The Corporation of the City of Richmond Hill

By-Law No. 47-25

A By-Law to regulate site alterations within
the City of Richmond Hill and to repeal By-law 166-07

Whereas Section 142 of the *Municipal Act,* 2001, S.O. 2001, c.25, as amended, authorizes local municipalities to pass by-laws prohibiting or regulating the placing or dumping of fill, the removal of topsoil and the alteration of the grade of land;

Now therefore the Council of The Corporation of the City of Richmond Hill Enacts as Follows:

1. That this By-law 47-25 be effective upon enactment and that By-law 166-07, as amended, be repealed.

Passed this 14th day of May, 2025.

David West
Mayor

Stephen M.A. Huycke
City Clerk

ARTICLE 1
DEFINTIONS

1.1 Short Title
This by-law may be referred to as the "Site Alteration By-law".

1.2 Definitions
In this by-law, the following words shall have the following meanings:

"Administrative Penalty By-law" means the Corporation's Administrative Penalty By-law No. 69-16, as amended or superseded, establishing a system of administrative penalties.

"Applicant" means the person who submits an application for a permit under this by-law.

"Application" means an application for a permit for site alteration.

"Arborist" means an expert in the care and maintenance of trees and includes at least one of the following:

a) an arborist qualified by the Ministry of Training, Colleges and Universities,
b) a certified arborist qualified by the Certification Board of the International Society of Arboriculture,
c) a consulting arborist registered with the American Society of Consulting Arborists,
d) an arborist with an applicable college diploma with a minimum of two (2) courses directly related to arboriculture plus a minimum of two (2) years of practical full-time experience in the arboriculture field,
e) an arborist with an applicable university degree with a minimum of four courses directly related to arboriculture plus a minimum of one (1) year of practical full-time experience in the arboriculture field,
f) or a person with other similar qualifications as approved by the Commissioner.

"Arborist Report" means a technical report prepared by an Arborist which:

a) identifies the surveyed location, common and scientific species name, tree protection zone (TPZ), diameter at breast height (DBH), height and condition of the tree, and
b) provides the justification for any proposed destruction of the tree, and/or provides justification and impacts for any proposed injury of the tree, and
c) describes tree protection measures or other mitigating activities to be implemented, and
d) includes a map of the subject property that clearly shows the location of each tree assessed in the arborist report, and
e) Where multiple trees are assessed in the arborist report, an inventory table should be included as part of the arborist report.

"Body of Water" means any brook, creek, stream, river, lake, pond, waterway, watercourse, canal, swale, wetland or other land area containing or capable of containing flowing or standing water.

"Boundary Tree" means a Tree whose trunk is growing on or crosses the property line between adjoining lands.

"Commissioner" means the person from time to time occupying the office of the Commissioner of Infrastructure and Engineering Services for the Corporation, or a successor office as the case may be.

"Commissioner of Planning and Building Services" means the person from time to time occupying ·the office of the Commissioner of Planning and Building Services for the Corporation, or a successor as the case may be.

"Commissioner of Corporate and Financial Services" means the person from time to time occupying ·the office of the Commissioner of Corporate and Financial Services for the Corporation, or a successor as the case may be.

"**Corporation**" means the Corporation of the City of Richmond Hill.

"Council" means the Council of the Corporation.

"Diameter at Breast Height (DBH)" means the diameter of the trunk of a tree at a point of measurement 1.4 meters above grade. DBH of multi-trunk trees shall be measured as indicated in Schedule "A" to this Chapter. Where a tree has been cut down and the remaining stump is less than 1.4 metres in height, the DBH shall be the extrapolated diameter at 1.4 metres above the ground as set out in Schedule "B" to this Chapter.

"Drainage" means the movement of stormwater, whether by way of the natural characteristics of the ground surface or by artificial means.

"Dump or Dumping" means the depositing of fill in a location other than the location from which the fill was obtained and includes the movement or depositing of fill from one location to another on the same land.

"Emergency Work" means work required to be done immediately in order to prevent imminent danger including Tree work necessary to mitigate risk due to natural events (i.e. storms, high winds, lightning), as well as Tree work associated with emergency infrastructure, utility and building repairs.

"Engineer" means a professional engineer currently licensed to practice in the Province of Ontario.

"Erosion" means the detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

"Fill" means any type of material deposited or placed on land and includes but is not limited to soil, earth, topsoil, stone, aggregate, asphalt, sod, turf, or any combination thereof.

"Good Arboricultural Practices" means the proper implementation of removal, renewal and maintenance activities known to be appropriate for an individual Tree to minimize detrimental impacts to the Tree.

"Greenbelt Area" means the area of land designated under section 2 of the *Greenbelt Act,* 2005, S.O. 2005, c.l, as amended.

"Greenbelt Plan" means the plan established under section 3 of the *Greenbelt Act*, 2005, S.O. 2005, c. I, as amended.

"Grade" at any point on a site means the elevation of the ground surface of the land; and

a) "existing grade" means the grade as it existed prior to any site alteration;
b) "finished grade" means the actual grade after a site alteration is completed; and
c) "proposed grade" means the grade proposed by an applicant for a Permit.

"Injure/Injury" means to harm, damage, impair or not protect a Tree in accordance with Good Arboricultural Practices and the Standards and Specifications , entirely or in part, and/or any acts which will harm a Tree's health or damage a Tree in any manner. Removal of more than 20% of the live tissue of a Tree within a twelve (12) month period or any encroachment into the Tree Protection Zone is considered an injury to a Tree.

"Inspector" means an individual appointed by the Commissioner for the administration and enforcement of this by-law.

"Municipal Act" means the *Municipal Act*, 2001, S .0. 2001, c.25, as amended.

"Municipal By-law Enforcement Officer" means an individual appointed for the purpose of enforcing the provisions of this by-law or all of the by-laws of the Corporation.

"Oak Ridges Moraine Area" means the area of land designated under section 2 of the *Oak Ridges Moraine Conservation Act*, 2001, S.O. 2001, c.31, as amended.

"Oak Ridges Moraine Conservation Plan" means the plan established under section 3 of the *Oak Ridges Moraine Conservation Act*, 2001, S.O. 2001, c.31, as amended.

"Owner" means:
a) the registered owner(s) of the site as shown in the records of the Land Registry Office; or
b) where the site is included in a description registered under the *Condominium Act*, 1998 S.O. 1998, c.19, as amended, the board of directors of the condominium corporation.

"Penalty Notice" means a notice given to a Person in relation to a contravention of this by-law issued pursuant to Part 4 of the City's Administrative Penalty By-law as amended.

"Permit" means a permit issued under this by-law.

"Permit Application Fee" means the prescribed fee as set out in the Corporation's current Tariff of Fees by law setting out fees and rates to be charged for services provided by the Corporation.

"Person" means an individual, corporation, partnership, executor, administrator of an estate or any other legal entity recognized by the laws of Ontario and Canada.

"Planning Act" means *the Planning Act,* R.S.O. 1990, c.P.13, as amended.

"Police Officer" means a police officer of the York Regional Police Force.

"Ponding" means the accumulation of surface water in an area not having adequate drainage therefrom where the lack of drainage is caused by the site alteration.

"Pool" means any body of water located outdoors on privately owned property, contained by artificial means in which the depth of water at any point can exceed 0.6 metres.

"Pruning" means the removal of a Tree branch or branches from a living Tree by cutting at a point outside the branch collar following Good Arboricultural Practices but does not include the removal of more than 20% of a Tree's live tissue in a twelve (12) month period, including but not limited to the leaf bearing crown, branches, trunk and roots. Pruning may be undertaken for the purposes of, providing clearance for utility lines, buildings, pedestrians, or vehicles or eliminating dead, hazardous or diseased wood.

"Retaining Wall" means a wall designed to contain and support fill which has a finished grade higher than that of abutting land.

"Shared Tree" means a Tree where a portion of the Tree Protection Zone crosses a property line.

"Site" means the land altered or proposed to be altered by means of a site alteration.

"Site Alteration" means:

a) the placement or dumping of fill on land;
b) the removal of topsoil from land;
c) the alteration of the grade of land by any means including the removal of vegetative cover, the compaction of soil or the creation of impervious surfaces, or the combination of any of the foregoing activities; or
d) the combination of any of the activities listed in (a) to (c).

"Site Alteration Documents" means documents required by this by-law and containing the information prescribed in Schedule "B" to this by-law.

"Standards and Specifications Manual" means the City's Standards and Specifications Manual as updated from time to time and available on the City's website.

"Swale" means a shallow depression in the ground sloping to a place of disposal of surface water for the purposes of providing a method of drainage of surface water.

"Topsoil" means those horizons in a soil profile, commonly known as the "O" and "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat.

"Tree" means any perennial woody plant, which has reached or can reach a height of at least 4.5 meters at physiological maturity.

"Tree Inventory and Preservation Plan (TIPP)" means a plan imposed as a condition of development or redevelopment approval pursuant to sections 41, 51, or 53 of the Planning Act or a plan approved pursuant to a Site Alteration Permit under this By-law, which determines Trees to be preserved through an assessment process which identifies trees, shrubs and other specific areas of natural habitat and their ecological function or importance and determines the impacts of any proposed development on the Trees, shrubs, and other specific areas of natural habitat and their ecological function or importance and such plan shall determine mitigation measures and measures to protect and manage Trees to be preserved (such measures not limited to protective barriers and/or hoarding) and proper practices to remove Trees to be destroyed.

"Tree Protection Zone (TPZ)" means an area surrounding a Tree that is designated for protection with the goal of minimizing the damage to the Tree's critical root system within which no activity is permitted to occur, including but not limited to grade changes, excavation, installation of hardscapes, and storage of materials, construction vehicles or tools.

"Watercourse" means a natural or man-made channel or swale in which a flow of water occurs, either continuously or intermittently.

ARTICLE 2
GENERAL PROHIBITIONS

2.1 Permit - required
No person shall cause, permit or perform a site alteration on land within the City without a permit issued under this by-law.

2.2 Oak Ridges Moraine Area - Restriction and Conformity
For lands within the Oak Ridges Moraine Area:

a) No site alteration is permitted if the Oak Ridges Moraine Conservation Plan prohibits site alteration on the said lands; and
b) Any application for a site alteration must comply with the requirements of the Oak Ridges Moraine Conservation Plan.

2.3 Greenbelt Area - Restriction and Conformity
For lands within the Greenbelt Area:

a) No site alteration is permitted if the Greenbelt Plan prohibits site alteration on the said lands; and
b) Any application for a site alteration must comply with the requirements of the Greenbelt Plan.

2.4 Permit - Conformity with other applicable City By-laws, Legislation and Policies
No person shall cause, permit or perform a site alteration on land within the City other than in conformity to all other applicable legislation, City by-laws and policies.

2.5 Permit - Conformity with Terms and Conditions
No person shall cause, permit or perform a site alteration on land within the City other than in conformity with the terms and conditions of any permit issued under this by-law and the requirements set out in this by-law.

2.6 Posting of Permit
Prior to any site alteration being commenced pursuant to a permit issued under this by-law, the permit shall be posted by the owner in a conspicuous place on the site to which the permit applies and the permit shall remain posted until the site alteration to which the permit applies is completed.

2.7 Failure to Obey Order
No person shall fail to obey an order issued under this by-law.

2.8 Injury of Trees
No person, in the performance of a site alteration, shall Injure or permit to be Injured a Tree, which is subject to tree protection measures except to the extent that such Injury is specifically authorized in writing in accordance with the provisions of this by-law and any other applicable by-laws of the Corporation or the Regional Municipality of York for the protection of Trees.

2.9 Ponding Water
No person shall cause the ponding of water on any property.

2.10 Dumping
No person shall dump or permit to be dumped any fill or debris of any kind.

ARTICLE 3
EXCLUSIONS

3.1 Exclusions to Application of By-law
This by-law does not apply to:

a) activities or matters set out in Sections 142(5)(a) to (g) of the *Municipal Act*;
b) areas which are the subject of a regulation made under Section 28 of the *Conservation Authorities Act*, R.S.O. 1990, c. C.27, as amended, respecting site alteration; and
c) the removal of topsoil as an incidental part of a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products, provided the removal of topsoil as an incidental part of a normal agricultural practice does not include the removal of topsoil for sale, exchange or other disposition.

3.2 No Permit Required
Notwithstanding Article 2 of this by-law, no permit is required for the site alterations set out in Schedule "A" to this by-law.

3.3 Subject to Provisions
Notwithstanding section 3.2 of this by-law, the site alterations set out in Schedule "A" remain subject to the provisions of sections 2.2 to 2.4 inclusive, Article 7 and Articles 10 to 12 inclusive, of this by-law.

ARTICLE 4
APPLICATION FOR PERMITS

4.1 Permit Application - Submissions to Commissioner
A person applying for a permit shall submit the following to the Commissioner:

a) a completed on-line application in the form approved by the Commissioner;
b) the applicable permit application fees;
c) documentation prescribed in Schedule "B" to this by-law based on the type of site alteration permit;
d) security in a form and amount to be determined by the Commissioner in accordance with Schedule "F" to secure performance of the site alteration for which the permit is being obtained and compliance with any conditions of granting the permit including tree preservation measures, protection and replacement; and
e) proof of any other permit or consent that may be required from the City or any external agency or person for the site alteration.

4.2 Waiver by Commissioner
The Commissioner may waive any of the requirements for a permit application set out in Section 4.1.

ARTICLE 5
CRITERIA FOR ISSUING A PERMIT

5.1 Criteria for issuing a permit

The Commissioner may issue a permit for a site alteration in accordance with an approved Site Alteration Documents if:

a) the applicant has fulfilled all of the requirements of Article 4 of this by-law;
b) the Commissioner is satisfied that the site which is the subject of the application for a permit is not within an area where site alteration is prohibited;
c) the Commissioner is satisfied that the proposed grade and resulting drainage pattern, the design of any retaining wall, the type of fill to be used and the methods of performing the site alteration are all in accordance with the Standards and Specifications Manual and proper engineering practice;
d) the Commissioner is satisfied that the site alteration will not result in:
    i. erosion;
    ii. blockage of a watercourse or swale;
    iii. siltation in a watercourse;
    iv. pollution of a watercourse;
    v. flooding or ponding caused by a watercourse overflowing its banks;
    vi. a detrimental effect on the natural environment of the area;
    vii. unauthorized destruction or Injury of a Tree on land owned by the City or other trees protected under by-laws of the City or the Regional Municipality of York, or
    viii. flooding or ponding on abutting properties;

e) the applicant has entered into any agreement required pursuant to this by-law;
f) the Commissioner is satisfied that the site alteration is for a purpose permitted by the applicable zoning by-law of the City;
g) where the proposed site alteration is for the excavation of a pool, the Commissioner is satisfied that the provisions of any by-law of the City regulating pool enclosures or pools have or will be complied with;
h) the Commissioner is satisfied that the site which is the subject of the application for permit will be rehabilitated to the same or better condition than it was prior to the site alteration;
i) the site which is the subject of the application for permit, is "'Within any area designated under an Official Plan or amendment to an Official Plan that has been approved by the Council of the City or the Regional Municipality of York and that requires the preparation of a master environmental servicing plan and the Commissioner is satisfied that approval of the site alteration is not premature pending the results of the master environmental servicing plan and its approval by the City; and
j) the applicant is the owner of the site which is the subject of the application to which the permit will apply and has executed the permit application.

ARTICLE 6
CONDITIONS IMPOSED AT DISCRETION OF COMMISSIONER

6.1 Conditions imposed at discretion of Commissioner
The Commissioner may issue a permit subject to such conditions as are, in the opinion of the Commissioner, necessary to meet the criteria of approval set out in Article 5, to protect public safety or to prevent the creation of a public nuisance, including without limiting the generality of the foregoing, conditions:

a) requiring the construction of a retaining wall;
b) restricting the location of access routes, staging areas or storage areas;
c) prescribing erosion, siltation or construction control measures beyond the control measures specified in Schedule "C";
d) prescribing Tree protection measures beyond the Tree protection measures specified in Schedule 'D';
e) requiring the owner to enter into an agreement with the City containing such provisions, including but not limited to the provision of security for the owner's obligations under this by-law, as the Commissioner considers necessary to ensure that the site alteration is done in accordance with the City Standards and Specifications Manual, proper engineering principles and the requirements of this by-law, which agreement may be registered on title to the land; and
f) requiring the applicant to provide proof of liability insurance coverage to the satisfaction of the Commissioner, in an amount satisfactory to the Commissioner, and at the discretion of the Commissioner naming the City as an additional insured.

ARTICLE 7
GENERAL REGULATIONS AND CONDITIONS APPLICABLE TO ALL PERMITS

7.1 Consent of Owner
No person shall perform a site alteration or permit the performance of a site alteration without the consent of the owner of the site.

7.2 Conditions
Every person who performs a site alteration shall:

a) notify the Commissioner in writing within 48 hours of commencing any site alteration;
b) notify the Commissioner in writing of the completion of any control measures as identified in Schedule "C", prescribed by any permit issued under this by-law within fourteen (14) days after their installation;
c) obtain permission of the Commissioner in writing prior to modifying the applicable approved Site Alteration Documents;
d) install and maintain all control measures as identified in Schedule "C", prescribed by any permit issued under this by-law and shown on the applicable approved Site Alteration Documents and any other facilities shown on the applicable approved Site Alteration Documents;
e) inspect the control measures as identified in Schedule "C", prescribed by any permit issued under this by-law and shown on the applicable approved site;
f) install all Tree protection measures required by Schedule 'D', Section 6.1 (d) and shown on the applicable approved Site Alteration Documents prior

to commencing any site alteration and maintain these Tree protection measures until the site alteration is completed;

g) not interfere with any municipal drainage systems, control measures as identified in Schedule "C", prescribed by any permit issued under this by-law and shown on the applicable approved Site Alteration Documents and any other facilities shown on the applicable approved Site Alteration Documents;

h) repair any siltation or erosion damage or other damage to abutting properties resulting from the site alteration;

i) comply with all other applicable City by-laws, including the City's by-law that regulates highways under its jurisdiction, being Chapter 801 of the City's Municipal Code;

j) maintain a copy of any applicable approved Site Alteration Documents at the site;

k) ensure that the finished grade surface is protected by grass, greenery, asphalt, concrete or other means, either singly or in combination;

l) ensure that all fill is reasonably clean and free from deleterious materials;

m) ensure that all fill meets standards prescribed by the Ontario Ministry of the Environment for any current land use and any future land use for the site as designated under an Official Plan or amendment to an Official Plan approved by Council of the City or the Regional Municipality of York;

n) ensure that fill shall not be placed around the perimeter of any existing building to an elevation higher than 150 millimeters below the ground floor level of such a building, unless such building and its foundation walls are raised in a manner satisfactory to the Commissioner; and

o) comply with all applicable laws, including the *Building Code Act*, 1992 S.O. 1992, c.23, as amended and the Building Code 0. Reg. 350/06, as amended or superseded.

ARTICLE 8
EXPIRY, RENEWAL, REVOCATION AND TRANSFER OF PERMITS

8.1 Permits - Valid

Permits issued under this by-law shall be valid for a period of one (1) year from the date of issuance.

8.2 Permits - Expiration

Notwithstanding section 8.1, permits issued under this by-law shall expire six (6) months after the date of issuance of the permit if no site alteration is commenced under the permit.

8.3 Permits - Renewal

A permit which has expired may be renewed at the sole discretion of the Commissioner within a six (6) month period from the date of expiry, upon the making of a written application to the Commissioner, and payment of the permit application fee.

8.4 Permits - False Information

Where it is revealed or discovered that a permit was issued based on false or misleading information, the Commissioner may revoke the permit, and if the permit is revoked, the owner and the applicant to which the permit was issued shall ensure that all site alteration that was the subject of the revoked permit ceases and the site is restored to the condition in which it existed before the permit was issued and site alteration commenced.

8.5 Permits - Transfer of Title
If title to the site for which a permit has been issued is transferred while the permit remains in effect, the permit shall automatically expire unless the new owner of the site, within thirty (30) days of the transfer, provides the City with an undertaking to comply with all the conditions under which the existing permit was issued.

8.6 Permit - Expired - Restoration of Site
If a permit has expired or has been revoked after site alteration has commenced and prior to the completion of the site alteration, the owner shall forthwith restore the site to its original condition or stabilize the site to the satisfaction of the Commissioner in a manner that will prevent adverse impacts on abutting properties and the environment.

ARTICLE 9
ADMINISTRATION

9.1 Administration of Authority- Delegated to Commissioner
The Commissioner is responsible for the administration of this by-law and is hereby delegated the authority to receive permit applications, to receive permit application fees and to issue or refuse to issue permits, including conditions thereto in accordance with this by-law.

9.2 Inspectors
The Commissioner may appoint inspectors under this by-law for the administration and enforcement of this by-law.

9.3 Municipal By-law Enforcement Officer
This By-law may be enforced by a Municipal By-law Enforcement Officer.

9.4 Delegation of Commissioner's Powers & Duties
The Commissioner may delegate any of the Commissioner's powers and duties under this by-law to an inspector, including, without limitation, the power to enforce this by-law and to administer, review and refuse or issue permits, including conditions thereto, in accordance with this by-law.

9.5 Power of Entry
The Commissioner, an inspector or a police officer and any person under the direction of the Commissioner, an inspector or a police officer may enter on the site at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:

a) the provisions of this by-law;
b) a direction or order issued under this by-law or the *Municipal Act*;
c) a condition of a permit issued under this by-law; or
d) an order under Section 431 of the *Municipal Act*.

9.6 Inspection - Production of Documents
For the purposes of an inspection carried out pursuant to section 9.5 of this by-law the Commissioner, an inspector, a Municipal By-law Enforcement Officer, or a police officer 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;
c) Require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification, 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 purpose of inspection.

9.7 Hindering or Obstructing
No Person shall hinder or obstruct, or attempt to hinder or obstruct, a Municipal By-law Enforcement Officer, or any Person under their direction, who is exercising a power or performing a duty under this By-law.

9.8 Inspection Pursuant to an Order
The City may undertake an inspection pursuant to an order issued under Section 438 of the Municipal Act where the Commissioner, an inspector or a police officer have reason to believe that the following are not being complied with:
a) the provisions of this by-law;
b) a direction or order issued under this by-law or the Municipal Act;
c) a condition of a permit issued under this by-law;
d) an order under Section 431 of the Municipal Act;
e) or where the Commissioner, an inspector or police officer have been denied entry contrary to Section 9.5.

ARTICLE 10
ORDERS

10.1 Order to Discontinue Activity
If the Commissioner or an inspector is satisfied that a contravention of this by-law has occurred, the Commissioner or inspector may make an order requiring the Owner of the site or the Person who caused or allowed the site alteration under this by-law, to discontinue the activity and the order shall set out:

a) the municipal address or the legal description of the site;
b) reasonable particulars of the contravention adequate to identify the contravention; and
c) the date by which there must be compliance with the order.

10.2 Order for Work
If the Commissioner or an inspector is satisfied that a person has caused or permitted the performance of a site alteration in contravention of the provisions of this by-law, the Commissioner or inspector may make an order requiring work to be done to correct the contravention and the order shall set out:

a) the municipal address or the legal description of the site;
b) reasonable particulars of the contravention adequate to identify the contravention;
c) the date by which there must be compliance with the order; and
d) if the work is not done in compliance with the order by the date it specifies, the City may have the work done at the expense of the Owner.

10.3 Order Issued
Without limiting the generality of section 10.2, the Commissioner or an inspector may issue an order under section 10.2:
a) requiring that fill dumped or placed contrary to this by-law be removed by:

i. the person who dumped or placed it;
ii. the person who caused or permitted it to be dumped or placed; or
iii. the Owner of the site on which it was dumped or placed;

b) requiring the rehabilitation of the site from which topsoil has been removed contrary to this by-law or a permit issued under this by-law;
c) requiring that the grade of the site altered contrary to this by-law be restored to its original condition by:
   i. the person who altered the grade;
   ii. the person who caused or permitted the grade to be altered; or
   iii. the Owner of the site on which the grade was altered.

10.4 Service of Orders

An Order issued by the Commissioner or an inspector under sections 10.1 or 10.2 when served in any of the following ways, is deemed effective:

(a) immediately, when a copy is delivered to the Person to whom it is addressed;
(b) on the seventh (7th) day following the date a copy is sent by registered mail or by regular mail to the Person's last known address; or
(c) immediately upon sending a copy by electronic mail (i.e. email) to the Person's last known electronic mail address.

For the purposes of administration of this By-law, a Person's last known address, facsimile number, and electronic mail address includes an address, facsimile number and electronic mail address provided by the Person to the City as may be required by a form, practice or policy under this By-law.

10.5 Unable to Effect Service of Order

If the City is unable to effect service on any Person under section 10.4, a placard containing the terms of the order may be placed in a conspicuous place on the site and the placing of the placard shall be deemed to be sufficient service of the order.

ARTICLE 11
WORK DONE BY MUNICIPALITY

11.1 Work Done by Municipality

If the work required by an order under section 10.2 of this by-law is not done by the date set out in the order, the City, in addition to all other remedies it may have, may do the work at the Owner's expense and may enter upon the site, at any reasonable time, for this purpose in accordance with the provisions of the *Municipal Act*.

11.2 Recovery Costs

The actual costs incurred in conducting the work described in Section 11.1, including any administration fees, shall be deemed to be a debt to the Corporation and may be collected by action or added to the tax roll and collected in the same manner as municipal taxes.

ARTICLE 12
PENALTY, OFFENCE AND ENFORCEMENT

12.1 Contravention
Any person who contravenes any provision of this by-law or an order issued pursuant to this by-law is guilty of an offence and on conviction is liable to pay a fine as indicated in the *Municipal Act* pursuant to Sections 12.3 and 12.4 of this by-law.

12.2 Continuing and Multiple Offences
All contraventions of this by-law or orders issued under this by-law are designated as multiple offences and continuing offences. A multiple offense is an offence in respect of two 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 the purposes of this by-law, an offence is a second or subsequent offence, if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

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

a) a maximum fine which shall not exceed $100,000.00 for a contravention of this by-law:
b) in the case of a continuing offence, for each day or part of a day that the offence continues, a minimum fine of $500.00 and a maximum fine of $10,000.00, (the total of which, notwithstanding Section 12.3 (a), may exceed $100,000.00); and
c) in the case of a multiple offence, for each offence included in the multiple offence, a maximum fine of $10,000.00, the total of which, notwithstanding Section 12.3 (a), may exceed $100,000.00.

12.4 Special Fines
On conviction of an offence under this by-law a person is, in addition to the fine provided for in section 12.3 of this by-law, liable to a special fine in accordance with subsection 429(2)(d) of the *Municipal Act*. The amount of the special fine will be the fine as provided for in section 12.3 of this by-law to which may be added the amount of economic advantage or gain that person has obtained or can obtain from the contravention of this by-law and/or order issued pursuant to this by-law. Pursuant to subsection 429(3)(1) of the *Municipal Act* a special fine may exceed $100,000.00.

12.5 Additional Remedy
If this by-law is contravened and a conviction is entered, in addition to any other remedy and to any penalty imposed by the by-law, the court in which the conviction has been entered and any court of competent jurisdiction thereafter may make an order:

a) prohibiting the continuation or repetition of the offence by the person convicted; and
b) requiring the person convicted to correct the contravention in the maimer and within the period that the court considers appropriate.

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

12.7 Administrative Monetary Penalties
In lieu of laying a charge under the *Provincial Offences Act* for a breach of any provision of this By-law, a Municipal By-law Enforcement Officer may issue a Penalty Notice to the Person who has contravened this By-law in accordance with the service requirements of the Corporation's Administrative Penalty By-law. For greater certainty, the Municipal By-law Enforcement Officer has the discretion to either proceed by way of an administrative penalty or a charge pursuant to the *Provincial Offences Act*, if an administrative penalty is issued to a Person for the breach, no charge shall be laid against that same Person for the same breach.

12.8 Amount - Payment
A Person served with a Penalty Notice shall be liable to pay to the Corporation an administrative penalty in the amount specified in Schedule "A" of the Administrative Penalty By-law. An administrative penalty for a contravention of this by-law that is not paid within 15 days after the day it becomes due and payable, constitutes a debt of the Person to the City and may be added to a municipal tax roll and collected in the same manner as municipal taxes.

12.9 Procedures
A Person who is issued a Penalty Notice shall be subject to the procedures as provided for in the Administrative Penalty By-law.

ARTICLE 13
SEVERABILITY

13.1 Severability
In the event that any particular provision or part of a provision of this by-law is found to be invalid or unenforceable for any reason whatsoever, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this by-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

ARTICLE 14
APPLICATION OF OTHER LAWS

14.1 Application of other laws
The issuance of a permit does not relieve the applicant of the responsibility of obtaining all other approvals that may be required by the City or any other level of government and agencies thereof or compliance with any other by-law, legislation, or obligation.

ARTICLE 15
SCHEDULES

15.1 Schedules
All Schedules attached to this by-law form part of this by-law.

Schedule 'A' - Exemption to Requirement for Permit

Notwithstanding Section 2.1, no site alteration permit shall be required for:

1. emergency work performed in consultation with the City, subject to any requirement from the Commissioner to obtain a permit for the continuation of such work;

2. cultivation or tilling of garden beds so long as such work does not have an adverse effect on existing drainage patterns on abutting properties;

3. the removal of topsoil incidental to a normal agricultural practice including such removal as an incidental part of sod-farming, greenhouse operations and nurseries for horticultural products; and

4. minor landscaping works, as determined at the sole discretion of the Commissioner, which are at least 0.6 metres from any property line and do not impact drainage patterns on abutting properties.

THE EXEMPTION FROM THE PERMIT REQUIREMENTS UNDER THIS BY-LAW GRANTED TO SITE ALTERATIONS LISTED IN THIS SCHEDULE DO NOT PROVIDE AN EXEMPTION FROM OTHER PROVISIONS OF THIS BY-LAW. ALL SITE ALTERATIONS SHALL BE PERFORMED IN COMPLIANCE WITH APPLICABLE PROVISIONS.

Schedule 'B' – Submission Documents for Site Alteration Permit Applications

The submission requirements for all types of site alteration permits are provided in the following sections. The requirements are structured to include documentation to satisfy other applicable City by-laws or legislation as outlined in Article 2.4. All submitted plans and documents must be prepared in accordance with Standards and Specifications Manual, City guidelines and policies.

All grading, servicing and erosion control design, plans, technical reports and studies must be prepared in accordance with the Standards and Specifications Manual.

All submission requirements must be reviewed and accepted by the City prior to issuance of a site alteration permit. The appropriate type of site alteration permit for an application shall be determined by the City.

B.1 Above Ground Swimming Pool

Application for an above ground swimming pool requires the submission of a digital plan (pdf format) drawn to scale showing the following information along with items outlined in section B.9:

- Location of above ground pool and landscaping.
- Dimensions (metric) from property lines to water edge in pool.
- Fence Location (1.5m From Edge of Water)
- Fence Height and Type (min 1.2m, max 1.8m)
- Gate Locations
- Gates Self-Closing and Self-Latching
- Access Points to Pool Area From Dwelling
- Child Proof Locks (min. 1.5m above the floor)
- Standard Notes
- 0.6m of area to remain unaltered at lot lines
- Municipal Address
- Lot and Registered Plan Number
- Accessory Structure Locations

B.2 Below Ground Swimming Pool

Application for a below ground swimming pool requires the submission of a Grading Plan. The Grading Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer. The Grading Plan shall include the following information along with items outlined in section B.9.

Plan Title Block

- Standard General Pool Notes
- Lot and Registered Plan Number
- Municipal Address

- North Arrow and Drawing Metric Scale
- Geodetic Benchmark Reference
- Ontario Land Surveyor or Professional Engineer Certification and Stamp

Proposed Location Information

- Accessory Structure Locations
- Pool Location Drawn To Scale
- Pool Deck
- Landscaping
- Equipment Pad including underground pipes and conduits
- Construction Access Route
- Retaining walls 1.0m in height or greater require a structural design and detail stamped by a Professional Engineer
- Retaining Wall Location
- Retaining Wall Elevations
- Fence Location (1.5m From Edge of Water)
- Fence Height and Type (min 1.2m, max 1.8m)
- Gate Locations
- Gates Self-Closing and Self-Latching
- Access Points to Pool Area From Dwelling Must Have Child Proof Locks (min. 1.5m above the floor)

Existing Location Information

- No Structures, Extensive Landscaping and Retaining Walls permitted within the Municipal Easement(s)
- Municipal Easements/Catch Basins
- Location of Existing Trees (See notes in B.9 below)
- Dwelling

Proposed Grading Information

- Existing Elevations
- Proposed Elevations
- Swale Location and Grade
- Swale Elevations
- 0.6m Undisturbed Area Around Lot Lines
- Existing Drainage Patterns to Remain Unaltered

Setbacks

- Setbacks to Property Lines
- Setback of Accessory Structures

- Setback From Rear of Home to Edge of Pool Water (minimum 1.2 meters)
- Setback to Septic System (5m From Bed, 1.5m From Tank)

New Subdivision (Unassumed)

- Developers Lot Grading Certificate

B.3 Residential Home, Addition and Additional Residential Unit

Application for a residential home, addition or additional residential unit requires the submission of a Grading and Servicing Plan prepared by an Ontario Land Surveyor or Professional Engineer.

The Grading and Servicing Plan shall include the following information along with the items outlined in section B.9.

Plan Title Block

- Standard General Pool Notes
- Lot and Registered Plan Number
- Municipal Address
- North Arrow and Drawing Metric Scale
- Geodetic Benchmark Reference
- Ontario Land Surveyor or Professional Engineer Certification and Stamp

Existing Conditions Information

- Legal Boundary and Dimensions
- Municipal Easements
- Surveyed Elevations to Define Drainage
- Structures for Demolition
- Significant Features – Trees, watercourse, Valley
- TRCA Fill Line and Flood Line
- Municipal Road Centerline and Elevations
- Location and Elevation of Adjacent Property to Define Drainage Patterns including structures
- Location/Size of Watermains and Sewers (Obtain as Built Drawings from the City)
- Location of Wells or Septic System
- Concrete Curb Location and Elevation
- Location of Sidewalk, Ditch, Culverts, Streetlights
- Location of Utilities

Drainage and Servicing Design

- Drainage Contained within Property
- Maintain Existing Drainage Patterns

- Side Yard and Rear Yard Containment Swales
- Perforated Sub Drain for Swale < 2.0%
- Driveway Grade 2 to 5 % - 7.5 % max.
- Water Box Outside Driveway
- Service Connections Outside Driveway
- Max. Driveway Width – Single 4.25m - Double 6.0m
- Min. Swale Depth is 0.15m
- No structures, Extensive Landscaping and Retaining Walls permitted within the Municipal Easement(s)
- Transition Slopes: 3:1 max. (1.2m max. height)
- No Transition Slopes within Side Yard
- Match Existing Grade along Property Boundary
- Maintain External Drainage Patterns
- Direct Roof Down Spouts to Front Yard
- 2% to 5% Gradient Away from Foundation
- 5.0m min. Usable Rear Yard Depth (2 to 5% gradient)
- Locate Retaining Walls on Private Property
- Sump Pump Required when Gravity Storm Service is not Possible
- Stormwater Low Impact Development measures to reduce runoff

Proposed Conditions Information

- Dwelling Location Including Decks, Walkway
- Front, Side and Rear Yard Set Backs
- Finished Floor Elevation
- Top of Foundation Elevation
- Entrance Location and Risers
- Elevation at Foundation Wall
- Swale Elevations at Building Corners / High Points
- Side Yard and Rear Yard Swale Gradient
- Easements for Rear or Front Yard CB (if applicable)
- Rear or Front Yard CB Location / Elevation (if applicable)
- Driveway Width Gradient and Elevations
- Retaining Wall Location (if applicable)
- Retaining Walls 1.0m in height or greater require a structural design and detail stamped by a Professional Engineer
- Retaining Wall Top and Bottom Elevations
- Retaining Wall Type, Detail and max. Height

- Location of Window Wells and Drains
- Location of 3:1 Transition Slope
- Location / Direction of Down Spouts
- Size / Location of Existing and Proposed Service Connections
- Invert Elevation of Service Connections at Main
- Invert Elevation of Service Connection at Property
- Lot Corner Elevations and at Grade Change
- Provide Side Yard Cross-Sections, Complete with Proposed and Existing Elevations
- Sediment Control – Silt Fencing, Catch Basin Sediment Trap
- Service Connections as per City Standard M-2A

B.4 Multi Residential Minor

Application for a multi residential minor shall include a digital copy (pdf) of the following documents. These documents must be prepared by qualified professionals.

- Site Plan
- Site Grading, Servicing and Erosion/Sediment Control Plans
- Streetscape and Building Elevations
- Exterior Material and Colour Sample Board
- Geotechnical Study
- Hydrogeological Study

Additional Requirements Based on Application Review

After initial application review, the following additional documents may be required for submission as determined by the City. These documents must be prepared by qualified professionals.

- Arborist Report (if injury or removal of existing trees, see section B.9)
- Natural Heritage Evaluation (if property is within the Oak Ridges Moraine)
- Municipal Street Lighting Design Photometric Analysis (if new streetlight required or relocation greater than 3m)
- Phase 1 Environmental Site Assessment (if land conveyance to City is required)
- Parking Justification Study (if Parking supply is below Zoning By-law requirement)
- Noise Report (if residential units abut a Collector or Regional Road or is close to a stationary noise source)
- Cultural Heritage Impact Assessment (if property is listed or designated heritage property)

- Archeological Assessment Report (if property is within identified archeological sensitive area)

B.5 Multi Residential Major

Application for a multi residential major shall include a digital copy (pdf) of the following documents. These documents must be prepared by qualified professionals.

- Site Plan
- Waste Management Plan
- Site Grading, Servicing and Erosion/Sediment Control Plans
- Functional Servicing Report
- Stormwater Management Report
- Geotechnical Study
- Hydrogeological Study
- Streetscape and Building Elevations
- Exterior Material and Colour Sample Board
- Arborist Report Tree Inventory and Protection Plan (see section B.9)
- Landscaping Plans
- Exterior Site Lighting Design Photometric Analysis
- Construction Management Plan
- Site Circulation Assessment

Additional Requirements Based on Application Review

After initial application review, the following additional documents may be required for submission as determined by the City. These documents must be prepared by qualified professionals.

- Natural Heritage Evaluation (if property is within the Oak Ridges Moraine)
- Municipal Street Lighting Design Photometric Analysis (if new streetlight required or relocation greater than 3m)
- Phase 1 Environmental Site Assessment (if land conveyance to City is required)
- Parking Justification Study (if Parking supply is below Zoning By-law requirement)
- Noise Report (if residential units abut a Collector or Regional Road or is close to a stationary noise source)
- Cultural Heritage Impact Assessment (if property is listed or designated heritage property)
- Archeological Assessment Report (if property is within identified archeological sensitive area)

B.6 Excavate, Filling or Landscaping

Application for a excavate, filling or landscaping requires the submission of a Grading Plan. The Grading Plan shall be prepared by an Ontario Land Surveyor or Professional Engineer. The Grading Plan shall include the following information along with the other items outlined in section B.9.

Plan Title Block

- Standard General Pool Notes
- Lot and Registered Plan Number
- Municipal Address
- North Arrow and Drawing Metric Scale
- Geodetic Benchmark Reference
- Ontario Land Surveyor or Professional Engineer Certification and Stamp

Proposed Location Information

- Accessory Structure Locations
- Landscaping
- Excavation or Filling Areas
- Retaining walls 1.0m in height or greater require a structural design and detail stamped by a Professional Engineer
- Retaining Wall Location
- Retaining Wall Elevations

Existing Location Information

- No structures, Extensive Landscaping and Retaining Walls permitted within the Municipal Easement(s)
- Municipal Easements/Catch Basins
- Location of Existing Trees (See notes below)
- Dwelling

Proposed Grading Information

- Existing Elevations
- Proposed Elevations
- Swale Location and Grade
- Swale Elevations
- 0.6m Undisturbed Area Around Lot Lines
- Existing Drainage Patterns to Remain Unaltered

B.7 Pre-grading, Pre-servicing and Shoring Tiebacks

Applications for pre-grading and shoring tiebacks for a related site plan development application shall include the submission requirements outlined in Division "F" of the Standards and Specifications Manual.

Applications for pre-grading and pre-servicing for a related subdivision development application shall include the submission requirements outlined in Division "F" of the Standards and Specifications Manual.

B.8 Other Submission Requirements

The following are submissions that may be required in addition to those outlined in sections B1 to B6 inclusive.

If the site alteration is located within the Oak Ridges Moraine, the application may require submission of a Natural Heritage Evaluation, and an Oak Ridges Moraine Conformity Statement as determined by the City.

If the site alteration is located on a heritage property or abutting a heritage property, the application may require submission of a Cultural Heritage Impact Assessment or Heritage Permit Application as determined by the City.

If the application is within an archeological sensitive area the application may require submission of an Archeological Assessment Report as determined by the City.

B.9 Tree Requirements

The following requirements are in addition to those outlined in sections B.1, B.2, B.3, B.4, B.5, and B.6

General Notes and Details

The Grading Plan or Grading/Servicing Plan (Plan) must include the surveyed location, size (diameter at breast height (DBH)) and required Tree Protection Zone (TPZ) of all existing trees. This must be done for all trees located on the subject property and within 6 meters of construction activity including those located on adjacent properties.

All construction activity, including changes to drainage patterns, swales, retaining walls, or any area to be used for the purposes of construction, grading and excavation, storage of construction materials/equipment, movement of machinery, vehicle and pedestrian access routes, paving, demolition/replacement of accessory structures etc. that would impact the tree must be outside of the TPZ. Injury to a Tree includes any encroachment of construction activities into the TPZ.

The City of Richmond Hill standard Tree Protection Fencing Details in the Standards and Specifications Manual must be included on the Plan as applicable.

Tree Protection Zones

The TPZ is measured as a radius from the edge of the Tree trunk and is dependent on DBH measured as the diameter of the trunk 1.4 meters above the ground. Tree Protection Zones are to be shown on the Plan.

Tree Diameter* at Breast Height	Tree Protection Zone
10-14cm	1.8m
15-20cm	2.0m
21-30cm	2.4m
31-40cm	2.4m
41-50cm	3.0m
51-60cm	3.6m
61-70cm	4.2m

71-80cm	4.8m
81-90cm	5.4m
91-100cm	6.0m
101+<	TPZ=DBH*6

*Diameter measured at 1.4 m above ground.

Tree Removals and Injuries

When existing trees 15cm DBH or greater are to be injured or removed, an Arborist Report is to be submitted with the Application. Where an Arborist Report has been prepared, the Applicant must ensure the Plan is coordinated with the recommendations in the Arborist Report (including but not limited to the location of Tree Protection Fencing, tree DBH's and size of TPZ's).

Boundary Trees

When removal or Injury of a Boundary Tree(s) is proposed, written consent from the adjacent property owner for the injury or removal is required as per the Ontario Forestry Act. A copy of the written consent must be provided to the City.

Shared Trees

When removal or Injury of a Shared Tree(s) is proposed, written consent from the adjacent property owner for the injury or removal is required as per the Tree Preservation By-law. A copy of the consent must be provided to the City.

Tree Injury

Existing trees that will be injured (i.e. where construction activity is proposed within the TPZ) should be shown with Tree Protection Fencing on the Plan. No construction activities are to be located within the Tree Protection Fencing. Tree Protection Zone (TPZ) Sign Detail in the Standards and Specifications Manual must be secured to all Tree Protection Fencing in accordance with the City's requirements.

For all construction activities including changes to drainage patterns, swales, retaining walls, or any area to be used for the purposes of construction, grading and excavation, storage of construction materials/equipment, movement of machinery, vehicle and pedestrian access routes, paving, demolition/replacement of accessory structures etc., the construction access route must be shown on the Plan to determine whether any Injury to existing Trees will occur.

Legend and Symbols

Existing Trees to remain must be shown on the Plan and a symbol included in the legend referred to as "Existing Tree to Remain".

Existing Trees proposed for removal must be shown with an "X" on the Plan. The symbol is to be included in the Plan legend as "Existing Tree to be Removed".

Symbols for Tree Protection Zone (TPZ) and Tree Protection Fencing (TPF) must also be included in the legend.

Tree Replacement Plantings

Replacement plantings are required when a Tree 15cm DBH or greater has been removed. The location and size (minimum 6cm diameter size) of the replacement plantings must be shown on the final Plan.

In addition, the submission of a planting plan or restoration plan including recommended species and associated maintenance may be required.

Where planting Replacement Trees is not possible on the site or the Owner does not wish to do so, a requirement to pay cash in lieu of such planting in the amount to be calculated by multiplying the number of Replacement Trees by the current Tree replacement fee in the Tariff of Fees By-law will be required.

Where planting of Replacement Trees is proposed, the collection of a security deposit in an amount equal to the number of proposed Replacement Trees required multiplied by the current Tree replacement fee in the Tariff of Fees By-law is required.

Diameter at Breast Height of Tree proposed to be removed	**# of Replacement Trees Required**
10-14cm	0
15-20cm	1
21-30cm	2
31-40cm	2
41-50cm	3
51-60cm	4
61-70cm	4
71-80cm	5
81-90cm	5
91-100cm	6
101+<	7

B.10 Additional Requirements for Municipal Servicing Development Agreement

The following requirement are in addition to those identified in sections B.4 and B.5 and may be required in addition to those identified in sections B.3.

Municipal servicing requirements to support the residential units may require execution of a development agreement. The development agreement will obligate the owner or another party to install the required municipal servicing in accordance with the approved Site Servicing Plans and Standards and Specifications Manual. The Applicant will be notified during the review process to submit the following documents (pdf format) to allow preparation of the development agreement.

- Parcel Register
- Boundary Legal Reference Plan
- Legal Reference Plan for Land or Easement Conveyance (if conveyance is identified through Application review)
- Legal Contact Information
- Municipal Servicing Cost Estimate (to be prepared by Consulting Engineer)

Schedule "C" - Control Measures

Every site alteration shall be performed using appropriate erosion and sediment control measures. Erosion and sediment control measures shall be designed and included on the site alteration grading and/or servicing plan in conformity with Division "I" of the Standards and Specifications Manual.

Schedule "D"- Tree Protection Measures

Every site alteration shall be performed in accordance with the Tree Protection Measures set out in this Schedule. Compliance with the Tree Protection Measures is deemed to be a condition of every Permit unless specifically exempted in writing by the Commissioner of Planning and Building Services.

1. Application of Tree Protection Measures

Tree protection measures are required in accordance with the City's by-laws that regulate the Injuring or Destruction of Trees within the City, both on private property and City-owned lands ("Tree Preservation By-laws"). Permits granted under this By-law do not exempt the Permit holder from the provisions of the Tree Preservation By-laws, or from any other measures that may be required to be taken in accordance with other applicable laws, including the *Ontario Forestry Act,* R.S.O. 1990, c. F.26.

Tree protection measures apply to Boundary Trees and Shared Trees in accordance with the *Ontario Forestry Act* and this By-law

2. Discretion of the Commissioner of Planning and Building Services

The Commissioner of Planning and Building Services shall exercise any discretion under this By-law in accordance with the provisions of any by-law, policy, or City Standards related to the protection of Trees generally applicable throughout the City and the Tree Protection Measures listed in this Schedule. In the event of a conflict between the Tree Protection Measures listed in this Schedule and other policies, by-laws or City Standards, the policy, by-law, or City Standard that is the most protective of the Tree shall prevail.

Subject to the provisions of any other by-law, the Commissioner of Planning and Building Services, in consultation with the Commissioner may provide relief from the requirements of these Tree Protection Measures or require Tree protection measures above and beyond those prescribed in this Schedule having regard to the species and location of the Tree and any circumstances surrounding the site alteration that may pose a particular hazard to the Tree.

3. Activities prohibited or restricted within Tree Protection Zones

Unless specifically authorized by a Permit issued under this By-law, the following activities are prohibited within a Tree Protection Zone for trees protected as a condition of a Permit issued under this By-law:

a) site alteration or land disturbance to the existing grade (e.g. deposit of fill, trenching, excavating, scraping, or paving);
b) storage of construction materials (e.g. soils, waste, debris, or equipment);
c) disposal of any liquids (e.g. concrete sleuth, gas, oil, paint);
d) movement or parking of vehicles or equipment or other activities that may compact the soil; and
e) Activity of any kind throughout the entire duration of the work.

Where the applicant proposes to conduct any of the above activities within the Tree Protection Zone of any Tree(s), the applicant shall submit a Tree Inventory Preservation Plan and Arborist Report to the satisfaction of the Commissioner of Planning and Building Services, prepared by an Arborist.

Permission to conduct the prescribed activities shall be refused if granting permission is likely to cause the Injury of a Tree contrary to the provisions of a by-law of the City and may be refused in the case of other Trees, if, in the opinion of the Commissioner of Planning and Building Services or their delegate, there is a reasonable alternative, including modifications to the site alteration plan that would prevent or limit the Injury of the Tree.

4. Tree protection fencing

Tree protection fencing shall be erected along the perimeter of the approved Tree Protection Zone in accordance with the City's Standards and Specifications Manual prior to approval of the site alteration permit and shall remain in place throughout the entire duration of the work.

5. Security for Tree Protection

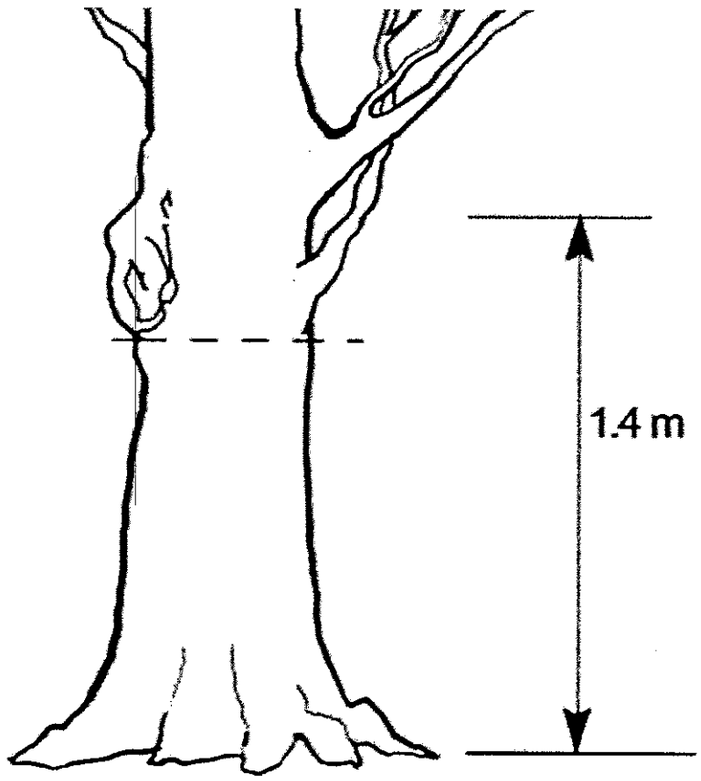
Securities for the protection of Trees may be required by the Commissioner of Planning and Building Services in an amount to be determined by the current Tariff of Fees By-law or the valuation of the Tree in accordance with the current edition of the International Society of Arboriculture "Guide for Plant Appraisal" or an equivalent guide chosen by the Commissioner of Planning and Building Services.

Securities for Tree protection shall be held for twenty-four months after the date of final inspection of the site alteration or such longer or shorter time as the Commissioner of Planning and Building Services or their delegate deems necessary to be satisfied that the Tree has not been Injured as a result of the site alteration. Applicants applying for the early release of security of the site alteration shall produce a report of an Arborist certifying that the Tree has not been Injured as a result of the site alteration.

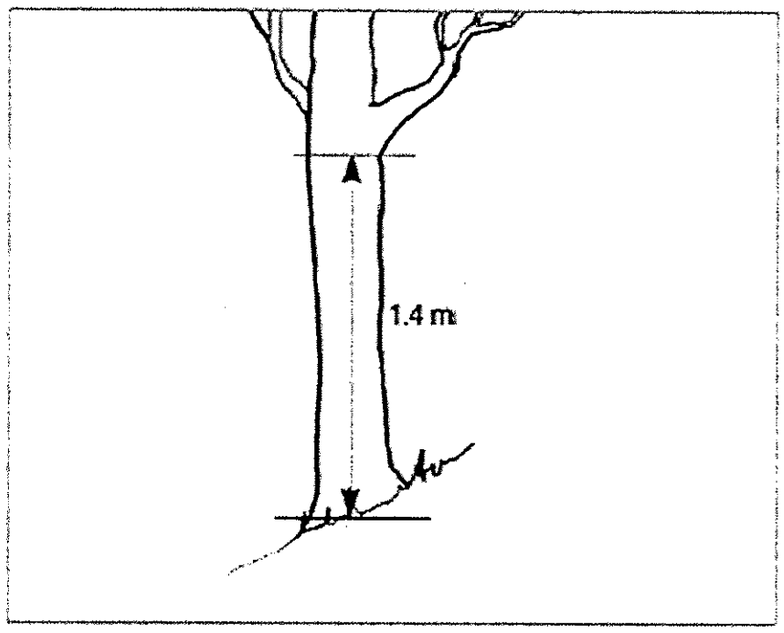
The security may be used for restoration of the City's urban canopy through replacement planting at an alternate location on City owned lands.

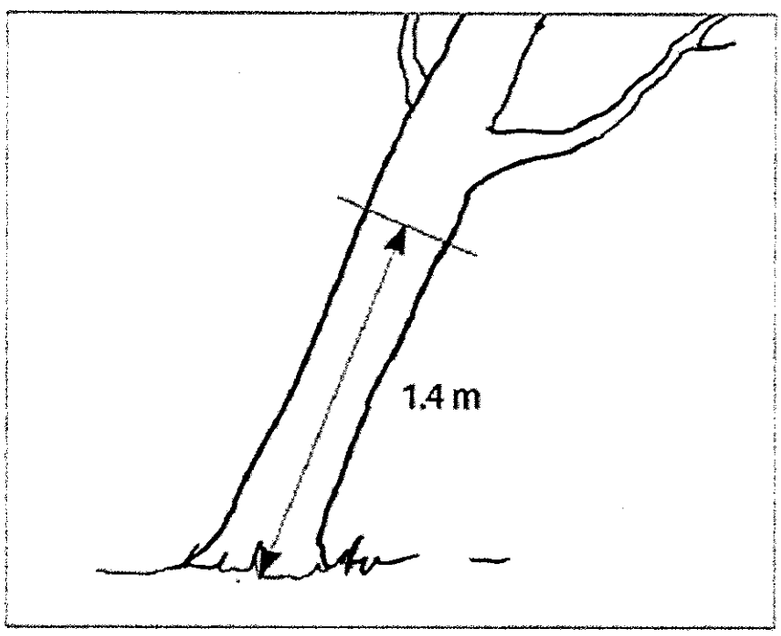
Schedule 'E' - Measurement of DBH

1. **Tree has branches or bumps which interfere with DBH measurement.** Measure DBH below the branch or bump.

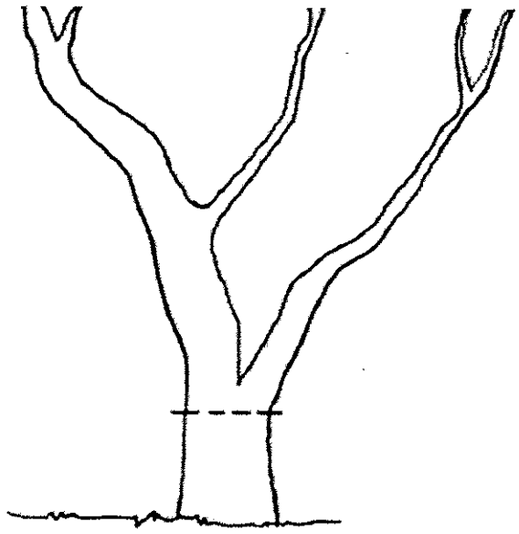


2. **Vertically growing tree is on a slope or leaning tree.** Measure diameter 1.4 m from the ground at the midpoint of the trunk parallel with the slope of the trunk.

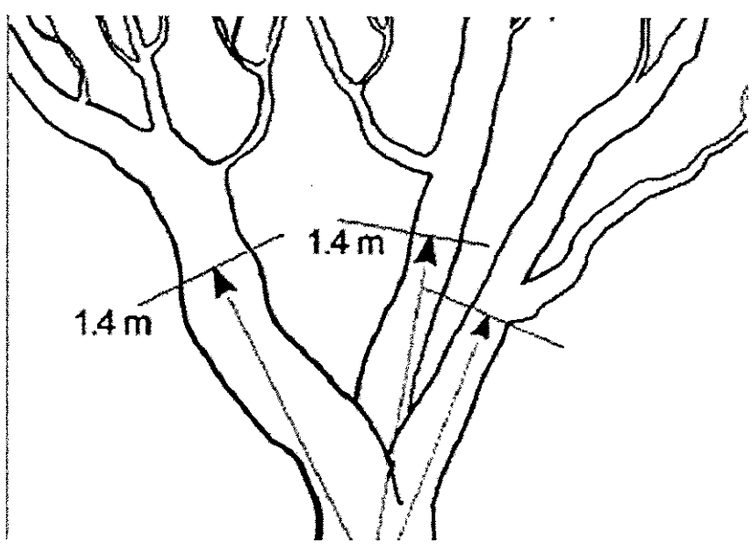




3. **Tree forks below DBH or near DBH.** The measurement is recorded at the narrowest part of the main stem below the fork.



4. **Tree splits into several trunks close to ground level.** Measure DBH of each trunk separately, using the principles shown in categories 1-3 above. Square the DBH of all trunks. The DBH for the tree is found by taking the square root of the sum of all of the squared trunk DBHs.



Schedule 'F' - Security for Site Alteration

1. Where required, security shall be in the form of cash, bank draft, money order, certified cheque, surety bond or an irrevocable letter of credit in a form acceptable to the City.

2. In order for a letter of credit to be accepted by the City, it must be from a bank listed as a "Schedule I" bank and under the *Bank Act*, S.C. 1991, c.46 and must include in its wording on automatic clause requiring the bank to provide thirty (30) day advance notice to the Commissioner of Corporate and Financial Services by registered mail if it intends not to renew the letter of credit.

3. In order for a surety bond to be accepted by the City, it must conform to O.Reg. 461/24 made pursuant to Section 70.3.1 of the Planning Act and be in a form and term acceptable to the Commissioner of Corporate and Financial Services.

4. In the event that the City receives notice that a security is expiring and will not be renewed, or if further or additional securities are not provided within the said thirty (30) days, the City may make a demand or demands on the security at the discretion of the Commissioner or the Commissioner of Planning and Building Services.

5. Any interest accruing on realized cash security shall belong to the City and not to the Permit holder.

6. The security may be used for:

    a) cleanup of mud tracking of the road or restoration of any municipal works. The Owner will be notified of the required cleanup, and if the work is not completed by the Owner, the City will carry out the work using the security money to cover the cost plus 25% of the value of the work to cover the administration cost;
    b) the completion or rectification of work required under the Permit; or
    c) the completion of work required under an order issued under Article 10 of this By-law.

7. The security shall be held pending the completion of all works required under the Permit and any order issued under this By-law and pending compliance with the provisions of any agreement entered into pursuant to section 6.1 (e) of the By-law.

8. It is the responsibility of the permit holder:

    a) to provide proof satisfactory to the Commissioner that the site has been adequately reinstated and stabilized in accordance with this By-law and the plan accompanying the Permit;
    b) if requested by the Commissioner, to provide a certificate of a consulting engineer or surveyor that the elevations have been completed in accordance with the plans submitted and the finished project does not detrimentally affect drainage on adjacent properties; and
    c) to request that the City carry out a final inspection to confirm that all relevant terms of this By-law have been complied with.

9. When:

    a) the provisions of paragraph 8 of this Schedule "F"; and
    b) all work required under the Permit or any order; and

c) the provisions of any agreement entered into pursuant to section 6.1 (e) of the By-law have been fully complied with to the satisfaction of the Commissioner and the Commissioner of Planning and Building Services or their delegate(s), the applicant's security shall be released.

10. Notwithstanding paragraph 9, security held for the replacement and protection of Trees shall be held until the Commissioner of Planning and Building Services or their delegate is satisfied that no City Tree, privately owned tree (including but not limited to Shared Tree or Boundary Tree) was Injured or Destroyed as a result of the site alteration in accordance with Tree Protection Measures set out in Schedule 'D'.

11. Notwithstanding anything in this Schedule "F' to the contrary, where there is a conflict with respect to the provisions related to any security for the protection of Trees and the provisions of this Schedule "F", the provisions of Schedule "D" shall govern to the extent of any conflict.