



# City of Port Moody

## Bylaw No. 3531

A Bylaw to regulate and prohibit the cutting, removal and damage of trees, the issuance of permits and setting of fees, and the requirement for replacement trees and security for their provision and maintenance.

**WHEREAS** the *Community Charter*, authorizes Council to enact bylaws to preserve and protect trees within the City, to prohibit and regulate their cutting down and removal, and to require their replacement;

**AND WHEREAS** the Council of the City of Port Moody considers it in the public interest to provide for the protection and retention of trees in certain areas and for the regulation of their cutting down, removal, and replacement;

**NOW THEREFORE** the Council of the City of Port Moody, in open meeting assembled, enacts as follows:

### 1. Citation

- 1.1 This Bylaw may be cited as "City of Port Moody Tree Protection Bylaw, 2026, No. 3531".

### 2. Repeal and Transition

- 2.1 City of Port Moody Tree Protection Bylaw No. 2961, 2015 and all amendments thereto are hereby repealed, except to the extent provided herein.
- 2.2 Despite the fact that this City of Port Moody Tree Protection Bylaw, 2026, No. 3531 will be effective immediately upon adoption by Council, as contemplated by section 137 of the *Community Charter*:
  - (a) In-stream Applications shall be processed in accordance with the regulations under City of Port Moody Tree Protection Bylaw No. 2961, 2015; and
  - (b) any requirements and obligations imposed under a Tree Permit, an administrative notice, or an administrative order to take action from the General Manager (or another authorized City employee), which have been issued under City of Port Moody Tree Protection Bylaw No. 2961, 2015 will continue as if such permit, order or notice was issued under this Bylaw.

### 3. Definitions

3.1 In this Bylaw, unless the context requires otherwise:

“Alternative Protection Measures” means those measures and best practices taken to protect Retained or City Tree(s), as the case may be, and include arborist supervision, wood chip buffer zone(s) to reduce compaction, the use of air or water excavation methods, or other protection mechanisms outlined in an Arborist Report;

“Applicant” means the Owner of a parcel of land, or a person authorized by the Owner to make an application under this Bylaw;

“Arborist” means a practitioner of arboriculture who is currently certified as an arborist by the International Society of Arboriculture and holds the International Society of Arboriculture’s Tree Risk Assessment Qualification (TRAQ);

“Arborist Report” means a report prepared by an Arborist in accordance with the City’s Terms of Reference;

“Best Arboricultural Practices” means practices in accordance with the most current version of the American National Standards Institute (ANSI) Publication, “American National Standard for Tree Care Operations – Tree, Shrub, and Other Woody Plant Management – Standard Practices” and the companion “Best Management Practices” Series of the International Society of Arboriculture;

“Bird Nest Protection Policy” means the City’s Corporate Policy – 13-6870-2019-02 – Bird Nest Protection;

“Blowdown” means a Tree, Hedge, or group of Trees that have been uprooted, broken, or otherwise felled as a result of wind and may include partial or complete tree failure resulting from natural forces exceeding the structural capacity of the Tree or its root system;

“Business Day” means a day when the City is open for normal operations, excluding weekends and public holidays (as defined in the *Interpretation Act*);

“Building Bylaw” means City of Port Moody Building Bylaw, 2019, No. 3200;

“Building Inspection Team” means the roles of Chief Building Inspector and Building Official;

“Bylaw Enforcement Team” means the roles of Senior Bylaw Enforcement Officer and Bylaw Officer;

“Certificate of Acceptance” means the written certificate provided by the City to a developer upon expiry of the applicable Maintenance Period signifying that all works and services contemplated and required by the City of Port Moody Subdivision and Development Servicing Bylaw have been completed to the satisfaction of the City and that any and all remaining security amounts can be released;

“City” means the City of Port Moody, or, where the context requires, the area comprised within the boundaries of the City, as it may exist from time to time, while this Bylaw is in force;

“City Standards” means the City of Port Moody Tree Standards Guidebook;

“City Tree” means any Tree(s), including those Trees within a Hedge, on City owned, occupied, or leased property, including parks, greenspaces, walkways, medians, boulevards, and road rights of-way;

“Community Charter” means the *Community Charter, SBC 2003, c 26*;

“Council” means the Municipal Council of the City of Port Moody;

“Critical Root Zone” means the area of land surrounding the trunk of a Protected Tree that contains the bulk of the critical root system of the Tree contained within a circle having a radius which is calculated by multiplying the DBH of the Tree by 6;

“Cut” or “Cutting” means cutting down, knocking down, dismantling, or piercing any or all parts of any Tree or Hedge, including its roots, but does not include Pruning of a Tree or Hedge in accordance with Best Arboricultural Practices;

“Damage”, “Damaged”, or “Damaging” means any action that will likely cause any Tree, City Tree, Shared Tree, Retained Tree, Replacement Tree, Relocation Tree, Retained Tree, Protected Tree, Protected Hedge, or Landmark/Legacy Tree to die, or to decline, including, but not limited to:

- (a) Improper or excessive Pruning;
- (b) Poisoning;
- (c) Cutting or damaging any roots, trunks, and/or branches;
- (d) Removing, or substantially destroying by any means, including, knocking down;

but does not include:

- (a) Pruning to American National Standards Institute standards; or
- (b) Topping, if evidence satisfactory to the General Manager or a member of the Parks Team, is provided by an Arborist who recommends that Topping the Tree(s) or Hedge in question is in accordance with Best Arboricultural Practices to mitigate a risk;

“DBH” stands for ‘Diameter at breast height’ and means:

- (a) for a Tree having a single trunk at 1.4 metres above the existing grade, the diameter of the trunk measured at 1.4 metres above the existing grade; or
- (b) for a Tree having two or more stems at 1.4 metres above the existing grade, the cumulative total of the diameter of the three largest stems measured at 1.4 metres above the existing grade;

“Development Approval” means an active application, other than an In-stream Application, submitted under the City’s relevant bylaws and statute for a:

- (a) zoning amendment;
- (b) subdivision;
- (c) development permit, including heritage alteration permits;
- (d) development variance permit;
- (e) temporary use permit;
- (f) demolition permit; or
- (g) building permit;

but does not include any applications related solely to change of use, interior works, plumbing or electrical permits, exterior material replacement, the construction of decks, patios, balcony areas, accessory buildings, or addition to an existing building that is less than 10 square meters;

“Development Approval Procedures Bylaw” means City of Port Moody Development Approval Procedures Bylaw, 2023, No. 3417;

“Environmentally Sensitive Areas” means those areas identified in the City’s Official Community Plan as Environmentally Sensitive Areas in Development Permit Area 4;

“Fees Bylaw” means City of Port Moody Fees Bylaw, 2025, No. 3524;

“General Manager” means the person holding the position of General Manager of Community Development and any Managers of Community Development for the City;

“Hazard Tree” means a Tree that has, in the opinion of an Arborist certified with the Tree Risk Assessment Qualification:

- (a) a high or extreme Tree Risk Assessment Qualification risk rating; or
- (b) an imminent likelihood of failure;

“Hedge” means a row of five or more Trees of consistent size and form planted less than 1.25 metres apart from one another on centre;

“Hedge Length” means the longest distance from the drip line of one Tree or shrub within a Hedge to the drip line of another that can be measured along a horizontal plane;

“*Hydro and Power Authority Act*” means the *Hydro and Power Authority Act, RSBC 1996, c. 212*;

“Impact Assessment Report” means a report prepared by an Arborist detailing observed, or suspected Damage, and mitigation options for Tree(s), Protected Tree(s), or a Protected Hedge under section 14.8 of this Bylaw;

“In-stream Application” means an application not determined, rejected, or withdrawn, if the application has been submitted to the General Manager, and the applicable fee has been paid prior to Council consideration and approval of this Bylaw;

“Interim Substantial Completion” means the date established by City planning staff as the start of the one (1) year performance test Maintenance Period for all works and services required to be done for the completion of development of a subdivision, to the satisfaction of the General Manager of Community Development, as set out in the City’s Subdivision and Development Servicing Bylaw;

“*Interpretation Act*” means the British Columbia *Interpretation Act, RSBC 1996, c 238*;

“Invasive species” means a species that is a regulated invasive plant or unregulated priority invasive plant in British Columbia, as declared by the Province or the Invasive Species Council of BC;

“Landmark/Legacy Tree” means a Tree listed in Schedule “A” for its particular significance to the City, due to size, age, heritage or landmark value, overall cultural, ecological, heritage or social impact;

“*Local Government Act*” means the *Local Government Act, RSBC 2015, c 1*;

“Lot” means an area of land registered as a separate parcel in the Land Title Office, and includes a bare land strata Lot and in the case of strata Lots, other than a bare land strata Lot, the parcel from which the strata plan is derived constitutes the Lot;

“Maintenance Period” means the period of one (1) year during which a developer is required to maintain works and services in complete repair as a performance test period commencing at Interim Substantial Completion thereof, as certified by the City;

“*Migratory Birds Regulations*” means the federal *Migratory Birds Regulations, 2022, SOR/2022-105*, setting out general rules in respect of migratory birds;

“Move” means to uproot and transfer a Tree, or a Tree within a Hedge, from one location to another;

“Municipal Ticket Information Authorization Bylaw” means City of Port Moody Municipal Ticket Information Authorization Bylaw, 2020, No. 3218;

“Natural causes” means death or decline of a Tree or Hedge as a result of natural diseases, pests, climactic conditions, inherent structural defects, or senescence;

“*Offence Act*” means the *Offence Act, RSBC 1996, c 338*;

“Official Community Plan” means City of Port Moody Official Community Plan attached as Schedule “A” to Official Community Plan Bylaw, 2014, No. 2955;

“Owner” has the same meaning as given to it in the *Community Charter*;

“Parks Team” means the roles of Urban Forestry Supervisor, Arborist and Field Arborist;

“*Pipeline Act*” means the *Pipeline Act, RSBC 1996, c. 364*;

“Protected Hedge” means:

- (a) a Hedge that contains any one Tree with a single stem with a DBH equal to or greater than 30cm; or
- (b) a Hedge that contains any one Tree with a single stem with a DBH equal to or greater than 10cm located:
  - i. within a Riparian Management Zone, or an Environmentally Sensitive Area; or
  - ii. on a Lot subject to Development Approval; or
- (c) a Hedge with evidence of birds, nests and eggs protected under subsections 34(b) and (c) of the *Wildlife Act*, or the *Migratory Birds Regulations*;

“Protected Tree” means any of the following:

- (a) a Tree with a DBH equal to, or greater, than 30cm;
- (b) a Tree of the following species, with a DBH equal to or greater than 10cm:
  - (i) *Arbutus (Arbutus menziesii)*;
  - (ii) *Cascara (Rhamnus purshiana)*;
  - (iii) Pacific dogwood (*Cornus nuttallii*);
  - (iv) Pacific yew (*Taxus brevifolia*);
  - (v) Shore pine (*Pinus contorta*);
  - (vi) Western white pine (*Pinus monticola*);
- (c) a Tree with a DBH equal to or greater than 10cm located:
  - (i) within a Riparian Management Zone as defined in the Zoning Bylaw, or an Environmentally Sensitive Area; as identified in the Official Community Plan or
  - (ii) on a Lot subject to Development Approval;
- (d) a Landmark/Legacy Tree;
- (e) a City Tree;
- (f) a Tree that is protected by a restrictive covenant in favour of the City;
- (g) a Replacement Tree;

- (h) a Tree planted as a condition of Development Approval; or
- (i) a Tree with evidence of birds, nests and eggs protected under subsections 34(b) and (c) of the *Wildlife Act*, or the *Migratory Birds Regulations*;

“Prune”, “Pruning”, or “Pruned” means the Cutting of twigs or branches in accordance with the Best Arboricultural Practices, but does not include Topping;

“Qualified Professional” means a person in good standing with a legislated self-regulating association in British Columbia who is acting within the individual’s area of expertise and includes a professional Biologist, Agrologist, Arborist, Forester, Geoscientist, Engineer, Architect, or Landscape Architect;

“Regulation” or “Regulations” means a regulation under the *Interpretation Act*, and includes City Bylaws;

“Relocation Tree” means a Tree or Protected Tree that, according to a Tree plan, an owner intends to relocate or has relocated or that, according to this Bylaw, an owner must relocate on site;

“Remove”, “Removing”, “Removed”, or “Removal” means to Cut a Tree or Hedge and to remove it from the lot where it exists;

“Replacement Tree” means a Tree that will be, or has been, required to be planted on a Lot to:

- (a) replace a Tree, Protected Tree, or Protected Hedge, which has been altered, Cut, Damaged, or Removed in accordance with this Bylaw; or
- (b) is otherwise required to be planted under this Bylaw as a replacement Tree.

“Retained Tree” means a Protected Tree identified in a Tree Permit as a tree which is not permitted to be Cut, Removed, or Damaged;

“Riparian Management Zone” means the area which includes the Riparian Protection and Enhancement Area and the Riparian Transition Area, as defined by the City’s Zoning Bylaw;

“Shared Tree” means a Tree or Protected Tree with any part of its trunk or trunk flare crossing a property line;

“Street, Traffic, and Public Places Bylaw” means City of Port Moody Street, Traffic, and Public Places Bylaw, 1981, No. 1528;

“Subdivision and Development Servicing Bylaw” means City of Port Moody Subdivision and Development Servicing Bylaw, 2010, No. 2831;

“Temporary Disturbance Zone” means an area measuring one (1) metre around the Tree Protection Zone, within which no permanent below ground structure will encroach, but where excavation may occur;

“Top” or “Topping” means the Cutting of a trunk, stem, or scaffold limb of a Tree back to a stub, bud or lateral branch not large enough to assume apical dominance, and includes re-topping of previously topped Trees;

“Tree” or “Trees” means a living, self-supporting, perennial, woody plant having a single or multiple trunks (or stems), and a root system:

- (a) with a DBH equal to or greater than 10cm within an area designated
  - (i) in the Official Community Plan as an Environmentally Sensitive Area to protect the natural environment, its ecosystems and biological diversity, pursuant to section 488(1) of the *Local Government Act*;
  - (ii) in the Zoning Bylaw as a Riparian Management Zone; or
  - (iii) on a Lot subject to Development Approval; and
- (b) of any size, when a City Tree;

“Tree Permit” means a permit issued by the General Manager under section 10 of this Bylaw;

“Tree Protection Barrier” means a barrier erected to protect a Tree and its Tree Protection Zone in accordance with City Standards, or as acceptable to the General Manager or a member of the Parks Team;

“Tree Protection Order” means an administrative order issued by the General Manager under this Bylaw in relation to Tree Cutting or Tree Damaging activity;

“Tree Protection Zone” means the area of land surrounding the trunk of a Protected Tree or Protected Hedge where a Tree Protection Barrier is erected that:

- (a) at a minimum, contains the Critical Root Zone of a Tree or Hedge;
- (b) maximizes the area available to protect the Tree or Hedge, as defined by an Arborist and to the satisfaction of the General Manager or a member of the Parks Team; and
- (c) is established in such a way to avoid requiring removal of the barriers to allow site works to occur;

“Tree Risk Assessment Report” means a report prepared by an Arborist detailing and confirming that a Tree is a Hazard Tree under section 10.3(a) of this Bylaw;

“Urban Forestry Reserve” means a fund established by the City that is used to plant Trees on public and private lands to replace Tree canopy lost and for the promotion and stewardship of a healthy Tree canopy in the City;

“*Wildlife Act*” means the *Wildlife Act, RSBC 1996, c 488*;

“Zoning Bylaw” means City of Port Moody Zoning Bylaw, 2018, No. 2937;

## 4. Power and Authority

- 4.1 The General Manager is hereby designated the powers, duties, and functions of Council in relation to Council's authority under section 8(3)(c) of the *Community Charter* with respect to the matters governed by this Bylaw, other than Council's authority under section 11.13.
- 4.2 The General Manager may appoint, from time to time, an employee to act on their behalf in their absence, and to exercise their authority as delegated by this Bylaw. The person so designated must be a member of the Building Inspection, Bylaw Enforcement and Parks Teams.
- 4.3 Every member of the Building Inspection, Bylaw Enforcement and Parks Teams may subdelegate their authority to employees within their department where the member of the Building Inspection, Bylaw Enforcement and Parks Teams considers it necessary or advisable to do so, provided that:
  - (a) the sub-delegation does not exceed the employee's authority in section 4.2;
  - (b) the member of the Building Inspection, Bylaw Enforcement and Parks Teams remains accountable to the General Manager; and
  - (c) no sub-delegation conflicts with any provisions of this Bylaw.
- 4.4 Where this Bylaw delegates authority to a delegate by referencing the current title of the position:
  - (a) if the position referenced in this Bylaw is renamed, each reference in this Bylaw to that position is deemed to be a reference to the renamed position; or
  - (b) if that position referenced in this Bylaw is modified or eliminated, each reference in this Bylaw to that position is deemed to be a reference to the position that has assumed responsibility for the subject matter of the delegated authority, or that is most closely connected to the modified or eliminated position.

## 5. Interpretation and Application

- 5.1 This Bylaw applies to all lands under the jurisdiction of the City and all Trees, Protected Trees, and Protected Hedges on those lands but does not apply to Invasive Species.
- 5.2 Any calculation of the number of Trees, Protected Trees, or Protected Hedges under this Bylaw, which produces a requirement for part of a Tree, shall be rounded up to the next highest integer.
- 5.3 All words and phrases that are not defined in this Bylaw must be construed in accordance with the meanings assigned to them in the *Community Charter*, the *Local Government Act*, and the *Interpretation Act*, as the context and circumstances require.

- 5.4 A reference to a statute in this Bylaw refers to a statute of the Province of British Columbia, and a reference to any bylaw, enactment, publication, regulation, or standard refers to that bylaw, enactment, publication, regulation or standard as it may be amended, consolidated, or replaced from time to time.
- 5.5 In this Bylaw,
- (a) words in the singular include the plural, and gender specific terms include both genders and corporations;
  - (b) headings are for convenience only and do not define or limit the scope or intent of this Bylaw; and
  - (c) reference to a section number is a reference to a section number in this Bylaw, unless otherwise indicated.
- 5.6 A reference in this Bylaw to the current title of a position incorporates section 4 of the Schedule to the *Community Charter*, and includes the position as it may be renamed from time to time, or to any successor position that is most closely connected to the position if it is modified or eliminated from time to time.

## 6. Prohibitions

- 6.1 Except where an exemption in section 7 of this Bylaw applies, no person shall Damage, Cut, Move, or Remove a Tree, Protected Tree, or Protected Hedge, or cause, suffer, or permit any such Tree, or Tree forming part of a Hedge to be Cut, Moved or Removed, except where permitted by and in accordance with the terms of this Bylaw.
- 6.2 No person other than a person employed by the City or its authorized agent shall Prune a City Tree, except if such a person received written approval from the City.
- 6.3 All Pruning shall be done in accordance with Best Arboricultural Practices.
- 6.4 Without limiting the generality of section 1, any of the following actions are deemed to constitute Damage pursuant to that section:
- (a) poisoning, burning, or pruning in a manner not in accordance with Best Arboricultural Practices, including removal of more than 25% of the Tree's total live foliage or bud bearing branches or limbs;
  - (b) Topping, unless the Tree in question has been previously topped and regenerative growth has a high likelihood of failure due to weak branch attachment, excessive branch elongation and end weight, or the formation of extensive decay or cavities that cannot be mitigated other than by re-topping the Tree;

- (c) raising or lowering the grade within the Tree Protection Zone, except to raise the grade by no more than:
  - (i) five (5) centimetres within a one (1) metre circumference around the trunk; and
  - (ii) a further five (5) centimetres between the one (1) metre circumference and the circumference of the Tree Protection Zone of the Tree;
- (d) shearing, harming, or undermining the roots of the Tree growing within the Tree Protection Zone;
- (e) placing fill, building materials, asphalt, or a building or structure, or storing or stockpiling of organic material within a Tree Protection Zone;
- (f) operating, staging, or parking trucks, backhoes, excavators, mini-excavators, hydro-excavators, mechanical trenchers, or other heavy equipment within a Tree Protection Zone;
- (g) denting, gouging, drilling, harming, or affixing anything to the branches or the trunk of a Tree;
- (h) removing bark from any Tree;
- (i) depositing concrete, washout, or other liquid or chemical substances harmful to the health of a Tree in a Tree Protection Zone;
- (j) removing soil from a Tree Protection Zone;
- (k) conducting blasting operations within a Tree Protection Zone;
- (l) conducting blasting or excavating operations outside of a Tree Protection Zone that would harm roots or disturb soil inside a Tree Protection Zone;
- (m) climbing a Tree or Hedge using gaffs, spurs, or spikes; or
- (n) doing anything that would cause the Tree or Hedge to die.

## 7. Exemptions

7.1 This Bylaw does not apply to Trees, Protected Trees, or Protected Hedges that are Cut, relocated, or Removed:

- (a) pursuant to the *Hydro and Power Authority Act* or the *Pipeline Act*;
- (b) on property owned by the Government of Canada, or the Province, for work done by that entity or its authorized agents;
- (c) in tæmtæmíxʷtæn/Belcarra Regional Park for the removal of Hazard Trees;
- (d) on property owned or managed by the City, or its authorized agents, in accordance with approved City operations, such as for repair and service of roads, utilities, and utility connections; and
- (e) pursuant to the Street, Traffic, and Public Places Bylaw, where Council has required the Cutting or Removal of said Tree(s), Protected Tree(s) or Protected Hedge.

## 8. Emergency Tree Removals

- 8.1 Despite any other provisions in the Bylaw, the Owner of a Protected Tree or Tree within a Protected Hedge, may Cut or Remove such Tree before applying for a Tree Permit, or removing it from Schedule "A" by an amendment to this Bylaw, if the Tree is in imminent danger of falling and injuring persons or property. For clarity, if it is not possible to obtain a Tree Permit prior to the Tree in question falling, the Owner may Cut the Protected Tree or Tree within a Protected Hedge, or have it Cut, but shall report the Cutting to the General Manager within the next Business Day. The Owner shall not Remove the Protected Tree or Tree within a Protected Hedge from the Lot until the General Manager or a member of the Parks Team has visited the Lot and confirmed that the Tree was in imminent danger of falling and injuring persons or property. If the General Manager or a member of the Parks Team determines that there was no imminent danger, or that there was imminent danger, but due to reasons other than natural causes, the City may impose a penalty on the Owner in accordance with section 17 of this Bylaw.
- 8.2 If in the opinion of the Owner, acting reasonably, the Tree is a Protected Tree or a Protected Hedge by virtue of the presence of birds, nests, and eggs, as contemplated in subsections 34(b) and (c) of the *Wildlife Act*, or as outlined in the *Migratory Birds Regulations*, the Owner shall notify the General Manager or a member of the Parks Team prior to any Cutting or Removal, and shall comply with the City's *Bird Nest Protection Policy* in doing so.
- 8.3 A person who has Cut or Removed a Protected Tree or Protected Hedge pursuant to section 8.1 must:
- (a) apply for a Tree Permit on the next Business Day in accordance with the requirements of this Bylaw and provide the General Manager with a photograph or video depicting the state of the Tree prior to the Cutting or Removal; and
  - (b) not Remove the portions of the trunk, limbs, roots, or other remains of the Protected Tree or Protected Hedge necessary to confirm there was imminent danger from the site prior to an arborist employed by the City visiting the site, or the General Manager or a member of the Parks Team having determined whether the emergency Cutting or removal was justified.
- 8.4 If the City determines that the Protected Tree or Protected Hedge was not in imminent danger or was in imminent danger but due to reasons other than natural causes, the City may impose a penalty in accordance with section 17 of this Bylaw.

## 9. Landmark/Legacy Trees

- 9.1 The Owner of a Landmark/Legacy Tree shall maintain or cause to maintain the Tree in accordance with Best Arboricultural Practices.

- 9.2 A Landmark/Legacy Tree shall not be Cut, Damaged, or Removed in any way without it first being removed from Schedule "A" by an amendment to this Bylaw, unless the tree is being Cut, Damaged, or Removed under section 8 of this Bylaw.

## 10. Tree Permits

- 10.1 The Owner of a Lot must apply for a Tree Permit if they wish to:
- (a) Cut, Relocate, or Remove Tree(s), a Protected Tree, or a Tree within a Protected Hedge; or
  - (b) plant a Replacement Tree.
- 10.2 The General Manager may issue a Tree Permit to Cut, relocate, or Remove Tree(s), Protected Tree(s), or a Tree within a Protected Hedge if they are satisfied that at least one of the following applies:
- (a) the Tree is dead, or more than 50% of its crown is dead;
  - (b) the Tree is a Hazard Tree, and the risk cannot be mitigated other than by Removing the Tree;
  - (c) the roots of the Tree are impairing, interfering with, or presenting a risk or hazard to the operation of sewers, drains, water lines, septic fields, electrical lines, poles, or other similar equipment and appurtenances that Best Arboricultural Practices cannot rectify, as determined and confirmed in writing by an engineer retained by the Applicant, and the impairment, interference, or risk cannot be reduced or removed in any way other than Cutting or Removal of the Tree, as determined and confirmed in writing by the Applicant's Arborist;
  - (d) the Tree is growing within two (2) metres of an existing building foundation permitted by the Zoning Bylaw;
  - (e) the Tree is growing above a built substructure, patio, or rooftop and it is necessary to Cut or Remove the Tree in order to carry out repairs to the structure over which it is located;
  - (f) a Tree Protection Zone or Temporary Disturbance Zone intersects with a planned principal/accessory building utility, parking, hardscape, or fencing consistent with the use permitted under the Zoning Bylaw, and it is not feasible to retain the Tree by:
    - (i) reducing or relocating parking spaces;
    - (ii) re-siting principal buildings, accessory buildings, or accessory dwelling units within the required setback; or
    - (iii) re-siting or reducing the impacts of accessory uses, fences, impermeable surfaces, or utilities.
  - (g) the Tree Protection Zone intersects with construction access, and it is not feasible to retain the tree by re-siting the access or using Alternative Protection Measures.

- 10.3 Where a Tree Permit is required under this Bylaw, a person must:
- (a) apply in writing for the Permit to the General Manager, in a form approved by the General Manager;
  - (b) in the case of an application to Cut, Relocate, or Remove a Tree that is a Shared Tree, provide written consent from the other property owner(s) to Cut, Relocate, or Remove the Shared Tree as proposed; and
  - (c) pay all associated fees, in accordance with the Fees Bylaw.
- 10.4 In addition to the requirements listed in section 3, the General Manager or a member of the Building Inspection or Parks Teams may require the person to provide any of the following documents:
- (a) a Tree Risk Assessment Report if, in the opinion of the General Manager or a member of the Building Inspection or Parks Teams, it is necessary to confirm that the Tree is a Hazard Tree;
  - (b) a report by a Qualified Professional addressing risks and certifying that, if carried out in accordance with recommendations in the report, the risks may be minimized, and how they can be minimized, where the General Manager or a member of the Building Inspection or Parks Teams considers that the proposed Cutting or Removal could result in:
    - (i) slope destabilization or landslip, flooding, or erosion;
    - (ii) adverse impacts on any Retained Tree(s), or adjacent properties;
    - (iii) work in the vicinity of active bird nests;
    - (iv) risk of Blowdown;
    - (v) risk of personal injury or Damage to property; or
    - (vi) detrimental effects on watercourses or Riparian Management Zones, fish or wildlife habitat, protected nests, or other environmentally sensitive areas; and
  - (c) other information that the General Manager or a member of the Building Inspection or Parks Teams determines is reasonably necessary to adequately describe the nature and extent of the proposed Cutting or Removal.
- 10.5 In addition to sections 3 and 10.4, if the property is also subject to a Development Approval, the Owner must also provide:
- (a) an Arborist Report;
  - (b) a letter from the Arborist confirming that Tree Protection Barriers have been installed in accordance with City Standards, if Tree Protection Barriers are required;
  - (c) a lot grading and servicing plan, if, in the opinion of the General Manager or a member of the Building Inspection or Parks Teams, it is necessary based on the grade, topography, or location of the Tree(s), Protected Tree(s), or Protected Hedge, or other requirements of the site; and

- (d) a letter of assurance, in the form prescribed for that purpose by the General Manager or a member of the Building Inspection or Parks Teams, from the Arborist and the Owner to the City, in accordance with City Standards if, it is considered necessary by the General Manager or a member of the Building Inspection or Parks Teams based on site preparation and construction activities occurring within 10 metres of the trunk of a Protected Tree, or a Tree within a Protected Hedge.
- 10.6 For the purposes of this Bylaw, an Arborist Report will only be accepted by the City within twelve (12) months of the date of issuance of the Arborist Report.
- 10.7 The General Manager or a member of the Building Inspection, Bylaw Enforcement or Parks Teams may require notice of the Tree Permit:
- (a) be posted on the Lot for which the Tree Permit was issued in a location visible to the public prior to the commencement of any Cutting, relocation, or Removal of Tree(s), Protected Tree(s), or a Protected Hedge; and
  - (b) remain posted on the Lot until completion of all work related to the Cutting, relocation, or Removal of Tree(s), Protected Tree(s), or Protected Hedge on that lot.
- 10.8 It is an offence to remove notice of a Tree Permit posted under section 10.7, unless the removal is authorized in writing by the General Manager or a member of the Building Inspection, Bylaw Enforcement or Parks Teams.

## 11. Permit Authority

- 11.1 Upon receiving a complete application, signed by the Owner, along with full payment of any and all applicable fees, the General Manager may:
- (a) issue a Tree Permit upon being satisfied that the application meets the standards and objectives of this Bylaw; or
  - (b) refuse to issue the Tree Permit.
- 11.2 When issuing a Tree Permit, the General Manager may attach any terms, conditions, restrictions, and requirements to the Tree Permit, including but not limited to, conditions related to Tree or Hedge Removal, relocation, replacement, and retention, as they may consider necessary or advisable for the stability and health of any remaining Tree(s), Protected Tree(s), or a Protected Hedge, and the Owner must comply with those conditions.
- 11.3 A Tree Permit is valid for a period of six (6) months from the date of issuance.
- 11.4 The General Manager may amend or extend a Tree Permit, up to a maximum of two (2) times, if:
- (a) the General Manager has approved any document or information that was required by the General Manager in accordance with this Bylaw;
  - (b) the Applicant has paid all applicable fees;

- (c) the Applicant has provided any required security;
  - (d) the Applicant has paid any required cash-in-lieu or compensation to the City;  
and
  - (e) all other conditions of this Bylaw have been met.
- 11.5 If the General Manager extends or modifies a Tree Permit, all terms and conditions set out in the original Tree Permit shall apply to each extension or modification of the Tree Permit, except:
- (a) as expressly amended or modified by the extension or modification form; and
  - (b) that the Applicant may be required to provide additional protection security.
- 11.6 If circumstances on the site or requirements pursuant to this Bylaw have changed significantly, or it is impractical to extend or modify a permit, the General Manager may require the Tree Permit holder to apply for a new Tree Permit.
- 11.7 A Tree Permit holder may apply in writing to the General Manager for an amendment or extension of their Tree Permit before the date that the permit expires as set out in section 11.3.
- 11.8 If a Tree Permit lapses before such an application is made, a Tree Permit holder must obtain a new Tree Permit.
- 11.9 Where the completeness or accuracy of the original Arborist Report received by the City is brought into question, the General Manager may:
- (a) retain the services of an independent Arborist to review the original Arborist Report; and
  - (b) require the Owner to pay the cost of the independent Arborist Report prior to the issuance of the Tree Permit, if the original Arborist Report is shown to be incomplete or inaccurate in the professional opinion of the independent Arborist.
- 11.10 The General Manager may refuse a Tree Permit if:
- (a) the Removal of Tree(s), Protected Tree(s), or a Protected Hedge would be carried out within:
    - (i) a Riparian Management Zone; or
    - (ii) an Environmentally Sensitive Area, other than in accordance with a Development Approval issued under the City's Official Community Plan;
  - (b) the Removal of Tree(s), Protected Tree(s), or a Protected Hedge would adversely affect property owned or held by the City; or
  - (c) the General Manager is not satisfied that the standards and requirements of this Bylaw are being met, or that they can effectively be met, if the Cutting, relocation, or Removal of Tree(s), Protected Tree(s), or a Protected Hedge is carried out as proposed in the application.

- 11.11 The General Manager may suspend, revoke, or cancel a Tree Permit if they consider that:
- (a) work or activity being carried out is in violation of any of the terms, restrictions, requirements, or conditions of the Tree Permit, or any provision of this Bylaw; or
  - (b) injury or Damage, whether or not intentional, has occurred, or is likely to occur, to the remaining Tree(s), Protected Tree(s), or a Protected Hedge, or to adjacent properties.
- 11.12 All Tree and Hedge removal must be carried out in accordance with the City's Bird Nest Protection Policy.
- 11.13 It is an offence to misrepresent, alter, or falsify information on a Tree Permit application, or any other permit application submitted pursuant to this Bylaw.

### **Reconsideration**

- 11.14 An Owner of property that is subject to a decision made by a delegate under this Bylaw is entitled to have the decision reconsidered by Council in accordance with the Development Approval Procedures Bylaw.
- 11.15 An Owner who wishes to have a decision reconsidered by Council shall apply for reconsideration to the City Clerk/Corporate Officer, or their designate, within thirty (30) days after the decision is communicated in writing to the Owner, and shall provide:
- (a) the name of the delegate who made the decision, the date of the decision, and the nature of the decision;
  - (b) the reasons the Owner wishes the decision to be reconsidered by Council; and
  - (c) the decision the Owner requests be made by Council, with brief reasons in support of the requested decision, and a copy of any materials the Owner considers are relevant to the reconsideration by Council.
- 11.16 A reconsideration application shall be considered by Council at a regular meeting of Council.
- 11.17 The City Clerk/Corporate Officer, or their designate, shall:
- (a) place each reconsideration application on the agenda for a regular meeting of Council; and
  - (b) before each reconsideration by Council, deliver to Council a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered.
- 11.18 In reconsidering a decision, the Council shall consider the material that was considered by the delegate in making its decision.

11.19 After having reconsidered a decision, Council may either confirm the decision or may set aside the decision and substitute the decision of Council, including decisions regarding the permit conditions and amounts of security.

11.20 There shall be no charge for an application for reconsideration under this Bylaw.

## 12. Tree Protection

12.1 No construction or site disturbance may commence until:

- (a) one of the following Tree protections has been installed to protect all Retained Trees whose trunks are within 10 metres of construction and site disturbance and all City Trees on the street fronting the Lot on which the construction is to take place:
  - (i) Tree Protection Barriers in accordance with City Standards; or
  - (ii) alternative protection measures approved by the General Manager or a member of the Parks Team;
- (b) the General Manager or a member of the Parks Team has approved of the Tree protection installed pursuant to paragraph (a) of this section; and
- (c) a Tree Permit has been issued related to the construction or site disturbance.

12.2 The Tree Protection Barrier or measure installed pursuant to section 12.1(a) must be maintained in good condition by the Owner and in accordance with City Standards until:

- (a) all construction or site disturbance is completed;
- (b) if a letter of assurance had been required, the Arborist provided a post-construction memo in accordance with City Standards, including photographs, monitoring dates, and supervision memos as evidence, to the satisfaction of the General Manager or a member of the Parks Team confirming that the Retained Tree(s) have not been Damaged in violation of this Bylaw and have been properly protected and maintained in accordance with this Bylaw and the Tree Permit; and
- (c) the General Manager or a member of the Parks Team approves, in writing, the removal of the Tree protection.

12.3 Despite sections 12.1 and 12.2, the General Manager or a member of the Parks Team may authorize the temporary Removal of a Tree Protection Barrier to allow work within or near the Tree Protection Zone if the Owner has, prior to such Removal or relocation, provided the General Manager or a member of the Parks Team with:

- (a) an Arborist Report or arborist memo setting out the reasons and proposed duration for such Removal or relocation; and

- (b) a letter of assurance signed by the Arborist and Owner confirming that:
- (i) the Owner may only Remove or relocate the Tree Protection Barrier in accordance with the approved Arborist Report or memo;
  - (ii) the Arborist will be on site and supervising all such work for the duration of the Removal or relocation; and
  - (iii) thereafter the Owner will restore the Tree protection as it was prior to Removal or relocation; and
- (c) the General Manager or a member of the Parks Team is satisfied that any Retained Tree(s) will survive and be safe to retain based upon the contents of the Arborist Report and letter of assurance.

### 13. Replacement Trees and Relocation Trees

- 13.1 As a condition of obtaining a Tree Permit under this Bylaw, the Owner must plant and maintain Replacement Trees on the same lot for every Tree, Protected Tree, or Protected Hedge that is Removed.
- 13.2 The number of Replacement Trees varies based on the type of Tree(s), Protected Tree(s), or Protected Hedge Removed and the type of replacement, as follows:

Type of Tree, Protected Tree, or Protected Hedge removed	Number of Replacement Trees required per Removal	
	Medium or large replacement species, in accordance with City Standards	Small replacement species, in accordance with City Standards
Equal to or greater than 50cm DBH	2	4
Less than 50cm DBH	1	2
A Protected Tree on a property subject to Development Approval	2	4
A Hazard Tree of any size	1	2
A Protected Hedge	1 per 4m of Hedge Length, whether the entire Protected Hedge is Removed or not; or another Hedge of the same Hedge Length	2 per 4m of Hedge Length or part thereof

- 13.3 Replacement Trees planted in Environmentally Sensitive Areas or Riparian Management Zones must be native species approved by the General Manager or a member of the Parks Team.

## 13.4 Notwithstanding sections 13.1 and 13.2:

- (a) If after the Removal(s) take place:
  - (i) the Lot is not subject to an active Development Approval and will achieve 35% to 45% canopy cover, the General Manager or a member of the Parks Team may reduce the replacement requirements; or
  - (ii) the Lot is not subject to an active Development Approval and will exceed 45% canopy cover, the General Manager or a member of the Parks Team may waive the replacement requirements;
- (b) when replacing Trees within a Riparian Management Zone or an Environmentally Sensitive Area, two 5-gallon pot size Replacement Trees will be allowed in lieu of every medium or large Replacement Tree species required;
- (c) for the Removal of each City Tree, the Tree Permit holder shall compensate the City with the cash value in accordance with Schedule "B" of this Bylaw;
- (d) for Tree(s), Protected Tree(s), or a Protected Hedge growing above a pre-existing built structure, the General Manager or a member of the Parks Team may reduce the replacement requirements to one small replacement species per Tree Removed if the required number of Replacement Trees cannot be reasonably accommodated on the Lot in accordance with section 13.5.

## 13.5 Replacement or Relocation Trees must:

- (a) Be planted:
  - (i) at least one (1) metre away from:
    - a. all property lines;
    - b. underground utilities; and
    - c. hardscaping such as driveways, patios, walkways, and retaining walls;
  - (ii) at least three (3) metres away from:
    - a. another tree;
    - b. powerlines; and
    - c. the principal building, garage, pool, deck, or other permitted outbuildings;
  - (iii) in a location approved by the General Manager or a member of the Parks Team; and
  - (iv) notwithstanding subsection 13.5(a)(ii), the Replacement Tree may be planted within 3m of other Trees if it is being planted in an Environmentally Sensitive Area or a Riparian Management Zone, or if the General Manager or a member of the Parks Team considers closer spacing to be appropriate for the purpose of biodiversity enhancement such that the type of trees are varied and include native species, which may be required to be planted closer together if the tree species are small; and

- (b) Be provided with the following minimum soil volumes, as demonstrated by the Owner in their application:
    - (i) for small replacement species in accordance with City Standards, a minimum soil volume of 8m<sup>3</sup>, or 6m<sup>3</sup> if shared or irrigated;
    - (ii) for medium replacement species in accordance with City Standards, a minimum soil volume of 20m<sup>3</sup>, or 15m<sup>3</sup> if shared or irrigated;
    - (iii) for large replacement species in accordance with City Standards, a minimum soil volume of 35m<sup>3</sup>, or 30m<sup>3</sup> if shared or irrigated; or
    - (iv) as approved by the General Manager or a member of the Parks Team where different soil volumes may be deemed acceptable based on site constraints and without compromising the health of the Tree(s).
- 13.6 Every Owner required to plant Replacement or Relocation Trees must plant and maintain each Tree in accordance with:
- (a) Best Arboricultural Practices;
  - (b) requirements of the City Standards;
  - (c) the Tree Permit; and
  - (d) the latest edition of the CNLA/CSLA “Canadian Landscape Standard”.
- 13.7 Every Owner must plant Replacement Tree(s) by the following deadline, subject to any Tree Permit amendments or extensions, in accordance with the provisions of this Bylaw:
- (a) where a Tree Permit is issued in support of a Development Approval, within the earlier of:
    - (i) one (1) year from the date that the final occupancy permit is issued or final building inspection is granted for the Lot pursuant to the Building Bylaw, as applicable, or one (1) year from the date of issuance of a Certificate of Acceptance; and
    - (ii) five (5) years from the date of issuance of the Tree Permit; or
  - (b) for any other Tree Permit, twelve (12) months from the date of issuance.
- 13.8 If, in the assessment of the General Manager or a member of the Parks Team the Lot cannot accommodate any of the required Replacement Trees:
- (a) the Owner must provide the City cash-in-lieu for each medium or large Replacement Tree species that is not planted, in accordance with the Fees Bylaw; and
  - (b) such money shall be placed in the Urban Forestry Reserve.
  - (c) In assessing whether the Lot can accommodate the Replacement Trees, the General Manager or a member of the Parks Team will make such determination having regard to the factors and criteria set out in section 13.6 and the documents contained therein.

## 14. Required Number of Trees on Lots Subject to Development Approval

- 14.1 If an Owner of a Lot subject to Development Approval is applying for a building permit and a Tree Permit, they must ensure that the Lot will achieve at least the following required number of Trees once all Replacement Trees are planted as follows:

<b>Current zone on the subject Lot</b>	<b>Required number of Trees per hectare of property</b>	<b>Estimated canopy cover achieved on the subject Lot at maturity</b>
Industrial (M1)	15	11%
Mixed-Use (C3, CRM, and TC)	30	20%
Multi-Residential (RM)	40	25%
Institutional (P)	55	35%
Single and Semi Detached (A, RS, and RT)	55	35%
Industrial (M2)	70	47%
Other	For zones not listed above, the General Manager may determine which of the required number of Trees listed in this table are most suitable, based on the uses permitted on the Lot subject to Development Approval.	

- 14.2 In order to satisfy section 14.1, if a Lot will not achieve the required number of Trees after planting all Replacement Trees required pursuant to section 13.2, the Owner must plant additional Replacement Trees to achieve at least the required number of Trees under section 14.1.
- 14.3 If, in the assessment of the General Manager or a member of the Parks Team the Lot cannot accommodate any of the required Replacement Trees, the Owner must provide cash-in-lieu in accordance with section 13.8. In assessing whether the Lot can accommodate the Replacement Trees, the General Manager or a member of the Parks Team will make such determination having regard to the factors and criteria set out in section 13.6 and the documents contained therein.

- 14.4 For the purposes of determining whether a Lot subject to Development Approval meets the required number of Trees, the number of Trees on a Lot will be counted as follows:

<b>Tree type</b>	<b>Number of required trees counted for each tree</b>
Retained Tree equal to or greater than 50cm DBH	3
Retained Tree at least 30cm DBH but less than 50cm DBH	1
Retained Tree less than 30cm but at least 10cm DBH	0.5
Retained Tree that is a Hazard Tree, dead, or has more than 50% of its crown dead	0
Replacement tree, medium or large species	1
Replacement tree, small species	0.5

## 15. Tree Protection and Replacement Securities

- 15.1 Where Replacement, Relocation, or Retained Tree(s) are required as a condition of a Tree Permit, for the purpose of ensuring the performance of the requirements, the Owner must provide to the City security in the form of cash, letter of credit or surety bond (subject to City approval) for each Tree to be replaced, relocated, or retained in the amount specified in Schedule "A" of the Fees Bylaw.

### **Replacement and Relocation Tree Securities**

- 15.2 The amount of security required for the provision, installation, and maintenance of Replacement and Relocation Trees shall be:
- in accordance with Schedule "A" of the Fees Bylaw, except \$0 per Replacement Tree when cash-in-lieu is being provided; or
  - where the Replacement Trees are part of the overall landscaping required under a development permit, development variance permit, or subdivision, the security is to be in the amount specified in the approved landscape cost estimate associated with the development permit, development variance permit, or subdivision.
- 15.3 The City will release the security provided by the Owner for any Replacement or Relocation Tree(s) under this Bylaw by:
- releasing fifty percent (50%) of the original amount of the security, after planting of the Replacement or Relocation Tree(s) in accordance with City Standards has been approved by the General Manager; and

- (b) releasing the balance of the deposit after two (2) years from the date of the first security release contemplated in section 14.3(a), and upon approval by the General Manager that the Replacement or Relocation Tree(s) have survived and are in good condition.
- 15.4 If any Replacement or Relocation Tree(s) do not survive for two (2) years from the date of planting, the General Manager may take one of the following actions:
- (a) require the Owner to replace the Replacement or Relocation Tree(s) within six (6) months and maintain it for a further period of two (2) years, during which the balance of the replacement security deposit will continue to be held by the City; or
  - (b) retain all security held by the City for the Replacement or Relocation Tree(s), and such money shall then be deposited in the Urban Forestry Reserve to be used for the planting of a Tree on another site to replace the Tree canopy lost.

#### **Tree Protection Securities**

- 15.5 The amount of security required for the protection of Retained and Relocation Tree(s) shall be in accordance with the Fees Bylaw, except the amount of security may be \$0 if the General Manager or a member of the Parks Team is satisfied that any relevant Retained or Relocation Tree(s) have no risk of being Damaged by the proposed site disturbance, construction, or other action.
- 15.6 The City will release the security provided by the Owner for any Retained or Relocation Tree(s) once all of the following conditions are satisfied:
- (a) all construction on the site is completed;
  - (b) a final occupancy permit, or a final building inspection, for the lot has been issued by the City pursuant to the Building Bylaw, or a Certificate of Acceptance has been provided by the City, as applicable;
  - (c) the General Manager has approved the removal of any Tree protection measures, in accordance with section 12.2; and
  - (d) if a letter of assurance had been required, the Owner's Arborist has provided a post-construction memo in accordance with City Standards, including photographs, monitoring dates, and supervision memos as evidence, to the satisfaction of the General Manager or a member of the Parks Team, confirming that the Retained or Relocation Trees have not been Damaged in violation of this Bylaw and have been properly protected and maintained in accordance with this Bylaw and the Tree Permit.

- 15.7 Notwithstanding any other provision of this Bylaw, if any Tree(s), Protected Tree(s), or a Tree within a Protected Hedge is:
- (a) significantly Damaged in violation of this Bylaw, the General Manager may:
    - (i) if the General Manager or a member of the Parks Team is satisfied that mitigation of the Damage may improve the health or structure of the Tree, require that the Owner have mitigation work completed by an Arborist; or
    - (ii) if the General Manager or a member of the Parks Team is not satisfied that mitigation of the Damage can improve the health or structure of the Tree, retain 50% of any security amount that was provided for the Tree and place it in the Urban Forestry Reserve; or
  - (b) Removed or Damaged in violation of this Bylaw, and the Tree(s) will not survive or are not safe to retain, the General Manager may retain the full security amount that was provided for the Tree and such money shall be placed in the Urban Forestry Reserve.
- 15.8 The General Manager or a member of the Parks Team may require the Owner to submit an Impact Assessment Report if they require further information on any of the following:
- (a) whether the Tree(s), Protected Tree(s), or Protected Hedge has been significantly Damaged in violation of this Bylaw;
  - (b) whether the Tree(s), Protected Tree(s), or Protected Hedge that was Damaged will survive, or be safe to retain; or
  - (c) whether mitigation of the Damage can improve the health of the Tree(s), Protected Tree(s), or Protected Hedge.

#### **Forfeit of Securities**

- 15.9 The City may transfer any remaining security amount to the Tree Reserve if any of the requirements for release of securities have not been satisfied within:
- (a) the lesser of (for properties subject to a Development Approval):
    - (i) two (2) years from the issuance of a Certificate of Acceptance by the City; or
    - (ii) two (2) years from the date that a final occupancy permit or final building inspection for the Lot has been issued by the City, pursuant to the Building Bylaw; and
  - (b) for all other properties, two (2) years from the date of expiry of the Tree Permit.
- 15.10 Notwithstanding any of the requirements of section 15 of this Bylaw, if at any time an Owner fails to comply with a provision of this Bylaw, or a Tree Permit:
- (a) the City may take any required action, or plant any Replacement Tree(s) on the Owner or Applicant's behalf (as applicable), and the City may recover the cost to the City of such action or planting from the security provided; and

- (b) if the cost to the City to undertake the actions outlined in section 15.10(a) is more than the amount of security held by the City, the City may recover the outstanding amount from the Owner, if it remains unpaid before the 31<sup>st</sup> day of December in the year following the year that the City took the required action, by adding the amount to the taxes payable on the Lot as taxes in arrears; and
- (c) the City may draw upon the security provided and transfer the amount into the Urban Forestry Reserve for the purpose of planting any required Trees on another site to replace the Tree canopy lost.

## 16. Inspection and Authority

- 16.1 The General Manager or a member of the Building Inspection, Bylaw Enforcement or Parks Team may enter at all reasonable times on any property to make an assessment or inspection for any purpose under this Bylaw.
- 16.2 Where the General Manager or a member of the Building Inspection, Bylaw Enforcement or Parks Team considers that a contravention of this Bylaw, or any Tree Permit or Plan has occurred, the General Manager or a member of the Building Inspection, Bylaw Enforcement or Parks Team may notify the Owner in writing of the contravention and require that measures be taken to remedy the contravention, within the time period specified by the General Manager.
- 16.3 Any person(s) to whom a notice is delivered under section 16.2 must fully comply with any requirements stated in the notice, within the time period stated therein, or if not stated, within thirty (30) days of the date written on the notice.

### **Tree Protection Order**

- 16.4 The General Manager may direct the immediate suspension or correction of all work associated any Tree or Hedge Cutting or Damaging activity on a property where excavation, construction, or other development is occurring by attaching a Tree Protection Order on the Lot whenever it is found that any Tree(s), Protected Tree(s), or Protected Hedge is being Cut or Damaged without a Tree Permit, or contrary to a Tree Permit, or if any Tree(s), Protected Tree(s), or Protected Hedge is being Damaged in contravention of this Bylaw.
- 16.5 Upon receipt of a Tree Protection Order, the Owner and all person(s) having notice of the Tree Protection Order shall immediately cease the Tree Cutting or Damaging activity and shall not resume unless authorized by the General Manager.
- 16.6 The Owner must immediately, after the posting of a Tree Protection Order, secure the construction site, and the lands and premises surrounding the construction site, in compliance with the safety requirements of every statute, regulation, order of the Province (or of a provincial agency), and of every applicable Bylaw of the City.

- 16.7 No work associated with the Tree or Hedge Cutting or Damaging activity, other than the required remedial measures, may be carried out on the property affected by the Tree Protection Order until the Tree Protection Order has been resolved by the General Manager.
- 16.8 The Tree Protection Order must remain posted on the premises in question until that which is contrary to this Bylaw, and any relevant enactments, has been remedied to the satisfaction of the General Manager.
- 16.9 No person shall disobey a Tree Protection Order issued under this Bylaw.
- 16.10 It is an offence to remove a Tree Protection Order, unless removed by written notice.

## 17. Offences and Penalties

- 17.1 For the purposes of this Bylaw, each Tree or Hedge Cut, Removed, or Damaged in violation of this Bylaw, and each day that a violation of this Bylaw is caused or permitted to exist by any person shall constitute a separate offence. This Bylaw is designated under section 264 of the *Community Charter* as a bylaw that may be enforced by means of the Municipal Ticket Information Authorization Bylaw, in the form prescribed.
- 17.2 Every person is guilty of an offence against this Bylaw and is subject to the penalties imposed by this Bylaw, the Municipal Ticket Information Authorization Bylaw, and the *Offence Act* if that person:
  - (a) Cuts, Removes, or Damages a Tree or Hedge contrary to this Bylaw, or contrary to the terms and conditions of a Tree Permit;
  - (b) violates any of the provisions of this Bylaw, or a Tree Permit;
  - (c) submits misleading, inaccurate, incomplete, or erroneous information to the City in order to qualify for an exemption, or obtain a Tree Permit, or an extension of a Tree Permit; or
  - (d) suffers or permits any act or thing to be done in contravention of any provision of this Bylaw, or a Tree Permit; or
  - (e) omits to do, or refrains from doing, anything required to be done by any of the provisions of this Bylaw, or a Tree Permit
- 17.3 Other than a municipal ticket issued under the Municipal Ticket Information Authorization Bylaw, every person or persons convicted of an offence under this Bylaw for a contravention in relation to a Tree or Hedge hereunder, including the Cutting, Damaging, or Removal of any Tree, City Tree, Shared Tree, Retained Tree, Replacement Tree, Relocation Tree, Retained Tree, Protected Tree, Protected Hedge, or Landmark/Legacy Tree, shall be liable under the *Offence Act*, and any Regulations enacted thereunder, for penalties, as well as the associated costs of proceedings in respect of prosecuting those offences, as follows:

- (a) a minimum penalty for each offence under this Bylaw of at least \$500.00, not to exceed \$50,000.00 per offence, subject to the following subsections (b) to (d);
- (b) a penalty of at least \$1,000.00, and not more than \$50,000.00, for each offence arising from the Removal, loss, or death of a Tree, Protected Tree, or Protected Hedge with a DBH of less than 50cm; and
- (c) a penalty of at least \$3,000.00, and not more than \$50,000.00, for each offence arising from the Removal, loss, or death of a Tree, Protected Tree, or Protected Hedge with a DBH of 50cm or greater; and
- (d) a penalty of at least \$10,000.00, and not more than \$50,000.00, for each offence arising from the Removal, loss, or death of a Landmark/Legacy Tree.

17.4 The size, number, species and location of Replacement or Relocation Trees and amount of securities required to ensure the planting and maintenance of Replacement or Relocation Trees under sections 13, 14, and 15 of this Bylaw will be determined by the General Manager or a member of the Parks Team, based on the size, condition, species, and location of the Tree Cut, or Tree within a Hedge, that is Removed or Damaged in contravention of this Bylaw.

17.5 Except as otherwise specified in sections 13, 14, and 15, if the Owner fails or refuses to plant the required number, size, and type of Replacement or Relocation Trees in the specified locations, within the time period prescribed in the written direction provided by the General Manager, the City may:

- (a) by its employees or other persons, at reasonable times and in a reasonable manner, enter the Owner's Lot and fulfill the requirement by planting the Replacement or Relocation Trees at the expense of the Owner; or
- (b) use the security collected to plant Trees elsewhere on City-owned property.

17.6 In the event that the Owner of the Lot described in Section 17.5 fails to pay the costs of compliance before the 31<sup>st</sup> day of December in the year following the year that the compliance was effected by the City, the costs shall be added to, and form part of the taxes payable on the Lot as taxes in arrears.

17.7 Prosecution of any person(s) pursuant to sections 17.2 and 17.3 of this Bylaw does not exempt said person(s) from the provisions of the remainder of section 17 of this Bylaw.

## 18. General provisions

18.1 This Bylaw shall come into force on the date of final adoption hereof.

## 19. Attachments and Schedules

19.1 The following schedules are attached to and form part of this Bylaw:

- Schedule A – Landmark/Legacy Trees; and
- Schedule B – Compensation Value for the Removal of City Trees.

## 20. Severability

20.1 If a portion of this Bylaw is found invalid by a court, it will be severed, and the remainder of the Bylaw will remain in effect.

**Read a first time** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**Read a second time** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**Read a third time** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

**Adopted** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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M. Lahti  
Mayor

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S. Lam  
City Clerk

I hereby certify that the above is a true copy of Bylaw No. 3531 of the City of Port Moody.

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S. Lam  
City Clerk

**Schedule "A" to Bylaw No. 3531  
Landmark/Legacy Trees**

<b>Tree No.</b>	<b>Tree Species</b>	<b>Location</b>	<b>Owner</b>
1		<i>E.g., address</i>	<i>E.g., City of Port Moody</i>

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**Schedule “B” to Bylaw No. 3531**  
**Compensation Value for the Removal of City Trees**

Compensation for each City Tree, Protected Tree, or Protected Hedge removed on City-owned or occupied land will be calculated in accordance with the table below, and for clarity, this compensation will be paid in addition to the replacement and relocation Tree requirements set out in section 13 of City of Port Moody Tree Protection Bylaw, 2026, No. 3531.

<b>Size of City Tree, Protected Tree, or Tree within a Protected Hedge Removed</b>	<b>Compensation Per City Tree Removed</b>
Tree of any size, if the Tree is, as determined by the General Manager: <ul style="list-style-type: none"> <li>• a Hazard Tree, or</li> <li>• dead, or more than 50% of its crown is dead</li> </ul>	\$0
<10cm DBH	\$0
10-30cm DBH	\$1,500
>30cm DBH	The appraisal formula from the latest edition of the Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers may be used to determine the appropriate compensation value.