

Section 4

Tree Permits

4.1 Requirement for tree permit

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

4.2 Application for tree permit

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

4.3 Submissions with tree permit application

With the tree permit application, the applicant must submit all information, certificates, and fees required under this By-law for issuance of the tree permit including:

- (a) a tree plan with respect to the site that complies with section 4.1.4 of the Zoning and Development By-law, and that identifies the:
 - (i) location and trunk diameter of each retention tree, relocation tree, or replacement tree,
 - (ii) location and trunk diameter of each such tree the owner intends to remove,
 - (iii) location and trunk diameter of each tree located on adjacent property within two metres of any boundary of the site,
 - (iv) location and trunk diameter of each tree located on a street that is adjacent to the site, and
 - (v) location of the proposed protection barrier for each tree referred to in subsection (i), (iii), or (iv);
- (b) each certificate required under section 4.4, 4.5, or 4.6;
- (c) a non-refundable application fee of:
 - (i) \$62.00 for a tree permit to remove the first tree in a 12 month period, and
 - (ii) \$176.00 for a tree permit to remove each subsequent tree during that same 12 month period; and
- (d) if the applicant is the owner of a strata lot, written confirmation from the strata council that the applicant has the right to apply for a tree permit regarding the tree that is the subject of the application, whether or not the strata council or strata corporation has imposed any requirements on the applicant regarding the tree, and, if it has imposed requirements, a description of them.

4.4 Issuance of tree permit

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

- (a) the location of the tree is within a building envelope defined or described under a development permit or building permit, and changing the siting of an accessory building within that envelope to allow retention of the tree is not possible;
- (b) a plumber, accredited under the Industry Training Authority Act of British Columbia, certifies that the roots of the tree are interfering with, blocking, or damaging a drainage or sewage system;

- (c) an arborist certifies that:
 - (i) the tree is interfering with, or is in such close proximity to, utility wires as to be a danger, and
 - (ii) topping or pruning the tree to avoid such interference, or lessening the proximity, would result in the tree being unlikely ever to regain its health or characteristic appearance;
- (d) an arborist certifies that the tree is causing damage to property, including damage to roofs, retaining walls and sidewalks, that standard arboriculture practices cannot rectify;
- (e) an arborist who is a tree risk assessor certified by the International Society of Arboriculture certifies that the tree is a hazardous tree;
- (f) an arborist certifies that damage to the tree has occurred to the extent that the tree is likely to suffer from disease or die prematurely; or
- (g) an arborist certifies that the tree is dying and is likely to be dead within six months or is dead.

4.5 Issuance of one additional tree permit

Despite section 4.4, the Director of Planning must issue a tree permit to remove a tree from a site if:

- (a) during the 12 months immediately preceding the date of the application to remove the tree, a person has not removed a tree from the site, except under:
 - (i) one of subsections (a) to (g) of section 4.4, or
 - (ii) section 9.1 so long as the person who removed the tree has obtained a tree permit under section 9.2;
- (b) removal of the tree under one of subsections (a) to (g) of section 4.4 or under section 9.1 would not be a consequence of the applicant having committed an offence against the By-law; and
- (c) retention of the tree was not a condition of the Director of Planning granting a relaxation for the siting of a building under section 3.2.7 of the Zoning and Development By-law.

4.6 Prerequisites for issuance of tree permit

In addition to the requirements of sections 4.4 and 4.5, the Director of Planning may issue a tree permit only if:

- (a) the Director of Planning approves the tree plan referred to in section 4.3(a) with respect to the tree that is the subject of the application;
- (b) an engineer, who is a member of The Association of Professional Engineers and Geoscientists of the Province of British Columbia, certifies that removing the tree will not destabilize any soil on a sloping site; and
- (c) the applicant has complied with all other applicable by-laws.

4.7 Conditions of tree permit

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

4.8 Posting of tree permit

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

4.9 Duration of tree permit

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

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

