



The Regional Municipality of Durham

Planning & Economic Development Committee Agenda

Council Chambers
Regional Headquarters Building
605 Rossland Road East, Whitby

Tuesday, July 7, 2020

9:30 AM

Please note: In an effort to help mitigate the spread of COVID-19, and to generally comply with the directions from the Government of Ontario, it is requested in the strongest terms that Members participate in the meeting electronically. Regional Headquarters is closed to the public, all members of the public may view the Committee meeting via live streaming, instead of attending the meeting in person. If you wish to register as a delegate regarding an agenda item, you may register in advance of the meeting by noon on the day prior to the meeting by emailing delegations@durham.ca and will be provided with the details to delegate electronically.

1. Roll Call

2. Declarations of Interest

3. Adoption of Minutes

- A) Planning & Economic Development Committee meeting
– June 2, 2020

Pages 4 - 14

4. Statutory Public Meetings

There are no statutory public meetings

5. Delegations

There are no delegations

6. Presentations

- 6.1 Aneesah Luqman, Project Planner, and Andrew Cooke, GIS Analyst,
re: Durham Region Profile – Demographics and Socio-Economic Data
(2020-INFO-44)

7. Planning

- 7.1 Correspondence

- 7.2 Reports

- A) Application to Amend the Durham Regional Official Plan,
submitted by Clara Conforti, to permit a contractor's yard and
office uses in the Major Open Space Areas designation at
4560 Thickson Road North in the Town of Whitby, File: OPA
2016-003 (2020-P-12) 15 - 20
- B) Region of Durham Woodland Conservation and Management
By-law (Regional Woodland By-law) (2020-P-13) 21 - 71

8. Economic Development

- 8.1 Correspondence

- 8.2 Reports

There are no Economic Development Reports to be considered

9. Advisory Committee Resolutions

There are no advisory committee resolutions to be considered

10. Confidential Matters

There are no confidential matters to be considered

11. Other Business

12. Date of Next Meeting

Tuesday, September 8, 2020 at 9:30 AM

13. Adjournment

Notice regarding collection, use and disclosure of personal information:

Written information (either paper or electronic) that you send to Durham Regional Council or Committees, including home address, phone numbers and email addresses, will become part of the public record. This also includes oral submissions at meetings. If you have any questions about the collection of information, please contact the Regional Clerk/Director of Legislative Services.

The Regional Municipality of Durham

MINUTES

PLANNING & ECONOMIC DEVELOPMENT COMMITTEE

Tuesday, June 2, 2020

A regular meeting of the Planning & Economic Development Committee was held on Tuesday, June 2, 2020 in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby, Ontario at 9:30 AM. Electronic participation was offered for this meeting.

1. Roll Call

Present: Councillor Joe Neal, Vice-Chair
Councillor Bath-Hadden left the meeting at 9:58 AM due to municipal business
Councillor Brenner
Councillor Highet
Councillor Kerr
Councillor Lee
Councillor Yamada
Regional Chair Henry
*** all members of Committee, except Councillor Joe Neal and Regional Chair Henry, participated electronically**

Also

Present: Councillor Dies attended for part of the meeting
Councillor Drew attended for part of the meeting
Councillor Foster attended for part of the meeting
Councillor Mulcahy attended for part of the meeting

Absent: Councillor Ryan, Chair, was absent due to illness

Staff

Present: E. Baxter-Trahair, Chief Administrative Officer
B. Bridgeman, Commissioner of Planning and Economic Development
H. Finlay, Senior Planner
S. Gill, Director, Economic Development and Tourism
C. Goodchild, Manager, Policy Planning & Special Studies
V. Hendry, Project Planner
R. Inacio, Systems Support Specialist, Corporate Services – IT
S. Jibb, Manager, Economic Development, Agriculture and Rural Affairs
G. Muller, Director of Planning
G. Pereira, Manager, Transportation Planning
B. Pickard, Manager, Tourism
L. Riviere-Doersam, Principal Planner

S. Salomone, Manager, Economic Development, Business Development and Investment
J. Severs, Manager, Economic Development, Marketing and Cluster Development
C. Tennisco, Committee Clerk, Corporate Services – Legislative Services
L. Trombino, Manager, Plan Implementation
T. Fraser, Committee Clerk, Corporate Services – Legislative Services

Councillor Joe Neal, Vice-Chair, chaired the meeting in the absence of Councillor Ryan, Chair.

2. Declarations of Interest

There were no declarations of interest.

3. Adoption of Minutes

Moved by Regional Chair Henry, Seconded by Councillor Lee,
(22) That the minutes of the regular Planning & Economic Development Committee meeting held on Tuesday, March 3, 2020, be adopted.
CARRIED

4. Statutory Public Meetings

- 4.1 Application to amend the Durham Regional Official Plan, submitted by Darmar Farms Inc. to permit the severance of a dwelling rendered surplus to a farming operation as a result of the consolidation of non-abutting farm parcels, in the Township of Brock, File: OPA 2020-001 (2020-P-7)

The Chair advised that this portion of the Planning & Economic Development Committee meeting constitutes the Statutory Public Information meeting under the Planning Act for a proposed amendment to the Durham Regional Official Plan. He noted that the purpose of the public meeting is to provide the public with information about the proposed amendment and to hear any submissions.

A) Presentation

Lori Riviere-Doersam, Principal Planner, Planning Division, provided a presentation outlining the details of Report #2020-P-7 of the Commissioner of Planning and Economic Development. She advised that an application has been submitted by Clark Consulting Services Ltd., on behalf of Darmar Farms Inc., to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farms parcels in the Township of Brock. The subject site is municipally known as 396 Cameron Street East and is located immediately east of the Cannington urban area. She provided an overview of the application and land use policy considerations. She also advised that to date no public submissions have been received related to the proposed amendment.

L. Riviere-Doersam responded to questions regarding the farming operation and access to the agricultural parcel.

B) Delegations

The Chair advised that there were no delegations registered and no individuals in attendance at Regional Headquarters for this matter. He asked if any members were aware of an individual who wishes to speak to this matter.

There were no persons who requested to make a submission.

C) Report

Moved by Councillor Bath-Hadden, Seconded by Councillor Hight,
(23) A) That Report #2020-P-7 of the Commissioner of Planning and Economic Development be received for information; and

B) That all submissions received be referred to the Planning Division for consideration.

CARRIED

4.2 Application to amend the Durham Regional Official Plan, submitted by D.S. & B. Farms Inc. to permit a severance of a dwelling rendered surplus to a farming operation as a result of a consolidation of non-abutting farm parcels, in the Township of Brock, File: OPA 2020-002 (2020-P-8)

The Chair advised that this portion of the Planning & Economic Development Committee meeting constitutes the Statutory Public Information meeting under the Planning Act for a proposed amendment to the Durham Regional Official Plan. He noted that the purpose of the public meeting is to provide the public with information about the proposed amendment and to hear any submissions.

A) Presentation

Valerie Hendry, Project Planner, Planning Division, provided a presentation outlining the details of Report #2020-P-8 of the Commissioner of Planning and Economic Development. She advised that an application has been submitted by - Clark Consulting Services Ltd., on behalf of D.S. & B. Farms Inc., to permit the severance of a dwelling rendered surplus as a result of the consolidation of non-abutting farm parcels in the Township of Brock. The subject site is located at C1565 Concession Road 1. She provided an overview of the application and land use policy considerations. She also advised that to date no public submissions have been received related to the proposed amendment.

Staff responded to a question regarding the size of woodland on the subject site.

B) Delegations

The Chair advised that there were no delegations registered and no individuals in attendance at Regional Headquarters for this matter. He asked if any members were aware of an individual who wishes to speak to this matter.

There were no persons who requested to make a submission.

C) Report

V. Hendry responded to a question with respect to how the watercourse (the Beaver River) will be protected.

Moved by Councillor Bath-Hadden, Seconded by Councillor Brenner,

(24) A) That Report #2020-P-8 of the Commissioner of Planning and Economic Development be received for information; and

B) That all submissions received be referred to the Planning Division for consideration.

CARRIED

4.3 Proposed Amendment to the Durham Regional Official Plan for lands in the Municipality of Clarington, File: OPA 2020-003 (2020-P-9)

The Chair advised that this portion of the Planning & Economic Development Committee meeting constitutes the Statutory Public Information meeting under the Planning Act for a proposed amendment to the Durham Regional Official Plan. He noted that the purpose of the public meeting is to provide the public with information about the proposed amendment and to hear any submissions.

A) Presentation

Heather Finlay, Senior Planner, Planning Division, provided a presentation outlining the details of Report #2020-P-9 of the Commissioner of Planning and Economic Development. She advised that the Region of Durham has initiated an amendment to the Regional Official Plan to introduce a site-specific policy exemption to permit new uses on a small quadrant of land in the Courtice urban area. The subject lands are generally bounded by Bloor Street to the north, Courtice Road to the east, a future midblock collector road to the south, and an environmental feature to the west. She provided an overview of the proposed amendment and she explained that the Region of Durham approved Amendment Number 107 to the Clarington Official Plan (OPA 107) on June 19, 2017. She advised that a component of OPA 107 was the re-designation of the subject lands from Light Industrial to Urban Residential and from Light Industrial to Regional Corridor. She provided an overview of OPA 107 and the analysis undertaken. She also advised that to date three inquiries have been received from the public

related to the proposed amendment and no concerns have been raised towards the proposed amendment.

H. Finlay responded to questions regarding the stream in the northeast corner of the subject site; whether there are any wetlands on the west side of the subject site; and the land use designation request from the Municipality of Clarington.

B) Delegations

The Chair advised that there were no delegations registered and no individuals in attendance at Regional Headquarters for this matter. He asked if any members were aware of an individual who wishes to speak to this matter.

There were no persons who requested to make a submission.

C) Report

Moved by Councillor Lee, Seconded by Councillor Kerr,

(25) A) That Report #2020-P-9 of the Commissioner of Planning and Economic Development be received for information; and

B) That all submissions received be referred to the Planning Division for consideration.

CARRIED

5. Delegations

5.1 Rob Alexander, Chair, Durham Region Farm Fresh Marketing Association, re: Durham Farm Fresh Marketing Association 2019 Review and 2020 Workplan (2020-EDT-4)

Rob Alexander, participating electronically, appeared before the Committee with respect to the Durham Farm Fresh Marketing Association 2019 Review and 2020 Workplan. He highlighted the various activities and initiatives of the Durham Farm Fresh Marketing Association in 2019. He advised that most of their activities included in the 2020 workplan have been postponed indefinitely due to COVID-19. He also advised that they have been reaching out to their membership and many members have changed their delivery methods and businesses due to the pandemic. He provided an overview of their current marketing strategy and key messaging.

Mr. Alexander responded to questions from the Committee.

6. Presentations

There were no presentations.

7. Planning

7.1 Correspondence

- A) Correspondence from Alexander Harras, Manager of Legislative Services/Deputy Clerk, Town of Ajax, re: Ministerial Rezoning Order to Permit a new Long-Term Care (LTC) Facility in the Town of Ajax, Region of Durham

Councillor Lee provided information regarding the request from the Town of Ajax.

Staff responded to questions with respect to potential changes by the provincial government related to long-term care; and the ability to endorse with a holding provision subject to regulations from the Province.

Discussion ensued with respect to the correspondence from the Town of Ajax.

Moved by Councillor Lee, Seconded by Councillor Yamada,
(26) That we recommend to Council:

That the correspondence from Alexander Harras, Manager of Legislative Services/Deputy Clerk, Town of Ajax, re: Ministerial Rezoning Order to permit a new Long-Term Care (LTC) Facility in the Town of Ajax, Region of Durham, be endorsed.

CARRIED ON THE FOLLOWING
RECORDED VOTE:

Yes

Regional Chair Henry
Councillor Hight
Councillor Lee
Councillor Yamada

No

Councillor Brenner
Councillor Kerr
Councillor Joe Neal, Vice-Chair

Members Absent: Councillor Bath-Hadden

Declarations of Interest: None

7.2 Reports

- A) Smart Commute Program Transition and Execution of a Memorandum of Understanding between the Region of Durham and other GTHA Regional Partners (2020-P-10)

Report #2020-P-10 from B. Bridgeman, Commissioner of Planning and Economic Development, was received.

Staff responded to questions with respect to how the Smart Commute program services and tools are used during the pandemic.

Moved by Councillor Highet, Seconded by Councillor Brenner,
(27) That we recommend to Council:

That the Commissioner of Planning and Economic Development be authorized to enter into a Memorandum of Understanding (MOU) with other GTHA municipalities for the purpose of continuing the Smart Commute Durham program; and which MOU will impose no financial commitment on the Region and will be in a form acceptable to the Commissioner and the Director of Legal Services.

CARRIED

B) Proposed Employment Area Conversion Criteria and Submission Review Process (2020-P-11)

Report #2020-P-11 from B. Bridgeman, Commissioner of Planning and Economic Development, was received.

Staff responded to questions with respect to the wording in section 3.1 c. regarding Pickering nuclear generating station; updating the servicing status of Seaton lands shown on Attachment #12 – Employment Land Inventory – Pickering; updating the Employment Area table to include 370 hectares of employment land in Seaton; the employment forecast of 430,000 jobs by 2041 in the Growth Plan; the proposed evaluation criteria; Conversion Request ID CNR-06 on Attachment #3; if recommendations will be presented to Planning & Economic Development Committee; if the proposed criteria and process will become part of the Regional Official Plan; if outstanding requests for Employment Area Conversion are subject to the proposed evaluation criteria; if this is part of the Municipal Comprehensive Review process; if a fee is charged for employment area conversion requests; when recommendations on conversion requests are anticipated; and if Council's decision can be appealed to the Local Planning Appeal Tribunal.

Moved by Councillor Brenner, Seconded by Councillor Lee,
(28) That we recommend to Council:

- A) That the principles and criteria for assessing requests for Employment Area conversion contained in Section 5 and the submission review process contained in Section 6 of Report #2020-P-11 of the Commissioner of Planning and Economic Development be endorsed; and
- B) That a copy of Report #2020-P-11 be forwarded to all Envision Durham interested parties, the Area Municipalities, Building Industry and Land Development (BILD) – Durham Chapter, and the Ministry of Municipal Affairs and Housing.

CARRIED

8. Economic Development

8.1 Correspondence

There were no communications to consider.

8.2 Reports

A) Durham Farm Fresh Marketing Association 2020 Workplan (2020-EDT-4)

Report #2020-EDT-4 from B. Bridgeman, Commissioner of Planning and Economic Development, was received.

Moved by Regional Chair Henry, Seconded by Councillor Kerr,
(29) That Report #2020-EDT-4 of the Commissioner of Planning and Economic Development be received for information.

CARRIED

B) Bill 156, Security from Trespass and Protecting Food Safety Act, 2019 (2020-EDT-5)

Report #2020-EDT-5 from B. Bridgeman, Commissioner of Planning and Economic Development, was received.

Moved by Regional Chair Henry, Seconded by Councillor Kerr,
(30) That we recommend to Council:

- A) That the Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs, be advised that the Council of the Regional Municipality of Durham supports Bill 156, the Security from Trespass and Protecting Food Safety Act; and
- B) That a copy of Report #2020-EDT-5 of the Commissioner of Planning and Economic Development be sent to Durham's Area Municipalities and the Durham Agricultural Advisory Committee for their information.

CARRIED

9. Advisory Committee Resolutions

There were no advisory committee resolutions to be considered.

10. Confidential Matters

There were no confidential matters to be considered.

11. Other Business

11.1 Introduction of New Staff

S. Salomone introduced Sarah Hickman, Policy Advisor, Diversity and Immigration Program.

B. Bridgeman advised that in 2008 Regional Council created the Local Diversity and Immigration Partnership Council, which has been administered and managed by the Social Services department. He explained that the main purpose of the Council is to act as a community advisory body lending direction to the development and execution of a diversity and immigration plan. He also explained that in early 2020 discussion ensued about moving the program to the Economic Development and Tourism Division and he noted that the transition took place in May 2020. He also advised that a report on this item will be presented to Committee and Council in the fall of 2020.

11.2 Economic Development Update

Councillor Yamada inquired as to when a report on the Economic Development Division's response and support for the re-opening of businesses due to the pandemic will be brought forward.

E. Baxter-Trahair advised that a report will be presented at the June 10, 2020 Committee of the Whole meeting.

11.3 High Frequency Rail Project

Councillor Brenner asked if the Region has taken a position regarding the High Frequency Rail project between Toronto and Quebec City along the CN Havelock rail line. He noted that the City of Pickering supports the inclusion of a station in Pickering as part of the project.

B. Bridgeman advised that staff will review and bring forward a report at a future Planning & Economic Development Committee meeting.

11.4 Support for Business Improvement Area Organizations

Councillor Kerr inquired about the status of the notice of motion referred to staff at the April 29, 2020 Council meeting re: providing financial assistance to Business Improvement Area (BIA) members. He also asked staff to provide an update on actions taken and the tourism marketing website.

E. Baxter-Trahair advised that the request for financial assistance to Business Improvement Area (BIA) members will be addressed in the report presented at the June 10, 2020 Committee of the Whole meeting.

S. Gill advised that the Region has launched a website in coordination with the Business Improvement Areas (BIAs), downtownsofdurham.ca. He also provided an overview of the business supports available and other initiatives that have been undertaken.

11.5 GO East Extension

Councillor Kerr inquired about the status of the Go East Extension and discussions with Metrolinx.

E. Baxter-Trahair advised that the project is proceeding and working groups have been established with Metrolinx. She also advised that the Region will be interviewing in the coming weeks for the Director of the Regional Transit Oriented Development office.

11.6 Province of Ontario Emergency Orders

Councillor Joe Neal inquired if Regional staff are aware of any pending announcements from the Province regarding changes to emergency orders.

E. Baxter-Trahair advised that the Region does not receive much advance notice and on June 2nd the Ontario legislature was to consider extending the state of emergency to June 30, 2020. She also advised that the opening of office buildings is included in Phase 3 and it is not clear if this includes government buildings.

12. Date of Next Meeting

The next regularly scheduled Planning & Economic Development Committee meeting will be held on Tuesday, July 7, 2020 at 9:30 AM in the Council Chambers, Regional Headquarters Building, 605 Rossland Road East, Whitby.

13. Adjournment

Moved by Councillor Kerr, Seconded by Councillor Lee,
(31) That the meeting be adjourned.

CARRIED

The meeting adjourned at 11:18 AM

Respectfully submitted,

Joe Neal, Vice-Chair

T. Fraser, Committee Clerk



The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2020-P-12
Date: July 7, 2020

Subject:

Application to Amend the Durham Regional Official Plan, submitted by Clara Conforti, to permit a contractor's yard and office uses in the Major Open Space Areas designation at 4560 Thickson Road North in the Town of Whitby, File: OPA 2016-003.

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

That the recommendations in the attached confidential memorandum from the Commissioner of Planning and Economic Development and the Director of Legal Services be approved by Regional Council.

Report:

1. Purpose

- 1.1 The purpose of this report is to provide background information regarding a planning matter that has been appealed by the applicant to the Local Planning Appeal Tribunal (LPAT). Given that this is a legal matter before a Tribunal, the staff recommendations to establish a Council position at the LPAT hearing are contained in the attached confidential memorandum.

2. Subject Site and Surrounding Lands

- 2.1 The subject site is located at 4560 Thickson Road North and is 4.8 hectares (12 acres) in size. It is on the west side of Thickson Road North, between Taunton Road East and Conlin Road in the Town of Whitby.
- 2.2 The site is irregular in shape and is serviced by municipal water and private sanitary services. The site contains a significant woodland, Provincially Significant Wetlands (PSWs) and unevaluated wetlands.
- 2.3 A Hydro One easement bisects the site through its north central portions and a Trans-Canada Pipeline easement exists on the northeast corner of the site (refer to Attachment #1).
- 2.4 Woodlands and wetlands generally surround the subject site. Other nearby uses include: industrial and an Animal Services Centre to the north, low-density residential to the south and east and a north-south hydro corridor to the west.

3. Applications and Appeals

- 3.1 On October 24, 2016, the proponent submitted an application to amend the Durham Regional Official Plan in order to:
 - a. legalize an existing contractor's yard with associated vehicle repair, open storage and office uses (the existing business is an illegal use under the current zoning); and
 - b. permit a two-storey commercial office building, an additional open storage area, and a one-storey building for vehicle repairs associated with the contractor's yard (refer to Attachments #1 and #2).
- 3.2 Applications to amend the Town of Whitby Official Plan and Zoning By-law (Town file numbers OPA 2016-W-04 and Z-19-16 respectively) were also submitted in support of the development proposal at the Town level.
- 3.3 On December 7, 2016, the Region's Planning and Economic Development Committee held a Statutory Public Meeting on the Regional Official Plan amendment application. Members of the public were present at the meeting; two expressed environmental and noise concerns with the current operation and proposed new uses.
- 3.4 Written comments were also received, noting similar concerns and/or requesting future notification were also received during the application review process.

- 3.5 Town and Regional planning staff reviewed the applications and its supporting materials with assistance from the Central Lake Ontario Conservation Authority.
- 3.6 On November 25, 2019, [Town of Whitby staff](#) (refer to Pages 112 to 168 of this link) provided a report to Council outlining their concerns. Town of Whitby Council passed a [resolution](#) (refer to Pages 18 to 19 of this link) to refuse the proponent's OPA and Zoning By-law amendment applications.
- 3.7 On December 12, 2019, the proponent appealed Whitby Council's decision on the applications to the LPAT.
- 3.8 Concurrently, the proponent also appealed the Regional OPA application to the LPAT, for the Region's failure to make a decision within 120 days after the application was deemed complete. LPAT has consolidated the proponent's appeals and will be scheduling a case management conference in due course. The jurisdiction to deal with the various planning applications now rests with the LPAT.

4. Further Notification

- 4.1 All members of the public who requested additional notification on this application either in writing or at the December 7, 2016 Statutory Public Meeting were provided notice of the April 7, 2020 Planning and Economic Development Committee Meeting.

5. Conclusion

- 5.1 This report has been reviewed by Corporate Services – Legal Services.

6. Attachments

Attachment #1: 2019 Location Sketch of Property and Delineation of Contractor's Yard

Attachment #2: Proponent's Conceptual Plan

Confidential Attachment #3: Confidential memorandum for the Commissioner of Planning and Economic Development and the Director of Legal Services, dated July 7, 2020

Respectfully submitted,

Original signed by

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

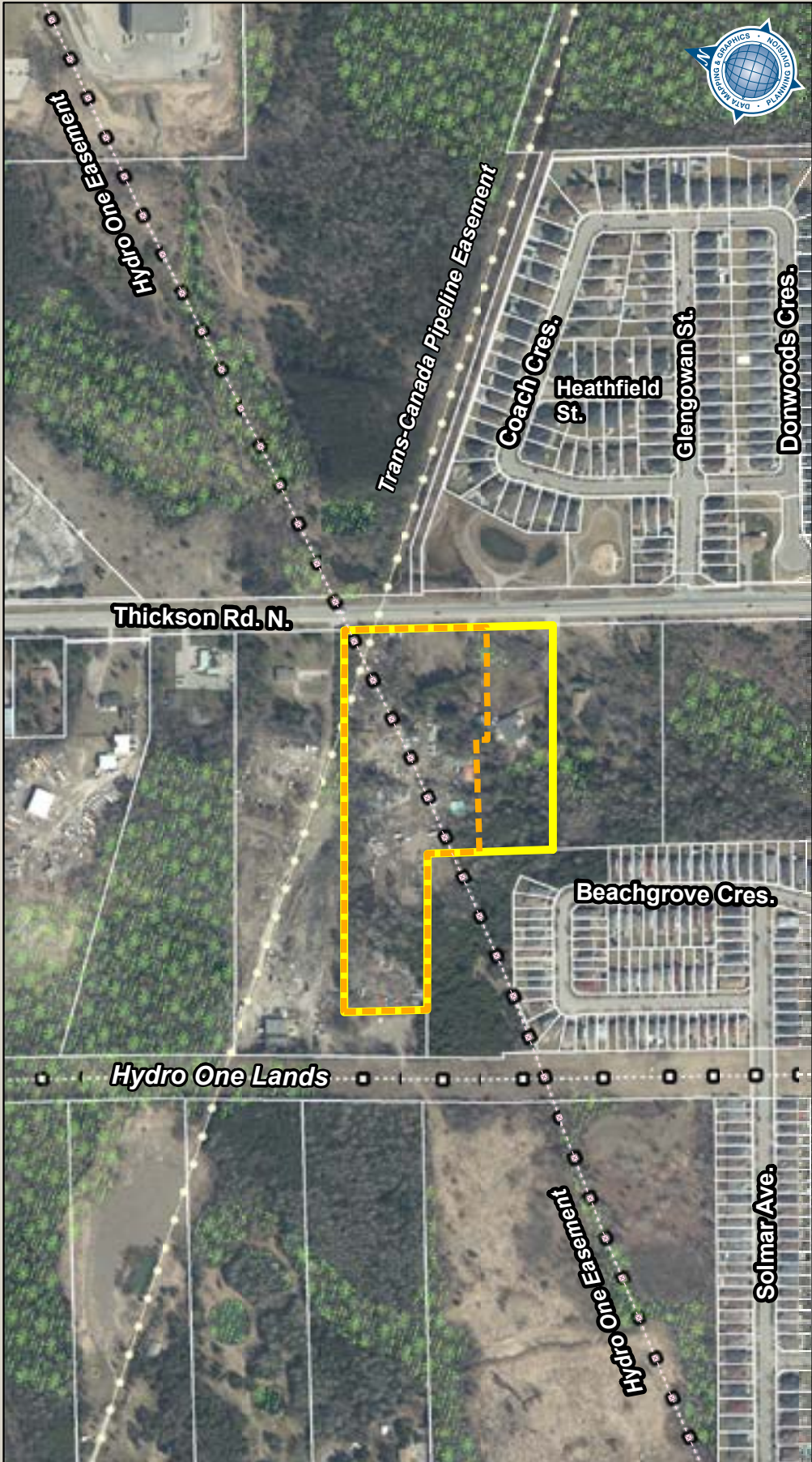
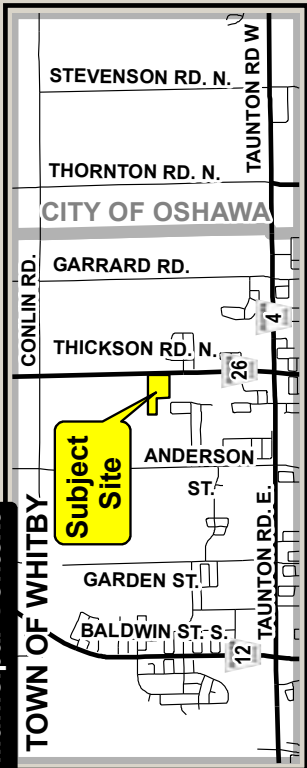
Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

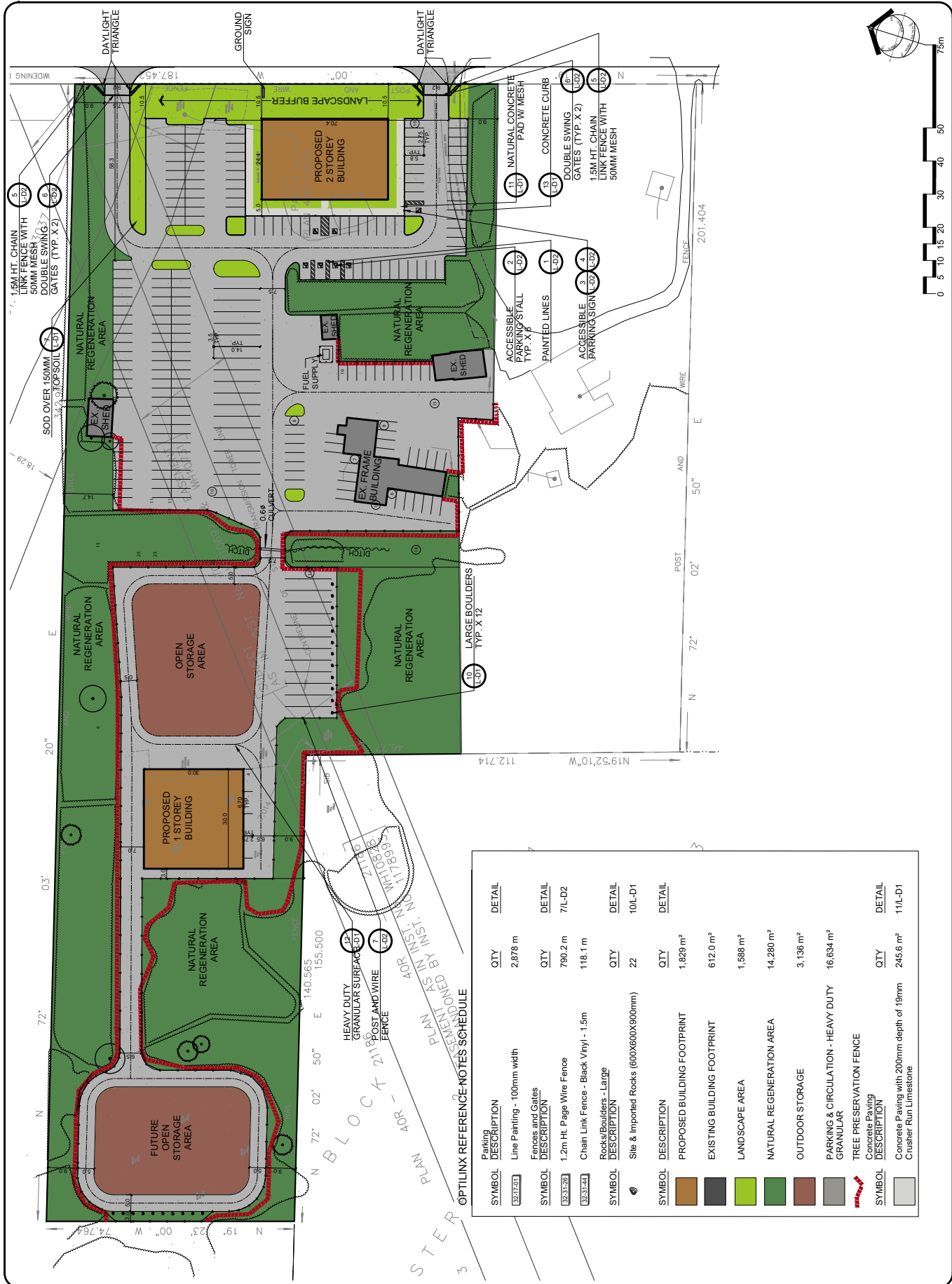
Attachment 1
Commissioner's Report 2020-P-12
File: OPA 2016-003
Municipality: Town of Whitby

Municipal Context



Data Sources:
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 This is not a plan of survey.

Attachment: 2
Commissioner's Report 2020-P-12
File: OPA 2016- 003
Municipality: Town of Whitby





The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2020-P-13
Date: July 7, 2020

Subject:

Region of Durham Woodland Conservation and Management By-law (Regional Woodland By-law), File: E01-00

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That the Regional Woodland By-law, as contained in Attachment #1 to this Report #2020-P-13, be passed;
 - B) That the Director of Legal Services be authorized to submit an application to the Regional Senior Justice of the Province of Ontario seeking Part 1 offences to this By-law for set fines and short form wordings; and
 - C) That a copy of this Report and the By-law be forwarded to: the Ministry of Natural Resources and Forestry (MNRF); the Region's Conservation Authorities; the Region's Area Municipalities; the Durham Environmental Advisory Committee (DEAC); the Durham Agricultural Advisory Committee (DAAC); local forest practitioners; and members of the public who have expressed interest.
-

Report:

1. Background

1.1 On November 5, 2019, a draft Regional Woodland By-law was presented to the

Planning and Economic Development Committee, and was recommended to Regional Council for approval (refer to Commissioners Report #2019-P-44, Attachment #2). On November 27, 2019 Regional Council referred the report and draft by-law back to staff to review some definitions and provide other clarifications. Council also directed staff to conduct another round of consultation with the agricultural community.

- 1.2 On March 10, 2020 staff presented a revised draft by-law to the Durham Agricultural Advisory Committee (DAAC). The meeting represented the third round of consultation with DAAC. DAAC did not express any concerns with the revised draft by-law.

2. Revisions to the Draft By-law

- 2.1 A revised draft by-law has been prepared which includes additional definitions and other clarifications, as noted below.
- 2.2 The definition for “Areas of Natural and Scientific Interest” has been included, corresponding to the definition within the Provincial Policy Statement.
- 2.3 A definition for “Hedge Row” has been included, as it is a term that is used interchangeably with “Fence Row”.
- 2.4 A definition for “Key Natural Heritage Features” has been included, corresponding to the definition within the Greenbelt Plan.
- 2.5 The definition of “Normal Farm Practices” has been revised to indicate that it also includes any farm practice as defined by the Greenbelt Plan, and that the by-law would not apply to farmers engaged in Normal Farm Practices. Further, permit fees for Normal Farm Practices would be waived for Bona Fide Farmers.
- 2.6 A definition for “Qualified Arborist” has been included to further enable the implementation of Good Forestry Practice Permit applications.
- 2.7 The definition of “Sensitive Natural Area” (SNA) has been revised to specify that the scope of the by-law would only apply to trees within Woodlands, consistent with its original intent. Corresponding changes to Sections 2.1 and 5.4 of the by-law have also been provided. The revised draft by-law also allows area municipal zoning by-laws to serve as an instrument for identifying the location of Woodlands.
- 2.8 A definition for “Significant” has been included consistent with the Greenbelt Plan.

- 2.9 A definition for “Wetland” has been included in the revised draft by-law. Section 5.1 has also been revised to indicate that a GFP Permit Application from the Region may be waived, where trees are entirely within Conservation Authority regulated area containing a Wetland.
- 2.10 The definition of “Woodland” has been revised to remove a requirement that agricultural land that was not in production for more than 15 years be automatically subject to the by-law. The removal of this provision allows discretion for considering tree removal on lands that were originally cleared for agricultural purposes.
- 2.11 Section 5(m) of the by-law has been revised to allow Qualified Arborists to address the removal of dead or significantly diseased trees, or trees that pose a hazard when considering Good Forestry Practice (GFP) application exemptions, as opposed to solely members of the Ontario Professional Foresters Association.
- 2.12 Provisions within the revised draft by-law have been bolded to emphasize that a single or small number of trees may be exempt from a GFP Permit.
- 2.13 The revised draft by-law clarifies that it would apply to all lands within and outside the Urban Area Boundary.

3. Conclusion

- 3.1 The changes within the revised draft by-law provide further clarification as requested by Council. The revised draft by-law was considered and supported by DAAC.
- 3.2 Accordingly, it is recommended that the Region of Durham Woodland By-law, as contained in Attachment #1 to this Report #2020-P-13, be passed.

4. Attachments

Attachment #1: Revised Draft Regional Woodland By-law

Attachment #2: Commissioner’s Report #2019-P-44

Respectfully submitted,

Original signed by

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

By-law Number **-2020

of The Regional Municipality of Durham

Being a by-law to prohibit or regulate the Destruction or Injury of Trees in Woodlands in the Regional Municipality of Durham.

Whereas the *Municipal Act*, Section 135(2), provides upper tier municipalities with the authority to prohibit or regulate the Destruction or Injury of Trees in Woodlands.

Whereas the Council of the Regional Municipality of Durham deems it desirable to enact a Regional Woodland Conservation and Management By-law for the purposes of:

- conserving and improving the Woodlands in the Region through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- helping to achieve the objectives of the Durham Regional Official Plan to ensure the long-term health and productivity of Woodlands;
- promoting the conservation of biological diversity, including rare natural features and native species;
- managing the spread of invasive species;
- managing the Destruction or Injury of Trees in Woodlands;
- regulating and controlling the removal and protection of Trees in Woodlands;
- minimizing and guarding against conditions which may result in Injury;
- protecting, promoting and enhancing the aesthetic value of Woodlands;
- contributing to ecosystem health, human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover; and
- contributing to the mitigation of and adaptation to climate change.

Now therefore, the Council of the Regional Municipality of Durham hereby enacts as follows:

1. Definitions

1.1 In this By-law:

- (a) "Agricultural Operation" means the commercial production of crops or raising of livestock, and includes cultivation, seeding, and harvesting;

- (b) "Area Municipality" means any one of the area municipalities within the Regional Municipality of Durham;
- (c) "Areas of Natural and Scientific Interest (ANSI)" means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education, as defined by the Provincial Policy Statement 2020, as amended;
- (d) "Bona Fide Farmer" means a Person who has a current and valid farm registration number under the Farm Registration and *Farm Organizations Funding Act*, 1993, S.O. 1993, c.21, as amended;
- (e) "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;
- (f) "Business Day" means any day falling on or between Monday and Friday of each week but does not include a statutory holiday;
- (g) "Certified Tree Marker" means a Person currently certified to mark Trees through the Ontario Certified Tree Marker Program;
- (h) "Clear Cut/Clear Cutting" means the Destruction of all Trees within all or a portion of a Woodland, where the area to be cut exceeds 0.1 hectare.
- (i) "Conservation Authority" means any one of the Conservation Authorities within the jurisdiction of Regional Municipality of Durham;
- (j) "Commenting Agency" means any Conservation Authority, provincial Ministry, area municipality, utility, or agency as determined by the Region within its jurisdiction;
- (k) "Commissioner" means the Commissioner of Planning and Economic Development of the Regional Municipality of Durham or designate;
- (l) "Cumulative Removal" means the incremental or continuous removal of Trees in a Woodland since 2012, with or without a Permit;
- (m) "DBH" or "Diameter at Breast Height" means the diameter of the stem of a Tree measured at a point that is 1.37 metres (4.5 feet) above the ground;
- (n) "Destruction" means the clearing, and/or removal of Trees in all or part of a Woodland;
- (o) "Environmental Report" means an Environmental Impact Study, or a scoped Environmental Impact Study under the Durham Regional Official Plan, a natural heritage evaluation under the Oak Ridges Moraine Conservation Plan, or other report required by the Region, Area Municipality, Conservation Authority, or consulting agency that analyzes

the natural environment and makes recommendations regarding mitigation of impacts from Tree removal;

- (p) "Farm Related Use" means the use of Trees by a Bona Fide Farmer for farm related activity such as the heating of an accessory barn, post and rail fencing, farm construction on-site, but does not include Clear Cutting;
- (q) "Fence Row" or "Hedge Row" means a **narrow** linear strip of Trees less than 1 hectare in size that defines a laneway or boundary between fields or properties;
- (r) "Forest Management Prescription" means the site specific operational plan prepared and signed by, or under the direction of and signed by, a Qualified OPFA Member that describes existing Woodland conditions, Woodland management objectives and the proposed methods for harvesting a Woodland;
- (s) "Good Forestry Practices" means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the Woodland and environmental conditions under which they are being applied and that minimize detriments to Woodland values, including: significant ecosystems; important fish and wildlife habitat; soil and water quality and quantity; forest productivity and health and the aesthetic and recreational opportunities of the landscape;
- (t) **"Hedge Row" means a linear strip of Trees less than 1 hectare in size that defines a laneway or boundary between fields or properties;**
- (u) "Injury" means lasting damage to a Tree which may include, but is not limited to:
 - i. broken branches in the crown of any Tree;
 - ii. the breaking off or splitting of the stem of any Tree;
 - iii. the noticeable leaning of any Tree;
 - iv. the splitting of, removal of, or damage to the bark of any Tree; or
 - v. damage to the root structure of any Tree.
- (v) "Key Natural Heritage Feature" or "Key Hydrologic Feature" means lands containing sensitive and/or significant natural features and functions as defined by the Greenbelt Plan 2017, as amended, including but not limited to the following:
 - i. Wetlands;
 - ii. Significant Woodlands; or
 - iii. Significant wildlife habitat (including habitat of special concern species)

- (w) "Multiple Offence" means an offence in respect to two or more acts or omissions each of which separately constitutes an offence and is a contravention of this By-law;
- (x) "Normal Farm Practices" means **farm practices as defined by the Greenbelt Plan 2017, as amended. Normal Farm Practices also includes** part of an Agricultural Operation, which retains existing Woodland cover, and includes activities such as:
 - i. the removal of Trees for Personal Use;
 - ii. Farm-Related Uses such as fence posts and rails; or
 - iii. the removal of Fence Rows **or Hedge Rows** where required.

Normal Farm Practices does not include Clear Cutting.

- (y) "Officer" means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- (z) "Owner" means any Person or Persons who is the registered owner on title to the land;
- (aa) "Permit" means the written authorization from the Officer or the Commissioner issued under Section 5 or 6 of this By-law;
- (bb) "Person" or "Persons" means any individual or individuals, or any corporation or corporations, their respective heirs, executors, administrators or other duly appointed representatives;
- (cc) "Personal Use" means the use of Trees by a Bona Fide Farmer for home heating or other home related uses, but does not include Clear Cutting; and does not include a sale, exchange, or other disposition of Trees;
- (dd) "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association (OPFA) under the *Professional Foresters Act*, S.O. 2000, c. 18, as amended, to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- (ee) **"Qualified Arborist" means an expert in the care and maintenance of trees and includes an arborist certified by the Ontario Ministry of Training, Colleges and Universities or the International Society of Arboriculture, or a consulting arborist registered with the American Society of Consulting Arborists;**
- (ff) "Region" means the Regional Municipality of Durham;
- (gg) "Regional Council" means the Council of the Regional Municipality of Durham;

- (hh) "Rural Settlement Area" means an area as defined and identified within the Durham Regional Official Plan and/or the Official Plan of an Area Municipality;
- (ii) "Sensitive Natural Area" means **lands within a Woodland that includes any of the following:**
- i. land that is designated or identified as a Key Natural Heritage Feature or a Key Hydrological Feature in either the Oak Ridges Moraine Conservation Plan, Greenbelt Plan, and Growth Plan for the Greater Golden Horseshoe, Durham Regional Official Plan, **or an area municipal official plan zoning by-law.**
 - ii. **a Provincially or Regionally designated or identified Significant Wetland;**
 - iii. **land that is designated or identified as a Key Natural Heritage Feature or a Key Hydrological Feature in either the Oak Ridges Moraine Conservation Plan, Greenbelt Plan, and Growth Plan for the Greater Golden Horseshoe, Durham Regional Official Plan, or an area municipal Official Plan;**
 - iv. **land that is 30 metres from any part of a feature of a locally, Regionally, or Provincially Significant Wetland, lake, river, stream or intermittent stream; or**
- (jj) "Significant" means lands that are classified as per the Greenbelt Plan 2017, as amended
- (kk) "Tree" or "Trees" means any living species of woody perennial plant in a Woodland, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- (ll) "Urban Area Boundary" means an area as defined and identified within the Durham Regional Official Plan and/or the Official Plan of an Area Municipality;
- (mm) "Wetland" or "Wetlands" means an area of land that is seasonally or permanently covered by shallow water, as well as land where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of wetlands are swamps, marshes, bogs and fens. Periodically soaked or wet land being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be a wetland for the purposes of this definition, as defined by the *Greenbelt Plan 2017*, as amended. Wetlands are further identified, by the Ministry of Natural Resources and Forestry or by any other person, according to evaluation

procedures established by the Ministry of Natural Resources and Forestry, as amended from time to time;

- (nn) "Woodland" or "Woodlands" means an area of land one hectare in size or greater on one or more properties with a minimum density of:
- i. 1,000 Trees, of any size, per hectare;
 - ii. 750 Trees, measuring over five (5) centimetres at DBH, per hectare;
 - iii. 500 Trees, measuring over twelve (12) centimetres, at DBH, per hectare; or
 - iv. 250 Trees, measuring over twenty (20) centimetres, at DBH, per hectare.

For the purposes of this By-law, "Woodland" or "Woodlands" does not include:

- v. a cultivated fruit or nut orchard;
- vi. a plantation established for the purpose of producing Christmas Trees and which is being actively managed and harvested for the purposes for which it was planted, except that this does not include plantations that have ceased being managed or harvested for their intended purpose for a period of 15 years or more;
- vii. a bona fide Tree nursery that is being actively managed and harvested for the purposes for which it was planted;
- viii. a Fence Row **or Hedge Row**; or
- ix. land previously cleared and used for agricultural purposes, which has become overgrown with young (~~less than 15 years old~~) and early successional Tree species common on disturbed fields (e.g. Sumac, Hawthorn, Apple, Scots Pine, Poplar, White Birch, Ash) and which is intended to be used again as part of an Agricultural Operation.

2. Application of the By-law

- 2.1 This By-law shall apply to all Woodlands and any Sensitive Natural Areas **within Woodlands** in the Region. **The By-law applies to all lands within and outside the Urban Area Boundary.**
- 2.2 Applicants are encouraged to consult with the Officer prior to the submission of any Permit application.

3. General Prohibitions

- 3.1 No Person shall through their own action or through any other Person, cause Injury or Destruction to any Tree located in a Woodland, unless:
- (a) Such Injury or Destruction is exempted under Section 4 of this By-law; and
 - (b) Such Person is in possession of a valid Good Forest Practice Permit issued under Section 5 of this By-law, has had their Permit requirement waived by the Officer under Section 5.1, or a Clear Cutting Permit issued under Section 6 of this By-law, and pursuant to any applicable terms or conditions.
- 3.2 No Person shall through their own action or through any other Person:
- (a) Contravene any term or condition of a Permit issued under this By-law or cause or permit the contravention of any term or condition of a Permit issued under this By-law;
 - (b) Fail to comply with an Order issued under Section 7 of this By-law; or
 - (c) Remove or deface any Order that has been posted pursuant to Section 7 of this By-law.

4. Exemptions

- 4.1 This By-law, shall not apply to:
- (a) Any activity or matter undertaken by an Area Municipality or the Region;
 - (b) Any activity undertaken by a Conservation Authority on land owned or managed by such Authority;
 - (c) Any activity or matter undertaken under a licence issued under the *Crown Forest Sustainability Act*, 1994, S.O. 1994, c.25, as amended;
 - (d) Any activity undertaken by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. s.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
 - (e) Any activity imposed after December 31, 2002:
 - i. as part of a Tree Preservation Plan required as a condition of approval of a plan of subdivision that received draft approval under Section 51 of the *Planning Act*, R.S.O. 1990, c. P. 13.;
 - ii. as part of a Tree Preservation Plan required as a condition of a consent approved under Section 53 of the *Planning Act*, R.S.O, 1990, c.P.13;
 - iii. as part of a Tree Preservation Plan required as a condition of a Minor

- Variance approved under Section 45 of the *Planning Act*, R.S.O, 1990, c.P.13;
- iv. as a requirement of a Tree Preservation Plan approved and included in a site plan agreement under Section 41 of the *Planning Act*, R.S.O, 1990, c.P.13, or a development agreement between an Owner and the applicable Area Municipality or the Region; or
 - v. as a condition of a Community Planning Permit authorized by regulation made under Section 70.2 of the *Planning Act*, R.S.O, 1990, c.P.13, or as a requirement of an agreement entered into under such regulation.
- (f) Any activity by a transmitter or distributor, for the purpose of constructing and maintaining a transmission system or a distribution system defined in the *Electricity Act*, S.O. 1998, c.15, as amended;
 - (g) Any activity by a gas line company, for the purposes of constructing and maintaining such infrastructure defined in the *Canada Oil and Gas Operations Act*, R.S.C. 1985, c.0-7;
 - (h) Any activity undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended;
 - (i) Any activity that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued, provided that no Tree is removed that is located more than 15 metres from the outer edge of a building, structure or thing and that only those Trees necessary to accommodate the building, structure or thing, including yard areas, are removed;
 - (j) Any activity that is required in order to install and provide utilities to the construction or use of a building, structure or thing, including the installation of a primary septic bed, in respect of which a Building Permit has been issued;
 - (k) Any activity that is required in order to install, provide or maintain a single lane driveway for vehicular access to a building, structure or thing in respect of which a Building Permit has been issued;
 - (l) Any activity required for the purpose of a licensed waste disposal site that has been approved, where applicable, under the Environmental Protection Act, R.S.O. 1990, c.E.19, as amended; the *Ontario Water Resources Act*, R.S.O. 1990, c.O.40, as amended; the *Environmental Assessment Act*, R.S.O. 1990, c.E.18, as amended; and the *Planning Act*, R.S.O. 1990, c.P.13;

- (m) Any forestry management activity which, in the opinion of a Qualified OPFA member or a Qualified Arborist:
 - i. results in the removal of one or more Trees which are dead; or are significantly diseased; or
 - ii. results in the removal of one or more Trees which pose a hazard to human safety or property.
- (n) Any Normal Farm Practice as part of an Agricultural Operation.

5. Good Forestry Practice Permits

- 5.1 Any Person who intends to Cause Injury or Destruction to one or more Trees in a Woodland, in a manner that does not constitute **Cumulative Removal** or Clear Cutting, shall first complete and submit to the Region, an application for a Good Forestry Practice Permit. Such an application will be circulated to the Area Municipality, Conservation Authority and/or Commenting Agencies for comment and/or information purposes at the Region's discretion. **The Officer may, at their sole discretion, waive the requirement for a Good Forestry Practice Permit where the Tree removal being proposed involves a small number of Trees and the impact of the removal is deemed to be negligible or imperceptible to the integrity of the overall Woodland. In consultation with the Conservation Authority having jurisdiction, the requirement for a Good Forestry Practice Permit may be waived in circumstances where Trees are entirely within a regulated area containing a wetland subject to the Conservation Authorities Act.**
- 5.2 Each Good Forestry Practice Permit application must be accompanied by the following:
 - (a) a copy of the completed application form signed by the Owner;
 - (b) the required fee;
 - (c) such additional information as the Officer may require;
 - (d) for applications which propose to cause Injury or Destruction to more than 50 Trees, a Forest Management Prescription is required;
 - (e) for applications which propose to cause Injury or Destruction to 50 Trees or less, a plan showing the location of the Trees to be affected, together with a description of how Good Forestry Practices are to be followed should the application be approved. A Forest Management Prescription may be required at the discretion of the Officer; and
 - (f) if the Woodland to which the application applies is located in a Sensitive Natural Area, a Forest Management Prescription shall be submitted, regardless of the number of Trees to be injured, destroyed or removed.

- 5.3 A Forest Management Prescription, at a minimum, shall include:
- (a) a detailed map of the property, the Woodland and the area of proposed Tree removal (Tree marking must be completed by a Certified Tree Marker);
 - (b) a description of the existing forest conditions;
 - (c) the short and long term forest management objectives for the area;
 - (d) prescribed methods for harvesting the existing forest stand;
 - (e) next recommended silvicultural intervention to achieve long-term objectives;
 - (f) identification of any Sensitive Natural Area and the environmental protection measures necessary to protect the Sensitive Natural Area feature; and
 - (g) compliance with applicable legislation including but not limited to the *Ontario Endangered Species Act 2007*, the *Migratory Birds Convention Act 1994*, and the *Species at Risk Act 2002*.
- 5.4 Upon review and consideration of an application and having received a clearance to proceed from the Conservation Authority having jurisdiction in circumstances where Trees located within a Woodland form part of a Wetland subject to the Conservation Authorities Act, an Officer may issue a Good Forestry Practice Permit to permit the Injury, Destruction or removal of Trees in a Woodland. The Permit will be circulated to any other such Person or agency as the Region and/or Officer deems appropriate.
- 5.5 The Officer may impose conditions on the Permit that relate to, but are not restricted to:
- (a) the location, number, size and type of Trees that are proposed to be the subject of Injury or Destruction;
 - (b) the manner and timeframe within which the affected Trees are proposed to be the subject of Injury or Destruction;
 - (c) the marking, with paint or other material, of the Trees that are proposed to be the subject of Injury or Destruction;
 - (d) the qualifications of the Persons authorized to cause Injury or Destruction in accordance with the Permit;
 - (e) the measures to be implemented to mitigate the direct and indirect effects of Injury or Destruction of Trees on a Woodland, Sensitive Natural Area, or any other sensitive species, habitat, and/or environmental features;

- (f) a requirement that the Owner notify the Region and the Area Municipality at least two Business Days prior to Tree removal being scheduled to commence; and
- (g) such additional information as may be required by the Commissioner or Officer in respect to such Permit.

5.6 Prior to any Injury or Destruction of any Tree pursuant to the Permit, a copy of the Permit shall be posted and displayed in a prominent location as identified on a map filed with the Permit application, to the satisfaction of the Officer. The posted Permit is to remain on display until the work for which the Permit was issued has been completed.

5.7 A Good Forestry Practice Permit shall be in effect for a period of two years from the date of approval and is not transferable. If the activity for which the Permit was issued has not taken place within the time frame of the Permit, such Permit shall lapse and shall be of no effect.

5.8 Prior to the expiry of the Permit, the Owner may request in writing that the Permit be renewed. Such requests shall not be unreasonably denied. Permits may be extended one time only for an additional period of not more than one year.

5.9 Where a Good Forestry Practice Permit application has been denied, the Officer will notify the applicant in writing by registered mail within 10 Business Days of the decision and shall provide reasons for the denial.

6. Clear Cutting Permits

6.1 Clear Cutting is prohibited except in accordance with the following:

- (a) Every Person who intends to Clear Cut shall first complete and submit to the Region, an application for a Clear Cutting Permit;
- (b) Clear Cutting activity shall not commence prior to the Person receiving written approval from the Commissioner;
- (c) Approval shall only be granted following circulation to the applicable Area Municipality, Conservation Authority, and any Commenting Agency for comment and in circumstances where the Trees form part of a wetland subject to the *Conservation Authorities Act*, approval shall only be granted following confirmation that a clearance to proceed has been provided by the Conservation Authority having jurisdiction;
- (d) Only a Bona Fide Farmer that owns the subject lands may be permitted to Clear Cut within an Urban Area Boundary or within a Rural Settlement Area;
- (e) Any application for Clear Cutting of 1 hectare or less is subject to the approval and any condition(s) of the Commissioner; and

- (f) Any application for Clear Cutting greater than 1 hectare is subject to the approval of Regional Council.

6.2 A Clear Cutting Permit application shall not be approved unless accompanied by the following:

- (a) a copy of the completed application form signed by the Owner or the applicant as authorized by the Owner;
- (b) the required fee;
- (c) a plan or drawing having sufficient detail to clearly show the number, location, species, and approximate age of the Trees to be Clear Cut;
- (d) the rationale for the proposed Clear Cutting;
- (e) a map depicting the proposed location where the Permit will be posted;
- (f) such additional information as the Commissioner may require;
- (g) an Environmental Report to assess whether any portion of the Woodland to which the application applies contains a Sensitive Natural Area and any other sensitive species, habitat, and/or environmental features; and
- (h) A Conservation Authority permit for applications within areas forming part of a wetland subject to the Conservation Authorities Act.

6.3 At the discretion of the Commissioner, a public meeting may be required for an application less than 1 hectare in area, if Cumulative Removal and the area of Clear Cutting exceeds 1 hectare.

6.4 Any required Environmental Report shall be prepared by a qualified natural heritage expert/qualified person which, at a minimum, shall include:

- (a) a baseline inventory of environmental features and functions;
- (b) the location, area and approximate number of Trees proposed to be Clear Cut;
- (c) an assessment of the potential impacts of the proposed Clear Cutting on the long-term health and ecological integrity of the Sensitive Natural Area;
- (d) an examination of historical records to identify whether Tree removal had occurred since 2012, for the purposes of determining Cumulative Removal;
- (e) an evaluation of the potential impact of the proposed Clear Cutting within the context of Provincial, Regional, and Area Municipal policy;

- (f) recommendations that support the long term protection of environmental features and functions as may be necessary to protect the subject Sensitive Natural Area;
- (g) a description of the Woodland proposed to be preserved;
- (h) any recommended mitigation measures to address impacts of the proposed Clear Cutting on environmental features and functions; and
- (i) compliance with applicable legislation including but not limited to the *Ontario Endangered Species Act 2007*, the *Migratory Birds Convention Act 1994*, and the *Species at Risk Act 2002*.

6.5 The Commissioner may impose any such condition on a Clear Cutting Permit as the Commissioner deems appropriate, and may include:

- (a) the location, area of land and number of Trees permitted to be Clear Cut;
- (b) the manner and timeframe within which the Trees are permitted to be Clear Cut;
- (c) the marking with paint or other material, the location of the Trees permitted to be Clear Cut;
- (d) the qualifications of the Persons authorized to Clear Cut the Trees;
- (e) any measure to be implemented to mitigate the direct and indirect effects of the Clear Cutting on a Woodland, Sensitive Natural Area; or and any other sensitive species, habitat, and/or environmental features;
- (f) the re-planting of Trees;
- (g) a requirement that any Clear Cutting for farm purposes must be put into agricultural use within a specified time period (e.g. 3 years);
- (h) a requirement that the Owner notify the Region and Area Municipality within two Business Days of Tree removal being scheduled to commence;
- (i) a requirement to provide any additional information as may be required before the Permit becomes effective;
- (j) a requirement to implement any recommendations included within an Environmental Report, to the satisfaction of the Region;
- (k) a requirement to implement any condition of an Area Municipality or Commenting Agency as may be applicable;
- (l) a requirement to post a copy of the Permit in a prominent location as identified on a map as part of the Permit application, to the satisfaction of the Officer. The posted Permit is to remain on display until the work for which the Permit was issued has been completed; and

- (m) A time limitation period of up to one year which is not transferable. If any Clear Cutting for which the Permit was issued has not taken place within the one-year period, the Permit shall lapse and shall be of no effect. Notwithstanding the above, and only prior to the expiry of the Permit, the Person may request in writing that the Permit be renewed for a period of up to one additional year from the date of the original Permit. Permits may only be renewed one time.

6.6 Where a Clear Cutting Permit application has been denied, the Commissioner shall notify the applicant in writing by registered mail within 10 Business Days of the decision, and shall provide reasons for the denial.

6.7 Any application that proposes to Clear Cut an area greater than 1 hectare in size shall be subject to the approval of Regional Council, in accordance with the following:

- (a) Regional Council shall have regard to any delegation heard at a public meeting;
- (b) Within 30 days of receipt of such application, the Commissioner or his designate shall send by regular mail or by personal delivery, written notice of the public meeting to the applicant, to all assessed Owners of each parcel of land that abuts the subject property from which Trees are proposed to be Clear Cut, and to any other such Person or agency as the Commissioner deems appropriate;
- (c) At least 20 days prior to the public meeting, the applicant shall erect a public notice sign at a location and on the form approved by the Commissioner;
- (d) Upon review and consideration of the application, and at least 20 days prior to the public meeting, the Commissioner shall prepare a report which shall make a recommendation on the application, the reasons for the recommendation, and any conditions that may be recommended to be applied, if any;
- (e) At the public meeting, the applicant and any interested Person shall be afforded an opportunity to address the Committee. Any public meeting shall be subject to the Region's Procedural By-law; and
- (f) Where Council directs the Commissioner not to issue a Clear Cutting Permit, the applicant will be notified in writing by registered mail within 10 Business Days following the Council meeting, and such notice shall provide reasons for the denial.

6.8 The Clear Cutting Permit will be circulated to any other such Person or agency as the Region deems appropriate.

7. Enforcement

7.1 An Officer, or any person authorized by an Officer, may at all reasonable times enter upon and inspect any land and Woodland for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, or laying charges under this By-law.

7.2 Where an Officer has determined that a contravention of this By-law has occurred, the Officer may make an Order requiring any Person who contravened this By-law or who caused or permitted the injuring or destruction of Trees in contravention of this By-law, to stop the injuring or destruction of Trees. The Order shall set out:

- (a) the municipal address or the legal description of the land;
- (b) reasonable particulars of the contravention; and
- (c) the period within which there must be compliance with the Order.

7.3 Where an Officer has determined that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the Injury or Destruction of Trees in contravention of this By-law, to remedy such contraventions, which may include one or more measures to rehabilitate the land or Woodland, to plant or replant Trees or other measures to the satisfaction of the Commissioner. The Order shall set out:

- (a) the municipal address or the legal description of the land;
- (b) the particulars of the contravention;
- (c) the work to be done and the period within which there must be compliance with the Order; and
- (d) Should the work not be done in compliance with the Order, the Region may have the work done at the expense of the Owner.

7.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person including an Officer or Commissioner who is exercising a power or performing a duty under this By-law.

8. Penalty

8.1 Any person who contravenes any provision of this By-law, or an Order issued under Section 7, is guilty of an offence and is liable for each occurrence of the contravention, infraction or violation:

- (a) on a first conviction, to a maximum fine of \$10,000 or \$1,000 per Tree, whichever is greater; and

(b) on any subsequent convictions, to a maximum fine of \$25,000 or \$2,500 per Tree, whichever is greater.

8.2 Any corporation who contravenes any provision of this By-law, or an Order issued under Section 7, is guilty of an offence and is liable for each occurrence of the contravention, infraction or violation:

(a) on a first conviction, to a maximum fine of \$50,000 or \$5,000 per Tree, whichever is greater; and

(b) on any subsequent convictions, to a maximum fine of \$100,000 or \$10,000 per Tree, whichever is greater.

8.3 If a person or corporation is convicted of an offence for contravening this By-law or an Order issued under Section 7, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, in addition to any monetary penalty may order the person or corporation to rehabilitate the land, to plant or replant comparable species and size Trees in such a manner and within such period as the court considers appropriate and to maintain the replanted Trees as appropriate, including any Silvicultural treatment necessary to re-establish the Trees.

8.4 Part 1 *Provincial Offences Act* offences and set fines may apply to specific contraventions of the By-law as indicated in "Schedule B" to the By-law.

9. Administration

9.1 Schedule "A" and "B" shall form part of this By-law.

9.2 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

9.3 The short title of this By-law is the "Regional Woodland By-law".

9.4 An Owner of a property shall be presumed to have injured or destroyed or caused or permitted to be injured or destroyed a Tree growing in a Woodland, or contravened or cause or permitted the contravention of the terms or 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.

9.5 By-law 31-2012 of the Regional Municipality of Durham and any amendments thereto, are hereby repealed.

9.6 Despite subsection 9.5, By-law 31-2012 shall continue to apply to:

(a) proceedings in respect of offences that occurred before its repeal; and,

- (b) Permits in compliance with By-law 31-2012, which were made prior to its repeal.

This By-law Read and Passed on the ----th day of -----, 2020.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

SCHEDULE A

Fees

Application for Good Forestry Practices Permit	\$50.00
Application for a Clear Cutting Permit (Between 0.1 Ha and 1 Ha)	\$500.00
Application for Clear Cutting Permit (Greater than 1Ha)	\$1000.00 Excluding Advertising Costs of a Public Meeting

Permit fees for Normal Farm Practices are waived for Bona Fide Farmers.

SCHEDULE B

10. Set Fine Schedule

**The Regional Municipality of Durham
Part I Provincial Offences Act
By-law xx-2020: Regional Woodland Conservation and Management By-law**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or defining offence	Column 3 Set Fine
1.	Injure or destroy a tree without a permit	3.1	\$
2.	Cause or permit the contravention of the terms or conditions of a Permit	3.2(a)	\$
3.	Fail to comply with an Order	3.2(b)	\$
4.	Remove or deface an Order	3.2(c)	\$
5.	Hinder or obstruct or attempt to hinder or obstruct a by-law enforcement officer	7.4	\$

Note: The penalty provision for the offences indicated above is Sections 8.1 and 8.2 of By-law xx-2019, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

If this information is required in an accessible format, please contact 1-800-372-1102 ext. 2564



The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
 From: Commissioner of Planning and Economic Development
 Report: #2019-P-44
 Date: November 5, 2019

Subject:

Region of Durham Woodland Conservation and Management By-law (Regional Woodland By-law), File: E01-00

Recommendation:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That the Regional Woodland By-law, as contained in Attachment #1 to this Report #2019-P-44, be passed. Regional Woodland By-law would come into effect on the date of passing;
 - B) That the Director of Legal Services be authorized to submit an application to the Regional Senior Justice of the Province of Ontario seeking Part 1 offences to this By-law for set fines and short form wordings; and
 - C) That a copy of this Report #2019-P-44 and the By-law be forwarded to: the Ministry of Natural Resources and Forestry (MNR); the Region's Conservation Authorities; the Region's Area Municipalities including area municipal staff and By-law enforcement officers; the Durham Environmental Advisory Committee (DEAC); the Durham Agricultural Advisory Committee (DAAC); local forest practitioners; and members of the public who have expressed interest.
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Report:**1. Purpose**

- 1.1 Section 135 of the Municipal Act provides municipalities with the authority to prohibit or regulate the destruction of trees. Upper-tier municipalities may prohibit or regulate the destruction or injury of trees in woodlands one hectare or greater in size designated in a by-law, whereas trees, either individually or in wooded areas under one hectare may be regulated by the Area Municipalities. Municipalities may require a permit to be obtained to destroy or injure trees and may impose conditions to a permit.
- 1.2 The Region's current Tree By-law was last amended on June 27, 2012. Through comprehensive stakeholder and public engagement, this review examined the strengths and weaknesses of the current by-law and identified changes to bring the by-law into conformity with current federal, provincial, and municipal policies and regulations. The review has also identified initiatives for streamlining, harmonization and process improvements.

2. Background

- 2.1 The Region's consultation process and research identified opportunities for enhancements to the current Tree By-law, based on input from a variety of stakeholders including: the Durham Agricultural Advisory Committee (DAAC); the Durham Environmental Advisory Committee (DEAC); the Ministry of Natural Resources and Forestry (MNR); the Region's Conservation Authorities; area municipal staff and by-law enforcement officers; and local forestry practitioners.
- 2.2 A draft by-law incorporating stakeholder input and research analysis was presented to Planning and Economic Development Committee on February 5, 2019, (refer to [Commissioner's Report #2019-P-5](#)). At that time, Regional Staff were authorized to circulate the draft by-law to stakeholders and report back with a final by-law once formal consultation was completed. Committee also requested that consideration be given to increasing the fines levied in the new by-law.
- 2.3 The draft by-law was discussed at an agency stakeholder meeting held on March 25, 2019, and public open house meetings held on April 1, 2019 in the Township of Scugog, and on April 2, 2019 at Regional Headquarters. The public open house meetings were advertised in local newspapers across Durham Region, as well as on the Regional website.

- 2.4 On May 24, 2019 a meeting was also held with the five Conservation Authorities to explore opportunities for streamlining existing processes and requirements prescribed by the current Tree By-law.
- 2.5 Dominant themes identified by stakeholders included: protection of woodlands; tree replanting and compensation; legislative and policy conformity issues; streamlining; tree cutting permissions for farmers; education and awareness about the by-law; and climate change adaptation and mitigation.

3. Responses to Key Issues Raised

Protection of Woodlands

- 3.1 The protection of trees in the Region was a paramount issue among all stakeholders. Illegal tree removal, the enforcement of such removals, and their impact on the environment were common concerns. More specifically, cumulative removal of trees (e.g. ongoing tree removal) was identified as a significant issue within both urban and rural areas. This new by-law prohibits the cumulative removal of trees without a Clear Cutting permit; and introduces measures to discourage illegal activity including increased fines for illegal tree clearing activity.

Tree Replanting and Compensation

- 3.2 Tree replanting and compensation related to tree removal was another theme identified by stakeholders. Through discussion, the Region clarified that the existing by-law affords the ability to impose tree replanting where removal occurs. This provision will be further enhanced by an updated consultation and environmental reporting framework with Area Municipalities and Conservation Authorities, and through a proposed education campaign. Through further discussion with the Area Municipalities and Conservation Authorities, opportunities to promote and require tree replanting, and the possibility of monetary compensation for tree removal, will be explored.

Legislative and Policy Conformity

- 3.3 The consultation process revealed conformity issues between the current federal, provincial, regional, and area municipal policies and regulations. Updated environmental policies and regulations have been reflected in the proposed by-law. The changes support protection of sensitive natural areas and endangered species, and their habitat.

Streamlining

- 3.4 Opportunities to streamline application processes were also identified, including the municipal and agency circulation process; review timeframes; the information needed to review proposed removals; notification requirements, and the approval process. The by-law and its associated processes improve timeframes by streamlining processing, circulation and commenting requirements for clear cutting and Good Forestry Practices (GFP) applications.

Tree Cutting Permissions for Farmers

- 3.5 Similar to the current Tree By-law, the proposed by-law does not apply to farmers in relation to their Normal Farm Practices. A farmer can remove trees without the need for a GFP permit, provided the tree removal falls within the definition of Normal Farm Practice. However, clear cutting is not regarded as Normal Farm Practice. Therefore, a farmer would need to get a clear cutting permit if they were planning to remove trees greater than 0.1 hectare in area. Farmers would be exempt from having to pay the \$500 or \$1,000 clear cutting application fee.

Education and Awareness

- 3.6 Once the new by-law is passed, the Region will promote and provide accessible information to the public through such media as mailings, an updated website, and regular public and agency engagement.

Climate Change Adaptation and Mitigation

- 3.7 Another theme dealt with the importance that trees play in mitigating climate change (e.g. carbon sequestration) and adapting to climate change (e.g. soil erosion protection, tree shading/heat island impact reduction, etc.). The proposed by-law provides more rigorous screening of tree removal applications for GFP applications, and limits unnecessary clear cutting of woodlands, consistent with other Regional climate change initiatives.

4. Proposed By-law

- 4.1 The proposed by-law has incorporated stakeholder and public feedback, research findings, and opportunities for streamlining (see Attachment #1).

The proposed changes to the By-law are outlined below.

Modernization

- a. A revised definition for “Sensitive Natural Areas” has been included to reflect the terminology within the Greenbelt Plan, the Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan and the area municipal Official Plans.
- b. Federal and Provincial requirements relating to the protection of endangered species and species at risk, nesting migratory birds and bats have been incorporated to be consistent with the Ontario Endangered Species Act 2007, the Federal Migratory Birds Convention Act 1994, and the Federal Species at Risk Act 2002.
- c. Wetland protection in woodlands has been enhanced to better reflect regulations under the Conservation Authorities Act. These updates will apply to both Good Forestry Practice Permit Applications and Clear Cutting Permit Applications.
- d. Updated fees have also been proposed. To encourage public compliance with the by-law, the fee for the most common type of application, the Good Forestry Practices Permit, remains unchanged at \$50. The fee for clear cutting applications (i.e. 1-2% of all applications), which are far more infrequent, but require more time to review and process, are proposed to increase to \$500 (currently \$75) for a minor clear cutting permit (i.e. to clear cut an area between 0.1 hectare/0.25 acres and 1 hectare/2.5 acres); and \$1,000 (currently \$100) for a major clear cutting application (i.e. to clear cut an area greater than one hectare). In keeping with existing practice, bona fide farmers would be exempt from application fees.
- e. The purpose of the by-law has been expanded to promote conservation of biological diversity, including rare natural features and native species, as well as managing the spread of invasive species and contributing to mitigating and adapting to climate change. This change better reflects current Federal, Provincial, and Municipal regulations and policy updates, with a clear tie to Regional climate change initiatives.

Clarification

- a. The identification and protection of key natural heritage and hydrological features, and other important species has been improved by requiring a

“Forest Management Prescription” for GFP applications, and an Environmental Report for clear cutting permit applications. The proposed by-law includes definitions and prescribes information for identifying areas of disturbance, the proposed method of removal, identifying Sensitive Natural Areas or other sensitive environmental features and/or species, examining associated impacts, and measures to be included for their protection. An “Environmental Report” would be required for every Clear Cutting Permit Application, in order to ensure compliance with the by-law and applicable plans and policies.

- b. A change in the name of the by-law from the current “Regional Tree By-law” to “Regional Woodland By-law” more accurately reflects the purpose of the by-law to conserve and manage woodlands within the Region.
- c. Various definitions have been included or updated with terminology to provide clear and consistent interpretation of terms throughout the by-law.

Process Improvements

- a. The proposed by-law requires that all GFP and clear cutting applications be circulated to the applicable Conservation Authorities, consistent with current practice. The proposed by-law requires that these applications also be circulated to the Area Municipalities, and that they be notified once a permit has been issued. This would give the Area Municipalities the opportunity to confirm compliance with their respective by-laws.
- b. In order to expedite the review process of GFP applications, the Region will allow for such permits to be waived where the woodland removal is proposed entirely within a wetland. In these cases, single approval of the Conservation Authority would suffice.
- c. The proposed by-law requires that applicants notify the Region and the area municipality prior to tree removal taking place. This requirement will improve the responsiveness of Area Municipalities to public inquiries once tree removal is initiated.

Woodland Protection and By-law Enforcement

- a. Increases in fines for removing trees without a permit is recommended. Increases in fines have not been undertaken since the inception of the Tree

By-law in 2008. Given that fines are governed by the Province, the Region would require approval from the Senior Justice of the Province of Ontario of Part 1 offences relevant to the by-law. The proposed fine increases are expected to deter illegal tree removal activity and encourage By-law compliance.

- b. The proposed by-law distinguishes between settlement areas (such as Urban Areas and Hamlets) and rural areas for the purposes of clear cutting applications. The proposed by-law does not allow for clear cutting within settlement areas outside of the statutory development review process. Within settlement areas, this distinction will help to protect woodlands from being prematurely or unnecessarily lost without the benefit of a more fulsome examination and study of the proposed removal through a statutory Planning Act process (e.g. a proposed official plan amendment, zoning by-law amendment, or plan of subdivision).
- c. The proposed by-law includes measures that require the mitigation of direct and indirect effects of injuring or destroying trees in all woodlands beyond those identified as “Sensitive Natural Areas”. These measures will better protect natural features and wildlife habitat by mitigating potential impacts from proposed tree removals on the surrounding environment.

Improved Transparency

- a. The proposed by-law addresses the cumulative impact of woodland removal by clearly defining and regulating the activity. The by-law identifies and enforces incremental or continuous removal of trees with or without a permit. The current Tree By-law only requires that cumulative removal be taken into consideration with respect to the need for minor or major clear cutting.
- b. The proposed by-law requires that applicants be required to provide supporting rationale for clear cutting applications, consistent with current requirements.

5. Future Consideration

- 5.1 Matters of compensation for the removal of trees will also be the subject of further discussion. Public and stakeholder consultation has revealed opportunities to look at additional opportunities for compensation of tree loss, particularly if mandatory

compensation for reforestation is proposed, outside a typical development review process.

- 5.2 Some municipalities have indicated that their ability to enforce and compensate for tree removal for areas one hectare or greater in size is affected by the current Tree By-law, as Area Municipalities are restricted to the regulation of treed areas less than one hectare in size under the Municipal Act. In the case of clear cutting applications, trees that cannot be replanted on site could be eligible for monetary compensation to contribute to replanting trees on other lands (such as on public owned property). Also, in instances where woodland tree removal is required during the development application review process, consideration of a process for replanting off-site and/or monetary compensation needs further examination.
- 5.3 The Region will examine the issue of tree compensation through further discussion with the Area Municipalities and the Conservation Authorities.

6. Next Steps

- 6.1 Once the new by-law is passed, an education and literature campaign will be launched. This will include an updated information pamphlet, an updated webpage, Regional newsletters and social media. In order to assist the public and Area Municipalities, a woodland map will be provided via a website link to the Ministry of Natural Resources and Forestry.
- 6.2 Monitoring of tree cutting applications will occur as part of the Planning Division's Annual Activity Report to Planning and Economic Development Committee.

7. Conclusion

- 7.1 This update to the Region's Tree By-law improves efficiency, clarity and affords better woodland protection and enforcement, through improved transparency for agencies and the public.
- 7.2 Accordingly, it is recommended that the proposed Region of Durham Woodland By-law, as contained in Attachment #1 to this Report #2019-P-44, be passed.
- 7.3 The proposed By-law was prepared in consultation with Corporate Services-Legal Services staff to ensure it is in proper legal form.

8. Attachments

Attachment #1: Proposed Regional Woodland By-law

Respectfully submitted,

Original signed by

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer

By-law Number **-2019

of The Regional Municipality of Durham

Being a by-law to prohibit or regulate the Destruction or Injury of Trees in Woodlands in the Regional Municipality of Durham.

Whereas the Municipal Act, Section 135(2), provides upper tier municipalities with the authority to prohibit or regulate the Destruction or Injury of Trees in Woodlands.

Whereas the Council of the Regional Municipality of Durham deems it desirable to enact a Regional Woodland Conservation and Management By-Law for the purposes of:

- conserving and improving the Woodlands in the Region through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- helping to achieve the objectives of the Durham Regional Official Plan to ensure the long-term health and productivity of Woodlands;
- promoting the conservation of biological diversity, including rare natural features and native species;
- managing the spread of invasive species;
- managing the Destruction or Injury of Trees in Woodlands;
- regulating and controlling the removal and protection of Trees in Woodlands;
- minimizing and guarding against conditions which may result in Injury;
- protecting, promoting and enhancing the aesthetic value of Woodlands;
- contributing to ecosystem health, human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover; and
- contributing to the mitigation of and adaptation to climate change.

Now therefore, the Council of the Regional Municipality of Durham hereby enacts as follows:

1. Definitions

1.1 In this By-law:

- a) "Agricultural Operation" means the commercial production of crops or raising of livestock, and includes cultivation, seeding, and harvesting;
- b) "Area Municipality" means any one of the area municipalities within the Regional Municipality of Durham;
- c) "Bona Fide Farmer" means a Person who has a current and valid farm registration number under the Farm Registration and Farm Organizations Funding Act, 1993, S.O. 1993, c.21, as amended;
- d) "Building Permit" means a building permit issued by an Area Municipality under the Building Code Act, 1992, S.O. 1992, c.23, as amended;
- e) "Business Day" means any day falling on or between Monday and Friday of each week but does not include a statutory holiday;
- f) "Certified Tree Marker" means a Person currently certified to mark Trees through the Ontario Certified Tree Marker Program;
- g) "Clear Cut/Clear Cutting" means the Destruction of all Trees within all or a portion of a Woodland, where the area to be cut exceeds 0.1 hectare.
- h) "Conservation Authority" means any one of the Conservation Authorities within the jurisdiction of Regional Municipality of Durham;
- i) "Commenting Agency" means any Conservation Authority, provincial Ministry, area municipality, utility, or agency as determined by the Region within its jurisdiction;
- j) "Commissioner" means the Commissioner of Planning and Economic Development of the Regional Municipality of Durham or designate;
- k) "Cumulative Removal" means the incremental or continuous removal of Trees in a Woodland since 2012, with or without a Permit;
- l) "DBH" or "Diameter at Breast Height" means the diameter of the stem of a Tree measured at a point that is 1.37 metres (4.5 feet) above the ground;
- m) "Destruction" means the clearing, and/or removal of Trees in all or part of a Woodland;
- n) "Environmental Report" means an Environmental Impact Study, or a scoped Environmental Impact Study under the Durham Regional Official Plan, a natural heritage evaluation under the Oak Ridges Moraine Conservation Plan, or other

report required by the Region, Area Municipality, Conservation Authority, or consulting agency that analyzes the natural environment and makes recommendations regarding mitigation of impacts from Tree removal;

- o) "Farm Related Use" means the use of Trees by a Bona Fide Farmer for farm related activity such as the heating of an accessory barn, post and rail fencing, farm construction on-site, but does not include Clear Cutting;
- p) "Fence Row" means a narrow linear strip of Trees less than 1 hectare in size that defines a laneway or boundary between fields or properties;
- q) "Forest Management Prescription" means the site specific operational plan prepared and signed by, or under the direction of and signed by, a Qualified OPFA Member that describes existing Woodland conditions, Woodland management objectives and the proposed methods for harvesting a Woodland;
- r) "Good Forestry Practices" means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the Woodland and environmental conditions under which they are being applied and that minimize detriments to Woodland values, including: significant ecosystems; important fish and wildlife habitat; soil and water quality and quantity; forest productivity and health and the aesthetic and recreational opportunities of the landscape;
- s) "Injury" means lasting damage to a Tree which may include, but is not limited to:
 - i) broken branches in the crown of any Tree;
 - ii) the breaking off or splitting of the stem of any Tree;
 - iii) the noticeable leaning of any Tree;
 - iv) the splitting of, removal of, or damage to the bark of any Tree; or
 - v) damage to the root structure of any Tree;
- t) "Multiple Offence" means an offence in respect to two or more acts or omissions each of which separately constitutes an offence and is a contravention of this By-law;
- u) "Normal Farm Practices" means part of an Agricultural Operation, which retains existing Woodland cover, and includes activities such as:
 - i) the removal of Trees for Personal Use;
 - ii) Farm-Related Uses such as fence posts and rails; or
 - iii) the removal of Fence Rows where required.

Normal Farm Practices does not include Clear Cutting.

- v) "Officer" means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- w) "Owner" means any Person or Persons who is the registered owner on title to the land;
- x) "Permit" means the written authorization from the Officer or the Commissioner issued under Section 5 or 6 of this By-law;
- y) "Person" or "Persons" means any individual or individuals, or any corporation or corporations, their respective heirs, executors, administrators or other duly appointed representatives;
- z) "Personal Use" means the use of Trees by a Bona Fide Farmer for home heating or other home related uses, but does not include Clear Cutting; and does not include a sale, exchange, or other disposition of Trees;
- aa) "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association (OPFA) under the *Professional Foresters Act*, S.O. 2000, c. 18, as amended, to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- bb) "Region" means the Regional Municipality of Durham;
- cc) "Regional Council" means the Council of the Regional Municipality of Durham;
- dd) "Rural Settlement Area" means an area as defined and identified within the Durham Regional Official Plan and/or the Official Plan of an Area Municipality;
- ee) "Sensitive Natural Area" means any of the following:
 - i) a Provincially or Regionally designated or identified Significant Wetland;
 - ii) land that is designated or identified as a Key Natural Heritage Feature or a Key Hydrological Feature in either the Oak Ridges Moraine Conservation Plan, Greenbelt Plan, and Growth Plan for the Greater Golden Horseshoe, Durham Regional Official Plan, or an area municipal Official Plan;
 - iii) land that is 30 metres from any part of a feature of a locally, Regionally, or Provincially Significant Wetland, lake, river, stream or intermittent stream; or

- iv) 30 metres of a locally or Regionally Significant Wetland, 120 metres of a Provincially Significant Wetland and 120 metres of a Life Science Area of Natural and Scientific Interest identified by the *Ministry of Natural Resources Act, R.S.O. 1990, c. M.31*, as amended.
- ff) "Tree" or "Trees" means any living species of woody perennial plant in a Woodland, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- gg) "Urban Area Boundary" means an area as defined and identified within the Durham Regional Official Plan and/or the Official Plan of an Area Municipality;
- hh) "Woodland" or "Woodlands" means an area of land one hectare in size or greater on one or more properties with a minimum density of:
 - i) 1,000 Trees, of any size, per hectare;
 - ii) 750 Trees, measuring over five (5) centimetres at DBH, per hectare;
 - iii) 500 Trees, measuring over twelve (12) centimetres, at DBH, per hectare; or
 - iv) 250 Trees, measuring over twenty (20) centimetres, at DBH, per hectare.

For the purposes of this By-law, "Woodland" or "Woodlands" does not include:

- i) a cultivated fruit or nut orchard;
- ii) a plantation established for the purpose of producing Christmas Trees and which is being actively managed and harvested for the purposes for which it was planted, except that this does not include plantations that have ceased being managed or harvested for their intended purpose for a period of 15 years or more;
- iii) a bona fide Tree nursery that is being actively managed and harvested for the purposes for which it was planted;
- iv) a Fence Row; or
- v) land previously cleared and used for agricultural purposes, which has become overgrown with young (less than 15 years old) and early successional Tree species common on disturbed fields (e.g. Sumac, Hawthorn, Apple, Scots Pine, Poplar, White Birch, Ash) and which is intended to be used again as part of an Agricultural Operation.

2. Application of the By-law

- 2.1 This By-law shall apply to all Woodlands and any Sensitive Natural Areas in the Region.
- 2.2 Applicants are encouraged to consult with the Officer prior to the submission of any Permit application.

3. General Prohibitions

- 3.1 Cumulative Removal is prohibited except as otherwise explicitly permitted by this By-law.
- 3.2 No Person shall through their own action or through any other Person, cause Injury or Destruction to any Tree located in a Woodland, unless:
- a) Such Injury or Destruction is exempted under Section 4 of this By-law; and
 - b) Such Person is in possession of a valid Good Forest Practice Permit issued under Section 5 of this By-law, has had their Permit requirement waived by the Officer under Section 5.1, or a Clear Cutting Permit issued under Section 6 of this By-law, and pursuant to any applicable terms or conditions.
- 3.3 No Person shall through their own action or through any other Person:
- a) Contravene any term or condition of a Permit issued under this By-law or cause or permit the contravention of any term or condition of a Permit issued under this By-law;
 - b) Fail to comply with an Order issued under Section 7 of this By-law; or
 - c) Remove or deface any Order that has been posted pursuant to Section 7 of this By-law.

4. Exemptions

- 4.1 This By-law, shall not apply to:
- a) Any activity or matter undertaken by an Area Municipality or the Region;
 - b) Any activity undertaken by a Conservation Authority on land owned or managed by such Authority;
 - c) Any activity or matter undertaken under a licence issued under the *Crown Forest Sustainability Act*, 1994, S.O. 1994, c.25, as amended;

- d) Any activity undertaken by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. s.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- e) Any activity imposed after December 31, 2002:
 - i) as part of a Tree Preservation Plan required as a condition of approval of a plan of subdivision that received draft approval under Section 51 of the *Planning Act*, R.S.O. 1990, c. P. 13.;
 - ii) as part of a Tree Preservation Plan required as a condition of a consent approved under Section 53 of the *Planning Act*, R.S.O., 1990, c.P.13;
 - iii) as part of a Tree Preservation Plan required as a condition of a Minor Variance approved under Section 45 of the *Planning Act*, R.S.O, 1990, c.P.13;
 - iv) as a requirement of a Tree Preservation Plan approved and included in a site plan agreement under Section 41 of the *Planning Act*, R.S.O, 1990.c.P. 13, or a development agreement between an Owner and the applicable Area Municipality or the Region; or
 - v) as a condition of a Community Planning Permit authorized by regulation made under Section 70.2 of the *Planning Act*, R.S.O., 1990, c.P. 13, or as a requirement of an agreement entered into under such regulation.
- f) Any activity by a transmitter or distributor, for the purpose of constructing and maintaining a transmission system or a distribution system defined in the *Electricity Act*, S.O. 1998, c.15, as amended;
- g) Any activity by a gas line company, for the purposes of constructing and maintaining such infrastructure defined in the Canada Oil and Gas Operations Act, R.S.C., 1985, c.0-7;
- h) Any activity undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended;
- i) Any activity that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or things and that only those Trees necessary to accommodate the building, structure or thing, including yard areas, are removed;

- j) Any activity that is required in order to install and provide utilities to the construction or use of a building, structure or thing, including the installation of a primary septic bed, in respect of which a Building Permit has been issued;
- k) Any activity that is required in order to install, provide or maintain a single lane driveway for vehicular access to a building, structure or thing in respect of which a Building Permit has been issued;
- l) Any activity required for the purpose of a licensed waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended; the *Ontario Water Resources Act*, R.S.O. 1990, c. 0.40, as amended; the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended; and the *Planning Act*, R.S.O., 1990, c. P.13;
- m) Any forestry management activity which, in the opinion of a Qualified OPFA member:
 - i) results in the removal of one or more Trees which are dead; or are significantly diseased; or
 - ii) results in the removal of one or more Trees which pose a hazard to human safety or property.
- n) Any Normal Farm Practice as part of an Agricultural Operation.

5. Good Forestry Practice Permits

- 5.1 Any Person who intends to Cause Injury or Destruction to one or more Trees in a Woodland, in a manner that does not constitute Clear Cutting, shall first complete and submit to the Region, an application for a Good Forestry Practice Permit. Such an application will be circulated to the Area Municipality, Conservation Authority and/or Commenting Agencies for comment and/or information purposes at the Region's discretion. The Officer may, at their sole discretion, waive the requirement for a Good Forestry Practice Permit where the Tree removal being proposed involves a small number of Trees and the impact of the removal is deemed to be negligible or imperceptible to the integrity of the overall Woodland. In consultation with the Conservation Authority having jurisdiction, the requirement for a Good Forestry Practice Permit may be waived in circumstances where Trees are entirely within a wetland subject to the Conservation Authorities Act.
- 5.2 Each Good Forestry Practice Permit application must be accompanied by the following:
 - a) a copy of the completed application form signed by the Owner;

- b) the required fee;
- c) such additional information as the Officer may require;
- d) for applications which propose to cause Injury or Destruction to more than 50 Trees, a Forest Management Prescription is required;
- e) for applications which propose to cause Injury or Destruction to 50 Trees or less, a plan showing the location of the Trees to be affected, together with a description of how Good Forestry Practices are to be followed should the application be approved. A Forest Management Prescription may be required at the discretion of the Officer; and
- f) if the area to which the application applies contains a Sensitive Natural Area and any other sensitive species, habitat, and/or environmental features, a Forest Management Prescription shall be submitted, regardless of the number of Trees to be injured, destroyed or removed.

5.3 A Forest Management Prescription, at a minimum, shall include:

- a) a detailed map of the property, the Woodland and the area of proposed Tree removal (Tree marking must be completed by a Certified Tree Marker);
- b) a description of the existing forest conditions;
- c) the short and long term forest management objectives for the area;
- d) prescribed methods for harvesting the existing forest stand;
- e) next recommended silvicultural intervention to achieve long-term objectives;
- f) identification of any Sensitive Natural Area and the environmental protection measures necessary to protect the Sensitive Natural Area feature; and
- g) compliance with applicable legislation including but not limited to the Ontario Endangered Species Act 2007, the Migratory Birds Convention Act 1994, and the Species at Risk Act 2002.

- 5.4 Upon review and consideration of an application and having received a clearance to proceed from the Conservation Authority having jurisdiction in circumstances where Trees form part of a wetland subject to the Conservation Authorities Act, an Officer may issue a Good Forestry Practice Permit to permit the Injury, Destruction or removal of Trees in a Woodland. The Permit will be circulated to any other such Person or agency as the Region and/or Officer deems appropriate.
- 5.5 The Officer may impose conditions on the Permit that relate to, but are not restricted to:
- a) the location, number, size and type of Trees that are proposed to be the subject of Injury or Destruction;
 - b) the manner and timeframe within which the affected Trees are proposed to be the subject of Injury or Destruction;
 - c) the marking, with paint or other material, of the Trees that are proposed to be the subject of Injury or Destruction;
 - d) the qualifications of the Persons authorized to cause Injury or Destruction in accordance with the Permit;
 - e) the measures to be implemented to mitigate the direct and indirect effects of Injury or Destruction of Trees on a Woodland, Sensitive Natural Area, or any other sensitive species, habitat, and/or environmental features;
 - f) a requirement that the Owner notify the Region and the Area Municipality at least two Business Days prior to Tree removal being scheduled to commence; and
 - g) such additional information as may be required by the Commissioner or Officer in respect to such Permit.
- 5.6 Prior to any Injury, or Destruction of any Tree pursuant to the Permit, a copy of the Permit shall be posted and displayed in a prominent location as identified on a map filed with the Permit application, to the satisfaction of the Officer. The posted Permit is to remain on display until the work for which the Permit was issued has been completed.
- 5.7 A Good Forestry Practice Permit shall be in effect for a period of two years from the date of approval and is not transferable. If the activity for which the Permit was issued has not taken place within the time frame of the Permit, such Permit shall lapse and shall be of no effect.

- 5.8 Prior to the expiry of the Permit, the Owner may request in writing that the Permit be renewed. Such requests shall not be unreasonably denied. Permits may be extended one time only for an additional period of not more than one year.
- 5.9 Where a Good Forestry Practice Permit application has been denied, the Officer will notify the applicant in writing by registered mail within 10 Business Days of the decision and shall provide reasons for the denial.

6. Clear Cutting Permits

- 6.1 Clear Cutting is prohibited except in accordance with the following:
- a) Every Person who intends to Clear Cut shall first complete and submit to the Region, an application for a Clear Cutting Permit;
 - b) Clear Cutting activity shall not commence prior to the Person receiving written approval from the Commissioner;
 - c) Approval shall only be granted following circulation to the applicable Area Municipality, Conservation Authority, and any Commenting Agency for comment and in circumstances where the Trees form part of a wetland subject to the Conservation Authorities Act, approval shall only be granted following confirmation that a clearance to proceed has been provided by the Conservation Authority having jurisdiction;
 - d) Only a Bona Fide Farmer that owns the subject lands may be permitted to Clear Cut within an Urban Area Boundary or within a Rural Settlement Area;
 - e) Any application for Clear Cutting of 1 hectare or less is subject to the approval and any condition(s) of the Commissioner; and
 - f) Any application for Clear Cutting greater than 1 hectare is subject to the approval of Regional Council.
- 6.2 A Clear Cutting Permit application shall not be approved unless accompanied by the following:
- a) a copy of the completed application form signed by the Owner or the applicant as authorized by the Owner;
 - b) the required fee;
 - c) a plan or drawing having sufficient detail to clearly show the number, location, species, and approximate age of the Trees to be Clear Cut;
 - d) the rationale for the proposed Clear Cutting;

- e) a map depicting the proposed location where the Permit will be posted;
- f) such additional information as the Commissioner may require;
- g) an Environmental Report to assess whether any portion of the Woodland to which the application applies contains a Sensitive Natural Area and any other sensitive species, habitat, and/or environmental features; and
- h) A Conservation Authority permit for applications within areas forming part of a wetland subject to the Conservation Authorities Act.

6.3 At the discretion of the Commissioner, a public meeting may be required for an application less than 1 hectare in area, if Cumulative Removal and the area of Clear Cutting exceeds 1 hectare.

6.4 Any required Environmental Report shall be prepared by a qualified natural heritage expert/ qualified person which, at a minimum, shall include:

- a) a baseline inventory of environmental features and functions;
- b) the location, area and approximate number of Trees proposed to be Clear Cut;
- c) an assessment of the potential impacts of the proposed Clear Cutting on the long-term health and ecological integrity of the Sensitive Natural Area;
- d) an examination of historical records to identify whether Tree removal had occurred since 2012, for the purposes of determining Cumulative Removal;
- e) an evaluation of the potential impact of the proposed Clear Cutting within the context of Provincial, Regional, and Area Municipal policy;
- f) recommendations that support the long term protection of environmental features and functions as may be necessary to protect the subject Sensitive Natural Area;
- g) a description of the Woodland proposed to be preserved;
- h) any recommended mitigation measures to address impacts of the proposed Clear Cutting on environmental features and functions; and
- i) compliance with applicable legislation including but not limited to the Ontario Endangered Species Act 2007, the Migratory Birds Convention Act 1994, and the Species at Risk Act 2002.

6.5

The Commissioner may impose any such condition on a Clear Cutting Permit as the Commissioner deems appropriate, and may include:

- a) the location, area of land and number of Trees permitted to be Clear Cut;
- b) the manner and timeframe within which the Trees are permitted to be Clear Cut;
- c) the marking with paint or other material, the location of the Trees permitted to be Clear Cut;
- d) the qualifications of the Persons authorized to Clear Cut the Trees;
- e) any measure to be implemented to mitigate the direct and indirect effects of the Clear Cutting on a Woodland, Sensitive Natural Area; or and any other sensitive species, habitat, and/or environmental features;
- f) the re-planting of Trees;
- g) a requirement that any Clear Cutting for farm purposes must be put into agricultural use within a specified time period (e.g. 3 years);
- h) a requirement that the Owner notify the Region and Area Municipality within two Business Days of Tree removal being scheduled to commence;
- i) a requirement to provide any additional information as may be required before the Permit becomes effective;
- j) a requirement to implement any recommendations included within an Environmental Report, to the satisfaction of the Region;
- k) a requirement to implement any condition of an Area Municipality or Commenting Agency as may be applicable;
- l) a requirement to post a copy of the Permit in a prominent location as identified on a map as part of the Permit application, to the satisfaction of the Officer. The posted Permit is to remain on display until the work for which the Permit was issued has been completed; and
- m) A time limitation period of up to one year which is not transferable. If any Clear Cutting for which the Permit was issued has not taken place within the one-year period, the Permit shall lapse and shall be of no effect. Notwithstanding the above, and only prior to the expiry of the Permit, the Person may request in writing that the Permit be renewed for a period of up to one additional year from the date of the original Permit. Permits may only be renewed one time.

- 6.6 Where a Clear Cutting Permit application has been denied, the Commissioner shall notify the applicant in writing by registered mail within 10 Business Days of the decision, and shall provide reasons for the denial.
- 6.7 Any application that proposes to Clear Cut an area greater than 1 hectare in size shall be subject to the approval of Regional Council, in accordance with the following:
- a) Regional Council shall have regard to any delegation heard at a public meeting;
 - b) Within 30 days of receipt of such application, the Commissioner or his designate shall send by regular mail or by personal delivery, written notice of the public meeting to the applicant, to all assessed Owners of each parcel of land that abuts the subject property from which Trees are proposed to be Clear Cut, and to any other such Person or agency as the Commissioner deems appropriate;
 - c) At least 20 days prior to the public meeting, the applicant shall erect a public notice sign at a location and on the form approved by the Commissioner;
 - d) Upon review and consideration of the application, and at least 20 days prior to the public meeting, the Commissioner shall prepare a report which shall make a recommendation on the application, the reasons for the recommendation, and any conditions that may be recommended to be applied, if any;
 - e) At the public meeting, the applicant and any interested Person shall be afforded an opportunity to address the Committee. Any public meeting shall be subject to the Region's Procedural By-law; and
 - f) Where Council directs the Commissioner not to issue a Clear Cutting Permit, the applicant will be notified in writing by registered mail within 10 Business Days following the Council meeting, and such notice shall provide reasons for the denial.
- 6.8 The Clear Cutting Permit will be circulated to any other such Person or agency as the Region deems appropriate.

7. Enforcement

7.1 An Officer, or any person authorized by an Officer, may at all reasonable times enter upon and inspect any land and Woodland for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, or laying charges under this By-law.

7.2 Where an Officer has determined that a contravention of this By-law has occurred, the Officer may make an Order requiring any Person who contravened this By-law or who caused or permitted the injuring or destruction of Trees in contravention of this By-law, to stop the injuring or destruction of Trees. The Order shall set out:

- a) the municipal address or the legal description of the land;
- b) reasonable particulars of the contravention; and
- c) the period within which there must be compliance with the Order.

7.3 Where an Officer has determined that a contravention of this By-law has occurred, the Officer may make an Order requiring the Person who contravened this By-law or who caused or permitted the Injury or Destruction of Trees in contravention of this By-law, to remedy such contraventions, which may include one or more measures to rehabilitate the land or Woodland, to plant or replant Trees or other measures to the satisfaction of the Commissioner. The Order shall set out:

- a) the municipal address or the legal description of the land;
- b) the particulars of the contravention;
- c) the work to be done and the period within which there must be compliance with the Order; and
- d) Should the work not be done in compliance with the Order, the Region may have the work done at the expense of the Owner.

7.4 No Person shall hinder or obstruct, or attempt to hinder or obstruct, any Person including an Officer or Commissioner who is exercising a power or performing a duty under this By-law.

8. Penalty

8.1 Any person who contravenes any provision of this By-law, or an Order issued under Section 7, is guilty of an offence and is liable for each occurrence of the contravention, infraction or violation:

- a) on a first conviction, to a maximum fine of \$10,000 or \$1,000 per Tree, whichever is greater; and
- b) on any subsequent convictions, to a maximum fine of \$25,000 or \$2,500 per Tree, whichever is greater.

8.2 Any corporation who contravenes any provision of this By-law, or an Order issued under Section 7, is guilty of an offence and is liable for each occurrence of the contravention, infraction or violation:

- a) on a first conviction, to a maximum fine of \$50,000 or \$5,000 per Tree, whichever is greater; and
- b) on any subsequent convictions, to a maximum fine of \$100,000 or \$10,000 per Tree, whichever is greater.

8.3 If a person or corporation is convicted of an offence for contravening this By-law or an Order issued under Section 7, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, in addition to any monetary penalty may order the person or corporation to rehabilitate the land, to plant or replant comparable species and size Trees in such a manner and within such period as the court considers appropriate and to maintain the replanted Trees as appropriate, including any Silvicultural treatment necessary to re-establish the Trees.

8.4 Part 1 *Provincial Offences Act* offences and set fines may apply to specific contraventions of the By-law as indicated in "Schedule B" to the By-law.

9. Administration

9.1 Schedule "A" and "B" shall form part of this By-law.

9.2 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part shall be deemed to be severable and all other sections or parts of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

9.3 The short title of this By-law is the "Regional Woodland By-law".

9.4 An Owner of a property shall be presumed to have injured or destroyed or caused or permitted to be injured or destroyed a Tree growing in a Woodland, or contravened or cause or permitted the contravention of the terms or 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 on probabilities.

9.5 By-law 31-2012 of the Regional Municipality of Durham and any amendments thereto, are hereby repealed.

9.6 Despite subsection 9.5, By-law 31-2012 shall continue to apply to:

- a) proceedings in respect of offences that occurred before its repeal; and,
- b) Permits in compliance with By-law 31-2012, which were made prior to its repeal.

This By-law Read and Passed on the -----th day of -----, 2019.

J. Henry, Regional Chair and CEO

R. Walton, Regional Clerk

SCHEDULE A

Fees

1. Application for Good Forestry Practices Permit	\$50.00
2. Application for a Clear Cutting Permit (Between 0.1 Ha and 1 Ha)	\$500.00
3. Application for Clear Cutting Permit (Greater than 1Ha)	\$1000.00 Excluding Advertising Costs of a Public Meeting

Permit fees are waived for Bona Fide Farmers.

SCHEDULE B

Set Fine Schedule

**The Regional Municipality of Durham
Part I Provincial Offences Act
By-law xx-2019: Regional Woodland Conservation and Management Bylaw**

Item	Column 1 Short Form Wording	Column 2 Provision Creating or defining offence	Column 3 Set Fine
1.	Injure or destroy a tree without a permit	3.1	\$
2.	Cause or permit the contravention of the terms or conditions of a Permit	3.2(a)	\$
3.	Fail to comply with an Order	3.2(b)	\$
4.	Remove or deface an Order	3.2(c)	\$
5.	Hinder or obstruct or attempt to hinder or obstruct a by-law enforcement officer	7.4	\$

Note: The penalty provision for the offences indicated above is Sections 8.1 and 8.2 of By-law xx-2019, a certified copy of which has been filed, and Section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.