

Committee of the Whole (Working Session) Report

DATE: Wednesday, May 7, 2025

WARD(S): ALL

TITLE: **UPDATES TO THE CITY'S TREE PROTECTION BY-LAW AND TREE PROTECTION PROTOCOL**

FROM:

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ACTION: DECISION

Purpose

To seek Council approval to enact a new Tree Protection By-law, repeal the existing By-law 052-2018, and update the Tree Protection Protocol to improve clarity, strengthen enforcement, and align with recent legislative changes and municipal best practices.

Report Highlights

- The new Tree Protection By-law, updated Tree Protection Protocol, and recommendations within this report will enhance the City's ability to protect existing trees and support the growth of the urban tree canopy in alignment with the Urban Forest Management Plan.
- The new Tree Protection By-law responds to the *More Homes Built Faster Act, 2022*, ensuring urban forestry objectives are maintained amid shifting legislative requirements and the removal of land-use planning responsibilities from certain upper-tier municipalities.
- The new Tree Protection By-law introduces Administrative Penalties as a streamlined, court-free enforcement tool, with increased maximum fines in alignment with the *Municipal Act, 2001* and informed by a jurisdictional scan of Ontario municipalities.
- The Tree Protection Agreement process will be transferred from the Development and Parks Planning department to the Parks, Forestry, and Horticulture Operations department to improve operational efficiency and enhance customer service.

Recommendations

1. That Council authorize repealing Tree Protection By-law 052-2018, as amended, and replacing it with the By-law substantially in the form of Attachment 1, in a form satisfactory to Legal Services;
2. That Council authorize the updated Tree Protection Protocol in Attachment 2;
3. That Council direct staff to explore streamlining and transitioning governance related to tree protection from York Region to the City with a view of enhancing local oversight and implementation efficiency while fostering a greater role for the City in regulatory and enforcement matters in support of the objectives of the Urban Forest Management Plan; and
4. That the City Clerk be directed to share a copy of this Report with York Region.

Background

The City's current Tree Protection Protocol and Tree Protection By-law 052-2018 were approved by Council in 2018 with the intention of improving tree preservation outcomes

By-law 052-2018 governs the planting, maintenance, and removal of trees on both public and private property. The Tree Protection Protocol complements By-law 052-2018 by outlining the procedures and technical standards required to protect trees through the development review process. Since its implementation, the Tree Protection Protocol has enhanced clarity and strengthened interdepartmental coordination, leading to significantly improved oversight of tree preservation activities across the city.

The More Homes Built Faster Act, 2022, adds a new dimension to the regulation of the urban forest and planning responsibilities

The *More Homes Built Faster Act, 2022*, removed land-use planning responsibilities from certain upper-tier municipalities, including York Region, and transferred them to lower-tier municipalities with the goal of streamlining the planning and development process, increasing housing supply, and removing barriers to construction. This provincial legislation permits the Minister of the Environment, Conservation and Parks to issue a notice requiring the removal of trees within 30 metres of a residential construction projects and reduces the number of developments requiring site plan approval.

As a result, the City must explore alternative approaches to achieve its urban forestry objectives including broadening the applicability of Tree Protection Agreements to include a wider array of project types and exploring education and promotion opportunities to share tree permitting requirements as part of the building permit application process. Updates to the Tree Protection By-law and Tree Protection

Protocol provide an opportunity to respond to these evolving legislative requirements. Further streamlining of forestry functions may be possible in light of the removal of land-use planning responsibilities from certain upper-tier municipalities.

Vaughan's urban forest delivers a wide range of environmental, social, and economic benefits with residents having ranked the protection of Vaughan's urban forest as the most important goal of the City's forestry-related services

During the development of the City's Urban Forest Management Plan, staff conducted extensive community engagement. Residents ranked the protection of trees and woodlands for future generations as the most important to them, including a review of associated by-laws and penalty structures. The benefits of the City's urban forest include climate change adaptation and mitigation, shade and urban cooling, carbon sequestration and storage, stormwater interception, and enhanced physical and mental well-being for residents.

Vaughan's Urban Forest Management Plan provides goals, strategies, actions and targets for the protection and enhancement of the urban forest, including the need to update the City's Tree Protection By-law 052-2018 and the Tree Protection Protocol

The Urban Forest Management Plan is a Council-endorsed 20-year master plan in which the protection of trees is one of five over-arching goals with a target of achieving 25 per cent City-wide canopy cover by 2051. The Plan was endorsed by Council in 2024.

Strategy 12 of the Urban Forest Management Plain aims to ensure the City's regulatory tools, standard processes, and compliance measures are consistently supporting effective tree protection. Recommendations within this strategy area include Tree Protection Protocol updates, repeal and replacement of the City's Tree Protection By-law, development of a municipal licensing program for tree care companies and enhancement of by-law enforcement capacity.

Opportunities to enhance the City's ability to protect trees and support the continued growth of the urban tree canopy include:

- ensuring clear and consistent language across both the Tree Protection By-law and Tree Protection Protocol
- reviewing and adjusting fine amounts
- introducing Administrative Penalties as an additional enforcement mechanism
- aligning the City's approach with best practices from neighbouring municipalities

The above noted opportunities, along with corresponding recommendations, are discussed in greater detail within this report.

Previous Reports/Authority

[Tree Protection By-law 052-2018](#)

[More Homes Built Faster Act, 2022](#), Royal Assent received November 28, 2022.

[Review of the City Processes for Protection of Trees](#), Item 2, Report No. 10, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on March 20, 2018.

[Review of City Processes for Protection of Trees](#), Item 10, Report No. 26, of the Committee of the Whole, which was adopted, as amended, by the Council of the City of Vaughan on June 27, 2017.

[Council-approved By-law Strategy](#), Item 3, Report No. 3, adopted on June 24, 2014.

Analysis and Options

Opportunities to enhance the City's current Tree Protection By-law and associated Tree Protection Protocol were informed by a jurisdictional scan including various cities across the province

An interdepartmental team of City staff gathered insights and lessons learned from the enforcement of similar tree protection by-laws. Staff consulted with the Building Industry and Land Development Association and conducted a jurisdictional scan of tree preservation by-laws and associated penalty frameworks from various Ontario municipalities, including Brampton, Burlington, London, Markham, Newmarket, Oakville, Richmond Hill and Toronto.

Findings from the scan indicate that many municipalities have aligned their penalty structures with the maximum allowable amounts under the *Municipal Act, 2001* for provincial offences. Among those that have adopted Administrative Penalties as an enforcement tool, most have set penalty amounts that remain relatively low in comparison to the actual environmental and administrative costs incurred in addressing non-compliance.

The new Tree Protection By-law includes updated definitions to enhance clarity, additional enforcement options to expand responsiveness and applicability, and the inclusion of Administrative Monetary Penalties to enforce compliance

The new Tree Protection By-law includes language refinements that enhance clarity, consistency, and ease of interpretation. Updates to definitions include the addition of terms such as woodlands, natural heritage features, arborist qualifications, best

practices and standards for arborist reports, and other technical terminology. These revisions are intended to support a clearer understanding of the Tree Protection By-law while providing a stronger foundation for effective enforcement.

While public education remains the preferred approach in achieving positive forestry outcomes, the new Tree Protection By-law introduces a broader range of enforcement mechanisms to address non-compliance. Depending on the severity of an infraction, enforcement actions may now include orders to comply, charges under the *Provincial Offences Act*, and the application of Administrative Penalties. Maximum fines have been increased to align with the limits prescribed under section 429 of the *Municipal Act, 2001*.

The new Tree Protection By-law recommends the adoption of an Administrative Penalty framework which will align Vaughan with a growing number of municipalities implementing this enforcement tool for a broader range of offences. The Administrative Penalty system enables a more efficient and streamlined approach to enforcement, administered entirely at the municipal level without requiring court proceedings. The Administrative Penalty amounts proposed in the new Tree Protection By-law have been established to function as effective deterrents while remaining non-punitive, in accordance with provincial guidelines. These penalties are designed to reflect the actual costs associated with a compliant approach to tree removal or injury, including environmental considerations such as monetary compensation for tree replacement.

The new Tree Protection By-law is included as Attachment 1 and a general summary of the changes is provided below:

NO	BY-LAW 052-2018	NEW BY-LAW	IMPACT
1	Definitions would benefit from greater clarity	Clarified and broadened to include key elements such as Tree Protection Agreements, Private Boundary Tree and Tree Replacement Ratios	Enhanced to ensure greater clarity, comprehensiveness and alignment with current standards and practices
2	Presumption clause applicable only to permit holders and applicants	Presumption clause applicable to property owners as well as permit holders and applicants	Ability to enforce in instances where the property owner has not applied for a permit
3	Prohibited activities lacked clarity with respect to tree protection zones	Describes unauthorized activities and clearly defines the size requirements for tree protection zones	Provides all relevant information to the reader in a clear and transparent manner
4	Requires letter of consent from neighbouring property owners when applying to remove a tree within 6m of a property line	Requires a letter if consent from neighbour property owners only when the tree is considered a boundary tree	Provides more intuitive requirements for permit applications with respect to when consent is required from adjacent landowners

NO	BY-LAW 052-2018	NEW BY-LAW	IMPACT
5	Describes considerations for when a permit may not be issued	Describes considerations for when a permit may be issued	Provides a stronger position for protecting the urban forest
6	Tree Protection Protocol and Tree Protection Agreements excluded	Tree Protection Protocol and Tree Protection Agreements included	Provides authority to implement and amend Tree Protection Protocol and issue Tree Protection Agreements as well as ability to enforce on sites under Tree Protection Agreements
7	Duties of Permit Holders excludes Tree Protection Agreements	Duties of Permit Holders includes Tree Protection Agreements	Stronger enforcement capabilities for sites under Tree Protection Agreements
8	Enforcement Powers section is generic and lacking detail	Enforcement Powers section is detailed and includes specific capabilities for orders to comply	Increased ability to achieve positive forestry outcomes without the need for charges or penalties
9	Recovery of Costs for Remedial Action by the City section is excluded	Recovery of Costs for Remedial Action by the City section is included	Provides ability for the City to perform remedial work at the owner's expense
10	Offences and Penalties for provincial offences ranging from \$250 to \$10,000.	Offences and Penalties for provincial offences ranging from \$500 to \$100,000.	Penalties for provincial offences aligning with allowable amounts per Municipal Act
11	Administrative Penalties are excluded	Administrative Penalties are included	Provides authority for the City to manage offences within the local jurisdiction

The updated Tree Protection Protocol includes a series of technical amendments and changes to the review of forestry-related considerations during the development process to support service excellence in City-building

The updated Tree Protection Protocol provides more clarity on stakeholder roles and responsibilities, technical definitions, specifications for boundary trees and incorporates recommendations from the Urban Forest Management Plan regarding tree species diversity. The updated Tree Protection Protocol is included as Attachment 2.

Administration of the Tree Protection Agreement process will be transferred from the from the Development and Parks Planning department to the Parks, Forestry, and Horticulture Operations department. This will streamline the review process and provide a more efficient and coordinated experience for applicants, particularly within the development community. Centralizing this function under Public Works will help eliminate redundant processes and support a more integrated and responsive approach to tree protection. These changes align with the City's commitment to continuous improvement, service excellence, and environmental sustainability.

Financial Impact

No financial impact is expected as a result of the new Tree Protection By-law and the updated Tree Protection Protocol.

Operational Impact

The new Tree Protection By-Law and updated Tree Protection Protocol were prepared in consultation with:

- Legal Services
- By-Law and Compliance, Licensing and Permit Services
- Development and Parks Planning
- The Office of the City Clerk
- Policy Planning and Special Programs

Operational impacts are anticipated to primarily involve the realignment of roles and responsibilities in the administration of Tree Protection Agreements.

Broader Regional Impacts/Considerations

Staff engaged with various comparator municipalities and York Region to identify best practices and opportunities for improved alignment. These efforts support stronger coordination between lower-tier municipal and regional levels in the delivery of forestry-related services; however, further streamlining and transitioning of forestry functions could be explored in light of the removal of land-use planning responsibilities from York Region.

Conclusion

This report supports the Term of Council Priority on Environmental Sustainability by reinforcing the City's commitment to protecting the environment and advancing a sustainable future. The recommendations within this report are expected to strengthen the effectiveness of the City's by-laws, enabling a more proactive response to both current and emerging urban forestry challenges, while continuing the implementation of the Urban Forest Management Plan.

For more information, please contact: Shanon Kalra-Ramjoo, Director, Parks, Forestry and Horticulture Operations, ext. 6308

Attachments

1. New Tree Protection By-law
2. Updated Tree Protection Protocol

Prepared by

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