



## By-law 2017-30

**To amend By-law 2008-96 being a By-law to Regulate or Prohibit the Injury or Destruction of Trees within the City of Markham.**

**(Tree By-Law)**

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WHEREAS the Council of The Corporation of the City of Markham (hereinafter the "City") is authorized by subsection 11(1), paragraph 11(2) 5, subsections 135(1) and (7), and sections 429, 431 and 444 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, to pass by-laws to sustain and promote environmental and social benefits to the community as a whole through the preservation and planting of trees throughout the municipality, to regulate or prohibit the injury or destruction of trees, to require a permit for the removal of trees, to impose conditions on permits, collect fees and to provide for a system of fines and other enforcement orders; and,

WHEREAS the Council of the City has determined that it is desirable to enact a by-law to protect, prohibit and regulate the injury or destruction of trees and encourage the preservation and planting of trees throughout the municipality; and,

WHEREAS administrative amendments are required from time to time for enforcement purposes;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF MARKHAM ENACTS AS FOLLOWS:

- (1) That Section 6 of the Tree By-law (General Prohibitions) be amended as follows:
  - (a) Add Section 6.2 "Rebuttable Presumption" clause:

An owner shall be presumed to have injured, destroyed, or caused to be injured or destroyed a tree, located on the owner's property or contravened or caused the contravention of the conditions of a permit issued under this by-law, as the case may be, which presumption may be rebutted by evidence to the contrary on a balance of probabilities.

Read a first, second, and third time and passed on May 9, 2017.

Kimberley Kitteringham  
City Clerk

Frank Scarpitti  
Mayor