

## By-law No. 9958

A By-law to provide for the protection of trees

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

## Section 1

### Interpretation

#### 1.1 Name of By-law

The name of this By-law, for citation, is the “Protection of Trees By-law”.

#### 1.2 Definitions

In this By-law:

“arborist” means an arborist certified by the International Society of Arboriculture;

“building permit” means a building permit issued under the Building By-law in connection with a development;

“Chief Building Official” means the individual appointed by Council to be the city building inspector or a person duly authorized to carry out the powers and duties of the city building inspector;

“City Engineer” means the individual appointed by Council to be the General Manager of Engineering Services or a person duly authorized to carry out the powers and duties of the General Manager of Engineering Services;

“development” means a change in the use of any land or building, or the carrying out of any construction, engineering, or other operations in, on, over, or under land or land covered by water, or an existing building or group of buildings;

“development permit” means a development permit issued under the Zoning and Development By-law in connection with a development;

“Director of Licences and Inspections” means the individual appointed by Council to be the Director of Licences and Inspections or a person duly authorized to carry out the powers and duties of the Director of Licences and Inspections;

“Director of Planning” means the individual appointed by Council to be the director of planning or a person duly authorized to carry out the powers and duties of the director of planning;

“drip line” means a circle drawn on the ground around a tree directly under the tips of the outermost branches of the canopy of the tree;

“hazardous tree” means a tree that is in imminent danger of falling and causing injury to a person or damage to property;

“hedge” means five or more trees or shrubs less than five metres high, and planted less than 1.25 metres apart;

“owner” includes a registered owner, an owner under agreement, an occupier of Crown lands, an owner of a strata lot if the subject tree is within the boundaries of the strata lot, a strata corporation if the subject tree is within the boundaries of the common property, and a cooperative association;

“protection barrier” means a barrier erected to protect a tree and its roots that:

- (a) is at least 1.2 metres high measured from the ground,
- (b) meets the distance requirements, measured 1.4 m above the existing grade of the ground adjoining the base of the tree, set out in Schedule A,
- (c) with respect to its construction, consists of snow fencing fastened securely to metal or wood stakes spaced no more than one metre apart, or other fencing acceptable to the Chief Building Official or City Engineer or as otherwise approved by the Director of Planning, and
- (d) in the case of a barrier:
  - (i) on the site or on adjacent property, is acceptable to the Chief Building Official, or
  - (ii) in the case of a barrier on a street, is acceptable to the City Engineer;

“relocation tree” means a living tree that, according to a tree plan, an owner intends to relocate or has relocated or that, according to this By-law, an owner must relocate on a site;

“replacement tree” means a living tree that, according to a tree plan, an owner intends to plant or has planted or that, according to this By-law, an owner must plant to replace a tree on a site;

“required construction access” means the approved location of access to a construction site, for movement of equipment and materials, as determined by the Chief Building Official;

“retention tree” means a living tree that, according to a tree plan, an owner intends to retain or has retained, or that, according to this By-law, an owner must retain, in its original or existing location on a site;

“site” means one or more parcels of land that adjoin one another or which only a street or body of water separates and that is common to a development, and includes a strata lot, the common property of a strata corporation, and a leasehold parcel created under section 99(1)(k) of the Land Title Act;

“sloping site” means a site where any portion of the rear boundary is more than 3.7 metres higher or lower than any portion of the front boundary;

“tree” means a self-supporting, perennial, woody plant that has a trunk or stem and a root system;

“tree permit” means a permit issued by the Director of Planning in accordance with this By-law;

“tree plan” means a plan required under section 4.4(a); and

“tree protection area” means the land between a tree and a protection barrier.

**1.3 Table of contents**

The table of contents for this By-law is for convenient reference only, and is not for use in interpreting or enforcing this By-law.

**1.4 Schedules**

Schedules attached to this By-law form part of this By-law.

**1.5 Severability**

A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.

