



Meeting Date: October 4, 2023

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Report No: PWE 35-2023

Subject: Tree Policy

Recommendation:

THAT Council receive for information Report PWE 35-2023 Tree Policy;

AND THAT Council endorse the Tree Policy as found in Appendix A;

AND FURTHER THAT Council approve amendments to the Fees and Charges By-law as found in Appendix B.

Purpose:

The purpose of this report and attached policy is to provide residents, staff, and Council a clear and transparent process for tree removal, protection and plantings within the municipality. This policy also serves to meet the legislative requirements of the [Municipal Act](#) Section 270, subsection 7, whereby a Municipality shall adopt and maintain policies with respect to “the manner in which the municipality will protect and enhance tree canopy and natural vegetation in the municipality”.

Background:

Bill 68, *Modernizing Ontario's Municipal Legislation Act, 2017*, Bill 68 amended subsection 270 (1) of the *Municipal Act, 2001* by adding a new clause (7) that requires municipalities to adopt and maintain policies which sets out “*the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.*” This provision came into effect March 1, 2019.

Analysis:

While the municipality currently does not have a stand-alone document or policy addressing trees and vegetation within the municipality there does exist by-laws and standards that speak to various aspects of tree planting, tree protection, and prevention of unlawful tree removal.

The intention of the Tree Policy is to primarily meet the legislative requirements of the Municipal Act, as well as bring together all the various standards, and by-laws that speak to trees in one cohesive document that lays out: roles and responsibilities, tree protection measures and requirements, removal criteria and considerations, planting criteria and considerations, as well as in memorial requests and considerations among other things.

The Tree Policy also looks to implement various goals of Councils 2021-2026 [Strategic Plan](#), specifically Objective 5.3 “incorporating climate change and sustainability considerations in decision-making”

As well as Section 3.10 of the [Official Plan Update](#) which promotes stewardship of natural areas, to protect and enhance natural areas, improve water quality, mitigate climate change, reduce soil erosion, and increase the amount and variety of natural species.

The Tree Policy allows for healthy tree removal provided the needs are justified and warranted, healthy tree removals required by 3rd parties will be subject to fees based on the tree diameter. These fees are collected with the express and sole purpose of planting replacement trees in alternate locations with the intention of minimizing the loss of municipal trees.

This policy creation also afforded staff from Community Services and Public Works and Engineering an opportunity to discuss and review trees within the municipality as it relates to maintenance and operation. Through this discussion and built into the policy through roles and responsibility it was found that it would be beneficial to consolidate maintenance and planting of trees across the municipality within Transportation, while Community Services would continue to review and approve tree planting and in memorial requests to ensure the efficient operation of the Parks and Open space system. The consolidation of tree operation and maintenance is a result of the Transportation team having trained and experienced staff, and the appropriate equipment (bucket truck, stump grinder, brush chipper, chainsaws, backhoes, etc..) to perform the required maintenance and planting work as may be required.

Additionally, through the 2023 Budget, Council has approved a tree inventory assessment. Transportation is leading this assessment and has included parks, and municipal facilities in addition to urban and rural trees located in the municipal right of way. This assessment when complete will provide staff with a working list of trees requiring maintenance to ensure tree risks are minimized and tree health and longevity is maximised.

Risk Management Considerations and Liability:

Intact insurance has provided a two-page brochure (See Appendix C) that provides useful and applicable guidance on minimizing municipal liability which are as follows:

1. Establish and implement a tree inspection and maintenance plan.
2. Ensure policies and procedures are followed.
3. Implement a regular tree inspection program.
4. Train the responsible staff in recognizing the signs of tree hazards.

Through adoption of this policy, it is proposed that biennial inspections of trees take place by a qualified professional, with the intent these biennial inspections will form the basis for tree maintenance and removal activities minimizing municipal liability and risk.

Transportation is fortunate in that one of the equipment operators is also a licensed ISA arborist providing a trained and competent staff member to review and provide professional tree opinions.

Financial Implications:

The tree planting goal of 150 trees per year as proposed in the Tree Policy would result in an increase to Transportations operating budget of \$20,000 per year for a total tree planting budget of \$45,000. This budget impact will be presented and reviewed by Council as part of the 2024 budget process and will be subject to Council review and approval.

It is anticipated that operating costs for tree maintenance will be similar to costs incurred in 2023, however, should the Tree Inventory and Assessment identify significant tree removal or trimming, this could require substantial staff and or contractor resources to complete in a timely fashion.

As outlined in Appendix B, a fee has been allocated for tree removal services that the Municipality will undertake.

Strategic Plan:

This matter aligns with following strategic priorities:

- Sustainable Infrastructure and Services

The sustainable maintenance and planting of trees in the municipality will reduce liability and increase the municipalities tree canopy while looking to mitigate the effects of climate change.

Attachments:

Appendix A: Middlesex Centre Tree Policy

Appendix B: Amendment to the Fees & Charges By-law

Appendix C: Intact Insurance Risk Management Considerations for Tree Liability