

## **CITY OF VAUGHAN**

### **EXTRACT FROM COUNCIL MEETING MINUTES OF APRIL 21, 2015**

Item 3, Report No. 15, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on April 21, 2015.

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#### **PRIVATE PROPERTY TREES**

**The Committee of the Whole (Working Session) recommends:**

- 1) That the recommendation contained in the following report of the Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance, dated April 8, 2015, be approved; and**
- 2) That the deputation of Ms. Vittoria Aspro, Forest Drive, Woodbridge, be received.**

#### **Recommendation**

The Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommend that:

1. The current Private Protection Tree By-law #185-2007 and the Property Standards By-law #231-2011 not be amended; and
2. The introduction of additional procedural controls through the building permit and related inspection processes, as described within this report, be approved.

#### **Contribution to Sustainability**

Vaughan's commitment to the urban forest and the environment is reinforced through several high level commitments, including Vaughan Vision 20/20 and the 2011 and 2014 Vaughan Accord in which Council committed to, among other things, responsible stewardship of City assets, public spaces and the natural urban environment.

Municipal regulation, as embodied in by-laws, policies and procedures, is established within a framework that incorporates the greater public interest, sound governance principles and legislative requirements. The City's Private Property Tree Protection By-law #185-2007, as amended, coupled with the provisions in the City's Property Standards By-law #231-2011 offers the appropriate level of regulation to preserve and protect trees on private property. The report is consistent with the priorities previously established by City Council.

#### **Economic Impact**

There is no economic impact as a result of the adoption of the recommendations within this report.

#### **Communications Plan**

This report and any related attachments will be made available through the City's website.

#### **Purpose**

The purpose of this report is to respond to the direction of Council arising from public deputations and to provide Council with information on existing by-law regulations, current practices and comparable municipal environments to support an informed decision on the matter.

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#### **Background - Analysis and Options**

Since 2013 and 2014, Council directed City staff to report on:

- 1) Options with respect to the pros and cons of re-regulating trees on private property;
- 2) The Tree By-law and any other relevant by-laws;
- 3) A strategy for amending the Tree By-law to oblige owners of abutting lands to refrain from threatening trees on neighbouring properties and to require those seeking building permits that may affect trees on a neighbouring property to disclose the presence of such trees and to protect such trees, with failure to do so resulting in a fine;
- 4) Amendments to the Tree By-law, or any other by-law, that would allow staff to assess an unsafe tree and to issue an order to have it removed;
- 5) The financial implications to the City of amending the relevant by-laws.

The relevant extracts are shown in Attachment #1 [Extracts of Minutes of Council – June 11, 2013 CW, Report No.19, Item 35; Nov 5, 2013 CW, Report No. 47, Item 16; Sept 2, 2014 CW, Report No. 36, Item 66].

In addition, through the concerns raised by the deputants, staff identified the need to provide Council with information regarding related issues such as nuisances stemming from private property trees that cross property boundaries, and in circumstances where damage may be caused by a neighbour (e.g. trimming of over-hanging branches, roots, etc.) and issues which fall within the realm of Civil law and are outside of the scope of municipal governance and regulation.

#### **Findings & Analysis:**

Vaughan's commitment to the urban forest and the environment is reinforced through several high level commitments, including Vaughan Vision 20/20 and the 2011 and 2014 Vaughan Accord in which Council committed to, among other things, responsible stewardship of City assets, public spaces and the natural urban environment.

The City's core responsibilities in support of the above includes having the necessary regulations and framework in place with an interest of preserving and protecting our urban tree canopy, protection of the public from unsafe conditions and preservation of public land and green space. The City does regulate trees on private property through the appropriate by-laws, although the City's core interest and responsibilities with respect to trees is focused on public lands, open spaces and parks, woodlots and over-all preservation of green spaces.

The City regulates trees on private property through its Private Property Tree Protection ("PPTP") By-law #185-2007 and its existing Property Standards ("PS") By-law #231-2011. The intent of the PPTP By-law is to provide specific regulations that protect trees over a certain diameter (20 cm), while offering a permitting process to obtain authorization for their removal. This process is administered by the City's Parks & Forestry ("P&F") Department in the Public Works Commission. The PPTP By-law provides the authority to issue Orders for addressing contraventions of the by-law requirements. In addition, the PS By-law also provides language that permits the issuance of an Order to Comply for a tree found to be "unsafe" and/or where conditions "obstruct the safety of the public". Enforcement of both by-laws is carried out by the By-law & Compliance ("BL&C") Department.

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**Council directed staff to report on options with respect to the pros and cons of regulating trees on private property:**

<b>Current By-laws</b>	<b>PROS</b>	<b>CONS</b>
<b>PPTP</b>	<ul style="list-style-type: none"><li>✓ Protects trees greater than 20cm in diameter.</li><li>✓ Offers a permit process for removal of protected trees, including imposing related conditions.</li><li>✓ Provides ability to issue Orders.</li><li>✓ Provides penalty section for contraventions.</li><li>✓ No additional resources required to maintain current service levels.</li><li>✓ Provides reasonable level of governance and regulation.</li><li>✓ Does not interfere with Civil remedy.</li></ul>	<ul style="list-style-type: none"><li>❖ Protection of trees limited to those with a diameter at or greater than 20 cm diameter.</li></ul>
<b>PS</b>	<ul style="list-style-type: none"><li>✓ Ability to issue Orders to Comply for unsafe conditions as defined.</li><li>✓ Provides penalty for failing to comply with an Order.</li><li>✓ Provides authority to remedy for non-compliance including recovery of costs as a property tax.</li><li>✓ Remedy for damage to trees remains as a civil matter.</li><li>✓ Provides reasonable level of governance and regulation.</li><li>✓ Does not interfere with civil remedy.</li></ul>	<ul style="list-style-type: none"><li>❖ Does not address general conditions of trees (dead, decaying, etc.) until identified as “unsafe”.</li></ul>

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<b>Regulating Trees through by-law amendments</b>	<b>PROS</b>	<b>CONS</b>
<b>PPTP</b> Provide more restrictive removal process (e.g. reduce minimum diameters size of protected trees).	✓ Can provide a greater level/broader protection for private trees.	<ul style="list-style-type: none"> <li>❖ Potential for increased demands and increased resources in Forestry and By-law &amp; Compliance.</li> <li>❖ Greater responsibility placed on property owners.</li> <li>❖ Greater obligation on the City to respond to related complaints.</li> <li>❖ May be perceived as an option to civil process.</li> <li>❖ May negatively impact tree removal process, making it too restrictive or difficult for property owners.</li> <li>❖ Decreased interest by property owners to avail themselves of the permit process.</li> </ul>
<b>PS</b> (Introduction of standard condition for trees)	✓ Can provide a greater level/broader protection for private trees.	<ul style="list-style-type: none"> <li>❖ Potential for increased demands and increased resources in Forestry and By-law &amp; Compliance.</li> <li>❖ Greater responsibility for property owners.</li> <li>❖ Greater obligation on the City to respond to increased complaints.</li> <li>❖ May be perceived as unreasonable level of regulation by the greater public.</li> <li>❖ May be perceived as unfair/punitive to property owners whose trees were damaged by a third party (e.g. neighbour).</li> <li>❖ May be perceived as option to civil process.</li> <li>❖ Contrary to the decision of Council from 2010.</li> </ul>

**Staff undertook a review of the Private Property Tree By-law & the Property Standards By-law, including review of the Building Permit and Development Planning Approval processes currently in place in the interest of protection of trees on private property.**

In consultation with Parks & Forestry, Building Standards and Planning, BL&C undertook a more in-depth review of the existing by-laws and related practices to ensure that a broad range of issues be considered and addressed in reaching any conclusions to address the key elements identified through the directions of Council.

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#### **The five (5) key areas on which the review focused were:**

1. Municipal Environments (municipal comparative);
2. Review of Current Vaughan By-laws;
3. Previous Related Decisions of Council;
4. Building Permit Process; and
5. Development Planning Process.

#### **1. Municipal Environments (municipal comparison)**

City staff undertook a municipal comparison relating to the regulation of trees on private property and identified some variations in process and approach to the protection of trees on private property. However, all municipalities offered a similar method of regulation in one form or another. [Attachment #2 – Municipal By-law Comparative Chart].

Although additional regulations in some jurisdictions may deal with a broader range of issues, including non-safety related conditions of trees on private property, all jurisdictions treat the issue of responsibility, nuisance and/or compensation for damages arising from an adjoining property owner's actions (e.g. cutting of branches, leaders and stems) as a civil matter.

Other levels of government and government agencies also contribute to the over-all preservation of trees within the City of Vaughan. For example, the Regional Municipality of York relies on the Forest Conservation By-law, which focuses on protection of wood lots, while the Toronto Regional Conservation Authority ("TRCA") shares jurisdiction within the Region and offers a permit process for tree removals within floodplains, open spaces and valley lands; thus providing an additional layer of protection for trees as a whole.

In circumstances regarding unlawful activity or in response to public complaints on TRCA lands, or open spaces and woodlots within the City of Vaughan, BL&C enforcement officers (predominantly Special Enforcement Unit Officers) are called and relied upon for primary response, including providing an immediate enforcement presence, assisting in ceasing any unlawful activity (e.g. tree cutting) and conducting related investigations. This is done in partnership with TRCA officials and York Regional Police (as needed).

#### **2. Review of Current Vaughan By-laws**

The City's PPTP By-law provides for penalties for anyone who damages a protected tree and is currently enforceable through the issuance of an Order to cease the injury or destruction of the tree or the laying of a charge where warranted. While imposition of penalty and initiation of a prosecution is an available option to BL&C enforcement staff, recovery of damages by a property owner (owner of the tree) remains a civil matter that requires the property owner to seek independent legal advice and proceed with initiation of a civil proceeding against the party that may have been the cause or origin of the damage. This includes the recovery of any related costs (e.g. tree removal expenses). Where disputes arise over a tree having shared ownership, civil proceedings may also include seeking a court order to prevent the removal of a tree located between two neighbouring properties/lands.

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Pursuant to the *Ontario Building Code Act*, S.O. 1992, c.23, the City of Vaughan PS By-law, s. 5.1 Maintenance of Yards & 5.3 Plantings also provides the ability for an Order to Comply to be issued to address any identified unsafe conditions or where trees obstruct the safety of the public. This includes the ability to prosecute for “Failing to Comply with an Order,” remedy the contravention and recover the costs associated with the work as a property tax. This authority can be applied to all owners of a tree in cases where shared ownership has been determined.

Concerns of shared ownership are often encountered when processing tree removal permit applications. To address this, the current requirements include written permission from the adjacent property owner for trees (tree base) that straddle the property line to ensure interests of both parties are considered.

#### **3. Previous related decisions of Council.**

On June 8, 2010, Council adopted, Report No. 24 [*Attachment #3 – Extract from Council Minutes of June 8, 2010 – Item 2, Report No. 24*] to repeal the former Property Standards By-law #409-99 and replace it with the existing version, Property Standards By-law #231-2011, as amended. At that time, the section previously found within By-law 409-99 relating to the conditions of trees was removed, noting this issue as a civil matter. The rationale in the report included, but was not limited to, the increasing growth-related demands and public expectations. In addition, sections relating to “General Standards for all Properties” were expanded or added at that time, enhancing the over-all by-law regulations and standards for a more comprehensive by-law.

#### **4. Building Permit Processes:**

Currently the process is as follows:

- Plans are received, reviewed and a permit issued;
- Building Inspector attends the site, inspection focused on construction activity associated with building/structure;
- Grading Inspector (Engineering Department) attends site, inspection focused on approved plans, within the scope of property lines;
- Impact to trees on adjoining properties were not considered as a practice or through required process/legislation.

The strategy to achieve improved procedural controls would involve the following:

- Introduce a new stamp to be used for approved drawing/permits – identifying requirements of the PPTP bylaw to any prospective permit recipient.
- Building Inspectors will:
  - identify protected trees on adjoining properties upon initial site visit;
  - advise permit holder/agent of PPTP By-law requirements and obligations;
  - make a referral and seek assistance from BL&C in circumstances where tree damage caused by construction activity has been identified, initiating greater attention from enforcement in lieu of relying on public complaint.

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- BL&C will address such referrals as a priority call, reducing the time for attendance to within 48 hours where possible.
- Related Grading Inspection:
  - A new process has been implemented for the requirement for a pre-inspection of infill sites to identify potential grading issues including impacts to existing trees on adjacent properties.

#### **5. Development Planning Process:**

Currently tree preservation implemented through the development approval process is being administered by the Urban Design division as follows:

- a) The applicant submits 3 copies of a “**Tree Inventory/Assessment Report, and Tree preservation/remediation Plan**”, which specifically evaluates and identifies the trees for preservation including:
  - Describes and identifies the specific trees for preservation through detailed inventory, evaluation and analysis of the possible impact the proposed development will have on existing trees;
  - Specifically describes dead and or hazardous trees which may pose public safety or liability concerns;
  - Describes the extent of tree preservation measures to be installed including temporary and permanent buffers, and the type of preservation fencing to be installed to the satisfaction of the City;
  - Identifies and provides justification for those trees which are proposed to be removed as a result of development proposal;
  - Provide a detailed “Edge Management or Remediation Plan” that provides the detailed remediation planting and monitoring program;
  - A cost estimate submitted for proposed tree preservation works to satisfaction of staff;
  - All plans and reports are prepared and sealed by a qualified Arborist or Landscape Architect.
- b) Urban Design staff review all plans, reports and cost estimates as part of the site review process and once satisfied, provides clearance to Planner;
- c) A Planner prepares the site plan agreement which include tree preservation plans and securities;
- d) Upon completion of project, Urban Design staff conduct inspections focused on completion of landscape and tree preservation works in accordance with approved plans for letter of credit release.

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##### Strategy to achieve improved procedural controls:

Tree preservation administered through the development planning process has proven to be generally successful in preserving trees and woodlots as part of development. Urban Design staff are diligent in requiring that the necessary reports and plans are being prepared by licensed professional consultants to ensure appropriate tree protection and preservation is being integrated with development.

While a higher level of protection could be considered and imposed in order to better protect trees on adjacent properties during construction; by requiring the applicant's arborist or landscape architect to provide weekly monitoring reports to Urban Design certifying the tree preservation measures are in place in accordance with tree protection plans as approved; staff have not identified the need to impose additional regulations on applicants through the development planning process and are not recommending additional controls/regulations at this time.

#### **6. Financial Implications to the City to amend the relevant by-laws**

At the time the PPTP By-law was passed, no additional staffing allocation for P&F was made for administration of the permit process or to provide expertise with respect to new regulations and requirements. Currently P&F has no dedicated staff assigned to overseeing the private tree permit process and manages demands through their existing staff complement. It is estimated that approximately 1.5 FTEs are utilized; comprised primarily of part-time efforts from the Manager of Parks Services, Forestry Supervisor (and Arborist) and one administration staff. As a result, permit applications cannot be fully scrutinized, site inspections are limited and post-permit inspections to ensure replanting requirements are met, cannot be done to optimal levels. This is in contrast to other municipalities such as Brampton, Richmond Hill, Markham and Oakville, where the average number of "dedicated" staff is 2.5 FTEs working on or supporting tree preservation, with an average of 1.16 FTE dedicated solely to overseeing private property trees.

Similarly, tasked with responding to public complaints and enforcement/compliance related activities, BL&C did not add any additional staffing based upon enactment of the PPTP By-law. Although BL&C does not normally seek specialized staff/officer positions for a dedicated function, such as preservation and protection of trees, the Department does maintain standing budget submissions relating to a required increase in staff complement as identified in the 2012 to 2015 budget cycles. These resource submissions are not specific to any one enforcement discipline and are to address compliance and enforcement activities across a much broader spectrum of enforcement duties and activities.

City staff have continued to manage increasing demands within the current fiscal framework and existing constraints (human resources and financial); however, should obligations and demands increase further, existing staffing complements in both departments may not be sufficient to sustain delivery of over-all service at current levels.

Although there are no financial implications arising from this Report's recommendations, introducing new by-law amendments that create additional requirements and introducing new processes beyond those described above, would increase the City's scope of work and lead to the need for consideration of additional resources.

#### **Clarifying issues that fall within the realm of Civil law and are outside of the scope of municipal governance and regulation.**

More often than not, public inquiries and concerns regarding private property trees normally fall within two (2) basic categories, nuisance and damage to trees – protection of property owner's rights. Examples of nuisance type issues include such things as trees branches over-hanging a



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property line, neighbours tree blocking sunlight to rear yard and falling leaves from a neighbouring tree. Examples of damage to trees include damage caused to property from a neighbour's tree, roots/branches cut causing damage to a neighbouring tree, etc. Although the Private Property Tree By-law provides penalty for causing damage to a tree, recovery of related costs associated with remedy (e.g. hiring of a private arborist, replacing of tree) do not fall within the scope or authority of a municipality. Nor can a municipality regulate a property owner's civil rights. These matters are and continue to fall within the realm of civil law, affording anyone the right to proceed through civil process (e.g. court system) if they so choose.

#### **Relationship to Vaughan Vision 2020/Strategic Plan**

This report is in keeping with the priorities previously established by City Council.

#### **Regional Implications**

No Regional implications have been identified as a result of the adoption of the recommendations within this report.

#### **Conclusion**

Having concluded the appropriate reviews and undertaken a jurisdictional comparison, staff are recommending that no amendments be made to the Property Standards or the Private Property Tree Protection By-laws, at this time. Current provisions offer the regulatory methods and tools to ensure a reasonable level of protection for private trees, for preservation of the urban natural environment and for the protection of the public against unsafe conditions.

The by-laws further provide adequate penalty provisions for violations and a relief process for the lawful removal of protected trees (e.g. tree removal permit process). In addition, their provisions provide a reasonable balance between the greater public interest through the appropriate level of regulation and do not interfere or become confused with civil remedies available through the judicial system.

Not unlike other regulatory by-laws, while providing greater regulation may appear to offer an improved level of service, in the interest of the optimal use of City resources, staff must identify a clear rationale and benefits of further regulation, including identifying what is expected to be accomplished (i.e. what is the purpose) and balancing needs (perceived and real) against resource implications, service level expectations/potential for increased public demands and associated risks (e.g. reduction in service, unclear public expectations, perception of unfairness, etc.).

Reconsideration of amendments to either by-law with the aim of better protecting trees on private property will not address the issues raised through the aforementioned deputations, as the concerns raised were predominantly civil in nature; and will only serve to impose additional requirements and obligations on City staff, with no identifiable public benefit.

Finally, a sustainable regulatory framework is better achieved through a focus on an educated public, greater public awareness and a responsible community; all of this can equate to a greater likelihood of achieving voluntary compliance in the long term. Therefore, a key focus of staff must be to find a balance between the appropriate level of regulations and restrictions versus the introduction of regulations that cannot be shown to be a tangible improvement over the existing regulatory intents (e.g. public safety and protection of the natural urban environment). A sustainable regulatory regime that effectively deters violations requires a reasonable balance between regulation and incentive provided to the public (through ease of access to information and process). Staff believe that such a balance exists under Vaughan's current regulations.

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It is for these reasons that staff recommend that increased regulatory effectiveness be achieved through procedural controls as opposed to additional regulations and amendments.

**Attachments**

Attachment #1: Deputations - Extracts From Council Minutes

Attachment #2: Municipal By-law Comparative Chart

Attachment #3: Extract From Council Minutes of June 8, 2010 – Item 2, Report No. 24

**Report prepared by:**

Gus Michaels, Director

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

## **COMMITTEE OF THE WHOLE (WORKING SESSION) - APRIL 8, 2015**

### **PRIVATE PROPERTY TREES**

#### **Recommendation**

The Interim Commissioner of Legal & Administrative Services/City Solicitor and the Director of By-law & Compliance recommend that:

1. The current Private Protection Tree By-law #185-2007 and the Property Standards By-law #231-2011 not be amended; and
2. The introduction of additional procedural controls through the building permit and related inspection processes, as described within this report, be approved.

#### **Contribution to Sustainability**

Vaughan's commitment to the urban forest and the environment is reinforced through several high level commitments, including Vaughan Vision 20/20 and the 2011 and 2014 Vaughan Accord in which Council committed to, among other things, responsible stewardship of City assets, public spaces and the natural urban environment.

Municipal regulation, as embodied in by-laws, policies and procedures, is established within a framework that incorporates the greater public interest, sound governance principles and legislative requirements. The City's Private Property Tree Protection By-law #185-2007, as amended, coupled with the provisions in the City's Property Standards By-law #231-2011 offers the appropriate level of regulation to preserve and protect trees on private property. The report is consistent with the priorities previously established by City Council.

#### **Economic Impact**

There is no economic impact as a result of the adoption of the recommendations within this report.

#### **Communications Plan**

This report and any related attachments will be made available through the City's website.

#### **Purpose**

The purpose of this report is to respond to the direction of Council arising from public deputations and to provide Council with information on existing by-law regulations, current practices and comparable municipal environments to support an informed decision on the matter.

#### **Background - Analysis and Options**

Since 2013 and 2014, Council directed City staff to report on:

- 1) Options with respect to the pros and cons of re-regulating trees on private property;
- 2) The Tree By-law and any other relevant by-laws;

- 3) A strategy for amending the Tree By-law to oblige owners of abutting lands to refrain from threatening trees on neighbouring properties and to require those seeking building permits that may affect trees on a neighbouring property to disclose the presence of such trees and to protect such trees, with failure to do so resulting in a fine;
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#### **Findings & Analysis:**

Vaughan's commitment to the urban forest and the environment is reinforced through several high level commitments, including Vaughan Vision 20/20 and the 2011 and 2014 Vaughan Accord in which Council committed to, among other things, responsible stewardship of City assets, public spaces and the natural urban environment.

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<b>Regulating Trees through by-law amendments</b>	<b>PROS</b>	<b>CONS</b>
<b>PPTP</b> Provide more restrictive removal process (e.g. reduce minimum diameters size of protected trees).	<ul style="list-style-type: none"> <li>✓ Can provide a greater level/broader protection for private trees.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Potential for increased demands and increased resources in Forestry and By-law &amp; Compliance.</li> <li>❖ Greater responsibility placed on property owners.</li> <li>❖ Greater obligation on the City to respond to related complaints.</li> <li>❖ May be perceived as an option to civil process.</li> <li>❖ May negatively impact tree removal process, making it too restrictive or difficult for property owners.</li> <li>❖ Decreased interest by property owners to avail themselves of the permit process.</li> </ul>
<b>PS</b> (Introduction of standard condition for trees)	<ul style="list-style-type: none"> <li>✓ Can provide a greater level/broader protection for private trees.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Potential for increased demands and increased resources in Forestry and By-law &amp; Compliance.</li> <li>❖ Greater responsibility for property owners.</li> </ul>

		<ul style="list-style-type: none"> <li>❖ Greater obligation on the City to respond to increased complaints.</li> <li>❖ May be perceived as unreasonable level of regulation by the greater public.</li> <li>❖ May be perceived as unfair/punitive to property owners whose trees were damaged by a third party (e.g. neighbour).</li> <li>❖ May be perceived as option to civil process.</li> <li>❖ Contrary to the decision of Council from 2010.</li> </ul>
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In consultation with Parks & Forestry, Building Standards and Planning, BL&C undertook a more in-depth review of the existing by-laws and related practices to ensure that a broad range of issues be considered and addressed in reaching any conclusions to address the key elements identified through the directions of Council.

**The five (5) key areas on which the review focused were:**

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#### **1. Municipal Environments (municipal comparison)**

City staff undertook a municipal comparison relating to the regulation of trees on private property and identified some variations in process and approach to the protection of trees on private property. However, all municipalities offered a similar method of regulation in one form or another. [Attachment #2 – Municipal By-law Comparative Chart].

Although additional regulations in some jurisdictions may deal with a broader range of issues, including non-safety related conditions of trees on private property, all jurisdictions treat the issue of responsibility, nuisance and/or compensation for damages arising from an adjoining property owner's actions (e.g. cutting of branches, leaders and stems) as a civil matter.

Other levels of government and government agencies also contribute to the over-all preservation of trees within the City of Vaughan. For example, the Regional Municipality of York relies on the Forest Conservation By-law, which focuses on protection of wood lots, while the Toronto Regional Conservation Authority ("TRCA") shares jurisdiction within the Region and offers a permit process for tree removals within floodplains, open spaces and valley lands; thus providing an additional layer of protection for trees as a whole.

In circumstances regarding unlawful activity or in response to public complaints on TRCA lands, or open spaces and woodlots within the City of Vaughan, BL&C enforcement officers (predominantly Special Enforcement Unit Officers) are called and relied upon for primary response, including providing an immediate enforcement presence, assisting in ceasing any unlawful activity (e.g. tree cutting) and conducting related investigations. This is done in partnership with TRCA officials and York Regional Police (as needed).

## **2. Review of Current Vaughan By-laws**

The City's PPTP By-law provides for penalties for anyone who damages a protected tree and is currently enforceable through the issuance of an Order to cease the injury or destruction of the tree or the laying of a charge where warranted. While imposition of penalty and initiation of a prosecution is an available option to BL&C enforcement staff, recovery of damages by a property owner (owner of the tree) remains a civil matter that requires the property owner to seek independent legal advice and proceed with initiation of a civil proceeding against the party that may have been the cause or origin of the damage. This includes the recovery of any related costs (e.g. tree removal expenses). Where disputes arise over a tree having shared ownership, civil proceedings may also include seeking a court order to prevent the removal of a tree located between two neighbouring properties/lands.

Pursuant to the *Ontario Building Code Act*, S.O. 1992, c.23, the City of Vaughan PS By-law, s. 5.1 Maintenance of Yards & 5.3 Plantings also provides the ability for an Order to Comply to be issued to address any identified unsafe conditions or where trees obstruct the safety of the public. This includes the ability to prosecute for "Failing to Comply with an Order," remedy the contravention and recover the costs associated with the work as a property tax. This authority can be applied to all owners of a tree in cases where shared ownership has been determined.

Concerns of shared ownership are often encountered when processing tree removal permit applications. To address this, the current requirements include written permission from the adjacent property owner for trees (tree base) that straddle the property line to ensure interests of both parties are considered.

## **3. Previous related decisions of Council.**

On June 8, 2010, Council adopted, Report No. 24 [*Attachment #3 – Extract from Council Minutes of June 8, 2010 – Item 2, Report No. 24*] to repeal the former Property Standards By-law #409-99 and replace it with the existing version, Property Standards By-law #231-2011, as amended. At that time, the section previously found within By-law 409-99 relating to the conditions of trees was removed, noting this issue as a civil matter. The rationale in the report included, but was not limited to, the increasing growth-related demands and public expectations. In addition, sections relating to "General Standards for all Properties" were expanded or added at that time, enhancing the over-all by-law regulations and standards for a more comprehensive by-law.

## **4. Building Permit Processes:**

Currently the process is as follows:

- Plans are received, reviewed and a permit issued;
- Building Inspector attends the site, inspection focused on construction activity associated with building/structure;
- Grading Inspector (Engineering Department) attends site, inspection focused on approved plans, within the scope of property lines;

- Impact to trees on adjoining properties were not considered as a practice or through required process/legislation.

The strategy to achieve improved procedural controls would involve the following:

- Introduce a new stamp to be used for approved drawing/permits – identifying requirements of the PPTP bylaw to any prospective permit recipient.
- Building Inspectors will:
  - identify protected trees on adjoining properties upon initial site visit;
  - advise permit holder/agent of PPTP By-law requirements and obligations;
  - make a referral and seek assistance from BL&C in circumstances where tree damage caused by construction activity has been identified, initiating greater attention from enforcement in lieu of relying on public complaint.
- BL&C will address such referrals as a priority call, reducing the time for attendance to within 48 hours where possible.
- Related Grading Inspection:
  - A new process has been implemented for the requirement for a pre-inspection of infill sites to identify potential grading issues including impacts to existing trees on adjacent properties.

## 5. Development Planning Process:

Currently tree preservation implemented through the development approval process is being administered by the Urban Design division as follows:

- a) The applicant submits 3 copies of a **“Tree Inventory/Assessment Report, and Tree preservation/remediation Plan”**, which specifically evaluates and identifies the trees for preservation including:
  - Describes and identifies the specific trees for preservation through detailed inventory, evaluation and analysis of the possible impact the proposed development will have on existing trees;
  - Specifically describes dead and or hazardous trees which may pose public safety or liability concerns;
  - Describes the extent of tree preservation measures to be installed including temporary and permanent buffers, and the type of preservation fencing to be installed to the satisfaction of the City;
  - Identifies and provides justification for those trees which are proposed to be removed as a result of development proposal;
  - Provide a detailed “Edge Management or Remediation Plan” that provides the detailed remediation planting and monitoring program;
  - A cost estimate submitted for proposed tree preservation works to satisfaction of staff;



- All plans and reports are prepared and sealed by a qualified Arborist or Landscape Architect.
- b) Urban Design staff review all plans, reports and cost estimates as part of the site review process and once satisfied, provides clearance to Planner;
- c) A Planner prepares the site plan agreement which include tree preservation plans and securities;
- d) Upon completion of project, Urban Design staff conduct inspections focused on completion of landscape and tree preservation works in accordance with approved plans for letter of credit release.

Strategy to achieve improved procedural controls:

Tree preservation administered through the development planning process has proven to be generally successful in preserving trees and woodlots as part of development. Urban Design staff are diligent in requiring that the necessary reports and plans are being prepared by licensed professional consultants to ensure appropriate tree protection and preservation is being integrated with development.

While a higher level of protection could be considered and imposed in order to better protect trees on adjacent properties during construction; by requiring the applicant's arborist or landscape architect to provide weekly monitoring reports to Urban Design certifying the tree preservation measures are in place in accordance with tree protection plans as approved; staff have not identified the need to impose additional regulations on applicants through the development planning process and are not recommending additional controls/regulations at this time.

## **6. Financial Implications to the City to amend the relevant by-laws**

At the time the PPTP By-law was passed, no additional staffing allocation for P&F was made for administration of the permit process or to provide expertise with respect to new regulations and requirements. Currently P&F has no dedicated staff assigned to overseeing the private tree permit process and manages demands through their existing staff complement. It is estimated that approximately 1.5 FTEs are utilized; comprised primarily of part-time efforts from the Manager of Parks Services, Forestry Supervisor (and Arborist) and one administration staff. As a result, permit applications cannot be fully scrutinized, site inspections are limited and post-permit inspections to ensure replanting requirements are met, cannot be done to optimal levels. This is in contrast to other municipalities such as Brampton, Richmond Hill, Markham and Oakville, where the average number of "dedicated" staff is 2.5 FTEs working on or supporting tree preservation, with an average of 1.16 FTE dedicated solely to overseeing private property trees.

Similarly, tasked with responding to public complaints and enforcement/compliance related activities, BL&C did not add any additional staffing based upon enactment of the PPTP By-law. Although BL&C does not normally seek specialized staff/officer positions for a dedicated function, such as preservation and protection of trees, the Department does maintain standing budget submissions relating to a required increase in staff complement as identified in the 2012 to 2015 budget cycles. These resource submissions are not specific to any one enforcement discipline and are to address compliance and enforcement activities across a much broader spectrum of enforcement duties and activities.

City staff have continued to manage increasing demands within the current fiscal framework and existing constraints (human resources and financial); however, should obligations and demands increase further, existing staffing complements in both departments may not be sufficient to sustain delivery of over-all service at current levels.

Although there are no financial implications arising from this Report's recommendations, introducing new by-law amendments that create additional requirements and introducing new processes beyond those described above, would increase the City's scope of work and lead to the need for consideration of additional resources.

**Clarifying issues that fall within the realm of Civil law and are outside of the scope of municipal governance and regulation.**

More often than not, public inquiries and concerns regarding private property trees normally fall within two (2) basic categories, nuisance and damage to trees – protection of property owner's rights. Examples of nuisance type issues include such things as trees branches over-hanging a property line, neighbours tree blocking sunlight to rear yard and falling leaves from a neighbouring tree. Examples of damage to trees include damage caused to property from a neighbour's tree, roots/branches cut causing damage to a neighbouring tree, etc. Although the Private Property Tree By-law provides penalty for causing damage to a tree, recovery of related costs associated with remedy (e.g. hiring of a private arborist, replacing of tree) do not fall within the scope or authority of a municipality. Nor can a municipality regulate a property owner's civil rights. These matters are and continue to fall within the realm of civil law, affording anyone the right to proceed through civil process (e.g. court system) if they so choose.

**Relationship to Vaughan Vision 2020/Strategic Plan**

This report is in keeping with the priorities previously established by City Council.

**Regional Implications**

No Regional implications have been identified as a result of the adoption of the recommendations within this report.

**Conclusion**

Having concluded the appropriate reviews and undertaken a jurisdictional comparison, staff are recommending that no amendments be made to the Property Standards or the Private Property Tree Protection By-laws, at this time. Current provisions offer the regulatory methods and tools to ensure a reasonable level of protection for private trees, for preservation of the urban natural environment and for the protection of the public against unsafe conditions.

The by-laws further provide adequate penalty provisions for violations and a relief process for the lawful removal of protected trees (e.g. tree removal permit process). In addition, their provisions provide a reasonable balance between the greater public interest through the appropriate level of regulation and do not interfere or become confused with civil remedies available through the judicial system.

Not unlike other regulatory by-laws, while providing greater regulation may appear to offer an improved level of service, in the interest of the optimal use of City resources, staff must identify a clear rationale and benefits of further regulation, including identifying what is expected to be accomplished (i.e. what is the purpose) and balancing needs (perceived and real) against resource implications, service level expectations/potential for increased public demands and associated risks (e.g. reduction in service, unclear public expectations, perception of unfairness, etc.).

Reconsideration of amendments to either by-law with the aim of better protecting trees on private property will not address the issues raised through the aforementioned deputations, as the concerns raised were predominantly civil in nature; and will only serve to impose additional requirements and obligations on City staff, with no identifiable public benefit.

Finally, a sustainable regulatory framework is better achieved through a focus on an educated public, greater public awareness and a responsible community; all of this can equate to a greater likelihood of achieving voluntary compliance in the long term. Therefore, a key focus of staff must be to find a balance between the appropriate level of regulations and restrictions versus the introduction of regulations that cannot be shown to be a tangible improvement over the existing regulatory intents (e.g. public safety and protection of the natural urban environment). A sustainable regulatory regime that effectively deters violations requires a reasonable balance between regulation and incentive provided to the public (through ease of access to information and process). Staff believe that such a balance exists under Vaughan's current regulations.

It is for these reasons that staff recommend that increased regulatory effectiveness be achieved through procedural controls as opposed to additional regulations and amendments.

### **Attachments**

Attachment #1: Deputations - Extracts From Council Minutes

Attachment #2: Municipal By-law Comparative Chart

Attachment #3: Extract From Council Minutes of June 8, 2010 – Item 2, Report No. 24

### **Report prepared by:**

Gus Michaels, Director

Respectfully submitted,

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Interim Commissioner of Legal  
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Gus Michaels  
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CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF SEPTEMBER 9, 2014

Item 66, Report No. 36, of the Committee of the Whole, which was adopted without amendment by the Council of the City of Vaughan on September 9, 2014.

66

**NEW BUSINESS – REQUEST FOR REPORT  
WITH RESPECT TO THE REVIEW OF THE TREE BY-LAW**

The Committee of the Whole recommends:

- 1) That staff provide a report in 2015, with respect to the review of the Tree By-law.

The foregoing matter was brought to the attention of the Committee by Regional Councillor Schulte.

## Municipal Comparison Chart

## Attachment #2

Municipality	On private property	
	Property Standards By-law	Tree By-law
Vaughan	§5.1 Maintenance of Yards “kept free from any unsafe condition” §5.3 Plantings “maintained in a manner that does not obstruct safety of the public”	Regulates removal through permitting system
Mississauga	§26 Trees “maintained in a manner that will eliminate a condition which is a source of danger”	Regulates removal through a permitting system
Markham	Does not apply	Regulates removal through permitting system
Toronto	§629-10 “yards... be kept... free from... hazards” Includes standards of maintenance of tree conditions	Regulates removal through permitting system
Brampton	§7.(5.1) “safety hazard must be removed”	Regulates removal through permitting system
Oakville	§5.1.1.2 “every yard be kept free from dead, decayed or damaged trees... which create an unsafe condition”	Regulates removal through notification and permitting system
Richmond Hill	§1010.9.6 “every yard be kept free from dead, decayed or damaged trees... which create an unsafe condition”	Regulates removal through permitting system

**Note:** Consistent across all Municipalities is the ability to issue orders, take punitive measures (proceed with charges) and employ a permitting process/control measures for removal of protected private property trees.

CITY OF VAUGHAN

**EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 8, 2010**

Item 2, Report No. 24, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on June 8, 2010.

2

**PROPERTY STANDARDS BY-LAW – ALL WARDS**

The Committee of the Whole (Working Session) recommends:

- 1) That a new Property Standards By-law be brought forward at a future date; and
- 2) That the report of the Commissioner of Legal and Administrative Services and City Solicitor, dated May 17, 2010, be received.

**Recommendation**

The Commissioner of Legal and Administrative Services and City Solicitor, in conjunction with the Director of Enforcement Services, and in consultation with the Cultural Heritage Co-ordinator, recommends:

1. That Property Standards By-law 409-99 be repealed and a new Property Standards By-law be enacted.

**Economic Impact**

Not applicable.

**Purpose**

This report is to introduce a revised and updated Property Standards By-law.

**Background**

As a result of a report published by the Provincial Government in the 1960's, legislation was passed which permitted municipalities to pass by-law setting out minimum standards and maintenance and occupancy for residential properties. Over the years, by-laws were expanded to include standards of maintenance for all properties within a municipality not just residential.

The current Property Standards By-law was enacted in 1999. Since that time the City of Vaughan has grown with respect to its residential and business population and continues to prosper with new residential areas and business centres.

With increased density in City of Vaughan neighbourhoods, the standards of maintenance people have come to expect in their communities have also increased.

Issues that raise concerns among residents, visitors and business operators are not being addressed in the current Property Standards By-law thereby affecting the level of service people expect.

As a result of the large amount of re-organization, clarifications, and new sections added to the By-law it would be less confusing to re-draft the By-law than to provide a long series of amendments.

The following items outline the more significant proposed changes to the By-law.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 8, 2010

#### Item 2, CW(WS) Report No. 24 – Page 2

##### Multi-Residential Properties

Subsections that deal with multi-residential properties are proposed to be modified. This is suggested as unit owners and tenants have other avenues to pursue their concerns or complaints. These include the Landlord Tenant Tribunal, Condominium Corporations, or Property Management Companies.

Some complaints involving multi-residential properties have in the past, originated from tenants who have been informed by the Landlord Tenant Tribunal the documentation from the City would help their case. The City needs to ensure its resources are focussed, in this regard, where the issue is ensuring basic standards of living conditions.

Enforcement Services are currently called to deal with minor issues such as "burnt out bulbs; blocked toilets; and a battery not working in CO Detector. These residents expect the City of Vaughan to deal with these issues with the Property Management Company. In most cases this is a civil matter between the Property Management Company and the resident. Also, in our By-law there is a provision which states that the occupants are responsible for the dwelling – which means the owners can remediate the problem and seek compensation through other means.

City staff resources should not be deployed for these types of issues. As such, the Bylaw will be modified to provide service for those deficiencies that are not trivial in nature. These would include matters that deal with issues in the common areas of these buildings.

##### Building Code Requirements

The new By-law is proposing to remove from it all specific Building Code requirements which principally involve measurements. In the past, any amendments that were made to the Ontario Building Code were not made in the Bylaw and therefore the provisions contained in the By-law were incorrect.

Removing specific provisions eliminates any amendments that would have to put forthwith should the Code change. The proposed By-law will make reference to the requirements of the Building Code, so that in the event of amendments to that statute, the By-law would not require an amendment.

##### Definitions

The proposed list of definitions has been expanded from fifty-five (55) to ninety-eight (98) defined terms. The proposed definitions have been added due to problems that have arisen with the interpretation of certain sections of the By-law.

Often, a word used in the By-law does not have a definition set out in the By-law which in the past has resulted in successful challenges both in the courts and at the Property Standards Appeal Committee.

Other minor changes have been made to existing definitions to make them clearer or to reflect changes made to the Ontario Building Code.

##### The Property Standards Officer

The proposed amendment to this section is the insertion of an additional clause to allow other persons other than City of Vaughan employees to assist in the Enforcement of this By-law. This section will appoint these other bodies as agents in the By-law. Some examples may include:

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### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 8, 2010

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Provincial Ministries (Ministry of the Environment, Ministry of Labour)  
Regional Bodies (York Regional Health Services)

An officer may from time to time, designate other persons to act under the Officer's instruction in the administration or enforcement of this By-law.

#### Property Standards Committee

The proposed changes to this section are to include additional items that provide clarity for the Committee.

It is proposed that any member of the Committee may administer oaths.

Further, a quorum for transacting the Committee's Business is defined as the majority of the Committee.

Also, there is a proposal that the secretary shall keep on file minutes and records of all application and decisions thereon and of all other official business of the Committee under Section 74 of the Municipal Act R.S.O 1990 c.H 45 as amended.

#### Standards of Occupancy

This section outlines the general duties of owners of properties within the City of Vaughan. The only change proposed in this section is the deletion of the provision dealing with Multiple Dwellings.

#### General Standards for all Properties

In addition to the amendments and expanded definitions, new sub sections were added to accommodate the nature of complaints Enforcement Services receive that under By-law 409-99 cannot be dealt with. In other cases existing sub sections have been expanded and/or divided either for clarity purposes or to include aspects of complaints not covered in By-law 409-99.

The list below captures the areas of the amendments:

- Maintenance of Yards – expansion
- Trees – removal of section, civil matter
- Plantings – expansion and clarification
- Flags – new
- Signs – expansion and clarification
- Lighting – expansion and clarification
- Swimming pools – new provision
- Fences and Retaining Walls – modification and clarification
- Garbage Bags and Receptacles – expansion
- Catch basins – expansion



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- Sewage Discharge and Drainage – expansion
- Grading and Paving of Yards – partial removal for civil matters. Safety issues remain
- Roofs – expansion
- Stairs, Handrails and Guards – expansion
- Structural Adequacy, Electrical, HVAC and Plumbing - revision
- Mould – new provision

#### Standards Specific to Residential Properties

As indicated above there requirements to create new sub sections to accommodate the nature of complaints Enforcement Services receive that under By-law 409-99 cannot be dealt with. In other cases existing sub sections have been expanded and/or divided either for clarity purposes or to include aspects of complaints not covered in By-law 409-99.

The list below captures the areas of the amendments:

- Doors – new section
- Garage Doors – new section
- Floors – new section
- Water – modification, clarification

#### Standards Specific to Non Residential Properties

As indicated above there requirements to create new sub sections to accommodate the nature of complaints Enforcement Services receive that under By-law 409-99 cannot be dealt with.

The list below captures the areas of the amendments:

- Grading, Paving and Surface Conditions – expansion, safety
- Storage Areas – addition

#### Standards for Buildings/Structures Damaged by Fire or Natural Disaster

This section has been added to provide for greater security of a property damaged by the above and to protect the public from injury and adjacent properties from damage.

#### Standards for Heritage Properties

In consultation with Culture and Heritage a need was identified to add within the new proposed Property Standards By-law a supplementary section for the maintenance and care of Heritage lands and buildings.

## CITY OF VAUGHAN

### EXTRACT FROM COUNCIL MEETING MINUTES OF JUNE 8, 2010

#### Item 2, CW(W.S) Report No. 24 – Page 5

In April 2005 Bill 60 of the Ontario Heritage Act was passed including provisions which provide municipalities with new powers to make a By-law prescribing minimum standards of maintenance of Heritage Properties. As a result of authority granted in the Ontario Heritage Act and the lack of maintenance and care shown by some owners of Heritage Properties, a stricter standard of maintenance has been proposed in the new Property Standards By-law. These new prescribed standards should aid the City of Vaughan in ensuring heritage lands and buildings are maintained in keeping with their significant historical value.

The *Ontario Heritage Act, R.S.O 1990, Chapter 0.18*, grants municipalities the authority to designate individual properties and districts as being of cultural heritage value or interest. This designated status allows municipalities to protect and preserve built heritage resources and provides the legislative tools to manage change in a way that enhances the unique heritage character of the municipality. The City of Vaughan currently has four Heritage Conservation Districts designated under Part V of the Ontario Heritage Act (OHA). They include the Heritage Districts of Thornhill, Kleinburg-Nashville, Woodbridge and Maple, totaling 878 designated properties. Additionally, the City has 49 properties individually designated under Part IV of the Ontario Heritage Act.

Under Section 35.3, 45.1 of the OHA the Council of a municipality may, by by-law passed under Section 15.1 of the *Building Code Act, 1992*, prescribe minimum standards for the maintenance of the heritage attributes of any property situated in a heritage conservation district or designated individually under Part IV of the OHA. Designated properties are required to comply with these minimum standards or else be repaired and maintained to conform to these standards.

The proposed Supplementary Standards for Heritage Properties will help to ensure the long term protection of cultural heritage resources within the City of Vaughan by enforcing sympathetic maintenance and repair of significant heritage attributes, by preventing undue exposure of heritage attributes to damaging elements and by circumventing the neglect of vacant heritage properties.

It should be noted that continuous occupation provides the best protection against the rapid deterioration of heritage attributes that is often the result of neglect. Although Cultural Services recognizes that occupancy cannot be enforced it should be made clear that we strongly discourage the vacancy of any heritage building.

#### Heritage Definitions

"Heritage Building" means a building that is designated under the Ontario Heritage Act; or is certified to be of significant architectural or historical value by a recognized, non-profit public organization whose primary object is the preservation of structures of architectural or historical significance and the certification has been accepted by the Chief Building Official.

"Heritage Attributes" means the attributes or features of property, buildings or structures that contribute to the property's cultural Heritage value or interest that are defined or described or that can be reasonably inferred:

- a. in a by-law designating a property passed under Section 29 of the Ontario heritage Act and identified as heritage attributes, values, reason for designation, or otherwise;
- b. in a Minister's Order made under Section 34.5 of the Ontario Heritage Act and identified as heritage attributes, reason for designation or otherwise;
- c. in a by-law designating a heritage conservation district passed under Section 41 of the Ontario Heritage Act and identified as heritage attributes, values, reason for designation or otherwise;

## CITY OF VAUGHAN

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- d. in the supporting documentation required for a By-law designating a heritage conservation district, including but not limited to a heritage conservation district plan, assessment or inventory, and identified as heritage attributes, reasons for designation or otherwise.

#### Minimum Standards - Heritage

In addition to the minimum standards for the maintenance and occupancy of property in the City of Vaughan as set out in the Property Standards By-law, it is further proposed that the owner of a Heritage Property shall maintain the property to preserve and protect the heritage attributes so as to maintain the heritage character, visual and structural integrity of the building or structure and the heritage values and attributes.

#### Repair of Heritage Attributes

This proposal addresses the repair of heritage attributes.

Where a heritage property can be repaired, the heritage attribute shall not be replaced and shall be repaired in a manner that minimizes damage to the heritage values and attributes while maintaining the design, colour, texture, grain or other distinctive features of the heritage attributes. The expectation is that the repairs would use the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.

In instances where the same types of materials as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials would be permitted.

#### Replacement of Heritage Attributes

Where a heritage attribute cannot be repaired, the heritage attribute must be replaced using the same types of materials as the original, including materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original material, and in a manner that minimizes damage to the heritage values and attributes of the property.

#### Clearing and Leveling of Heritage Properties

No building or structure on a heritage property may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the Ontario Heritage Act.

#### Vacant and Damaged Designated Heritage Properties

Where a heritage property remains vacant for a period of 90 days or more, the owner shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the heritage attributes caused by environmental conditions.

Also, the owner of the vacant heritage property shall protect the building and property against the risk of fire, storm, neglect, intentional damage or damage by other causes by effectively preventing the entrance to it all of all animals and unauthorized persons and by closing and securing openings to the building with boarding.

The owner shall post signs prohibiting the trespassing onto lands and prohibiting removal of materials.

**CITY OF VAUGHAN**

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As indicated above, the volume of amendments preclude the existing bylaw from being amended. A new by-law as outlined above will provide clear guidelines on property standards and maintenance to the residents and staff of the City of Vaughan.

The proposed amendments do not change the penalty sections or the time frames for compliance. These provisions are set by the Ontario Building Code.

**Relationship to the Vaughan Vision**

This report is in keeping with the Vaughan Vision with service excellence and community safety.

The necessary resources have been approved and allocated.

**Regional Implications**

Not applicable.

**Conclusion**

The introduction of a new Property Standards By-law will provide for more stringent controls to allow residents and business operators a more enjoyable living and working experience and to increase pride for one's property and respect for the neighbourhoods they live in, while providing additional tools for enforcement to deal with problems.

**Attachments**

None

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