

Bill No. 313
2016

By-law No. C.P.-1515-228

A by-law to regulate the Injuring and Destruction of Trees and to encourage preservation and planting of Trees throughout the City of London, and to repeal By-law No. C.P.-1466-249 entitled, "A by-law to prohibit and regulate the destruction or injuring of trees in the City of London."

WHEREAS The Corporation of the City of London is authorized by subsection 11.(1), paragraph 11.(2)5, subsections 135.(1) and (7), and sections 429, 431 and 444 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, to pass By-laws to sustain and promote environmental and social benefits to the community as a whole through preservation and planting of Trees throughout the municipality, to regulate the Injury and Destruction of Trees, to require a Permit for the removal of Trees, to impose conditions on Permits and to provide for a system of fines and other enforcement orders;

AND WHEREAS Municipal Council has determined that it is desirable to enact a By-law to regulate the Injury and Destruction of Trees and to encourage preservation and planting of Trees throughout the City of London

NOW THEREFORE the Council of the Corporation of the City of London hereby enacts as follows:

1 SHORT TITLE

1.1 This By-law may be cited as the "City of London Tree Protection By-law".

2 DEFINITIONS

2.1 For the purpose of this By-law:

"Agricultural Operation" means an agricultural, aquacultural, horticultural or silvicultural operation that is carried out with the expectation of gain or reward as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c.1.

"Applicant" means the Person who submits an application to the City for a Permit under this By-law.

"Arborist" means an expert in the care and maintenance of Trees and includes an Arborist qualified by the Ontario Ministry of Training, Colleges and Universities, a certified Arborist with 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 City Planner.

"By-Law Enforcement Officer" means a Person appointed by the Council of the City of London as a Municipal Law Enforcement Officer to enforce the provisions of this By-law.

"Boundary Tree" shall have the same meaning as defined by the *Forestry Act*, R.S.O. 1990 c.F.26.

"City" means The Corporation of the City of London.

"City Planner" shall mean the Person who holds the position of City Planner for The Corporation of the City of London or their written Designate who is authorised by the City Planner to act on their behalf in respect of this By-law.

"City Property" shall mean any property of value owned by the City or its Boards and Commissions and includes real estate, storage yards, vehicles, animals or equipment.

"Conservation Authority" shall have the same meaning as defined in the *Conservation Authorities Act*, R.S.O. 1990 c.C.27.

"Critical Root Zone" shall mean an area defined by a measured circle around a living Tree that is deemed to contain the portion of Tree roots that are essential for the Tree's structural integrity and capability to remain alive and upright, and shall be determined as described in Schedule C of this By-law.

"Declared Emergency" shall mean a situation that has been identified and declared an emergency under the *Emergency Management and Civil Protection Act*, R.S.O. 1990 c.E.9.

"Designate" shall mean any Person acting on behalf of, under direction of or with express authority conferred in writing by the City Planner and may include but is not limited to City employees or Qualified Persons hired by the City.

"Destroy" in relation to Tree or Trees means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Destroyed" and "Destruction" shall have a corresponding meaning.

"Distinctive Tree" means a Tree that has attained a trunk diameter of 50cm or greater, measured from Natural Ground Level to 1.4m above Natural Ground Level, that is located on a property within the geographic area of the Urban Growth Boundary excluding the Tree Protection **Area**.

"Emergency Services" shall mean any of the fire, police, and ambulance services, acting as first responders during an incident where life, limb or property may be in peril.

"Forest Management Plan" shall mean a plan signed and sealed by a Qualified Person, for Trees in Woodland that are to be managed for a number of years and which may include harvesting, planting and tending of Trees.

"Forestry Purposes" shall have the same meaning as defined by the *Forestry Act* R.S.O. 1990 c. F.26.

"Good Arboricultural Practices" means the implementation by any Qualified Person of the most recent techniques or methods of Tree management as recommended by the International Society of Arboriculture or their successor.

"Good Forestry Practices" shall be as defined by the *Forestry Act* R.S.O. 1990 c. F.26.

"Habitat" by reference to wildlife or Species at Risk shall have the same definition as that defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6.

"Hearings Officer" means a Hearings Officer appointed under the City's Hearings Officer By-law A.-6653-121, as amended.

"Injure" means to harm, damage or impair the natural function, form or Habitat of a living Tree, including its roots within the Critical Root Zone, by any means excepting Injury by natural causes, and includes but is not limited to carving, drilling, injection, exploding, shattering, improper pruning that fails to meet Good Arboricultural Practices, removal of bark, deliberate inoculation of decay fungi, Pest or disease, inserting or driving foreign objects into or through the Tree or its roots, soil compaction, root excavation, suffocation, drowning, burying or poisoning. The terms "Injury", "Injuring" and "Injured" shall have a corresponding meaning.

"Landowner" means any Person having title in the land on which the Tree(s) are situated, and in the case of Boundary Trees this shall be as defined by the *Forestry Act*, R.S.O. 1990 c.F.26 section 10(2) - Trees Common Property; the term "Landowners" shall have the same meaning, plural.

"Natural Ground Level" for the purposes of this By-law shall mean the unaltered and original level of the soil around the base of a Tree that is supporting or did support the Tree during its early growth and establishment phase; where the Natural Ground Level varies around the Tree any measurement that is referenced from Natural Ground Level shall be measured from the highest part of the soil.

"Normal Farm Practice" shall mean a normal farm practice defined in the *Farming and Food Production Protection Act 1998*, S.O. 1998, c.1.

"Normal Property Maintenance" shall mean the accepted local standards or practices for the care and repair of a property experiencing normal wear and tear, and may include but is not limited to the brushing, sweeping or blowing of leaf, flower or other vegetative litter, the repair or replacement of parts or things at the end of their expected useful life, washing and painting of exterior surfaces, and washing of driveways, windows or vehicles.

"Noxious Weed" shall have the same meaning as that defined in the *Weed Control Act*, R.S.O.1990 c.W.5.

"Permit" means a written permit or a written Emergency Permit issued by the City Planner pursuant to this By-law that authorises the Injury, Destruction or removal of a Distinctive Tree or the Injury or Destruction of a Tree or Trees within a Tree Protection Area.

"Permit Holder" means a Person to whom a Permit has been issued.

"Person" means a natural Person, a recognised community group or special interest group, a corporation, partnership, association, firm, trust, charity, any agency or office of government and any other lawful entity, includes any Person acting on behalf of or under authority of such entity; the term "Persons" shall have the same meaning, plural.

"Pest" includes but is not limited to animals, plants, insects, fungi, bacteria, viruses or any other organism having the potential to do harm to a Tree and may include any species that is invasive or new to Canada where the potential for harm is as yet unknown or unpredictable.

"Pruning" means the removal of live or dead branches from a standing Tree, where the manner or method of cutting and the location of cuts accord with Good Arboricultural Practices and without harm to the physiological requirements of that Tree in the short or long term. The terms "Prune" and "Pruned" shall have a corresponding meaning.

"Qualified Person" shall mean a Person who, in the opinion of the City Planner, has satisfactory qualification, experience, education and knowledge to be an expert in the matter at hand.

"Registered Professional Forester" means a Person who is a registered and currently active full member in good standing of the Ontario Professional Foresters Association and has the right to use the designation "Registered Professional Forester" under the *Professional Foresters Act, 2000*, S.O. **2000**, c. **18**.

"Restore" shall mean to bring back damaged or disturbed land to a previous normal or better condition, in order to achieve specific targets or goals, such as, but not limited to enhanced biodiversity, enhanced future timber production and improved hydrological function. The condition may be achieved by various methods including but not limited to soil improvement, topographic alteration, site preparation, planting, mimicking of natural disturbance, placement of coarse woody debris, natural regeneration, seeding, weeding and thinning. The term "Restoration" shall have the same meaning.

"Security" means an agreement between the City and an Applicant where the Applicant shall arrange an irrevocable letter of credit from a financial institution to specify and lodge a requisite sum of money that the City may draw upon in full if the By-law is contravened or if a failure occurs in the proper and complete execution of a Permit and its conditions, such that Restoration has to be done by the City. The Security may be required before a Permit can be issued for Sites that, in the opinion of a Qualified Person, contain or support ecological or environmental features or functions at risk of being harmed or impaired.

"Silvicultural Prescription" means an operational plan prepared by a Registered Professional Forester or Qualified Person that describes the existing conditions and the sustainable management objectives for Trees on a Site, and that prescribes the practice of controlling Tree establishment and the

composition, growth and quality of Trees to achieve the objectives of management, the methods for managing the Trees and a series of silvicultural treatments and Good Arboricultural Practices that will be carried out to perpetuate Tree cover and establish a free-growing state for Trees that accommodates other resource, environmental and social values as may be identified.

"Site" means the general area where work that may be permitted under this By-law is planned or executed, and in the case of a tract of land that extends over multiple landholdings, each separate landholding is a separate "Site".

"Species at Risk" shall mean any species listed in *Ontario Regulation 242/08* under the *Endangered Species Act, 2007*, S. O. 2007,c.6 and species listed in Schedules of the *Species at Risk Act*, S.C. 2002, c.29.

"Tree" means a woody perennial plant, whether alive or dead, healthy or unhealthy, including saplings or seedlings and including the root system, where the plant has reached or has the potential to reach or, if dead, had the potential while alive to achieve a height of at least 4.5 metres (15 feet) at physiological maturity, typically growing with a single stem and typically developing with branching at regular intervals, provided that where multiple stems grow from the same root system, the number of Trees shall be the number of stems that can be measured individually at a point 1.4 metres above the Natural Ground Level. The term "Trees" shall have the same meaning, plural.

"Tree Protection Area" means any geographic area of the City that appears as a Tree Protection Area on Schedule D of this By-law, as may be amended from time to time.

"Woodland" shall have the same meaning as "Woodlands" as defined by the *Forestry Act*, R.S.O. 1990, c. F.26.

3 SCOPE

3.1 This By-law applies to a Tree anywhere within the City of London.

4 ADMINISTRATION

4.1 The administration of this By-law shall be performed by the City Planner.

5 EXEMPTIONS

5.1 This By-law does not apply to:

- (a) activities or matters undertaken by a municipality or a local board of a municipality;
- (b) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*;
- (c) the Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (d) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- (e) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to a development permit or community planning permit authorized by regulation made under the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (f) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (g) the Injuring or Destruction or removal of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
- (h) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land,
 - (1) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and

(2) on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the *Planning Act*;

(i) where a Tree is a Noxious Weed as defined in the *Weed Control Act* that is being controlled by an appropriate method under the oversight or direction of a Qualified Person and no Trees other than a Noxious Weed are being Injured or Destroyed; or

(j) activities and matters undertaken by or under order of a Conservation Authority and any works under the *Conservation Authorities Act* and any Regulations and amendments thereto.

5.2 Despite Sections 6 and 7 of this By-law, a Permit as defined by this By-law is not required where:

(a) Pruning is necessary to maintain the health and condition of the Tree and is carried out in accordance with Good Arboricultural Practices;

(b) the Tree is not a Distinctive Tree and is located outside of the Tree Protection Area identified in Schedule D of this By-law;

(c) the Tree is located within a building, a solarium, a rooftop garden or an interior courtyard;

(d) the Tree to be Destroyed is located within an actively managed, cultivated orchard, Tree farm or plant nursery and is Destroyed for the purposes for which the Tree was planted;

(e) the Tree is an immediate threat to public health and safety; or

(f) the Injury or Destruction is a Normal Farm Practice as defined in the *Farming and Food Production Protection Act, 1998, S.O. 1998, c.1.*

6. PROHIBITION - TREES WITHIN THE TREE PROTECTION AREA

6.1 The provisions of this section shall apply to Trees within the Tree Protection Area shown on the maps within Schedule D of this By-law.

6.2 No Person shall Injure or Destroy a Tree or cause the Injury or Destruction of a Tree within the Tree Protection Area unless a Tree Protection Area Permit has been issued by the City Planner to permit the Injury or Destruction.

6.3 No Person or Permit Holder shall Injure or Destroy a Tree or cause the Injury or Destruction of a Tree within the Tree Protection Area unless the Injury and Destruction is carried out in accordance with all of the conditions of the Tree Protection Area Permit.

6.4 No Person or Permit Holder shall fail to protect a Tree within the Tree Protection Area in accordance with all of the conditions of a Tree Protection Area Permit.

6.5 Any Person who intends to Injure or Destroy a Tree within the Tree Protection Area shall submit to the City Planner an application for a Tree Protection Area Permit.

6.6 The application for a Tree Protection Area Permit shall include the required Permit fee as described in Schedule A of this By-law, and the following basic information:

(a) the name, address and telephone number of the Landowner;

(b) if the Applicant is different from the Landowner, the name, address, telephone number and professional credentials of the Applicant and the Landowner's written consent to the application;

(c) If the Tree is a Boundary Tree, written consent to the application by the adjacent Landowner;

(d) the name, address, telephone number and professional credentials of the Qualified Person hired by the Landowner or Applicant to complete the Tree Protection Area Permit application;

(e) the name, address and telephone number of the contractor implementing the work identified in the Tree Protection Area Permit;

(f) the municipal address and legal description of the land, upon which the Tree or Trees are to be protected, Injured or Destroyed;

(g) confirmation by the Qualified Person of the location, species, size and health of the Tree or Trees on the property;

(h) the purpose for which the Tree Protection Area Permit is required;

(i) a description of the proposed Tree Injury or Destruction, clearly illustrated in a measured drawing of the Site at a scale acceptable to the City Planner. This description shall include Trees on adjacent properties, where the Critical Root Zone of such Trees will be affected by the proposed activity on the Site;

U) a schedule of the anticipated starting and completion dates of each Injuring or Destroying of a Tree or Trees;

(k) a description and measured drawing of the Site at a scale acceptable to the City Planner of any proposed construction, works, excavation or site alteration that may lead to the Tree Injury or Destruction which is the subject of the application; a schedule of this proposed activity, including a start and end dates shall also be provided;

(l) a description of any proposed Tree planting or Tree protection that is to be undertaken in association with the proposed Tree Injury or Destruction, all clearly illustrated in a measured drawing of the Site;

(m) a description of any off-site Tree planting that may be proposed to mitigate Tree canopy loss as a result of the proposed Tree Injury or Destruction and/or any funds that may be provided to the City for such off-site Tree planting in accordance with Schedule B of this By-law;

(n) a report prepared by a Qualified Person suitable to evaluate the nature and extent of the proposed Tree Injury and/or Destruction that evaluates the health of the Tree or Trees and the implications of the proposed Injury and/or Destruction as it relates to the following, as applicable:

- Site topography (e.g. ravines, slopes, contours, etc.);
- hydrological functions (e.g. streams, ponds, wetlands, recharge areas, etc.);
- sensitive environmental features or areas (e.g. riparian zones, seepage areas, amphibian breeding ponds, wetlands, steep or unstable slopes, significant wildlife habitat, stick nests, migrating or breeding birds, patches of conifer, rare species or species of conservation concern, etc.);
- the flood plain and Conservation Authority fill regulation lines; and,
- sustainability of the Trees that are proposed to remain.

The report will evaluate the basis for the proposed Tree Injury or Destruction and identify recommendations for any conditions to be included in a Tree Protection Area Permit that the Qualified Person believes are necessary and will present how the proposal is in accordance with Good Arboricultural Practices; and,

(o) confirmation of any other applications (Planning applications or otherwise) affecting the land upon which the Tree or Trees are to be protected, Injured or Destroyed, including measured drawings of any proposed development of the Site or adjacent Sites.

At their discretion, the City Planner may waive any of the above requirements where it is deemed reasonable to do so.

6.7 Where the City Planner deems that additional information is necessary to evaluate a Tree Protection Area Permit, beyond the basic information identified in Section 6.6 of this By-law, they may require one or more of the following:

(a) where the above basic information requires submission of information, study or a report by a Qualified Person, the City Planner may require this information to be submitted by an Arborist or a Registered Professional Forester as defined in this By-law;

(b) an inventory of all Trees that have a trunk diameter of 10cm or more, measured 1.4m above the Natural Ground Level, identifying the location, size, species and health of each such Tree

and identifying those Trees that are identified for Injury or Destruction; this inventory is to be submitted in electronic form, such that the data can be linked using the City's geographic information system;

(c) Tree marking of all Trees to be Injured or Destroyed, prepared by an accredited Tree marker;

(d) the location of existing or proposed logging roads and skid trails;

(e) the landing or loading area for sawlogs as they are being harvested;

(f) any or all of stand height, structural or age class range, density, species composition, logging tally, basal area and volume;

(g) a Silvicultural Prescription as defined by this By-law, prepared by a Qualified Person;

(h) a Forest Management Plan as defined by this By-law, prepared by a Qualified Person;

(i) a description of how the Trees are to be removed from the Site, the potential impact on natural heritage features and areas, and an explanation of how these impacts are to be mitigated; and,

(j) such other information deemed necessary by the City Planner.

6.8 Where an application for a Tree Protection Area Permit is made for the operation of an existing cemetery or golf course, the requirements of Section 6.6 and 6.7 of this By-law will not apply and the following will be required for a Tree Protection Area Permit application:

(a) the name, address and telephone number of the Landowner of the golf course or cemetery;

(b) the name, address and telephone number of the Qualified Person hired by the Landowner or Applicant to complete the Tree Protection Area Permit application;

(c) a five-year Silvicultural Prescription and/or Forest Management Plan, prepared by a Qualified Person, describing how the Trees on the Site are to be managed in a sustainable fashion to achieve Good Arboricultural Practices and Good Forestry Practices;

(d) The report cited in clause (c), above, will evaluate the basis for the proposed Tree Injury or Destruction and identify recommendations for any conditions to be included in a Tree Protection Area Permit that the Qualified Person believes are necessary to be in accordance with Good Arboricultural Practices;

(e) a general description of the circumstances that would represent a substantive change from the five-year Silvicultural Prescription and/or Forest Management Plan that would require a Tree Protection Area Permit; and,

(f) such other information deemed necessary by the City Planner.

6.9 Where a Tree within a Tree Protection Area is a Boundary Tree, in addition to the requirements of subsection 6.6, the Applicant must provide the written consent of the other Landowner or Landowners to the application.

6.10 Where a Tree within a Tree Protection Area is a Boundary Tree between City Property and private property, the issuance of a Tree Protection Area Permit by the City to the Applicant constitutes the City's consent to the Injury or Destruction of the subject Tree or Trees.

6.11 The City Planner shall review the complete application for a Tree Protection Area Permit and may:

(a) issue a Tree Protection Area Permit;

(b) issue a Tree Protection Area Permit with conditions; or

(c) refuse to issue a Tree Protection Area Permit.

6.12 The City Planner may issue a Tree Protection Area Permit for one or more of the following reasons, and where the application demonstrates that there is no reasonable alternative to the proposed Injury or Destruction, all to the satisfaction of the City Planner:

(a) it is necessary to remove one or more dangerous, dead, diseased or severely Injured Trees or parts of a Tree for safety reasons;

(b) the Tree or Trees are causing or in the opinion of a Qualified Person are likely to cause structural damage to load-bearing structures or roof structures;

(c) the Injury or Destruction of the Tree or Trees is required in order to remediate contaminated soil;

(d) the Injury or Destruction is necessary to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a building permit has been issued and there is no reasonable alternative to locating these utilities and infrastructure;

(e) the Applicant has undertaken to implement a satisfactory Silvicultural Prescription, Forest Management Plan, landscaping, replanting or Tree preservation;

(f) the proposed Tree Injury or Destruction represents Good Arboricultural and/or Good Forestry Practices; or

(h) other compelling reasons that the City Planner believes suitably justify the Tree Injury or Destruction.

6.13 The City Planner may impose conditions to a Tree Protection Area Permit, including but not limited to, the following:

(a) any condition in accordance with Good Arboricultural and/or Good Forestry Practices;

(b) the preparation of a Silvicultural Prescription or Forest Management Plan and any necessary Security to ensure that it is implemented;

(c) the manner and timing of the Injury or Destruction of the Tree or Trees;

(d) a specified period for which the Permit is valid, after which the Permit will lapse;

(d) the manner and timing of any required replacement Tree planting and any necessary Security to ensure that it is implemented;

(e) any condition recommended by a Qualified Person;

(f) measures to be implemented to protect the retained Trees during construction, where applicable;

(g) that the Injury or Destruction is to be carried out by or under the supervision of a Qualified Person; and,

(h) a requirement to plant replacement Trees or, alternatively, the provision cash in lieu of such Tree planting, consistent with Schedule B of this By-law, and any Security to ensure that such Tree planting is implemented

6.14 Where a Tree Protection Area Permit requires, as a condition, the planting of replacement Trees, the City Planner may impose the following conditions with respect to the replacement Tree:

(a) the species, size and location of replacement Trees;

(b) the timing for the planting of the replacement Trees;

(c) the provision of any Security necessary to ensure that such Tree planting is implemented; and

(d) where there is no reasonable alternative for the required Tree planting on the subject lands, consistent with Schedule B of this By-law, a fee may be required in lieu of the required Tree planting that cannot be accommodated on Site, that will be used by the City to achieve Tree planting within the City.

6.15 No Permit Holder shall fail to post the Tree Protection Area Permit on the Site in accordance with the following requirements:

a) in a prominent location so as to be clearly visible to the public;

(b) for a period of not less than seven (7) days prior to any action being undertaken in accordance with the Tree Protection Area Permit for the Site:

(c) for the period that any action is being taken on the Site; and,

(d) for a period of not less than seven (7) days following any action taken in accordance with the Tree Protection Area Permit.

6.16 The City Planner may revoke a Tree Protection Area Permit where:

(a) the Permit was issued on mistaken, misleading, false or incorrect information;

(b) the Permit was issued in error;

(c) the Landowner or Permit Holder requests, in writing, that it be revoked; or

(d) the Landowner or Permit Holder fails to comply with any condition of the Tree Protection Area Permit or this By-law.

6.17 No Person shall knowingly furnish false or incorrect information for the purposes of obtaining a Tree Protection Area Permit.

7. PROHIBITION-DISTINCTIVE TREES

7.1 The provisions of this section apply to Distinctive Trees, as defined in this By-law.

7.2 No Person shall Injure or Destroy or cause the Injury or Destruction of a Distinctive Tree, unless a Distinctive Tree Permit has been issued by the City Planner to permit the Injury or Destruction.

7.3 No Person or Permit Holder shall Injure or Destroy or cause the Injury or Destruction of a Distinctive Tree unless the Injury or Destruction is carried out in accordance with all of the conditions of a Distinctive Tree Permit.

7.4 No Person or Permit Holder shall fail to protect a Distinctive Tree that has been identified for protection in accordance with the conditions of a Distinctive Tree Permit.

7.5 Any Person who intends to Injure or Destroy a Distinctive Tree shall submit to the City Planner an application for a Distinctive Tree Permit.

7.6 The application for a Distinctive Tree Permit shall include the required Permit fee as described in Schedule A of this By-law and the following basic information:

(a) the name, address and telephone number of the property Landowner;

(b) if the Applicant is different from the Landowner, the name, address, telephone number and professional credentials of the Applicant and the Landowner's written consent to the application;

(c) If the Tree is a Boundary Tree, written consent to the application by the adjacent Landowner;

(d) the name, address and telephone number and professional qualifications of the Qualified Person hired by the Landowner or Applicant to complete the Distinctive Tree Permit application;

(e) the name, address and telephone number of the contractor implementing the work identified in the Distinctive Tree Permit;

(f) the municipal address and legal description of the land upon which the Distinctive Tree or Trees are to be protected, Injured or Destroyed;

(g) confirmation by the Qualified Person of the location, species, size and health of the Distinctive Tree or Trees on the property;

(h) the purpose for which the Distinctive Tree Permit is required;

(i) a description of the proposed Tree Injury or Destruction, clearly illustrated in a measured drawing of the Site at a scale acceptable to the City Planner. This description shall include Trees on adjacent properties, where the Critical Root Zone of such Trees will be affected by the proposed activity on the Site;

(j) a schedule of the anticipated starting and completion dates of each Injuring or Destroying of a Tree or Trees;

(k) a description and measured drawing of the Site at a scale acceptable to the City Planner of any proposed construction, works, excavation or site alteration that may lead to the Tree Injury or Destruction which is the subject of the application; a schedule of this proposed activity, including a start and end dates shall also be provided;

(l) a description of any proposed Tree planting or Tree protection that is to be undertaken in association with the proposed Distinctive Tree Injury or Destruction, all clearly illustrated in a measured drawing of the Site;

(m) a description of any off-site Tree planting that may be proposed to mitigate Tree canopy loss as a result of the proposed Tree Injury or Destruction and/or any funds that may be provided to the City for such off-site Tree planting in accordance with Section B of this By-law;

(n) a report prepared by a Qualified Person suitable to evaluate the nature and extent of the proposed Tree Injury and/or Destruction that evaluates the health of the Tree or Trees and the implications of the proposed Injury and/or Destruction as it relates to the following, as applicable:

- Site topography (e.g. ravines, slopes, contours, etc.);
- hydrological functions (e.g. streams, ponds, wetlands, recharge areas, etc.);
- sensitive environmental features or areas (e.g. riparian zones, seepage areas, amphibian breeding ponds, wetlands, steep or unstable slopes, significant wildlife habitat, stick nests, migrating or breeding birds, patches of conifer, rare species or species of conservation concern, etc.);
- the flood plain and Conservation Authority fill regulation lines; and,
- sustainability of the Trees that are proposed to remain; and,

(o) confirmation of any other applications (Planning applications or otherwise) affecting the land upon which the Trees are to be protected, Injured or Destroyed, including measured drawings of any proposed development of the Site or adjacent Sites.

At their discretion, the City Planner may waive any of the above requirements where it is deemed reasonable to do so.

7.7 Where the City Planner deems that additional information is necessary to evaluate a Distinctive Tree Permit, beyond the basic information identified in Section 7.6 of this By-law, they may require one or more of the following:

(a) where the above basic information requires submission of information, study or a report by a Qualified Person, the City Planner may require this information to be submitted by an Arborist or a Registered Professional Forester as defined in this By-law;

- (b) a description of how the Trees are to be removed from the Site, the potential impact on natural heritage features and areas, and an explanation of how these impacts are to be mitigated;
- (c) Tree marking of all Trees to be Injured or Destroyed, prepared by an accredited Tree marker;
- (d) a Silvicultural Prescription as defined by the By-law, prepared by a Qualified Person; and,
- (e) such other information deemed necessary by the City Planner.

7.8 Where an application for a Distinctive Tree Permit is made for the operation of an existing cemetery or golf course, the requirements of Section 7.6 and 7.7 of this By-law will not apply and the following will be required for a Distinctive Tree Permit application:

- (a) the name, address and telephone number of the Landowner of the golf course or cemetery;
- (b) the name, address and telephone number of the Qualified Person hired by the Landowner or Applicant to complete the Distinctive Tree Permit application;
- (c) a five-year Silvicultural Prescription and/or Forest Management Plan, prepared by a Qualified Person, describing how the Trees on the Site are to be managed in a sustainable fashion to achieve Good Arboricultural Practices and Good Forestry Practices;
- (d) The report cited in clause (c), above, will evaluate the basis for the proposed Tree Injury or Destruction and identify recommendations for any conditions to be included in a Distinctive Tree Permit that the Qualified Person believes are necessary to be in accordance with Good Arboricultural Practices;
- (e) a general description of the circumstances that would represent a substantive change from the five-year Silvicultural Prescription and/or Forest Management Plan that would require a Distinctive Tree Permit; and,
- (f) such other information deemed necessary by the City Planner.

7.9 Where a Distinctive Tree is a Boundary Tree, in addition to the requirements of subsection 7.6, the Applicant must provide the written consent of the other Landowner or Landowners to the application.

7.10 Where a Distinctive Tree is a Boundary Tree between City Property and private property, the issuance of a Distinctive Tree Permit by the City to the Applicant constitutes the City's consent to the Injury or Destruction of the subject Tree or Trees.

7.11 The City Planner shall review the complete application for a Distinctive Tree Permit and may:

- (a) issue a Distinctive Tree Permit;
- (b) issue a Distinctive Tree Permit with conditions; or
- (c) refuse to issue a Distinctive Tree Permit.

7.12 The City Planner may approve the issuance of a Distinctive Tree Permit for any one or more of the following reasons, and where the application demonstrates that there is no reasonable alternative to the proposed Injury or Destruction, all to the satisfaction of the City Planner:

- (a) it is necessary to remove one or more dangerous, dead, diseased or severely Injured Trees parts of the Trees for safety reasons;
- (b) the Tree or Trees are causing or are in the opinion of a Qualified Person likely to cause structural damage to load-bearing structures or roof structures;
- (c) the Injury or Destruction of the Tree or Trees is required in order to remediate contaminated soil;
- (d) the Injury or Destruction is necessary to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure

for which a building permit has been issued and there is no reasonable alternative to locating these utilities and infrastructure;

(e) the Applicant has undertaken to implement a satisfactory Silvicultural Prescription, Forest Management Plan, landscaping, replanting or Tree preservation;

(f) the proposed Tree Injury or Destruction represents Good Arboricultural and/or Good Forestry Practices; or,

(g) other compelling reasons that the City Planner believes suitably justify the Tree Injury or Destruction.

7.13 The City Planner may impose conditions to a Distinctive Tree Permit, including but not limited to, the following:

(a) any condition in accordance with Good Arboricultural and/or Good Forestry Practices;

(b) the preparation of a Silvicultural Prescription or Forest Management Plan and any necessary Security to ensure that it is implemented;

(c) the manner and timing of the Injury or Destruction of the Tree or Trees;

(d) a specified period for which the Permit is valid, after which the Permit will lapse;

(e) the manner and timing of any required Tree planting and any necessary Security to ensure that It is implemented;

(f) any condition recommended by a Qualified Person;

(g) measures to be implemented to protect the retained Trees during construction, where applicable;

(h) that the Injury or Destruction is to be carried out by or under the supervision of a Qualified Person; and,

(i) a requirement to plant replacement Trees or, alternatively, the provision of cash, in lieu of such Tree planting, consistent with Schedule B of this By-law, and any Security to ensure that such Tree planting is implemented.

7.14 Where a Distinctive Tree Permit requires, as a condition, the planting of replacement Trees, the City Planner may impose the following conditions with respect to the replacement Tree:

(a) the species, size and location of replacement Trees;

(b) the timing for the planting of the replacement Trees;

(c) the provision of any Security necessary to ensure that such Tree planting is implemented; and

(d) where there is no reasonable alternative for the required Tree planting on the subject lands, consistent with Schedule B of this By-law, a fee may be required in lieu of the required Tree planting that cannot be accommodated on Site, that will be used by the City to achieve Tree planting within the City.

7.15 No Permit Holder shall fail to post the Distinctive Tree Permit on the subject property in accordance with the following requirements:

a) in a prominent location so as to be clearly Visible to the public;

(b) for a period of not less than seven (7) days prior to any action being undertaken in accordance with the Distinctive Tree Permit on the Site;

(c) for the period that any action is being taken on the Site; and

(d) for a period of not less than seven (7) days following any action taken in accordance with the Distinctive Tree Permit.

- 7.16 The City Planner may revoke a Distinctive Tree Permit where,
- (a) the Permit was issued on mistaken, misleading, false or incorrect information;
 - (b) the Permit was issued in error;
 - (c) the Landowner or Permit Holder requests, in writing, that it be revoked; or
 - (d) the Landowner or Permit Holder fails to comply with any condition of the Distinctive Tree Permit or this By-law.

7.17 No Person shall knowingly furnish false or incorrect information for the purposes of obtaining a Distinctive Tree Permit.

8 REQUIREMENT TO OBTAIN ALL OTHER APPROVALS REQUIRED BY ANY LEVEL OF GOVERNMENT

8.1 A Permit issued pursuant to this By-law does not preclude the responsibility of the Applicant or Landowner to obtain all other approvals which may be required by any level of government and agencies thereof, including, but not limited to, Species at Risk legislation.

9 APPEALS - REFUSAL TO ISSUE A PERMIT

9.1 The power and authority to conduct hearings for appeals under this By-law are hereby delegated to the Hearings Officer of the City of London.

9.2 The provisions of the City's Hearings Officer By-law A-6653-121, as amended, apply to all hearings conducted by a Hearings Officer.

9.3 An Applicant for a Permit pursuant to this By-law may appeal to the Hearings Officer:

(a) if the City Planner refuses to issue a Permit; such an appeal must be made within 30 days after the refusal;

(b) if the municipality fails to make a decision on an application within 60 days after a complete application is received by the City Planner; or

(c) if the Applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

9.4 A request by an Applicant for a hearing shall be made in writing and filed with the City Clerk. The request shall consist of a notice of appeal and must comply with the requirements set out in Schedule 1 of the City's Hearings Officer By-law A-6653-121

9.5 A Hearings Officer may:

(1) Uphold the decision of the City Planner;

(2) Require the municipality to vary any condition on a Permit; or

(3) Require the municipality to issue a Permit with conditions as the Hearings Officer considers appropriate.

9.6 The decision of the Hearings Officer is final.

10 TRANSFER, SUSPENSION OR VARIATION OF A PERMIT OR ORDER

10.1 Any Permit, or any Order made under this By-law and any condition(s) that is not lapsed shall be deemed transferred in the event a Site, subject to that existing Permit or Order, is given away, sold, or otherwise disposed, with the new Landowner obliged to the existing Permit or Order and all conditions therein, and including the Security, if applicable.

10.2 The Permit Holder shall notify the City Planner within two business days if the Site that is subject to an existing Permit or Order is given away, sold, or otherwise disposed, and shall provide the City Planner with the name and all other relevant information relating to the new

Landowner, consistent with the requirements of a permit application within Sections 6.6 and 7.6 of this By-law.

- 10.3 If the Permit Holder cannot be found or where the public interest requires it, a notice of the revocation, suspension or variance of a Permit may be placed on the City website and in a local newspaper.
- 10.4 A copy of the notice of revocation, suspension or variance of a Permit shall be recorded by the City Planner in the publicly-available register and recorded on title as a land charge, to be revealed by the Registry Office in the event of a search of title for the subject property.

11 ENFORCEMENT

- 11.1 This By-law shall be enforced by a By-law Enforcement Officer.
- 11.2 A By-law Enforcement Officer may, at any reasonable time, enter and inspect any land to determine if this By-law, an Order issued under this By-law of a condition of issuance of a Tree Protection Area Permit or a Distinctive Tree Permit has been complied with provided that the power of entry does not allow the By-law Enforcement Officer to enter into any building on the land.
- 11.3 A By-law Enforcement Officer may, in carrying out an inspection pursuant to subsection 11.2, be accompanied by the City Planner and any other Person possessing expert or special knowledge necessary to assist the By-law Enforcement Officer with their enforcement activities.
- 11.4 A By-law Enforcement Officer may require the production for inspection of the Silvicultural Prescription or Forest Management Plan, as applicable, and inspect and remove such report for the purpose of making copies.
- 11.5 A receipt shall be provided for any report removed under subsection 11.4 and the report shall be promptly returned after the copies are made.
- 11.6 A By-law Enforcement Officer may take photographs, measurements, surveys and other necessary recordings to identify the extent of Tree Injury or Destruction necessary for the purpose of the inspection.
- 11.7 No Person or Permit Holder shall hinder or obstruct or attempt to hinder or obstruct the By-law Enforcement Officer in the discharge of duties under this By-law.
- 11.8 For enforcement purposes, if a Tree has been Injured or Destroyed and its trunk diameter can no longer be measured at 1.4m above Natural Ground Level, but the remains of the trunk can be found, one or more of the following measures may be taken to interpret whether the diameter of the Tree at 1.4m would have been equal to, or greater than, 50cm:
- i. The remaining trunk/stump is 75cm diameter or greater anywhere above 30cm from the Natural Ground Level; or
 - ii. The remaining trunk/stump is 100cm diameter or greater anywhere above the Natural Ground Level; or
 - iii. The By-law Enforcement Officer may estimate what the diameter of the Tree would have been at 1.4m above Natural Ground Level, before it was cut, based on well-accepted arboricultural practices or scientific literature and considering such things as the Tree species, typical root flare/buttress, the remaining trunk/stump diameter, historical aerial or other photographs or video, or other reliable means that can be substantiated.

12 ORDER TO DISCONTINUE ACTIVITY

- 12.1 Where the City Planner is satisfied that a contravention of this By-law has occurred, the City Planner may issue an Order to Discontinue Activity requiring the Person who contravened the By-law or that caused or permitted a contravention of the By-law to stop any Injury or Destruction.

- 12.2 The Order to Discontinue Activity shall set out reasonable particulars of the contravention adequate to identify the contravention, the location of the contravention and the date by which there must be compliance with the Order to Discontinue Activity.
- 12.3 No Person or Permit Holder shall fail to comply with an Order to Discontinue Activity issued by the City Planner pursuant to this By-law.
- 12.4 An Order to Discontinue Activity may be served personally by the Bylaw Enforcement Officer, may be sent by registered mail to the Person contravening the By-law, or may be posted in a conspicuous place on the property where the contravention occurred.
- 12.5 Where an Order to Discontinue Activity under this By-law is served personally by the By-law Enforcement Officer, it shall be deemed to have been served on the date of delivery to the Person or Persons named.
- 12.6 The posting of the Order to Discontinue Activity on the affected lands shall be deemed to be sufficient service of the Order to Discontinue Activity on the Person or corporation to whom the Order to Discontinue Activity is directed on the date it is posted.
- 12.7 Where an Order to Discontinue Activity issued under the By-law is sent by registered mail, it shall be sent to the last known address of:
- (a) the Applicant;
 - (b) the Landowner; or
 - (c) the Person or company retained to undertake the Injury or Destruction,
- and shall be deemed to have been served on the fifth day after the Order to Discontinue Activity or Order is mailed.

13 POWER TO MAKE A WORK ORDER

- 13.1 Where a Tree or Trees in a Tree Protection Area or a Distinctive Tree is/are Injured or Destroyed without a Permit or contrary to the provisions and conditions of an existing Permit or Order made under this By-law, in addition to or instead of all other actions available under the By-law and any Act, Regulation or By-law, the City Planner may serve an Order known as a Work Order requiring that the Site be managed, monitored and maintained in a manner and to a condition satisfactory to the City Planner, within a specified and reasonable timeframe, and this may include requiring the planting of a Tree or Trees.
- 13.2 The City Planner may serve a Work Order where a Tree in a Tree Protection Area or a Distinctive Tree has been Injured or Destroyed by or on instruction of Emergency Services or during a Declared Emergency, or where a Tree has been Injured or Destroyed by natural disturbance, including but not limited to infection, decay, flood, land slip, erosion, wind storm, ice storm, snow or other severe weather, so long as the Work Order is issued within six months of the Tree Injury or Destruction occurring.
- 13.3 A Landowner for any Site that was subject to a Permit may be served with a Work Order from the City Planner if a replacement Tree that was required as a condition of the Permit dies or is removed without a Permit or if the required natural regeneration fails to be established by the specified timeframe stated in a Permit or condition of a Permit.
- 13.4 The Work Order shall set out the following:
- (a) the minimum goal that, upon its achievement by a specific date, will satisfy the City Planner;
 - (b) that a plan shall be prepared by a Qualified Person, who shall be a Registered Professional Forester in circumstances where the Site contains Woodland, at the expense of the Landowner, and the plan submitted to the City Planner by a specified date. No works shall commence until the plan is approved by the City Planner;
 - (c) that the plan is required to include all the steps to be taken and all oversight required by the Qualified Person to achieve the goal of the Work Order to the satisfaction of the City Planner;

(d) that the plan approved by the City Planner be commenced and implemented in a manner and to a condition satisfactory to the Qualified Person and City Planner and completed to the satisfaction of the City Planner within a period of time specified in the plan;

(e) that a penalty may arise if the Work Order and approved plan is not complied with or completed by the specified date; and,

(f) the right to, and proper submission of, an appeal against the Work Order.

13.5 Failure to comply with the requirements of a Work Order and any plan approved under a Work Order shall constitute an offence.

13.6 In addition to all other powers under the By-law, if a Work Order is not complied with, whether partially or in full, by the specified date the City Planner may enter onto land after the Work Order is expired and carry out all work that was not done, to the satisfaction of the City Planner, and recoup all costs by applying those costs to the property tax roll.

14 PROTECTION OF FOREST HEALTH

14.1 For the purpose of early detection of a Pest, and monitoring, measuring or controlling threats to forest health, the City Planner may, at any reasonable time, enter and inspect or survey a property in which the City Planner believes on reasonable grounds there may be a Pest or threats to forest health. The City Planner may;

(a) examine anything and take samples of it;

(b) conduct any tests or analyses or take any measurements;

(c) require any Person to produce any record or other document that the City Planner believes on reasonable grounds contains any information relevant to forest health and the administration of this By-law; and,

(d) remove any things, Tree(s) or parts thereof relating to the protection of forest health, at the City's expense and without compensation.

14.2 An Order known as a Forest Health Order may be served by the City Planner where a threat to forest health may occur or is occurring. The Forest Health Order may prohibit the disturbance or removal of anything within or from subject Sites or may require that work be done to reduce or eliminate a specific threat. Failure to comply with a Forest Health Order shall constitute an offence.

14.3 The Forest Health Order shall contain:

(a) the address(es) of the subject property(ies) or, if across a geographic region, the extent of that region may be described by a plan or map;

(b) the details of the prohibited activity, or the action or work required to be done, written in plain language, and using appropriate visually-informative symbols and images where possible;

(c) the date and time at which the Forest Health Order commences;

(d) the date and time when the Forest Health Order expires, no later than six months after the commencement date; and,

(e) when and under what terms the Forest Health Order may be lifted, if any.

14.4 The Forest Health Order shall be mailed to the last known address of the Landowner(s) and occupier(s) if different, and deemed served two business days after being sent when mailed by regular post.

14.5 If the public interest requires it, in advance of or after the commencement of the Forest Health Order a notice may be posted by the City Planner in the local newspaper and on the City's website to explain the forest health threat and the activity that has been or will be prohibited.

14.6 A Forest Health Order shall be posted, until the date of its expiry, in a public location or on the City's website. Where a geographic area is affected by the Forest Health Order, a copy of the Forest Health Order shall be posted until the date of its expiry in all municipal libraries within the affected area.

- 14.7 A Forest Health Order may be renewed by the City Planner at its expiry if the forest health conditions warrant a continuation.
- 14.8 A Forest Health Order cannot be appealed.

15 POWERS OF ENTRY

- 15.1 The City Planner, By-law Enforcement Officer or an officer appointed under By-law may enter a property at any reasonable time for the purpose of carrying out an inspection:
- (a) to assess Tree(s) and the Site(s) that are subject of an application;
 - (b) to determine compliance with any Permit or condition issued under this By-law;
 - (c) to inspect for compliance with an Order to Discontinue Activity, a Work Order, or a Forest Health Order;
 - (d) to determine compliance with an order under section 431 of the *Municipal Act, 2001*, S.O. 2001, c.25 or any Court order issued under the By-law; and
 - (e) may make examinations of any relevant thing including but not limited to measuring, probing, drilling, excavating, sounding or tapping a Tree(s), removing foliage or woody material using appropriate methods, taking an example of a Pest, and recording observations by methods including but not limited to video, photograph or written record.

16 OFFENCES AND PENALTIES

- 16.1 Every Person who contravenes any provision of this bylaw is guilty of an offence as provided for in subsection 429.(1) of the *Municipal Act, 2001*, S.O. 2001, c.25
- 16.2 Every Person who contravenes an Order to Discontinue Activity that is issued pursuant to this By-law is guilty of an offence and the offence is hereby designated a continuing offence as provided for in subsection 429.(2)(a) of the *Municipal Act, 2001*, S.O. 2001, c.25.
- 16.3 A Person who is convicted of an offence under this By-law is liable to a minimum fine of \$500 and a maximum fine of \$100,000 as provided for in subsection 429(3) 1 of the *Municipal Act, 2001*, S.O. 2001, c.25.
- 16.4 A Person who is convicted of an offence under this By-law is liable, for each day or part of a day that the offence continues, to a minimum fine of \$500 and a maximum fine of \$10,000 and the total of au daily fines for the offence is not limited to \$100,000, as provided for in subsection 429(3) 2of the *Municipal Act, 2001*, S.O. 2001, c.25.
- 16.5 When a Person has been convicted of an offence under this By-law, the Superior Court of Justice or any court of competent jurisdiction thereafter, may, in addition to any penalty imposed on the Person convicted, issue an order:
- (a) prohibiting the continuation or repetition of the offence by the Person convicted; and
 - (b) requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate.
- 16.6 Every Person who contravenes any provision of this By-law, including an order made under this By-law, is guilty of an offence and is liable to a fine, including the fines set out in this Part, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, and *Municipal Act, 2001*, S.O. 2001, c.25.

17 TRANSITION


- 17.1 Any Permit issued under the provisions of By-law CP-1466-249 that has not expired or been revoked as of the date of the coming into force of this By-law shall be deemed to be subject to this By-law.

18 REPEAL - IN FORCE

- 18.1 By-law C.P.-1466-249, as passed on October 22, 2007 and all of its amendments, are hereby repealed.

18.2 This By-law shall come into force and effect on the day it is passed.

Passed in Open Council on August 30, 2016.



Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - August 30, 2016
Second Reading-August 30, 2016
Third Reading-August 30, 2016

Schedule A - Permit Fees

The following fees shall apply for the submission of a Tree Protection Area Permit or Distinctive Tree Permit application.

The City Planner may waive any fee, at their sole discretion, where they are satisfied that the imposition of a fee would be unreasonable or would cause undue hardship.

NATURE OF APPLICATION FOR A PERMIT	FEE FOR PERMIT
Injure or Destroy any Tree that the City Planner accepts is hazardous	No fee
Injure or Destroy any Tree where that Injury, or Destruction is required under any Court Order or an Order issued under in accordance with an Act or Regulation or other By-law	No fee
Remove any Tree that is fallen, falling, or dead or dying, from natural causes	No fee
Injure or Destroy one Distinctive Tree	\$100/Tree
Injure or Destroy one to three living Trees within a Tree Protection Area	Less than 50cm diameter: \$75/Tree More than 50 cm diameter: \$100/Tree
Injure or Destroy four or more living Trees within a Tree Protection Area	Less than 50cm diameter: \$75/Tree More than 50cm: \$100/Tree Up to a maximum of \$1,000

Schedule B -Schedule of Cash Contribution in Lieu of Off-site Tree Planting

Where a permit, or a condition of a permit, requires that a replacement Tree is required but there is insufficient space or opportunity on a Site to provide for a replacement Tree over the long term, the City Planner may require a cash contribution in lieu of such planting, to be paid by the Applicant to the City, to support Tree planting elsewhere in the municipality.

The amount of the cash contribution shall be \$350 per replacement Tree, subject to a maximum of \$35,000.

Schedule C - Critical Root Zone

The trunk diameter shall be measured at a point of 1.4m above Natural Ground Level. It shall be rounded up or down to the nearest centimetre, with measurements having a decimal nominal of 0.5 or greater rounded !!Q.

The Critical Root Zone is measured horizontally and radially in all directions from the outside bark at the base of the trunk or its root flare, if present, where the Tree emerges above Natural Ground Level.

The drip line is where intercepted rain may fall off the outermost branches and leaves of a Tree canopy (Tree crown). For the purpose of this By-law, where an asymmetric Tree canopy occurs, the drip line shall be the greatest of the drip line distances measured horizontally from the base of the trunk at the points corresponding to North, South, East and West.

If any drip line cannot be measured, the alternate dimension shown in the Table below shall be used.

The City Planner, solely at their discretion, may make an alternative interpretation of the Critical Root Zone that they deem to be reasonable and warranted.

Trunk diameter measured at 1.4m above Natural Ground Level	Critical Root Zone shall be:
Less than 10cm	1.2 m
10-29 cm	3.6m
30-40 cm	4.8m
41 -50 cm	6.0m
51 - 60 cm	7.2m
61- 70cm	8.4m
71-80 cm	9.6m
81-90 cm	10.8 m
91-100 cm	12.0 m
>100 cm	12 cm for each 1cm of diameter

Schedule D-Tree Protection Area Maps

Note: The maps provided in this Schedule are for reference only. An online version of these reference maps is also available on the City's website to provide users greater detail. The Tree Protection Area Maps for this By-law are kept by the City Clerk and can be reviewed in the City Clerk's offices.