

# *THE CITY OF VAUGHAN*

# *BY-LAW*

## **BY-LAW NUMBER 167-2019**

**A By-law of the Corporation of the City of Vaughan to amend the Tree Protection By-law 052-2018, as amended.**

**AND WHEREAS** 11(2) of the Municipal Act, 2001, S.O. 2001, c.25 provides that a lower-tier municipality may pass by-laws respecting the economic, social and environmental well-being of the municipality, including respecting climate change;

**AND WHEREAS** section 135(1) of the Municipal Act, 2001, S.O. 2001, c.25, without limiting sections 9, 10 and 11 and subject to a by-law passed by an upper-tier municipality, provides for a lower-tier municipality to prohibit or regulate the destruction or injuring of trees;

**AND WHEREAS** the Council of The Corporation of the City of Vaughan wishes to pass a by-law that, for the purpose of protecting the municipality's tree canopy, regulates the removal of trees within the City;

**NOW THEREFORE** the Council of The Corporation of the City of Vaughan **ENACTS AS FOLLOWS:**

1. That Tree Protection By-law 052-2018 be amended as follows:

(a) the "Title" section be replaced with an "Authority and Short Title" section, as follows:

### 1.0 Authority and Short Title

(1) This By-law was approved by Item No. 2 of Report No. 10 of the Committee of the Whole and passed by City Council on March 20, 2018.

(2) The By-law shall be known and referenced as the "Tree Protection By-law."

(b) an "Applicability and Scope" section be added, as follows:

### 2.0 Applicability and Scope

- (1) This By-law applies to all properties and Public Lands within the boundaries of the City of Vaughan.
- (2) Despite any prohibitions or restrictions in this By-law, its provisions do not apply to:
  - a) any Trees that are regulated under Regional by-law(s), such as Forest Conservation By-law, in which the provisions of the Regional by-law(s) conflict with this by-law;
  - b) any activities or matters undertaken by the City, the Region, a school board for the development of a school, or any other government authority, conservation authority, or utility corporation;
  - c) activities or matters undertaken under a licence issued under the Crown Forest Sustainability Act, 1994, S.O. 1994, c25;
  - d) the Injuring or Destruction of Trees by a person licensed under the Surveyors Act, R.S.O. 1990, Chapter S.29, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
  - e) the Injuring or Destruction of Trees as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the Planning Act, R.S.O. 1990, c. P.13, or as a requirement of a site plan agreement or subdivision agreement entered into under those sections, or as otherwise addressed in an executed, written agreement with the City;
  - f) the Injuring or Destruction of Trees as a condition to a development permit authorized by regulation made under section 70.2 of the Planning Act, R.S.O. 1990, c. P.13, or as a requirement of an agreement entered into under the regulation;

- g) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- h) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the Aggregate Resources Act, R.S.O. 1990, c. A.8; or
- i) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
  - (i) that has not been designated under the Aggregate Resources Act, R.S.O. 1990, c. A.8 or a predecessor of that Act, and
  - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the Planning Act, R.S.O. 1990, c. P.13.

- (c) Delete sections 3 and 4, and to renumber the subsequent sections accordingly.

Enacted by City of Vaughan Council this 19<sup>th</sup> day of November, 2019.

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Hon. Maurizio Bevilacqua, Mayor

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Todd Coles, City Clerk