

Section 11

Enforcement

11.1 Revocation of tree permit

The Director of Planning may revoke a tree permit by issuing a written notice to the permit holder or owner if:

- (a) the tree permit was issued in error;
- (b) the tree permit was issued on the basis of false, misleading, or incorrect information; or
- (c) the tree permit holder or owner 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

No person shall, in contravention of this By-law or a tree permit:

- (a) cut or damage a tree on a site to the extent that, in the opinion, of the Director of Planning, the tree:
 - (i) is or will become a hazardous tree,
 - (ii) has lost its characteristic appearance,
 - (iii) is or will become diseased, or
 - (iv) it is dead or will die prematurely; or
- (b) removes a tree from a site;

11.3 Replacement of unlawfully damaged or removed tree

The Director of Planning may order a person in breach of section 11.2 to:

- (a) apply for a tree permit to replace any tree referred to in such order within 14 days after receipt of such order,
- (b) to take all action necessary to obtain such a tree permit; and
- (c) plant the replacement tree in accordance with the permit.

11.4 Requirement to discontinue or carry out work

Any inspector or other employee of the city may 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.

11.4A Every person served with an order or direction:

- (a) pursuant to section 11.4 (a); or
- (b) pursuant to section 11.4 (b);

11.5 Service of notice

- Any person authorized to issue an order, direction or notice under this By-law may do so by:
- (a) mailing it by registered post to the owner of the applicable site at the address shown on the real property tax assessment roll;
 - (b) mailing it by registered post to the person who is the addressee of the notice;
 - (c) handing it to the person who is the addressee of the notice;
 - (d) emailing it to an address provided to the City; or
 - (e) posting it on the real property, if the notice refers to real property.

11.6 Offence under By-law

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

commits an offence under 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.

11.10 Ticket Offences

Certain offences under this By-law are enforceable by municipal ticket information pursuant to the Ticket Offences By-law.