THE CORPORATION OF THE CITY OF MISSISSAUGA

Private Tree Protection
By-law 0021-2022

(Amended by By-law 0144-2025)

WHEREAS subsection 8(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended ("*Municipal Act, 2001*") provides that the powers of a municipality under any act shall be interpreted broadly so as to confer broad authority on a municipality to enable it to govern its affairs as it considers appropriate;

AND WHEREAS section 11 of the *Municipal Act, 2001*, provides a lower-tier municipality with broad authority to pass by-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons and respecting the protection of persons and property including consumer protection;

AND WHEREAS without limiting sections 9, 10 and 11, section 135 of the *Municipal Act, 2001,* permits a local municipality to prohibit or regulate the destruction or injuring of trees including requiring that a permit be obtained to injure or destroy trees and to impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS section 62 of the *Municipal Act, 2001,* permits a municipality, at any reasonable time, to enter upon land lying along any of its highways to inspect trees and conduct tests on trees and to remove decayed, damaged or dangerous trees or branches of trees if, in the opinion of the municipality, the trees or branches pose a danger to the health or safety of any person using a highway;

AND WHEREAS subsection 391(1) of the *Municipal Act, 2001,* provides that a municipality may impose fees and charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS subsection 429(1) of the *Municipal Act, 2001* provides that a municipality may establish a system of fines for a by-law passed under this Act;

AND WHEREAS section 436 of the *Municipal Act, 2001* provides that a municipality may pass by-laws providing that the municipality may enter on land at any reasonable time for the purpose of carrying out an inspection to determine compliance with a by-law or an order made pursuant to the by-law;

AND WHEREAS sections 444 and 445 of the *Municipal Act, 2001,* provide that a municipality may make an order requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention;

AND WHEREAS section 446 of the *Municipal Act, 2001* provides that a municipality may proceed to do things at a person's expense which that person is otherwise required to do under a by-law but has failed to do and the costs incurred by a municipality may be recovered by adding the costs to the tax roll and collecting them in the same manner as property taxes;

AND WHEREAS the Council of The Corporation of the City of Mississauga recognizes the ecological and aesthetic value of trees and is desirous of managing the injury and destruction of trees;

AND WHEREAS on December 8, 2021, Council for the Corporation of the City of Mississauga passed Resolution 0230-2021 approving GC-0635-2021 to enact a by-law to regulate the injuring and destruction of trees on private property and to repeal By-law 0091-75;

AND WHEREAS on September 24, 2025, the Council of The Corporation of the City of Mississauga passed Resolution 0191-2025 approving General Committee Recommendation GC-0382-2025 to amend Private Tree Protection By-law 0021-2022;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

PART 1: DEFINITIONS

1. In this By-law:

"ARBORIST" means a person with a diploma or degree involving arboriculture from an accredited college or university, a Registered Professional Forester, an accredited Certified Arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience or a Registered Consulting Arborist with the American Society of Consulting Arborists;

"ARBORIST REPORT" means a report prepared by an Arborist which provides details on the species, size, and health of a Tree to be Destroyed or Injured or retained and describes tree protection measures or other mitigating measures to be implemented;

"BOUNDARY TREE" means a tree where any part of its Trunk is located on more than one Lot;

"CITY" means the municipal boundaries for the City of Mississauga or the Corporation of the City of Mississauga (depending on the context);

"COMMISSIONER" means the City's Commissioner of Community Services or their designate;

"COUNCIL" means the municipal council of the City;

"DEAD" means a Tree that has no living tissue;

"DESTROY" OR "DESTRUCTION" means to cause directly or indirectly, the removal, ruin, uprooting or death of a Tree whether by accident, intent or by design, and includes but is not limited to the removal, ruin, uprooting or death of a Tree caused by any one or more of the following activities:

(1) removing, cutting, girdling, or smothering a Tree;

(2) interfering with a Tree's water supply;

(3) setting fire to a Tree;

(4) the application of chemicals on, around, or near a Tree;

(5) compaction or re-grading within a Tree Protection Zone up to any existing paved surfaces;

(6) damage to a Tree caused by new development or construction related activities including driveways;

(7) storing any materials within a Tree Protection Zone; or

(8) neglecting a Tree.

"DIAMETER" means:

(1) the measurement of the diameter of a Trunk measured from outside the bark at a height of 1.4 metres above existing grade of the ground adjoining its base; or

(2) where there are multiple Trunks on a Tree, the total of the diameters of the stems measured from outside the bark on each Trunk at a height of 1.4 metres above existing grade of the ground adjoining its base;

"DYING" means a Tree that is terminally diseased or will no longer be viable to maintain in a safe or healthy condition;

"EMERGENCY WORK" means work necessary to terminate an immediate danger to life or property as determined by the Commissioner and includes but is not limited to work associated with water main repairs, utility repairs and structural repairs to a building where the work is necessary to terminate an immediate danger to life or property;

"FEES AND CHARGES BY-LAW" means the City's Fees and Charges By-law 0247-2021, as amended, or its successor(s);

"GOLF COURSE" means a public or private area operated for the purposes of playing golf as defined in the City's Zoning By-law 0225-2007 (or successor by-law) which includes putting greens, driving ranges and miniature golf courses. For greater clarity, it does not include accessory uses such as clubhouses, offices or restaurants;

"GOOD ARBORICULTURE PRACTICE" means the proper implementation of removal, renewal and maintenance activities known to be appropriate for individual trees in and around urban areas and includes pruning of trees to remove dead limbs, maintain structural stability and balance, or to encourage their natural form, provided that such pruning is limited to the appropriate removal of not more than one-third of the live branches or limbs of a tree, but does not include pruning to specifically increase light or space;

"GOVERNMENT BODY" means a municipality or a local board of a municipality, a conservation authority established under provincial legislation and any Ministry or agent of the Federal or Provincial government;

"HAZARD" means a tree that is an immediate danger to property or life as determined by the Commissioner, including but not limited to a destabilized or structurally compromised tree that is at an imminent risk of failure with a high likelihood of impact; (0144-2025)

"HEALTHY TREE" means a tree that has a vigorous canopy with no significant disease or decay as determined by the Commissioner;

"HERITAGE ADVISORY COMMITTEE" means the committee established by Council to advise and assist Council on matters related to Part 4 of the Heritage Act, matters relating to Part 5 and such other heritage matter as Council may specify by by-law;

"HERITAGE TREE" means a Tree that has received designation under Part IV of the *Ontario Heritage Act, 2005*, S.O. 2006, c.6, as amended;

"HOARDING" means a fence, barrier or similar structure used to enclose a portion of a property to protect an existing Tree including its Tree Protection Zone or other vegetation;

"INJURE" OR "INJURY" means to cause, directly or indirectly, whether by accident, intent or design, lasting damage or harm to a Tree, including but not limited to, any damage or harm to a Tree caused by one or more of the following activities:

(1) removing, cutting (other than Pruning), girdling, or smothering a Tree;

(2) interfering with a Tree's water supply;

(3) setting fire to a Tree;

(4) the application of chemicals on, around, or near a Tree;

(5) compaction or re-grading within a Tree Protection Zone up to any existing paved surfaces;

(6) damage to a Tree caused by new development or construction related activities including driveways;

(7) storing any materials within a Tree Protection Zone; or

(8) neglecting a Tree.

"LOT" means a parcel of land having specific boundaries which is capable of legal transfer;

"MULTIPLE OFFENCE" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law;

“NURSERY” means a Lot on which the principal business of growing and selling plants, shrubs, and Trees occurs;

“OFFICER” means a by-law enforcement officer employed by the City and/or appointed by Council to perform the duties of enforcing the City’s by-laws; (0144-2025)

“OWNER” means the registered owner of a Lot, and their respective successors and assigns, or their agent;

“PDC” Deleted by By-law 0144-2025.

“PERMIT” means a permit issued by an Officer pursuant to this By-law to Injure or Destroy a Tree located on private property; (0144-2025)

“PERMIT HOLDER” means the Person who has been issued a Permit pursuant to this By-law;

“PERSON” includes an individual, a corporation and its directors and officers, or partnership and their heirs, executors, assignees and administrators;

“PRUNING” means the appropriate removal of not more than one-third of the live branches or limbs of a Tree or more than one-third of the live branches or limbs on a Tree as part of a consistent annual pruning program;

“REPLACEMENT TREE” means a tree that a Permit Holder is required to plant under this By-law to replace an existing Tree that is approved for removal;

“REPLACEMENT TREE PLANTING FUND” means the fund established by the City for the purpose of planting Trees by City staff in locations within the City other than the Lot where a Tree has been Injured or Destroyed;

“TREE” means a woody perennial plant (including its root system) which has reached or could reach a height of at least 4.5m at maturity;

“**TREE PROTECTION ZONE**” means the minimum setback from a Tree (including above, below and at ground level) required to protect the biological health and maintain the structural integrity of a Tree, as determined by the Commissioner; and

“TRUNK” means the part of a Tree from its point of growth away from its roots up to where it branches out to limbs and foliage.

PART 2: SCOPE, ADMINISTRATION AND ENFORCEMENT

2. This By-law shall apply to all private property located within the City.

3. The Commissioner shall be responsible for the administration and enforcement of this By-law.

4. The Commissioner may delegate any responsibilities to an employee of the City that are conferred to the Commissioner under this By-law.

PART 3: HERITAGE TREES

5. An application to designate a Tree as a Heritage Tree shall be made in accordance with the *Ontario Heritage Act, 2005*.

6. No Person shall Injure or Destroy a Heritage Tree unless they receive approval to do so under the requirements of the *Ontario Heritage Act, 2005.*

PART 4 : RESPONSIBILITIES (0144-2025)

7. An Officer shall have the power to: (0144-2025)

   (1) issue a Permit;

   (2) refuse a Permit;

   (3) revoke a Permit;

   (4) suspend a Permit; and

   (5) impose terms or conditions on a Permit.

8. The Commissioner shall have the ability to transfer funds into and out of the Replacement Tree Planting Fund in accordance with this By-law.

PART 5: GENERAL PROHIBITIONS

9. No Person shall Injure or Destroy a Tree with a Diameter of 15 centimetres or greater located on private property without a valid Permit.

10. No Person shall interfere with Hoarding that is erected in accordance with this By-law.

11. No Person shall injure or destroy a Replacement Tree without a valid Permit

PART 6: PERMIT APPLICATION

12. An Owner or their authorized agent may apply to an Officer for a Permit in order to Injure or Destroy a Tree with a Diameter of 15 centimetres or greater on private property in accordance with this By-law. (0144-2025)

13. An Officer shall receive, process and review all permit applications and shall maintain complete records showing all applications received and Permits issued. (0144-2025)

14. An application for a Permit shall include the following:

   (1) a completed application form which shall include the purpose for which the Permit is required;

   (2) a plan to the satisfaction of the Officer illustrating the Trees to be Injured or Destroyed, the Tree to be retained, and any other measures to be taken in

relation to the Injury or Destruction of the Tree or Tree preservation, as required by the Officer; (0144-2025)

(3) the fees as described in the City's Fees and Charges By law;

(4) an Arborist Report, unless the Tree is Dead or Dying;

(5) the written consent of the impacted property Owner if the Tree to be Injured or Destroyed is a Boundary Tree; and

(6) the written consent of the Owner of the Lot where the subject Tree is located, if the Person who is applying for the Permit is not the Owner of the Lot.

15. If an application made pursuant to Section 14 does not include all the required documentation within the timeframe as specified by the Officer, or if the application is 2 years old, the applicant shall be deemed to have withdrawn the application and may be entitled to a partial refund of the application fee. (0144-2025)

16. Despite Section 15, the Officer may extend the timeframe for an application where the Officer determines that the applicant is actively taking steps to move the application forward. (0144-2025)

PART 7: EXEMPTIONS

17. Despite Section 12, a Permit is not required to Injure or Destroy a Tree located on private property:

(1) that has a Diameter of less than 15 centimetres;

(2) in order to conduct Emergency Work;

(3) as a result of activities or matters undertaken by a Government Body or a school board for the construction of a school building or part thereof;

(4) for the purpose of Pruning a Tree in accordance with Good Arboricultural Practices;

(5) that is also located on a rooftop garden (not including parking garages, or solariums);

(6) that is also located at a Nursery or Golf Course;

(7) by a Person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his agent while making a survey;

(8) for the purpose of satisfying a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act*, or its successor provision, or as a requirement of an agreement entered into under the regulation;

(9) for the purpose of satisfying a condition to the approval of a site plan, a plan of subdivision, or a consent under sections 41, 51, and 53 of the *Planning Act*, or its

successor provision, or as a requirement of a site plan or subdivision agreement under those sections of the Act;

(10) where the removal of a Tree is specifically required in an order made pursuant to the City's Property Standards By-law;

(11) by a transmitter or distributor as defined in the *Electricity Act, 1998* for the purpose of constructing and maintaining a transmission system or a distribution system, as defined under that Act;

(12) if an approval has been provided under Section 6;

(13) where an Owner is required to comply with the requirements of a Province of Ontario forest management plan that specifically encompasses the Owner's Lot; or

(14) for any other reason as described in section 135 of the *Municipal Act, 2001* or its successor provision.

PART 8: ISSUANCE OF A PERMIT

18. If an application for a Permit is made in accordance with Part 6 of this By-law and the applicant meets all of the requirements of this By-law, the Officer may issue a Permit for any one or more of the following reasons: (0144-2025)

(1) the Tree is Dead or Dying;

(2) the Tree is a Hazard;

(3) the Tree's location conflicts with any of the following:

(a) a building permit that has been issued for that property

(b) a proposed pool enclosure; or

(c) the expansion of parking areas that complies with the City's Zoning By-law 0225-2007 (or successor by-law);

(4) there will be no negative impact on flood or erosion control, or slope stability as determined by the Officer; (0144-2025)

(5) the Lot on which the Tree is located is designated under the *Ontario Heritage Act, 2005* and a written report by the City's Heritage Coordinator has been provided, indicating that:

(a) the Tree is not relevant to the heritage designation of the Lot; or

(b) the Tree is relevant to the heritage designation of the Lot but the Heritage Advisory Committee has approved the Injury or Destruction of the Tree; or

(6) the Injury or Destruction of a Healthy Tree is otherwise acceptable to the Officer based on the following considerations (non-exclusive): significant physical damage to an adjacent building, public safety or other environmental or ecological factors.

19. A Permit shall be valid for a maximum of one (1) year from the date of issuance and is non-transferrable. The Officer shall be permitted to renew or extend a Permit for a period of time as determined by the Officer.

20. A Permit Holder shall ensure that the Permit is securely posted on the Lot from which a Tree is to be Injured or Destroyed, in a location visible from the street for the period during which work is undertaken to Injure or Destroy a Tree.

21. The issuance of a Permit under this By-law does not relieve any Person from the necessity of acquiring any other license or permit or complying with any other applicable laws, by-laws, regulations, and requirements of other governmental authority.

PART 9: PERMIT CONDITIONS

22. An Officer may issue a Permit requiring the Permit Holder to comply with conditions which may include but are not limited to any one or more of the following: (0144-2025)

(1) having regard for Good Aboricultural Practices;

(2) planting a Replacement Tree if the Tree removed is a Healthy Tree;

(3) establishing plans for Tree preservation to the satisfaction of the Officer; (0144-2025)

(4) maintaining Hoarding around a Tree not subject to Injury or Destruction, and plans indicating the location and type of Hoarding to the satisfaction of the Officer; and (0144-2025)

(5) any other condition as may be required by the Officer. (0144-2025)

23. A Permit Holder shall comply with any condition imposed by an Officer pursuant to this By-law. (0144-2025)

PART 10: REPLACEMENT TREES AND SECURITY DEPOSITS

24. Where the Officer has imposed a condition to plant a Replacement Tree in accordance with Section 22, the Officer may also require that: (0144-2025)

(1) the Replacement Tree be located on the same Lot from which a Tree was removed, in a location, number, size and/or species to the satisfaction of the Officer; (0144-2025)

(2) more than one Replacement Tree be required based on the Diameter of the Tree that was removed in accordance with the applicable City policy;

(3) a replanting plan be filed with the City to the satisfaction of the Officer; (0144-

2025) or

(4) a security deposit in accordance with the City's Fees and Charges By-law in a form satisfactory to the Officer be delivered to the Officer to cover the costs of the Replacement Tree, and for any potential maintenance related to the Replacement Tree for a period of up to two (2) years. (0144-2025)

25. The Permit Holder shall notify the Officer: (0144-2025)

(1) when the Replacement Tree has been planted; and

(2) when at least one year has passed following the date when the Replacement Tree was planted in order for an Officer to complete a final inspection.

26. Following notification as set out in Section 25 above, an Officer shall conduct a final inspection and:

(1) immediately return the security deposit to the Permit Holder if the Officer has determined that the Replacement Tree has been planted and is healthy; (0144-2025)

(2) notify the Permit Holder if any outstanding work needs to be completed, including but not limited to the re-planting of Trees, and to provide the Permit Holder with a date as to when the work must be completed;

(3) if the Permit Holder does not comply with subsection 26(2), the City may transfer the security deposit or a portion of the security deposit into the City's Replacement Tree Planting Fund to cover the cost of the outstanding work;

27. If the Permit Holder does not comply with Section 25, the Commissioner may transfer the security deposit into the City's Replacement Tree Planting Fund in accordance with the applicable City policy.

PART 11: REFUSAL OF A PERMIT

28. An Officer may refuse to issue a Permit, for any one (1) or more of the following reasons: (0144-2025)

(1) where the application for a Permit is incomplete;

(2) where an application for a building permit, rezoning, a consent, a minor variance, a plan of subdivision or a site plan to the land on which the Tree is located has been submitted to the City but has not received final approval;

(3) where the Tree is an endangered, threatened or special concern Tree species as defined in the provincial *Endangered Species Act, 2007*, S.O. 2007, c.6, as may be amended or replaced from time to time and the Person has not been issued a permit pursuant to that Act;

(4) where the Tree belongs to a Tree species of special concern, as defined in the *Species at Risk Act, 2002,* S.C. 2002, c. 29, as may be amended or replaced from time to time;

(5) where natural heritage system, environmentally sensitive areas, ecological systems, natural landforms or contours (any of which may be defined in the City's Official Plan) will not be adequately protected and/or preserved;

(6) where the Tree is relevant to the heritage designation of a Lot as determined by the City's Heritage Coordinator;

(7) where the Tree is a Healthy Tree; or

(8) the applicant does not comply with applicable laws, including but not limited to, this By-law, municipal by-laws, provincial or federal laws.

PART 12: PERMIT REVOCATION

29. An Officer may revoke a Permit at any time, for any one (1) or more of the following reasons: (0144-2025)

(1) the Permit was issued because of mistaken, false, or incorrect information received from the Owner or Permit Holder;

(2) the Owner or Permit Holder has failed to comply with any conditions attached to the Permit;

(3) the Owner or Permit Holder has failed to comply with any order issued under this By-law; or

(4) the Owner or Permit Holder has failed to comply with any of the provisions in this By-law.

30. The Permit Holder of a revoked Permit shall immediately cease or ensure the immediate cessation of all the actions for which a Permit has been issued upon revocation of the Permit.

PART 13: WRITTEN REASONS AND REVIEW (0144-2025)

31. After a decision is made by the Officer to refuse to issue or to revoke a Permit, written notice of that decision shall be given to the applicant or Permit Holder, advising the applicant or Permit Holder of the Officer's decision with respect to the application or Permit. (0144-2025)

32. The written notice to be given under Section 31 shall:

(1) set out the grounds for the decision;

(2) give reasonable particulars of the grounds; and

(3) be signed by the Officer. (0144-2025)

33. A Person who has been refused the issuance of a Permit or whose Permit has been revoked may request a review in writing, as directed by the Officer, within ten (10) days of receiving the notice of refusal or revocation. All requests for review shall be accompanied by a non-refundable administrative fee as described in the City's User Fees and Charges By-law. (0144-2025)

34. For greater clarity, Section 33 does not include a review of any condition imposed on a Permit pursuant to this By-law. (0144-2025)

35. If the Owner or Permit Holder does not request a review within the time period set out in Section 33, the decision of the Officer shall be final. (0144-2025)

36. On a review of the Officer's decision to refuse or revoke a Permit and in exercising their authority under this Part, the Commissioner may confirm, modify or rescind the decision of the Officer to refuse or revoke the Permit. The Commissioner shall set out the reasons of their decision in writing. (0144-2025)

37. The decision of the Commissioner under this Part is final. (0144-2025)

38. Deleted by By-law 0144-2025.

39. A review requested under this Part 13 does not act as a stay of any decision made by an Officer under this By-law, which shall take effect on the day it is served or deemed served, and shall continue to be effective until the Commissioner renders a decision indicating otherwise. (0144-2025)

PART 14: INSPECTIONS AND ORDERS

40. An Officer may at any reasonable time, enter upon and inspect the land of any Person to ensure that the provisions of this By-law are complied with, which may include a dwelling if the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused.

41. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:

    (1) require the production for inspection of documents or things relevant to the inspection;

    (2) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;

    (3) require information from any person concerning a matter related to the inspection; and

    (4) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

42. A receipt shall be provided for any document or thing removed under subsection 41(2) and the document or thing shall be promptly returned after the copies or extracts are made.

43. No Person shall prevent, hinder, or obstruct, or attempt to hinder or obstruct, an Officer who is lawfully exercising a power or performing a duty under this By-law.

44. An Officer may make an order requiring the Person who contravened this by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity or to do work to correct the contravention.

45. An order made pursuant to Section 44 shall include:

    (1) the reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;

    (2) the date by which there must be compliance with the order or the work to be done and the date by which the work must be done; and

    (3) direct that if the thing or matter that is required to be done is not completed by the time set out in the order, the matter or thing will be done by the City at the Person's expense and the City may recover the costs of doing the matter or thing from the Person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.

46. For greater clarity, the City may use a security deposit provided by a Permit Holder to do what is required by an order if it is not completed in the timeframe set out in the order.

47. Every Person shall comply with an order made pursuant to Section 44.

48. (1) Without limiting Section 45, the order may require that any Injured or Destroyed Tree be replaced on the Lot with a Replacement Tree, and further specify the species and location of any Replacement Tree.

    (2) Where an Officer determines that an Injured or Destroyed Tree cannot be replaced on the Lot, the Officer may order that the Replacement Tree be located on City property in an area to be determined by the Officer or that payment in lieu of the replacement Tree be provided to the City's Replacement Tree Planting Fund.

49. No Person shall fail to comply with an order made pursuant to Section 44.

PART 15: NOTICE

50. Any notice or order required to be given or served pursuant to this By-law is sufficiently given or served by:

    (1) delivering it personally to the Owner, Permit Holder and/or the Person conducting work on the Owner's property;

    (2) sending it by registered mail to the last known address of the Owner or Permit Holder, which service shall be deemed five (5) days after mailing; or

(3) posting it on the Owner's property.

PART 16: PENALTY AND OFFENCES

51. Every Person who contravenes any provision of this By-law, and every director or officer of a corporation who knowingly concurs in such contravention by the corporation, is guilty of an offence and is liable to a fine, including the fines set out in this Part 16, and such other penalties as provided for in the *Provincial Offences Act*, R.S.O. 1990, c.P.33, as amended and the *Municipal Act, 2001*, as each may be amended from time to time.

52. Any Person who is charged with an offence under this By-law by the laying of an information under Part III of the *Provincial Offences Act* and is found guilty of the offence is liable, pursuant to the *Municipal Act, 2001,* to a minimum fine of $500 and a maximum fine not exceeding $100,000.

53. In addition to section 52 of this By-law, every Person who fails to comply with an order made pursuant to Section 44 of this By-law and is found guilty of the offence, is liable to a minimum fine of $500, and a maximum fine not exceeding $10,000 for each day or part of a day that the offence continues, and the total of all daily fines for the offence is not limited to $100,000.

54. In addition to section 52 of this By-law, if a Person is convicted of an offence under this By-law and a Person has or may have obtained an economic advantage as a result of the commission of said offence, this may be considered an aggravating factor for sentencing purposes which may attract a special fine of not more than $100,000.

55. (1) In addition to section 52 of this By-law, non-compliance with sections 6, 9 or 11 is considered a Multiple Offence if more than one Tree has been removed and any Person who Injures or Destroys a Tree in contravention of these sections and is found guilty is liable:

(a) on a first offence, to a fine of not more than $2,500 per Tree; and

(b) on any subsequent conviction, to a fine of not more than $5,000 per Tree.

(2) Notwithstanding subsection (1), where the Person convicted is a corporation, it is liable:

(a) on a first conviction, to a fine of not more than $5,000 per Tree; and

(b) on any subsequent conviction, to a fine of not more than $10,000 Tree.

56. For greater clarity, in the case of a Multiple Offence as set out in Section 55, for each offence included in the Multiple Offence, the minimum fine shall be $500, and the maximum fine shall not exceed $10,000, and the total of all fines for each included offence is not limited to $100,000.

PART 17: VALIDITY AND INTERPRETATION

57. Words importing the singular number shall include the plural, and words importing the masculine gender shall include the feminine, and the converse of the foregoing also applies, unless the context of the By-law otherwise requires.

58. Any section of this By-law, or any part thereof, that is found by a court of competent jurisdiction to be invalid shall be severable, and the remainder of the By-law shall continue to be valid.

PART 18: EFFECTIVE DATE & REPEALING BY-LAW

59. This By-law shall come into force and effect at 12:01 am on April 1, 2022.

60. That By-law 0254-2012 shall be repealed, effective at 12:01 am on April 1, 2022.

61. After the effective date of this By-law, By-law 0254-2012 shall apply only to Persons who obtained a Permit prior to the effective date of this By-law or if an order or Permit has been issued prior to the effective date, and then only to such Persons until such time as the work or actions prescribed pursuant to the order or Permit have been completed or otherwise been concluded.

PART 19: SHORT TITLE

62. This By-law shall be referred to as the Private Tree Protection Bylaw.

ENACTED and **PASSED** this 2nd day of February, 2022.
Signed by Bonnie Crombie, Mayor and Diana Rusnov, City Clerk.