

THE CORPORATION OF THE TOWN OF LINCOLN

BY-LAW NO. 2025-40

A BY-LAW TO ESTABLISH AND REGULATE
THE DESTRUCTION OR INJURING OF TREES WITHIN THE
TOWN OF LINCOLN

WHEREAS:

1. Subsection 5(3) of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended ("Municipal Act, 2001") provides that a municipal power shall be exercised by by- law; and
2. Section 9 of the *Municipal Act, 2001* provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under the *Municipal Act, 2001* or any other Act; and
3. Pursuant to subsection 135(1) of the *Municipal Act, 2001*, without limiting sections 9 and 10, a municipality may prohibit or regulate the destruction or injuring of Trees; and
4. Pursuant to subsection 135(7) of the *Municipal Act, 2001*, without limiting sections 9 and 10, a municipality may require that a permit be obtained to injure or destroy Trees, and 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
5. Subsection 391(1) of the *Municipal Act, 2001* provides that a municipality may impose fees and charges on persons; and
6. Section 425 of the *Municipal Act, 2001* provides that a municipality may pass by- laws providing that a person who contravenes a by-law of the municipality passed under the statute is guilty of an offence; and
7. Sections 429, 431, 444 and 445 of the *Municipal Act, 2001* provide for a system of fines and other enforcement orders; and
8. Section 434.1 of the *Municipal Act, 2001* authorizes a municipality to establish a system of administrative monetary penalties to assist the municipality in promoting compliance with its by-laws; and
9. The Council of The Corporation of the Town of Lincoln has determined that it is desirable to enact a By-law to generally prohibit the Injury and Destruction of Protected Trees, and to allow for the Injury and Destruction of such Trees in limited circumstances with a Permit, and to encourage preservation and planting of Trees throughout the Town of Lincoln.

10. The Town of Lincoln Committee of the Whole approved Report PD-19-25: Private Property Tree By-law Recommendation, on September 9, 2025.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF LINCOLN ENACTS AS FOLLOWS:

1. That the following definitions be included:

- 1.1 "Administrative Penalty" means a monetary penalty administered pursuant to Town Bylaw No. 2024-51, as amended from time to time.
- 1.2 "Agricultural Operation" has the same meaning as in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1.
- 1.3 "Agricultural Use" means the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, Harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities.
- 1.4 "Applicant" means the owner or the owners authorized representative who, pursuant to this By-law, applies for a permit.
- 1.5 "Application" means an application for the purpose of obtaining a permit.
- 1.6 "Application Fee" means the fee in effect, amended from time to time, required in connection with the submission of an application.
- 1.7 "Arborist" means an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; a certified arborist with the International Society of Arboriculture; a consulting arborist registered with the American Society of Consulting Arborists; or a Registered Professional Forester as defined in the Professional Foresters Act, 2000, S.O. 2000, c. 18.
- 1.8 "Arborist Opinion" means a written statement prepared and signed by an Arborist that identifies the location, species, size, condition of Tree (health and structure; good, fair or poor), and describes the reason for removal or the maintenance strategies and measures to be taken to protect and preserve the Tree and space for future growth.
- 1.9 "Boundary Tree" means a Tree having any part of its trunk located on the property line between adjoining lands, and for the purpose of this definition a 'trunk' means that part of the Tree from its point of growth away from its roots up to where it branches out to limbs and foliage.
- 1.10 "Building Permit" means a building permit issued by the Town of Lincoln under the Building Code Act, 1992, S.O. 1992, c.23, as amended.
- 1.11 "Cash-in-lieu" funds that are collected instead of replanting trees. It should be noted that the Town of Lincoln may replant trees at their own discretion to public lands "Conservation Authority" has the same meaning as defined in the Conservation Authorities Act, R.S.O. 1990

c.C.27.

- 1.12 "Construction" means erection, alteration, repair, dismantling, demolition, structural maintenance, land clearing, earth moving, grading, excavating, laying of pipe and conduit (whether below or above ground level), street and highway building, application of concrete, equipment installation and alteration, and structural installation of construction components and materials, in any form or for any purpose.
- 1.13 "Coppice Growth" means clump growth where more than one Tree stem grows from a single Tree stump and the Point of Measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth.
- 1.14 "Corporation" means a legal entity that is separate and distinct from its owners, created under the authority of law and typically formed by a group of people for the purpose of conducting business, managing assets, or pursuing specific activities. This excludes corporations that are single individuals acting as corporations, and instead refers to multi-person, structured organizations such as business corporations, non-profits, and municipal or public corporations.
- 1.15 "Council" means the Council of The Corporation of the Town of Lincoln.
- 1.16 "DBH" or "Diameter at Breast Height" means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;
- 1.17 "Dead Tree" means a Tree that as a result of any cause, is dead or, is in advanced and irreversible decline in health or condition.
- 1.18 "Declared Emergency" means a situation or impending situation that has been declared an emergency under the Emergency Management and Civil Protection Act
, R.S.O. 1990 c.E.9 or successor legislation;
- 1.19 "Destroy" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Destroyed" and "Destruction" shall have a corresponding meaning.
- 1.20 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;
- 1.21 "Director" means the Town's Director of Planning and Development Services or any person appointed or otherwise delegated the authority of administration of this by- law.
- 1.22 "Electronic Mail" means what is often referred to as e-mail, a form of

communication including text and or image messages, sent over a public electronic communications network which can be stored until it is collected by the recipient.

- 1.23 "Emergency Services" means the fire, police, ambulance or any Town services when responding to an emergency event.
- 1.24 "Exemption Letter" means a letter provided by the Town confirming that Tree Injury or Destruction is exempt from this By-law.
- 1.25 "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;
- 1.26 "Good Forestry Practices" means:
- (a) the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest 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;
 - (b) the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
 - (c) in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
 - (d) the forestry management practices as set out in the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests";
- 1.27 "Harvesting" means the Injury or Destruction of a Tree through cutting or other mechanized means. The term "Harvested" shall have a corresponding meaning;
- 1.28 "Hazardous" means destabilized or structurally compromised to an extent that an imminent danger of death, injury or structural damage exists.
- 1.29 "Heritage Tree" means a Tree having historical or community significance and designated by Council under Part IV of the Ontario Heritage Act (R.S.O. 1990, Chapter O.18);
- 1.30 "Injury" or "Destruction" means to cut down, remove, uproot, unearth, topple, burn, bury, shatter, poison, or in any way cause a Tree to die or be killed, or where the extent of Injury caused to a live Tree or disturbance of any part of its Critical Root Zone is such that it is likely to

die or be killed, excepting where a Tree and/or its roots are killed by natural causes. The terms "Injury", "Injured", "Injuring", "Destroy", "Destroying" or "Destroyed" shall have a corresponding meaning.

- 1.31 "Natural Environment Area" means any geographic area of the Town designated as Natural Environment in the Lincoln Official Plan.
- 1.32 "Normal Farm Practice" means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices.
- 1.33 "Officer" means a Municipal Law Enforcement Officer, a member of the Niagara Regional Police Service, a member of the Ontario Provincial Police and any other Provincial Offences Officer designated under the *Provincial Offences Act*, R.S.O. 1990, c. P.33 ("Provincial Offences Act") or any person appointed or otherwise delegated the authority of enforcement of this by-law.
- 1.34 "Official Plan" means the Official Plan of the Town of Lincoln.
- 1.35 "Order" means an Order to Discontinue Activity or an Order to Comply.
- 1.36 "Owner" or "Property Owner" means the registered owner of a property.
- 1.37 "Permit Holder" means the person to whom a Permit has been issued.
- 1.38 "Permit" means a permit to Injure or Destroy Trees issued under this By-law;
- 1.39 "Person" means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;
- 1.40 "Personal Use" means use that does not include a commercial sale, exchange or other disposition of Trees Injured or Destroyed.
- 1.41 "Point of Measurement" means the point on a Tree trunk measured above the highest point at which the ground meets the Tree. For Coppice Growth the point of measurement shall be at the point on the Tree trunk where the Tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the Tree.
- 1.42 "Pre-Consultation Meeting" means a meeting held between the Town and a Property Owner or their designate where information is provided regarding a proposed development and the Town has issued a formal agreement
- 1.43 "Property" means any land or premises within the Town.
- 1.44 "Pruning" means the removal of live or dead branches from a tree.
- 1.45 "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the Professional Foresters Act 2000, c.18, as amended, certified 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;

- 1.46 "Qualified Person" means a person who, in the opinion of the Director, has satisfactory qualifications, experience, education or knowledge to be an expert in the matter.
- 1.47 "Qualified Tree Marker" means: An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or
- (a) A Qualified OPFA Member qualified to do tree marking.
- 1.48 "Region" means The Regional Municipality of Niagara.
- 1.49 "Replacement Tree" means a Tree of a size and type determined by the Town that is required to be planted to replace a Tree Destroyed or Injured pursuant to a Permit.
- 1.50 "Security" means a financial deposit in a form of a irrevocable letter of credit or other type(s) of financial security acceptable to the Town from a financial institution to specify and submit a sum of money to the Town as determined by the Director as a condition of a Permit.
- 1.51 "Site" means the Property where activities subject to this By-law are planned or executed, and in the case of a tract of land that extends over multiple landholdings, each separate landholding is a separate "Site."
- 1.52 "Town" means The Corporation of the Town of Lincoln or the geographic area of the municipality, as the context requires.
- 1.53 "Tree" or "Trees" means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.54 "Tree Preservation Plan" means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.55 "Urban Boundary" means the Urban Area Boundary as shown on Schedule A of the Town's Official Plan.
- 1.56 "Woodland" or "Woodlands" as defined by the Niagara Region Woodland Conservation By-law No. 2020-79, or any successor by-law for the regulation of injury or destruction of Trees in Woodlands in the Niagara Region, means land on one or more properties with a density of at least:
- (a) 1,000 Trees, of any size, per hectare; or
- (b) 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare; or
- (c) 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
- (d) 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;

But does not include:

- (e) cultivated fruit or nut orchard;
- (f) 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 refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or
- (g) a bona fide Tree nursery that is being actively managed and Harvested for the purposes for which it was planted;
- (h) a hedgerow or windrow less than 20 meters in width.

1.57 "Zoning By-law" means the Town's Zoning By-law.

2. SCOPE

This By-law shall apply:

2.1 To public Property in the Town as follows:

- (a) To Trees of any size

2.2 To private Property in the Town as follows:

- (a) To Trees of any size within the Natural Environment Area;
- (b) To Trees greater than or equal to 15cm DBH within the Urban Area of the Town;
- (c) To Trees of any size designated as a Heritage Tree under Part IV or Part V of the Ontario Heritage Act;
- (d) To Trees of any size located on lands upon which there is pending an application for a plan of subdivision, a plan of condominium, a severance or consent, an Official Plan amendment, a Zoning Bylaw amendment, a minor variance, or a site plan approval;
- (e) To Trees of any size located on lands upon which there has been a Pre- Consultation meeting held with the Town for a plan of subdivision, a plan of condominium, a severance or consent, an Official Plan amendment, a Zoning By-law amendment, a minor variance, or a site plan approval and the Pre- consultation Meeting was held no more than eighteen months prior;
- (f) To Trees of any size identified as a Tree in a Tree Preservation Plan submitted as part of a development application;
- (g) To Replacement Trees planted as a requirement of a permit issued under the By-law.

2.3 This By-law is a Designated By-law under the Administrative Penalties for Non- Parking Violations By-law No.

3. EXCEPTIONS

3.1 Despite Section 2 of this By-law, this By-law does not apply to:

- (a) Section 135 (12) of the *Municipal Act, 2001*, S.O. 2001, c.25, exempts the following activities from the prohibitions of this By-law: Activities or matters undertaken by the Town or a local board of the Town;
- (b) Activities or matters undertaken under a licence issued under the Crown Forest Sustainability Act, 1994;
- (c) The injuring or destruction of Trees by a person licensed under the Surveyors Act to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (d) The injuring or destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the Electricity Act, 1998, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (e) The Injuring or Destruction of Trees undertaken on land described in a licence 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;
- (f) The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - i. that has not been designated under the Aggregate Resources Act or a predecessor of that Act; and
 - ii. on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the Planning Act
- (g) The Injuring or Destruction of Trees for the purpose of satisfying a condition to the approval of a site plan, a plan of subdivision, a plan of condominium, or a consent under sections 41, 51, and 53 of the Planning Act, or as a requirement of a site plan or subdivision agreement under those sections of the Act; or as a condition to a development permit authorized by regulation made under Section 23(b) of the Niagara Escarpment Planning and Development Act, R.S.O 1990, c. N.2, as amended;

3.2 In addition to the exceptions prescribed in Section 3.1, the provisions of this By-law do not apply to the following activities:

- (a) Injury or Destruction of a Tree with a diameter less than fifteen (15) centimeters at Diameter Breast Height, with the exception of trees located on lands upon which there has been and Pre-Consultation Meeting held or a development application submitted, in accordance with Subsections 2.2 d, e and f herein;
- (b) Injury or Destruction of a Tree that is located within a building, a solarium, rooftop gardens, actively managed cultivated orchard,

Tree farm or plant nursery;

- (c) Woodlands 0.5 ha in size or larger as defined by the Niagara Region Woodland Conservation By-law No. 2020-79, or any successor by-law, regulating the injury or destruction of Trees in Woodlands in the Niagara Region; the Injuring or Destruction of Trees undertaken by a Conservation Authority on its own lands or in response to a Declared Emergency
- (d) the Injuring or Destruction of Trees at the direction of Emergency Services
- (e) the Injuring or Destruction of Trees that are a noxious weed as defined in the Weed Control Act, R.S.O. 1990, c. W.5 if the Injury or Destruction is being controlled by an appropriate method under the oversight or direction of a Qualified Person, as determined by the Director, and no Trees other than a noxious weed are being Injured or Destroyed;
- (f) Pruning that is necessary to maintain the health and condition of the Tree and is carried out in accordance with Good Arboricultural Practices
- (g) Injury or Destruction of a Tree that is an immediate threat to health or safety. Where emergency tree removal is required, where the likelihood of tree failure is imminent and a tree or part of a tree poses an extreme risk in which there is a high likelihood of severe consequences, the owner shall notify the Town as soon as may be practicable with documentation including but not limited to an arborist opinion, if available, and photographs of the size/height of the tree and distance to building;
- (h) Injury or Destruction of the Tree that is required by an Order made under the Town's Property Standards By-law 2016-27, as amended or replaced, and issued under the Building Code Act
- (i) A Tree on lands operated by a railway
- (j) Where a Property Standards Order or Lot Maintenance Order has been issued by an Officer for the removal of a Hazardous Tree.
- (k) The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of Trees for Agricultural Use on land that is owned by the Farmer doing the clearing and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing.

The clearing shall be carried out in accordance with Normal Farm Practices as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, as amended, provided that:

- i. the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing

commences;

- ii. the land being cleared for Agricultural Use is outside the Urban Areas as defined in the Official Plan, and is designated and zoned for Agricultural Use in the Official Plan and Zoning By-law and, where applicable, in the Niagara Escarpment Plan;

4. GENERAL PROHIBITIONS

- 4.1 Subject to Section 3.0 and Section 7.0 herein, no Person shall Injure or Destroy a Tree, or cause or permit the Injury or Destruction of a Tree, where the Tree is applicable under Subsection 2.1 or 2.2 herein, without first obtaining a Permit or Exemption Letter pursuant to this By-law.
- 4.2 No Person shall fail to protect a Tree in accordance with all conditions of a Permit.
- 4.3 No Person shall fail to comply with all terms and conditions of a Permit.
- 4.4 No Person shall fail to protect a Tree marked for preservation on an approved Tree Protection Plan submitted as part of a plan of subdivision, a plan of condominium, a severance or consent, an Official Plan amendment, a Zoning Bylaw amendment, a minor variance, or a site plan approval.
- 4.5 No Person shall fail to comply with an Order issued under this By-Law.
- 4.6 No Person shall provide false or misleading information on an Application.
- 4.7 No Person shall remove an Order that has been posted to the affected land(s) without approval from the issuing Officer.
- 4.8 No Person shall fail to notify the Town within 48 hours of the change of registered Ownership of the property within 1 year of when a permit has been issued.
- 4.9 No Person shall obstruct or interfere, or attempt to obstruct or interfere, with an Officer or any person or agent authorized by the Town in the discharge of their duties under this By-law. Such action shall be considered a violation of this By- law.
- 4.10 No Person shall fail to replant a replacement tree or pay cash-in-lieu as directed in an order or permit condition.
- 4.11 No Person shall tamper with a tree stump or remove a tree stump of a regulated tree without a permit. Any measurements will be based on the maximum size and requirements for compensation.

5. EXEMPTIONS

Despite Section 4, a Permit is not required under this By-law for the following activities provided that a written Exemption Letter is provided

by the Town:

- 5.1 Trees which are identified as dead, terminally diseased, or pose a hazard to human safety or property, where any of the following grounds for the proposed Tree Injury or Destruction Apply:
 - (a) an Arborist or Registered Professional Forester's inspection and written opinion that the Tree is dead, terminally diseased, and/or unsafe, and supported by rationale;
 - (b) an Arborist's, Professional Engineer's or Insurance Loss Adjuster's written opinion that the Tree is causing or is likely to cause structural damage to a drain, load-bearing structures or roof structures; and
 - (c) a "qualified person's" (as defined in the *Environmental Protection Act*, R.S.O. 1990, c. E.19) written opinion that Tree removal is required to remediate contaminated soil.
- 5.2 The Injuring or Destruction of Tree species identified classified as prohibited or restricted as defined in the *Ontario Invasive Species Act*, 2015, S.O. 2015, c. 22, under O. Reg. 354/16, as amended.
- 5.3 The Injuring or Destruction of Nuisance Tree species as defined in Schedule A of this By-law. This exemption does not apply to lands upon which there has been a pre-consultation or a pending application for a plan of subdivision, a plan of condominium, a severance or consent, an Official Plan amendment, a Zoning Bylaw amendment, a minor variance, or a site plan approval.
- 5.4 The Injuring or Destruction of a Tree where the Tree is located within the dripline of an existing building or structure, and its removal is necessary for maintenance, repair, or reasonable use of the property.
- 5.5 A Qualified Person's written opinion that Tree removal is required to install, provide or maintain utilities, including but not limited to water or sanitary wastewater infrastructure, electricity, telecommunications, gas, or private waste disposal systems required for the use of a building or structure, and that there is no reasonable alternative for relocating those utilities or infrastructure.
- 5.6 The Injuring or Destruction of a Tree that is required for the construction, repair, or maintenance of drainage works under the Drainage Act, R.S.O. 1990, c. D.17, as amended.
- 5.7 The Injuring or Destruction of a Tree that is required to install, provide, or maintain a driveway or other access point that allows for sufficient and safe vehicular access to a building, structure, or use, where a Building permit has been issued or where access is otherwise legally required, provided that all reasonable alternatives and design options have been explored to minimize or avoid impacts to a Tree.

6. APPLICATION FOR PERMITS

- 6.1 If an Owner wishes to Destroy or Injure one or more of the Owner's Trees or wishes to undertake an activity which may Destroy or Injure one or more of the Owner's Trees, and if none of the exceptions set out in Section 3 of this By-law are applicable, the Owner shall submit an Application for approval by the Town.
- 6.2 Applications for Permits will only be processed if:
- (a) The application form has been completed in full, duly signed and submitted to the Town;
 - (b) Payment of a non-refundable fee is provided as set out in the rates and fees schedule approved by Council, as applicable; and
 - (c) The supporting documents that must be submitted with the application have been provided, including:
 - i. An Arborist Opinion, if determined to be needed by the Director;
 - ii. Photo(s) of the site and trees affected;
 - iii. Site Plan or aerial image of the property marking trees proposed to be removed; and
- 6.3 Reason for the proposed Tree Injury or Destruction For all instances where three or more Trees are proposed for removal, as part of the application for a Permit the Director will require additional supporting materials, including but not limited to:
- i. a Tree Preservation Plan;
 - ii. a Tree Replacement or Landscape Plan
- 6.4 Where the Tree is a Boundary Tree, the Applicant must provide the written consent of the other Owner.
- 6.5 An Application that does not meet the requirements will not be processed or approved and will be returned to the Applicant within 30 days.
- 6.6 Applicants for a Permit should refer to Sections 7 and 8 of this By-law, as Permits are only issued for the grounds set out in Section 7 (and subject to all applicable requirements in this By-law including sufficient evidence of the grounds) for the Injury or Destruction of a Tree.
- 6.7 If an applicant does not provide all the documentation required by the Designated Official within the timeframe as may be specified by the Designated Official, or if the application is one (1) year old and the applicant has not taken any action to provide the Designated Official with all the documentation in the last four (4) months, the applicant shall be deemed to have withdrawn their application and shall not be entitled to any refunds of any payments made. The Designated Official may close the application file when the applicant withdraws or is deemed to have withdrawn the application.

7. PERMIT ISSUANCE

A permit shall be issued when all of the following are satisfied:

- 7.1 The Application is complete and fee has been paid to the Town;
- 7.2 The Town is satisfied that one or more of the following grounds for permit issuance apply:
 - (a) based upon the opinion of an Arborist and/or a Registered Professional Forester, the Tree Injury or Destruction represents Good Arboricultural Practices and/or Good Forestry Practices;
 - (b) based on the opinion of a Qualified Person, the Tree Injury or Destruction is required to install, provide or maintain utilities, water or sanitary wastewater infrastructure required for the construction or use of a building or structure for which a Building Permit has been issued with no reasonable alternative to locating those utilities or infrastructure;
 - (c) based on the opinion of a Qualified Person, the Tree or Trees are causing or are likely to cause structural damage to a drain, load-bearing structures or roof structures;
 - (d) the Tree Injury or Destruction is required pursuant to a Building Permit and the Town is satisfied that there are no reasonable alternatives to the Tree Injury or Destruction;
 - (e) the Town is satisfied that there are no reasonable alternatives to the proposed Tree Injury or Destruction
 - (f) the Town shall refuse to issue a permit if Section 7.1 and 7.2 herein are not satisfied.

8. PERMIT REFUSAL

- 8.1 The Town may deny, revoke, suspend or impose a term and/or condition on a Permit on any one or more of the following grounds:
 - (a) the Tree is an endangered species or threatened species as defined in the Endangered Species Act, 2007, S.O. 2007, c. 6, or the Species at Risk Act, S.C. 2002, c. 29;
 - (b) the Tree is designated under Part IV of the Ontario Heritage Act, R.S.O. 1990, c. O.18;
 - (c) if migratory birds are making use of the Tree, or migratory bird nests are in the Tree, as contemplated in the Migratory Birds Convention Act, 1994, S.C. 1994, c. 22, during the active nesting period as defined by the Government of Canada as Late March to Late August;
 - (d) the protection and preservation of ecological systems and their functions, including the protection and preservation of native flora and fauna;

- (e) erosion, flood control and sedimentation of watercourses;
- (f) any information contained in the Application form or any other information provided to the Town is inaccurate or incomplete;
- (g) the Applicant, Owner or any Person working under the authority of the Owner fails to comply with any condition of the Permit or this By-law;
- (h) the Applicant, Owner or any Person acting under the authority of the Owner is carrying on activities that are in contravention of this By-law;
- (i) there are reasonable grounds to believe that an Application or other documents provided to the Town by or on behalf of the Property Owner contains a false statement;
- (j) An application for rezoning, a consent, a minor variance, a plan of subdivision or a site plan to the land on which the Tree(s) is located has been submitted to the Town, but has not received final approval;
- (k) Issuance of a permit pursuant to the Niagara Region Woodland Conservation By-Law is required
- (l) an Application is inconsistent with an approved Tree Protection Plan.
- (m) the Permit was issued in error;
- (n) the Owner requests, in writing, that it be revoked;
- (o) the Permit is still valid, but there has been a change in the Legal Ownership of the land; and
- (p) the Town is satisfied that there is a material change in circumstances in connection with or on the Site and the Town is satisfied that the Permit needs to be revoked to avoid further Injury or Destruction of a Tree or Trees.

8.2 When denying a Permit, the Director shall notify the Applicant in writing and provide reasons for their decision to the Applicant.

9. PERMIT CONDITIONS

9.1 Every Permit that is issued is subject to the following conditions determined by the Director, all of which shall be performed and observed by the Permit Holder:

- (a) the requirement for the planting of Replacement Tree(s) in accordance with Schedule "B" or as may otherwise be determined appropriate by the Town having regard for the existing canopy coverage on the subject site;
- (b) the Permit Holder shall ensure that the number of Replacement Trees, and the species, or choice of species, size and location of Replacement Trees, are planted on the same Site by the date specified on the Permit;
- (c) the Director may permit, where there is insufficient space on the same Site to plant all the Replacement Trees, the Permit Holder to

plant as many Replacement Trees the Site will allow and the Permit Holder shall either plant the remaining Replacement Trees at another suitable location to the satisfaction of the Director and/or forthwith pay the fee in Schedule "C" with respect to the number of Replacement Trees that could not be planted due to insufficient space (Fee for Off-Site Tree Planting);

- (d) The minimum tree replacement size is a 30 mm caliper deciduous tree, or a one hundred and fifty (150) centimetre height coniferous tree in a 5-gallon container or balled and burlapped or in a wire basket; and
- (e) Where three or more Trees are proposed for removal, security be delivered to the Town to cover the costs per Replacement Tree(s) to be planted at a dollar amount equivalent to the Town's cash in lieu of tree planting fee. The security deposit will be refunded once the final inspection of the replacement planting is complete. For development applications, the security deposit shall be held for a two-year maintenance period.

9.2 Notwithstanding any other provision of this By-law, the Director may impose terms and conditions on any Permit at issuance or at any time during the term of the Permit, including special conditions which can include, but are not limited to:

- (a) the manner and timing in which Injuring or Destruction is to occur.
- (b) the species, size, number and location of Trees to be Injured or Destroyed or to be planted;
- (c) the marking of trees to be cut with paint;
- (d) the forthcoming submission of additional information required before the permit comes into effect;
- (e) measures to be implemented to mitigate the direct and indirect effects of the Tree Injury or Destruction;
- (f) where Trees are proposed to be retained, and where an Arborist Opinion is required, identifying the location, species and size of Trees on the property and a Tree Protection Plan, including but not limited to barriers and hoarding for the purpose of avoiding the Injuring or Destruction of the Trees that are to be retained;
- (g) where there is a discrepancy in the health assessment regarding the condition of the Tree to be Injured or Destroyed, and where the Town so requires, a written evaluation by an Arborist of the condition of the Tree; and
- (h) a condition recommended by a Qualified Person that the Town determines is appropriate.

9.3 A Permit Holder shall ensure that the permit is securely posted on the property from which the trees are to be removed, in a location visible from the street at least two
(2) days prior to the tree removal being undertaken.

9.4 A Permit issued under this By-law shall be valid only for the period of

time for which it is issued and shall not be transferable to another site. Unless expressly stated on the face of the Permit, all Permits issued under this By-law shall expire 12 months after issuance.

- 9.5 A Permit shall expire upon the transfer of ownership of the site unless the new Owner provides written commitment to comply with all conditions under which the permit was issued, prior to transfer of the site, including in particular, compliance with this By-law, and to provide security in a form and amount acceptable to the Director, at which time any security previously provided by the original permit holder pursuant to this By-law shall be released.
- 9.6 A Permit may be renewed by the Director for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Director, who must be satisfied that there are reasonable grounds for the renewal.
- 9.7 Where an Owner requests a material change to a plan, specification, document or other information following the issuance of a permit, the Director may require payment of one-half of the original permit fee and submission of revised documentation, which shall be approved by the Director prior to any continued work.
- 9.8 Where a permit has been issued, an Applicant or Authorized Agent shall request the Director to make inspections at the commencement and completion of the work and shall request such further inspections as may be required by the Director or the conditions of the permit.
- 9.9 A Permit issued under the By-law does not relieve the Owner of any other applicable municipal, provincial, or federal by-laws, regulations or requirements.

10. RESPONSIBILITY OF THE PERMIT HOLDER:

The Permit Holder shall:

- a) Pay all fees associated with this By-Law.
- b) Ensure that they remain in compliance with applicable law(s), including but not limited to the Migratory Birds Convention Act, 1994, and the Endangered Species Act, 2007; the Environmental Protection Act, R.S.O. 1990, c. the Ontario Heritage Act, R. S. O. c. 0.18, zoning or land use by-laws, the Building Code Act, S. O. 1992 c. 23, the Planning Act, R.S.O. 1990, c. P.13, Municipal Act, S. O. 2001, c. 25, the Drainage Act, R.S.O. c. and the Federal Fisheries Act, R.S.C. 1985, c. F-14 and where such acts or by-laws require approval such approval is obtained, and proof submitted or will be obtained and submitted before the work under the permit is carried out;
- c) Meet all of the conditions of the Permit;
- d) Ensure that the Permit is posted in a public location for a time period before, during and after the Tree Injury or Destruction;
- e) Ensure that measures are implemented to protect any retained Trees;

- f) Ensure that the Town of Lincoln is notified within 48 hours of change registered Ownership of the property;
- g) Ensure the posting of Security, that the Town of Lincoln may draw upon in full if the By-Law is contravened or if there is a failure in the proper, complete execution of a Permit and its conditions and the Town has to restore all or part of the property;
- h) Ensure they comply with any requirements to protect or relocate wildlife;
- i) Ensure they implement any measures outlined within an Arborist Opinion submitted with the Application within a period of time specified by the Town of Lincoln; and
- j) That the applicant, if required by the Director, has entered into an agreement of this By-law, and has agreed to perform all the required obligations under the agreement prior to the issuance of the Permit.

11. ENFORCEMENT

- 11.1 The administration and enforcement of this By-law shall be performed by the Town and those persons designated as Officers under this By-law or as may be designated for the purposes of this By-law under other by-laws of the Town. No Person shall hinder, obstruct, or attempt to hinder or obstruct any person exercising a power or performing a duty under this By-law or under the Municipal Act provisions relevant to this By-law.
- 11.2 An Officer may enter onto lands, including private property, at any reasonable time for the purpose of carrying out an inspection to determine if this By-law, including conditions of a permit, has been complied with.

12. ORDER TO DISCONTINUE ACTIVITY

- 12.1 Where an Officer or the Director is satisfied that a contravention of this By-law has occurred and in the opinion of the Officer or Director the work has occurred within a reasonable amount of time of the inspection where a contravention is observed, the Officer or Director may make an Order requiring the owner of the land or the Person who caused a contravention of this By-law to discontinue the activity, and 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.

12.2 Service of Order to Discontinue: An Order made under Subsection 12.1 may be served personally or by registered mail to the Owner's or Person's last known address, by electronic mail to the last known address, and in the event such service is not possible, may be given by posting a placard on the property in the manner provided for in Subsection 12.1.

12.3 The officer shall post the Order containing the terms of the Order on the affected lands. The placing of the Order shall be deemed to be sufficient and immediate service of the Order on the Person to whom the Order is directed. The Order shall not be removed without the approval of the Officer.

12.4 Where service of the order is made by registered mail, service shall be deemed to have been served on the fifth (5th) day from the date such notice was mailed.

13. ORDER TO COMPLY

13.1 Where an Officer or the Director is satisfied a contravention of the By-law has occurred within a reasonable amount of time of the inspection, the Officer or the Director may issue an Order to Comply requiring the property owner to rehabilitate the land to the lands state prior to work being commenced, or to plant, replant or replace and trees.

13.2 The Order to Comply shall include:

- (a) The name of the property owner and the municipal address or the legal description of the land;
- (b) Reasonable particulars of the contravention.
- (c) The work to be done and the period within which there must be compliance with the Order; and,
- (d) A statement that if the work is not done in compliance with the Order within the period it specifies, the Town may have the work done at the expense of the owner, and
- (e) Contact information of the Officer.

13.3 The Order may be served in accordance with the service provisions contained in Sections 12.2, 12.3, 12.4

13.4 If a Person fails to comply with an Order to Comply issued pursuant to this section, the Town may enter onto the land(s) at any reasonable time for the purposes of carrying out an inspection or commencing rehabilitation of the land described in the Order, at the Owners expense.

13.5 If the Town enters onto the land(s) and completes the work, the Town may recover its costs by adding the costs to the Registered Owners tax roll and collecting them in the same manner as taxes.

13.6 Should the owner fail to do work required under this By-law, after the

Town has served an Order requiring compliance and the time for compliance provided has expired, in addition to any other action the Town may take or other remedy it may have, the Town may at any reasonable time and at the owner's expense, in the manner provided for in the *Municipal Act, 2001*, S.O. 2001, c.25 including interest at the rate specified there, and using any security supplied, carry out repairs on the property as follows:

- (a) Where the Town holds security to carry out the repairs, the Town may carry out such repairs as are necessary to bring the property into compliance up to the amount of the security held;
- (b) Where the Town does not hold security or the amount of security under (a) is insufficient to complete the repairs, the Town may carry out such repairs as are necessary to bring the property into compliance with the cost, subject to (c), not to exceed \$10,000 excluding interest accrued; and
- (c) Where the costs of bringing the property into compliance exceeds the amounts authorized by (a) or (b), the Town may carry out such repairs to an amount or manner as may be approved by Council.

13.7 Upon application for issuance of a Permit, the property owner shall permit entry and inspection of the site at all reasonable times, to take fill samples for the purpose of determining whether material used for fill, includes only soil, stone, sod or other material acceptable to the Director and such material is clean and free of any glass, plastics, rubber, metals, termites, liquid, garbage or contaminants or to inspect, identify species, count and/or measure any tree(s) that may have been destroyed or are specified under a permit or application scheduled to be destroyed. For purposes of an inspection under this section the Director may:

- (a) Alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples, measure trees and assess injury or damage, photographs necessary for the purposes of the inspection;
- (b) Order the owner of the property to take and supply at the owner's expense such tests, samples, tree counts, health, identification of species or measurements as are specified in the Order; and
- (c) Require the owner to provide mandatory third-party testing of fill material, where the amount of fill to be dumped exceeds 100 cubic metres or provide mandatory third-party reports regarding tree counts, health and/or measurements

13.8 Costs incurred by the Town under this By-law may be registered as a lien on the land upon the registration in the proper land registry office of a notice of lien or the Town may recover all costs associated with any requested testing or soils or other material, work or condition failed to be met on a permit or Order by applying those cost to the Property Tax Roll.

13.9 A Permit shall be revoked where it is discovered that it was issued as a

result of misleading or false information supplied by the applicant or owner, where it has been issued in error, where non-compliance with a Town Order has occurred or any other reason the Director determines as reasonable.

- 13.10 Where a Permit has been revoked under this subsection or for any other reason under this By-law, the Permit holder shall forthwith cease all work under the revoked Permit.

14. OFFENCES AND PENALTY

- 14.1 All contraventions of this By-law or orders issued under this By-law are designated multiple and continuing offences pursuant to section 429(2) of the Municipal Act, 2001.
- 14.2 Offence: Every Person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to such penalties as provided for in the Provincial Offences Act, R.S.O. 1990, c. P.33 and the Municipal Act, 2001, S.O. 2001, c. 25.
- 14.3 Administrative Penalties: An Officer who finds that a Person has contravened a provision of this By-law may issue a penalty notice pursuant to the Non-Parking Administrative Monetary Penalty System By-law No. 2024-51 as amended or replaced from time to time, imposing an Administrative Penalty in the amount as established in Schedule "C" to this By-law.
- 14.4 Continuing Offence: A contravention of the requirements set out in this By-law is deemed to be a continuing offence on each day or part of a day that the contravention continues.
- 14.5 An Officer who finds or has reasonable cause to believe that a Person has contravened any provision of this By-law, including any Schedules, may issue a penalty notice to the Person.
- 14.6 Each person who has been issued a penalty notice shall, upon issuance of the penalty notice, be liable to pay an Administrative Monetary Penalty to the Town.
- a) If an Officer has issued a penalty notice under subsection 10.3 of this By-law and has reasonable cause to believe that the same Person has contravened the same provisions of this By-law, including any Schedules, for a second time within twenty-four (24) months of the date the first penalty notice is deemed to be served, the Officer may issue a second penalty notice to the Person.
- 14.7 Upon issuance of the second penalty notice, the Person shall be liable to pay an administrative penalty to the Town in accordance with the Non-Parking Administrative Penalty By-law 2024-51 as amended.
- 14.8 If an Officer has issued a penalty notice under subsection 10.3 of this By-law and has reasonable cause to believe that the same Person has contravened the same provision of this By-law, including any Schedules,

for a third or subsequent time within twenty-four (24) months of the date the second penalty notice is deemed to be served, the Officer may issue a third or subsequent penalty notice to the Person.

- 14.9 Upon issuance of a third or subsequent penalty notice, the Person shall be liable to pay an Administrative Monetary Penalty to the Town.
- 14.10 A Person who has been issued a penalty notice under this By-law may request a review of the penalty notice in accordance with the Non-Parking AMPS By-law No. 2024-51 as amended from time to time.
- 14.11 Any Person who contravenes any provision of this By-law, or an Order issued under Section 9 is guilty of an offence and is liable:
- (a) On first conviction, to a fine of not more than \$10,000 or \$1,000 per tree, whichever is greater; and
 - (b) On any subsequent conviction, to a fine of not more than \$25,000 or \$2,500 per tree, whichever is greater.
- 14.12 Despite subsection 10.12, where the Person convicted is a corporation:
- (a) The maximum fines in clause 10.1(a) are \$50,000 or \$5,000 per tree
 - (b) The maximum fines in clause 10.1(b) are \$100,000 or \$10,000 per tree.
- 14.13 If a Person is convicted of an offence for contravening this By-law or an Order issued under Section 9, the court in which the conviction has been entered, and any court of competent jurisdiction, thereafter, may Order the Person to rehabilitate the land or to plant or replant trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the trees.

15. ADMINISTRATION AND ENFORCEMENT

- 15.1 This By-law shall be administered and enforced by the Town or any Person or Officers appointed to administer or enforce this By-law.
- 15.2 An Officer may, for the purpose of enforcing this By-law, exercise any power, authority or remedy granted to the Town pursuant to the *Municipal Act, 2001*, S.O. 2001, c. 25.
- 15.3 An Officer may, at any reasonable time, enter upon and inspect any property to determine if this By-law is being complied with.
- 15.4 For the purposes of an inspection under section 15.3 of this By-law, an Officer may require the production of documents or things relevant to the inspection, inspect and remove relevant documents or things for the purpose of making copies or extracts, require information from a Person

concerning a matter related to the inspection and/ or take photographs, samples, measurements as deemed necessary for the purpose of the inspection and may also include being accompanied by a person possessing special or expert knowledge.

- 15.5 No Person shall fail to comply with an Order made under section 12.0 or 13.0.
- 15.6 Where any Person fails to comply with an Order made under section 12.0 or 13.0 by the prescribed date, the Town may do any matter or thing necessary to bring the property into compliance with this By-law at the expense of the person in default of the Order.
- 15.7 No Person shall obstruct or hinder or attempt to obstruct or hinder and Officer in the exercise of a power or the performance of a duty under this By-law.
- 15.8 An Owner may appeal the denial or a permit, any condition imposed on the granting of a Permit or any decision of the Town arborist or Director under the provisions of this By-law to the Property Standards Committee.

16. GENERAL

- 16.1 In the event of a conflict between this By-law and the provision of another By-law, the provisions in this By-law shall prevail.
- 16.2 Any reference to legislation or Municipal By-laws includes the legislation or By-law and any amendment, replacement, subsequent enactment or consolidation of such legislation or By-law.
- 16.3 The Clerk of the Town is authorized to affect any minor modifications, corrections or omissions, solely of an administration, numerical, grammatical, semantical or descriptive nature to this By-law or its schedules after the passage of this By-law.

17. SEVERABILITY

- 17.1 In the event that any provision or part of this By-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or part thereof shall be deemed to be severed from the remainder of the By-law and all other provisions or parts thereof shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.
- 17.2 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 Council to enact, such section or part shall be deemed to be severable and all other sections or parts thereof of this By-law shall be deemed to be separate and independent therefrom and to be enacted as such.

18.FORCE AND EFFECT

- 18.1 That the Private Property Tree Bylaw for the Town of Lincoln, to regulate and prohibit the Injury or Destruction of Trees on private property, be adopted.
- 18.2 That this By-law shall apply to all private properties in the Town of Lincoln's urban areas.
- 18.3 This By-law shall come into force and take effect on the date of its final passing.

PASSED AND ENACTED on the 22nd day of September 2025.

MAYOR: SANDRA EASTON

CLERK: JULIE KIRKELOS

Schedule 'A' to By-law 2025-40

List of Nuisance Trees

- **Autumn Olive (*Elaeagnus umbellata*)**
- **Black Locust (*Robina pseudoacacia* L.)**
- **Common Buckthorn (*Rhamnus cathartica*)**
- **Cottonwood** *considered a Nuisance Tree only if located within 7 metres of a load bearing or roof structure
- **European Birch (*Betula pendula*)**
- **European Black Alder (*Alnus glutinosa*)**
- **Female Gingko**
- **Glossy Buckthorn (*Rhamnus frangula*)**
- **Manitoba Maple (*Acer negundo*)**
- **Russian Olive (*Elaeagnus angustifolia*)**
- **Saltcedar (*Tamarix*)**
- **Siberian Elm (*Ulmus pumila*)**
- **Tree of Heaven (*Ailanthus altissima*)**
- **White Mulberry (*Morus alba*)**

Schedule 'B' to By-law 2025-40

Replacement Tree Planting Requirements

- The number of replacement trees required will be determined by the diameter at breast height (DBH) of the tree(s) proposed to be removed, as outlined in the chart below.

DBH of Tree Proposed to be Removed or Destroyed	Number of Replacement Trees Required
15-19 cm	1
20-29 cm	3
30-49 cm	4
50-59 cm	5
≥ 60-69 cm	6
70-79 cm	7
>80	8

DBH refers to the tree diameter measured at 1.4 metres (140 cm) above the ground.

- Replacement tree species shall be selected from the Town's list of approved trees for planting.
- The minimum tree replacement size is a 30 mm caliper deciduous tree, or a one hundred and fifty (150) centimeter height coniferous tree in a 5-gallon container or balled and burlapped or in a wire basket.
- Where three or more Trees are proposed for removal, the Town will require security to be delivered to cover the costs per Replacement Tree(s) to be planted at a dollar amount equivalent to the Town's cash in lieu of tree planting fee. The security deposit will be refunded once the final inspection of the replacement planting is complete. For development applications, the security deposit shall be held for the duration of the maintenance period.

Schedule 'C' to By-law 2025-40

ADMINISTRATIVE MONETARY PENALTY DESIGNATED BY-LAW PROVISIONS

1. General

- 1.1 Column 1 in the following table lists the provisions within the corresponding by-law that are hereby designated for the purpose of establishing an Administrative Monetary Penalty System.
- 1.2 Column 2 in the following table sets out the short form wording to be used in a Penalty Infraction Notice for the contravention of the designated provisions listed in column 1.
- 1.3 Column 3 in the following table sets out the Administrative Monetary Penalty Tier 1 amounts that are payable for contraventions of the designated provisions listed in column 1.
- 1.4 Column 4 ("Administrative Penalty Tier 2") sets out the Administrative Monetary Penalty amounts that are payable for a second (2nd) contravention of the designated provisions listed in Column 1 by the same Person(s) within a two (2) year period since the penalty notice was issued for the first (1st) contravention of the designated provision in Column 1.
- 1.5 Column 5 ("Administrative Penalty Tier 3") sets out the Administrative Monetary Penalty amounts that are payable for a third (3rd), or greater, contravention of the designated provisions listed in Column 1 by the same Person(s) within a two (2) year period since the previous penalty notice was issued for the second (2nd), or greater, contravention of the of the designated provision in Column 1.

ITEM	COLUMN 1 Designated Provisions	COLUMN 2 Short Form Wording	COLUMN 3 Administrative Penalty Tier 1	COLUMN 4 Administrative Penalty Tier 2	COLUMN 5 Administrative Penalty Tier 3
1	4.1	Individual - Injure/Destroy/F	\$600	\$800	\$1000

2	4.1	Corporation - Injure/ Destroy/fell tree with greater than 15cm DBH without permit	\$1500	\$1750	\$2000
3	4.11	Individual - Tampering with a tree stump to destroy evidence to Injure or Destroy a Tree without permit	\$600	\$800	\$1000
4	4.11	Corporation- Tampering with a tree stump to destroy evidence to Injure or Destroy a Tree without permit	\$1500	\$1750	\$2000
5	4.2, 4.3, 4.4	Fail to comply with conditions of a permit	\$200	\$400	\$600
6	4.2, 4.3, 4.4	Corporation - Fail to comply with conditions of a permit	\$500	\$750	\$1000
7	4.9; 11.2	Obstruction of Director or Officer	\$1000		

Application Fees – for review and consideration
(Not to be included in By-law – will be added to Fees By-law)

Application Fees:

\$0	No fee for dead, dying, diseased, nuisance trees (Tree Removal Permit Exemption Letter is Required – see Section 5 Exemptions)
\$50	Individuals: Non-refundable fee for each tree removed, of at least 15 cm DBH, in a 12 month period
\$200	Corporations: Non-refundable fee for each tree removed, of at least 15 cm DBH, in a 12 month period

Additional Fees (if Applicable):

\$400	Additional fee if work has already commenced
\$200	Fee for each additional site inspection, if required

Security Deposit (if Applicable):

\$250 per tree	Individuals
\$550 per tree	Corporations

Tree replacement may be a condition of removal. The security deposit per replacement tree will be refunded once a final inspection of the replacement plantings is complete.

Cash in Lieu of Tree Replanting (if Applicable):

Cash-in-lieu of each tree replacement required, only when approved by the Town, where there is not sufficient space to replant on the subject property

\$250 per tree	Individuals
\$550 per tree	Corporations