



GENERAL COMMITTEE MEETING AGENDA

TUESDAY, NOVEMBER 17, 2015

7 P.M.

**COUNCIL CHAMBERS
AURORA TOWN HALL**



**TOWN OF AURORA
GENERAL COMMITTEE MEETING
AGENDA**

Tuesday, November 17, 2015
7 p.m.
Council Chambers

Councillor Abel in the Chair

1. DECLARATION OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

2. APPROVAL OF THE AGENDA

RECOMMENDED:

THAT the agenda as circulated by Legal and Legislative Services be approved.

3. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

4. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION

5. DELEGATIONS

- (a) Isobel Ralston, Resident pg. 1
Re: Item 1 – Memorandum from the Director of Parks & Recreation
Services, Re: Tree Protection By-law
- (b) Jim Tree, Manager of Parks pg. 2
Re: Item 3 – PR15-026 – Urban Forest Management Plan & Policies
- (c) Dr. Brian Moore, Canadian Disc Institute pg. 3
Re: Item 6 – BBS15-013 – Request for Sign Variance to Sign By-law
No. 4898-07.P for the Canadian Disc Institute at 15000 Yonge
Street

- (d) **Jim Abrams, President, and Carol Hedenberg,** pg. 4
Aurora Seniors Association
Re: Item 15 – PR15-038 – Aurora Seniors’ Centre Operating
Agreement Renewal 2016-2021

6. PRESENTATIONS BY THE ADVISORY COMMITTEE CHAIR

7. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

8. NOTICES OF MOTION

(i) **Notices of Motion**

- (a) **Councillor Abel** pg. 270
Re: Deployment of Light Armoured Vehicle (LAV) at the
Aurora Cenotaph
- (b) **Councillor Abel** pg. 271
Re: Regional GO Transit Shuttle
- (c) **Councillor Abel** pg. 273
Re: Temperance Street Cultural Precinct

9. NEW BUSINESS/GENERAL INFORMATION

10. CLOSED SESSION

RECOMMENDED:

THAT General Committee resolve into a Closed Session meeting to consider the following matters:

1. Personal matters about an identifiable individual, including a Town or Local Board employee (section 239(2)(b) of the *Municipal Act, 2001*); Re: Report No. LLS15-067 - Appointments to the Heritage Advisory Committee
2. Personal matters about an identifiable individual, including a Town or Local Board employee (section 239(2)(b) of the *Municipal Act, 2001*); Re: Chief Administrative Officer Recruitment

11. ADJOURNMENT

AGENDA ITEMS

1. **Memorandum from the Director of Parks & Recreation Services** pg. 5
Re: Tree Protection By-law
(referred from October 27, 2015 Council meeting)

RECOMMENDED:

THAT the memorandum regarding Tree Protection By-law be received for information.

2. **PR15-035 – Tree Removal/Pruning and Compensation Policy** pg. 149
(referred from November 10, 2015 Council meeting)

RECOMMENDED:

THAT the draft Tree Removal/Pruning and Compensation Policy attached to Report No. PR15-035 be approved; and

THAT the draft Tree Removal/Pruning and Compensation Policy be applicable to all planning applications that are currently under review by the Town, provided the applicants have been duly notified of this draft Policy and are currently complying with the said draft Policy; and

THAT the Tree Removal/Pruning and Compensation Policy come into full force for all new requests or applications received by the Town as of December 1, 2015.

3. **PR15-026 – Urban Forest Management Plan & Policies** pg. 169

RECOMMENDED:

THAT Report No. PR15-026 be received; and

THAT the Urban Forest Management Plan and Policy (TAUFMPP), Attachment 1 to Report No. PR15-026, be posted on the Town of Aurora's website for the purposes of public information and stakeholder notification; and

THAT, unless any significant comments or feedback are received from the public or stakeholders that staff determines needs to be brought to Council attention, the (TAUFMPP) be deemed to be adopted by Council effective December 1, 2015.

4. IES15-069 – Aurora Family Leisure Complex Additional Modification Requests pg.176

RECOMMENDED:

THAT Report No. IES15-069 be received; and

THAT staff proceed with the modifications to the north pool access door for entrance by those with qualified disabilities at a budget requirement of \$15,000 with funding provided from the Facilities Repair and Replacement Reserve; and

THAT staff proceed with the purchase of new lockers in the amount of \$166,000 with funding provided from the Facilities Repair and Replacement Reserve; and

THAT staff monitor the operation and performance of the Aurora Family Leisure Complex areas being considered for additional modification as outlined in Report No. IES15-069 for a 12-month period; and

THAT staff consider any additional projects outlined in Report No. IES15-069 in the 2017 Capital Budget.

5. CFS15-046 – Annual Cancellation, Reduction or Refund of Property Taxes under Sections 357 and 358 of the Municipal Act pg.182

RECOMMENDED:

THAT Report No. CFS15-046 be received; and

THAT a meeting be held in accordance with Sections 357 and 358 of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended (the "Act") in respect of the applications filed with the Treasurer by the owners of property listed in this report at which applicants may make representations; and

THAT property taxes in the amount \$35,747.80 be adjusted pursuant to Section 357 of the Act; and

THAT property taxes in the amount of \$12,879.66 be adjusted pursuant to Section 358 of the Act; and

THAT the associated interest applicable be cancelled in proportion to the property taxes adjusted; and

THAT the Director of Corporate & Financial Services/Treasurer be directed to remove said property taxes from the Collector's Roll to reflect these property tax adjustments.

6. **BBS15-013 – Request for Sign Variance to Sign By-law No. 4898-07.P** pg. 187
for the Canadian Disc Institute at 15000 Yonge Street

RECOMMENDED:

THAT Report No. BBS15-013 be received; and

THAT a request for variance to Sign By-law No. 4898-07.P to allow a 4.09m² wall sign located 190mm above grade for the Canadian Disc Institute at 15000 Yonge Street be denied.

7. **BBS15-014 – Request for Sign Variance to Sign By-law No. 4898-07.P** pg. 198
for Panera Bread at 15610 Bayview Avenue

RECOMMENDED:

THAT Report No. BBS15-014 be received; and

THAT a request for variance to Sign By-law No. 4898-07.P to allow wall signs on four (4) elevations of Panera Bread at 15610 Bayview Avenue, whereas Sign By-law 4898-07.P only permits signs on two (2) elevations, be approved.

8. **BBS15-015 – Request for Sign Variance to Sign By-Law No. 4898-07.P** pg. 205
for the Canadian Tire at 15400 Bayview Avenue

RECOMMENDED:

THAT Report No. BBS15-015 be received; and

THAT a request for variance to Sign By-law No. 4898-07.P to allow three (3) wall signs on the east elevation of the Canadian Tire at 15400 Bayview Avenue, whereas Sign By-law 4898-07.P only permits one (1) wall sign, be approved.

9. IES15-064 – Extension of Janitorial Services Contract pg. 212

RECOMMENDED:

THAT Report No. IES15-064 be received; and

THAT Tender No. IES2010-71 – for Janitorial Services and Supplies be extended to Royal Building Cleaning Ltd. to July 31, 2016, an additional six (6) months, for the amount of \$225,000 excluding taxes.

10. IES15-068 – Facility Projects Status Report pg. 215

RECOMMENDED:

THAT Report No. IES15-068 be received for information.

11. IES15-066 – Supply of Alternative De-icer pg. 224

RECOMMENDED:

THAT Report No. IES15-066 be received; and

THAT Tender IES15-67 for the supply of Thawrox be awarded to Sifto Compass Minerals Canada Corporation in the value of \$260,000 plus taxes per year for a contract period of two (2) years starting January 1, 2016; and

THAT the Mayor and Town Clerk be authorized to execute the necessary Agreement, including any and all documents and ancillary agreements required to give effect to same.

12. IES15-067 – Purchase Order Increase to Purchase Water Meters for 2C pg. 227

RECOMMENDED:

THAT Report No. IES15-067 be received; and

THAT the purchase order for the supply of water meters from Wamco Municipal Products Inc. be increased by \$133,000 to a revised amount of \$270,000, excluding taxes; and

THAT the budget for water meter supply expenses be increased by \$120,000 and that the revenue for water meter sales be increased by \$138,000, be approved.

13. PR15-036 – Purchase Order Increase for Street Tree Pruning and Removal pg. 230

RECOMMENDED:

THAT Report No. PR15-036 be received; and

THAT Purchase Order 2014000002 (Weller Tree Services Ltd.) be increased by \$70,000.00, excluding taxes; and

THAT the option to renew the Arboriculture Services contract be exercised for the third and final year of the Contract ending December 31, 2016.

14. PR15-037 – Culture & Recreation Grant Bi-Annual Allocation for September 2015 pg. 235

RECOMMENDED:

THAT Report No. PR15-037 be received for information.

15. PR15-038 – Aurora Seniors' Centre Operating Agreement Renewal 2016-2021 pg. 238

RECOMMENDED:

THAT Report No. PR15-038 be received; and

THAT the Amended Operating Agreement between the Aurora Seniors Association and the Town of Aurora be approved; and

THAT the Mayor and Town Clerk be authorized to execute the Operating Agreement Renewal 2016-2021 with the Aurora Seniors Association including any and all documents and ancillary agreements required to give effect to same.

16. PL15-085 – Delegated Development Agreements, 2015 Summary Report pg. 250

RECOMMENDED:

THAT Report No. PL15-085 be received for information.

**17. Central York Fire Services (CYFS) – Joint Council Committee (JCC) pg. 253
Meeting Minutes of June 2, July 21, September 8, and October 13, 2015**

RECOMMENDED:

THAT the Central York Fire Services – Joint Council Committee meeting minutes of June 2, 2015, July 21, 2015, September 8, 2015, and October 13, 2015, be received; and

THAT the Central York Fire Services – Joint Council Committee, at its meeting of October 13, 2015, recommended to Council:

3. Corporate Services Report – Financial Services 2015-46, dated September 22, 2015 regarding Central York Fire Services Reserve Fund

a) THAT Corporate Services Report - Financial Services 2015-46 dated September 22, 2015 regarding Central York Fire Services Reserve Fund be received and the following recommendations be adopted:

- i) THAT JCC set a target level for the CYFS Reserve fund as proposed in this report;
- ii) AND THAT any 2015 CYFS operating surplus be allocated back to each municipality based on their budgeted allocation percentage;
- iii) AND THAT JCC recommend that the Councils of each municipality waive the requirements specified in Schedule D of the Fire/Emergency Services Agreement between the Town of Aurora and the Town of Newmarket dated November 1, 2001, in this one instance.



Legal and Legislative Services
905-727-3123
councilsecretariatstaff@aurora.ca

Town of Aurora
100 John West Way, Box 1000
Aurora, ON L4G 6J1

DELEGATION REQUEST

This Delegation Request form and any written submissions or background information for consideration by either Council or Committees of Council must be submitted to the Clerk's office by the following deadline:

4:30 P.M. ON THE BUSINESS DAY PRIOR TO THE REQUESTED MEETING DATE

COUNCIL/COMMITTEE/ADVISORY COMMITTEE DATE: Novembr 17, 2015

SUBJECT: Tree by-law

NAME OF SPOKESPERSON: Isobel Ralston

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable):

NA

BRIEF SUMMARY OF ISSUE OR PURPOSE OF DELEGATION:

To discuss concerns with current tree by-law and express support for proposed amendments.

PLEASE COMPLETE THE FOLLOWING:

Have you been in contact with a Town staff or Council member regarding your matter of interest?

YES **NO**

IF YES, WITH WHOM? Wendy Gaertner

DATE: October 27, 2015

I acknowledge that the Procedural By-law permits five (5) minutes for Delegations.





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Town of Aurora
100 John West Way, Box 1000
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4:30 P.M. ON THE BUSINESS DAY PRIOR TO THE REQUESTED MEETING DATE

COUNCIL/COMMITTEE/ADVISORY COMMITTEE DATE: November 17, 2015

SUBJECT: PR15-026 Urban Forest Management Plan & Policies

NAME OF SPOKESPERSON: Jim Tree, Manager of Parks

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable):

BRIEF SUMMARY OF ISSUE OR PURPOSE OF DELEGATION:

To provide a summary and overview of Report No. PR15-026 Urban Forest Management Plan & Policies.

PLEASE COMPLETE THE FOLLOWING:

Have you been in contact with a Town staff or Council member regarding your matter of interest? YES NO

IF YES, WITH WHOM?

DATE:

I acknowledge that the Procedural By-law permits five (5) minutes for Delegations.



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4:30 P.M. ON THE BUSINESS DAY PRIOR TO THE REQUESTED MEETING DATE

COUNCIL/COMMITTEE/ADVISORY COMMITTEE

**DATE: Tuesday, November 17, 2015 & Tuesday,
November 24, 2015**

SUBJECT:

**Sign
Variance**

NAME OF SPOKESPERSON: Dr. Brian Moore

**NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable): Dr. Brian Moore /
Canadian Disc Institute**

BRIEF SUMMARY OF ISSUE OR PURPOSE OF DELEGATION: To answer any questions regarding the sign variance requested for 15000 Yonge Street and to provide a package in support of the requested variance.

PLEASE COMPLETE THE FOLLOWING:

Have you been in contact with a Town staff or Council member regarding your matter of interest?

YES NO

IF YES, WITH WHOM? Dale Robson, John Abel, Jeff Thom

**DATE:
ongoing**

I acknowledge that the Procedural By-law permits five (5) minutes for Delegations.



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Town of Aurora
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Aurora, ON L4G 6J1

DELEGATION REQUEST

This Delegation Request form and any written submissions or background information for consideration by either Council or Committees of Council must be submitted to the Clerk's office by the following deadline:

4:30 P.M. ON THE BUSINESS DAY PRIOR TO THE REQUESTED MEETING DATE

COUNCIL/COMMITTEE/ADVISORY COMMITTEE DATE: November 17, 2015

SUBJECT: Renewal of Aurora Seniors Association Operating Agreement

NAME OF SPOKESPERSON: Jim Abrams, President and Carol Hedenberg

NAME OF GROUP OR PERSON(S) BEING REPRESENTED (if applicable):
Aurora Seniors Association

BRIEF SUMMARY OF ISSUE OR PURPOSE OF DELEGATION:

Re: PR15-038 Aurora Seniors Centre Operating Agreement Renewal 2016 – 2021

PLEASE COMPLETE THE FOLLOWING:

Have you been in contact with a Town staff or Council member regarding your matter of interest? YES NO

IF YES, WITH WHOM? Al Downey DATE: October, 2015

I acknowledge that the Procedural By-law permits five (5) minutes for Delegations.



100 John West Way
Box 1000
Aurora, Ontario
L4G 6J1
Phone: 905-727-3123 ext. 4752
Email: adowney@aurora.ca
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**Town of Aurora
Parks and Recreation
Services**

MEMORANDUM

DATE: October 20, 2015
TO: Mayor Dawe and Members of Council
FROM: Allan D. Downey, Director of Parks and Recreation Services
RE: Tree Protection By-law

RECOMMENDATIONS

THAT the memorandum regarding Tree Protection By-law be received for information.

BACKGROUND

On May 26, 2015, Council directed staff to place the Draft Tree Protection By-law on a future General Committee agenda for discussion and direction. Council further directed staff to include all previous reports on this matter. Attached are copies of all staff reports on the Draft Tree Protection By-law which summarizes all previous discussion on this matter.

Council also directed staff to provide Council with options for meeting dates for the public to offer comments on the Draft Tree Protection By-law. Staff will propose meeting dates should Council direct this matter to go forward.

ATTACHMENTS

Attachment #1 - PR14-004 January 14, 2014 Tree Protection By-law
Attachment #2 - PR12-001 January 24, 2012 Approval of Tree Protection By-law
Attachment #3 - PR12-016 April 25, 2012 Public Meeting for Proposed Tree Protection By-law
Attachment #4 - PR13-046 October 1, 2013 Tree Protection By-Law
Attachment #5 - Tree Permit By-law Number 4474-03.D

Attachment #1



TOWN OF AURORA
GENERAL COMMITTEE REPORT

No. PR14-004

SUBJECT: *Tree Protection By-Law*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *January 14, 2014*

RECOMMENDATIONS

THAT Report No. PR14-004 be received; and

THAT Council approve the Private Tree Protection By-law as attached.

PURPOSE OF THE REPORT

To provide Council with the Private Tree Protection By-law effective May 1st, 2014.

BACKGROUND

At the October 1, 2013 General Committee meeting, Council engaged in significant discussions concerning several areas of concern within the the revised Private Tree Protection By-law (the "By-law"). As a result Council referred the draft By-law back to staff for further revisions prior to releasing the By-law to the public

Pursuant to Council direction, the Tree Protection By-law Committee has identified three sections of the draft By-law which were the focus of Council discussion at the October 1, 2013 General Committee Meeting as follows:

- Trees in the Heritage District;
- Trees on larger residential private property;
- Trees on golf courses.

Staff have attempted to condense the issues surrounding each of these areas of concern and itemized various options that could be considered by Council in further revising the current draft Tree Protection By-law.

January 14, 2014

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Report No. PR14-004

COMMENTS

In response to Council direction to provide further revisions to the draft Tree Protection By-law, staff reconvened a meeting with the By-law Review Committee who were initially assigned to review the Tree Protection By-law. This meeting was conducted on November 4, 2013.

It was the position of the Committee that the recommended by-law was drafted in accordance with the Committees mandate and, as such, the committee did not suggest that revisions be made to the draft By-law at this time. Alternatively, the Committee discussed the three areas of the By-law that appeared to be problematic and suggested the various options that Council may wish to select in arriving at a fair and comprehensive final Private Tree Protection By-law.

EXISTING BY-LAW	PROPOSED BY-LAW		
TREES IN THE HERITAGE DISTRICT	TREES IN THE HERITAGE DISTRICT	ISSUES	OPTIONS
No special protection measures. Not more than 4 trees greater than 20 centimeters in diameter can be removed in a 12 month period without obtaining a permit.	Tree Removal Permit must be obtained to remove any tree within the Heritage District and or classified as a Heritage Tree (see definition in new By-law) and Council approval (following a review by the Heritage Advisory Committee) is required.	<p>May be seen as overly restrictive as property owners would be required to obtain a permit to remove a single tree of all sizes including sapling trees</p> <p>Wide application effecting all properties within the designated heritage district, and listed on the Town's Register of Properties of Cultural Heritage Value or Interest (see attached list)</p>	<ol style="list-style-type: none"> 1. Apply the By-law exactly the same as all other areas in Town, i.e. permit removal two trees of any size within a 12 month period. 2. Require a permit for removal of any tree 40 cm- in diameter or greater in a 12 month period; trees under 40cm in diameter would be treated as any other tree under the new By-law. 3. Delete reference in the By-law to Register of Properties of Cultural Heritage Value or Interest. Permit would be required to remove any tree that would fall under the limited definition. 4. Revise definition of a Heritage Tree to only apply to trees greater than 20 cm in diameter. Permit would be required to remove any such trees.

January 14, 2014

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Report No. PR14-004

EXISTING BY-LAW	PROPOSED BY-LAW		
TREES ON LARGER RESIDENTIAL PRIVATE PROPERTY	TREES ON LARGER RESIDENTIAL PRIVATE PROPERTY	ISSUES	OPTIONS
No special protection measures. Not more than 4 trees greater than 20 centimeters in diameter can be removed in a 12 month period without obtaining a permit.	Tree removal permit must be obtained prior to the removal of three or more trees in a 12 month period regardless of property size.	Concerns that the number of trees permitted to be removed without first obtaining a permit is disproportionate in terms of property size e.g. owner of a smaller residential property permitted to remove same number of trees as owners of larger properties.	<ol style="list-style-type: none"> 1. Continue to permit owners of properties to remove 4 trees in a 12 month period as is currently permitted in the existing By-law, regardless of property size. 2. Permit owners of larger properties (.25 ha or greater) to remove 2 trees per .25 ha in a 12 month period.
TREES ON GOLF COURSES	TREES ON GOLF COURSES	ISSUES	OPTIONS
<p>Currently exempt from Town of Aurora tree permit process. Golf courses can remove any number of trees at any time in areas defined as woodlots.</p> <p>Regional Tree By-law does apply to areas greater than 1 ha, which fall under the definition of Woodlands under the Regional By-law</p>	Golf Courses must obtain a tree removal permit for the removal of eleven or more trees in a 12 month period.	<p>Concerns relative to a lack of formal foundation or basis as to the number of trees permitted to be removed on a golf course in the proposed draft By-law.</p> <p>Concerns that requirement is overly restrictive in view of the operational needs of the golf industry.</p>	<ol style="list-style-type: none"> 1. Continue to apply existing By-law exempting golf establishments from the tree protection By-law 2. Include golf establishments in the proposed draft By-law and limit tree removal to one tree per four ha in a 12 month period. Option 2 is formed on the basis that the average area of an 18-hole golf course is approximately 40 ha or 98 acres; using this formula, an average golf course would be permitted to remove ten trees in a 12 month period).

By-Law Services identified that if an area requirement is introduced it may create enforcement challenges. If we suspect there is a contravention, based on an area, we would require undisputable documentation to lay charges which may require the Town to prepare a survey.

In the event Council selects any of the options contained in this report or other applicable options, staff will proceed with completing a final draft of the By-law and present it to Council for final review and approval.

January 14, 2014

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Report No. PR14-004

LINK TO STRATEGIC PLAN

The amended Tree Protection By-law supports the Strategic Plan goal of Supporting Environmental Stewardship and Sustainability for all through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging the stewardship of Aurora's natural resources: Assess the merits of measuring the Town's natural capital assets.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council consider the options contained in this report and direct staff to prepare a revised Private Tree Protection By-law incorporating any and all changes pursuant to Councils direction.
2. Further Options as required.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time spent on communicating with and educating residents and customers on the various aspects of the By-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering the proposed By-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual Fees and Charges By-law.

CONCLUSIONS

That Council repeal By-law Number 4474-03.D, as amended, and enact a new Private Tree Protection By-law in its place to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town of Aurora and that the amended Private Tree Protection By-law come into full force and effective on May 1, 2014.

January 14, 2014

- 5 -

Report No. PR14-004

PREVIOUS REPORTS

PR12-001 January 24, 2012 Approval of Tree Protection By-law
PR12-016 April 25, 2012 Public Meeting for Proposed Tree Protection By-law
PR13-046 October 1, 2013 Tree Protection By-Law

ATTACHMENTS

Attachment #1 – Town of Aurora – Properties of Cultural Heritage Value or Interest
Attachment #2 – Town of Aurora – Properties of Cultural Heritage Value or Interest –
Downtown Area
Attachment #3 - Tree Protection By-Law

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Wednesday, November 13, 2013.
Executive Leadership Team Meeting, Wednesday, November 20, 2013.
Executive Leadership Team Meeting, Monday, January 6, 2013.

Prepared by: Jim Tree, Parks Manager- Ext. 3222

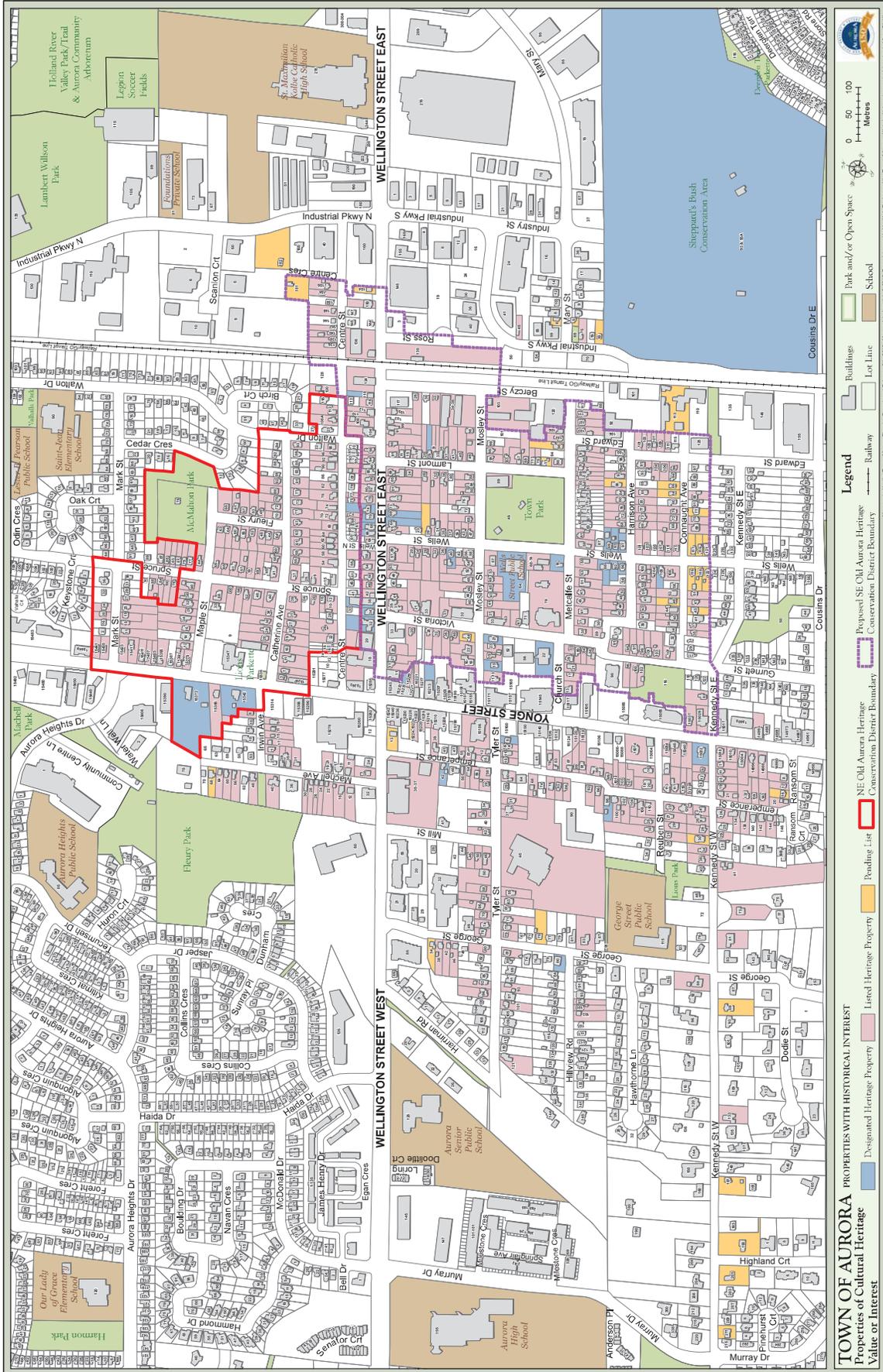


Allan D. Downey
Director of Parks and Recreation Services



Neil Garbe
Chief Administrative Officer

Attachment #2 to PR14-004



Attachment #3 to PR14-004

THE CORPORATION OF THE TOWN OF AURORA

By-law Number XXXX-14

**BEING A BY-LAW to
prohibit and/or regulate
the Injury or Destruction of
Trees on Private Property
in the Town of Aurora.**

WHEREAS subsection 135(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act") provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS trees provide real value in the ecological, social, economic and communal fabric of the community;

AND WHEREAS trees are among the most important living organisms in their ability to absorb air pollutants, expel life giving oxygen and provide a host of other environmental goods and services;

AND WHEREAS subsection 135(7) of the Act provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Council of The Corporation of the Town of Aurora (the "Town") desires to repeal By-law Number 4474-03.D, as amended, and enact a new replacement by-law to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. DEFINITIONS

1.(1) The following words as set out in this by-law shall have the following meanings:

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner or an authorized agent of the Owner who submits an Application under the provisions of this by-law;
- (c) "Application" means an application for a Permit on a form prescribed by the Director;

- (d) "Arborist" means an expert in the care and maintenance of trees, and includes:
 - (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities;
 - (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience;
 - (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture;
 - (iv) a consulting arborist registered with the American Society of Consulting Arborists;
 - (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or
 - (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
- (g) "Cultivated Orchard" means a property that is used for the dominant purpose of growing and maintaining fruit or nut Trees for the commercial harvesting and sale of their fruits or nuts;
- (h) "DBH" means the diameter at breast height, which shall be the diameter of the trunk of a Tree at a point of measurement 1.37 metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed by the Director. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated as prescribed by the Director;
- (i) "Destroy" and/or "Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
- (j) "Director" means the Director of Parks & Recreation Services for the Town or his/her designate;
- (k) "Emergency Work" means work necessary to terminate an immediate threat to life or property and includes maintenance works arising from natural events (e.g. ice storm, high winds, lightning, etc.) as well as

- maintenance works associated with emergency drain repair, utility repair and building repairs;
- (l) "Golf Course" means a property that is used to commercially operate a golf course in compliance with all applicable laws;
 - (m) "Hazard Tree" means a Tree that is a safety concern to property or life but not an immediate threat;
 - (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnants, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
 - (i) located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) designated by the Ontario Urban Forest Council;
 - (iv) listed on the Town's Register of Properties of Cultural Heritage Value or Interest;
 - (o) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by:
 - (i) removing, cutting, girdling, or smothering of its roots;
 - (ii) interfering with its water supply;
 - (iii) setting fire to it;
 - (iv) applying chemicals on, around, or near it;
 - (v) compacting or re-grading within the drip line of it;
 - (vi) causing damage by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*;
 - (vii) storing any materials within the drip line; or
 - (viii) any other means resulting from neglect, accident or design;
 - (p) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
 - (q) "Municipal Law Enforcement Officer" means an individual appointed by the Town by by-law pursuant to subsections 15(1) and 15(2) of the *Police*

Services Act, R.S.O. 1990, c. P.15, as amended, for the administration and enforcement of Town by-laws;

- (r) "Nursery Stock" means coniferous or hardwood seedlings, transplants, grafts, or trees propagated or grown in a nursery and with the roots attached, and includes cuttings with or without the roots attached;
- (s) "OHA" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (t) "Owner" means the person having the right, title, interest or equity in the land containing a subject Tree, or his or her agent authorized in writing;
- (u) "Permit" means a permit to Injure or Destroy a Tree issued by the Director;
- (v) "Permit Application Fee" means the prescribed fee as set out in the Town's Fees and Charges By-law, as may be amended from time to time;
- (w) "Person" and/or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, directors, or other legal representatives of a person to whom the context can apply according to law;
- (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
- (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one-quarter ($\frac{1}{4}$) of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement, providing clearance and eliminating interference with utility lines, buildings, pedestrians or vehicles, or eliminating dead, hazardous or diseased wood;
- (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended;
- (aa) "Region" means The Regional Municipality of York;
- (bb) "Town" means The Corporation of the Town of Aurora;
- (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least four and a half (4.5) meters at physiological maturity and having its trunk located wholly on private

property;

- (dd) "Tree Farm" means a property on which Trees are grown and maintained for the dominant purpose of commercial sale;
- (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) proper practices to remove Trees to be destroyed;
- (ff) "Woodlands" means land at least one (1) hectare in area and with at least:
 - (i) 1000 trees, of any size, per hectare;
 - (ii) 750 trees, measuring over five (5) centimeters DBH, per hectare;
 - (iii) 500 trees, measuring over twelve (12) centimeters DBH, per hectare; or
 - (iv) 250 trees, measuring over twenty (20) centimeters DBH, per hectare;but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or Nursery Stock;
- (gg) "York Region Forest Conservation By-law" means by-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Region.

2. APPLICATION OF THE BY-LAW

- 2.(1) Except as otherwise provided in this by-law, the provisions of this by-law shall apply to any Tree whose trunk is located wholly on private property.
- 2.(2) Despite subsection (1), the Region shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3. EXEMPTIONS FROM THE BY-LAW

- 3.(1) The provisions of this by-law do not apply to:
 - (a) activities or matters within Woodlands that are governed by the York

Region Forest Conservation By-law;

- (b) activities or matters within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than one and a half (1.5) metres above a built substructure;
- (c) activities or matters undertaken by the Town or a Local Board;
- (d) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (e) Trees having its trunk located wholly or partially on municipal lands;
- (f) the Injuring or Destruction of Trees within a Tree Farm that are being actively managed and harvested for the purpose for which the Trees were planted;
- (g) the Injuring or Destruction of Trees within a Cultivated Orchard;
- (h) the Injuring or Destruction of Trees by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (i) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of an site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement, including a site plan agreement and a subdivision agreement, entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (j) the Injuring or Destructing of Trees imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (k) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (l) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry

issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;

- (m) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - (i) that has not been designated under the *Aggregate Resources Act* or predecessor legislation; and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;

4. PERMIT REQUIREMENT

4.(1) Unless otherwise exempted under this by-law, no person shall permit or cause the Injury or Destruction of:

- (a) more than two (2) Trees on any one (1) property within any twelve (12) month period having a trunk DBH of more than twenty (20) centimetres DBH and less than seventy (70) centimeters;
- (b) any Tree having a trunk DBH greater than seventy (70) centimeters; or
- (c) any Heritage Tree;

without first obtaining a Permit pursuant to this by-law.

4.(2) Where a Permit has been issued under this by-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit and any other supporting documentation relevant to the issuance of the Permit.

4.(3) Despite subsection (1), a Permit is not required:

- (a) to Injure, Destroy or remove any Tree, or a part of a Tree, as a necessary part of Emergency Work pursuant to section 6;
- (b) to perform Pruning;
- (c) where the Injury or Destruction of a Tree is specifically required in an order made under this by-law, the Act or the Town's Property Standards By-law;
- (d) for the removal of not more than ten (10) Trees within any twelve (12) month period located on a Golf Course and having a trunk diameter of more than twenty (20) centimetres DBH and less than seventy (70) centimeters DBH.

5. DEAD, DISEASED AND HAZARD TREES

- 5.(1) Where a person wishes to Injure, Destroy or remove any dead, diseased or Hazard Tree, or any portion of such a Tree, such a person shall provide to the Town an Arborist certificate, or a report satisfactory to the Director, confirming that any such Tree is dead, diseased or a Hazard Tree along with an application required pursuant to section 8.
- 5.(2) Notwithstanding subsection 8(1), an Application fee is not required to be submitted in relation to an Application relating to a dead, diseased or Hazard Tree. However, should the Director deem a certificate or report provided under subsection (1) to be incomplete, insufficient or deficient in any way, the Director shall not issue a Permit until a satisfactory certificate or report is provided or a new Application is submitted to the Town that satisfies all the requirements of this by-law, including the fee requirement.
- 5.(3) No Injury, Destruction or removal activity shall be taken by any person beyond what is contemplated in any applicable certificate or report provided under subsection (1).

6. EMERGENCY WORK

- 6.(1) Injury, Destruction and removal of any Tree may be conducted without a Permit provided that any such Injury, Destruction or removal was necessary and a part of Emergency Work.
- 6.(2) Following any Emergency Work, the Owner of the property on which Tree(s), for which a Permit would have otherwise been required, affected by any such Emergency Work are located shall, within seventy-two (72) hours of completing or abandoning such Emergency Work, submit evidence satisfactory to the Director that any Injury, Destruction or removal of a Tree was required as part of the Emergency Work.
- 6.(3) The Director has the authority to deem any Injury, Destruction or removal of a Tree, or of any portion of a Tree, done pursuant to subsection (1), to not have been necessary and/or not in the category of Emergency Work based on the materials provided under subsection (2) and any other information deemed relevant by the Director, in which case, the Director may require that a retroactive Permit application be made and/or pursue any enforcement steps permitted under this by-law.

7. ADMINISTRATION

Administration Authority Delegated to the Director

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- 7.(1) The Director is hereby delegated the authority and responsibility for the administration of this by-law, including the authority to receive Applications, certificates from Arborists, and any associated fees, to issue, to revoke and to refuse to issue Permits and also to impose conditions on any Permits in accordance with this by-law.
- 7.(2) The Director is authorized to delegate responsibilities for the administration and enforcement of this by-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

Enforcement

- 7.(3) The Director and Municipal Law Enforcement Officers of the Town are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections of Tree(s) pursuant to the exercise of their authority under this by-law and any other enacted Town by-law or legislation.

Fees

- 7.(4) All fees and charges pursuant to this by-law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-law.

8. PERMIT APPLICATIONS

Permit Application Requirements

- 8.(1) Where an Applicant applies for a Permit for the Injury or Destruction of a Tree(s), he/she shall submit the following to the Director:
- (a) an Application form completed to the satisfaction of the Director;
 - (b) the name, address and telephone number of the Owner;
 - (c) Application fee;
 - (d) description of the purpose for which the Permit is required;
 - (e) an Arborist's Report, if deemed to be required by the Director;
 - (f) where the trunk of a Tree straddles a property line, the written consent to the Permit issuance from the property owner(s) on whose property the affected Tree is partially located; and
 - (g) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application;

- (h) any other information deemed necessary by the Director.

Director's Authority to Refund and Waive Fees

- 8.(2) Notwithstanding 8(1)(c), should the Director determine that a Permit is not required for an activity, matter or Tree subject to an Application or that such activity, matter or Tree is exempt from this by-law, any application fee submitted as part of such an Application shall be refunded to the Applicant, unless it is determined by the Director, at his/her discretion, that Town staff had expended considerable time and resources to process such Application due to an error on the part of the Applicant.
- 8.(3) Notwithstanding 8(1)(c), the Director is authorized to reduce or waive the Application fee if deemed appropriate, at his/her discretion.

False or Misleading Information

- 8.(4) No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, the Director will have the authority to refuse any such Application under consideration by the Town and to revoke any Permit issued by the Town on the basis of any such false or misleading information.

9. ISSUANCE OF A PERMIT

Permit Approval Process

- 9.(1) Upon receipt of an Application, the Director shall:
 - (a) Make a decision as to whether or not a Permit will be issued and whether any conditions will be imposed on such a Permit considering the following:
 - (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any public comments received;
 - (viii) comments received from such persons, staff and agencies as deemed necessary, in the Director's opinion, for the proper review

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- of the Application;
- (ix) whether or not a Tree is a Heritage Tree;
 - (x) any conflicts with existing agreements or plans of the Town; and
 - (xi) any other information that the Director deems to be relevant to the Application.
- (b) If a Tree subject to an Application is found by the Director to be a Heritage Tree, the Director shall not issue a Permit unless the Injury, Destruction or removal is approved by Council following a review by the Town's Heritage Advisory Committee.
- (c) If the Director determines that a Permit will not be issued pursuant to an Application, the Director shall notify the Applicant of the decision in writing and provide reasons for the refusal.

Signage

- 9.(2) Upon receipt of an Application, the Director may Post an informational sign, as established by the Director, relating to the Application in a conspicuous place at or near the property on which the Tree subject to the Application is located and leave such sign in place for a period determined by the Director.
- 9.(3) No person shall temper with or remove any sign posted pursuant to subsection (2), unless following an Application, a Permit is issued and work pursuant to such Permit is completed, a Permit is issued and expires or it is otherwise directed by the Director.

Permit Not Issued

- 9.(4) A Permit shall not be approved or issued where:
- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
 - (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
 - (c) issuance of a Permit is under the jurisdiction of the Region and/or addressed under the York Region Forest Conservation By-law; or
 - (d) approval is inconsistent with an approved Tree Inventory and Preservation Plan.

Subdivision Not Yet Draft Approved

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- 9.(5) Where an Application is made with respect to a Tree that is located on land that is subject to an application for a subdivision approval or a consent that has not received a draft approval or a provisional consent, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Planning Application Not Approved

- 9.(6) Where an Application is made with respect to a Tree that is located on land that is subject to a re-zoning application, an application for site plan approval, or an application to amend the official plan that has not received final approval, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Permit Approved Subject to Conditions

- 9.(7) The issuance of a Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:
- (a) submission of a Vegetation Management Plan ("VMP"), satisfactory of the Director, prepared by a certified Landscape Architect and, if required by the Director or Council, an Arborist and the VMP may include, but not be limited to, the following:
 - (i) a vegetation inventory and assessment, including species size and condition, identifying all vegetation greater than 80mm DBH for individual Tree assessments, the perimeter at canopy of woodlands, groups or stands of vegetation, and trees and vegetation on adjacent properties that may be impacted;
 - (ii) identification of all vegetation removals and protection measures for vegetation designated to be preserved, including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture ("ISA") Guide for Plant Appraisal or approved equivalent completed by an Arborist and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or

- destroyed; and
- (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years or where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town's Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
 - (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
 - (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

Permit Expiry Date

- 9.(8) The Director shall include an expiration date on any Permit being issued by Town, which shall not exceed one (1) year from the date of issuance, upon taking into account the work to be completed under the Permit and any third party or Town activities or interests that might be affected by the work. No Injury or Destruction activity is permitted pursuant to any Permit after the expiration date.

10. APPEALS

- 10.(1) Where the Director refuses to issue a permit, an Applicant may, within five (5) business days of the date of receipt of a written refusal, appeal the decision of the Director to the Council, or such other tribunal or committee designated by Council, by submitting a written request to the Town Clerk.

11. SEVERABILITY

- 11.(1) If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this by-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this by-law.

12. ENFORCEMENT

Power of Entry – Inspection

- 12.(1) The Director and/or a Municipal Law Enforcement Officer may, at any reasonable

time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this by-law;
- (b) direction or order made pursuant to this by-law or the Act;
- (c) condition of a Permit issued under this by-law; or
- (d) an order made under section 431 of the Act.

12.(2) For the purposes of an inspection under subsection (1), the person conducting the inspection may:

- (a) require the production for inspection of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

12.(3) The Director and/or a Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued under section 438 of the Act.

12.(4) Submission of an Application is deemed to be a consent of the Owner for persons designated as an inspector by the Canadian Food Inspection Agency, pursuant to the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect the lands subject to the Application for the presence of pests (as defined in the said legislation) and to take any and all action deemed appropriate by such an inspector, including the removal of any Tree(s) on such private property of the Owner, in accordance with the said legislation.

Contravention Orders

12.(5) Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this by-law or a Permit has occurred, such Director or Municipal Law Enforcement Officer may make an order requiring that the person who caused or permitted such contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention.

- 12.(6) An order pursuant to subsection (5) shall set out the following:
- (a) the municipal address and/or the legal description of the land or property on which the contravention occurred;
 - (b) reasonable particulars of the contravention;
 - (c) what is required of the person subject to the order (i.e., what activity is to be seized and/or actions or work to be done);
 - (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
 - (e) if any work is required to be done, a statement that if such work is not done in compliance with the order and within a specified time period, the Town will have the work done at the expense of the person directed or required to do it; and
 - (f) information regarding the Town's contact person.
- 12.(7) An order issued pursuant subsection (5) may be served:
- (a) personally on the person that is subject to the order; or
 - (b) by sending it by prepaid registered mail to the last known address of the Owner or occupier of the land on which the contravention occurred or, if the person subject to the order is not the Owner or occupier, to the last known address of such person subject to the order.
- 12.(8) Where service of an order is made by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.
- 12.(9) In the event that service of an order cannot be effected under subsection (7), the Director or a Municipal Law Enforcement Officer may place a placard containing the terms of the order in a conspicuous place on the property subject to the order and the placing of the placard shall be deemed sufficient service of the order on the Owner and/or occupier of such subject property.
- 12.(10) Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of Director or a Municipal Law Enforcement Officer at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.

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12.(11) For the purposes of taking remedial action under subsection (10), the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

13. OFFENCES

13.(1) Any person who contravenes any provision of this by-law or an order issued pursuant to this by-law or the Act, or fails to comply with an order issued pursuant to this by-law or the Act, is guilty of an offence.

13.(2) Pursuant to paragraph (a) of subsection 429(2) of the Act, all contraventions of this by-law or of orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law. For greater certainty, when multiple Trees are Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

14. PENALTIES

14.(1) Upon conviction of an offence under this by-law a person is liable to a fine as follows:

(a) a minimum fine for any offence under this by-law is five-hundred dollars (\$500.00) and the maximum fine is one-hundred-thousand dollars (\$100,000).

(b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all the daily fines for an offence is not limited to one-hundred-thousand dollars (\$100,000).

(c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all fines for each included offence is not limited to one-hundred-thousand dollars (\$100,000).

14.(2) In addition to fine under subsection (1), a person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a person obtained from the contravention of this by-law.

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15. REPEAL

15.(1) By-law Number 4474-03.D, as amended, is hereby repealed on the day of this by-law coming into full force and effect.

16. SHORT TITLE

16.(1) This by-law shall be known and may be cited as the "Private Tree Protection By-law".

17. EFFECTIVE DATE

17.(1) This by-law comes into full force and effect on May 1, 2014.

READ A FIRST AND SECOND TIME THIS XXst DAY OF MONTH, 2014.

READ A THIRD TIME AND FINALLY PASSED THIS XXst DAY OF MONTH, 2014.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

Attachment #2



TOWN OF AURORA
GENERAL COMMITTEE

No. PR12-001

SUBJECT: *Approval of Tree Protection By-law*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *January 17, 2012*

RECOMMENDATIONS

THAT report PR12-001 be received as information; and

THAT staff be directed to publicise notice of the revised Draft Tree Protection By-law, in the local media, Town of Aurora website and in all municipal facilities for the purposes of allowing the public and stake holders with an opportunity to review the proposed By-law and provide comment; and

THAT following this public consultation period, staff report back to Council prior to May 2012 with a final draft Tree Protection By-law with recommendations for Councils consideration in enacting the final revised By-law.

PURPOSE OF THE REPORT

To provide Council with a draft of a proposed Tree Protection By-law and to provide the public and stake holders with an opportunity to review and comment on the By-law prior to its enactment.

BACKGROUND

At the January 25, 2011 General Committee meeting, Council received a delegation from a citizen who had several concerns with the Town's current *Tree Permit By-Law No.4474-03D*. The concerns of this citizen were primarily focused on tree removal on the Oak Ridges Moraine and, in particular, with the fact that Golf Course establishments are exempt under the Town's current by-law.

In response to this delegation General Committee directed staff as follows:

General Committee recommends:

THAT the comments of the delegate be received and referred to staff; and

THAT staff be directed to report back to Council on the specific comments raised by the delegate respecting golf courses as well as any other issue staff may identify with respect to the enforcement and protection of trees.

January 17, 2012

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Report No. PR12-001

Following Council direction, members of the Executive Leadership Team appointed a Tree By-law Review Committee consisting of the Manager of Parks, the Manager of Engineering and Design, the Manager of Building Code Review, and the Manager of Planning and Development.

The Committee held a series of meetings for the purposes of conducting an overall review of the current by-law in an effort to evaluate its applicability and effectiveness including a number of issues revolving around the administration of the by-law.

As a first step in the by-law review, the Committee conducted a public consultation process whereby an online survey was conducted in order to assist the Committee in establishing a baseline of public opinion regarding the importance of trees in our municipality.

The online survey was completed by 100 respondents. This could be considered a relatively low participation rate and not indicative of community-wide public opinion, given Aurora's gross population of over 52,000; however, staff was advised by our Communication Department, who assisted in the survey, that this survey was among the highest in participation of any previously conducted survey.

While the information obtained from the survey was helpful in assisting the Committee, it was not considered paramount or as a single resource in formulating the overall content of the revised by-law; rather, the committee used a measured approach in guiding the review process, taking into consideration a number of criteria including the following:

- Research of other neighbouring and GTA municipalities Tree Protection by-laws;
- Consultation with the Region of York;
- Identification and revision of inconsistent language in the current By-law and revision of same;
- Public opinion;
- Revisions to internal interdepartmental administration processes; and
- Consultation with the Manager of Heritage Planning.

During the review process the Committee focused on a number of areas where there was concern with interpreting and differentiating between the Towns's existing Tree Permit By-law and the Region of York Tree Protection By-law No. TR-004-2005-036.

As with all local by-laws, the Upper-tier municipality by-law (York Region) takes precedence in its applicability over any lower-tier by-law (Aurora). To state this in simplistic terms, the *York Region Tree Permit By-law* will continue to apply to wooded properties in the Town of Aurora greater than one hectare in size. The Town of Aurora's *Tree Protection By-law* will continue to apply to any private property or tree covered area within a property that is less than one hectare in size, as is currently the case.

January 17, 2012

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Report No. PR12-001

In our discussions with the Region of York, staff were advised that the Town of Aurora did not delegate to the Region of York, our authority to enforce their *Tree Protection By-law* on Aurora properties of 0.2 to 1.0 hectares in size when the York Region *Tree Protection By-law* was revised in 2005, as is permitted under subsection 135 (10) of the *Municipal Act*.

Staff were advised that many other local municipalities did delegate this authority to the Region of York; however, in our discussions with the Regional Forestry Coordinator, it was agreed that there was no advantage in delegating our authority to the Region given that our by-law is more geared to the higher density municipal setting and properties that are, for the most part, under one hectare in size.

TREE PROTECTION BY-LAW REVISIONS PROPOSED

There are a number of revisions proposed in the by-law, many of which are small in nature; however, in addition to these revisions, there are more significant revisions that will substantially change the way the by-law works and how it is applied. For the purposes of highlighting only the more significant revisions, the Committee has listed these revisions along with a brief explanation of each revision as follows:

1. REDUCTION IN THE NUMBER OF TREES REMOVED WITHOUT A PERMIT DOWN TO TWO TREES IN A 12-MONTH PERIOD FROM NOT MORE THAN FOUR TREES

The proposed by-law will reduce the number of trees that can be removed without first obtaining a permit from the current four trees down to two trees. Based on the results of the public survey, and the fact that many other municipalities require that a permit be issued for the removal of a single tree, this change was considered a more moderate revision that would still enable most private property owners to manage their property.

2. GOLF COURSES NOW INCLUDED IN THE BY-LAW BUT ABLE TO REMOVE UP TO 10 TREES IN A 12-MONTH PERIOD WITHOUT A PERMIT

The current by-law provides for an exemption to golf courses. In reviewing the public survey results and other municipal trees by-laws, the By-law Review Committee sees a need to regulate the cutting of trees on golf course properties; however, the Committee also believes that golf course owners need a level of flexibility to be able to manage their business needs. As such, the Committee felt that being able to remove ten trees in a 12-month period without a permit provides golf courses with that flexibility. In addition, most other municipal tree by-laws require golf courses to obtain a permit to remove a single tree.

3. CONSERVATION AUTHORITY AND SCHOOL BOARDS ARE NOW INCLUDED IN THE BY-LAW REQUIRED TO OBTAIN PERMITS

The current by-law provides for an exemption to Conservation Authorities and School Boards. The By-law Committee in discussions with our Legal Services department were advised that there are no provincial acts or regulations that exempt these agencies from complying with local ordinances. In view of the

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public comments and the large tracts of forested lands owned and managed by LSRCA and TRCA in the Town of Aurora, the Committee suggests that these agencies be included in the proposed by-law as an additional measure of protection over these resources.

4. DIRECTOR TO ISSUE/DENY PERMITS AS AN ADMINISTRATIVE FUNCTION

Permits issued under the current by-law are subject to Council approval. Although this is an effective approvals process in that Council is well informed of all tree removal permits, it is a very time consuming and administratively intensive process that can require six to eight weeks to process a tree permit application. The Committee felt that this process should be streamlined both from a customer service and administrative standpoint which is in keeping with the majority of other municipal Tree Protection By-laws. Council will remain involved in the process in the event of a permit refusal by the Director of Parks and Recreation Services whereby an Applicant would appeal the refusal decision directly to General Committee. In addition, staff can establish, via policy, that Council is notified of all tree permits that have been issued or denied.

5. PERMIT MUST BE OBTAINED PRIOR TO REMOVING SINGLE TREES 70 CM (27.5 in.) AND ABOVE

There are no provisions in the current by-law that require a permit to be obtained prior to removing up to four trees of any size in a 12-month period. Based on the results of the public survey and the environmental benefits associated with the leaf area canopy of our larger trees, the Committee suggested that single tree protection in the by-law for these older and much larger trees is appropriate.

6. PERMIT MUST BE OBTAINED PRIOR TO REMOVING A SINGLE TREE IN THE HERITAGE RESOURCE DISTRICT INCLUDING TREES ON DESIGNATED HERITAGE PROPERTIES

The current by-law has provision for protection of five trees or more on properties designated under the *Ontario Heritage Act*. With a further requirement for an applicant to obtain approval from the Town's Heritage Advisory Manager prior to the issuance of a tree removal permit. The proposed revision will apply to single tree protection on OHA designated properties as well as single trees within the Heritage Resource Area as identified on Schedule B attached to the By-law. The Aurora Cemetery would be an example of a designated property that would be subject to obtaining a permit to remove a single tree 20 cm in diameter or larger.

7. CLARIFIED INTENT OF THE BY-LAW EXEMPTIONS AS IT RELATES TO ADMINISTERING SUBDIVISION AND SITE PLAN APPLICATIONS

Section 20 of the existing by-law which deals with tree permit exemptions - relating to planning approvals associated with land development - has been previously interpreted to require that all final development agreements be signed by both parties prior to the removal of trees on the subject lands. In this case a tree removal permit is not required.

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Very often there is an extensive period of time required in the process of executing a final development agreement. The By-law Review Committee acknowledges that this particular requirement can cause significant delays and complications for applicants wishing to proceed with pre-servicing of sites while awaiting the final development agreement to be executed. As such the Committee suggests that the revised by-law requires all applicants wishing to move forward with site works prior to a signed agreement be required to obtain a tree removal permit.

Under this scenario, the applicant will be required to apply for a tree removal permit and to fulfill all conditions imposed on the permit in order to satisfy the intent of both the *Tree Protection By-law* and all forestry-related requirements contained in the pending development agreement.

8. SET MINIMUM FINES

Under the current by-law there are no applicable minimum/maximum fines for a first offence. The revised by-law now provides for a minimum fine of \$500.00 on a first offence and a maximum fine for any offence of \$100,000.00.

COMMENTS

Perhaps one of the more significant revisions in this by-law is the provision to include golf course establishments. During the consultation process, staff received a written submission from a local golf course suggesting that the current *Regional Tree Protection By-law* was sufficient enough to ensure that due process was in place to regulate golf courses and further suggested that the inclusion of golf courses in the revised by-law could be seen as duplication.

While the committee acknowledged the fact that the Regional by-law is applicable, it is only applicable to woodlands greater than one hectare in size. The Town's revised by-law will deal with treed areas on golf course lands less than one hectare which is not a duplication of the Regional by-law.

With this more restrictive *Tree Protection By-law* it is expected that there will potentially be a corresponding increase in the level of administrative work that will result. Currently Parks Division staff is primarily responsible for the majority of the administrative requirements associated with the by-law.

The By-law Enforcement section is also involved when an infraction has been reported and an onsite investigation is deemed necessary. Currently, staff issues an average of two or three tree permits each year. A total of nine permits have been issued since the *Tree Permit By-law* was enacted in 2003. As such staff are recommending that a watch-and-wait approach for a one-year period to properly gauge and assess the increase in the administrative work load prior to recommending retention of additional resources.

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Following this period staff will be in a better position to evaluate and quantify the impacts that this revised by-law has had on both the Parks and Recreation section and the By-law Enforcement section. If deemed necessary, staff will then follow up with a further report to Council on the matter and include the appropriate recommendations with respect to the administration resource needs of the by-law.

As with any revised or newly created by-law there will be a period of time required to educate and communicate with our residents and businesses in order to ensure that the revised by-law is enacted through a fair and open process.

The Committee suggests that in the event Council approves the revised by-law, a significant effort and time allocation be made to communicate this revised by-law to the public prior to its enactment. As such, staff will prepare an appropriate public notice to be posted in the local media, on our website and in our municipal buildings for a period of time.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could direct staff to make further revisions to the draft by-law prior to its releasing the By-law to the Public-
2. Council could delay the acceptance of the draft by-law for an indefinite period of time to provide for more public dialogue, input and revisions.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time communicating with and educating residents and customers on the various aspects of the by-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering this by-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual fees and service charges.

CONCLUSIONS

That Council receive the draft revised *Tree Protection By-law* as information and that staff be directed to publicise notice of the revised *Tree Protection By-law* in the local media for the purposes of allowing the public and stake holders to review the draft By-law and provide comments.

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ATTACHMENTS

Attachment #1 – Revised *Tree Protection By-law*
Attachment #2 – Schedule A to the Draft Tree Protection By-law
Attachment #3 – Schedule B to the Draft Tree Protection By-law

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, January 5, 2012.

Prepared by: Jim Tree, Manager of Parks- Ext.3222



Allan D. Downey
Director of Parks and Recreation Services



Neil Garbe
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF AURORA

By-law Number XXXX-12

BEING A BY-LAW to prohibit and/or regulate the Injury or Destruction of Trees on Private Property in the Town of Aurora and to repeal By-law Number 4474-03.D.

WHEREAS subsection 135(1) of the *Act* provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS subsection 135(7) of the *Act* provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Town has delegated jurisdiction over Woodlands to the Regional Municipality;

AND WHEREAS Council passed By-law Number 4474-03.D on October 28, 2003, with respect to authorizing the injury or destruction of trees;

AND WHEREAS the Town deems it necessary and expedient to replace By-law Number 4474-03.D with a new By-law and repeal By-law Number 4474-03.D in its entirety;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

**SECTION 1
DEFINITIONS**

1.1 The following words as set out in this By-law shall have the following meanings:

- (a) "*Act*" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner who submits an Application under the provisions of this By-law;
- (c) "Application" means an application for a Permit or a Heritage Permit, on such form as prescribed by the Director;
- (d) "Arborist" means an expert in the care and maintenance of trees, and includes: (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience; (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture; (iv) a consulting arborist registered with the American Society of Consulting Arborists; (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist

- or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
 - (g) "Cultivated Orchard" means land where fruit or nut Trees are grown and maintained for the harvesting of their fruits or nuts;
 - (h) "DBH" means the Diameter at Breast Height which shall be the diameter of the trunk of a Tree at a point of measurement 1.37metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed in Schedule "A" to this By-law. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated diameter at 1.37 metres above the ground as set out in Schedule "B" to this By-law;
 - (i) "Destroy and/or Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
 - (j) "Director" means the Director of Parks & Recreation Services for the Town or his or her designate;
 - (k) "Emergency Work" means work required to be done immediately in order to prevent imminent danger, including Tree maintenance works necessary arising from natural events (e.g., ice storm, high winds, lightning, etc.) as well as Tree maintenance works associated with emergency drain, utility and building repairs;
 - (l) "Golf Course" means an area of land laid out and operating as a golf course, and includes putting greens, driving ranges, and other areas that are ancillary to the golf course uses on the land;
 - (m) "Hazardous" means destabilized or structurally compromised to an extent that it presents an imminent danger of causing property damage or injury to life;
 - (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnant, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
 - (i) it is located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) it is designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) it is designated by the Ontario Urban Forest Council;
 - (iv) it is listed on the Town's Register of Properties of Cultural Heritage Value or Interest.
 - (o) "Heritage Permit" means a Heritage Permit issued by the Town as endorsed by Council after consultation with the Town's Heritage Advisory Committee;
 - (p) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by: (i) removing, cutting, girdling, or smothering of its roots; (ii) interfering with its water supply; (iii) setting fire to it; (iv) applying chemicals on, around, or near it; (v) compacting or re-grading within the drip line of it; (vi) damages caused by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*; (vii) storing any materials within the

- drip line; or (viii) any other means resulting from neglect, accident or design;
- (q) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
 - (r) "Municipal Law Enforcement Officer" means an individual appointed by the Town by By-law pursuant to subsections 15(1) and 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended for the administration and enforcement of Town by-laws;
 - (s) "OHA" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
 - (t) "Owner" means the person having the right, title, interest or equity in the land containing the subject Tree, or his or her agent authorized in writing;
 - (u) "Permit" means a Permit to Injure or Destroy a Tree issued by the Director;
 - (v) "Permit Application Fee" means the prescribed fee as set out in the Application and as set out in the Town's Fees and Services By-law, as may be amended from time to time;
 - (w) "Person" and or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, Directors, or other legal representatives of a person to whom the context can apply according to law;
 - (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
 - (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one quarter of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement; providing clearance for utility lines, buildings, pedestrians or vehicles; or eliminating dead, hazardous or diseased wood;
 - (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended ;
 - (aa) "Regional Municipality" means The Regional Municipality of York;
 - (bb) "Town" means The Corporation of the Town of Aurora;
 - (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity, located within the boundaries of the Town;
 - (dd) "Tree Farm" means land where Trees are grown and maintained for sale;
 - (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval

pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) and proper practices to remove Trees to be destroyed;

- (ff) "Woodland" means land at least one (1) hectare in area and with at least:
- (i) 1000 trees, of any size, per hectare;
 - (ii) 750 trees measuring over five (5) centimeters DBH per hectare;
 - (iii) 500 trees measuring over twelve (12) centimeters DBH per hectare; or
 - (iv) 250 trees measuring over twenty (20) centimeters DBH per hectare;

but does not include a nursery, a Cultivated Orchard, or a plantation established for the purpose of producing Christmas trees or nursery stock;

- (gg) "Woodlot" means land at least 0.2 hectares in area and no greater than one (1) hectare in area and with at least:
- (i) 200 trees, of any size, per 0.2 hectares;
 - (ii) 150 trees, measuring over five (5) centimeters DBH, per 0.2 hectares;
 - (iii) 100 trees, measuring over twenty (12) centimeters DBH, per 0.2 hectares
 - (iv) 50 trees measuring over twenty (20) centimeters DBH, per 0.2 hectares;

but does not include a nursery, a Cultivated Orchard or a plantation established for the purpose of producing Christmas trees or nursery stock;

- (hh) "York Region Forest Conservation By-law" means By-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Regional Municipality.

SECTION 2
PERMIT REQUIRED

2.1 Unless otherwise exempted by this By-law, no person shall permit or cause the Injury or Destruction of:

- (a) more than two (2) Trees within a twelve (12) month period having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;
- (b) any Tree greater than seventy (70) centimeters DBH within a 12 month period; or
- (c) any Heritage Tree;

without first obtaining a Permit or Heritage Permit pursuant to this By-law.

2.2 Where a Permit or Heritage Permit has been issued under this By-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit or Heritage Permit and any other supporting documentation relevant to the issuance of the Permit or Heritage Permit.

**SECTION 3
PERMIT NOT REQUIRED**

3.1 Delegation to the Regional Municipality for Woodlands

The Regional Municipality shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3.2 Exemptions

Notwithstanding section 2 of this By-law, a Permit or Heritage Permit is not required for the Injury or Destruction of Trees:

- (a) within Woodlands that are governed by the York Region Forest Conservation By-law;
- (b) within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than 1.5 metres above a built substructure;
- (c) within a Tree Farm that is being actively managed and harvested for the purpose for which the Trees were planted;
- (d) within a Cultivated Orchard;
- (e) that is for the removal of a dead, diseased or Hazardous Tree, or a portion of such a Tree, where a certificate confirming the need for removal has been issued by an Arborist and submitted to the Director;
- (f) for Emergency Work;
- (g) for Pruning;
- (h) for activities or matters undertaken by the Town or a Local Board, but excluding activities requiring Heritage Permits;
- (i) for activities or matters authorized under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (j) for work performed by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (k) imposed after December 31, 2002, as a condition to the approval of an executed site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (l) imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;

- (m) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
 - (n) undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;
 - (o) undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that: (i) has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended or a predecessor of that Act; or (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
 - (p) on lands owned by the Town or lands within the Town owned by the Regional Municipality; or
- for the removal of not more than ten (10) Trees within a twelve (12) month period on a Golf Course. having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;
- (q)

SECTION 4 ADMINISTRATION

4.1 Administration Authority Delegated to the Director

The Director is responsible for the administration of this By-law and is hereby delegated the authority to receive certificates from an Arborist, Applications, and any required fees. The Director is further authorized to issue, revoke, or refuse to issue Permits, including imposing conditions thereto, in accordance with this By-law.

4.2 Power of Entry

Submission of an Application is deemed consent of the Owner for the Director or Municipal Law Enforcement Officer to enter onto the lands that are subject to the Application to inspect the Tree(s) if considered necessary, in the sole opinion of the Director.

Furthermore, submission of an Application is deemed consent of the Owner for such person designated as an inspector by the Canadian Food Inspection Agency, for the purposes of the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect for the presence of pests (as defined in the said legislation) and to take any and all action including the removal of Trees on all private property, in accordance with the said legislation.

4.3 Enforcement

The Municipal Law Enforcement Officer is hereby delegated the authority to enforce this By-law, and conduct inspections of Tree(s) pursuant to the exercise of their authority under this By-law and any other enacted legislation.

SECTION 5 CERTIFICATE REQUIREMENTS

5.1 Dead, Diseased, or Hazardous Trees

Subject to section 2.1 of this By-law, no person shall Injure, Destroy, or remove a dead, diseased or Hazardous Tree without first submitting a certificate prepared by an Arborist confirming that the Tree is dead,

diseased or Hazardous, to the sole satisfaction of the Director.

5.2 Emergency Works

Notwithstanding subsection 3.2(f) of this By-law, the Owner shall, within seventy-two (72) hours of the completion of any Emergency Work, submit a certificate prepared by an Arborist confirming the requirement, nature and extent of the Emergency Work performed together with photographs depicting the condition of the Tree(s) removed immediately prior to its removal, all to the sole satisfaction of the Director.

**SECTION 6
APPLICATION REQUIREMENTS**

6.1 Permit Application

An Owner who wishes to Injure or Destroy Tree(s) for which a Permit or Heritage Permit is required shall submit an Application to the Director, and shall provide the following:

- (a) the name, address and telephone number of the Owner;
- (b) the non-refundable Application fee;
- (c) the purpose for which the Permit is required;
- (d) an Arborist's Report at the discretion of the Director;
- (e) where the base of a Tree straddles a property line, the written consent to the Permit issuance from the affected adjacent property owner; and
- (f) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application.

Notwithstanding subsection 6.1(b), should the Director determine that the Application is exempt from the requirement for a Permit or Heritage Permit in accordance with section 3 of this By-law, the prescribed costs shall be refunded to the Owner.

6.2 Offence – False or Misleading Information

No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, such Application under consideration will be refused, and any Permit or Heritage Permit issued on the basis of such false or misleading information will be immediately rescinded.

6.3 Application Fee – Director Authorized to Waive

The Director is authorized to reduce or waive the Application fee at his or her sole discretion, giving consideration to the financial circumstances of the Applicant.

**SECTION 7
ISSUANCE OF PERMIT**

7.1 Permit Approval Process

Upon receipt of an Application, the Director shall:

- (a) determine, with the assistance of the Manager of Heritage Planning, whether a Heritage Permit (instead of a Permit) is required pursuant to this By-law;
- (b) make a decision as to whether or not a Permit will be issued, and whether any conditions will be imposed on a Permit, through the Director's consideration of the following criteria:

- (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any potential cultural heritage value of the Tree in consultation with the Manager of Heritage Planning;
 - (viii) any public comments received;
 - (ix) comments received from such persons, staff and agencies as deemed necessary, in the Director's sole opinion, for the proper review of the Application to determine whether or not a Permit should be issued and any conditions imposed thereto; and
 - (x) any other such information that the Director deems to be necessary for the issuance of a Permit.
- (c) cause the Owner to post an information sign on the property in a location clearly visible from the street. The information sign will be provided by the Town to the Owner at the time of the Application, and shall remain posted on the property until the Permit has been issued. The sign can be attached to an existing feature such as a fence or pole, or placed on a stake. A declaration of sign posting must be completed and signed by the Applicant and submitted to the Director once the sign is posted.

7.2 Signage

The signage called for in subsection 7.1(c) shall be posted and remain on the property for at least fifteen (15) days prior to the issuance of a Permit or Heritage Permit, and shall remain posted and visible on the property until the earlier of the completion of the works permitted pursuant to the Permit/Heritage Permit or the Permit/Heritage Permit expiration date.

7.3 Permit Not Issued - Subdivision Not Yet Draft Approved

A Permit or Heritage Permit shall not be approved or issued where an application for subdivision approval or consent related to lands on which the subject Tree(s) is/are located has been submitted to the Town and has not received draft approval or provisional consent.

7.4 Permit Not Issued - Planning Application Not Approved

A Permit or Heritage Permit shall not be approved or issued where a rezoning application, an application for site plan approval, or an application to amend the official plan related to the lands on which the Tree(s) is/are located has been submitted to the Town and has not received final approval.

7.5 Permit Not Issued - Other

A Permit or Heritage Permit shall not be approved or issued where:

- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
- (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
- (c) issuance of a Permit is under the jurisdiction of the Regional Municipality and/or required under the York Region Forest Conservation By-law; or
- (d) approval is inconsistent with an approved Tree Inventory and

Preservation Plan.

7.6 Permit Approved Subject to Conditions

The issuance of a Permit or Heritage Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:

- (a) submission of a Vegetation Management Plan (“VMP”) to the satisfaction of the Director. The VMP shall be prepared by a certified Landscape Architect and may require the retention of an Arborist, at the discretion of the Director or Council. The VMP shall include, but not be limited to, the following:
 - (i) a vegetation inventory & assessment: Identify all vegetation greater than 80mm DBH for individual Tree assessments and/or identify perimeter at canopy of woodland, groups or stands of vegetation; Identify trees & vegetation on adjacent property that may be impacted. Inventory shall include species, size and condition;
 - (ii) identification of all vegetation removals and identification of all protection measures for vegetation designated to be preserved; including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture (“ISA”) Guide for Plant Appraisal or approved equal (to be completed by an Arborist) and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or destroyed;
 - (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years). Where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town’s Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
- (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
- (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

7.7 Permit Expiry Date

The Director, in his or her sole discretion and taking into account the work to be completed under the Permit, shall include an expiration date on the Permit which shall not exceed a one (1) year period. Council may wish to impose an expiration date on any Heritage Permit being issued by the Town. No further Tree Injury or Destruction that is allowed pursuant to the Permit may occur after the expiration date.

**SECTION 8
APPEALS**

8.1 An Applicant for a Permit or Heritage Permit may appeal to the Ontario Municipal Board under the following circumstances:

- (a) if the Town refuses to issue a Permit, within thirty (30) days after the refusal;
- (b) if the Town fails to make a decision on the Application, within sixty (60) days after the Application is received by the Director; or
- (c) if the Owner objects to a condition in the Permit or Heritage Permit, within thirty (30) days after the issuance of the Permit.

**SECTION 9
SEVERABILITY**

9.1 Severability

If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms, to the extent possible, according to law.

**SECTION 10
ENFORCEMENT**

10.1 Enforcement by Officer

Pursuant to subsection 436(1) of the *Act*, a Municipal Law Enforcement Officer may, at any reasonable time, enter and inspect any land to determine whether this By-law, a direction or order under this By-law, or an order made pursuant to section 431 of the *Act* is being complied with. Pursuant to section 438 of the *Act*, a Municipal Law Enforcement Officer may undertake inspections pursuant to orders issued pursuant to section 438 of the *Act*.

10.2 Inspection – Powers

For the purpose of an inspection carried out pursuant to subsection 10.1 of this By-law, a Municipal Law Enforcement Officer may:

- (a) require the production of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts; and
- (c) require information from any person concerning a matter related to the inspection; and alone or in conjunction with a person possessing special expert knowledge make examinations, measurements, take tests, samples or photographs necessary for the purpose of the inspection.

10.3 By-law - Order Issued

Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this By-law or a Permit/Heritage Permit issued under this By-law has occurred, the Director or Municipal Law Enforcement Officer may make an order setting out the particulars of the contravention and requiring the Owner or any other person to stop the Injury or Destruction of a Tree, or requiring work to be done to correct the contravention.

The order shall set out the following:

- (a) the name of the Owner, the municipal address and the legal description of the land or property that is the subject of the contravention;
- (b) reasonable particulars of the contravention;
- (c) what the owner or any other person must do to rectify the contravention;
- (d) a statement that if the work is not done in compliance with the order within a specified time period, the Town will have the work done at the sole expense of the Owner or any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree;
- (e) the date and time by which the order must be compliance with; and
- (f) information regarding the Town's contact person.

10.4 An order issued pursuant to subsection 10.3 may be served personally or by sending it by prepaid registered mail to the last known address of the Owner and, if known, to the last known address of any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree.

10.5 Where service of an order under subsection 10.3 is made by mail, it shall be deemed to have been effected on the fifth (5th) day after the date the order is mailed.

10.6 In the event that service cannot be carried out under subsection 10.4 of this By-law, the Director or Municipal Law Enforcement Officer shall place a placard containing the terms of the order in a conspicuous place on the property where the Tree(s) are situated and placement of the placard will be deemed sufficient service of the order on the Owner and any other person to whom the order is directed.

10.7 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order:

- (a) requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and/or
- (b) do work to correct the contravention.

10.8 Wherever this By-law or a Permit/Heritage Permit issued under this By-law directs or requires any matter or thing to be done by any person, and such person has failed to complete the matter or thing, the matter or thing may be done by the Town under the direction of the Director or a Municipal Law Enforcement Officer at the Owner's sole expense. The Town may enter upon the land at any reasonable time for this purpose and the Town may recover the costs incurred by action or by adding the costs to the tax roll and collecting them in the same manner as taxes pursuant to section 398 of the *Act*.

10.9 Contravention- Offences

Any person who contravenes any provision of this By-law or an order issued pursuant to subsection 10.3 of this By-law is guilty of an offence. Pursuant to paragraph (a) of subsection 429(2) of the *Act*, all contraventions of this By-law or orders issued under subsection 10.3 of this By-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law. For greater certainty, when multiple Trees are

Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

10.10 Contravention - Fines

On conviction of an offence under this By-law, a person is liable to a fine in accordance with section 429 of the *Act* and the following rules made pursuant to section 429 of the *Act*:

- (a) The minimum fine for any offence under this By-law is Five Hundred Dollars (\$500.00);
- (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be Five Hundred Dollars (\$500.00), and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all of the daily fines for the offence may exceed One Hundred Thousand Dollars (\$100,000.00); and
- (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be Five Hundred Dollars (\$500.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all fines for each included offence may exceed One Hundred Thousand Dollars (\$100,000.00).

10.11 Special Fines - No Maximum

On conviction of an offence under this By-law a person is liable to a special fine in accordance with paragraph (d) of subsection 429(2) of the *Act*. The amount of the special fine will be the minimum fine as provided for in subsection 10.10 of this By-law to which may be added the amount of economic advantage or gain that the person has obtained or can obtain from the contravention of this By-law and/or order issued pursuant to subsection 10.3 of this By-law. Pursuant to paragraph 1 of subsection 429(3) of the *Act*, a special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

10.12 Conviction of an Offence – Additional Remedy

Where a person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to plant or replant trees in such manner and within such a period of time as the court considers appropriate, including any arboricultural treatment necessary to re-establish the Tree(s) or have the Tree(s) re-established.

10.13 Presumption - Owner

If a contravention of this By-law or an order issued pursuant to subsection 10.3 of this By-law occurs, the contravention is presumed to have been committed by the Owner of the property on which the contravention has occurred unless otherwise proven by the Owner.

**ARTICLE 11
REPEAL**

11.1 Repeal

By-law Number 4474-03.D be and is hereby repealed in its entirety as of the effective date of this By-law.

**ARTICLE 12
EFFECTIVE DATE**

12.1 Effective date

THAT this By-law shall come into full force and effect on XXXX, 2012.

READ A FIRST AND SECOND TIME THIS XX DAY OF XXXX, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXX, 2012.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

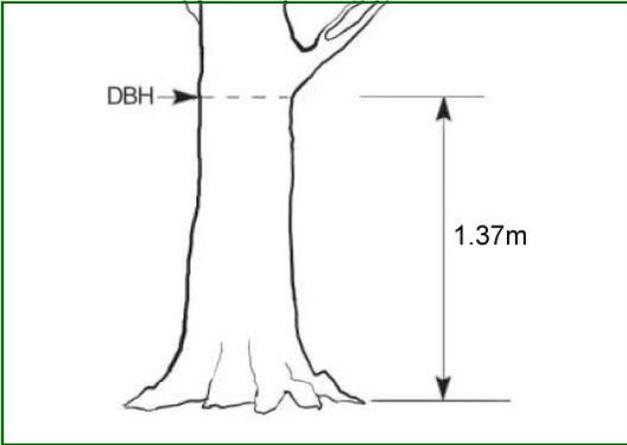
DRAFT

Measuring Tree Trunk Diameter At Breast Height (D.B.H)

You must obtain a Permit to Injure or Destroy (a) Tree(s) prior to the harm, damage, impairment or destruction of any tree in the Town of Aurora with a trunk diameter at breast height (DBH) of 20 cm or more. To determine the DBH, you must measure the diameter of the tree trunk at 137 cm (1.37 m) above ground level.

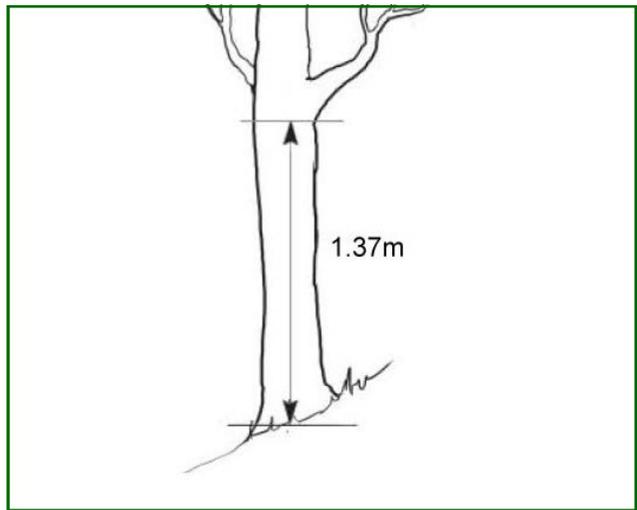
A Tree with a Single Straight Trunk

Simply measure a straight line 137cm (1.37m) from the ground up along the trunk



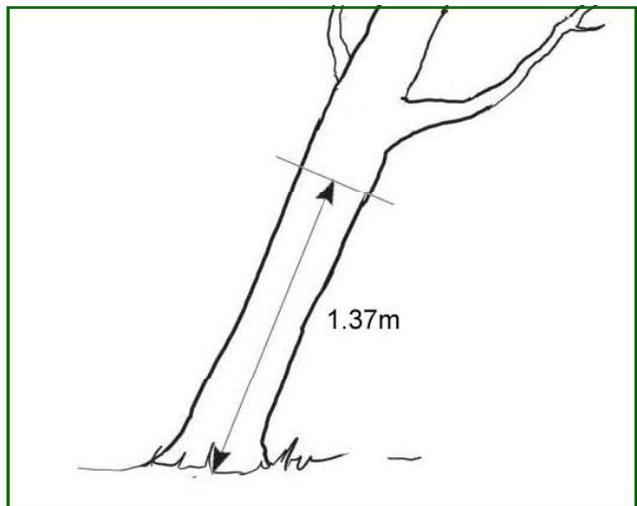
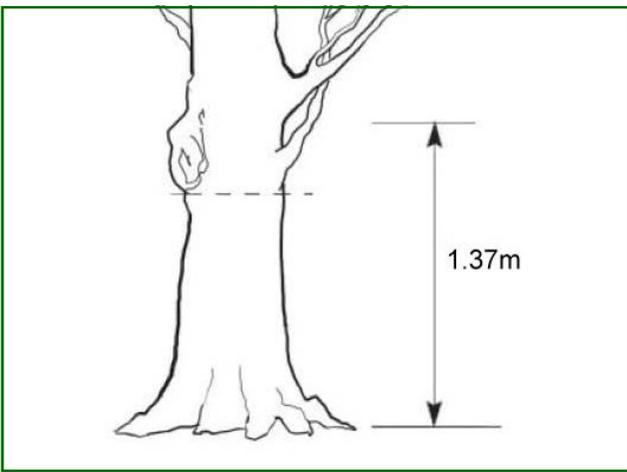
A vertically growing tree on a slope, or a leaning tree

Measure the diameter 137cm above the ground, at the mid-point of the trunk along the slope.



A Tree with Branches or Bumps

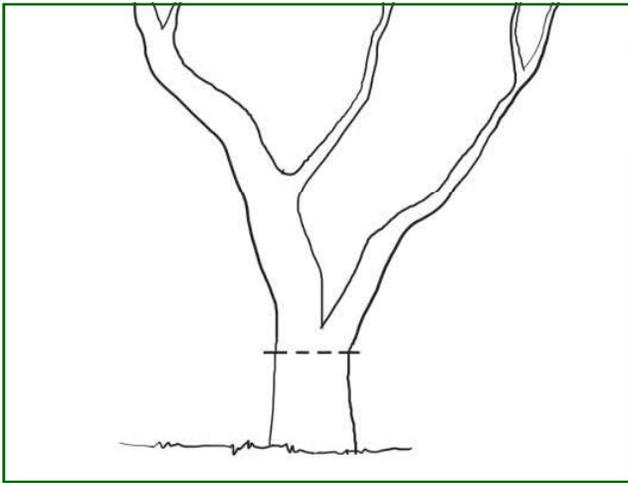
If a tree's branches or bumps interfere with the DBH measurement, take the measurement below the branch or bump



Measuring Tree Trunk Diameter At Breast Height Page 2

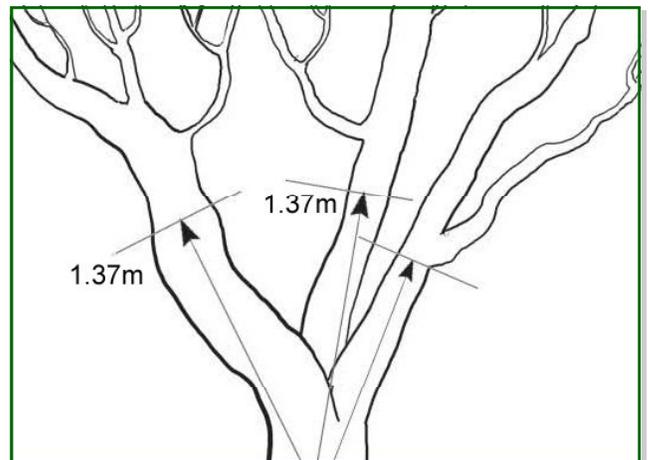
A Tree that forks below or near 137cm

Record the diameter at the narrowed part of the main stem below the fork.



A Tree that splits into several trunks close to ground level

Following the guideline to the left, measure the DBH of each trunk separately.



Where can I get more information about the Town of Aurora's Tree Preservation By-law?

Copies of the Town of Aurora Tree Preservation By-law are available from the Leisure Services department (Parks & Recreation Services) at the Municipal Offices located at 100 John West Way or on the Town of Aurora website:

www.aurora.ca

Anyone who contravenes any provision of the Tree Preservation by-law is guilty of an offence and subject to penalty

Measuring Tree Trunk Diameter

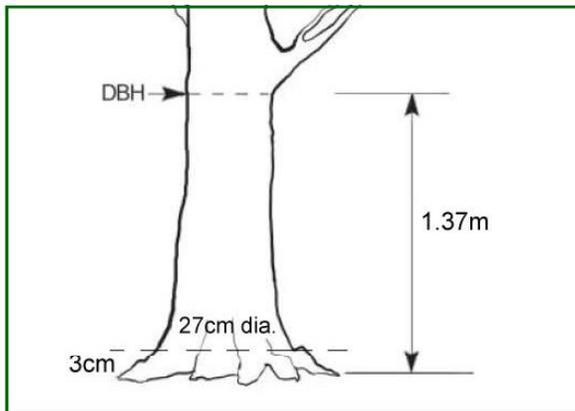
Minimum Diameter Measurements

Trees greater than 20 cm diameter at breast height will be expected to have the following minimum diameter measurements.

Typical Measurements

Height of Measurement above grade level - **3cm**

Trunk Diameter - **27cm**



Attachment #3



TOWN OF AURORA

PUBLIC PLANNING MEETING REPORT

No. PR12-016

SUBJECT: *Public Meeting for Proposed Tree Protection By-law*

FROM: *Tree Protection By-law Review Committee
Represented by: Manager of Parks
Manager of Development Planning
Manager of Building Code Review; and
Manager of Engineering*

DATE: *April 25, 2012*

RECOMMENDATIONS

THAT report PR12-016 be received; and

THAT comments presented at the Public Planning Meeting be addressed by the Tree Protection By-law Committee in a comprehensive report outlining recommendations and options at a future General Committee meeting, and that all parties expressing interest at the Public Meeting and stakeholders be advised of the General Committee meeting date.

PURPOSE OF THE REPORT

To provide Council with background information related to the process review of the proposed revision to the current *Tree Protection By-law*. The public meeting is being held for Council to consider that information and to provide the public and stakeholders with a further opportunity to provide comments on the proposed draft *Tree Protection By-law*.

BACKGROUND

On January 17, 2012, the draft *Tree Protection By-law* (attached) was presented to General Committee as an information item. Council subsequently adopted the following recommendations:

THAT report PR12-001 be received; and

THAT staff be directed to publicize notice of the revised draft Tree Protection By-law, in the local media, Town of Aurora website and in all municipal facilities for the purposes of allowing the public and stakeholders with an opportunity to review the proposed By-law and provide comment; and

April 25, 2012

- 2 -

Report No. PR12-016

THAT following this public consultation period, staff report back to Council prior to May 2012 with a final draft Tree Protection By-law with recommendations for Council's consideration in enacting the final revised By-law.

Following the January 17, 2012 meeting Council, at their meeting on February 28, 2012 provided further direction as follows:

THAT Council direct staff to organize a public meeting to present the Town's proposed tree protection by-law and to answer any questions that the public might have at that time.

Pursuant to Council direction, the Tree Protection By-law Review Committee has coordinated this public meeting and the appropriate notices advising of the meeting were posted in the local newspapers and on the Town's Web page.

In addition letters have been forwarded to all of the stakeholders advising them of this meeting and all participants who completed the Town's on-line survey during our initial public consultation process have also been notified via e-mail. A copy of staff report PR12-001 is attached to this report which outlines the background and research findings to date.

COMMENTS

Throughout the *Tree Protection By-law* review process the Committee has solicited comments on the draft By-law from all stakeholders and from the public. Following the January 17, 2012 Council meeting, comments have been received by staff and are attached as information. The Tree Protection By-law Committee will add these comments to the record and consider them in preparation of the final draft *Tree Protection By-law*.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Direct staff to report back to another Public Planning Meeting addressing any issues that may be raised at the Public Planning Meeting.

FINANCIAL IMPLICATIONS

Pending the outcome of the final terms contained within the *Tree Protection By-law*, financial implications will be considered and outlined in detail in the final *Tree Protection By-law* report that will be presented to Council.

April 25, 2012

- 3 -

Report No. PR12-016

CONCLUSIONS

On January 17, 2012 General Committee considered the draft *Tree Protection By-law* and directed that a public meeting be scheduled to consider comments regarding the proposed changes to the by-law. As such a Council public meeting has been advertised and scheduled to receive further input into the proposal. The background report considered at the January 17, 2012 meeting is included and forms the basis of the review works done to date.

ATTACHMENTS

Attachment #1 –Draft Tree Protection By-law

Attachment #2 – Report PR12-001Tree Protection Bylaw

Attachment #3 – Comments from the public and stakeholders received since January 17, 2012

Attachment #4 – Letter to stakeholders and individual who participated in the on-line survey process.

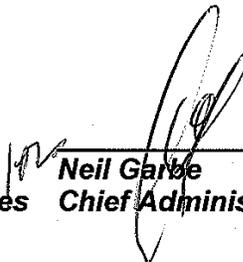
PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Wednesday, April 18, 2012

Prepared by: Jim Tree, Manager of Parks-Ext.3222



Allan D. Downey
Director of Parks and Recreation Services



Neil Garbe
Chief Administrative Officer

THE CORPORATION OF THE TOWN OF AURORA

By-law Number XXXX-12

***BEING A BY-LAW to prohibit
and/or regulate the Injury or
Destruction of Trees on Private
Property in the Town of Aurora
and to repeal By-law Number
4474-03.D.***

WHEREAS subsection 135(1) of the *Act* provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS subsection 135(7) of the *Act* provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Town has delegated jurisdiction over Woodlands to the Regional Municipality;

AND WHEREAS Council passed By-law Number 4474-03.D on October 28, 2003, with respect to authorizing the injury or destruction of trees;

AND WHEREAS the Town deems it necessary and expedient to replace By-law Number 4474-03.D with a new By-law and repeal By-law Number 4474-03.D in its entirety;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

**SECTION 1
DEFINITIONS**

1.1 The following words as set out in this By-law shall have the following meanings:

- (a) "*Act*" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner who submits an Application under the provisions of this By-law;

- (c) "Application" means an application for a Permit or a Heritage Permit, on such form as prescribed by the Director;
- (d) "Arborist" means an expert in the care and maintenance of trees, and includes: (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities; (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience; (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture; (iv) a consulting arborist registered with the American Society of Consulting Arborists; (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
- (g) "Cultivated Orchard" means land where fruit or nut Trees are grown and maintained for the harvesting of their fruits or nuts;
- (h) "DBH" means the Diameter at Breast Height which shall be the diameter of the trunk of a Tree at a point of measurement 1.37metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed in Schedule "A" to this By-law. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated diameter at 1.37 metres above the ground as set out in Schedule "B" to this By-law;
- (i) "Destroy and/or Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
- (j) "Director" means the Director of Parks & Recreation Services for the Town or his or her designate;
- (k) "Emergency Work" means work required to be done immediately in order to prevent imminent danger, including Tree maintenance works necessary arising from natural events (e.g., ice storm, high winds, lightning, etc.) as well as Tree maintenance works associated with emergency drain, utility and building repairs;
- (l) "Golf Course" means an area of land laid out and operating as a golf course, and includes putting greens, driving ranges, and other areas that are ancillary to the golf course uses on the land;

- (m) "Hazardous" means destabilized or structurally compromised to an extent that it presents an imminent danger of causing property damage or injury to life;
- (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnant, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
 - (i) it is located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) it is designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) it is designated by the Ontario Urban Forest Council;
 - (iv) it is listed on the Town's Register of Properties of Cultural Heritage Value or Interest.
- (o) "Heritage Permit" means a Heritage Permit issued by the Town as endorsed by Council after consultation with the Town's Heritage Advisory Committee;
- (p) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by: (i) removing, cutting, girdling, or smothering of its roots; (ii) interfering with its water supply; (iii) setting fire to it; (iv) applying chemicals on, around, or near it; (v) compacting or re-grading within the drip line of it; (vi) damages caused by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*; (vii) storing any materials within the drip line; or (viii) any other means resulting from neglect, accident or design;
- (q) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
- (r) "Municipal Law Enforcement Officer" means an individual appointed by the Town by By-law pursuant to subsections 15(1) and 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended for the administration and enforcement of Town by-laws;
- (s) "*OHA*" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;

- (t) "Owner" means the person having the right, title, interest or equity in the land containing the subject Tree, or his or her agent authorized in writing;
- (u) "Permit" means a Permit to Injure or Destroy a Tree issued by the Director;
- (v) "Permit Application Fee" means the prescribed fee as set out in the Application and as set out in the Town's Fees and Services By-law, as may be amended from time to time;
- (w) "Person" and or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, Directors, or other legal representatives of a person to whom the context can apply according to law;
- (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
- (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one quarter of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement; providing clearance for utility lines, buildings, pedestrians or vehicles; or eliminating dead, hazardous or diseased wood;
- (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended ;
- (aa) "Regional Municipality" means The Regional Municipality of York;
- (bb) "Town" means The Corporation of the Town of Aurora;
- (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity, located within the boundaries of the Town;
- (dd) "Tree Farm" means land where Trees are grown and maintained for sale;
- (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved

through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) and proper practices to remove Trees to be destroyed;

(ff) "Woodland" means land at least one (1) hectare in area and with at least:

- (i) 1000 trees, of any size, per hectare;
- (ii) 750 trees measuring over five (5) centimeters DBH per hectare;
- (iii) 500 trees measuring over twelve (12) centimeters DBH per hectare; or
- (iv) 250 trees measuring over twenty (20) centimeters DBH per hectare;

but does not include a nursery, a Cultivated Orchard, or a plantation established for the purpose of producing Christmas trees or nursery stock;

(gg) "Woodlot" means land at least 0.2 hectares in area and no greater than one (1) hectare in area and with at least:

- (i) 200 trees, of any size, per 0.2 hectares;
- (ii) 150 trees, measuring over five (5) centimeters DBH, per 0.2 hectares;
- (iii) 100 trees, measuring over twenty (12) centimeters DBH, per 0.2 hectares
- (iv) 50 trees measuring over twenty (20) centimeters DBH, per 0.2 hectares;

but does not include a nursery, a Cultivated Orchard or a plantation established for the purpose of producing Christmas trees or nursery stock;

(hh) "York Region Forest Conservation By-law" means By-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Regional Municipality.

**SECTION 2
PERMIT REQUIRED**

2.1 Unless otherwise exempted by this By-law, no person shall permit or cause the Injury or Destruction of:

- (a) more than two (2) Trees within a twelve (12) month period having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;
- (b) any Tree greater than seventy (70) centimeters DBH within a 12 month period; or
- (c) any Heritage Tree;

without first obtaining a Permit or Heritage Permit pursuant to this By-law.

2.2 Where a Permit or Heritage Permit has been issued under this By-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit or Heritage Permit and any other supporting documentation relevant to the issuance of the Permit or Heritage Permit.

**SECTION 3
PERMIT NOT REQUIRED**

3.1 Delegation to the Regional Municipality for Woodlands

The Regional Municipality shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3.2 Exemptions

Notwithstanding section 2 of this By-law, a Permit or Heritage Permit is not required for the Injury or Destruction of Trees:

- (a) within Woodlands that are governed by the York Region Forest Conservation By-law;
- (b) within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than 1.5 metres above a built substructure;
- (c) within a Tree Farm that is being actively managed and harvested for the purpose for which the Trees were planted;
- (d) within a Cultivated Orchard;

- (e) that is for the removal of a dead, diseased or Hazardous Tree, or a portion of such a Tree, where a certificate confirming the need for removal has been issued by an Arborist and submitted to the Director;
- (f) for Emergency Work;
- (g) for Pruning;
- (h) for activities or matters undertaken by the Town or a Local Board, but excluding activities requiring Heritage Permits;
- (i) for activities or matters authorized under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (j) for work performed by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (k) imposed after December 31, 2002, as a condition to the approval of an executed site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (l) imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (m) by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (n) undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;

- (o) undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land that: (i) has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended or a predecessor of that Act; or (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;
- (p) on lands owned by the Town or lands within the Town owned by the Regional Municipality; or

for the removal of not more than ten (10) Trees within a twelve (12) month period on a Golf Course. having a trunk diameter of more than twenty (20) centimetres DBH and less than 70 centimeters DBH;

SECTION 4 ADMINISTRATION

4.1 Administration Authority Delegated to the Director

The Director is responsible for the administration of this By-law and is hereby delegated the authority to receive certificates from an Arborist, Applications, and any required fees. The Director is further authorized to issue, revoke, or refuse to issue Permits, including imposing conditions thereto, in accordance with this By-law.

4.2 Power of Entry

Submission of an Application is deemed consent of the Owner for the Director or Municipal Law Enforcement Officer to enter onto the lands that are subject to the Application to inspect the Tree(s) if considered necessary, in the sole opinion of the Director.

Furthermore, submission of an Application is deemed consent of the Owner for such person designated as an inspector by the Canadian Food Inspection Agency, for the purposes of the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect for the presence of pests (as defined in the said legislation) and to take any and all action including the removal of Trees on all private property, in accordance with the said legislation.

4.3 Enforcement

The Municipal Law Enforcement Officer is hereby delegated the authority to enforce this By-law, and conduct inspections of Tree(s) pursuant to the exercise of their authority under this By-law and any other enacted legislation.

**SECTION 5
CERTIFICATE REQUIREMENTS**

5.1 Dead, Diseased, or Hazardous Trees

Subject to section 2.1 of this By-law, no person shall Injure, Destroy, or remove a dead, diseased or Hazardous Tree without first submitting a certificate prepared by an Arborist confirming that the Tree is dead, diseased or Hazardous, to the sole satisfaction of the Director.

5.2 Emergency Works

Notwithstanding subsection 3.2(f) of this By-law, the Owner shall, within seventy-two (72) hours of the completion of any Emergency Work, submit a certificate prepared by an Arborist confirming the requirement, nature and extent of the Emergency Work performed together with photographs depicting the condition of the Tree(s) removed immediately prior to its removal, all to the sole satisfaction of the Director.

**SECTION 6
APPLICATION REQUIREMENTS**

6.1 Permit Application

An Owner who wishes to Injure or Destroy Tree(s) for which a Permit or Heritage Permit is required shall submit an Application to the Director, and shall provide the following:

- (a) the name, address and telephone number of the Owner;
- (b) the non-refundable Application fee;
- (c) the purpose for which the Permit is required;
- (d) an Arborist's Report at the discretion of the Director;
- (e) where the base of a Tree straddles a property line, the written consent to the Permit issuance from the affected adjacent property owner; and
- (f) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application.

Notwithstanding subsection 6.1(b), should the Director determine that the Application is exempt from the requirement for a Permit or Heritage Permit in accordance with section 3 of this By-law, the prescribed costs shall be refunded to the Owner.

6.2 Offence – False or Misleading Information

No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, such Application under consideration will be refused, and any Permit or Heritage Permit issued on the basis of such false or misleading information will be immediately rescinded.

6.3 Application Fee – Director Authorized to Waive

The Director is authorized to reduce or waive the Application fee at his or her sole discretion, giving consideration to the financial circumstances of the Applicant.

**SECTION 7
ISSUANCE OF PERMIT**

7.1 Permit Approval Process

Upon receipt of an Application, the Director shall:

- (a) determine, with the assistance of the Manager of Heritage Planning, whether a Heritage Permit (instead of a Permit) is required pursuant to this By-law;
- (b) make a decision as to whether or not a Permit will be issued, and whether any conditions will be imposed on a Permit, through the Director's consideration of the following criteria:
 - (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any potential cultural heritage value of the Tree in consultation with the Manager of Heritage Planning;
 - (viii) any public comments received;
 - (ix) comments received from such persons, staff and agencies as deemed necessary, in the Director's sole opinion, for the proper review of the Application to determine whether or not a Permit should be issued and any conditions imposed thereto; and
 - (x) any other such information that the Director deems to be necessary for the issuance of a Permit.

- (c) cause the Owner to post an information sign on the property in a location clearly visible from the street. The information sign will be provided by the Town to the Owner at the time of the Application, and shall remain posted on the property until the Permit has been issued. The sign can be attached to an existing feature such as a fence or pole, or placed on a stake. A declaration of sign posting must be completed and signed by the Applicant and submitted to the Director once the sign is posted.

7.2 Signage

The signage called for in subsection 7.1(c) shall be posted and remain on the property for at least fifteen (15) days prior to the issuance of a Permit or Heritage Permit, and shall remain posted and visible on the property until the earlier of the completion of the works permitted pursuant to the Permit/Heritage Permit or the Permit/Heritage Permit expiration date.

7.3 Permit Not Issued - Subdivision Not Yet Draft Approved

A Permit or Heritage Permit shall not be approved or issued where an application for subdivision approval or consent related to lands on which the subject Tree(s) is/are located has been submitted to the Town and has not received draft approval or provisional consent.

7.4 Permit Not Issued - Planning Application Not Approved

A Permit or Heritage Permit shall not be approved or issued where a rezoning application, an application for site plan approval, or an application to amend the official plan related to the lands on which the Tree(s) is/are located has been submitted to the Town and has not received final approval.

7.5 Permit Not Issued - Other

A Permit or Heritage Permit shall not be approved or issued where:

- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
- (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
- (c) issuance of a Permit is under the jurisdiction of the Regional Municipality and/or required under the York Region Forest Conservation By-law; or
- (d) approval is inconsistent with an approved Tree Inventory and Preservation Plan.

7.6 Permit Approved Subject to Conditions

The issuance of a Permit or Heritage Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:

- (a) submission of a Vegetation Management Plan (“VMP”) to the satisfaction of the Director. The VMP shall be prepared by a certified Landscape Architect and may require the retention of an Arborist, at the discretion of the Director or Council. The VMP shall include, but not be limited to, the following:
 - (i) a vegetation inventory & assessment: Identify all vegetation greater than 80mm DBH for individual Tree assessments and/or identify perimeter at canopy of woodland, groups or stands of vegetation; Identify trees & vegetation on adjacent property that may be impacted. Inventory shall include species, size and condition;
 - (ii) identification of all vegetation removals and identification of all protection measures for vegetation designated to be preserved; including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture (“ISA”) Guide for Plant Appraisal or approved equal (to be completed by an Arborist) and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or destroyed;
 - (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years). Where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town’s Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
- (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
- (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

7.7 Permit Expiry Date

The Director, in his or her sole discretion and taking into account the work to be completed under the Permit, shall include an expiration date on the Permit which shall not exceed a one (1) year period. Council may wish to impose an expiration date on any Heritage Permit being issued by the Town. No further Tree Injury or Destruction that is allowed pursuant to the Permit may occur after the expiration date.

**SECTION 8
APPEALS**

8.1 An Applicant for a Permit or Heritage Permit may appeal to the Ontario Municipal Board under the following circumstances:

- (a) if the Town refuses to issue a Permit, within thirty (30) days after the refusal;
- (b) if the Town fails to make a decision on the Application, within sixty (60) days after the Application is received by the Director; or
- (c) if the Owner objects to a condition in the Permit or Heritage Permit, within thirty (30) days after the issuance of the Permit.

**SECTION 9
SEVERABILITY**

9.1 Severability

If a court of competent jurisdiction declares any provision, or any part of a provision of this By-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms, to the extent possible, according to law.

**SECTION 10
ENFORCEMENT**

10.1 Enforcement by Officer

Pursuant to subsection 436(1) of the *Act*, a Municipal Law Enforcement Officer may, at any reasonable time, enter and inspect any land to determine whether this By-law, a direction or order under this By-law, or an order made pursuant to section 431 of the *Act* is being complied with. Pursuant to section 438 of the *Act*, a Municipal Law Enforcement Officer may undertake inspections pursuant to orders issued pursuant to section 438 of the *Act*.

10.2 Inspection – Powers

For the purpose of an inspection carried out pursuant to subsection 10.1 of this By-law, a Municipal Law Enforcement Officer may:

- (a) require the production of documents or things relevant to the inspection;
- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts; and
- (c) require information from any person concerning a matter related to the inspection; and alone or in conjunction with a person possessing special expert knowledge make examinations, measurements, take tests, samples or photographs necessary for the purpose of the inspection.

10.3 By-law - Order Issued

Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this By-law or a Permit/Heritage Permit issued under this By-law has occurred, the Director or Municipal Law Enforcement Officer may make an order setting out the particulars of the contravention and requiring the Owner or any other person to stop the Injury or Destruction of a Tree, or requiring work to be done to correct the contravention.

The order shall set out the following:

- (a) the name of the Owner, the municipal address and the legal description of the land or property that is the subject of the contravention;
- (b) reasonable particulars of the contravention;
- (c) what the owner or any other person must do to rectify the contravention;
- (d) a statement that if the work is not done in compliance with the order within a specified time period, the Town will have the work done at the sole expense of the Owner or any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree;
- (e) the date and time by which the order must be compliance with; and
- (f) information regarding the Town's contact person.

10.4 An order issued pursuant to subsection 10.3 may be served personally or by sending it by prepaid registered mail to the last known address of the Owner and, if known, to the last known address of any other person deemed by the Director, in his or her sole discretion, to be responsible for the Injury or Destruction of a Tree.

10.5 Where service of an order under subsection 10.3 is made by mail, it shall be deemed to have been effected on the fifth (5th) day after the date the order is mailed.

10.6 In the event that service cannot be carried out under subsection 10.4 of this By-law, the Director or Municipal Law Enforcement Officer shall place a placard containing the terms of the order in a conspicuous place on the property where the Tree(s) are situated and placement of the placard will be deemed sufficient service of the order on the Owner and any other person to whom the order is directed.

10.7 If a Municipal Law Enforcement Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order:

- (a) requiring the person who contravened the By-law or who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and/or
- (b) do work to correct the contravention.

10.8 Wherever this By-law or a Permit/Heritage Permit issued under this By-law directs or requires any matter or thing to be done by any person, and such person has failed to complete the matter or thing, the matter or thing may be done by the Town under the direction of the Director or a Municipal Law Enforcement Officer at the Owner's sole expense. The Town may enter upon the land at any reasonable time for this purpose and the Town may recover the costs incurred by action or by adding the costs to the tax roll and collecting them in the same manner as taxes pursuant to section 398 of the *Act*.

10.9 Contravention- Offences

Any person who contravenes any provision of this By-law or an order issued pursuant to subsection 10.3 of this By-law is guilty of an offence. Pursuant to paragraph (a) of subsection 429(2) of the *Act*, all contraventions of this By-law or orders issued under subsection 10.3 of this By-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law. For greater certainty, when multiple Trees are Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

10.10 Contravention - Fines

On conviction of an offence under this By-law, a person is liable to a fine in accordance with section 429 of the *Act* and the following rules made pursuant to section 429 of the *Act*:

- (a) The minimum fine for any offence under this By-law is Five Hundred Dollars (\$500.00);

- (b) In the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be Five Hundred Dollars (\$500.00), and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all of the daily fines for the offence may exceed One Hundred Thousand Dollars (\$100,000.00); and
- (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be Five Hundred Dollars (\$500.00) and the maximum fine shall be Ten Thousand Dollars (\$10,000.00). The total of all fines for each included offence may exceed One Hundred Thousand Dollars (\$100,000.00).

10.11 Special Fines - No Maximum

On conviction of an offence under this By-law a person is liable to a special fine in accordance with paragraph (d) of subsection 429(2) of the *Act*. The amount of the special fine will be the minimum fine as provided for in subsection 10.10 of this By-law to which may be added the amount of economic advantage or gain that the person has obtained or can obtain from the contravention of this By-law and/or order issued pursuant to subsection 10.3 of this By-law. Pursuant to paragraph 1 of subsection 429(3) of the *Act*, a special fine may exceed One Hundred Thousand Dollars (\$100,000.00).

10.12 Conviction of an Offence – Additional Remedy

Where a person is convicted of an offence under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the person to plant or replant trees in such manner and within such a period of time as the court considers appropriate, including any arboricultural treatment necessary to re-establish the Tree(s) or have the Tree(s) re-established.

10.13 Presumption - Owner

If a contravention of this By-law or an order issued pursuant to subsection 10.3 of this By-law occurs, the contravention is presumed to have been committed by the Owner of the property on which the contravention has occurred unless otherwise proven by the Owner.

**ARTICLE 11
REPEAL**

11.1 Repeal

By-law Number 4474-03.D be and is hereby repealed in its entirety as of the effective date of this By-law.

ARTICLE 12
EFFECTIVE DATE

12.1 Effective date

THAT this By-law shall come into full force and effect on XXXX, 2012.

READ A FIRST AND SECOND TIME THIS XX DAY OF XXXX, 2012.

READ A THIRD TIME AND FINALLY PASSED THIS XX DAY OF XXXX, 2012.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

DRAFT

Attachment #2 to PR12-016



**TOWN OF AURORA
GENERAL COMMITTEE**

No. PR12-001

SUBJECT: *Approval of Tree Protection By-law*
FROM: *Allan D. Downey, Director of Parks and Recreation Services*
DATE: *January 17, 2012*

RECOMMENDATIONS

THAT report PR12-001 be received as information; and

THAT staff be directed to publicise notice of the revised Draft Tree Protection By-law, in the local media, Town of Aurora website and in all municipal facilities for the purposes of allowing the public and stake holders with an opportunity to review the proposed By-law and provide comment; and

THAT following this public consultation period, staff report back to Council prior to May 2012 with a final draft Tree Protection By-law with recommendations for Councils consideration in enacting the final revised By-law.

PURPOSE OF THE REPORT

To provide Council with a draft of a proposed Tree Protection By-law and to provide the public and stake holders with an opportunity to review and comment on the By-law prior to its enactment.

BACKGROUND

At the January 25, 2011 General Committee meeting, Council received a delegation from a citizen who had several concerns with the Town's current *Tree Permit By-Law No.4474-03D*. The concerns of this citizen were primarily focused on tree removal on the Oak Ridges Moraine and, in particular, with the fact that Golf Course establishments are exempt under the Town's current by-law.

In response to this delegation General Committee directed staff as follows:

General Committee recommends:

THAT the comments of the delegate be received and referred to staff; and

THAT staff be directed to report back to Council on the specific comments raised by the delegate respecting golf courses as well as any other issue staff may identify with respect to the enforcement and protection of trees.

January 17, 2012

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Report No. PR12-001

Following Council direction, members of the Executive Leadership Team appointed a Tree By-law Review Committee consisting of the Manager of Parks, the Manager of Engineering and Design, the Manager of Building Code Review, and the Manager of Planning and Development.

The Committee held a series of meetings for the purposes of conducting an overall review of the current by-law in an effort to evaluate its applicability and effectiveness including a number of issues revolving around the administration of the by-law.

As a first step in the by-law review, the Committee conducted a public consultation process whereby an online survey was conducted in order to assist the Committee in establishing a baseline of public opinion regarding the importance of trees in our municipality.

The online survey was completed by 100 respondents. This could be considered a relatively low participation rate and not indicative of community-wide public opinion, given Aurora's gross population of over 52,000; however, staff was advised by our Communication Department, who assisted in the survey, that this survey was among the highest in participation of any previously conducted survey.

While the information obtained from the survey was helpful in assisting the Committee, it was not considered paramount or as a single resource in formulating the overall content of the revised by-law; rather, the committee used a measured approach in guiding the review process, taking into consideration a number of criteria including the following:

- Research of other neighbouring and GTA municipalities Tree Protection by-laws;
- Consultation with the Region of York;
- Identification and revision of inconsistent language in the current By-law and revision of same;
- Public opinion;
- Revisions to internal interdepartmental administration processes; and
- Consultation with the Manager of Heritage Planning.

During the review process the Committee focused on a number of areas where there was concern with interpreting and differentiating between the Town's existing Tree Permit By-law and the Region of York Tree Protection By-law No. TR-004-2005-036.

As with all local by-laws, the Upper-tier municipality by-law (York Region) takes precedence in its applicability over any lower-tier by-law (Aurora). To state this in simplistic terms, the *York Region Tree Permit By-law* will continue to apply to wooded properties in the Town of Aurora greater than one hectare in size. The Town of Aurora's *Tree Protection By-law* will continue to apply to any private property or tree covered area within a property that is less than one hectare in size, as is currently the case.

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In our discussions with the Region of York, staff were advised that the Town of Aurora did not delegate to the Region of York, our authority to enforce their *Tree Protection By-law* on Aurora properties of 0.2 to 1.0 hectares in size when the York Region *Tree Protection By-law* was revised in 2005, as is permitted under subsection 135 (10) of the *Municipal Act*.

Staff were advised that many other local municipalities did delegate this authority to the Region of York; however, in our discussions with the Regional Forestry Coordinator, it was agreed that there was no advantage in delegating our authority to the Region given that our by-law is more geared to the higher density municipal setting and properties that are, for the most part, under one hectare in size.

TREE PROTECTION BY-LAW REVISIONS PROPOSED

There are a number of revisions proposed in the by-law, many of which are small in nature; however, in addition to these revisions, there are more significant revisions that will substantially change the way the by-law works and how it is applied. For the purposes of highlighting only the more significant revisions, the Committee has listed these revisions along with a brief explanation of each revision as follows:

1. REDUCTION IN THE NUMBER OF TREES REMOVED WITHOUT A PERMIT DOWN TO TWO TREES IN A 12-MONTH PERIOD FROM NOT MORE THAN FOUR TREES

The proposed by-law will reduce the number of trees that can be removed without first obtaining a permit from the current four trees down to two trees. Based on the results of the public survey, and the fact that many other municipalities require that a permit be issued for the removal of a single tree, this change was considered a more moderate revision that would still enable most private property owners to manage their property.

2. GOLF COURSES NOW INCLUDED IN THE BY-LAW BUT ABLE TO REMOVE UP TO 10 TREES IN A 12-MONTH PERIOD WITHOUT A PERMIT

The current by-law provides for an exemption to golf courses. In reviewing the public survey results and other municipal trees by-laws, the By-law Review Committee sees a need to regulate the cutting of trees on golf course properties; however, the Committee also believes that golf course owners need a level of flexibility to be able to manage their business needs. As such, the Committee felt that being able to remove ten trees in a 12-month period without a permit provides golf courses with that flexibility. In addition, most other municipal tree by-laws require golf courses to obtain a permit to remove a single tree.

3. CONSERVATION AUTHORITY AND SCHOOL BOARDS ARE NOW INCLUDED IN THE BY-LAW REQUIRED TO OBTAIN PERMITS

The current by-law provides for an exemption to Conservation Authorities and School Boards. The By-law Committee in discussions with our Legal Services department were advised that there are no provincial acts or regulations that exempt these agencies from complying with local ordinances. In view of the public comments and the large tracts of forested lands owned and managed by

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Report No. PR12-001

LSRCA and TRCA in the Town of Aurora, the Committee suggests that these agencies be included in the proposed by-law as an additional measure of protection over these resources.

4. DIRECTOR TO ISSUE/DENY PERMITS AS AN ADMINISTRATIVE FUNCTION

Permits issued under the current by-law are subject to Council approval. Although this is an effective approvals process in that Council is well informed of all tree removal permits, it is a very time consuming and administratively intensive process that can require six to eight weeks to process a tree permit application. The Committee felt that this process should be streamlined both from a customer service and administrative standpoint which is in keeping with the majority of other municipal Tree Protection By-laws. Council will remain involved in the process in the event of a permit refusal by the Director of Parks and Recreation Services whereby an Applicant would appeal the refusal decision directly to General Committee. In addition, staff can establish, via policy, that Council is notified of all tree permits that have been issued or denied.

5. PERMIT MUST BE OBTAINED PRIOR TO REMOVING SINGLE TREES 70 CM (27.5 in.) AND ABOVE

There are no provisions in the current by-law that require a permit to be obtained prior to removing up to four trees of any size in a 12-month period. Based on the results of the public survey and the environmental benefits associated with the leaf area canopy of our larger trees, the Committee suggested that single tree protection in the by-law for these older and much larger trees is appropriate.

6. PERMIT MUST BE OBTAINED PRIOR TO REMOVING A SINGLE TREE IN THE HERITAGE RESOURCE DISTRICT INCLUDING TREES ON DESIGNATED HERITAGE PROPERTIES

The current by-law has provision for protection of five trees or more on properties designated under the *Ontario Heritage Act*. With a further requirement for an applicant to obtain approval from the Town's Heritage Advisory Manager prior to the issuance of a tree removal permit. The proposed revision will apply to single tree protection on OHA designated properties as well as single trees within the Heritage Resource Area as identified on Schedule B attached to the By-law. The Aurora Cemetery would be an example of a designated property that would be subject to obtaining a permit to remove a single tree 20 cm in diameter or larger.

7. CLARIFIED INTENT OF THE BY-LAW EXEMPTIONS AS IT RELATES TO ADMINISTERING SUBDIVISION AND SITE PLAN APPLICATIONS

Section 20 of the existing by-law which deals with tree permit exemptions - relating to planning approvals associated with land development - has been previously interpreted to require that all final development agreements be signed by both parties prior to the removal of trees on the subject lands. In this case a tree removal permit is not required.

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Very often there is an extensive period of time required in the process of executing a final development agreement. The By-law Review Committee acknowledges that this particular requirement can cause significant delays and complications for applicants wishing to proceed with pre-servicing of sites while awaiting the final development agreement to be executed. As such the Committee suggests that the revised by-law requires all applicants wishing to move forward with site works prior to a signed agreement be required to obtain a tree removal permit.

Under this scenario, the applicant will be required to apply for a tree removal permit and to fulfill all conditions imposed on the permit in order to satisfy the intent of both the *Tree Protection By-law* and all forestry-related requirements contained in the pending development agreement.

8. SET MINIMUM FINES

Under the current by-law there are no applicable minimum/maximum fines for a first offence. The revised by-law now provides for a minimum fine of \$500.00 on a first offence and a maximum fine for any offence of \$100,000.00.

COMMENTS

Perhaps one of the more significant revisions in this by-law is the provision to include golf course establishments. During the consultation process, staff received a written submission from a local golf course suggesting that the current *Regional Tree Protection By-law* was sufficient enough to ensure that due process was in place to regulate golf courses and further suggested that the inclusion of golf courses in the revised by-law could be seen as duplication.

While the committee acknowledged the fact that the Regional by-law is applicable, it is only applicable to woodlands greater than one hectare in size. The Town's revised by-law will deal with treed areas on golf course lands less than one hectare which is not a duplication of the Regional by-law.

With this more restrictive *Tree Protection By-law* it is expected that there will potentially be a corresponding increase in the level of administrative work that will result. Currently Parks Division staff is primarily responsible for the majority of the administrative requirements associated with the by-law

The By-law Enforcement section is also involved when an infraction has been reported and an onsite investigation is deemed necessary. Currently, staff issues an average of two or three tree permits each year. A total of nine permits have been issued since the *Tree Permit By-law* was enacted in 2003. As such staff are recommending that a watch-and-wait approach for a one-year period to properly gauge and assess the increase in the administrative work load prior to recommending retention of additional resources.

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Following this period staff will be in a better position to evaluate and quantify the impacts that this revised by-law has had on both the Parks and Recreation section and the By-law Enforcement section. If deemed necessary, staff will then follow up with a further report to Council on the matter and include the appropriate recommendations with respect to the administration resource needs of the by-law.

As with any revised or newly created by-law there will be a period of time required to educate and communicate with our residents and businesses in order to ensure that the revised by-law is enacted through a fair and open process.

The Committee suggests that in the event Council approves the revised by-law, a significant effort and time allocation be made to communicate this revised by-law to the public prior to its enactment. As such, staff will prepare an appropriate public notice to be posted in the local media, on our website and in our municipal buildings for a period of time.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could direct staff to make further revisions to the draft by-law prior to its releasing the By-law to the Public.
2. Council could delay the acceptance of the draft by-law for an indefinite period of time to provide for more public dialogue, input and revisions.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time communicating with and educating residents and customers on the various aspects of the by-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering this by-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual fees and service charges.

CONCLUSIONS

That Council receive the draft revised *Tree Protection By-law* as information and that staff be directed to publicise notice of the revised *Tree Protection By-law* in the local media for the purposes of allowing the public and stake holders to review the draft By-law and provide comments.

January 17, 2012

- 7 -

Report No. PR12-001

ATTACHMENTS

Attachment #1 – Revised *Tree Protection By-law*

Attachment#2 –Schedule A to the Draft Tree Protection By-law

Attachment #3–Schedule B to the Draft Tree Protection By-law

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, January 5, 2012.

Prepared by: Jim Tree, Manager of Parks- Ext.3222

Allan D. Downey
Director of Parks and Recreation Services

Neil Garbe
Chief Administrative Officer

Attachment #3 to PR12-016

From: Wright, Carole
Sent: Thursday, April 12, 2012 4:22 PM
To: Tree, Jim
Subject: Tree Permit By-Law Review

April 12, 2012

This email is in response to your comments regarding the Town of Aurora Tree Permit By-law Review.

You will recall our previous e-mail message that was sent to you on February 1, 2012 advising you that the Town had completed a comprehensive review of the Tree Permit By-law and prepared a new draft. This draft by-law was received and approved by Council as an information item on January 24.

On February 01, 2012 Council directed staff to conduct a public meeting to provide residents and stakeholders with additional opportunities to make comments on the draft by-law.

The Public meeting is scheduled to take place at the Town Hall, 100 John West Way, in the Council Chambers, on April 25th at 7:00 PM.

Members of the public are welcome to attend the meeting and speak to the proposed tree by-law if they wish.

Written comments can also be submitted online through the Town's website or comments can be e-mailed to Jim Tree, Manager of Parks Operations.

Comments will be received until noon on **May 3, 2012**.

The input will be reviewed by Town staff and a report will be presented to Council with a recommendation on enacting the revised Tree Permit By-law.

Further notice will be posted advising of the date and time that the final draft by-law will be presented to Council.

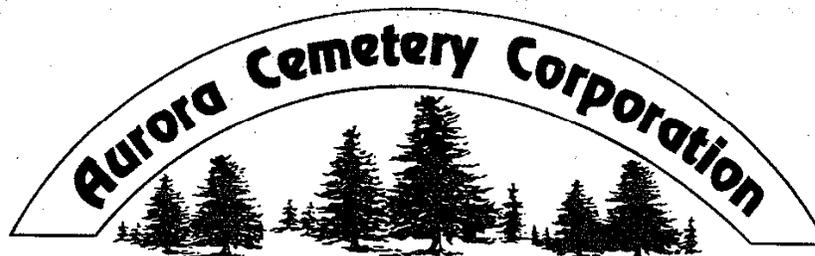
For more information, please contact Jim Tree, Manager of Parks Operations at 905-727-3123 ext. 3222 or e-mail jtree@aurora.ca

Carole Wright
Parks Department
Administrative Assistant

Town of Aurora
100 John West Way, Box 1000
Aurora, Ontario L4G 6J1

Phone: 905-727-3123 ext. 3233

Mailing Address
4253 Yonge Street
Aurora, Ontario
L4G 3G9
CPA



Phone: (905) 727-9321
Fax: (905) 727-9324
3061

TO: Board of Directors
FROM: David H. Peirce, President
RE: Tree Permit-By-Law Review
DATE: June 14, 2011

Aurora Cemetery Corporation has reviewed the proposed by-law for control of tree cutting, etc. in the Town of Aurora. In addition the cemetery supports such effort by the Town. (By-law #4474-03.D).

However, for the reasons outlined below, the Board requests that the ACC be exempted from the by-law.

- a) The cemetery, including the grounds and all buildings, are subject to a Heritage Act by-law. The purpose of the by-law is to preserve and protect the ambience of the cemetery as it exists.
- b) In addition to the cited purpose set out in (a) the by-law directs the Board of ACC to preserve and protect the plan and designs of the cemetery which are to mirror and continue the "Victorian styled cemetery" of the early portion of the last century.
- c) In order to accomplish the heritage goals, ACC has established a tree inventory which is an ongoing program, since many of the trees are 100-180 years of age.
- d) To maintain the tree inventory, ACC expends considerable time and effort to preserve the trees growing in the cemetery. However, in each year there are one to five emergent situations affecting the trees. With the extensive cabling and trimming of the trees, the appearance of the cemetery is maintained.
- e) The trees and tree inventory are reviewed and updated in each year. The cemetery cannot necessarily plan nor extend a tree program in each year due to the age and size of many of the trees. However, the cemetery does utilize and employ arborists and other professionals in its programs at all times. Because much work is of an emergent nature due to weather and related conditions, tree replacement, trimming and expansion of the inventory are dealt with forthwith when required and not necessarily in a lock-step manner.

For the cited reasons, ACC does not want another level of bureaucracy imposed on its operations. It is the option of ACC that such a step will infringe adversely on the cemetery.

Serving The Community Since 1869

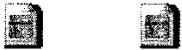
Tree, Jim

From: Isobel Raiston [mailto:isobel@...]
Sent: Thursday, February 02, 2012 2:11 PM
To: Tree, Jim
Subject: Emailing: AFTER 7th Hole (View 1), AFTER 7th Hole (View 2a), AFTER 7th Hole (View 2b), BEFORE 7th Hole (View 1), BEFORE 7th Hole (View 2), IMG00180, IMG00183, IMG00184, IMG00185, IMG00190, IMG00192

Attachments: AFTER 7th Hole (View 1).jpg; AFTER 7th Hole (View 2a).jpg; AFTER 7th Hole (View 2b).jpg; BEFORE 7th Hole (View 1).jpg; BEFORE 7th Hole (View 2).jpg; IMG00180.jpg; IMG00183.jpg; IMG00184.jpg; IMG00185.jpg; IMG00190.jpg; IMG00192.jpg



AFTER 7th Hole (View 1).jpg (222 KB)
AFTER 7th Hole (View 2a).jpg (174 KB)
AFTER 7th Hole (View 2b).jpg (153 KB)
BEFORE 7th Hole (View 1).jpg (224 KB)
BEFORE 7th Hole (View 2).jpg
IMG00180.jpg
IMG00183.jpg
IMG00184.jpg
IMG00185.jpg



IMG00190.jpg (137 KB)
IMG00192.jpg (196 KB)

Jim;

Here is some devastation on woodlots. Two photos are "before" the cutting...

Isobel
Your message is ready to be sent with the following file or link attachments:

- AFTER 7th Hole (View 1)
AFTER 7th Hole (View 2a)
AFTER 7th Hole (View 2b)
BEFORE 7th Hole (View 1)
BEFORE 7th Hole (View 2)
IMG00180
IMG00183
IMG00184
IMG00185
IMG00190
IMG00192

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

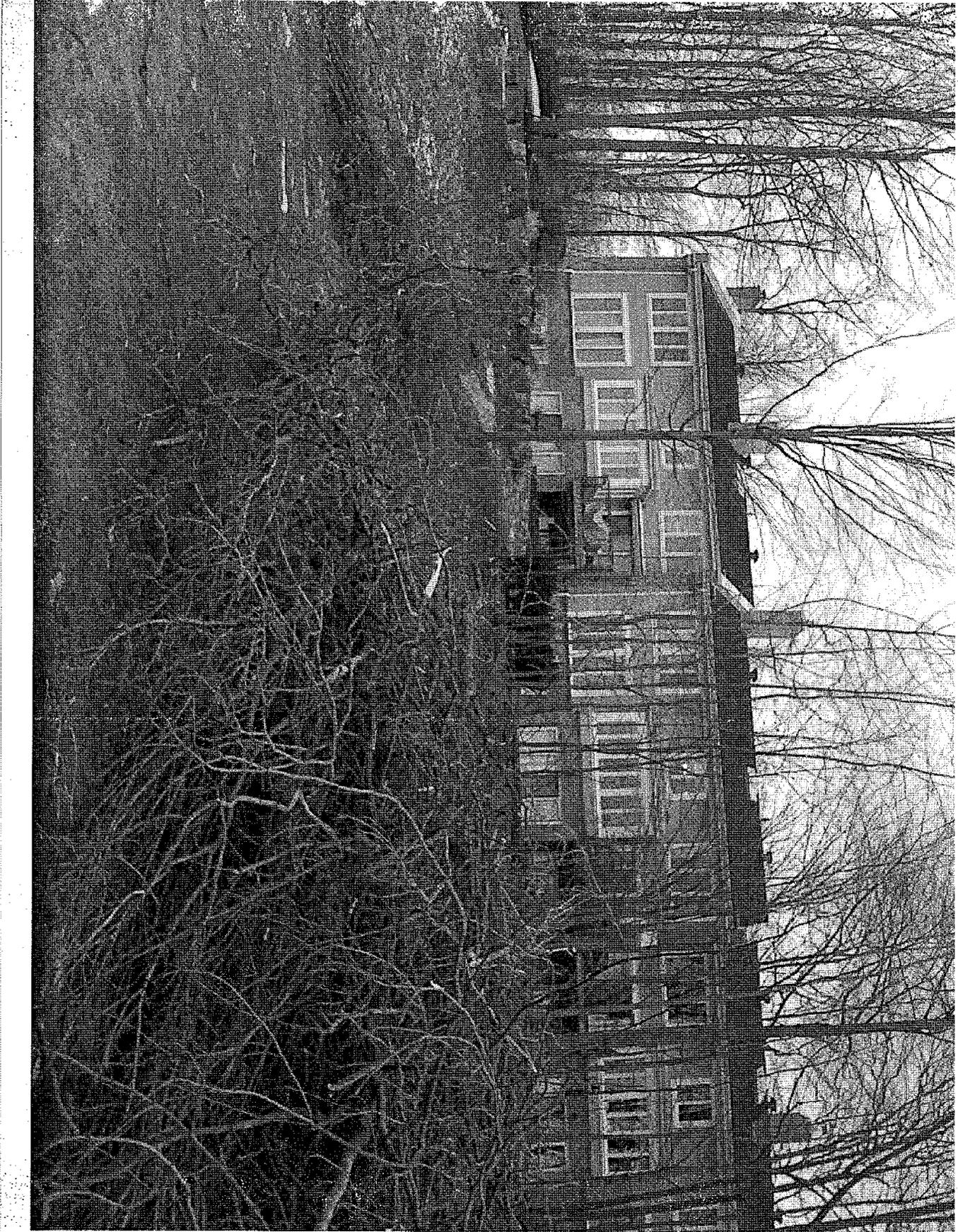


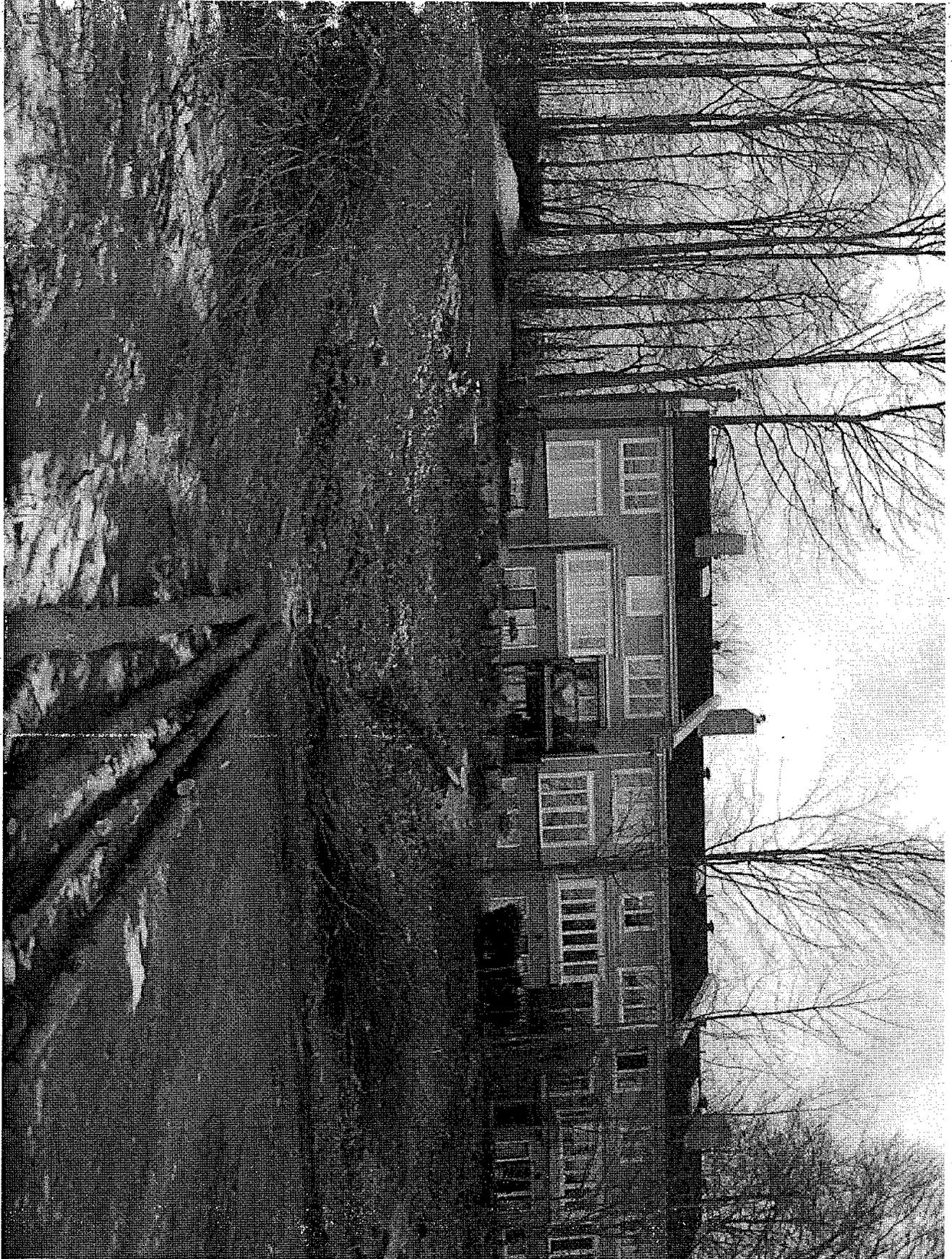


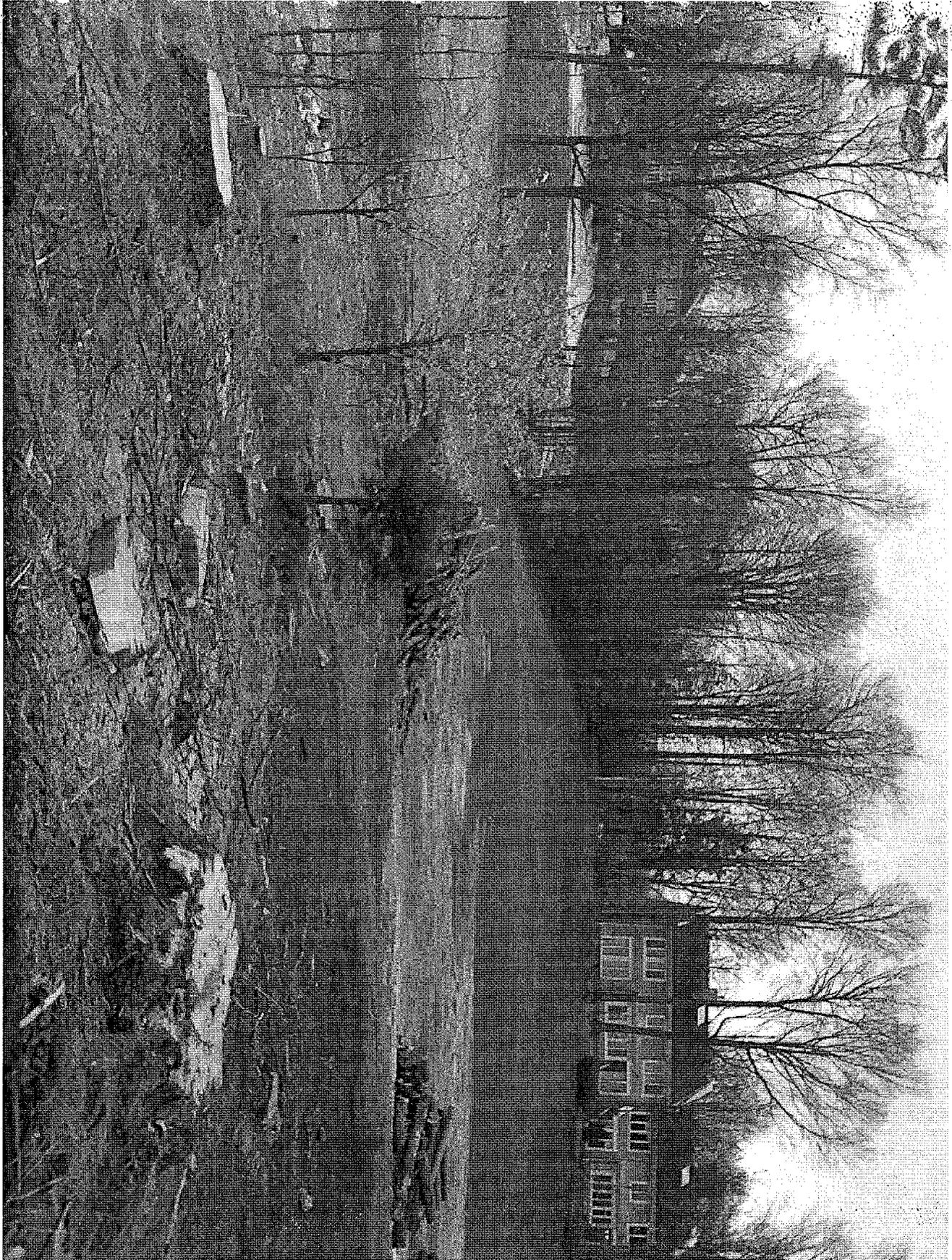


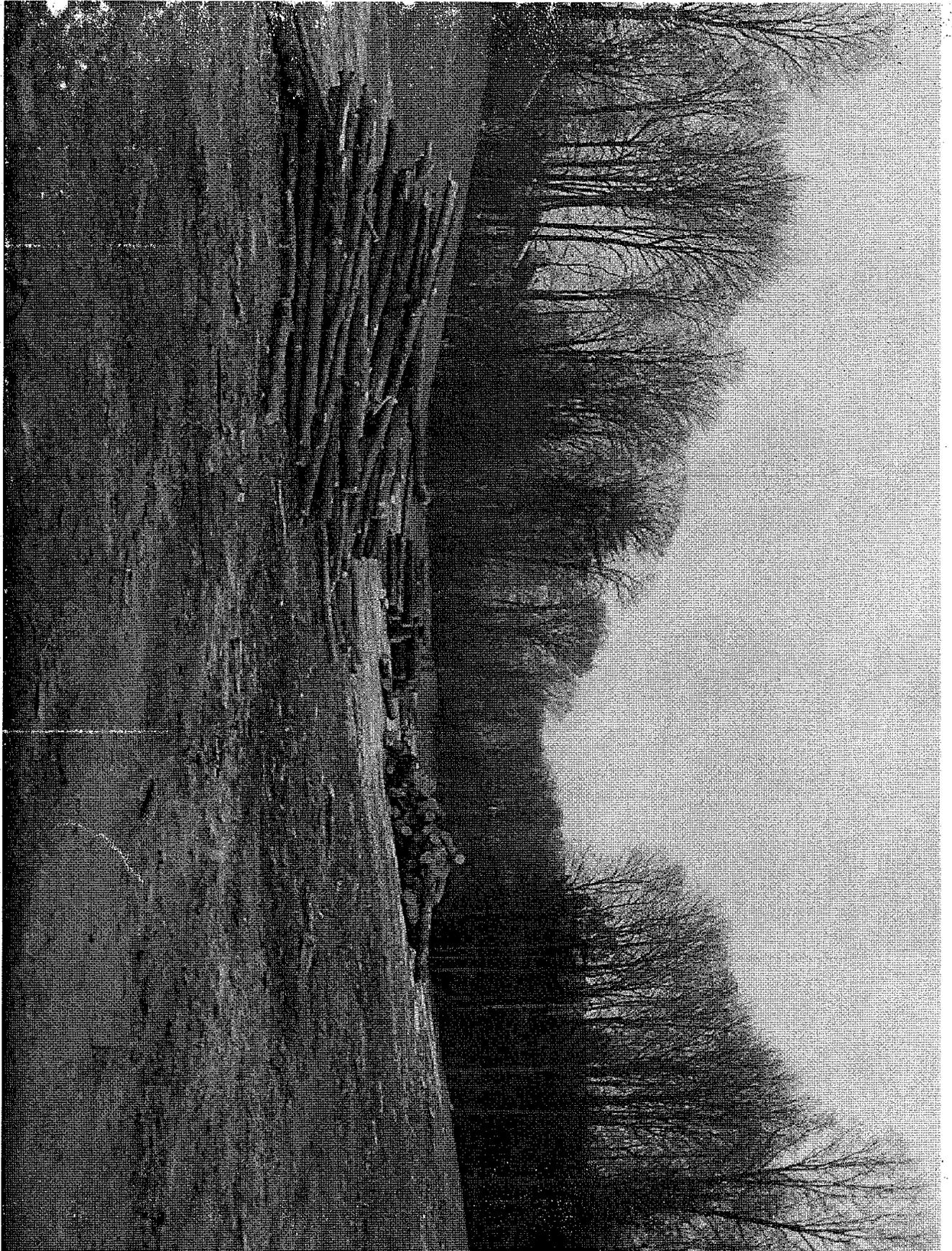












Tree, Jim

From: Heidi Schellhorn
Sent: Sunday, April 15, 2012 5:54 AM
To: Tree, Jim
Subject: Tree By Law

Good morning.

I must say that it saddens me to see the loss of trees/shrubs within Aurora in the past few years. This is a wonderful opportunity for the Town to show leadership and control the amount of trees lost. As an example, one of my neighbours cut down a perfectly healthy beautiful Maple Tree a few years ago because they didn't like having to rake leaves and sweep keys. Seriously? That was her prerogative, of course, as there is currently no accountability.

We have 4 trees in our back yard, all mature and in excess of 25 years in age. The canopy provides the house with beautiful, cooling shade in the summer and I would not dream of cutting down a healthy tree for the sake of inconvenience. I realize that with Ash trees, we may eventually have to resort to taking down trees, however, I would like to see the municipality show real leadership. We are creating a fantastic arboretum and we are fortunate to have gorgeous trails. Please align yourself with other municipalities and limit our ability to destroy a wonderful natural canopy.

While I have your attention - can I ask why the Region (I assume it's the Region as it is St. John's Sdrd east of Yonge) had the 'wisdom' to plant trees directly below power lines? I am no arborist but I can confidently predict that the trees will grow up and into the power lines. I have always meant to ask you this question.

Thanks for the incredibly valuable work you do!

Sincerely,

Heidi Schellhorn

4/16/2012

Tree, Jim

From: Evert Vos
Sent: Thursday, March 15, 2012 12:06 PM
To: Dawe, Geoff
Cc: Abel, John; Thompson, Michael; Buck, Evelyn; Humfries, Sandra; Gallo, John; Gaertner, Wendy; Ballard, Chris; Pirri, Paul; Tree, Jim
Subject: Golf Course Tree removal

Dear Mayor Dawe and members of Council,

Over many years I have been a visitor to one of the houses bordering the golf course where recently there has been a massive removal of trees. I have watched the YOUTUBE video of this uncalled for destruction. I am incredulous that you and your councillors have permitted to allow this vandalism to take place. You quote the bylaws, however, that is an abdication of responsibility: a court injunction could have halted this destruction and allow a judge to rule on whether the area, Oak Ridges Moraine, was actually protected. You chose not to do so and in doing this you abdicated your responsibility to the community.

One may wonder how many of you are members of this Club and thus conflicted.

It is my fervent wish that you and your colleagues reap your "reward" in the forthcoming elections because "as you sow you shall reap".

Evert C Vos, MD

Tree, Jim

From: Svetla Topouzova
Sent: Wednesday, March 07, 2012 8:35 AM
To: Ed Addison; Tree, Jim
Cc:

Subject: Re: Citizen Comments on Proposed Tree Protection Bylaw

Mr. Anderson,

Great job in doing a detailed analysis of the subject matter.
Can you share more with us in respect to point#7 you made below?

Best Regards,

Svetla Topouzova,

From: Ed Addison
To: jtree@aurora.ca
Cc:

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Good morning Jim;

Revisions

1. reasonable
2. great improvement over past activities
3. great improvement over past activities
4. great improvement (as long as contentious decisions may be referred to Council)
5. one size does not fit all. This should take into account the varying size of species of tree at maturity [e.g. ironwood smaller than black cherry; black cherry smaller than hard, Norway, silver maples + beech, etc]. Additionally, size alone is only one contributing factor and habitat contribution would also be valuable to account for in this revision [e.g. deciduous and conifer trees both contribute habitat niches for wildlife but they are highly contrasting in what they offer. Especially slow growing species like hemlock, deserve extra permit requirements for one aim of the bylaw being to preserve diverse habitats.
6. reasonable
7. improvement. I am still concerned with the poor understanding or lack of concern by many developers where I see their actions around trees compromising and predictably dooming them within limited times after the development is complete. However, this may only be important if this bylaw was in support of some agreed upon defined set of tree/forest objectives as defined in a management plan.

4/11/2012

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8. reasonable

Perhaps there is a forest management plan or agreed upon set of objectives for Aurora regarding trees. [I have not looked for one, hence do not know]. However, this bylaw and its individual components would be more meaningful [e.g. why 70 cm vs. ?, why no distinction based on habitat contributions of species of trees when selecting size requiring permits?] if the bylaw did not appear to be an 'orphan' as it does without referring to the management plan upon which the clauses of the bylaw are rationalized.

Notwithstanding the above concern [major for me], the draft changes are wonderful!

Thank you.

ed

Ed Addison

From: jtree@aurora.ca [mailto:jtree@aurora.ca]

Sent: Tuesday, March 06, 2012 3:15 PM

To:

Cc:

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Thank you very much Mr Addison for your lengthy and informative e-mail , can I respectfully request your assistance in providing me with specific comments directly related to the draft By-law , Preferably summarized in bullet point , I have read through your information and was unable to determine if you had any specific information you wish to see included or excluded from the draft By-law , this would be most helpful to the staff By -law review committee .
Thanks again for your participation

From: Ed Addison

Sent: Tuesday, March 06, 2012 1:59 PM

To: Tree, Jim

Cc: Ballard, Chris; 'David Taillefer'; Ed Addison; 'James McConnell'; Harti, Jeff; Gallo, John; 'Judy Gilchrist'; Thoma, Patty; Pirri, Paul; 'Peter Piersol'; 'Svetoslava Topouzova'

Subject: Citizen Comments on Proposed Tree Protection Bylaw

Dear Mr. Tree;

Attached please find some comments about the proposed tree protection bylaw made since last evening's citizen meeting. I regret that these personal comments had to come from myself rather than have a broader and better set of comments made collectively by myself and fellow members of the EAC. EAC did not receive the material for comment, hence my apologies to my committee colleagues for submitting this as an individual citizen.

Thank you and thanks to others for this opportunity to respond.

Sincerely,

ed

Ed Addison

4/11/2012

Tree, Jim

From: Paul Scenna
Sent: Monday, March 26, 2012 11:35 AM
To: Tree, Jim
Subject: tree permit bylaw review

Dear Jim,

Further to my previous letter dated June 3, 2011 and after review of the proposed tree permit bylaw for the town of Aurora, I just thought I would touch base with a few further comments.

First, golf courses are inherently unique from most other businesses and certainly different from residential or industrial properties because of their true nature. They are usually large areas in the case of Beacon Hall and we are approximately 270 acres and we virtually entirely green space. Golf courses are a combination of trees and turf that is a tremendous asset to any city. Turf is at times is undervalued, but is a huge contributor to the environments oxygen production, its carbon filtering, its erosion control abilities and its cooling impact. So, I understand why a tree permit was not necessary in the past for golf courses except for areas identified as significant woodlands.

Having said that, I understand the political pressure you and other governing officials are under. We appreciate a "means to operate" and in the proposed permit of having 10 trees per year as unpermitted is helpful but frankly speaking having a little more latitude to properly manage a huge property when we have increased pressure provincially to reduce pesticide use would be better suited. Shaded turf with little to no air movement would be the leading cause of disease formation and creating a good site to minimize pesticide use should be a priority with all golf courses. It would be helpful if minimum sized caliper small trees or shrubs were exempt as 10 stems would not go very far in creating air flow around a tee for example. Also, it would be helpful to exempt certain invasive species like buckthorn as it should be helpful and good woodlot management to remove such species. If proposed bylaw is approved hopefully the manner in which it is executed is effective in terms of the approval process and the ways and means golf courses can operate with minimal wait times and additional costs. In any case, whatever the future parameters are, I am sure we will continue to work well together. Best Regards, Paul

Paul Scenna MS
Golf Course Superintendent
Beacon Hall
(905) 841-9122 office

4/11/2012

Tree, Jim

From: Radecki, Jack
Sent: Wednesday, March 07, 2012 9:06 AM
To: Ballard, Chris
Cc: Tree, Jim
Subject: Review of Aurora's tree Bylaw
Attachments: Survey_Template_Lower_Tier_Elena.xls; tree preservation bylaws contacts.pdf; TreeCanadaCommentsCanada'sForestStrategy.doc; Urban Forest Management Plans.htm; Flyer for toolkit.pdf

<http://www.tcf-fca.ca/programs/urbanforestry/cufn/resources/pages/files/OctoberFinal.pdf>

The Heritage Trees Toolkit has a chapter titled 'Legislative Tools for Heritage Tree Protection.

With regards to Town of Aurora Tree Protection Bylaw Proposed revisions. First of all I am an Aurora resident of 33 years so have a commitment more than my professional field. I agree that first and foremost the main issues are clearcuttings on estate properties and golf courses. However as time goes by you will much more infill development in Aurora. Toronto that has the model tree bylaw since 1995 still has large (even heritage trees removed) as permits are granted on a case to case basis. As mentioned at the Town meeting on Monday night, tree bylaws are only as good as the community and the politicians that serve the community. Municipal staff would like to protect trees always in most cases in my experience. I did sit at Toronto Council Chambers in 1995 but more important worked with the local community on Lyndhurst Avenue and following at the OMB to help start the precedent of municipal tree bylaws. I see in York Region, Richmond Hill, Markham (and Vaughan now - boy they needed it) to have very strong tree bylaws (see attached) You can only look at the huge development issues in these areas so the community and politicians ralled very strongly. This will be the case for Aurora soon.

The 7 listed points of Revision.

#5 Research has shown that broadleaf deciduous trees begin providing maximum environmental benefits by the time they reach 40 years of age. So rather than 70 cm. DBH, you should be looking at least 50 cm. DBH and be strongly focussed on tree species such as maple and oak
http://www.milliontreesnyc.org/downloads/pdf/talking_trees_urban_forestry_toolkit.pdf and
www.coloradotrees.org/benefits.htm

#6 Trees designated by the Ontario Heritage Act are already fully protected but of course this can be repealed through actions of the local council. This includes trees on designated heritage properties.

I hope my suggestions and attached information are helpful. I would like to discuss and not debate any of my suggestions to you and Jim, Chris. I will plan on attending the next meeting.

best regards
Jack Radecki
Executive Director
Ontario Urban Forest Council
www.oufc.org

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Tree, Jim

From: Radecki, Jack
Sent: Wednesday, March 07, 2012 9:57 AM
To: Tree, Jim
Cc: Ballard, Chris; Robson, Dale; Alnabhan, Mai; Mihail, Anca; Letman, Glen; Downey, Al
Subject: RE: Review of Aurora's tree Bylaw clarification:

there are 6 not 7 points of revision as inputed by the community. I am responding to points 5 and 6. Sorry for the confusion, Jim

Jack

10th Canadian Urban Forest Conference, Oct.2-4, London, ON
10ième conférence canadienne sur la forêt urbaine, oct 2-4, London (ON)
www.cufc10.ca / www.ccfu10.ca

From: jtree@aurora.ca [mailto:jtree@aurora.ca]
Sent: March 7, 2012 9:43 AM
To: Radecki, Jack
Cc: CBallard@aurora.ca; DRobson@aurora.ca; MAlnabhan@aurora.ca; AMihail@aurora.ca; gletman@aurora.ca; adowney@aurora.ca
Subject: RE: Review of Aurora's tree Bylaw

Hi Jack

I see you indicated you had 7 points of revision however it appears to me that only #5 and #6 have been included here, was there something else you intended to add ?
Thanks Jim

The 7 listed points of Revision.

*#5 Research has shown that broadleaf deciduous trees begin providing maximum environmental benefits by the time they reach 40 years of age. So rather than 70 cm. DBH, you should be looking at least 50 cm. DBH and be strongly focussed on tree species such as maple and oak
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From: Radecki, Jack
Sent: Wednesday, March 07, 2012 9:06 AM
To: Ballard, Chris
Cc: Tree, Jim
Subject: Review of Aurora's tree Bylaw

<http://www.tcf-fca.ca/programs/urbanforestry/cufn/resources/pages/files/OctoberFinal.pdf>

4/11/2012

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The 7 listed points of Revision.

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http://www.milliontreesnyc.org/downloads/pdf/talking_trees_urban_forestry_toolkit.pdf and
www.coloradotrees.org/benefits.htm

#6 Trees designated by the Ontario Heritage Act are already fully protected but of course this can be repealed through actions of the local council. This includes trees on designated heritage properties.

I hope my suggestions and attached information are helpful. I would like to discuss and not debate any of my suggestions to you and Jim, Chris. I will plan on attending the next meeting.

best regards

Jack Radecki

Executive Director

Ontario Urban Forest Council

www.oufc.org

10th Canadian Urban Forest Conference, Oct.2-4, London, ON

10ième conference canadienne sur la forêt urbaine, oct 2-4, London (ON)

www.cufc10.ca / www.ccfu10.ca

4/11/2012

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Tree, Jim

From: Ed Addison
Sent: Wednesday, March 07, 2012 5:57 AM
To: Tree, Jim
Cc: Ballard, Chris; auroraCRMI@gmail.com; dotellefer@yahoo.com; James.McConnell@gmail.com; Harti, Jeff; Gallo, John; judyup@sympatico.ca; Thoma, Patty; Pirri, Paul; piersol@sympatico.ca; s.v.staportova@yahoo.ca; Downey, Al
Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Please do as you wish with what I submitted, Jim.

Regards,

ed

Ed Addison

From: jtree@aurora.ca [mailto:jtree@aurora.ca]
Sent: Tuesday, March 06, 2012 3:43 PM
To:

[Redacted]

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Hello again Mr Addison

Do you have any objection to us including these Citizen Comments in our future staff report associated with the proposed tree protection by-law or sharing these comments with all the members of our Council
Thank you
Jim

From: Ed Addison
Sent: Tuesday, March 06, 2012 1:59 PM
To: Tree, Jim

[Redacted]

Subject: Citizen Comments on Proposed Tree Protection Bylaw

Dear Mr. Tree;

Attached please find some comments about the proposed tree protection bylaw made since last evening's citizen meeting. I regret that these personal comments had to come from myself rather than have a broader and better set of comments made collectively by myself and fellow members of the EAC. EAC did not receive the material for comment, hence my apologies to my committee colleagues for submitting this as an individual citizen.

Thank you and thanks to others for this opportunity to respond.

Sincerely,

4/11/2012

**The Proposed
Aurora Tree Protection Bylaw [see PR12-001]
And
Citizen Meeting Regarding Tree Removal [5 March 2012]**

Ed Addison
6 March 2012

Background on Citizen

My wife and I have been citizens of Aurora, living at 107 Kennedy Street West, for the past 32 years. I am a retired research scientist for the Ontario government. My past experiences include studying health of wildlife and wildlife habitats for approximately 40 years. I am currently a member of the Aurora Environmental Advisory Committee [EAC].

Introduction

The staff of Aurora has done an excellent job over the past decades of managing our trees.

The recent cutting of large numbers of trees on the Beacon Hall Golf Course is testimony to the inadequacy of the current bylaw in pursuing goals of maintaining or increasing the health of our region through meeting stated regional goals for forest management.

The citizens group and those facilitating them have done an excellent job of bringing their realistic concerns to the immediate past and current Aurora Councils.

Our tree management staff and the current Council have done an excellent job of responding to the citizen concerns raised through the report [PR12-001] with the draft bylaw currently under review.

In addition to all of the progress being made, much more can, and should, be considered.

Management Time Frames

The single biggest problem we have with tree or forest management in urban ecosystems is the vastly contrasting time frames for planning for urban development as compared to tree and forest life history.

This is a difficult concept for many people. In years past, while addressing high school students about urban development, "smart growth" and "infill", etc., I used a prop. I have a sector of wood taken from what was in 1997 the tallest tree in Ontario. This white pine tree, growing on the north shores of Lake Huron, toppled and died in 1998 at 355 years of age. By itself this means little.

John Graves Simcoe, the first land developer for this region, landed and shook hands with the local natives in 1793. That seems like a long time ago. However, when telling students that if this tree that had died a short 14 years ago had been growing on the shores of Lake Ontario in what is now Toronto, the tree would have been over 200 years old when 'watching' Simcoe arrive! Two years later in 1795, Simcoe started cutting out a trail through the contiguous bush to the north and it became Yonge Street.

I know one local citizen whose first relative came through the Aurora area six years later in 1806, turning east of Newmarket to find and start clearing land granted to him. I doubt that there are any trees alive in Aurora today that were here when this ancestor came through. If there are, those trees are quite likely eastern hemlock, one of the slowest growing species of trees in our local ecosystem. Sixty years later in 1866, this citizen's great grandfather came into Aurora from his farm in King Township to be married. I doubt that there are many trees alive in Aurora today that were here in 1866. However, it is quite possible that there are trees currently in Aurora that were living here when yet a different great grandfather moved here to preach at the Aurora Methodist Church [now Aurora United Church] from 1888 to 1890. Quite possibly, the heritage oak in front of the Church Street School was seen by this preacher ancestor with no more than a three minute walk from his church!

The English have a rhyme that pretty well says it all: "We plant pears for our heirs".

**People can have a strong connection to their community
and develop strong senses of value and stewardship for their community
based of what their ancestors and others before them have bequeathed to them.**

**Our children, grandchildren, great grandchildren and other future Aurora citizens
will likely value and wish to have old trees as much as ourselves.**

**To provide the natural values of the trees in our community to future Aurora
citizens, we must right now take actions that consider not only our current
aspirations but aspirations 200 years out on the horizon because that is the time
frame at which tree communities develop.**

What Ages/Sizes of Trees Do We Wish to Promote/Protect?

We place greatest value on our largest trees. The neighboring citizens who watched scores of trees removed from the Beacon Hall property spoke eloquently about the large size and agedness of the trees removed.

The proposed bylaw addresses our special value of old/large trees by proposing restrictions based on tree size.

A number of years ago, the Ontario government had a 2-3 year long exercise to identify from the public the values of wildlife and wildlife habitat and they had approximately 100 people from various walks of life involved. At the first session, we were all asked what we valued most. Numerous people cited their high value of the climax forest; old mature forests with 200-300 year-old trees. We were then invited to comment on our initial aspirations. One concern raised was that despite the high value placed on ecosystems with 200-300 year-old trees, there were no spokespersons placing high value on 10, 50 and 100 year-old trees. There is a lesson here.

**Understanding forest succession as we do,
we must not only place great value in Aurora on our large/old trees.
We require legislation/regulation that promotes and protects all ages and sizes of
trees.**

At last night's citizen meeting, well known and expert local environmentalist, David Tomlinson, described his involvement in urban tree management in London, England during the 1960s. The actions taken included that if a tree had to be removed, it had to either be relocated or alternatively a defined number of young trees had to be planted to replace it. This accommodates for the needs of urban development while also acknowledging the need to both protect trees and promote forest succession.

The similar principle is used in the federal Canadian fisheries habitat legislation. If there is to be a change/destruction of fish habitat to, for example put in docks, bridges, etc., the plan must include providing comparable new fisheries habitat as a replacement.

We need to protect habitats in addition to trees.

Tree Protection Bylaw or Tree/Forest Management Plan

Both David's example of tree management in London and fisheries habitat management here in Canada are much more comprehensive than our current proposed "Tree Protection Bylaw".

As other citizens have said to me and I agree with them:

We require a tree/forest management plan for Aurora from which a tree protection bylaw can be developed.

Management of trees is different for trees of differing ages and sizes and if we wish to manage for our descendents to have 200 year-old trees, the planning might best be more comprehensive than the much improved current draft bylaw.

As a provincial civil servant, I found that I and my colleagues most often considered resource management actions only as we perceived them within the jurisdictional boundaries of Ontario. However, as knowledge increased, we all became more aware that ecological health locally is dependent on interactions among adjacent ecological units and not dependent on jurisdictional lines on a map. Thus, in management of migratory birds, we recognized that we, in Ontario, had obligations locally but that we needed to work with other jurisdictions for the success of migratory birds. The Oak Ridges moraine initiatives and plans take this more modern, holistic approach. We recognize that the Oak Ridges moraine here in Aurora is dependent for its health to some extent on actions and coordination of actions among jurisdictions throughout the moraine ecosystem. Benefits of coordination of efforts among jurisdictions is as applicable for management of trees and forests in Aurora as it is for management of migratory birds in Ontario.

At last night's citizen meeting, a person working locally in the resource sector, spoke of a discussion with the proponents of a planned cutting of two hectares of forest from a golf course in an adjacent jurisdiction, indeed almost within hollering distance of the Aurora boundary. Apparently the concerns of the citizens and town staff of Aurora about the tree removal at the Beacon Hall site were raised. The responding comment from the proponents of the cutting was that they were not impacted by what happened in Aurora because the bylaw in their jurisdiction allowed them to proceed. What happens in adjacent jurisdictions and in Aurora will all impact objectives at other ecological and jurisdictional [e.g. regional, provincial] scales.

**For the health of our trees/forests in Aurora,
we clearly must promote cooperation among Aurora and adjacent municipalities
in order to manage our local Aurora forest ecosystem effectively.
This should be a component of our tree/forest management plan.**

The Importance of Diversity

Diversity is a 'here and now' buzzword in ecology/biology. While sometimes 'overworked' in my opinion,

diversity is of extreme importance for us to meet our future aspirations for trees/forests in Aurora.

The importance of diversity of sizes and ages of trees has been mentioned above for us to provide value to future generations.

The diversity of trees is relevant in many other ways and cannot easily be implemented within the current draft of the tree protection bylaw.

Trees of different sizes and ages provide differing habitats for a wide variety of wildlife and are valued by citizens for fitting into spaces of differing sizes and other vegetation types within their properties.

This is another reason for the citizens, staff and Council to embrace a broadening of our approach from a tree protection bylaw to legislation based on an urban forest management plan.

Tree diseases are not new although recently they certainly have been receiving a higher profile in the news hence are of greater concern to more citizens than in past decades. Just some of the diseases of current concern from outside North America are included on the following list which is from material provided by well known ecologist and botanist, John Riley: beech bark blight [arrived in Nova Scotia 1890], Dutch elm disease [arrived in New York 1909], Asian long-horned beetle [arrived Chicago 1997], larch sawfly [in Quebec in 1870s], chestnut blight [in New York by 1904], larch canker [in Massachusetts by 1920s], gypsy moth [France to Massachusetts 1869], butternut canker [reached Wisconsin 1967], European pine shoot moth [New York 1914], eastern pine shoot moth [Connecticut], pine shoot beetle [Ohio 1992], emerald ash borer [Detroit, 2002], woolly adelgid in hemlocks [Connecticut 1927], and basswood thrips [Wisconsin 1926].

There are a number of key points here.

Trees diseases, like trees themselves and natural distribution of tree seeds have never taken human jurisdictional lines into account, hence the value for Aurora to be working cooperatively within regional and provincial tree/forest management planning.

Many of the diseases mentioned are detrimental to only a single species of tree or to a number of tree species within a genus, and seldom to trees in many genera. Thus by having a tree/forest management and tree protection plan/legislation that promotes taxonomic diversity of tree species, we can better sustain healthy trees/forests in Aurora over the necessary ecological long term.

In addition to providing “pears for our heirs” and providing habitat for a wide range of wildlife, we must emphasize species diversity of trees in addition to the current emphasis on protecting large trees.

How Many Trees are Enough?

Last night I heard at the citizen meeting that there are stated objectives for numbers of trees or perhaps it is % coverage by trees of defined land areas. Dr. Danijela Puric-Mladenovic, a forestry research scientist with the Ontario Ministry of Natural Resources effectively addressed a number of the salient issues at the Aurora citizen meeting last night [5 March]. In addition to emphasizing as above the need for long term planning, Dr. Puric-Mladenovic cautioned not to emphasize numbers of trees planted but quality of trees and sites to which they are planted. Dr. Puric-Mladenovic noted that we [the generic ‘we’] are still buying nursery stock from the United States, stock that is not adapted, indeed may be maladapted to Ontario sites for planting. This shocked me because some forest ecologists in the Ontario Ministry of Natural Resources certainly recognized this problem at least back in the 1980s and took steps in at least some of their regeneration programs to use seeds from trees in specific ecological sites to propagate seedlings for replanting to those same sites. Acknowledgement of the value in using locally adapted seed is not a new idea and should be a part of what we do in Aurora.

David Tomlinson presented a comprehensive paper to the March 1, 2012 meeting of the Aurora EAC in which he, like Dr. Puric-Mladenovic, emphasized the importance of site preparation for successful management of young trees at time of planting. David provided specific recommendations for pre-planting site prep especially for ‘street-scape’ trees. While David’s report which has been submitted to Mr. Jim Tree did provide many other suggestions such as species lists most appropriate for particular sites. Like Dr. Puric-Mladenovic David emphasized that

it is the quality to what is done that is the most important measure of success, not the quantity of trees planted.

This approach should be a part of the direction upon which our tree management legislation is based.

What Specific Sizes of Trees Should Receive Specific Protection?

The proposed bylaw identifies a size of tree [70 cm DBH] above which a permit will be required to remove even a single tree. This is a positive action by town staff in acknowledgement of the greater value that citizens have placed on large, as compared to small, trees as expressed in the citizen survey.

Presented above with explanation are suggestions of why we should promote a diversity in size, age and species of trees. Dr. Puric-Mladenovic most appropriately pointed out that 'one size doesn't protect all'. Her comment was reinforced by an observation that ironwood or hop horn beam [*Ostrya virginiana*] very rarely reaches over 70 cm DBH. There is one larger tree in Huron County and possibly one locally in King Township but most very old ironwood trees, including a very large one in Sheppard's Bush here in Aurora are much smaller. For this species protecting the largest trees would require identification of a much smaller diameter for considering special attention

There are enormous benefits in passing bylaws that are simple, indeed capable of being implemented at minimal cost. It must also be recognized that species specific sizes for protection of trees within our bylaws is very valuable to maintain a diversity of tree species, a diversity of forest structure and a diversity of wildlife habitats.

Trees as a Source for Human Food

There are environmental initiatives in our area for growing local foods [community gardens], reducing dependence on gas consumption [local shopping, bike and walking trails, a regional program on car-pooling to work, etc.], a 'fresh food partners gleaning program' and in general growing more food locally. There are increasing data in support of health problems associated with contaminants and additives in packaged and processed foods.

There are some in Aurora who as individuals choose to grow the majority of their own pesticide free local fruit and vegetables. In addition to apples from private property, some citizens forage for apples from 'wild' apple trees within our town limits and adjacent townships and eat fine tasting, pesticide free apple sauce all year. A variety of local and regional initiatives that are healthy for us ecologically are less effective when managed as isolated 'silos' rather than when developed in a complementary manner with other environmental initiatives.

We do not want trees on our street-scapes dropping a lot of unwanted fruit on the roads and sidewalks. However, in addition to personal front and back yards, there are town owned sites in Aurora where the ground beneath prospective trees is not manicured and hence where dropping fruit would not be an added cost to the taxpayer. No added costs but definite social, economic and ecological value to the people in our community makes

the benefits of including fruit-bearing trees on our public sites and encouraging the same on private property a definite 'win-win' situation. Fruit-bearing trees such as pears, plums, cherries and apples would be used extensively by birds and other mammals.

Include, when appropriate in our tree management plans, the planting of fruit-bearing trees, for the benefit of wildlife and of citizens who through eating more locally will alleviate some of our development pressures within our ecosystem.

Is Cutting Down Trees Bad for Us and our Ecosystem?

The simple answer is 'no', cutting down trees is not uniformly 'bad'. Our current bylaw and the proposed bylaw both acknowledge this by pointing out that 'yes' some trees will be cut, perhaps need to be cut, but that we wish to control the extent and perhaps the reasons for cutting trees.

This topic is included because I get the general impression that some citizens feel that every tree must be protected and I encourage a broadening of such views. Trees should be cut for

- reasons of personal human safety,
- protection of human dwellings, and
- promotion of improved growth of remaining trees close by on the same site.

Twenty-five years ago, we removed two extremely large spruce trees, the stumps of which were within two metres of the foundation of our house and whose boughs and needles continually destroyed our roof through lack of 'breathability' for the roof. Should we have felt badly or have been restricted by others from removing such large mature spruce in order to protect our home? I think not.

Our home has been broken into twice, one time included vandalism. These occurred when the house was somewhat secluded from the street. We personally removed five or six large spruce from across the front of our property. Only one neighbor, who had lived opposite our lot since the 1930s and whose late husband had planted the trees, chose to complain. Once she saw the beautiful perennial flower beds that replaced the spruce and once she was welcomed to pick her herbs from the vegetable portion of the garden, she was a convert!

For anyone who has visited the provincially famous gardens of Dierdre and David Tomlinson here in Aurora, they will have been thrilled with the diversity of unique plant life, the diversity of the wildlife that their garden supports and the artistry of their efforts. This garden would not have been possible without the Tomlinsons having removed trees.

As David Tomlinson pointed out to the citizen meeting on March 5, in London they consider what will replace a tree in considering permission to cut a tree.

Here in Aurora, it would also be beneficial for us to look more broadly beyond the act of cutting down a tree when establishing our values.

In the case on our property, yes we have removed numerous mature trees. In so doing, we have also planted an additional 6-10 species of trees previously not present on our property. We consider this of long term value to the citizens of Aurora and the local ecosystem and hope that our fellow citizens agree.

One of our neighbors had for decades only mature and over mature trees on their property. Recognizing the inevitable crisis of no old trees on the property in the 'near' future and how much we all value large trees in our neighborhood, I encouraged them to cut the odd old tree and get something else started. While this is a 'hard sell' for many of us, it is vitally important to consider. It is important because as we have developed new subdivisions in our town, trees get planted. Thus, many trees in any given part of town were planted at the same general time and it logically follows that those that 'grow together will die together' [while acknowledging many exceptions].

A sound long range tree protection plan/legislation should identify the weaknesses of predominantly similarly aged trees within an area and allow for removal and replacement of some to increase age diversity.

Is it "Too Late", are Cut Trees "Lost Forever" and "Irreplaceable"?

At the citizen meeting of March 5, I saw for the first time the extent of and impact upon their neighbors of the cutting of so many mature hardwoods on the Beacon Hall property. I was impressed by the logical, factual, well organized presentations by these citizens despite the unimaginable emotion stress and impacts of this cutting on them. Nevertheless, I did understandably hear comments such as 'it is too late', these forest are 'lost forever' or that they 'could not be replaced'.

With every respect for the work these fellow citizens are doing and their excellent approach, these citizens and all citizens should be encouraged to recognize that trees and forests can and indeed have been replaced locally....but we have to do it!

We had a family friend who during the great depression of the 1930s used to travel by train from Toronto to ski out in the Dagmar area on the Oak Ridges moraine east and south of Coppins Corners. This chap was my father's best friend from about age five until both men died. In addition to their friendship, these two men had complementary means and knowledge. The family friend bought 1500 acres of land over time, much of it an eroded, desert-like wasteland caused by pioneer attempts to farm those sand hills. My father, on the other hand, was a highly experienced forester. Over time between the 1930's and the 1990s, the landowner reforested the area with appropriate species, with an emphasis on oaks because of the site features. He created what is now a beautiful mature forest and he did so, in part, by removing trees as they grew [yes cutting them down!] and selling lumber from them. We have some of Mr. Jim Walker's oak that we bought from

him. Prior to his death, much of Mr. Walker's property was donated to the province and perhaps some of you have hiked on the trails of the Oak Ridges moraine "Walker Tract". The lesson here is that:

It is never too late to develop and implement a sound long term forest management plan for our community. Forests can be replaced. Other communities have done so and we have living examples of it working in the ecosystem of which Aurora is a part.

Final Thoughts

The town staff who manage our trees do an exemplary job and I expect that both they and our Council are moving in the right direction. The citizens who have experienced so much trauma over the winter cutting on the Beacon Hall property are to be admired for their positive efforts.

I am a member of the Aurora Environmental Advisory Committee [EAC] and new to this process. Perhaps due to my lack of experience, I do not understand why the topic of this tree bylaw was not placed before EAC prior to, or simultaneously with, the request for responses from the public. I regret this because here I am responding as an Aurora citizen rather than a member of EAC. While I know that I have captured some of the ideas of some of my fellow committee members as acquired in recent informal chats, I also know that the expertise and variety of views on the committee could have added much more than this report from an individual citizen. The contents of this report in no way reflect an agreed upon understanding or recommendations of our EAC.

Tree, Jim

From: Elaine Pepe
Sent: Sunday, February 05, 2012 8:43 PM
To: Tree, Jim
Subject: Draft Tree Permit By-Law

Hi,

First of all, I want to thank you for a job well done looking after our town's park needs. Furthermore, several years ago, you also were of assistance to my son who had to do a research study for his environmental landscape program in college. Your patience and help were beyond expectation, and much appreciated.

As far as the study and draft, I am having some difficulty understanding why the draft states there were 100 respondents to the survey, but the survey results state 128.

In terms of the recommendations I have several comments. We live on the Moraine. As such we have a major responsibility for its care and protection. We do not do enough in this regard, especially in approving endless golf courses and increased building.

In regard to the draft #2, as stated, golf courses should not be able to remove ANY trees. We already have sufficient proof that money and arrogance overrides our by-law all too often when it comes to golf courses.

If a single tree is to be authorized, it should be with a review first by an environmentalist whose advice will actually be heard and followed, and not one provided by the developer. We are surrounded by at least 108 golf courses, all of which are a detriment to our ground water, aquifer and clean air. Golf courses, as you know, are not even held accountable by the "no pesticides" by laws, thereby endangering all of our Nature, including trees, animals, water, oxygen, etc.

Number 4 of the draft does not specify who will take over this responsibility. It must not be an individual, but rather a group of knowledgeable people, concerned about our environment.

Number 7 MUST include golf courses, school boards and businesses.

Thank you,
Elaine Pepe

4/11/2012

Tree, Jim

From: Sandy Yorston / Denise Cross
Sent: Wednesday, February 01, 2012 4:18 PM
To: Tree, Jim
Subject: Bylaw draft

Hello,

Do we get to see the new bylaw draft before it is presented to council?

Thank you,
Sandra yorston

Tree, Jim

From: svetlatopouzova
Sent: Wednesday, March 07, 2012 2:15 PM
To: Ed Addison
Cc: Tree, Jim; George Topouzov
Subject: Re: Citizen Comments on Proposed Tree Protection Bylaw

Mr. Addison,

This was a very detailed explanation-thank you!

Further education in the environmental sector will help the community to take better decisions and to build sustainable plans for the future.

I am suggesting EAC to take the leadership role in providing the schools, planning departments and overall the general public in Aurora with valuable environmental information which can be a good basis for preventive measures and meaningful green regulations in the Town.

Best Regards,

Svetla Topouzova

Sent wirelessly from my BlackBerry device on the Bell network. Envoyé sans fil par mon terminal mobile BlackBerry sur le réseau de Bell.

From: "Ed Addison"
Date: Wed, 7 Mar 2012 09:39:50 -0500
To: 'Svetla Topouzova'
Cc: <jtree@aurora.ca>
Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Hi Svetla;

My comments were ambiguous. I see houses been renovated or replaced and the construction equipment being held back from the base of the trees to be protected by some fencing. Despite this, many trees later die and it seems easy to predict why. The developers have little sensitivity to the needs of the trees and not infrequently place the fences too close to the trunks of trees, thus allowing too much compression of the soil in the areas of parts of the root system. Another scenario is that the fencing is lowered to make it possible to maneuver heavy equipment or to store supplies for the building project. Not surprisingly, this frequently occurs when the size of the house being erected is very large relative to the size of the lot upon which it is being built.

This is what I find regrettable. There is killing of valuable trees, not in violation of legislation perhaps, but out of ignorance or lack of placing a high value on the trees. It often takes a number of years for trees to die when stressed this way. As a result, the action stimulating the death of the tree is removed in time from when the tree dies.

Another alternative explanation is that this is all 'baloney' and of no real concern...lest one treats themselves too seriously! ☺

Thanks for asking.

ed

Ed Addison

From: Svetla Topouzova
Sent: Wednesday, March 07, 2012 8:35 AM

4/11/2012

To: Ed Addison; jtree@aurora.ca

Subject: Re: Citizen Comments on Proposed Tree Protection Bylaw

Mr. Anderson,

Great job in doing a detailed analysis of the subject matter.
Can you share more with us in respect to point#7 you made below?

Best Regards,

Svetla Topouzova,

From: Ed Addison
To: jtree@aurora.ca

Sent: Wednesday, March 7, 2012 7:05:09 AM
Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Good morning Jim;

Revisions

1. reasonable
2. great improvement over past activities
3. great improvement over past activities
4. great improvement (as long as contentious decisions may be referred to Council)
5. one size does not fit all. This should take into account the varying size of species of tree at maturity [e.g. ironwood smaller than black cherry; black cherry smaller than hard, Norway, silver maples + beech, etc]. Additionally, size alone is only one contributing factor and habitat contribution would also be valuable to account for in this revision [e.g. deciduous and conifer trees both contribute habitat niches for wildlife but they are highly contrasting in what they offer. Especially slow growing species like hemlock, deserve extra permit requirements for one aim of the bylaw being to preserve diverse habitats.
6. reasonable
7. improvement. I am still concerned with the poor understanding or lack of concern by many developers where I see their actions around trees compromising and predictably dooming them within limited times after the development is complete. However, this may only be important if this bylaw was in support of some agreed upon defined set of tree/forest objectives as defined in a management plan.
8. reasonable

Perhaps there is a forest management plan or agreed upon set of objectives for Aurora regarding trees. [I have not looked for one, hence do not know]. However, this bylaw and its individual components would be more meaningful [e.g. why 70 cm vs. ?, why no distinction based on habitat

4/11/2012

**General Committee Meeting Agenda
Tuesday, November 17, 2015**

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contributions of species of trees when selecting size requiring permits?] if the bylaw did not appear to be an 'orphan' as it does without referring to the management plan upon which the clauses of the bylaw are rationalized.

Notwithstanding the above concern [major for me], the draft changes are wonderful!

Thank you.

ed

Ed Addison

From: jtree@aurora.ca [mailto:jtree@aurora.ca]

Sent: Tuesday, March 06, 2012 3:15 PM

To:

Subject: RE: Citizen Comments on Proposed Tree Protection Bylaw

Thank you very much Mr Addison for your lengthy and informative e-mail , can I respectfully request your assistance in providing me with specific comments directly related to the draft By-law , Preferably summarized in bullet point , I have read through your information and was unable to determine if you had any specific information you wish to see included or excluded from the draft By-law , this would be most helpful to the staff By -law review committee .
Thanks again for your participation

From: Ed Addison

Sent: Tuesday, March 06, 2012 1:59 PM

To: Tree, Jim

Subject: Citizen Comments on Proposed Tree Protection Bylaw

Dear Mr. Tree;

Attached please find some comments about the proposed tree protection bylaw made since last evening's citizen meeting. I regret that these personal comments had to come from myself rather than have a broader and better set of comments made collectively by myself and fellow members of the EAC. EAC did not receive the material for comment, hence my apologies to my committee colleagues for submitting this as an individual citizen.

Thank you and thanks to others for this opportunity to respond.

Sincerely,

ed

Ed Addison

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4/11/2012

Subject: FW: Tree Permit By-Law Review

From: Colin Nisbet
Sent: Wednesday, April 18, 2012 3:00 PM
To: Tree, Jim
Cc: Wright, Carole
Subject: RE: Tree Permit By-Law Review

Please accept my comments in the matter of the proposed Tree Protection By-law.

As an owner and operator of Westview Golf Club, located in Aurora, I am very interested in any proposal to enact a Tree Removal By-law, as it could very significantly affect the operation of my business. In the normal course of operations we are required to manage our trees through planting, pruning and occasionally removal and it is something that we take very seriously and don't do haphazardly. Trees are very important to our operation, they effect the strategic part of the game, add to the landscape and scenic value of the property, in fact we use one for our logo. By way of background, golf courses encompass many acres of property and are home to many trees, in Westview's case 213 acres and thousands of trees. I have read where it is proposed to limit golf courses to 10 tree removals annually without a permit, this seems very restrictive when compared to the average property owner being allowed to remove 2 trees without a permit. The removal of ten trees on an extremely large property, would certainly not have the same impact as on a small property. Typically, if we decide on removal, we are dealing with only a few trees at a time, but it wouldn't take long to exceed the 10 tree limit through the course of a year. The additional burden of time & cost in having to make application for any removal above the annual limit seems onerous and unnecessary.

Even though the removal of trees can be a very emotional issue, it should not form the basis of a bylaw. If the town decides to go ahead with their own Tree Removal Bylaw, it needs to be workable and fair to everyone including golf courses.

I plan on attending the public meeting on the 25th.

Sincerely,

Colin Nisbet
President

Westview Golf Club

t (905) 727-0446 ext. 223
cnisbet@westviewgolf.ca

From: cwright@aurora.ca [mailto:cwright@aurora.ca]
Sent: Thursday, April 12, 2012 4:22 PM
To: jtree@aurora.ca
Subject: Tree Permit By-Law Review

ONTARIO GOLF SUPERINTENDENTS' ASSOCIATION

Guelph Turfgrass Institute
328 Victoria Road South
Guelph, Ontario N1L 0H2
www.golfsupers.on.ca



OGSA is committed to serving its members,
advancing their profession, and enriching
the quality of golf and its environment

April 18, 2012

To: Public Planning Committee
Town of Aurora

On behalf of the all the all golf courses in Ontario and most specifically the golf courses in Aurora we would like to comment on the debate on amending your current tree bylaw and the proposed revision to include golf courses.

Golf courses are inherently different than other properties in that they are commercial enterprises of which the success is determined by the quality of the landscape to support a specific use – the playing of the game of golf. The success of a particular golf course as a business is directly dependant on the quality of the course in comparison to others. Quality is measured in many ways, the aesthetic appeal of the course, the degree of challenge and most notably, the quality and consistency of tees, greens and fairways. Achieving excellence in the management of tees, greens and fairways is a science.

Turf requires specific ratios of sunlight, moisture, nutrition, etc. to remain in a good resilient state that can withstand the impacts of play. Consequently golf courses must have the latitude to manage trees specifically and the landscape in general to ensure that they remain viable and successful businesses in the realm of the competitive golf marketplace.

If the exemption was not in place and a course was for whatever reason not permitted to remove trees that grow very large over time and impact the quality or playability of the course, this in turn would directly impact the viability of the course as a business and this could have further ramifications in terms of requests for compensation for the loss of revenue resulting from the prohibition of tree removal. Once again, an idea that appears to be very simple on the surface holds the potential to have significant ramifications that could lead to undesirable conflicts in practice.

Most importantly, all areas designated as significant woodlands are already governed by York Region. With this in mind we present the following comments.

The golf courses in Aurora are committed to the cultural, environmental and economic sustainability of the Town of Aurora and outlying areas. We ask that you consider our requests to be included within the Town of Aurora's amended Tree By-law #4474-03.D, and that it remains clear, broadly inclusive, and consistent with other municipal, regional and provincial policies and legislation. Policies need to incorporate concepts relevant to the responsible environmental management of golf courses and move beyond conventional notions of tree removal as it pertains to residential units to include playability, safety, agronomic, economic and ecological considerations. It is with this commitment that we ask the Town of Aurora's amended Tree Bylaw considers some specific needs of the golf industry to assist us in our sustainability goals.

Phone: (519) 767-3341

Email: ogsa@gti.uoguelph.ca

Toll Free 1-877-824-OGSA (6472)

Web Site: www.golfsupers.on.ca

Fax: (519) 766-1704

If golf courses are not exempt by the amended Tree By-Law #4474-03D, and are therefore required to apply for permits whenever the removal of ten or more trees is required, we ask that you respectfully consider the following 3 requests:

A) Tree removal parameters must be cohesive with recommendations of industry best practices supported by Ontario's cosmetic pesticides ban. The requirements of the ban, which took effect April 22, 2009, are detailed in Ontario Regulation 63/09 and the Pesticides Act, which was amended by the Cosmetic Pesticides Ban Act, 2008. This also saw the Town of Aurora's Pesticide By-law 5033-08.P, which also supported industry best practices, was made inoperative by Section 7.1 (5) of the Pesticides Act.

In order for golf courses to maintain an exemption of Ontario Regulation 63/09 and the Pesticides Act, they must demonstrate the use of best practices and be approved by a certified environmental auditor as designated by the Canadian Environmental Certification Approvals Board (CECAB). The IPM Agent (golf course representative) must demonstrate to the Auditor the methods he/she uses to implement IPM.

Tree and branch removal are promoted as best practices to encourage sun exposure, while the clearing of tree's and understory in some circumstances helps to increase air movement around turfgrass that is prone to fungal infestation. These methods are supported by the Ontario Golf Superintendent Association (OGSA), the Canadian Golf Superintendents Association (CGSA) and the Integrated Pest Management Council of Canada and therefore are considered tools and best practices by CECAB auditors and the IPM Accreditation program.

We request that if golf courses are required to meet the expectations set forth within an amended Tree By-Law that provisions and exceptions are made for golf courses to continue to meet these high standards set forth by industry and Provincial Government.

B) The Town of Aurora's Parks Division has two fully trained and experienced municipal Arborists. We request that their approval of plans through an on-site visit be considered as part of this new bylaw. Their trained and educated decisions would help ensure town standards are adhered to while also accommodating the agronomic, cultural and environmental needs of the golf course. If council decides that the golf course should be responsible for Arborist fee's we ask that you consider a five year transition to ease the financial burden on golf courses and allow them to prepare budgets accordingly

C) Mandatory compensation plantings, referred to as "replacement trees" in By-law #4474-03.D, do not meet the needs of all golf course models. They can have profound effects on the economic (business model), social (playability) and ecological model of the golf course. Some estimate that Aurora's tree coverage stands at about 17 percent; Aurora's golf courses are committed to contribute, not take away, from this total coverage.

In a unified effort to increase the Town of Aurora's total tree coverage, we ask that compensation plantings are allowed off-site along roadways, local watersheds, schools, neighborhoods and businesses. We also ask that forest edge plantings can be at higher densities to preserve natural transition of interior forest needs and accommodate for the ecological infrastructure that supports the design of a golf hole. In all compensation circumstances golf courses would be required to cover the costs of the replacement trees and the maintenance of the trees for a period of up to two (2) years.

In addition we ask for credit for the additional planting of trees that happens voluntarily by golf courses all the time. This credit can be used towards future cutting for the above stated reasons.

Something else to consider is the permit required to plant a tree, as so many trees are ill-suited to their environment and planted with a limited future. If we are asking for permit for removal, then should there not be a permit to plant?

We believe that the above provisions allow for our golf courses to remain competitive in the market place and will also enable us to reach our sustainability goals.

We encourage council to make well informed decisions that take into consideration all the facts and indeed the various implications that may ensue from those decisions.

We ask that you find a balance between the public's desire for equality, and the courses ability to practice sound environmental stewardship, fulfill their economic needs, and assure they continue to provide green space within the township of Aurora.

Yours sincerely,
Ontario Golf Superintendents' Association



Doug Breen
President



Attachment #4 to PR12-016

MEMORANDUM

**Parks & Recreation Department,
Parks Division**

Date: April 20, 2012
To: Mayor and Members of Council
From: Jim Tree
Re: Tree Permit By-law Review

Please note that the attached letter regarding the Tree Permit By-law review was sent to the following stakeholders:

Regional Municipality of York - Ian Buchanan, Manager of Natural Heritage & Forestry Service
York Region District School Board - Ken Thurston, Director of Education
York Catholic District School Board - Susan LaRosa, Director of Education
Lake Simcoe Region Conservation Authority - Brian Kemp, Director, Conservation Lands
Aurora Cemetery Corporation, April Ross, Manager
Beacon Hall Golf Course, Paul Sceena, Superintendent
Magna Golf Club - Wayne Rath, Superintendent
St. Andrews Golf Club - David Nisbet, Superintendent
Westview Golf Club - Colin Nisbet, Superintendent
Aurora Highlands Golf Club - Golf Club Superintendent

Jim Tree,
Parks Manager



Services
Jim Tree
905-727-3123 ext 3222
jtree@aurora.ca

Town of Aurora
100 John West Way Aurora ON L4G 6J1

April 11, 2012

York Catholic District School Board
320 Bloomington Road West
Aurora, Ontario
L4G 0M1

Attention: Susan LaRosa, Director of Education

Re: Tree Permit By-law Review

This letter serves as follow up to our January 25, 2102 correspondence wherein we notified you that the Town has completed a comprehensive review of the Tree Permit By-law and prepared a Draft of a revised Tree Protection By-law. This Draft By-law was received and approved by Council as an information item on January 24, 2012. The Staff Report and proposed Draft By-law along with the Public On Line Survey results are available for review on the Town of Aurora Website www.aurora.ca . Hard copies are also available by contacting the Manager of Parks Operations.

Since our previous correspondence, Aurora Council directed staff to hold a Public Meeting for the purpose of allowing a further opportunity for the general public and stake holders to provide their input and comments with regard to the Revised Tree Protection By-law

The Public Meeting will be held on April 25, 2012 at 7:00 pm in the Aurora Town Hall Council Chambers.

The Town of Aurora welcomes your input on all aspects of the proposed Tree Protection By-law and would encourage you or your representative to attend the public meeting.

Written comments can also be submitted on line by following the link on the Towns website. Alternatively you can mail or e-mail your comments to the undersigned up until 12:00 noon May 3 2012.

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York Catholic District School Board
Susan LaRosa

A further notice will be posted in the media and on our website advising the public of the date and time that the final proposed By-law will be presented to Council for approval.

Yours sincerely,



Jim Tree
Manger of Parks

JT:cw

cc: Allan Downey, Director of Parks and Recreation





Attachment #4

**TOWN OF AURORA
GENERAL COMMITTEE REPORT No. PR13-046**

SUBJECT: *Tree Protection By-Law*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *October 1, 2013*

RECOMMENDATIONS

THAT Report No. PR13-046 be received; and

THAT Council repeal By-law Number 4474-03.D; and

THAT a new by-law to deal with matters relating to the injury and destruction of trees located wholly on private property, being the proposed By-law Number 5551-13 (the "Private Tree Protection By-law"), be enacted; and

THAT the Private Tree Protection By-law shall come into full force and effect on May 1, 2014; and

THAT information concerning the Private Tree Protection By-law be published in the local media, the Town of Aurora website, and in all municipal facilities for the purpose of allowing the public and stakeholders an opportunity to familiarize themselves with the new By-law.

PURPOSE OF THE REPORT

To provide Council with the Private Tree Protection By-law effective May 1st 2014.

BACKGROUND

At the February 19, 2013 General Committee meeting, Council approved the revised Private Tree Protection By-law (the "By-law") subject to final review of the By-law by staff and Council.

Pursuant to this Council directive both the Parks & Recreation Services Department and the Legal Services Department staff have completed a final review of the By-law. Some minor corrections and technical revisions were required; however, the content of the more significant provisions to the By-law remain unchanged since the previous draft was presented to Council on February 19, 2013.

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Report No. PR13-046

As noted in previous reports dealing with this matter, this by-law revision has involved a significant process involving a number of internal staff, stakeholders and our Environmental Action Committee, all of whom have contributed to both the process and content of the final proposed by-law. A summary of the most significant revisions in the by-law are as follows:

PROPOSED REVISION	CURRENT BY-LAW
Two (2) trees having a trunk diameter more than 20 centimetres but less than 70 centimeters can be removed without a permit within any 12-month period	Four (4) trees with a trunk diameter greater than 20 centimeters can be removed without a Permit
Golf courses allowed to remove ten (10) trees having a trunk diameter more than 20 centimetres but less than 70 centimeters in any 12-month period without a permit	Golf courses exempt from Tree Permit By-Law
Conservation Authority and School Boards now required to abide by the By-law	Conservation Authorities and School Boards exempt from Tree Permit By-law
Director of Parks & Recreation Services to issue or deny Tree Removal Permits as an administrative function (other than a Heritage Tree)	Council approves or denies Tree Removal Permits
Tree Removal Permit must be obtained prior to removal of a single tree with a trunk diameter greater than 70 centimeters	No regulations on removing any single tree
Tree Removal Permit must be obtained to remove any tree classified as a Heritage Tree (see definition in new By-law) and Council approval (following a review by the Heritage Advisory Committee) is required	No regulations on removing any single tree in a heritage district (other than specific heritage protection for a tree)
Minimum fines are established within the new By-law	Currently no minimum fines included in the By-law

COMMENTS

As noted in our previous reports, this more restrictive *Tree Protection By-law* is expected to generate an increase in the level of administrative work for the Parks Division with the issuance of permits and site inspections.

The By-law Enforcement Division will also be involved when an infraction has been reported and an on-site investigation is deemed necessary. Currently, it is difficult to predict the exact level of additional resources that will be required to meet the needs of this more stringent by-law. Because of this, staff is recommending that no additional resources be added to either the Parks Division or By-law Services at this time. Staff suggests a watch-and-wait approach for a one-year period to properly gauge and assess the increase in the administrative work load prior to recommending retention of additional resources.

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Report No. PR13-046

Should it be determined that the administrative requirements associated with the revised By-law are in fact insufficient, staff will report back to Council on all aspects of the additional needs with the appropriate recommendations and alternatives. In our on-going efforts keep our stakeholders and members of the public informed throughout the Tree Protection By-law review process, staff have sent out formal notices to all of our local golf establishments and other interested parties advising them of this staff report and its addition to the October 1, 2013 General Committee agenda. Additionally, a draft of the proposed Tree Protection By-law has been placed on our website for public review and notices have been running on the Town of Aurora's Notice Board page in the Aurora newspaper.

Summary of Technical Amendments to By-law

As part of the final review by Parks and Legal staff, a number of technical and clerical revisions were undertaken to adhere to the Town's general by-law formatting standards. In addition, the structure and placement of some provisions was re-organized to provide more clarity and to eliminate any vagueness and inconsistencies within the By-law. The following is a summary of the technical and organizational changes that were made from the previous version of the By-law that was presented to Council:

Section 1 – Definitions

A number of definitions were updated to provide more clarity. The following is a summary of the more significant amendments:

- Cultivated Orchard – added language to limit the definition of orchards to lands that are predominantly used for the purpose of commercially harvesting the produce of fruit and nut trees for sale. Definition was previously too broad. Also, defined the orchard as the entire property as it could be difficult to meaningfully distinguish different parts of a property for the purposes of enforcement.
- Emergency Work and Hazard Trees – updated these definitions to differentiate between the categories. There was overlap between the categories. Emergencies are now matters related to imminent hazards that have to be immediately remedied, whereas hazard trees would be ones that are a concern but there is no imminent danger.
- Golf Course – updated the definition to clarify that an entire golf course property was part of the golf course. Previously, it was unclear what parts of the golf course would actually fall into the definition. From an enforcement perspective, it could be too difficult to meaningfully distinguish areas that are actually used in the operation of a golf course and determine which provisions should apply to different parts of a property.
- Nursery Stock – added definition from Regional By-law for consistency.
- Tree Farm – added some language to clarify that a farm is to have a commercial purpose. Also, defined the farm as the entire property as it could be difficult to meaningfully distinguish different parts of a property for the purposes of enforcement.

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- Woodlands – amended definition to mimic the Regional by-law. Regional by-law will overwrite the Town’s by-law in case of conflict and inconsistencies could only create confusion.
- Woodlot – eliminated definition as it was not used in the Town’s by-law.

Section 2 – Application of By-law

- Added a new provision to alert the reader at the outset that the Town’s By-law only concerns trees that are wholly located on private property and to point out the jurisdiction of the Region. This does not change the application of the by-law from the previous version.

Section 3 – Exemptions

- The exemptions provision, which was previously intermixed with a provision on exceptions from the permit, was separated into its own section.
- The separation allows the reader to clearly identify what matters are not governed by the By-law before considering any permit requirements or exceptions. This is more consistent with wording in the *Municipal Act*.
- The wording of the exemptions was cleaned-up and made consistent with the *Municipal Act*.

Section 4 – Permit Requirement

- This provision was moved from section 2 and some language was cleaned up.
- A list of exceptions from permit requirements was added that was previously intermixed with exemptions from application of the by-law.
- An exception was added for instances where a person is required to remove a tree pursuant to an order of the Town.
- The scope of the other exceptions was not changed.

Section 5 – Dead, Diseased and Hazard Trees

- This provision was separated from Emergency Work and clarified to eliminate overlap. The powers of the Director in relation to such cases and the process of removing such trees were clarified.
- The provision requires that a certificate from an Arborist or a report satisfactory to the Director be submitted to confirm the state of the tree.
- The clarification of the process and involvement of the Director in overseeing any such removals was added to avoid potential of abuse of this provision.

Section 6 – Emergency Work

- This provision was separated from Hazard Trees to eliminate overlap.
- As in the previous version, one is permitted to do emergency work where there is an imminent hazard and is required to submit a justification after the work is completed.
- The process and powers of the Director were clarified to avoid abuse of this provision.

Section 7 – Administration

- This was moved from section 4.

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- The provision was reworded to clarify the delegation of authority to the Director but its scope was not changed.
- Director of Parks is given the power and responsibility to administer and enforce the By-law and to designate such powers and responsibilities to others.
- Also, it was clarified that by-law officers and the Director, who can delegate such power to other staff, can enforce the By-law.

Section 8 – Permit Applications

- Moved from section 6.
- Some of the language was cleaned up but requirements for an application were not changed.

Section 9 – Issuance of a Permit

- Moved from section 7.
- Cleaned up some of the language in this provision.
- Eliminated the provision dealing specifically with Heritage Permits and changed the approach to a one permit system. One would not be required to apply for a special heritage permit, but would simply apply for a Tree permit, which will not be issued by the Director without Council's approval in the case of a heritage tree.
- It was also clarified that the Director is to provide a notification letter in case a permit is denied, containing reasons for the refusal, which will allow the opportunity to appeal to Council.
- Reworded provisions dealing with subdivisions, consents, zoning and site plan approvals to clarify that a permit would not be issued until such approvals are granted by Council or it is otherwise directed by Council.

Section 10 – Appeals

- Added an appeals provision to clarify the process in case of refusal of permit by Director. Applicants may appeal to Council by submitting an appeal notice.

Section 11 - Severability

- Moved from section 8.

Sections 12, 13, 14 – Enforcement, Offences and Penalties

- These provisions were cleaned-up to clarify Town powers as set out under the *Municipal Act*. Provisions dealing with similar matters from other parts of By-law were moved into this section.

Sections 15, 16, 17

- Amended some of the technical language in relation to repeal and the effectiveness of new By-law.

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LINK TO STRATEGIC PLAN

The amended Tree Protection By-law supports the Strategic Plan goal of Supporting Environmental Stewardship and Sustainability for all through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging the stewardship of Aurora's natural resources: Assess the merits of measuring the Town's natural capital assets.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could direct staff to make further revisions to the By-law prior to releasing the By-law to the public.
2. Council could delay the acceptance of the draft by-law for an indefinite period of time to provide for more public dialogue, input and revisions.
3. Further Options as required.

FINANCIAL IMPLICATIONS

There are a number of financial implications that may be realised with the passage of this more restrictive by-law as follows:

- Increased administration associated with issuing tree protection permits;
- Increased administration associated with preparing reports and materials for appeals to Council;
- Increased site visits, meetings and monitoring for compliance with permits that have been issued;
- Increased time spent on communicating with and educating residents and customers on the various aspects of the By-law.

As previously indicated, it is difficult to forecast with any certainty the definitive impacts associated with administering the proposed By-law at the present time. Revised fees proposed in the by-law will be subject to approval in the annual Fees and Charges By-law.

CONCLUSIONS

That Council repeal By-law Number 4474-03.D, as amended, and enact a new Private Tree Protection By-law in its place to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town of Aurora and that the amended Private Tree Protection By-law come into full force and effective on May 1, 2014.

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PREVIOUS REPORTS

PR12-001 January 24, 2012 Approval of Tree Protection By-law

PR12-016 April 25, 2012 Public Meeting for Proposed Tree Protection By-law

ATTACHMENTS

Attachment #1 – Draft of Revised Private Tree Protection By-law

PRE-SUBMISSION REVIEW

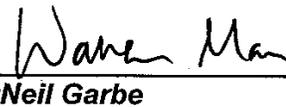
Executive Leadership Team Meeting, Wednesday, September 25, 2013.

Prepared by: Jim Tree, Parks Manager- Ext. 3222



Allan D. Downey

Director of Parks and Recreation Services



for Neil Garbe

Chief Administrative Officer



THE CORPORATION OF THE TOWN OF AURORA

By-law Number 5551-13

**BEING A BY-LAW to prohibit
and/or regulate the Injury or
Destruction of Trees on Private
Property in the Town of Aurora.**

WHEREAS subsection 135(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "Act") provides that a local municipality may prohibit or regulate the destruction or injuring of trees;

AND WHEREAS trees provide real value in the ecological, social, economic and communal fabric of the community;

AND WHEREAS trees are among the most important living organisms in their ability to absorb air pollutants, expel life giving oxygen and provide a host of other environmental goods and services;

AND WHEREAS subsection 135(7) of the Act provides that a municipality may in a by-law require that a permit be obtained to injure or destroy trees and may impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroy trees;

AND WHEREAS the Council of The Corporation of the Town of Aurora (the "Town") desires to repeal By-law Number 4474-03.D, as amended, and enact a new replacement by-law to deal with matters relating to injury and destruction of trees located wholly on private property within the jurisdiction of the Town;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

1. DEFINITIONS

1.(1) The following words as set out in this by-law shall have the following meanings:

- (a) "Act" means the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended;
- (b) "Applicant" means the Owner or an authorized agent of the Owner who submits an Application under the provisions of this by-law;
- (c) "Application" means an application for a Permit on a form prescribed by the Director;
- (d) "Arborist" means an expert in the care and maintenance of trees, and includes:
 - (i) an arborist qualified by the Ontario Ministry of Training, Colleges and Universities;
 - (ii) a Forest Technician or Forestry Technologist with an applicable college diploma and a minimum of two (2) years urban forestry experience;

- (iii) a certified arborist qualified by the Certification Board of the International Society of Arboriculture;
 - (iv) a consulting arborist registered with the American Society of Consulting Arborists;
 - (v) a Registered Professional Forester designated pursuant to the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended; or
 - (vi) such other person with other similar qualifications as approved by the Director;
- (e) "Arborist's Report" means a technical report prepared by an Arborist or Registered Professional Forester which identifies the surveyed location, species, size and condition of a tree, provides the reasons for any proposed Injuring or Destruction of a tree, and describes tree protection measures or other mitigating activities to be implemented;
- (f) "Council" means the Council of The Corporation of the Town of Aurora;
- (g) "Cultivated Orchard" means a property that is used for the dominant purpose of growing and maintaining fruit or nut Trees for the commercial harvesting and sale of their fruits or nuts;
- (h) "DBH" means the diameter at breast height, which shall be the diameter of the trunk of a Tree at a point of measurement 1.37 metres above the ground. DBH of multi-trunk Trees shall be measured as prescribed by the Director. Where a Tree has been cut down and the remaining stump is less than 1.37 metres in height, the DBH shall be the extrapolated as prescribed by the Director;
- (i) "Destroy" and/or "Destruction" means to kill by cutting, burning, uprooting, chemical application, or other means;
- (j) "Director" means the Director of Parks & Recreation Services for the Town or his/her designate;
- (k) "Emergency Work" means work necessary to terminate an immediate threat to life or property and includes maintenance works arising from natural events (e.g. ice storm, high winds, lightning, etc.) as well as maintenance works associated with emergency drain repair, utility repair and building repairs;
- (l) "Golf Course" means a property that is used to commercially operate a golf course in compliance with all applicable laws;
- (m) "Hazard Tree" means a Tree that is a safety concern to property or life but not an immediate threat;
- (n) "Heritage Tree(s)" means any Tree, including but not limited to, pairs of Trees, avenues or windrows of Trees, grove or arboreal remnants, or one (1) or more Trees that form part of a cultural heritage landscape that is on private property and is:
- (i) located within a heritage conservation district as designated under Part V of the *OHA*;
 - (ii) designated under, or located on a property designated under, Part IV of the *OHA*;
 - (iii) designated by the Ontario Urban Forest Council;
 - (iv) listed on the Town's Register of Properties of Cultural Heritage Value or Interest;
- (o) "Injure and/or Injury" means to damage or attempt to Destroy a Tree by:
- (i) removing, cutting, girdling, or smothering of its roots;

- (ii) interfering with its water supply;
 - (iii) setting fire to it;
 - (iv) applying chemicals on, around, or near it;
 - (v) compacting or re-grading within the drip line of it;
 - (vi) causing damage by new development or construction related activities that are not evaluated as part of an approval under the *Planning Act*;
 - (vii) storing any materials within the drip line; or
 - (viii) any other means resulting from neglect, accident or design;
- (p) "Local Board" means a municipal service board, public library board, transportation commission, board of health, police services board, or any other board, commission, committee, body or local authority established or exercising any power under any legislation with respect to the affairs or purposes of the Town, but does not include a school board, a conservation authority, or a private cemetery corporation;
- (q) "Municipal Law Enforcement Officer" means an individual appointed by the Town by by-law pursuant to subsections 15(1) and 15(2) of the *Police Services Act*, R.S.O. 1990, c. P.15, as amended, for the administration and enforcement of Town by-laws;
- (r) "Nursery Stock" means coniferous or hardwood seedlings, transplants, grafts, or trees propagated or grown in a nursery and with the roots attached, and includes cuttings with or without the roots attached;
- (s) "OHA" means the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, as amended;
- (t) "Owner" means the person having the right, title, interest or equity in the land containing a subject Tree, or his or her agent authorized in writing;
- (u) "Permit" means a permit to Injure or Destroy a Tree issued by the Director;
- (v) "Permit Application Fee" means the prescribed fee as set out in the Town's Fees and Charges By-law, as may be amended from time to time;
- (w) "Person" and/or "Persons" includes a corporation, a partnership, an individual, a public utility and its heirs, executors, directors, or other legal representatives of a person to whom the context can apply according to law;
- (x) "*Planning Act*" means the *Planning Act*, R.S.O. 1990, c. P. 13, as amended;
- (y) "Pruning" means the removal of branches from living Trees by cutting at a point outside the branch collar (but does not include the removal of more than one-quarter ($\frac{1}{4}$) of a Tree's leaf-bearing crown), for the purpose of thinning the crown of a Tree to increase light penetration and air movement, providing clearance and eliminating interference with utility lines, buildings, pedestrians or vehicles, or eliminating dead, hazardous or diseased wood;
- (z) "Registered Professional Forester" means a member of The Ontario Professional Foresters Association entitled to use the designation of "Registered Professional Forester" pursuant to subsection 14(6) of the *Professional Foresters Act, 2000*, S.O. 2000, c. 18, as amended;
- (aa) "Region" means The Regional Municipality of York;

- (bb) "Town" means The Corporation of the Town of Aurora;
- (cc) "Tree" means any perennial woody plant, including its root system, which has reached or can reach a height of at least four and a half (4.5) meters at physiological maturity and having its trunk located wholly on private property;
- (dd) "Tree Farm" means a property on which Trees are grown and maintained for the dominant purpose of commercial sale;
- (ee) "Tree Inventory and Preservation Plan" means a plan required by the Town as a condition of development or re-development approval pursuant to sections 41, 51, or 53 of the *Planning Act*, which plan determines, among other things, the Trees to be: (i) preserved through an assessment process identifying Trees, shrubs and other specific areas of natural habitat and their ecological function or importance; (ii) the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance; (iii) mitigation measures and measures to protect and manage Trees to be preserved (not limited to protective barriers and/or hoarding); and (iv) proper practices to remove Trees to be destroyed;
- (ff) "Woodlands" means land at least one (1) hectare in area and with at least:
 - (i) 1000 trees, of any size, per hectare;
 - (ii) 750 trees, measuring over five (5) centimeters DBH, per hectare;
 - (iii) 500 trees, measuring over twelve (12) centimeters DBH, per hectare; or
 - (iv) 250 trees, measuring over twenty (20) centimeters DBH, per hectare;but does not include a cultivated fruit or nut orchard or a plantation established for the purpose of producing Christmas trees or Nursery Stock;
- (gg) "York Region Forest Conservation By-law" means by-law No. TR-0004-2005-036, as amended, or successor thereto, as enacted by the Region.

2. APPLICATION OF THE BY-LAW

- 2.(1) Except as otherwise provided in this by-law, the provisions of this by-law shall apply to any Tree whose trunk is located wholly on private property.
- 2.(2) Despite subsection (1), the Region shall have jurisdiction over the issuance of any type of permit allowing the Injury or Destruction of Trees on Woodlands.

3. EXEMPTIONS FROM THE BY-LAW

- 3.(1) The provisions of this by-law do not apply to:
 - (a) activities or matters within Woodlands that are governed by the York Region Forest Conservation By-law;
 - (b) activities or matters within a building or structure, a solarium, rooftop garden, or an interior courtyard having a soil depth of less than one and a half (1.5) metres above a built substructure;
 - (c) activities or matters undertaken by the Town or a Local Board;

- (d) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c. 25, as amended, or successor thereto;
- (e) Trees having its trunk located wholly or partially on municipal lands;
- (f) the Injuring or Destruction of Trees within a Tree Farm that are being actively managed and harvested for the purpose for which the Trees were planted;
- (g) the Injuring or Destruction of Trees within a Cultivated Orchard;
- (h) the Injuring or Destruction of Trees by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, or successor thereto, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- (i) the Injuring or Destruction of Trees imposed after December 31, 2002, as a condition to the approval of an site plan, plan of subdivision or a consent under section 41, 51 or 53, respectively, of the *Planning Act*, or as a requirement of a development agreement, including a site plan agreement and a subdivision agreement, entered into under those sections (including the Injury or Destruction of a Tree in compliance with a Tree Inventory and Preservation Plan);
- (j) the Injuring or Destructing of Trees imposed after December 31, 2002, as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
- (k) the Injuring or Destruction of Trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, S.O. 1998, c. 15, Sched. A, as amended, or successor thereto, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- (l) the Injuring or Destruction of Trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8, as amended, or successor thereto;
- (m) the Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - (i) that has not been designated under the *Aggregate Resources Act* or predecessor legislation; and
 - (ii) on which a pit or quarry is a permitted land use under a by-law passed under section 34 of the *Planning Act*;

4. PERMIT REQUIREMENT

- 4.(1) Unless otherwise exempted under this by-law, no person shall permit or cause the Injury or Destruction of:
- (a) more than two (2) Trees on any one (1) property within any twelve (12) month period having a trunk DBH of more than twenty (20) centimetres DBH and less than seventy (70) centimeters;
 - (b) any Tree having a trunk DBH greater than seventy (70) centimeters; or
 - (c) any Heritage Tree;

without first obtaining a Permit pursuant to this by-law.

- 4.(2) Where a Permit has been issued under this by-law, no person shall permit or cause the Injury or Destruction of any Tree unless it is done in accordance with the conditions of the Permit and any other supporting documentation relevant to the issuance of the Permit.
- 4.(3) Despite subsection (1), a Permit is not required:
- (a) to Injure, Destroy or remove any Tree, or a part of a Tree, as a necessary part of Emergency Work pursuant to section 6;
 - (b) to perform Pruning;
 - (c) where the Injury or Destruction of a Tree is specifically required in an order made under this by-law, the Act or the Town's Property Standards By-law;
 - (d) for the removal of not more than ten (10) Trees within any twelve (12) month period located on a Golf Course and having a trunk diameter of more than twenty (20) centimetres DBH and less than seventy (70) centimeters DBH.

5. DEAD, DISEASED AND HAZARD TREES

- 5.(1) Where a person wishes to Injure, Destroy or remove any dead, diseased or Hazard Tree, or any portion of such a Tree, such a person shall provide to the Town an Arborist certificate, or a report satisfactory to the Director, confirming that any such Tree is dead, diseased or a Hazard Tree along with an application required pursuant to section 8.
- 5.(2) Notwithstanding subsection 8(1), an Application fee is not required to be submitted in relation to an Application relating to a dead, diseased or Hazard Tree. However, should the Director deem a certificate or report provided under subsection (1) to be incomplete, insufficient or deficient in any way, the Director shall not issue a Permit until a satisfactory certificate or report is provided or a new Application is submitted to the Town that satisfies all the requirements of this by-law, including the fee requirement.
- 5.(3) No Injury, Destruction or removal activity shall be taken by any person beyond what is contemplated in any applicable certificate or report provided under subsection (1).

6. EMERGENCY WORK

- 6.(1) Injury, Destruction and removal of any Tree may be conducted without a Permit provided that any such Injury, Destruction or removal was necessary and a part of Emergency Work.
- 6.(2) Following any Emergency Work, the Owner of the property on which Tree(s), for which a Permit would have otherwise been required, affected by any such Emergency Work are located shall, within seventy-two (72) hours of completing or abandoning such Emergency Work, submit evidence satisfactory to the Director that any Injury, Destruction or removal of a Tree was required as part of the Emergency Work.
- 6.(3) The Director has the authority to deem any Injury, Destruction or removal of a Tree, or of any portion of a Tree, done pursuant to subsection (1), to not have been necessary and/or not in the category of Emergency Work based on the materials provided under subsection (2) and any other information deemed relevant by the Director, in which case, the Director may require that a retroactive Permit application be made and/or pursue any enforcement steps permitted under this by-law.

7. ADMINISTRATION

Administration Authority Delegated to the Director

- 7.(1) The Director is hereby delegated the authority and responsibility for the administration of this by-law, including the authority to receive Applications, certificates from Arborists, and any associated fees, to issue, to revoke and to refuse to issue Permits and also to impose conditions on any Permits in accordance with this by-law.
- 7.(2) The Director is authorized to delegate responsibilities for the administration and enforcement of this by-law to any Town staff or external third parties deemed to be qualified and appropriate by the Director for such purposes.

Enforcement

- 7.(3) The Director and Municipal Law Enforcement Officers of the Town are hereby delegated the authority to enforce this by-law, including the authority to conduct inspections of Tree(s) pursuant to the exercise of their authority under this by-law and any other enacted Town by-law or legislation.

Fees

- 7.(4) All fees and charges pursuant to this by-law may be set by the Town's Council from time to time and shall be set out in the Town's Fees and Charges By-law.

8. PERMIT APPLICATIONS

Permit Application Requirements

- 8.(1) Where an Applicant applies for a Permit for the Injury or Destruction of a Tree(s), he/she shall submit the following to the Director:
- (a) an Application form completed to the satisfaction of the Director;
 - (b) the name, address and telephone number of the Owner;
 - (c) Application fee;
 - (d) description of the purpose for which the Permit is required;
 - (e) an Arborist's Report, if deemed to be required by the Director;
 - (f) where the trunk of a Tree straddles a property line, the written consent to the Permit issuance from the property owner(s) on whose property the affected Tree is partially located; and
 - (g) where the Applicant is not the Owner, the written authorization of the Owner consenting to the Application;
 - (h) any other information deemed necessary by the Director.

Director's Authority to Refund and Waive Fees

- 8.(2) Notwithstanding 8(1)(c), should the Director determine that a Permit is not required for an activity, matter or Tree subject to an Application or that such activity, matter or Tree is exempt from this by-law, any application fee submitted as part of such an Application shall be refunded to the Applicant, unless it is determined by the Director, at his/her discretion, that Town staff had expended considerable time and resources to process such Application due to an error on the part of the Applicant.
- 8.(3) Notwithstanding 8(1)(c), the Director is authorized to reduce or waive the Application fee if deemed appropriate, at his/her discretion.

False or Misleading Information

8.(4) No person shall submit false or misleading information in support of an Application. Together with any other penalties or fines that may be otherwise imposed, if such false or misleading information is found to have been submitted in support of an Application, the Director will have the authority to refuse any such Application under consideration by the Town and to revoke any Permit issued by the Town on the basis of any such false or misleading information.

9. ISSUANCE OF A PERMIT

Permit Approval Process

9.(1) Upon receipt of an Application, the Director shall:

- (a) Make a decision as to whether or not a Permit will be issued and whether any conditions will be imposed on such a Permit considering the following:
 - (i) the species of the Tree;
 - (ii) the condition of the Tree;
 - (iii) the location of the Tree;
 - (iv) the protection of ecological systems and their functions, including the protection of native flora and fauna;
 - (v) erosion, sedimentation of watercourses, and flood control;
 - (vi) impacts to surrounding properties, including loss of shade, vistas or privacy;
 - (vii) any public comments received;
 - (viii) comments received from such persons, staff and agencies as deemed necessary, in the Director's opinion, for the proper review of the Application;
 - (ix) whether or not a Tree is a Heritage Tree;
 - (x) any conflicts with existing agreements or plans of the Town; and
 - (xi) any other information that the Director deems to be relevant to the Application.
- (b) If a Tree subject to an Application is found by the Director to be a Heritage Tree, the Director shall not issue a Permit unless the Injury, Destruction or removal is approved by Council following a review by the Town's Heritage Advisory Committee.
- (c) If the Director determines that a Permit will not be issued pursuant to an Application, the Director shall notify the Applicant of the decision in writing and provide reasons for the refusal.

Signage

9.(2) Upon receipt of an Application, the Director may Post an informational sign, as established by the Director, relating to the Application in a conspicuous place at or near the property on which the Tree subject to the Application is located and leave such sign in place for a period determined by the Director.

9.(3) No person shall temper with or remove any sign posted pursuant to subsection (2), unless following an Application, a Permit is issued and work pursuant to such Permit is completed, a Permit is issued and expires or it is otherwise directed by the Director.

Permit Not Issued

- 9.(4) A Permit shall not be approved or issued where:
- (a) a Tree to be Injured or Destroyed is an endangered species as defined in the *Endangered Species Act, 2007*, S.O. 2007, c. 6, as amended, or the *Species at Risk Act*, S.C. 2002, c. 29, as amended;
 - (b) approval would be in contravention of the *Migratory Birds Convention Act, 1994*, S.C. 1994, c. 22, as amended;
 - (c) issuance of a Permit is under the jurisdiction of the Region and/or addressed under the York Region Forest Conservation By-law; or
 - (d) approval is inconsistent with an approved Tree Inventory and Preservation Plan.

Subdivision Not Yet Draft Approved

- 9.(5) Where an Application is made with respect to a Tree that is located on land that is subject to an application for a subdivision approval or a consent that has not received a draft approval or a provisional consent, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Planning Application Not Approved

- 9.(6) Where an Application is made with respect to a Tree that is located on land that is subject to a re-zoning application, an application for site plan approval, or an application to amend the official plan that has not received final approval, the Director shall not issue a Permit until such approval or consent is obtained or Application otherwise approved by Council.

Permit Approved Subject to Conditions

- 9.(7) The issuance of a Permit may be subject to conditions imposed by the Director or Council, as the case may be, which may include any or all of the following requirements:
- (a) submission of a Vegetation Management Plan ("VMP"), satisfactory of the Director, prepared by a certified Landscape Architect and, if required by the Director or Council, an Arborist and the VMP may include, but not be limited to, the following:
 - (i) a vegetation inventory and assessment, including species size and condition, identifying all vegetation greater than 80mm DBH for individual Tree assessments, the perimeter at canopy of woodlands, groups or stands of vegetation, and trees and vegetation on adjacent properties that may be impacted;
 - (ii) identification of all vegetation removals and protection measures for vegetation designated to be preserved, including an impact assessment to support vegetation removals and/or preservation measures;
 - (iii) provision of compliance monitoring and protection/mitigation specifications including all arboricultural requirements for Trees designated to be preserved during construction;
 - (iv) provision of post-construction performance monitoring and rehabilitation specifications;
 - (v) an estimate of the monetary replacement value of the Tree(s) as set out in the International Society of Arboriculture ("ISA") Guide for Plant Appraisal or approved equivalent completed by an Arborist and financial compensation, paid to the Town based on the aforementioned ISA appraisal process for Tree(s)/vegetation lost or destroyed; and

- (vi) provision for replacement plantings at another suitable location on the property including provision of cash securities in an amount equal to one-hundred and twenty percent (120%) of the cost of replanting and maintaining the Trees for a period of two (2) years or where restoration planting is not physically possible on the site for which the Permit is being issued, provision of a cash payment to the Town to be placed in the Town's Tree Planting reserves for future Tree planting by the Town in an alternative location in the Town of Aurora;
- (b) the submission of a written undertaking and release to ensure that replacement plantings are carried out and maintained in accordance with landscaping and restoration plans approved by the Director; and/or
- (c) undertaking that the tree cutting work only occur under the supervision of an Arborist.

Permit Expiry Date

9.(8) The Director shall include an expiration date on any Permit being issued by Town, which shall not exceed one (1) year from the date of issuance, upon taking into account the work to be completed under the Permit and any third party or Town activities or interests that might be affected by the work. No Injury or Destruction activity is permitted pursuant to any Permit after the expiration date.

10. APPEALS

10.(1) Where the Director refuses to issue a permit, an Applicant may, within five (5) business days of the date of receipt of a written refusal, appeal the decision of the Director to the Council, or such other tribunal or committee designated by Council, by submitting a written request to the Town Clerk.

11. SEVERABILITY

11.(1) If a court of competent jurisdiction declares any provision, or any part of a provision, of this by-law to be invalid or to be of no force and effect, it is the intention of the Town in enacting this by-law that such provision or part of a provision shall be severable, and such a decision shall not affect the validity of the remaining sections, subsections, clauses or phrases of this by-law.

12. ENFORCEMENT

Power of Entry – Inspection

12.(1) The Director and/or a Municipal Law Enforcement Officer may, at any reasonable time, enter on any land for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

- (a) this by-law;
- (b) direction or order made pursuant to this by-law or the Act;
- (c) condition of a Permit issued under this by-law; or
- (d) an order made under section 431 of the Act.

12.(2) For the purposes of an inspection under subsection (1), the person conducting the inspection may:

- (a) require the production for inspection of documents or things relevant to the inspection;

- (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
- (c) require information from any person concerning a matter related to the inspection; and
- (d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

12.(3) The Director and/or a Municipal Law Enforcement Officer may undertake an inspection pursuant to an order issued under section 438 of the Act.

12.(4) Submission of an Application is deemed to be a consent of the Owner for persons designated as an inspector by the Canadian Food Inspection Agency, pursuant to the *Plant Protection Act*, S.C. 1990, c. 22, as amended, or successor thereto, to inspect the lands subject to the Application for the presence of pests (as defined in the said legislation) and to take any and all action deemed appropriate by such an inspector, including the removal of any Tree(s) on such private property of the Owner, in accordance with the said legislation.

Contravention Orders

12.(5) Where the Director or any Municipal Law Enforcement Officer is satisfied that a contravention of this by-law or a Permit has occurred, such Director or Municipal Law Enforcement Officer may make an order requiring that the person who caused or permitted such contravention or the Owner or occupier of the land on which the contravention occurred to discontinue the contravening activity and/or to do work to correct the contravention.

12.(6) An order pursuant to subsection (5) shall set out the following:

- (a) the municipal address and/or the legal description of the land or property on which the contravention occurred;
- (b) reasonable particulars of the contravention;
- (c) what is required of the person subject to the order (i.e., what activity is to be seized and/or actions or work to be done);
- (d) the date by which there must be compliance with the order and/or, if any work is ordered, the date by which any such work must be done;
- (e) if any work is required to be done, a statement that if such work is not done in compliance with the order and within a specified time period, the Town will have the work done at the expense of the person directed or required to do it; and
- (f) information regarding the Town's contact person.

12.(7) An order issued pursuant subsection (5) may be served:

- (a) personally on the person that is subject to the order; or
- (b) by sending it by prepaid registered mail to the last known address of the Owner or occupier of the land on which the contravention occurred or, if the person subject to the order is not the Owner or occupier, to the last known address of such person subject to the order.

12.(8) Where service of an order is made by registered mail, the service shall be deemed to have been made on the fifth (5th) day after the day of mailing.

- 12.(9) In the event that service of an order cannot be effected under subsection (7), the Director or a Municipal Law Enforcement Officer may place a placard containing the terms of the order in a conspicuous place on the property subject to the order and the placing of the placard shall be deemed sufficient service of the order on the Owner and/or occupier of such subject property.
- 12.(10) Wherever this by-law or an order issued under this by-law directs or requires any matter or thing to be done by any person within a specified time period, in default of it being done by the person directed or required to do it, the action may be taken under the direction of Director or a Municipal Law Enforcement Officer at that person's expense and the Town may recover the costs incurred through a legal action or by recovering the costs in the same manner as taxes.
- 12.(11) For the purposes of taking remedial action under subsection (10), the Town, its staff and/or its agents may enter, at any reasonable time, upon any lands on which a default to carry out a required thing or matter occurred.

13. OFFENCES

- 13.(1) Any person who contravenes any provision of this by-law or an order issued pursuant to this by-law or the Act, or fails to comply with an order issued pursuant to this by-law or the Act, is guilty of an offence.
- 13.(2) Pursuant to paragraph (a) of subsection 429(2) of the Act, all contraventions of this by-law or of orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offence is an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this by-law. For greater certainty, when multiple Trees are Injured or Destroyed, the Injury or Destruction of each Tree is a separate offence.

14. PENALTIES

- 14.(1) Upon conviction of an offence under this by-law a person is liable to a fine as follows:
 - (a) a minimum fine for any offence under this by-law is five-hundred dollars (\$500.00) and the maximum fine is one-hundred-thousand dollars (\$100,000).
 - (b) in the case of a continuing offence, for each day or part of a day that the offence continues, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all the daily fines for an offence is not limited to one-hundred-thousand dollars (\$100,000).
 - (c) in the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be five-hundred dollars (\$500.00) and the maximum fine shall be ten-thousand dollars (\$10,000.00). Despite paragraph (a), the total of all fines for each included offence is not limited to one-hundred-thousand dollars (\$100,000).
- 14.(2) In addition to fine under subsection (1), a person convicted of an offence under this by-law may be liable to a special fine in the amount of the economic advantage or gain that such a person obtained from the contravention of this by-law.

15. REPEAL

- 15.(1) By-law Number 4474-03.D, as amended, is hereby repealed on the day of this by-law coming into full force and effect.

16. **SHORT TITLE**

16.(1) This by-law shall be known and may be cited as the "Private Tree Protection By-law".

17. **EFFECTIVE DATE**

17.(1) This by-law comes into full force and effect on May 1, 2014.

READ A FIRST AND SECOND TIME THIS 8th DAY OF OCTOBER, 2013.

READ A THIRD TIME AND FINALLY PASSED THIS 8th DAY OF OCTOBER, 2013.

GEOFFREY DAWE, MAYOR

JOHN D. LEACH, TOWN CLERK

Attachment #5

THE CORPORATION OF THE TOWN OF AURORA

By-law Number 4474-03.D

***BEING A BY-LAW to
Authorize the Injury or
Destruction of Trees
(Tree Permit By-law)***

WHEREAS the Council of The Corporation of the Town of Aurora recognizes the ecological and aesthetic value of trees and is desirous of managing the injury and destruction of trees;

AND WHEREAS Section 135 (7) of the *Municipal Act, 2001*, R.S.O. 2001, c. 25 provides that a by-law passed may require a permit be obtained to injure or destroy trees and to impose conditions to a permit, including conditions relating to the manner in which destruction occurs and the qualifications of persons authorized to injure or destroys trees;

AND WHEREAS section 135(1) of the *Municipal Act, 2001* authorizes a local municipality to prohibit or regulate the injuring or destruction of trees;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AURORA ENACTS AS FOLLOWS:

DEFINITIONS

1. In this By-law,

“application” means a tree permit application form provided by the Town;

“arborist” means a person with a diploma or degree involving arboriculture from an accredited college or university, a Registered Professional Forester, an accredited Certified Arborist under the International Society of Arboriculture or with a demonstrated history of tree preservation experience;

“arborist report” means a report prepared by an arborist which provides details on the species, size and health of a tree to be destroyed, injured or removed;

“base diameter” means the measurement of the diameter of the trunk of a tree from outside the bark at the existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three (3) largest stems measured at existing grade;

“Clerk” means the Clerk of The Corporation of the Town of Aurora or his duly appointed designate;

“Council” means the Council of The Corporation of the Town of Aurora;

“dead” means a tree that has no living tissue;

“dying” means a tree that is infected by a lethal pathogen or where 70% or more of its crown is dead;

“emergency work” means the work necessary to terminate an immediate threat to life or property;

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"golf course" means an area of land laid out and operated as a golf course and includes putting greens and driving ranges;

"hazard" means a tree that is a potential hazard to property or life but not an immediate threat;

"injure or destroy a tree" means the injury or destruction of a tree by removal, cutting, girdling of the tree or roots, interfering with the water supply, application of chemicals, compaction and regrading within the drip line of the tree, or by other means including irreversible injury which may result from neglect, accident or design but does not include pruning;

"lands" means a lot only and does not include a building;

"lot" means a parcel of land having specific boundaries which is capable of legal transfer;

"Manager" means the Park Manager of the Leisure Services Department for the Town or his/her designate;

"nursery" is a lot on which the principal business of selling plants, shrubs and trees occurs;

"owner" means the registered owner of a lot, his respective successors and assigns or his authorized agent;

"officer" means a person authorized to perform inspections pursuant to this By-law;

"permit" means a permit required by this By-law to injure or destroy a tree on private property within the Town .

"person" means an individual, his heirs, executors and administrators and his respective successors and assignees and includes a corporation and its directors and officers;

"pruning" means the appropriate removal in accordance with good arboricultural practices of not more than one-third of the live branches or limbs of a tree or more than one third of the live branches or limbs on a tree as part of a consistent annual pruning program;

"Town" means The Corporation of the Town of Aurora;

"tree" means a self-supporting woody plant which has reached or will reach a height of at least 4.5 m at maturity;

"tree diameter" means the measurement of the diameter of the trunk of a tree from outside the bark 1.4 m above existing grade of the ground adjoining its base or where there are multiple stems on a tree, means the total of the diameters of the three (3) largest stems measured approximately 140 cm above existing grade;

SCOPE

2. This By-law shall apply to all private property in the Town.

PERMIT REQUIREMENTS AND EXCEPTIONS

3. (1) No person shall injure or destroy five (5) or more trees each with either a tree diameter greater than 20 cm or a base diameter greater than 40 cm on a lot within any one year period without first obtaining a permit pursuant to this By-law.

- (2) Despite subsection (1), a permit is not required:
 - (a) for emergency work;
 - (b) for the pruning of a tree;
 - (c) for the removal of dead branches;
 - (d) to injure or destroy trees located on rooftop gardens, interior courtyards, or solariums; or
 - (e) to injure or destroy trees on a nursery or golf course.

FILING FOR A PERMIT

4. An Owner who applies for a permit shall submit to the Manager the following:
 - (1) a completed application;
 - (2) a plan or drawing of the lot to the satisfaction of the Manager illustrating which trees are to be injured or destroyed;
 - (3) payment of the required fees prescribed by the Fees and Services By-law;
 - (4) an arborist report, if required by the Manager;
 - (5) where the base of a tree straddles a property line the written consent to the permit issuance from the affected adjacent property owner; and
 - (6) where the person is not the owner the written authorization of the owner consenting to the application.

REVIEW OF A PERMIT APPLICATION

5. (1) The Manager shall review all completed applications based on the following criteria:
 - (a) the trees are dead or dying;
 - (b) the trees are a hazard;
 - (c) the tree location conflicts with any of the following:
 - (i) proposed building permit plans that comply with the zoning of the land;
 - (ii) a proposed pool enclosure; or
 - (iii) the expansion of parking areas that complies with the zoning of the land;
 - (d) there will be no negative impact on flood or erosion control, or slope stability; or
 - (e) the lot is designated under the *Heritage Act* R.S.O. 1990, c. 0.18, as amended, and the Town of Aurora's Heritage Advisory Committee has approved the injury or destruction of the tree.

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CONDITIONS OF THE ISSUANCE OF A TREE PERMIT

6. Town Council may issue a permit and impose conditions.

COUNCIL'S CONSIDERATION OF AN APPLICATION

7. Where the Manager receives an application for a permit, the Manager shall prepare a report forthwith to be heard by Council.
8. The Owner may appear before Council to make representation regarding the application by notifying the Clerk.
9. The Owner shall post on the property where the trees that are the subject of the application are located a sign supplied by the Town advising of the date of the Council meeting in which the application for a permit will be considered, the intent of the permit and the name of the Town official to contact for further information. The sign shall be posted on the property in a location visible from the street edge for minimum period of two weeks before the Council meeting.

REVOCACTION OF PERMIT

10. Council may revoke a permit issued pursuant to this By-law if it was issued because of mistaken, false or incorrect information received from the owner.

APPEAL TO THE ONTARIO MUNICIPAL BOARD

11. An Owner may appeal to the Ontario Municipal Board under the following circumstances:
 - (a) If the municipality refuses to issue a permit, within 30 days after the refusal;
 - (b) If the municipality fails to make a decision on the application, within 45 days after the application is received by the clerk or
 - (c) If the Owner objects to a condition in the permit, within 30 days after the issuance of the permit.

PERMIT APPROVALS

12. The approval of a permit shall be valid for only one (1) year from the date of issuance.

POSTING OF PERMIT

13. The approved tree permit shall be posted on the lot from which the trees are to be injured or destroyed in a location visible from the street edge for the period during which the trees are being injured or destroyed.

INSPECTION

14. The Council may from time to time designate officers to carry out the administrative functions of this By-law including the enforcement thereof.
15. An officer may at any reasonable time enter and inspect any lands to which this By-law applies to determine whether the By-law, an order or a condition to a permit is being complied with.
16. An officer, in carrying out an inspection, can be accompanied by assisting personnel.

17. Where an officer is satisfied that a contravention of this By-law has occurred, the officer may make an order requiring the person who contravened the by-law or who caused or permitted the injuring or destruction of trees in contravention of the by-law to stop the injuring or destruction of trees.
18. A order issued pursuant to section 17 shall set out the municipal address or legal description of the land, reasonable particulars of the contravention and the period within which there must be compliance with the order.
19. A person shall comply forthwith with an order as issued by the officer.

EXEMPTIONS

20. A By-law passed under this section does not apply to,
 - (a) any activities or matters undertaken by the Town, the Region, the School Boards for the development of a school or any other government authority, conservation authority or utility corporation;
 - (b) activities or matters undertaken under a license issued under the *Crown Forest Sustainability Act, 1994*;
 - (c) the injuring or destruction of trees by a person licensed under the *Surveyors Act* to engage in the practice of cadastral surveying or his or her agent, while making a survey;
 - (d) the injuring or destruction of trees imposed after December 31, 2002 as a condition to the approval of a site plan, a plan of subdivision or a consent under section 41, 51, or 53, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - (e) the injuring or destruction of trees imposed after December 31, 2002 as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation;
 - (f) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act, 1998*, for the purpose of construction and maintaining a transmission system or distribution system, as those terms are defined in that section;
 - (g) the injuring or destruction of trees undertaken on land described in a license for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*;
 - (h) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land
 - (i) that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act, and
 - (ii) on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the *Planning Act*.

OFFENCES

21. (1) Any person who contravenes any provision of this By-law is guilty of an offence is liable:
 - (a) on a first conviction, to a fine of not more than \$10,000 or \$1,000

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- per tree, whichever is greater; and
- (b) on any subsequent conviction, to a fine of not more than \$20,000 or \$2,500 per tree whichever is greater.
- (2) Any a corporation that contravenes any provision of this By-law and is guilty of an offence is liable:
- (a) on a first conviction, to a fine of not more than \$50,000 or \$5000 per tree, whichever is greater; and
 - (b) on a subsequent conviction, to a fine of not more than \$100,000 or \$10,000 per tree whichever is greater.

SHORT TITLE

22. This By-law may be referred to as the "Tree Permit By-law".

READ A FIRST, SECOND AND THIRD TIME AND ENACTED THIS 28TH DAY OF OCTOBER, 2003.

T. JONES, MAYOR

B. PANIZZA, TOWN CLERK



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. PR15-035

SUBJECT: *Tree Removal/Pruning and Compensation Policy*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *November 3, 2015*

RECOMMENDATIONS

THAT Report No. PR15-035 be received; and

THAT Report No. PR15-035 and the following recommendation be deferred to the General Committee meeting of November 17, 2015, for consideration:

THAT the draft Tree Removal/Pruning and Compensation Policy attached to Report No. PR15-035 be approved; and

THAT the draft Tree Removal/Pruning and Compensation Policy be applicable to all planning applications that are currently under review by the Town, provided the applicants have been duly notified of this draft Policy and are currently complying with the said draft Policy; and

THAT the Tree Removal/Pruning and Compensation Policy come into full force for all new requests or applications received by the Town as of December 1, 2015.

PURPOSE OF THE REPORT

To provide background information and rationale on the need for Policy on compensation for the loss of trees associated with land development and construction related activities in the Town of Aurora and to obtain Council's approval of the Tree Removal/Pruning and Compensation Policy.

BACKGROUND

Council will recall the previous staff report PR14-035 concerning the Aurora Urban Forest Modeling Study (UFORE) wherein there were a series of recommendations that the Town should consider in moving forward to both protect and enhance the forest canopy in the Town of Aurora. We have inserted these recommendations as follows:

November 3, 2015

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Report No. PR15-035

Key Recommendations in the Study

The following recommendations are contained within the study and as outlined in the recommendations of this report staff suggest that each of the recommendations be reviewed in detail and that a further report be submitted to the incoming Council in 2015 for consideration and approval:

- Refine the results of the urban tree canopy (UTC) analysis to Develop an urban forest cover target;
- Build on the results of the urban tree canopy analysis (UTC) to prioritize tree planting and establishment efforts to improve the distribution of ecosystem services;
- Establish a diverse tree population by meeting the following targets:
 - No species represents more than 5% of population
 - No genus represents more than 10% of population
 - No family represents more than 20% of population
- Reduce energy consumption and associated carbon emissions by providing direction, assistance and incentives to residents and businesses for strategic tree planting and establishment around buildings;
- Monitor the distribution, structure and function of the urban forest for the purpose of facilitating adaptive management:
 - 5-year interval: land cover analysis (UTC)
 - 10-year interval: field surveys (i-Tree Eco)
- **Develop and implement a comprehensive urban forest Management plan.**

Following the presentation and adoption of the UFORE Study and recommendations, staff began working on the recommendation contained in the Study, which is to develop and implement a comprehensive Urban Forest Management Plan.

Staff has been working to produce this in-house project which is now nearing its final draft. The Urban Forest Management Plan is comprised of a multitude of existing policies, procedures, former practices and forestry related studies that have been completed over the years.

This entire package has been refined, organized and condensed into an overall Urban Forest Management Plan which will be presented to Council by the Manager of Parks in the near future.

COMMENTS

The Urban Forest Management Plan is a policy based document which covers all aspects of urban forestry and arboriculture operations in the Town of Aurora Parks and Recreation Department and to a large extent ties together and defines all current and past practises and procedures that have governed the management of our Urban Forest both on public and privately owned lands.

November 3, 2015

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Report No. PR15-035

In an effort to expedite an important part of the Urban Forest Policy staff have decided to bring the Tree Removal/Pruning and Compensation Policy separately to Council for approval as it is perhaps the most significant of the individual policies that may have an associated financial impact to those land owners and individuals who wish to pursue the removal of substantive numbers of living trees from their lands.

The UFORE Study recognized the Town of Aurora as having the highest canopy cover out of all of the GTA municipalities to have taken part in the study but this canopy cannot be maintained or sustained without the necessary tools and policy to prevent the incremental loss of large mature trees through the land development process.

Tree Cover and Leaf Area:

Aurora's 1.95 million trees contribute to 28 per cent tree canopy cover and provide 99 km² of total leaf area.

(Excerpt from UFORE Report September, 2014)

Section 7 of the attached Tree Removal/Pruning & Compensation Policy outlines the details associated with compensation for the loss of trees in all scenarios; however, to summarize, compensation is simply a formula based process that requires an appropriate number of replacement trees of a certain size that correlate to the trunk size of a tree to be removed.

There are further provisions for cash payments to the Municipality in situations where it is not possible, due to space limitations, to re-plant sufficient quantities of trees on the subject site. These funds will then be applied to replacement tree planting projects in alternative locations within the Town where deemed appropriate by the Town.

By implementing this policy, Council will have taken a significant step in both protecting the urban canopy and sustaining the canopy for future generations. Without tree protection and compensation policies, staff will continue to have difficulty in achieving consistency and fairness in administering development applications where significant tree removal is being contemplated.

Staff is confident that the proposed Compensation Policy is consistent with industry practise and many other municipalities based on the research that was conducted in formulating this policy.

Additionally, staff were assisted in writing this policy by Silv-econ Ltd., our Registered Professional Forestry consulting firm, who has had a great deal of experience in this area of expertise.

November 3, 2015

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LINK TO STRATEGIC PLAN

The Town of Aurora Urban Forest Management Plan and Policy supports the Strategic Plan goal of ***Supporting environmental stewardship and sustainability*** through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging the stewardship of Aurora's natural resources: Through the monitoring of ecological indicators, as the lands are urbanized, will allow the Town to establish a baseline and track ecological changes as development progresses.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could decide to postpone or defer the Policy indefinitely.
2. Council could request staff to revise the policy where necessary.
3. Further options as required.

FINANCIAL IMPLICATIONS

There are no financial implications for the Corporation; however, there may be significant financial implications for land owners who find it necessary to remove significant numbers of trees in order to develop or construct on their particular lands.

CONCLUSIONS

That Council approve the Tree Removal/Pruning and Compensation Policy

PREVIOUS REPORTS

PR14-035– Urban Forest Study (UFORE) July 29, 2014

ATTACHMENTS

Attachment #1- Tree Removal/Pruning and Compensation Policy

November 3 2015

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Report No. PR15-035

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Wednesday, October 21, 2015.

Prepared by: Jim Tree, Parks Manager- Ext. 3222



Allan D. Downey
Director of Parks and Recreation



Patrick Moyle
Interim Chief Administrative Officer



TREE REMOVAL/PRUNING AND COMPENSATION POLICY

**THE CORPORATION OF THE TOWN OF AURORA
PARKS AND RECREATION SERVICES**
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JUNE 2015

Attachment 1



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Parks & Recreation Services
TREE REMOVAL/PRUNING AND COMPENSATION POLICY

1.0 PURPOSE

The purpose of the Tree Removal policy is to establish the criteria, processes and authorities for removing Municipal trees

and

For the removal of trees on private lands subject to approvals under the following;
Site Plan, Plan of Subdivision and Minor Variance

For all other tree removals on private property please refer to By- law *No. 4474-03.D*

2.0 OBJECTIVES

The objectives of the policy are as follows:

- 2.1 To create a safe urban forest environment by removing trees that pose a threat to persons or property.
- 2.2 To assist in maintaining the health of the urban forest by managing tree diseases and pests through the removal of hazard, infected or nuisance trees.
- 2.3 To accommodate site plan, plan of subdivision and other private development projects by removing trees that impede or constrain the proposed development.
- 2.4 To facilitate public maintenance by removing trees that impede on-going access or interfere with maintenance work.
- 2.5 To protect motorists and pedestrians by removing trees that obstructs sight-lines.
- 2.6 To remove trees that have been severely damaged by a storm, fire or other natural or man inflicted causes that have the potential to become dangerous trees.

3.0 DEFINITIONS

Tree

Means a self-supporting woody plant with one or more stems and a minimum caliper diameter of 5 centimeters which will reach a height of at least 4.5m (15 feet) at maturity.

Director

Means the Director of Parks and Recreation of the Town of Aurora and anyone acting or authorized by the Director to act on his/her behalf.

Manager

Means the Manager of Parks of the Town of Aurora and anyone acting or authorized by the Manager to act in this capacity.

Pest

Means any animal, insect pest or tree disease so declared under Section 3 of *The Pest Control Act* to be a pest.

Public Land

Means any real property owned or controlled by the Town of Aurora including, but without limiting the generality of the foregoing, any real property the Town of Aurora is granted access to under a tree planting easement.

Relocation Means a tree that is sufficiently small enough that it can be dug up by a tree spade or by hand and moved to another site for planting.

Removal

Means a tree that, because of its size or other considerations, cannot be relocated to another site and therefore must be cut down and disposed of.



IES

Means the Town of Aurora Infrastructure and Environmental Services Department.

Hazard Tree

Means any tree that has been determined by the Director to be, or has the potential to be, a danger to persons or property.

Infected Tree

Means any tree that has been determined by the Director to be infected or infested with insects and or disease at sufficient levels to cause or risk causing further spread and damage to other trees within the municipality.

Nuisance Tree

Means any tree that:

- i. is infected with an insect pest or tree disease;
- ii. the particular tree disease or insect pest has the potential to spread and infect the urban forest; and
- iii. the problem cannot be corrected by pruning or other treatments and removal of the tree is deemed necessary by the Municipal Arborist.

Dangerous Tree

Means any tree in part or whole that:

- i. is at risk of falling, breaking, uprooting or collapsing; and
- ii. in the opinion of the Director of Parks and Recreation Services is likely to cause injury to persons or damage to property.

Interfering Tree

Means any tree growing in a location that:

- i. impedes access or interferes with public maintenance work; or
- ii. is causing or has the potential to cause damage to public infrastructure; and
- iii. in the opinion of the Director or Parks and Recreation Services the problem can only be cost-effectively remedied by removing the tree.

Obstructing Tree

Means any tree that:

- i. obstructs a clear line of sight and overhead clearance for motorists, cyclists and pedestrians
- ii. obstruction of site-lines for all transportation modes when approaching a street intersection or exiting curb-crossing, sidewalk or trail interface onto the street; and
- iii. in the opinion of the Director o Parks and Recreation Services the situation cannot be remedied by pruning and the tree must be removed.

Structurally Damaged Tree

Means any tree that:

- i. has been severely damaged by a storm, fire or other natural or man inflicted cause;
- ii. while the tree does not pose an immediate threat to persons or property, it has the potential to become a dangerous tree; and
- iii. in the opinion of the Director of Parks and Recreation Services, damage to the tree is deemed too extensive such that there is no possibility of repairing the tree and removal is deemed necessary.



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Invasive Tree

Means any tree that:

- i. is listed or considered a non-native invasive species in the "Landowners Guide to Managing and Controlling Invasive Plants In Ontario"
- ii. which if left unmanaged, poses a threat to the natural environment.

Disturbed Tree

Means any tree that

- i. is situated in a location where there is risk of damaging any part of the tree including its root system, branches, limbs trunk and foliage; and
- ii. by virtue of its location be subject to any mechanical work, excavation, compaction, storage of materials and exposure of any part of its root system.

Compensation

Means

- i. provision of tree/s or vegetation for the purposes of replacing trees and or vegetation that has been damaged and or removed from a property; or
- ii. provision of a monetary payment for the authorized and or unauthorized damage or removal of tree/s or vegetation.

Pruning

Means;

- i. the removal of any branch, limb or twig from a tree for the following purposes; or
- ii. establishing proper tree shape or form; and
- iii. removal of undesirable branches and limbs for reasons of public safety, tree health, and to achieve specified clearance distances from buildings, property, vehicles, equipment and the public.

4.0 RESPONSIBILITY

- 4.1 The Director of Parks and Recreation Services and anyone authorized to act on his/her behalf may authorize the removal of trees on municipal lands subject to the provisions of this policy.
- 4.2 The Manager of Parks and or the Municipal Arborist is responsible for determining if a tree on public or private land is a dangerous or obstructing tree. The Manager of Parks and or the Municipal Arborist are also responsible for determining if a tree on public land is structurally damaged.
- 4.3 The Manager of Parks and or the Municipal Arborist is responsible for determining if a tree on public or private land is a hazard, infected or a nuisance tree.
- 4.4 The Municipal Council is responsible for hearing appeals from private applicants whose request for removing a tree on public land has been denied by the Director. Only those cases where there is a dispute between the Town and the private landowner or in cases where the removal of a tree or trees could impact the surrounding residents should be forwarded to Council for their consideration. Trees which may be removed by a tree spade and relocated to another area for planting should be considered relocation and not a removal.
- 4.5 The Parks Supervisor and qualified Forestry Crew Leader are responsible for training all staff involved in Arboriculture work.

5.0 TREE REMOVAL CRITERIA

The following criteria are intended to prevent the indiscriminate removal of public trees. Public trees may be removed only when one or more of the following criteria apply:



**Parks & Recreation Services
TREE REMOVAL/PRUNING AND COMPENSATION POLICY**

- 1) The tree is infected with an insect pest or tree disease that could cause an epidemic and removal is the recommended action to prevent transmission.
- 2) The tree is dead or suffering from major decay which cannot be treated successfully and therefore poses a threat to public safety or property.
- 3) The tree poses a threat to persons or property which cannot be corrected by pruning, transplanting or other treatments.
- 4) Removal of the tree is required to accommodate private development or municipal projects such as sewers, roadways, utilities, buildings or driveways and there is no cost-effective alternative to save the tree.
- 5) Removal of the tree is required to mitigate conflicts such as the obstruction of motorist or pedestrian sight-lines; roof damage to buildings; sidewalks or underground water or utility lines; or interference with overhead utility lines or public maintenance work; and there is no cost-effective alternative to save the tree.
- 6) The tree has been severely damaged in a storm or other natural or man inflicted cause, and there is no possibility of the tree recovering.
- 7) The tree interferes with the growth and development of a more desirable tree.
- 8) The tree is considered an invasive species as defined by the Ministry of Natural Resources and is present in sufficient quantities to warrant implementation of a control program in the opinion of the Director of Parks and Recreation Services in consultation with all stakeholders, Council and the agencies having jurisdiction.

6.0 THE TREE REMOVAL PROCESS

6.1 Trees on Public Land Considered Hazard, Infected and Nuisance Trees

- The Municipal Arborist will determine whether a tree is a hazard, infected or a nuisance tree
- If the tree cannot be successfully treated by other alternatives and removal is necessary to prevent transmission. The Parks Division will coordinate the removal of the tree
- Hazard, infected or nuisance trees on public land should be removed as soon as possible
- Written notification stating the reasons and authority for the removal will be provided to the homeowner whose property is adjacent to the tree

6.2 Dangerous, Interfering, Obstructing and Structurally Damaged Trees

- The Director of Parks and Recreation Services may authorize the removal of a tree from public land where, in the Director's opinion, the tree is a dangerous, interfering or structurally damaged tree
- All dangerous, interfering, obstructing or structurally damaged trees considered for removal shall be assessed by the Municipal Arborist in order to determine if it meets the tree removal criteria outlined in section 6.0 of this policy. An evaluation form shall be provided for this purpose which identifies the reason and the authority for the removal
- A copy of the completed evaluation and action proposed shall be left with the property owner whose house is adjacent to the tree
- Dangerous trees shall be removed as soon as possible when they are reported. While the expectation is that staff would respond to a dangerous tree as soon as they become aware of it, this may not always be possible after normal work hours or on week-ends. Interfering trees may be removed as they are encountered. Obstructing trees shall be removed within three days of the Department becoming aware of the situation. Structurally damaged trees shall be removed within two months. All trees that are proposed for removal shall be clearly marked with orange paint in the form of an "R"



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- In the case of an emergency tree removal, a notice will be delivered to the adjacent resident following the removal that states the reason for the removal and the municipal contact person, in the event the residents have questions related to the removal
- Tree stumps shall be removed during two separate cycles, once in the spring each year and again in the fall. Stumps shall be removed using a mechanical grinding equipment to a minimum depth of 10 centimeters below grade level
- Removal of all roots may not be possible or necessary depending on site specific issues such as the location of buried utilities and the location of a replacement tree
- Tree stump pits will be backfilled with sufficient top soil and seeded with turf grass. Sod will not be used

6.3 Removals or Root Disturbance to Accommodate Municipal or Private Development/ Construction Requests

In those cases where the Parks Division receives a request for the removal of tree/s or where root disturbance of a live tree on Municipal land is likely, the Municipal Arborist will conduct a site assessment to determine if removal is the preferred option. The following process shall be followed:

6.4 Municipal Development/Construction Projects

- The initiating Department shall notify the Manager of Parks, in writing, of the need to disturb or remove tree/s or conduct work in the vicinity of trees prior to Council approving the proposed construction project. The Notice shall describe the specific project including the approximate number of trees to be removed/disturbed
- In the event of a project that arises unexpectedly the initiating Department shall verbally notify the Parks Manager of the need to remove tree/s. Upon notification the Municipal Arborist shall conduct a site inspection and written evaluation on the condition of the subject trees and provide a copy of the evaluation including comments and recommendations to the initiating department. Recommendations may include the requirement to engage the services of an external Arborist for the purpose of producing a tree impact plan and assessment depending on the number of trees to be impacted. The Parks Manager shall review the Arborist report and provide comments and recommendations to the initiating department

6.5 Emergency Situations

In situations where IES or a utility company must respond quickly such as a sewer, water or gas line break and there is not time to arrange a site visit prior to commencing a tree removal, they should contact the Manager or designate for approval if their activities are likely to affect public trees. The Manger will follow up on the matter at the earliest possible time to confirm the circumstances and arrange for replacing the tree/s.

6.6 Private Construction Projects Affecting Municipal Trees

Requests for municipal tree removals or relocations to accommodate private construction projects such as driveways, water mains or sewers may be considered by the Parks Division on an individual basis. In the event of a request to remove a municipal tree to facilitate private construction work the following procedure will apply;

- The Municipal Arborist will conduct a site inspection and a tree condition assessment form with a copy of the assessment provided to the owner of the property
- The Manager will communicate with the property owner to discuss the requested tree removal and any alternatives that should be explored prior to approving the removal
- In the event that there are no viable alternatives to removing the tree/s and depending on the number of tress impacted the Manager may request an independent third party evaluation of the tree/s dollar value. The evaluation shall be based on the Aggregate Inch Replacement method as outlined in Section 7.0. The cost of the evaluation shall be paid by the party requesting removal of the tree



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- Upon completion of the evaluation and the owners agreement to provide financial compensation and or replacement of the tree/s based on the third party evaluation , the Manager may permit the removal of the tree/s
- The Town will conduct all aspects of removing and replacing the tree/s and all associated costs will be paid to the Town in advance of the tree/s being removed. Costs for this work will be based on current labour, equipment and material costs

6.7 Trees on Private Lands

- In absence of a specific Land Development Agreement or Tree Protection/Preservation Agreement imposed as a condition of Site Plan, Draft Plan of Subdivision or Minor Variance, all cases of damage, disturbance and where unauthorized tree removal has occurred the matter shall be referred to the Towns By-law Enforcement section for the purpose of administrating any infraction of By-law No.4474-03.D
- Where the Parks Division receives a complaint from the Public regarding a suspect hazard, infected or a nuisance tree, the matter shall be referred to the Towns By-law Enforcement section for the purpose of administrating the Property Standards By-law No. 4044-99.P

6.8 Lands Under Plan of Subdivision, Site Plan or Subject to Minor Variance Conditions of Approval

Removal of trees from any lands proposed for development through the draft plan of subdivision, site plan or minor variance process will be subject to the following requirements;

- Prior to removal of any tree/s or vegetation on any site, proponents shall submit a complete inventory and detailed analysis of all existing trees and vegetation on the subject lands. The information shall include a tree and vegetation impact plan showing all vegetation proposed for removal. Vegetation with a stem diameter of five (5) centimeters or greater measured at 1.4 metres above grade level shall be included in the tree inventory and impact plan
- Proponents shall submit with the vegetation inventory and analysis, a comprehensive report prepared by a Certified Arborist or Registered Professional Forester to the satisfaction of the Director which outlines all aspects of the proposal to remove trees including a tree protection management plan for trees to be preserved on site/s. The tree protection management plan shall include recommendations for tree protection measures and recommendations for all aspects of tree health including tree pruning, fertilization, mulching, irrigation and long term monitoring and maintenance
- Land owners may be required to enter a site specific tree removal/protection agreement and provide financial securities as a condition of development approval to allow the removal of trees on private lands
- Additional vegetation management initiatives are identified in *Appendix 4, Policy "D", Tree Protection/Preservation Policy*, Section 5.0 and 6.0

7.0 COMPENSATION AND TREE & SHRUB VALUATION PROCEDURE

With the recently completed Urban Forestry Study it was abundantly clear that every single tree in the Town of Aurora plays a significant role that goes far beyond aesthetic value. As such and in our continuing efforts to achieve a sustainable Urban Forest and a net gain in Aurora's forest cover percentage, trees that are removed must be replaced in sufficient numbers to ensure that our urban forest canopy is not compromised or in any way diminished over the long term and that a net gain be achieved in the towns overall forest canopy. The following policy shall apply to all tree removals associated with subdivision, site plan, and minor variance approvals.

7.1 Trees Located In Landscape Settings

The value of planted trees is calculated using the Aggregate Inch Replacement method. This approach has been utilized by a number of Municipalities in Ontario. In this method, the value of a tree is estimated by calculating the supply and installation costs of the quantity of nursery stock of the same

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species such that their cumulative diameters is equal to the diameter of the tree being evaluated. For example, the value of a healthy sugar maple that is 30 cm at breast height (DBH) is equal to the supply and installation cost of five nursery stock sugar maples that are 6 cm in diameter (measured 1.4m from the ground). The installed cost shall be 2.5x the cost¹ of nursery stock. The price includes delivery, planting, preparation of a mulching bed and a 1 year guarantee. The value for trees that are assessed as being in fair condition or poor condition is calculated as 0.6 times or 0.2 times the value of a healthy specimen respectively (See Schedule 'A' for health rating criteria). An additional species rating criteria shall be applied based on the latest ISA Ontario Species Rating list. The value estimated using this approach is often comparable to the ISA trunk formula method however it is more easily calculated and understood by the general public.

7.2 Trees Located In Meadows and Woodlots

For trees located outside of landscaped settings, such as in meadows and woodlots, trees are valued based on the cost to replace them with the same species using nursery stock sizes and quantities listed in Schedule B. The installed cost shall be 2.5x the cost¹ of nursery stock. The value for trees that are assessed as being in fair condition or poor condition is calculated as 0.6 times or 0.2 times the replacement cost of a healthy specimen respectively (See Schedule 'A' for health rating criteria). An additional species rating criteria shall be applied based on the latest ISA Ontario Species Rating list.

A sampling procedure may be used to estimate the tree inventory within each of the following DBH classes (5 – 10cm, 11 – 20cm, > 20cm) in the area of interest. A fixed area plot sampling procedure is recommended which samples at least 5% of the area of interest. The plots must be located in areas which are representative of the vegetation communities and their locations illustrated on a map.

7.3 Planted Shrub Valuation Approach

Where shrubs, ornamental grasses or perennials are encountered in landscape settings, the replacement value is calculated as the cost to supply and install a quantity of potted plants of the same species to replace each square meter of measured plant area. The quantity of plants will be based on their replacement pot size as listed in Schedule 'C'.

The installed cost shall be 2.5x the cost of nursery stock. The price includes delivery, planting, preparation or a mulching bed and a 1 year guarantee. The value for plants that are assessed as being in fair condition or poor condition is calculated as 0.6 times or 0.2 times the value of a healthy specimen respectively (see Schedule 'A' for health rating criteria).

7.4 Cash Value

Where it has been determined by the Town that compensation tree planting cannot be accommodated on the lands due to physical space limitations or restrictions the Applicant/Owner will be required to pay fees commensurate with the particular scenario noted above in Section 7.1, 7.2 or 7.3. Fees will be charged to compensate for the loss of trees on the subject lands. All funds will then be applied to the purchase and planting of trees by the Town at an alternative suitable site within the Town of Aurora at the discretion of the Town.

7.5 Report Format

1. Report author and contact information
2. Date of inspection
3. A table which details the inventory and replacement cost estimate for each tree or shrubs. Each tree or shrub must be uniquely identified, described of species, size (diameter at breast height for trees, # of shrubs or square meters of shrub area), and health rating (good, fair, poor as per Schedule "B"), and estimated replacement cost.
4. Photographs of each tree or shrub must be included and marked to indicate their unique identifier to correspond to the table noted above in 3.
5. Site plan/map showing the location of trees and shrubs with corresponding unique identifier, as well as location of sample plots where woodlots or meadows are evaluated.



Schedule A

Plant Health Rating Criteria

Health Rating	Description
Good	Full, symmetrical crown, no sign of active decay, chronic or acute insect attack, large open wounds, tissue necrosis, dieback or chlorotic foliage. Not leaning, falling or about to be uprooted. Growth occurs mostly as extensions from the terminal bud with little epicormic branching. Shoot growth usually exceeds 10 cm.
Fair	May have a partially leaved, suppressed or disfigured crown (>74% crown density), combined with a few dead branches or limbs, or small open wounds and small trunk-tissue necrosis. Tree health will likely not decline further in the next 5 years. Growth occurs mostly as extensions from the terminal bud. Epicormic branching may be heavy.
Poor	Declining in health. Usually describes trees which have large trunk-tissue necrosis, large stem scars. Foliage discolouration is often associated with this condition as is moderate to heavy top-dieback (< 50% crown density) and crown suppression. Chronic fungal infection or insect infestation may be present. May require removal.



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Schedule B

Replacement tree size and quantity of nursery stock for each tree removed in meadows and woodlot areas

Subject Tree Diameter at Breast Height (cm)	Replacement Size of Tree Nursery Stock	Quantity of nursery stock required to replace 1 tree
5 - 10	5 gal pots (1.0 - 3.0 m tall)	1
11 - 20	150 cm tall wire basket (conifer), 45 mm calliper (hardwood)	2
> 20	175-200 cm tall wire basket (conifer), 60 mm calliper (hardwood)	3

Schedule C

Quantity of nursery stock shrubs required to replaced one square meter of shrubs

Replacement Size of Tree Nursery Stock	Quantity of Nursery Stock Required to Replace 1m ² of Shrubs
< 2 gallon pot	4
3 gallon pot	2
4+ gallon pot	1



8.0 TREE PRUNING SPECIFICATIONS

8.1 OVERVIEW OF SPECIFICATIONS

Any tree work performed on a Town tree must be done according to the Town's specifications by authorised persons. There are different criteria for pruning depending on the purpose for the pruning. Proper tree pruning takes into consideration the physiology of tree growth and other influencing factors. Some are essential to the structural integrity and health of the tree while others are purely cosmetic. Figure 1 attached provides a general overview pruning guidelines in the municipal setting. All specifications are based on International Society of Arboriculture, National Arborist Association and American National Standards Institute criteria and the following;

- i) Wound dressing (paint) is not recommended as it may interfere with natural wound closure or in many cases may actually accelerate decay.
- ii) Trees with co-dominant leaders or other tight main crotch angles with included bark between them tend to split easily, especially during wind, or ice storms. The weaker or the more laterally positioned limb should be removed, ideally when the tree is young. Crown cleaning or removing undesirable, weak, dead, insect or disease infected limbs, suckers or water sprouts, mechanically damaged limbs, rubbing or crossover branches, and small girdling roots, those that have wrapped themselves around the main stem should also be removed.
- iii) Crown restoration is required, for storm damaged trees or trees previously pruned for crown reduction to eliminate profuse shoot production at the previous terminal pruning cut. Crown reduction may be required to reduce the spread or height of a tree, especially if there is interference with hydro wires or with buildings, existing or under construction. Crown thinning, or the selective limb removal increases air movement and light penetration, for better foliar disease resistance and reduces the wind sail effect of dense tree crowns.
- iv) Pollarding or topping mature trees shall not be considered a good or proper arboriculture practice.
- v) Pruning of small young trees, especially during the first 3 to 5 years in their permanent site shall be completed to encourage proper form and limb structure. Angled cuts should be made with a sharp pair of pruning shears or a sharp pruning hand saw in the direction of and just above an outward pointing bud or branch union. Ideally the bud or branch should be pointing in the direction of desired growth. Stubs may potentially become diseased and should be avoided, while cutting too close may damage or weaken the branch. No more than 30% of the tree's crown should be removed in any one year. Dead, damaged and diseased branches, including roots if the tree is a bare root specimen prior to planting, should be removed. Trees that are observed to be poorly formed with tight branch angles and included bark at the trunk union shall be pruned away. Prune away the weaker or potentially interfering branch to encourage straight sturdy tapered trunks with well-spaced lateral branches, both vertically and radially.
- vi) Timing of pruning depends on the type of tree, the tree's condition and the intended results of the pruning. Generally for healthy trees under normal conditions it is just before the period of rapid growth in the spring. Deciduous trees are generally best pruned during the dormant season when the leaves have fallen and the view of the branching structure is unobstructed. Winter pruning, when the sap flow is reduced, is preferred for bleeders or trees that ooze sap profusely such as birch, walnut and maple.
- vii) Pruning blades shall be sterilized between cuts when pruning diseased trees to prevent the spread of disease and to protect healthy trees against disease. Autumn is usually the time that wood decay pathogens are sporulating and major pruning activities should be avoided during this period especially for larger or mature trees. Trees with Black Knot Disease, mainly cherries, plums and other stone fruit trees, should be pruned in the dormant season prior to spring flush when the cankers sporulate.
- viii) Flowering trees can maximize their floral displays when pruned immediately after flowering. Next year's flower buds have sufficient time to develop during the rest of the growing season. Coniferous trees are best pruned in late spring after the new growth has started to harden off, which is usually late May or June in southern Ontario. The exceptions are for large limb removal, best done in the dormant



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season and for pines, best done during the candle stage or immediately after the completion of the new shoots.

8.2 GENERAL TREE PRUNING SPECIFICATIONS

- 1 All persons performing tree work on Town owned trees must be trained according to tree care standards accepted by the International Society of Arboriculture.
- 2 All persons performing tree work on Town owned trees in or around primary electrical lines must be trained to do so according to the "Electrical Safety Association" and the Ontario Occupational Health and Safety Act and Regulations.
- 3 When tree pruning cuts are made to a side limb, such remaining limb must possess a basal thickness of at least one third (1/3) of the diameter of the wood so affected. Such cuts shall be considered proper only when such remaining limb is vigorous enough to maintain adequate foliage to produce wood growth capable of callusing the pruning cut so affected within a reasonable amount of time.
- 4 All pruning cuts of limbs 2" caliper and smaller shall be completed with hand tree pruning tools or pole saw (not with a chain saw). Prune these smaller branches by climbing the tree (without the use of tree spurs).
- 5 All tree pruning cuts shall be made in such a manner so as to minimize the size of the wound and to promote the earliest possible covering of the wood by natural callus growth. Flush cuts which produce large wounds shall not be made and the branch collar shall not be removed.
- 6 Tree limbs shall be removed and controlled in such a manner as to cause no damage to other parts of the tree, to other plants or to public or private property.
- 7 All major pest problems shall be promptly reported to the Parks Supervisor.
- 8 All cutting tools and saws used in tree pruning shall be kept sharpened to result in clean cuts with an un-abrasive and non-ragged wood/ bark surface and branch collar remaining intact.
- 9 All trees six (6) inches in diameter or less shall be pruned with hand tools only. Chain saws will not be permitted on any trees six (6) inches in diameter or less. This is to prevent any unnecessary abrasions to cambial tissue that may predispose a tree to insect and/or disease problems.
- 10 Whenever pruning cuts are to be made, while removing limbs too large to hold in one hand during the cutting operation, the limbs shall first be cut off one (1) to two (2) feet in front of the intended final cut, the final cut shall be made in a manner to prevent tearing of the bark and live wood.
- 11 No more than twenty-five percent (25%) of the live wood may be removed from the crown of any tree and trees that are to be thinned. Such thinning shall not include the removal of any live limbs in excess of six (6) inches in diameter without prior approval from the Supervisor of Parks. No drop-crotching, stubs or flush cuts will be allowed.
- 12 Any extraneous metal, wire, rubber or other material (i.e. stakes and ties) interfering with tree growth shall be removed immediately.
- 13 Any defective or weakened trees shall be reported to the Supervisor of Parks. Specifically, any structural weakness of a tree, decayed trunk or branches, shall be reported in writing, noting the location of the tree by street address and a description of the hazard found in the tree.
- 14 The use of climbing spurs or spike shoes in the act of pruning trees is prohibited.
- 15 Beneficial animal or bird nests or nesting cavities shall be preserved and protected whenever feasible, unless doing so would create a hazard.

8.3 DETAILED TREE PRUNING SPECIFICATIONS

Detailed tree pruning shall consist of the total removal of those dead or living branches as may threaten the future health, strength and attractiveness of trees. Specifically, trees shall be pruned in such a manner as to;



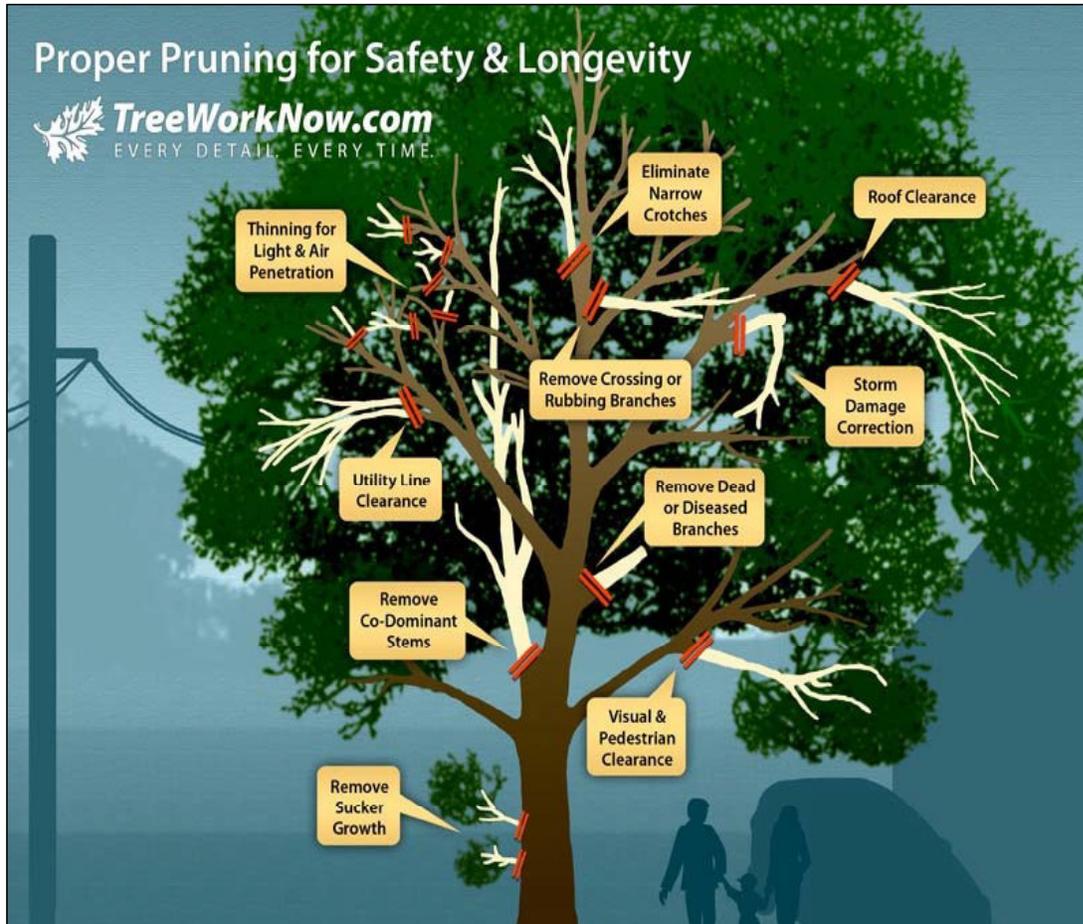
**Parks & Recreation Services
TREE REMOVAL/PRUNING AND COMPENSATION POLICY**

- 1 Prevent branch and foliage interference with requirements of safe public passage. Over-street clearance shall be kept to a minimum of four (4) meters above the paved surface of the street, three (3) meters above the curb and three (3) meters above the surface of a public sidewalks or pedestrian ways. Exceptions are allowed for young trees which would be irreparably damaged by such pruning action. Tree branches shall be kept to a minimum of two (2) meters away from private residences or structures measured horizontally from the edge of roof and porches.
- 2 Remove all dead and dying branches and branch stubs that are one-half (1/2) inch diameter or larger.
- 3 Remove all broken or loose branches (hangers).
- 4 Remove any branches which interfere with the tree's structural integrity and impact on the development of proper form for the applicable species, which will include the following;
 - Branches which rub and abrade a dominant branch
 - Branches of weak structure, co-dominant, poor branch union with the trunk and included bark
 - Branches which, if allowed to grow, would compromise the form and structure of the tree
 - Branches forming multiple leaders in a single-leader type tree
 - Selective removal of undesirable sucker and sprout growth
 - Selective removal of one or more developing leaders where multiple branch growth exists or near the end of broken or stubbed limbs
 - Selective removal of limbs obstructing buildings or other structures or traffic signs
 - Obtain a balanced appearance when viewed from the opposite side of the street.



Parks & Recreation Services
TREE REMOVAL/PRUNING AND COMPENSATION POLICY

FIG 1



END OF APPENDIX 3
POLICY "C"
TREE REMOVAL/PRUNING AND COMPENSATION POLICY

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Report No. PR15-026

COMMENTS

Key Recommendations in the Study:

Of the 18 recommendations detailed in Attachment #1, staff can confirm that the current overall urban forestry management practises and procedures are generally in-line with the majority of the recommendations noted above. Many of these recommendations have already been implemented and others that have a significant financial component attached to their implementation will be reviewed and refined over a longer time frame and brought forward as separate initiatives in annual budget submissions for Council consideration.

One of the most significant recommendations in the Urban Forest Modeling Study was recommendation #18 *to develop and Implement an Urban Forest Management Plan*. To this end, staff have been working on developing this Management Plan for the past several months and have attached a draft of this document for Council review and approval.

The newly created Town of Aurora Urban Forest Management Plan & Policy (TAUFMPP) is a comprehensive policy document that captures virtually all aspects of urban forestry planning, protection and sustaining trees and shrubs in the Town of Aurora. Much of the information contained in the TAUFMPP was gleaned from past departmental practices, the Town of Aurora Municipal Forestry Policy written in 1997 and the Town's Landscaping Standards Manual created in 1990.

Staff completed an in-depth review and revision of the existing information including the addition of more current and applicable information that reflects what we do in Aurora in the field of arboriculture and landscape planning.

The result is an overall planning and comprehensive policy document that will serve to guide Staff in all matters of arboriculture for the foreseeable future.

It is important to note that, with the exception of the policy language set out in Appendix 3 Policy "C" Tree Compensation, the majority of the policies within the Forest Management Plan are based on existing practices and standalone procedures. As such, these policies and procedures are not new or dramatically changed.

Notwithstanding, the Policy language regarding compensation for trees removed will now be based on a specific method of evaluation which is common in the Arboriculture Industry. This method is based on compensation for the loss of trunk diameter such that an equal number of trees totaling the trunk diameter of trees removed shall be replaced on the site where the tree(s) was removed.

In a case where the trees cannot be replaced on site, the Town may specify an alternative planting location on municipal lands or require the land owner to provide a payment based on the value of the replacement tree. Funds obtained through the tree

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Report No. PR15-026

compensation process will then be set aside in a designated reserve account for the specific purposes of tree and shrub planting programs in the Town of Aurora.

This policy is founded on the basis of preserving and increasing the urban forest canopy in the Town of Aurora as recommended in the Urban Forest Study and will greatly assist in achieving future tree canopy cover in the Town.

Currently there is no one particular method or policy on tree loss compensation and staff have applied various methods and conditions of development approval that require some form of compensation; however, it can be stated with confidence that the current methods do not achieve the most beneficial outcome for the urban forest and our future tree canopy. By Council adopting this *Tree Compensation Policy*, the Town and our residents will be much better served in this regard.

Due to the complex and detailed content of the TAUFMPP staff recommends that Council receive it as information and direct staff to post the TAUFMPP on the website for public and stakeholder review and comment. Staff will also place appropriate notification in the weekly Notice Board in this regard.

Following this notification period, staff will report back to Council on any significant issues or comments received that would have an impact on the content or policies as written. Assuming there are no significant issues, staff would recommend that the TAUFMPP be officially adopted effective December 1, 2015.

LINK TO STRATEGIC PLAN

The Town of Aurora Urban Forest Management Plan and Policy supports the Strategic Plan goal of ***Supporting environmental stewardship and sustainability*** through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging the stewardship of Aurora's natural resources: Through the monitoring of ecological indicators, as the lands are urbanized, will allow the Town to establish a baseline and track ecological changes as development progresses.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could receive the TAUFMPP and adopt any or all of the recommendations outlined in the Plan.
2. Council could refer the TAUFMPP back to staff for further revision.
3. Further options as required.

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Report No. PR15-026

FINANCIAL IMPLICATIONS

At present there are no financial implications for the Town, any future tree planting programs or private tree planting initiative as outlined in the TAUFMPP would be implemented over a longer period of time and any cost associated would be provided in further reports to Council. Program funding would also be allocated in the appropriate future budget for Council consideration and approval

There will be financial implications associated with the new tree compensation policy in the form of replacement tree planting requirements and or fees payable to the Town by applicants seeking to remove trees. The formula for calculating costs associated with Tree Removal Compensation is set out in Appendix 3 Policy "C".

CONCLUSIONS

That Council receive this report as information and that The Town of Aurora Urban Forest Management Plan & Policy be adopted as recommended

PREVIOUS REPORTS

PR14-035 Urban Forest Study (UFORE) July 29, 2014

ATTACHMENTS

Attachment #1 – Key Recommendations within the UFORE Study
Attachment #2- attachments were too large to attach to this report but can be viewed at <http://www.aurora.ca/Thingstodo/Pages/Parks-Trails-and-Green-Spaces.aspx>

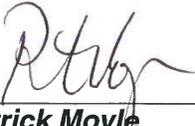
PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, November 5, 2015.

Prepared by: Jim Tree, Parks Manager- Ext. 3222



Allan D. Downey
Director of Parks and Recreation



Patrick Moyle
Interim Chief Administrative Officer

Attachment #1

Staff committed to reporting back to Council on the each of the recommendations within the UFORE Study as follows:

UFORE RECOMMENDATION	ACTION PLAN
1. Refine the results of the urban tree canopy (UTC) analysis to develop an urban forest cover target.	Staff will continue to work with our Urban Forest Consultant, Silvecon, in an effort to develop achievable canopy targets and a strategy to implement a plan to increase canopy cover. Staff will report back to Council with appropriate recommendations as the information becomes available.
2. Build on the results of the urban tree canopy analysis (UTC) and the priority planting index to prioritize tree planting and establishment efforts to improve the distribution of ecosystem services, including urban heat island mitigation and storm water management.	Priority Planting Index has been identified in the scope of works associated with the Update of the urban tree inventory approved as capital project #73148. The planting index will encompass all areas where tree planting can potentially occur in an effort to comply with the recommendation.
3. Increase leaf area in canopied areas by planting suitable tree and shrub species under existing tree cover. Planting efforts should continue to be focused in areas of the Municipality that currently support a high proportion of Ash species.	This recommendation will be addressed in concert with the provision in the Landscapes Standards included in Appendix1 Policy A.
4. Utilize the Pest Vulnerability Matrix during species selection for municipal tree and shrub planting.	Staff developed a tree and shrub planting list that take into consideration pest vulnerability included in Appendix 2 Policy B Tree Planting and Approved Plant List.
5. Establish a diverse tree population in which no species represents more than five per cent of the tree population, no genus represents more than 10% of the tree population, and no family represents more than 20% of the intensively managed tree population both municipal-wide and at the neighbourhood level.	This Recommendation has been addressed in Appendix 2, Policy B on page 2, section 2.0.
6. Utilize native planting stock grown from locally adapted seed sources in both intensively and extensively managed areas.	Local seed stock has been utilized when available and will continue to be sourced where feasible and where possible.

UFORE RECOMMENDATION	ACTION PLAN
7. Evaluate and develop the strategic steps required to increase the proportion of large, mature trees in the urban forest. This can be achieved using a range of tools including Official Plan planning policy, by-law enforcement and public education. Where tree preservation cannot be achieved, Official Plan policy can be considered that will require compensation for the loss of mature trees and associated ecosystem services.	The current Tree Protection By-law is an effective tool in the preservation of all trees greater than 20cm. in diameter. Additionally, a new Tree Removal Policy which is Appendix C Policy C establishes significant compensation measures for all trees removed that are subject to any Land Planning related application. The Heritage Tree Policy (Appendix 7 Policy G) is also an effective means to preserve our larger significant trees.
8. Develop municipal guidelines and regulations for sustainable streetscape and subdivision design that ensure adequate soil quality and quantity for tree establishment and eliminate conflict between natural and grey infrastructure.	The Parks and Recreation Services Department has developed and applied minimum landscape standards to all land planning and development applications. More recently these landscape standards have been revised and bolstered and consolidated into Appendix 1 Policy A. This policy establishes all criteria for plant material soils including detailed specifications.
9. Explore the application of sub-surface cells and other enhanced rooting environment techniques for street trees. Utilizing these technologies at selected test-sites in the short-term may provide a cost-effective means of integrating these systems into the municipal budget.	Staff has conducted significant research into the use of sub-surface cells and enhanced rooting environment in specialized or difficult planting sites. An example of this is the proposed Yonge Street Promenade landscape project, where the use of Silvacells is being investigated as a means to provide a sustainable streetscape. Pending available funding this technology will be recommended and utilized where possible.
10. Reduce energy consumption and associated carbon emissions by providing direction, assistance and incentives to residents and businesses for strategic tree planting and establishment around buildings.	Staff have been working with LEAF (Local Enhancement & Appreciation of Forests) an organization that partners with municipalities in the planting of trees and shrubs on Private properties. Staff will continue to explore opportunities for funding incentives to develop a sustainable private yard tree planting program in partnership with LEAF or other similar organization to occur in 2016.
11. Research and pursue new partnerships and opportunities to enhance urban forest stewardship in Aurora.	Staff continues to work with the MNR Junior Ranger program each whereby wood lot improvement projects have been conducted in both the Case and Vandorf Woodlots. The Department remains committed to this program and will continue to pursue all available urban forest stewardship opportunities.
12. Pursue the development of an urban forest communication plan that guides the dissemination of key messages to target audiences.	Staff will investigate the implementation of a urban forest communications plan and work with our communications division on both content and delivery of key messages on a consistent basis this will be on ongoing initiative commencing in late 2015.
13. Explore the development and implementation of a municipal staff training program to enhance awareness of tree health and maintenance requirements generally, and of proper tree protection practices to be used during construction activities.	Staff responsible for the management of the urban forest receive regular training on all aspects of urban arboriculture and continue to stay abreast of all current forest health issues and tree care.
14. Establish an interagency Urban Forest Working Group to liaise with existing stakeholders and build new partnerships in the implementation of urban forest program objectives.	Staff continue to participate in the York Region Forestry Forum where staff meet on a regular basis with their counterparts in the nine regional municipalities for the purposes of information exchange and discussions on emerging issues in York Region.
15. Explore and develop targets that achieve a comprehensive distribution of ecosystem services and improve overall landscape function.	Aurora is in the very fortunate position in that there are many natural and unaltered green spaces and natural features widely distributed throughout the Municipality. The future Wildlife Park will add yet another very diverse ecosystem to the Town of Aurora.
16. Monitor the distribution, structure and function of the urban forest using the methods employed in this baseline study. A potential monitoring scenario may consist of a cover mapping assessment (UTC) at a five year interval and a field-based assessment (i-Tree Eco) at a ten year interval.	Staff will continue to work with York Region and the Metro Region Conservation Authority in an effort to monitor the urban forest at both the five-and ten-year windows, pending available financial resources.

UFORE RECOMMENDATION	ACTION PLAN
17. Support research partnerships that pursue the study of climate change and its impacts on the urban forest and that evaluate the potential for planting more hardy and southern species in select locations.	This recommendation will be taken under advisement and may be considered at a later date in the event that the Corporation becomes involved in such a study.
18. Develop and implement an urban forest management plan for the Town of Aurora.	The Urban Forest Management Plan has been completed and is the subject of this report.

Some of the significant highlights of the TAUFMPP include the following:

Item	Benefits
A policy on Tree Species Diversity	Ensures that many diverse tree species are planted to strengthen overall inventory and greatly reduce threats to urban forest associated with pest and disease infestation.
Planting Procedures and Specifications	Ensures that proper planting methods, specifications and practices are employed in the planting of trees and shrubs on all municipal and private development lands.
An updated Tree Species Selection List	Includes a wider variety and diverse list of plant material that can be selected for a specific planting area and purpose.
A policy on compensation for trees	Provides a consistent and defensible process which places a financial value on trees slated for removal in association with the land planning and development, requiring compensation in the form of replanting, a cash contribution or a combination of both.
Provides a comprehensive plan for new tree plantings and replacement plantings based on design principles for the Town of Aurora	Ensures that all planting on public and private development lands adhere to Landscape Standards and formal guidelines designed to result in a long term sustainable landscape.
A policy on Priority Maintenance that establishes categories for prioritizing maintenance work and establishes a response time for each category	Defines criteria and sets out timing for responding to priority arboriculture related matters for the purposes of consistency and public safety.
A Tree Removal Policy	Clearly defines process for removing trees combined with tree compensation & tree pruning which sets out criteria for removing trees on all municipal land including private lands subject to a planning application.
A policy on Tree Protection	Defines process and criteria for protecting trees designated for preservation on private land that are subject to a planning application.
An Urban Forest Storm Response Plan	Defines process to be utilized by the Parks and Recreation Department in responding to any arboriculture related emergency.
A Heritage Trees of Aurora Program	Outlines a process to be followed in designating a tree(s).
A Tree Planting Program that encourages public involvement	Outlines a host of opportunities to be explored for the purposes of public education and involvement in planting trees on both private and public property.
A Tree Donation and Memorial Tree Policy	Defines a process and criteria for members of the public to purchase trees for planting on municipal property.



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-069**

SUBJECT: *Aurora Family Leisure Complex Additional Modification Requests*

FROM: *Ilmar Simanovskis, Director of Infrastructure & Environmental Services and Allan D. Downey, Director of Parks and Recreation Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. IES15-069 be received; and

THAT staff proceed with the modifications to the north pool access door for entrance by those with qualified disabilities at a budget requirement of \$15,000 with funding provided from the Facilities Repair and Replacement Reserve; and

THAT staff proceed with the purchase of new lockers in the amount of \$166,000 with funding provided from the Facilities Repair and Replacement Reserve; and

THAT staff monitor the operation and performance of the Aurora Family Leisure Complex areas being considered for additional modification as outlined in Report No. IES15-069 for a 12 month period; and

THAT staff consider any additional projects outlined in Report No. IES15-069 in the 2017 capital budget.

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with additional information on requests from the Liaison Committee.

BACKGROUND

The renovated Aurora Family Leisure Complex (AFLC) facility was re-opened to the public February 28, 2015.

At its meeting of April 7, 2015, Council passed a motion to establish a Liaison Committee based on concerns raised by active members. The purpose of the Liaison Committee was to engage the users, Council members and staff to identify user related deficiencies and make modifications where possible to improve the overall user experience.

Further, at its meeting of May 26, 2015, Council passed the following resolution:

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Report No. IES15-069

WHEREAS an increasing number of Aurora residents are utilizing the Aurora Family Leisure Complex pool and fitness areas for therapeutic and rehabilitation activities; and

WHEREAS the Town of Aurora offers eleven Aqua Fitness classes in the Aurora Family Leisure Complex pool each week, including two classes that are specifically designed to help those suffering with arthritis, many of which are utilized by "older adults", and two classes that are offered specifically to those persons over 55 years of age; and

WHEREAS many of these members are not disabled, just getting older, and do not display a disability parking permit in their vehicle; and

WHEREAS the rear entrance of the Complex has offered easier access for those residents with mobility issues for nearly 30 years, but no longer does so; and

WHEREAS the parking area at the rear of the Complex is now unusable due to the long walk back to the front entrance; and

WHEREAS much of the parking lot at the Complex has a substantial grade encumbering those with mobility issues; and

WHEREAS the rear and side parking lot provides the only flat, even area to walk to the Complex; and

WHEREAS ensuring that this facility is as accessible as possible, not just to meet legal compliance, but to demonstrate the Town of Aurora's philosophy and spirit of accessibility and inclusivity to enhance the quality of life for all Aurora residents; and

WHEREAS resuming access to the Aurora Family Leisure Complex via the rear door entrance would be in keeping with this spirit; and

NOW THEREFORE BE IT HEREBY RESOLVED THAT staff be directed to study the options and costs for users to access the rear door to enter the AFLC and bring this information back to Council as expediently as possible.

Staff Report No. IES15-049 was received by General Committee on September 8, 2015 and summarized the actions taken in response to the Liaison Committee requests. This report provides information on the two outstanding items being the request to modify the north (rear) entrance to allow open access to the public, and to replace the existing lockers with larger lockers.

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Report No. IES15-069

Additionally, there has been interest to consider adding public bathrooms and a turnstile type access control to regulate access to the facilities. This information was discussed under new business at Council's meeting of September 29, 2015.

COMMENTS

Two items that the Liaison Committee is seeking are 1) allowing public access from the North entrance as was provided previous to the alterations, 2) replacement of existing smaller lockers with full size lockers. These items have been investigated by staff and are being brought to Council for consideration as they represent changes to the initial design intent and are not able to be accommodated in the current budget.

Request to allow public access from north entrance.

The philosophy on access to the building has been changed in the new design. The old access plan included public access from both the north and south entrances. This was primarily due to the inability to move between the pool area and the gym area. If access was desired between these amenities, members were required to walk through the second floor. The old building also has a second staff counter in the north lobby area to accommodate pool and squash court users.

With the new layout, the public have full access to all amenities located on the lower floor by providing a connection walkway along the pool. This new design allows for a single point of entry to the building and there is therefore only one staff counter to allow users to register. The north entrance was therefore determined not to have public access to better manage membership activities without the need for additional staff resources.

The users who attended the Liaison Committee were of the opinion that the north entrance is an essential element of proper building access and should be reinstated to allow for public access. The rationale was that users of the pool who may be physically challenged are required to move through the entire building to reach the pool and, would have to essentially walk the length of the building.

To better accommodate physically challenged users, staff converted all parking spots at the south area adjacent to the entrance to handicap only.

The conversion of the north entrance to public access for qualified disabled patrons can be accomplished with minimal staff resources and facility upgrades. Some elements for consideration are:

- additional security cameras and monitoring
- additional door controls

Staff recommend the installation of a card access system at the north interior door and that the north exterior doors be unlocked during normal business hours to

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Report No. IES15-069

accommodate ice pad users. This will allow access to the pool area for card holders only.

In addition, recreation staff have observed that pool access is predominantly for our Aquafit Program and that the vast majority of those with disabilities participate in this program. The majority of Aquafit classes are drop-in only and do not require pre-registration. Many of the participants purchase tickets for the classes which are in turn exchanged for a wristband by reception staff. Staff are recommending that instead of issuing tickets, wristbands will be provided, which will eliminate the need for reception staff at the rear door.

Request to increase locker sizes.

The original project scope called for reuse of existing lockers which consist of a combination of full size and half size lockers. The users complaint is that the half size lockers are insufficient to accommodate the user's needs and should be replaced with full size lockers.

This is applicable to the following areas:

- men's pool change room
- women's pool change room
- family change room
- men's fitness change room
- women's fitness change room

There are a total of 250 lockers throughout these rooms of which 125 are existing full sized lockers.

There are also two locker configurations. There is the hasp fitted lockers which require the user to bring their own lock, as well as the coin operated lockers which can be used for a fee but do not require a user's own lock.

Full change out of the half sized lockers to a basic pad lock configuration would require a budget of \$130,000 which would include supply, installation and disposal of the old lockers. Benches may also be an option along the locker wall with raised lockers placed on top of the bench top to provide additional bench space. An additional budget of \$15,000 would be required for these benches.

Also, if coin operated lockers are preferred; there is an additional cost per locker of \$350. If 60 of the new lockers are to be coin operated, the additional budget requirement is \$21,000. All these items have been included in the proposed budget.

Other items to be considered include additional bathroom and access control to the building.

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Report No. IES15-069

A request has been made to investigate the possibility of converting the courtyard area to bathrooms in conjunction with adding access control with a turnstile near the control desk. The reason for this request is to provide readily accessible bathrooms for those using the skate park and other facilities not related to the fitness and gym areas. The addition of access control through a turnstile is to limit open access to the facility.

Staff do not recommend with proceeding with these items at this time. Staff will proceed with the installation of additional signage at the entrance to the AFLC and wayfinding signage directing patron to use the second floor washrooms instead of the first floor washroom/changeroom.

To assist in Council's decision on these items the Architect was requested to provide an estimated value of these proposals. The recommended area for a bathroom was 900 square feet at a unit cost of \$400 to \$500 per square foot. A public access bathroom and closure of the courtyard area was estimated at \$400,000 to \$500,000 and could occupy up to seventy percent of the courtyard area for multi stall bathrooms.

The turnstile can be provided at an estimated budget of \$20,000 but may have other cost aspects related to security and access control that have not been considered as the overall building control plan will need to be developed based on the outcome of the north entrance proposal.

LINK TO STRATEGIC PLAN

Establish policies and programs that enhance the accessibility and safety of new and existing facilities and infrastructure.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

This report has identified modifications to accommodate some of the user requests. Other options may be desired based on Council considerations.

FINANCIAL IMPLICATIONS

The two items recommended will have a funding requirement of \$181,000. This funding can be provided from the Facilities Repair and Replacement Reserve.

CONCLUSIONS

Many of the requested changes identified by the AFLC Liaison Committee have been accommodated. There are two items remaining unresolved due to their significant cost.

These are the requests to allow public access from the north entrance of the building, and to replace existing lockers with new larger lockers. The access through the north entrance can be accommodated for special needs clients on an individual basis at a

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Report No. IES15-069

cost of \$15,000.

Lockers can be upgraded at a cost of \$166,000. Funding for these upgrades can be provided from the Facilities Repair and Replacement Reserve.

There was also a request to investigate the addition of bathrooms in the courtyard area and the addition of an access control turnstile near the control desk. The combined estimated value of this project is \$520,000. There is currently no funding approved for these projects and a funding source will be required prior to approval. It is therefore recommended that staff monitor the operation and performance of the facility for the next 12 months related to bathroom use and patron access and then consider including any necessary projects in the 2017 capital budget. In the interim, additional signage will be included near the fitness change rooms to direct patrons to the public washrooms located on the second floor.

PREVIOUS REPORTS

IES15-049 AFLC Liaison Committee Summary Report September 8, 2015

ATTACHMENTS

None

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, November 5, 2015.

Prepared by: Phillip Galin, Manager, Facilities, Property & Fleet - Ext. 4323



Ilmar Simanovskis
Director, Infrastructure & Environmental Services



Allan D. Downey
Director of Parks & Recreation Services



Patrick Moyle
Interim Chief Administrative Officer



**TOWN OF AURORA
GENERAL COMMITTEE REPORT**

No. CFS15-046

SUBJECT: *Annual Cancellation, Reduction or Refund of Property Taxes under Sections 357 and 358 of the Municipal Act*

FROM: *Dan Elliott, Director, Corporate & Financial Services - Treasurer*

DATE: November 17, 2015

RECOMMENDATIONS

THAT Report No. CFS15-046 be received; and

THAT a meeting be held in accordance with Sections 357 and 358 of the Municipal Act, 2001, S.O. 2001, c.25 as amended (the "Act") in respect of the applications filed with the Treasurer by the owners of property listed in this report at which applicants may make representations; and

THAT property taxes in the amount \$35,747.80 be adjusted pursuant to Section 357 of the Act; and

THAT property taxes in the amount of \$12,879.66 be adjusted pursuant to Section 358 of the Act; and

THAT the associated interest applicable be cancelled in proportion to the property taxes adjusted; and

THAT the Director of Corporate & Financial Services, Treasurer be directed to remove said property taxes from the Collector's Roll to reflect these property tax adjustments.

PURPOSE OF THE REPORT

To obtain statutory approval to adjust property taxes and penalty pursuant to the provisions of Section 357 and 358 which arise from the adjustment of assessment values which have been verified by the Municipal Property Assessment Corporation (MPAC).

BACKGROUND

Applications have been received to adjust property taxes under Sections 357 and 358 of the Act for the taxation years 2013 through 2015 as specified in the Attachment #1.

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Report No. CFS15-046

Adjustments under Section 357 – Current Year Taxes (2015)

Under Section 357 of the Act, taxpayers may make application for the cancellation of property taxes due to errors by MPAC or in response to changes in assessment facts concerning the property. The property tax reduction is not as a result of the Town having failed to collect rightful taxes but rather reduces the property taxes to the correct and proper amount.

Adjustments under Section 358 – Two Prior Years Taxes (2013 and 2014)

Under Section 358 of the Act, taxpayers may make application for the cancellation of property taxes due to gross or manifest errors made by MPAC in the assessment for the two taxation years prior to the current taxation year. In such an application, the property taxes originally levied, or a portion thereof is removed from the roll as not applicable due to an assessment error. The property tax reduction is not as a result of the Town having failed to collect rightful taxes but rather reduces the property taxes to the correct and proper amount.

COMMENTS

Applications have been made by the owner of the property and all have been reviewed by MPAC to determine assessment values and taxation period to be used for the adjustments.

The Town has received and processed 16 applications for property taxes to be cancelled under Section 357 totalling \$35,747.80 as listed in Attachment #1 titled "Tax Adjustments under the Municipal Act". The Town will charge back the Region of York and the Boards of Education the proportion of the adjustments which were levied on their behalf.

The Town has received and processed 8 applications for property taxes to be cancelled under Section 358 totalling \$12,879.66 as listed in Attachment #1 titled "Tax Adjustments under the Municipal Act". The Town will charge back the Region of York and the Boards of Education the proportion of the adjustments which were levied on their behalf.

LINK TO STRATEGIC PLAN

Adjusting tax accounts to reflect verified adjustments to assessment values contributes to achieving the Strategic Plan guiding principle of "Leadership in Corporate Management" and improves transparency and accountability to the community.

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Report No. CFS15-046

ALTERNATIVE(S) TO THE RECOMMENDATIONS

There are no practical alternatives to the recommendations contained in this report. The adjustments contained in the report are statutory, have been validated by MPAC staff and are now rightfully due to the property owners.

FINANCIAL IMPLICATIONS

The Town of Aurora's share of these property tax adjustments totals \$11,924.69.

The Region of York's share of these property taxes totals \$14,078.89 and will be recovered from them.

The board of education share of these property tax adjustments totals \$30,991.28 and will be recovered from them.

To date, (including the adjustments contained in this report) we have processed property tax adjustments totaling \$110,893.11 (Town's share only). These adjustments are as a result of:

- Assessment Review Board (ARB) Decisions (appeals)
- MPAC Reconsiderations (appeals)
- Bill 140 Capping and Clawback Adjustments (non-residential)
- Section 357 and 358 Adjustments

ARB decisions and MPAC reconsiderations will continue to be processed as they are received to year-end. We have a number of assessment appeals outstanding with the ARB for the taxation years 2009 through 2015 for properties in both the capped and non-capped tax classes. The majority of these complaints are still at the Pre-Hearing stage with the ARB; therefore, we are unable to accurately forecast the financial impact of these outstanding assessment appeals.

The Town's 2015 budget for our share of property tax adjustments is \$180,000.

CONCLUSIONS

That the adjustment of property taxes under Section 357 and 358 of the Act totalling \$56,334.85 be approved, reflecting verified assessment corrections.

November 17, 2015

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Report No. CFS15-046

PREVIOUS REPORTS

No previous reports on this topic in 2014

ATTACHMENTS

Attachment #1 – Tax Adjustments under the Municipal Act

PRE-SUBMISSION REVIEW

C.A.O. & Treasurer only

Prepared by: Paul Dillman, Manager of Revenues and Accounting, Deputy Treasurer



**Dan Elliott, CPA, CA
Director of Corporate & Financial
Services - Treasurer**



**Patrick Moyle
Interim Chief Administrative Officer**

TOWN OF AURORA							
Tax Adjustments under the Municipal Act							
November 17, 2015							
ATTACHMENT #1 TO CFS15-046							
Application No.	Roll Number	Location	Reason for Application				
				TOWN	REGION	EDUCATION	TOTAL
MUNICIPAL ACT, SECTION 357 FOR THE TAXATION YEAR 2014							
2014-0011	1946-000-042-17100-000	54 Royal Road	Razed by fire, demolition or otherwise - 357(1)(d)(i)	\$ (110.80)	\$ (132.62)	\$ (64.60)	\$ (308.02)
			TOTAL	\$ (110.80)	\$ (132.62)	\$ (64.60)	\$ (308.02)
MUNICIPAL ACT, SECTION 357 FOR THE TAXATION YEAR 2015							
2015-0001	1946-000-042-17100-0000	54 Royal Road	Razed by fire, demolition or otherwise - 357(1)(d)(i)	\$ (294.01)	\$ (346.68)	\$ (166.34)	\$ (807.03)
2015-0002	1946-000-123-80200-0000	1623 Wellington Street East	Gross or manifest clerical/factual error by MPAC - 357(1)(f)	\$ (185.91)	\$ (219.21)	\$ (3,813.14)	\$ (4,218.26)
2015-0003	1946-000-020-10100-0000	15435 Yonge Street	Ceased to be liable for tax at rate it was taxed - 357(1)(a)	\$ (4,149.30)	\$ (4,892.59)	\$ (2,347.45)	\$ (11,389.34)
2015-0004	1946-000-113-49408-0000	Mavrinac Blvd	Became exempt-Deeded to Town - 357(1)(c)	\$ (190.79)	\$ (224.96)	\$ (107.94)	\$ (523.69)
2015-0005	1946-000-067-70896-0000	67 Willis Drive	Gross or manifest clerical/factual error by MPAC - 357(1)(f)	\$ (280.05)	\$ (330.22)	\$ (158.44)	\$ (768.71)
2015-0006	1946-000-021-73600-0000	S/S Centre Street	Ceased to be liable for tax at rate it was taxed - 357(1)(a)	\$ (146.92)	\$ (175.24)	\$ (83.12)	\$ (403.28)
2015-0007	1946-000-042-81403-0000	Attridge Drive	Ceased to be liable for tax at rate it was taxed - 357(1)(a)	\$ (775.64)	\$ (914.60)	\$ (2,023.41)	\$ (3,713.65)
2015-0008	1946-000-042-81406-0000	6-2 Vata Court	Razed by fire, demolition or otherwise - 357(1)(d)(i)	\$ (544.75)	\$ (642.34)	\$ (308.19)	\$ (1,495.28)
2015-0009	1946-000-070-28502-0000	720 Wellington Street	Became exempt-Deeded to Town - 357(1)(c)	\$ (331.34)	\$ (390.70)	\$ (187.46)	\$ (909.50)
2015-0010	1946-000-124-55243-0000	156 Crane Street	Became exempt-Deeded to Town - 357(1)(c)	\$ (665.96)	\$ (785.26)	\$ (376.77)	\$ (1,827.99)
2015-0011	1946-000-124-55244-0000	Crane Street	Became exempt-Deeded to Town - 357(1)(c)	\$ (1,240.07)	\$ (1,462.21)	\$ (701.56)	\$ (3,403.84)
2015-0012	1946-000-124-55245-0000	Crane Street	Became exempt-Deeded to Town - 357(1)(c)	\$ (731.57)	\$ (862.62)	\$ (413.89)	\$ (2,008.08)
2015-0013	1946-000-124-55246-0000	William Graham Drive	Became exempt-Deeded to Town - 357(1)(c)	\$ (787.34)	\$ (928.38)	\$ (445.44)	\$ (2,161.16)
2015-0014	1946-000-124-55247-0000	William Graham Drive	Became exempt-Deeded to Town - 357(1)(c)	\$ (10,983.05)	\$ (12,950.53)	\$ (11,506.20)	\$ (35,439.78)
2015-0015	1946-000-124-55248-0000	William Graham Drive	Became exempt-Deeded to Town - 357(1)(c)	\$ (10,983.05)	\$ (12,950.53)	\$ (11,506.20)	\$ (35,439.78)
			TOTAL	\$ (11,093.85)	\$ (13,083.15)	\$ (11,570.80)	\$ (35,747.80)
MUNICIPAL ACT, SECTION 358 FOR THE TAXATION YEAR 2013							
2013-0005	1946-000-043-57600-0000	64 Wells Street	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ 878.13	\$ 1,081.13	\$ (6,225.04)	\$ (4,265.78)
2013-0006	1946-000-067-70896-0000	67 Willis Drive	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ (176.76)	\$ (217.63)	\$ (106.12)	\$ (500.51)
2013-0007	1946-000-097-54200-0000	114 Engelhard Drive	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ (738.72)	\$ (909.49)	\$ (1,952.90)	\$ (3,601.11)
2013-0008	1946-000-042-81406-0000	6 - 2 Vata Court	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ (37.35)	\$ (45.99)	\$ (8,284.06)	\$ (8,367.40)
			TOTAL	\$ (37.35)	\$ (45.99)	\$ (8,284.06)	\$ (8,367.40)
MUNICIPAL ACT, SECTION 358 FOR THE TAXATION YEAR 2014							
2014-0001	1946-000-123-80200-0000	1623 Wellington Street East	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ (338.90)	\$ (405.64)	\$ (197.60)	\$ (942.14)
2014-0002	1946-000-043-57600-0000	64 Wells Street	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ 484.83	\$ 580.32	\$ (8,859.47)	\$ (7,794.32)
2014-0003	1946-000-067-70896-0000	67 Willis Drive	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ (183.50)	\$ (219.63)	\$ (106.99)	\$ (510.12)
2014-0004	1946-000-042-81406-0000	6 - 2 Vata Court	Gross or manifest clerical/factual error by MPAC - 358(1)	\$ (755.92)	\$ (904.80)	\$ (1,972.36)	\$ (3,633.08)
			TOTAL	\$ (793.49)	\$ (949.75)	\$ (11,136.42)	\$ (12,879.66)
			MUNICIPAL ACT, SECTION 358 SUB-TOTAL	\$ (830.84)	\$ (995.74)	\$ (19,420.48)	\$ (21,247.06)
			GRAND TOTAL	\$ (11,924.69)	\$ (14,078.89)	\$ (30,991.28)	\$ (56,994.86)



**TOWN OF AURORA
GENERAL COMMITTEE**

No. BBS15-013

SUBJECT: *Request for Sign Variance to Sign By-law No. 4898-07.P
for the Canadian Disc Institute at 15000 Yonge St.*

FROM: *Techa van Leeuwen, Director of Building and Bylaw Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. BBS15-013 be received; and

THAT a request for variance to Sign By-law No. 4898-07.P to allow a 4.09m² wall sign located 190mm above grade for the Canadian Disc Institute at 15000 Yonge St. be denied.

PURPOSE OF THE REPORT

To evaluate the applicant's request and make recommendations on variances to Sign By-law No. 4898-07.P, as amended.

The requested variance is to allow the Canadian Disc Institute to have a wall sign with an area of 4.09m² located 190mm above the grade whereas the Sign By-law No. 4898-07.P restricts the size of a wall sign to 1.25m². Further, wall signs projecting more than 50mm from the wall shall be located a minimum of 2.4m above grade.

BACKGROUND

Building and Bylaw Services is in receipt of a sign variance application from the Canadian Disc Institute to install a wall sign that exceeds the maximum permitted sign area for their building front and to locate the sign on the wall less than the allowable minimum distance above grade.

The proposed wall sign is approximately 4.87m x 0.84m (4.09m²) and will consist of a vinyl or fabric material being affixed to a plywood backing attached to the wall with 2" blocking. The sign projects from the building approximately 76mm and is approximately 19mm above grade. Sign By-law 4898-07.P limits wall signs for this building to 1.25m² in area and where the wall sign projects more than 50mm from the wall they are to be a minimum of 2.4m above grade.

The business is located 15000 Yonge Street just north of Ransom Street and is within the Promenade Area as well as listed on the Aurora Registrar of Properties of Cultural Heritage Value or Interest. The property is surrounded by commercial businesses along Yonge Street with residential abutting the rear property line. The entrance to the property is from Yonge Street.

In 2012/2013 building permits were issued for the partial demolition, renovation and

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Report No. BBS15-013

construction of a one storey addition to the front facade to be occupied by Canadian Disc Institute. The facade addition facing Yonge Street consists primarily of glazing. The applicant is proposing a wall sign below the glazing as shown on attachment no. 2.

The sign variance application is in response to numerous enforcement efforts addressing illegal signs erected between September 2013 and August 2015. The owner of the business was advised of the requirements and the processes involved in displaying compliant signage. In November 2013 the owner applied for a sign permit for a wall sign. The application was cancelled in June 2014 due to a lack of response from the applicant.

The property currently has one existing ground sign and a non-approved structure which had displayed signage but the messaging has been removed. The owner has advised he intends to remove the ground structure and replace it with the proposed wall sign.

COMMENTS

This property is subject to Heritage review and the Aurora Promenade Streetscape Design and Implementation Plan.

15000 Yonge Street is listed on the Aurora Registrar of Properties of Cultural Heritage Value or Interest. The property is also subject to The Aurora Promenade Streetscape Design and Implementation Plan.

Planning staff compared the proposed wall sign design to the Aurora Promenade Streetscape Design and Implementation Plan (The Promenade Plan). The comparison consisted of assessing the type, size and sign area, location of the sign on the building and any special considerations noted in The Promenade Plan.

The proposed wall sign consists of a fabric or vinyl material affixed to a plywood backing and would be installed on the lower part of the wall just above grade. The comparison to The Promenade Plan revealed that the proposed fabric does not meet the guidelines as a solid sign with raised lettering is the recommended choice. The proposal to locate the sign on the lower portion of the front wall deviates from the Promenade Plan inasmuch as the guidelines recommend placing wall signs on the fascia.

Planning Staff also advised that having both the existing ground sign and the proposed wall sign at the front is not desirable for the property. The business owner advised that they intend to keep the existing ground sign and erect the proposed wall sign resulting in two signs in close proximity at the front of the property. The existing ground sign is found to be more in keeping with the signs in the neighbourhood.

For reasons noted above the proposed wall sign is not in keeping with the guidelines found under The Promenade Plan.

The wall sign is out of character with the neighbouring businesses.

The neighbouring businesses do not have large walls signs at the front. This business has an existing ground sign at the front of the property adjacent to Yonge Street. The

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Report No. BBS15-013

neighbouring businesses to the north and south have similar ground signs. The ground signs are made of wood and vary in height from approximately 1m to 2m (see attachment no. 5). They are oriented perpendicular to traffic flow on Yonge Street. The proposed sign would not be in keeping with the signs advertising the businesses on the same block and adjacent to this property.

The property is located in Special Mixed Density Residential Exception zone which limits the sign area as these exception zones are unique and intended to maintain the residential attributes of the building.

Wall signs in a residential exception zone are restricted to a maximum of 1.25m² in sign area. The proposed sign is 4.09m² in area approximately 3.26 times larger than permitted. The front of the building where the sign is proposed to be installed faces Yonge Street. Businesses to the north and south are also located in residential exception zones and display signage that meets the intent of the by-law. The owner feels that although the business is in a residential exception zone they should be allowed the less restrictive requirements permitted in a commercial zone.

The Owner is requesting the variance to provide a more descriptive sign which could be accommodated by a smaller compliant wall sign or changing the display face of the existing ground sign.

The business owner advised that he requires the wall sign to advise potential customers as to the services provided. The existing ground sign advertises the type and name of business and the proposed wall sign would provide more description as to what services are available. Staff has advised that a wall sign limited to 1.25m² is permitted as well the display face of the existing sign could be changed to identify services offered.

The following table compares the proposal to the Sign By-law No. 4898-07.P:

Wall signs in Zone R5-28			
Sign Type	Sign Bylaw Section	Allowed	Proposed
Wall	Section 6.2 (c) Sign area in Residential Exception zones (.25m ² /linear m to a max of 1.25m ²)	1.25m ²	<u>4.09m²</u> (3.26 times larger than allowed)
	Section 5.9(c) Location above grade for signs projecting more than 50mm	2400mm min above grade	<u>190mm above grade</u>
	Section 6.2(e) Number of signs in Residential Exception zones	2	2 including the existing ground sign

Table note: Bold, underlined font represents areas of non-compliance

As the above table demonstrates, a variance is required to address the size of the wall sign and location of the sign above grade.

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Report No. BBS15-013

The following table provides the criteria for assessing sign variance approvals.

Table for Evaluating Sign Variance Criteria	
Criteria	Comment
<p>1. Physical difficulties <i>Where due to special circumstances, pre-existing condition of the building, layout or topography of the subject land, it is difficult to comply with the provisions of the Sign By-law.</i></p>	<p>The new addition (constructed 2013) at the front of the building does not represent a pre-existing condition which presents a difficulty to comply with the Sign By-law. It should be noted that the glazing of the addition would make it difficult to adhere to the Promenade Plan.</p>
<p>2. Consistency with the architectural features of the building <i>Where the proposed sign blends well with the architectural features of the building and granting the sign variance will result in a more aesthetically pleasing visual appearance of the building for the community.</i></p>	<p>The Planning review revealed that the proposed material of the sign face will not result in a more aesthetically pleasing visual appearance of the building.</p>
<p>3. Consistency with the character of the neighbourhood <i>Where the Sign Variance, if granted, will not alter the essential character of the neighbourhood and will have no adverse impact on the Town's cultural heritage</i></p>	<p>The Planning review and comparison with the Promenade Plan determined the sign is not consistent with the character of the neighbourhood or the Plan</p>
<p>4. No adverse impact to the adjacent property or general public <i>Such adverse impact may include but is not limited to: illumination, obstruction of other signage, obstruction of natural light, distance to the adjacent buildings and properties, etc.</i></p>	<p>n/a</p>
<p>5. Adherence to Corporate Branding <i>Where not granting a Sign Variance results in a conflict in corporate branding requirements such as updated/new logos or trademarks.</i></p>	<p>n/a</p>
<p>6. Impact on safety, traffic and accessibility <i>The proposed Sign Variance, if granted, will not increase fire or traffic hazard or otherwise endanger public safety or negatively impact accessibility.</i></p>	<p>n/a</p>

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Report No. BBS15-013

<p>7. Result in greater convenience to the public <i>Granting of the variance will result in greater convenience to the public in identifying the business location for which a sign variance is sought.</i></p>	<p>The wall sign as proposed does not result in greater convenience in identifying the business location. There is an existing ground sign at the front and in close proximity to the proposed wall sign. The owner advised he believes that the additional information he would like on the sign will only be beneficial on a sign larger than allowed under the Sign By-law 4898-07.P</p>
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Variance requested:

1. A variance is requested to permit the installation of a wall sign with an area of approximately 4.09 m² to be located 190mm above grade whereas the Sign By-law 4898-07.P restricts this wall sign to a maximum sign area of 1.25m² and located a minimum of 2.4m above grade.

LINK TO STRATEGIC PLAN

Variances to the Sign By-law No. 4898-07.P support the Strategic Plan goal of **Enabling a Diverse, Creative and Resilient Economy** through its accomplishment in satisfying requirements of the objective **supporting small business and encouraging a more sustainable business environment.**

FINANCIAL IMPLICATIONS

N/A

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could approve the request to vary the size and location of the wall sign permitted by Sign By-law 4898-07.P. This would allow the installation of an oversized sign lower on the wall than the requirements of Sign By-law 4898-07.P and contrary to the guidelines of The Aurora Promenade Streetscape Design and Implementation Plan.

CONCLUSIONS

Staff determined that the variance being sought is not in keeping with the general intent of Sign By-law 4898-07.P or the recommendations of The Aurora Promenade Streetscape Design and Implementation Plan. For reasons outlined in this report staff is recommending that Council deny the requested variances.

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Report No. BBS15-013

ATTACHMENTS

Attachment No. 1 -- Site Plan

Attachment No. 2 -- Front Elevation

Attachment No. 3 -- Sign Construction and Design

Attachment No. 4 -- Photo identifying the existing ground sign and the additional ground sign structure to be removed.

Attachment No. 5 -- Photo identifying the existing ground sign and the ground signs of adjacent businesses to the north.

PRE-SUBMISSION REVIEW

Executive Leadership Team -- November 5, 2015

Prepared by: Dale Robson

Manager of Code Review and Inspections -- Ext. 4319



Techa van Leeuwen
Director of Building and Bylaw Services



Patrick Moyle
Interim Chief Administrative Officer



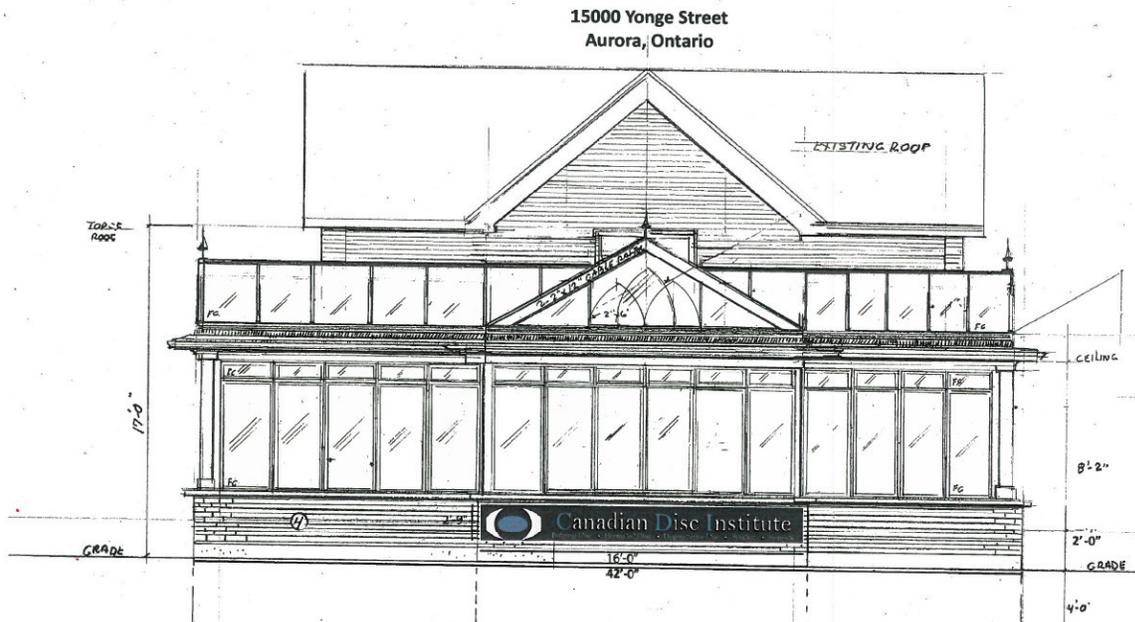
Site plan

Showing property, building and location of existing ground sign and proposed wall sign.

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Report No. BBS15-013



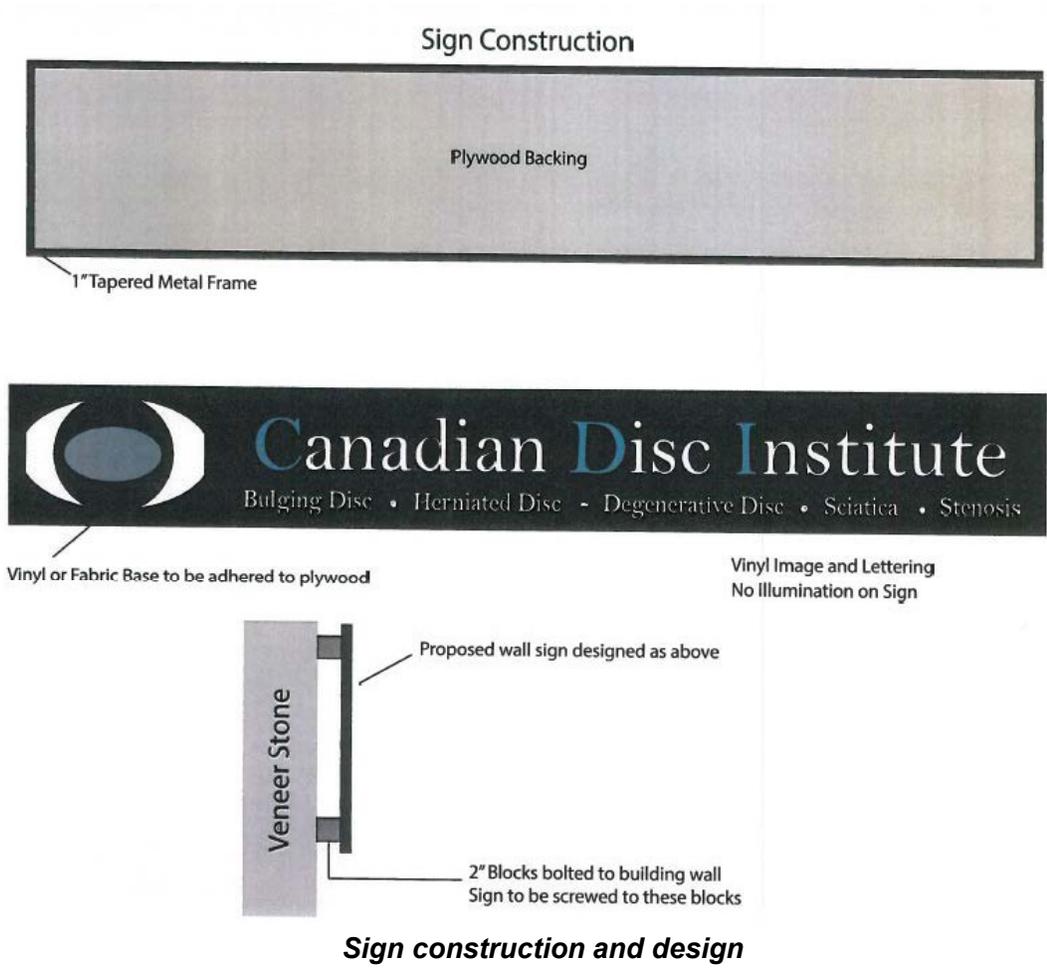
**Front Elevation
Showing size and location of proposed wall sign**

Attachment No. 2

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Report No. BBS15-013



Attachment No. 3

November 17, 2015

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Report No. BBS15-013

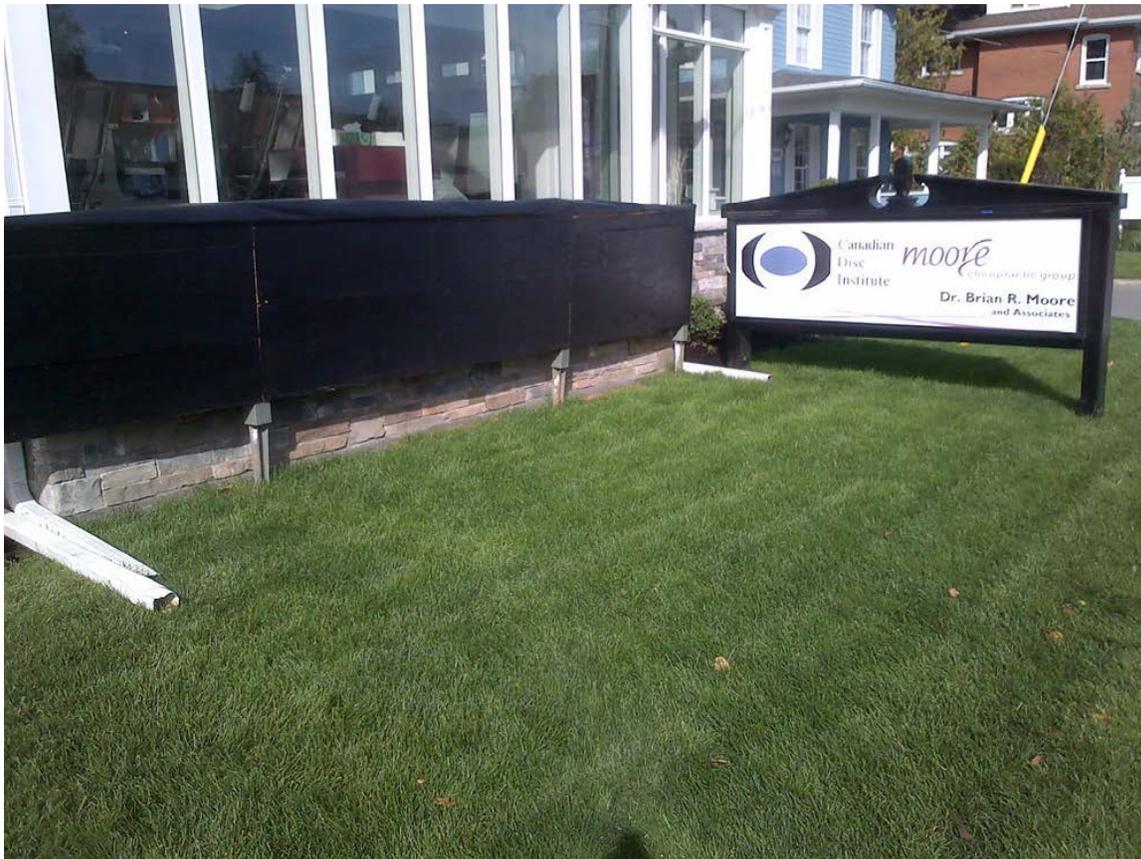


Photo identifying the existing ground sign and the additional ground sign structure to be removed.

Attachment No. 4

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Report No. BBS15-013



Photo identifying the existing ground signs and ground signs of adjacent businesses to the north

Attachment No. 5



**TOWN OF AURORA
GENERAL COMMITTEE**

No. BBS15-014

SUBJECT: *Request for Sign Variance to Sign By-law No. 4898-07.P
for Panera Bread at 15610 Bayview Avenue.*

FROM: *Techa van Leeuwen, Director of Building and Bylaw Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. BBS15-014 be received; and

THAT a request for variance to Sign By-law No. 4898-07.P to allow wall signs on four elevations of Panera Bread at 15610 Bayview Avenue, whereas Sign By-law 4898-07.P only permits signs on two elevations, be approved.

PURPOSE OF THE REPORT

To evaluate the applicant's request and make recommendations on a variance to Sign By-law No. 4898-07.P, as amended. A variance is required to permit the installation of an additional wall sign on the west elevation and an additional wall sign on the north elevation. The Sign By-law 4898-07.P only permits wall signs on two elevations of a single tenant building.

BACKGROUND

Building and Bylaw Services is in receipt of a sign variance application from Permit World Inc. on behalf of Panera Bread to allow additional wall signs on a single tenant building within the new commercial development located at 15610 Bayview Avenue. The development is within a Shopping Centre Commercial (C4-25) Exception Zone.

This commercial development is bound by Bayview Avenue to the east, Earl Stewart Drive to the west and commercial developments both to the north and to the south. Access to the site is provided by two driveways, the main entrance from Bayview Avenue with a secondary entrance from Earl Stewart Drive.

There are four commercial buildings proposed on this site as shown on the attached site plan (Attachment No. 1). Panera Bread is located in building 'B' which is a single tenanted building located on the East side of the development and faces parking lots both to the South and to the West. To the north of the building is the entrance driveway from Bayview Avenue. The building has a drive-thru feature that wraps around the east and north side. The building permit was issued on July 28, 2015. The building is under construction and is expected to be occupied in 2016.

A sign permit was issued on September 11, 2015 for one wall sign one on the east elevation facing Bayview Avenue, one on the south elevation facing the parking lot as well as menu board signs for the drive-thru facility.

November 17, 2015

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Report No. BBS15-014

COMMENTS

A business in this development was granted a variance in 2015 for an additional sign.

This new development consists of four buildings. In 2015 LA Fitness which is located in a single tenant business located within this development was granted a variance to permit an additional sign. Panera Bread is located in a single tenant building within this development and is requesting the same type of variance. Both buildings are subject to the same restriction on the number of signs. Both businesses cite the need to be able to advertise on additional elevations as necessary to advise potential customers of the business' location. This development is new and the additional signs will aid in ensuring the new businesses are successful.

The requested variance is for one wall sign on the north elevation facing the entrance driveway off Bayview Avenue and one wall sign on the west elevation facing the parking lot and other commercial buildings.

There are two entrances to this development, one from Bayview Avenue and the other one from Earl Stewart Drive. The north wall of the building faces the entrance driveway from Bayview Avenue where the applicant is requesting the additional sign to help identify the business to potential customers who are entering this development from Bayview Avenue. The west elevation faces the interior parking lot and other commercial buildings within the development. The applicant is requesting the sign to identify the business to potential customers accessing the development from Earl Stewart Drive. The applicant advised that the additional signs would aid in ensuring the business is successful in its operation.

The sign variance is consistent with other approved signage for the commercial developments along the west side of Bayview Avenue, north of Wellington Street.

The requested variance is consistent with the approved signs on the similar single-tenanted buildings along the west side of Bayview Avenue north of Wellington Street East such as CIBC Bank, Bank of Montreal, East Side Mario and Sobeys. In these instances, sign variances have been granted allowing wall signs on the additional elevation of single-tenanted buildings where the building faces multiple streets, a parking lot or other commercial buildings within the same development.

Under the proposed changes to Sign By-law 4898-07.P this proposal would not require a variance.

Sign By-law 4898-07.P is currently under review. As part of that review the number of elevations that can have wall signs is proposed to be eliminated. Currently a single tenant commercial building on a through or corner lot is restricted to having wall signs on two elevations. The proposed change to Sign By-law 4898-07.P would allow commercial buildings to have wall signs on all elevations within the maximum area allowed.

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Report No. BBS15-014

The following table compares the proposal to the Sign By-law No. 4898-07.P:

Attribute	Elevation	Allowed	Proposed	Variance Required	By-law section
Sign Area	North	18.4m2	8.93 m2	None	n/a
Wall Coverage	North	20%	5.42%	None	n/a
Number of Signs	North	0	1	<u>Variance required for the number of signs on additional elevations</u>	Section 5.7(c)
Sign Area	West	13.7m2	7m2	None	n/a
Wall Coverage	West	20%	6.29%	None	n/a
Number of Signs	West	0	1	<u>Variance required for the number of signs on additional elevations</u>	Section 5.7(c)

Table notes: Non-compliant areas are **bold and underlined**.

The following table provides the criteria for assessing Sign By-law No. 4898-07.P variance approvals.

Table for Evaluating Sign Variance Criteria	
Criteria	Comment
<p>1. Physical difficulties <i>Where due to special circumstances, pre-existing condition of the building, layout or topography of the subject land, it is difficult to comply with the provisions of the Sign By-law.</i></p>	n/a
<p>2. Consistency with the architectural features of the building <i>Where the proposed sign blends well with the architectural features of the building and granting the sign variance will result in a more aesthetically pleasing visual appearance of the building for the community.</i></p>	n/a
<p>3. Consistency with the character of the neighbourhood <i>Where the Sign Variance, if granted, will not alter the essential character of the neighbourhood and will have no adverse impact on the Town's cultural heritage</i></p>	The signs are consistent with other signs for the commercial developments along the West side of Bayview North of Wellington. A similar variance was granted for another single tenant building within this development.
<p>4. No adverse impact to the adjacent property or general public <i>Such adverse impact may include but is not limited to: illumination, obstruction of other signage, obstruction of natural light, distance to the adjacent buildings and</i></p>	The requested sign is facing away from residential properties toward an entrance driveway and a parking lot serving the commercial property. Therefore no adverse impact is anticipated.

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Report No. BBS15-014

<i>properties, etc.</i>	
5. Adherence to Corporate Branding <i>Where not granting a Sign Variance results in a conflict in corporate branding requirements such as updated/new logos or trademarks.</i>	n/a
6. Impact on safety, traffic and accessibility <i>The proposed Sign Variance, if granted, will not increase fire or traffic hazard or otherwise endanger public safety or negatively impact accessibility.</i>	The requested signs will not increase fire or traffic hazards or otherwise endanger the public safety.
7. Result in greater convenience to the public <i>Granting of the variance will result in greater convenience to the public in identifying the business location for which a sign variance is sought.</i>	Granting these variances will result in the public being able to better identify the business, especially for potential customers who are entering this new development from Earl Stewart Drive and Bayview Avenue.

2 Variances requested:

A variance is requested to permit one wall sign on the north elevation and one on the west elevation in addition to the signs already permitted on the east and south elevations whereas Sign By-law No. 4898-07.P allows single-tenanted buildings on a corner or through lot to have wall signs on two elevations only.

LINK TO STRATEGIC PLAN

Approving the requested variance to Sign By-law No. 4898-07.P supports the Strategic Plan goal of **Enabling a Diverse, Creative and Resilient Economy** through its accomplishment in satisfying requirements of the objective **supporting small business and encouraging a more sustainable business environment.**

FINANCIAL IMPLICATIONS

N/A

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could deny the requested variance and impose the provisions of the Sign By-law. This would prevent the installation of the additional signs on the north and west elevations. This would eliminate business identification on the north and west elevations where the access to the development are located.
2. Council could approve an additional wall sign on one elevation only being the north or the west elevation but not both.

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Report No. BBS15-014

CONCLUSIONS

Staff determined that the variance being sought is in keeping with the general intent of the By-law. For reasons outlined in this report staff is recommending that Council approve the requested variance to allow the additional signs to be installed.

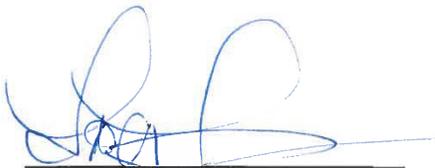
ATTACHMENTS

Attachment No. 1 -- Site Plan
Attachment No. 2 -- North and West Elevations

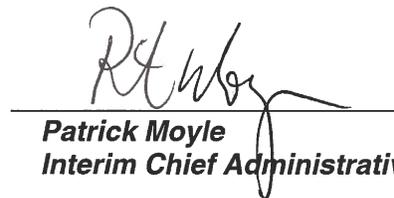
PRE-SUBMISSION REVIEW

Executive Leadership Team – November 5, 2015

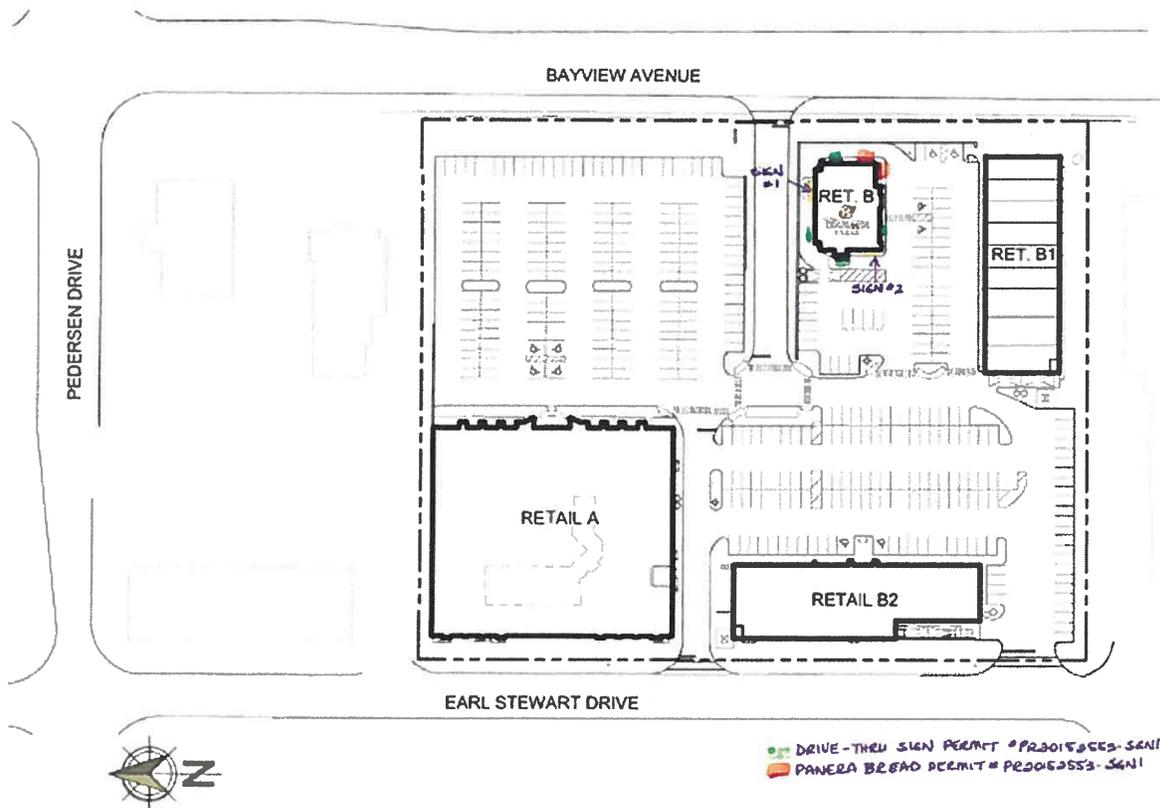
Prepared by: Dale Robson
Manager of Code Review and Inspections – Ext. 4319



Techa van Leeuwen
Director of Building and Bylaw Services



Patrick Moyle
Interim Chief Administrative Officer



SITE PLAN

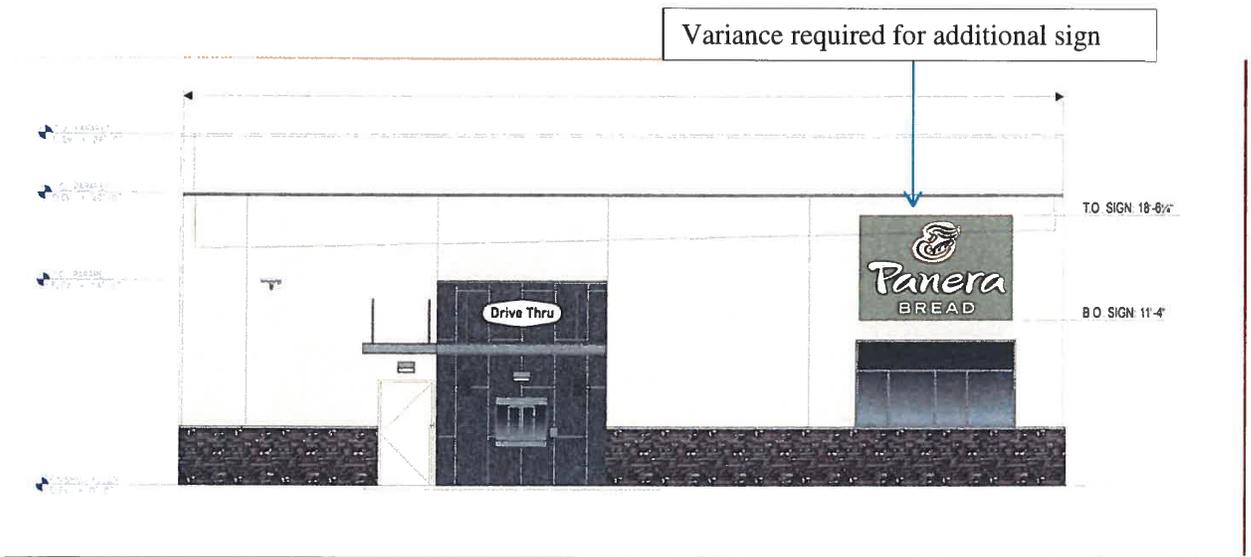
November 17, 2015

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Report No. BBS15-014



NORTH ELEVATION



WEST ELEVATION

Attachment No. 2



**TOWN OF AURORA
GENERAL COMMITTEE**

No. BBS15-015

SUBJECT: *Request for Sign Variance to Sign By-law No. 4898-07.P
for the Canadian Tire at 15400 Bayview Avenue.*

FROM: *Techa van Leeuwen, Director of Building and Bylaw Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. BBS15-015 be received; and

THAT a request for variance to Sign By-law No. 4898-07.P to allow three wall signs on the east elevation of the Canadian Tire at 15400 Bayview Avenue, whereas Sign By-law 4898-07.P only permits one wall sign, be approved.

PURPOSE OF THE REPORT

To evaluate the applicant's request and make recommendations on a variance to Sign By-law No. 4898-07.P, as amended. A variance is required to permit the installation of two additional wall signs beyond the one wall sign already permitted for a total of 3 wall signs on the east elevation. The Sign By-law 4898-07.P restricts this elevation to having one wall sign.

BACKGROUND

Building and Bylaw Services is in receipt of a sign variance application from Morguard Realty Holdings Inc. to allow additional wall signs on a single tenant building within the Aurora Centre commercial development located at 15400 Bayview Avenue. The development is zoned C8 Community Commercial Centre Zone. Sign permits have been issued for wall signs on the north elevation and one wall sign on the east elevation. This application for variance is to permit two additional signs on the east elevation.

This commercial development is bound Hollidge Boulevard to the north, Bayview Avenue to the east, the Home Depot commercial centre to the south, and a hydro corridor to the west. Access to the site is provided by two driveways from Bayview Avenue, a driveway from Hollidge Boulevard to the north and a throughway from the Home Depot commercial centre to the south.

This building had been a Target store in 2013 and vacated in 2014. The Target store obtained a permit to install signs on the north and east elevation. A variance was granted to permit additional signage on the south elevation.

Building and Bylaw Services is in receipt of a building permit application from Canadian Tire to carry out alterations to the building. The application is under review.

November 17, 2015

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Report No. BBS15-015

COMMENTS

The additional signs face a parking lot and Bayview Avenue.

The building is located in the south-west corner of the development. To the north is parking and other commercial buildings that are part of the development. To the east is a parking lot and driveway entrances from Bayview Avenue and the throughway from the Home Depot development.

The additional signs direct potential customers to services

The main entrance is on the north elevation with additional access to the garden centre and customer pickup centres on the east elevation. The issued sign permit includes a logo sign on the east elevation. The applicant would like two additional signs on the east elevation to advise potential customers that there is a garden centre and a customer pick-up centre and to direct those customers to the entrances of those services.

The building will have fewer elevations with signs.

The Target store at this location had been permitted signs on the north and east elevations and had received a variance to permit an additional sign on the south elevation for a total of three elevations with signs. This request would permit signs on two elevations only reducing the number of elevations with signs for this building.

The sign variance is consistent with other approved signage for the commercial developments along the west side of Bayview Avenue north of Wellington Street East.

The requested variance is consistent with the approved signs on the similar single-tenanted buildings along the west side of Bayview north of Wellington Street such as CIBC Bank, Bank of Montreal, East Side Mario and Sobeys. In these instances, sign variances have been granted allowing wall signs on the additional elevation of single-tenanted buildings where the building faces multiple streets, a parking lot or other commercial buildings within the same development.

Under the proposed changes to Sign By-law 4898-07.P this proposal would not require a variance.

Sign By-law 4898-07.P is currently under review. As part of that review the number of elevations that can have wall signs is proposed to be eliminated. Currently a single tenant commercial building on a through or corner lot is restricted to having wall signs on one elevation with one additional sign on one other elevation. The proposed change to Sign By-law 4898-07.P would allow commercial buildings to have wall signs on all elevations within the maximum area allowed.

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Report No. BBS15-015

The following table compares the proposal to the Sign By-law No. 4898-07.P:

Attribute	Elevation	Allowed	Proposed	Variance Required	By-law section
Sign Area	East	35m2 maximum	14.67m2 proposed +15.22m2 previously issued Total 29.89m2	None	n/a
Wall Coverage	East	20% (151.07 m2)	5.42% (40.96m2)	None	n/a
Number of Signs	East	1	2 proposed + 1 previously issued Total 3 signs	<u>Variance required for the number of signs on additional elevations</u>	Section 5.7(c)

Table notes: Non-compliant areas are **bold and underlined**.

The following table provides the criteria for assessing Sign By-law No. 4898-07.P variance approvals.

Table for Evaluating Sign Variance Criteria	
Criteria	Comment
1. Physical difficulties <i>Where due to special circumstances, pre-existing condition of the building, layout or topography of the subject land, it is difficult to comply with the provisions of the Sign By-law.</i>	n/a
2. Consistency with the architectural features of the building <i>Where the proposed sign blends well with the architectural features of the building and granting the sign variance will result in a more aesthetically pleasing visual appearance of the building for the community.</i>	n/a
3. Consistency with the character of the neighbourhood <i>Where the Sign Variance, if granted, will not alter the essential character of the neighbourhood and will have no adverse impact on the Town's cultural heritage</i>	The signs are consistent with other signs for the commercial developments along the West side of Bayview North of Wellington. Similar variances have been granted for other single tenant buildings within this and the adjacent development.
4. No adverse impact to the adjacent property or general public <i>Such adverse impact may include but is not limited to: illumination, obstruction of other signage, obstruction of natural light, distance to the adjacent buildings and properties, etc.</i>	The requested sign is facing toward an entrance driveway and a parking lot serving the commercial property. Therefore no adverse impact is anticipated.
5. Adherence to Corporate Branding <i>Where not granting a Sign Variance results in a conflict in corporate branding requirements such as</i>	n/a

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Report No. BBS15-015

<i>updated/new logos or trademarks.</i>	
6. Impact on safety, traffic and accessibility <i>The proposed Sign Variance, if granted, will not increase fire or traffic hazard or otherwise endanger public safety or negatively impact accessibility.</i>	The requested signs will not increase fire or traffic hazards or otherwise endanger the public safety.
7. Result in greater convenience to the public <i>Granting of the variance will result in greater convenience to the public in identifying the business location for which a sign variance is sought.</i>	Granting these variances will result in the public being able to better identify the business and the location of services provided.

2 Variances requested:

A variance is requested to permit three wall signs on the east elevation whereas Sign By-law No. 4898-07.P restricts this building to one sign on this elevation. A variance is required for each proposed wall sign.

LINK TO STRATEGIC PLAN

Approving the requested variance to Sign By-law No. 4898-07.P supports the Strategic Plan goal of **Enabling a Diverse, Creative and Resilient Economy** through its accomplishment in satisfying requirements of the objective **supporting small business and encouraging a more sustainable business environment.**

FINANCIAL IMPLICATIONS

N/A

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council could deny the requested variance and impose the provisions of the Sign By-law. This would prevent the installation of the two additional signs on the east elevation. In this case there would not be any signs to direct potential customers to the access locations for the garden centre or customer pick up centre.
2. Council could approve only one additional wall sign but not both.

CONCLUSIONS

Staff determined that the variance being sought is in keeping with the general intent of the By-law. For reasons outlined in this report staff is recommending that Council approve the requested variance to allow the additional signs to be installed.

November 17, 2015

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Report No. BBS15-015

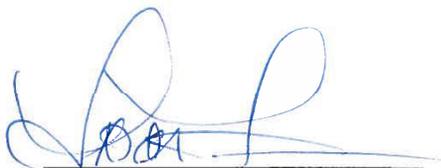
ATTACHMENTS

Attachment No. 1 -- Site Plan
Attachment No. 2 – East Elevation

PRE-SUBMISSION REVIEW

Executive Leadership Team – November 5, 2015

*Prepared by: Dale Robson
Manager of Code Review and Inspections – Ext. 4319*



Techa van Leeuwen
Director of Building and Bylaw Services



Patrick Moyle
Interim Chief Administrative Officer

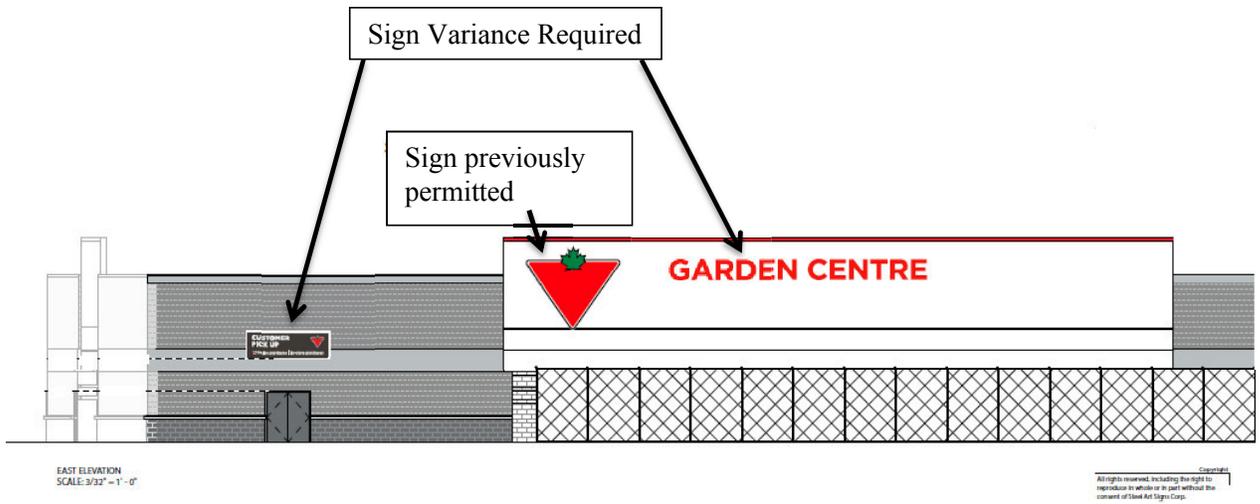


Showing the Canadian Tire Store and the location for the two proposed signs and the one previously permitted sign

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Report No. BBS15-015



EAST ELEVATION

Showing the two wall signs for which the variance is requested and the logo wall sign previously permitted



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-064**

SUBJECT: Extension of Janitorial Services Contract

FROM: *Ilmar Simanovskis, Director of Infrastructure & Environmental Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. IES15-064 be received; and

THAT Tender No. IES2010-71 – for Janitorial Services and Supplies be extended to Royal Building Cleaning Ltd. to July 31, 2016, an additional 6 months, for the amount of \$225,000 excluding taxes.

PURPOSE OF THE REPORT

The purpose of this report is to extend the existing contract for janitorial services.

BACKGROUND

Royal Building Cleaning Ltd. was successful in the 2010 RFP and was awarded the contract for 5 years. The Janitorial services contract will terminate on January 31, 2016. They have performed well and have worked well within the scope of work in maintaining the facilities.

We are in the process of revising and completing a service review to modify the scope and reissue the RFP. Staff needs to extend the current contract to July 31, 2016 based on 2015 terms.

Staff is completing a revised RFP document and working to add the new Joint Operations Centre (JOC) within the scope. At this time, staff's recommendation is that we postpone on the RFP until the JOC is closer to completion so that we can get accurate pricing for this building. To go out to tender prior to the buildings completion is not recommended, as we need to see what the scope of work will be for the new centre. The goal is to minimize cost.

One of the drivers to hold off on the RFP is that we are working on reducing the scope of the current cleaning contract. The objective is to reduce the cost of cleaning services and eliminate sections of the cleaning scope of work. Since the last contract, 5 years ago, minimum wages have increased; paper products have increased; and our entire building sq ft have also increased. This will cause our new contract prices to significantly increase beyond our allotted budget.

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Report No. IES15-064

Historically we have used the same contract document. This time we are reviewing the contract line by line and eliminating additional work, reducing the scope of work within some of the buildings and adding value, all in an effort to reduce budget pressure and provide the community a cost savings to the budget.

COMMENTS

Facility services has taken steps to respond to budget pressures and janitorial service needs for the Town for a long term solution to our building requirements.

Our goal is to continue to keep the entire Town's building clean but also look at how we do business and have the operational staff do more during our down times. Staff is pleased with the current vendor as they respond to calls in a timely manner and have given us excellent service over the past years.

Our historical issue is that we have used an all-inclusive spec; cleaning entire buildings, paper/soap, carpet cleaning and window washing. We are now looking at modifying this model.

Our goal is to reduce what we contract out, and increase control over our consumables and work on quality vs quantity. We need to continue to find value and operational excellence as costs continue to increase beyond our budget.

LINK TO STRATEGIC PLAN

Maintaining our facilities supports the Strategic Plan goal of Investing in sustainable infrastructure by maintaining infrastructure to support forecasted population growth through technology, waste management, roads, emergency services and accessibility.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

There is one alternative to the recommendations:

1. Continue with the standard RFP that we have now, this will expedite the RFP process and shorten the review timeline but will cost us more over the long term.

FINANCIAL IMPLICATIONS

The costs for the janitorial services are within our operational budgets. For 2016 the present cleaning contractor is willing to hold the current contract price without any increase until July 31, 2016.

CONCLUSIONS

The Facility team is focused on increasing the operational excellence within the portfolio

November 17, 2015

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Report No. IES15-064

and to run the operation as a commercial first class real estate organization. With the new RFP it is intended that we increase service flexibility with the goal of reducing overall costs.

We are recommending to proceed with the current service provider, Royal Building Cleaning Ltd. until July 31, 2016 at a cost of \$225,000 which is funded from the Facilities Operations Budget.

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, October 21, 2015

Prepared by: Phillip Galin, Manager, Facilities, Property & Fleet - Ext. 4323



Ilmar Simanovskis
***Director, Infrastructure &
Environmental Services***



Patrick Moyle
Interim Chief Administrative Officer

November 17, 2015

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Report No. IES15-068

Community Space for Youth at the Aurora Family Leisure Complex

Project Summary

The scope of work for this tender includes a single storey 9,300 square foot addition and 18,400 square foot renovation to the existing two storey Aurora Family Leisure Complex. Addition includes new fitness room, program spaces, climbing wall, control desk, office spaces, new entry driveway and drop off area, parking, landscaping, and outdoor skateboard park. Renovation includes work in existing gymnasium and to suspended track, gym and pool change rooms, and fire exit corridors.

The tender for this project was awarded to Jasper Construction by Council on November 12, 2013 in the amount of \$6,039,000 excluding taxes.

The project is now substantially complete and occupancy was received February 28, 2015. The building was also opened to the public and program delivery has resumed as of February 28, 2015.

In addition to completion of construction activities concluding, staff report that all items identified by the user committee that was formed to address operational and usability concerns have also been completed. Two items that could not be accommodated directly through the committee have been reported to Council in Staff Report No. IES15-049 and will be before Council for consideration.

Milestone	Estimated Completion Date
Council Approval of Tender	November 2014
Construction start	November 2014
Interior Demolitions Phase 1	November to January 2015
Excavation and earthworks	January to March 2015
Exterior Foundations	March to May 2015
Exterior Structure	February to July 2015
Interior Partitions	February to October 2015
Stair F Interior Demolitions Phase 2	March 2015
Exterior site works	July to October 2015
Skate Park	September to October 2015
Occupancy	February 2015
Deficiencies and Landscaping	Spring 2015
Issue Certificate of Substantial Completion	May 29, 2015
Release of 10% holdback (45 days after certificate)	July 20, 2015
Project Complete	August 2015

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Report No. IES15-068

Joint Operations Centre

Activities completed since last report ending October 31, 2015

- Overall concrete completion 97 percent
- Building Window installation progressing
- Exterior cladding 80 percent complete
- Interior drywall progressing
- Masonry work 70 percent complete
- Site paving preparation progressing
- Salt dome erected

Activities planned for November 2015:

- Continue with interior finishing
- Continue with masonry
- Site paving complete
- Parking lot lighting

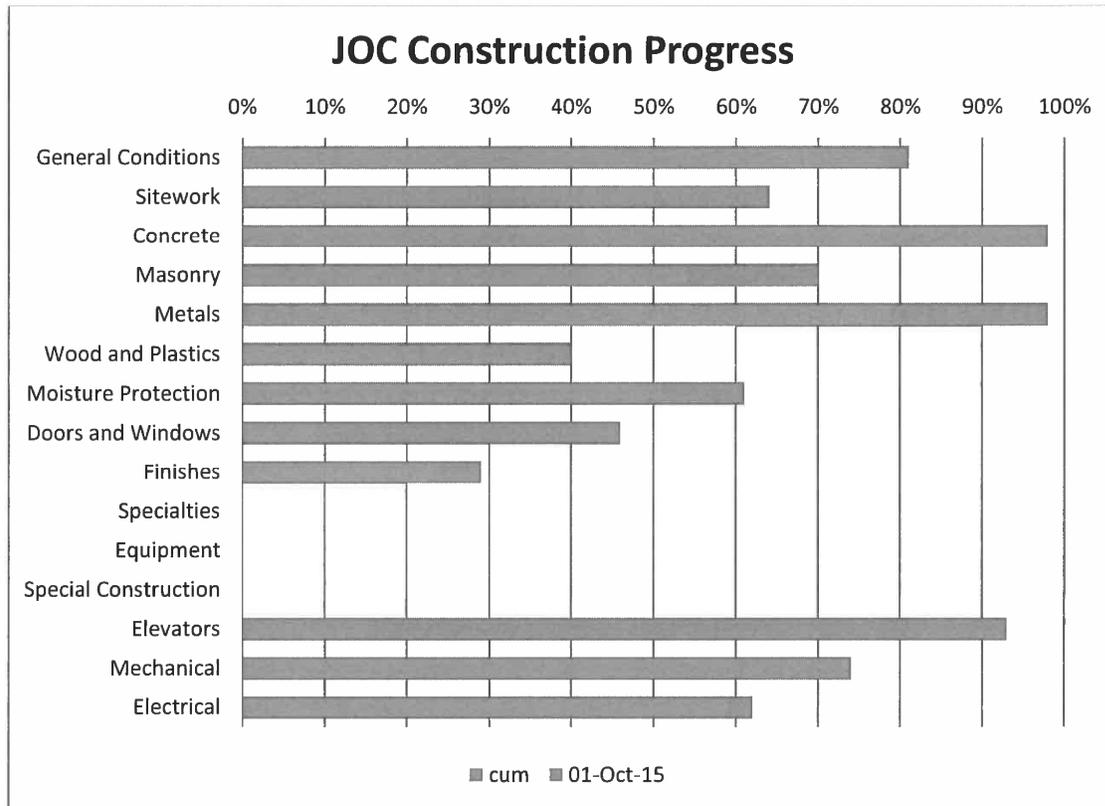
Milestone	Estimated Completion Date
Site Works	Aug/14 to Dec/15
Office Building	
Foundations	Mar 2015
Basic Structure	May 2015
Building Water Tight	July 2015
Exterior Cladding	Sept 2015
Mechanical/electrical	July 2015
Interior Finishes	Dec 2015
Garage Areas	
Foundations	April 2015
Basic Structure	Jun 2015
Exterior Envelope	Aug 2015
Interior Finishes	Oct 2015
Final Commissioning and Closeout	Feb 2016
Move in activities	March 2016

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Report No. IES15-068

The following figure provides a summary of progress to date based on construction components:



Financial and Schedule Update

The project remains on schedule and on budget.

Financial Monitoring Task Force Meeting

The Financial Monitoring Task Force met on November 2, 2015 to review financial activities. Pending project changes that are being contemplated were presented and will be detailed in future financial reports. They are summarized as follows:

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Report No. IES15-068

Item	Reason	Estimated Savings
Change in green roof implementation	An opportunity was identified to either have the green roof installed by staff and or a combination of staff and volunteer youth and community members such as the Aurora Arboretum to create a community connection to the facility.	\$50,300
Deletion of pylon sign	This item was identified as an option and staff recommend reallocating these funds to higher value elements of the project at this time.	\$60,000
Landscaping	Landscaping savings can occur through having this work completed by staff as part of an ongoing maintenance program for the facility.	\$76,125
Wire storage cages	These items will be provided outside the contract.	\$43,000
Parking area asphalt east and south of Salt Dome	Soil conditions were known to be challenging on this site. Issues with consolidation of soils to the east and south of the salt dome make it more cost effective to delay any paving in these areas to avoid additional costs related to soil remediation. The type of soils in this area will consolidate over time and it is recommended that paving be considered at a future date once the soils are left to consolidate.	\$489,600
Total opportunities		\$719,025

LINK TO STRATEGIC PLAN

The above projects support the Strategic Plan goal of **supporting an exceptional quality of life for all** through their accomplishment in satisfying requirements in the following key objectives within this goal statement:

Investing in sustainable infrastructure: By using new technologies and energy and environmentally conscious design and building practices.

Encouraging an active and healthy lifestyle: Through new services and facilities focused on youth needs.

Strengthening the fabric of our community: Through new and better formats to engage the community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

None.

FINANCIAL IMPLICATIONS

The financial approvals and commitments are presented for each project in the following sections. These figures are excluding HST.

Community Space for Youth at the Aurora Family Leisure Complex:

There is no new information to report on the financial position of this project.

November 17, 2015

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Report No. IES15-068

Joint Operations Centre:

Funding approvals and commitments for the Joint Operations Centre are summarized in the following table as based on Council recommendations from the August 12, 2014 Meeting.

Approved Funding and Contract Commitments

Construction and Related Costs:	Base Financial	Summary Financials to Date
Buttcon Limited Contract Award (excluding optional items)	17,004,000	17,004,000
Approved Buttcon Change Orders to Date		990,161
Non-refundable taxes (1.76%)	299,270	299,270
Fees for One Space Architects Unlimited	954,084	1,049,284
Third Party Engineering		68,600
FF&E and Internal IT costs	125,000	125,000
Third party testing services (soils, concrete, building envelope)	150,000	150,000
Project Management Services		129,800
Permit and related		142,800
Utilities connection fees		76,500
Pre-Selected Office Partitions		315,000
Contemplated Scope changes as noted in above table		(719,025)
Subtotal	18,532,354	19,631,390
Contingency Allowance	1,853,235	754,199
Project Construction Budget	20,385,589	20,385,589

Contract Change Log

Change Order Group 1 added to contract value (Report No. IES15-001)	653,632
Change Order Group 2 added to contract value (Report No. IES15-010)	93,000
Change Order Group 3 added to contract value (Report No. IES15-023)	100,048
Change Order Group 4 added to contract value (Report No. IES15-032)	nil
Change Order Group 5 added to contract value (Report No. IES15-037)	31,343
Change Order Group 6 added to contract value (Report No. IES15-039)	-175,449.24
Change Order Group 7 added to contract value (Report No. IES15-053)	nil
Change Order Group 8 added to contract value (Report No. IES15-058)	nil
Subtotal	702,574
Soil conditions (various locations within committed areas)	211,228
#24 Salt dome subbase increase	5,088
#25 Delete water meter	(575)
#26 Delete parapet wall railing	(4,000)
#27 Power supply modification to compressor	1,124
#28 Additional Mira board application	6,470
#29 HVAC unit gas connection modifications	5,654
#30 Stair 1 and 2 railing modifications	1,124
#31 Delete select lighting in workshop area	(8,967)
#32 CCTV power and data	9,097
#35 Generator Shore Power	2,028
#36 #40 Future fueling station coordination	9,200
#37 elevator breaker modifications	966
#38 Supply Douglas Fir in lieu of unavailable barn materials	10,350
#41 electrical power feed for pole mounted camera	860

November 17, 2015

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Report No. IES15-068

#42 Cross bracing modifications at GL-1	6,925
#43 Revise shelf angle detail as shear wall	5,872
#44 Overhead door connection detail	22,390
#45 Masonry lintels at door 42 and 47	2,753
Change Order Group 9 added to contract value	287,587
Total Change Order value to date	990,161

Funding Sources Summary:

Source	Approved Funding Budget	Received to Date: Oct. 31, 2015
Development Charges	\$11,932,404	\$3,730,200
Sale of Municipal Lands	8,453,185	1,276,600
Interim Line of Credit (LOC)		9,370,000
Internal awaiting LOC draw.		
Total	\$20,385,589	\$14,376,800

Project Costs Paid to October 31, 2015	\$14,376,800
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CONCLUSIONS

This report is provided to Council as an ongoing communication on the progress of the following two facilities projects; 1) Addition of the youth centre to the AFLC, 2) New Joint Operations Centre.

PREVIOUS REPORTS

Infrastructure and Environmental Services

1. January 18, 2011, IES11-002 – Award of RFP No. IES2010-73-Architectural Consulting Services for a New Operations Centre
2. March 20, 2012, IES12-012 – Town of Aurora Joint Operations Centre
3. April 3, 2012, IES12-017 – Town of Aurora Joint Operations Centre
4. July 17, 2012, IES12-039 – Town of Aurora Joint Operations Centre Site Selection
5. September 18, 2012, CFS12-032 – Follow-up Information: Funding Sources for New Joint Operations Centre Capital Project
6. October 2, 2012, IES12-052 – Town of Aurora Joint Operations Centre
7. October 23, 2012, IES Memo 09-12 – Cost Information for Leadership in Energy and Environmental Design for New Construction (LEED NC)
8. May 21, 2013, IES13-031 – Joint Operations Centre Status and Snow Disposal Site Consideration

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9. July 16, 2013, CFS13-023 – Capital Financing of Youth Centre and Operations Centre Capital Projects
10. January 7, 2014- IES14-001 JOC Pre-tender scope and budget approval
11. February 18, 2014- IES14-009 Facility Project Status Report
12. April 15, 2014- IES14-024 Facility Project Status Report
13. May 20, 2014 – IES14-027 Facility Status Report
14. June 17, 2014 – IES14-032 Facility Status Report
15. July 29, 2014 – IES14-041 Facility Status Report
16. September 16, 2014 – IES14-052 Facility Status Report
17. December 9, 2014 – IES14-057 Facility Status Report
18. January 13, 2015 – IES15-001 Facility Status Report
19. February 17, 2015 – IES15-010 Facility Status Report
20. March 24, 2015 – IES15-023 Facility Status Report
21. April 21, 2015 – IES15-032 Facility Status Report
22. May 19, 2015 – IES15-037 Facility Status Report
23. June 16, 2015 – IES15-039 Facility Status Report
24. September 22, 2015 – IES15-053 Facility Status Report
25. September 22, 2015 – IES15-055 JOC Pre-Selected Furniture Purchase
26. October 20, 2015 – IES15-058 Facility Status Report

ATTACHMENTS

N/A

November 17, 2015

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Report No. IES15-068

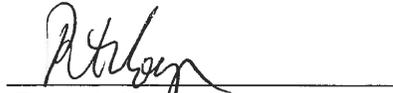
PRE-SUBMISSION REVIEW

Executive Leadership Team meeting of November 5, 2015

Prepared by: Ilmar Simanovskis, Director Infrastructure and Environmental Services, Ext. 4371



**Ilmar Simanovskis
Director, Infrastructure &
Environmental Services**



**Patrick Moyle
Interim Chief Administrative Officer**



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-066**

SUBJECT: *Supply of Alternative De-icer*

FROM: *Ilmar Simanovskis, Director of Infrastructure and Environmental Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. IES15-066 be received; and

THAT tender IES15-67 for the supply of Thawrox be awarded to Sifto Compass Minerals Canada Corporation in the value of \$260,000 plus taxes per year for a contract period of two years starting January 1, 2016; and

THAT the Mayor and Town Clerk be authorized to execute the necessary Agreement, including any and all documents and ancillary agreements required to give effect to same.

PURPOSE OF THE REPORT

The purpose of this report is to award Tender No. IES15-67 to Sifto Compass Minerals Canada for the supply and delivery of a bulk alternative de-icer (Thawrox) in accordance with the Town's Procurement By-law.

BACKGROUND

The Town uses a combination of rock salt and brine pre-wetting to manage snow and ice. This approach involves the application of liquid brine to the dry salt at the time of application to the road. Pre-treated salt products have been in use for several years and are proving to be a better method for the following reasons:

- Avoids use of liquid brine in the application process which is proving to be more damaging to equipment than initially expected
- Simplifies the application process by eliminating one treatment step
- Pre-treated material has been demonstrated to adhere to the road better, last longer, and work at colder temperatures resulting in the need for up to 30 percent less material required
- Less corrosive on vehicles and equipment

It is for these reasons that the Town is proceeding to change materials from plain rock

November 17, 2015

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Report No. IES15-066

salt to pre-treated salt. The brand currently available on the market is Thawrox.

COMMENTS

Bid Opening

Tender IES15-67 was issued on the open market and a total of 14 companies picked up the tender documents. On October 13, 2015 the Tender Opening Committee received 5 bids, 2 bids were disqualified. The lowest compliant bidder for this tender was Sifto Compass Minerals Canada Corporation. Estimated quantities were provided in the bid documents and contract unit pricing was applied.

Table 1

Bidder	Total Bid
Sifto Compass Minerals Canada Corporation	\$389,080.00
Draglam Salt Inc.	\$425,250.00
ECO-Solutions	\$430,000.00

The low bidder is a company that the Town has used in previous years for salt supply and they have provided satisfactory service.

LINK TO STRATEGIC PLAN

This project supports the ***Strategic Plan Goal of Supporting an Exceptional Quality of Life for All*** by improving transportation, mobility and connectivity. This project establishes a program that enhances the accessibility and safety of vehicular and pedestrian traffic during the winter season.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

Thawrox is an alternative to the current practice of using a combination of untreated rock salt and liquid brine. Should a treated salt product not be preferred, the Town would revert to the current practice.

FINANCIAL IMPLICATIONS

The 2016 annual operating budget for snow management materials is \$260,000.

Cost comparison of rock salt vs. Thawrox

Thawrox is approximately 20 percent more expensive than rock salt based on the comparison of our current rock salt contract and the results of the above tender.

November 17, 2015

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Report No. IES15-066

Thawrox application rates are expected to be as much as 30 percent less than untreated rock salt. As well, there will be savings due to eliminating the brine application. This will result in a marginal cost reduction for salt application compared to current practices on our primary roads.

Adjustments to the 2016 operating budget are not proposed at this time but rather will be monitored and reported in 2016 once the financial impact of using Thawrox can be verified.

CONCLUSIONS

It is recommended that the contract for the supply of Thawrox be awarded to Sifto Compass Minerals Canada Corporation for an annual amount not to exceed \$260,000 plus taxes a year, for a contract period of two years starting January 1, 2016.

PREVIOUS REPORTS

IES15-057 Winter Maintenance Performance Report

ATTACHMENTS

None

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting of November 5, 2015.

Prepared by: Ilmar Simanovskis, - Ext. 4371


Ilmar Simanovskis
**Director, Infrastructure &
Environmental Services**


Patrick Moyle
Interim Chief Administrative Officer



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. IES15-067**

SUBJECT: *Purchase Order Increase to Purchase Water Meters for 2C*

FROM: *Ilmar Simanovskis, Director of Infrastructure and Environmental Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. IES15-067 be received; and

THAT the purchase order for the supply of water meters from Wamco Municipal Products Inc. be increased by \$133,000 to a revised amount of \$270,000, excluding taxes; and

THAT the budget for water meter supply expenses be increased by \$120,000 and that the revenue for water meter sales be increased by \$138,000, be approved.

PURPOSE OF THE REPORT

To increase the purchase order to purchase water meters from Wamco Municipal Products Inc. for the sale and installation into new homes primarily in the 2C area.

BACKGROUND

During the construction of new homes, the builder is required to purchase and install new meters from the Town as a condition of turning on the water supply. The Town provides the meters at cost plus a 15 percent administration fee. The benefit of providing this service is to ensure that the proper meter is installed and that meter data is entered into the financial systems correctly for billing purposes.

COMMENTS

Additional water meters are required for 2016 due to the rapid building activity in 2C.

The annual expense and revenue forecast for water meter sales was \$150,000 for 2016 based on expected home occupancy rates. However, sales have been higher than anticipated resulting in the need to purchase more water meters than anticipated. As this program is revenue neutral, there will be an increase in sales revenues equal to the

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Report No. IES15-067

cost of the meter plus an additional 15 percent administration charge. This program therefore has no negative impact on the net operating budget.

LINK TO STRATEGIC PLAN

Objective 2: Invest in sustainable infrastructure

Maintain and expand infrastructure to support forecasted population growth through technology.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

Each builder could be required to purchase water meters directly from the supplier based on Town specifications. This option could create billing and meter recording issues if staff are not informed of meter installations in a timely manner.

FINANCIAL IMPLICATIONS

The 2015 annual operating budget for water meters is \$150,000. An additional \$120,000 is being requested to a revised budget of \$270,000 for the remainder of 2015. Funding will come from the revenue collected through the sale of water meters.

Table 1 Operating Materials

Approved Budget 2015 – Water Meters – Materials	\$150,000
Less Approved 2015 PO #396 for Water Meters	\$137,000
Remaining funding	\$13,000
Increase PO #396 for water meters until December 31, 2015	\$120,000
Additional Funding Required	\$120,000
Revised Budget 2015 – Water Meters - Materials	\$270,000

CONCLUSIONS

Water meters for new homes are provided to the builder through the Town. Fees are charged to the builder for these meters and result in a net surplus to the Town based on fee plus administration charges.

It is recommended that the purchase order for Wamco Municipal Products Inc., be increased by \$133,000 to a revised upper limit of \$270,000 excluding taxes, to purchase water meters, and that the budget expenses be increased by \$120,000 and revenues increased by \$138,000 .

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Report No. IES15-067

PREVIOUS REPORTS

N/A

ATTACHMENTS

N/A

PRE-SUBMISSION REVIEW

Executive Leadership Team meeting of November 5, 2015.

Prepared by: Ilmar Simanovskis- Ext. 4371



***Ilmar Simanovskis
Director, Infrastructure &
Environmental Services***



***Patrick Moyle
Interim Chief Administrative Officer***



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. PR15-036**

SUBJECT: *Purchase Order Increase for Street Tree Pruning and Removal*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. PR15-036 be received; and

THAT Purchase Order 2014000002 (Weller Tree Services Ltd.) be increased by \$70,000.00, excluding taxes; and

THAT the option to renew the Arboriculture Services contract be exercised for the third and final year of the Contract ending December 31, 2016.

PURPOSE OF THE REPORT

The purpose of this report is to increase Purchase Order 2014000002 for the on-going street tree pruning and removal for the balance of the current contract with Weller Tree Service which expires on December 31, 2016.

BACKGROUND

Staff issued a Request for Quotation in the fall of 2013 for the provision of various contracted arboriculture services including the following requirements:

- Emergency tree removal;
- General tree removal;
- Removal of tree stumps; and
- Pruning of trees.

These services are required to supplement the needs of the Parks and Recreation Services Department's ongoing forestry maintenance program.

RFQ #PRS2013-90 was released on November 5, 2013 for a one-year term and included an option to renew the Agreement for two additional one-year periods.

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Report No. PR15-036

The RFQ was structured as a unit price quotation for each of the various service requirements and was awarded to the lowest compliant bidder, Weller Tree Services Ltd., effective January 1, 2014 through to December 31, 2014.

Based on the good performance of the contractor and their very competitive rates, the Town exercised the second year contract renewal (2015) Option and is recommending a further renewal of the contract for 2016. The three-year contract will expire on December 31, 2016.

In previous years, the average annual expenditure for multi-year contracted arboriculture services was approximately \$25,000.00 per year and funds were allocated to the Parks and Recreation Services budget in the Parks General Operating Fund in Account 1-407302-5087 Arboriculture Contract.

The RFQ process was deemed satisfactory as the total estimated expenditure of approximately \$25,000.00 per year, over a three-year period, totaling \$75,000.00 would not exceed the RFQ limit as defined in the Procurement By-law where any expenditure greater than \$100,000.00 must be tendered and approved by Council.

2012/13 Ice Storm and Emerald Ash Borer Resulted in Additional Tree Removal & Pruning Requirements

Two major events resulted in the need for additional contracted services required to supplement the needs of the Town of Aurora's Forestry Maintenance Operations. The ice storm was a significant event resulting in staff reacting to the many downed trees and broken limbs. As a result, our contract service provider was heavily utilized in the clean-up effort from the beginning of the event and for many months following the event.

The second significant event was the Emerald Ash Borer (EAB) outbreak which also placed additional demands on the Town of Aurora's resources and our contract service providers have been deployed, once again, to supplement the Town's Forestry Operations staff in the removal of deceased ash trees.

The major effects of these situations have impacted the operation in late 2014 and throughout 2015.

COMMENTS

While the Parks and Recreation Services staff conducts a large part of the Urban Forest Maintenance Operation, it is necessary to supplement the operation with contract services for more specialized equipment and resources, specifically for our larger trees and emergency-related arboriculture needs.

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Report No. PR15-036

Contract Arboriculture Services are funded in both the Parks and Recreation Services Operating Budget and the annual Parks and Recreation Services capital budget.

All EAB contracted works are funded from Capital while all other forestry-related contract works are funded in the Parks Operational budget.

It is expected that EAB-related contract tree removal work will peak within the next 12 to 18 months then level off significantly such that the work should return to pre ice storm and EAB levels resulting in more stability in the annual expenditures.

LINK TO STRATEGIC PLAN

The Purchase Order increase for Contract Arboriculture Services supports the Strategic Plan goal of ***Supporting Environmental Stewardship and Sustainability for all*** through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Encouraging the stewardship of Aurora's natural resources: Assess the merits of measuring the Town's natural capital assets.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. At present there are no alternatives to contracting out Arboricultural Services in order to supplement our in-house Forestry Maintenance Operations as this is required to maintain a minimum service level and the safety of our urban forest canopy through routine and emergency operations.
2. Council could approve a limited amount of funding in the amount of \$25,000.00 if available in the EAB Capital account to complete the remaining work for 2015 only and direct staff not to exercise the optional third and final year of the contract with Weller Tree Services Ltd. and further direct staff to re-tender the work in 2016; however, staff do not see a great deal of merit in this option in view of the time and resources involved in this process with potential for minimal or no savings or efficiencies being realized.
3. Further Options as required.

FINANCIAL IMPLICATIONS

The costs for this contract are obtained through both the Operating and Capital Budgets and will be allocated to Operating Account Number 1-4-07302-5087 and Emerald Ash Borer Capital Account Number 2-4-73160-5059.

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Report No. PR15-036

It is important to note that the aforementioned accounts contain funds for other forestry-related works and that the contracted Arboriculture Services is one of several services that draw from these accounts.

In order to complete the remainder of the contract arboriculture work scheduled to occur and to remain within compliance with the Procurement By-Law, it will be necessary to approve the lump sum estimated additional expenditure of \$70,000.00 outlined in detail in the following table:

2014-2016 CONTRACT ARBORICULTURAL SERVICES EXPENSES TABLE

<i>FUNDING SOURCE</i>	<i>PLANNED YEAR TO BE EXPENDED</i>	<i>AMOUNT EXPENDED TO DATE</i>	<i>FORECAST ESTIMATED FUNDING REQUIRED TO COMPLETE 2015 /16 WORK</i>	<i>CURRENT AVAILABLE BUDGET</i>	<i>TOTAL AMOUNT SPENT OVER THE TERM OF THE CONTRACT</i>
<i>CAPITAL</i>	<i>2014</i>	<i>\$10,500.00</i>	<i>NA</i>	<i>NA</i>	<i>\$74,500.00</i>
<i>OPERATING</i>	<i>2014</i>	<i>\$64,900.00</i>	<i>NA</i>	<i>NA</i>	
<i>CAPITAL</i>	<i>2015</i>	<i>\$12,100.00</i>	<i>\$25,000.00</i>	<i>\$25,000.00</i>	<i>\$50,475.00</i>
<i>OPERATING</i>	<i>2015</i>	<i>\$25,475.00</i>	<i>\$0</i>	<i>\$37,732.00</i>	
<i>CAPITAL</i>	<i>2016</i>	<i>\$0</i>	<i>\$25,000.00</i>	<i>25,000.00</i>	<i>\$45,000.00</i>
<i>OPERATING</i>	<i>2016</i>	<i>\$0</i>	<i>\$20,000.00</i>	<i>\$20,000.00</i>	
			<u><i>\$70,000.00</i></u>	<i>\$107,732.00</i>	<u><i>\$169,975.00</i></u>

CONCLUSIONS

It is recommended that Purchase Order 2014000002 (Weller Tree Services Ltd.) be increased by \$70,000.00, excluding taxes, and that the option to renew the Arboriculture contract with Weller Tree Service Ltd. be exercised for the third and final year.

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Report No. PR15-036

PREVIOUS REPORTS

None.

ATTACHMENTS

None.

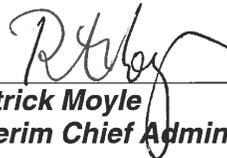
PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, November 5, 2015.

Prepared by: Jim Tree, Parks Manager- Ext. 3222



Allan D. Downey
Director of Parks and Recreation



Patrick Moyle
Interim Chief Administrative Officer



**TOWN OF AURORA
GENERAL COMMITTEE REPORT No. PR15-037**

SUBJECT: *Culture & Recreation Grant Bi-Annual Allocation for September 2015*

FROM: *Allan D. Downey, Director of Parks and Recreation Services*

DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. PR15-037 be received for information.

PURPOSE OF THE REPORT

To report on allocated funds in the amount of \$2,000.00 from the Parks and Recreation Services Culture and Recreation Grant Fund.

BACKGROUND

Staff presented report PR11-021 to General Committee on May 31, 2011. This report outlined the framework for a Grant policy that would form the basis of a new Community and Cultural Grant Policy which was approved by Council on June 7th, 2011.

Staff subsequently presented report PR11-033 to General Committee on August 16, 2011. This report approved the allocation of \$25,000.00 from existing sources in the Operating Budget each year in support of this fund.

COMMENTS

As per the Culture and Recreation Policy, applications are processed on a bi-annual basis, first in March and again in September of each calendar year.

Staff received a total of two applications which were processed using the criteria set out in the Policy. These applications were approved totalling \$2,000.00, as follows:

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Report No. PR15-037

Organization / Individual	\$ Requested	Reason for Grant	ELIGIBILITY CRITERIA FOR GROUPS		
			1) Must be Non-profit and/or charitable organizations	ii) Must serve the residents of Aurora.	iii) Represent Aurora provincially, nationally or internationally
Marquee Theatrical Productions	\$1,000.00	to offset the operating costs of their summer camp program	Yes	Yes (75%)	No
Holy Forty Martyrs of Sebaste - Romanian Orthodox Church	\$1,000.00	Every March, our community celebrates the "Hram" orthodox religious holiday). The religious celebration is followed by a gathering that promotes cultural values, traditional food and customs. This year the event took place at the Aurora Seniors Centre.	Yes	Yes (75%)	No
\$2,000.00					

LINK TO STRATEGIC PLAN

The allocation of funds for the Culture and Recreation Grant supports the Strategic Plan goal of **Supporting an Exceptional Quality of Life for All** through its accomplishment in satisfying requirements in the following key objectives within this goal statement:

Expand opportunities and partnerships that contribute to the celebration of culture in the community.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

No alternatives.

FINANCIAL IMPLICATIONS

Each calendar year \$25,000.00 is allocated to the Culture and Recreation Fund.

A total of \$8,402.84 was allocated in March 2015 with \$2,000.00 being allocated in September 2015 leaving a remaining total of \$14,597.16.

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Report No. PR15-037

CONCLUSIONS

Staff recommend the allocation of funds as noted above.

PREVIOUS REPORTS

PR12-019–Culture and Recreation Grant Bi-Annual Allocation for March 2012 June 5, 2012

PR12-034 – Culture and Recreation Grant Bi-Annual Allocation for September 2012 October 16, 2012

PR13-027 – Culture and Recreation Grant Bi-Annual Allocation for March 2013 June 4, 2013

PR13-047 – Culture and Recreation Grant Bi-Annual Allocation for September 2013 November 5, 2013

PR14-023 – Culture and Recreation Grant Bi-Annual Allocation for March 2014 June 3, 2014

PR15-015 – Culture and Recreation Grant Bi-Annual Allocation for March 2015 June 2, 2015

ATTACHMENTS

None.

PRE-SUBMISSION REVIEW

Executive Leadership Team Meeting, Thursday, November 5, 2015.

Prepared by: Marianna Saavedra, Administrative Assistant - Extension 4753



Allan D. Downey
Director of Parks and Recreation Services



Patrick Moyle
Interim Chief Administrative Officer



TOWN OF AURORA
GENERAL COMMITTEE REPORT **No. PR15-038**

SUBJECT: *Aurora Seniors Centre Operating Agreement Renewal 2016 - 2021*
FROM: *Allan D. Downey, Director of Parks and Recreation Services*
DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. PR15-038 be received; and

THAT the Amended Operating Agreement between the Aurora Seniors Association and the Town of Aurora be approved; and

THAT the Mayor and Town Clerk be authorized to execute the Operating Agreement Renewal 2016-2021 with the Aurora Seniors Association including any and all documents and ancillary agreements required to give effect to same.

PURPOSE OF THE REPORT

To enter into a new Operating Agreement with the Aurora Seniors Association (ASA).

BACKGROUND

The ASA entered into an Operating Agreement on January 1, 2006. The term of the previous agreement was 10 years. The existing Agreement expires on December 31st, 2015. Staff have been meeting with representatives from the ASA commencing in the Spring of 2015 and have reached this tentative agreement.

COMMENTS

The new and previous Agreements have not been altered except for the following:

- 1. HOURS OF OPERATION** - the start time has changed from a 9:00 a.m. start time to an 8:30 a.m. start time and Wednesday closure extended to 5:00 p.m.
- 2. PAYMENT TO THE TOWN** - ASA User Fees payable to the Town of Aurora are now identified as a fixed fee indexed for a 2% increase, each year for the

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Report No. PR15-038

2. **PAYMENT TO THE TOWN** - ASA User Fees payable to the Town of Aurora are now identified as a fixed fee indexed for a 2% increase, each year for the next five years. The fixed fee represents approximately 20% of the Operating Costs of the Parks and Recreation budget for the Seniors Centre and provides cost certainty for budgeting purposes.

LINK TO STRATEGIC PLAN

The renewal of the Operating Agreement for the Aurora Seniors Association supports the Strategic Plan goal of *Supporting an Exceptional Quality of Life for all* through its accomplishment in satisfying requirements in the following key objectives within this goal statement of *Strengthening the fabric of our Community*.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

1. Council can amend any of the clauses in order to address any Council concerns.
2. Further options as required.

FINANCIAL IMPLICATIONS

Annual Membership fees paid to the Town of Aurora from 2012-2020:

2012 – \$37,500	2016 - \$42,900.00
2013 – \$36,500	2017 - \$43,758.00
2014 – \$36,500	2018 - \$44,633.00
2015 – \$31,756 (to-date)	2019 - \$45,525.00
	2020 - \$46,436.00

CONCLUSIONS

The ASA and the Town of Aurora have jointly benefitted from the previous agreement and staff recommend Council enter into this amended agreement in order to continue our good working relationship with the ASA.

PREVIOUS REPORTS

LS06-029 Seniors Operating Agreement, July 11, 2006
PR11-015 Aurora Seniors Centre Operating Agreement Renewal 2011-2016, April 19, 2011

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Report No. PR15-038

ATTACHMENTS

Attachment #1 – Aurora Seniors Centre Operating Agreement Renewal 2016 - 2021

PRE-SUBMISSION REVIEW

CAO Review only.

Prepared by: Allan D. Downey, Director of Parks and Recreation-Ext. 4752



Allan D. Downey
Director of Parks and Recreation



Patrick Moyle
Interim Chief Administrative Officer

THIS AGREEMENT entered into on November 4, 2015

B E T W E E N:

THE CORPORATION OF THE TOWN OF AURORA
(the "Town")

-and-

AURORA SENIORS ASSOCIATION
(the "ASA")

RECITALS:

WHEREAS the Town constructed and owns a building intended to operate as a Seniors' Centre on the Town's lands located immediately south of the Town Hall lands, legally described as Part of Lot 81, Con. 1 (EYS), designated as Parts 1, 6 and 16, 65R-13645, Town of Aurora, Regional Municipality of York (formerly in the geographic Township of Whitchurch), municipally known as 90 John West Way Aurora, Ontario (hereinafter the "Centre");

AND WHEREAS the primary purpose of the Centre is as an activity centre for the ASA;

AND WHEREAS the parties acknowledge and support the important and extensive role that the ASA members play, in conjunction with Town staff, in the efficient and effective operation of the Centre;

AND WHEREAS the Town and the ASA wish to set out their mutual responsibilities and obligations in relation to the ASA's presence in the operation of the Centre;

NOW THEREFORE in consideration of the mutual covenants, promises and provisions hereinafter contained other good and valuable consideration and payment of the sum as listed in section 5 below by ASA to the Town, the receipt and sufficiency of which is acknowledged.

THE PARTIES AGREE:

1. USE OF THE CENTRE

- (a) The Town hereby agrees to encourage and support the active participation of ASA members in the Centre operations.
- (b) The parties hereby acknowledge that the ASA is the principal user and has exclusive use of the workshop, billiards room, the ASA office, storage rooms, reading room, games room, lounge and computer room located at the Centre.

- (c) The ASA acknowledges that the Town has overall authority and responsibility for managing the ASA's use of the Centre and co-ordinating use by the ASA and third parties.
- (d) Within the agreed upon hours of use of the Centre by the ASA hereinafter provided and, so long as the ASA program room schedules do not conflict, the Town is entitled to rent to third parties, for periods of time not exceeding twenty four (24) months to any particular third party, those parts of the Centre which are not for the ASA's exclusive use. All revenues from such rentals and use by third parties shall be paid to the Town.
- (e) The ASA may not provide or assign their allocated hours and/or space at the Centre to any other individual or organization without the Town's prior written consent.
- (f) The Town acknowledges that as the ASA's membership increases, demand for programs may increase. In that event, the Town hereby agrees that the ASA shall have priority over use of space and hours at the Centre by third parties.
- (g) The ASA agrees to aid in the efforts of the Town to rent space at the Centre to third parties by allowing, where possible in the sole discretion of the ASA, some changes in the ASA planned program schedules.
- (h) Notwithstanding the above, in the event that the Town is required to activate or set up its Emergency Operations Centre further to invoking its Emergency Plan or any training thereunder, the Town shall have sole and exclusive use of the entire Centre for any duration of time it so requires for such purposes. Provided that if the use requirement is for training purposes, the Town shall provide reasonable notice to the ASA of such requirement.

2. TERM AND TERMINATION

- (a) The Term of this Agreement shall be five (5) years from January 1, 2016 to January 1, 2021, subject to two (2) further five (5) year renewals on the same terms and conditions, except that in the case of a renewal the payments to the Town as required under section 5(b) herein shall be negotiated and mutually agreed.
- (b) This Agreement may be terminated by either party upon sixty (60) days' written notice. Upon termination, the ASA shall remove all of its furnishings and equipment at its expense.
- (c) This Agreement may be terminated by the Town, without notice, if:
 - (i) the ASA declares bankruptcy;
 - (ii) a receiver is appointed on account of the insolvency of the ASA or in respect of any of the ASA's its property;

- (iii) the ASA makes a general assignment for the benefit of creditors;
- (iv) the ASA fails to comply with any of the terms of this Agreement after having received written notice from the Town requesting compliance;
- (v) a circumstance(s) or event(s) transpires of such a serious nature as, in the sole discretion and determination of the Town, requires and warrants the termination of this Agreement;
- (vi) upon termination by the Town in any of the aforementioned events noted as subsections (i), (ii), (iii), (iv), or (v) herein, the ASA shall remove all of its furnishings and equipment at its expense.

3. HOURS OF OPERATION

- (a) Subject to statutory holiday closure, the ASA shall be entitled to use of the Centre on a weekly basis as follows:

Monday:	8:30 a.m. to 5:00 p.m.
Tuesday:	8:30 a.m. to 9:00 p.m.
Wednesday:	8:30 a.m. to 5:00 p.m.
Thursday:	8:30 a.m. to 5:00 p.m.
Friday:	8:30 a.m. to 11:30 p.m.

- (b) Upon agreement between the parties, the ASA shall be entitled to use of the Centre on an extended hourly basis for mutually agreeable dates and times as so determined by the Town, in order to accommodate the needs of the ASA membership.
- (c) During the term and any renewal hereof, consideration shall be given by the Town to having the Centre open during statutory holidays or periods thereof for use by the ASA, without Recreation program staff support.

4. OPERATING COSTS

- (a) Use of the Centre by the ASA is free of all property taxes, overheads and other charges not specifically mentioned herein.
- (b) The Town shall provide and pay the monthly costs for telephone service to the Centre's reception, the ASA office and Town staff offices, exclusive of all long distance charges incurred by the ASA office which shall be paid by the ASA.

5. PAYMENTS TO THE TOWN

- (a) The Town has the discretion to apply any monies paid to the Town by the ASA for the Centre in any fashion or manner as determined by the Town.

- (b) The ASA agrees to take the following actions to assist in minimizing the operating costs of the Centre to the Town:
 - (i) provide substantial volunteer assistance to the Town's Seniors Co-ordinator by ASA members to assist in minimizing increased staffing for the Centre;
 - (ii) ASA agrees to pay the Town user fees as follows, such fees shall be payable to the Town on a quarterly basis. The Parties hereto agree each with the other to user fees as follows, subject to council direction and the services being provided by the Town under this agreement not increasing:
 - 2016 - \$42,900.00,
 - 2017 - \$43,758.00,
 - 2018 - \$44,633.00,
 - 2019 - \$45,525.00,
 - 2020 - \$46,436.00;
 - (iii) Take responsibility for maintaining and replacing the ASA's furnishings and equipment located at the Centre.

6. TOWN/ASA PROGRAMS

- (a) Programs with outside instructors, traditionally arranged by the Town, shall continue to be provided by the Town, with all revenues therefrom going to the Town. These programs shall either be proposed by the Town or the ASA.
- (b) The foregoing does not preclude the ASA from arranging instruction to ASA members by persons volunteering their time to the ASA.
- (c) Travel and/or theatre trips by ASA members and guests are to be managed by the Town and any/all revenues therefrom are to be paid to the Town.

7. ASA FUNDS

- (a) Financial Statements of the ASA, including details regarding all accounts, shall be made available on an annual basis to the Town. The Town shall provide to the ASA, upon their request, information in relation to the annual costs of operating the Centre and the approved budget for the Centre.

8. INSURANCE

- (a) The ASA shall maintain the following insurance policies at their sole expense:

- i. Professional Indemnity insurance, otherwise known as "Directors and Officers" liability insurance with a minimum liability of One Million Dollars (\$1,000,000.00);
 - ii. Commercial General Liability Insurance with a provision for cross liability in the amount of Two Million Dollars (\$2,000,000.00) with the Town being named as an additional named insured on the policy;
 - iii. Contents Insurance with sufficient coverage to adequately cover the replacement of all of the ASA's assets on an All Risks basis.
- (b) Upon the execution of this Agreement, the ASA shall provide the Town with a certificate of the said insurance policies indicating proof of coverage as set out above. The certificate shall indicate that the policies contain a clause adding the Town as an additional named insured with a provision for cross liability.

The certificate shall indicate that the policy will not be cancelled or changed without first giving the Town thirty (30) days prior written notice.

Such insurance shall provide coverage for any and all claims arising from the ASA's liquor license and the operation, staffing and stocking of the bar at the Centre. The Town, as owner and operator of the Centre shall be responsible for defending against claims of personal injury from users of the Centre, specifically ASA members and their guests.

- (c) The ASA acknowledges and agrees that in order for the above liability coverage to be extended to the Town, all ASA activities held internal and external to the Centre shall be organized, led, and supervised by an ASA volunteer or member who has been approved by the Town's Seniors Co-ordinator as being experienced and responsible for such a role.
- (d) With respect to property loss and/or damages, all furnishings and equipment owned by the Town and located in the Centre shall be the responsibility of the Town to insure. Any furnishings and equipment owned by the ASA shall be the responsibility of the ASA to insure against loss and damage and the Town shall bear no liability in this regard, subject to damage or loss to the Centre or portion thereof arising from fire, flood, theft, break and enter and third party property damages.

9. FURNISHINGS AND EQUIPMENT

- (a) All fixtures, lighting, heating and air conditioning, Town administrative and custodial staff office/storage and multi-purpose room furnishings and equipment, washrooms, floor and window coverings and major kitchen appliances at the Centre shall be owned, provided, maintained and replaced by the Town.
- (b) The ASA may only add fixtures and fittings to enhance the Centre with the written permission of the Town, such fixtures and fittings becoming the property of the

Town with the exception of such items listed in Appendix "A" of this Agreement (e.g. two gas stoves, the outdoor BBQ and Woodshop dust control systems).

- (c) All other furnishings and equipment located at the Centre, as set out in Appendix "A" attached hereto and forming part of this Agreement, are the sole property of and in the ownership of the ASA and shall not be removed from the Centre without the ASA's approval.

10. TRAINING PROGRAMS

- (a) The ASA shall co-operate in a Town-operated program to provide training to its members for the safe use of equipment in the workshop room located in the Centre and further shall co-operate with the Town's Seniors Co-ordinator to ensure that access to the equipment is limited to trained and pre-qualified ASA members only. The selection of ASA supervisors for the workshop will be subject to the approval Town staff.
- (b) Any member utilizing the Centre's kitchen facilities shall be required by the ASA to participate in a Food Safety Handling course, with written test, or similar, to provide training to its members for the health protection and promotion of food to be stored, prepared and served at the Centre and must comply with all laws, regulations, orders, guidelines and other regulations of any governmental or other jurisdictional body.

11. LIQUOR LICENCE

- (a) The ASA currently holds a valid liquor license and the ASA agrees, on request from the Town, if terms acceptable to the ASA can be arranged, to stock, staff and operate a bar with Smart Serve trained volunteer ASA members for any third party rentals, as the ASA would for their own functions, and the ASA is entitled to retain any/all proceeds therefrom for its own use.
- (b) All persons serving alcohol for or on behalf of the ASA shall have successfully passed the Smart Serve training and certification and it shall be the responsibility of the ASA to ensure that all persons serving alcohol ~~receive~~ are sufficiently trained.
- (c) The ASA recognizes and acknowledges that in obtaining a liquor license, staffing and operating the bar, they are thereby incurring potential liability for which the ASA's insurance policy shall provide coverage.

12. ACCESS TO THE CENTRE

- (a) Within the agreed hours for the ASA use, access to the Centre will normally be granted to all ASA members free of charge by the Town.
- (b) Guests who have purchased tickets for ASA events and activities are permitted access to the Centre.

- (c) Within the agreed hours of the ASA use of the Centre, any person over the age of fifty-five (55) years, who does not wish to be an ASA member or is not a potential ASA member wishing to have a trial period consisting of three (3) visits, may access the Centre on a daily basis subject to the following:
 - (i) Signing in and being issued a guest pass including signing the Town's liability waiver (guest passes do not apply to previous ASA members at any time);
 - (ii) Payment of a Four Dollar (\$4.00) daily access fee by non-ASA members; and
 - (iii) Payment to the Town of any applicable course fees for Town-operated programs and/or payment to the ASA of the daily activity fee for any ASA-operated activities in which a person partakes.

- (d) The Town shall have the right to bar any person from access to the Centre for various reasons including disruptive or harmful behaviour as well as those reasons as set out in the Town's Policy and Procedure regarding use of Town facilities, including but not limited to:
 - (i) recurrent use of foul language;
 - (ii) abuse of alcohol or use of non-prescription drugs;
 - (iii) theft;
 - (iv) wilful damage to property;
 - (v) physical and verbal abuse or threat thereof with or without the use of weapons;
 - (vi) racial intolerance; and
 - (vii) failure to sign liability waivers designed to protect either the Town or in the case of the ASA, its Board Members, officers or volunteers.

- (e) The ASA's Board of Directors shall be consulted and shall be permitted to have input in the case of all investigations of allegations of such behaviour, as well as proposed actions by the Town, which would affect members of the ASA. Persons barred from the Centre by the Town will automatically lose their membership in the ASA.

13. SMOKE-FREE FACILITY

- (a) The ASA acknowledges that the Centre is designated as a smoke-free facility and that any/all fines levied for smoking at the Centre during use by the ASA shall be paid by the ASA.

14. ACCESS TO ASA MEMBER'S PERSONAL INFORMATION

- (a) The ASA shall have a privacy policy covering the collection, use and retention of personal information about its members. This policy shall specifically allow the Centre's Town administrative staff access to such ASA member personal

information. Such information shall not be shared with staff in other Town departments without specific written consent from the ASA member.

15. MONTHLY NEWSLETTER

- (a) The Town shall publish a monthly Seniors Newsletter setting out information about the Centre, including information in relation to scheduled activities and programs which are available at the Centre.

16. ADDRESS FOR NOTICE OF SERVICE

- (a) Any notice required to be given or served on either party under this Agreement must be in writing and delivered personally, electronically, by facsimile transmission or by prepaid registered mail, addressed to the Town or the ASA respectively as set out below. Service of notice is effective on the next business day following the date of personal delivery, electronic delivery and facsimile transmission or, in the case of a registered letter, on the third business day following the date of mailing.

(b)

AURORA SENIORS ASSOCIATION

90 John West Way, P.O. Box 1000
Aurora, Ontario, L4G 6J1
Attention: President
Fax No.: 905-727-7484
Email address: auroraseniors@rogers.com

THE CORPORATION OF THE TOWN OF AURORA

100 John West Way, P.O. Box 1000
Aurora, Ontario, L4G 6J1
Attention: Director of Parks and Recreation Services
Fax No.: 905-726-4734
Email address: adowney@aurora.ca

17. GENERAL

- (a) This Agreement is governed by the laws of Ontario and the applicable laws of Canada.
- (b) This Agreement constitutes the entire agreement between the parties pertaining to the subject matter of this Agreement and supersedes any and all agreements, undertakings, negotiations and discussions, whether oral or written, pertaining to the subject matter of this Agreement.

- (c) This Agreement shall enure to the benefit of and be binding upon the heirs, administrators, executors, successors and assigns of the parties hereto.
- (d) This Agreement shall not be assigned by the ASA without the prior written consent of the Town.
- (e) Words importing the masculine gender shall include all gender definitions and the singular shall include the plural where the meaning or context so requires.
- (f) If one or more of the phrases, sentences, clauses, sub-clauses or paragraphs contained in this Agreement shall be declared invalid by the order, decree or judgment of any court of competent jurisdiction, this Agreement shall be construed as if such phrase(s), sentence(s), clause(s), sub-clause(s), or paragraph(s) had not been inserted.
- (g) This Agreement may be changed only by a written amendment signed and sealed by the authorized representatives of both parties.

This Agreement is effective on the 1st day of January, 2016.

**THE CORPORATION OF THE TOWN OF
AURORA**

Per:

Name: Geoffrey Dawe
Title: Mayor

Per:

Name: Stephen Huycke
Title: Town Clerk

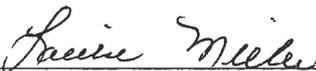
THE AURORA SENIORS ASSOCIATION

Per:



Name: Jim Abram
Title: President

Per:



Name: Louise Miller
Title: Treasurer

 **TOWN OF AURORA
GENERAL COMMITTEE REPORT No. PL15-085**

SUBJECT: *Delegated Development Agreements, 2015 Summary Report*
FROM: *Marco Ramunno, Director of Planning & Development Services*
DATE: *November 17, 2015*

RECOMMENDATIONS

THAT Report No. PL15-085 be received for information.

PURPOSE OF THE REPORT

The purpose of this report is to provide Council with a summary report of Development Agreements that have been processed by the Planning Department based on Council's Delegated Approval Bylaw 5540-13.

BACKGROUND

On February 22, 1995 Council enacted Bylaw 3604-95.1 designating portions of the Town as site plan control areas. The Site Plan Control Bylaw has been further amended since that time including Bylaw 4933.07.P which granted delegated approval authority to the Director of Planning & Development Services. Delegated approval applies to agreements which, in the opinion of the Director are considered to be minor in nature, and amendments to existing agreements where the terms and plans remained substantially unaltered.

The Planning Act allows Committees of Adjustment, in granting minor variances or consents, to impose terms or conditions to the approval, and can require the owner to enter into one or more agreements with the municipality to fulfill the terms and conditions set out in its decision. As such, on July 16, 2013 Council approved Bylaw 5540-13 granting Delegated Approval Authority to the Director of Planning & Development Services to approve and execute Simplified Development Agreements, Oak Ridges Moraine Agreements, and other minor development agreements required by the conditional approval of the Committee of Adjustment. The provisions of that Bylaw also provides that the Director present a summary report on a semi-annual basis of all simplified development agreements entered into by the Town.

November 17, 2015

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Report No. PL15-085

COMMENTS

The following is a listing of Committee of Adjustment conditional approvals requiring Simplified Development Agreements for both Minor Variance and Consent Applications:

File and Name	Status	Description of Application	Agreement Date
40 Ridge Road MV-2015-16 (Bauer-Wang)	Final	To permit the construction of a 55.7 m ² attached garage and driveway extension	Agreement executed on August 20, 2015
2 Woodsend Place MV-2015-05A-B (McArther)	Final	To permit construction of new 834m ² single detached dwelling	Agreement executed on October 28, 2015

LINK TO STRATEGIC PLAN

Supporting small business and encouraging a more sustainable business environment: By providing a more streamlined administrative approvals process for simplified agreements and reporting to Council on a regular basis on the numbers and status of these agreements.

ALTERNATIVE(S) TO THE RECOMMENDATIONS

None.

FINANCIAL IMPLICATIONS

None.

PREVIOUS REPORTS

General Committee Report PL12-001 dated June 18, 2013; and
General Committee Report PL15-053 dated July 14, 2015.

CONCLUSIONS

Pursuant to Delegation Bylaw No. 5540-13 staff have provided a summary report of the two (2) Development Agreements that have been executed by the Director of Planning & Development Services since July 2015.

ATTACHMENTS

None.

November 17, 2015

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Report No. PL15-085

PRE-SUBMISSION REVIEW

Executive Leadership Team – November 5, 2015.

Prepared by: Glen Letman, Manager of Development Planning, Ext. 4346.



**Marco Ramunno, M.C.I.P., R.P.P.
Director of Planning & Development
Services**



**Patrick Moyle
Interim Chief Administrative Officer**

Moved by Councillor Mrakas
Seconded by Councillor Twinney

a) THAT Central York Fire Services - Joint Council Committee Minutes of April 7, 2015 be approved.

Carried

Items

2. Joint Central York Fire Services and Corporate Services Report - Financial Services 2015-34 dated April 23, 2015 regarding 2014 Central York Fire Services Budget Report - Fourth Quarter.

The Fire Chief advised that Central York Fire Services did not exceed budget limitations for the fiscal year 2014 and the Director of Financial Services reported a surplus of \$22,000 which was placed in reserves.

Moved by Councillor Twinney
Seconded by Councillor Mrakas

a) THAT Joint CYFS/Corporate Services Report - Financial Services 2015-34 dated April 23, 2015 regarding the 2014 CYFS Budget Report - Fourth Quarter be received for information purposes.

Carried

3. Fire Services Report 2015-05 dated May 13, 2015 regarding Staffing.

The Fire Chief discussed the role of the Assistant Deputy Chief position. He advised that it will take the management team from three to four staff and will increase the capacity and continuity of the management team. The position cost is similar to a union position as there are no overtime costs associated with a management position and is not subject to other benefits afforded to Association members. The Chief further advised that the Assistant Deputy Chief role would take over the training division oversight, emergency management planning and training and assist with the implementation of the 24 hour shift trial including tracking of attendance, training and other metrics required during the trial.

Moved by Councillor Mrakas
Seconded by Councillor Twinney

a) THAT Fire Services Report 2015-05 Training Division Staffing, dated 2015-05-13 be received for information purposes;

i) AND THAT Central York Fire Services (CYFS) proceed with hiring an Assistant Deputy Chief as recommended by the Fire Chief and supported through the Fire Department Master Plan Update.

Carried

New Business

- a) The Acting Chief Administrative Officer – Aurora provided an update regarding potential sites with respect to a new fire station. He advised that in consultation with the Fire Chief and an architect, five sites have been examined and narrowed to two. A status report will be provided by the end of summer, 2015 and will include land values and site capability details. He further advised that Aurora Council will need to approve the sole source; however it will fall well within the budget.
- b) Councillor Mrakas queried the status of the correspondence sent to Council of the Town of Richmond Hill regarding the feasibility of consolidation of fire services. The Deputy Clerk advised she would follow up with staff in Richmond Hill and provide an update.

Closed Session

There was no requirement for Closed Session.

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Mrakas

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 10:19 a.m.

Oct 24/15
Date

[Signature]
Councillor Abel, Chair

Declarations of Pecuniary Interest

None.

Items

1. Land Acquisition/Fire Station Requirements Discussion.

Moved by: Councillor Twinney
Seconded by: Councillor Hempen

- a) THAT the discussion regarding fire station requirements be brought forth for consideration.

Carried

The Fire Chief provided an overview of an earlier report that was distributed to CYFS – JCC members whereby direction was specified with respect to land acquisition to allow for inclusion of a training facility, administration etc. within a new station. He advised that staff from the Town of Aurora met with the architect to determine land requirements and the Town of Aurora Council reconsidered their decision of an all-encompassing facility and approved a fire suppression station only.

The Acting Chief Administrative Officer, Aurora provided an overview of Aurora Council's direction and advised that Thomas Brown Architects were selected to review site requirements. He advised that a Closed Session meeting was held on June 9, 2015 whereby identification of land that could be secured and held for 90 days was discussed. He further advised that Town of Aurora Council directed that land not be secured and that site dimension be reduced to one acre from the approximate four to five acres originally sought.

Carried

Closed Session

Moved by: Councillor Mrakas
Seconded by: Councillor Twinney

- a) THAT the CYFS – Joint Council Committee resolve into a Closed Session for the purpose of discussing a proposed acquisition of land by the Municipality as per the Municipal Act, Section 239 (2) (c).

The Committee resolved into Closed Session at 9:41 a.m.

Moved by: Councillor Mrakas
Seconded by: Councillor Twinney

THAT the CYFS – Joint Council Committee recess.

Carried

The Committee recessed at 9:45 a.m.

Moved by Councillor Thompson
Seconded by Councillor Mrakas

THAT the CYFS – Joint Council Committee reconvene.

Carried

The Committee reconvened at 9:56 a.m. in Closed Session.

The CYFS – Joint Council Committee (Closed Session) Minutes are recorded under separate cover.

The Committee resumed into Public Session at 10:58 a.m.

Moved by: Councillor Mrakas
Seconded by: Councillor Thompson

THAT the next meeting of Central York Fire Services – Joint Council Committee be scheduled for any time after August 18, 2015 to review the results of the direction to staff provided at the Joint Council Committee (Closed Session) Special Meeting held on July 21, 2015.

Carried

2. Fire Services Report 2015-07 dated July 15, 2015 regarding CYFS Fire Station Development.

Moved by: Councillor Thompson
Seconded by: Councillor Mrakas

THAT Fire Services Report 2015-07 dated July 15, 2015 regarding CYFS Fire Station Development be deferred.

Carried

3. Correspondence dated June 10, 2015 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution of June 9, 2015 – Fire Station.

Moved by: Councillor Mrakas
Seconded by: Councillor Hempen

a) THAT the correspondence dated June 10, 2015 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution of June 9, 2015 – Fire Station be received. .

Carried

Adjournment

Moved by: Councillor Sponga
Seconded by: Councillor Mrakas

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 11:03 a.m.

Sept 8/15
Date

J. Abel
Councillor Abel, Chair

THAT staff be directed to report back to JCC with regards to the potential purchase of any lands that would be available for suppression/training/administration or any variation thereof.

Approval of Minutes

1. Central York Fire Services - Joint Council Committee Minutes of June 2, 2015, July 21, 2015 and (Closed Session) of July 21, 2015.

Moved by: Councillor Mrakas
Seconded by: Councillor Thompson

THAT the Central York Fire Services - Joint Council Committee Minutes of June 2, 2015, July 21, 2015 and (Closed Session) of July 21, 2015 be approved.

Carried

Items

2. Correspondence dated August 13, 2015 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution – Reconsideration of Decision Pertaining to Potential Acquisition of Land for a new Central York Fire Services Station.

Moved by: Councillor Mrakas
Seconded by: Councillor Thompson

THAT the correspondence dated August 13, 2015 from Mr. Stephen M.A. Huycke, Town Clerk, Town of Aurora regarding Council Resolution – Reconsideration of Decision Pertaining to Potential Acquisition of Land for a new Central York Fire Services Station be received.

Carried

3. Joint Central York Fire Services and Corporate Services Report – Financial Services 2015-40 dated August 17, 2015 regarding 2015 Central York Fire Services Budget Report – Second Quarter.

The Director of Financial Services advised that he is anticipating a surplus for 2015 which be transferred to the CYFS Reserve Fund.

Moved by: Councillor Thompson
Seconded by: Councillor Mrakas

- a) THAT Joint CYFS/Corporate Services Report – Financial Services 2015-40 dated August 17, 2015 regarding the 2015 CYFS Budget Report – Second Quarter be received for information purposes.

Carried

4. Fire Services Report 2015-07 dated July 15, 2015 regarding CYFS Fire Station Development.

Moved by: Councillor Mrakas
Seconded by: Councillor Thompson

- a) THAT Fire Services Report 2015-07 dated July 15, 2015, CYFS Fire Station Development be received for information purposes;
- i) AND THAT the recent decision on the new fire station by Aurora Council attached hereto be received.

Carried

Moved by: Councillor Mrakas
Seconded by: Councillor Thompson

THAT Recommendation ii) of the above referenced Fire Services Report 2015-07 dated July 15, 2015 regarding CYFS Fire Station Development be tabled.

Carried

Closed Session

Moved by: Councillor Sponga
Seconded by: Councillor Thompson

THAT the CYFS - Joint Council Committee resolve into a Closed Session for the purpose of discussing potential acquisition of land per Section 239 (2) (c) of the Municipal Act, 2001.

Carried

The Committee resolved into Closed Session at 9:45 a.m.

The CYFS - Joint Council Committee (Closed Session) Minutes are recorded under separate cover.

The Committee resumed into Public Session at 10:46 a.m.

The Chair advised that Item 7 of the CYFS-JCC agenda of September 8, 2015 considered in Closed Session being a Memorandum from the Director of Legal and Legislative Services/Town Solicitor, Town of Aurora was received for information.

Recommendation ii) of Fire Services Report 2015-07 which was tabled earlier in the meeting was brought forward for consideration.

Moved by: Councillor Thompson
Seconded by: Councillor Mrakas

THAT staff proceed with the site assessment process and acquisition for the new fire station as directed by the Joint Council Committee in Closed Session.

Carried

New Business

None.

Adjournment

Moved by: Councillor Mrakas
Seconded by: Councillor Thompson

THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 10:48 a.m.

Date

Oct 13/15


Councillor Abel, Chair



MINUTES

CYFS - JCC

Tuesday, October 13, 2015 at 1:00 PM

Town of Aurora – Tannery Room
1 Municipal Drive

The meeting of the Central York Fire Services – Joint Council Committee was held on Tuesday, October 13, 2015 in Town of Aurora - Tannery Room, 1 Municipal Drive, Aurora.

- Members Present:
- Aurora: Councillor Abel
Councillor Mrakas (1:01 to 3:02 p.m.)
Councillor Thompson
 - Newmarket: Councillor Hempen
Councillor Twinney
- Regrets:
- Newmarket: Councillor Sponga
- Staff Present:
- Aurora: P. Moyle, Acting CAO
A. Downey, Director of Recreation
D. Elliott, Director of Financial Services
W. Mar, Director of Legal & Legislative Services
 - Newmarket: R. N. Shelton, CAO
M. Mayes, Director of Financial Services
L. Georgeff, Director of Human Resources
L. Lyons, Deputy Clerk
 - CYFS: I. Laing, Fire Chief
R. Comeau, Deputy Fire Chief
- Guests:
- Mayor G. Dawe, Town of Aurora
 - Regional Councillor & Deputy Mayor Taylor, Town of Newmarket
 - P. Macintosh, Tom Brown Architects

The meeting was called to order at 1:01 p.m.

Councillor Abel in the Chair.

Open Forum

None.

Additions & Corrections to the Agenda

Moved by Councillor Thompson
Seconded by Councillor Mrakas

- a) THAT the addendum items as listed be included on the agenda.

Carried

Declaration of Pecuniary Interest

None.

Approval of Minutes

1. Central York Fire Services - Joint Council Committee Minutes of September 8, 2015.

Moved by Councillor Mrakas
Seconded by Councillor Thompson

- a) THAT the Central York Fire Services - Joint Council Committee Minutes and (Closed Session) Minutes of September 8, 2015 be approved.

Carried

Items

2. Joint Central York Fire Services and Corporate Services Report - Financial Services 2015-45 dated September 22, 2015 regarding the Draft 2016 Central York Fire Services Operating and Capital Budgets.

Discussion ensued regarding the proposed 3.8% increase attributed to salary and benefits. The Director of Corporate and Financial Services/Treasurer, Aurora advised that the proposed increase is in line with the Town of Aurora's budget. Further discussion ensued regarding proposed capital expenditures, the budget driver for overtime as well as age and replacement of vehicles.

Moved by Councillor Mrakas
Seconded by Councillor Twinney

a) THAT Joint CYFS/Corporate Services Report - Financial Services 2015-45 dated September 22, 2015 regarding the Draft 2016 Central York Fire Services Operating be received and the following recommendations be adopted:

i) THAT the Joint Council Committee, in consultation with the Fire Chief, review the attached proposed 2016 draft operating and capital budget proposals and make revisions, if required, to formulate a recommendation;

ii) AND THAT the resulting recommendation for the draft 2016 CYFS operating and capital budgets be submitted to the Municipal Council of Aurora for comment in compliance with paragraph 6.2 of the Consolidated Fire and Emergency Services Agreement.

Carried

3. Corporate Services Report - Financial Services 2015-46 dated September 22, 2015 regarding Central York Fire Services Reserve Fund.

Moved by Councillor Thompson
Seconded by Councillor Hempen

a) THAT Corporate Services Report - Financial Services 2015-46 dated September 22, 2015 regarding Central York Fire Services Reserve Fund be received and the following recommendations be adopted:

i) THAT JCC set a target level for the CYFS Reserve Fund as proposed in this report;

ii) AND THAT any 2015 CYFS operating surplus be allocated back to each municipality based on their budgeted allocation percentage;

iii) AND THAT JCC recommend that the Councils of each municipality waive the requirements specified in Schedule D of the Fire/Emergency Services Agreement between the Town of Aurora and the Town of Newmarket dated November 1, 2001, in this one instance.

Carried

Closed Session

Moved by: Councillor Mrakas
Seconded by: Councillor Thompson

a) THAT the CYFS – Joint Council Committee resolve into a Closed Session for the purpose of discussing a proposed acquisition of land by the Municipality as per the Municipal Act, Section 239 (2) (c).

Carried

The Committee resolved into Closed Session at 1:40 p.m.

The CYFS – Joint Council Committee (Closed Session) Minutes are recorded under separate cover.

The Committee resumed into Public Session at 3:03 p.m.

The Chair advised that Item 5 of the agenda, being a verbal report from the Director of Human Resources with respect to Labour Relations was not required.

Moved by Councillor Twinney
Seconded by Councillor Hempen

a) THAT the direction provided to staff in Closed Session related to a proposed acquisition of land by the municipality as per Section 239 (2) (c) of the Municipal Act, 2001 be approved.

Carried

4. Joint Human Resources/Fire Services Information Report 2015-13 dated September 30, 2015 regarding Labour Relations.

The Director of Human Resources provided a verbal update regarding Joint Human Resources/Fire Services Information Report 2015-13 dated September 30, 2015. Discussion ensued regarding a 24 hour shift model.

Moved by Councillor Thompson
Seconded by Councillor Mrakas

a) THAT Joint Human Resource/Fire Services Information Report 2015-13 dated September 30, 2015 regarding Labour Relations be received.

Carried

5. Central York Fire Services Report 2015-08 dated October 7, 2015 regarding Fire Station 4-5 Considerations.

Moved by Councillor Thompson
Seconded by Councillor Twinney

- a) THAT Central York Fire Services Report 2015-08 dated October 7, 2015, Fire Station 4-5 Considerations be deferred to a future meeting.

Carried

New Business

None.

Adjournment

Moved by Councillor Twinney
Seconded by Councillor Hempen

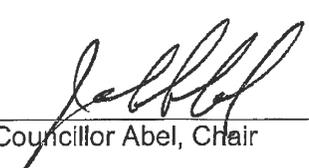
THAT the meeting adjourn.

Carried

There being no further business, the meeting adjourned at 3:08 p.m.

Date

Nov 3/15


Councillor Abel, Chair



NOTICE OF MOTION

Councillor John Abel

Date: November 17, 2015
To: Mayor and Members of Council
From: Councillor Abel
Re: Deployment of Light Armoured Vehicle (LAV) at the Aurora Cenotaph

WHEREAS Aurora Council recently approved up to \$15,000 for a concrete pad to permanently mount a decommissioned military Light Armoured Vehicle (LAV) at the Aurora Cenotaph; and

WHEREAS this decision was made without the benefit of public engagement; and

WHEREAS the public has since learning of the decision, contacted Members of Council via email, letters, and letters to the Editor, to voice their concerns; and

WHEREAS the Aurora Cenotaph, like many cenotaphs throughout the province, the country, and the world is about a unique, stately and poignant monument to recognize and honour those who have sacrificed and suffered in defending our country; and

WHEREAS the LAV is not a work of art, but a purpose built machine; and

WHEREAS upon second reflection, the LAV may be more suitably mounted and displayed in another location in Town;

NOW THEREFORE BE IT HEREBY RESOLVED THAT Council reconsider this recent decision; and

BE IT FURTHER RESOLVED THAT Council direct staff to report back for Council's consideration options for locations for the display of the LAV.



NOTICE OF MOTION

Councillor John Abel

Date: November 17, 2015
To: Mayor and Members of Council
From: Councillor Abel
Re: Regional GO Transit Shuttle

WHEREAS the Aurora GO station has a commuter parking building and surface lot, and those facilities are full almost every business day; and

WHEREAS GO Transit commuters often park at the Town Park and on local residential streets; and

WHEREAS the Town wants to restrict GO Transit commuter parking at the Town Park; and

WHEREAS the number of cars in the very congested Wellington Corridor around the GO station will likely increase; and

WHEREAS commuters should be encouraged to use Transit to get to the GO station and refrain from driving their cars to eliminate traffic congestion and greenhouse gas emissions; and

WHEREAS the Province of Ontario has recently announced an increase in Provincial Gas Tax contributions to municipalities exclusively for transit initiatives, with the Region of York receiving an additional \$15 million; and

WHEREAS the Region of York is responsible for providing transit within the Town of Aurora;

NOW THEREFORE BE IT HEREBY RESOLVED THAT the Region of York ("the Region") be requested to use the increased provincial funding to develop and implement a pilot rapid, dedicated, intensified, innovative GO Station Shuttle Service, to encourage residents to use Public Transit to travel to and from the GO Station; and

BE IT FURTHER RESOLVED THAT the Region be requested to consult with the Town of Aurora on the development of the pilot GO Station Shuttle Service; and

BE IT FURTHER RESOLVED THAT Metrolinx be requested to discourage commuters from driving to the Aurora Go Station by charging a nominal parking fee, and that

November 17, 2015

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Notice of Motion
Regional GO Transit Shuttle

revenue from the parking fees be used to fund the rapid, dedicated, intensified, innovative GO Station Shuttle Service; and

BE IT FURTHER RESOLVED THAT the Region be requested to support the Town's request that Metrolinx implement a nominal parking fee for the Aurora GO Station, and that the revenue from the parking fees be used to fund the rapid, dedicated, intensified, innovative GO Station Shuttle Service.



NOTICE OF MOTION	Councillor John Abel
-------------------------	-----------------------------

Date: November 17, 2015
To: Mayor and Members of Council
From: Councillor Abel
Re: Temperance Street Cultural Precinct

WHEREAS the Aurora Promenade Urban Design Strategy sets out eight overarching strategies highlighting key aspects that will shape the future of the Aurora Promenade; and

WHEREAS these strategies are important “big moves” that will help achieve long-term planning and urban design objectives; and

WHEREAS the establishment of a Cultural Precinct(s) is identified within the Aurora Promenade Concept Plan as a priority action and one of the key strategies for the revitalization of the downtown core; and

WHEREAS the Cultural Precinct Study approved by Council in September 2015 is a specific area bounded on the east side of Yonge Street, and

WHEREAS there is an area, bounded by Yonge Street to the east, Mill Street to the west, Wellington Street to the north, and Tyler Street to the south, with many significant Historic buildings and buildings of Heritage value which could be considered the Cultural Precinct West or the "Temperance Street Cultural Precinct" and could benefit from a study for the same reasons;

NOW THEREFORE BE IT HEREBY RESOLVED THAT staff be directed to conduct a Request for Proposal ("RFP") to engage a design firm to establish a Vision and Conceptual Plan for the Temperance Street Cultural Precinct area; and

BE IT FURTHER RESOLVED THAT the final report and conceptual plan for the Temperance Street Cultural Precinct area be presented to Council for consideration in the first quarter of 2016; and

BE IT FURTHER RESOLVED THAT upon completion of the RFP process, staff report back on the outcomes and any required budget consideration.