

Section 11

Enforcement

11.1 Revocation of tree permit

If:

- (a) the Director of Planning has issued a tree permit in error;
- (b) the Director of Planning has issued a tree permit on the basis of false, misleading, or incorrect information; or
- (c) a tree permit holder or an owner has failed to comply with the tree permit;

the Director of Planning, upon giving notice to a tree permit holder or an owner, may revoke the tree permit.

11.2 Unlawful damage to or removal of a tree

In addition to a fine under this Section 11, a person who, in contravention of this By-law or a tree permit:

- (a) cuts or damages a tree on a site to the extent that, in the opinion, of the Director of Planning, Director of Licences and Inspections or City Building Official, it is or will become a hazardous tree, it has lost its characteristic appearance, it is or will become diseased, or it is dead or will die prematurely; or
- (b) removes a tree from a site;

promptly upon receipt of an order from the Director of Planning must comply with section 11.3.

11.3 Replacement of unlawfully damaged or removed tree

A person referred to in section 11.2 must:

- (a) within 14 days after receipt of an order from the Director of Planning, Director of Licences and Inspections or City Building Official, under section 11.2, apply for a tree permit to replace any tree referred to in such order, and take all action necessary to obtain issuance of such tree permit; and
- (b) upon issuance of such tree permit, replace such tree.

11.4 Requirement to discontinue or carry out work

Council empowers any inspector or other employee of the city to order or direct any person to:

- (a) discontinue or refrain from proceeding with any work or doing anything that is in contravention of this By-law; and
- (b) carry out any work or do anything required by this By-law or any tree permit;

and failure on the part of such person to comply with such order or direction within the time specified in such order or direction is a violation of this By-law.

11.5 Service of notice

An inspector or official of the city, or a by-law enforcement officer, may serve an order, direction, or notice under this By-law:

- (a) by mailing it by registered post to the owner of the applicable site at the address shown on the real property tax assessment roll;

- (b) by mailing it by registered post to the person who is the addressee of the notice;
- (c) by handing it to the person who is the addressee of the notice; or
- (d) if the notice refers to real property, by posting it on the real property.

11.6 Offence under By-law

Council deems guilty of an offence against this By-law, and liable to the penalties imposed under this Section 11.6, any person who:

- (a) contravenes any provision of this By-law, or does any act or thing which contravenes any provision of this By-law, or suffers or allows any other person to do any act or thing which contravenes any provision of this By-law;
- (b) neglects to do or refrains from doing anything required to be done by any provision of this By-law; or
- (c) fails to comply with an order, direction, or notice given under any provision of this By-law, or suffers or allows any other person to fail to comply with an order, direction, or notice given under any provision of this By-law.

11.7 Separate offence

If a person breaches this By-law in a manner or to an extent that affects more than one tree, Council deems that person guilty of an offence against this By-law in respect of each tree.

11.8 Fine for offence

Every person who commits an offence against this By-law is punishable on conviction by a fine of not less than \$500.00 and not more than \$10,000.00 for each offence.

11.9 Fine for continuing offence

Every person who commits an offence of a continuing nature against this By-law is punishable on conviction by a fine of not less than \$250.00 and not more than \$10,000.00 for each day such offence continues.