

Points from Oakville bylaws

About half of Oakville's urban forest is on private property. Trees benefit everyone. They:

- clean the air we breathe
- cool our homes
- add beauty to our neighbourhoods
- increase property values
- reduce soil erosion
- provide food and habitat for wildlife

Your trees matter. There are many native species perfect for planting in Oakville. When planting a tree on your property, learn which trees are native to Ontario and which are the best species to plant where you live. Visit the [Ontario Tree Atlas](#) website. For more planting and tree maintenance tips visit the [tree planting](#) page.

Ownership of a tree is determined by the location of the tree. Regardless of who planted the tree, the owner of the land upon which a tree is situated is also the owner of that tree. With that ownership comes the responsibility to care for and maintain the health of the tree

Need to remove a tree?

Fill out our simple online [Private Tree Removal Permit Application](#) and receive an on-site consultation from one of our tree inspectors.

Scope

This policy applies to trees within the Town of Oakville, both on public and private lands.

- Private Tree Protection By-law 2017-038 provides established rules for removing trees on private property. Property owners must apply for a permit and on-site consultation before removing any tree that has a trunk measuring 15 cm or larger in diameter.
- Tree Protection During Construction Procedure EN-TRE-001-001 provides an outline and required action to protect trees during construction.
 - Halton Region's Tree By-law # 121-05 prohibits the destruction and/ or Injuring any tree located in Greenlands or in Woodlands 0.5ha or larger;

No owner shall cause or permit the injury, removal or destruction of a tree that is on the owner's land without first obtaining a permit under this by-law; (b) No person shall remove, injure or destroy a tree without first having obtained a permit under this by-law; (c) No person shall remove, injure or destroy a tree other than in compliance with the terms and conditions of a permit issued under this by-law;

Property owners must apply for a permit and on-site consultation before removing any tree that has a **trunk measuring 15 cm or larger in diameter** (5.9 inches in width).

As a condition of the permit, **one tree must be planted for every 10 cm DBH of healthy tree removed.**

- A \$300 security deposit is required for each tree to be planted. The security deposit will be refunded once a final inspection of the replacement plantings is complete.

Replacement trees must be planted on the same property as those removed. Where it is not possible to properly grow replacement trees on the site, the security deposit may be donated to the town to plant on nearby town property.

- **The minimum tree replacement size is a 30-mm caliper (3 cm width) deciduous tree, or a 150-cm high coniferous tree in a five-gallon container, balled in burlap, or in a wire basket.**

To apply for a private tree removal permit:

1. Complete our short [online application form](#).
2. A tree inspector from our Forestry Section will contact you within five business days to arrange an on-site consultation to review your tree removal request.

Depending on reason for removal, please have the following documents ready for the site visit:

- Arborist report (from certified arborist)
 - If removing a high risk tree
 - If tree removal is the result of a development application (such as for pools, landscaping or other property construction projects)
 - Signed letter of authorization from property owner. Review a [sample Declaration of Property Owner](#) letter.
 - If applying on behalf of the property owner
 - Signed letter of consent from neighbouring property owner. Review a [sample Declaration of Adjacent Property Owner](#) letter.
 - If removing a tree on a shared property line
3. If we approve your application, we will notify you when your permit is ready to be picked up. Once notified, take your fees and security deposit to ServiceOakville, Town Hall, 1225 Trafalgar Road to receive your permit.
 4. For dead or high risk trees, ash trees, or buckthorn where no fees are required, the tree inspector will leave the permit with you at the site visit.

5. Post your permit on the site where the trees are being removed for five days prior to and including day of removal.

- NOTE: It is the property owner's responsibility to hire a professional arborist to remove a tree. Town employees do not remove trees from private property.

(2) No person shall cause or permit the injury, destruction or removal of **any tree with a diameter equal to or greater than fifteen (15) centimetres on a lot**, or any tree required to be retained or planted as a condition of an approved site plan, without first obtaining a permit pursuant to this By-law.

- The Designated Official may issue a tree removal permit with conditions, including, but not limited to:

(a) the requirement for planting of replacement tree(s) in accordance with Schedule "A" or as may otherwise be determined appropriate by the Designated Official having regard for the existing canopy coverage on the subject site; and/or

(b) a submission of a tree preservation plan to the satisfaction of the Designated Official. (5)

- Where the planting of replacement tree(s) has been imposed as a condition of tree removal, the Designated Official may require that:
- (a) the replacement tree(s) be located on the same lot in a location and species to the satisfaction of the Designated Official;
- (b) the minimum tree replacement size is a thirty (30) millimetre caliper deciduous tree, or a one hundred and fifty (150) centimetre height coniferous tree in a five (5) gallon container or balled and burlapped or in a wire basket;
- (c) where replacement tree(s) are not physically possible to properly grow on the site, the replacement tree(s) be located at another suitable location to the satisfaction of the Designated Official;
- (d) a replanting plan be filed to the satisfaction of the Designated Official;
- (e) a written undertaking by the owner to carry out the replacement planting;
- (f) monies or a letter of credit in a form satisfactory to the Designated Official be delivered to the Town to cover the costs of the replacement tree(s), and the maintenance of the tree(s) for a period of up to two (2) years; and/or
- (g) payment for each replacement tree not replanted in accordance with this subsection be made into the Town's Replacement Tree Planting Fund as set out in the rates and fees schedule approved by Council as part of the annual budget approval process.

The Designated Official may refuse to issue a permit to remove a tree where any one or more of the following applies:

(a) the permit application has not been submitted in full and is considered incomplete, or where an arborist report is required or requested by the Designated Official in support of the permit application and the report has not been provided;

(b) any tree with a diameter greater than twenty-four (24) centimetres, or the second tree or more with a diameter between fifteen (15) to twenty-four (24) centimetres, that has been applied for removal within a twelve month consecutive period;

(c) an application for rezoning, a consent, a minor variance, a plan of subdivision, a plan of condominium or a site plan to the land on which the tree is located has been submitted to the Town or Region, but has not received final approval;

(d) the tree is an endangered, threatened, or at risk tree species, as defined in the provincial Endangered Species Act, 2007, S.O. 2007, c. 6, or any tree classified as an endangered or threatened tree species, or a tree species of special concern, as defined in the federal Species at Risk Act, 2002, S.C. 2002, c. 29;

(e) the tree is relevant to the heritage designation of the lot as determined by the Town's Director of Planning Services; or

(f) the tree is required to be retained or planted as a condition of an approved site plan.

Any person who contravenes any provision of this bylaw, contravenes the terms or conditions of a permit, or an order issued under Section 8 is guilty of an offence and on conviction is liable: (i) On a first conviction to a fine of not more than \$10,000.00; (ii) On any subsequent conviction to a fine of not more than \$20,000.00.