



Staff Report for Committee of the Whole Meeting

Date of Meeting: April 16, 2025

Report Number: SRPBS.25.025

Department: Planning and Building Services
Division: Policy Planning

Subject: SRPBS.25.025 – Request for Approval – Tree
By-laws Review Final By-laws

Purpose:

The purpose of this staff report is to present the feedback received on the Draft Tree By-laws, to enact a new Tree Preservation By-law and a new Trees on City Lands By-law, and to provide for Administrative Monetary Penalty enforcement and adjudication of both.

Recommendation(s):

- a) That Staff Report SRPBS.25.025 be received;
- b) That Tree Preservation By-law No. 19-25 (Attachment A to SRPBS.25.025, Municipal Code Chapter 1015) be enacted;
- c) That the Trees on City Lands By-law No. 20-25 (Attachment B to SRPBS.25.025, Municipal Code Chapter 821) be enacted;
- d) That By-law No. 48-25 (Attachment E) be enacted to include designated Tree Preservation By-law violations in Schedule 'A' of the Administrative Penalty By-law No. 69-16, as amended;
- e) That By-law No. 49-25 (Attachment F) be enacted to include designated Trees on City Lands By-law violations in Schedule 'A' of the Administrative Penalty By-law No. 69-16, as amended;
- f) That the following by-laws and all associated amendments be repealed:
 - i) Tree Preservation By-law No. 41-07; and,
 - ii) Trees on City Streets By-law No. 40-07.

Contact Person(s):

- Marlise Eguchi, Tree Preservation/Landscape Planner, extension 6418
- Mandy Vandenberg, Tree Preservation/Landscape Planner, extension 2930

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- Michelle Dobbie, Manager, Park and Natural Heritage Planning, extension 2467
- Maria Flores, Director, Policy Planning, extension 5438
- Gus Galanis, Commissioner, Planning and Building Services, extension 2465
- Tracey Steele, Commissioner, Community Services, extension 2476

Report Approval:

All reports are electronically reviewed and/or approved by the Division Director, Treasurer (as required), City Solicitor (as required), Commissioner, and City Manager. Details of the reports approval are attached.

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Key Messages:

- The purpose of the City's Tree By-laws Review is to modernize the by-laws and ensure that they reflect current legislation and recent plans or studies aimed at improving the City's urban forest and urban tree canopy.
- The Tree By-laws Review included background research and a public survey which resulted in four Key Directions for modernizing the City's Tree By-laws, along with draft Tree By-laws and draft recommendations for Tree Protection Zones and a Tree Replacement Chart presented to Committee of the Whole on December 4, 2024 (see SRPBS.24.088).
- A web-based public comment period on these draft documents occurred between December 2024 and January 10, 2025.
- The proposed new Tree Preservation By-law 19-25 and new Trees on City Lands By-law 20-25 reflect any relevant comments received and will provide a layer of protection for all trees on City lands and all private trees of 15 cm diameter at breast height (DBH) or more.
- The Administrative Monetary Penalty System will provide an additional tool for efficient and effective enforcement and adjudication of the new Tree Preservation By-law 19-25 and new Trees on City Lands By-law 20-25.
- Following the enactment of both by-laws, staff will prepare an implementation plan to continue educating the public about the City's Tree By-laws.

Background:

The City of Richmond Hill has several by-laws in place to regulate the destruction or injury of trees on private and City-owned lands. As outlined in Staff Report SRPBS.24.088 considered at the December 4, 2024 Committee of the Whole meeting, the Tree By-laws Review includes the review of those by-laws, being: Tree Preservation By-law No. 41-07; the Trees on City Streets By-law No. 40-07; and sections of the Site Alteration By-law No. 166-07 (hereinafter referred to as the "Tree By-laws").

Collectively, these by-laws regulate the destruction or injury of trees on private property (Tree Preservation By-law, Site Alteration By-law) and the destruction or injury of trees on City owned lands (Trees on City Streets By-law) and are enacted pursuant to the *Municipal Act 2001*.

The purpose of the Tree By-laws Review is to modernize the by-laws and ensure that they reflect current legislation and recent plans or studies related to the City's urban forest and urban tree canopy. The review also considers more recent arboricultural practices, the updated City Standards and Specifications, and policy direction from the City's Official Plan, 2020 Urban Forest Management Plan (2020 UFMP), 2022 Environment Strategy, and 2022 Urban Forest Study.

The Tree By-laws Review project is being undertaken through a four-stage process:

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Stage 1	Research Stage (Jan. to March 2024)
Stage 2	Evaluation of Options and public consultation survey (April to June 2024)
Stage 3	Key Directions and Draft By-laws for comment (July 2024 to Jan. 2025, See Staff Report SRPBS.24.088)
Stage 4	Approval of Final By-laws and Implementation Stage (April 2025 and onwards)

Discussion:

As part of the public consultation process on the draft Tree By-laws (i.e. through the comments received from December, 2024 to January 10, 2025), the following key themes were expressed:

Overall Support for the Key Directions outlined in SRPBS.24.088

The majority of responses received noted that they agree with the key directions of SRPBS.24.088 and expressed support for specific items such as:

- modernized by-law provisions, updated Tree Protection Zones (Attachment C), and an updated Tree Replacement Chart (Attachment D), which respondents felt will continue to protect and enhance the urban tree canopy ensuring an increase in large, mature trees within the City. Staff will amend the internal procedure documents to reflect the updated Tree Protection Zones (Attachment C) and Tree Replacement Chart (Attachment D);
- incorporation of violations into the Administrative Monetary Penalty Systems (AMPs) to streamline enforcement; and,
- the importance of continuing public education on tree preservation.

Comments related to the Tree Preservation By-law

Concerns About Private Tree Removal Due to Infill Development

Some respondents noted that the current by-law does not effectively prevent private tree loss due to infill development. They emphasized the need to further justify removing mature, healthy private trees and for increased protection of newly planted private trees.

The City uses the *Planning Act* and Site Alteration Permit (SAP) approval processes to review which specific private trees should be protected while balancing the larger Provincial goal of providing housing. In cases where private tree removals are permitted, the City seeks compensation for the lost private tree canopy through replanting on site or, where this is not possible, by securing cash-in-lieu of planting which is then used to plant trees on City-owned lands. This approach has aided the City in increasing its urban canopy as Richmond Hill continues to grow and, consequently, no change to the Tree By-laws is recommended.

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Minimum Tree Size (DBH) for Private Tree Permit Requirement

One respondent noted that the current minimum diameter at breast height (DBH) threshold of 20 cm is too low and suggested increasing it to 45-50 cm.

Staff continue to recommend decreasing the threshold to 15 cm DBH for the reasons noted in the December 4, 2024 staff report (SRPBS.24.088). For instance, the 2022 Urban Forest Study for Richmond Hill found that over 71% of the trees in the urban forest are 15.2 cm DBH or less. In order to best maintain and where possible increase the existing urban canopy, it is in the City's interest to regulate smaller trees located on private property.

Removal of Non-Native and Invasive Private Tree Species

Some respondents requested exemptions for removing non-native private trees and private trees that are invasive species, such as European buckthorn, with an invasive species reporting system for residents.

The City currently reviews non-native/invasive private tree removals on a case-by-case basis to determine if an exemption or partial exemption is appropriate. In some cases, preserving non-native private trees can be beneficial to maintaining the urban canopy. Non-native species make up a large part of the City's urban canopy and are oftentimes more tolerant of harsh urban conditions than some native species. The City has also established an internal Invasive Species Response Protocol, that came into effect on January 1, 2023, whereby reports of invasive species are tracked and responded to. As such, no change to the Tree By-laws is recommended.

Private Tree Pruning and Maintenance

Concerns were raised that the Tree Preservation By-law might discourage private tree retention/planting due to fear of penalties. Respondents also asked for clearer guidelines on pruning dead or partially dead private trees. The final Tree Preservation By-law (Attachment A) allows for the removal of 20% of the live canopy of a private tree and the removal of dead branches without a Tree Permit. The By-law includes this direction to encourage proper private tree pruning to maintain tree health.

Private Tree Removal for Safety Reasons and Fee Concerns

Suggestions were raised that private tree removal should be allowed without a permit fee when a tree poses a risk to personal property (such as homes), including providing an exemption for removing dead, diseased or hazardous private trees. Some believe that they should not have to pay for removal permit fees in these cases.

When reviewing a Tree Permit application, City staff review the condition of each private tree using the information submitted on a case-by-case basis. When the condition of a private tree is confirmed to be dead, dying or hazardous (i.e. through photographic evidence or an Arborist Report), no application fee is required as these types of trees are noted as exemptions in the final Tree Preservation By-law (Attachment A).

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Additional Private Tree Permit Exemptions

Additional exemptions were requested for private tree removal on active farms for normal farming practices, to clarify that private tree removals reviewed under Site Alteration Permits (SAP) do not require a separate Tree Permit, and to clarify that private trees under 15 cm DBH do not require a Tree Permit to be removed.

Following discussions with York Region Federation of Agriculture (YRFA) staff, the final Tree Preservation By-law (Attachment A) has been updated to include exemptions for private tree removals on active farms (verified by a farm business registration number) with language that is in line with best practices from other municipalities. In addition, clear exemption language has been added to clarify that private tree removals reviewed under Site Alteration Permits (SAP) do not require a separate Tree Permit, and that private trees under 15 cm DBH do not require a Tree Permit to be removed.

Comments related to the Trees on City Lands By-law

Maintenance of City-Owned Trees

Concerns and suggestions were raised about the City's pruning practices and whether private residents could manage City trees impacting their properties and the added benefit of reducing costs.

City-owned trees cannot be pruned by residents, as outlined in the by-law. This approach guarantees that maintenance practices adhere to approved standards helping to ensure trees remain healthy and safe. Residents can submit pruning requests (and to follow up on pruning requests) through the City's Urban Forestry section via Access Richmond Hill for assessment and to make inquiries about scheduling related to pruning.

Valuation Method of Trees on City-Owned Lands

As a result of ongoing discussions with other government agencies (i.e. Metrolinx), suggestions were raised about broadening the permissible valuation methods for trees on City-owned lands.

The valuation method outlined in the draft Trees on City Lands By-law was carried forward from the previous Trees on City Streets By-law, and thus focuses on a valuation method best suited to specimen trees. In order to enable the City to consider alternative valuation methods on City lands that don't include specimen tree plantings, the definition of Tree Valuation is broadened to consider other valuation methods to the satisfaction of the Commissioner.

Enforcement

Concerns were raised about a series of enforcement matters as noted below:

- Private Tree Removal – Concerns were raised about enforcement, noting that mature private trees have been removed in some neighbourhoods without City

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permission, expressing concern about possible lack of enforcement and that the fines are too low to discourage infractions. The City's enforcement process includes inspections and follow-ups on reported violations. City staff ensure compliance through site visits and, where necessary, penalty measures (including but not limited to compensation planting).

- **Tree/Boulevard Replanting Fees** –Concerns were raised that fees are too low to discourage infractions. As was noted in the December 2024 staff report (SRPBS.24.088), City staff ensure that the Tree Replanting Fee and Boulevard Replanting fees remain in line with the industry cost of removing/replacing a tree as doing so helps to deter tree removal. On February 21, 2024, Council received the Development Application Fee Review Final Report prepared by Watson & Associates Economists Ltd. (Appendix 1 to SRPBS.24.002 - Development Application Fee Review). This report recommended two further increases in 2025 and 2026 to the Tree Replanting Fee and Boulevard Replanting Fee to ensure these fees are in line with industry costs. As such, no change to the Tree By-laws is recommended.
- **AMPS Enforcement** - Adding private and city tree violations into the AMPS program will provide an additional enforcement tool to discourage non-compliance by providing a deterrent penalty option. This will help streamline enforcement and deter actions such as the premature removal of required Tree Protection Fencing before a project's completion. Major offences such as cutting down larger trees can be enforced through charges pursuant to the *Provincial Offences Act, 1990*.

Financial Implications:

Enacting the new Tree By-laws will lead to new efficiencies, better use of staffing resources, and improved service levels and customer satisfaction. Incorporating AMPS enforcement into both by-laws will generate additional revenue for the City and provide by-law officers with more enforcement tools to achieve compliance. AMPS penalties can also be linked to property taxes which increases the likelihood of fines being paid as opposed to *Provincial Offences Act* fines.

Relationship to Strategic Plan 2024-2027:

The Tree By-laws Review helps to implement 2024 – 2027 Strategic Plan Pillar 1, Growing a Liveable and Sustainable Community, by modernizing the City's Tree By-laws based on background research and in collaboration with the community. These updates will ensure Richmond Hill's natural tree assets and urban canopy are protected and/or replaced as part of development on private and City-owned lands. The Tree By-laws Review also helps to implement Pillar 3, Strengthening our Foundations, by providing recommended updates that will ensure quality customer service and a continuous improvement mindset.

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Attachments:

The following attached documents may include scanned images of appendixes, maps and photographs. All attachments have been reviewed and made accessible. If you require an alternative format please call the contact person listed in this document.

- Attachment A – Tree Preservation By-law No. 19-25
- Attachment B – Trees on City Lands By-law No. 20-25
- Attachment C – Tree Protection Zones
- Attachment D – Tree Replacement Chart
- Attachment E – By-law No. 48-25 to amend Schedule 'A' of the Administrative Penalty By-law No. 69-16 to include designated Tree Preservation By-law violations
- Attachment F – By-law No. 49-25 to amend Schedule 'A' of the Administrative Penalty By-law No. 69-16 to include designated Trees on City Lands violations

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Report Approval Details

Document Title:	SRPBS.25.025 - Request for Approval - Tree By-laws Review Final By-laws.docx
Attachments:	<ul style="list-style-type: none">- Attachment A to Staff Report SRPBS_25_025_Tree Preservation Bylaw - AODA.docx- Attachment B to Staff Report SRPBS_25_025_Trees on City Lands Bylaw- AODA.doc- Attachment C to Staff Report SRPBS_25_025 - AODA.docx- Attachment D to Staff Report SRPBS_25_025 - AODA.docx- Attachment E to Staff Report SRPBS_25_025_By-law No. 48-25 to amend AMPS By-law for Tree Preservation Bylaw Violations.docx- Attachment F to Staff Report SRPBS_25_025_Bylaw No. 49-25 to amend AMPS Bylaw for Trees on City Lands By-law Violations.docx
Final Approval Date:	Mar 25, 2025

This report and all of its attachments were approved and signed as outlined below:

Maria Flores - Mar 25, 2025 - 9:26 AM

Antonio Dimilta - Mar 25, 2025 - 9:36 AM

Gus Galanis - Mar 25, 2025 - 10:19 AM

Darlene Joslin - Mar 25, 2025 - 1:34 PM