

# THE TREE PERMIT PROCESS

Trees are a valuable asset to homeowners and the community as a whole. They add natural beauty to urban surroundings and play a key role in our social, economic and environmental surroundings.

The Town of Aurora is committed to tree preservation in its parks, woodlands and natural areas, as well as on Town streets. As part of its ongoing plan to be an environmentally responsible community, Town Council has initiated a Bylaw (#4474-03.D) with respect to regulating the injury and removal of trees on private property. The Tree Permit By-law regulates the removal of trees by requiring residents and landowner's to obtain a Town permit to remove and replant trees under certain conditions. It also enables the Town to impose fines and penalties for unauthorized removal of trees from privately owned land.

## Benefits of Trees

- Large healthy trees increase property value by 10 to 20 per cent.
- Trees can save energy costs by shading homes and decreasing heat absorption during summer and blocking and redirecting wind flow during the winter. Well placed landscaping can reduce air-conditioning costs by up to 20 per cent.
- Large tree canopies reduce noise pollution.
- Trees provide food and protection for many types of wildlife.
- Trees fight the atmosphere greenhouse effect by absorbing carbon dioxide and capturing pollution in leaves.
- Trees trap and hold harmful pollution.
- Trees produce oxygen.
- Trees conserve water and reduce soil erosion.
- Trees modify the local climate.
- Trees have a psychological impact, thus reducing stress.

## Definitions

The following are definitions with respect to the Tree Bylaw:

“tree” means a self-supporting woody plant, which will reach a height of at least 4.5m (15 ft) at maturity;

“tree diameter” means the measurement of the diameter of the trunk of a tree from outside the bark 140cm (55 inches) above existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three (3) largest stems measured approximately 140 cm (55 inches) above existing grade;

“dead” means a tree that has no living tissue;

“dying” means a tree that is infected by a lethal pathogen or where 70% or more of its crown is dead;

“pruning” means the appropriate removal of not more than one-third of the live branches or limbs of a tree as part of a consistent annual pruning program;

“injury or destruction of a tree” means the injury or destruction of a tree by removal, cutting, girdling of the tree or roots, interfering with the water supply, application of chemical, grading or compaction within the drip line of the tree, or by other means including irreversible injury which may result from neglect, accident or design but does not include pruning.

“emergency work” means the work necessary to terminate an immediate threat to life or property.

“hazard” means a tree that is a potential hazard to property or life but not an immediate threat.

“arborist” means a person with a diploma or degree involving arboriculture from an accredited college or university, a Registered Professional Forester, an accredited Certified Arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience.

“arborist report” means a report prepared by an arborist, which provides details on the species, size and health of a tree to be injured or removed (destroyed) on a lot.

### **When a Permit is Required**

A permit is required where in a calendar year five (5) or more trees each with a diameter of greater than 20cm (8 inches) are to be injured or removed (destroyed) on a lot.

### **When a Permit is Not Required to Injure or Remove a Tree**

A permit is not required to injure or remove a tree under the following circumstances:

1. to injure or remove within one calendar year up to four (4) trees each with a diameter greater than 20 cm (8 inches);
2. to injure or remove any tree(s) that has a diameter of 20 cm (8 inches) or less;
3. for emergency work;
4. if the injury or destruction of a tree on a lot is required as a consequence of any activities or matters undertaken by the Town, Region, the School Boards for the developments of a school or any other government authority or utility corporation;
5. for the removal of dead branches;
6. for the pruning of a tree as defined in the By-law;
7. for trees that are located on rooftop gardens, interior courtyards, or solariums;
8. for a tree on land used for the purpose of a nursery or golf course.

### **Requirements for the Submission of a Permit**

The following information is to be submitted for a Tree Permit to be considered a complete application:

1. A complete Tree Permit application form.
2. Four copies of a plan illustrating the location and diameter of the trees to be injured or removed. The location for the trees to be injured or removed shall be illustrated by showing the distance from the property lines and buildings on the lot. Furthermore, the plan shall also include any new buildings or additions and those trees to be retained.
3. Payment of the required fees.
4. If the base of a tree straddles a property line the written consent of the affected adjacent property owner is required.
5. An arborist report may be required which provides details on the species, size and health of a tree to be injured, destroyed or removed. Note: if all trees are considered dead, dying or hazardous, consult with the Parks Division to determine if an arborist report is required.

**Fees**

All trees considered dead, dying or hazardous  
(to the satisfaction of the Parks Division)

\$0

For the removal of 5 or more trees -

\$415.00 plus \$75.00 for each additional tree (above 5) to a maximum of \$715.00

**Criteria for the Review of a Tree Permit Application**

The Town's review of a permit application will take into account the species, size, and health of a tree. Consideration will also be given to property limitations, the number of trees on site, the context of the site and the owner's reasons to remove the tree. Permits will typically be issued for dead or dying trees and trees that may be a hazard.

Requests to injure or remove trees will be reviewed in conjunction with any related Building Permit, Pool Enclosure Permit, Site Plan, Official Plan Amendment, Rezoning, Subdivision or Committee of Adjustment application. The Parks Division in conjunction with the Planning and Building Departments may request amendments to a development application in order to preserve a tree.

**Conditions on the Issuance of a Tree Permit**

The following are conditions that may be imposed by the Town on the issuance of a Tree Permit:

1. A Tree Preservation Agreement.
2. Hoarding (a protection fence around a tree) may be required to protect those trees being preserved during construction on site.
3. A replacement tree may be required to be planted on the property for every healthy or non-hazard tree removed. The replacement tree shall be balled and burlapped, and have a minimum diameter of 6 cm (2.4 inches). The location on the lot, number and species of the replacement tree(s) may be restricted and vary depending on the size and proposed development of the property. The owner will have to provide four (4) copies of a replanting plan and a written undertaking to ensure that the replacement planting is carried out to Town standards.
4. If replacement tree(s) are required, monies or a letter of credit in a form satisfactory to the Town of Aurora may be required to cover the costs of the replacement trees and the maintenance of the trees for a period of up to two (2) years at which time an inspection will be performed and the monies returned.

**Where do I Submit an Application and Who Can I Contact for Assistance?**

Applications can be obtained and submitted or mailed to the Leisure Services Department, Parks Division, Town of Aurora, 1 Municipal Way, Box 1000, Aurora, Ontario L4G 6J1.

You may call the Parks Division at 905-727-3123, ext 3222 for assistance.

**Process Times**

The typical processing time for applications is 30 days from the submission of a complete application. The length of time to process the application may be impacted if additional information is required or if the Tree Permit application is to be reviewed in conjunction with other development applications.

### **Consideration of a Permit**

When the Manager of Parks receives a application for a permit, the manager shall prepare a report forthwith to be heard by Council. Council will decide whether to approve or refuse the tree permit. The owner may appear before Council to make representation regarding the application by notifying the Clerk.

### **Revocation of Permit**

Council may revoke a permit issued pursuant to this By-law if it was issued because of mistaken, false or incorrect information received from the owner.

### **Posting of Notice to Destroy Trees**

The Owner shall post a "Notice to Destroy Trees" sign on the subject property, in a location visible from the street edge, for a minimum period of two (2) weeks **prior** to the Council meeting. The sign shall be supplied by the Town and shall advise the following:

- a) the date of the Council meeting in which the application for the Tree Permit will be considered.
- b) The name of the Town official to contact for further information.

### **Once a Permit is Approved**

1. The approval of a Tree Permit shall be valid for only one (1) year from the date of issuance.
2. The approved Tree Permit shall be posted on the lot from which the trees are to be injured or destroyed in a location visible from the street edge for the period during which the tree is being injured or removed.

### **Appeal of an Application**

An owner can appeal an application to the Ontario Municipal Board (OMB).

The following are the circumstances under which an owner may appeal an application to the Ontario Municipal Board:

- (a) If Council refuses to issue a permit, provided it is within 30 days after the refusal;
- (b) If the municipality fails to make a decision on an application, within 45 days after the application is received by the Clerk;

or

- (c) If the owner objects to a condition in the permit, provided it is within 30 days after the issuance of the permit.

### **Offences**

1. Any persons who contravenes any provision of this Bylaw is guilty of an offence and is liable:
  - (a) on a first conviction, to a fine of not more than ten thousand dollars (\$10,000) or \$1,000 per tree, whichever is greater; and
  - (b) on any subsequent conviction, to a fine of not more than twenty thousand dollars (\$20,000) or \$2,500 per tree, whichever is greater.

2. Any corporation that contravenes any provision of this By-law and is guilty of an offence is liable:
- (a) on a first conviction, to a fine of not more than fifty thousand dollars (\$50,000) or \$5,000 per tree, whichever is greater; and
  - (b) on a subsequent conviction, to a fine of not more than one hundred thousand dollars (\$100,000) or \$10,000 per tree whichever is greater.

### **Questions and Answers with Respect to the Tree Permit Process**

1. When a permit is not required:

For the injury or removal of up to four (4) trees per calendar year each with a diameter greater than 20 cm (8 inches) or for the injury or removal of any tree with a diameter of 20 cm (8 inches) or less.

2. How do I measure the diameter of a tree?

You can estimate the diameter of the tree by using the template attached in the tree kit and placing it around the trunk of the tree approximately 140 cm (55 inches) above the existing grade. For an accurate measurement of the diameter, measure the circumference of the tree at 140 cm (55 inches) above the existing grade and divide by 3.14.

3. What if there are multiple trunks on my tree?

A multiple trunk tree will be considered as one tree. The diameter of the tree shall be determined by combining the diameter of the three (3) largest trunks or stems measured approximately 140 cm (5 inches) above the existing grade.

4. Do I have to apply for a separate permit for every tree I cut down?

No, under one application you can include as many trees as you wish,

5. If my neighbour is cutting down trees what can I do?

If a neighbour has been issued a permit to remove trees, the permit is to be posted in a visible location on the property during the period the trees are being removed. If you do not see a permit, you may contact the Parks Department at 905-727-3123, ext 3222 to find out if your neighbour has obtained a permit or is required to obtain a permit. An Enforcement Officer may be sent to inspect the site to determine if the neighbour's tree removal may be in contravention of the Tree Permit Bylaw. The telephone number for Bylaw Enforcement is 905-727-3123, ext 4241.

6. Do I have to apply for a separate permit if I have already applied for a Building Permit, Pool Enclosure Permit, Site Plan, Official Plan Amendment, Rezoning, Subdivision, Minor Variance, Consent or Topsoil Removal Permit?

Yes, but only if the proposed development will cause the injury or removal of a tree that is regulated by the Tree Permit Bylaw.