



## TREE PERMIT to INJURE OR DESTROY TREE(S)

ISSUED TO:		Permit #: 13 137006 TREE			
		ACR (CARE) #: 359975			
		Status: Conditional Approval			
		Application Fee Total: \$0.00			
		Date Issued: March 6, 2014			
		Date of Expiry: June 4, 2014			
7 John Lyons Rd Markham ON L3P 3H3					
Municipal Address of Tree(s)' Location: 7 John Lyons Rd					
Primary Number: [REDACTED]		Alternative Number: [REDACTED]		Email: [REDACTED]	
<b>TREE(S)</b>					
Tree #	Tree Species	# of Trees	DBH	Approved Action to be Taken	Reason Code
1.0	black walnut	1	32.5cm	Issued with Conditions	(G)
2.0	black walnut	1	45cm	Issued with Conditions	(G)
3.0	black walnut	1	38.5 / 60cm	Denied	as per out conversation
<b>CONDITIONS OF PERMIT – Section 7.2(g)(iii)</b>					
<p>Upon removal of the above tree(s), 2 deciduous tree(s), each with a minimum calliper size of 50mm, shall be planted anywhere on the subject site by Sept 30, 2014 or cash-in-lieu option of \$300.00 for each tree not planted. The cash-in-lieu would be used for tree planting elsewhere in the City. A follow-up By-law compliance inspection will be completed on or shortly after the above date. Tree species selected should be from the list(s) provided.</p>					
<b>SITE MAP</b>					

The information provided herein is collected on behalf of the City of Markham pursuant to its authority under the Municipal Act, 2001, S.O. 2001, c. 25 and the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M. 56. The information collected will be used for the purposes of the tree preservation by-law. The City, on its own and by its agent, intends to retain the information for 5 years, after which the information collected shall be destroyed. Questions with respect to the collection, use and destruction of this information should be directed to the City Clerk.

Signature of Administrator

Dec 18, 2013

Date

If conditions apply, please notify the City of Markham at 905-477-5530 ext: 2703 when the conditions have been met.



## MANDATORY NOTICE

### Section 5.0: Administration and Enforcement

- 5.3 For the purposes of conducting an inspection to determine compliance with this by-law, an order, a permit or any condition of a permit, the Administrator or Officer may, upon producing the appropriate identification, at any reasonable time, enter and inspect any lands or property, to determine whether the provisions of this by law, an Order issued under this by law or a permit or condition of a permit issued under this by-law, have been complied with
- 5.4 No person shall obstruct the Administrator or an Officer who is carrying out an inspection pursuant to this by-law. Any person who obstructs the Administrator or Officer is guilty of an offence.

### Section 6.0: General Prohibitions

- 6.1 Except as provided in Section 4.0 of this by-law, no person, through his or her own actions or through the actions of another, shall:
- (a) injure or destroy any tree within the City of Markham without first obtaining a permit issued under this by-law;
  - (b) injure or destroy any tree within the City of Markham without first complying with all conditions of a permit issued under this by-law;
  - (c) fail to comply with any condition of term of a permit issued under this by-law;
  - (d) fail to comply with any Order issued under this by-law or remove or deface any Order issued under this By-law, without obtaining the prior consent of the Administrator;
  - (e) obstruct or attempt to obstruct the Administrator, any Officer or any person acting under the Administrator's instructions in the exercise of a power under this by-law; or
  - (f) contravene any other provision of this by-law

### Section 8.0: Orders to Discontinue Activities

- 8.1 Where the Administrator or any Officer is satisfied a contravention of this by-law or a permit issued under this by-law has occurred, the Administrator or 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 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

### Section 10.0: Penalties

- 10.1 Any person who contravenes any provision of this by-law or an Order issued pursuant to Section 8 of this By-law is guilty of an offence.
- 10.2 All contraventions of any provision of this by-law or an Order issued under Section 8 of this by-law are designated as multiple offences and continuing offences, pursuant to subsection 429(2) of the Act. A multiple offence 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 a by-law and, for greater certainty, when multiple trees are injured or destroyed the injury or destruction of each tree is a separate offence.
- 10.3 Upon conviction of an offence under this by-law, a person is liable to a fine in accordance with section 429 of the Act as follows:
- (a) The minimum fine for an offence is \$500.00 and the maximum fine for an offence is \$100,000.00;
  - (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 \$500.00 and the maximum fine shall be \$10,000.00 and the total of all daily fines for the offences is not limited to \$100,000.00;
  - (c) In the case of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00, and the total of all fines for each included offence is not limited to \$100,000.00;
  - (d) A special fine may be imposed, in addition to a fine under clause (a) to (c) above, in circumstances where there is an economic advantage or gain from the contravention of this by-law or an order under section 8.1 of this by-law, and the maximum amount of the special fine may exceed \$100,000.00.
- 10.4 Upon conviction of an offence under this by-law, in addition to any other remedy or penalty, the City may further request the court in which the conviction is entered and any court of competent jurisdiction thereafter to 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 manner and within the period the court may consider appropriate, which may include a request for an order for;
    - (i) the planting or replanting of any tree or trees injured, removed or destroyed in a specified location and within a specified period of time; and
    - (ii) the application of any silvicultural treatment that may be necessary to re-establish the tree or trees.