



27 Winona Dr. Arborist's Report

Client:
n Architecture Inc.
February 27, 2025
HKLA Job# 2025-008

PREPARED BY:
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February 27, 2025

n Architecture Inc.
9120 Leslie Street, Suite-208
Richmond Hill, Ontario, L4B 3J9
E: nm@architecture.com



Re: 27 Winona Dr. Stouffville, ON - Arborist Report

HKA Ref No: 2025-008

Henry Kortekaas and Associates was retained to provide the Aboricultural related consulting services and documentation for trees affected by a development project scheduled for 27 Winona Dr., Stouffville, ON.

The purpose of this report is to provide the Tree Inventory Assessment and Preservation Plan (TAPP) (see Appendix C L-TP1), Arborist Report, and the Tree Value Assessment.

We trust this documentation meets your needs. If you have any questions, please do not hesitate to contact us at (905) 839-5599.

Sincerely,

HENRY KORTEKAAS & ASSOCIATES INC.

Emma Turner ISA
ISA Certified Arborist ON-2951A



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1. INTRODUCTION

Henry Kortekaas & Associates, was contacted by n Architecture advising that 27 Winona Dr., Stouffville, ON, is scheduled for development.

HKLA used a provided tree survey to underlay the Tree Inventory drawing to accurately locate the trees.

Existing trees that conflict with proposed grading or development were recommended for removal. All trees recommended for retention on the property will be protected by the York Region Standard Tree Protection Fencing, (see Appendix C, Drawing L-TP1).



Tree Tag #368

2. MUNICIPAL TREE BYLAWS

The trees on this lot are regulated under Town of Stouffville By-law number 2023-060-RE, (Appendix D), which states:

Hoarding shall surround the Private Tree(s) to a minimum radius of 2.5 metres (8ft) for the first 30 cm of Diameter of Standard Height (DSH);

vi) Hoarding radiuses will increase 0.5 metres beyond the 2.5 metres for every 10 cm DSH added as the following examples show:

- 30 cm DSH = 2.5 metre radius
- 40 cm DSH = 3.0 metre radius
- 50 cm DSH = 3.5 metre radius
- 60 cm DSH = 4.0 metre radius and so on

3. STUDY PURPOSE

This project was undertaken to comply with the Town of Stouffville policies regarding tree identification and protection of trees. The study objectives are:

1. To inventory the species and location of all significant trees on the subject site, and within 3 m of, the property. Each inventoried tree on site is given a number.
2. To record the size and condition of each tree.
3. To recommend which existing trees can be preserved within the proposed development.
4. To provide guidelines for the preservation and long-term health of these trees.

4. STUDY PROCESS

All specimens or tree groupings with the potential for preservation, have been located.

These trees were evaluated on their condition, rated as to the species adaptability to environmental change, their potential value within the completed future development and their potential for preservation considering the requirement for fill, site-servicing, asphalt, foundations and space for excavations, etc.

5. SITE LOCATION

The site is located at 27 Winona, Stouffville, ON - near where Rupert Ave meets Winona Dr. Construction continues down the street from the site.



6. INVENTORY

An inventory of the site vegetation was carried out on February 21, 2025. From this inventory, specimen trees and tree groupings were tagged and identified. This data appears on the drawings 2025-008 L-TP1 (See Appendix C).

7. PRESERVATION ANALYSIS

In order to develop the property in accordance with the current state of the project, 25 inventoried trees are to remain and protected. 7 trees are to be removed due to construction.

Size

Mature specimens add to the aesthetics of the site and maintain the mature vegetation character of the neighbourhood. Mature trees screen unwanted views, provide shade, block winds and improve the visual landscape of the area. Large trees, however, are less tolerant of change. Alteration of soil conditions will reduce the levels of air, water, and nutrients reaching the wide spread roots of mature specimens. Foundations and excavations for foundations will change water flow and cut root systems. The potential life span of a species in a 'fill or cut' situation or proposed new foundations must also be considered. There is less value in preserving a tree that is already at, or past its normal life expectancy and conflicts with the approved plan.



Tree Tag #353

1.1. Condition

The health of a tree specimen is factored into that specimen's potential for preservation. A mature, desirable specimen will have a low preservation potential if it is in poor health. A tree's condition is determined visually based on branch structure and growth, trunk irregularities - such as cankers, broken limbs, wounds, heart rot and fungal growth, twig and foliage growth, and root restrictions, limb entanglement with utilities, etc.

1.2. Landscape Function/Location

The relative "landscape" importance of a specimen on this or any site is also dependent on its function. Trees that perform a desirable function - wind break, shade, visual screen, or spatial divides between sites are rated as having medium to high value. Site boundary trees are particularly important to the surrounding landscape and have the highest potential for preservation.

1.3. Relative Species Value

The value of site vegetation was based on the rating system developed by The I.S.A. and includes: species hardiness; species tolerance to pollution, disease and environmental change; maintenance requirements; aesthetic form, and; life expectancy. All species that are considered to have value as future urban trees are rated as high in the Species Potential (SPP) category. All species which are considered to have little value as future urban trees, and all those which are generally regarded as 'weed' or nuisance trees or foreign invasive trees have been rated as low in the SPP category.

1.3.1. Size

The size of a landscape plant is expressed by the dimensions of its above ground parts. It is typically expressed by trunk diameter, in this case taken at 1.37 meters (rounded to 1.40 meters) known as Diameter at Standard Height (DSH).

1.3.2. Contributing Rating

Functional and aesthetic contributions influence its value in most settings. Benefits may be affected by; plant size, shape, branch structure, foliage density and distribution. Plants contribute to the site by screening, privacy control, creating wildlife habitat opportunities, or energy saving qualities, among others.

High densities of trees lowers individual contribution. For example, if one (1) tree was removed from a windbreak (i.e., *Picea abies*, Norway Spruce), the benefit of the windbreak would remain.

1.3.3. Placement

The placement rating of the plant being appraised determines how effective it is in providing functional and aesthetic attributes. For example: the placement of a deciduous tree to provide summer shade and winter sun for a patio is critical. Placement is eventually important for wind breaks, snow deposition, erosion control and dust reduction. Placement is also important for an aesthetic view point when a plant can provide a landscape focus, frame a view or accent a building.

1.3.4. Location Factor

Location factor is determined as follows:

$$(\text{Site} + \text{Contribution} + \text{placement})/3 = \text{location rating}$$



Tree Tag #355

8. TREE IDENTIFICATION & LOCATION CRITERIA

See Tree Inventory and Preservation Plan (L-TP1) for tree location and species identification, condition and recommendations.

The following chart is reflected on the tree preservation drawing. It demonstrates the identification and classification practices, and is separated by 9 criteria:

DSH (mm)	Diameter at standard height. Nominally 1.4m and measured in millimetres.
SP (m)	Spread. The average diameter of canopy coverage, measured in metres.
HT (m)	Height. The nominal height of the tree, measured in metres.
TI	Trunk Integrity. An indication of the structural integrity and general health of the tree. Measured as (G)ood, (F)air or (P)oor.
CS	Crown Structure. Correlated with tree condition/health. Measured as (G)ood, (F)air or (P)oor.
CV	Crown Vigour. General correlation with tree condition/health. Measured as (G)ood, (F)air or (P)oor.
CDB (%)	Crown Die Back. Measured as the percent of branch tips in the crown that are dead, as a percentage.
SPP	Species Potential. An experiential estimation of the suitability of the tree species compared to the existing/proposed site conditions. Measures as (H)igh (M)edium or (L)ow.
SIP	Site Potential. An experiential estimation of the tree's suitability compared to the existing/proposed site conditions. Measured as (H)igh, (M)edium or (L)ow.

Recommendation and Notes: A recommendation based on the noted criteria and design information to the site suitability of the tree.

9. TREE OBSERVATION AND RECOMMENDATIONS

9.1 28 trees have been inventoried. 21 trees are to be preserved and protected. 7 trees are to be removed due to construction and impact of nearing construction for proposed sidewalks.

Note that the following 7 trees will be removed due to construction:

Tree tag #352, #353, #366, #374, #375, #376, #377

9.2 We recommend that all trees scheduled to be retained are protected by Town of Stouffville approved tree protection fencing placed at the distances specified as well as regulations outlines in the Town of Stouffville by-law number 2023-060-RE followed.

9.3 If grading works do occur within the tree protection zone, precaution and best practices are to be followed to limit damage done to the tree and its root systems.

If excavation is to occur in the root area of the tree, it is recommended that all exposed roots are to be cut cleanly with disinfected blades by hand or pruning saw by the contractor. Once trimmed, exposed root ends are to be back filled to grade with clean fill to prevent desiccation.

No soil compaction or storage of construction materials is to take place within the TPZ. If machinery needs to be used within the TPZ, it is recommended that plywood be placed over a layer of mulch (100mm thick minimum), to limit compaction. These mitigations are to be removed by hand upon completion of work within the TPZ.

Any damage that occurs to the tree including broken limbs, roots or wounds inflicted to the trunk are to be reported to the consulting Arborist immediately.

9.4 Tree replacement

Based on the current site plan, there are 2 trees with a DBH larger than the 300mm starting replacement requirement. An application for removal/replacement will have to be submitted for 1 tree (#353).

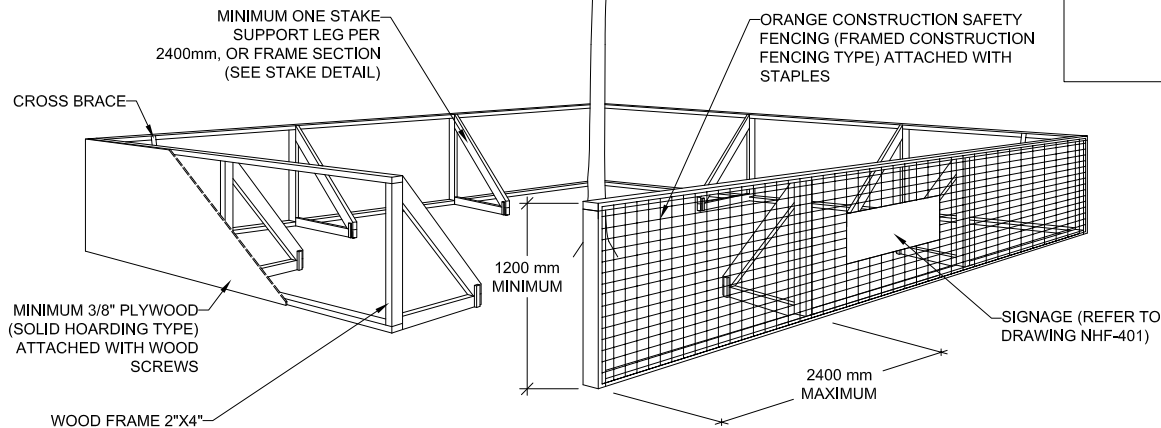
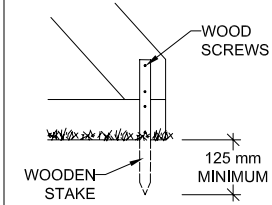
APPENDIX A - DISCLAMER / LIMITATIONS

Appendix A: Disclaimer/Limitations

1. Data has been verified insofar as possible; however Henry Kortekaas & Associates Inc. can neither guarantee nor be responsible for the accuracy of information provided by others.
2. Unless otherwise required by law, possession of this report or a copy thereof does not imply right of publication or use for any purpose in whole or in part by any other than the person to whom it is addressed, without the prior expressly written or verbal consent of Henry Kortekaas & Associates Inc.
3. Excerpts or alterations to this report, without the authorization of Henry Kortekaas & Associates Inc. invalidates its intent and/or implied conclusions. This report may not be used for any expressed purpose other than its intended purpose and alteration of any part of this report invalidates the report.
4. Unless expressed otherwise: 1) information contained in the report covers only those items that were examined and reflect the condition of those items at the time of inspection; and 2) the inspection was made using accepted arboricultural techniques and is limited to visual examination of accessible items without climbing, dissection, probing or coring, and detailed root examination involving excavation. Weather conditions such as thick snow cover will limit the potential for basal examination and further site visits may be required. While reasonable efforts have been made to assess trees outlined in this report, there is no warranty or guarantee, expressed or implied, that problems or deficiencies with the tree(s) or any part(s) of them may not arise in future. All trees should be inspected and reassessed periodically.
5. The determination of ownership of any subject tree(s) is the responsibility of the owner and any civil or common-law issues, which may exist between property owners with respects to trees, must be resolved by the owner. A recommendation to remove or maintain tree(s) does not grant authority to encroach in any manner onto adjacent private properties.
6. The scope of work undertaken in this report, with the noted site observations and resultant conclusion, was based on existing site conditions and the proposed schematic site development layout as referenced in the EIS.

APPENDIX B - YORK REGION TREE PROTECTION FENCE DETAIL

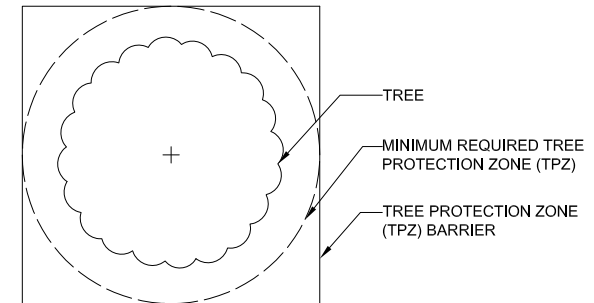
STAKE DETAIL



NOTES

1. REFER TO YORK REGION STREET TREE AND FOREST PRESERVATION GUIDELINES FOR COMPLETE TREE PRESERVATION REQUIREMENTS.
2. TREE PROTECTION ZONE (TPZ) BARRIERS SHALL BE INSTALLED AT THE OUTER LIMIT OF THE MINIMUM REQUIRED TPZ FOR EACH TREE TO BE PRESERVED AND OR AS DIRECTED IN THE APPROVED TREE PROTECTION PLAN BY YORK REGION NATURAL HERITAGE AND FORESTRY.
3. TPZ IS DELINEATED AS A RADIUS, IN METRES, MEASURED OUTWARD FROM THE BASE OF THE TREE TO BE PROTECTED. THE TPZ RADIUS IS DETERMINED BASED UPON THE DIAMETER AT BREAST HEIGHT (DBH) OF THE TREE'S MAIN STEM. FOR MULTI-STEMMED TREES, THE DIAMETER OF THE MAIN STEM OF STEMS OF A TREE ARE MEASURED IN CENTIMETRES AT 30cm ABOVE GRADE LEVEL. THE TPZ FOR ALL TREES 24cm DBH OR LESS IS A MINIMUM OF 2.4m. THE TPZ FOR TREES 25cm OR GREATER IS 10cm FOR EVERY CENTIMETRE OF DBH.
4. TPZ BARRIERS SHALL PROTECT CONTIGUOUS GROUPS OF TREES WHEREVER POSSIBLE.
5. TPZ BARRIERS SHALL BE ESTABLISHED, INSPECTED, AND APPROVED BY YORK REGION OR ITS DESIGNATE PRIOR TO COMMENCEMENT OF ANY SITE DISTURBANCE.
6. TPZ BARRIERS SHALL BE INSPECTED BY A QUALIFIED TREE PROFESSIONAL ONCE WEEKLY OR ON A SCHEDULE APPROVED BY THE YORK REGION OR ITS DESIGNATE.
7. TPZ BARRIERS SHALL NOT BE MOVED, MODIFIED, OR RELOCATED AT ANY TIME WITHOUT PRIOR APPROVAL OF YORK REGION OR ITS DESIGNATE.

PLAN VIEW



Environmental
Services

TREE PROTECTION ZONE (TPZ) BARRIER

DATE: JANUARY 2022

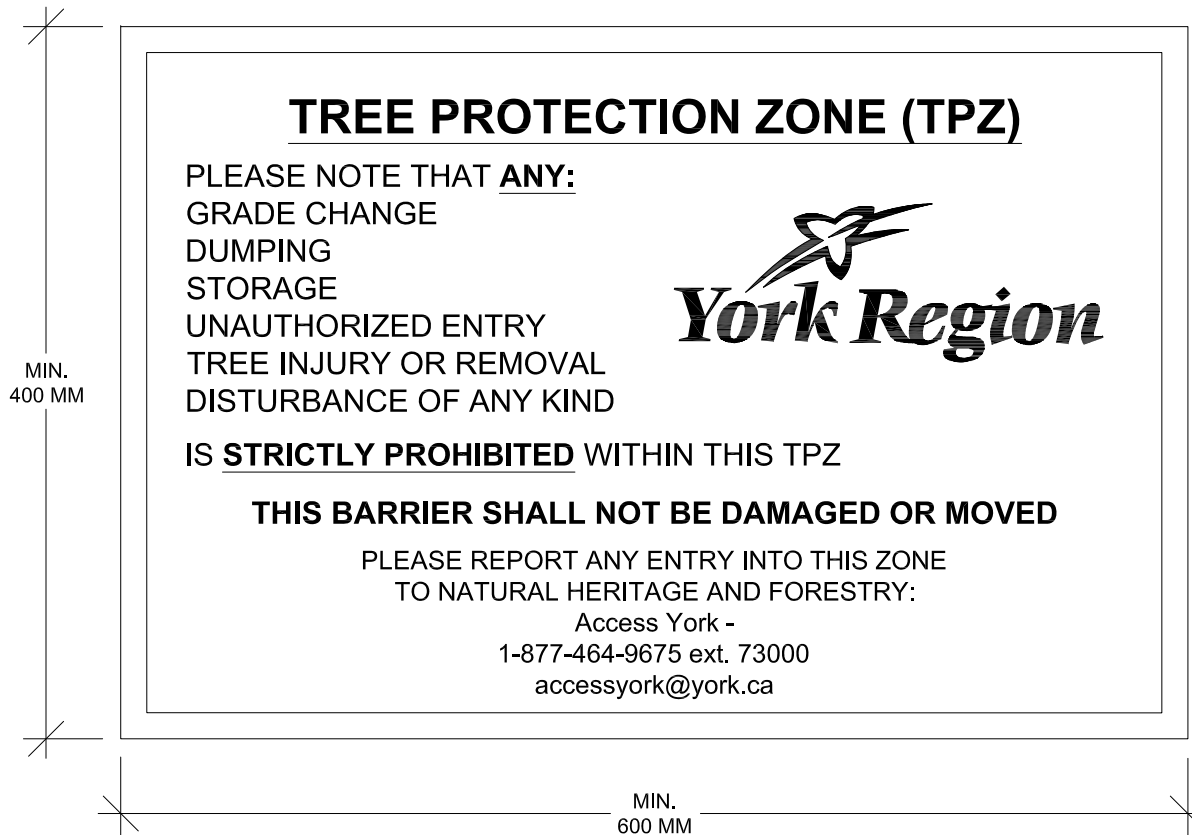
SCALE N.T.S.

REV.

X


X

NHF - 400



NOTES

1. REFER TO YORK REGION STREET TREE AND FOREST PRESERVATION GUIDELINES FOR COMPLETE TREE PRESERVATION REQUIREMENTS.
2. TPZ SIGNAGE SHALL BE INSTALLED ON AT LEAST TWO SIDES OF THE TPZ BARRIER WITH DISTANCE BETWEEN SIGNS NOT TO EXCEED 10 METRES ON ANY ONE SIDE.

			Environmental Services
<p style="text-align: center;">TREE PROTECTION ZONE (TPZ) SIGNAGE</p>			
DATE:	JANUARY 2022		SCALE N.T.S.
REV.	X	X	NHF - 401

General

1. York Region Street Tree and Forest Preservation Guidelines (the "Guidelines") must be implemented where site disturbance is proposed in the Regional road allowance and any Region-owned street trees and/or natural vegetation is within 10m or less of the limit of proposed site disturbance.
2. These Guidelines must also be implemented where site disturbance is proposed outside of the Regional road allowance and Region-owned street trees and/or natural vegetation are situated within 10m of the limit of potential site disturbance and/or where Region-owned street trees and/or natural vegetation are situated more than 10m but may be adversely impacted by the proposed site disturbance.
3. All tree preservation measures shall be in accordance with the Guidelines.
4. All proposed tree preservation measures must be described in the Arborist Report and shown on the Tree Protection Plan and approved by York Region Environmental Services Department, Natural Heritage and Forestry. Refer to the Guidelines for tree inventory, tree removal compensation and other requirements.
5. All tree protection zone barriers shall be installed prior to any site disturbance, including tree removals, and must remain in good repair for the duration of construction.
6. At the sole discretion of York Region Natural Heritage and Forestry, any existing trees that die or exhibit a decline in health prior to final acceptable shall be compensated for in accordance with the Guidelines.
7. York Region Natural Heritage and Forestry shall be notified when tree protection measures have been installed, and before tree removals, if applicable.

Tree Protection Zone (TPZ)

8. A minimum Tree Protection Zone (TPZ) will be established around every tree to be preserved in accordance with the Guidelines and a York Region-approved Tree Protection Plan.
9. No entry or activity shall be permitted within the TPZ without prior written approval of York Region Natural Heritage and Forestry.
10. Prohibited activities within the TPZ include but are not limited to installation or attachment of any items to the tree; operation of equipment or machinery; storage of equipment, machinery or materials; access by any personnel; placement of trailers, temporary buildings or structures; flushing, storage or dumping of fuels, chemicals or other contaminants; stockpiling of soil; digging, trenching, or excavation; and/or change to existing grade.
11. Permitted activities within the TPZ, with prior written approval of York Region Natural Heritage and Forestry and overseen by a qualified tree professional, include but are not limited to encroachment activities related to tree protection provisions such as canopy clearance pruning, root-sensitive excavation and root pruning, tree stem protection and other arboricultural maintenance.

Tree Protection Zone (TPZ) Barrier

12. A Tree Protection Zone (TPZ) barrier shall be constructed around the TPZ of every tree to be preserved in accordance with the Guidelines and a York Region-approved Tree Protection Plan. The TPZ barrier shall follow York Region standard drawing 'Tree Protection Zone (TPZ) Barrier NHF-400'.
13. Where trees to be protected are located in close proximity to each other, the TPZ barrier shall be installed to protect trees in contiguous groups.
14. The TPZ barrier shall be installed prior to commencement of any site disturbance. Site disturbance shall not commence until the installation of all TPZ barriers has been completed and has been verified and approved by York Region or its designate.
15. The TPZ barrier shall be constructed on a 2x4 frame. The height of the frame shall measure a minimum of 1.2m (4 feet), and the width of individual frame sections shall not exceed 2.4m (8 feet).
16. The frame shall be supported by diagonal 2x4 support legs installed inside the TPZ, secured to the frame using wood screws, and secured to the ground using a wooden stake installed a minimum of 125mm into the ground. A minimum of 1 support leg shall be installed per 2.4m (8 feet) of linear TPZ barrier distance, or per frame section.
17. Framed construction fencing is the primary method for TPZ barrier construction. Orange construction safety fencing shall be securely and tightly stapled to the outside of the TPZ barrier frame to construct the framed construction fencing TPZ barrier type. Other fencing materials (e.g., chicken wire, green snow fence, etc.) shall not be used.
18. Solid hoarding shall be installed where there is a significant risk of fill or other material being piled against the TPZ barrier, or where heavy machinery is to be operated in close proximity to the TPZ barrier. Plywood or oriented strand board (OSB) sheathing with a minimum thickness of 3/8" shall be affixed using wood screws to the outside of the TPZ barrier frame to construct the solid hoarding TPZ barrier type. Nails, staples or other fasteners shall not be used.
19. If required, and as approved in the Arborist Report, silt barrier fencing shall be installed using a 'no-dig' method as described in the Guidelines.

Tree Protection Zone (TPZ) Signage

20. All Tree Protection Zone (TPZ) signage shall be in accordance with the Guidelines.
21. Signage shall follow York Region standard drawing 'Tree Protection Zone (TPZ) Signage NHF-401' and shall be installed on at least two sides of the TPZ barrier. The distance between individual signs shall not exceed 10m on any one side of the TPZ barrier.

Maintenance and Inspection

22. TPZ barriers shall remain in place and in good working order and appearance throughout the duration of site disturbance until completion of all works.
23. TPZ barriers shall not be moved, modified, or relocated at any time without the approval of York Region or its designate.
24. TPZ barriers shall be inspected by a qualified tree professional once-weekly or on a schedule approved by York Region or its designate. Any deficiencies shall be noted in writing and any TPZ barriers found to be in substandard condition shall be repaired, modified or replaced as necessary within 48 hours of formal notification by York Region or its designate.

Encroachment


25. All encroachment work shall be in accordance with the Guidelines and a York Region-approved Tree Protection Plan and Arborist Report.
26. A qualified tree professional must be present for all encroachment work within the TPZ.
27. York Region Natural Heritage and Forestry shall be notified with 24 hours of notice prior to work occurring within the TPZ.
28. TPZ barriers shall be placed at the limit of encroachment and not be moved at any time during construction unless under the supervision of a qualified tree professional.
29. Below-grade encroachment: root sensitive excavation and root pruning shall be undertaken prior to conventional excavation as per standard drawing NHF-403.
30. At-grade encroachment: root zone compaction protection provisions must be followed as per standard drawing NHF-404.
31. Above-grade encroachment: tree stem protection provisions must be followed as per standard drawing NHF-405.
32. After the completion of construction, soil compaction and restoration provisions shall be followed when deemed necessary by York Region Natural Heritage and Forestry.

Pruning

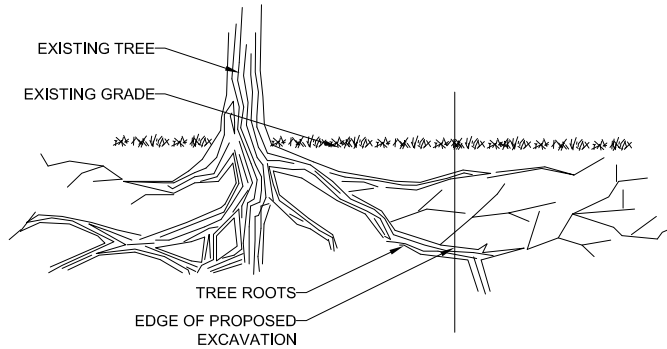
33. All pruning work shall be in accordance with the Guidelines and a York Region-approved Tree Protection Plan and Arborist Report.
34. No tree branches or tree roots shall be pruned without written approval of York Region or its designate.
35. Approved pruning must follow arboriculture best practices and be undertaken by an ISA Certified Arborist or an Ontario College of Trades 444A Arborist or Arborist Apprentice only.
36. No other trades personnel are permitted to prune tree branches or tree roots.

Other

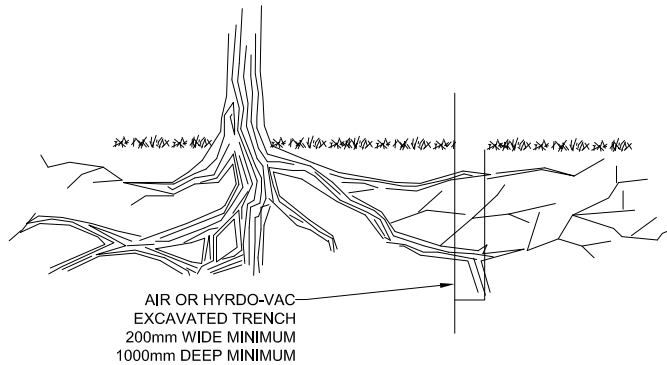
37. Other tree preservation measures may be required to be implemented wherever site disturbance is proposed, anticipated or likely to occur within or in close proximity to Tree Protection Zones (TPZs) and trees to be preserved. Other acceptable tree preservation measures are described in the Guidelines.

		Environmental Services	
STANDARD TREE PROTECTION NOTES			
DATE: JANUARY 2022		SCALE N.T.S.	
REV.	X	X	NHF - 402

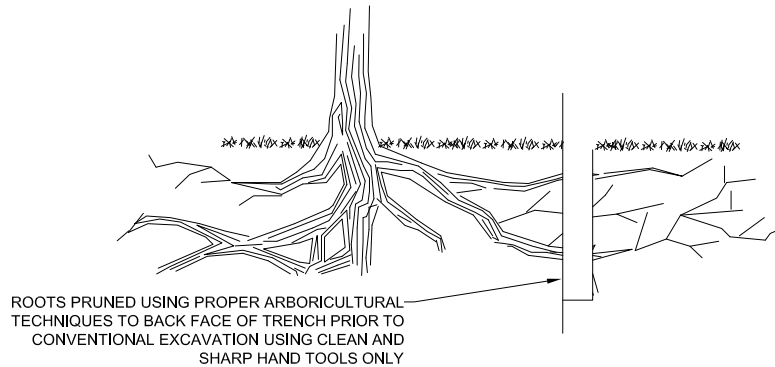
1. EXISTING CONDITIONS (TYP.)



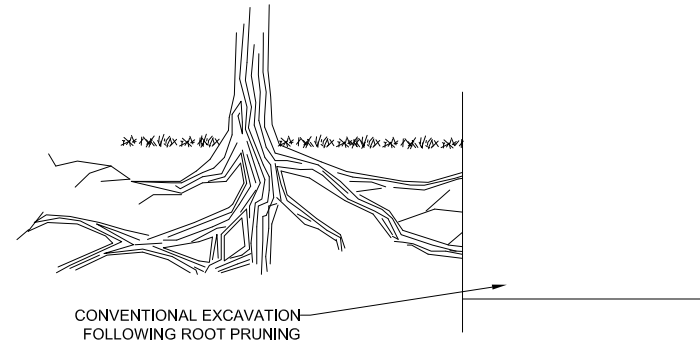
2. ROOT-SENSITIVE EXCAVATION (TYP.)



3. ROOT PRUNING (TYP.)




4. CONVENTIONAL EXCAVATION (TYP.)



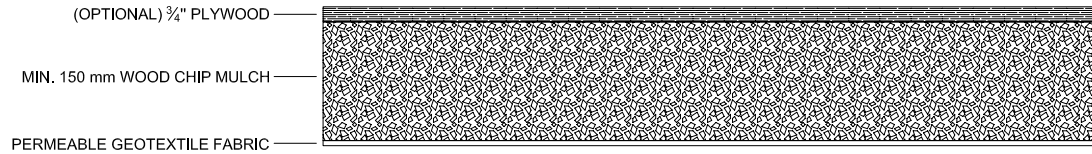
NOTES

1. REFER TO YORK REGION STREET TREE AND FOREST PRESERVATION GUIDELINES FOR COMPLETE TREE PRESERVATION REQUIREMENTS.
2. NO ROOTS GREATER THAN 60mm SHALL BE PRUNED WITHOUT AUTHORIZATION OF YORK REGION OR ITS DESIGNATE.
3. PROLONGED EXPOSURE OF TREE ROOTS MUST BE AVOIDED.
4. ROOT-SENSITIVE EXCAVATION AND ROOT PRUNING SHALL BE COMPLETED BY A QUALIFIED TREE PROFESSIONAL WITH PRIOR WRITTEN APPROVAL BY YORK REGION OR ITS DESIGNATE.
5. UPON COMPLETION, DOCUMENTATION OF THESE ACTIVITIES SHALL BE SUBMITTED TO YORK REGION.

		Environmental Services	
ROOT-SENSITIVE EXCAVATION AND ROOT PRUNING			
DATE: JANUARY 2022		SCALE N.T.S.	
REV.	X	X	NHF - 403

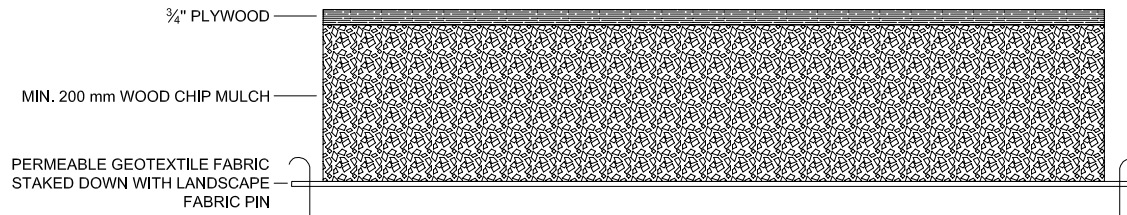
LIGHT ROOT ZONE COMPACTION PROTECTION

LIGHT ROOT ZONE COMPACTION PROTECTION SHALL BE IMPLEMENTED WHERE LIMITED NON-VEHICULAR ACCESS IN THE TPZ IS ANTICIPATED (E.G., OCCASIONAL FOOT TRAFFIC, WHEELBARROW).



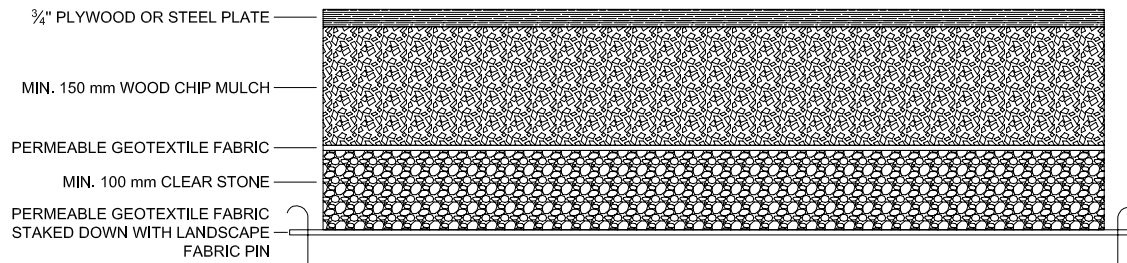
MODERATE ROOT ZONE COMPACTION PROTECTION

MODERATE ROOT ZONE COMPACTION PROTECTION SHALL BE IMPLEMENTED WHERE MORE FREQUENT NON-VEHICULAR ACCESS OR OCCASIONAL LIGHT VEHICLE (E.G., PICKUP TRUCK) ACCESS ACROSS THE TPZ IS ANTICIPATED.



HEAVY ROOT ZONE COMPACTION PROTECTION

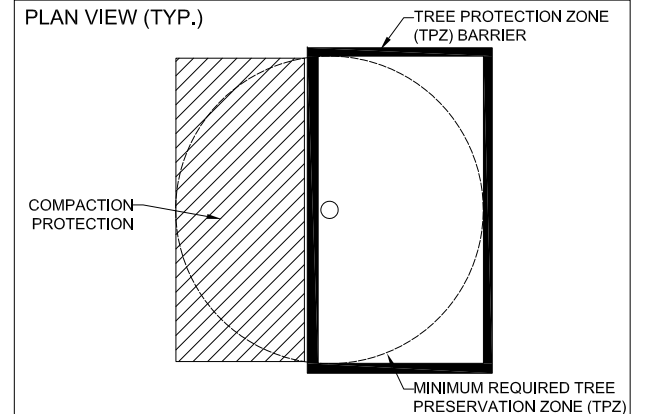
HEAVY ROOT ZONE COMPACTION PROTECTION SHALL BE IMPLEMENTED IN AREAS WHERE REGULAR VEHICLE ACCESS OR SIMILAR IMPACTS ARE ANTICIPATED IN THE TPZ.



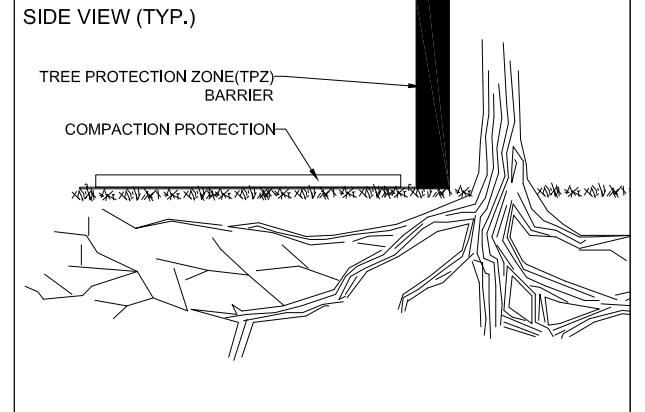
NOTES

1. REFER TO YORK REGION STREET TREE AND FOREST PRESERVATION GUIDELINES FOR COMPLETE TREE PRESERVATION REQUIREMENTS.
2. ANY TPZ BARRIER ENCROACHMENT MUST BE PERMITTED IN WRITING BY YORK REGION OR ITS DESIGNATE.

PLAN VIEW (TYP.)



SIDE VIEW (TYP.)



ROOT ZONE COMPACTION PROTECTION

DATE: JANUARY 2022

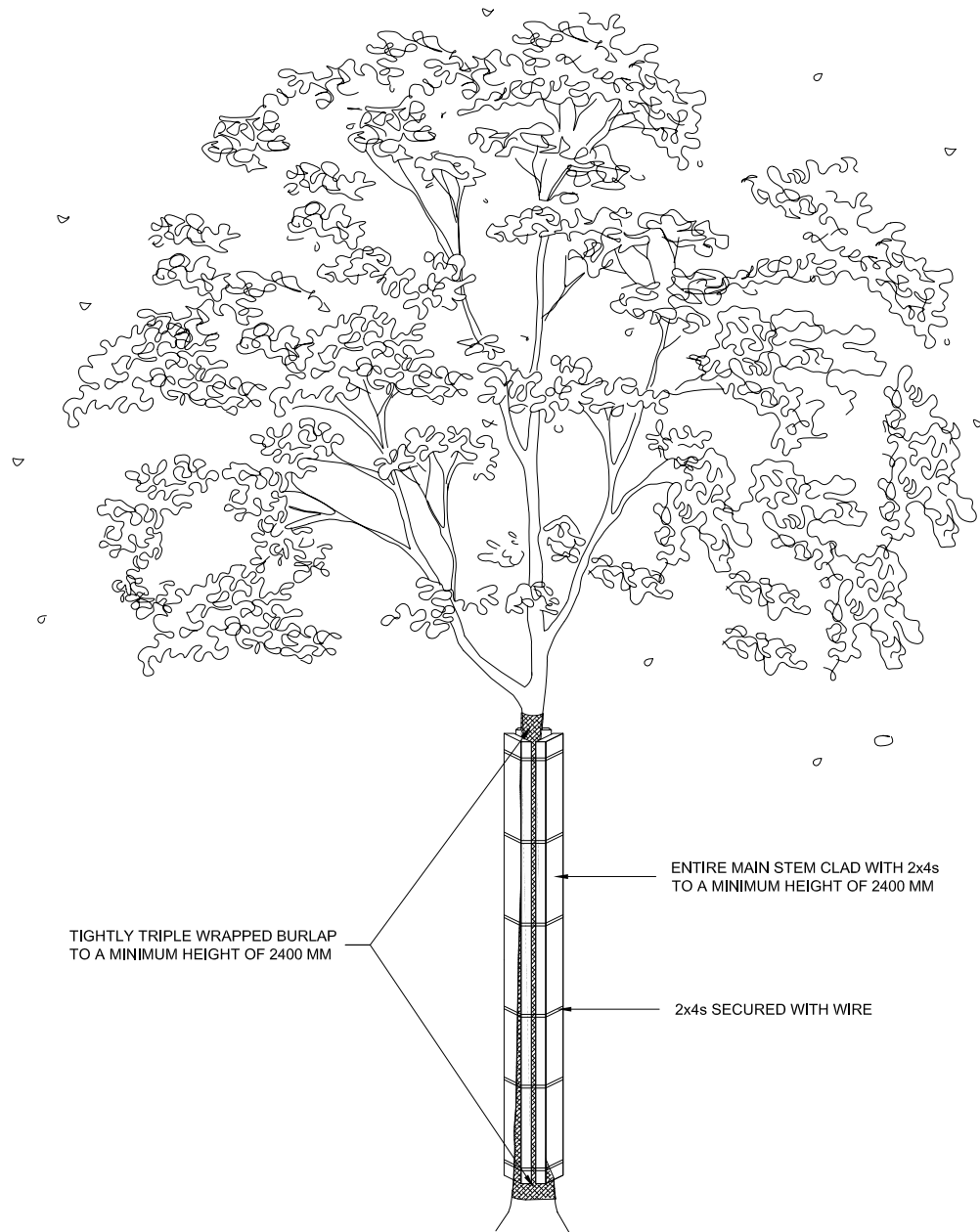
SCALE N.T.S.

REV.

X


X

NHF - 404



NOTES

1. REFER TO YORK REGION STREET TREE AND FOREST PRESERVATION GUIDELINES FOR COMPLETE TREE PRESERVATION REQUIREMENTS.
2. TREE STEM PROTECTION SHALL ONLY BE INSTALLED WHERE TPZ ENCROACHMENT IS APPROVED IN WRITING BY YORK REGION OR ITS DESIGNATE AND WHERE THERE IS A REASONABLE POSSIBILITY OF ACCIDENTAL IMPACT UPON THE MAIN STEM OR SCAFFOLD BRANCHES OF A TREE TO BE PRESERVED

 York Region			Environmental Services
TREE STEM PROTECTION			
DATE: JANUARY 2022		SCALE N.T.S.	
REV.	X	X	NHF - 405

APPENDIX C - 2025-008 TREE PRESERVATION DRAWINGS L-TP1 & TREE INVENTORY

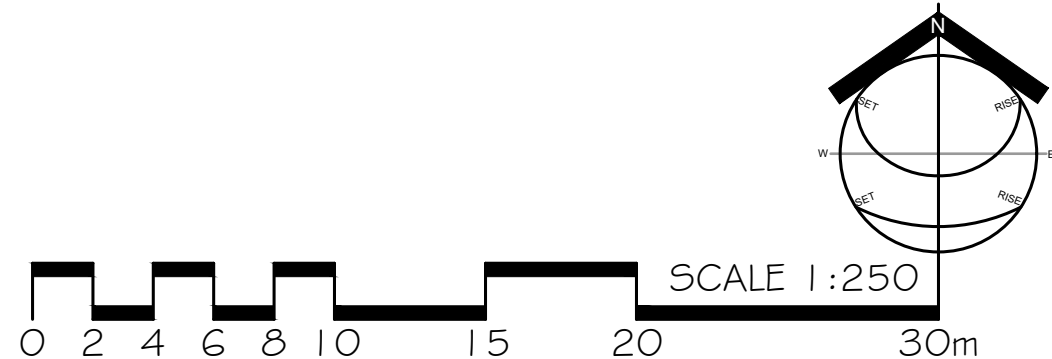
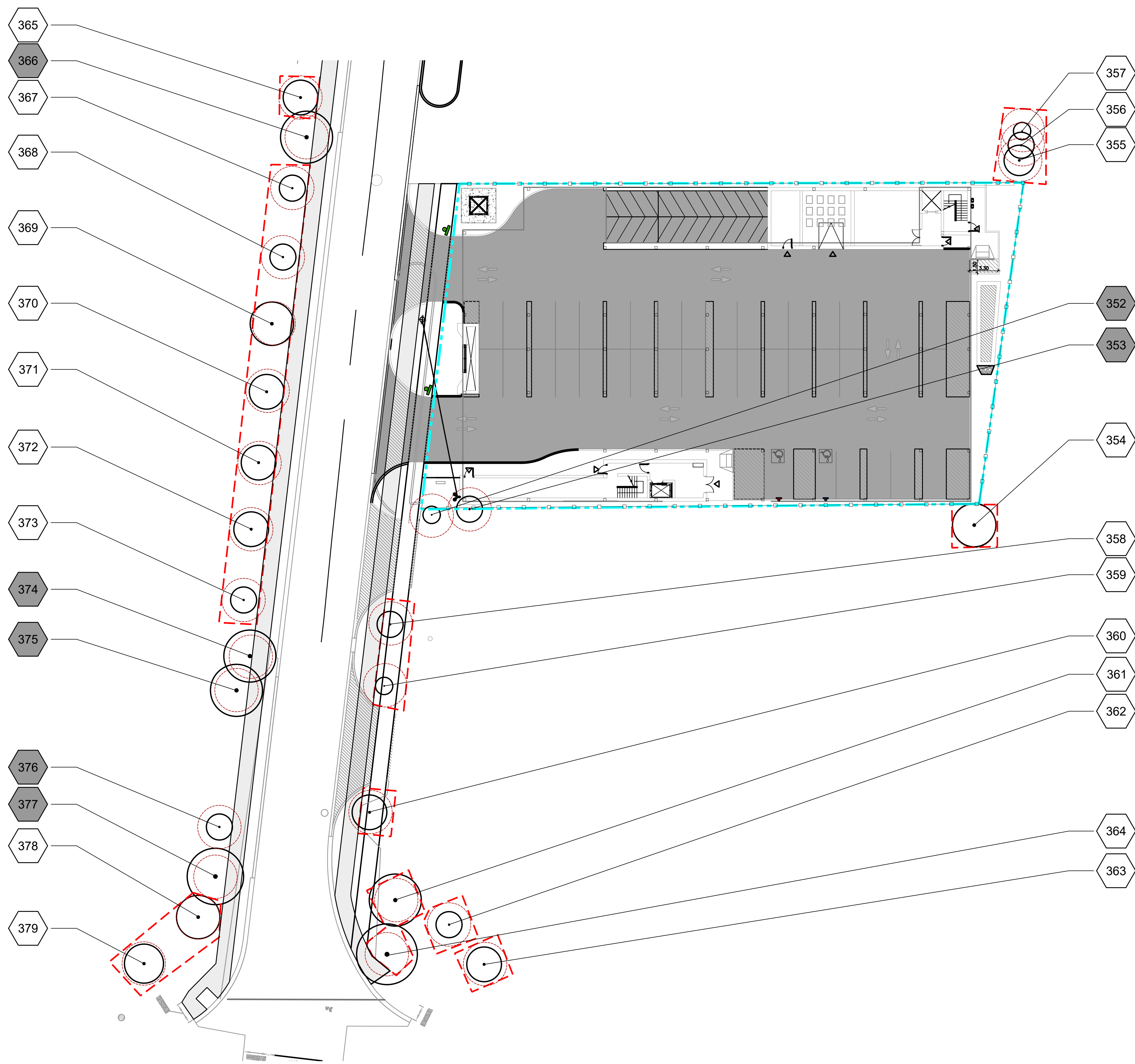
LEGEND

123

TREES TO BE REMOVED

123

TREES TO BE RETAINED

TREE PROTECTION FENCETREE PROTECTION ZONE

LOCATION MAP

GENERAL NOTES

THE LOCATION OF PROPERTY LINES, ELEVATIONS AND FACILITIES ON THIS PLAN WERE DRAWN ON THE BASIS OF A DIGITAL SITE PLAN OR SURVEY DATA PROVIDED BY OTHER CONSULTANTS.

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CONSTRUCTION MUST CONFORM TO ALL CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

REVISIONS

NO.	DATE	NOTES	BY
2	2025-03-04	LANDSCAPE PLAN	TN
1	2025-03-04	TREE PRESERVATION PLAN	TN

THESE LANDSCAPE DRAWINGS SHALL ONLY BE USED FOR THE PURPOSES INDICATED BELOW AS NOTED AND WHEN SIGNED BY THE CONSULTING LANDSCAPE ARCHITECT.

CONCEPTUAL

PRELIMINARY

SITE PLAN

PERMIT

TENDER

CONTRACT

CONSTRUCTION

AS-BUILT

ASSOCIATION OF LANDSCAPE ARCHITECTS

KYLE FOOTE

MEMBER

HENRY KOSTERLANS ASSOCIATES INC.

H

K

L

A

LANDSCAPE ARCHITECTS & CONSULTING ARBORISTS

230 Westney Road S Unit 308, Ajax, ON L1S 7J5

O: (905) 838-5588 | E: info@hkl.ca | W: www.hkl.ca

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND THE LANDSCAPE ARCHITECT RETAINS OWNERSHIP OF THESE DRAWINGS. THEY ARE FOR SITE PLAN APPROVAL ONLY AND MAY REQUIRE FURTHER CONSTRUCTION DETAILING AND COORDINATION WITH OTHER ASSOCIATED PROFESSIONAL DESIGN SERVICES BEFORE ACTUAL TENDER AND CONSTRUCTION COMMENCES. DIMENSIONS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION. DRAWINGS ARE NOT TO BE SCALED. IT IS ADVISED THAT CONTRACTORS CONTACT THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION TO ENSURE THE USE OF THE LATEST REVISED DRAWINGS. THE LANDSCAPE ARCHITECT IS NOT LIABLE FOR ERRORS OR OMISSIONS ARISING FROM UTILIZATION OF THESE PLANS BEFORE THE SAID DRAWINGS ARE SEALED, SIGNED AND DATED, AND THE LANDSCAPE ARCHITECT IS CONTRACTED TO PROVIDE CONSTRUCTION ADMINISTRATION AND CERTIFICATION SERVICES BY THE OWNER. ALL APPARENT DISCREPANCIES ARE TO BE REPORTED IN WRITING TO THE LANDSCAPE ARCHITECT BEFORE CONSTRUCTION COMMENCES.

PROJECT: MOSQUE - 27 WINONA DR. STOUFFVILLE

DRAWING: TREE PRESERVATION PLAN

DRAWN BY: TN

CHECKED BY: KF

JOB NO.: 2025-008

SCALE: 1:250

DATE: 2025-02-25

DRAWING: 1 of 4

L-TP1

File #2025-008

Tree Inventory
Project: Place of Worship - 27
Winona

HKA Job #: 2025-008

Date: 2025-02-24
Conditions: -10

Inventory Done By: Ross
Williams

CODES		
DBH	Diameter at breast height	(mm)
SPR	Spread	(m)
HT	Height	(m)
TI	Trunk Integrity	(G,F,P)
CS	Crown Structure	(G,F,P)
CV	Crown Vigor	(G,F,P)
CDB	Crown Die Black	(%)
SPP	Species Potential	(L,M,H)
SIP	Site Potential	(L,M,H)
PHY	Physical Condition	(text)
~ = Estimate (L)=low (M)=moderate (H)=high (G) = Good, (F) = Fair, (P) = Poor		

Tree Tag #	Common Name	Scientific Name	DBH	SP	HT	TI	CS	CV	CDB	SPP	SIP	TPZ	PHY	Notes	Recommendation (REMOVE/RETAIN)
352	White Oak	Quercus alba	20	2	5	G	G	G	15%	H	L		Within constuction zone on property		REMOVE
353	White Oak	Quercus alba	33	3	3	P	P	P	100%	H	L		Within constuction zone on property	Standing snag	REMOVE
354	White Oak	Quercus alba	21	5	7	G	G	G	15%	H	H	2.5	Neighbouring Property	Grown into garbage enclosure on neighbouring property	RETAIN
355	Blue Spruce	Picea pungens	18	3.5	6	G	G	G	15%	H	H	2.5	Off property within 10m of site boundary		RETAIN
356	Blue Spruce	Picea pungens	15	3	6	G	G	G	15%	H	H	2.5	Off property within 10m of site boundary		RETAIN
357	Blue Spruce	Picea pungens	13	2	5	G	G	G	15%	H	H	2.5	Off property within 10m of site boundary		RETAIN
358	Sugar Maple	Acer saccharum	21	3	5	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
359	Sugar Maple	Acer saccharum	18	2	5.5	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
360	Sugar Maple	Acer saccharum	18	4	6	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
361	Sugar Maple	Acer saccharum	30	6	8	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN
362	Sugar Maple	Acer saccharum	24	3	7	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN
363	Sugar Maple	Acer saccharum	26	4	5	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN
364	Honey Locust	Gleditsia triacanthos	37	7	8	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
365	Honey Locust	Gleditsia triacanthos	15	4	4	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
366	Honey Locust	Gleditsia triacanthos	27	6	6	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		REMOVE
367	Red Maple	Acer rubrum	17	3	6	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
368	Red Maple	Acer rubrum	17	3	4	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
369	Red Maple	Acer rubrum	25	5	6	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
370	Red Maple	Acer rubrum	23	4	6	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
371	Red Maple	Acer rubrum	19	4	6	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
372	Red Maple	Acer rubrum	22	4	6	G	G	G	15%	H	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
373	Red Maple	Acer rubrum	15	3	6	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN WITH INURY
374	Honey Locust	Gleditsia triacanthos	25	6	5	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		REMOVE
375	Honey Locust	Gleditsia triacanthos	28	6	6	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		REMOVE
376	Honey Locust	Gleditsia triacanthos	24	3	5	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		REMOVE
377	Honey Locust	Gleditsia triacanthos	27	6.5	8	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		REMOVE
378	Honey Locust	Gleditsia triacanthos	26	5	8	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN
379	Honey Locust	Gleditsia triacanthos	28	4.5	7.5	G	G	G	15%	M	H	2.5	Boulevard tree on neighbouring property - within 6m of proposed sidewalk.		RETAIN

NOTE:
IN ACCORDANCE TO STOUFFVILLE, TREE PROTECTION TREES BETWEEN 30CM - 40 CM ARE REQUIRED TO HAVE A MINIMUM OF 2.5 METER RADIUS.

LOCATION MAP

GENERAL NOTES

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REVISIONS

1	DATE	NOTES	BY
NO.	DATE	NOTES	BY

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<input checked="" type="checkbox"/>	CONCEPTUAL	<input type="checkbox"/>	TENDER
<input type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	CONTRACT
<input type="checkbox"/>	SITE PLAN	<input type="checkbox"/>	CONSTRUCTION
<input type="checkbox"/>	PERMIT	<input type="checkbox"/>	AS-BUILT



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PROJECT:
MOSQUE - 27 WINONA DR.
STOUFFVILLE

DRAWING:

DRAWN BY: TN	SCALE:	L-TP2
CHECKED BY: KF	DATE: 2025-02-25	
JOB NO.: 2025-008	DRAWING 1 of 2	

File #2025-008

APPENDIX D - TOWN OF STOUFFVILLE BY-LAW NUMBER 2023-060-RE

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2023-060-RE

BEING A BY-LAW to protect Private, Heritage, and Mature Trees and to require for compensation, relocation and/or removal/cutting of Mature Trees on Private Property in the Secondary Plan Areas of the Town of Whitchurch-Stouffville implemented through site plan agreements, subdivision agreements, or conditions of consent under Sections 41, 51, or 53, respectively of the *Planning Act*, 1990, as amended.

WHEREAS the Council of The Corporation of the Town of Whitchurch-Stouffville resolves that Trees provide numerous ecosystem goods and services by providing shade, habitat for wildlife, removal of air pollutants, and the removal and storage of atmospheric carbon dioxide, and Trees can further help in stormwater management by reducing the amount of runoff that enters stormwater and sewer systems; and

WHEREAS the Council of The Corporation of the Town of Whitchurch-Stouffville recognizes that new developments often involve removal of mature Trees resulting in a net reduction in total Tree canopy coverage area; and

WHEREAS Section 135 (1) of the *Municipal Act, 2001* authorizes a local Municipality to prohibit or regulate the destruction or injuring of Trees; and

WHEREAS the Council of The Corporation of the Town of Whitchurch-Stouffville implements tree-cutting compensation to be implemented through site plan agreements, subdivision agreements, or conditions of consent under Sections 41, 51, or 53, respectively of the *Planning Act*, 1990, as amended.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. DEFINITIONS

For the purpose of this By-law:

"Applicant" means a Person submitting a *Planning Act*, 1990 Application. If the applicant is not the Owner of the property, authorization from the property Owner shall be required.

"Application" means a *Planning Act*, 1990 Application.

"Arborist" means any Persons recognized as being "Qualified" by the Ontario Ministry of Colleges and Universities, being "Certified" by the International Society of Arboriculture, (ISA Certified), a consulting Arborist registered with the American Society of Consulting Arborists, a Registered Professional Forester, or a Person with other similar qualifications as approved by the Town or the Director and/or designate.

"Arborist Report" means a technical report prepared or reviewed by an Arborist, that identifies the location, species, size, condition of Tree (health and structure; good, fair or poor), and describes the reason for removal or the Maintenance strategies and measures to be taken to protect and preserve the Tree and space for future growth.

"Boundary Tree" means a Private Tree inclusive of its Habitat that straddles across two properties whether private or public.

"By-law Enforcement Officer" means a Person employed by the Town to enforce the Town's By-laws.

"Cash-in-lieu Compensation" means the monetary value, plus all applicable taxes, of the Tree determined to be removed or to be replaced, and to be calculated by the

Town as set out in the Town's current Fees and Charges By-law, as may be amended from time to time, or at a value determined by the Director and/or designate, based on the Tree as it existed prior to being injured or destroyed.

"DSH" or "Diameter at Standard Height" means the measurement, at 1.3 meters from the mean grade of the surrounding soils or materials that are not part of the Tree, of the diameter of the trunk of a Tree from outside the bark. Where there are multiple stems on a Tree, the total of the diameters of all the stems measured shall be recognized as the diameter of the Tree.

"Dead or Dying" means a Tree with no living tissue, a Tree where seventy (70) percent or more of its crown is dead, or a Tree infected by a lethal invasive species, as certified by an Arborist.

"Director" means the Town's Director of Public Works, or Director of Development Services, or their designate as the context may require.

"Good Arboricultural Practice" means the proper implementation of removal, renewal and maintenance activities known to be appropriate for individual Trees in and around urban areas to minimize detrimental impacts on urban forest values, and includes pruning of Trees to remove dead limbs, maintain structural stability and balance, or to encourage their natural form, provided that such pruning is limited to the appropriate removal of not more than one-third of the live branches or limbs of a Tree.

"Habitat" means an area that the Tree requires to sustain growth, health and vigor, and where the most vital root growth of the Tree is found.

"Heritage Tree" means a Tree designated under Part IV or Part V of the *Ontario Heritage Act*, R.S.O. 1990, c. O. 18, protected under a heritage conservation easement agreement, or recognized or nominated as a Heritage Tree by the Ontario Heritage Tree Program of Forests Ontario.

"Landscape Plans" mean all plans related to Landscape design of the proposed development submitted with *Planning Act*, 1990 Applications which may include but not be limited to Tree Inventory Plan, Tree Protection Plan, Planting Plan, Landscape Design and Details Plan.

"Maintenance" means the proper plant health care (watering, fertilizing and disease and insect control), cabling or bracing in accordance with Good Arboriculture Practices.

"Mature Tree" means any Private Tree located on Private Property with a DSH of 30 cm or greater, within the Town of Whitchurch-Stouffville settlement areas in an approved Secondary Plan, and shall not be removed or relocated unless permitted by the Director and/or designate.

"Municipal Law Enforcement Officer" means a Police Officer, a Municipal Law Enforcement Officer appointed by the Town, or any other agent acting on behalf of the Town.

"Order" means an Order issued under Section 6 of this By-law by a By-law Enforcement Officer.

"Owner" means the registered Owner of the property on which the base of the Tree is wholly situated, or in the case where the base of a Tree straddles a property line, then the Tree is considered to be owned by both property owners under this By-law. Where the base of a Tree is situated on the property of one registered Owner and the trunk leans over an abutting property before the height of 1.3 meters, then the Tree is also considered to be owned by both property owners. For the purpose of this definition, base of the Tree shall mean where the trunk of the Tree meets the grade of the surrounding soils or materials surrounding the Tree, but shall not include the roots or lateral scaffolding branches if the trunk is not located on the property.

“Permit” means written permission issued by the Town to the Owner or Applicant granting authorization for removing, injuring destruction of Tree(s) on private property.

“Person and/or Persons” includes a natural individual, a corporation, partnership, proprietorship or other form of business association and the heirs, executors, administrators, successors and assigns, or other legal representatives thereof, or a receiver or mortgagee in possession.

“Planning Act Application” means a Site Plan, a Plan of Subdivision or a Consent Application submitted and processed under Sections 41, 51 or 53, respectively of the *Planning Act, 1990*, as amended.

“Planning Approvals” mean approvals obtained by the Director and/or Council through the *Planning Act, 1990* Applications review and approval process.

“Private Property” means any property not owned by the Town, Regional, Provincial or Federal Government, a Crown Corporation, Hydro, Utility, or Railway Company.

“Private Tree” means a Tree owned, maintained or planted on Private Property, and thus in the care of such Owner, including Mature Trees, and including trees with a DSH of 10 cm or greater which is not a Mature Tree, but expressly does not include any Tree in the public right of way or on a Municipal Property.

“Region” means the Regional Municipality of York.

“Registered Professional Forester” means a member of The Ontario Professional Foresters Association entitled to use the designation of “Registered Professional Forester” pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended.

“Replacement Tree” means the nursery stock used to replace a Tree, being deciduous nursery stock with a minimum caliper of fifty (50) mm measured no less than fifteen (15) cm above ground level, or coniferous nursery stock no less than two hundred (200) cm in height as measured from ground level to midway between the tip of the leader and the uppermost whorl, or as otherwise approved by the Town.

“Silviculture Treatment” means the care and maintenance of a Tree and its habitat in a manner that meets or exceeds the Town’s expectations for a sustainable and resilient urban forest.

“Town” or “Municipality” means The Corporation of the Town of Whitchurch-Stouffville, or the geographic area of the same as the context requires.

“Town Arborist” means an Arborist employed by the Town or an Arborist selected by the Town.

“Tree” means a plant having a permanently woody main stem or trunk, ordinarily growing to a considerable height, and usually developing branches at some distance from the ground, or any of the various shrubs, bushes, and plants, resembling a Tree in form and size.

“Tree Care Company” means any Company that employs an ISA Certified Arborist to care for, remove or prune a Tree.

“Tree Planting Guide” (TPG) means a comprehensive plan identifying appropriate spacing, type of Habitat, (including soil structure), Tree, shrub, and plant species. TPG will also include Tree stabilization, mulching and post-planting and establishment care. TPG will be guided by the latest ‘Ontario Landscape Tree Planting Guide’ and may also be guided by local Conservation Authorities if planting areas are within their jurisdiction.

“Tree Protection Measures” (TPM) means the way the area around a Tree will be protected.

“Tree Protection Plan” (TPP) means a plan prepared in conjunction with an Arborist Report that identifies and illustrates details of protection measures including the location and size of protective barriers.

“Tree Protection Zone” (TPZ) means an area around a Tree required by the Town to be protected to sustain growth, health and vigor, and where the most vital root growth of the Tree is found as determined by an Arborist.

“Tree Security” means security posted by the Owner or Applicant to guarantee planting and Maintenance of the Private Trees.

“Work” means anything done or proposed to be done on a property which requires an Application or planning approval by or with the Town or other authority.

2. SCOPE/ APPLICABILITY

2.1. This By-law shall apply to regulate the protection of Private Trees, Mature Trees, and Heritage Trees, and to require for compensation, relocation and/or removal/cutting of Mature Trees through the approval of a Site Plan, a Plan of Subdivision or a Consent Application under Sections 41, 51 or 53, respectively of the *Planning Act, 1990*, for new development in the Town of Whitchurch-Stouffville settlement areas in an approved Secondary Plan. This includes: Vandorf-Preston Lake, Community of Stouffville, Gormley, Ballantrae-Musselman Lake and the Hamlet of Bloomington.

For the purposes of this By-law, where a *Planning Act, 1990* Application has been submitted by an Owner or Applicant, and the removal, cutting or injuring of Private Trees and/or Mature Trees has taken place within the 60 month period prior to submission of a *Planning Act, 1990* Application (or such other period of time as determined by the Town), the Owner shall be presumed to have injured, destroyed, or caused to be injured or destroyed the Tree(s), located on the Owner’s property or contravened or caused the contravention of the conditions of a permit issued under this By-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

2.2. PROTECTION OF PRIVATE TREES

- a) Where Heritage Trees exist on a Private Property, any/all such Trees and their Habitat must be identified, listed and described on the Landscape Plans submitted with the *Planning Act, 1990* Applications and shall be protected at all times from any and all Work being completed within the Private Property.
- b) Where Mature Trees exist on a Private Property, any/all such Trees and their Habitat must be identified, listed and described on the Landscape Plans submitted with the *Planning Act, 1990* Applications and shall be protected at all times from any and all Work being completed within the Private property.
- c) Where Private Trees exist on a Private Property, any/all such Trees and their Habitat identified for protection must be identified, listed and described on the Landscape Plans submitted with the *Planning Act, 1990* Applications.
- d) All Heritage, Mature and Private Trees and their Habitat identified to be protected or be affected by the Work shall be identified on the Landscape Plans and/or included in the Arborist Report and Landscape Plans, submitted with the *Planning Act, 1990* Applications, to the satisfaction of the Director and/or designate which shall include the following minimum requirements:
 - i) Tree Protection Zone shall include a 1.2 metres (4ft) high hoarding around the complete Tree where possible;
 - ii) Hoarding shall surround the Private Tree(s) to a minimum radius of 2.5 metres (8ft) for the first 30 cm DSH;

- iii) Hoarding shall be constructed with a minimum 2X4 KD Spruce framing supported with corner ties and filled with high visibility manufactured fencing or greater materials. Hoarding shall be staked into the ground, so construction activities will not be able to move or intrude into the TPZ;
- iv) Hoarding shall be constructed with sufficient strength as to keep all construction activities and materials outside of the TPZ;
- v) If lateral branches are extended outside of the TPZ, then construction activities shall not have an effect on those branches, or pruning shall be done by an ISA Certified Arborist so construction activities will not come into contact with or cause damage to those lateral branches;
- vi) Hoarding radiuses will increase 0.5 metres beyond the 2.5 metres for every 10 cm DSH added as the following examples show:
 - 30 cm DSH = 2.5 metre radius
 - 40 cm DSH = 3.0 metre radius
 - 50 cm DSH = 3.5 metre radius
 - 60 cm DSH = 4.0 metre radius and so on
- vii) Tree Protection Zones shall be maintained in good condition and shall not be altered, moved or removed unless authorized by the Town Arborist and/or designate; and
- viii) The Owner shall contact the Town Arborist for inspection of Tree Protection Measures prior to any construction activities on the property.

2.3. RELOCATION OF MATURE TREES

- a) Relocation or cause to relocate a Heritage Tree(s) on a Private Property is strictly prohibited at all times in the Town, from any and all Work being completed within the Private Property.
- b) Where Mature Tree(s) exist on Private Property, all such Tree(s) and their Habitat must first be preserved and protected from any and all Work being completed within the Private Property.
- c) If the Mature Tree(s) and its Habitat cannot be preserved due to proposed new development, all efforts shall be taken to relocate the Mature Tree(s) to another suitable site as chosen by the Director and/or designate, either within the Private Property or on Municipal lands in the Secondary Plan area in which it is located.
- d) All costs associated with relocating the Mature Tree(s) shall be borne by the Owner or the Applicant with compensation included for the future care and Maintenance of the Mature Tree(s) as set out in the Town's current Fees and Charges By-law, as may be amended or replaced from time to time.

2.4. REMOVAL/CUTTING OF MATURE TREES

- a) Removal/cutting or cause to remove/cut a Heritage Tree(s) on Private Property is strictly prohibited at all times from any and all Work being completed within the Private Property.
- b) Notwithstanding 2.2(b), where Mature Tree(s) exist on Private Property, such Mature Tree(s) may be permitted to be removed/cut, subject to the approval of the Director and/or designate under following circumstances:
 - to accommodate new development;
 - the Mature Tree(s) constitutes a hazard to life or property and is a public nuisance as determined by the Director and/or designate;
 - the Mature Tree(s) is infested by disease or injurious insects and is structurally compromised as determined by an ISA Certified Arborist;

- the Mature Tree(s) is a Dead or Dying Tree;
 - the Mature Tree(s) is planted so close to another Tree that it impedes the proper growth of the other Tree; or,
 - any other good reason which the Director and/or designate may deem necessary.
- c) Subject to 2.4 (b) no Person, shall remove/cut, any Mature Tree and its Habitat except as expressly authorized to do so by the Director and/or designate through the review and approval of *Planning Act, 1990* Applications.
- d) The Director and/or designate is authorized to require Mature Tree removal/cutting compensation either through planting Replacement Tree(s) or paying Cash-in-lieu Compensation for every Mature Tree proposed to be removed/cut, through the review and approval of *Planning Act, 1990* Applications and implemented by including it as a condition approval of the *Planning Act, 1990* Application by the Director and/or designate, as follows:
- i) Replacement Tree(s) for each Mature Tree removed/cut, to be planted on the same Private Property, at a ratio of:
- 3:1 for Mature Trees 30 cm to 49cm in DSH;
 - 5:1 for Mature Trees 50 cm in DSH;
 - 1 replacement Tree for every 10 cm in DSH of Mature Tree(s) removed; or,
 - If the above ratios are not deemed appropriate by the Director and/or designate for the site, Tree replacement and compensation shall be determined through the *Planning Act, 1990* Application review and approval process and as approved by the Director and/or designate.
- ii) Notwithstanding 2.4 (d)(i), if any/all Replacement Tree(s) planting cannot be accommodated on the Private Property, as determined by the Director and/or designate, the Owner/Applicant must pay the Cash-in-lieu Compensation for each Replacement Tree, as per 2.4 (d)(i) above, in accordance with the Town's Fees and Charges By-law as may be amended or replaced from time to time, which would be used for planting additional Trees or maintenance of existing on municipal lands, implemented by including it as a condition approval of the *Planning Act, 1990* Application by the Director and/or designate.
- iii) Any/all Replacement Tree(s) proposed to be planted and existing Private Tree(s) proposed to be protected on the property, shall be secured for planting and Maintenance through appropriate securities and implemented by including it as conditions of approval of *Planning Act, 1990* Applications.
- e) Where a Mature Tree is a Boundary Tree, the Owner/Applicant shall provide to the Director and/or designate the written consent of the other property Owner or Owners to the Application.

3. IMPLEMENTATION

- 3.1. Submission materials submitted to the Director and/or designate as part of a *Planning Act, 1990* Application, when required, shall provide but not be limited to the following, to the satisfaction of the Director and/or designate:
- a) The name, address and telephone number of the Owner and Applicant;
 - b) Arborist Report;
 - c) Landscape Plans satisfactory to the Director and/or designate;
 - d) A Tree Planting Guide or compensation plan identifying either appropriate Tree compensation or financial compensation for the removal of the Tree(s);
 - e) A Tree Protection Plan;

- f) Size and condition of the Private and Mature Tree(s) to be removed; and,
 - g) Such additional information and documentation as the Director and/or designate may require.
- 3.2.** Where Planning Approval has been granted by the Town, no Person shall permit relocation, removal/cutting or cause the relocation and removal/cutting of any Private Tree(s) and/or Mature Tree(s) unless it is done in accordance with the conditions of the Planning Approvals and any other supporting documentation relevant to the granting of the Planning Approvals.
- 3.3.** The Director and/or designate may require an Arborist Inspection Fee where an inspection is undertaken in order to determine compliance with this By-law or the conditions of Planning Approvals.
- 3.4.** All fees shall be paid by the Owner/Applicant as set out in the Town's current Fees and Charges By-law, as may be amended or replaced from time to time.
- 3.5.** The Owner/Applicant shall notify all contractors and other parties working on any site of applicable approved Plans and Reports, and shall ensure that all contractors and other parties adhere strictly to the requirements of the applicable approved Plans and Reports.
- 3.6.** Every Person carrying out Work on Private Property or carrying out Work that may impact a Mature Tree and its Habitat on Private Property, shall carry out such Work in accordance with:
- a) This By-law;
 - b) The terms and conditions of the Director and/or designate; and
 - c) Any/all Approved Landscape Plan(s) or Arborist Report(s) submitted with the *Planning Act, 1990* Application(s).
- 3.7.** No Person shall place any building material, construction equipment or other similar objects during the construction process against or under a Mature Tree and its Habitat that may cause damage to the Mature Tree or compaction to the soils in which the Mature Tree is growing.
- 3.8.** No Person shall bury the roots, mark, cut, break, and peel or deface any part of a Mature Tree and its Habitat during the construction process.
- 4. EXEMPTIONS**
- 4.1.** The provisions of this By-law do not apply to:
- a) Any Private Tree that falls under the Region's Forest Conservation By-law No. 2013-68, as amended.
 - b) Activities or matters or the removal of any Private Tree exempted pursuant to subsection 135(12) of the *Municipal Act, 2001*;
 - c) The removal/cutting of a Private Tree or a Mature Tree, or where specifically noted in the following clauses, that:
 - i. is required as a result of Emergency Work, as defined in this By-law;
 - ii. is required under an Order under any Property Standards By-law of the Town;
 - iii. any utility company or Person(s) or Tree Care Company requiring the pruning, Maintenance or removal of branches or limbs of any Private Tree, where the branches or limbs interfere with existing utility conductors, buildings or structures, or cause hazards, provided such activities shall be carried out in accordance with Good Arboricultural Practice;
 - iv. is a Private Tree on a raised podium, in an indoor courtyard, in a solarium or on a rooftop garden, excluding rooftops of parking garages or other substructures below or at grade;

- v. is a Private Tree in a nursery or cultivated orchard, provided that it is a Private Tree devoted to the nursery or orchard business and maintained for sale or propagation of Trees or fruits for sale;
- vi. is a Private Tree located on an existing and actively operating golf course;
- vii. Private Trees within a Tree Farm that are being actively managed and harvested for the purpose for which the Private Trees were planted;
- viii. invasive species as determined by the Ontario Invasive Species Act, 2015; and,
- ix. is a situation where there is concern for health and safety, as determined by the Director and/or designate.

5. DELEGATED AUTHORITY

- 5.1.** The Director and/or designate is hereby delegated the authority and responsibility for the administration of this By-law, including the authority to receive certificates from Arborists, drawings, plans, reports and studies for the purpose of this By-law and any associated fees, to issue, to revoke and to refuse to issue approvals and also to impose conditions through Planning Approvals in accordance with this By-law.
- 5.2.** The Director and/or designate are hereby authorized to delegate responsibilities for the administration and enforcement of this By-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director and/or designate for such purposes.
- 5.3.** The Director and/or designate, the Town Arborist and Municipal Law Enforcement Officers of the Town are hereby delegated the authority to enforce this By-law, including the authority to conduct inspections of Private Tree(s) pursuant to the exercise of their authority under this By-law and any other enacted Town By-law or legislation.

6. ENFORCEMENT

- 6.1.** Every Person including a corporation, that contravenes any provision of this By-law, including any Order issued under this By-law shall be deemed guilty of an offence.
- 6.2.** Where the Town is satisfied that a contravention of this By-law has occurred, the Town may issue an Order requiring the Person who contravened this By-law, or who caused or permitted the contravention or the Owner, Applicant or occupier of the land on which the contravention occurred, to do Work to correct the contravention.
- 6.3.** Where any Person(s) including a corporation that contravenes an Order issued under Section 6.2, the Municipal Law Enforcement Officer may, without notice to the Person(s) or the corporation, cause the Work to correct the contravention to be done at each Person(s)' or corporation's expense, including any administrative or additional fees as required under the Town's Fees and Charges By-law. Without limitation, the Municipal Law Enforcement Officer may retain such Person(s) to assist in completing the Work as the Municipal Law Enforcement Officer determines appropriate.
- 6.4.** 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.
- 6.5.** A Municipal Law Enforcement Officer may:
 - a) Issue an Order, describing a contravention, specifying the timeframe for its remedy, and establishing any other conditions deemed appropriate to mitigate any potentially adverse impacts;

- b) Pursuant to the authorization of the Director and/or designate, suspend or revoke a Permit for any violation of this By-law or the conditions of a Permit.
- 6.6. In addition to the Director and/or designate and the Town Arborist, at any reasonable time, enter on any land for the purpose of enforcing an Order issued under this By-law, to carry out any work permitted by Section 6.3 of this By-law, and/or carrying out an inspection to determine whether or not the following are being complied with:
 - (a) this By-law;
 - (b) direction or Order made pursuant to this By-law or the *Municipal Act, 2001*;
 - (c) condition of a Permit issued under this By-law; or
 - (d) an Order made under Section 431 of the *Municipal Act, 2001*.
- 6.7. For the purposes of an inspection under subsection (6.6), the Person conducting the inspection 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.
- 6.8. The Director and/or designate may undertake an inspection pursuant to an Order issued under section 438 of the *Municipal Act, 2001*.
- 6.9. No Person shall obstruct a Municipal Law Enforcement Officer who is carrying out an inspection pursuant to this By-law. Any Person who obstructs the Municipal Law Enforcement Officer is guilty of an offence.

7. PENALTY

- 7.1. Every Person who is guilty of an offence under this By-law shall be subject to the following penalties:
 - a) Upon a first conviction, to a fine of not less than \$500 and not more than \$50,000;
 - b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$2,000 and not more than \$100,000;
 - c) Upon conviction for a continuing offence, to a fine of not less than \$2,000 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000;
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$2,000 and not more than \$10,000. The total of all fines for each included offence is not limited to \$100,000.
- 7.2. For the purposes of this By-law, “multiple offences” means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law. For greater certainty, when multiple Private or Mature Trees are removed/cut the removal/cutting of each Private or Mature Tree is a separate offence.
- 7.3. When a Person has been convicted of an offence under this By-law:

- a) the Ontario Court of Justice; or
 - b) any Court of competent jurisdiction thereafter may, in addition to any other penalty imposed on the Person convicted, make an Order prohibiting the continuation or repetition of the offence by the Person convicted.
- 7.4.** Municipal fees for administration and enforcement activities under this By-law shall be subject to the rates and fees set out in the Town's current Fees and Charges By-law as amended or any successors thereto.
- 7.5.** Upon conviction of an offence under this By-law, in addition to any other remedy or penalty, the Town may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to 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 the court may consider appropriate, which may include a request for an Order for:
 - i) the planting or replanting of any Private Tree(s) removed in a specified location and within a specified period of time; and
 - ii) the Application of any Silvicultural Treatment that may be necessary to re-establish the Private Tree(s).

8. SEVERABILITY

- 8.1.** If a court of competent jurisdiction should declare any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this By-law and it is hereby declared that the remainder of the By-law shall be valid and shall remain in force.

9. SHORT TITLE

- 9.1.** The short title of this By-law is the "Private Tree Preservation and Protection By-law related to Development Applications".

READ a first and second time this 7th day of June, 2023.

READ a third time and passed this 7th day of June, 2023.


Iain Lovatt, Mayor


Kristina Lepik, Acting Clerk