

Site Plan: Tree Protection/Removal Requirements by Location



TREE LOCATION / IDENTIFICATION	DESCRIPTION	TREE OWNERSHIP	PROPOSED ACTION	REQUIREMENTS
Existing Tree On-Site	A tree whose trunk exists entirely on the proposed development site.	Applicant / Developer	Protection/ Injury	<ul style="list-style-type: none">Installation of standard tree protection fencing in accordance with the approved Vegetation Management Plan.Installation of standard tree preservation area signage on the fencing, for information purposes.Follow proper arboriculture practices as noted in the ANSI A300 standards when working in vicinity of tree to be preserved on site.The consulting Landscape Architect/Arborist must certify the fence installation and request an inspection by the City. City staff will complete the inspection before the Building Permit may be issued for the site.
			Removal	<ul style="list-style-type: none">If specimen is not a significant tree or considered endangered (or at risk), the tree(s) may be removed no earlier than upon issuance of the final site plan approval (including engineering acceptance) for the site in accordance with the approved Vegetation Management Plan.
Tree Existing on Public Property Adjacent to Development Site	A tree whose trunk exists entirely on public (City or Regional) property, within 6m of the property line shared with the development site.	Abutting Property Owner (City or Region) of the property where the tree is located	Protection	<ul style="list-style-type: none">Installation of standard tree protection fencing in accordance with the approved Vegetation Management Plan.Installation of standard tree preservation area signage on the fencing, for information purposes.Follow proper arboriculture practices as noted in the ANSI A300 standards when working in vicinity of tree to be preserved on site.The consulting Landscape Architect/Arborist must certify the fence installation and request an inspection by the City. City staff will complete the inspection before the Building Permit may be issued for the site.
			Injury/ Removal	<ul style="list-style-type: none">Contact City Forester to obtain permission as outlined in the current street tree by-law to remove or injure the tree(s).If specimen is not a significant tree or considered endangered (or at risk), the tree(s) may be removed no earlier than upon issuance of the final site plan approval (including engineering acceptance) for the site in accordance with the approved Vegetation Management Plan.
Any Location: Species at Risk in Ontario (Protection, Removal, Harm to/ Injury of, Destruction of Habitat)	The Endangered Species Act, 2007 (ESA) protects species that are at risk and their habitats. Species at Risk (SAR) include those who have been identified to be extirpated, endangered, threatened or of special concern within the province of Ontario. A current list of Species at Risk in Ontario is found at: O. Reg. 230/08: SPECIES AT RISK IN ONTARIO LIST Refer to the following regulation for more information: Endangered Species Act, 2007, S.O. 2007, c. 6 (ontario.ca)	Any (Applicant / Developer, Abutting Private Owner, Abutting Public Owner or Common Ownership)	Protection	<ul style="list-style-type: none">IT IS THE RESPONSIBILITY OF THE APPLICANT to determine if tree(s) which have been designated as a species at risk exist on the site or within limits of the site, to follow all requirements under the ESA, and to advise City staff in the case which a species at risk have been identified.Installation of standard tree protection fencing at minimum distance around tree in accordance with City requirements. Installation of standard tree preservation area signage, for information purposes.The consulting Landscape Architect/Arborist must certify the fence installation and request an inspection by the City. City staff will complete the inspection prior to issuance of the Building Permit for the site.
			Injury/ Removal	<ul style="list-style-type: none">IT IS THE RESPONSIBILITY OF THE APPLICANT to determine if tree(s) which have been designated as a species at risk exist on the site or within limits of the site, to follow all requirements under the ESA, and to advise City staff in the case which a species at risk have been identified.A permit or agreement must be obtained from the Ministry of the Environment, Conservation and Parks (MECP) if the proposed development proposes killing or harming any identified SAR or damaging or destroying the habitat of SAR Species at Risk in Ontario listConditional Exemptions from the ESA exist for some species (such as <i>Juglans cinerea</i> – Butternut) which allows an applicant to submit a notice form to register the activity with the ministry before certain types of activity can commence (such as removal of hybrid trees or trees which have been assessed to be in a certain Category. For more information: O. Reg. 830/21: EXEMPTIONS - BARN SWALLOW, BOBOLINK, EASTERN MEADOWLARK AND BUTTERNUT (ontario.ca)Where SAR or SAR habitat is proposed to be damaged, harmed, or removed, submit documentation to the City showing that the applicant has completed their due diligence in accordance with the ESA.

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Tree Existing as Common Property (also known as Boundary Tree)	Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. 1998, c. 18, Sched. I, s. 21. (Ontario Forestry Act)	Applicant / Developer + Adjacent Property Owner of the property where the tree is located or partially located	Protection	<ul style="list-style-type: none">Installation of standard tree protection fencing in accordance with the approved site Vegetation Management Plan. Installation of standard tree preservation area signage on the fencing, for information purposes.Follow proper arboriculture practices as noted in the ANSI A300 standards when working in vicinity of tree to be preserved on site.The consulting Landscape Architect/Arborist must certify the fence installation and request an inspection by the City. City staff will complete the inspection before the Building Permit may be issued for the site.
			Injury	<ul style="list-style-type: none">Provide an assessment of the impact to the long-term health of the tree to be injured, as prepared by a qualified expert (i.e. Certified Arborist) and demonstrate that tree will be subjected to minimal impact.City recommends that the Applicant/Developer contact the Adjacent Property Owner and form an agreement concerning the proposed injury anticipated to the tree(s).Approvals as granted by the City of Waterloo through the Site Plan approval process do not supersede any civil or common property laws and rights. It is the applicant/Owner's responsibility to:<ul style="list-style-type: none">determine ownership and coordinate and obtain approvals of:<ul style="list-style-type: none">Any removal of a shared boundary tree or tree located on adjacent property;Any injury to a shared boundary tree or tree located on adjacent property; andEncroachment and access requirements.Installation of standard tree protection fencing in accordance with the approved Vegetation Management Plan. Installation of standard tree preservation area signage on the fencing, for information purposes.Follow proper arboriculture practices as noted in the ANSI A300 standards when working in vicinity of tree to be preserved on site.The consulting Landscape Architect/Arborist must certify the fence installation and request an inspection by the City. City staff will complete the inspection before the Building Permit may be issued for the site.
			Removal	<p>The Ontario Forestry Act states that “Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21.”</p> <p>Therefore, the applicant will be required to:</p> <ul style="list-style-type: none">Contact the Common Property Owner and form an agreement concerning the proposed removal of the tree(s). Provide City with a written Letter of Consent signed by both parties, in advance of obtaining final site plan approval. Template of required information can be requested from City staffWith adjacent property owner approval in writing and if specimen is not a significant tree or considered endangered (or at risk), the tree(s) may be removed no earlier than upon issuance of final site plan approval (including engineering acceptance) for the site in accordance with the approved Vegetation Plan.

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Tree Existing on Private Property Adjacent to Development Site	A tree whose trunk is growing on adjacent private property. For the purposes of Site Plan Approvals, staff are interested specifically in trees that are located within 6m of the property line shared with the development site.	Adjacent Property Owner of the property where the tree is located	Protection	<ul style="list-style-type: none">Installation of standard tree protection fencing in accordance with the approved Vegetation Management Plan. Installation of standard tree preservation area signage on the fencing, for information purposes.Follow proper arboriculture practices as noted in the ANSI A300 standards when working in vicinity of tree to be preserved on site.The consulting Landscape Architect/Arborist must certify the fence installation and request an inspection by the City. City staff will complete the inspection before the Building Permit may be issued for the site.
			Injury	<ul style="list-style-type: none">Provide an assessment of the impact to the long-term health of the tree to be injured, as prepared by a qualified expert (i.e. Certified Arborist) and demonstrate that tree will be subjected to minimal impact.City recommends that the Applicant/Developer contact the Adjacent Property Owner and form an agreement concerning the proposed injury anticipated to the tree(s).Approvals as granted by the City of Waterloo through the Site Plan approval process do not supersede any civil or common property laws and rights. It is the applicant/Owner's responsibility to:<ul style="list-style-type: none">determine ownership and coordinate and obtain approvals of:<ul style="list-style-type: none">Any removal of a shared boundary tree or tree located on adjacent property;Any injury to a shared boundary tree or tree located on adjacent property; andEncroachment and access requirements.Installation of standard tree protection fencing in accordance with the approved Vegetation Management Plan. Installation of standard tree preservation area signage on the fencing, for information purposes.Follow proper arboriculture practices as noted in the ANSI A300 standards when working in vicinity of tree to be preserved on site.The consulting Landscape Architect/Arborist must certify the fence installation and request an inspection by the City. City staff will complete the inspection before the Building Permit may be issued for the site.
			Removal	<ul style="list-style-type: none">Contact the adjacent property owner and form an agreement concerning the proposed removal of the tree(s).Provide City with a Letter of Consent, signed by both parties, in advance of obtaining final site plan approval.If specimen is not a significant tree or considered a Species at Risk, the tree(s) may be removed no earlier than upon issuance of the final site plan approval (including engineering acceptance) for the site in accordance with the approved Vegetation Management Plan.