

Date: November 12, 2021	Originator's files:
To: Chair and Members of General Committee	
From: Jodi Robillos, Acting Commissioner of Community Services	Meeting date: December 1, 2021

Subject

Private Tree Protection By-Law Update

Recommendation

1. That the Corporate Report entitled "Private Tree Protection By-Law Update" dated November 12, 2021 from the Commissioner of Community Services be received.
2. That a by-law be enacted to repeal and replace the Private Tree Protection By-law 0254-2012, taking effect on April 1, 2022.
3. That a by-law be enacted to amend the applicable Fees and Charges By-law to include the permit fees set out in this Corporate Report entitled Private Tree Protection By-law Update from the Commissioner of Community Services when the Private Tree Protection By-Law takes effect on April 1, 2022.

Executive Summary

- Engagement webpage, survey and public consultation was held to gather feedback on amendments to the Private Tree Protection By-Law 0254-2012.
- Based on the feedback received, staff recommend that a by-law be enacted to repeal and replace the Private Tree Protection By-law 0254-2012 (the "Updated Private Tree By-law").
- The Updated Private Tree By-law, which will take effect on April 1, 2022, will differ from the current by-law as follows:
 - A permit will now be required to injure or destroy any tree with a diameter of 15 cm (6 in) or greater located on private property. Currently, a permit is required in order to remove 3 or more trees with a diameter of 15 centimetres or greater within a calendar year.
 - Interior courtyards will no longer be exempt from the permit requirements in the by-law.

- Regarding security deposits collected by the City, the permit holder will be required to notify the City when they plant any replacement trees. One year from the date of planting, the permit holder shall notify the City to conduct a final inspection to determine whether the security deposit can be released.
- No person shall injure or destroy a replacement tree that has been planted pursuant to this by-law without a permit.
- A permit may be refused for the removal of a healthy tree.
- All other changes to the Updated Private Tree By-law represent housekeeping amendments (e.g. formatting, clarifying or adding definitions etc.).

Background

The City of Mississauga enacted the Tree Permit By-law in 2001 to regulate the removal of trees located on private property. The purpose of the By-law is to ensure the continued sustainability of the City's urban tree canopy while respecting a property owner's right to develop their lands. As a result, when the initial By-law was enacted, a permit was required for the removal of five (5) or more trees measuring 20 cm (8 in) in diameter or greater.

In 2005, the Tree Permit By-law was amended to reduce the diameter of trees to be regulated from 20 cm (8 in) to 15 cm (6 in).

In 2012, the Private Tree Protection By-law was amended to reduce the number of trees requiring a permit from five (5) or more trees to three (3) or more trees.

- Recommendation # 13 of the Future Directions Master Plan (2019) states that the Private and Public Tree By-Laws should be updated every 5 years to ensure they reflect current best practices and urban forestry standards.
- Action # 15 of the Urban Forest Management Plan (2014) supports updating the Public Tree Protection by-law, which provides support to the City's urban forest expansion objectives.
- Objective # 5 of the Natural Heritage & Urban Forest Strategy (2014) supports the protection of the Natural Heritage System and Urban Forest on public lands through enforcement of applicable regulations and education.

Present Status

The current Private Tree Protection By-Law 0254-2012 requires a permit for the injury, destruction or removal of 3 or more trees greater than 15cm (6 in). A tree permit is not required for the removal of two (2) trees greater than 15 cm (6 in) in diameter in a calendar year. A permit is not required for the removal of trees 15 cm or less in diameter. Exemptions include interior courtyards and golf courses.

The current replacement model for healthy trees are replaced at a 1:1 ratio with at diameter 15 cm (6 in) – 49 cm (19 in) and 2:1 ratio with a diameter of 50 cm (20 in) or greater.

Comments

Proposed Changes for the Private Tree By-Law

- The Updated Private Tree By-law will require a permit for the removal of any individual tree 15 cm (6 in) in diameter or greater. A tree measuring 15 cm (6 in) in diameter or greater is typically a well established, semi-mature tree that significantly contributes to the overall health of the urban forest ecosystem. Encouraging the preservation of trees 15 cm (6 in) in diameter or greater is also consistent with surrounding municipalities.
- The Updated Private Tree By-law will no longer exempt tree removals located in Interior Courtyards from the permit process. Trees measuring 15 cm (6) in interior courtyards contributes to the overall tree canopy and health of the urban forest.
- The Updated Private Tree By-law will require the permit holder to notify the City when they plant any replacement trees. One year from the date of planting, the permit holder shall again notify the City to conduct a final inspection to determine whether the security deposit can be released.
- According to the Updated Private Tree By-law, a permit holder shall not injure or destroy a replacement tree that has been planted pursuant to this by-law without a permit.
- The by-law will now clearly state a permit may be refused based on the health of the tree. The addition of the wording provides greater clarity to the public when applying for a tree permit and manages expectations on when permits will be granted.

Golf courses contribute to open spaces within the City. Individual golf courses have specific management plans that include tree canopy retention and tree replacement programs. The current exception to the by-law recognizes that golf courses are good stewards of the environment with a commitment to ongoing tree protection and preservation along with the replacement of dead or hazardous trees.

Tree Replacement Policies

The tree replacement policies associated with the By-law will also be amended to ensure the recovery of healthy removed trees based on their diameter. The proposed changes to the policy requires a replacement tree for every 15 cm (6 in) of diameter of the tree removed. For example when a tree with a 45 cm (18 in) diameter is removed, three (3) replacement trees will be required to be planted by the landowner. Landowners will maintain the ability to financially contribute towards tree replacements through the replacement planting tree fund when re-planting is not feasible on their property.

Fees and Charges

The proposed amendments will include an amendment to the applicable fees and charges by-law to support a new fee structure as follows:

- Private Tree Removal Permit and/or Permission Permit (one tree) - \$304.00
- Additional Trees Permit (per tree) - \$109.86

The first fee amounts are based on recovery of staff time (application review, initial inspection, hoarding inspection, final inspection, travel time) and additional costs. These fees ensure any trees potentially impacted by activities undertaken during a Private Tree Permit remain protected and preserved long term while recovering 100% of staff costs.

Staffing and Number of Permits

This permit structure follows industry best practices and the corresponding fees fall in the mid-range of neighbouring municipalities. We anticipate the number of permits to increase from an average of 89 to 268 per year as a result of the amendment.

As the number of tree permit/permission applications and required resources are estimates, the program's revenue will be monitored and adjusted as required. Staffing resources required will be offset by revenues and any requests for additional FTE's will be brought forward during regular budget cycles.

Strategic Plan

The proposed Updated Private Tree By-law aligns with the Green Pillar from the City's Strategic Plan that promotes a green culture, in order to lead a change in behaviours to support a more responsible and sustainable approach to the environment, that will minimize our impact on the environment and contribute to reversing climate change. These strategic goals are supported by 3 aforementioned master plan documents.

Financial Impact

The Updated Private Tree By-law will not have a financial impact as the existing Private Tree By-law programs achieves a net zero cost to the City. Any future pressures on the program will be offset by additional fees received resulting from the permit structure changes.

Conclusion

The Private Tree Protection By-law is an important tool for tree protection. The proposed by-law amendments to regulate the removal of single trees 15 cm (6 in) or greater in diameter will strengthen the City's ability to enhance the tree canopy cover and protect the urban forest.

Attachments

- Appendix 1: Private Tree Protection Survey
- Appendix 2: Private Tree Permit Fee Benchmarking
- Appendix 3: Private Tree FAQ's
- Appendix 4: Communications Report Tree Protection By-laws



Jodi Robillos, Acting Commissioner of Community Services

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