

# THE CORPORATION OF THE TOWN OF CALEDON

## BY-LAW NO. 2025-101

A By-law to restrict and regulate the injuring, removal, destruction of trees on private property in the Town of Caledon

WHEREAS sections 8 through 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25 (Municipal Act, 2001), as amended, authorize a municipality to pass By-Laws in respect of the economic social and environmental well-being of the municipality;

AND WHEREAS Subsection 135 of the *Municipal Act, 2001*, as amended, provides that a local municipality may prohibit or regulate the destruction or injuring of trees and may require that a permit be obtained to injure or destroy trees;

AND WHEREAS trees within the Town are valued for the economic, social and environmental benefits they provide such as increased aesthetic and property values, shade, contributions to physical and psychological well-being, maintenance and enhancement of water quality, prevention of soil erosion and water run-off, wildlife habitat, local climate moderation and improved air quality;

AND WHEREAS Town Council has determined that it is desirable to protect and enhance the tree canopy cover in the Town;

### **PART I – SHORT TITLE, SCOPE, AND INTERPRETATION**

1. This by-law shall be known as the Tree Preservation Bylaw
2. This By-Law applies to all private property within the Town of Caledon, subject to the exemptions noted in Part V of this By-Law.

### **PART II – DEFINITIONS**

3. For the purposes of this By-Law:
  - a. “Act” means the Municipal Act, 2001, S.O. 2001, c.25, as amended;
  - b. “Administrative Fee” means any fee as defined in the Town’s Administrative Monetary Penalty By-Law No. 2024-086 as amended;
  - c. “Administrative Penalty” means a monetary penalty issued by means of a Penalty Notice, as set out in the Town’s Administrative Monetary Penalty By-Law No. 2024-086 as amended;
  - d. “Applicant” means the Owner, or where there is more than one Owner, the Owners of a Tree or the Owner’s or Owners’ authorized representative who, pursuant to the By-Law, applies for a Permit;
  - e. “Application” means an application pursuant to the By-Law for a Permit;
  - f. “Arborist” means an expert in the care and maintenance of trees and includes:
    - i. an arborist qualified by the Ontario Ministry of Colleges and Universities;
    - ii. a certified arborist qualified by the International Society of Arboriculture;
    - iii. a consulting arborist registered with the American Society of consulting arborists; or
    - iv. a person with similar qualifications as approved by the Inspector.
  - g. “Council” means the Council of the Town;
  - h. “DBH” (Diameter at Breast Height) means the Diameter of the stem or trunk of a tree at a point of measurement 1.37 metres (137 centimetres) from the highest point on the ground touching the trunk;

- i. "Destroy" means any action which causes or results in Injury or death of a Tree including to remove or cut down a Tree, and "Destruction" has the corresponding meaning;
- j. "Diameter" means a straight line passing through the center of a cross section of a Tree trunk that is measured outside the bark at a specified point of a Tree stem or trunk;
- k. "Emergency Work" means any work necessary to protect life or property from imminent danger related to any Tree including, to the extent not otherwise addressed by applicable law, repairs related to soil erosion, utilities, buildings or drainage works, and the Destruction of Trees required due to the state of the Trees resulting from natural events including lightning, wind, hail or extreme snow events, or unforeseen causes including automobile collisions;
- l. "Good Arboricultural Practice" means the proper implementation of maintenance, renewal and removal activities known to be appropriate to minimize detrimental impacts on trees and includes Maintenance Pruning;
- m. "Hazardous Tree" means a Tree that is destabilized or structurally compromised or being infected by a lethal pathogen, fungus or insect, to an extent that an imminent danger of death, injury or structural damage exists;
- n. "Injure" means to cause lasting damage or harm to a Tree which has or is likely to have the effect of inhibiting or terminating its growth, but does not include Maintenance Pruning, and "Injury" and "Injuring" have the corresponding meaning;
- o. "Inspector" means the Commissioner of Planning & Economic Development and Chief Planner or Commissioner of Engineering, Public Works and Transportation or their designate, or any person designated by them or by the Town to enforce this By-Law;
- p. "Maintenance Pruning" means the pruning or removal of Tree branches in accordance with Good Arboricultural Practices, as specified by the International Society of Arboriculture, including for purposes of removing dead limbs, maintaining structural stability and balance and encouraging natural form, but limited to the appropriate removal of no more than one-third of the live branches that make-up the leaf-bearing crown of the Tree within a three-year pruning cycle, or as appropriate for the specific Tree species, in order to maintain the health of the Tree;
- q. "Order" means any Order authorized under the Act;
- r. "Owner" means the Person or Persons having any right, title, interest or equity in the land where a Tree is located;
- s. "Penalty Notice" means a notice detailing an Administrative Penalty given to a Person pursuant to Part VII of this By-Law;
- t. "Permit" means a permit to Destroy or Injure a Tree issued pursuant to this By-Law;
- u. "Person" includes an individual, an association, a partnership, or a corporation;
- v. "Replacement Tree" means a Tree that is planted as a condition of a Permit issued under this By-Law to replace another Tree that was approved for Destruction or Injury under this By-Law or, as per subsection 31 (b) or subsection 37 (b) of this By-Law respectively, a Tree required by a court order or an Order to replace another Tree that was Destroyed or Injured without a Permit;
- w. "Town" means the Corporation of the Town of Caledon; and
- x. "Tree" means any species of woody perennial plant, including its root system, which has reached, can reach, or could have reached a height of at least 4.5 metres at physiological maturity and has a DBH of at least 30 cm. For clarity, where multiple stems grow from the same root system, the number of Trees shall be the number of stems that can be

counted at a point of measurement 1.37 metres from the highest point on the ground touching the trunk.

### **PART III – PROHIBITIONS**

4. No Person shall Destroy or Injure or cause or permit the Destruction or Injuring of a Tree:
  - a. Unless exempted pursuant to Part V of the By-Law; or
  - b. Except in accordance with a Permit issued pursuant to Part VII of this By-Law.
5. No Person shall:
  - a. Contravene the terms or conditions of a Permit issued pursuant to this By-Law; or
  - b. Cause or permit the contravention of the terms or conditions of a Permit issued pursuant to this By-Law.
6. No Person shall Destroy or Injure or cause or permit the Destruction or Injuring of a Replacement Tree.
7. No Person shall remove or deface any Order that has been posted pursuant to this By-Law.

### **PART IV – STATUTORY NON-APPLICATION OF THE BY-LAW**

8. This By-Law does not apply where there is a conflict with Provincial or Federal legislation, including the following:
  - a. Activities or matters or the Destruction or Injuring of Trees described in subsection 135(12) of the Act. For clarity, this includes but is not limited to the Injuring or Destruction of Trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51 or 53, respectively, of the Planning Act, R.S.O. 1991, c. P.13 or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
  - b. Restricting the Destruction or Injuring of Trees which constitute a normal farm practice carried out as part of an agricultural operation, as so determined by the Normal Farm Practices Protection Board, pursuant to the Farming and Food Production Protection Act, 1998, S.O. 1998, c.1, as amended or replaced from time to time; or
  - c. Destruction or Injuring of Trees pursuant to a forestry development agreement pursuant to, or deemed to be pursuant to, the Forestry Act R.S.O. 1990, c. F.26, as amended or replaced from time to time, or measures to prevent, retard, suppress, eradicate or destroy an infestation by a forest tree pest taken by an officer pursuant to the Forestry Act.

### **PART V – EXEMPTIONS**

9. This By-Law does not apply to Trees protected by the Woodland Conservation By-Law, By-Law No. 2000-100, or any successor By-Law regulating the Injury or Destruction of Trees in woodlands in the Town;
10. The Destruction or Injury of a Tree is exempt from the requirement for a Permit under this By-Law if the Tree is:
  - a. A Tree having no living tissue or having 70% or more of its crown dead. The Inspector may require an Arborist's certificate confirming the justification for Destruction or Injury in accordance with this provision. If such certificate is required by the Inspector, no Person shall Destroy or Injure the Tree prior to the Inspector receiving the certificate;
  - b. A Hazardous Tree. The Inspector may require an Arborist's certificate confirming the justification for Destruction or Injury in accordance with this provision. If such certificate is required by the Inspector, no Person shall Destroy or Injure the Tree prior to the Inspector receiving the certificate;

- c. A Tree that is Destroyed or Injured as part of Emergency Work;
- d. A Tree located on a rooftop or elevated podium, or in interior courtyards or solariums;
- e. A Tree growing in contaminated soil and, by its presence, preventing remediation of the contaminated soil, provided a remedial action and mitigation plan is prepared by a qualified person and in accordance with O. Reg. 153/04 (as amended) or relevant standard industry practices to the satisfaction of the Town and/or the Ministry of the Environment, Conservation and Parks is submitted to an Inspector prior to the Destruction or Injury of a Tree;
- f. A Tree which is part of:
  - i. a Tree nursery business where Trees are planted, cultivated and harvested for the purpose of live Tree sales;
  - ii. a Christmas Tree plantation business where coniferous Trees are planted, cultivated, maintained and harvested for Christmas celebration purposes; or
  - iii. a cultivated orchard business where fruit or nut Trees are grown and maintained specifically for the harvesting of their fruits or nuts.
- g. A Tree that is required to be Destroyed or Injured by a Property Standards Order issued under the Building Code Act; or
- h. A Tree that will be Destroyed or Injured in accordance with the conditions of a Development Permit granted under the Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2.

#### **PART VI – APPLICATION FOR PERMIT**

11. A Person who intends to Destroy or Injure a Tree or intends to undertake an activity which might Destroy or Injure a Tree shall submit to an Inspector an Application containing the following information in respect of each such Tree:
  - a. The address of the land where the Tree to be Destroyed or Injured is located;
  - b. The name and contact information of the Applicant;
  - c. The names and contact information, and written, signed permission of all Owners;
  - d. A plan (or plan of survey) and photograph, showing the location, species, size in DBH, and condition of Tree to be Destroyed or Injured;
  - e. The purpose for which the Permit is being sought and the nature of the proposed or possible Destruction or Injuring;
  - f. Where there is a discrepancy in the health assessment of the Tree to be Destroyed or Injured, and where the Inspector so requires, a written evaluation by an Arborist of the condition of the Tree;
  - g. Where Trees are proposed to be retained, and where an Inspector so requires, a tree protection plan identifying the location, species and size in DBH of Trees on the land and tree protection measures, including barriers and hoarding, to be implemented to avoid Destruction or Injuring of Trees and to protect trees that are to be retained;
  - h. Where three or more Trees are proposed for Destruction or Injuring, and where the Inspector so requires, a Replacement Tree planting plan; and
  - i. Information relevant to the issuance or conditions of a Permit in Part VII.
12. No Person shall provide false or misleading information on or in support of an Application.
13. Submission of an Application shall constitute the granting of permission for the Town to enter on the Owner's lands at any reasonable time for the purposes of this By-Law.

14. A decision regarding an Application for a Permit shall not be made by the Inspector until such time as all the required documents have been submitted, and any required inspections have been completed.

## **PART VII – PERMITS**

15. The Town hereby delegates to the Inspector the power to issue a Permit and to impose conditions to such Permits in accordance with Section 17 of this By-Law.
16. In deciding whether or not to issue a Permit in respect of a Tree, an Inspector shall consider the following criteria:
- a. The completeness of the Application;
  - b. The species of each Tree and whether it is considered regionally or locally significant or is protected under the Endangered Species Act, 2007, S.O. 2007, c. 6 as amended or replaced from time to time, or under the Species at Risk Act, SC 2002, c. 29, as amended or replaced from time to time;
  - c. The size of the Tree;
  - d. The condition/health of the Tree;
  - e. The location of the Tree;
  - f. The reason or reasons for the proposed Destruction or Injuring of the Tree;
  - g. Whether there are reasonable alternatives for the proposed Destruction or Injuring of the Tree;
  - h. Whether the Tree is a Heritage Tree;
  - i. Whether the methods for the proposed Destruction or Injuring of the Tree outlined in the Application are in accordance with Good Arboricultural Practices;
  - j. The presence within the Tree of breeding birds as contemplated in the Migratory Birds Convention Act, 1994, S.C. 1994, c. 22, or the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c.41 as amended or replaced from time to time;
  - k. Whether the proposed Destruction or Injuring of the Tree is in compliance with Official Plan policies adopted by Council from time to time;
  - l. Whether erosion, flood control, slope stability or sedimentation of watercourses will be affected;
  - m. The submissions of such persons or agencies as the Inspector may consider necessary to confer with for the proper review of the Application; and
  - n. Any other legislation that may apply or approvals that may be required.
17. In issuing a Permit, the Inspector may make the Permit subject to such conditions as the Inspector may consider necessary, including but not restricted to any one or more of the following requirements:
- a. That the Destruction or Injuring occurs in a specified manner or timing;
  - b. That each Tree to be Destroyed or Injured is marked for inspection by the Inspector prior to the Destruction or Injury;
  - c. That each Tree Destroyed or Injured be replaced with one or more Replacement Trees to be planted and maintained to the satisfaction of the Inspector in accordance with a Replacement Tree planting plan approved by the Inspector;
  - d. In the event that any Replacement Tree or Trees required under subsection 17(c) of this By-Law die within three years of planting, to plant new Replacement Tree or Trees and maintain such new Replacement Tree or Trees in good condition for a minimum of two years from the date of planting;
  - e. To provide Replacement Tree security in a form satisfactory to the Inspector to cover the cost of the Replacement Tree or Trees. The security shall be released without any interest thereon upon

confirmation by the Inspector that any Replacement Tree or Trees have been planted and as required. In the event that the Permit holder fails to plant the Replacement Tree or Trees as required, the security shall be permanently forfeited by the Permit holder;

- f. That if replacement planting is not achievable on the subject land, as approved by an Inspector, it be substituted by a payment of cash in lieu that reflects the cost of purchasing, planting and maintaining the Replacement Tree or Trees, in accordance with a fee schedule as approved by the Commissioner of Planning and Development and Chief Planner, or successor or delegate, from time-to-time;
- g. That the Destruction or Injuring only be carried out by or under the supervision of an Arborist;
- h. That the Tree or Trees to be retained be protected in accordance with Good Arboricultural Practice during the Destruction or Injuring or other related activities; and
- i. That specified measures be implemented to mitigate the direct and indirect effects of the Destruction or Injuring on other nearby trees, land, waterbodies or natural areas.

18. In issuing a Permit, the Inspector shall issue the Permit to the Applicant and provide copies of the Permit to the Owner(s).

- a. The Permit shall identify the Tree or Trees to be Destroyed or Injured and the reason or reasons for the Destruction or Injuring.
- b. Following issuance of a Permit, the Applicant shall immediately post a copy of it in a conspicuous place on the land where the Tree is located so that it is visible and legible to passers-by at least five (5) days prior to the Destruction or Injuring, and shall ensure that it remains so posted until the Destruction, Injuring or other related activities are complete.
- c. A Permit is and remains the property of the Town and may not be transferred except with the approval of an Inspector.
- d. A Permit shall expire ninety (90) days after its issuance, unless at least thirty (30) days before that expiry, the Applicant applies to the Inspector and the Inspector grants a one-time extension of ninety (90) days.

19. The Inspector shall revoke a Permit if it was issued based on false or misleading information or if the Applicant fails to comply with any condition attached to the Permit or provision of this By-Law.

20. The Inspector may immediately suspend, alter, or revoke a Permit where:

- a) The specifications and recommendations in the Application and/or supporting documents are not followed;
- b) Any Order(s) under this By-Law have not been complied with;
- c) A situation of immediate threat or danger to any person or property exists; or
- d) Any of the reasons for which the Inspector could have refused to issue a Permit under this By-Law arise.

21. If the Inspector refuses to issue a Permit, or alters, suspends or revokes a Permit, the Inspector will contact the Applicant or Permit holder, as the case may be, in writing by email or regular mail in accordance with the contact information provided on the Application.

22. Upon the revocation of a Permit, the Permit holder shall immediately cease all activities being conducted pursuant to the Permit or ensure the immediate termination of all activities for which a Permit had been issued.

23. A Permit to Injure or Destroy a Tree shall not be issued to the Owner when:

- a. The lands on which the Tree is located are subject to an application for approval under the Planning Act, R.S.O 1990 C. P.13 but has not yet received approval, except in the case of site plan or plan of subdivision

applications where the Inspector is satisfied that the Injury or Destruction has been appropriately assessed through the site plan or plan of subdivision approval process; or

- b. The lands on which the Tree is located are subject to an application for an approval under the Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2., and the application has not yet received approval from the Niagara Escarpment Commission.

## **PART VII – ENFORCEMENT**

### **Offence and Penalty**

24. Every Person who contravenes any provision of this By-Law or Order issued under this By-Law is liable to pay to the Town an Administrative Penalty and any Administrative Fees, where applicable, pursuant to the Administrative Monetary Penalty By-Law 2024-086, as amended.
25. 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.
26. Every Person who directly or indirectly contravenes or who causes or permits a contravention of any provision of this By-Law, including an Order issued pursuant to this By-Law or Sections 444 or 445 of the Act, or a condition of a Permit, is guilty of an offence and upon conviction is liable to a fine, and such other penalties, as provided for by the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended, and the Act.
27. All contraventions of any provision of this By-Law, Order issued pursuant to this By-Law or condition of a Permit are designated multiple and continuing offences pursuant to subsection 429(2) of the Act. A multiple offence is an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-Law and, for greater certainty, when multiple Trees are Destroyed or Injured, the Destruction or Injury of each Tree is a separate offence.
28. If an Order or Permit issued under this By-Law has not been complied with, the contravention of the Order or Permit shall be deemed to be a continuing offence for each day or part of a day that the Order or Permit is not complied with.
29. Any Person who is charged with an offence under this By-Law by the laying of an information under Part III of the Provincial Offences Act, 1990, as amended, and is found guilty of the offence is liable, pursuant to the Act, to the following fines:
  - a. A minimum fine of \$500 and a maximum fine not exceeding \$100,000; and
  - b. In the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all daily fines for the offence is not limited to \$100,000.
  - c. In the case of a multiple offence, for each offence included in the multiple offences, a minimum fine of \$500, and a maximum fine not exceeding \$10,000, and the total of all fines for each included offence is not limited to \$100,000.
30. Every Person who is convicted of an offence under this By-Law may be liable, in addition to the fines established under Section 29, to a special fine, which may exceed \$100,000, designed to eliminate or reduce any economic advantage or gain from contravening this By-Law.

31. Upon conviction for an offence under this By-Law, in addition to any other remedy and to any penalty imposed by this By-Law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:
- a. Prohibiting the continuation or repetition of the offence by the Person convicted; and
  - b. Requiring the Person convicted to correct the contravention in the manner and within the period that the court considers appropriate, which correction may include:
    - i. the planting or replanting of any Tree or Trees Destroyed or Injured or the planting of any Replacement Tree or Trees in a specified location and within a specified period of time;
    - ii. the application of any silvicultural treatment that may be necessary to establish or re-establish the Tree or Trees or Replacement Tree or Trees; and
    - iii. in lieu of planting or replanting, payment to the Town in accordance with this By-Law.

### **Power of Entry and Inspection**

32. Any Inspector may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a. To ascertain whether the provisions of this By-Law are complied with;
  - b. To ascertain whether any direction or Order issued pursuant to this By-Law has been complied with;
  - c. To ascertain whether a court Order under Section 431 of the Act is being complied with; and
  - d. To ascertain whether any condition of a Permit issued under this By-Law has been complied with.
33. For the purposes of an inspection, an Inspector 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.

### **Obstruction**

34. No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Inspector who is exercising a power or performing a duty under this By-Law.
35. Without limiting the foregoing, any Person who is alleged to have contravened any of the provisions of this By-Law shall identify themselves to the Inspector upon request, failure to do so shall be deemed to have obstructed or hindered the Inspector in the execution of their duties.
36. Any Person who provides false information to an Inspector shall be deemed to have hindered or obstructed the Inspector in the execution of their duties.

## **Orders**

37. If an Inspector has reasonable grounds to believe that a provision of this By-Law has not been complied with, including a condition of a Permit made pursuant to this By-Law, the Inspector may issue an Order requiring the Person who contravened this By-Law, including the Owner, Applicant or if applicable, a contractor or agent of the Owner or Applicant, to:
- a. Discontinue the contravening activity; and
  - b. Do the work or take the required action to rectify the contravention including but not limited to the planting or replanting of any Tree or Trees Destroyed or Injured or the planting of any Replacement Tree or Trees.
38. An Order shall set out the following:
- a. The address of the property on which the contravention occurred;
  - b. The date of the contravention;
  - c. Reasonable particulars of the contravention, and the section of the By-Law contravened;
  - d. The matter or thing ("Work") to be done; and
  - e. The date and time by which there must be compliance with the Order.

If a Person is in default of an Order pursuant to this By-Law, then the Work may be done at the Person's expense under the direction of an Inspector and the Town may recover the costs of doing the Work by adding the costs to the tax roll for the subject land and collecting them in the same manner as property taxes.

## **Service of Documents**

39. Service of any document or Order, including a Penalty Notice, respecting this By-Law may be given in any of the following ways and is effective:
- a. When a copy is delivered to the Person to whom it is addressed;
  - b. On the seventh (7th) day after a copy is sent by registered mail or by regular mail to the Person's last known address;
  - c. Upon sending a copy by e-mail transmission to the Person's last known e-mail address;
  - d. Delivering it personally to an occupant at the last known address of the Person named in the document, Order or Penalty Notice, who appears to be at least 16 years of age, as soon as reasonably practicable after the contravention; or
  - e. By posting the Order on the land which the contravention occurred.

## **PART IX – GENERAL**

40. Council delegates to the Inspectors the authority to carry out their activities as set out in this By-Law.
41. This By-Law shall not be interpreted as exempting any Person from the requirement to comply with any other Town By-Law. In the event of conflict between the provisions of this By-Law and any other Town By-Law, the provisions which are more protective of Trees shall apply.
42. If any section, subsection or part or parts thereof are declared by a court of competent jurisdiction to be illegal, invalid, or otherwise unenforceable, such provision shall be deemed to be severable and the remainder of this By-Law shall be declared to be separate and independent and enacted as such.

**PART X – ENACTMENT**

This By-law shall come into full force and effect on on January 1, 2026.

Enacted by the Town of Caledon Council this 25th day of November, 2025.

  
\_\_\_\_\_  
Annette Groves, Mayor

  
\_\_\_\_\_  
Kevin Klingenberg, Municipal Clerk

