

Item:



Committee of the Whole Report

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

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

Carol Ramchuram, Regulatory Policy Analyst, ext. 8783