013]**
  - (3) The purpose for which the permit is required.
  - (4) A tree survey showing the location of trees on the property.
  - (5) An arborist report identifying the location, species, size and condition of trees on the property and describing protection measures to be implemented.

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- (6) A tree protection plan identifying the location, species and size of trees on the property and illustrating details of protection measures including protective barriers and hoarding to be implemented to protect trees that are to be retained.
- (7) Landscaping and replanting plans.
- B. Despite § 813-14A(2) no fee shall be payable with respect to: **[Added 2008-01-30 by By-law No. 118-2008; amended 2013-02-21 by By-law No. 248-2013]**
  - (1) The not-for-profit portion of housing projects undertaken by:
    - (a) The 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*.<sup>17</sup>
  - (2) Owners living below the low-income cut off as determined by Statistics Canada.

**§ 813-15. Powers and duties of General Manager.**

**[Amended 2004-12-02 by By-law No. 1071-2004; 2008-01-30 by By-law No. 118-2008]**

The General Manager is authorized to:

- A. Issue permits for the destruction of trees in accordance with the criteria and subject to the conditions set out in this article.
- B. Issue permits for the injury of trees in accordance with the criteria and subject to the conditions set out in this article.
- C. Refuse to issue permits for the injury or destruction of trees and refer the matter to the appropriate community council.
- 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.
- E. To waive the requirement for an arborist report in non-commercial applications.
- F. Require an applicant to post a letter of credit or alternative form of security in a form and content acceptable to the General Manager to ensure compliance with conditions of permit issuance. **[Amended 2013-02-21 by By-law No. 248-2013]**

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<sup>17</sup> Editor's Note: See S.O. 2006, c. 17.

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- G. Establish expiry dates for permits. **[Added 2013-02-21 by By-law No. 248-2013]**
- H. Approve or refuse a request to transfer a permit or application. **[Added 2013-02-21 by By-law No. 248-2013]**
- I. Require the submission of a new application where: **[Added 2013-02-21 by By-law No. 248-2013]**
  - (1) A permit has expired;
  - (2) A request to transfer a permit or application has been refused; or
  - (3) Additional trees are required to be injured, destroyed or removed.

**§ 813-16. Review of applications; criteria.**

**[Amended 2008-01-30 by By-law No. 118-2008]**

The General Manager shall consider the following criteria:

- 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.



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**§ 813-17. Permit refusal.**

**[Amended 2008-01-30 by By-law No. 118-2008]**

The General Manager shall not issue a permit for the injury or destruction of trees where:

- A. The application form is not complete.
- B. The information required by § 813-14A has not been provided to the satisfaction of the General Manager. **[Amended 2013-02-21 by By-law No. 248-2013]**
- C. Trees are healthy.
- D. Environmentally sensitive areas, ecological systems, natural landforms or contours will not be adequately protected and preserved.
- E. Erosion or flood control will be negatively impacted.
- F. Significant vistas will not be adequately protected and preserved.
- G. The tree is a heritage tree, or should in the opinion of the General Manager be recommended for designation as a heritage tree.

**§ 813-18. Issuance of permits.**

**[Amended 2008-01-30 by By-law No. 118-2008]**

The General Manager is authorized to issue permits where:

- A. Trees are in poor condition and cannot be maintained in a healthy and safe condition.
- B. Despite § 813-17C the General Manager may issue permits to injure or destroy healthy trees where: **[Amended 2013-02-21 by By-law No. 248-2013]**
  - (1) The trees are causing or are likely to cause structural damage to load-bearing structures or roof structures.
  - (2) The trees are growing in inappropriate locations, as certified by the General Manager, and cannot be maintained on a routine basis due to restrictive site conditions.
  - (3) Injury or destruction is required in order to remediate contaminated soil.
  - (4) Trees are to be relocated and the General Manager is satisfied that the trees will be sufficiently prepared for relocation.
  - (5) Injury or destruction is required for trees specifically identified for injury or removal on plans approved by the Ontario Municipal Board, City Council or a

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final and binding decision of the Committee of Adjustment. **[Amended 2013-02-21 by By-law No. 248-2013]**

- (6) Injury, destruction or removal is required to permit activities associated with the day to day operations of a cemetery for the interring or disintering of remains. **[Added 2013-02-21 by By-law No. 248-2013]**
- (7) Trees are growing on top of underground parking structures, if removal or injury is required to facilitate repairs to the structure and a satisfactory replanting and/or tree protection plan is included with the request; **[Amended 2013-02-21 by By-law No. 248-2013]**
- (8) Trees are located on lands owned by the City, its agencies boards or commissions where: **[Added 2013-02-21 by By-law No. 248-2013]**
  - (1) Council has approved works that will impact trees; and
  - (2) The General Manager is satisfied that there is no reasonable alternative to tree injury, removal or destruction for the completion of the work; and
  - (3) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and
  - (4) The ward councillor has been advised that a permit will be issued.
- (9) Trees are located within a utility easement and work is required within the easement for the provision of the utility where: **[Added 2013-02-21 by By-law No. 248-2013]**
  - (1) The General Manager is satisfied that there is no reasonable alternative to tree injury, removal or destruction for the completion of the work; and
  - (2) The General Manager is satisfied that the applicant has undertaken to implement satisfactory replanting; and
  - (3) The ward councillor has been advised that a permit will be issued.

**§ 813-18.1. Issuance of permits; notification; consultation.**

**[Added 2008-01-30 by By-law No. 118-2008; amended 2013-02-21 by By-law No. 248-2013]**

The General Manager may issue permits to injure or destroy healthy trees provided that:

- A. Notice has been posted in accordance with § 813-19; and

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- B. The General Manager and the ward councillor are satisfied that the applicant has undertaken to implement satisfactory landscaping, replanting and tree preservation plans, where:
- (1) Trees are appropriately sited, and not causing or likely to cause structural damage to load bearing structures or roof structures; or
  - (2) Injury or destruction is required based upon plans approved by the Ontario Municipal Board, City Council or a final and binding decision of the Committee of Adjustment where trees have not been specifically identified for injury or removal on the approved plans.

**§ 813-19. Notice.**

**[Amended 2008-01-30 by By-law No. 118-2008]**

Notice of an application to injure or destroy healthy trees in accordance with § 813-18.1 shall be posted on the property: **[Amended 2013-02-21 by By-law No. 248-2013]**

- A. In a manner and form satisfactory to the General Manager.
- B. For a period of not less than 14 days.

**§ 813-20. Permits to destroy; conditions.**

**[Amended 2008-01-30 by By-law No. 118-2008]**

A permit to destroy trees shall be subject to the following terms and conditions:

- A. Replacement trees shall be planted and maintained to the satisfaction of the General Manager in accordance with landscaping and replanting plans submitted by the applicant and approved by the General Manager.
- B. Where replacement planting is not physically possible on site, the General Manager may:
  - (1) Require replacement planting at another suitable location; or
  - (2) Accept a cash in lieu payment in an amount equal to 120 percent of the cost of replanting and maintaining the trees for a period of two years.
- 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.
- D. The destruction shall only be carried out by or under the supervision of an Arborist.

**§ 813-21. Permits to injure; conditions.**

A permit to injure trees shall be subject to the following terms and conditions:

- A. Trees shall be protected in accordance with good arboricultural practices.

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- 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 landscaping and replanting plans submitted by the applicant and approved by the General Manager. **[Amended 2008-01-30 by By-law No. 118-2008]**
- C. The injury shall be carried out by or under the supervision of an Arborist.

**§ 813-22. Appeals.**

**[Amended 2008-01-30 by By-law No. 118-2008]**

- A. Where the General Manager 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 that the permit application be heard by the appropriate community council.
- B. Where an applicant has filed an appeal, the General Manager 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.
- C. Prior to the General Manager 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.
- D. Upon consideration of the application, the appropriate community council shall make a recommendation to Council.
- E. Upon consideration of the application, Council may direct the General Manager to issue a permit, subject to conditions satisfactory to Council.

**§ 813-23. Repeal.**

The following are repealed:

- A. Article III, Chapter 331, Trees, of the former City of Toronto Municipal Code.
- B. By-law No. 25150 of the former City of Scarborough.

**§ 813-24. Conflict.**

In the event of any conflict between this article and any other by-law of a former municipality respecting trees on private property, this article shall prevail.

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ARTICLE IV  
**Offences and Enforcement**  
[Added 2013-02-21 by By-law No. 248-2013]

**§ 813-25. Inspection and power of entry.**

- A. An officer may enter upon any lands at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- (1) This chapter;
  - (2) The conditions of any permit issued under this chapter;
  - (3) A direction or order of the City made under this chapter or the *City of Toronto Act, 2006*<sup>18</sup>, respecting compliance with this chapter; or
  - (4) An order made by a court under section 372 of the *City of Toronto Act, 2006*<sup>19</sup>, prohibiting the continuation or repetition of a contravention of this chapter.
- B. A person carrying out an inspection under Subsection A may:
- (1) Require the production for inspection of documents or things relevant to the inspection;
  - (2) Inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (3) Require information from any person concerning a matter related to the inspection; and
  - (4) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.

**§ 813-26. Remedial action.**<sup>20</sup>

If a person fails to comply with an order to do work to correct a contravention of this chapter, the City may enter the lands at any reasonable time for the purposes of doing the things described in the order at the person's expense.

**§ 813-27. Orders to comply.**

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<sup>18</sup> Editor's Note: S.O. 2006, c.11, Sched. A.

<sup>19</sup> Editor's Note: S.O. 2006, c.11, Sched. A.

<sup>20</sup> Editor's Note: Former § 813-26, Fees, was repealed December 2, 2004 by By-law No. 1071-2004.

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- A. An officer who finds a contravention of this chapter may make one or more orders requiring:
- (1) The contravening activity to be discontinued (under section 384 of the *City of Toronto Act, 2006*<sup>21</sup>); or
  - (2) Work to be done to correct the contravention (under section 385 of the *City of Toronto Act, 2006*<sup>22</sup>).
- B. The order may be served personally on the person to who it is directed or by registered mail to the last known address of that person and, where the order is served by mail, the service shall be deemed to have been made on the third day after the day of mailing.
- C. If there is evidence that the occupant of the property is the registered property owner, the notice shall be served on both the registered property owner and the occupant of the property.
- D. If the address of the owner is unknown or the City is unable to effect service on the owner or occupant under Subsection B, a placard stating the terms of the order and placed in a conspicuous place upon the land on or near the property shall be deemed to be sufficient service on the owner.
- E. If the delay necessary to serve an order under the preceding subsections would result in an immediate danger to the health or safety of any person, the order may be served personally on the person to whom it is directed or by a placard stating the terms of the order and placed in a conspicuous place upon land on or near the property.

**§ 813-28. Offences.**

- A. No person shall obstruct an officer who is carrying out an inspection under this Chapter.
- B. No person shall deface, cover up or remove a placard placed under § 813-27D or E.
- C. Every person who contravenes a provision of this chapter is guilty of an offence, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence.
- D. Every person who contravenes an order under subsection 384(1) or 385(1) of the *City of Toronto Act, 2006*<sup>23</sup>, is guilty of an offence.

**§ 813-29. Penalties.**

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<sup>21</sup> Editor's Note: S.O. 2006, c.11, Sched. A.

<sup>22</sup> Editor's Note: S.O. 2006, c.11, Sched. A.

<sup>23</sup> Editor's Note: S.O. 2006, c.11, Sched. A.

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A person who is convicted of an offence is liable:

- A. To a minimum fine of \$500.00 and a maximum fine of \$100,000.00 per tree; and
- B. A special fine of \$100,000.00 (under subsection 370 (1) (d) of the *City of Toronto Act, 2006*<sup>24</sup>).

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<sup>24</sup> Editor's Note: S.O. 2006, c.11, Sched. A.