

The Corporation of the City of Peterborough

By-Law Number 17-120

Being a By-law to Regulate the Removal and Replacement of Trees in the City of Peterborough, entitled the Tree Conservation By-law

Recitals

- A. Section 10(2) of the **Municipal Act**, 2001, (the “**Act**”) permits a single-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality.
- B. Section 135(1) of the **Act** supplements the broad power contained in Section 10(2) of the **Act**, and permits a local municipality to enact by-laws to prohibit or regulate the destruction or injuring of trees within the municipality.
- C. Section 135(7) of the **Act** provides that a by-law may require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs, the qualifications of persons authorized to injure or destroy trees and a requirement to re-plant trees.
- D. City Council in recognition of the environmental, aesthetic value and public health benefits of trees wishes to conserve and protect trees within the City by regulating the destruction and injury of trees located on private property.
- E. The City’s 2016 Urban Forest Strategic Plan update identified that approximately 28% of the tree canopy within the City is currently unprotected and City Council has determined that regulating and prohibiting the destruction and injury of trees is a matter respecting the economic, social and environmental well-being of the municipality.
- F. City Council has determined that conserving Trees is a matter respecting the economic, social and environmental well-being of the municipality.
- G. City Council has determined that it is desirable to enact a tree conservation by-law for the purpose of achieving the objectives of the City’s Urban Forest Strategic Plan, which objectives include no net loss of tree canopy and using good arboricultural practice to prolong the life of trees.
- H. City Council recognizes that regulating the injury and/or removal of trees within the City will help the City achieve the objectives of the City’s Urban Forest Strategic Plan, which objectives include no net loss of tree canopy and using good arboricultural practice to prolong the life of trees.
- I. City Council recognizes that, in some circumstances, a Hazardous Tree can be made safe and have its life prolonged through pruning and other good arboricultural practices.

Now therefore the Council of The Corporation of the City of Peterborough enacts as follows:

Part I – Title, Scope and Interpretation

1. The short title of this by-law is the “Tree Conservation By-law”.
2. Subject to the exemptions noted in Part IV of this by-law, this by-law regulates the Injury or Destruction of Trees within the City which are located on private property except to Trees which are,
 - a. subject to the exemptions noted in Part IV of this by-law; or
 - b. located to within a Woodland or a Plantation Woodland regulated by By-law 17-121.
3. For the purposes of this by-law:
 - a. Certain words have been capitalized for convenience and whether a defined term or phrase appears in the body of this by-law as a capitalized term or in ordinary case, the term or phrase shall have the meaning given to it in Part II. Where any word, not defined in Part II is used the commonly applied English language meaning is intended.
 - b. Wherever a word defined in Part II of this by-law is used as a noun, verb, adverb or adjective it shall be interpreted as having a corresponding defined meaning even if appearing in ordinary case.
 - c. References to items in the singular include the plural, as the context requires.
 - d. References to any act, regulation or by-law include references to any former and successor act, regulation or by-law thereto.

Part II – Definitions

4. For the purposes of this by-law:
 - a. **Act** – means the **Municipal Act, 2001**, S.O. 2001, c.25, as amended.
 - b. **Arborist** – means a person expert in the care and maintenance of trees with an accredited college or university degree in urban forestry, arboriculture or equivalent and who is:
 - i. an arborist qualified by the Ontario Training and Adjustment Board Apprenticeship and Client Services Branch;
 - ii. an International Society of Arboriculture (ISA) Certified Arborist, holding current certification and in good standing with the ISA;
 - iii. a consulting arborist registered with the American Society of Consulting Arborists (ASCA);
 - iv. A Registered Professional Forester (RPF) as defined in the **Professional Foresters Act**, 2000, S.O. 2000, c. 18, as amended or replaced from time to time;
 - v. the City’s Urban Forest Manager; or
 - v. a person with similar qualifications as approved by the Director.

- c. **Boundary Tree** – has the meaning given to it in the **Forestry Act**, RSO 1990, c. F.26. (the “**Forestry Act**”)
- d. **City** – means, as the context requires, the Corporation of the City of Peterborough or the land within the municipal boundary of the City of Peterborough.
- e. **City Council** or **Council** – means the municipal council of the Corporation of the City of Peterborough.
- f. **Committee (the)** – means the decision making committee that hears and decides an appeal under this by-law. The Committee’s terms of reference are set out in Schedule D to this by-law.
- g. **DBH or Diameter at Breast Height** – means the diameter at breast height, measured outside the bark, of the stem or trunk of a tree, and shall be measured at a point 1.37 metres above the existing grade of the ground adjoining its base or, where there are multiple stems to a tree, means the total of diameter of all stems at a point 1.37 metres above the existing grade, or alternate methods approved by the Director;
- h. **Destroy** – means any action which causes or results in any of the following to a Tree:
 - i. physiological injury;
 - ii. physical injury; or
 - iii. irreversible decline or death of a Tree including removing or cutting down a Tree;

Destruction shall have a corresponding meaning to **Destroy**;

- i. **Director** – means the Director of Utility Services for the City of Peterborough or his or her designate;
- j. **Emergency Work** – means any work required where, in the opinion of an Arborist, the likelihood of tree failure is imminent and a tree or part of a tree poses an extreme risk in which there is a high likelihood of severe consequences, such as serious injury to persons or property
- k. **Good Arboricultural Practice** – means the proper implementation of maintenance activities known to be appropriate for individual Trees in and around urban areas to minimize detrimental impacts on urban forest values which includes maintenance pruning performed in accord with the current version of American National Standards Institute (ANSI) A300 Part 1;
- l. **Hazardous Tree** – means:
 - i. a destabilized or structurally compromised Tree, or a Tree with Pest infestation, with a probability of failure that, in the opinion of an Arborist, presents a significant risk of harm to people or property; or
 - ii. a Tree that, in the opinion of an Arborist:
 - 1. can not have its life prolonged or be made safe through Good Arboricultural Practice; or
 - 2. is in a state of irreversible decline and is unlikely to become healthy through a natural process of recovery; or

3. is a threat to the surrounding natural environment.
- m. **Injure** – means to injure or Destroy a Tree by any action that causes physiological, physical, biological or chemical damage to or the death of a Tree, but does not include pruning or removing branches in accord with Good Arboricultural Practice conducted in accordance with a Permit. **Injury** or **Injured** shall have their corresponding meaning.
- n. **Notice of Appeal** – means a written notice received by the City Clerk, sent by or on behalf of an Owner setting out, at a minimum, the following information:
- i. if the Appeal is to an Order, which aspects of the Order is being appealed and which are not;
 - ii. if the Appeal is to an Order, any relevant information that the Owner thinks Director or Officer failed to take into consideration.
 - iii. if the Appeal is to a condition included in a Permit, which condition is being appealed and which conditions are not;
 - iv. if the Appeal is to a condition included in a Permit, any relevant information that the Owner thinks Director or Officer failed to take into consideration.
- o. **Nursery** – means a lot on which the principal active business is the growing of plants, shrubs and trees for sale to the public.
- p. **Officer** – means an individual appointed by Council for the administration and enforcement of this by-law.
- q. **Orchard** – means a lot on which the principal active business is the growing of fruit for sale to the public.
- r. **Order** – means any Order:
- i. issued by an Officer or the Director under the authority of this by-law; or
 - ii. issued by a judge or justice of the peace under the authority of the Act, the **Forestry Act**, the **Provincial Offences Act**, this by-law or other applicable law.
- s. **Owner** – means a person having any right, title, interest or equity in land or any such person's authorized representative and includes the Person managing or receiving the rent of the land and includes a lessee or occupant of the land.
- t. **Permit** – means a valid permit, issued under Part VI of this by-law, to Injure or Destroy a Tree.
- u. **Person** – means an individual, including an Owner, an Arborist, an association, a partnership, or a corporation;
- v. **Pest** – means a biotic disorder and includes any insect or disease that, in the opinion of an Arborist, is likely to cause the destruction of or injury to Trees, and shall include the insects and diseases included in Schedule A to this By-law;
- w. **Plantation Woodland** – means a type of Woodland one hectare or more in area which contains Trees which have been intentionally planted. See By-law 17-121, the Woodland Conservation By-law, for more detail.

- x. **Replacement Tree** – means a Tree or multiple Trees which is/are replanted under the direction of an Officer in:
 - i. as close to the same location from which a Tree or Hazardous Tree was removed; or
 - ii. another location on the Owner’s property; or
 - iii. a location on City-owned land as determined by the Director.
- y. **Tree** – includes a Boundary Tree and a Hazardous Tree and means any species of woody perennial plant, including its root system, which has reached or has the genetic potential to reach a height of at least 4.5 metres and a DBH of at least 7.5 centimetres at physiological maturity and which is located on privately owned land. A Tree may be located in a hedgerow. The definition of Tree does not include:
 - i. European Buckthorn;
 - ii. Glossy Buckthorn; or
 - iii. an Ash Tree that, in the opinion of an Officer, is infested by the Emerald Ash Borer.
- z. **Report** – means a report prepared and signed by an arborist, which includes details on the species, size, health, location of a tree to be destroyed, injured or removed, and an assessment of the structural integrity of the subject tree using the “Tree Risk Assessment, Best Management Practices”, Companion publication to ANSI 300 part 9, standard practices, ISA, as may be amended or replaced.
- aa. **Woodland** – has the meaning given to it in the **Forestry Act**, as amended and includes a Plantation Woodland. See the Woodland Conservation By-law, for more detail.

Part III – Prohibitions

- 5. No Person shall Injure or cause or permit Injury to a Tree:
 - a. unless exempt under Part IV of this by-law; or
 - b. except in accordance with a Permit issued under Part VI of this by-law.
- 6. No Person shall:
 - a. contravene the terms or conditions of a Permit issued under this by-law; or
 - b. cause or permit the contravention of the terms or conditions of a Permit issued under this by-law.
- 7. Every Person shall comply with an Order issued under this by-law.
- 8. No Person shall remove or deface any Order that has been posted pursuant to this by-law.

Part IV – Exemptions

- 9. This by-law does not apply to:
 - a. A Woodland or to a Plantation Woodland as either of those terms are defined by the Woodland Conservation By-law or any successor by-law thereto;

- b. Injury to Trees that is necessary for Emergency Work;
 - c. Trees with a DBH of less than 15 centimetres which are located on private property;
 - d. Trees located on rooftop gardens or solariums;
 - e. Trees located on a Nursery or Orchard;
 - f. Trees exempted by Council under the provisions of this by-law; or
 - g. any tree, as defined in and protected by or By-law 82-82 or by Chapter 765 of the Peterborough Municipal Code.
10. Despite any other section of this by-law, this by-law does not apply to activities exempted by Subsection 135(12) of the **Act** as follows:
- a. activities or matters undertaken by a municipality or a local board of a municipality;
 - b. activities or matters undertaken under a license 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 of 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 authorized by regulation made under Section 70.2 of 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 of Trees undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the **Aggregate Resources Act**; or
 - 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,
 - i. that has not been designated under the **Aggregate Resources Act** or a predecessor of that **Act**, and
 - ii. on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the **Planning Act**.
11. Despite any other section of this by-law, an Ash Tree, which in the opinion of an Officer is infested by Emerald Ash Borer still requires an Owner to obtain a permit to Injure the Ash Tree but does not require the payment of any fee.
12. Despite any other section of this by-law, an Owner may request an exemption from this by-law from the Director and upon such request Director may:

- a. grant an exemption;
 - b. grant an exemption with conditions; or
 - c. refuse an exemption and prepare a report for Committee's consideration.
13. When evaluating a request for an exemption, with or without conditions, the Director, or on appeal, the Committee shall consider:
- a. the Officer's report, which shall include the Officer's opinion about whether the exemption constitutes Good Arboricultural Practice;
 - b. the reason for the removal of the Tree;
 - c. whether the proposed activity conflicts with any City policy and/or by-law concerning protection of natural heritage and the environment;
 - d. any other relevant City or Provincial policies, including the requirement in this by-law to plant Replacement Trees;
 - e. the appropriate use of the land;
 - f. whether the conditions it wishes to apply to the exemption adequately compensate for the loss of Trees; and
 - g. whether the Tree is a Boundary Tree.
14. If granting an exemption, the Director, or on appeal, the Committee may impose such conditions as it deems appropriate and shall issue directions concerning:
- a. the manner and timing of the Injury to the Tree;
 - b. the qualifications of persons authorized to Injure a Tree;
 - c. the species, size, number and location of Replacement Trees to be planted; and
 - d. measures to mitigate the effects of the Injury to the Tree on the natural environment.
15. An Owner requesting an exemption from the Director under this By-law shall, at least 60 calendar days before the proposed injury to a Tree is to take place, submit to the Director a completed, signed Permit application and any supporting information along with the fee prescribed by the City.
16. In the event the Committee considers a request for an exemption, with or without conditions, under this By-law, the City Clerk shall, after receiving the notice of appeal from the Owner, notify the Owner and all owners of lands abutting the subject property of the exemption request at least 7 calendar days prior to the Committee meeting at which the requested exemption will be considered.
17. The City Clerk shall notify in writing the Owner and all persons who participated in the appeal of the Committee's decision.

Part V – Hazardous Trees

18. If an Owner thinks that emergency work is required to Injure a Hazardous Tree, the Owner shall, as soon as practicable, and prior to Injuring the Hazardous Tree:
- a. notify the Director so as to provide the Director with a reasonable opportunity to inspect the Hazardous Tree; and

- b. provide the Director with documentation including but not limited to:
 - i. a Report, if available;
 - ii. photographs of the size/height of the Hazardous Tree;
 - iii. a diagram showing the distance between the Hazardous Tree and any buildings; and
 - iv. a description of the specific nature of the danger posed by the Hazardous Tree.
19. An Owner may only Injure a Hazardous Tree if:
- a. the process outlined in Section 18 above has been followed and the Director has given his/her written approval to Injure the Hazardous Tree; or
 - b. the Committee, following an appeal, has given its written approval to Injure the Hazardous Tree.
20. The notice and documentation requirements contained in Part V of this by-law shall be sent to: treebylaw@peterborough.ca or delivered to City Hall marked as Tree By-law Permit Application.

Part VI – Permits

21. Council hereby delegates to the Director the power to:
- a. issue a Permit and to impose conditions consistent with Sections 13, 14, 18, 22 and/or 23 of this by-law;
 - b. amend, from time to time, Schedules “A” and “C”;
 - c. establish, from time to time, a new fee for a Permit in Schedule “B”; and
 - d. if the Director exercises his/her authority under Section 21(b) or 19(c), City Council hereby delegates to the City Clerk and the Mayor the power to make such amendments to Schedule “A” and/or “B” and/or “C” as required.
22. The Director may issue a Permit to Injure a Tree provided that an Arborist, if required, satisfies the Director that Injuring the Tree consistent with the goals of the Urban Forest Strategic Plan adopted by Council from time to time. Furthermore, each Permit application will need to demonstrate, to the Director’s satisfaction that:
- a. Injuring the Tree is consistent with Good Arboricultural Practice and will be conducted in the manner prescribed by the Permit application;
 - b. Injuring the Tree is justified, having regard for the size, species, condition and location of the Tree;
 - c. The date(s) and time(s) when the Injury to the Tree will occur has/have been identified;
 - d. Those persons authorized to Injure a Tree are qualified to do so;
 - e. The species, size, number and location of Replacement Trees to be planted have been identified; and

- f. The satisfactory measures to mitigate the direct and indirect effects on the natural environment from injuring the Tree will be implemented.
23. The Director may impose conditions to a Permit to address or specify:
- a. Any matters identified in Sections 13, 14, 18, 22 or 23 of this by-law;
 - b. the manner and timing of Injuring the Tree;
 - c. the qualifications of Person authorized to Injure the Tree;
 - d. the species, size, number and location of Replacement Trees to be planted;
 - e. measures to mitigate the effects of Injuring the Tree on the natural environment including to protect trees on adjacent lands; and
 - f. any other conditions relevant to Injuring Trees or planting Replacement Trees.
24. A Permit issued under this by-law shall expire on the 365th day after its date of issuance and the Director may, upon the request of the Owner prior to the Permit's expiry, renew the Permit for a further period of up to 365 days with or without additional conditions.

Part VII – Filing a Permit Application

25. A Person who intends to Injure a Tree shall file a Permit application by submitting the following to the Director:
- a. a complete application in the form required by the City, signed by the Owner/s of the property where the Tree is located;
 - b. information relevant to the conditions of a Permit in Part VI of this by-law;
 - c. the applicable fee as prescribed in Schedule B to this by-law;
 - d. if required by the Director an Arborist's report prepared on the Owner's behalf; and
 - e. the written consent of the adjacent property owner if the Tree to be injured is a Boundary Tree.
26. Upon receipt by the Director of an application for a Permit, the Owner shall permit an Officer to enter upon his or her property and undertake such site inspections as may be required to consider the application. An Officer may undertake a site inspection prior to, during and after the proposed activity.
27. A decision regarding an application for a Permit shall not be made by the Director until such time as all the required documents have been filed, the applicable fee has been paid and any required inspections have been completed.

Part VIII – Orders

28. Where the Director or an Officer reasonably believes that a contravention of this By-law has occurred, the Director or Officer may issue:
- a. an Order to discontinue the contravening activity; and/or
 - b. a work Order to correct the contravention including but not limited to planting Replacement Trees.

29. The Orders contemplated in Section 28 shall set out:
- a. the name of the Owner and the municipal address or the legal description of the land;
 - b. reasonable particulars of the contravention;
 - c. the date by which there must be compliance with the Order;
 - d. the work to be done and the date by which the work must be done, if applicable; and
 - e. a statement, if applicable, that if work is not done in compliance with the Order within a specified time period, the City may have the work done at the Owner's expense.
30. An Order issued under this by-law may be served personally or served by mail to the last known address of the Owner and such other persons affected by it as determined by the Officer and a copy of the Order may be posted on the land.
31. If an Order is served by registered mail, the service shall be deemed to have been made 5 days after mailing.
32. Where service cannot be carried out in accordance with the process in Section 30 of this by-law, the Officer shall place a notice containing the terms of the Order in a conspicuous place on the Owner's property, and the placing of the notice shall be deemed to be sufficient service of the Order on the Person or persons to whom the Order is directed.

Part IX – Enforcement

33. The provisions of this by-law may be enforced by an Officer of the City.
34. An Officer may, at any reasonable time, enter on land and inspect any land to determine whether this by-law, an Order under this by-law, a condition to a Permit, or a court Order under Section 431 of the **Act** is being complied with.
35. An Officer performing a duty under this by-law may be accompanied by a person under his direction.
36. For the purpose of determining compliance with this by-law, DBH shall be used to determine whether a Tree which has been Injured would have attained the minimum measurement required by this by-law. In the event a Tree was Injured without a permit being obtained, the diameter of the remaining trunk shall be used to determine whether a Tree which has been Injured would have attained the minimum measurement required by this by-law.

Part X – Penalties and Offences

37. Any Person who contravenes any provision of this by-law, including an Order issued under this by-law or Sections 444 or 445 of the **Act** is guilty of an offence and is liable to a fine, and such other penalties, as provided for in **the Provincial Offences Act**, R.S.O. 1990, c. P.33, as amended and the **Act**.
38. No Person shall hinder or obstruct an Officer or attempt to hinder or obstruct an Officer who is performing a duty under this by-law.
39. Any Person who provides false information to an Officer shall be deemed to have hindered or obstructed the Officer in the execution of his or her duties.
40. All contraventions of this By-law or of an Order issued under to this By-law are designated multiple and continuing offences under Subsection 429(2) of the **Act**.

41. In addition to Section 37 of this by-law, any Person who is charged with an offence under this By-law, following laying an information under Part III of the **Provincial Offences Act**, is liable, upon conviction, to a fine as follows:
- a. the maximum fine for an offence is \$100,000;
 - b. in the case of a continuing offence, in addition to the penalty mentioned in clause (a), for each day or part of a day that the offence continues, the maximum fine shall be \$10,000, and the total of all daily fines for the offence is not limited to \$100,000;
 - c. in the case of a multiple offence, for each offence included in the multiple offence, the maximum fine shall be \$10,000 and the total of all fines for each included offence is not limited to \$100,000; and
 - d. If a Person is convicted of an offence under this by-law, the potential for economic advantage from the Injury of a Tree on the affected lands may be considered an aggravating factor for sentencing purposes which may attract a special fine and the maximum amount of the special fine may exceed \$100,000 or such other maximum amount permitted by the **Act**.
42. If a Person is convicted of an offence under this by-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make 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.

Part X – Schedules

43. Schedules A, B, C, D and E form part of this by-law. Schedule E is subject to change in accordance with the by-law entitled “A By-law to Establish User Fees”.
44. The by-law entitled “A By-law to Establish User Fees” is hereby amended by Schedule E attached hereto.

Part XI – Severability

45. If any section, subsection or part or parts thereof are declared by a court of competent jurisdiction to be illegal, invalid or otherwise unenforceable, such provision shall be deemed to be severable and the remainder of this by-law shall be declared to be separate and independent and enacted as such.

Part XII – Effective Date

46. This by-law shall come into effect on the date it receives third reading
47. Despite Section 48 of this by-law, By-law No. 97-68 shall continue to apply to proceedings or to prosecutions that were initiated prior to its/their repeal.

Part XIII – Repeal

48. By-law No. 97-68, of the Municipal Code is repealed effective on the date this by-law is adopted.

By-law read a first, second and third time this 23rd day of October 2017.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) John Kennedy, City Clerk

Schedule "A" – List of Pests and Diseases

Pests:

- a. Asian Longhorned Beetle (*Anoplophora glabripennis*)
- b. Carpenter Ants (where infestation is significant and treatment impractical);
- c. Emerald Ash Borer (*Agrilus planipennis*);
- d. Hemlock woolly adelgid (*Adelges tsugae*)
- e. Pine Engraver Beetle (*Ips pini*)

Diseases:

- a. Bacterial or fungal infection which, in the reasonable opinion of the Director is detrimental to the Tree's health
- b. Dutch Elm Disease (*Ophiostoma novo-ulmi*)
- c. Verticillium Wilt (*Verticillium dahliae*) where, if left unchecked, and which, in the reasonable opinion of the Director, pose a significant threat to the health of adjacent property, plant material or the urban forest in general; and;

General:

- a. Other such Pests or diseases which, if left unchecked, and which, in the reasonable opinion of the Director, pose a significant threat to the health of Trees on adjacent property or the urban forest in general.

Schedule “B” – Permit Application Form and Fees

Fee for Part VI Permit -- \$150.00 for 1-5 Trees

\$300 for 6 -10 Trees

\$600 for 11 or more trees

Application # _____

**Application to Permit the
Injury or Destruction
of Trees on Private Property**

**City of Peterborough
500 George Street North
Peterborough, Ontario
K9H 3R9**

Tel: 705 742 7777 x 1813

The personal information on this form is collected under By-law 17-120 and will be used for the purposes of this application only. Questions should be directed to the Freedom of Information Coordinator, City Clerk, 500 George Street North, Peterborough, ON K9H 3R9 Tel. 705-742-7777 x 1820.

Instructions for Completing the Application:

1. Please type or print CLEARLY. Submitting an incomplete or illegible application will delay approval.
2. Municipal address: Street name and number must be included for applications to be considered complete.
3. Consult with the Director to determine whether an Arborist’s report will be required as part of a complete application.
4. Payment of the required fee.
5. Provide written consent from an adjacent property owner, and his/her contact information (E.g. telephone and/or Email address) if the Tree is a Boundary Tree.
6. If this application is signed by an applicant other than the Owner, the Owner’s written authorization is required.
7. Submit this application and other supporting documentation to the Director of Utility Services, City of Peterborough, Utility Services Department, 500 George Street North, Peterborough, ON K9H 3R9. Attention: Urban Forest Manager.

Applicant Information for Injuring or Destroying a Tree

1. Municipal address of subject property: _____

2. Name of Applicant/Agent: _____
3. Mailing Address of Applicant: _____
4. Telephone: _____ Work No.: _____
Email : _____
5. Name of Registered Owner (if different from above):

6. Mailing address of Owner (if different from above): _____

7. Existing Land Use: _____
8. Are the Tree(s) located on or near any neighbouring property line resulting in the joint ownership of the Tree/s.
 Yes No
9. If yes, do you have authorization from the neighbouring property owner to act as their representative in this application to Injure or Destroy Tree(s).
 Yes No
10. Reason why Trees are being Injured or Destroyed. Please circle letter:
 - a. Tree(s) interfere with proposed construction;
 - b. Landscaping on the property;
 - c. Tree(s) is dead, dying or hazardous;
 - d. Tree(s) are interfering with utilities/dwelling/foundation;
 - e. Installing pool;
 - f. Other (please specify) _____

11. A diagram showing the location of the Tree being Injured or Destroyed, the distance between the Tree being Injured or Destroyed and other Trees and any buildings on the property is required.
12. An Arborist Report (If applicable)
13. Fee Requirements:
 - a. If a Tree is considered a Hazardous Tree by the Director there is no fee, but a permit must still be obtained
 - b. Otherwise : applicable fee

(Methods of payment major credit cards, interact, cash, or cheque. Fees are non-refundable and must be remitted at the time of initial permit application).

14. **Additional Requirements**

- a. I am the owner of the property or acting on behalf of the owner with written authorization.
- b. The property is not a designated Heritage Property under the City of Peterborough designation.
- c. The applicable fee(s) have been submitted.

Declaration

I /we (Print name(s)) _____

hereby declare that I have read and understood the required procedures and provisions under the City of Peterborough **Tree Conservation By-law** and the statements and plans made by me upon this application are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application.

I acknowledge that I require a Permit before proceeding with any of the work detailed in the application.

I consent to City of Peterborough employees entering onto the property to conduct Inspections.

Signed at the City of Peterborough this _____ day of _____, 20 ____

Signature of Applicant: _____

Schedule C – Tree Replacement for Permitted Removals

Definitions

Tree: See By-law definition
Stature Tree: For the purposes of Schedule C, means a Tree in good health with an unimpeded crown located within a Woodland, a group of trees, a hedgerow or a remnant Woodland parcel.

Woodland: See Woodland Conservation By-law definition

Groups of Trees, Remnant Woodland and Hedgerow for the purposes of Schedule C shall be treated as Woodland for the application of the recommended Tree Replacement.

Purpose

This Schedule contains the procedure to replace permitted Removal of individual Trees, Stature Trees and Woodland canopy as described in the Tree Conservation and Woodland Conservation By-laws.

Tree Replacement

1. “Permitted removal of a Tree/s or a Stature Tree/s in a healthy condition, not subject to an exemption under the **Planning Act**, shall be replaced at the following ratios:

Trunk Diameter of Healthy Tree Removed	Number of Replacement Trees Required
15 – 30 cm (DBH)	One
31 – 40 cm (DBH)	Two
41 – 50 cm (DBH)	Three
Greater than 50 cm (DBH)	Four

On properties not subject to an exemption under the **Planning Act** in Part IV of this by-law the minimum size of replacement tree will be 6ft (2m) in height (20 mm caliper) for deciduous trees and 4ft (1.3m) for coniferous trees.

Where there is insufficient space to plant on the Owners property then the Owner shall pay to the City its prior year average contracted tree planting cost to purchase and plant the required number of Replacement Trees on publicly-owned property in accordance with City Tree Planting Specification CP801.01.”

Woodland Replacement

See Woodland Conservation By-law

Schedule D – Terms of Reference – Tree and Woodland Appeals Committee

Recitals

- A. The City has enacted a Tree Conservation By-law, being a by-law to regulate the Injury and Destruction of Trees within the City of Peterborough.
- B. A property owner may appeal the refusal to issue a permit or appeal the conditions attached to a permit under the By-law to the Tree and Woodland Appeals Committee (the “Committee”).
- C. The purpose of the Committee is to provide a timely and final determination concerning the issuance or non-issuance of a permit or the conditions attached to a permit issued under the By-law.

1.0 Purpose of the Committee

- 1.1 The Committee has the responsibility to hear and determine appeals of all decisions made under the By-law.
- 1.2 On an appeal, the Committee has the authority to:
 - a. confirm or vary the conditions contained in a permit issued under the By-law; or
 - b. confirm the non-issuance of a permit under the By-law; or
 - c. issue a permit under the By-law with or without conditions.

2.0 Operation of the Committee

- 2.1 Committee Hearings are attended by Committee members, City staff, and applicants and/or their representatives.
- 2.2 The Committee shall establish its own rules of practice and procedure and the Committee may accept and weigh evidence in such manner as it determines is fair, reasonable and expeditious.
- 2.3 The Committee shall establish its own rules of practice and procedure and the Committee may accept and weigh evidence in such manner as it determines is fair, reasonable and expeditious.
- 2.4 The written decision of the Committee is final.
- 2.5 The decision of the Committee need not be unanimous, and in the event of a split decision, the majority decision shall be the Committee’s final decision.
- 2.6 No appeal shall be heard and determined unless at least 3 Committee members are present for the entire hearing. Only Committee members who have heard all the evidence shall participate in the Committee’s decision making process.
- 2.7 In the event that a majority of the Committee is satisfied that the appellant was provided with reasonable notice of the hearing, and if the appellant is not present at the hearing, the Committee may:
 - a. Adjourn the hearing to another date; or
 - b. Confirm, vary or overturn the Director’s decision.
- 2.8 Only in extraordinary circumstances, which are within the Committee’s discretion to determine, shall more than one adjournment be granted to an appellant.

3.0 Term of Office

- 3.1 The appointed members of the Committee shall hold office for a term concurrent with the term of Council, but every member shall continue in office until his or her successor is appointed.
- 3.2 Any member of the Committee whose term of office has expired is eligible for reappointment.
- 3.3 When a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the unexpired portion of the term.

4.0 Composition of the Committee

- 4.1 The Committee shall include:
 - a. A Registered Professional Forester (“RPF”) as defined in the **Professional Foresters Act, 2000**, S.O. 2000, c. 18, as amended or replaced from time to time registered professional forester; and
 - b. An Aborist, who is not an RPF; and
 - b. a third member duly appointed by the Council for the Corporation of the City of Peterborough, who is not a member of Council.
- 4.2 The Committee will select a Chair and a Secretary.

5.0 Qualifications

- 5.1 In selecting its appointments to the Committee, Council shall consider, among other factors:
 - a. the candidate’s demonstrated commitment to, and interest in, the community;
 - b. the candidate’s status as resident, property owner or employee within the City of Peterborough;
 - c. the candidate’s availability and commitment to be impartial and attend all Committee meetings; and
 - d. the candidate’s ability to objectively and fully consider the information provided at any hearing.

6.0 Role of Committee Members

- 6.1 It is the duty of the Chair to:
 - a. preside at all hearings of the Committee;
 - b. call the hearing to order;
 - c. swear in the staff members, the appellant and all witnesses; and
 - d. determine in conjunction with the other Committee members, the Committee’s procedure.
- 6.2 It is the duty of the Secretary to:
 - a. ensure that the appellant and is informed of the hearing date at least 7 calendar days prior to the hearing;
 - b. keep records of all official business of the Committee, including records of all appeals and copies of all decisions respecting each appeal;

- c. issue the Committee's decision within a reasonable time period; and
- d. concurrent with the issuance of the Committee's decision, inform the appellant and staff, of the Committee's decision.

7.0 Remuneration

- 7.1 Members of the Committee shall serve without remuneration.

8.0 Meetings

- 8.1 The Committee shall meet as required to consider appeals that have been filed with the City.
- 8.2 Meetings of the Committee shall be held at City Hall or such other location within the City of Peterborough, as the Committee deems advisable.
- 8.3 Subject to the volume of appeals received, the Committee may be required to meet monthly, bi-monthly, or semi-annually.

9.0 Conflict of Interest

- 9.1 Members of the Committee shall exercise their duties ethically and identify and /or avoid potential conflicts of interest.

Schedule E – Fees and Charges

G/L Account Number	User Fee Name and Description	Rationale for Fee	Unit Basis	Current Rate Presently in Effect	HST Y or N	2017 Total Budgeted Rev from Fee	Date of rate Change for 2018 if applicable	Proposed Rate as per 2018 Budget	2018 Total Budgeted Rev from Fee
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
To be advised	Tree Cutting Permit	Partial Recovery of staff costs to inspect trees and administer new by-law	Per permit	\$150.00 for 1-5 Trees \$300 for 6 -10 Trees \$600 for 11 or more trees	N	Unknown	1 January 2018	\$150.00 for 1-5 Trees \$300 for 6 -10 Trees \$600 for 11 or more trees	Unknown