

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 12, 2019**

Item 31, Report No. 20, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on June 12, 2019.

#### **31. ADDING PENALTY PROVISION TO THE TREE PROTECTION BY-LAW**

**The Committee of the Whole recommends approval of the recommendation contained in the following report of the Deputy City Manager, Community Services, dated June 4, 2019:**

##### **Recommendations**

1. Amend By-law 052-2018, as amended, by adding the provision that, "Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33."

Item:



## Committee of the Whole Report

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**DATE:** Tuesday, June 04, 2019

**WARD(S):** ALL

**TITLE: ADDING PENALTY PROVISION TO THE TREE PROTECTION BY-LAW**

**FROM:**

Mary Realì, Deputy City Manager, Community Services

**ACTION:** DECISION

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**Purpose**

This report provides a recommendation that would amend the Tree Protection By-law, 052-2018, to provide the City with the authority to issue set fines, pursuant to the *Provincial Offences Act*., for any offences committed under the Tree Protection By-law.

**Report Highlights**

- While enacted under the *Municipal Act*, the Tree Protection By-law is still required to cite section 61 of the *Provincial Offences Act* to permit the issuance of set fines.

**Recommendations**

1. Amend By-law 052-2018, as amended, by adding the provision that, “Every person who is convicted of an offence under this By-law is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chap. P.33.”

**Background**

The City of Vaughan has created set fines for Part I Offences under the *Provincial Offences Act*, 1990 (“POA”) for multiple by-laws. Set fines allow the City to designate

specific penalty amounts for each offence committed under the by-law, simplifying the issuance of penalties by enforcement staff. In this manner, the By-law and Compliance, Licensing & Permit Services Department (BCLPS) has been creating set fines for any relevant by-laws under its purview, including the Tree Protection By-law.

While the Tree Protection By-law was enacted under the authority of the *Municipal Act, 2001*, including its fine amounts, the City must cite the POA, Section 61, in order to issue such set fines for contraventions of the Tree Protection By-law.

### **Previous Reports/Authority**

[REVIEW OF CITY PROCESSES FOR PROTECTION OF TREES](#), Item 10, CW Report No. 26, June 27, 2017.

[REVIEW OF CITY PROCESSES FOR PROTECTION OF TREES](#), Item 2, CW Report No. 10, March 20, 2018.

### **Analysis and Option**

In order for the City to issue set fines for the Tree Protection By-law, it is recommended that the City amend the Tree Protection By-law. Once the Tree Protection By-law is amended, the City will be able to submit its proposed set fines to the Attorney General of Ontario for approval.

### **Financial Impact**

The approval of the recommendation of this report will enable the City to issue penalties under the POA, however the volume of penalties is at this time unknown.

### **Broader Regional Impacts/Considerations**

The proposed recommendation will enable staff to better enforce regulations to protect trees, supporting better tree canopy protection throughout the Regional Municipality of York.

### **Conclusion**

The recommendation of this report, if approved, will allow the City to use short form wordings for offences under the Tree Protection By-law and to issue set fines, pursuant to the POA.

**For more information**, please contact: Gus Michaels, Director and Chief Licensing Officer, ext. 8735.

**Attachments**

None

**Prepared by**

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