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**The Corporation of the  
Municipality of Clarington  
By-Law 97-35**

being a by-law to prohibit or regulate the destruction of trees in the Municipality of Clarington.

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Passed, by Council, on: April 14, 1997

Consolidated as of: November 22, 2021

Amendments:

Amending By-Law	Date	Amendment Details
2000-93	June 12, 2000	Amend Schedule G
2001-119	June 25, 2001	Amend Schedule G
2002-080	May 27, 2002	Amend Schedule G

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**THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON**

**BY-LAW NUMBER 97-35**

being a by-law to prohibit or regulate the destruction of trees in the Municipality of Clarington.

**WHEREAS** Section 223.2 of the Municipal Act, R.S.O. 1990, provides Council with the authority to pass by-laws for prohibiting or regulating the injury or destruction of trees or any class of trees specified in the by-law in any defined area or any class of land, and to require that a permit be obtained for the injuring or destruction of trees specified in the by-law and prescribing fees for the permit, and to prescribe conditions under which a permit may be issued;

**AND WHEREAS** Section 4.7.5 of the Municipality of Clarington Official Plan states that the Municipality will pursue a variety of mechanisms to achieve the preservation of woodlots, including the enactment of a Tree Preservation By-law under the Municipal Act;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Clarington enacts as follows:

**SECTION 1 TITLE OF BY-LAW**

This By-law may be cited as the "Woodlot Preservation By-law".

**SECTION 2 DEFINITIONS**

For the purposes of this By-law, the following definitions shall apply:

"**APPLICANT**" shall mean the land owner who submits an Application under this By-law;

"**APPLICATION**" shall mean the application form to destroy trees attached to this By-law as Schedule "B";

"**CHRISTMAS TREE FARM**" shall mean land where coniferous trees are grown and maintained for sale as Christmas trees;

"**CLERK**" shall mean the Clerk of the Corporation of the Municipality of Clarington;

"**DBH**" shall mean 'diameter breast height', and refers to the diameter of the stem of a tree measured at a point 1.37 metres above ground level;

"**DESTROY**" shall mean the removal, harm or ruin of trees by cutting, burning, uprooting, chemical application or other means;

"**DIRECTOR**" shall mean the Director of Planning and Development for the Municipality of Clarington;

"**DISEASE**" shall mean any disease or injury of a tree that is caused by a vertebrate or invertebrate animal, virus, fungus, bacterium, or other organism, or any combination thereof;

"**EMERGENCY WORK**" shall mean any work necessary to protect lives or property, and may include utility repairs and structural repairs to a building;

"**FARM OPERATION**" shall mean an agricultural or horticultural operation that is carried on in expectation of gain or reward, and includes the cultivation of land, the raising of livestock and poultry, the production of agricultural crops and maple syrup production;

"**FARMER**" shall mean an individual, family or designated representative involved with or responsible for the management of a farm operation;

"**FOREST TECHNICIAN**" shall mean a graduate of a two year diploma-based program who possesses a broad range of skills related to silviculture, forest health, plant taxonomy, inventory and data collection, and analysis related to forest values;

"**FOREST TECHNOLOGIST**" shall mean a graduate of a three year diploma-based forestry program who possesses a broad range of skills similar to that of a forest technician but with advanced or specialized training in several forest applications;

"**FOREST/WILDLIFE ECOLOGIST**" shall mean a person specializing in the assessment of a range of ecosystem functions, including: wildlife habitat disruptions; habitat for vulnerable, threatened and endangered species; vegetation species and community descriptions; assessment of significance relative to landscape representation and diversity; identification of the forest's role in the larger landscape mosaic, such as corridor linkage function; and the general description of surficial groundwater recharge and discharge functions of the forest;

"**FORESTRY CONSULTANT**" shall mean a Forest Technician, a Forest Technologist, a Forest/Wildlife Ecologist, or a Professional Forester as defined by this By-law;

"**GOOD FORESTRY PRACTICE**" shall mean the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the woodlot and the environmental conditions under which it is being applied and which minimize detriments to woodlot values, including: significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, woodlot productivity and health, and the aesthetic and recreational values of the landscape. Good forestry practice includes the clearing and thinning of trees for the purposes of stimulating tree growth and improving the quality of the woodlot without permanently breaking the canopy; the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees in order to prevent injury, damage, contamination or infestation of other trees; and the cutting or removal of trees which no longer contribute to the achievement of woodlot values;

"**HARVESTING**" shall mean the destruction of trees and may be either a single cut or a series of cuts, and shall have the same meaning as logging;

"**INFESTATION**" shall mean an actual or potential infestation or infection by a forest tree pest or pests as defined under the Forest Tree Pest Control Act, R.S.O. 1990;

"**LANDSCAPE FARM**" shall mean land where young trees or other plants are grown for transplanting or for sale;

"**NATURAL AREA**" shall mean lands which are intended to remain in their natural state due to the presence of significant or sensitive natural features or functions, and shall include valleylands, ravines and contiguous forested areas, wetlands, and groundwater recharge/discharge areas;

"**MUNICIPALITY**" shall mean the Corporation of the Municipality of Clarington;

"**OFFICER**" shall mean an Officer appointed and designated by Schedule "G" to this By-law;

"**OFFICIAL PLAN**" shall mean the Official Plan of the Municipality of Clarington, as amended;

"**OWNER**" shall mean the person identified in the most recent municipal assessment roll as the owner of the land subject of an application under this By-law, pursuant to subsection 14 (1) of the Assessment Act, R.S.O. 1990;

"**PERMIT**" shall mean the written authorization from the Director to destroy trees as provided in Schedule "E" to this By-law;

"**PERSON**" shall mean an individual, a corporation and the heirs, executors, administrators, or other legal representatives of a person to whom the context can apply according to law;

"**PERSONAL USE**" shall mean the use of destroyed trees by the land owner for such purposes as firewood or lumber, but shall not include the sale of the wood for commercial purposes;

"**PROFESSIONAL FORESTER**" shall mean a Registered Professional Forester as defined by the Ontario Professional Foresters Association Act, 1957;

"**SILVICULTURE**" shall mean a tree management process which implements good forestry practices to control the establishment, composition and growth of trees;

"**TREE**" shall mean any species of single-stemmed perennial woody plant, which has reached or can reach a height of at least 6 metres at physiological maturity;

**"TREE CUTTING CONTRACTOR"** shall mean any person who enters into a contract with the Applicant for the purposes of destroying trees;

**"WOODLOT"** shall mean an area 0.2 ha in area or greater having not less than:

- (i) 200 trees of any size in a 0.2 hectare area;
- (ii) 150 trees measuring more than 5 centimetres dbh in a 0.2 hectare area;
- (iii) 100 trees measuring more than 12 centimetres dbh in a 0.2 hectare area;  
or
- (iv) 50 trees measuring more than 20 centimetres dbh in a 0.2 hectare area;

but shall not include:

- (v) an orchard, as defined pursuant to subsection 19 (9) of the Assessment Act, R.S.O. 1990;
- (vi) a Christmas Tree farm; or
- (vii) a landscape farm;

that is being actively managed and harvested for the purposes for which it was planted. The spatial extent of any woodlot shall be defined according to its ecological limits as determined by a forestry consultant, and not according to property boundaries or other natural or man-made features which may divide the woodlot;

**"WOODLOT MANAGEMENT PLAN"** shall mean a plan for a woodlot prepared by a forestry consultant according to guidelines set by the Ministry of Natural Resources or other recognized guidelines, which sets out objectives and management practices to ensure the sustainability of the woodlot.

### **SECTION 3 SCOPE OF BY-LAW**

#### **3.1 AREA OF APPLICATION OF BY-LAW**

The provisions of this By-law shall apply to:

- (i) all lands defined as "woodlots" by Section 2 of this By-law;
- (ii) any tree within lands designated "Environmental Protection Area" on Map A of the Official Plan; and
- (iii) any tree within 120 metres of a wetland as identified on Map C of the Official Plan;

located within the area of the Municipality identified on Schedule "A" to this By-law.

### 3.2 EXEMPTIONS

The provisions of this By-law do not apply to:

- (i) activities or matters undertaken by the provincial or federal government or their agents or Ontario Hydro;
- (ii) activities or matters authorized under the Crown Forestry Sustainability Act, 1994;
- (iii) activities or matters prescribed by regulation by the Lieutenant Governor in Council;
- (iv) activities or matters under the Forest Tree Pest Control Act, R.S.O. 1990;
- (v) activities carried out pursuant to a Certificate issued under the Abandoned Orchard Act, R.S.O. 1990;
- (vi) activities carried out under the Aggregate Resources Act, R.S.O. 1990;
- (vii) waste disposal sites approved pursuant to Part V of the Environmental Protection Act, R.S.O. 1990;
- (viii) activities undertaken by a public utility pursuant to the Public Utilities Act, R.S.O. 1990;
- (ix) works undertaken by the Municipality or the Regional Municipality of Durham;
- (x) works authorized under a subdivision or site plan agreement with the Municipality;
- (xi) activities undertaken by Conservation Authorities on lands owned by the Authority; or
- (xii) the destruction of trees due to emergency work authorized by the Chief Building Official or the Director of Public Works.

### 3.3 COMPLIANCE WITH OTHER STATUTES AND BY-LAWS

In the event of any conflict between the provisions of this By-law and the provision of a by-law passed under the Trees Act, R.S.O. 1990, the provision that is the most restrictive of the destruction of trees prevails.

### 3.4 INTERPRETATION

In this By-law, unless the context otherwise requires, words imparting the singular number shall include the plural and words imparting the masculine gender shall include the feminine and vice versa.

## SECTION 4 GENERAL PROVISIONS

- 4.1 No land owner shall cause or permit, on any of his lands designated in Section 3.1 of this By-law, the destruction of any tree without a Permit, unless otherwise permitted by this By-law.
- 4.2 No owner shall cause or permit the unnecessary destruction of trees during harvesting or while conducting renewal or maintenance activities required under good forestry practices.
- 4.3 No person shall contravene the terms of a Permit issued under this By-law or the conditions attached thereto.
- 4.4 No person shall fail to comply with an Order issued under this By-law.
- 4.5 No person shall remove, pull down, or deface any Order in the form set out in Schedule "F" to this By-law after the Officer has caused it to be placed in a prominent position on any lands, except with the written consent of the Officer.
- 4.6 No person shall obstruct an Officer or a person acting under the Officer's instructions who is carrying out an inspection under this By-law.
- 4.7 Any person who contravenes Section 4.6 is guilty of an offence.

## SECTION 5 ADMINISTRATION AND ENFORCEMENT

### 5.1 ADMINISTRATION

- 5.1.1 The Director is responsible for the administration of this By-law and is hereby delegated the authority to receive applications and the required fees, and to issue permits and to attach conditions thereto in accordance with this By-law.

### 5.2 ENFORCEMENT

- 5.2.1 The enforcement of this By-law is the responsibility of the Officers appointed and designated by Schedule "G" to this By-law.

### 5.3 TRAINING AND CERTIFICATION

- 5.3.1 The Director shall ensure that each Officer is properly trained to perform his duties.

- 5.3.2 The Director shall issue a Certificate of Designation to every Officer in the form prescribed in Schedule "H" to this By-law.

## **SECTION 6 APPLICATION FOR PERMIT TO DESTROY TREES**

### **6.1 SUBMISSION OF APPLICATION**

- 6.1.1 Every owner who intends to destroy a tree where a Permit to do so is required by this By-law shall first complete the Application as set out on Schedule "B" to this By-law. The completed Application shall be delivered personally or forwarded by pre-paid first class mail to the Director at least forty-five (45) days prior to the destruction of any trees.

### **6.2 OWNER'S AUTHORIZATION**

- 6.2.1 Where there is more than one owner of the land subject of the Application, only one owner shall be considered the Applicant. The other land owners shall complete the Authorization Form as set out on Schedule "C" to this By-law. The Application shall not be considered completed until such time as Authorization Forms from all owners of the subject land have been submitted.

### **6.3 FEES**

- 6.3.1 Any Application submitted to the Director shall be accompanied by the prescribed non-refundable fees as set out in Schedule "D" to this By-law. The Application shall not be considered completed until such time as the required fee is submitted to the Director.

### **6.4 TREE CUTTING CONTRACTOR**

- 6.4.1 Where the work authorized by a Permit is to be undertaken by a Tree Cutting Contractor other than that indicated on the Application, said new Contractor shall sign the Application submitted by the Applicant.

### **6.5 ADDITIONAL INFORMATION**

- 6.5.1 Where, in the opinion of the Director, additional information is necessary, the Director may require the Applicant to be responsible for submitting a report, to be prepared by a forestry consultant, respecting the reasons for the proposed destruction of the trees.
- 6.5.2 In the event that a report is required pursuant to Section 6.5.1, the Application shall not be considered completed until such time as the requested report is submitted to the Director.

## 6.6 CONSULTATION

- 6.6.1 Following receipt of an Application, the Director may confer with staff of the Ministry of Natural Resources or the relevant Conservation Authority, or with a forestry consultant with respect to the Application, whether or not a Permit should be issued, and any conditions thereto.

## 6.7 INSPECTION

- 6.7.1 Following receipt of an Application, an Officer and any person acting under the Officer's instructions may inspect the lands and shall make his recommendation to the Director as to whether or not a Permit should be issued having regard to the criteria set out in Sections 7.1, 7.2 and 7.3 and if so, under what conditions, if any, the destruction of any tree may be carried out under the Permit, having regard to Section 7.5 of this By-law.

## SECTION 7 PERMITS

### 7.1 PERMIT NOT REQUIRED

- 7.1.1 A permit for the destruction of trees shall not be required where:

- (i) the destruction of trees is on lands covered by a Woodlot Management Plan approved by a forestry consultant, provided that such work is undertaken in accordance with good forestry practice and the Woodlot Management Plan;
- (ii) the destruction of trees is necessary to construct a building authorized by a Municipal building permit or to install a domestic well or a sewage disposal system authorized by a certificate of approval issued pursuant to Section 76 of the Environmental Protection Act, R.S.O. 1990, provided that the total area from which trees are cleared will not exceed 0.4 hectares; or
- (iii) the destruction of trees is for the personal use of the land owner, provided that no more than twenty (20) trees are to be destroyed in any 12 month period, the trees are destroyed in accordance with good forestry practice, and the destruction of trees will not reduce the number of trees in the woodlot below the minimum number of trees necessary to constitute a woodlot as defined by this By-law.

- 7.1.2 In addition to the provisions set out in Section 7.1.1, a farmer is not required to obtain a permit for the destruction of trees where:

- (i) the destruction of trees occurs as an integral component of an active farm operation; or
- (ii) the lands to be cleared form part of an active farm operation, the land has Class 1 to 3 soils as defined by the Canada Land Inventory of Soil

Capability for Agriculture, agricultural yield or productivity would be increased, and the lands are designated as "Prime Agricultural Area", "General Agricultural Area", "Green Space" or "Waterfront Greenway" by the Official Plan.

7.1.3 Where the destruction of trees is to be undertaken in accordance with the provisions of Section 7.1.1 (i), the owner shall provide a copy of the Woodlot Management Plan to the Director if requested in writing to do so by either the Director or an Officer.

7.1.4 Where the destruction of trees is to be undertaken in accordance with the provisions of Section 7.1.2 (ii), the farmer shall advise the Director, either verbally or in writing, of the location and area of the trees to be destroyed prior to the destruction of trees occurring.

## 7.2 **ISSUANCE OF PERMIT**

7.2.1 A Permit to destroy a tree may be issued where:

- (i) the destruction of trees is in accordance with good forestry practice as certified in writing by a forestry consultant; or
- (ii) the destruction of trees would permit the establishment or expansion of a use permitted by the Official Plan and the Comprehensive Zoning By-law, provided that the Director is satisfied that the intent of the Official Plan and this By-law is maintained, and that a report has been prepared by a forestry consultant indicating that there is no alternative to the destruction of the trees.

## 7.3 **PROHIBITIONS**

7.3.1 The issuance of a Permit under this By-law shall not be authorized where:

- (i) an Application required under this By-law has not been submitted in full or the required fee has not been paid;
- (ii) a report as required by the Director pursuant to Section 6.5.1 or Section 7.2.1
- (ii) of this By-law has not been submitted or, in the opinion of the Director, is not satisfactory;
- (iii) an application for subdivision approval or consent related to lands on which the tree is located has been submitted to the Regional Municipality of Durham and has not received Draft Approval;

- (iv) a Rezoning application, an application for Site Plan Approval, and/or an application to amend the Clarington Official Plan or the Durham Region Official Plan related to the lands on which the tree is located has been submitted to the Municipality and/or the Region of Durham, and has not received final approval;
- (v) the tree is an endangered species as defined in the Endangered Species Act, R.S.O. 1990;
- (vi) flood or erosion control, or the ecological integrity of a natural area, will be negatively affected as determined by the staff of the Ministry of Natural Resources or the relevant Conservation Authority; or
- (vii) the destruction of trees will not be in accordance with good forestry practices as determined by a forestry consultant or an Officer designated by Schedule "G" to this By-law.

#### **7.4 DURATION OF PERMIT**

- 7.4.1 Any Permit approved in accordance with this By-law shall be issued in the name of the Applicant and shall expire a maximum of nine (9) months after the date of issuance.

#### **7.5 CONDITIONS OF PERMIT**

- 7.5.1 Conditions may be attached by the Director to the Permit to be issued and may include the following considerations:
  - (i) the species, size, number and location of replacement trees to be planted by the applicant;
  - (ii) the date by which any replacement trees are to be planted; and/or
  - (iii) the maintenance and care of any replacement trees.

#### **7.6 PERMIT EXTENSION**

- 7.6.1 The Director may extend the expiration date of a Permit if a written request for an extension is received by the Director a minimum of three (3) working days before the date the Permit expires. Any request for a Permit extension which is received after this time may require the submission of a new Application.
- 7.6.2 In considering whether or not to grant a request to extend a Permit, the Director shall take the following matters into account: to what extent the work authorized by the Permit has occurred, and to what extent the conditions of the Permit have been adhered to. In no case however, shall the Director extend a Permit so that

the Permit remains in effect for more than one (1) year from the original date of its issuance.

## **7.7 REMOVAL OF ADDITIONAL TREES**

7.7.1 When the Applicant wishes to remove additional trees not authorized by a Permit, he shall provide in writing to the Director, the information regarding the additional trees to be removed as required by Paragraphs 2 through 9 inclusive of the Application, at least five (5) working days prior to the commencement of the additional work. The Director may modify the conditions of the existing Permit to allow the destruction of the additional trees or require the Applicant to submit a new Application under this By-law.

## **SECTION 8 APPEAL TO THE ONTARIO MUNICIPAL BOARD**

8.1. An Applicant may appeal to the Ontario Municipal Board:

- (i) if the Director refuses to issue a Permit, within thirty (30) days after the refusal;
- (ii) if the Director fails to make a decision on an Application, within forty-five (45) days after the completed Application is received by the Director; or
- (iii) if the Applicant objects to a condition in the Permit, within thirty (30) days after the issuance of the Permit.

8.2 The Ontario Municipal Board may make any decision that the Director who received the Application for a Permit could have made.

## **SECTION 9 NON-COMPLIANCE WITH BY-LAW**

### **9.1 POWERS OF INSPECTION**

9.1.1 For the purposes of conducting an inspection to determine compliance with this By-law, an Officer and any person acting under the Officer's instructions may, during daylight hours and upon producing the Certificate of Designation, enter and inspect any lands but not buildings to which this By-law applies.

### **9.2 ISSUANCE OF ORDER**

9.2.1 Where an Officer is satisfied that a contravention of this By-law or a Permit issued under this By-law including any of the conditions attached thereto, has occurred, the Officer may make an Order containing:

- (i) the name of the person to whom the Order is directed;
- (ii) the municipal address and/or legal description of the lands;

- (iii) a statement that the lands have been inspected on a certain date;
- (iv) reasonable particulars of the contravention of this By-law or a Permit issued under this By-law including conditions attached thereto;
- (v) a statement that the destruction of trees is ordered stopped forthwith;
- (vi) a statement that there must be compliance with the By-law or a Permit issued under this By-law, including any conditions thereto;
- (vii) set out the time period within which there must be compliance with the terms of the Order;
- (viii) notification to the person to whom the Order is directed that they have the right of appeal to Council in accordance with Section 10.1 of this By-law and advise as to the last date such appeal can be made; and
- (ix) a statement that, in the event that no appeal is taken, the Order shall be deemed to be confirmed.

### **9.3 SERVICE OF ORDER**

9.3.1 An Order issued under Section 9.2 shall be served personally to the land owner and, if applicable, to the Tree Cutting Contractor. If said Order cannot be served personally, the Order shall be served by sending it by pre-paid registered mail to the last known address of the land owner and, if applicable, the Tree Cutting Contractor.

9.3.2 The Officer shall also place a placard containing the terms of the Order in a conspicuous place on the affected lands. Where service to the land owner and/or the Tree Cutting Contractor cannot reasonably be affected under Section 9.3.1, the placing of the placard on the affected lands in accordance with this section shall be deemed to be sufficient service of the Order on the person to whom the Order is directed.

## **SECTION 10 APPEAL OF ORDER**

### **10.1 APPEAL TO COUNCIL**

10.1.1 Where the person to whom the Order is directed has been served in accordance with this By-law is not satisfied with the terms of the Order, the person may appeal to Council by filing notice of appeal by personal service or pre-paid registered mail to the Clerk within 30 days after the date of the Order.

## 10.2 HEARING BEFORE COUNCIL

10.2.1 Where an appeal has been filed, Council shall hear the appeal as soon as is practicable.

## 10.3 NOTICE OF HEARING

10.3.1 Before conducting a hearing under Section 10.2, the Clerk shall give notice to such persons or direct that notice be given to such persons as the Clerk considers should receive notice and in the manner directed by the Clerk.

## 10.4 POWERS OF COUNCIL

10.4.1 After hearing an appeal, Council may confirm, modify or revoke any Order issued under this By-law provided that, in the opinion of Council, the general intent and purpose of this By-law and the Official Plan have been maintained. The decision of Council shall be final and binding.

10.4.2 The Order issued under Section 9.2 shall be final and binding:

- (i) upon the time expiring for appeal to Council and there being no appeal; or
- (ii) in the event there is an appeal to Council and upon Council confirming or modifying the Order, the person upon whom the Order is final and binding shall comply with the terms or conditions of the Order within the time and in the manner specified in the Order.

## SECTION 11 PENALTIES FOR NON-COMPLIANCE WITH BY-LAW

11.1 Any person who contravenes any provision of this By-law or an Order as confirmed or modified by Council is guilty of an offence and on conviction is liable:

- (i) on a first conviction, to a fine of not more than \$10,000.00, and
- (ii) on any subsequent conviction, to a fine of not more than \$20,000.00.

11.2. Where a person is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed by the By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted or any other person.

11.3 Where a person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to replant or have replanted such trees in such manner and within such a period of time as the court considers appropriate, including any

silvicultural treatment necessary to re-establish the trees or have the trees re-established.

**SECTION 12 VALIDITY OF BY-LAW**

12.1 Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

**SECTION 13 EFFECTIVE DATE OF BY-LAW**

13.1 This By-law shall come into force and take effect on the day of enactment by Council.

**SECTION 14 SCHEDULES**

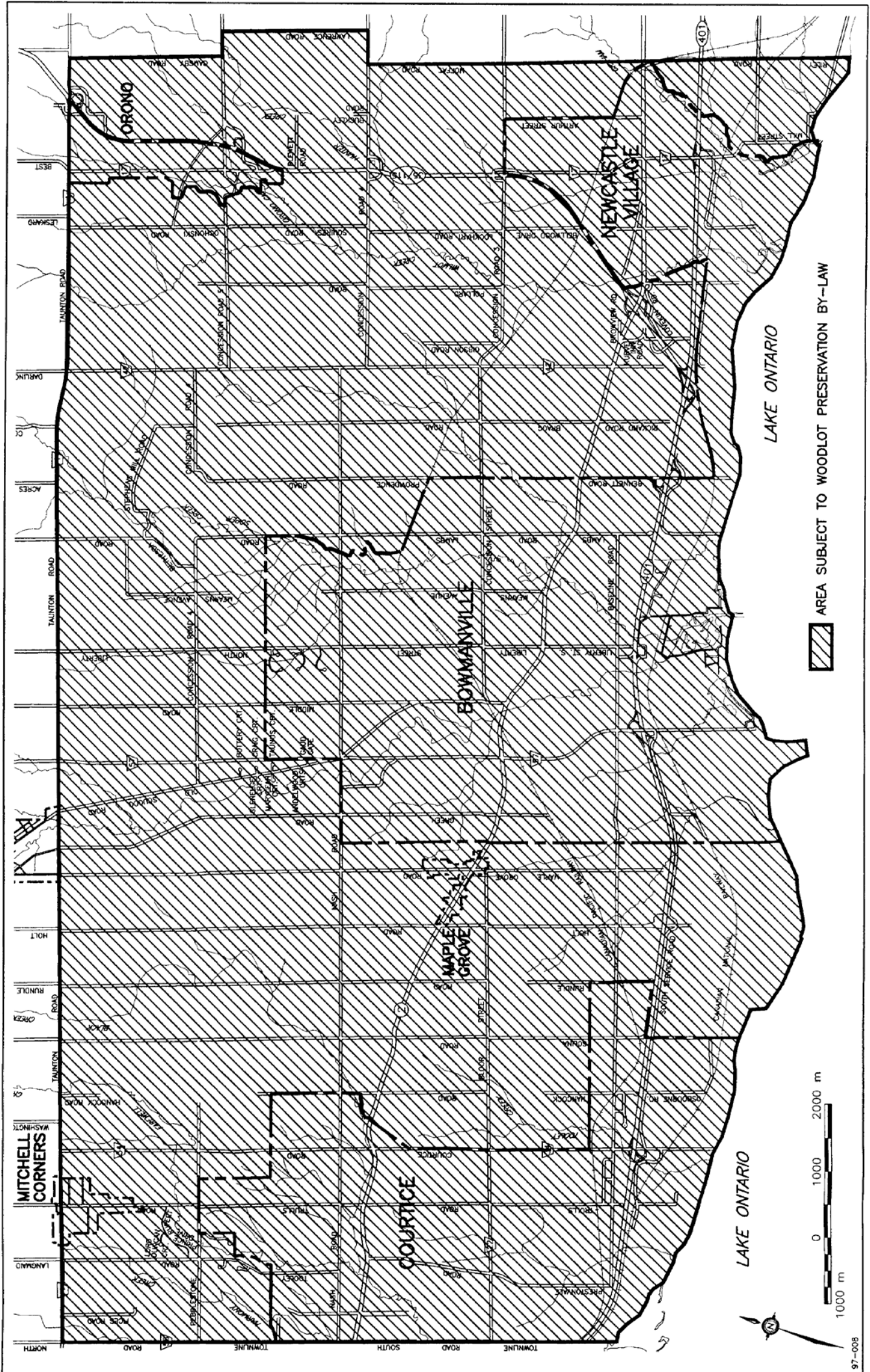
14.1 Schedules "A", "B", "C", "D", "E", "F", "G" and "H" attached hereto shall form part of this By-law.

By-law read a first and a second time this 14<sup>th</sup> day of April, 1997.

By-law read a third time and finally passed this 14<sup>th</sup> day of April, 1997.

ORIGINAL BY-LAW SIGNED

**SCHEDULE "A" TO BY-LAW NO. 97-35**  
**AREA OF APPLICATION OF WOODLOT PRESERVATION BY-LAW**  
The provisions of By-law 97-35 shall apply to the lands identified below:



**SCHEDULE "B" TO BY-LAW NO. 97-35**

**APPLICATION TO DESTROY TREES**

**1. Land Owner (List all owners - Use additional sheets if necessary)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Telephone No: Home: \_\_\_\_\_ Business: \_\_\_\_\_

Fax No: \_\_\_\_\_

**2. Tree Cutting Contractor**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Telephone No: \_\_\_\_\_ Fax No: \_\_\_\_\_

**3. Description of Land**

Lot: \_\_\_\_\_ Concession: \_\_\_\_\_ Township: \_\_\_\_\_

Municipal Street Address: \_\_\_\_\_

**4. Information on Property and Tree/Woodlot**

- Attach proper drawings and survey showing
- o limits of land owner's property
  - o adjacent roads
  - o man-made features on the property such as fence lines, rail lines, and buildings
  - o natural features such as streams and wetlands
  - o location, extent and size of woodlot where trees are to be destroyed

- Describe the trees to be destroyed
- o number
  - o species
  - o size (dbh)
  - o approximate age
  - o location on property

Describe the type of woodlot

\_\_\_\_\_ Mixed Wood

\_\_\_\_\_ Conifer Plantation (Red Pine, etc.)

\_\_\_\_\_ Other Describe \_\_\_\_\_

**5. Time Period**

Expected Starting Date: \_\_\_\_\_

Expected Completion Date: \_\_\_\_\_

**6. Has the Ministry of Natural Resources or a forestry consultant marked this tree/woodlot for destruction?**

No \_\_\_\_\_ Yes \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**7. Describe the purpose or reason for the tree destruction and the method of destruction (i.e. cutting, burning, etc.)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. A copy of any report prepared by a forestry consultant respecting the destruction of trees subject of this Application shall accompany this Application.

9. Where the Tree Cutting Contractor is different from the Applicant, a copy of any contract between the Applicant and the Tree Cutting Contractor respecting the destruction of trees subject of this Application shall accompany this Application.

**10. AFFIDAVIT OF APPLICANT**

The Applicant must be the owner of the lands. If there are multiple owners, only one owner shall be considered the applicant and shall complete this Section. Authorization from all other owners of the land regarding this Application, as set out in Schedule "C" to this By-law, shall be attached to this Application.

I, \_\_\_\_\_

of the \_\_\_\_\_

in the Region/County of \_\_\_\_\_

being the registered owner of the lands subject of this Application, solemnly declare that all of the above statements contained in this Application are true, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of "The Canada Evidence Act". I agree that the work to destroy trees will be conducted in accordance with the Municipality of Clarington By-law No. 97-35, and that I am familiar with the contents and requirements of that By-law and acknowledge having received a copy thereof. I also agree to allow the Municipality of Clarington, its employees and agents to enter upon the subject lands for the purposes of conducting any inspections that may be necessary to this Application.

Declared before me at the \_\_\_\_\_  
in the Region/County of \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_ 199

\_\_\_\_\_  
A Commissioner of Oaths

\_\_\_\_\_  
Owner

**To Be Completed by Tree Cutting Contractor (if different from Applicant)**

I agree that the work to destroy trees on the property owned by \_\_\_\_\_  
and municipally known as \_\_\_\_\_

will be conducted in accordance with the Municipality of Clarington By-law No. 97-35 and the Permit issued under that By-law to the owner of the land. I also agree that I am familiar with the contents and requirements of By-law 97-35 and the Permit issued pursuant to it, and acknowledge having received a copy of both the By-law and the Permit. In signing this Application, I also agree that I am acting with the full authority and permission of the land owner and on his/her behalf.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 199

**NOTICE TO APPLICANT**

You may appeal to the Ontario Municipal Board:

1. If the Director refuses to issue a Permit, within thirty (30) days after the refusal;
2. If the Director fails to make a decision on an Application, within forty-five (45) days after the completed Application is received by the Director; or
3. If a Permit is issued, but you object to a condition in the Permit, within thirty (30) days after the issuance of the Permit.

Notice of Appeal should be mailed or delivered to:

Ontario Municipal Board  
Suite 1500  
655 Bay Street  
Toronto, Ontario  
MSG 1E5

The cost of the appeal (presently **\$125.00** with each related appeal being an additional **\$25.00**) shall be payable by cheque made payable to the **MINISTER OF FINANCE** and must accompany the Notice of Appeal.

**SCHEDULE "C" TO BY-LAW 97-35**  
**LAND OWNER'S AUTHORIZATION FORM**

I,

---

Name of Land Owner (Please print or type)

being one of the registered owners of the subject lands, hereby authorize

---

Name of Applicant (Please print or type)

to prepare and submit this application on my behalf.

---

Signature

---

day month year

**SCHEDULE "D" TO BY-LAW 97-35**

**APPLICATION FEES**

The following fees shall be payable for applications submitted pursuant to Section 6 of By-law 97-35:

- |    |  |         |
|----|--|---------|
| 1. | The destruction of trees in a woodlot 2 ha in area or less   | \$25.00 |
| 2. | The destruction of trees in a woodlot greater than 2 ha in area  | \$50.00 |
| 3. | The destruction of trees on lands designated "Environmental Protection Area" on Map A of the Official Plan, or located within 120 metres of a wetland identified on Map C of the Official Plan | \$75.00 |

In the event that more than one fee is applicable, the Applicant shall only pay the greater of the applicable fees.

**SCHEDULE "E" TO BY-LAW NO. 97-35**

**PERMIT TO DESTROY TREES**

PERMIT NO. \_\_\_\_\_

PERMIT ISSUED TO:

Name: \_\_\_\_\_  
(Applicant)

Address: \_\_\_\_\_

Postal Code: \_\_\_\_\_

Telephone No: Home \_\_\_\_\_ Business \_\_\_\_\_

Fax No: \_\_\_\_\_

**DESCRIPTION OF LAND**

Lot: \_\_\_\_\_ Concession: \_\_\_\_\_ Township: \_\_\_\_\_

Municipal Street Address: \_\_\_\_\_

**DESCRIPTION OF WORK AUTHORIZED BY THIS PERMIT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TREE CUTTING CONTRACTOR**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

**CONDITIONS**

1. The unnecessary destruction of any tree not authorized by this Permit is hereby prohibited. This Permit shall be null and void in the event that the destruction of trees not authorized by this Permit occurs.
2. Upon completion of the removal and/or harvesting of destroyed trees, specified trees shall be replanted in accordance with replanting plans approved by the Director.
3. All requirements of a Woodlot Management Plan, as approved by a forestry consultant and as approved by the Director, shall be complied with.
4. The destruction of trees and any required clean-up or re-planting plans authorized or required by this Permit shall be complied with on or before the expiration of this Permit.
5. This Permit shall be null and void if the work or a portion of the work authorized by this Permit is undertaken by a Tree Cutting Contractor other than that indicated on the Application To Destroy Trees.

**SCHEDULE "F" TO BY-LAW NO. 97-35**

**ORDER**

**PURSUANT TO SECTION 9 OF BY-LAW NO. 97-35  
OF THE MUNICIPALITY OF CLARINGTON**

Issued To: \_\_\_\_\_ Order No: \_\_\_\_\_

Address: \_\_\_\_\_

Location of  
Lands: \_\_\_\_\_

An inspection of the lands named herein on day/month/year has disclosed that the conditions of Permit No. \_\_\_\_\_ issued on day/month/year by the Director have not been complied with and/or Section \_\_\_\_\_ of By-law No. 97-35 has been violated.

**THEREFORE TAKE NOTICE THAT** the destruction of trees on these lands is hereby Ordered stopped forthwith.

**AND FURTHER TAKE NOTICE** that the destruction of trees shall not resume without written approval of an Officer and unless the provisions of this By-law or the conditions attached to Permit No. \_\_\_\_\_ are complied with on or before day/month/year.

**AND FURTHER TAKE NOTICE** that if you are not satisfied with the terms of this Order, you may appeal to Council by sending notice of appeal by personal service or by pre-paid registered mail to the Clerk of the Municipality of Clarington within 30 days of the date on this Order.

**AND FURTHER TAKE NOTICE** that in the event that no appeal is taken the Order shall deemed to have been confirmed.

Section 4.5 of By-law No. 97-35 states:

"No person shall remove, pull down, or deface any Order in the form set out in Schedule "F" to this By-law after the Officer has caused it to be placed in a prominent position or any lands except with the consent of the Officer".

Every person who contravenes any portion of this By-law or an Order issued pursuant to this By-law is guilty of an offence or on conviction pursuant to the provisions of subsection 223.3(15) of the Municipal Act R.S.O. 1990, is liable;

- a) on a first conviction, to a fine of not more than \$10,000.00 and
- b) on any subsequent conviction, to a fine of not more than \$20,000.00

\_\_\_\_\_  
Date

\_\_\_\_\_  
Officer

**SCHEDULE "G" TO BY-LAW NO. 97-35**

**APPOINTMENT AND DESIGNATION OF OFFICERS**

The following persons are appointed as Officers for the purposes of enforcing Municipality of Clarington By-law No. 97-35:

1. Mr. Leonard Creamer, Senior Municipal Law Enforcement Officer, Municipality of Clarington
2. Ms. Teresa Mason, Municipal Law Enforcement Officer, Municipality of Clarington
3. Ms. Janice Auger Szwarcz, Senior Planner, Community Planning Branch, Municipality of Clarington
4. Mr. Gregory E. Scarborough, Municipal Law Enforcement Officer, Municipality of Clarington
5. Mr. Thomas Edward Vendrasco, Municipal Law Enforcement Officer, Municipality of Clarington
6. Ms. Jacqueline Margaret Mainguy, Municipal Law Enforcement Officer, Municipality of Clarington

**SCHEDULE "H" TO BY-LAW NO. 97.35**  
**CERTIFICATION OF OFFICERS DESIGNATED UNDER**  
**MUNICIPALITY OF CLARINGTON BY-LAW 97.35**

(Crest)

THE CORPORATION OF THE MUNICIPALITY OF CLARINGTON  
CERTIFICATE OF DESIGNATION

(Issued pursuant to Section 223.2 (8) of the  
Municipal Act, R.S.O. 1990

THIS CERTIFIES THAT: \_\_\_\_\_

IS DESIGNATED AN OFFICER UNDER THE MUNICIPALITY OF CLARINGTON BY-LAW NO. 97-35 TO INSPECT ANY LAND IN THE MUNICIPALITY OF CLARINGTON TO ENFORCE THE AFORESAID BY-LAW AND ITS REGULATIONS RESPECTING THE DESTRUCTION OF TREES IN THE MUNICIPALITY.

CERTIFICATE ISSUED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 199\_\_.

\_\_\_\_\_  
Director of Planning and Development