

Type of Decision							
Meeting Date	Tuesday, October 16, 2018			Report Date	Thursday, October 11, 2018		
Council Decision Required	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Priority	High	X	Low
Complies with Current Policy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Creates New Policy	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Aligns with Strategic Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Priority in Asset Management Plan	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Follows Procedure By-law	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Follows Procurement By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Aligns with Zoning By-Law	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>	Aligns with previous Council precedent	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
As per Provincial Legislation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>	Provincial Act or Regulation	Bill		
Direction	Information Only		X	Type of Meeting	X	Open	Closed
REPORT TITLE - Tree Canopy By-Law 2018-23							
Report #16/10/2018 - 1001							

Subject: Adoption of a Tree Canopy By-Law/Policy

RECOMMENDATION:

Staff are working on meeting this deadline. Although legislated, we are giving this a low priority. That does not mean that policy should not be created to protect tree cover from future development; but it will wait until we are caught up in other areas. All that is required is a simple policy to be legislative requirements.

BACKGROUND/EXECUTIVE SUMMARY:

EFFECTIVE DATE MARCH 1, 2019

BILL 68, MODERNIZING ONTARIO'S MUNICIPAL LEGISLATION ACT, 2016 SUMMARY OF KEY PROVINCIAL PROPOSALS

Under Bill 68 passed in early 2017 under the Climate Change category the province enacted that:

- “Existing broad powers to clarify the power to pass by-laws respecting climate change; that municipalities may provide for or participate in long-term planning for energy use in the municipality.
- Provide additional powers to pass by-laws respecting the protection and conservation of the environment in accordance with regulations, including powers to require green roofs or alternative roof surfaces in circumstances specified by the Building Code (requires standards be established in the Building Code first).
- **Require** municipalities to adopt a policy with respect to the manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality.” From AMO review of Bill 68

Options/Discussion:

1. Option 1 – C

- a. Pros
- b. Cons

2. Option 2 – Don't adopt the by-law

- a. Pros
- b. Cons

Financial Considerations – Budget Impact:

Limited – in report preparation time. Does not require Active enforcement but meets provincial legislation.

Others Consulted:

Approved and Recommended by the Clerk

Melinda Reith,
Municipal Clerk

Melinda Reith

From <https://greeninfrastructureontario.org/changes-to-municipal-legislation-support-green-infrastructure/> This legislation has subsequently passed.

In November 2016, the Ontario government tabled [Bill 68, *Modernizing Ontario's Municipal Legislation Act*](#). This bill, if passed, will introduce a series of reforms to the [Municipal Act](#) and the [City of Toronto Act](#), which outline the legislative, administrative, and financial responsibilities of Ontarian municipalities.

Among many changes introduced in the legislation, three in particular are beneficial for green infrastructure:

1) Municipalities **will be required to have a policy** pertaining to protection and enhancement of their tree canopy and natural vegetation.

There would be a new requirement for municipalities to adopt and maintain a policy with respect to “[t]he manner in which the municipality will protect and enhance the tree canopy and natural vegetation in the municipality”. Note that the amended legislation would require municipalities to have a plan that not only protects their tree canopy and natural vegetation, but also enhances it. These changes will bolster the good work of many Ontario municipalities, some of whom are already global leaders in this area, and will provide impetus to other municipalities to begin developing plans.

2) Municipalities across Ontario will be able to pass green roof by-laws.

The proposed amendments would “authorize Cities to pass a by-law respecting the protection or

conservation of the environment that requires buildings to be constructed in accordance with provisions of the building code under the Building Code Act, [...] include[ing] the power to require the construction of green roofs or of alternative roof surfaces that achieve similar levels of performance to green roofs.” This would give municipalities the right to eventually create green roof by-laws similar to the City of Toronto’s by-law which is currently permitted under the *City of Toronto Act*.

3) Municipalities will have clearer jurisdiction to regulate with respect to climate change and energy conservation.

The proposed amendments would also expand the general power of municipalities to regulate with respect to the environment, perhaps opening the door for further green infrastructure investments. Municipalities would be empowered to enact by-laws with respect to “[e]conomic, social and environmental well-being of the municipality, including respecting climate change”. This would allow cities to legislate on the topic of climate change through by-laws that engage cities in long-term environmental and energy planning, which could include green infrastructure is an important tool for climate change adaptation.

Bill 68 has passed through its second reading. Overall these changes would be positive for the green infrastructure sector and GIO encourages residents to contact their MPP indicating their support for the bill.