

# Staff Report



To	<b>Committee of the Whole</b>
Service Area	Public Services
Date	Tuesday, April 1, 2025
Subject	<b>Private Tree Protection By-law Update</b>

## Recommendation

1. That Council endorse the proposed updates to the Private Tree Protection By-law (“Private Tree By-law” or “By-law”), as attached to report 2025-25, and repeal the existing Private Tree Protection By-law 2010-19058.
2. That staff be directed to place the proposed updated Private Tree By-law on the April 23, 2025 agenda for final adoption after which the By-law will come into effect.
3. That a by-law be enacted to amend the applicable User Fees By-law 2025-21052 to include the permit fees set out in report 2025-25 when the Private Tree By-law takes effect.

## Executive Summary

### Purpose of Report

To seek Council endorsement for the proposed updates to the Private Tree By-law. The Directions Report, provided as Attachment-2, provides the rationale for the updated By-law scope and a high-level summary of the other key recommendations to support effective implementation of the updated By-law.

### Key Findings

Key findings of the Private Tree Protection By-law review and update include:

- More than two thirds of Guelph’s tree canopy cover is growing on private property; the proposed updated Private Tree By-law could regulate an additional estimated 10 per cent of tree canopy cover.
- The Private Tree By-law is Guelph’s primary tool for legislating tree protection, tree replacements and/or financial compensation and fines for unauthorized removals or injury (damage) and managing tree canopy cover on private property.
- Community engagement demonstrated that an expanded scope of the By-law as well as the importance of regulating mature trees were favoured.
- Sustained outreach and education are required to increase awareness and understanding of the Private Tree By-law as well as any updates if the proposed updated By-law is adopted.
- The current Private Tree By-law is not fully resourced; the proposed updated Private Tree By-law would require additional resources for full effectiveness.

## **Strategic Plan Alignment**

The proposed update to the Private Tree By-law is intended to help improve canopy cover sustainability and resilience and thereby help to mitigate the impacts of climate change.

### **Future Guelph Theme**

Environment

### **Future Guelph Objectives**

Environment: Be a leader in climate action

### **Financial Implications**

The proposed updated By-law will require an increase to the annual operating budget expenditures by \$222,000 to provide the projected resources needed to fully implement the updated By-law, funded by an estimated \$104,000 in additional user fee revenue and \$118,000 tax support which is 0.03 per cent tax levy impact through the 2026 budget confirmation process. There is no capital cost associated with the implementation of the updated By-law.

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## **Report**

### **Background**

Guelph's current Private Tree By-law prohibits and regulates the injury or destruction of trees at least 10 centimetres (cm) in diameter on private lots greater than 0.2 hectares (ha), under authority of the Municipal Act, 2001, S.O. 2001, c. 25, as amended ("Municipal Act"). The intent of the By-law is to protect and enhance tree canopy cover through the regulation of tree removals and the ability to require replacement plantings or cash-in-lieu to plant trees off-site. Half of the City's total tree canopy cover is regulated by the current Private Tree By-law. Guelph's current Private Tree By-law was last updated in 2010. Since then, patterns of development in the city have shifted toward more infill and intensification, concerns related to climate change have increased and the Future Guelph (2024-2027) Strategic Plan identifies the update of the By-law as a supporting action for achieving 40 per cent tree canopy cover and mitigating the impacts of climate change.

A review and update of the City's Private Tree By-law was also recommended by the City's [Urban Forest Management Plan 2013-2032](#), which recognized regular review of municipal tree by-laws as a best practice.

The overall purpose of updating Guelph's Private Tree By-law was to ensure that it:

- can be implemented effectively and equitably, to help the City meet its tree canopy cover targets and urban forest objectives; and
- supports a healthy and climate resilient community by maximizing opportunities for tree retention on private lands and ensuring tree replacement through education and regulation.

The intention of the updated Private Tree By-law is to continue to implement it as a tool to regulate, but not exclusively prohibit, tree injury and removal.

## **Details of the update**

The review and update of the Private Tree By-law resulted in proposed amendments to the By-law itself as well as proposed updates to the permit fee structure, tree replacement and compensation approach, and administrative process improvements. **The proposed update of the Private Tree By-law is meant to align with current applicable Corporate goals, strategies and policies.**

The proposed updated Private Tree By-law scope, along with procedural and housekeeping changes, is intended to strike a balance considered appropriate for Guelph by:

- expanding the current level of regulation to include mature trees;
- reflecting the support of the community and stakeholders;
- limiting the City's regulatory oversight with respect to tree removal and protection on private property;
- supporting the continued efforts towards achieving 40 per cent canopy cover city-wide; and
- limiting levels of anticipated additional costs to both property owners and the City.

### **Scope**

The scope of the proposed updated Private Tree By-law will regulate mature trees – trees at least 50 cm centimeters in diameter – on all private property, in addition to retaining the current scope which regulates trees of at least 10 cm in diameter on private properties greater than 0.2 hectares.

### **General**

General housekeeping updates and/or revisions included, but were not limited to:

- Refining, removing and adding multiple definitions to improve clarity of language or technical meanings.
- Refining, removing and adding multiple exemptions to improve regulation of tree removal and/or injury, cost recovery and tree replacement for tree removals.
- Revising permit requirements, considerations and conditions to provide clarity on the application and permitting process.
- Revised and added new permit fees.

### **Permit and tree replacement fees**

A proposed updated fee structure is intended to be simple, affordable and equitable. An updated fee structure would increase cost recovery for offsetting the costs needed to administer, implement and enforce the updated By-law effectively, as well as supporting the sustainability of the tree canopy by providing adequate funding to replace trees that have been removed.

The User Fees By-law currently does not include Private Tree By-law fees. Fees are proposed to be added to the User Fees By-law as listed in Table 1 if the updated Private Tree By-law is approved.

Table 1 Private Tree By-law related fees

<b>Description</b>	<b>Current rate (not in User Fees By-law)</b>	<b>Base rate to be added to User Fees By-law</b>
Tree injury or removal permit (per application)	\$122 (no tree limit)	\$150 (1 to 3 trees)
Tree injury or removal permit: 4 or more trees (per tree, no tree limit per application)	Not applicable	Base rate for 1-3 trees plus \$50 to a maximum total permit cost of \$500
Tree permit appeal (per appeal)	Not applicable	\$300
Tree compensation: cash in lieu per tree removed	\$500	Not applicable (revised to "per replacement tree")
Tree replacement security: security deposit per replacement tree required	\$650 (average)	\$350
Tree replacement fee: cash in lieu per replacement tree required	Not applicable	\$350
Private Tree By-law compliance inspection fee (per contravention)	Not applicable	\$500

Permit fees

- The current Private Tree By-law injury or destruction permit is a one-time flat rate permit fee of \$122 which is proposed to increase to \$150 (for one to three trees) plus \$50 per additional tree to a maximum total permit fee of \$500.
- Fees do not apply to Private Tree By-law exemptions.

Security for replacement trees

- A security fee for replacement trees is required for permits in certain cases such as, if the number of replacement trees is substantial or tied to conditions of another City process. Security provides assurance that replacement trees are planted as per the permit conditions.
- The updated fee will be set at a minimum of \$350 per replacement tree.

Cash in lieu of replacement trees

- Replacement plantings that cannot be accommodated on the property that they were removed from are subject to providing a tree replacement fee (cash-in-lieu) paid to the City.
- These funds are exclusively used by the City to recover the canopy loss through tree planting on City property and supported programs on private property (i.e., school, industrial). However, the City prioritizes the replacement of trees on site where feasible and limits the acceptance of cash in lieu of tree replacement as a condition of tree removal permits.
- A tree replacement fee of \$350 for each tree replacement will be used in place of \$500 for each tree injured or removed.

## **Next steps**

If the updated Private Tree By-law is adopted, staff will update internal and external processes to implement the by-law and associated fees, update the City's Tree Technical Manual and develop a companion Private Tree By-law guide to assist members of the public in navigating the permitting process.

## **Financial Implications**

There is no 2025 budget for this initiative and no request has been included in the 2026 and 2027 operating forecast for the implementation of this By-law. The financial implications of the updated Private Tree By-law are directly related to resource costs for administration, implementation and enforcement. The estimated net annual operating impact of the updated By-law is \$118,000 which includes the offset by the anticipated cost recovery using the proposed updated fee structure. There is no capital cost associated with the implementation of the updated By-law.

If Council approves the updated By-law, the budget requirements forecast above should be referred to the 2026 budget confirmation process and prioritized with all budget requests. If the funding for this initiative is not included in the 2026 budget update, the By-law remains in force but resources would not be available to ensure compliance. Compliance needs without requested funding would be managed on a case-by-case basis and would necessitate the reprioritization of other operational and service delivery work within the Forestry Business Unit. If Council approves the updated By-law with an effective date of April 23, 2025, expenditures incurred in 2025 for administration, implementation, or enforcement may result in an operating deficit.

The administration of the By-law was transferred to Parks (from Planning) on January 6, 2025, with the exception that Planning staff will continue to administer and implement tree-related reviews required for Planning Act applications within the existing approved operating budget.

Enforcement of the Tree Protection By-law remains mainly with the By-law Department but is often carried out by or supported by authorized Parks and/or Planning staff. Should there be a need to increase By-law Department staffing resources as a result of the proposed amendment, staff would report back through the variance process, and then would bring further considerations back to Council as part of future budget processes. Similarly, Clerks, Legal, and Finance provide only peripheral support for the Private Tree By-law and are also funded through general budgets. They too have been excluded from the financial implication analysis.

## **Consultations and Engagement**

Community perspectives have been a key consideration of the review process and substantial effort has been made to engage a cross-section of individuals and representatives from the community in two phases of engagement, including but not limited to Councillors and Mayor, City staff, Indigenous Nations, the Natural Heritage Advisory Committee, Heritage Guelph, local developers and builders, local tree care professionals, local agencies and institutions, private property owners, and a diverse range of individuals and organizations from across the community.

Although opinions were divided on how the scope of the Private Tree By-law should be expanded, the outcome of the Phase 2 engagement demonstrated that options

2, 3, and 4 which included expanded scope were favoured over option 1 (the current By-law).

The importance of regulating mature trees as a priority was expressed by more than half of the engagement participants in both phases of engagement. Most Phase 2 survey respondents and many session participants were supportive of additional investment by the City to administer and enforce an expanded Private Tree By-law. However, in both the survey and the engagement sessions, we repeatedly heard that additional costs for Guelph residents should be limited or avoided. We also heard that the updated By-law should consider the value of services provided by trees, the need for equitable permitting, education and support and/or incentives for mature tree care and tree establishment on private property.

### **Attachments**

Attachment-1 Proposed Updated Private Tree Protection By-law (2025)-21059

Attachment-2 Key Directions Report

Attachment-3 Presentation – Private Tree Protection By-law Review and Update

Attachment-4 Phase 2 Engagement Summary

Attachment-5 Current Private Tree Protection By-law 2010-19058

### **Departmental Approval**

None

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