

# THE TREE PERMIT/PERMISSION PROCESS

Trees are a valuable asset to homeowners and the community as a whole. They add natural beauty to urban surroundings and play a key role in our social, economic and environmental surroundings.

As part of its ongoing plan to be an environmentally responsible community, City Council has initiated a By-law (0474-2005) with respect to regulating the injury and removal of several trees on private property. The tree permit policies regulate the removal of trees by requiring landowners to obtain a City permit to remove and replant trees under specific conditions. It also enables the City to impose fines and penalties for unauthorized removal of trees from privately-owned land.

The following is a condensed version of the Trees Permit By-law. The complete by-law is available on the City's website at [www.mississauga.ca](http://www.mississauga.ca).

## Benefits of Trees

- Large healthy trees increase property value by 10 to 20 percent;
- Trees can save energy costs by shading houses – well-placed landscaping can reduce air conditioning costs by up to 20%;
- Trees fight the atmosphere greenhouse effect by absorbing carbon dioxide and capturing pollution in leaves;
- Large tree canopies reduce noise pollution;
- Trees provide food and protection for many types of wildlife;
- Trees trap and hold harmful pollutants;
- Trees produce oxygen and modify local climate;
- Trees conserve water and reduce soil erosion;
- Trees have a psychological impact, thus reducing stress.

## Definitions

The following are definitions with respect to the Tree By-law:

*“tree” means a self-supporting woody plant which will reach a height of at least 4.5 m (15 ft) at maturity;*

*“tree diameter” means the measurement of the diameter of the trunk of a tree from outside the bark 1.4 m (4.5 ft) above existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three (3) largest stems measured approximately 140 cm (55 in) above existing grade;*

*“dead” means a tree that has no living tissue;*

*“dying” means terminally diseased or will no longer be viable to maintain in a safe or healthy condition;*

*“pruning” means the appropriate removal of not more than one-third of the live branches or limbs of a tree or more than one third of the live branches or limbs on a tree as part of a consistent annual pruning program.*

*“injure/injury” means injuring or destroying a tree by removing, cutting, girdling or smothering of the tree or roots; or interfering with the water supply; or setting fire to a tree; or the application of chemicals on, around, or near the tree; or compaction or re-grading within the tree protection zone up to any existing paved surfaces; or damage caused by new development or construction related activities including driveways or store any materials within a tree protection zone; or any other means resulting from neglect, accident or by design.*

*“emergency work” means work necessary to terminate an immediate threat to life or property, including but not limited to work associated with watermain repairs, utility repairs and structural repairs to a building;*

*“hazard” means a tree that is a potential hazard to property or life but not an immediate threat.*

*“arborist” means a person with a diploma or degree involving arboriculture from an accredited college or university, a Registered Professional Forester, an accredited Certified Arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience;*

*“arborist report” means a report prepared by an arborist who provides details on the species, size, and health of a tree to be destroyed, injured or removed and provides recommendations for preservation of trees to be preserved;*

### **Tree Removal in Conjunction with a Site Plan, Consent or Subdivision Application**

If tree removal is proposed through the review of a site plan, consent or subdivision application, the applicant will be required to receive a Tree Removal Permission as part of the review of the planning application. The same standards outlined within the Tree Permit process including fees and conditions for removal will be applied as conditions to the site plan, consent and subdivision applications prior to the granting of a Tree Removal Permission.

### **When a Permit/Permission is Required**

A permit is required where in a calendar year, five (5) or more trees (includes dead or dying trees) each with a diameter of greater than 15 cm (6 inches) are to be injured or removed (destroyed) on a lot.

### **When a Permit/Permission is Not Required to Injure or Remove a Tree**

A permit is not required to injure or remove a tree under the following circumstances:

- a) To injure or remove within one calendar year up to four (4) trees each with a diameter greater than 15 cm (6 inches);
- b) To injure or remove any tree(s) that has a diameter of 15 cm (6 inches) or less;
- c) For emergency work;
- d) As a result of activities or matters undertaken by a government authority or school board for the development of a school or an electrical transmitter or distributor;
- e) For the purpose of pruning a tree;
- f) For trees that are located on rooftop gardens, interior courtyards, or solariums;
- g) For a tree on land used for the purpose of a nursery or golf course.

### **Requirement for the Submission of a Permit/Permission**

The following information is to be submitted for a Tree Permit to be considered a complete application:

- a) A completed Tree Permit/Permission application form;
- b) Four copies of a plan illustrating the location and diameter of the trees to be injured or removed. The location for the trees to be injured or removed shall be illustrated by showing the distance from the property lines and buildings on the lot. In addition, the plan shall also include any new buildings or additions and those trees to be retained;
- c) Payment of the required fees;
- d) If the base of a tree straddles a property line, the written consent of the affected adjacent property owner is required;
- e) An arborist report may be required which provides details on the species, size and health of a tree to be injured, destroyed or removed. Note: If all trees are considered dead, dying or hazardous consult with the Forestry Section to determine if an arborist report is required.

### **Fees**

Fees are updated annually and are listed within the City’s website or alternatively you can call Forestry by dialling 3-1-1. If all trees are considered dead, dying or hazardous by Forestry, there is no fee required.

### **Criteria for the Review of a Tree Permit/Permission Application**

Forestry's review of an application will take into account the species, size, and health of a tree. Consideration will also be given to property limitations, the number of trees on site, the context of the site and the owner's reasons to remove the tree. Approval will typically be issued for dead or dying trees that may be a hazard.

Requests to injure or remove trees will be reviewed in conjunction with any related Building Permit, Pool Enclosure Permit, Site Plan, Official Plan Amendment, Rezoning, Subdivision, Committee of Adjustment and Erosion and Sediment Control applications. The Forestry Section, in conjunction with the Planning and Building Department, may request amendments to a development application in order to preserve a tree.

### **Conditions on the Issuance of a Tree Permit/Permission**

The following are conditions that may be imposed:

- a) Hoarding (a protection fence around a tree) may be required to protect those trees being preserved during construction on site;
- b) A replacement tree may be required to be planted on the property for every healthy or non hazard tree removed. The replacement tree shall be balled and burlapped, and have a minimum diameter of 6 cm (2.4 inches). The location on the lot, number and species of the replacement tree(s) shall be to the satisfaction of Forestry. The requirement for a replacement tree may be restricted and vary depending on the size and proposed development of the property. The owner will have to provide four (4) copies of a replanting plan and a written undertaking to ensure that the replacement planning is carried out to City standards.
- c) If replacement tree(s) are required, monies or a letter of credit in a form satisfactory to the City of Mississauga may be required to cover the costs of the replacement trees and the maintenance of the trees for a period of up to two (2) years at which time an inspection will be performed and the monies returned.
- d) For every replacement tree not provided on site, a payment shall be required to the City's replacement tree planting fund. The cost for each tree shall be the same as a street tree outlined in the City's Fees and Charges By-law.

### **Where Do I Submit an Application and Who Can I Contact for Assistance?**

Applications can be obtained and submitted or mailed to the Urban Forest Section, 950 Burnhamthorpe Road West, P.O. Box 1850, Station B, Mississauga, Ontario, L4Y 3W6. You may call 3-1-1 for assistance.

### **Process Times**

The typical processing time is 30 days from the submission of a complete application. The process time may vary if additional information is required or if reviewed in conjunction with other development applications.

### **Once a Permit is Approved**

- a) The approval of a Tree Permit shall be valid for only one (1) year from the date of issuance;
- b) The approved Tree Permit shall be posted on the lot from which the trees are to be injured or destroyed in a location visible from the street edge for the period during which the tree is being injured or removed.

### **Refusal of an Application**

If the recommendation is to refuse the Tree Permit, a report shall be presented to Planning and Development Committee and subsequently Council. Council will decide whether to approve or refuse the Tree Permit. The owner may appear before the Planning and Development Committee and Council to speak to the application.

## Fines

Any person who contravenes any provision of the by-law is guilty of an offence and is liable. Fines range from \$10,000 to 100,000 and from \$1,000 to \$5,000 per tree, whichever is greater. Fines vary depending on the number of convictions and whether the person is an individual or a corporation.

## Questions and Answers with Respect to the Tree Permit/Permission Process

1. When is a permit/permission ***not*** required?

*For the injury or removal of up to four (4) trees per calendar year each with a diameter greater than 15 cm (6 inches) or for the injury or removal of any tree with a diameter 15 cm (6 inches) or less.*

2. How do I measure the diameter of a tree?

*Measure the circumference (like measuring your waist) of the tree at 1.4m (4 ½ feet) above the ground (this is an average person's shoulder height). Use a calculator to divide the number by pi (3.1416). This will give you the diameter. The diameter is the width of the tree trunk, just like the width of a pizza or of a 12 inch ruler.*

3. What if there are multiple trunks on my tree?

*A multiple trunk tree will be considered as one tree. The diameter is determined by combining the diameter of the three (3) largest trunks or stems measured approximately 140 cm (55 inches) above the existing grade.*

4. Do I have to apply for a separate permit for every tree I cut down?

*No, under one application you can include as many trees as you wish.*

5. If my neighbour is cutting down trees, what can I do?

*If a permit was issued to remove trees, it is to be posted in a visible area on the property during the period the trees are being removed. If you do not see a permit, you may contact the Urban Forestry Section by dialling 3-1-1 to find out if a permit was issued. If required, an enforcement officer will be sent to inspect the site. The number for By-law Enforcement is 905.896.5655 and the after hours number is 905.615.3000.*

6. If I apply for a Building Permit, Pool Enclosure Permit, Official Plan Amendment, Rezoning, Minor Variance, or an Erosion and Sediment Control application is a separate tree permit application required?

*Yes, but only if the proposed development will cause the injury or removal of a tree that is regulated by the Tree Permit By-law. The submission of a Questionnaire to determine if a Tree Permit is needed will be required in conjunction with all development applications. When a Tree Permit is required in association with a development application, the applications will be reviewed concurrently.*

7. What is the process for site plan, consent and subdivision applications?

*For site plan, consent and subdivision applications, the applicant will be required to obtain Tree Removal Permission through the review of the planning application.*