



City of  
Peterborough

DRAFT

## The Corporation of the City of Peterborough

### By-Law Number 17-xxx

Being a By-law to Regulate the Removal and Replacement of Woodlands in the City of Peterborough entitled the Woodland Conservation By-law.

#### Recitals

- A. Section 10(2) of the **Municipal Act**, 2001, (the “**Act**”) permits a single-tier municipality to pass by-laws respecting the economic, social and environmental well-being of the municipality.
- B. Section 135(1) of the **Act** supplements that broad power contained in Section 10(2) of the **Act**, and permits a local municipality to enact by-laws to prohibit or regulate the destruction or injuring of trees within the municipality.
- C. Section 135(7) of the **Act** permits a local municipality to require that permit be obtained to injure or destroy trees and impose conditions, including conditions relating to the manner in which destruction occurs and the qualifications of person authorized to injure or destroy trees.
- D. City Council in recognition of the environmental, aesthetic value and public health benefits of Woodlands wishes to conserve and protect trees within Woodlands by regulating and prohibiting the destruction and injury of trees within Woodlands.
- E. City Council has determined that conserving Woodlands is a matter respecting the economic, social and environmental well-being of the municipality.
- F. City Council has determined that the enactment and promotion of Woodland conservation regulations, including a permit system which will require replanting trees, are means of heightening public awareness and of achieving the conservation and enhancement of natural areas within the municipality.
- G. City Council has determined that the enactment and promotion of Woodland conservation regulations and the objectives of the City’s Urban Forest Strategic Plan, which objectives include no net loss of tree canopy and using good arboricultural practice to prolong the life of trees.

**Now Therefore**, The Council of Corporation of the City of Peterborough enacts as follows:

#### Part I – Title, Scope and Interpretation

1. The short title of this by-law is the “Woodland Conservation By-law”.
2. Subject to the exemptions noted in Part IV of this by-law, this by-law regulates the Injury or Destruction of all Trees within Woodlands, including Trees within Plantation Woodlands, located within the City, whether the Woodland is located on private property or on land owned by the City. In the event that a Woodland straddles the City’s boundary, this by-law applies to that portion of the Woodland which is located within the City.
3. For the purposes of this by-law:

- a. Certain words have be capitalized for convenience and whether a defined term or phrase appears in the body of this by-law as a capitalized term or in ordinary case, the term or phrase shall have the meaning given to it in Part II. Where any word, not defined in Part II is used the commonly applied English language meaning is intended.
  - b. Wherever a word defined in Part II of this by-law is used as a noun, verb, adverb or adjective it shall be interpreted as having a corresponding defined meaning even if appearing in ordinary case.
  - c. References to items in the singular include the plural, as the context requires.
  - d. References to any **Act**, regulation or by-law include references to any former and successor **Act**, regulation or by-law thereto.
4. This by-law regulates the Injury or Destruction of:
- a. Trees within a Designated Area subject to an Approved Development Agreement; or
  - b. Hazardous Trees within a Designated Area subject to a Permit.

**Part II – Definitions**

5. For the purposes of this by-law:
- a. **Act** – means the **Municipal Act, 2001**, S.O. 2001, c.25, as amended.
  - b. **Approved Development Agreement** – means a site plan, draft plan of subdivision, community improvement plan or development agreement, which contains requirements for replanting trees provided such plan or agreement has been circulated and reviewed in accordance with the City’s normal and ordinary practice and which has received approval under the **Planning Act**. An Approved Development Agreement does not include the Official Plan, an Official Plan Amendment or a Secondary Plan. An Approved Development Agreement shall contain such conditions as the Director determines appropriate, including conditions to provide performance security and to replant Trees and shall, once registered on title, constitute a Permit under this by-law.
  - c. **Arborist** – means a person expert in the care and maintenance of trees with an accredited college or university degree in urban forestry, arboriculture or equivalent and who is:
    - i. an arborist qualified by the Ontario Training and Adjustment Board Apprenticeship and Client Services Branch;
    - ii. an International Society of Arboriculture (ISA) Certified Arborist, holding current certification and in good standing with the ISA;
    - iii. a consulting arborist registered with the American Society of Consulting Arborists (ASCA);
    - iv. A Registered Professional Forester (RPF) as defined in the **Professional Foresters Act**, 2000, S.O. 2000, c. 18, as amended or replaced from time to time; or
    - v. the City’s Urban Forest Manager;
    - vi. a person with similar qualifications as approved by the Director.

- d. **Boundary Tree** – has the meaning given to it in the **Forestry Act**, RSO 1990, c. F.26. (the “**Forestry Act**”)
- e. **City** – means, as the context requires, the Corporation of the City of Peterborough or the land within the municipal boundary of the City of Peterborough.
- f. **City Council** or **Council** – means the municipal council of the Corporation of the City of Peterborough.
- g. **Committee (the)** – means the decision making committee that hears and decides an appeal under this by-law. The Committee’s terms of reference are set out in Schedule D to this by-law.
- h. **Designated Area** – means a:
  - i. Woodland as defined in the **Forestry Act** provided the Designated Area is one hectare or more in area; or
  - ii. Plantation Woodland.
- i. **Destroy** – means any action which causes or results in any of the following to a Tree:
  - i. physiological injury;
  - ii. physical injury; or
  - iii. irreversible decline or death of a Tree including removing or cutting down a Tree;

**Destruction** shall have a corresponding meaning to **Destroy**;
- j. **Director** – means the Director of Utility Services for the City of Peterborough or his or her designate;
- k. **Good Forestry Practice** – has the meaning given to it in the **Forestry Act** provided the harvesting, renewal and maintenance activities are implemented in accordance with the conditions, as the case may be, the Approved Development Agreement or the Permit.
- l. **Hazardous Tree** – means:
  - i. a destabilized or structurally compromised Tree, or a Tree with Pest infestation, with a probability of failure that, in the opinion of an Arborist, presents a significant risk of harm to people or property; or
  - ii. a Tree that, in the opinion of an Arborist:
    - 1. can not have its life prolonged or be made safe through Good Arboricultural Practice; or
    - 2. is in a state of irreversible decline and is unlikely to become healthy through a natural process of recovery; or
    - 3. is a threat to the surrounding natural environment.
- m. **Injure** – means to injure or Destroy a Tree by any action that causes physiological, physical, biological or chemical damage to or the death of a Tree, but does not include pruning or removing branches in accord with Good Forestry Practice conducted in accordance with a Permit. **Injury** or **Injured** shall have their corresponding meaning.

- n. **Notice of Appeal** – means a written notice received by the City Clerk, sent by or on behalf of an Owner setting out, at a minimum, the following information:
  - i. if the Appeal is to an Order, which aspects of the Order is being appealed and which are not;
  - ii. if the Appeal is to an Order, any relevant information that the Owner thinks Director or Officer failed to take into consideration.
  - iii. if the Appeal is to a condition included in a Permit, which condition is being appealed and which conditions are not;
  - iv. if the Appeal is to a condition included in a Permit, any relevant information that the Owner thinks Director or Officer failed to take into consideration.
- o. **Nursery** – means a lot on which the principal active business is the growing of plants, shrubs and trees for sale to the public. A Nursery is not a Designated Area.
- p. **Officer** – means an individual appointed by Council for the administration and enforcement of municipal by-laws and includes the City’s Director of Utility Services, the City’s Urban Forestry Manager, and any designate to the foregoing.
- q. **Orchard** – means a lot on which the principal active business is the growing of fruit for sale to the public. An Orchard is not a designated Area.
- r. **Order** – means any Order:
  - i. issued by the Director under the authority of this by-law; or
  - ii. issued by a judge or justice of the peace under the authority of the Act, the **Forestry Act**, the **Provincial Offences Act**, this by-law or other applicable law.
- s. **Owner** – means a person having any right, title, interest or equity in land or any such person’s authorized representative and includes the Person managing or receiving the rent of the land and includes a lessee or occupant of the land.
- t. **Permit** – means a valid permit, issued under Part V of this by-law, to Injure or Destroy a Tree.
- u. **Person** – means an individual, including an Owner, an Arborist, an association, a partnership, or a corporation.
- v. **Pest** – means a biotic disorder and includes any insect or disease that, in the opinion of an Arborist, is likely to cause the destruction of or injury to Trees, and shall include the insects and diseases included in Schedule A to this By-law;
- w. **Plantation Woodland** – means a type of Woodland one hectare or more in area which contains Trees which have been intentionally planted. A Plantation Woodland is a Designated Area.
- x. **Tree** – includes a Boundary Tree and a Hazardous Tree and means any species of woody perennial plant, including its root system, which has reached or has the genetic potential to reach a height of at least 4.5

metres and a DBH of at least 7.5 centimetres at physiological maturity whether the Tree is located on City-owned land or on privately owned land or which forms part of a hedgerow. The definition of Tree does not include:

- i. European Buckthorn;
  - ii. Glossy Buckthorn; or
  - iii. an Ash Tree that, in the opinion of an Officer, is infested by the Emerald Ash Borer.
- y. **Tree Conservation By-law** – means City of Peterborough By-law No. 17-xxx, or any successor by-law regulating the injury or destruction of trees in the City of Peterborough.
  - z. **Woodland** – has the meaning given to it in the **Forestry Act** and includes a Plantation Woodland.

### Part III – Prohibitions

- 6. No person shall Injure or cause or permit Injury to:
  - a. a Tree in a Designated Area except in accordance with an Approved Development Agreement; or
  - b. a Hazardous Tree except in accordance with a Permit issued by the Director under this by-law.
- 7. No Person shall:
  - a. contravene the terms or conditions of an Approved Development Agreement;
  - b. cause or permit the contravention of the terms or conditions of an Approved Development Agreement;
  - c. contravene the terms or conditions of a Permit issued under this by-law; or
  - d. cause or permit the contravention of the terms or conditions of a Permit issued under this by-law.
- 8. Every Person shall comply with an Order issued under this by-law.
- 9. No Person shall remove or deface any Order that has been posted pursuant to this by-law.

### Part IV – Exemptions

- 10. This by-law does not apply to:
  - a. a Designated Area that is the subject of an Approved Development Agreement;
  - b. an Orchard or a Nursery; or
  - c. a Hazardous Tree, for which a Permit has been issued under this by-law.
  - d. activities exempted by Subsection 135(12) of the **Act** as follows:
    - i. activities or matters undertaken by a municipality or a local board of a municipality;

- ii. activities or matters undertaken under a license issued under the **Crown Forest Sustainability Act, 1994**;
  - iii. the injuring or destruction of Trees by a person licensed under the **Surveyors Act** to engage in the practice of cadastral surveying or his or her agent, while making a survey;
  - iv. the injuring or destruction of Trees imposed after December 31, 2002 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** or as a requirement of a site plan agreement of subdivision agreement entered into under those sections;
  - v. the injuring or destruction of Trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under Section 70.2 of the **Planning Act** or as a requirement of an agreement entered into under the regulation;
  - vi. 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;
  - vii. the injuring or destruction of Trees undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the **Aggregate Resources Act**; or
  - viii. the injuring or destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land, (1) that has not been designated under the **Aggregate Resources Act** or a predecessor of that **Act**, and (2) on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the **Planning Act**.
- e. a Woodland or Plantation Woodland which is subject to a Managed Forest Tax Incentive Program (a “MFTIP”) approved by the Ministry of Natural Resources and Forestry and a copy of same has been filed with the Director.

**Part V – Permits and Approved Development Agreements**

11. If an Owner thinks that emergency work is required to Injure a Hazardous Tree, the Owner shall, as soon as practicable, and prior to Injuring the Hazardous Tree:
- a. notify the City so as to provide the City with a reasonable opportunity to inspect the Hazardous Tree; and
  - b. provide the Director with documentation including but not limited to:
    - i. a Report, if available;
    - ii. photographs of the size/height of the Hazardous Tree;
    - iii. a diagram showing the distance between the Hazardous Tree and any buildings; and
    - iv. a description of the specific nature of the danger posed by the Hazardous Tree.

12. The exemption outlined in Section 11 above, only applies if the City has been provided with a reasonable opportunity to inspect the subject tree and the Director has given his/her verbal or written approval to Injure the Hazardous Tree.
13. The notice and documentation requirements contained in Part V of this by-law shall be sent to: [treebylaw@peterborough.ca](mailto:treebylaw@peterborough.ca) or delivered to City Hall marked as Woodland By-law Permit Application.
14. Council hereby delegates to the Director the power to:
  - a. upon receipt of an application completed in accordance with the requirements of Schedules B and C, issue a Permit, including the authority to include conditions on a Permit, in accordance with Part V of this by-law;
  - b. amend the pricing contained in Table 1 in Schedule B, **Woodland and Plantation Woodland Replanting Costs**, on an annual basis; and
  - c. designate Officers.
15. Every person who intends to Injure or Destroy:
  - a. a Tree in a Designated Area shall, prior to Injuring or Destroying a Tree, apply for and obtain an Approved Development Agreement; or
  - b. a Hazardous Tree in a Designated Area shall, prior to Injuring or Destroying a Hazardous Tree, apply for and obtain a Permit.
16. The Director may issue a permit to Injure or Destroy a Hazardous Tree, if satisfied that the Owner has proposed an activity which:
  - a. is consistent with Good Forestry Practice;
  - b. will not interfere with natural drainage processes;
  - c. will not result in significant soil erosion, significant slope instability or significant siltation in a watercourse;
  - d. will not have a significant impact on any healthy vegetation community within and/or adjacent to the subject site; and
  - e. will not have a significant impact on any fish or wildlife habitat within and/or adjacent to the subject site.
17. The Director may include such terms and conditions on a Permit to Injure or Destroy a Hazardous Tree as recommended by an Officer as necessary to ensure that the proposed activity:
  - a. will be undertaken in accordance with the Good Forestry Practise; and
  - b. adequately provides for replanting Replacement Trees.
18. The Director may, prior to making a decision, refer an Owner's application for a Permit to and obtain comment from:
  - a. municipal staff;
  - b. members of, public agency, advisory body; and/or
  - c. another qualified professional.

19. A Permit issued pursuant to this by-law shall expire on the 365<sup>th</sup> day after its date of issuance and the Director may, upon receipt, prior to expiry, of an Owner's, renew the Permit with or with additional conditions for a further period of up to 365 days.
20. The fee for a Permit to Destroy a Hazardous Tree issued by an Officer under this by-law shall be \$300.00, except that no fee shall apply if the land upon which the Trees are located is subject to:
  - a. an Approved Development Agreement; or
  - b. a MFTIP.
21. The Director shall have the authority to reduce or waive the Permit fee upon such conditions as the Director determines are appropriate.
22. The Director may require the Approved Development Agreement to be registered on title at the Owner's expense to the subject lands. Where appropriate, the Director may also require, as a condition within an Approved Development Agreement, that the Owner post with the City security in an amount determined by the Director in order to ensure performance of the Owner's obligations under the Approved Development Agreement.

**Part VI – Administration and Enforcement**

23. This by-law shall be administered by Director, whose powers include: designating one or more persons as Officers, amending the costs contained in Schedule B from time to time and to amending the information being collected under Schedules B and C.
24. This by-law shall be enforced by any Officer, or by any other person authorized to enforce City by-laws.
25. An Officer may, during daylight hours, enter and inspect any land to which this by-law applies and may be accompanied by such persons as he/she determines will be of assistance.

**Part VII – Orders and Appeal to the Committee**

26. If, after inspection, an Officer is satisfied that a contravention of this by-law has occurred, the Officer may make an Order requiring the person to stop Injuring or Destroying Trees and the Order shall contain particulars of the contravention.
27. A person:
  - a. who has received an Order issued under this by-law may appeal the Order to the Committee by filing a Notice of Appeal to the City Clerk within 30 days after the date of the Order; or
  - b. to whom a Permit has been issued pursuant to this by-law may appeal the Director's conditions to the Committee by filing a Notice of Appeal to the City Clerk within 30 days after the date of Permit's issuance.
28. Prior to hearing an appeal, the Committee may refer any application, associated plan or information to members of a municipal staff, public agency, advisory body and/or other qualified professional for comment prior to making a decision.
29. As soon as practicable after a Notice of Appeal is filed, the Committee shall hear the appeal and may decide to:
  - a. confirm, vary, or revoke the Order; and/or



- b. confirm or vary the conditions contained within the Permit.
30. The decision of Committee under Section 27 of this by-law is final.

**Part VIII – General Offence Provisions**

21. Any person who contravenes any provision of the by-law is guilty of an offence and is liable, upon conviction, to a fine as prescribed by applicable law for each offence, recoverable under the provisions of the **Provincial Offences Act**, as follows:
- a. on a first conviction, to a fine of not more than \$10,000; and
  - b. on any subsequent conviction, to a fine of not more than \$20,000.
32. If a person is convicted of an offence under this by-law, in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an Order prohibiting the continuation or the repetition of the offence of any person.
33. If a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to replant or have replanted Trees in such manner and within such period of time as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees or have the Trees re-established.
34. Under Sections 441 and 441.1 of the **Act**, the City's treasurer may add any part of an unpaid fine to the tax roll for any property in the City which the Owner or person is responsible for paying and collect it in the same manner as municipal taxes.

**Part IX – Schedule**

35. Schedules A, B, C, D and E form part of this by-law. Schedule E is subject to change in accordance with the by-law entitled "A By-law to Establish User Fees".
36. The by-law entitled "A By-law to Establish User Fees" is hereby amended by Schedule E attached hereto.

**Part X - Severability**

37. If any section, subsection or part or parts thereof are declared by a court of competent jurisdiction to be illegal, invalid or otherwise unenforceable, such provision shall be deemed to be severable and the remainder of this by-law shall be declared to be separate and independent and enacted as such.

**Part XI – Effective Date**

37. This by-law comes into effect on the date it receives third reading.
38. Despite Section 39 of this by-law, By-law No. 97-68 shall continue to apply to proceedings or to prosecutions that were initiated prior to its repeal.

**Part XII - Repeal**

39. By-law No. 97-68 is repealed effective on the date this by-law is adopted.

By-law read a first, second and third time this 2<sup>nd</sup> day of October 2017.

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Daryl Bennett, Mayor

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John Kennedy, City Clerk

**Schedule A – List of Pests and Diseases**

Pests:

- a. Asian Longhorned Beetle (*Anoplophora glabripennis*)
- b. Carpenter Ants (where infestation is significant and treatment impractical);
- c. Emerald Ash Borer (*Agrilus planipennis*);
- d. Hemlock woolly adelgid (*Adelges tsugae*)
- e. Pine Engraver Beetle (*Ips pini*)

Diseases:

- a. Bacterial or fungal infection which, in the reasonable opinion of the Director is detrimental to the Tree's health
- b. Dutch Elm Disease (*Ophiostoma novo-ulmi*)
- c. Verticillium Wilt (*Verticillium dahliae*) where, if left unchecked, and which, in the reasonable opinion of the Director, pose a significant threat to the health of adjacent property, plant material or the urban forest in general; and;

General:

- a. Other such Pests or diseases which, if left unchecked, and which, in the reasonable opinion of the Director, pose a significant threat to the health of Trees on adjacent property or the urban forest in general.

**Schedule B – Costs for Replanting**

If a Woodland or a Plantation Woodland or a remnant of the foregoing, or if a group of Trees or and a hedgerow is removed, replanting shall occur on an equal area basis and with a species composition designed to replicate the lost diversity of Trees.

Each Woodland and Plantation Woodland will be classified under the Ministry of Natural Resources and Forestry’s **Ontario Ecological Land Classification for Southern Ontario**.

The replanting cost for a Woodland or Plantation Woodland will vary depending on the diversity of Tree species found within the foregoing.

If the area available for replacing Trees is insufficient to permit replanting the required number and species of replacement Trees on the Owner’s land, the Owner shall pay to the City the average of the lowest and highest unit price contained in the Woodland or Plantation Woodland Replanting Costs as set out in the then current Table 1.

**Table 1 – Woodland and Plantation Woodland Replanting Costs**

Replanting to achieve reforestation assumes planting of seedlings (50/50 mix of coniferous and deciduous species). All Trees shall receive a mulch mat for suppression of weed growth. All hardwoods shall be contained in a tubex tree shelter installed on a metal T-post. The Owner shall guarantee Tree survival and installed materials for a minimum of 2 years.

Materials Item	Pricing					
	Unit			Total (1,500 trees/hectare)*		
	Lowest	Highest	Average	Lowest	Highest	Average
Conifer seedlings	\$0.90	\$3.00	\$1.66	\$1,350.00	\$4,500.00	\$2,485.92
Deciduous seedlings	\$1.25	\$12.00	\$4.88	\$1,875.00	\$18,000.00	\$7,318.95
Average seedling	\$1.08	\$7.50	\$3.27	\$1,612.50	\$11,250.00	\$4,902.43
Tree shelters (based on 50% conifer (no shelter needed) and 50% deciduous planting)	\$3.62	\$4.86	\$4.24	\$2,715.00	\$3,645.00	\$3,180.00
Metal T-bars for tree shelters	\$4.50	\$9.99	\$7.25	\$3,375.00	\$7,492.50	\$5,433.75
Mulch mat (TassuCol)	\$1.07	\$1.07	\$1.07	\$1,605.00	\$1,605.00	\$1,605.00
Staples for mulch mat (2 staples per mat)	\$0.20	\$0.20	\$0.20	\$295.20	\$295.20	\$295.20
<b>Total materials</b>	<b>\$6.40</b>	<b>\$16.19</b>	<b>\$10.28</b>	<b>\$9,602.70</b>	<b>\$24,287.70</b>	<b>\$15,416.38</b>
<b>Installed cost**</b>				<b>\$24,006.75</b>	<b>\$60,719.25</b>	<b>\$38,540.96</b>
<b>Installed cost / tree**</b>				<b>\$16.00</b>	<b>\$40.48</b>	<b>\$25.69</b>

\* 1500 trees/hectare (2.58 m x 2.58 m) based on minimum density to achieve a productive forest. Source: Forests Ontario 50 Million Tree Program Outline. Density range 1,500 to 2,200 trees/ha.

\*\* Installed tree cost is based on 2.5x the cost of tree and materials. Includes a 2-year guarantee. Source: [ww.isaontario.com/news/plant-appraisal-guide-status-update](http://ww.isaontario.com/news/plant-appraisal-guide-status-update), accessed May 19, 2017.

Table 1 shall be updated annually by the Director to reflect the average industry cost to replant Trees.

**Schedule C – Permit Application Form and Fees**

**Fee for Part V Permit - \$300.00 per application**

**Application # \_\_\_\_\_**

**Application to Permit the  
Injury or Destruction of a  
Tree within a Woodland  
or Plantation Woodland**

**City of Peterborough  
500 George Street North  
Peterborough, Ontario  
K9H 3R9  
Tel: 705 742 7777 x 1813**

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The personal information on this form is collected under City By-law 17-xxx and will be used for the purposes of this application only. Questions should be directed to the Freedom of Information Coordinator, City Clerk, 500 George Street North, Peterborough, ON K9H 3R9 Tel. 705-742-7777 x 1820.

**Instructions for Completing the Application:**

1. Application form to be completed by applicant. Please type or print clearly. Submitting an incomplete or illegible application will delay approval.
2. Municipal address: Street name and number must be included for applications to be considered complete.
3. Consult with the Director to determine whether an Arborist report will be required as part of a complete application.
4. If replanting, provide 2 copies of the replanting plan or landscape plan.
5. Payment of the required fees: See Below.
6. Written consent is necessary from an adjacent property owner where the Hazardous Tree is a Boundary Tree.
7. If this application is signed by an applicant other than the Owner, or by an agent, the Owner's written authorization is required.
8. Submit this application and other supporting documentation to the Director, City of Peterborough, Utility Services Department, 500 George Street North, Peterborough, ON K9H 3R9.
9. Applications submitted after 3:30 p.m. local time will not be processed until the next business day.

**Applicant Information for Injuring or Destroying a Tree within a Woodland or Plantation Woodland**

1. Municipal address of subject property: \_\_\_\_\_
2. Name of Applicant/Agent: \_\_\_\_\_
3. Mailing Address of Applicant: \_\_\_\_\_
4. Telephone: \_\_\_\_\_ Work No.: \_\_\_\_\_  
 Email : \_\_\_\_\_
5. Name of Registered Owner (if different from above):  
 \_\_\_\_\_
6. Mailing address of Owner (if different from above): \_\_\_\_\_  
 \_\_\_\_\_
7. Existing Land Use: \_\_\_\_\_
8. Are the Tree(s) located on or near any neighbouring property line resulting in the joint ownership of the Tree/s.  
 Yes  No
9. If yes, do you have authorization from the neighbouring property owner to act as their representative in this application to Injure or Destroy Tree(s).  
 Yes  No
10. Reason why Trees are being Injured or Destroyed. Please circle letter:  
 11.
  - a. All Trees are dead, dying or hazardous;
  - b. Trees are interfering with utilities/dwelling/foundation;
  - c. Other (please specify) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
11. A diagram showing the location of the Woodland being Injured or Destroyed and the distance between the Woodland and any buildings on the property is required.
12. Fee Requirements:
  - a. If a Tree is considered dead, dying or hazardous by the Director there is no fee, but a permit must still be obtained
  - b. Otherwise : \$300.00 per application

(Methods of payment major credit cards, interact, cash, or cheque. Fees are non-refundable and must be remitted at the time of initial permit application).

13. **Additional Requirements**

1. I am the owner of the property or acting on behalf of the owner with written authorization.
2. The property is not a designated Heritage Property under the City of Peterborough designation.
3. Applicable fees have been submitted.

**Declaration and Acknowledgement**

I /we (Print name) \_\_\_\_\_  
hereby declare that I have read and understood the required procedures and provisions under the City of Peterborough **Woodland Conservation By-law** and the statements and plans made by me upon this application are, to the best of my belief and knowledge, a true and complete representation of the purpose and intent of this application.

I acknowledge that I require a Permit before proceeding with any of the work detailed in the application.

I consent to City of Peterborough employees entering onto the property to conduct such Inspections as are required by By-law 17-xxx.

I acknowledge that I require a permit before proceeding to perform any work described in the application.

Signed at the City of Peterborough this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

**Schedule D – Terms of Reference –Tree and Woodland Appeals Committee**

**Recitals**

- A. The City has enacted By-law 17-xxx, being a by-law to regulate the removal and replacement of Woodlands within the City of Peterborough.
- B. A property owner may appeal the refusal to issue a permit or appeal the conditions attached to a permit under By-law 17-xxx to the Tree and Woodland Appeals Committee (the “Committee”).
- C. The purpose of the Committee is to provide a timely and final determination concerning the issuance or non-issuance of a permit or the conditions attached to a permit issued under By-law 17-xxx.

**1.0 Purpose of the Committee**

- 1.1 The Committee has the responsibility to hear and determine appeals of all decisions made under By-law 17-xxx.
- 1.2 On an appeal, the Committee has the authority to:
  - a. confirm or vary the conditions contained in a permit issued under By-law 17-xxx; or
  - b. confirm the non-issuance of a permit under By-law 17-xxx; or
  - c. issue a permit under By-law 17-xxx with or without conditions.

**2.0 Operation of the Committee**

- 2.1 Committee Hearings are attended by Committee members, City staff, and applicants and/or their representatives.
- 2.2 The Committee shall establish its own rules of practice and procedure and the Committee may accept and weigh evidence in such manner as it determines is fair, reasonable and expeditious.
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- 2.4 The written decision of the Committee is final.
- 2.5 The decision of the Committee need not be unanimous, and in the event of a split decision, the majority decision shall be the Committee’s final decision.
- 2.6 No appeal shall be heard and determined unless at least 3 Committee members are present for the entire hearing. Only Committee members who have heard all the evidence shall participate in the Committee’s decision making process.
- 2.7 In the event that a majority of the Committee is satisfied that the appellant was provided with reasonable notice of the hearing, and if the appellant is not present at the hearing, the Committee may:
  - a. Adjourn the hearing to another date; or
  - b. Confirm, vary or overturn the Director’s decision.
- 2.8 Only in extraordinary circumstances, which are within the Committee’s discretion to determine, shall more than one adjournment be granted to an appellant.



### **3.0 Term of Office**

- 3.1 The appointed members of the Committee shall hold office for a term concurrent with the term of Council, but every member shall continue in office until his or her successor is appointed.
- 3.2 Any member of the Committee whose term of office has expired is eligible for reappointment.
- 3.3 When a member ceases to be a member before the expiration of his or her term, Council will appoint another eligible person for the unexpired portion of the term.

### **4.0 Composition of the Committee**

- 4.1 The Committee shall include:
  - a. A Registered Professional Forester (“RPF”) as defined in the **Professional Foresters Act, 2000**, S.O. 2000, c. 18, as amended or replaced from time to time registered professional forester; and
  - b. An Arborist, who is not an RPF; and
  - b. a third member duly appointed by the Council for the Corporation of the City of Peterborough, who is not a member of Council.
- 4.2 The Committee will select a Chair and a Secretary.

### **5.0 Qualifications**

- 5.1 In selecting its appointments to the Committee, Council shall consider, among other factors:
  - a. the candidate’s demonstrated commitment to, and interest in, the community;
  - b. the candidate’s status as resident, property owner or employee within the City of Peterborough;
  - c. the candidate’s availability and commitment to be impartial and attend all Committee meetings; and
  - d. the candidate’s ability to objectively and fully consider the information provided at any hearing.

### **6.0 Role of Committee Members**

- 6.1 It is the duty of the Chair to:
  - a. preside at all hearings of the Committee;
  - b. call the hearing to order;
  - c. swear in the staff members, the appellant and all witnesses; and
  - d. determine in conjunction with the other Committee members, the Committee’s procedure.
- 6.2 It is the duty of the Secretary to:
  - a. ensure that the appellant and is informed of the hearing date at least 7 calendar days prior to the hearing;

- b. keep records of all official business of the Committee, including records of all appeals and copies of all decisions respecting each appeal;
- c. issue the Committee’s decision within a reasonable time period; and
- d. concurrent with the issuance of the Committee’s decision, inform the appellant and staff, of the Committee’s decision.

**7.0 Remuneration**

7.1 Members of the Committee shall serve without remuneration.

**8.0 Meetings**

8.1 The Committee shall meet as required to consider appeals that have been filed with the City.

8.2 Meetings of the Committee shall be held at City Hall or such other location within the City of Peterborough, as the Committee deems advisable.

8.3 Subject to the volume of appeals received, the Committee may be required to meet monthly, bi-monthly, or semi-annually.

**9.0 Conflict of Interest**

9.1 Members of the Committee shall exercise their duties ethically and identify and /or avoid potential conflicts of interest.

**Schedule E – Fees and Charges**

"G/L Account Number	User Fee Name and Description	Rationale for Fee	Unit Basis	Current Rate Presently in Effect	HST Y or N	2017 Total Budgeted Rev from Fee	Date of rate Change for 2018 if applicable	Proposed Rate as per 2018 Budget	2018 Total Budgeted Rev from Fee
C1	C2	C3	C4	C5	C6	C7	C8	C9	C10
To be advised	Tree Cutting Permit	Partial Recovery of staff costs to inspect trees and administer new by-law	Per permit	\$300	N	Unknown	January 1, 2018	\$300	Unknown