

**THE CORPORATION OF THE COUNTY OF PERTH**

**BY-LAW No. 4075-2026**

**Consolidated**

**BEING A BY-LAW TO REGULATE THE DESTRUCTION OR INJURING OF TREES  
IN WOODLANDS IN THE COUNTY OF PERTH AND TO REPEAL BY-LAW 3557-  
2016 AND BY-LAW 3731-2019**

WHEREAS Section 135(2) of the *Municipal Act*, S.O. 2001, c.25, as amended (the “Act”), authorizes Council of The Corporation of the County of Perth to enact a By-law to regulate the destruction or injuring of trees;

AND WHEREAS Section 135(10) of the Act provides that a lower-tier municipality may delegate to an upper-tier municipality all or part of its authority to pass a By-law in respect of the destruction or injuring of trees;

AND WHEREAS each of the County’s Lower-tier municipalities delegated their authority to the County under Section 135(10) of the Act;

AND WHEREAS Council has determined it is desirable to enact a By-law to regulate the destruction or injury of trees;

THEREFORE, Council of The Corporation of the County of Perth HEREBY ENACTS as follows:

**Section 1: Purpose**

- 1) The purpose of this By-law is to protect, preserve, and enhance the forest, soil, fish, wildlife and water resources within the County of Perth by regulating activities that may injure, destroy, or remove trees, while promoting Good Forestry Practices and to achieve the objectives of the County’s Official Plan.
- 2) The By-law:
  - i. sets out the standards, approvals, and responsibilities required when property owners undertake tree-related activities;
  - ii. defines the enforcement measures, penalties, and remedial obligations that apply when such activities occur without compliance, ensuring consistent and responsible stewardship of tree canopy and natural vegetation across the County; and
  - iii. aims to promote culture of cooperation between all property owners and the County.

## Section 2: Definitions

1) In this By-law:

- a) "Appeal Officer" means a Registered Professional Forester appointed by Council, or their designate, responsible for independently reviewing and determining appeals related to Notices of Intent, Compliance Certificates, and Non-Compliance Certificates issued under this By-law, and for confirming, varying, or overturning such determinations and/or decisions in accordance with the procedures established herein.
- b) "Building Permit" means a building permit issued under the *Building Code Act, 1992*, S.O. 1992, c. 23, as amended or any successor legislation.
- c) "Business Day" means any day falling on or between Monday and Friday of each week but does not include New Year's Day, Family Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Civic Holiday, Labour Day, Thanksgiving Day, Christmas Day, or Boxing Day.
- d) "Cadastral Surveying" means surveying in relation to the identification, establishment, documentation or description of a boundary or the position of anything relative to a boundary; or the generation, manipulation, adjustment, custody, storage, retrieval or display of spatial information that defines a boundary.
- e) "Certificate" means a Non-Compliance Certificate or a Compliance Certificate issued under this By-law.
- f) "Circumference" means the measurement of the perimeter or outer boundary of a stem or trunk of a tree with such measurement including the bark of the stem.
- g) "Compliance Certificate" means a certificate issued by the Officer confirming a Notice of Intent is complete and the proposed tree-related activity complies with the requirements of this By-law.
- h) "Coppice Growth" means where more than one tree stem grows from a single tree stump.
- i) "Council" means the Council of The Corporation of the County of Perth.
- j) "County" means The Corporation of the County of Perth or the area up to and including the geographical boundaries of the County of Perth as the context requires.
- k) "Christmas Tree Plantation" means an area planted with appropriate tree species and actively managed and maintained for the production and sale of Christmas trees.

- l) "Cultivated Fruit or Nut Orchard" means an area planted with appropriate tree species which are actively managed and maintained for food production as part of an agricultural operation.
- m) "DBH" (Diameter at Breast Height) means the diameter of the stem of a tree measured at a point that is 1.37 metres (4.5 feet) above the ground.
- n) "Diameter" means the diameter of the stem of a tree measured outside the bark at a specified point of measurement.
- o) "Good Forestry Practices" means the proper implementation of harvest, renewal and maintenance activities known to be appropriate for the forest and environmental conditions under which they are being applied and that minimize detriments to forest values including significant ecosystems, important fish and wildlife habitat, soil and water quality and quantity, forest productivity and health and the aesthetics and recreational opportunities of the landscape.
- p) "Lower-tier Municipality" means each of the Township of Perth East, Township of Perth South, Municipality of West Perth and Municipality of North Perth.
- q) "Non-Compliance Certificate" means a certificate issued by the Officer confirming either that a Notice of Intent is incomplete or the proposed tree-related activity does not comply with the requirements or framework of this By-law, or both.
- r) "Notice of Appeal" means a written notice submitted by an appellant or other Person entitled to appeal under this By-law, requesting a formal review of a Compliance Certificate or Non-Compliance Certificate issued by the Officer, in accordance with the requirements and timelines established by this By-law.
- s) "Notice of Decision" means the written decision issued by the Appeals Officer following an appeal of a Compliance Certificate or Non-Compliance Certificate under this By-law, confirming, varying, or overturning the Certificate.
- t) "Notice of Intent" means a written notice submitted to the County by a Person proposing to undertake tree-related activities, providing the information required under this By-law to enable the Officer to determine whether the proposed activity complies with the requirements and framework of this By-law.
- u) "Officer" means a provincial offences officer as defined in the *Provincial Offences Act*, R.S.O. 190. c. P.33, as amended, or its successor legislation.

- v) "Order" means a Stop Work Order issued pursuant to Section 10 of this By-law or an Order issued by an Officer issued pursuant to Section 11 of the By-law as the context requires.
- w) "Owner" means a Person having any right, title, interest or equity in land.
- x) "Own Use" means a use that does not include sale, exchange, barter or other disposition.
- y) "Person" includes but is not limited to an individual, partnership or corporation.
- z) "Point of Measurement" means that point on the tree trunk measured above the highest point of the ground in an undisturbed state at the base of the tree. For Coppice Growth the point of measurement means that point on each tree stem or trunk measured above the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres (4.5 feet) above the highest point of undisturbed ground at the base of the Coppice Growth. The point of separation in effect becomes "ground level" for each stem in the Coppice Growth, and the same circumference or diameter limits apply as for single-stemmed trees.
- aa) "Registered Professional Forester" has the same meaning as in the *Professional Foresters Act*, S.O. 2000, c.18, as amended, or its successor legislation.
- bb) "Silviculture" means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of good forestry practice and forest management.
- cc) "Silvicultural Prescription" means a site-specific operational plan that describes the existing forest conditions and the forest management objectives for an area, and which prescribes the methods for harvesting the existing forest stand and a series of silvicultural treatments that will be carried out to establish a free growing stand in a manner that accommodates other resource values as identified.
- dd) "Single Lane Driveway" means a private passageway for a motor vehicle, having at least one end thereof connected to a road, and providing the principal means of vehicular access to a building, structure or thing in respect of which a Building Permit has been issued. The maximum width of a single lane driveway is 6 metres (20 feet).
- ee) "tree" means any species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 metres (15 feet) at physiological maturity.

- ff) "Tree Plantation" means a wooded area with intentionally planted or seeded trees as a crop in a pre-determined pattern or rows for commercial forestry purposes, including harvesting, and which is actively and continuously managed in keeping with the original purpose of planting or seeding. For greater clarity, a Tree Plantation is not a naturally evolved Woodland. This section applies as of the date the by-law passed.
  - gg) "Windbreak" means a linear treed area of any size consisting of 1 to 3 rows of planted trees with a separation of at least 20 metres from the ecological boundary of any Woodland, including 1 to 3 rows of planted trees which lawfully existed prior to the enactment of this By-law, with a separation of at least 20 metres from the ecological boundary of any Woodland.
  - hh) "Woodlands" or "Woodland" means land at least one hectare (or its equivalent of 2.47 acres) or more in area with at least:
    - i. 1000 trees of any size per hectare or 405 trees of any size per acre;
    - ii. 750 trees measuring over five (5) centimetres (2 inches) in diameter at DBH per hectare or 304 trees of such measure per acre;
    - iii. 500 trees measuring over twelve (12) centimetres (5 inches) in diameter at DBH per hectare or 202 trees of such size per acre; or
    - iv. 250 trees, measuring over twenty (20) centimetres (8 inches) in diameter at DBH per hectare or 101 trees of such size per acrebut does not include a Cultivated Fruit or Nut Orchard or a plantation established for the purpose of producing Christmas trees.
- 2) For the purposes of this By-law, the boundary of a Woodland shall be defined by the ecological limit of the Woodland and not by property boundaries. For greater clarity, in an area along the edge of a field used to plant crops immediately adjacent to a Woodland the ecological limit will be determined by the tillage mark, wherever possible.

### **Section 3: General Prohibition**

Except as provided in this By-law, no Person by themselves or through any another Person shall destroy or injure, or cause or permit to be destroyed or injured, any living tree located in a Woodland within the County.

### **Section 4: Exceptions**

A Person may destroy or injure a tree located in a Woodland in the County if:

- 1) The Person has received a valid Compliance Certificate issued under this By-law authorizing the proposed tree-related activity, and the activity is carried out in accordance with the terms and conditions of the Compliance Certificate and all

other requirements of this By-law.

**OR**

- 2) The Person who is destroying or injuring trees does so in accordance with a Silvicultural Prescription incorporating good forestry practice prepared by:
- a) a Registered Professional Forester in good standing with the Ontario Professional Foresters Association; or
  - b) a member in good standing with the Ontario Professional Foresters Association; and
  - c) the Person who is destroying or injuring trees has complied with all the requirements of this By-law; and
  - d) the trees to be destroyed or injured have been clearly marked with paint on two sides and at the base of the tree with the basal mark extending to the ground; and
  - e) a Compliance Certificate has been obtained and the activity is carried out in accordance with the terms and conditions of the Compliance Certificate and all other requirements of this By-law.

**OR**

- 3) The trees destroyed or injured:
- a) have attained, at the specified point of measurement, the circumference or diameter measurement which is equal to or greater than the minimum circumference or diameter prescribed for the species in Schedule "A" to this By-law; and
  - b) the injuring or destruction of trees has occurred in compliance with all the requirements of this By-law; and
  - c) the destruction or injuring of trees will not reduce the density of trees in the area in which the injury or destruction occurred below the minimum number of trees per hectare specified in the definitions of a Woodland; and
  - d) a Compliance Certificate has been obtained and the activity is carried out in accordance with the terms and conditions of the Compliance Certificate and all other requirements of this By-law.

## **Section 5: Exemptions**

This By-law does not apply to:

- 1) activities or matters undertaken by the County or a Lower-tier Municipality or a local board of a Lower-tier Municipality;

- 2) activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act*, 1994, R.S.O. 1990, c. 25;
- 3) the injuring or destruction of trees by a person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29 to engage in the practice of Cadastral Surveying or their agent, while making a survey;
- 4) the injuring or destruction of trees imposed as a condition to the approval of a site plan, a plan of subdivision or a consent under sections 41, 51, or 53, respectively, of the *Planning Act*, R.S.O. 1990, c. P.13 or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
- 5) the injuring or destruction of trees imposed as a condition to a development permit authorized by regulation made under section 70.2 of the *Planning Act*, R.S.O. 1990, c. P.13 or as a requirement of an agreement under the regulation;
- 6) the injuring or destruction of trees by a transmitter or distributor, as those terms are defined in section 2 of the *Electricity Act*, 1998, S.O. 1998, c. 15, Schedule "A" for the purpose of construction and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 7) the injuring or destruction of trees undertaken on land described in a licence for a pit or quarry or a permit for a wayside pit or wayside quarry issued under the *Aggregate Resources Act*, R.S.O. 1990, c. A.8;
- 8) the injuring or destruction of trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
  - a) that has not been designated under the *Aggregate Resources Act*, R.S.O. 1990, c. A. 8 or a predecessor of that Act, and
  - b) on which a pit or quarry is a permitted land use under a By-law passed under section 34 of the *Planning Act*, R.S.O. 1990, c. P 13;
- 9) the injuring or destruction of trees required to erect any building, structure or thing in respect of which a Building Permit is issued and has taken into consideration the protection of trees surrounding the structure or work within the building envelope, provided that no tree is destroyed or injured that is located more than 15 metres (50 feet) from the outer edge of the building, structure or thing;
- 10) the injuring or destruction of trees required to install and provide utilities for or to construct a Single Lane Driveway of no more than 6 metres (20 feet) in width for vehicular access during construction to a building, structure or thing for which a Building Permit has been issued;
- 11) the injury or destruction of trees by an Owner of the lands upon which a Woodland is located who has destroyed or injured trees for their Own Use provided that the destruction or injuring of trees will not reduce the density of trees in the area in

which the injury or destruction occurred below the minimum number of trees per hectare specified in the definitions of a Woodland; or

12) the clearing of trees:

- a) in an area along the edge of a field used to plant crops immediately adjacent to a Woodland which has become overgrown by seedlings and saplings; or
- b) that impede the passage of farm machinery or equipment along an existing laneway that is either within or along the edge a Woodland;

provided that the area to be cleared has been inspected, approved and marked by an Officer prior to the commencement of the clearing of the trees and the Person who cleared or caused or permitted the injury or destruction of the trees for this purpose has complied with this By-law.

13) selective trimming of tree branches located in an area along the edge of a field used to plant crops immediately adjacent to Woodlands where such branches have overgrown and impede the safe and efficient passage of agricultural machinery or equipment. All selective trimming shall:

- a) be limited strictly to branches necessary to provide reasonable clearance for the farming equipment;
- b) be carried out in a manner consistent with good forestry and silvicultural practices;
- c) avoid unnecessary harm to the health, stability, or long-term viability of the trees; and
- d) not involve the removal, destruction, or killing of any tree.

14) repositioning of dead trees, located in an area along the edge of a field used to plant crops immediately adjacent to Woodlands where such trees have encroached upon cultivated areas or access routes. The repositioning or pushing back of such trees into the Woodland area shall:

- a) be conducted using methods designed to preserve the life and structural integrity of the trees;
- b) not result in the cutting or removal of any living tree; and
- c) be limited to the minimum extent necessary to restore reasonable agricultural use or access.

15) the injuring or destruction of trees forming a Windbreak, Tree Plantation or a tree nursery stock, provided that any clearing or removal of trees does not contravene

any other applicable laws affecting conservation, drainage, or environmental protection requirements. For greater clarity, Windbreak and Tree Plantation are defined in Section 2(1) of this By-law.

## **Section 6: Notice of Intent and Certificates**

- 1) Every Person who intends to destroy or injure trees located in the County pursuant to Section 4(1) of this By-law shall first request a Notice of Intent form from the County. The Person shall legibly complete the Notice of Intent form and personally deliver or send it by mail, facsimile transmission or email to the County as directed on the Notice of Intent form no less than 20 Business Days prior and no more than 180 Business Days prior to the start of the destruction or injury of trees.
- 2) Every Person who intends to destroy or injure trees located in the County pursuant to Section 4(2) of this By-law shall first request a Notice of Intent form from the County. The Person shall legibly complete the Notice of Intent form and personally deliver or send it by mail, facsimile transmission or email to the County as directed on the Notice of Intent form no less than 20 Business Days prior and no more than 180 Business Days prior to the start of the destruction or injury of trees together with a legible copy of the Silvicultural Prescription signed by and identifying the Person who prepared the prescription.
- 3) Every Person who intends to destroy or injure trees located in the County pursuant to Section 4(3) of this By-law shall first request a Notice of Intent form from the County. The Person shall legibly complete the Notice of Intent form and personally deliver or send it by mail, facsimile transmission or email to the County as directed on the Notice of Intent form no less than 7 Business Days and no more than 180 Business Days prior to the start of the destruction or injury of trees.
- 4) Upon receipt of the Notice of Intent form, the County may:
  - a) return the form as being illegible or incomplete;
  - b) inspect the site and the area around the site at which the tree injury or destruction is to occur;
  - c) require additional information or amendments to the Notice of Intent;
  - d) issue a Compliance Certificate;
  - e) issue a Non-Compliance Certificate; or
  - f) any one or more of the foregoing.
- 5) Upon receipt of complete Notice of Intent, the Officer may conduct a site inspection and where, in the opinion of the Officer, the proposed activity complies with this By-law, a Compliance Certificate will be issued.
- 6) The County may serve a Certificate by:

- a) Email or facsimile transmission to the email address or facsimile transmission number identified in the Notice of Intent, service to be effective on the day of actual delivery; or
  - b) Ordinary mail mailed to the address identified in the Notice of Intent effective on the fifth day following the date of mailing, excluding the day of mailing.
- 7) Any notice, request, approval, communication, or document required or permitted to be given under this Bylaw, served by email, facsimile transmission, or personal delivery shall conclusively be deemed to have been given on the day of actual delivery; if given by ordinary mail, on the fifth day following the date of mailing, excluding the day of mailing; if given by registered mail, on the third Business Day following the deposit thereof in the mail; if given by courier, on the second Business Day after delivery to the courier. If the notifying party knows or ought to reasonably know of any difficulties with the postal system which might affect the delivery of mail, any such document shall not be mailed but shall be given by personal delivery, courier, or email.
- 8) Unless and until the Person submitting the Notice of Intent has been advised in the form of a Compliance Certificate received by email or facsimile transmission to the address provided in the Notice of Intent form, no Person shall injure or destroy trees except as may otherwise be permitted by law.
- 9) A Notice of Intent will not be processed where, in the opinion of the Officer in their sole and absolute discretion, the Notice of Intent is incomplete. Where a Notice of Intent is incomplete, the Officer has requested additional information and the Owner has not provided the requested information and a period of 30 calendar days after the Officer's request have expired, the Notice of Intent may be considered abandoned and the Officer may issue a Non-Compliance Certificate for that Notice of Intent. The Officer shall notify the Owner if a Non-Compliance Certificate is considered abandoned.
- 10) Proof of Service may be proven by affidavit.
- 11) Every Person who has submitted a Notice of Intent and has received a Compliance Certificate, shall notify the Officer or the County by facsimile transmission, email, or telephone no more than 7 Business Days and no less than 24 hours prior to the date upon which the destruction or injury of the trees is to begin, advising of the location of the destruction or injury of trees and the date upon which the injury or destruction of the trees is to start.

## **Section 7: Appeals**

- 1) Issued Certificates may be appealed by filing a Notice of Appeal within 30 days of receipt of the Certificate.

- 2) Upon appeal, the Appeal Officer will issue a Notice of Decision.
- 3) The County hereby delegates to an Appeal Officer the power to issue a Notice of Decision and to impose such conditions as needed, in the sole and absolute discretion of the Appeal Officer.
- 4) Where an appeal involves an area that is wetland, the Appeal Officer will consult with the Conservation Authority and other agencies, as deemed necessary.
- 5) The Notice of Decision of the Appeal Officer shall be final.

### **Section 8: Appeal Process**

- 1) Any Person affected by a Certificate may submit a Notice of Appeal in the prescribed form.
- 2) The Notice of Appeal shall:
  - a) Be accompanied by the applicable fee, as prescribed; and
  - b) Contain a description of the proposed activity.
- 3) The Notice of Appeal shall be deemed incomplete if:
  - a) It has not been completed in full;
  - b) It has not been executed by the properly authorized Person; or
  - c) The applicable fee has not been paid.
- 4) A Notice of Appeal shall not be deemed to be received by the County until such time as all requirements of this By-law have been fulfilled by the appellant.
- 5) Upon receipt of the Notice of Appeal, the Appeal Officer may undertake any inspections deemed necessary and may require the submission of any documents, records, data, studies, or other relevant materials considered appropriate, in their sole and absolute discretion, to facilitate a full and informed decision. For greater clarity, the Appeal Officer may undertake a site inspection, prior to, during, or after the proposed activity.
- 6) A Notice of Decision shall not be made by the Appeal Officer until such time as all the required documents have been filed, the applicable fee has been paid, any required inspections have been undertaken, and any other information, drawings, studies, or documentation that may be required are submitted and reviewed. Once all required documents have been filed, the applicable fee has been paid, and any inspections have been undertaken, the Notice of Appeal will be considered complete. The Appeal Officer will issue a Notice of Decision within 90 calendar

days from receipt of the completed Notice of Appeal.

- 7) The Appeal Officer may issue a Notice of Decision subject to those conditions that are deemed necessary, including but not limited to:
  - a) Manner and timing in which the injuring or destruction of trees is to be carried out;
  - b) Qualifications of persons authorized to injure or destroy trees;
  - c) Species, size, number and location of replacement trees to be planted, if applicable; and
  - d) Measures to be implemented to mitigate the direct and indirect effects of the injuring or destruction of trees on the natural environment.
- 8) Failure to comply with any proviso or condition of a Notice of Decision issued under this By-law or any other provisions of this By-law may result in the revocation of the Compliance Certificate, in addition to any other enforcement proceedings against the Owner.
- 9) The County Clerk may revoke a Compliance Certificate at any time if it was issued because of a mistake, or if the Owner provided false or incorrect information.
- 10) Where a Compliance Certificate has been revoked, the Owner shall immediately cease or ensure the immediate cessation of all activities for which the Compliance Certificate was issued.

### **Section 9: Appeal of the Notice of Decision**

- 1) Any Notice of Decision issued by the Appeal Officer may be subject to appeal before the Divisional Court of Ontario in accordance with applicable law.

### **Section 10: Stop Work Order**

- 1) If an Officer is satisfied on reasonable and probable grounds that a contravention of this By-law has occurred or is occurring, an Officer may make an Order requiring the Person who contravened the By-law or who caused or permitted the injuring or destruction of trees in contravention of the By-law to immediately stop the injuring or destruction of trees. The Order shall be substantially in the form prescribed in Schedule "C" to this By-law.
- 2) Every Person who fails to comply with an Order issued pursuant to this Section is guilty of an offence.

### **Section 11: Work Order**

- 1) Upon the Officer being satisfied that a contravention of this By-law has occurred,

the Officer may make an Order requiring the Person who caused or permitted the contravention or the Owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

- 2) Every Person who fails to comply in whole or in part with an Order made under this Section is guilty of an offence.

### **Section 12: Service of an Order**

- 1) An Order issued under this By-law may be served personally or may be served by sending it by registered mail to the last known address of:
  - a) the registered Owner of the Woodland; and
  - b) any other Person the Officer or the County believes on reasonable and probable grounds is responsible for the contravention of the By-law.
- 2) As an alternative to personal service or service by registered mail, the Order may be served by placing a placard containing the terms of the Order in a conspicuous place at or near the site where the contravention is believed to have occurred and the placing of the placard shall be deemed to be sufficient service of the Order on the Person or persons to whom the Order is directed.
- 3) Service of the Order is effective:
  - a) on the date upon which the Order is personally served;
  - b) on the fifth day following the date upon which a copy of the Order is mailed, excluding the date of mailing; or
  - c) the date the placard is placed.
- 4) Service of the Order may be proved by Affidavit.

### **Section 13: Other Offences**

- 1) Any Person who obstructs or interferes with an Officer or an Appeal Officer in the performance of their duties under this By-law is guilty of an offence.
- 2) Any Person who removes, defaces, destroys or covers in whole or in part a placard evidencing an Order issued pursuant to this By-law is guilty of an offence.
- 3) Any Person who by themselves or another causes or permits another Person to destroy or injure a tree that according to a Compliance Certificate or a Silvicultural Prescription was to remain unharmed is guilty of an offence.
- 4) Any Person who fails to mark a tree as provided in this By-law is guilty of an offence.
- 5) Every director or officer of a corporation is guilty of an offence who causes or

permits the corporation of which they are an officer or director to commit an offence contrary to this By-law.

- 6) Any Person who continues or proceeds with any activity authorized by a Compliance Certificate after such Compliance Certificate has been revoked under this By-law is guilty of an offence and, upon conviction, shall be subject to the penalties set out in Section 14(3) of the By-law.
- 7) Except for municipal drainage works, if the injury or destruction of trees is intended to construct drainage works, the Person intending to cause or permit such injury or destruction by themselves or through another Person shall comply with this By-law.
- 8) Except for municipal drainage works, every Person commits an offence who by themselves or through another Person constructs or causes or permits to be constructed tile drainage works consisting in whole or in part of perforated tile through or within 5 metres (16.5 feet) of a Woodland.

#### **Section 14: Penalties**

- 1) Any Person who contravenes Section 3 of this By-law is guilty of an offence and is liable:
  - a) on first conviction, to a fine of not more than \$1,000.00 per tree destroyed or injured to a maximum of \$100,000.00;
  - b) on any subsequent conviction, to a fine of not less than \$5,000.00 and not more than the lesser of \$1,000.00 per tree destroyed or injured or \$100,000.00.
- 2) Any Person who commits an offence described in Section 6, Section 8, or Section 13 of this By-law is liable to a fine of not more than \$25,000.00 on a first conviction and a fine of not more than \$50,000.00 on any subsequent conviction.
- 3) Every Person who fails to comply in whole or in part with an Order made pursuant to this By-law is liable to a fine of not more than \$25,000.00 on a first conviction and a fine of not more than \$50,000.00 on any subsequent conviction.
- 4) If a Person is convicted of an offence contrary to this By-law, the court in which the conviction is registered, and any other court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant trees in such manner and within such period as the court considers appropriate, and to maintain the replanted trees as appropriate, including any silvicultural treatment necessary to re-establish the trees.

#### **Section 15: Enforcement**

- 1) This By-law shall be enforced by one or more Officers.
- 2) An Officer and/or an Appeal Officer may, at any reasonable time, enter upon and inspect any land to determine if there has been compliance with this By-law or an

Order issued pursuant to this By-law. An Officer and/or an Appeal Officer may not enter a building or residence except under the authority of a search warrant.

- 3) In carrying out inspections, investigations, and enforcement activities under this By-law, an Officer and/or an Appeal Officer will, where practicable in the circumstances, have regard to applicable municipal standard operating procedures and provincial requirements respecting animal health and welfare, agricultural biosecurity, the protection of agricultural products, and food safety.
- 4) For the purpose of determining whether a tree is less than or greater than a measurement specified in this By-law, a measurement of the diameter or circumference taken by an Officer or an Appeal Officer of that part of the tree still remaining after the destruction or injury of the tree, as near as is reasonably practicable to the Point of Measurement specified in this By-law, shall be presumed to be proof of the size of the tree at the specified Point of Measurement, which presumption may be rebutted by evidence to the contrary on the balance of probabilities.
- 5) In a legal proceeding alleging a contravention of this By-law, it shall be presumed, which presumption may be rebutted by evidence to the contrary on a balance of probabilities, that the owner of the property upon which it is alleged that the contravention occurred, by themselves or through another Person or Persons:
  - a) caused or permitted to be caused the injury or destruction, as the case may be, of any living tree on the said property, or
  - b) contravened, caused to be contravened or permitted the contravention of an Order issued pursuant to of this By-law as the case may be.
- 6) For the purposes of this By-law, circumference and diameter measurements will always be taken at the highest possible point of measurement.

## **Section 16: Severability**

- 1) If any Section or Sections of this By-law or parts thereof are found by any court to be illegal or beyond the power of the Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of this By-law shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found illegal.

## **Section 17: Administration**

- 1) Schedules "A" through "H" shall form part of this By-law.
- 2) In this By-law, use of the singular number includes the plural and vice versa and the use of any gender includes all genders.
- 3) Headings or descriptive words at the commencement of the various Sections are inserted for convenience only and are in no way to be construed as a limitation

upon the scope of the particular Section to which they refer.

- 4) The short title of this By-law is the "Tree Injury By-law."
- 5) By-law Number 3557-2016 and By-law Number 3731-2019 of The Corporation of the County of Perth shall be repealed and replaced by this By-law, effective on the date of its passing.
- 6) Despite Section 16(3) of this By-law, By-law Number 3557-2016 of The Corporation of the County of Perth shall continue to apply to proceedings in respect of offences that occurred before its repeal.

Read a first and second time this 18th day of June, 2026.

Read a third time and finally passed this 18<sup>th</sup> day of June, 2026.



D. Trentowsky, Warden

  
L. Wolfe, CAO/Deputy Clerk

## Schedule “A” to By-law No. 4075-2026

### Minimum Circumference and Diameter Limits by Category of Tree Species

\* The minimum diameter limit for Ash species listed in this Schedule has been reduced to 5 cm (2 inches) and the minimum circumference limit has been reduced to 16 cm (6 inches).

#### **SPECIES A**

|          |                                       |
|----------|---------------------------------------|
| Ash*     | white, green, red                     |
| Basswood |                                       |
| Elm      | red, rock, white                      |
| Maple    | hard, red, silver, black, soft, sugar |
| Oak      | red, white, bur                       |
| Pine     | white                                 |
| Walnut   | black, white (butternut)              |

| Point of Measurement | Circumference      | Diameter          | Note                                                                         |
|----------------------|--------------------|-------------------|------------------------------------------------------------------------------|
| 46 cm (18 inches)    | 145 cm (57 inches) | 46 cm (18 inches) | Imperial measurements are approximate and are provided for convenience only. |
| 30 cm (12 inches)    | 160 cm (63 inches) | 51 cm (20 inches) |                                                                              |
| 20 cm (8 inches)     | 175 cm (69 inches) | 56 cm (22 inches) |                                                                              |
| 10 cm (4 inches)     | 208 cm (82 inches) | 66 cm (26 inches) |                                                                              |

(Tables with Species B and C on the next page)

**SPECIES B**

|         |               |
|---------|---------------|
| Ash*    | black         |
| Beech   |               |
| Pine    | red           |
| Cherry  | black         |
| Birch   | white, yellow |
| Hemlock |               |
| Hickory | all types     |
| Poplar  | cottonwood    |
| Spruce  | white, Norway |

| Point of Measurement | Circumference      | Diameter          | Note                                                                         |
|----------------------|--------------------|-------------------|------------------------------------------------------------------------------|
| 46 cm (18 inches)    | 119 cm (47 inches) | 38 cm (15 inches) | Imperial measurements are approximate and are provided for convenience only. |
| 30 cm (12 inches)    | 127 cm (50 inches) | 41 cm (16 inches) |                                                                              |
| 20 cm (8 inches)     | 145 cm (57 inches) | 46 cm (18 inches) |                                                                              |
| 10 cm (4 inches)     | 175 cm (69 inches) | 56 cm (22 inches) |                                                                              |

**SPECIES C**

|        |                                        |
|--------|----------------------------------------|
| Poplar | balsam, trembling aspen, large toothed |
| Cedar  | all types                              |
| Larch  | eastern (tamarack), European           |
| Pine   | scotch, jack                           |

| Point of Measurement | Circumference      | Diameter          | Note                                                                         |
|----------------------|--------------------|-------------------|------------------------------------------------------------------------------|
| 46 cm (18 inches)    | 71 cm (28 inches)  | 23 cm (9 inches)  | Imperial measurements are approximate and are provided for convenience only. |
| 30 cm (12 inches)    | 79 cm (31 inches)  | 25 cm (10 inches) |                                                                              |
| 20 cm (8 inches)     | 94 cm (37 inches)  | 30 cm (12 inches) |                                                                              |
| 10 cm (4 inches)     | 127 cm (50 inches) | 41 cm (16 inches) |                                                                              |

**Schedule “B” to By-law No. 4075-2026**

**INVASIVE SPECIES**

1. This Schedule identifies invasive species which can be cut or removed without a Compliance Certificate issued under this By-law on the territory of the County.
2. The list of invasive species that can be cut or removed without a Compliance Certificate includes:
  - i. Buckthorn (*Rhamnus cathartica*);
  - ii. Black locust (*Robinia pseudoacacia*);
  - iii. Norway maple (*Acer platanoides*);
  - iv. Tree of heaven (*Ailanthus altissima*); and
  - v. European or black Alder (*Alnus glutinosa*).
3. To avoid potential enforcement actions, property owners are encouraged to contact the County’s Officer to facilitate identification and/or documentation of the invasive species.

**Schedule “C” to By-law No. 4075-2026**

**STOP WORK ORDER**

Issued pursuant to By-law No. 4075-2026 of The Corporation of the County of Perth

---

(Name of Owner or Person responsible for destruction or injury of trees)

Is hereby directed and ordered to forthwith stop, halt, cease and desist from any and all works associated with the destruction of trees or removal thereof from those Woodlands located on the property described below:

**MUNICIPAL ADDRESS OR LEGAL DESCRIPTION OF THE PROPERTY:**

Lot: \_\_\_\_\_ Concession: \_

Ward (Former Township): \_\_\_\_\_ Municipality: \_

Municipal (911) Address: \_

---

Date of Order: \_

Signature of Officer: \_

---

Issuing Authority: The Corporation of the County of Perth  
\_\_\_\_\_, By-law Enforcement Officer  
Phone (519) 291-2236

Mailing Address: County of Perth - Forestry  
1 Huron Street, Stratford, Ontario N5A 5S4  
Fax: (519) 271-6265 Email: [info@perthcounty.ca](mailto:info@perthcounty.ca)

## Schedule “D” to By-law No. 4075-2026

### Notice of Intent

Fillable form available at [www.perthcounty.ca/forestry](http://www.perthcounty.ca/forestry)

|  <b>Perth County</b><br>Cultivating Opportunity                                                                                                                                                                                                                                                                                    |  | <b>Notice of Intent</b>                                             |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------|--|
| <p>Notice of Intent to be received by the County of Perth <b>no less than twenty (20) business days</b> prior to any destruction or injury of trees <b>under Sections 6(1) and 6(2), and no less than seven (7) business days under Section 6(3)</b> of By-Law #4075-2026, the County's Tree Injury By-law.</p> <p>A receipted copy of the Notice of Intent will be returned by the County.</p>                     |  |                                                                     |  |
| <b>1.0 Property Owner Information</b>                                                                                                                                                                                                                                                                                                                                                                               |  |                                                                     |  |
| Name:                                                                                                                                                                                                                                                                                                                                                                                                               |  |                                                                     |  |
| Mailing Address:                                                                                                                                                                                                                                                                                                                                                                                                    |  | Postal Code:                                                        |  |
| Phone:                                                                                                                                                                                                                                                                                                                                                                                                              |  | Email:                                                              |  |
| <b>2.0 Woodlot/Woodland Information</b>                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                     |  |
| <b>Location of Woodlot</b>                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                     |  |
| Lot:                                                                                                                                                                                                                                                                                                                                                                                                                |  | Concession:                                                         |  |
| Ward (Former Twp.):                                                                                                                                                                                                                                                                                                                                                                                                 |  | Municipality:                                                       |  |
| Municipal Address:                                                                                                                                                                                                                                                                                                                                                                                                  |  |                                                                     |  |
| <b>Size of Woodlot/Area to be Cut</b>                                                                                                                                                                                                                                                                                                                                                                               |  |                                                                     |  |
| Size of Woodlot:                                                                                                                                                                                                                                                                                                                                                                                                    |  | Size of Area to be Cut:                                             |  |
| Species of Trees:                                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                     |  |
| <b>3.0 Contractor Information</b>                                                                                                                                                                                                                                                                                                                                                                                   |  |                                                                     |  |
| Name of Contractor:                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                     |  |
| On Site Project Contact Person:                                                                                                                                                                                                                                                                                                                                                                                     |  |                                                                     |  |
| Expected Starting Date:                                                                                                                                                                                                                                                                                                                                                                                             |  |                                                                     |  |
| <b>Return Receipted Copy to (choose one):</b>                                                                                                                                                                                                                                                                                                                                                                       |  |                                                                     |  |
| <input type="checkbox"/> Fax:                                                                                                                                                                                                                                                                                                                                                                                       |  | <input type="checkbox"/> Email:                                     |  |
| <input type="checkbox"/> Mailing Address:                                                                                                                                                                                                                                                                                                                                                                           |  |                                                                     |  |
| <b>4.0 Signature</b>                                                                                                                                                                                                                                                                                                                                                                                                |  |                                                                     |  |
| I agree that any tree-related activities will be in accordance with the provisions of the County of Perth Tree Injury By-Law No. #4075-2026. I am familiar with the contents and requirements of this By-law and acknowledge having reviewed a copy of the By-law.                                                                                                                                                  |  |                                                                     |  |
| I agree to contact the Municipal Law Enforcement Officer / Perth County prior to any tree destruction.                                                                                                                                                                                                                                                                                                              |  |                                                                     |  |
| DATED at                                                                                                                                                                                                                                                                                                                                                                                                            |  | this day of , 20                                                    |  |
| Signature of Owner, Agent, or Contractor:                                                                                                                                                                                                                                                                                                                                                                           |  |                                                                     |  |
| RETURN FORM TO: County of Perth 1 Huron Street, Stratford, ON, N5A 5S4                                                                                                                                                                                                                                                                                                                                              |  |                                                                     |  |
| FAX: (519) 271-6265                                                                                                                                                                                                                                                                                                                                                                                                 |  | EMAIL: <a href="mailto:info@perthcounty.ca">info@perthcounty.ca</a> |  |
| PHONE: (519) 271-0531                                                                                                                                                                                                                                                                                                                                                                                               |  | MUNICIPAL LAW ENFORCEMENT OFFICER PHONE: (519) 271-0531 ext. 218    |  |
| Personal Information on this form is collected pursuant to Section 11 of the <i>Municipal Act, 2001</i> . It is to be used for the purpose of enforcing the County of Perth Tree Injury By-Law #4075-2026. Any questions regarding the collection, use and retention of personal information on this form can be directed to the Clerk, County of Perth, 1 Huron Street, Stratford, Ontario, N5A 5S4, 519-271-0531. |  |                                                                     |  |

## Schedule “E” to By-law No. 4075-2026

### Notice of Appeal Form

Fillable form available at [www.perthcounty.ca/forestry](http://www.perthcounty.ca/forestry)

|  <b>Perth County</b><br>Cultivating Opportunity                                                                                                                                                                                                                                                                                    |  | <b>Notice of Appeal</b> |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-------------------------|--|
| This Notice of Appeal is submitted along with supporting documents pursuant to County of Perth Tree Injury By-Law #4075-2026. This Notice of Appeal must be accompanied by the applicable fee.                                                                                                                                                                                                                      |  |                         |  |
| <b>1.0 Property Owner and Project Information</b>                                                                                                                                                                                                                                                                                                                                                                   |  |                         |  |
| NOI File No.:                                                                                                                                                                                                                                                                                                                                                                                                       |  |                         |  |
| Date Certificate was issued:                                                                                                                                                                                                                                                                                                                                                                                        |  |                         |  |
| Property Owner Name:                                                                                                                                                                                                                                                                                                                                                                                                |  |                         |  |
| Mailing Address:                                                                                                                                                                                                                                                                                                                                                                                                    |  | Postal Code:            |  |
| Phone:                                                                                                                                                                                                                                                                                                                                                                                                              |  | Email:                  |  |
| <b>2.0 Woodlot/Woodland Information</b>                                                                                                                                                                                                                                                                                                                                                                             |  |                         |  |
| <b>Location of Woodlot</b>                                                                                                                                                                                                                                                                                                                                                                                          |  |                         |  |
| Lot:                                                                                                                                                                                                                                                                                                                                                                                                                |  | Concession:             |  |
| Ward (Former Twp.):                                                                                                                                                                                                                                                                                                                                                                                                 |  | Municipality:           |  |
| Municipal Address:                                                                                                                                                                                                                                                                                                                                                                                                  |  |                         |  |
| Size of Woodlot:                                                                                                                                                                                                                                                                                                                                                                                                    |  | Size of Area to be Cut: |  |
| Species of Trees:                                                                                                                                                                                                                                                                                                                                                                                                   |  |                         |  |
| <b>3.0 Reason for Appeal:</b>                                                                                                                                                                                                                                                                                                                                                                                       |  |                         |  |
|                                                                                                                                                                                                                                                                                                                                                                                                                     |  |                         |  |
| <b>4.0 Signature</b>                                                                                                                                                                                                                                                                                                                                                                                                |  |                         |  |
| I submit this Notice of Appeal in accordance with By-Law #4075-2026 of the County of Perth, Tree Injury By-Law.                                                                                                                                                                                                                                                                                                     |  |                         |  |
| DATED at                      this                      day of                      , 20                                                                                                                                                                                                                                                                                                                            |  |                         |  |
| Signature of Property Owner or Agent:                                                                                                                                                                                                                                                                                                                                                                               |  |                         |  |
| County of Perth 1 Huron Street, Stratford, ON, N5A 5S4                                                                                                                                                                                                                                                                                                                                                              |  |                         |  |
| FAX: (519) 271-6265                      EMAIL: <a href="mailto:info@perthcounty.ca">info@perthcounty.ca</a> PHONE: (519) 271-0531                                                                                                                                                                                                                                                                                  |  |                         |  |
| Personal Information on this form is collected pursuant to Section 11 of the <i>Municipal Act, 2001</i> . It is to be used for the purpose of enforcing the County of Perth Tree Injury By-Law #4075-2026. Any questions regarding the collection, use and retention of personal information on this form can be directed to the Clerk, County of Perth, 1 Huron Street, Stratford, Ontario, N5A 5S4, 519-271-0531. |  |                         |  |



## Schedule “G” to By-law No. 4075-2026

### Non-Compliance Certificate

Fillable form available at [www.perthcounty.ca/forestry](http://www.perthcounty.ca/forestry)



### Non-Compliance Certificate

This Non-Compliance Certificate is issued by The Corporation of the County of Perth and deems the Notice of Intent described below incomplete or non-compliant with the County's Tree Injury By-Law #4075-2026. **The project identified below is not authorized proceed.**

#### 1.0 Property Owner and Project Information

|                      |              |
|----------------------|--------------|
| NOI File No.:        |              |
| Property Owner Name: |              |
| Mailing Address:     | Postal Code: |
| Phone:               | Email:       |

#### 2.0 Woodlot/Woodland Information

|                                |                         |
|--------------------------------|-------------------------|
| Location of Woodlot            |                         |
| Lot:                           | Concession:             |
| Ward (Former Twp.):            | Municipality:           |
| Municipal Address:             |                         |
| Size of Woodlot/Area to be Cut |                         |
| Size of Woodlot:               | Size of Area to be Cut: |
| Species of Trees:              |                         |

#### 3.0 Explanation

|  |
|--|
|  |
|--|

#### 4.0 Signature

The project described above is non-compliant with County of Perth Tree Injury By-Law No. #4075-2026 and may not proceed. If work is undertaken as part of this project, it may be subject to enforcement measures as outlined in By-Law #4075-2026.

This Certificate may be appealed under By-Law #4075-2026.

|                                                 |      |        |      |
|-------------------------------------------------|------|--------|------|
| DATED at                                        | this | day of | , 20 |
| Signature of Municipal Law Enforcement Officer: |      |        |      |

County of Perth 1 Huron Street, Stratford, ON, N5A 5S4

FAX: (519) 271-6265

EMAIL: [info@perthcounty.ca](mailto:info@perthcounty.ca)

PHONE: (519) 271-0531

Personal Information on this form is collected pursuant to Section 11 of the *Municipal Act, 2001*. It is to be used for the purpose of enforcing the County of Perth Tree Injury By-Law #4075-2026. Any questions regarding the collection, use and retention of personal information on this form can be directed to the Clerk, County of Perth, 1 Huron Street, Stratford, Ontario, N5A 5S4, 519-271-0531.

## **Schedule “H” to By-law No. 4075-2026**

### **Notice of Appeal Fees**

1. The applicable fee payable to the County of Perth for the filing of a Notice of Appeal shall be \$1,500.00, as may be amended from time to time. For greater clarity, the appeal filing fee prescribed by this By-law covers only the administrative processing of the appeal and does not include any costs associated with the preparation, compilation, reproduction, collection, or submission of any documents, records, data, studies, or other relevant materials considered appropriate in connection with the appeal. All such costs shall be the sole responsibility of, and shall be borne by, the appellant.