



POLICY REPORT URBAN STRUCTURE

Report Date: May 2, 2011
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VanRIMS No.: 08-2000-20
Meeting Date: May 17, 2011

TO: Vancouver City Council
FROM: Director of Planning
SUBJECT: Amendment to Protection of Trees By-law

RECOMMENDATION

THAT Council approve amendments to the Emergency Removal Provisions of the Protection of Trees By-law No. 9958, generally as presented in Appendix A;

FURTHER THAT the Director of Legal Services be instructed to bring forward the necessary by-law, generally in accordance with Appendix A, for enactment.

GENERAL MANAGER'S COMMENTS

The General Manager of Community Services RECOMMENDS approval of the foregoing.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

In December 2009, Council enacted the Protection of Trees By-law to provide for the retention, replacement and maintenance of trees on private property and to replace the former Private Property Tree By-law.

In February 2010 Council adopted the long term goals of the Greenest City Action Team's report entitled Vancouver 2020: A Bright Green Future. The report includes a goal to increase access to nature and, as part of the strategy to achieve this, a target to plant an additional 150,000 trees in the city (54,000 trees on private property) between 2010 and 2020.

DISCUSSION

This report recommends an amendment to the emergency removal provisions of the Protection of Trees By-law to strengthen enforcement abilities, as requested by the City Prosecutor. Improved enforcement will help to protect trees on private property and meet Council's environment and sustainability goals, including the Greenest City goal to enhancing access to nature through facilitating the planting of 54,000 new trees on private property.

The Protection of Trees By-law currently allows a property owner to remove a hazardous tree without having to first obtain a permit, enabling the owner to remove a tree quickly, before it causes damage. The By-law requires that the owner apply for a permit within 14 days of removing the tree. However, it has become apparent that this 14 day period provides a loophole for those who remove trees illegally (i.e. remove non-hazardous trees without a permit). They can wait to see if the removal is brought to the attention of the City. The site can be cleared of stumps and other evidence that would indicate whether or not the trees were in fact hazardous. If the City initiates enforcement action before the 14 days has expired the owner can then claim the trees were hazardous to avoid enforcement.

To close this loophole, staff propose that the time period to obtain a permit be reduced to 24 hours or the next business day. The shortened time frame would continue to allow for prompt removal of hazardous trees and provide reasonable opportunity to initiate the permit application process. This is not intended to be an onerous requirement or to discourage the removal of hazardous trees, rather it is intended to take away the opportunity to make a false claim about tree removal. It would also mean that enforcement for illegal tree removal could commence once 24 hours (or the next business day) have elapsed.

FINANCIAL IMPLICATIONS

There are no financial implications.

PERSONNEL IMPLICATIONS

There are no personnel implications.

CONCLUSION

The proposed amendment to the Protection of Trees By-law will better enable staff to enforce against the illegal removal of trees, while still providing an opportunity for hazardous trees to be removed quickly.

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DRAFT

BY-LAW NO. _____

**A By-law to amend Protection of Trees By-law No. 9958
regarding emergency removal provisions**

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

1. This By-law amends the indicated provisions of the Protection of Trees By-law.
2. In section 9.2, Council strikes, "within 14 days after the date of removal," and replaces it with, "within 24 hours of the date of removal or, in the case of a removal which takes place on a weekend or holiday, on the next business day after the date of removal,".
3. A decision by a court that any part of this By-law is illegal, void, or unenforceable severs that part from this By-law, and is not to affect the balance of this By-law.
4. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this _____ day of _____, 2011

Mayor

City Clerk