

## Tree Cutting Permits (with development)

This brochure provides information on the requirements for Tree Cutting Permits where there is a pending development application, including rezoning, subdivision, demolition and construction.

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*"This information is provided for convenience only and is not in substitution of applicable City Bylaws or Provincial or Federal Codes or laws. You must satisfy yourself that any existing or proposed construction or other works complies with such Bylaws, Codes or other laws."*

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### Purpose of the Burnaby Tree Bylaw

Trees provide important environmental benefits and enhance the quality of life in our neighborhoods. The [Burnaby Tree Bylaw](#) responds to community concerns about unnecessary removal of healthy trees. The Burnaby Tree Bylaw protects the City's urban forest by requiring property owners to obtain a Tree Cutting Permit before removing large trees and, may require the installation of replacement trees.

### When does the Bylaw apply?

If you are an owner/developer/agent of a property from which you wish to remove a tree and you have any development work pending on the property, the following conditions apply.

For more information on Burnaby Tree Bylaw please visit our [website](#).

For Tree Cutting Permit without any development pending on the property please refer to our brochure [Tree Cutting Permits \(no development\)](#).

# Tree Cutting Permits

## When a Tree Cutting Permit is required?

You **must** get a Tree Cutting Permit when you want to remove:

- any tree greater than 8" (20.3 cm.) in diameter on a property
- any tree that was planted as part of a previous rezoning, subdivision or preliminary plan approval
- a tree within a streamside protection and enhancement area as defined in Section 6.23 of the Zoning Bylaw
- a replacement tree planted as a requirement of a previous Tree Cutting Permit
- a covenanted tree or a retained tree

(These are "protected trees" as defined in the Burnaby Tree Bylaw)

## When a Tree Cutting Permit is not required?

You do **not** need a Tree Cutting Permit when you want to:

- prune a tree (to accepted arboricultural standards)
- remove a tree in an emergency situation that is an immediate hazard (you must inform the City as soon as possible afterwards)

## A Tree Cutting Permit may be issued if the tree is:

- unhealthy and is not likely to recover
- dangerous
- damaging underground utilities or structures on the property and the problem cannot be resolved without removing the tree
- one of a number of trees on the property and removing one or more trees will promote the health and safety of the remainder
- preventing development or servicing of the property and there is no reasonable way to arrange the development or servicing and retain the tree
- causing undue hardship for the owner

## A Tree Cutting Permit may not be issued if the tree is:

- providing too much shade
- obstructing a view.
- dropping normal amounts of leaves, needles or other material (unless due to poor health).
- attracting a normal amount of bugs or insects (unless due to poor health).
- attracting birds or other wildlife (unless the wildlife is damaging structures and there is no alternate to removing the tree).
- preventing alternative landscaping of the yard.

## Replacement Trees

Replacement trees are required when existing protected trees are removed. The number of replacement trees depends on the number and sizes of the trees removed.

Size of tree removed	Number of replacement trees required
20cm (8") to 30cm (12")	1
30cm (12") to 60cm (24")	2
60cm (24") and larger	3

Replacement trees must be:

- for evergreen (coniferous) trees, at least 2 meters (6.5 ft) tall.
- for leafy (deciduous) trees, have a stem diameter of at least 5 cm. (2in.).
- if fruit trees are desired, you must plant two trees for each regular replacement.
- planted within one year of the issuance of the tree cutting permit.
- not a shrub or low growing variety.
- good quality nursery stock and properly planted.

## Replacement Tree Bonds

When replacement tree(s) are required the property owner must pay a bond to ensure the replacement tree(s) is planted. City staff will inspect the new tree once it is planted and again one year later to confirm the tree is healthy. The tree bond will be refunded after the second tree inspection if it is in good condition.

If the replacement tree(s) is not planted, is too small or is a poor quality tree when planted, or is not healthy at the one year inspection, the bond will not be returned to the property owner.

The bond amount will be the greater of \$800.00 per property or an amount equal to 120% of the cost of the replacement tree(s).

## Cash-in-Lieu payments

In instances where more replacement trees are required than can reasonably be accommodated on the development site, a 'cash-in-lieu' payment may be made to the Civic Tree Reserve Fund to fund tree planting on City owned properties.

**Note:** "Cash-in-lieu" payments can only be made if all the required replacement trees cannot be planted on the development site; City staff will determine if the site can or cannot accommodate all of the required replacement trees and if a 'cash-in-lieu' payment is appropriate in each case.

The 'cash-in-lieu' payment for each required replacement tree that cannot be planted on the development site is \$500.00 for each tree.

## Existing trees to be retained

When an existing tree can be maintained and still allow development to occur on the site, the Burnaby Tree Bylaw can require that this tree be retained and protected during construction. Only trees that are in good condition, and are a species suitable for retention will be retained. The City may require alteration to the development proposal to allow a tree to be retained, provided this alteration does not restrict the development of the site.

### Tree Protection Fences:

When a tree is designated for retention, the developer will be required to construct a 'tree protection fence'. Tree protection fences are erected to protect the roots of the tree from disturbance and damage during construction. The area inside the tree protection fence must remain undisturbed during construction. Tree protection fences must remain in place until major construction work on the site is complete. The fence may be removed to complete landscape work.

### For single family/duplex properties:

- The tree protection fence must be 4 feet high, constructed with a wood frame and covered with plastic 'snow fence' material.
- City staff will mark the locations of tree protection fences on the site.
- The tree protection fence must be installed by the developer and inspected by City staff prior to the issuance of a demolition or building permit.

### On larger development sites:

- The tree protection fence must be either a 6 foot high chain link fence or a portable metal panel fence.
- The location of the tree protection fence must be shown on the landscape/tree management plans submitted for approval to the Planning Department as part of the rezoning, subdivision or Preliminary Plan Approval process.
- The tree protection fence must be installed by the developer and inspected by City staff prior to the start of work on the site.

## How to obtain a tree cutting permit?

All applications for demolition and building permits, rezoning, subdivisions and Preliminary Plan Approvals will result in reviews by City Staff to ensure compliance with the Burnaby Tree Bylaw. **A separate 'Tree Permit Application' is not required.**

### Alterations and additions to Existing Buildings:

A building permit application for alterations and additions will result in a review by City staff to determine if any protected trees will be affected by the construction. When the building permit is issued a Tree Cutting Permit may also be issued if any protected trees are affected by the work on the site.

### Demolition and New Construction of Single and Two Family Dwellings:

Demolition and building permit applications for single and two family dwellings must have a survey that shows all of the existing protected trees on the property. City staff will visit the

property and review the condition of the trees on site to determine which trees must be retained and protected or removed. If there are any trees on the property, a Tree Cutting Permit will detail which trees can be removed, must be retained, and how many replacement trees are required. Demolition or building permits will not be issued until the Tree Cutting Permit is issued, applicable fees and bonds are paid, and the tree protection fence (if required) has been installed and approved by City staff.

### **Rezoning, Subdivision and Preliminary Plan Approval:**

The removal, retention, and replacement of existing protected trees on properties undergoing Rezoning, Subdivision, or Preliminary Plan Approval will be resolved as part of the planning process for these projects.

These applications require a “tree management plan” which may be a separate document or part of the landscape plan for the project. This plan must include:

- The location of all ‘protected trees’ on the property, and trees on adjacent properties that may be affected by the work on the development site, clearly showing which trees are to be removed and which trees are to be retained.
- The location of all replacement trees.
- The location of all tree protection fences if required.

The City may also require a report from an independent certified arborist to provide additional expert advice on the condition of the existing trees, the suitability of the trees for retention and the measures that must be taken to ensure that the trees designated for retention are successfully preserved.

If there are any trees on the property, a Tree Cutting Permit will detail which trees can be removed, must be retained, and how many replacement trees are required. Demolition or building permits will not be issued until the Tree Cutting Permit is issued, applicable fees and bonds are paid, and the tree protection fence (if required) has been installed and approved by City staff.

### **Tree Cutting Permit Fees**

Please refer to our current [free schedule](#). All Tree Cutting Permit fees are nonrefundable.

## **Appeal**

If you disagree with the City’s decision not to allow removal of the tree you can:

- retain a Certified Arborist to provide a written evaluation of the tree. If the arborist’s report recommends that the tree be removed, City staff will review the report and, provided the report is consistent with proper arboricultural practices, may issue a Tree Cutting Permit (with replacement tree requirements if appropriate), or
- if the Certified Arborist does not agree that the tree should be removed, the property owner may appeal to the Director Planning and Building, or directly to Council.

# Penalties

Under provisions in the Burnaby Tree Bylaw the City of Burnaby can issue Bylaw Violation Notices for the following contraventions:

- Damaging or cutting down a protected tree without a permit: \$500.00
- Failure to plant a replacement tree \$300.00
- Failure to allow City staff to enter a site \$200.00
- Failure to install or maintain a tree protection fence \$100.00
- Failure to maintain a replacement tree \$200.00

The property owner must get Tree Cutting Permits for the tree(s) that were removed and plant a replacement tree(s) and pay all applicable fees.

Any person who violates any of the provision of the Burnaby Tree Bylaw is guilty of an offence punishable on summary of conviction and is liable to a fine of not less than \$2000 for each violation.

## Further Information

For more information about the Burnaby Tree Bylaw and Tree Cutting Permits please contact the Building Department at:

Phone: 604-294-7130  
Fax: 604-294-7499  
Email: [treebylaw@burnaby.ca](mailto:treebylaw@burnaby.ca)

Or visit our website at [www.burnaby.ca/treebylaw](http://www.burnaby.ca/treebylaw).

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