

EXPLANATION**Protection of Trees By-law amending By-law
Re: Miscellaneous text amendments**

On April 16, 2014, Council resolved to amend the Protection of Trees By-law to remove the provision allowing for removal of one tree per year, in order to protect the urban tree canopy and to make housekeeping amendments to clarify the responsibility of owners, contractors and other persons to comply with the By-law, in order to facilitate protection of trees on private property. Enactment of the attached By-law will implement Council's resolution.

Director of Legal Services
April 16, 2014

BY-LAW NO.

**A By-law to amend Protection of Trees By-law No. 9958
regarding miscellaneous text amendments**

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 1.2, Council:
 - a) adds, in the appropriate alphabetical order:

“ “required construction access” means the approved location of access to a construction site, for movement of equipment and materials, as determined by the Chief Building Official;”;

and
 - b) in the definition of “protection barrier”, at the end on paragraph c), strikes out “,”, and adds “or as otherwise approved by the Director of Planning,”.
3. In section 4, Council:
 - a) strikes out section 4.5;
 - b) renumbers sections 4.3 and 4.4 as 4.4 and 4.5;
 - c) after section 4.2, adds:

“Responsibility of Owner to Comply with By-law

4.3 1) An owner:

 - a) shall comply with this By-law;
 - b) shall ensure that all work is carried out in accordance with this By-law; and
 - c) may delegate the authority to apply for a permit on behalf of the owner, to an agent, in writing.

2) The issuance of a permit, the acceptance of plans and supporting documents submitted for a permit, or the making of inspections by the City of Vancouver shall not relieve the owner from the full responsibility for complying with this By-law.”;
 - d) in renumbered section 4.4, strikes out “applicant” and substitutes “owner or the agent on behalf of the owner”;

- e) in renumbered subsection 4.4 (b), strikes out “4.4, 4.5 or 4.6” and substitutes “4.5 or 4.6”;
- f) at the end of renumbered section 4.4, adds:
 - “(e) if the applicant is not the owner, confirmation in writing that the applicant is acting on behalf of the owner and as agent for the owner.”;
- g) in renumbered section 4.5, re names subsections (b), (c), (d), (e), (f), and (g) as (c), (d), (e), (f), (g) and (h) respectively;
- h) after subsection 4.5(a), adds:
 - “(b) the location of the tree is within the required construction access, as determined by the Chief Building Official;”
- i) strikes out renumbered subsection 4.5(d), and substitutes:
 - “(d) an arborist certifies that:
 - (i) the tree interferes with utility wires or required construction access, or
 - (ii) the tree is so close to utility wires or required construction access that it creates a hazard, and
 - (iii) pruning the tree to reduce the interference or hazard would weaken or mutilate the tree.”;
- j) after subsection 4.5(h), adds:
 - “(i) the conditions on the permit include the recommended construction practices to protect trees during and after construction that are contained in the arborist’s report referred to in section 7.2 of this By-law.”;
- k) in section 4.6, strikes out “sections 4.4 and 4.5” and substitutes “section 4.5”;
- l) in sections 4.7 and 4.8, after “tree permit holder”, adds “and the owner”; and
- m) in section 4.9 strikes out “a tree permit holder” and substitutes “a tree permit holder or an owner”, and in subsection 4.9(b) strikes out “the tree permit holder” and substitutes “the owner”.

4. In section 7, Council:

- a) in section 7.1, strikes out “applicant” and substitutes “the owner or the applicant on behalf of the owner,”;

- b) in section 7.2, strikes out “applicant” and substitutes “the owner or the applicant on behalf of the owner,”;
- c) in subsection 7.2(a), strikes out the words “proposed retention”;
- d) in subsection 7.2(e) strikes out “an undertaking from the arborist” and substitutes “an undertaking from the arborist and the owner”;
- e) strikes out section 7.5 and substitutes:
 - “7.5 The owner shall:
 - a) install a protection barrier for each retention tree located on the site, on adjacent property within two metres of any boundary of the site and on any street adjacent to the site, before demolition, excavation or construction begins on a site;
 - b) ensure that the protection barrier meets the requirements for a protection barrier in this By-law, throughout the course of demolition, excavation and construction on the site; and
 - c) maintain the protection barrier in good repair continuously throughout the course of demolition, excavation and construction on the site.”;
- f) renumbers sections 7.6, 7.7, 7.8, 7.9 and 7.10, as 7.7, 7.8, 7.9, 7.10 and 7.11;
- g) after section 7.5, adds:
 - “No construction without protection barrier**
 - 7.6 No person shall carry out demolition, excavation or construction on a site unless there are protection barriers in place as required by this By-law.”; and
- h) in renumbered section 7.8, strikes out “7.5” and substitutes “7.5 and 7.6”.

5. In section 11.1, Council strikes out “a tree permit holder” wherever it occurs and substitutes “a tree permit holder or an owner”.

6. 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.

7. This By-law is to come into force and take effect on the date of its enactment.

ENACTED by Council this day of , 2014

Mayor

City Clerk