

# THE CORPORATION OF THE TOWN OF CALEDON

## BY-LAW NO. 2021-64

A by-law to amend By-law 2000-100, as amended,  
being a By-law to prohibit or regulate the destruction of  
trees in woodlands

WHEREAS Section 135 (1) of the Municipal Act, 2001, as amended, enables Council to pass by-laws for prohibiting or regulating the injury or destruction of trees;

AND WHEREAS Section 135 (7) of the Municipal Act, 2001, as amended, provides that a by-law may require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Council of The Corporation of the Town of Caledon deems it expedient to further amend By-law 2000-100, being a by-law to prohibit or regulate the destruction of trees in woodlands, in order to make adjustments to provide for improved enforcement and administration;

NOW THEREFORE the Council of The Corporation of the Town of Caledon ENACTS AS FOLLOWS:

1. Section 2 Definitions, be amended by deleting the definition of “forestry consultant” and replacing it with the following:

“forestry consultant” means a Registered Professional Forester or an Associate Registered Professional Forester in good standing with the Ontario Professional Forester’s Association.

2. Section 5 Administration and Enforcement, be amended by adding the following Subsection immediately after Subsection 5.2.1:

5.2.2 No person shall hinder or obstruct, or attempt to hinder or obstruct an officer carrying out an inspection under this by-law.

3. Section 6 Application for Permit to Destroy Trees, be amended by deleting Subsection 6.1.1 and replacing it with the following:

6.1.1 An owner who intends to destroy a tree where a permit is required under this by-law shall complete the application form prescribed by the Director and deliver the completed application and non-refundable payment of the applicable fee as outlined in the Town of Caledon Fees By-law at least forty five (45) days prior to the destruction of a tree.

4. Section 6 Application for Permit to Destroy Trees, be further amended by deleting Subsection 6.1.3 in its entirety.
5. Section 6 Application for Permit to Destroy Trees, be further amended by deleting the words “in the Schedules to this by-law” and adding “prescribed by the Director” immediately following the words “authorization form” in Subsection 6.2.1.
6. Section 8 Appeal to the Ontario Municipal Board be deleted in its entirety.
7. Section 9 Non-Compliance with By-law, be amended by renumbering the entire Section as Section 8 and adding the following Subsection immediately after Subsection 8.1.1:

8.1.2 Every person to whom an order is issued shall comply with the order.

8. Subsection 9.3 Appeal to Council be deleted in its entirety.

9. Section 10 Penalty, be deleted in its entirety and replaced with the following:

Section 9 Penalty:

- 9.1 Every person who contravenes any provision of this by-law including the condition of a permit or an order issued by an officer is guilty of an offence.
- 9.2 Every person who is charged with an offence under this by-law by the filing of a certificate of offence under Part 1 of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, upon conviction is liable to a fine provided for by the aforesaid act.
- 9.3 Every 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, R.S.O. 1990, c. P.33, as amended, upon conviction is liable, pursuant to the fine provisions of the Municipal Act, 2001, to a fine as follows:
  - (i) on a first conviction, to a maximum fine of \$10,000.00,
  - (ii) on any subsequent conviction, to a fine of not more than \$20,000.00.
- 9.4 If a person is convicted of an offence for contravening the provisions of this by-law, or an order issued pursuant to this by-law, the court in which the conviction has been entered may order the person to correct the contravention, which may include but is not limited to: planting or replanting such tree(s) in such manner and within such time period as the court considers appropriate, such as replacement of a comparable number, size and tree species as determined by a forestry consultant.
- 9.5 Any costs payable or associated with an order of the court in subsection 9.4 are in addition to, and not in substitution for, the payment of any penalty imposed by the court for the commission of an offence under this by-law or any other applicable legislation.

10. All Schedules referenced within Section 12 be deleted in their entirety.

**Enactment**

This By-law shall come into full force and effect on the day of its passing.

**Enacted by the Town of Caledon Council this 13<sup>th</sup> day of July, 2021.**

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Allan Thompson, Mayor

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Laura Hall, Town Clerk