

Private Tree Protection By-law (2010)-19058: Review and Update

Council Presentation

Committee of the Whole: April 1, 2025

Agenda

- Purpose of presentation and report
- Strategic Plan alignment
- Timeline and progress
- Private Protection Tree By-law (“By-law”) scope update
- Key findings
- Other related updates
- Financial implications
- Next steps

Why are we here

By-law update project rationale

- Shift towards intensification
- Need to adapt to climate change as per the Strategic Plan
- Need to align with other updated policies and rules
- Periodic updates are a recommended best practice by the City's Urban Forest Management Plan

Outcome

- Seek **approval of the proposed changes to the By-law**
- Provide the rationale for the updates through the Key Direction Report
- Seek **approval of fee structure** to come into effect if the By-law is adopted
- **Seek funding** to effectively implement the updated By-law if adopted

Strategic Plan Alignment

Increase the City's ability to effectively regulate the destruction and injuring of trees

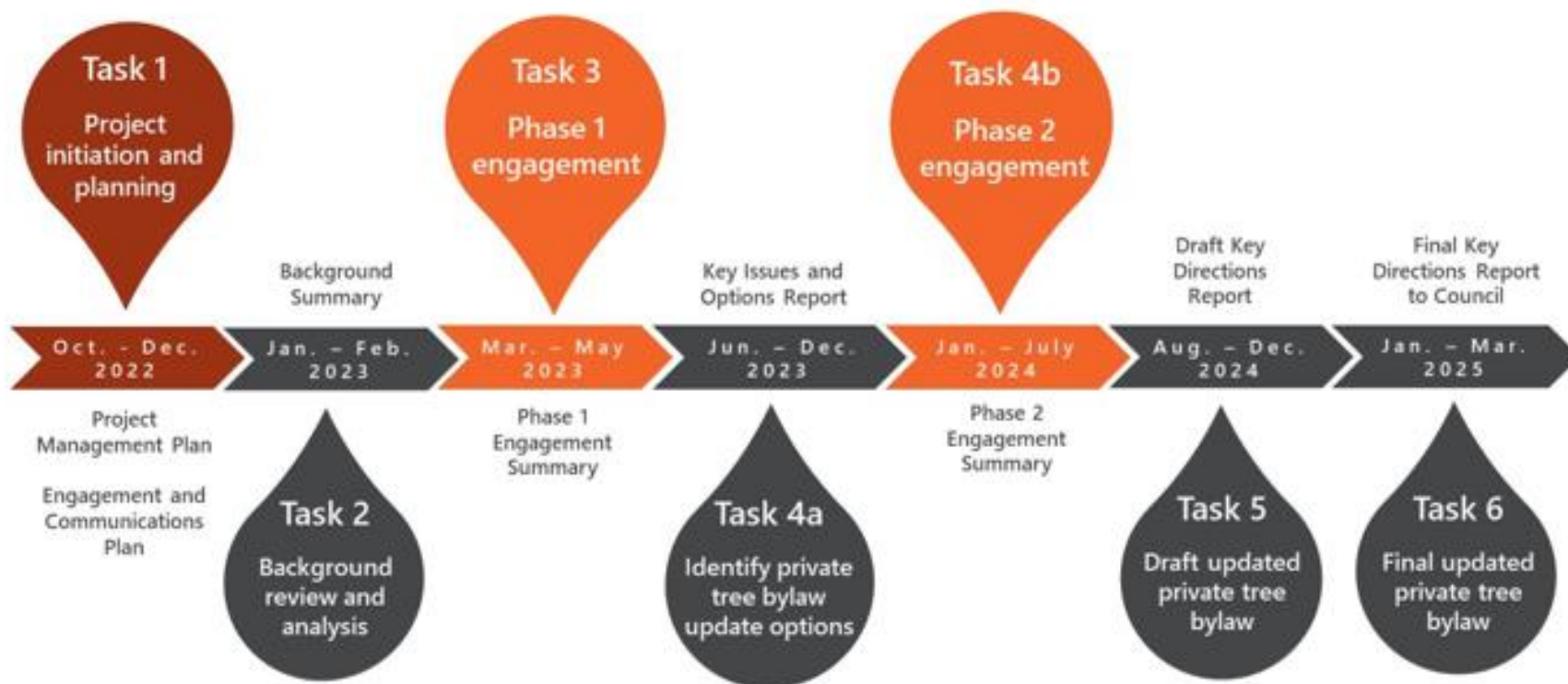
Future Guelph Theme: Environment

Future Guelph Objective: Be a leader in climate action

Specifically, mitigating the impact of climate change by protecting, maintaining, and increasing canopy cover, supported by the update of the Private Tree Protection By-law.

Timeline

Figure 1: Overview of the timeline, tasks and key deliverables for Guelph’s private tree by-law update



Key Findings

- 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.

Updated Scope

- **Regulation of mature trees – trees at least 50 centimetres in diameter – on ALL private property.**

This is in addition to the current scope of the By-law which regulates trees at least 10 centimetres in diameter on properties greater than 0.2 hectares (0.5 acres).

Community Engagement

Phase 2 – Issues and Options

- **More than half of the participants supported expanding the scope of the current By-law in some way**, although opinions were divided on how the scope should be expanded.
- 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 bylaw. However, in both the survey and the engagement sessions we repeatedly heard that **additional costs to Guelph residents should be limited or avoided**.

Screening of options

Feasible options for updating Guelph's Private Tree Protection Bylaw	Criterion 1. Proportion of trees regulated	Criterion 2. Proportion of tree canopy cover regulated	Criterion 3. Level of protection compared to current private tree bylaw	Criterion 4. Alignment with community perspectives	Criterion 5. Level of complexity	Criterion 6. Impact on City resourcing	Total scores
A. Trees of at least 10 cm diameter on private lots greater than 0.2 hectares	2	1	1	1	3	3	11
B. Trees of at least 10 cm diameter on private lots greater than 0.1 hectares	2	1	2	1	3	3	12
C. Trees at least 20 cm diameter on all private lots	1	3	2	2	2	1	11
D. Option A <u>plus</u> trees of at least 50 cm diameter on all private lots	2	2	3	2	2	2	13
E. Option B <u>plus</u> trees of at least 50 cm diameter on all private lots	2	2	3	2	1	2	12

Other Updates

By-law change	Rationale
Refined, removed, and added multiple definitions	Improve clarity
Refined, removed, and added multiple exemptions	Improve tree replacement for canopy loss
Revised permit requirements, considerations, and conditions	Improve clarity of processes
Added new permit fees and revised existing permit fees	Maximize cost recovery with equitable fees

Permit Fees

Description	Current rate (not in User Fees By-law)	Base rate to be added to User Fees By-law
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)	n/a	Base rate for 1-3 trees plus \$50 (total permit fee maximum of \$500)
Tree permit appeal (per appeal)	n/a	\$300
Tree compensation: cash in lieu per tree removed	\$500	n/a
Tree compensation: security deposit per replacement tree required	\$650 (average)	\$350 (or based on landscape costs where applicable)
Tree compensation: cash in lieu per replacement tree required	n/a	\$350
Private Tree By-law compliance inspection fee (per contravention)	n/a	\$500

Financial Implications

The proposed updated By-law will require an increase to the annual operating budget expenditures by \$222,000 to provide the resources to 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.

Next Steps

If the updated Private Tree By-law is adopted:

- Update internal and external processes to implement the bylaw and associated fees;
- Update the City's Tree Technical Manual;
- Develop a companion Private Tree By-law guide to assist members of the public in navigating the permitting process.

Thank you for your consideration