

Section 7

Protection of Trees During Construction

7.1 Submission of survey

With an application for issuance of a development permit or building permit, the owner or the applicant on behalf of the owner, must submit a survey, certified correct by a BC land surveyor who is a member of the Association of British Columbia Land Surveyors that shows:

- (a) each tree located on the site, on adjacent property within two metres of any boundary of the site, and on any street adjacent to the site;
- (b) the tree grade or tree elevation for each tree referred to in subsection (a);
- (c) the drip line for each such tree; and
- (d) the location, height, and diameter of each stump on the site.

7.2 Submission of arborist's report

With an application for issuance of a development permit or building permit, the owner or the applicant on behalf of the owner, must also submit a report, certified correct by an arborist, that sets out:

- (a) the condition, size, and species of trees on the site;
- (b) the impact of the proposed development on the health of trees on the site, and potential hazards to them during or after construction;
- (c) development limitations;
- (d) recommended construction practices to protect trees during and after construction; and
- (e) an undertaking from the arborist and the owner to the city that the arborist will perform or supervise performance of:
 - (i) pre-construction treatment of trees including root and branch pruning,
 - (ii) regular on-site inspections during construction, and will report any offence against this By-law on the site to the Director of Planning or on a street adjacent to the site to the City Engineer,
 - (iii) restorative landscape treatment including soil renovation,
 - (iv) selection and planting of any replacement trees required under this By-law, and
 - (v) a post construction inspection of the site, and will prepare a report, certified correct by the arborist, for submission, in a timely manner, to the Director of Planning.

7.3 Exception for interior alterations

If a development permit or building permit is for alterations only to the interior of a building, and, in the opinion of the Director of Planning, none of the work, or storage, transport, or removal of materials, will affect any tree located on the site, sections 7.1 and 7.2 do not apply.

7.4 Demolition, excavation, or construction

A person must not commence or carry on demolition, excavation, or construction on a site, except in accordance with the requirements of this By-law, and any applicable tree permit.

7.5 The owner shall:

- a) install a protection barrier for each retention tree located on the site, on adjacent property within two metres of any boundary of the site and on any street adjacent to the site, before demolition, excavation or construction begins on a site;
- b) ensure that the protection barrier meets the requirements for a protection barrier in this By-law, throughout the course of demolition, excavation and construction on the site; and
- c) maintain the protection barrier in good repair continuously throughout the course of demolition, excavation and construction on the site.

7.6 No construction without protection barrier

No person shall carry out demolition, excavation or construction on a site unless there are protection barriers in place as required by this By-law.

7.7 Location of protection barrier

Each protection barrier referred to in section 7.5 must, if the tree is on adjacent property within two metres of any boundary of the site, extend into the site from the nearest boundary of the adjacent site by the greater of two metres or such other distance determined by an arborist or the Director of Planning to be necessary to protect the tree and the adjacent property.

7.8 Requirements for trees on boulevards

In addition to the requirements of sections 7.5 and 7.6, before and during demolition, excavation, or construction on a site, the owner of the site must:

- (a) comply with the requirements of the City Engineer with respect to any tree on a boulevard in a street adjacent to the site;
- (b) not prune, move, or otherwise disturb such tree unless the Park Board has given its prior written permission;
- (c) ensure that each protection barrier:
 - (i) allows for free and clear passage of pedestrians on the surrounding portion of the boulevard and on the sidewalk adjacent to the boulevard,
 - (ii) allows for clear visibility of fire hydrants, driveway accesses, and crosswalks,
 - (iii) is 0.6 m or more from the curb to allow for the opening of car doors, and
 - (iv) is 0.3 m or more from the edge of any sidewalk located within a grass boulevard.

7.9 Issuance of building permit

Despite the Zoning and Development By-law and Building By-law, a person is not entitled to a permit for demolition, excavation, or construction on a site, except if:

- (a) the Chief Building Official has inspected and approved each protection barrier on the site or on adjacent property; and
- (b) the City Engineer has inspected and approved each protection barrier on a street.

7.10 Condition of protection barriers and retention trees

A person who installs a protection barrier under this Section 7 must:

- (a) care for the retention tree within the tree protection area, during the construction process, including sufficient watering, particularly if excavation has disturbed the tree root system;
- (b) attend to proper root pruning and care for the remaining root system;
- (c) to minimize root damage, soil erosion and tree disturbance, wrap a temporary root curtain around the root zone to retain and protect the exposed area, which root curtain is to consist of heavy wire mesh or similar material lined with burlap and supported by posts;
- (d) use backfill to ensure that none of the roots remain exposed;
- (e) if required by the Director of Planning, tunnel rather than trench when installing underground utilities and drainage lines, which technique includes boring a hole under or through the root system with minimum disturbance, and carry out any excavation within the tree protection area to accommodate underground installations, including services and footings, by hand; and
- (f) maintain such protection barrier, repair any damage to it, and not alter or remove it until construction is complete.

7.11 No encroachment

A person must not encroach into a tree protection area, with or without vehicles, and must not store anything in such area until construction is complete.