

Private Tree Protection

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Sub-section:	Trees
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Purpose statement

The purpose of this document is to outline the procedure to review private tree removal applications, assess the health and structural integrity of trees and preserve private trees by minimizing the removal of healthy private trees. This procedure shall represent the standard specifications for private tree removal and private tree protection whenever tree protection measures are required by the town. Higher standards of tree protection may be imposed where warranted in the opinion of the town having regard to the size, species, location, health of the tree, reason for the removal and consideration for the remaining tree canopy cover of the property, where the tree/s requested for removal are located.

Scope

This procedure applies to all private trees covered under the Private Tree Protection By-law (“the by-law”), as amended from time to time.

Procedure

Under the Private Tree Protection By-law, a permit is needed to remove trees that measure 15 cm diameter at breast height (DBH) or larger.

The by-law regulates or prohibits the injury or destruction of trees on private property within the Town of Oakville and states that residents require a permit to remove any tree:

- With a diameter equal to or greater than 15 centimetres at breast height
- Required to be retained or planted as a condition of an approved site plan

- Planted as part of the partnership program for planting larger caliper replacement street trees on private property

1. Private Tree Removal Application:

Applicants must complete the online private tree removal application form.

For the removal of high-risk tree/s or if the tree removal is the result of a development application (such as demolition, renovations, pools, landscaping, or other property construction projects), applicants must submit an arborist report endorsed by a Certified and Licensed Arborist.

For the removal of a boundary tree (a tree, any part of whose trunk is growing across one or more private property lines), the applicant must submit a signed letter of consent from the neighbouring property owner/s.

If the applicant is not the owner of the property where the tree is located, a signed letter of authorization from the property owner must be submitted along with the application.

Once a private tree Removal Application is received, staff will arrange a consultation site visit to assess the tree ownership, the health, structure, risk rating, location of the tree/s and potential conflict with any infrastructure and calculate the tree canopy cover of the property before and after tree/s removal. The town uses a list of criteria and indicators to score the overall conditions of the tree, the site and reason/s for the removal with the intention of minimizing the removal of healthy private trees and ensure the tree replacement for every removed private tree as defined in the by-law.

The other main objective of a consultation site visit is to minimize the number of healthy tree removal and set standard protection measures for the remaining trees on site or adjacent properties during any construction activity.

Following the consultation site visit, the applicant receives a decision letter detailing the trees that can be removed, denied, and protected and forestry comment detailing the specifications of tree protection measures for the site as well as any deficiencies.

Once the applicant receives the decision letter and forestry comments, the applicant must pay the required fee/s and securities for the town trees and replacement trees, in accordance with the town's annual rates and fees.

A tree protection and removal permit will be issued once the town tree protection hoarding/s are inspected and all fees and securities have been paid.

Once the permit is issued, the applicant will be notified to pick up the permit/s and sign to be posted from ServiceOakville, Town Hall, 1225 Trafalgar Road. Proof of payment and a copy of the decision letter must be presented to Service Oakville upon pick up.

For dead or high-risk trees, ash trees, or buckthorn where no fees are required, the tree inspector will leave the permit with the applicant at the site visit.

2. Private Tree Removal Permit - Criteria and Indicators

The town uses a set of Criteria and Indicators (C & I) to assess the tree removal applications (Appendix A and B). The list of these C & I include: tree species, trees health condition, location of the tree, risk rating of the tree, the amount of leaf area and the percentage of remaining canopy cover within the subject property after tree removal.

The main objectives of C & I assessment include:

- To avoid clearcutting properties and preserve as many trees as possible while providing the opportunity for site development and
- To achieve canopy cover targets in residential land-uses RA and RB (as identified in Zoning By-law 2014-014, as amended) and Residential lands North Dundas, enabling the town to achieve 40% townwide corporate canopy cover objective.

RA – Residential Land-uses zoned RL1, RL2, RL1-0 and RL2-0 in Zoning By-law 2014-014.

RB – Residential Land-uses zoned RL3 to RL 11 and RL3-0 to RL8-0 in Zoning By-law 2014-014.

The review and assessment of the private tree removal applications will result in three outcomes:

1. The removal of the trees scored less than 30 will be granted without replacement condition.
2. The removal of the trees scored between 30 and 50 will be granted with replacement condition as defined in the by-law.
 - a. That tree replacements, as the condition of tree removal permits, should be planted on the same property if the tree canopy cover of the property after the tree removal is less than 35% for residential A (**RA** = RL 1, RL 2, RL1-0, RL 2-0) and 25% for residential B (**RB** = RL3 through RL 11 and RL3-0 through RL8-0) land-use class, south of Dundas street.
 - b. Cedar is accepted only as the replacement tree for the removal of Cedar trees and it is not an acceptable tree replacement to satisfy the condition of tree removal for any other tree species.

3. The removal of the trees scored more than 50 will be denied.
 - a. Since the health and structural conditions of trees might change over time, applicants can apply for denied trees 12 months after receiving the denial.

The removal of dead trees with high-risk rating and invasive buckthorn trees will be granted without permit fee and replacement condition once inspected and approved by designated official.

The removal of trees in Residential lands North of Dundas Street will be approved with tree replacement condition as defined in Schedule A of the Private Tree Protection By-law.

To enhance tree species diversity and reduce the number of potential invasive species, the removal of Norway Maple and tree of heaven will be approved with condition of replacement as defined in Schedule A of the Private Tree Protection By-law.

Once payment of a non-refundable permit fee/s and securities for the town tree protection agreement, in accordance with the town's rates and fees, is received, the town tree protection agreement and private tree removal permit will be issued.

3. The Tree Protection Zone

The Tree Protection Zone (TPZ) is the minimum setback required to maintain the structural integrity of the tree's anchor roots, based on generally accepted arboricultural principles. If trees are protected to the TPZ then the tree's anchor root structure is expected to be maintained.

No unauthorized activities may take place within the TPZ of a tree covered under any municipal permit process or agreement. The following chart shows the TPZ. Some trees and site conditions may require a greater setback at the discretion of the Director of Parks and Open Space, or designate.

Diameter of Trunk (DBH) in centimetres	Tree Protection Zone Distance from trunk measured in metres
<10	1.8
10-30	2.4
31-50	3.0
51-60	3.6
61-70	4.2
71-80	4.8
81-90	5.4
91-100	6.0

1. *For trees over 100 cm. DBH, add 10 cm. to the TPZ for every one centimetre of DBH.*
2. *Roots can extend from the trunk to 2-3 times the distance of the drip line (Detail TP-1 Schedule 4 for further information).*
3. *Diameter at breast height (DBH) measurement of tree trunk taken at 1.37 metres above ground.*
4. *Tree Protection Zone distances are to be measured from the outside edge of the tree base towards the drip line and may be limited by an existing paved surface, provided the existing paved surface remains intact throughout the construction work.*

It is recognized that there are cases where the existing or proposed utilities, capital infrastructure, buildings, pools and/ or other infrastructures are located within the TPZ and the encroachment to tree protection zones are unavoidable. While the expectation is for the project design to respect the TPZ, however, in cases where the proposed construction impacts the area within the TPZ, the applicant shall demonstrate, with appropriate supporting documentation, that the impact on the structural integrity of the anchor roots will be within acceptable limits to avoid creating a hazardous tree.

4. Tree Protection Barriers:

Tree protection barriers (Schedule 1 for additional information).

Tree Protection zones of all town trees and private trees in construction sites and neighbouring trees within six meters from constructions sites must be protected by installation of tree protection barriers in accordance with the table in section 3 and meet the following specifications.

Tree protection barriers must be erected prior to the commencement of any construction activity that may injure a tree on the site and are to remain in place throughout the entire duration of the project. The applicant shall notify the town (Forestry or Development Services) in writing prior to commencing any such activities to confirm that the tree protection barriers are in place.

The tree protection barriers specified herein must remain in a condition satisfactory to the town until all site activities including landscaping are complete.

Authorization from the appropriate town department must be obtained prior to the removal of tree protection barriers.

If some fill or excavated material must be temporarily located near the tree protection barrier, a wooden barrier must be used to ensure no material enters the TPZ.

A sign similar to the illustration below, provided by the town and paid for by the applicant is to be mounted on the tree protection barrier/s, prior to the commencement of construction.

Tree Protection Zone

No grade change, storage of materials or equipment is permitted within this area.

This tree protection barrier must not be removed without the written authorization of the
Town of Oakville.

Report any contraventions to

Contact Name _____ Tel No. _____

Unauthorized removal of the tree protection barrier or other contraventions may result in
prosecution.

5. Arborist Report:

An arborist report must be submitted along with the private tree removal application for the removal of any private high-risk trees.

An arborist report must also be submitted along with the private tree removal application for the removal of any private trees in any construction sites and to ensure proper protection of private and town trees in all construction sites pursuant to applicable by-laws.

Arborist report must be signed by a Certified and Licensed arborist in the Town of Oakville.

a. Requirement of the Arborist report for high-risk trees:

An Arborist Report for any high-risk trees shall be prepared by a Certified Arborist who is licensed by the Town of Oakville and must include the following:

1. Species referenced to municipal address, ownership and location through an accurate plotting and identification of all trees on the plan in accordance with Schedule 3, Tree Protection Plan Form;
2. Diameter at breast height (DBH), measured in centimetres at 1.37 metres above ground level;
3. Crown spread (Drip Line), measured in metres;
4. A minimum level 2 Tree Risk Assessment, International Society of Arboriculture, Best Management Practices, Companion publication to the ANSI 300 part 9-

Standard Practices (Tree Risk Assessment a. Tree Structure Assessment), as revised from time to time, including a photographic record of each tree identified as high-risk must be submitted along with the application to remove a high-risk tree in any site.

b. Requirement of the Arborist report for Trees in construction sites:

An Arborist Report for trees in construction sites shall be prepared by a Certified Arborist who is licensed by the Town of Oakville and must include following:

1. Name, contact information and credentials: (Certification and Town's license number).
2. Site and report background information:
 - a) Type of development applications
 - b) Verification of the consultant's obligations with respect to the project (On-site monitoring, any site and tree maintenance work including but not limited to branches and/or root pruning)
3. Tree inventory:
 - a) Tree species (Scientific name and common name) referenced to municipal address, ownership and location through an accurate plotting and identification of all trees on the plan in accordance with Schedule 3; Tree Protection Plan Form
 - b) Diameter at breast height (DBH), measured in centimeters at 1.37 metres above ground, including DBH of multi stem trees measured using any ISA approved methods
 - c) Crown spread (Drip Line), measured in metres;
 - d) Tree health/disease
 - e) Amenity value of all town trees surrounding the construction site using "ISA Guide for Plan Appraisal (9th or 10th Edition)"
 - f) recommendations for each tree (retain/remove, and reason)
 - g) List of any endangered species
4. Observations and recommendations:
 - a) Request for private Tree Protection permit or Town Tree Protection Agreement or Town Tree Protection Zone Encroachment permit, if required, including the Town tree amenity values
 - b) Private Tree Removal application/s for any private tree recommended for removal
 - c) Provide the rationale/justification for each tree removal.
 - d) Town Tree Protection Zone Encroachment Application if required (Schedule 2)
 - e) Level 2 Tree Risk Assessment, International Society of Arboriculture, Best Management Practices, Companion publication to the ANSI 300 part 9- Standard Practices (Tree Risk Assessment a. Tree Structure Assessment),

as revised from time to time, including a photographic record of each Town or private tree/s identified as high-risk

- f) Provide protection alternatives to removing healthy trees, discuss tree protection & preservation options/methods
 - g) During and post excavation arborist report when there is any encroachment into the private trees, town trees or neighbouring trees within 6 meters of the construction site
5. Tree Protection Plan (TPP) Drawing
- a) Accurate plotting and identification of all trees on the plan in accordance with Schedule 3
 - b) Accurate plotting of all tree protection barriers on the map consistent with the scale of the map in accordance with Schedule 3
 - c) Crown spread, measured in metres on the drawing indicating the appropriate scale, showing extent of tree foliage covering the lot consistent with the scale of the map (Schedule 3)
 - d) Approved Grading plan. This requires collaboration of the applicant's engineering and arboricultural consultants
 - e) Approved servicing plan indicating water, sewer/storm, hydro, gas, bell, cable and any other impacted utility in accordance with Schedule 3
 - f) Identify the construction access route/s and site protection measure along the access route/s
 - g) Identify the location of material storage
6. Tree protection zone (TPZ) limits;
- a) In accordance with the Tree Protection Barrier requirements - Schedule 1
 - b) Appropriate signatures in accordance with the Tree Protection Plan - Schedule 3
 - c) The name and contact information for the arborist responsible for monitoring the implementation of the plan
 - d) The town may request additional information in the tree protection plan for planning applications at the discretion of the town

6. Compliance with this procedure:

Failure to comply with this procedure may result in one or more of the following:

- a. An Order to Comply
- b. Loss of security in whole or in part
- c. Prosecution under an applicable by-law
- d. Additional remedial costs as determined by the town

References and related documents

[Town Tree Protection By-law](#)
[Private Tree Protection By-law](#)
[Site Alteration By-laws](#)
[Halton Region's Tree By-Law 121-005](#)
[Halton Region's Tree By-law web page](#)
[Environmental Sustainability policy](#) |

Definitions

Certified and Licensed Arborist: means a person who has graduated from an accredited college or university with a diploma or degree in Urban Forestry, Arboriculture or equivalent and satisfies at least one of the following requirements and licensed by the Town of Oakville:

- a) is certified by the Ontario Training and Adjustment Board or the International Society of Arboriculture;
- b) is currently accepted as consulting arborist with the American Society of Consulting Arborists;
- c) is a Registered Professional Forester (RPF) as defined in the Professional Foresters Act, 2000, S.O. 2000, c. 18; or
- d) has comparable qualifications to those set out under clauses (a) to (c) above as approved by the Designated Official.

Hazardous Tree: means a tree that is destabilized or structurally compromised such that it poses a potential safety concern to property or life.

Responsibilities

It is the responsibility of the Forestry Section, Parks and Open Space department to ensure that applicants are in compliance with the Tree Protection policy and related procedures in relation to private trees in development applications, driveway applications, and road cut applications.

It is the responsibility of the Development Services, Transportation and Engineering Department to ensure that applicants are in compliance with the Tree Protection policy and related procedures in relation to trees in planning applications.

Appendices

[Schedule 1: Tree Protection Barrier](#)

[Schedule 2: Application for Tree Protection Zone Encroachment Permit](#)

[Schedule 3: Tree Protection Plan Form](#)

[Schedule 4: Detail TP-1: Tree Protection During Construction](#)

[Appendix A – Criteria and Indicators \(C & I\) RA \(*Internal document*\)](#)

[Appendix B – Criteria and Indicators \(C & I\) RB \(*Internal document*\)](#)

[Appendix C – Map \(Zones and Corresponding RL Numbers\)](#)