

CITY OF VANCOUVER BRITISH COLUMBIA



PROTECTION OF TREES BY-LAW NO. 9958

**This By-law is printed under and
by authority of the Council of
the City of Vancouver**

**(Consolidated for convenience only
to November 14, 2023)**

PROTECTION OF TREES BY-LAW

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BY-LAW NO. 9958

A By-law to provide for the protection of trees

**(Consolidated for convenience only,
amended to include By-law No. 13846
effective January 1, 2024)**

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

**SECTION 1
INTERPRETATION**

Name of By-law

1.1 The name of this By-law, for citation, is the "Protection of Trees By-law".

Definitions

1.2 In this By-law:

"arborist" means an arborist certified by the International Society of Arboriculture;

"building permit" means a building permit issued under the Building By-law in connection with a development;

"Chief Building Official" means the individual appointed by Council to be the city building inspector or a person duly authorized to carry out the powers and duties of the city building inspector;

"City Engineer" means the individual appointed by Council to be the General Manager of Engineering Services or a person duly authorized to carry out the powers and duties of the General Manager of Engineering Services;

"development" means a change in the use of any land or building, or the carrying out of any construction, engineering, or other operations in, on, over, or under land or land covered by water, or an existing building or group of buildings;

"development permit" means a development permit issued under the Zoning and Development By-law in connection with a development;

"Director of Licences and Inspections" means the individual appointed by Council to be the Director of Licences and Inspections or a person duly authorized to carry out the powers and duties of the Director of Licences and Inspections;

"Director of Planning" means the individual appointed by Council to be the director of planning or a person duly authorized to carry out the powers and duties of the director of planning;

“drip line” means a circle drawn on the ground around a tree directly under the tips of the outermost branches of the canopy of the tree;

“hazardous tree” means a tree that is in imminent danger of falling and causing injury to a person or damage to property;

“hedge” means five or more trees or shrubs less than five metres high, and planted less than 1.25 metres apart;

“owner” includes a registered owner, an owner under agreement, an occupier of Crown lands, an owner of a strata lot if the subject tree is within the boundaries of the strata lot, a strata corporation if the subject tree is within the boundaries of the common property, and a cooperative association;

“protection barrier” means a barrier erected to protect a tree and its roots that:

- (a) is at least 1.2 metres high measured from the ground,
- (b) meets the distance requirements, measured 1.4 m above the existing grade of the ground adjoining the base of the tree, set out in Schedule A,
- (c) with respect to its construction, consists of snow fencing fastened securely to metal or wood stakes spaced no more than one metre apart, or other fencing acceptable to the Chief Building Official or City Engineer or as otherwise approved by the Director of Planning, and
- (d) in the case of a barrier:
 - (i) on the site or on adjacent property, is acceptable to the Chief Building Official, or
 - (ii) in the case of a barrier on a street, is acceptable to the City Engineer;

“relocation tree” means a living tree that, according to a tree plan, an owner intends to relocate or has relocated or that, according to this By-law, an owner must relocate on a site;

“replacement tree” means a living tree that, according to a tree plan, an owner intends to plant or has planted or that, according to this By-law, an owner must plant to replace a tree on a site;

“required construction access” means the approved location of access to a construction site, for movement of equipment and materials, as determined by the Chief Building Official;

“retention tree” means a living tree that, according to a tree plan, an owner intends to retain or has retained, or that, according to this By-law, an owner must retain, in its original or existing location on a site;

“site” means one or more parcels of land that adjoin one another or which only a street or body of water separates and that is common to a development, and includes a strata lot, the common property of a strata corporation, and a leasehold parcel created under section 99(1)(k) of the Land Title Act;

“sloping site” means a site where any portion of the rear boundary is more than 3.7 metres higher or lower than any portion of the front boundary;

“tree” means a self-supporting, perennial, woody plant that has a trunk or stem and a root system;

“tree permit” means a permit issued by the Director of Planning in accordance with this By-law;

“tree plan” means a plan required under section 4.4(a); and

“tree protection area” means the land between a tree and a protection barrier.

Table of contents

1.3 The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

Schedules

1.4 Schedules attached to this By-law form part of this By-law.

Severability

1.5 A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

SECTION 2 APPLICATION OF BY-LAW AND EXEMPTIONS

Application of By-law to hedges

2.1 All provisions of this By-law apply to individual trees in a hedge, except only to the extent that any such provision specifically excepts, excludes, or exempts a hedge.

Exemption for small trees

2.2 This By-law does not apply to a tree that has a trunk or stem the diameter of which, or two or more trunks or stems the combined diameter of the two or three largest trunks or stems of which, measured 1.4 m above the existing grade of the ground adjoining its base, is less than 20 cm, except for a replacement tree or a tree that is part of a hedge.

Exemption for public utility

2.3 This By-law does not apply to the removal, relocation, or replacement of a tree in connection with the construction or maintenance of a public utility in a public utility easement or statutory right of way.

Exemption for Park Board

2.4 This By-law does not apply to the removal, relocation, or replacement of a tree in connection with any site or development under the jurisdiction of the Park Board.

SECTION 3 CERTIFICATES

Qualifications of certifier

3.1 A person who issues a certificate under this By-law must:

- (a) possess a certification or accreditation from an organization or under a statute, or membership in an organization, referred to in this By-law; and
- (b) possess a license under the License By-law;

that is current at the time the certifier signs the certificate.

Requirements for certificate

3.2 Each certificate required under this By-law must be in writing, signed by the certifier, and dated no more than 30 days before the date of submission of an application for a tree permit, development permit, or building permit.

Need for second certificate

3.3 Despite anything to the contrary in this By-law, if a report, opinion, survey, or other instrument that is the subject of a certificate is not satisfactory to the Director of Planning, the applicant or owner who submitted the certificate must submit a second certificate concerning the same subject matter, and signed by a person who is at arm's length from the person who signed the first certificate.

SECTION 4 TREE PERMITS

Requirement for tree permit

4.1 A person must not cut down or kill a tree on a site, remove a tree from a site, relocate a tree on a site, or plant a replacement tree on a site, except in compliance with this By-law and the tree permit issued for such removal, relocation, or replacement.

Application for tree permit

4.2 An owner of a site may apply for a tree permit to remove a tree from a site, to relocate a tree on a site, or to plant a replacement tree on a site, which application must be in the form prescribed by the Director of Planning.

Responsibility of Owner to Comply with By-law

4.3 1) An owner:

- a) shall comply with this By-law;
- b) shall ensure that all work is carried out in accordance with this By-law; and
- c) may delegate the authority to apply for a permit on behalf of the owner, to an agent, in writing.

2) The issuance of a permit, the acceptance of plans and supporting documents submitted for a permit, or the making of inspections by the City of Vancouver shall not relieve the owner from the full responsibility for complying with this By-law.

Submissions with tree permit application

4.4 With the tree permit application, the owner or the agent on behalf of the owner must submit all information, certificates, and fees required under this By-law for issuance of the tree permit including:

- (a) a tree plan with respect to the site that complies with section 4.1.3 of the Zoning and Development By-law, and that identifies the:
 - (i) location and trunk diameter of each retention tree, relocation tree, or replacement tree,
 - (ii) location and trunk diameter of each such tree the owner intends to remove,
 - (iii) location and trunk diameter of each tree located on adjacent property within two metres of any boundary of the site,
 - (iv) location and trunk diameter of each tree located on a street that is adjacent to the site, and
 - (v) location of the proposed protection barrier for each tree referred to in subsection (i), (iii), or (iv);
- (b) each certificate required under section 4.5, or 4.6;
- (c) a non-refundable application fee of:

- (i) \$105.00 for a tree permit to remove the first tree in a 12 month period, and
- (ii) \$301.00 to remove each subsequent tree during that same 12 month period;
- (d) if the applicant is the owner of a strata lot, written confirmation from the strata council that the applicant has the right to apply for a tree permit regarding the tree that is the subject of the application, whether or not the strata council or strata corporation has imposed any requirements on the applicant regarding the tree, and, if it has imposed requirements, a description of them; and
- (e) if the applicant is not the owner, confirmation in writing that the applicant is acting on behalf of the owner and as agent for the owner.

Issuance of tree permit

4.5 The Director of Planning may issue a permit to remove a tree from, or to relocate or replace a tree on, a site only if:

- (a) the location of the tree is within a building envelope defined or described under a development permit or building permit, and changing the siting of an accessory building within that envelope to allow retention of the tree is not possible;
- (b) the location of the tree is within the required construction access, as determined by the Chief Building Official;
- (c) a plumber, accredited under the Industry Training Authority Act of British Columbia, certifies that the roots of the tree are interfering with, blocking, or damaging a drainage or sewage system;
- (d) an arborist certifies that:
 - (i) the tree interferes with utility wires or required construction access, or
 - (ii) the tree is so close to utility wires or required construction access that it creates a hazard, and
 - (iii) pruning the tree to reduce the interference or hazard would weaken or mutilate the tree.
- (e) an arborist certifies that the tree is causing damage to property, including damage to roofs, retaining walls and sidewalks, that standard arboriculture practices cannot rectify;
- (f) an arborist who is a tree risk assessor certified by the International Society of Arboriculture certifies that the tree is a hazardous tree;
- (g) an arborist certifies that damage to the tree has occurred to the extent that the tree is

likely to suffer from disease or die prematurely;

- (h) an arborist certifies that the tree is dying and is likely to be dead within six months or is dead; or
- (i) proof satisfactory to the Director of Planning is submitted demonstrating that the tree is either dead or such a significant hardship that its removal is necessary.

Prerequisites for issuance of tree permit

4.6 In addition to the requirements of section 4.5, the Director of Planning may issue a tree permit only if:

- (a) the Director of Planning approves the tree plan referred to in section 4.4(a) with respect to the tree that is the subject of the application;
- (b) The conditions on the permit include the recommended construction [practices to protect trees during and after construction that are contained in the arborist's report referred to in section 7.2 of this By-law;
- (c) an engineer, who is a member of The Association of Professional Engineers and Geoscientists of the Province of British Columbia, certifies that removing the tree will not destabilize any soil on a sloping site; and
- (d) the applicant has complied with all other applicable by-laws.

Conditions of tree permit

4.7 The Director of Planning may include conditions regarding the removal, relocation, replacement or retention of a tree in a tree permit, and the tree permit holder and the owner must comply with those conditions.

Posting of tree permit

4.8 During the removal, relocation, or replacement of a tree, the tree permit holder and the owner must post the tree permit, and keep it posted, in a conspicuous location on the site that is visible from an adjacent street.

Duration of tree permit

4.9 If a tree permit holder or an owner has not removed a tree within six months after the date of issuance of the tree permit:

- (a) the tree permit expires, and has no further force or effect; and
- (b) the owner must obtain a new tree permit before removing or re-locating the tree.

Duration of tree permit

4.10 If a replacement tree is required as a condition of a tree permit or as a result of cutting, removing or damaging protected trees in contravention of this By-law, the owner shall provide to the City a security deposit in cash or letter of credit in the amount, and for the duration specified in this By-law;

- (a) every letter of credit required under this By-law shall be a clean, unconditional and irrevocable letter of credit drawn from a Canadian financial institution acceptable to the City and in a form acceptable to the City. If, for any reason, the irrevocable letter of credit ceases to be effective security or becomes unenforceable so as to remove or reduce its purpose as full security for the due and proper performance of the requirements of this By-law, the owner shall replace the letter of credit with cash;
- (b) if an owner fails to comply with the provisions of this By-law related to requirements for planting and maintaining replacement trees, the City may by its employees or others under its direction enter upon the lands that are the subject to the requirements to plant and maintain a replacement tree and undertake the planting or maintenance required, and for such purposes may draw upon the securities provided and expend the funds to cover all costs and expenses of so doing;
- (c) the amount of security that the owner shall provide to the City for the provision, installation and maintenance of replacement trees required and described in Section 6.3 and 6.4 of this By-law shall be:
 - (i) FIVE HUNDRED (\$500.00) DOLLARS per replacement tree, or
 - (ii) SEVEN HUNDRED FIFTY (\$750.00) DOLLARS per replacement tree when the tree is 8 cm caliper or more; and
- (d) any security held by the City under this By-law shall be released in accordance with this section. No security will be released until the Director of Planning is satisfied that the owner has complied with all tree replacement and maintenance requirements of this By-law and any applicable tree permit. The City shall return a security deposit once the condition of all replacement trees has been approved in accordance with the inspection requirements set out in section 10.2 of this By-law.

SECTION 5 TREE COUNTING AND MEASUREMENTS

Inclusions in counting

5.1 Subject to section 5.2, for the purpose only of determining the number of trees required on a site, as described in Schedule C, counting the number of trees on a site is to include each retention tree, relocation tree, and replacement tree.

Exclusions from counting

5.2 For the purpose only of determining the number of trees required on a site, as described in Schedule C, counting the number of trees on a site is to exclude each tree:

- (a) that a person, under a tree permit, intends to remove or has removed from the site;
- (b) that meets the criteria set out in section 4.4(a).
- (c) in respect of which a person has issued a certificate under section 4.4(b), (c), (d), (e), (f), or (g);
- (d) that forms part of a hedge;
- (e) that is closer to a proposed principal building under a development permit or building permit than the distance indicated in Part 1 of Schedule B;
- (f) that is closer to a proposed accessory building under a development permit or building permit than the distance indicated in Part 2 of Schedule B.

Counting a group of trees

5.3 Despite sections 5.1 and 5.2, if the Director of Planning is of the opinion that a tree is part of a group of trees in such close proximity to one another that removal of one tree is likely to damage it or other trees in the group, the Director of Planning may allow or require counting of the group of trees as one tree.

Measurement of distance

5.4 Measurement of the distance between a tree and a proposed or existing building under this By-law is to occur at 1.4 metres above grade, and is to be the shortest distance from a point on the main trunk of the tree to a point on the exterior wall of the proposed or existing principal or accessory building.

Relaxation of distance requirement

5.5 Under subsections (e) and (f) of section 5.2, if the Director of Planning is satisfied that a tree warrants retention and can survive with standard arboricultural care and appropriate construction techniques, the Director of Planning may relax the minimum distance referred to in section 5.4.

SECTION 6 RELOCATION TREES AND REPLACEMENT TREES

Requirement for replacement tree

6.1 The owner of the site must plant a replacement tree in accordance with this By-law for every tree removed from the site in contravention of this By-law, or as required by the tree permit issued

for the removal of a tree.

Exemption from requirement for replacement tree

6.2 Despite section 6.1 and section 4.10, if a site, immediately after removal of a tree pursuant to a permit or in contravention of this By-law, includes at least the number of trees set out in Schedule C, the owner of the site does not need to plant a replacement tree and provide security for such trees if the owner elects to pay the City cash-in-lieu of those trees at the rate of \$1,000.00 for each tree that would otherwise have to be planted, and such money shall then be used for the planting of trees on other sites.

Type of replacement tree and number

6.3 For each tree a person removes from a site, the owner of the site must plant:

- (a) one replacement tree described in Part 1 of Schedule D;
- (b) two replacement trees described in Part 2 of Schedule D; or
- (c) a tree or trees acceptable to the Director of Planning;

except that in the case of a sloping site, the owner may plant one replacement tree set out in Part 2 of Schedule D.

Size of replacement tree

6.4 Each replacement tree an owner plants on a site must meet the size requirements that apply to it as set out in Schedule D.

Siting of relocation tree or replacement tree

6.5 An owner must plant a relocation tree or replacement tree:

- (a) on the same site as the tree the owner is replacing or relocating;
- (b) at least one metre from:
 - (i) any side boundary of the site,
 - (ii) any accessory building on or adjacent to the site, or
 - (iii) any other structure or thing on or adjacent to the site that, in the opinion of the Director of Planning, the tree may adversely affect or that may adversely affect the tree;
- (c) at least 1.5 metres from any principal building on or adjacent to the site;

- (d) at least 2.5 metres from any other tree on or adjacent to the site; and
- (e) in accordance with any approved tree plan.

Timing for planting of relocation tree or replacement tree

6.6 An owner must plant a relocation tree or replacement tree:

- a) in the case of development under the Zoning and Development by-law, before:
 - (i) issuance of an occupancy permit, or
 - (ii) occupancy of a development not requiring an occupancy permit;
- (b) in any other case, within six months after the date of issuance of the tree permit for such relocation tree or replacement tree;

except if the Director of Planning specifies, as a condition of such tree permit, another deadline for such relocation or replacement.

6.7 Every owner required to plant a replacement tree under this By-law shall plant and maintain the replacement tree in accordance with sound arboricultural practice.

SECTION 7 PROTECTION OF TREES DURING CONSTRUCTION

Submission of survey

7.1 With an application for issuance of a development permit or building permit, the owner or the applicant on behalf of the owner, must submit a survey, certified correct by a BC land surveyor who is a member of the Association of British Columbia Land Surveyors that shows:

- (a) each tree located on the site, on adjacent property within two metres of any boundary of the site, and on any street adjacent to the site;
- (b) the tree grade or tree elevation for each tree referred to in subsection (a);
- (c) the drip line for each such tree; and
- (d) the location, height, and diameter of each stump on the site.

Submission of arborist's report

7.2 With an application for issuance of a development permit or building permit, the owner or the applicant on behalf of the owner must also submit a report, certified correct by an arborist, that sets out:

- (a) the condition, size, and species of trees on the site;
- (b) the impact of the proposed development on the health of trees on the site, and potential hazards to them during or after construction;
- (c) development limitations;
- (d) recommended construction practices to protect trees during and after construction; and
- (e) an undertaking from the arborist and the owner to the city that the arborist will perform or supervise performance of:
 - (i) pre-construction treatment of trees including root and branch pruning,
 - (ii) regular on-site inspections during construction, and will report any offence against this By-law on the site to the Director of Planning or on a street adjacent to the site to the City Engineer,
 - (iii) restorative landscape treatment including soil renovation,
 - (iv) selection and planting of any replacement trees required under this By-law, and
 - (v) a post construction inspection of the site, and will prepare a report, certified correct by the arborist, for submission, in a timely manner, to the Director of Planning.

Exception for interior alterations

7.3 If a development permit or building permit is for alterations only to the interior of a building, and, in the opinion of the Director of Planning, none of the work, or storage, transport, or removal of materials, will affect any tree located on the site, sections 7.1 and 7.2 do not apply.

Demolition, excavation, or construction

7.4 A person must not commence or carry on demolition, excavation, or construction on a site, except in accordance with the requirements of this By-law, and any applicable tree permit.

Protection barrier

7.5 The owner shall:

- (a) install a protection barrier for each retention tree located on the site, on adjacent property within two metres of any boundary of the site and on any street adjacent to the site, before demolition, excavation or construction begins on a site;

- (b) ensure that the protection barrier meets the requirements for a protection barrier in this By-law, throughout the course of demolition, excavation and construction on the site; and
- (c) maintain the protection barrier in good repair continuously throughout the course of demolition, excavation and construction on the site.

No construction without protection barrier

7.6 No person shall carry out demolition, excavation or construction on a site unless there are protection barriers in place as required by this By-law.

Location of protection barrier

7.7 Each protection barrier referred to in section 7.5 and 7.6 must, if the tree is on adjacent property within two metres of any boundary of the site, extend into the site from the nearest boundary of the adjacent site by the greater of two metres or such other distance determined by an arborist or the Director of Planning to be necessary to protect the tree and the adjacent property.

Requirements for trees on boulevards

7.8 In addition to the requirements of section 7.5, before and during demolition, excavation, or construction on a site, the owner of the site must:

- (a) comply with the requirements of the City Engineer, Chief Building Official and Director of Planning with respect to any tree on a boulevard or lane adjacent to the site;
- (b) not prune, move, or otherwise disturb such tree unless the Park Board has given its prior written permission;
- (c) ensure that each protection barrier:
 - (i) allows for free and clear passage of pedestrians on the surrounding portion of the boulevard and on the sidewalk adjacent to the boulevard,
 - (ii) allows for clear visibility of fire hydrants, driveway accesses, and crosswalks,
 - (iii) is 0.6 m or more from the curb to allow for the opening of car doors, and
 - (iv) is 0.3 m or more from the edge of any sidewalk located within a grass boulevard.

Issuance of building permit

7.9 Despite the Zoning and Development By-law and Building By-law, a person is not entitled to

a permit for demolition, excavation, or construction on a site, except if:

- (a) the Chief Building Official has inspected and approved each protection barrier on the site or on adjacent property; and
- (b) the City Engineer has inspected and approved each protection barrier on a street.

Condition of protection barriers and retention trees

7.10 If a protection barrier has been installed under this section 7, the owner and any person working on construction at the site must:

- (a) care for the retention tree within the tree protection area, during the construction process, including sufficient watering, particularly if excavation has disturbed the tree root system;
- (b) attend to proper root pruning and care for the remaining root system;
- (c) to minimize root damage, soil erosion and tree disturbance, wrap a temporary root curtain around the root zone to retain and protect the exposed area, which root curtain is to consist of heavy wire mesh or similar material lined with burlap and supported by posts;
- (d) use backfill to ensure that none of the roots remain exposed;
- (e) if required by the Director of Planning, tunnel rather than trench when installing underground utilities and drainage lines, which technique includes boring a hole under or through the root system with minimum disturbance, and carry out any excavation within the tree protection area to accommodate underground installations, including services and footings, by hand; and
- (f) maintain such protection barrier, repair any damage to it, and not alter or remove it until construction is complete.

No encroachment

7.11 A person must not encroach into a tree protection area, with or without vehicles, and must not store anything in such area until construction is complete.

SECTION 8 CARE AND MAINTENANCE OF TREES

Care of a tree

8.1 The owner of a site must care for each tree on the site in accordance with the requirements of this By-law and any applicable tree permit.

Treatment of a tree

8.2 A person must not:

- (a) remove bark from, or cause any damage to, a tree;
- (b) alter the existing grade around a tree, except to raise the grade by no more than:
 - (i) five centimeters within a one metre circumference around the trunk, and
 - (ii) a further five centimetres between the one metre circumference and the circumference of the drip line of the tree;
- (c) do anything that would cause a tree to become a hazardous tree;
- (d) do anything that would cause a tree to die;
- (e) top a tree;
- (f) prune a tree to the extent that it is unlikely ever to regain its characteristic appearance;
- (g) climb a retention tree using climbing gaffs, spurs or spikes; or
- (h) prune, cut, or alter a tree so as to create a risk to the health or future health of the tree.

Root pruning

8.3 A person must not prune the roots of a tree unless that person is an arborist.

SECTION 9 EMERGENCY REMOVAL

Emergency removal

9.1 If a tree on a site becomes a hazardous tree as a result of damage from a natural cause, the owner or occupier of the site may remove the tree before obtaining a tree permit.

Issuance of tree permit after emergency

9.2 A person who has removed a tree under section 9.1 must, within 24 hours of the date of removal, or in the case of a removal which takes place on a weekend or holiday, on the next business day after the date of removal, apply for a tree permit for such removal, and take all action necessary to obtain issuance of such tree permit.

SECTION 10 ASSESSMENTS AND INSPECTIONS

Entry on property

10. The Director of Planning or Chief Building Official, or any representative of either of them, may enter a site to assess or inspect the site, and trees or stumps on the site, to determine:

- (a) whether or not a person is in compliance with the requirements of the Vancouver Charter, this By-law, a tree permit, or any condition attached to such tree permit;
- (b) whether or not to issue a tree permit, and whether or not to include conditions in such tree permit; and
- (c) the state of any tree on the site.

Inspection and Release of Securities for Replacement Trees

10.2 Once all replacement trees required under a tree permit or as a result of a breach of this By-law have been planted, the owner or an agent of the owner shall:

- (a) request the Director of Planning or his representative to conduct a site inspection to confirm that the replacement trees have been planted in accordance with this By-law and any related permits; and
- (b) if an inspection conducted under subsection 10.2 (a) is not satisfactory to the City because the trees have not been planted in accordance with a permit or this By-law, the City shall inform the owner of this by issuing an order to plant the required trees under section 11.4 (b), and the owner shall request another inspection at another date until such time as a satisfactory inspection has been conducted, or the City has taken action under section 4.10(b);
- (c) one year after a satisfactory inspection has been conducted under subsection 10.2 (a) or (b), or the City has taken action under section 4.10(b), the Director of Planning or a representative shall conduct another site inspection to confirm that the replacement trees have been maintained in accordance with this By-law and any related permits, and are in satisfactory condition;
- (d) if an inspection conducted under section 10.2 (c) is not satisfactory to the City because the trees have not been maintained in accordance with the permit or this By-law, the City shall inform the owner of this by an order issued under section 11.4 (a) or (b), and the owner shall request another inspection at another date until such time as a satisfactory inspection has been conducted; and
- (e) nothing in this section shall limit the authority of the City to take action under subsection 4.10(b), and draw upon the security posted under this By-law.

SECTION 11 ENFORCEMENT

Revocation of tree permit

11.1 The Director of Planning may revoke a tree permit by issuing a written notice to the permit holder or owner if:

- (a) the tree permit was issued in error;
- (b) the tree permit was issued on the basis of false, misleading, or incorrect information;
or
- (c) the tree permit holder or owner failed to comply with the tree permit.

Unlawful damage to or removal of a tree

11.2 No person shall, in contravention of this By-law or a tree permit:

- (a) cut or damage a tree on a site to the extent that, in the opinion, of the Director of Planning, the tree:
 - (i) is or will become a hazardous tree,
 - (ii) has lost its characteristic appearance,
 - (iii) is or will become diseased, or
 - (iv) it is dead or will die prematurely; or
- (b) remove a tree from a site.

Replacement of unlawfully damaged or removed tree

11.3 The Director of Planning may order a person in breach of section 11.2 to:

- (a) apply for a tree permit to replace any tree referred to in such order within 14 days after receipt of such order,
- (b) to take all action necessary to obtain such a tree permit; and
- (c) plant the replacement tree in accordance with the permit.

Requirement to discontinue or carry out work

11.4 Any inspector or other employee of the city may order or direct any person to:

- (a) discontinue or refrain from proceeding with any work or doing anything that is in contravention of this By-law; and

- (b) carry out any work or do anything required by this By-law or any tree permit; and failure on the part of such person to comply with such order or direction within the time specified in such order or direction is a violation of this By-law.

11.4A Every person served with an order or direction:

- (a) pursuant to section 11.4 (a); or
- (b) pursuant to section 11.4 (b);

must obey that order of direction.

Service of notice

11.5 Any person authorized to issue an order, direction or notice under this By-law may do so by:

- (a) mailing it by registered post to the owner of the applicable site at the address shown on the real property tax assessment roll;
- (c) mailing it by registered post to the person who is the addressee of the notice;
- (d) handing it to the person who is the addressee of the notice;
- (e) emailing it to an address provided to the City; or
- (f) posting it on the real property, if the notice refers to real property.

Offence under By-law

11.6 Any person who:

- (a) contravenes any provision of this By-law, or does any act or thing which contravenes any provision of this By-law, or suffers, causes or allows any other person to do any act or thing which contravenes any provision of this By-law;
- (b) contravenes any condition of a permit issued under this By-law, or does any act or thing which contravenes any condition of a permit issued under this By-law, or suffers, causes or allows any other person to do any act or thing which contravenes any condition of a permit issued under this By-law;
- (c) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (d) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers, causes or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law; commits an offence under this By-law.

Separate offence

11.7 If a person breaches this By-law in a manner or to an extent that affects more than one tree, Council deems that person guilty of an offence against this By-law in respect of each tree.

Fine for offence

11.8 Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$500.00 and not more than \$10,000.00 for each offence.

Fine for continuing offence

11.9 Every person who commits an offence of a continuing nature against this By-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.

Ticket Offences

11.10 Certain offences under this By-law are enforceable by municipal ticket information pursuant to the Ticket Offences By-law.

SECTION 12 REPEAL, TRANSITION, AND ENACTMENT

Repeal

12.1 This By-law repeals By-law No. 7347.

Transition

12.2 Council deems any plan showing trees affected by development or replacement trees being provided as part of a development and submitted pursuant to section 4.1.3 of the Zoning and Development By-law as it existed immediately before the coming into force of this By-law to be a tree plan for the purpose of this By-law.

Force and effect

12.3 This By-law is to come into force and take effect on the date of its enactment except that the fees referred to in clauses (i) and (ii) of section 4.3(c) are to come into force and take effect on January 1, 2010.

ENACTED by Council this 1st day of December, 2009

Signed _____ "Gregor Robertson"
Mayor

Signed _____ "Marg Coulson"
City Clerk

SCHEDULE A

**PROTECTION BARRIER
DISTANCE FROM TREE**

Section 1.2

TRUNK DIAMETER	MINIMUM PROTECTION REQUIRED AROUND TREE
Trunk diameter	Distance from trunk
20 cm	1.2 m
25	1.5
30	1.8
35	2.1
40	2.4
45	2.7
50	3.0
55	3.3
60	3.6
75	4.5
90	5.0
100	6.0

SCHEDULE B

**EXCLUSIONS FROM TREE COUNTING
DISTANCES FROM BUILDINGS
Section 5.2(e) and (f)**

PART 1

DISTANCES FROM PRINCIPAL BUILDINGS			
Tree diameter	Distance	Tree diameter	Distance
cm	m	cm	m
20 - 30	2.0	39	2.6
31 - 32	2.1	40 - 44	2.7
33	2.2	45 - 49	3.0
34 - 35	2.3	50 - 54	3.3
36	2.4	55 - 59	3.7
37 - 38	2.5	60 and above	4.0

PART 2

DISTANCES FROM ACCESSORY BUILDINGS			
Tree diameter	Distance	Tree diameter	Distance
cm	m	cm	m
20 - 24	1.0	50 - 54	2.5
25 - 29	1.3	55 - 59	2.8
30 - 34	1.5	60 - 64	3.0
35 - 39	1.8	65 - 69	3.3
40 - 44	2.0	70 and above	3.5
45 - 49	2.3		

SCHEDULE C

**NUMBER OF TREES
REQUIRED ON A SITE
Section 5.2**

TREE DETERMINATION SCHEDULE	
Site area (m²)	Number of trees required
0 - 365	2
365 - 450	3
451 - 565	4
566 - 750	5
from 751 - 1000	6
from 1001 - 1250	7
from 1251 - 1600	8
from 1601 - 1850	9
from 1851 - 2200	12
from 2201 - 2550	16
from 2551 - 2900	20
from 2901 - 3250	25
over 3250	30 plus one additional tree for each 50 meters squared in site area above 3250 meters squared

Schedule D: Types of Replacement Trees, Section 6.3

Part 1

The following minimum tree size measurements apply to the tree at time of planting (not at maturity). Replacement Trees must have a caliper of at least six centimetres (trunk width measured at 15 centimetres above the ground) or measure 3.5 metres tall at the time of planting (root ball excluded).

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
European Ash	<i>Fraxinus excelsior</i>	D							
Flowering Ash	<i>Fraxinus ornus</i>	D						x	x
Green Ash	<i>Fraxinus pennsylvanica</i>	D							
White Ash	<i>Fraxinus americana</i>	D				x			
Amur Cork Tree	<i>Phellodendron amurense</i>	D			x				
European Mountain Ash	<i>Sorbus aucuparia</i>	D	x	x		x		x	x
Basswood	<i>Tilia americana</i>	D		x				x	x
American Beech	<i>Fagus grandifolia</i>	D				x	x		
European Beech	<i>Fagus sylvatica</i>	D					x		
Copper Beech	<i>Fagus sylvatica</i> 'Atropunicea'	D			x		x		
Asian White Birch	<i>Betula platyphylla</i>	D			x	x			
European White Birch	<i>Betula pendula</i>	D		x	x	x			
Jacquemontii Birch	<i>Betula jacquemontii</i>	D			x				
Paper Birch	<i>Betula papyrifera</i>	D	x	x	x	x			
River Birch	<i>Betula nigra</i>	D		x					
Common Catalpa	<i>Catalpa bignonioides</i>	D						x	x
Western Catalpa	<i>Catalpa speciosa</i>	D						x	x
California Incense Cedar	<i>Calocedrus decurrens</i>	E		x					
Atlas Cedar	<i>Cedrus atlantica</i>	E							
Blue Atlas Cedar	<i>Cedrus atlantica</i>	E			x				
Deodar Cedar	<i>Cedrus deodara</i>	E							
Cedar Of Lebanon	<i>Cedrus libani</i>	E			x				
Western Red Cedar	<i>Thuja plicata</i>	E	x	x					

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
Common Horsechestnut	<i>Aesculus hippocastanum</i>	D		x			x	x	x
Red Horsechestnut	<i>Aesculus x carnea</i>	D		x	x		x	x	x
Ruby Red Horsechestnut	<i>Aesculus x carnea</i> 'Briotti'	D		x	x		x	x	x
Sweet Chestnut	<i>Castanea sativa</i>	D					x	x	
Hinoki False Cypress	<i>Chamaecyparis obtusa</i>	E		x					
Nootka Cypress	<i>Chamaecyparis nootkatensis</i>	E	x	x					
Drooping Nootka Cypress	<i>Chamaecyparis nootkatensis</i> 'Pendula'	E		x					
Sawara False Cypress	<i>Chamaecyparis pisifera</i>	E							
Eddie's White Wonder	<i>Cornus</i> 'Eddie's White Wonder'	D		x		x	x	x	x
Giant Dogwood	<i>Cornus controversa</i>	D		x		x	x		x
Pacific Dogwood	<i>Cornus nuttallii</i>	D	x	x		x	x	x	x
Dove Tree	<i>Davidia involucrata</i>	D			x		x		
American Elm	<i>Ulmus americana</i>	D				x			
Scotch Elm	<i>Ulmus glabra</i>	D							
Siberian Elm	<i>Ulmus pumila</i>	D							
Empress Tree	<i>Paulownia tomentosa</i>	D						x	x
Alpine Fir	<i>Abies lasiocarpa</i>	E		x	x				
Balsam Fir	<i>Abies balsamea</i>	E		x					
Fraser's Fir	<i>Abies fraseri</i>	E		x					
Grand Fir	<i>Abies grandis</i>	E	x	x					
Noble Fir	<i>Abies procera</i>	E		x					
White Fir	<i>Abies concolor</i>	E		x					
Douglas Fir	<i>Pseudotsuga menziesii</i>	E	x	x					
Ginkgo	<i>Ginkgo biloba</i>	D			x	x	x		
Common Hackberry	<i>Celtis occidentalis</i>	D		x			x	x	
Canadian Hemlock	<i>Tsuga canadensis</i>	E							
Mountain Hemlock	<i>Tsuga mertensiana</i>	E							
Western Hemlock	<i>Tsuga heterophylla</i>	E	x	x					

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
European Hornbeam	<i>Carpinus betulus</i> 'Fastigata'	D					x		
Japanese Zelkova	<i>Zelkova serrata</i>	D			x		x		
Katsura	<i>Cercidiphyllum japonicum</i>	D			x	x			
European Larch	<i>Larix decidua</i>	D			x	x			
Crimean Linden	<i>Tilia euchlora</i>	D		x				x	x
Little Leaf Linden	<i>Tilia cordata</i>	D		x				x	x
Honey Locust	<i>Gleditsia triacanthos</i>	D				x		x	x
Sunburst Honey Locust	<i>Gleditsia triacanthos</i>	D				x		x	
Black Locust	<i>Robinia pseudoacacia</i>	D						x	x
Yellow Leafed Black Locust	<i>Robinia pseudoacacia</i> 'Frisia'	D			x			x	x
Red Maple	<i>Acer rubrum</i>	D		x		x		x	
Armstrong Red Maple	<i>Acer rubrum</i> 'Armstrong'	D		x		x		x	
Morgan Red Maple	<i>Acer rubrum</i> 'Morgan'	D		x		x		x	
Red Sunset Maple	<i>Acer rubrum</i> 'Red Sunset'	D		x		x		x	
Scanlon Red Maple	<i>Acer rubrum</i> 'Scanlon'	D		x		x		x	
Scarlet Sentinel Maple	<i>Acer rubrum</i> 'Scarlet Sentinel'	D		x		x		x	
Bigleaf Maple	<i>Acer macrophyllum</i>	D	x	x				x	
David Maple	<i>Acer davidii</i>	D			x	x		x	
Hedge Maple	<i>Acer campestre</i>	D				x		x	
Norway Maple	<i>Acer platanoides</i>	D				x		x	
King Norway	<i>Acer platanoides</i> 'Crimson King'	D				x		x	
Deborah's Norway Maple	<i>Acer platanoides</i> 'Deborah'	D				x		x	
Schwedler Norway Maple	<i>Acer platanoides</i> 'Schwedleri'	D				x		x	
Silver Variety Norway Maple	<i>Acer platanoides</i> 'Drummond'	D				x		x	
Purplebow Maple	<i>Acer truncatum</i>	D				x		x	
Sugar Maple	<i>Acer saccharum</i>	D						x	
Silver Maple	<i>Acer saccharinum</i>	D						x	
Sycamore Maple	<i>Acer pseudoplatanus</i>	D						x	
Monkey Puzzle	<i>Araucaria araucana</i>	E			x				
English Oak	<i>Quercus robur</i>	D						x	
Pin Oak	<i>Quercus palustris</i>	D		x				x	
Scarlet Oak	<i>Quercus coccinea</i>	D		x		x	x		

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
Red Oak	<i>Quercus rubra</i>	D		x	x		x		
Shumard Oak	<i>Quercus shumardii</i>	D					x		
Pacific Madrone	<i>Arbutus menziesii</i>	E	x	x	x		x	x	x
Austrian Pine	<i>Pinus nigra</i>	E		x					
Eastern White Pine	<i>Pinus strobus</i>	E							
Himalayan White Pine	<i>Pinus agriffithii</i>	E		x					
Japanese Black Pine	<i>Pinus thunbergii</i>	E		x					
Monterey Pine	<i>Pinus radiata</i>	E							
Ponderosa Pine	<i>Pinus ponderosa</i>	E		x					
Red Pine	<i>Pinus resinosa</i>	E		x					
Scotch Pine	<i>Pinus sylvestris</i>	E							
Umbrella Pine	<i>Sciadopitys verticillata</i>	E			x				
London Plane Tree	<i>Platanus acerifolia</i>	D							
Oriental Plane Tree	<i>Platanus orientalis</i>	D							
Black Cherry	<i>Prunus serotina</i>	D	x				x	x	x
Sour Cherry	<i>Prunus cerasus</i>	D		x			x	x	x
Dawn Redwood	<i>Metasequoia glyptostroboides</i>	D		x	x	x			
Giant Sequoia	<i>Sequoiadendron giganteum</i>	E		x					
Redwood	<i>Sequoia sempervirens</i>	E		x	x				
Fragrant Snowbell	<i>Styrax obassia</i>	D						x	x
Japanese Snowbell	<i>Styrax japonica</i>	D						x	x
Sourwood	<i>Oxydendrum arboreum</i>	D			x	x		x	x
Colorado Spruce	<i>Picea pungens</i>	E		x					
Norway Spruce	<i>Picea abies</i>	E		x					
Serbian Spruce	<i>Picea omorika</i>	E		x	x				
Sitka Spruce	<i>Picea sitchensis</i>	E	x	x					
White Spruce	<i>Picea glauca</i>	E		x					
Sweetgum	<i>Liquidambar styraciflua</i>	D				x		x	

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
American Sycamore	<i>Platanus occidentalis</i>	D							
Tree-Of-Heaven	<i>Ailanthus altissima</i>	D						x	
Tulip Tree	<i>Liriodendron tulipifera</i>	D				x		x	x
Black Walnut	<i>Juglans nigra</i>	D		x			x		
Persian Walnut	<i>Juglans regia</i>	D		x			x		
Corkscrew Willow	<i>Salix matsudana</i>	D			x			x	
Golden Weeping Willow	<i>Salix alba tristis</i>	D			x			x	
Weeping Willow	<i>Salix babylonica</i>	D			x			x	
White Willow	<i>Salix alba</i>	D				x		x	

Note: All tree species should be selected for disease resistance and hardiness for the Vancouver region.

Schedule D: Part 2

The following minimum tree size measurements apply to the tree at time of planting (not at maturity). Replacement Trees must have a caliper of at least six centimetres (trunk width measured at 15 centimetres above the ground) or measure 3.5 metres tall at the time of planting (root ball excluded).

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
Apple	<i>Malus</i> - species	D		x			x	x	x
Higan Cherry	<i>Prunus subhirtella</i>	D					x	x	x
Sweet Cherry	<i>Prunus avium</i>	D					x	x	x
Japanese Flowering Cherry	<i>Prunus serrulata</i>	D						x	x
Sargent Flowering Cherry	<i>Prunus sargentii</i>	D						x	x
Yoshino Cherry	<i>Prunus yedoensis</i>	D						x	x
Common Chokecherry	<i>Prunus virginiana</i>	D	x					x	
Prairifire Crab Apple	<i>Malus prairifire</i>	D		x			x	x	x
Wild Crab Apple	<i>Malus fusca</i>	D	x	x			x	x	x
Cucumber Tree	<i>Magnolia acuminata</i>	D							x
Chinese Dogwood	<i>Cornus chinensis</i>	D		x		x	x		x
Flowering Dogwood	<i>Cornus florida</i>	D	x	x		x	x	x	x
Kousa Dogwood	<i>Cornus kousa</i>	D		x		x	x	x	x
Common Fig	<i>Ficus carica</i>	D					x	x	
European Filbert	<i>Corylus avellana</i>	D		x			x	x	
Giant Filbert	<i>Corylus maxima</i>	D		x			x	x	
Goldenchain	<i>Laburnum watereri</i>	D			x			x	x
Gold Rain	<i>Koelreuteria paniculata</i>	D			x	x		x	x
Lavalle Hawthorne	<i>Crataegus lavellei</i>	D	x	x		x	x	x	x
English Holly	<i>Ilex aquifolium</i>	E		x			x		x

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
Japanese Aralia	<i>Aralia elata</i>	D		x		x	x	x	x
Japanese Pagoda	<i>Sophora japonica</i>	D							x
Portuguese Laurel	<i>Prunus lusitanica</i>	E					x		x
Dawson Magnolia	<i>Magnolia dawsoniana</i>	D							x
Kobus Magnolia	<i>Magnolia kobus</i>	D							x
Saucer Magnolia	<i>Magnolia soulangiana</i>	D							x
Southern Magnolia	<i>Magnolia grandiflora</i>	E			x				x
Amur Maple	<i>Acer ginnala</i>	D				x		x	x
Japanese Maple	<i>Acer palmatum</i>	D		x		x		x	x
Paperbark Maple	<i>Acer griseum</i>	D		x	x	x		x	
Vine Maple	<i>Acer circinatum</i>	D	x	x		x		x	
Mulberry	<i>Morus nigra</i>	D		x		x	x	x	x
White Mulberry	<i>Morus alba</i>	D		x		x	x	x	x
Windmill Palm	<i>Trachycarpus fortunei</i>	*			x				
Common Pear	<i>Pyrus communis</i>	D				x	x		x
Persian Ironwood	<i>Parrotia persica</i> 'Vanessa'	D				x			x
Shore Pine	<i>Pinus contorta</i>	E	x	x					
Weeping Red Pine	<i>Pinus densiflora</i>	E		x	x				
Italian Prune Plum	<i>Prunus italica</i>	D					x	x	x
Japanese Plum	<i>Prunus salicina</i>	D					x	x	x
Double Flowering Plum	<i>Prunus triloba</i>	D						x	x
Japanese Flowering Plum	<i>Prunus btireiana</i>	D						x	x
Purple Leaf Plum	<i>Prunus cerasifera</i>	D					x	x	x
Quince	<i>Cydonia oblonga</i>	D					x		x
Eastern Redbud	<i>Cercis canadensis</i>	D							x
Persian Silk	<i>Albizia julibrissin</i>	D		x	x			x	x

Common Name	Botanical Name	Deciduous or Evergreen	Native	Bird Friendly	Unique Characteristics	Fall Colour	Fruiting or Nutting	Pollinator	Flowering
Mountain Silverbell	<i>Halesia monticola</i>	D			x	x		x	x
Colorado Blue Spruce	<i>Picea pungens</i> 'Glauca Globosa'	E		x	x				
Hoop's Blue Spruce	<i>Picea pungens</i> 'Hoopsii'	E		x	x				
Koster Blue Spruce	<i>Picea pungens</i> 'Koster'	E		x					
Strawberry	<i>Arbutus unedo</i>	E	x		x		x	x	x
Staghorn Sumac	<i>Rhus typhina</i>	D				x	x		x
Stewartii	<i>Stewartii ovata</i>	D		x		x			x

Note: All tree species should be selected for disease resistance and hardiness for the Vancouver region.

Legend

Deciduous	Drops foliage annually (leaves or needles).
Evergreen	Year-round foliage (leaves or needles).
Native	Indigenous to the Pacific Northwest.
Bird Friendly	Provides habitat for birds (shelter, food, nesting opportunity, etc.).
Unique Characteristics	Interesting bark, colour, shape, etc.
Fall Colour	Interesting fall foliage.
Fruiting or Nutting	Bears fruit or nuts.
Pollinator Friendly	Provides a seasonal source of flower nectar for beneficial insects.
Flowering	Provides ornamental significant flower.