



MEMORANDUM

To: Mayor and Members of Council

From: Alice Lam – Director of Operations
Richard Fournier – Senior Manager of Parks and Open Space Planning

Prepared by: Tanya Lewinberg – Public Realm Coordinator, Parks and Open Space Planning

Date: December 13, 2023

Subject: **Tree Preservation By-law**

In accordance with the Council resolution dated June 28, 2023, in which the report and presentation “Tree Preservation By-law Review and Update II” was received and staff were directed to:

- amend the Tree Preservation By-law and related processes recommended in the report for formal By-law readings;
- exclude hedges;
- include active farm coordination;
- include all City trees regardless of size and private trees >20 centimeters;
- add infill construction related fees to the Fee By-law;
- include a securities requirement for tree preservation barriers and for existing trees remaining on site for all construction related permits;
- include the use of the Aggregate Caliper Method to evaluate illegal removals with a centimeter for centimeter replacement value;
- include conditional planting size for non-construction permits of 3 centimeters caliper; and
- authorized staff to do all thing necessary to give effect to the resolution.

Staff are bringing forward for passing the new Tree Preservation By-law with the amendments detailed in the attached Council report dated June 20, 2023. Staff are further bringing amendments to the Road Occupancy By-law and the Administrative Monetary Penalty By-law forward to update these By-laws in accordance with the new Tree Preservation By-law.

At a future Council meeting, Staff will be bringing associated tree-related revisions to the Fee By-law. The Fee By-law will be updated during the annual update to add associated fees and compensation requirements.

The updated Tree Preservation By-law will provide better protection for trees within the City of Markham. The inclusion of all trees within the By-law, regardless of ownership and the alignment of all departments managing these important natural assets for the City are impactful improvements that will significantly enhance the way trees are managed and preserved in the City of Markham.