

Section 4

Tree Permits

4.1 Requirement for tree permit

A person must not cut down or kill a tree on a site, remove a tree from a site, relocate a tree on a site, or plant a replacement tree on a site, except in compliance with this By-law and the tree permit issued for such removal, relocation, or replacement.

4.2 Application for tree permit

An owner of a site may apply for a tree permit to remove a tree from a site, to relocate a tree on a site, or to plant a replacement tree on a site, which application must be in the form prescribed by the Director of Planning.

4.3 Responsibility of Owner to Comply with By-law

- (a) An owner:
 - (i) shall comply with this By-law;
 - (ii) shall ensure that all work is carried out in accordance with this By-law; and
 - (iii) may delegate the authority to apply for a permit on behalf of the owner, to an agent, in writing.
- (b) The issuance of a permit, the acceptance of plans and supporting documents submitted for a permit, or the making of inspections by the City of Vancouver shall not relieve the owner from the full responsibility for complying with this By-law.

4.4 Submissions with tree permit application

With the tree permit application, the owner or the agent on behalf of the owner must submit all information, certificates, and fees required under this By-law for issuance of the tree permit including:

- (a) a tree plan with respect to the site that complies with section 4.1.3 of the Zoning and Development By-law, and that identifies the:
 - (i) location and trunk diameter of each retention tree, relocation tree, or replacement tree,
 - (ii) location and trunk diameter of each such tree the owner intends to remove,
 - (iii) location and trunk diameter of each tree located on adjacent property within two metres of any boundary of the site,
 - (iv) location and trunk diameter of each tree located on a street that is adjacent to the site, and
 - (v) location of the proposed protection barrier for each tree referred to in subsection (i), (iii), or (iv);
- (b) each certificate required under section 4.5 or 4.6;
- (c) a non-refundable application fee of:
 - (i) \$108.00 for a tree permit to remove the first tree in a 12 month period, and
 - (ii) \$310.00 to remove each subsequent tree during that same 12 month period;
- (d) if the applicant is the owner of a strata lot, written confirmation from the strata council that the owner or the agent on behalf of the owner has the right to apply for a tree permit regarding the tree that is the subject of the application, whether or not the strata council or strata corporation has imposed any requirements on the applicant regarding the tree, and, if it has imposed requirements, a description of them; and
- (e) if the applicant is not the owner, confirmation in writing that the applicant is acting on behalf of the owner and as agent for the owner.

4.5 Issuance of tree permit

The Director of Planning may issue a permit to remove a tree from, or to relocate or replace a tree on, a site only if:

- (a) the location of the tree is within a building envelope defined or described under a development permit or building permit, and changing the siting of an accessory building within that envelope to allow retention of the tree is not possible;
- (b) the location of the tree is within the required construction access, as determined by the Chief Building Official;
- (c) a plumber, accredited under the Industry Training Authority Act of British Columbia, certifies that the roots of the tree are interfering with, blocking, or damaging a drainage or sewage system;
- (d) an arborist certifies that:
 - (i) the tree interferes with utility wires or required construction access, or
 - (ii) the tree is so close to utility wires or required construction access that it creates a hazard, and
 - (iii) pruning the tree to reduce the interference or hazard would weaken or mutilate the tree.
- (e) an arborist certifies that the tree is causing damage to property, including damage to roofs, retaining walls and sidewalks, that standard arboriculture practices cannot rectify;
- (f) an arborist who is a tree risk assessor certified by the International Society of Arboriculture certifies that the tree is a hazardous tree;
- (g) an arborist certifies that damage to the tree has occurred to the extent that the tree is likely to suffer from disease or die prematurely;
- (h) an arborist certifies that the tree is dying and is likely to be dead within six months or is dead; or
- (i) proof satisfactory to the Director of Planning is submitted demonstrating that the tree is either dead or such a significant hardship that its removal is necessary.

4.6 Prerequisites for issuance of tree permit

In addition to the requirements of section 4.5, the Director of Planning may issue a tree permit only if:

- (a) the Director of Planning approves the tree plan referred to in section 4.4(a) with respect to the tree that is the subject of the application;
- (b) The conditions on the permit include the recommended construction [practices to protect trees during and after construction that are contained in the arborist's report referred to in section 7.2 of this By-law;
- (c) an engineer, who is a member of The Association of Professional Engineers and Geoscientists of the Province of British Columbia, certifies that removing the tree will not destabilize any soil on a sloping site; and
- (d) the applicant has complied with all other applicable by-laws.

4.7 Conditions of tree permit

The Director of Planning may include conditions regarding the removal, relocation, replacement or retention of a tree in a tree permit, and the tree permit holder and the owner must comply with those conditions.

4.8 Posting of tree permit

During the removal, relocation, or replacement of a tree, the tree permit holder and the owner must post the tree permit, and keep it posted, in a conspicuous location on the site that is visible from an adjacent street.

4.9 Duration of tree permit

If a tree permit holder or an owner has not removed a tree within six months after the date of issuance of the tree permit:

- (a) the tree permit expires, and has no further force or effect; and
- (b) the owner must obtain a new tree permit before removing or re-locating the tree.

4.10 Security for replacement trees

If a replacement tree is required as a condition of a tree permit or as a result of cutting, removing or damaging protected trees in contravention of this By-law, the owner shall provide to the City a security deposit in cash or letter of credit in the amount, and for the duration specified in this By-law;

- (a) every letter of credit required under this By-law shall be a clean, unconditional and irrevocable letter of credit drawn from a Canadian financial institution acceptable to the City and in a form acceptable to the City. If, for any reason, the irrevocable letter of credit ceases to be effective security or becomes unenforceable so as to remove or reduce its purpose as full security for the due and proper performance of the requirements of this By-law, the owner shall replace the letter of credit with cash;
- (b) if an owner fails to comply with the provisions of this By-law related to requirements for planting and maintaining replacement trees, the City may by its employees or others under its direction enter upon the lands that are the subject to the requirements to plant and maintain a replacement tree and undertake the planting or maintenance required, and for such purposes may draw upon the securities provided and expend the funds to cover all costs and expenses of so doing;
- (c) the amount of security that the owner shall provide to the City for the provision, installation and maintenance of replacement trees required and described in Section 6.3 and 6.4 of this By-law shall be:
 - (i) FIVE HUNDRED (\$500.00) DOLLARS per replacement tree, or
 - (ii) SEVEN HUNDRED FIFTY (\$750.00) DOLLARS per replacement tree when the tree is 8 cm caliper or more; and
- (d) any security held by the City under this By-law shall be released in accordance with this section. No security will be released until the Director of Planning is satisfied that the owner has complied with all tree replacement and maintenance requirements of this By-law and any applicable tree permit. The City shall return a security deposit once the condition of all replacement trees has been approved in accordance with the inspection requirements set out in section 10.2 of this By-law.”