

# The Corporation of the City of Richmond Hill

## Trees on City Lands By-Law No. XX-25

A By-law to Prohibit or Regulate the Injuring or Destruction of Trees on City Lands in the City of Richmond Hill

Whereas section 135 of the *Municipal Act, 2001* S.O. 2001, c.25, as amended (“Municipal Act”), authorizes a local municipality to prohibit or regulate the destruction or injuring of Trees, subject to certain exemptions from the by-law;

And Whereas the Council of the Corporation of the City of Richmond Hill deems it necessary and expedient to enact a by-law to prohibit or regulate the destruction or injuring of trees on City lands in the City of Richmond Hill;

**Now therefore the Council of The Corporation of the City of Richmond Hill enacts as follows:**

1. That this By-law No. XX-25 be effective upon enactment and that by-law no. 40-07 be repealed.

Passed this X day of MONTH, 2025.

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David West  
Mayor

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Stephen M.A. Huycke  
City Clerk

## ARTICLE 1 - INTERPRETATION

### 1.1 Short Title

This By-law may be referred to as the “Trees on City Lands By-law”

### 1.2 Definitions

In this by-law, the following words shall have the following meanings:

- a) **“Administrative Penalty By-law”** means the City’s Administrative Penalty By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties.
- b) **“Arborist”** means an expert in the care and maintenance of Trees and includes at least one of the following:
  - i. an arborist qualified by the Ministry of Training, Colleges and Universities,
  - ii. a certified arborist qualified by the Certification Board of the International Society of Arboriculture,
  - iii. a consulting arborist registered with the American Society of Consulting Arborists,
  - iv. an arborist with an applicable college diploma with a minimum of two (2) courses directly related to arboriculture plus a minimum of two (2) years of practical full-time experience in the arboriculture field,
  - v. an arborist with an applicable university degree with a minimum of four courses directly related to arboriculture plus a minimum of one (1) year of practical full-time experience in the arboriculture field, or
  - vi. a person with other similar qualifications as approved by the Commissioner.
- c) **“Arborist Report”** means a technical report prepared by an Arborist which identifies the surveyed location, common and scientific species name, Tree Protection Zone (TPZ), diameter at breast height (DBH), height and condition of the Tree, and:
  - i. provides the justification for any proposed destruction of the Tree, and/or provides justification and impacts for any proposed injury of the Tree, and
  - ii. describes Tree protection measures or other mitigating activities to be implemented, and
  - iii. includes a map of the subject property that clearly shows the location of

- each Tree assessed in the Arborist Report, and
- iv. Where multiple trees are assessed in the arborist report, provides an inventory table as part of the Arborist Report.
- d) **“City”** means the Corporation of the City of Richmond Hill or the territory under its jurisdiction as the context requires.
- e) **“City Employee”** means any individuals employed by the City, including individuals employed on a full-time, part-time, temporary, seasonal or contract basis;
- f) **“City Lands”** means all lands under the jurisdiction of the City, including any Highway;
- g) **“City’s Standards and Specifications”** means those standards and specifications for installation of municipal infrastructure and services, including for the planting of City Trees and Tree protection fencing, set out in the City’s Standards and Specifications Manual, as amended from time to time, available on the City’s website.
- h) **“Commissioner”** means the Commissioner of Community Services of the Corporation or a successor office as the case may be.
- i) **“Destroy”** means to kill by cutting, burning, uprooting, chemical application or other means.
- j) **“Emergency work”** means work required to be done immediately in order to prevent imminent danger as determined by the Commissioner, including Tree work necessary to mitigate risk as well as Tree work associated with emergency infrastructure, utility and building repairs.
- k) **“Highway”** means any lands under the jurisdiction of the City that constitutes a highway as set out in Section 26 of the Municipal Act, 2001;
- l) **“Injure” or “Injury”** means to harm, damage, impair or not protect a Tree in accordance with proper arboricultural practices and the City of Richmond Hill Standards and Specifications Manual, entirely or in part, and/or any acts which will harm a tree’s health or damage a tree in any manner. Any encroachment into the Tree Protection Zone is considered an injury to a Tree.
- m) **“Municipal Act, 2001”** means the *Municipal Act, 2001*, S.O. 2001, c. 25.
- n) **“Penalty Notice”** means a notice given to a Person in relation to a

contravention of this by-law issued pursuant to Part 4 of the City's Administrative Penalty By-law as amended.

- o) **“Provincial Offences Act”** means the *Provincial Offences Act*, R.S.O., 1990, C. P.33.
- p) **“Prune” or “Pruning”** means the removal of a tree branch or branches from a living Tree by cutting at a point outside the branch collar following proper arboricultural practices, which may be undertaken for the purposes of, providing clearance for utility lines, buildings, pedestrians or vehicles or eliminating dead, hazardous or diseased wood.
- q) **“Public Utility”** means a public utility as defined in s.1 of the *Municipal Act, 2001*;
- r) **“Tree”** means any perennial woody plant, including its root system, which has reached or can reach a height of at least 4.5 metres at physiological maturity and which has 50 percent or more of its trunk situated on City lands.
- s) **“Tree Inventory and Preservation Plan (TIPP)”** means a plan imposed as a condition of development or redevelopment approval pursuant to sections 41, 51, or 53 of the *Planning Act, 1990* R.S.O. 1990, c.P.13, which determines Trees to be preserved through an assessment process which identifies trees, shrubs and other specific areas of natural habitat and their ecological function or importance and determines the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance and such plan shall determine mitigation measures and measures to protect and manage Trees to be preserved (such measures not limited to protective barriers and/or hoarding) and proper practices to remove Trees to be destroyed.
- t) **“Tree Preservation By-law Officer”** means an individual appointed by the Commissioner for the administration and enforcement of this by-law and includes any by-law enforcement officer appointed to enforce all the Corporation's by-laws
- u) **“Tree Protection Zone” or “TPZ”** means an area surrounding a Tree that is designated for protection with the goal of minimizing the damage to the Tree's critical root system within which no activity is permitted to occur, including but not limited to grade changes, excavation, installation of hardscapes, and storage of materials, construction vehicles or tools.
- v) **“Tree Value” or “Appraised Value”** means the monetary value of a Tree as determined through calculations using the most recent valuation formula from the Guide for Plant Appraisal authored by the Council of Tree and Landscape

Appraisers; and

- w) **“Work Order”** means an order requiring a person to do work to correct a contravention of this by-law;

### **1.3 Legislative References**

A reference to any other legislation or regulation of any public authority shall be deemed to be a reference to that legislation or regulation as amended or superseded.

## **ARTICLE 2 – APPLICATION AND ADMINISTRATION**

### **2.1 Application of By-law**

Except as set out otherwise in this by-law, the provisions of this by-law apply to all Persons in their dealings with City Trees.

### **2.2 Non-Application**

The provisions of this by-law shall not apply to a Public Utility provided the Public Utility is engaged in the provision of Emergency Work.

### **2.3 Commissioner – administration, powers and duties**

The Commissioner is responsible for the care, maintenance, protection, preservation and removal of City Trees and for the administration of this by-law and is authorized to:

- a) plant, or cause to be planted, City Trees;
- b) care for and maintain, or cause to be cared for and maintained, any City Tree;
- c) transplant, remove or cause to be transplanted or removed any City Tree where deemed necessary in the public interest;
- d) remove or cause to be removed without notice or compensation to any person, any object or thing that adversely affects all or a part of a City Tree;
- e) Prune or cause to be Pruned any Tree which has less than 50 percent of its trunk

situated on City lands, the branches of which extend over any Highway and which, in the opinion of the Commissioner, are hazardous or create an unsafe condition;

- f) implement or cause to be implemented necessary treatments for insect and disease problems associated with City Trees;
- g) remove or cause to be removed, City Trees which are dead, dying, hazardous or no longer viable to maintain, certified as such by the Commissioner;
- h) Remove, injure or cause the removal or injury, without notice, of Trees on City Lands as may be required to: facilitate emergency work, certified as such by the Commissioner; or on such occasions as approved by the Commissioner, to facilitate other work by the City.
- i) upon the written request of an adjacent property owner, remove or cause to be removed healthy Trees located on City Lands, provided that the requestor includes a Tree Inventory and Preservation Plan or an Arborist Report satisfactory to the Commissioner, and subject to the requestor meeting such other conditions as the Commissioner may impose, including payment of Tree value, removal and replacement costs and the replanting of a replacement Tree or Trees by the requestor;
- j) refuse to permit the removal of Trees located on City Lands;
- k) upon the written request by an adjacent property owner, permit the trimming of Tree roots within the Tree Protection Zone of trees located within City Lands in accordance with good arboricultural practices causing minimal damage to the Tree and subject to the requestor meeting such other conditions as the Commissioner may impose, including payment of Tree Value, removal and replacement costs and the replanting of a replacement Tree or Trees by the requestor;
- l) stop any work causing injury or destruction to a Tree located on City Lands that is taking place without permission from the Commissioner and/or contrary to the City's Standards and Specifications; and
- m) designate any City Employee to perform any tasks or functions in connection with the Commissioner's powers and duties set out above

## **2.4 Tree Preservation By-law Officers**

Any Tree Preservation By-law Officer is authorized to enforce the provisions of this By-law and for the purpose of such enforcement may exercise any of the powers

and duties set out in this by-law.

## **ARTICLE 3**

### **PROHIBITIONS, TREE PLANTING AND PRUNING**

#### **3.1 General Prohibitions**

No person shall prune, injure, destroy or remove, peel, deface, cut down, bury or cut roots or attach in any manner any object or thing to a City Tree or any part of a City Tree without the prior written approval of the Commissioner. Approval may be subject to such conditions as the Commissioner may impose, including:

- a) payment in the amount of the Tree Value;
- b) removal costs;
- c) replanting costs;
- d) posting a letter of credit in a form and content acceptable to the Commissioner in an amount sufficient to secure the Tree Value, as well as removal and replacement costs; and
- e) provision of a detailed Tree Inventory and Preservation Plan or an Arborist Report satisfactory to the Commissioner.

#### **Conditions of Permit Approval**

The approval of the Commissioner referred to in Section 3.1 may be subject to such conditions as the Commissioner may impose, including, but not limited to:

- a) payment in the amount of the Tree Value, removal costs and/or replanting costs;
- b) posting a letter of credit in a form and content acceptable to the Commissioner in an amount sufficient to secure the Tree Value, as well as removal and replacement costs; and
- c) provision of a detailed Tree Inventory and Preservation Plan or an Arborist Report satisfactory to the Commissioner.

#### **3.3 Injury or destruction – report to Commissioner**

Any person injuring or destroying a City Tree shall report it forthwith to the Commissioner and shall pay the Tree Value amount which in the opinion of the Commissioner is fair and equitable.

### **3.4 Deposits**

No person shall deposit, place, store or maintain upon any City Lands any soil, stone, brick, sand, concrete, asphalt or other material within the Tree Protection Zone of any City Tree without the prior written approval of the Commissioner.

### **3.5 Prevention**

No person shall Injure, transplant or remove any City Tree, attach any rope, lighting, wire, nails, advertising posters, or other contrivance to any Tree, allow any gaseous, liquid or solid substance which is harmful to such City Trees to come in contact with them, or set fire to or permit any fire to burn when such fire or the heat thereof may Injure any portion of any City Tree.

### **3.6 Protection Devices**

No person shall interfere with fences, structures or barriers delineating a City Tree Protection Zone, associated signage, or other protective devices placed around any City Tree without the prior written approval of the Commissioner.

### **3.7 Tree Planting on City Lands**

No Person shall plant any Tree on a City Lands unless:

- a) the Person has obtained the prior written approval of the Commissioner, including the planting location, species, size and condition of the Tree; and
- b) the Tree is planted in accordance with the City's Standards and Specifications.

Any Tree planted on a City Lands without the prior written approval of the Commissioner is in violation of this By-law and:

- a) is the property of the City and is subject to provisions of this by-law;
- b) may be removed by the City without notice and without compensation to the planter of the Tree, the person who caused the Tree to be planted, or any adjacent property owner; and
- c) May be removed without replacement being required.



## ARTICLE 4

### PROTECTION AGAINST DAMAGE

#### 4.1 Protection

Every person doing any work on City Lands shall carry out such work in accordance with the City's Standards and Specifications.

#### 4.2 Approval required - work within Tree Protection Zone of (a) Tree(s)

Any person doing any work upon City Lands or upon any property adjoining City Lands shall make an application for permission to the Commissioner if they, in executing such work expects to be within the Tree Protection Zone of any Tree.

#### 4.3 Injury to Tree– impossible to prevent – instructions

If, after commencing any work upon City Lands, any person finds it impossible to perform the work without Injury to a Tree, they shall immediately cease such work and apply to the Commissioner for instructions in the matter.

## ARTICLE 5

### WORK ORDERS AND REMEDIATION

#### 5.1 Work Order

Where a person is in contravention with any of the provisions of this By-law, a Tree Preservation By-law Officer may issue a Work Order to the person to discontinue the contravention.

#### 5.2 Contents of Work Order

The Work Order shall set out the reasonable particulars of the contravention adequate to identify the contravention, the location of the land on which the contravention occurred, and the corrective actions required to remediate the contravention, or the value of the remediation that the City will perform to correct the contravention.

### **5.3 Service of Work Order**

A Work Order may be served by:

- a) personal service upon a person;
- b) prepaid registered mail sent to the last known address of the person, or as shown on the most recent records of the City;
- c) by email to the last known email address of the person; or
- d) prominently posting a copy of the Work Order either:
  - i. on the property in respect of which the Work Order is made; or
  - ii. on any structure on the property.

### **5.4 Deemed Receipt of Order**

A Work Order is deemed to be received by a person:

- a) in the case of personal service or posting, immediately upon such personal services or posting;
- b) in the case of email, the service shall be deemed to have been made on the day of sending unless, the document was sent after 5 p.m., in which case service shall be deemed to have been made on the following day; and,
- c) in the case of mail, on the 5th day after it is mailed.

### **5.5 Owner to Comply**

A person who has been served with a Work Order shall comply with the requirements of the Work Order.

### **5.6 Failure to Comply - Remedial Work Done by Corporation**

If a person in receipt of a Work Order fails to discontinue the contravention referred to in the Work Order or fails to pay the value of the remediation noted in the Work Order by the date specified in the Work Order, the City, in addition to all other remedies it may have, shall add the value to the tax roll and collect the debt in the same manner as municipal taxes and may enter onto the person's property to do all work necessary to correct the contravention.

### **5.7 Hindering or Obstructing**

No person shall hinder or obstruct, or attempt to hinder or obstruct, a Tree

Preservation By-law Enforcement Officer, or any person under their direction, who is exercising a power or performing a duty under this By-law.

### **5.8 Exercise of Remedial Work**

The City's power to undertake remedial work to correct a contravention may be exercised by the Commissioner, or any person under their direction.

### **5.9 Recovery of City's Costs of the Work**

The City's actual costs incurred in conducting the work described in the Work Order, including any administration fees as set out in the City's Tariff of Fees By-law, shall be deemed to be a debt to the City and may be collected by action or added to the tax roll and collected in the same manner as municipal taxes.

### **5.10 Municipal Liability**

No proceeding for damages or otherwise shall be commenced against a member of council or a Tree Preservation By-law Enforcement Officer, employee or agent of the City or a person acting under the instructions of a Tree Preservation By-law Enforcement Officer, employee or agent for any act done in good faith in the performance or intended performance of a duty or authority under this By-law or for any alleged neglect or default in the performance in good faith of the duty or authority.

## **ARTICLE 6**

### **Enforcement, Offences and Penalties**

#### **6.1 Powers of Entry**

A Tree Preservation By-law Officer may enter on a property within the City at any reasonable time with proper identification for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- a) the provisions of this By-law;
- b) a Work Order issued under this By-law; or
- c) carry out remedial actions required in a Work Order that has not been complied with.

## **6.2 Powers of Inspection**

For the purposes of an inspection carried out pursuant to this by-law, a Tree Preservation By-law Officer may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- c) require information from any Person concerning a matter related to the inspection; and
- d) alone or in conjunction with a Person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

## **6.3 Contravention – offences**

Any person who contravenes any provision of this By-law or an order issued pursuant to this By-law is guilty of an offence. Pursuant to subsection 429(2)(a) of the *Municipal Act 2001* all contraventions of this By-law or orders issued under this By-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of a By-law. For greater certainty when multiple Trees are Injured or Destroyed the Injury or Destruction of each Tree is a separate offence.

## **6.4 Fines**

On conviction of an offence under this By-law a person is liable to a fine in accordance with the following rules made pursuant to Section 429 of the *Municipal Act, 2001*:

- a) The maximum fine for an offence shall be \$100,000.00;
- b) In the case of a continuing offence, for each day or part of a day that the offence continues, the maximum daily fine shall be as set out in subsection (a) above. However, despite subsection (a) above, the total of all daily fines for the offence is not limited to \$100,000.00; and
- c) In the case of a multiple offence, for each offence included in the multiple offence, the maximum fine shall be determined as set out in subsection (a) above. However, despite subsection (a) above, the total of all fines for each included offence is not limited to \$100,000.00.

## **6.5 Special Fines – No Maximum**

On conviction of an offence under this By-law a person is liable to a special fine in

accordance with subsection 429(2)(d) of the *Municipal Act 2001*. The amount of the special fine will be the fine as provided for in Section 6.3 of the By-law to which may be added the amount of economic advantage or gain that the person has obtained or can obtain from the contravention of the By-law and/or order issued pursuant to this By-law. Pursuant to subsection 429(3)(1) of the *Municipal Act 2001* a special fine may exceed \$100,000.00.

## **6.6 Administrative Monetary Penalties**

- a) In lieu of laying a charge under the *Provincial Offences Act* for a breach of any provision of this By-law, a Tree By-law Preservation By-law Officer may issue a Penalty Notice to the person who has contravened this By-law in accordance with the service requirements of Administrative Penalty By-law. For greater certainty, the Tree By-law Preservation By-law Officer has the discretion to either proceed by way of an administrative penalty or a charge pursuant to the *Provincial Offences Act*, if an administrative penalty is issued to a person for the breach, no charge shall be laid against that same person for the same breach.
- b) A person served with a Penalty Notice shall be liable to pay to the City an administrative penalty in the amount specified in Schedule "A" of the Administrative Penalty By-law. An administrative penalty for a contravention of this By-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the person to the City and may be added to a municipal tax roll and collected in the same manner as municipal taxes for which all owners are responsible to pay.
- c) A person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

## **ARTICLE 7**

### **General**

#### **7.1 Severability**

If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms, to the extent possible, according to law.