

**CITY OF BURNABY**

**BYLAW NO. 13293**

A **BYLAW** to amend various provisions of the  
Burnaby Tree Bylaw 1996

The Council of the City of Burnaby ENACTS as follows:

1. This Bylaw may be cited as **BURNABY TREE BYLAW 1996, AMENDMENT BYLAW 2014**.
2. Section 2 of Burnaby Tree Bylaw 1996 is amended by adding the following subsections after subsection (a):
  - “(a2) ‘broadleaf tree’ means a tree other than a conifer tree;
  - (a3) ‘Civic Tree Reserve Fund’ means a fund maintained by the City for the purpose of planting and maintaining trees on City owned property;
  - (a4) ‘conifer tree’ means a tree of the family Coniferaceae, identified as normally being evergreen, having needle-like leaves and bearing cones;”.
3. The definition “covenanted tree” in subsection (c) of section 2 of the said Bylaw is amended by striking out everything after “section” and substituting “219 of the *Land Title Act*;”.
4. Subsection (f)(iii) of section 2 of the said Bylaw is amended by adding “or the removal of bark from a tree” after the word “dripline”.
5. The definition “demolition permit” in subsection (h) of section 2 of the said Bylaw is struck out and the following substituted:

“ ‘development application’ means an application for rezoning, subdivision, preliminary plan approval under the Zoning Bylaw or a building permit or demolition permit; ”

6. Subsection (m) of section 2 of the said Bylaw is amended by striking out “R.S.B.C. 1999 ch. 290”.

7. The definition “protected tree” in subsection (o) of section 2 of the said Bylaw is amended by striking out everything after “means:” and substituting:

“ (i) in respect of a property for which a development application has been made any tree the diameter of which is 20.3 cm (8 in.) or greater;

(ii) in respect of a property that is not the subject of a current development application

(A) any conifer tree the diameter of which is 30.5 cm (12 in.) or greater;

(B) any broad leaf tree the diameter of which is 45.7 cm (18 in.) or greater;

(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. The definition “replacement tree” in subsection (q) of section 2 of the said Bylaw is amended by striking out everything after “to” and substituting “section 13;”.

9. Section 2 of the said Bylaw is further amended by adding the following subsection after subsection (v):

“ (w) ‘Zoning Bylaw’ means Burnaby Zoning Bylaw 1965.”

10. Subsection (a) of section 4 of the said Bylaw is amended by adding “of protected trees in accordance with accepted arboricultural practices” after “pruning”.

11. Subsection (d) of section 4 of the said Bylaw is amended by adding “or other public lands that are not the subject of a current development application” after “City Park”.

12. Subsection (f) of section 4 of the said Bylaw is repealed.

13. Subsection (g) of section 4 of the said Bylaw is repealed.

14. Subsection (1)(a) of section 5 of the said Bylaw is amended by striking out “application” and substituting “permit”.

15. Subsection (2) of section 5 of the said Bylaw is amended by striking out “provided by the City”.

16. Subsection (c) of section 6(1) of the said Bylaw is amended by

(a) striking out “Burnaby Zoning Bylaw 1965” and substituting “the Zoning Bylaw”;  
and

(b) striking out “714(2) of the *Municipal Act*, R.S.B.C. 1996 ch. 323” and substituting  
“50(3) of the *Community Charter*”.

17. Subsection (a) of section 6(2) of the said Bylaw is amended by striking out everything after “is cut down” and substituting “or was previously cut down in contravention of this Bylaw;”.
18. Subsection (a)(i) of section 7 of the said Bylaw is amended by striking out “\$800” and substituting “the amount specified in Schedule “A” to this Bylaw as the minimum security for tree replacement”.
19. Subsection (g) of section 7 of the said Bylaw is amended by adding “and deposited into the Civic Tree Reserve Fund” after “the City”.
20. Subsection (1) of section 11 of the said Bylaw is amended by striking out “application made to the City for the issuance of a demolition permit or a building permit on a residential lot” and substituting “development application made to the City”.
21. Subsection (a) of section 11(2) of the said Bylaw is amended by striking out “demolition permit or building permit is issued” and substituting “development application is granted”.
22. Subsection (a) of section 12 of the said Bylaw is struck out and the following substituted:  
  
“ (a) section 13 in the case of a residential lot that is not the subject of a current development application; ”.
23. Section 13 of the said Bylaw is struck out and the following substituted:  
  
“13 (1) The owner of a property on which a protected tree is cut down shall plant one or more replacement trees on that property for each protected tree cut down as follows:

<b>Diameter of protected tree cut down</b>	<b>Number of replacement trees required</b>
up to and including 30.5 cm (12 in.)	1
over 30.5 cm (12 in.) up to and including 61 cm (24 in.)	2
over 61 cm (24 in.)	3

(2) A replacement tree planted pursuant to subsection (1) shall:

- (a) in the case of a conifer species, be not less than 2 m (6.562 ft.) in height;
- (b) in the case of a broadleaf species:
  - (i) be a single tree not less than 5 cm (2 in.) in diameter; or
  - (ii) for fruit trees only, be two trees not less than 2.5 cm (1 in.) in diameter.

(3) Every replacement tree required to be planted pursuant to this Bylaw shall be healthy and reasonably capable of surviving, and shall be planted in accordance with accepted arboricultural practice.

(4) Every replacement tree required to be planted pursuant to this Bylaw shall be properly and adequately maintained in accordance with accepted arboricultural practice.

(5) Where the Director Planning is satisfied that it is not feasible to plant all of the replacement trees required to be planted on the property under this section the Director

Planning may accept in lieu thereof the payment per tree specified in Schedule "A" to this Bylaw.

(6) All payments made to the City under subsection (5) shall be deposited into the Civic Tree Reserve Fund. "

24. Section 14 of the said Bylaw is amended by striking out "a tree cutting permit or".
25. Subsection (1) of section 15 of the said Bylaw is amended by striking out everything after "plant" and substituting "one or more replacement trees in accordance with the requirements of section 13."
26. Subsection (2) of section 15 of the said Bylaw is repealed.
27. The said Bylaw is amended by adding the following section after section 16:

"16A The owner or occupier of any land shall permit any employee or agent of the City to enter onto that land for the purposes of section 16."
28. Section 17 of the said Bylaw is amended by striking out everything after "Planning" and substituting "is hereby delegated the powers, duties and functions of Council in relation to Council's authority under section 8(3)(c) of the *Community Charter* with respect to the matters governed by this Bylaw, other than Council's authority under section 18."
29. Section 19 of the said Bylaw is amended by adding "and not more than Ten Thousand (\$10,000.00) Dollars" after "Two Thousand (\$2,000.00) Dollars".
30. Schedule "A" of the said Bylaw is struck out and Schedule "A" to this Bylaw is substituted in its place.

Read a first time this 3rd day of February 2014  
Read a second time this 3rd day of February 2014  
Read a third time this 3rd day of February 2014  
Reconsidered and adopted this 17<sup>th</sup> day of February 2014.

*Scott Longini*  
MAYOR

*M. G. James*  
CLERK

**SCHEDULE "A"**

**PART I TREE PERMIT FEES**

	<b>Tree Permit Fee (based on protected trees removed)</b>	<b>Maximum Fee</b>
<b>A. <u>No Development Application</u></b>		
(i) residential lot	\$70 per tree	\$500
(ii) site other than residential lot	\$70 per tree	\$500
<b>B. <u>Development Application Pending</u></b>		
(i) residential lot	\$150 per tree	\$1,000
(ii) site other than residential lot		
(a) site area up to 1000m <sup>2</sup> (10,764 sq.ft.)	\$600 base fee plus \$150 per tree	\$1,000
(b) site area greater than 1000m <sup>2</sup> (10,764 sq.ft.) or equal to 5000m <sup>2</sup> (53,820 sq.ft.)	\$1,200 base fee plus \$150 per tree	\$5,000
(c) site area greater than 5000m <sup>2</sup> (53,820 sq.ft.) or equal to 10,000m <sup>2</sup> (107,640 sq.ft.)	\$1,800 base fee plus \$150 per tree	\$5,000
(d) site area greater than 10,000m <sup>2</sup> (107,640 sq.ft.) or equal to 20,000m <sup>2</sup> (215,280 sq.ft.)	\$2,400 base fee plus \$150 per tree	\$10,000
(e) site area greater than 20,000m <sup>2</sup> (215,280 sq.ft.)	\$3,000 base fee plus \$150 per tree	\$10,000



**PART II PAYMENT TO CIVIC TREE RESERVE FUND (s. 13(5))**

Per Tree - \$500.00

**PART III MINIMUM SECURITY FOR TREE REPLACEMENT (s. 7(a)(i))**

\$800.00

**PART IV COPIES OF DEPARTMENTAL RECORDS**

Copy fees subject to all applicable taxes	\$1.20 per page for copies 8.5 x 11 inches
	\$5.65 per page for copies 11 x 17 inches or larger