

# THE CORPORATION OF THE DISTRICT OF OAK BAY

## BYLAW NO. 4742

### TREE PROTECTION BYLAW, 2020

(Consolidated on March 10, 2025 to include Bylaws: 4759, 4893)

#### CONSOLIDATED FOR CONVENIENCE USE ONLY

This consolidated is not a legal document. Certified copies of the original bylaws should be consulted for all interpretations and application of the bylaws of this subject.

#### A BYLAW TO REGULATE THE CUTTING AND PROTECTION OF TREES

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

## 1. INTERPRETATION

In this Bylaw, unless the context otherwise requires:

**Accessory Building** means an accessory building as defined in the *Zoning Bylaw*.

**Applicant** means the owner or agent of the owner who is applying to the Manager of Parks Services for a tree permit, and where the context requires means the person to whom a tree permit has been issued.

**Arborist** means an arborist who is certified by the International Society of Arboriculture.

**Arborist Report** means a technical report written and prepared by a consulting arborist which may include one or more of the following:

- a) Relevant information includes, but not limited to, surveyed location, species, size and condition of the subject tree or trees.
- b) The reasons for any proposed removal of a tree or trees
- c) The recommended tree protection and mitigation measures
- d) A tree replacement strategy

(*Bylaw 4893*)

**BC Landscape Standards** means the latest edition of the British Columbia Landscape Standard published by the British Columbia Society of Landscape Architects, as amended from time to time.

**Basal Diameter** means the diameter of the trunk of a tree measured at the top of the root collar.

**Boulevard Tree** means any tree located in the boulevard of any street.

**Boundary Tree** means a tree that is demonstrably growing across the property line between two parcels or between a parcel and public property as evidenced by part of the trunk or part of the visible above-ground root flare crossing the property line.

**Branch** means the lateral secondary woody growth originating from the stem of a tree.

**Building Envelope** means that part of a lot on which a building, including an accessory building, may be sited under the setback regulations set out in the *Zoning Bylaw* of the District, or as permitted through a variance of such regulations approved by development permit, development variance permit, heritage revitalization agreement, or by the Board of Variance.

**Building Permit** means a permit required by the District for any construction, alteration, reconstruction, demolition, removal or relocation of any building or structure.

**Business Day** means a day other than a Saturday, Sunday or statutory holiday.

**Bylaw Officer** means an employee of the District, charged with the enforcement of bylaws, rules, laws, codes or regulations enacted by Council.

**Canopy Area** means the total canopy of trees within the legal lot lines of the parcel where the trees are located, in metres squared, when viewed from above.

**Canopy Cover Tree** means a tree that must be planted on a parcel to fulfill the Canopy Area requirements of this Bylaw.

**Council** means the Municipal Council of The Corporation of the District of Oak Bay.

**Cut** means to kill, remove or substantially destroy or alter a tree by any means, and includes without limitation the topping or pollarding of a tree and the cutting of any main stem or other leader or trunk.

**Damage** means to:

- (1) cut or tear the roots of a tree growing inside the root zone;
- (2) place fill or organic waste, building materials, asphalt or a building or structure upon land inside the root zone;
- (3) operate a truck, backhoe, excavator or other construction equipment over the roots of a tree inside the root zone;
- (4) dent or gouge the trunk of a tree;
- (5) deposit concrete washout or other liquid or chemical substance harmful to the health of a tree on land inside the root zone;
- (6) remove soil from land inside the root zone;
- (7) blast inside the root zone of a tree or outside the root zone so as to damage roots or disturb soil inside the root zone;
- (8) undermine the roots of a tree inside the drip line;
- (9) cut back the top portion of a tree's branches so as to alter its normal canopy;
- (10) remove a branch in a manner or for a purpose inconsistent with promoting the health and growth of the tree;
- (11) remove bark from a tree;

- (12) construct or place a building or structure on the tree or on land inside the drip line of the tree;
- (13) attach a sign to a tree; or
- (14) attach a swing to a municipal tree.

**DBH** means the diameter of a tree at roughly breast height (1.4 metres or 4.6 feet) above the point of natural grade of the ground measured from the base of the tree. For multi-stemmed trees the three largest stems shall be at 1.4 metres (4.6 feet) above the highest point of the natural grade and the dbh shall equal the cumulative total of the dbh of the three largest stems.

**Diameter** means the circumference of a tree measured outside the bark, divided by 3.1416.

**Director of Corporate Services** means the Director of Corporate Services for the District, or their designate.

**Drip Line** means a circle drawn on the ground having a radius of the outermost branch tips of a tree.

**District** means The Corporation of the District of Oak Bay.

**Geotechnical Engineer** means a person licensed to practice engineering in the Province of British Columbia, with declared expertise in the analysis, design and construction of foundations, slopes, structures, embankments, roadways, levees, wharves, landfills and other systems that are made of or supported by soil or rock.

**Hardscape** includes a sidewalk, footpath, driveway or other surface installed as a means of public passage or to surface an area of public assembly.

**Hazard Tree** means any tree that, due to its location, condition, health or any other circumstances has been determined by a Qualified Tree Risk Assessor to be high risk or extreme risk.

**Hedge** means a row of shrubs, bushes or trees planted close together, and without limitation includes such a row that forms a fence or boundary.

**Landscape Architect** means a landscape architect registered with the British Columbia Society of Landscape Architects.

**Lot** means land designated as a separate and distinct parcel on a legally recorded subdivision plan or title in the records of the Land Title and Survey Authority.

**Manager of Parks Services** means the person appointed to that position by the Council or such other person designated by Council, and in their absence or unavailability a person employed by the District and authorized as the designate of the Manager.

**Municipal Tree** means any tree located on a property owned or under the control of the District including a street tree, a boulevard tree, a park tree, and a median tree.

**Native** refers to a species of tree that existed in the area now comprising the District of Oak Bay prior to European settlement.

**Natural Causes** means death or decline of a tree as a result of natural diseases, pests, climatic conditions, inherent structural defects, or senescence. (*Bylaw 4893*)

**Natural Grade** means the elevation of the ground surface of land prior to any disturbance, alteration, excavation or filling.

**Parcel** means any lot, block or other area in which land is held or into which it is subdivided.

**Point of Germination**, on level ground, means the natural ground level; and on sloping terrain, means the mid-point of the slope of natural ground between the upper and lower sides of the base of the tree.

**Principal Building** means a building developed in whole or in part for the principal permitted use for which land is zoned.

**Protected Tree** means:

(1) any tree of the species

- |     |                                     |                            |
|-----|-------------------------------------|----------------------------|
| (a) | Garry oak                           | <i>Quercus garryana</i>    |
| (b) | Arbutus                             | <i>Arbutus menziesii</i>   |
| (c) | Pacific (Western) Yew               | <i>Taxus brevifolia</i>    |
| (d) | Black Hawthorne                     | <i>Crataegus douglasii</i> |
| (e) | Shore / Contorta Pine               | <i>Pinus contorta</i>      |
| (f) | Pacific (Western Flowering) Dogwood | <i>Cornus nuttallii</i>    |

which has either a basal diameter greater than 4 centimetres or a height above the point of germination in excess of 1 metre;

(2) any tree with a dbh greater than 30 centimetres;

(3) a significant tree;

(4) a replacement tree;

(5) a tree designated "to be retained" or planted on a plan submitted for an application to the District that may include, but is not limited to, an application for a development permit, subdivision approval, blasting permit, building permit, fill permit or plumbing permit;

(6) a tree that is planted or retained on a lot, and which is used in the calculation to meet or exceed tree canopy cover as set out in section 10.5;

(7) a tree protected under the terms of a covenant registered in favour of the District;

(8) any tree with evidence of a nest used by:

- |     |   |
|-----|---|
| (a) | raptors as defined in the <i>Wildlife Act</i> ; |
| (b) | osprey;   |

- (c) heron colony; and
- (9) a tree of scientific value.
- (10) Any municipal tree on Oak Bay property (*Bylaw 4893*)

**Prune** means to remove living branches of a protected tree, which for a tree described in subsection 1 (a) to (f) of the definition of “protected tree” are greater than 5 centimetres in diameter, and which for all other classes of protected trees are greater than 10 centimetres in diameter, for a purpose consistent with promoting its health and growth.

**Sound Arboricultural Practices** means in accordance with the American National Standards Institute (ANSI) Publication – A-300- Tree Care Operations and the companion Best Management Practices Series of the International Society of Arboriculture (ISA). (*Bylaw 4893*)

**Tree Permit** means the written authority granted by the Manager of Parks Services or the Supervisor of Urban Forestry pursuant to this Bylaw for the altering, cutting, damaging, pruning or removal of a specified protected tree. (*Bylaw 4893*)

**Tree Protection Barrier** means a barrier constructed around a tree in accordance with schedule c of this bylaw to protect the tree from damage during site work or construction. (*Bylaw 4893*)

**Tree Survey** means a survey plan prepared by an engineer or by a surveyor registered as a British Columbia land surveyor, that illustrates the location of tree in relation to the property lines of a lot, along with the size of each tree, plus any other information required by the Manger of Parks Services or the Supervisor of Urban Forestry for the purposes of assessing a tree cutting permit application. (*Bylaw 4893*)

**Qualified Tree Risk Assessor** means an arborist who is certified by the International Society of Arboriculture through the Tree Risk Assessment Qualification program.

**Replacement Tree** means a tree that is shown on a tree management plan or landscape plan as a replacement for a tree that is removed under the authority of a tree permit, or that is otherwise required to be planted under this Bylaw as a replacement tree.

**Root Collar** means the zone of transition between the stem and root of a tree.

**Root Zone** means the area of land surrounding the trunk of a tree, which based on examination in the field, has been delineated by the Manager of Parks Services or his designate as a protected root zone, or in default thereof the area of land surrounding the trunk of a tree contained within a circle of radius equal to the dbh of the tree multiplied by 18.

**Scientific Value** means the value a tree has because the tree:

- (1) is evidence of the former range limits or extent of the species or an ecological community;
- (2) is an endangered or vulnerable species that is endemic to the territory or local region now reduced in range of abundance;
- (3) demonstrates a likelihood of providing information that will contribute significantly to a wider understanding of natural history by virtue of its uses as a research or teaching site;
- (4) is of botanical or genetic value; or
- (5) is significant habitat element for a threatened native species.

**Significant Structure** means:

- (1) an in-ground swimming pool;
- (2) a retaining wall of height greater than or equal to 1.5 metres;
- (3) a utility vault; and
- (4) a sewage or storm drain pump combined with a sump or well.

**Significant Tree** means a tree identified in Schedule D to this Bylaw, so designated because of its historical, cultural, indigenous significance, or landmark value to the community, its exceptional botanical significance, ecological heritage, scientific value or its value as wildlife habitat, as determined by Council.

**Steep Slope** means land in its natural state, that has a slope angle of 20% or greater.

**Street Tree** means a tree planted within the public right-of-way in a hardscape (sidewalk) or boulevard that is managed by the District.

**Structural Root** means large, woody tree roots that anchor and support the trunk and crown; roots characterized by secondary thickening and relatively large diameter (greater than 2 cm diameter) giving form to the roots and functioning in anchorage and support.

**Superintendent of Public Works** means the Superintendent of Public Works for the District and includes in his or her absence or unavailability the Operations Manager for the District;

**Top or Topping** means the removal of the crown branches and main leader to stubs or lateral branches that are not large enough to assume the terminal role.

**Tree** means a woody perennial plant with one or more substantially erect main trunks or stems, which is capable of reaching a mature height of 4.5 metres or greater within its natural range, and unless the context requires otherwise, excludes a shrub.

**Tree Assessment Report** means a report from an arborist evaluating the impact of a proposed activity on the health of a tree, and including consideration of the following:

- (a) whether the activity will cause the death of the tree within five (5) years or less;
- (b) whether the activity will cause the tree to deteriorate;

- (c) whether the tree has already deteriorated to the point that its continued retention can no longer reasonably be considered to serve the tree protection objectives of this Bylaw;
- (d) where a tree is to be removed, proposals and strategies for the provision of replacement trees in accordance with this Bylaw, including where applicable, how the canopy cover requirements of this Bylaw will be met.

**Tree Management Plan** means a plan that outlines how construction work is to be accomplished and the steps that will be taken to preserve trees on private or public property that may be impacted by the construction, and that includes the information required and as prescribed by the Manager of Parks Services.

**Tree Permit** means written permission from the Manager of Parks Services or, in the case of a significant tree, written permission from Council, authorizing:

- (1) the pruning, cutting or removal of one or more trees from a specified parcel of land;
- (2) any of the other activities referred to in section 3.1 of this Bylaw.

**Type 1 Tree Permit** means a Tree Permit, other than a Type 2 Tree Permit, authorizing removal of a dead, diseased, dying or hazardous tree.

**Type 2 Tree Permit** means a Tree Permit authorizing an activity that is otherwise prohibited under this Bylaw, and that is required for work to be carried out under a demolition permit or a building permit that has been issued by the District.

**Undue Hardship** means hardship that, in the sole judgment of the permit issuing authority, is excessive, extreme, improper, unreasonable or unjustified, and will be assessed on a case by case basis with specific reference to the underlying circumstances. Even in the event of undue hardship, the permit issuing authority may refuse to issue a permit if doing so would result in inappropriate development or substantially affect the use and / or enjoyment of nearby lands.

**Urban Forest Management Strategy** means the District's Urban Forest Management Strategy dated March 24, 2017.

**Zone** refers to the use of land permitted pursuant to the exercise of the statutory authority of Council to divide the District of Oak Bay into zones and to regulate the use and density of land within a zone.

## 2. APPLICATION

- 2.1 This Bylaw applies to all lands within the District of Oak Bay.

## 3. PROHIBITIONS

- 3.1 Unless exempted under section 4 of this Bylaw, no person shall carry out any of the following activities without first obtaining a Tree Permit issued by the District for that purpose:
  - (a) cut any tree or suffer any tree to be cut;

- (b) top or prune a tree;
- (c) remove bark from a tree;
- (d) cut or damage the roots of a tree inside the drip line;
- (e) cut or damage the roots or branches of a boundary tree;
- (f) dent, gouge or damage the trunk or branches of a tree;
- (g) undertake any activity contrary to any permit conditions;
- (h) place fill, building materials, asphalt, concrete washout or other liquid or chemical substances or any other materials harmful to a tree on land inside the drip line of a tree;
- (i) operate trucks, backhoes, bobcats, excavators or other construction equipment over the roots of a tree, inside the drip line of that tree;
- (j) construct or place a building or structure on land inside the drip line of a tree;
- (k) remove soil from land inside the drip line of a tree, except that a person may remove a small quantity of soil if the act of doing so is not likely to damage the health of a tree;
- (l) blast inside or outside the drip line of a tree so as to damage roots or disturb soil inside the drip line;
- (m) cable or brace a tree for purposes other than tree support and protection;
- (n) attach a sign or other structure to a tree;
- (o) carry out any other activity that could reasonably be expected to damage a tree;
- (p) fail to comply with the terms and conditions of a tree permit issued pursuant to this Bylaw.
- (q)

#### **4. EXEMPTIONS**

- 4.1 A Tree Permit is not required under this Bylaw if the tree is not a protected tree.
- 4.2 Subject to section 4.3, a Tree Permit is not required under this Bylaw if the tree is a protected tree, and the tree or a branch of the tree has been severely damaged by natural causes, and the cutting, pruning or removal of the tree or branch is required on an emergency basis to avoid an imminent danger of injury or damage to persons or property.
- 4.3 A person who cuts, prunes, or removes a tree or branch pursuant to section 4.2 must:



- (a) do so under the supervision of an arborist, and only to the extent necessary to avert an imminent danger of injury or damage to persons or property;
  - (b) report the action taken to the Manager of Parks Services by the end of the next business day;
  - (c) provide the Manager of Parks Services with the written report of a Qualified Tree Risk Assessor confirming that the tree was a hazard tree, that the tree presented imminent danger of injury or damage to persons or property, and that the tree or branch was cut, pruned, or removed only to the extent necessary to avert the imminent danger of injury or damage to persons or property.
- 4.4 A Tree Permit is not required for work carried out by the District so long as the work is first approved by the Manager of Park Services.

## **5. REQUIREMENTS FOR HAZARD TREES**

- 5.1 The Manager of Parks Services may require the owner or occupier of a lot or parcel to trim, remove or cut any trees, hedges, bushes or shrubs on the lot or parcel that the Manager of Parks Services considers:
- (a) are a hazard to the safety of persons on public property;
  - (b) are likely to damage public property;
  - (c) are seriously inconveniencing members of the public in their use of public property.
- 5.2 The Manager of Park Services may serve upon the owner or occupier of a lot or parcel notice that, if the owner or occupier does not take the action required under section 5.1 within five (5) business days, the District will be entitled to take the required action at the expense of the person given the notice.
- 5.3 If the person referred to in section 5.1 does not pay the cost of the action taken on or before December 31<sup>st</sup> in the year in which the cost was incurred, the cost shall be added to and form part of the taxes payable on the property as taxes in arrears.

## **6. SIGNIFICANT TREES**

- 6.1 The Manager of Parks Services may recommend that Council consider designating a tree as a significant tree, where the tree is considered of value for its historical, cultural, indigenous or landmark significance to the community, as well as its botanical significance, ecological heritage, scientific value or wildlife habitat value.
- 6.2 If the tree to be designated as a significant tree is on private land, the owner of the lot or parcel must be given notice in advance of the Council meeting at which the recommendation will be considered, and must be given an opportunity to address Council concerning the proposed designation.

- 6.3 The Manager of Parks Services may cause an identification tag to be fixed to a significant tree that is on private land, with the consent of the owner.

## **7. HAZARDOUS CONDITIONS DEVELOPMENT PERMIT AREA**

- 7.1 The requirements of section 7.2 apply within the area of the District designated as a Hazardous Conditions Development Permit Area, as identified on Schedule E to this Bylaw.
- 7.2 A person who applies for a tree permit for an activity to be undertaken within the area referred to in section 7.1 must provide the Manager of Parks Services with a report certified by a geotechnical engineer, that the proposed tree cutting, damage, removal or other proposed activity will not create a danger of flooding, erosion, or landslide.

## **8. TREE PERMIT APPLICATION PROCESS**

- 8.1 An application for a Tree Permit shall be made to the District of Oak Bay and shall:
- a) be signed by the owner of the lot or parcel where the tree is located, or by a person authorized in writing by the owner to act as his or her agent;
  - b) be made on the application form prescribed by the Manager of Park Services;
  - c) include all reports, surveys, checklists, letters and other information required under this Bylaw, and other information as may be required by the Manager of Parks Services, which without limitation may include a Tree Assessment Report, and a report by a Qualified Tree Risk Assessor;
  - d) include any security required by this Bylaw; and
  - e) include payment of the fees required under Schedule A of this Bylaw.
- 8.2 Each application for a Tree Permit will be reviewed by the Manager of Park Services to ensure compliance with the Official Community Plan, the Urban Forest Management Strategy and the provisions of this Bylaw.
- 8.3 Without limiting the provisions of section 8.1, the applicant for a Tree Permit must provide the following:
- (a) for a Type 1 Tree Permit:
    - i. a Tree Assessment Report, if the Manager of Park Services so requires;
    - ii. if the Tree Permit is for removal of a boundary tree, a letter from the adjacent property owner agreeing to the proposed removal;

- iii. security for any tree replacement required in accordance with this Bylaw.
- (b) for a Type 2 Tree Permit:
  - i. a Tree Assessment Report;
  - ii. a legal survey showing the location of all trees on the lot or parcel;
  - iii. security for tree protection as required under this Bylaw for construction and development activities;
  - iv. a completed checklist in the form prescribed by the Manager of Parks Services;
  - v. a Tree Management Plan;
  - vi. a signed letter of undertaking to complete all works as set out in the Tree Permit and required by the Manager of Parks Services;
  - vii. if the Tree Permit is for removal of a boundary tree, a letter from the adjacent property owner consenting to the proposed removal.

## **9. TREE PERMIT REMOVAL CONSIDERATIONS**

- 9.1 Council is the issuing authority for a tree permit for a significant tree, and the provisions of sections 9.2 to 9.3 shall apply, and for that purpose a reference to the Manager of Parks Services in those sections is to be read as a reference to Council.
- 9.2 The Manager of Parks Services may issue a Tree Permit authorizing the cutting, pruning or removal of a protected tree, or any other activity that would otherwise be prohibited by section 3.1 of this Bylaw, for one or more of the following reasons:
  - (a) to allow the construction, alteration or demolition of a principal building in the location shown and as approved by the District on a building permit, and which complies with all applicable enactments and bylaws; (*Bylaw 4893*)
  - (b) to allow the construction of an accessory building or other structure in a location as approved by the District, and which complies with all applicable bylaws and regulations;
  - (c) to prevent a foreseeable hazard that would be created by damage to the root system of a tree attributable to the construction of a building or structure in a location approved by the building permit issuing authority for the District;
  - (d) to allow the installation of a driveway or required off street parking area where a requirement to install the same in an alternate location would impose an undue hardship;

- (e) to eliminate a situation where pressure or penetration from tree growth above or below ground is causing damage to a building or part thereof, or to a significant structure, and there is no other reasonable solution that would not impose an undue hardship;
- (f) to allow the installation of underground or overhead services where a requirement to install the same in an alternate location would impose an undue hardship;
- (g) to eliminate a hazard caused by interference with utility;
- (h) the tree is in a condition that presents a danger of injury or damage to persons or property as identified by a Certified Arborist or Tree Risk Assessor;
- (i) the tree, due to disease, decay, dieback or other pathological conditions, mishap or pest attack, is in an advanced and irreversible state of decline;
- (j) where the Manager of Parks Services is satisfied that preservation of the tree will not meet the objectives of this Bylaw or the Urban Forest Management Strategy due to inappropriate siting or species selection.

9.3 The Manager of Parks Services may specify, as a condition of a Tree Permit, the arboricultural practices that must be followed in connection with the activity authorized under the permit.

## **10. REPLACEMENT TREES AND CANOPY COVER REQUIREMENTS**

10.1 As a condition of the granting of a tree permit under subsections 9.2(d), (e), (f), (g), (h), (i), or (j) for the removal of a tree:

- (a) The owner of the parcel on which the tree was located must plant on the parcel one (1) replacement tree for each tree removed, in locations approved by the Manager of Parks Services, and in accordance with accepted arboricultural practices. An owner that is subject to this requirement must provide the District with security in the amount set out in Schedule A to this Bylaw, in a form acceptable to the District, for each replacement tree to be planted, which security shall be returned to the owner after three (3) years upon presentation of evidence satisfactory to the Manager of Park Services that the tree is healthy and well established.
- (b) Notwithstanding subsection 10.1(a), for a replacement tree required under subsection 9.2 (i, h), security shall be returned to the owner after one (1) year upon presentation of evidence satisfactory to the Manager of Parks Services that the tree is healthy and well established. (*Bylaw 4893*)

10.2 As a condition of the granting of a tree permit under subsections 9.2(a), (b), or (c) for the removal of a tree, the owner of a parcel on which the tree was located must plant on the parcel two (2) replacement trees for each tree removed from within the proposed building envelope, in locations approved by the Manager of Parks Services, and in accordance with accepted arboricultural practices. An owner that is subject to this requirement must provide the District with security in the amount set out in Schedule A to this Bylaw, in a form acceptable to the District, for each replacement tree to be planted, which security shall be returned to the owner after three years upon

presentation of evidence satisfactory to the Manager of Parks Services that the tree is healthy and well established.

10.3 Where the number of replacement trees required under section 10.1 or 10.2 cannot be reasonably accommodated on the parcel, due to the topography or other built characteristics of the parcel on which replacement trees are required, the owner shall pay the District an amount determined in accordance with Schedule A to this Bylaw, for each replacement tree that cannot be accommodated on the parcel.

10.4 Where the owner of a parcel applies for a building permit, the owner must submit to the Manager of Parks Services for his or her approval a landscape plan prepared by a landscape architect that shows that at the completion of construction, the trees on the parcel, including existing and newly planted canopy cover trees, will be such that the total Canopy Area will meet or exceed the canopy cover targets for the zone in which the parcel is located.

- (a) Where the owner applies for a building permit for the construction of a new principal building, an addition to an existing principal building or for the construction of a new accessory dwelling unit within the zones set out in subsections (i) to (ii) below the owner must meet or exceed the following canopy cover targets:

Zoning Bylaw Zone	Description	Target
(i) R-1 R-2	Residential Use	45%
(ii) R-3 R-4 R-5	Residential Use	35%

- (b) Where the owner applies for a building permit for the construction of a new principal building, or for the renovation, addition or alteration of the exterior of an existing principal building within the zones set out in subsections (i) to (v) below, the owner must meet or exceed the following canopy cover targets:

Zoning Bylaw Zone	Description	Target
(i) RM	Multiple Dwellings	20%
(ii) C CS	Commercial	30%
(iii) P	Community Institutional	30%
(iv) P-2	Community Institutional	50%

(Bylaw 4893)

10.5 Where the Manager of Parks Services is satisfied that the attributes of a mature rhododendron contribute to the total canopy on a lot or parcel in a manner consistent with the objectives of this Bylaw, that mature rhododendron may be included in the determination of the Canopy Area.

10.6 Where section 10.4 applies, the owner of the parcel must:

- (a) before the issuance of a building permit, provide the Manager of Parks Services with security for the fulfillment of the owner's obligation to meet the applicable canopy cover targets, in an amount calculated in accordance with Schedule "A";
- (b) before the issuance of an occupancy permit or final building inspection, plant on the parcel all canopy cover trees shown on the landscape plan approved by the Manager of Parks Services under section 10.4, in locations approved by the

Manager of Parks Services, and in accordance with accepted arboricultural practices;

- (c) maintain on the parcel all existing trees that were shown as contributing to the parcel's Canopy Area on the landscape plan approved by the Manager of Parks Services under 10.4.
- 10.7 A person required to plant a replacement tree or canopy cover tree under this Bylaw shall water, fertilize and maintain the tree using the degree of care and diligence that would reasonably be expected of a person charged with responsibility for the stewardship of an immature tree.
- 10.8 A replacement tree or canopy cover tree required under this Bylaw must be selected from the list of acceptable replacement trees in Schedule C to this Bylaw, or must be another tree approved by the Manager of Parks Services. As an exception, where a tree for which a replacement tree is required is a Garry oak, the replacement tree must be of the same species.
- 10.9 A replacement tree or canopy cover tree required under this Bylaw must have either a height not less than two (2) metres, or a basal diameter of not less than four (4) centimetres, when planted.
- 10.10 The security required under section 10.1 or 10.2 must be provided to the District in advance of the issuance of the tree permit.
- 10.11 If a person to whom a tree permit is issued fails to comply with any of the applicable requirements of sections 10.1 to 10.9, the security provided under section 10.1 or 10.2 shall be forfeited to the District.
- 10.12 The security provided under section 10.6(a) will be held until issuance of an occupancy permit or final building inspection, and will be returned upon receipt of and acceptance by the Manager of Parks Services of a report by the applicant's landscape architect confirming that the applicable canopy cover targets for the parcel have been met.

- 10.13 Where section 10.4 applies, and where the Manager of Parks Services determines that the owner of the parcel has not, by the issuance of an occupancy permit or approval of final building inspection, planted sufficient canopy trees or maintained sufficient existing trees to meet the applicable canopy cover targets, the security provided under section 10.6(a) shall be forfeited to the District in an amount equal to \$500.00 per tree that is not planted to achieve Canopy Area on the parcel.

(\*\* Bylaw 4759, adopted July 6, 2020)

## **11. PROTECTION DURING CONSTRUCTION**

- 11.1 Every person carrying out work under a Type 2 Tree Permit, shall comply with the arboricultural, construction and excavation practices laid out in the Tree Management Plan provided with the application, as approved by the Manager of Parks Services.
- 11.2 As the condition of issuance of a Type 2 Tree Permit, the applicant must provide the District with security for the applicant's performance of its obligations under section 11.1, in a form acceptable to the District and in an amount determined in accordance with Schedule A to this Bylaw as follows:
- (a) The amount of security is to be calculated as per Security, section 2, of Schedule A. The number of trees to be included in the calculation will be determined through the Tree Management Plan, as prepared by an arborist and approved by the Manager of Parks Services, as those trees that may be directly impacted by construction.
- 11.3 The security provided under section 11.2 will be held until issuance of an occupancy permit or final building inspection for the development on the parcel, and will be returned upon receipt of and acceptance by the Manager of Parks Services of a report by the applicant's arborist confirming that the required tree protection measures were followed throughout construction.

## **12. PERMIT EXPIRY, RENEWAL OR REVOCATION TREES**

- 12.1 All tree permits expire after 12 months from the date of issuance.
- 12.2 A permit may be renewed under the following conditions:
- (a) the permit holder applies for renewal of the permit prior to the expiry date of the issued permit;
- (b) an application for renewal shall be subject to all District bylaw requirements that are in effect at the time of the renewal application.
- 12.3 The Manager of Parks may revoke a permit where:
- (a) there is a contravention of any provision of this Bylaw;
- (b) there is a contravention of any term or condition under which the permit was issued;
- (c) the permit was issued on the basis of incorrect information supplied by the applicant.
- 12.4 The owner shall be notified in writing of the revocation of the permit.

### **13. TREE PERMIT REFUSAL AND RECONSIDERATION**

#### **Permit Refusal**

- 13.1 The Manager of Parks Services may refuse an application for the cutting, pruning or removal of a tree if the purpose of the application is to:
- (a) create or enhance view corridors;
  - (b) prevent a tree from shading areas on private property;
  - (c) prevent issues of leaf, flower, seed litter, driveway upheaval, or any other naturally occurring, seasonal situation; or
  - (d) activities that are in contravention or contradiction to federal or provincial statutes.

#### **Permit Reconsideration**

- 13.2 If a decision is made by the Manager of Park Services with regard to the issuance or refusal of a tree permit, the owner has a right to have Council reconsider the matter.
- 13.3 If an owner would like Council to reconsider a decision, the owner must deliver written notice of the request to the Director of Corporate Services within 14 days of receiving notice of the decision.
- 13.4 The Owner shall be notified by the Director of Corporate Services of the date that Council will reconsider the decision.
- 13.5 Council may confirm, overturn or modify the decision of the Manager of Parks Services.

### **14. BYLAW CONTRAVENTION AND ENFORCEMENT**

- 14.1 If a contravention of this Bylaw occurs in a location where excavation, construction or other development is occurring, the Manager of Parks Services, a Bylaw Officer, or any other person authorized by a resolution of Council may place a "Stop Work Order" on the property halting all work associated with tree cutting or tree damaging activities until the contravention is resolved and remediated to the satisfaction of the Manager of Parks Services. *(Bylaw 4893)*
- 14.2 No person shall disobey a stop work order.
- 14.3 Without derogating from any other remedy, recourse or proceeding available to the District, the Manager of Parks Services, acting reasonably, may order the owner of a parcel on which, without benefit of a permit, or in contravention of a condition set out in a permit, a tree protected under this Bylaw has been cut down or damaged, to plant on the parcel two (2) replacement trees, with which the owner of the parcel shall comply, and the provisions of Part 10 of this Bylaw apply with the necessary changes and as applicable.
- 14.4 The Manager of Parks Services, a Bylaw Officer or any employee of the District designated by Council shall have the right at all reasonable times to enter upon any land to make an assessment or inspection for any purpose consistent with this Bylaw.
- 14.5 No person shall prevent or obstruct or attempt to prevent or obstruct the entry of any municipal officer or employee authorized to enter upon land under this Bylaw.



## 15. FEES

- 15.1 The fees for applications, permits and renewals shall be applied as set out in Schedule A to this Bylaw.
- 15.2 All fees are nonrefundable.

## 16. PENALTIES

- 16.1 Pursuant to Part 8 of the *Community Charter*, this Bylaw, without limiting the available remedies, may be enforced by any or all of the following:
- (a) a proceeding brought in Provincial Court under the Offence Act;
  - (b) a Municipal Ticket Information issued under Schedule B of this bylaw or the applicable District of Oak Bay Municipal Ticket Information Bylaw;
  - (c) a proceeding brought in Supreme Court.

Any person who contravenes this Bylaw by doing an act that it forbids, omitting to do an act required to be done, or by failing to comply with the condition of a permit or an order imposed hereunder, commits an offence punishable upon summary conviction and is liable to the maximum penalties that may be imposed pursuant to the *Offence Act* for each and every offence and not less than the fines prescribed in the Municipal Ticket Information Bylaw together with the cost of prosecution and any other penalty or order imposed pursuant to the *Community Charter* or the *Offence Act* as amended from time to time. (*Bylaw 4893*)

- 16.2 Pursuant to section 17 of the *Community Charter*, if a person subject to a requirement set out in this bylaw fails to take the required action, the municipality may fulfill the requirement at the expense of the person and recover the costs incurred from that person as a debt. (*Bylaw 4893*)
- 16.3 Each day that an offence against this Bylaw continues or exists shall be deemed to be a separate and distinct offence.

## 17. REPEAL

- 17.1 The following bylaw is hereby repealed:
- Bylaw No. 4326, *Tree Protection Bylaw, 2006* and all amendments thereto are hereby repealed.

## 18. CITATION

- 18.1 This Bylaw may be cited as the *Tree Protection Bylaw, 2020*.

READ a first, second and third time by the Municipal Council on February 24, 2020.

ADOPTED AND FINALLY PASSED by the Municipal Council on March 9, 2020.

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Mayor

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Director of Corporate Services

Sealed with the Seal of The Corporation  
of the District of Oak Bay

## Schedule A FEES AND SECURITY

### TREE PERMIT APPLICATION / REPLACEMENT TREE

	<b>Fee</b>
Significant Tree Removal or Pruning	No application fee
Removal or Pruning of Tree Above 30 cm dbh	\$ 50
Dead, Diseased, Dying Hazardous Tree Removal	\$ 50
Renewal Permit (section 12.2)	\$ 50
Tree Permits Issued for a Purpose Under Section 9.2(a) to (d) or (f)	\$500
Fee Where Required Replacement Trees Will Not Be Planted on Applicant's Property (section 10.3)	\$500 per tree

### SECURITY

<b>Activity</b>	<b>Deposit</b>
1. Planting, Care and Maintenance of Replacement Trees for a Period of Three (3) Years (sections 10.1, 10.2)	\$500 per tree
2. Planting, Care and Maintenance of Replacement Trees for a Period of One (1) Year (section 10.1)	\$500 per tree
3. Protection During Construction (section 11.2 - Maximum of \$50,000 per Lot):	
(a) Protected Trees Under 30 cm dbh (per tree)	\$ 1,000
(b) Protected Trees 30 cm to 60 cm dbh (per tree)	\$ 2,500
(c) Protected Trees Greater Than 60 cm dbh (per tree)	\$ 5,000
(d) Significant Trees (per tree)	\$10,000
4. Canopy Area Requirements (section 10.6(a))	\$500 per tree to achieve required Canopy Area

(\*\* Bylaw 4759, adopted July 6, 2020)

**Schedule B**  
**MINIMUM FINES**

<b>Offence</b>	<b>Section</b>	<b>Fine</b>
Cut, Prune Protected Tree Without Permit	3.1	\$3000
Damage Protected Tree Without Permit	3.1	\$3000
Fail to Plant Replacement Tree - Permit Condition	10.1, 10.2	\$3000
Fail to Maintain Replacement Tree	10.7	\$3000
Fail to Protect Tree During Construction - No Permit	3.1	\$3000
Fail to Comply with Specified Practices - Construction	11.1	\$3000
Fail to Comply With Specified Practices – Other	9.3	\$3000
Fail to Plant Replacement Trees – Trees Removed Without Permit	10.1, 10.2	\$3000

(Bylaw 4893)

## Schedule C

### APPROVED TREES

The following large, medium and small trees are recommended as acceptable species suitable for Oak Bay's current and future climate.

**Large Canopy Trees = Canopy Cover Credit of 125 m<sup>2</sup> per tree.**

Common Name	Botanical Name	Comments
Grand Fir	<i>Abies grandis</i>	Drought intolerant.
Hedge Maple	<i>Acer campestre</i>	Extremely drought tolerant.
Big Leaf Maple	<i>Acer macrophyllum</i>	Native to BC.
Sycamore maple	<i>Acer pseudoplatanus</i>	Tolerant of wind and coastal exposure.
Red Maple	<i>Acer rubrum</i>	Fast growing once established.
Sugar maple	<i>Acer saccharum</i>	Shade tolerant, needs cold winters.
Freeman maple	<i>Acer x freemanii</i>	A hybrid, a cross of <i>Acer rubrum</i> (Red Maple) × <i>Acer saccharinum</i> (Silver Maple). Vigorous habit.
Yellow buckeye	<i>Aesculus flava</i>	Foliage tends to scorch and generally depreciate in dry conditions.
Horsechestnut	<i>Aesculus hippocastanum</i>	Good for shade.
Red Flower Horsechestnut	<i>Aesculus x carnea</i>	Distinctive, rose-red, cone-shaped flower.
Red Alder	<i>Alnus rubra</i>	Native to BC. Prefers full sun.
Monkey Puzzle	<i>Araucaria araucana</i>	Can live for 1000 years.
Arbutus	<i>Arbutus menziesii</i>	Native broadleaf evergreen tree.
Spanish Chestnut	<i>Castanea sativa</i>	Valuable for bees and butterflies.
Common Catalpa	<i>Catalpa bignonioides</i>	Branches are brittle.
Western Catalpa	<i>Catalpa speciosa</i>	Adaptable to adverse conditions.
Atlas Cedar	<i>Cedrus atlantica</i>	Large evergreen, needs space to grow. Has heavy annual needle drop.
Deodar Cedar	<i>Cedrus deodara</i>	Large evergreen, needs space to grow. Has heavy annual needle drop.
Eucalyptus sp	<i>Eucalyptus</i>	Fast growing, make sure you select the right variety.
European beech	<i>Fagus sylvatica</i>	Large, graceful tree.
Fraxinus	<i>Fraxinus</i> sp	Moderate drought tolerance.
Ginkgo	<i>Ginkgo biloba</i>	Long lived, yellow fall colour.
Walnut	<i>Juglans</i> sp	The tree and roots contain a natural substance called juglone that inhibits the growth of many plants planted nearby.
Worplesdon Sweetgum	<i>Liquidambar styraciflua</i> "Worplesdon"	Can be brittle, needs early training, good fall colour, can hold leaves over winter.
Tulip Tree	<i>Liriodendron tulipifera</i>	One of the fastest growing shade trees, large flowers superficially resembling tulips.
European larch	<i>Larix decidua</i>	European larch is a great choice for specimen plantings or in groups for parks and large areas. Unlike most conifers, it drops its needles in winter.
Dawn redwood	<i>Metasequoia glyptostroboides</i>	Fast growing deciduous conifer tree.
Norway Spruce	<i>Picea abies</i>	Drought intolerant, sun lover.
Scotch pine	<i>Pinus sylvestris</i>	Prefers dry to average moisture levels with

Common Name	Botanical Name	Comments
London planetree	Platanus x acerifolia	very well drained soil. Large tree with a spreading crown, it is only suitable for large spaces.
Platanus orientalis	Oriental plane tree	Withstand air pollution, drought and compacted soil.
Trembling Aspen	Populus tremuloides	Grows best on moist, well drained soils.
Cottonwood	Populus balsamifera spp trihocarpa	Cottonwood require ample moisture and plenty of nutrients to grow well. They favour floodplains and moist upland sites with lots of light. They do not grow well in the shade of other species.
Douglas fir	Pseudotsuga menziesii	Douglas firs are medium size to extremely large evergreen trees.
White swamp oak	Quercus bicolor	Preference for moist, rich soils and sunny, open canopy habitats.
Scarlet oak	Quercus coccinea	Fast growing and tolerates a wide range of soils. Good fall colour.
Hungarian oak	Quercus frainetto	Drought tolerant, transplants easily, no significant disease or insect problems.
Garry oak	Quercus garryana	Oak Bay's namesake tree, distinct, and one of the stateliest trees.
Burr oak	Quercus macrocarpa	Tolerant of a variety of moisture and soil conditions, adapts well to urban settings. Its fringed acorns are food for wildlife. A very long lived tree. Prefers full sun.
Pin oak	Quercus palustris	It thrives in full sun to partial sun (but is shade tolerant in youth).
English oak	Quercus robur	The growth habit of English Oak is upright, densely oval, and symmetrical through middle age, then becoming more spreading with advanced maturity.
Red oak	Quercus rubra	Noted for its brick-red autumn colour and its rapid and vigorous growth rate.
California redwood	Sequoia sempervirens	Tallest living things on our planet, best for parks or open spaces.
Giant redwood	Sequoia giganteum	The most massive living things, they can reach 280 feet tall and 23 feet across. Not suited for urban properties.
Western Redcedar	Thuja plicata	Western redcedar grows best in moist to wet soils, with lots of nutrients. Drought intolerant.
False arborvitae	Thujopsis dolabrata	Prefers moist, acid soil, needs humid cool air. Plant out of drying winds in full sun to light shade.
Little-leaf linden	Tilia cordata	Littleleaf linden is chosen for its symmetrical shape, tolerance to many urban conditions and fragrant and attractive July bloom. Can be aphid prone.
Large- leaf linden	Tilia platyphyllos	Bigleaf lindens, like some other lindens, are very long lived.
Silver linden	Tilia tomentosa	Fragrant yellow flowers. All lindens attract bees.

<b>Common Name</b>	<b>Botanical Name</b>	<b>Comments</b>
Caucasian lime	Tilia x euchlora	The Caucasian lime blooming late and plentiful. The nectar is very high in sugar.
Western Hemlock	Tsuga heterophylla	A large tree, it usually grows 30 to 50 metres tall. Narrow crown and conspicuously drooping new growth at the top of the tree. It has mostly down sweeping branches and delicate feathery foliage. Drought intolerant.
American Elm	Ulmus americana	Graceful, stately shape, with branches like spreading fountains, and their green leaves that turn gold in fall.
Japanese zelkova	Zelkova serrata	This tree requires full to partial sun and prefers moist, well-drained soils.

**Medium Canopy Trees = Canopy Cover Credit of 50 m<sup>2</sup> per tree.**

<b>Common Name</b>	<b>Botanical Name</b>	<b>Comments</b>
River birch	Betula nigra Cully,s Cultivar	Brown bark, resistant to bronze birch borer.
Hardy rubber tree	Eucommia ulmoides	Tolerances: Dry sites, occasional drought, wet sites, alkaline soil, clay soil, road salt.
Honey locust	Gleditsia triacanthos	Honey locust is highly adaptable to different environments.
Golden honey locust	Gleditsia triacanthos "sunburst"	Brilliant yellow foliage.
Golden rain tree	Koelreuteria Paniculata	Known for its sprays of yellow flowers in summer. The flowers are followed by fruit that are air filled capsules resembling Japanese lanterns.
Evergreen magnolia	Magnolia grandiflora	Varieties like 'St. Mary,' 'Little Gem,' 'Samuel' and 'Timeless Beauty' flower in abundance at an early age, but other varieties can take up to 10 years to flower in profusion.
Kobus magnolia	Magnolia kobus	This lovely open growing tree produces a profusion of lightly fragrant narrow petaled flowers in early spring. As the tree matures the flowering increases to a point where it looks like a billowy white cloud in flower. The roots are not aggressive and this tree casts open shade making it possible to garden under the canopy.
Saucer magnolia	Magnolia x soulangeana	It is a deciduous tree with large, early blooming flowers in various shades of white, pink, and purple. It is one of the most commonly used magnolias in horticulture.
Sweetbay magnolia	Magnolia virginiana	Sweet fragrance and attractive shape make it an ideal specimen tree. The flowers have a sweet, lemony scent while the leaves and twigs have a spicy fragrance.
Yoshino cherry	Prunus x yedoensis akebono	Masses of large, semi-double, pink flowers that fade slightly as they age. It blooms in April, develops wide spreading branches.
Kwanzan cherry	Prunus serrulata 'Kanzan'	The Kanzan (Kwanzan) cherry has double pink flowers and a vase shaped form with a rounded crown that spreads with age.
Holly oak	Quercus ilex	Evergreen tree resistant to salt spray from the sea, and are often planted as a windbreak in coastal situations.
Tupelo	Nyssa sylvatica	Easily grown in average, medium to wet soils in full sun to part shade. Prefers moist, acidic soils. Tolerates poorly drained soils and can grow in standing water. Bright red fall color.

<b>Common Name</b>	<b>Botanical Name</b>	<b>Comments</b>
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Common Name	Botanical Name	Comments
Shore pine	Pinus contorta	It is highly adaptable and can grow from dunes and bogs to rocky hilltops, and is tolerant of low nutrient conditions and salt spray.
Austrian pine	Pinus nigra	Austrian pine can grow to be a medium, broad tree with deep roots and is therefore unsuitable for small spaces. It is hardy and transplants well. It grows best on sunny sites.
Trembling aspen	Populus tremuloides	A slender, graceful tree with smooth, greenish white bark; grows up to 25 metres tall; distinctive leaves that quiver in the slightest breeze.
Whitebeam	Sorbus aria	Whitebeam is native to northwestern Europe and can withstand harsh climatic conditions.
Bald Cypress	Taxodium distichum	Unlike most cone bearing trees, bald cypress loses its needles each winter and grows a new set in spring. The russet-red fall colour of its lacy needles is one of its outstanding characteristics. Hardy and tough, this tree will adapt to a wide range of soil types, whether wet, dry, or even swampy.
Nootka Cypress	Xanthocyparis nootatensis	This medium pyramidal tree has drooping branches with dark gray-green foliage that drape from spreading and upcurved branches. One of the most beautiful of the weeping conifers for dramatically accenting the landscape. This native selection thrives in cool, humid summer climates with above average rainfall. Evergreen.

**Small Canopy Trees = Canopy Cover Credit of 25 m<sup>2</sup> per tree.**

Fruit trees are also acceptable as small canopy trees where the homeowner wishes to maintain productive trees in their yards.

Common Name	Botanical Name	Comments
Vine Maple	Acer circinatum	A deciduous shrub or small tree, sometimes reaching a height of 20 metres; it has a short, crooked trunk, with twisted, spreading limbs and a low, irregularly shaped crown.
Douglas Maple	Acer douglasii	Douglas maple is suitable as an ornamental and is particularly attractive in the autumn.
Japanese maple	Acer palmatum	Japanese maples are especially prized for the diversity of size, shape and colour of foliage. Foliage colour changes with the season, and many are especially spectacular in the autumn
Korean maple	Acer pseudosieboldianum	Korean Maple has attractive forest green foliage which emerges red in spring. The palmate leaves are highly ornamental and turn an outstanding scarlet in the fall.
Paperbark maple	Acer griseum	A handsome tree with an oval to rounded crown, an open habit, and upright branching. Soft green leaves turn scarlet in fall. Becomes distinctive and elegant with age, as its papery sheets of bark peel to reveal cinnamon-brown new bark. An excellent small landscape specimen or woodland understory accent.
American hornbeam	Carpinus caroliniana	New leaves emerge reddish-purple, changing to dark green, then turn yellow to orange-red in the fall, offering a kaleidoscope of colour throughout the year.
Japanese hornbeam	Carpinus japonica	Elegant small tree for the garden. It forms a low wide spreading mounded shape with a thin delicate layered branching habit.
Hinoki false cypress	Chamaecyparis obtuse	Foliage is thick, dark green in color and arranged on "wavy" branches.
Giant Dogwood	Cornus controversa	Grow in acidic, organically rich, medium moisture, well drained soils in full sun to part shade. Some afternoon shade is appreciated in hot summer climates such as the St. Louis area. Best performance occurs in cool summer climates. Provide consistent moisture and mulch root zone.
Cornus Eddies white wonder	Eddies white wonder	The large flower bracts open in early spring and have broad overlapping bracts (false petals) that are gleaming white and abundant.

Common Name	Botanical Name	Comments
Korean dogwood	Cornus kousa	This handsome small tree adds year round beauty. White flowers in May and June give a milky way effect; purple and scarlet fall leaves add intense colour. Beautiful tree form, with horizontal branching. Partial shade to full sun.
Serbian spruce	Picea omorika	The most graceful of all spruces, the Serbian Spruce offers thin arching branches with a slender straight trunk. The needles are light-green to blue-green with purple to cinnamon coloured 1 ½ inch cones. Prefers deep, moist, well drained soil. Plant in partial shade to full sun.
Redbud	Cercis canadensis	Eastern redbud is a small deciduous tree. Trees typically grow 20 feet in height with a similar spread and have gracefully ascending branches and a rounded shape.
Venus dogwood	Cornus x venus	Venus dogwood is a small tree that offers excellent spring and fall interest as well as excellent disease resistance and ease of care. This tree's fruit attracts birds in the fall.
Black hawthorne	Crataegus douglasii	This species is a handsome ornamental with showy white flowers, glossy foliage, and odd, shiny black fruits. It is named for its discoverer, David Douglas (1798-1834), the Scottish botanical explorer.
Lavallei hawthorne	Crataegus x lavellei	Lavalle Hawthorn is an almost bulletproof street or landscape tree. The leaves are 2" to 4" long and 1" to 1½" wide, and develop into a shiny, lustrous dark green color, almost appearing evergreen into a mild winter. The flowers are white and showy in spring, followed by bronzy to coppery red colors in fall. Fruit is brick red to orange, and from ½" to ¾" diameter.
Toba hawthorne	Crataegus mordensis	Its short stature is ideal for growing under powerlines on a boulevard. Toba hawthorn will have showy white flowers with pink overtones.
Star magnolia	Magnolia stellata	Magnolia stellata, sometimes called the star magnolia, is a slow growing shrub or small tree native to Japan. It bears large, showy white or pink flowers in early spring, before its leaves open.
Japanese flowering crapapple	Malus floribunda	A small ornamental tree known for its showy, bright pink buds that open to fragrant white flowers. Japanese flowering crabapple has an irregular, spreading branch habit as it ages, showy, persistent yellow-red fruits and good disease resistance. Use as a specimen tree or in small groups.
Southern beech	Nothofagus antarctica	Nothofagus antarctica is a very

Common Name	Botanical Name	Comments
Purple leaf plum	Prunus pissardi nigra	characteristic tree that preferably should be planted as a solitary or in small groups. A widely planted tree with very early dark pink flowers one of the first of the trees to blossom in the spring often in blossom late February or early March. The blossom is followed by dark purple leaves.
Sourwood	Oxedendron	Sourwood is an attractive tree with white flowers in early summer and excellent fall colour. This tree requires an acid soil.
Japanese stewartia	Stewartia pseudocamellia	This tree grows somewhat slowly until established, eventually reaching up to 40 feet tall and 20 feet wide. It's an excellent specimen tree.
Japanese snowbell	Styrax japonica	Lovely, slightly fragrant, white, bell shaped flowers drip from strongly horizontal side branches with dark green foliage in early summer. A splendid small tree for use adjacent to a patio or near a pathway.
Fragrant snowbell	Styrax obassia	Styrax obassia is a handsome tree with bold foliage of up to six inches long, somewhat reminiscent of the In late spring chains of fragrant white flowers decorate the branches. The form is dense while young, somewhat oval in shape, then becomes more open rounded with age.
Western yew	Taxus brevifolia	Considered a slow growing understory species and can live up to 400 years. Conifer.

## Schedule D

### SIGNIFICANT TREES

Significant trees are recognized for their importance to the community, including heritage, species, location, condition, age, landmark value or wildlife habitat.

Civic Address / Other Description	Location Within Described Property	Species / DBH	Tag No.
Boulevard, West Side of Beach Drive, Across From 1069 Beach Drive	N/A	Garry oak <i>Quercus Garryana</i> DBH – 4 stems ranging from 42.5 cm to 73 cm	18
Boulevard, SW Corner of Bowker Place and Bowker Avenue	N/A	Silver Maple <i>Acer Saccharinum</i> DBH: 119.7 cm	19
Boulevard, NW Corner of Cranmore Road and Hampshire Road	N/A	Arbutus <i>Arbutus Menziesii</i> DBH: 43.8 cm	20
2564 Heron Street	Front Yard	Double Bird Cherry <i>Prunus Avium Plenus</i> DBH: 89.0 cm	21
Traffic Island, Lansdowne Road at Southdowne Road	N/A	Atlas Cedar <i>Cedrus Atlantica</i> DBH: 7 Stems Ranging from 35 cm to 97.5 cm	22
Boulevard, East Side of Beach Drive at Projection of Exeter Road	N/A	Pacific (Western) Yew <i>Taxus Brevifolia</i> DBH: 43.5 cm	23
Boulevard, East Side of Beach Drive at Projection of Exeter Road	N/A	Pacific (Western) Yew <i>Taxus Brevifolia</i> DBH: 36.5 cm	24
Boulevard, West Side of Beach Drive, Across From 3575 Beach Drive	N/A	Early Pink Cherry <i>Prunus x Accolade</i> DBH: 49.5 cm	25
Boulevard, West Side of Falkland Road, in Front of 520 Falkland Road	N/A	Garry oak <i>Quercus Garryana</i> DBH: 175.8 cm	44

Schedule E  
STEEP SLOPE AREAS

