



Trees on Your Property

An Information Guide to Oak Bay's Tree Protection Bylaw



This informational guide provides a brief summary of the Tree Protection Bylaw enacted in 2006. Residents are advised to refer to the Bylaw prior to commencing any tree work on their property. The complete Bylaw is available for viewing on the municipal website at www.oakbaybc.org

What is the purpose of the Bylaw?

Under provincial legislation (*Community Charter, S.B.C. 2003*), the municipality may enact regulations to control the removal of trees, regulate activities which damage trees, and require the planting of replacement trees.

The purpose of Oak Bay's *Tree Protection Bylaw* is to help protect, maintain, and rejuvenate Oak Bay's urban treescape. The bylaw is to help reduce the number of trees damaged or removed and to encourage the replanting of trees on private property.

Why do I need the Municipality's permission to cut down or to prune a tree on my own property?

Even though a tree may be on your own property, the entire neighbourhood benefits from its presence. Trees are an invaluable asset. They reflect the natural heritage of the community and provide immeasurable environmental benefits. They clean and filter air, buffer and screen noise, provide catchments for rain water, attract wildlife, and reduce heat during the summer.

What trees can be cut and which ones cannot be cut?

Protected Trees:

The Bylaw defines a "protected tree" as:

- any Garry Oak, Pacific Yew, native Arbutus, or Pacific Dogwood which has a basal diameter greater than 10 cm or a height greater than 2 metres
- any tree with diameter at breast height (dbh) greater than 60 cm (as defined under the bylaw)
- a significant tree (as defined under the bylaw)
- a replacement tree (as defined under the bylaw)

Trees which fit this definition can be removed only under conditions which make the removal "necessary" as set out in the Bylaw and outlined below in this guide. Pruning of protected trees is also regulated.

Significant Trees:

"Significant trees" cannot be cut. These are trees that Municipal Council has deemed valuable because of their historical, cultural, or landmark significance. These trees are relatively rare due to their size or species and are listed in "Schedule B" of the Tree Preservation Bylaw.

All Significant Trees are registered with the Municipality and cannot be cut so long as they remain on the Municipality's list of Significant Trees.

In order to have a tree declared "Significant" by Council, a request must be made by a member of the public and this designation must be agreed to by the homeowner, Council, and the Parks department. Once a tree is designated as "significant", the designation can only be removed by amendment to the Tree Protection Bylaw Schedule.

Hazardous Trees:

A hazardous tree is any tree which, due to its location, health, condition, or other circumstance has been determined by an International Society of Arboriculture (ISA) certified arborist to be a hazard to persons or property. Examples include: where a tree is dead, severely damaged, interfering with utilities to a property. A tree which has been declared as hazardous may be removed by the owner. A Cutting Permit from the Parks Department is required, but there is no charge for the permit.

All Other Trees:

Any tree which does not fit into the category of significant tree or protected tree is not protected by this Bylaw and can be dealt with as the owner wishes.

Common sense should dictate what to do with trees not protected under this Bylaw. If trees which grow up to be large trees are growing right next to a building, it will be cheaper and easier to remove them while they are still small and before they do damage to a building. Young trees which are growing in an area where they will not do damage should be saved.

When do I require a Tree Cutting or Pruning Permit?

A permit from the Parks Department must be requested prior to cutting or pruning any protected or significant tree.

Do I need a permit for all pruning?

You require a permit if you are removing any branch that is greater than 5 centimetres in diameter on any Garry Oak, Arbutus, Pacific Yew, or Pacific Dogwood or from a significant or replacement tree. For all other classes of protected trees, you require a permit if you are removing a branch greater than 10 centimetres in diameter. There is no fee for a pruning permit.

What are legitimate reasons for applying for a Tree Cutting Permit?

If you are constructing a new home or adding onto an existing home, if you are installing a driveway or a garage and these activities conflict with protected trees on your property, the Bylaw allows a permit to be issued. However, if these trees can be saved by reasonably relocating the structures, driveways, etc. elsewhere on the property the Municipality may not issue the Permit.

How do I apply for a Tree Cutting or Pruning Permit?

Applications are available from the Parks office in the Public Works Yard or from the Planning and Building Department at Oak Bay Municipal Hall.

Will I have to plant a replacement tree?

Yes, normally a replacement tree must be planted when a protected tree is removed. A list of appropriate replacement trees is available from the Parks office. The location of the replacement tree must be on the property from which the original tree was removed, unless the Municipality authorizes that it be planted elsewhere. Once planted, replacement trees become protected trees under the Bylaw.

What type of penalties are issued for failing to comply with the Bylaw?

The maximum fine for contravention of the Bylaw is \$10,000. Each tree cut or damaged can be considered a separate offence.

For further information, please contact Oak Bay Parks Services at 592-7275.