



BURNABY tree bylaw

Frequently Asked Questions and Answers

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General Burnaby Tree Bylaw Questions

1. What is the purpose of the Tree Bylaw?

The purpose of Burnaby's Tree Bylaw is to protect 'significant trees' from unnecessary cutting or removal and to protect and enhance the Urban Forest over the long term.

2. What is the intent of the Tree Bylaw?

The Bylaw is based on the following principles:

- **A Balanced Approach:** Provide a balance between allowing for the reasonable use and enjoyment of private property while addressing the need to protect trees.
- **Reasonable Cost:** The Bylaw should not impose an unreasonable and onerous financial burden on property owners or on the City in administering the Bylaw.
- **Simplicity and Effectiveness:** The Bylaw should be easily understood and capable of effective enforcement.
- **The Urban Forest:** The Bylaw should recognize that trees on both private and public lands are an important part of the urban forest and ecology of the city.

3. What has changed in the Burnaby Tree Bylaw?

The updated Burnaby Tree Bylaw was approved by Council on February 17, 2014.

The following changes (amendments) have been made to the Burnaby Tree Bylaw:

- Expanding the Scope of the Tree Bylaw to include ***all lands at all times***;
- Defining the Size of ***"Protected Trees"***;
- Implementing ***Replacement Tree Requirements***;
- Enhancing the ***Enforcement Provisions***;
- Revising the ***Tree Permit Fees***; and,
- Adding Opportunities for Boulevard Trees in the Local Area Service Program (LASP).

See the Burnaby Tree Bylaw, website, and Council Reports for detailed explanations of these changes.

www.burnaby.ca/treebylaw

4. What is the scope of the Burnaby Tree Bylaw?

The Burnaby Tree Bylaw:

- Applies to ***all*** private and public lands at ***all*** times.
- Applies to ***all*** lands whether they are ***undergoing development or NOT***.
- Requires a ***Tree Cutting Permit*** to remove a ***"Protected Tree"***.
- Provides consistency and clarity on tree protection requirements for all lands.
- Assists the City in tracking and enforcing tree planting and management of the Urban Forest.

5. How do Trees contribute to our community?

Trees contribute to Burnaby's livability, health and prosperity, as well as providing environmental, social and economic benefits, including:

- beautifying and enhancing neighbourhoods;
- improving property values;
- protecting human health (by filtering air pollution);
- conserving energy in heating and cooling (by providing shade and wind shelter);
- capturing and storing carbon (mitigating climate change);
- managing stormwater (by intercepting rainfall and enhancing soil permeability);
- cooling the environment (by reducing the urban heat island effect);
- improving social well-being;
- providing food and habitat for wildlife;
- stabilizing steep slopes and stream banks; and
- enhancing ecological connectivity.

6. What is the 'Urban Forest'?

The *Urban Forest* consists of trees and treed ecosystems throughout the City that help to protect ecosystems and human health. Trees are found in natural areas, parks, and greenspace, as well as landscaped urban areas, on both private and public lands.

7. What is a "Protected Tree" under the Burnaby Tree Bylaw?

A "**Protected Tree**" is defined in the Burnaby Tree Bylaw as:

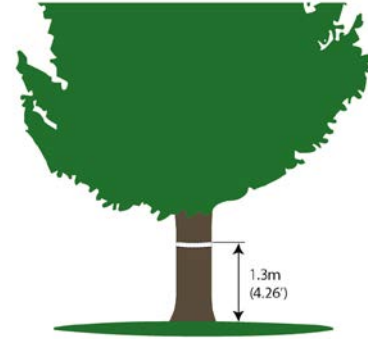
- i. On properties subject to a development application, **any tree 20cm (8 inches) or greater in diameter.**
- ii. On properties NOT subject to a development application:
 - a. **any Conifer tree 30cm (12 inches) or greater in diameter; and,**
 - b. **any Broadleaf tree 45cm (18 inches) or greater in diameter.**
- iii. **A Covenanted Tree.**
- iv. A tree within a streamside protection and enhancement area as defined in **Section 6.23** of the Zoning Bylaw.
- v. A tree on a lot designated as Cemetery District (P4) under the Zoning Bylaw.
- vi. A tree planted pursuant to a landscaping plan forming a part of an approved development application under the Zoning Bylaw or as a condition of subdivision approval.
- vii. **A Replacement Tree.**
- viii. **A Retained Tree.**

8. How is the size of a tree measured?

Tree size is typically measured by measuring the diameter of the trunk of the tree at a standard height of 1.3m or 4.26 ft. above the ground.

The diameter (D) can be calculated by measuring the tree’s circumference (C) at the standard height above the ground (1.3m or 4.26 ft.), and dividing this value by 3.14 (“π” or “pi”).

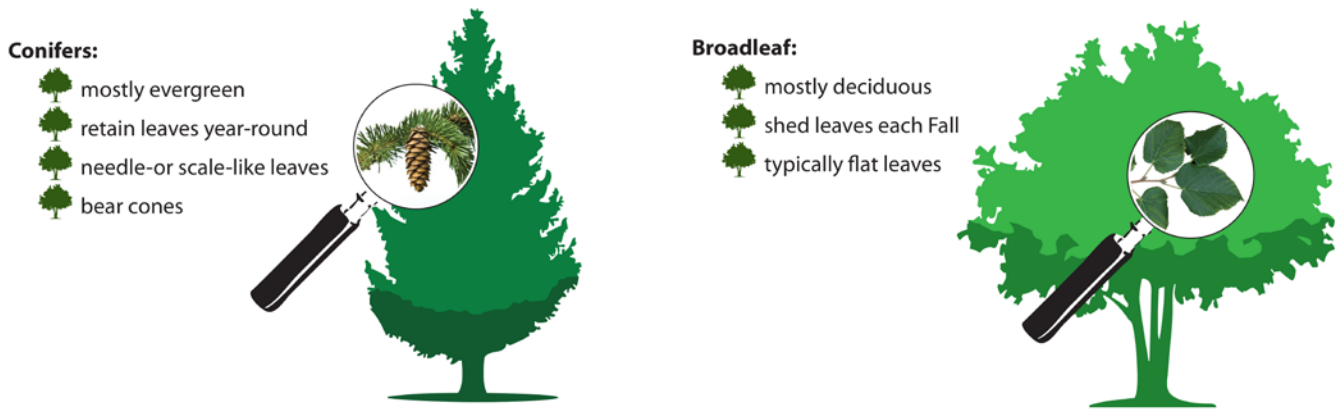
[The equation is: $D = C / \pi$]



9. What is the difference between ‘Conifer’ and ‘Broadleaf’ trees?

Conifers are mostly evergreen trees and retain their leaves year-round, have needle-or scale-like leaves, and bear cones. Examples include Douglas Fir and Western Red Cedar.

Broadleaf trees are mostly deciduous and shed their leaves each Fall, and they typically have flat leaves. Examples include Maple and Oak.



*In the Burnaby Tree Bylaw, **Conifers** are defined as being a tree of the family Coniferae, identified as normally being evergreen having needle like leaves and bearing cones. **Broadleaf** trees are trees other than a conifer tree.*

10. What is a ‘Covenanted Tree’?

A ‘**Covenanted Tree**’ is a tree or plant that is required to be retained or required to be planted pursuant to a covenant granted to the City under section 219 of the Land Title Act.

11. What is a 'Replacement Tree'?

A '**Replacement Tree**' is:

- A tree planted as a condition of a Tree Cutting Permit to replace a Protected Tree that has been removed; OR,
- A tree planted as compensation for the removal or damage of a Protected Tree in contravention or breach of the Burnaby Tree Bylaw.

12. What is a 'Retained Tree'?

A '**Retained Tree**' is a tree that is shown on a tree plan as a tree that will be retained.

13. What is 'Zoning Bylaw Section 6.23'?

Section 6.23 of the Zoning Bylaw provides for the protection of land, including plants, trees, and soils, within streamside protection and enhancement areas, in order to protect fish and wildlife habitat, and to reduce the risk of erosion.

See the Burnaby Zoning Bylaw Section 6.23 for more information.

14. Who manages the trees on City-owned lands?

Trees on City-owned lands are managed by the City of Burnaby Parks Department. For any questions or concerns about an existing tree on City-owned lands, please contact the Parks Department for more information.

Tree Service Line: 604-297-4500

The Parks Department uses the ***Tree Management Policy for Public Lands*** to guide the management and maintenance of trees on City-owned lands.

15. What happens when neighbors have a dispute or conflict over a tree?

You and your neighbor each have the right to retain any tree on your respective properties. Neither has the right to force the other to plant or remove a tree.

The owner of a tree has a responsibility to ensure that the tree is not a hazard or causing damage to adjacent properties. However, damage does not include nuisances such as leaves or needles or bugs that may cross a property line.

A property owner does have the right to prune/trim branches or roots that cross over the property line, however, they should take care to not damage, kill, or destabilize the tree.

Property owners are encouraged to work together to find appropriate and fair solutions.

Tree Cutting Permits

16. How long does it typically take for a property owner to obtain a Tree Cutting Permit?

For a single- or two-family lot (subject to development or not), 2-4 days would be required to process most permit applications.

For larger lots undergoing development, similar timelines of 2-4 days would be required, however for some larger properties, up to a week or two may be necessary.

17. What are the Tree Cutting Permit Fees?

The Tree Cutting Permit Fees are as follows:

	Tree Cutting Permit Fee	Maximum Fee
A. No Development Application		
Residential Lot	\$ 70 per tree	\$ 500
Site Other Than Residential Lot	\$ 70 per tree	\$ 500
B. Development Application Pending		
Residential Lot	\$ 150 per tree	\$ 1,000
Site Other Than Residential Lot:		
(A) Site Area Up To 1000m ² (10,764 ft ²)	\$ 600 base fee plus \$ 150 per tree	\$ 1,000
(B) Site Area Greater Than 1000m ² (10,764 ft ²) Or Equal To 5000m ² (53,820 ft ²)	\$ 1,200 base fee plus \$ 150 per tree	\$ 5,000
(C) Site Area Greater Than 5000m ² (53,820 ft ²) Or Equal To 10,000m ² (107,640 Sq.Ft.)	\$ 1,800 base fee plus \$ 150 per tree	\$ 5,000
(D) Site Area Greater Than 10,000m ² (107,640 ft ²) Or Equal To 20,000m ² (215,280 ft ²)	\$ 2,400 base fee plus \$ 150 per tree	\$ 10,000
(E) Site Area Greater Than 20,000m ² (215,280 ft ²)	\$ 3,000 base fee plus \$ 150 per tree	\$ 10,000

See Schedule A of the Burnaby Tree Bylaw

18. Why does the City require/charge a Permit fee?

The Tree Cutting Permit fee structure is a “cost recovery” model that is designed to cover the costs of administering the program. The fees cover the administration of the bylaw and are based on the level of effort and resources required for the review process.

19. When would I be allowed to remove a “Protected Tree”?

Criteria for the Approval of a Tree-Cutting Permit to Remove a Protected Tree

Conditions when a Tree Cutting Permit would normally be issued	Conditions when a Tree Cutting Permit would NOT normally be issued
<ul style="list-style-type: none"> ✓ Tree is unhealthy. ✓ Tree is structurally unsound. ✓ Tree roots interfering with underground utilities. ✓ Tree obstructing sight lines on roadways. ✓ Tree causing damage to structures on property (that could not be mitigated through other means). ✓ Species not well suited to growing conditions of site. ✓ Not enough space on site to accommodate mature form. ✓ Less than 10 years of healthy lifespan remaining. ✓ Retention of tree would prevent development or servicing of the lot, in accordance with the Zoning Bylaw. ✓ Retention of tree would cause undue hardship to property owner. 	<ul style="list-style-type: none"> ✗ Tree is shading the yard/house. ✗ Tree is dropping leaves, needles or other normal material. ✗ Tree is obstructing views. ✗ Tree is preventing alternative landscaping of yard. ✗ Tree attracts bugs (unless due to poor health). ✗ Tree attracts birds or other wildlife.

The objective is to maintain existing healthy ‘**Protected Trees**’ where possible, but to also allow removal of ‘**Protected Trees**’ that are hazardous, causing other serious conflicts with urban land use, or must be removed to allow for development.

The criteria are designed to allow for removal of trees in a variety of supportable circumstances, to enable property owners to protect property or to develop their land, while also ensuring trees are NOT removed unnecessarily or for reasons such as minor inconvenience or aesthetic preference.

20. How do I apply for and receive a Tree Cutting Permit if I am developing my property?

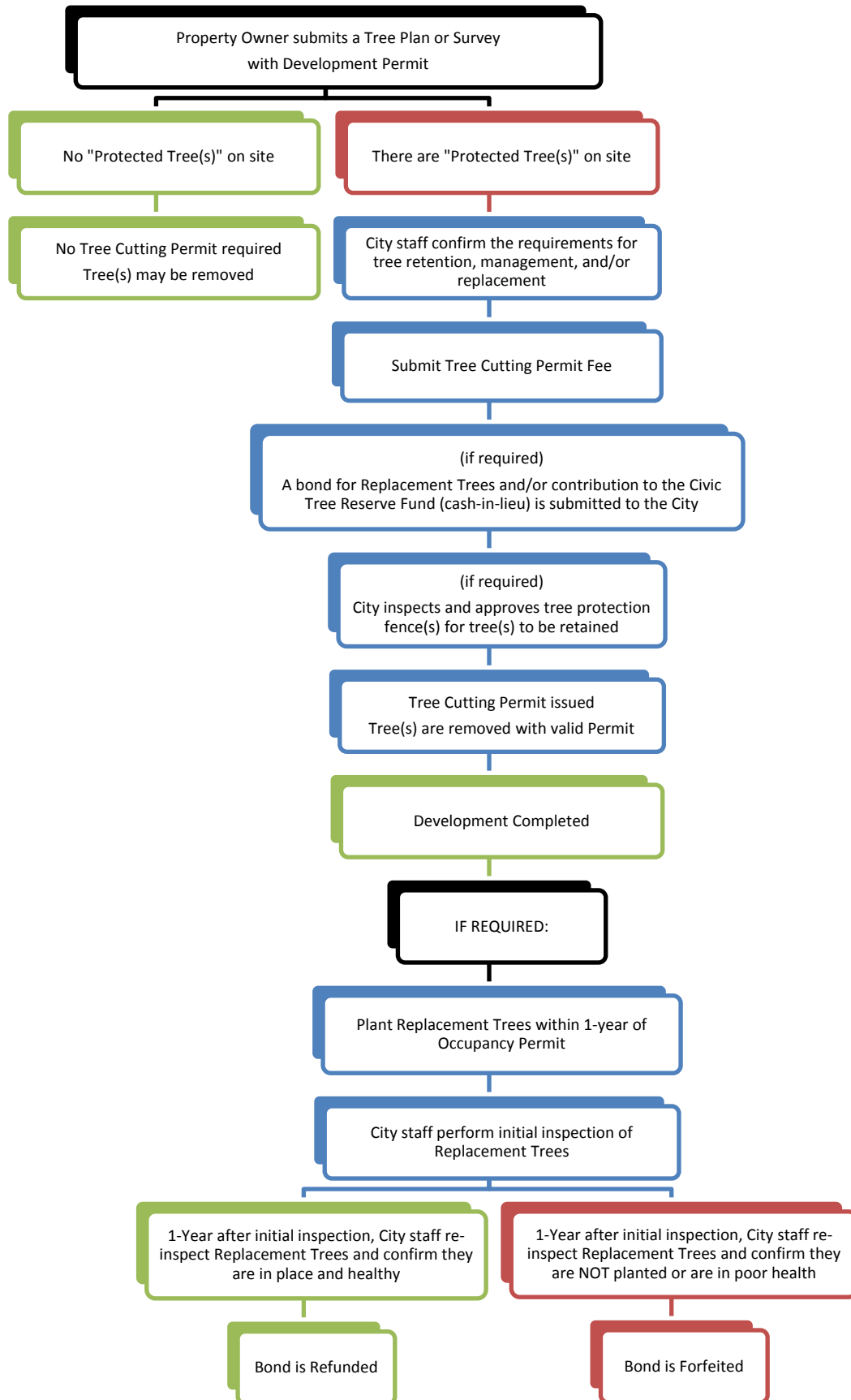
The process is as follows:

1. Property Owner / Contractor submits a tree plan or survey with the development permit.
2. Staff review the application and supporting information. If the tree(s):
 - A. DOES NOT qualify as a Protected Tree, NO permit is required and the tree may be removed.
 - B. IS a Protected Tree, City staff will determine if the tree meets the removal criteria and confirm the requirements for tree retention, management, and/or replacement planting. **(Proceed to Step 3)**
3. Property Owner / Contractor submits Tree Cutting Permit Fee.
If required, a bond for the Replacement Trees and/or contribution to the Civic Tree Reserve Fund (cash-in-lieu) is submitted to the City. The Bond amount is the greater of \$800 or 120% of the value of the Replacement Trees.
4. City inspects and approves tree protection fence for trees to be retained (if required).
5. Tree-Cutting Permit is issued.
6. Tree(s) are removed with valid permit.
7. Completion of development.

ADDITIONAL STEPS IF REQUIRED:

8. Property Owner / Contractor has one year from the time of receiving the Occupancy Permit to plant the Replacement Trees.
9. City staff perform initial inspection of the Replacement Trees.
10. **One year** after the initial inspection of the replacement trees (step 9), and after City staff have re-inspected and are satisfied that the replacement trees are still in place and are healthy, the bond is refunded to the property owner/contractor. If staff are not satisfied the bond is forfeited.

Tree Cutting Permit Process Diagram: Tree Removal on Properties Undergoing Development



21. How do I apply for and receive a Tree Cutting Permit if I am NOT developing my property?

The process is as follows:

1. Property Owner inquires to City regarding whether or not their tree(s) are Protected Tree(s) and if a Tree Cutting Permit is required. (The Property Owner can also self-assess to determine if a Permit is required.)
2. If the tree does NOT qualify as a Protected Tree, NO permit is required and the tree may be removed.
3. If the tree is a Protected Tree City staff will determine if the tree meets the removal criteria.
 - A. If the tree DOES meet the removal criteria, City staff will determine if Replacement Trees are required and the number of Replacement Trees required.
(Proceed to Step 4)
 - B. If the tree DOES NOT meet the removal criteria, the following options are available:
 - i. The tree is retained.
 - ii. The Property Owner may retain an arborist to assess the tree based on risk or tree health; if the arborist recommends removal of the tree, and subject to staff review of the report for consistency with best practices, a tree cutting permit would be issued. **(Proceed to Step 4)**
 - iii. If the Property Owner continued to dispute a requirement and/or arborist recommendation to retain a tree, they could appeal to the Director Planning and Building, or directly to Council.
4. The Property Owner must apply for a Tree Cutting Permit and pay the permit fee. If required, a bond for the Replacement Trees and/or contribution to the Civic Tree Reserve Fund (cash-in-lieu) is submitted to the City. The Bond amount is the greater of \$800 or 120% of the value of the Replacement Trees.
5. The Tree Cutting Permit is issued.
6. Tree(s) are removed with valid permit.

ADDITIONAL STEPS IF REQUIRED:

7. Replacement Trees must be planted within 1-year of the issuance of the Tree Cutting Permit.
8. City staff perform initial inspection of the Replacement Trees.
9. **One year** after the initial inspection of the replacement trees (step 8), and after City staff have re-inspected and are satisfied that the replacement trees are still in place and are healthy, the bond is refunded to the property owner/contractor. If staff are not satisfied the bond is forfeited.

Tree Cutting Permit Process Diagram: Tree Removal on Properties NOT Undergoing Development



22. How are disputes resolved when the City does not agree that a tree should be removed?

If there is a dispute about whether or not a tree is a “Protected Tree” or whether or not it can be removed, the following options are available to the Property Owner:

1. Retain the Tree.
2. Retain an arborist to assess the tree based on risk and/or tree health. If the arborist recommends the removal of the tree, and, subject to staff review of the report for consistency with best practices, a tree cutting permit would be issued.
3. If the Property Owner continues to dispute a requirement and/or arborist recommendation to retain a tree, they could appeal to the Director Planning and Building, or directly to Council for a decision on the matter.

See the Tree Cutting Permit Process Diagrams – Questions #20-21

23. Could a property owner be forced to preserve trees that would diminish the development potential of the lot?

No. By legislation (the Community Charter), the Burnaby Tree Bylaw cannot prevent someone from developing a lot, in accordance with the density allowed under the Zoning Bylaw. However, the Tree Bylaw would still apply, and any required fees, permits and replacement trees, would still be required.

See the ‘Criteria for the Approval of a Tree-Cutting Permit to Remove a Protected Tree’ – Question #19

24. When would a permit NOT be required to remove a tree?

- Removal of trees less than the size criteria for Protected Trees.
- Pruning of protected trees (in accordance with best practices)
- Emergency tree removal (with immediate city notification)
- City tree removal/pruning for normal maintenance in parks, boulevards and city facilities (in accordance with Tree Management Policy for Public Lands)
- Tree removal by a public utility on land owned/held by utility for safety/maintenance/operation of utility’s infrastructure.
- Tree removal by a rail company when necessary for construction/installation/maintenance/repair/removal of rail lines.
- Tree removal where necessary for farm operations as defined in Right to Farm Act.
- Tree removal by the city, where necessary for construction/installation/maintenance/repair/replacement of roads, pathways, sidewalks, boulevards; sewer, water, gas mains; public drainage/dyke works, flood control.

See the ‘Criteria for the Approval of a Tree-Cutting Permit to Remove a Protected Tree’ – Question #19

25. What would happen if someone cut a “Protected Tree” without a permit?

If a “Protected Tree” was cut in contravention or breach of the bylaw, the City’s enforcement process would be followed, consistent with current bylaw infractions.

Potential remediation/penalties may include:

- The forfeiture of a bond held for replacement tree planting;
- Planting of Replacement Trees;
- A bylaw infraction ticket for an offense; or,
- Prosecution of the bylaw penalty.

See the Burnaby Tree Bylaw Enforcement Provisions – Questions #36 – 37

Tree Replacement

26. Is the planting of “Replacement Trees” required?

Replacement Trees are required as a condition of *all* Tree Cutting Permits, with the exception of tree removal on single- and two-family properties that are NOT undergoing development where replacement trees *may* be required.

27. How is the number of required “Replacement Trees” determined?

The number of replacement trees required will be determined by the size (diameter) of tree removed, as outlined below:

Diameter of Tree to be Cut or Removed	Number of Replacement Trees Required
20.3cm (8”) to 30.5cm (12”)	1
30.5cm (12”) to 61cm (24”)	2
61cm (24”) or greater	3

If it is not feasible to plant the required number of Replacement Trees on a subject property, a cash in-lieu contribution to the City’s Civic Tree Reserve Fund will be required.

In the case of tree removal on single- and two-family properties that are NOT undergoing development, Replacement Trees would be a condition that *may* be applied, subject to consideration of the characteristics and constraints of the property.

28. What are the requirements for “Replacement Trees”?

A Replacement Tree(s) must meet the following requirements:

- In the case of a conifer species, the Replacement Tree(s) must not be less than 2 m (6.562 ft.) in height;
- In the case of a broadleaf species, the Replacement Tree(s) must:
 - be a single tree not less than 5 cm (2 in.) in diameter; or,
 - for fruit trees only, be two trees not less than 2.5 cm (1 in.) in diameter.
- The Replacement Tree(s) must be:
 - Healthy and reasonably capable of surviving;
 - Planted in accordance with accepted arboricultural practice; and,
 - Properly and adequately maintained in accordance with accepted arboricultural practice.

29. What is the “Cash-in-Lieu” contribution?

A “Cash-in-Lieu” contribution can be made if it is not feasible to plant the required number of Replacement Trees on a subject property. The “Cash-in-Lieu” contribution is \$500 per tree.

30. What is the Civic Tree Reserve Fund?

The Civic Tree Reserve Fund is a fund maintained by the City for the purpose of planting and maintaining trees on City owned property.

31. What is a Bond?

Bond: A bond is a refundable non-interest bearing cash deposit or an irrevocable unconditional letter of credit issued by a chartered Canadian bank paid by the Property Owner or Contractor that may be required as a condition of a Tree Cutting Permit for the planting of Replacement Trees.

The bond must be provided to the City before the Tree Cutting Permit is issued.

32. What is the Bond for Replacement Trees?

The bond (security) to be provided for Replacement Trees is the greater of \$800 per property OR an amount equal to 120% of the cost of the Replacement Trees. The bond for Replacement Trees enables the City to ensure that the trees are planted and done so in a timely manner.

33. What happens to the Bond if the Replacement Trees *ARE* planted?

If the Replacement Trees ***ARE planted*** and the conditions of the Tree Cutting Permit have been satisfied, the bond will be refunded one year after the installation inspection, subject to a second inspection and provided that the tree(s) remain in place and healthy.

See the Tree Cutting Permit Process Diagrams – Questions #20 – 21.

34. What happens to the Bond if the Replacement Trees are *NOT* planted?

If the Replacement Trees are ***NOT planted***, within one year from either:

- The date that an Occupancy Permit is issued for the building or buildings and improvements of which the Tree Cutting Permit was issued; or,
- The date that the Tree Cutting Permit is issued if the aforementioned Occupancy Permit does not apply;

the Property Owner or Contractor forfeits the bond.

See the Burnaby Tree Bylaw Enforcement Provisions – Questions #36 – 37.

35. What happens to ‘Forfeited Bonds’ and ‘Cash-in-Lieu’ contributions?

Forfeited bonds and cash-in-lieu contributions will be placed in the City’s ***Civic Tree Reserve Fund***, to be used for the planting and maintenance of trees within the City’s parks, conservation lands, and as part of street / boulevard beautification projects on City-owned lands.

Burnaby Tree Bylaw Enforcement Provisions

36. How is the Burnaby Tree Bylaw enforced?

A response by the City is usually triggered by:

- A complaint; OR,
- In the case of sites undergoing development, a Property Owner or Contractor who fails to comply with the Burnaby Tree Bylaw.

37. What are the penalties for not complying with the Tree Bylaw?

The Burnaby Tree Bylaw is enforced through a series of progressive steps, to be utilized consecutively, if necessary, to achieve compliance with the Bylaw.

The Burnaby Tree Bylaw enforcement provisions are as follows:

1. ***Mitigation Tree Planting:*** A land owner may be required to plant Replacement Trees if they cut, remove or damage a protected tree in contravention of the Tree Bylaw. If planting Replacement Trees on the subject property is not feasible, a contribution as cash-in-lieu to the Civic Tree Reserve Fund will be required.
2. ***Withholding a Bond:*** A bond may be withheld if the Replacement Trees are not planted as required by the Burnaby Tree Bylaw.
3. ***Ticketing for Tree Bylaw Infractions:*** The penalty for cutting or removing a Protected Tree without a valid Tree Cutting Permit is \$500.
4. ***Tree Bylaw Penalty:*** The penalty specified in the Burnaby Tree Bylaw, for a prosecution under the Offense Act is a minimum of \$2000 and a maximum of \$10,000.

The specific approach utilized would depend on the severity of the offense.

Boulevard Trees Local Area Service Program (LASP):

38. How can you achieve boulevard trees on your street?

Property Owners, with a previously improved street, can apply for the installation or replacement of Boulevard Trees, under the City's Local Area Service Program (LASP).

39. Who is eligible to participate in the Boulevard Trees LASP?

Planting new Boulevard Trees will only be undertaken on 'finished' streets that already have sidewalks/gutters, etc. For streets without these amenities, owners would need to apply for the 'standard' Road Works LASP which includes the installation of Boulevard Trees.

To be eligible, a petition must be signed by the owners of at least 50% of the parcels that would be subject to the local service tax; representing at least 50% of the assessed property values.

The replacement of an existing block of Boulevard Trees is subject to Staff review to ensure consistency with the tree removal criteria of the Tree Bylaw, as well as the City's Tree Management Policy for Public Lands. Replacement Trees will be chosen to fit well with the specific site conditions and context.

See the LASP Brochure and the website for more information. www.burnaby.ca/treebylaw

40. What is the cost of undertaking an LASP to achieve boulevard trees on your street?

LASP project costs are shared between the City and the abutting property owners.

There is an annual charge per foot of taxable frontage for a term of five years. (An accurate cost estimate is provided to each owner at the outset of the petition stage.)

For current fees please refer to the LASP brochure.

See the LASP Brochure and the website for more information. www.burnaby.ca/treebylaw

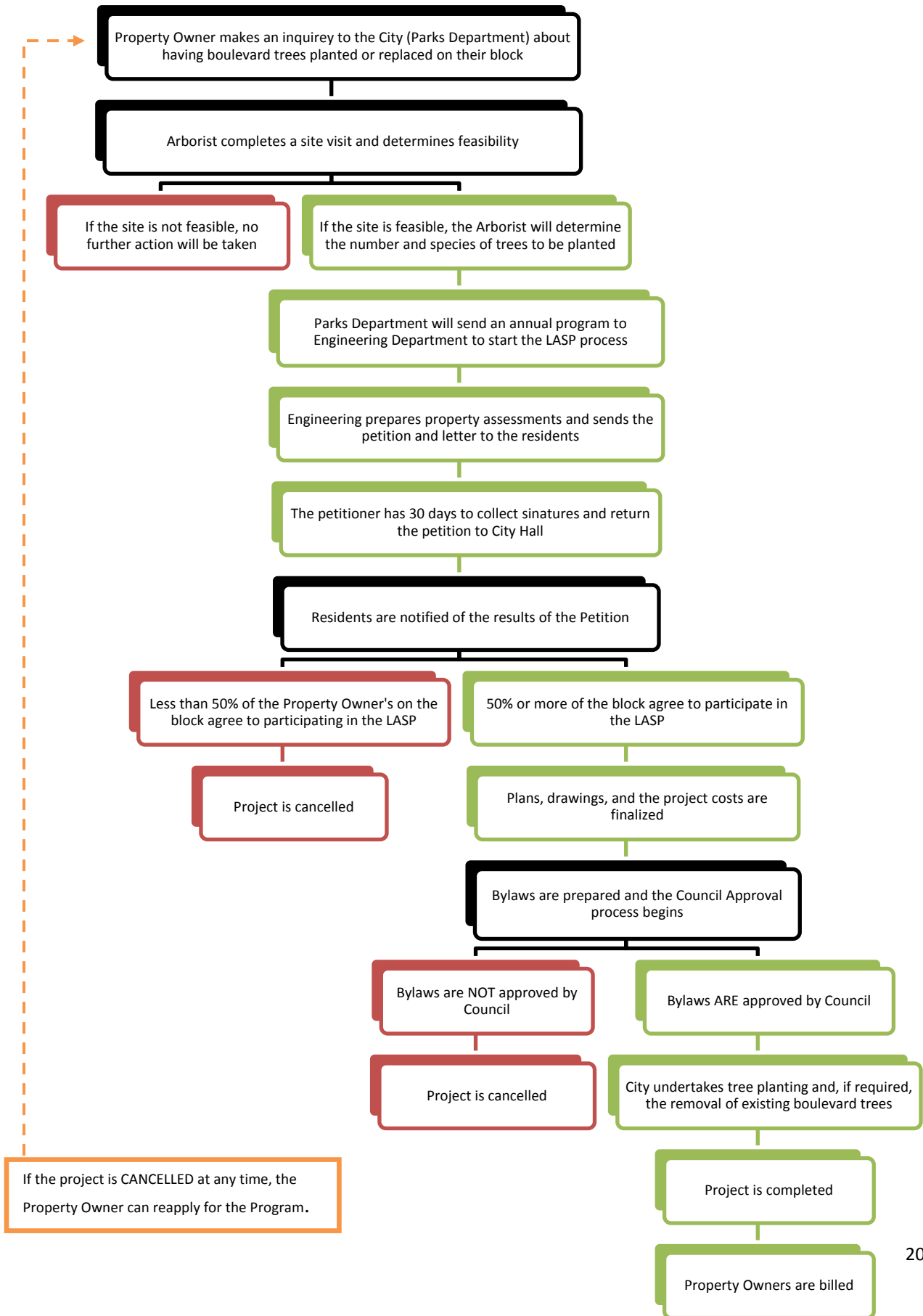
See the LASP Process Diagram – Question #41

41. What is the process to achieve boulevard trees on your street?

The process is as follows:

1. A Property Owner makes an inquiry to the City Parks Department.
2. An Arborist completes a site visit and determines the feasibility of the project.
 - a. If the site is NOT feasible, no further action will be taken
 - b. If the site IS feasible, the Arborist will determine the number and species of the trees to be planted. **(Proceed to Step 3)**
3. The Parks Department will send an annual program to the Engineering Department to Start the LASP process.
4. A project file is started and the Engineering Department will send a Petitioner's Letter with a composite map, and project template to the Property Owner to petition their block. The applicant is responsible for obtaining the signatures of 50% of the property owners, representing at least 50% of the total assessed value of the abutting properties, and returning the petition to City Hall within 30 days.
5. Once complete, the Property Owner returns the Petition to the City.
6. The Property Owners along the block are notified of the results of the Petition.
 - a. If LESS than 50% agree to the LASP, the project is cancelled.
 - b. If MORE than 50% agree to the LASP, plans, drawings, and the project costs are finalized. **(Proceed to Step 7)**
7. Bylaws are prepared and the Council Approval process begins.
 - a. If the Bylaws are NOT approved by Council, the project is cancelled.
 - b. If the Bylaws ARE approved by Council, the City undertakes the tree planting and, if required, the removal of existing boulevard trees. **(Proceed to Step 8)**
8. Project is completed.
9. "Billable" letters are sent to the residents and the charges are applied to the individual properties.

Local Area Service Program (LASP) Process Diagram: Boulevard Trees



Other Considerations

42. Would a Tree Cutting Permit be required to remove a hedge?

It can be difficult to define what constitutes a hedge – for example, a row of cedar or cypress trees that were planted decades ago as part of a hedge may now take the form of distinct trees. However, most hedges will be excluded by virtue of the proposed “Protected Tree” sizes, particularly in the case of ‘no development’. A hedge would not be given special exemption under the proposed Tree Bylaw approach.

43. Would a Tree Cutting Permit be issued to remove a tree that is prone to aphid attacks?

A tree permit would not likely be issued solely on the basis of aphids, which are native insects that form a part of the urban forest ecology. Although aphids can be a nuisance to some property owners, the problem is quite limited in scope, since:

- intense aphid outbreaks typically affect a relatively small sub-set of the overall broadleaf tree population;
- the proposed “Protected Tree” criteria would only apply to broadleaf trees greater than 45cm / 18 inches (est. to represent 15% of all broadleaf trees on single- and two-family lots);
- only a small number of aphid-infested Significant Trees occur in locations on a property that do not allow for mitigation of the problem through other means.

If an aphid infestation is extreme and causing concern on the part of the landowner, City Staff would work with the owner to pursue, as a first course of action, nondestructive solutions such as modification of the property’s use (e.g. finding an alternative location to store a vehicle) or non-destructive treatments for the infestation. If the infestation was determined to be due to a serious tree health issue, a permit for its removal would be considered.

44. Would the Tree Bylaw provide for protection of birds and wildlife species?

Various regulations are already in place to protect bird nests, certain wildlife species, and species at risk, including the Migratory Bird Act, Wildlife Act and Species at Risk Act. The Tree Bylaw would therefore not directly address these issues. However, the City considers these issues as a part of its development review process. Owners are informed of their obligations under other regulations that may be triggered upon land clearing and tree removal when applying for development approvals.

45. Does the City restrict the types of trees that can be planted?

The City does not restrict the types of trees that a private citizen may plant on their property. This allows the property owner the widest possible selection of trees that can be planted as per their personal taste and preference. There are no “bad” or “wrong” trees; however there are trees that are not suited for a particular location or climate in which they may be planted.

46. What does the Burnaby Tree Bylaw stipulate about the topping of trees?

The Burnaby Tree Bylaw states that no person can cut down or damage a *Protected Tree* without a valid permit, and defines “topping trees” as a form of damage. To address a particular concern through tree topping, a person may call the City to inquire about the situation or file an application for a Tree Cutting Permit, and the City would consider whether this treatment would be permitted.

47. Why aren’t all trees protected regardless of size?

The Burnaby Tree Bylaw includes selected sizes of trees to focus on larger or ‘significant’ trees, those that have the highest value for the community and for ecological benefits. The sizes provide a balance between maintaining and protecting trees and ensuring that City resources and efforts are efficient and directed toward those ‘significant trees’ that provide the greatest benefits.

48. Why isn’t there a restriction on the height of trees?

The City does not restrict the height of trees because the growth of trees is a natural process. There is no effective way to limit their height. For example, topping trees can result in a variety of safety concerns and issues over the long term and impacts the health of the tree. The City does aim to mitigate future issues with the height of trees by encouraging property owners to appropriate plant trees in appropriate locations.