



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2025-132

A by-law to amend Site Alteration By-law 2023-047 to change responsibilities arising from a corporate reorganization and to make changes for better functionality and enforcement

WHEREAS in 2023 Town Council updated and put in place a new Site Alteration By-law for the Town of Oakville;

WHEREAS since that time there has been a corporate reorganization requiring a change in responsibilities under the By-law and there has been identified a number of administrative and processing changes which would make for better functionality and enforcement of the bylaw;

COUNCIL ENACTS AS FOLLOWS:

1. Section 1.1 Definitions of By-law 2024-047 be amended as follows:
 - i. The word “Aboriginal” be deleted from the following definitions and replaced with the word “Indigenous”:
 - (d) “Built heritage resource”
 - (g) “Cultural heritage landscape”
 - ii. That definition (k) “Development Engineering Manual” be amended by deleting “January 2011 and substituting “September 2023” therefor.
 - iii. The definition of “Director” be deleted and replaced with the following:
 - (l) “**Director**” means the Director of Planning and Development, or designate unless any provision of this By-law specifically refers to another Director of the Town for the purpose of that provision;
 - iv. The definition of “Inspector” be deleted and replaced with the following:
 - (w) “**Inspector**” means:
 - i an employee of the Building Services Department of the Town, or any successor to that Department who is authorized to apply and/or

- enforce this by-law and who is appointed by the Town as an inspector to do so; and
- ii any employee of the Forestry Section of the Parks and Open Space Department of the Town, or any successor to that Section/Department who is appointed by the Town as an inspector for the purpose of applying and enforcing the provisions of this by-law relating to the injury or destruction of trees;
- v. The definition of “Officer” be deleted and replaced with the following:
 - (aa) “**Officer**” means any person authorized by the Corporation of the Town of Oakville to enforce the by-laws of the Town and includes Inspectors, Mobile Compliance Officers, Municipal Standards Investigators, Municipal Law Enforcement Officers provincial offences officers and Halton Regional Police Officers;
- vi. The definition of “Protected Heritage Property” be deleted and replaced with the following:
 - (kk) “**Protected Heritage Property**” means real property in the Town including all buildings, structures and other features thereon, that:
 - i. has been designated under Part IV of the *Ontario Heritage Act*;
 - ii. has been designated under Part V of the *Ontario Heritage Act*;
 - iii. is subject to a notice of intention to designate under section 29 of Part IV of the *Ontario Heritage Act* for having cultural heritage value or interest; or
 - iv. is subject to a Heritage Easement Agreement under section 37 of the *Ontario Heritage Act*;
- 2. Subsection 5.1(h) Application for Permits of By-law 2023-047 be deleted and replaced with the following:
 - 5.1 (h) in the case of protected heritage property, a heritage impact assessment and/or a cultural heritage evaluation report prepared in accordance with Town requirements.
- 3. Subsection 6.1(f) Criteria for Issuing a Permit of By-law 2023-047 be deleted and replaced with the following:

- 6.1(f) the Director has received confirmation from the Building Services Department that the site alteration is for a purpose permitted by the applicable zoning by-law of The Corporation of the Town of Oakville;
4. Subsection 6.1(g) and 6.1(h) Criteria for Issuing a Permit of By-law 2023-047 be amended by deleting the word “proposed”.
 5. Subsection 6.1(i) Criteria for Issuing a Permit of By-law 2023-047 be amended by deleting the word “will” and substituting the word “can” therefor.
 6. Subsection 6.1(j) Criteria for Issuing a Permit of By-law 2023-047 be amended by deleting “Regional Municipality of Halton” and substituting “the Minister of Municipal Affairs and Housing, and” therefor.
 7. Section 6.2 Criteria for Issuing a Permit of By-law 2023-047 be amended by deleting the words “in the Town’s Official Plan”.
 8. Subsection 6.2(a) Criteria for Issuing a Permit of By-law 2023-047 be amended by deleting the word “proposed”.
 9. Section 7.1 Conditions imposed at discretion of Director of By-law 2023-047 be amended by adding new subsection (h) as follows:

7.1(h) requiring the applicant to post security with the Town to ensure the site alteration is carried out in accordance with the Site Alteration Permit and Plan, the Site Alteration Agreement, and conditions imposed on receipt of the Permit and the provisions of this by-law.
 10. Subsection 8.3(l) General Regulations and Conditions Applicable to All Permits of By-law 2023-047 be amended by deleting “Regional Municipality of Halton” and substituting “the Minister of Municipal Affairs and Housing” therefor.
 11. Subsection 8.3(m) General Regulations and Conditions Applicable to All Permits of By-law 2023-047 be amended by adding “of Building Services or designate;” after the word “Director”.
 12. Section 9.6 Expiry, Renewal, Revocation and Transfer of Permits of By-law 2023-047 be amended by deleting “,within 30 days of the transfer date”.
 13. Subsection 9.6(f) Expiry, Renewal, Revocation and Transfer of Permits of By-law 2023-047 deleted and replaced with the following:

- 9.6(f) the Owner and Permit Holder, if not the Owner, agreeing that no new permit on other properties within the Town will be granted to the Owner and/or said Permit Holder until all other permits of the Owner and/or said Permit Holder have been closed, unless otherwise permitted by the Director; and
14. Sections 10.1, 10.2, 10.3 and 10.4 Enforcement and Inspection of By-law 2023-047 be deleted and replaced with the following:
- 10.1 The Director of Planning and Development or designate, or the Director of Building Services or designate or the Director of Municipal Enforcement Services or designate or the Director of Parks and Open Space or designate, Inspectors, and Officers are hereby authorized to enforce this by-law and the provisions of the Site Alteration Agreement.
- 10.2 The Director of Planning and Development or designate, or the Director of Building Services or designate or the Director of Municipal Enforcement Services or designate or the Director of Parks and Open Space or Designate may delegate any of his or her or their duties under this by-law to an Inspector or Officer or other Town employee.
- 10.3 Inspectors and Officers or other Town employees may at any reasonable time, enter and inspect any land to determine whether the provisions of this by-law, an order issued under this By-law, a condition of a permit issued under this by-law or a provision of the Site Alteration Agreement have been complied with. This power of entry does not allow the Inspector or Officer or any other Town employee to enter any dwelling.
- 10.4 Any person who obstructs or permits the obstruction of an entry or inspection is guilty of an offence.
15. By-law 2023-047 be amended by adding new Sections 10.5 and 10.6 as follows:
- 10.5 For the purposes of an inspection pursuant to section 10.3 of this By-law, an Inspector or Officer may:
- (a) require the production for inspection of documents or things relevant to the inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

- (c) require information from any person concerning a matter related to the inspection; and
 - (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.
- 10.6 Every person who refuses to provide identification when requested to do so by an Inspector or Officer is considered to be in obstruction of the Inspector or Officer, and is guilty of an offence under this By-law.
- 16. Sections 13.2, 13.4 and 13.6 Administrative Penalties of By-law 223-047 be deleted and replaced with the following:
 - 13.2 Each person who has been issued a penalty notice for the first time shall, upon issuance of the penalty notice, be liable to pay an administrative penalty to the Town in the amount set out in the Town's Annual Rates and Fees schedule for such a penalty notice.
 - 13.4 Upon the issuance of the second penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount set out in the Town's Annual Rates and Fees schedule for such a second penalty notice.
 - 13.6 Upon the issuance of a third or subsequent penalty notice, the person shall be liable to pay an administrative penalty to the Town in the amount set out in the Town's Annual Rates and Fees schedule for such a third or subsequent penalty notice.
- 17. Subsection 15.1(a) Penalty and Offence of By-law 2023-047 be deleted and replaced with the following:
 - 15.1(a) For contraventions of Section 8.1, 8.2, 8.3 other than 8.3(f) or 8.4 of this by-law, to a fine of not more than as prescribed by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended from time to time,
- 18. By-law 2023-047 be amended by adding the following new sections 15.3, 15.4 and 15.5:
 - 15.3 If Fill has been placed at a Site in contravention of any provision of this By-law, and the contravention has not been corrected, the contravention of the provision shall be deemed to be a continuing

offence for each day or part of a day that the contravention remains uncorrected.

- 15.4 If an Order has been issued under this By-law and the Order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of a day that the Order is not complied with.
- 15.5 In addition to any fine or any other penalty, and Person who is convicted of contravening a provision of this By-law, the terms and conditions of a Permit issued pursuant to this By-law, the terms and conditions of a Site Alteration Agreement, or an Order issued pursuant to this By-law and Section 444(1) or 445(1) of the Municipal Act, 2001, may be ordered by a court of competent jurisdiction at the expense of the Person to:
- (a) rehabilitate the Site;
 - (b) remove the Fill placed or dumped;
 - (c) restore the Grade of the Site to its original condition; and
 - (d) replace any dead, damaged or destroyed trees.
19. Paragraph one of Schedule A to By-law 2023-047 be amended by deleting “Regional Municipality of Halton” and substituting “Minister of Municipal Affairs and Housing” therefor.
20. Schedule C to By-law 2024-047 be amended to add the title “**FEES AND SECURITIES**” after “**SCHEDULE C**”;
21. Subsection 6(b), Section 9 and Section 10 of Schedule C to By-law 2023-047 be deleted and replaced with the following:
- 6(b) the completion or rectification of work required under the Permit or Site Alteration Permit Agreement;
 - 9. When the provisions of paragraph 3 of this by-law and all work required under the Permit, the Site Alteration Permit Agreement or any order has been fully complied with to the satisfaction of the Director, and the Permit closed, the Director shall release the applicant's general security.
 - 10. Security held for the protection of trees shall be held until the Director of Parks and Open Space is satisfied that no tree was injured or destroyed

as a result of the site alteration in accordance with applicable Town policies for the protection of trees.

22. Section 13 of Schedule D to By-law 2023-047 be amended by adding “of Parks and Open Space or designate” after the word “Director”.
23. Paragraph 1 of Schedule F of By-law 2023-047 be amended by adding “of Parks and Open Space or designate” after the word “Director”.
24. Section 1 of Schedule F of By-law 2023-047 be deleted and replaced with the following:

1. Application of Tree Protection Policies

Tree protection measures are required for all Trees. The injury or destruction of Trees is regulated or prohibited under the Oakville Private Tree Protection By-law 2017-038 as amended from time to time and the Oakville Town Tree Protection By-law 2009-025 as amended from time to time which by-laws are administered by the Manager of Forestry Services. Permits granted under this By-law do not exempt the permit holder from the provisions of those Tree By-laws.

For the purpose of clarity all tree protection measures apply to all Town and Private Trees including Border Line and Boundary Trees except as may be authorized in writing by the Director of Parks and Open Space or designate in accordance with the provisions of this Schedule.

Tree protection measures are encouraged for all trees and may be required by the Director of Parks and Open Space or designate for trees other than municipal trees, boundary trees, and border line trees where the protection of the tree is required as a condition of any municipal approval or by-law or where required to protect public safety.

25. Section 2 of Schedule F to By-law 2023-047 be amended by adding “of Parks and Open Space or designate” after the word “Director” in the title and paragraph 1 of the section.
26. Paragraph 2 of Section 2 of Schedule F to By-law 2023-047 amended by:
 - i. adding “of Parks and Open Space or designate” after the word “Director”;
 - ii. deleting “Town Forester” and substituting “Manager of Forestry Services” therefor; and

- iii. deleting the word “these” before “tree protection policies” in line 3 of the paragraph.

27. Paragraph 1 of section 4 of Schedule F to By-law 2023-047 be deleted and replaced with the following:

“The following activities are prohibited within a Tree Protection Zone for Municipal Trees and all other trees protected as a condition of a permit issued under this By-law:”

28. Paragraph 2 and paragraph 3 of section 4 of Schedule F to By-law 2023-047 be amended by adding “of Parks and Open Space or designate” after the word “Director”.

29. Paragraph 1 of section 5 of Schedule F to By-law 2023-047 be amended by adding the word “private” before the word “tree” in line 2 of the paragraph.

30. Paragraph 1 of section 6 of Schedule F to By-law 2023-047 be amended by adding “of Parks and Open Space or designate” after the word “Director” in lines 1 and 5 of the paragraph.

31. Paragraph 2 of section 6 of Schedule F to By-law 2023-047 be deleted and replaced with the following:

“Security for Tree Protection shall be held by the Director of Parks and Open Space or designate for twenty-four (24) months after the date of final inspection of the site alteration or such longer or shorter time as the said Director or designate deems necessary to satisfy the said Director or designate that the tree has not been injured or destroyed as a result of the site alteration. Applicants applying for the early release of the site alteration security shall produce a report of a qualified tree consultant certifying that the tree has not been injured or destroyed as a result of the site alteration.

32. Recital 2 of Schedule G of By-law 2023-047 be amended to delete “Development Engineering” and substitute “Planning and Development or designate” therefor.

33. Section 9 of Schedule G of By-law 2023-047 be deleted and replaced with the following:

- 9. Despite Section 8 above, the then expired permit may be revived by the new owner at the sole discretion of the Director, or designate, if the new

Owner provides the Town with a written undertaking to be bound by the provisions of this Agreement, comply with this Agreement and comply with all the conditions under which the expired permit was issued and the new owner provides any necessary securities as determined by the Director or designate to the Town.

34. The signature block for The Corporation of the Town of Oakville of Schedule G of By-law 2023-047 be amended by deleting “Transportation and Engineering” and substituting “Planning and Development or Designate” therefor.
35. The notice of collection of personal information of Schedule H of By-law 2023-047 be amended by deleting “Transportation and Engineering” and substituting “Planning and Development” therefor.
36. That all other provisions of By-law 2023-047 hereby remain in force and effect.

PASSED this 11th day of August, 2025

MAYOR

CLERK