



COUNCIL INFORMATION PACKAGE

Friday, June 27, 2025

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MEMORANDUM

TO: Welland City Council

FROM: Lina DeChellis, Director of Economic Development & Strategic Initiatives

DATE: June 24, 2025

SUBJECT: Physician Recruitment Incentive – Dr. Chigozie Efika

I'm pleased to inform Council that Dr. Chigozie Efika has chosen Welland for her family practice and will be practicing at 3 Cross Street, Unit 301 and is accepting patients. If you know of anyone looking for a Family Physician, they can become a patient by calling 905-714-0001 or emailing info@wellandwalkin.ca.

City staff have been working closely with the Region's Physician Recruitment Specialist and have been successful in attracting 14 new family physicians since the approval of the Physician Recruitment Incentive in June 2023.

MEMORANDUM

TO: Welland City Council

FROM: Frank Pearson, B. Tech – Arch. Sci.
Manager of Facilities, Operations and Development

DATE: June 20, 2025

SUBJECT: Civic Square Reflection Pond

The purpose of this memo is to inform Council of the planned temporary solution to infill the reflection pond at Welland Civic Square to address safety, aesthetic and maintenance concerns.

The Civic Square Reflection Pond has been out of service and barricaded for public safety; however, this is not a suitable solution as there are known hazards and is hurting the usability of the space. The Reflection Pond has experienced significant wear, including deterioration of the concrete basin, reduced performance of the waterproof membrane, and aging mechanical systems. These issues have impacted the functionality, useability, and overall safety of the space. Surface cracking and uneven areas present significant liability concerns, and the failure of the mechanical system's water circulation and treatment is no longer useable. In the current state, the pond requires maintenance work from city staff, including regularly cleaning out refuse and leaves that accumulate in the basin, draining the stagnant water to prevent algae growth, and dealing with slip hazards and uneven concrete around the edge of the pond. As noted above, the pond has created considerable health and safety, and maintenance issues at Civic Square and as a result, has impacted the use and social vibrancy of the area.

Staff investigated five different options to infill the reflection pond to make the space safe for public use and reduce ongoing maintenance requirements. Keeping the long term need to revitalize Civic Square aligned with asset

management principles and the revitalization of Downtown Welland, this solution would be considered temporary until the long-term solution is complete. The solutions considered include filling the space with composite decking, granular material and artificial turf, topsoil and sod, granular and paving stones, concrete and/or coloured/tinted concrete.

Staff have received quotes for the various options and will pursue filling the pond with concrete as this is the most economical and viable option. This work will cost \$12,800 and be funded from account 10-430-25451: General Facilities Maintenance & Renewals which currently has a balance of approximately \$164,000.

This solution will ensure that the space is safe and can be used for events, etc. The City's stock for seating and furniture will be reviewed to complement this temporary fix.

Should Council have any questions or concerns regarding this project, please contact the Director of Community Services, Jessica Ruddell.

MEMORANDUM

TO: Welland City Council

Cc: CLT

FROM: Lina DeChellis, Director of Economic Development & Strategic Initiatives
Lisa Allen, Manager, Economic Development

DATE: June 26, 2025

SUBJECT: Quarterly Economic Development Brief

We are pleased to announce the release of the fourth issue of the *Economic Development Quarterly Brief* on June 26, 2025. Published on a quarterly basis, this report provides updates on recent investments in the city, highlights key community initiatives, and features a business spotlight section to showcase local achievements and emerging opportunities.

The publication schedule for the *Quarterly Brief* is as follows:

- **September 2025**
- **December 2025**
- **March 2026**
- **June 2026**

We are excited to share this latest edition and remain committed to fostering Welland's economic growth.

Quick Facts

Average home price: (May 2025): \$567,300

Total Population: 63,874 (2024 post census annual population estimate – Stats Canada)

Total Building Permits Issued: 221 (as of April 2025)

Community Initiatives and Updates

Navigating Tariffs Together: Local Support for Global Challenges

The City of Welland's Economic Development team has taken a proactive step in supporting local businesses by launching a new Tariff Resources page on its *Made in Welland* website. This centralized online hub is designed to help businesses navigate the complexities of international trade tariffs, particularly considering recent developments involving the United States. The Tariff Resources page features timely updates, essential tools, and key information to assist businesses in mitigating the impact of tariffs, managing supply chain disruptions, and staying informed on global trade policies that may affect operations in Niagara and beyond.

In addition to this digital resource, the City of Welland, in collaboration with Niagara Region and neighboring municipalities, has initiated a free webinar series aimed at equipping local businesses with practical insights and expert advice. These sessions bring together leading voices in international trade—including customs brokers, trade lawyers, and representatives from funding programs—to provide real-time guidance on navigating tariff challenges. This initiative underscores Welland's commitment to fostering a resilient, globally competitive business environment.

Support Local. Strengthen Niagara

The City of Welland is proud to participate in the Support Local campaign, a nine-week regional initiative launching on March 31 to encourage Niagara residents to support local businesses. In addition to promoting local purchases, the campaign emphasizes non-monetary support such as leaving reviews and engaging with businesses on social media. Developed in partnership with

Niagara Region and all area municipalities, the campaign also raises awareness about broader economic challenges, including the impact of tariffs, and aims to foster a sense of community solidarity during uncertain times.

Running until May 31, the campaign features a coordinated mix of organic and paid advertising across radio, print, digital, and social media platforms. Each of the 13 municipalities, including Welland, will be equally represented through rotating radio spots and shared visual branding. A full suite of campaign materials—ranging from posters and social media content to window decals and media templates—is available to help municipalities, businesses, and community members take part.

Welland Lights Up: Supporting Film, Fueling Creativity

On April 11, the City of Welland’s Economic Development staff participated in the 2025 Film Forum, an informative event focused on the latest developments in Ontario’s film industry. The forum provided valuable updates including an overview of the Reelscout Locations Library, insights on film tax credits explained in accessible terms, and discussions on sustainability programs and green initiatives within the industry. These sessions equipped staff with a deeper understanding of the opportunities and resources available to support film production locally.

The event also featured presentations on the importance of industry unions, producer perspectives, and collaboration with location managers, highlighting how strong partnerships contribute to a thriving film ecosystem. Problem-solving workshops designed for film offices further enhanced the team’s capacity to assist productions effectively. Participation in the Film Forum underscores Welland’s commitment to fostering growth in the creative sector by staying connected with industry trends and strengthening relationships within the film community.

Charting Our Future Together: Leading Growth, Inspiring Progress

City of Welland staff have actively engaged in training and workshop sessions to support the implementation of *Charting Our Future: Welland Strategic Plan 2023–2026*. Since the plan’s adoption by Council in June 2023, these sessions have focused on aligning departmental work plans with the strategic priorities and objectives outlined in the plan. Economic Development is proudly spearheading this initiative for the city, ensuring a coordinated and focused approach to driving Welland’s long-term vision and goals.

On May 27, Council received a detailed progress update highlighting the advancements made to date. To promote transparency and community engagement, a public dashboard showcasing key initiatives and progress will be launched on the City’s website in June 2025. This platform will

provide residents and stakeholders with ongoing insight into Welland’s collective efforts to achieve the strategic plan’s objectives and build a stronger future for the city.

Downtown Cleanliness and Beautification: Cultivating Growth, Enhancing Community

The Welland Economic Development Office (EDO) remains committed to driving economic growth, attracting new investment, and generating employment opportunities that enhance the overall quality of life for residents. As a central component of Welland’s Strategic Plan, the EDO actively supports existing businesses, fosters entrepreneurship, and promotes innovation across emerging sectors. These efforts contribute to a stronger municipal tax base and enable reinvestment in critical city services.

In alignment with its strategic priorities, the EDO is launching a pilot project aimed at improving cleanliness and beautification within the Welland Downtown Business Improvement Area (WDBIA) during the summer of 2025. In collaboration with the WDBIA and the Job Gym, this initiative will create two temporary positions dedicated to maintaining the area’s appearance. Responsibilities will include litter collection, weeding, and general upkeep across the entire WDBIA catchment area, excluding city-owned properties, helping to create a more vibrant and welcoming downtown environment. Council was provided with an update on this initiative during the May 27th General Committee meeting.

Seaway Mall: 50 Years of Community, Growth, and Opportunity

On April 25, the City of Welland’s Economic Development team proudly participated in the 50th anniversary celebrations of Seaway Mall, a landmark shopping destination that has served the community for half a century. The event brought together residents, business owners, and local leaders to honor the mall’s longstanding role in Welland’s economic and social fabric. Throughout its history, Seaway Mall has been more than just a retail center—it has been a gathering place that supports local commerce and community connections.

Our team joined in the festivities, recognizing Seaway Mall’s vital contribution to the city’s growth and vitality. The anniversary featured special activities, acknowledgments of long-time tenants, and reflections on how the mall has evolved alongside Welland. This milestone celebration reinforced the importance of collaboration between key commercial hubs and the City’s economic development efforts in building a strong and vibrant community.

Connecting Industry, Driving Growth, Building Partnerships

On May 7, the City of Welland’s Economic Development staff actively participated in the South Niagara Chamber of Commerce Industry Roundtable event. The day began with registration and

a cross-industry scrum, setting the stage for productive conversations among diverse business sectors. Throughout the morning, the team engaged in two roundtable sessions, exchanging ideas and insights with local industry leaders to identify challenges and opportunities impacting the region.

Following the roundtables, staff took part in a tradeshow and business connection sessions, fostering valuable networking opportunities. The event concluded with a lunch and keynote panel discussion, providing expert perspectives on regional economic trends and growth strategies. Welland's involvement in this event highlights the City's commitment to collaboration and continuous engagement with the broader South Niagara business community.

Empowering Business Through Innovation – The AI Advantage in Welland

The City of Welland was proud to be part of The AI Advantage, held on Tuesday, May 27 at the Welland International Flatwater Centre. Delivered in partnership with BDC, Innovate Niagara, and Meridian Credit Union, this sold-out event brought together attendees for an engaging and accessible session on the power of artificial intelligence. Designed with local businesses in mind, the session required no technical background and focused on real-world applications of AI to reduce administrative workload, improve decision-making, and streamline daily operations.

This collaborative event underscored the City's ongoing commitment to supporting innovation and competitiveness in our local business community. By connecting entrepreneurs and business leaders with emerging tools and expert guidance, Welland continues to create an environment where businesses can adapt, grow, and thrive in a rapidly evolving digital economy.

Fostering Innovation Through Collaboration – Supporting Applied Research in Niagara

The City of Welland's Economic Development team was pleased to attend the IPON Industry Partner Showcase on May 29, hosted by SONAMI and Niagara College. This engaging event highlighted the transformative impact of applied research and innovation through compelling case studies and success stories from small- and medium-sized enterprises (SMEs) across the region. Attendees had the opportunity to gain valuable insights into the SONAMI network and the critical role it plays in driving collaborative innovation and regional competitiveness.

Participation in events like the Industry Partner Showcase reaffirms Welland's commitment to supporting innovation, research, and advanced manufacturing. The showcase also served as an important platform to advocate for sustained funding in applied research — a key driver of economic growth and long-term prosperity in Niagara.

Navigating Opportunities – Building Insight into Niagara’s Marine Economy

The City of Welland’s Economic Development team was pleased to participate in the St. Lawrence Seaway Open House on May 29. This informative event offered a detailed overview of Seaway operations, marine assets, and included a guided tour of key facilities and infrastructure. As a vital component of our regional transportation and trade network, the Seaway plays a critical role in supporting industrial growth and global connectivity.

Attending the open house strengthened our understanding of the marine sector’s infrastructure and operational capabilities, reinforcing its significance to Welland and the broader Niagara economy. Events like these deepen partnerships and support our ongoing efforts to align local development with regional logistics and transportation strengths.

Welland on the Move – Advancing Innovation, Driving Opportunity

The City of Welland’s Economic Development team proudly participated in APMA’s Canada Automotive Summit on June 10, 2025—Canada’s premier event for automotive and mobility innovation. With over 400 attendees, the summit brought together global industry leaders, innovators, and decision-makers to explore the future of transportation, technology, and advanced manufacturing.

Welland’s presence at the summit reinforced our commitment to fostering growth in the mobility and automotive sectors. The event provided a valuable platform to strengthen strategic partnerships, gain insights into emerging trends, and promote Welland as a forward-thinking hub for investment and innovation.

Made in Welland: Built for Business. Ready for Growth

In May 2025, the City of Welland’s Economic Development team launched a newly designed and updated *Made in Welland* website. Developed with site selectors, entrepreneurs, and investors in mind, the refreshed platform serves as a comprehensive and user-friendly hub for showcasing Welland’s economic potential.

The updated website features real-time data on land availability, detailed workforce statistics, business resources, and local success stories—making it easier than ever to see why Welland continues to be one of Ontario’s fastest-growing communities. This launch marks another step forward in our commitment to transparency, accessibility, and investment readiness. Check out the new made in welland website at www.madeinwelland.ca

Shaping Tomorrow's Cities: Insight. Strategy. Connection.

On June 9–10, 2025, EDCO's inaugural Ontario Big City Leaders Forum brought together urban economic development professionals in Ottawa for two days of forward-thinking strategy, expert panels, and high-value networking. Key topics included protecting employment lands, leveraging Special Economic Districts like Kanata North Tech Park, and decoding current investment trends shaping Canadian cities. The event offered rich insights, interactive tours, and actionable take-aways—equipping attendees with practical tools to address the challenges facing Ontario's urban centers.

Building Networks with Ontario Economic Developers

Staff attended the Economic Developers Council of Ontario Regional Event in Sudbury on June 16th and 17th. The event provided networking opportunities with economic development professionals from across Ontario and enabled collaboration and best practice sharing. Constructive conversations were held in the areas of downtown revitalization, transformative infrastructure, the effects of homelessness and drug use on economic development and tourism and attractions strategies.

Investing in Doctors. Delivering Care.

Through the City of Welland's Physician Recruitment Incentive Program, 14 new physicians — including 8 from the UK — have been successfully recruited to serve the local community. Each received tailored support to either establish new practices or take over existing ones, helping improve healthcare access across the city. Over the past 12 months, 15,000 patients across Niagara were enrolled with new doctors, with more than half — 8,086 — registering right here in Welland.

With the program surpassing its original goal, Welland City Council has committed an additional \$1 million in funding for 2025. This renewed investment reinforces the city's dedication to meeting growing healthcare demands and ensuring all residents have access to family physicians close to home.

New Business



**Fuel up fast, shop smart — all in one place
 6 Crowland Avenue**

The 7-Eleven gas station at 6 Crowland Avenue in Welland received a fresh new banner as part of 7-Eleven Canada's province-wide rebranding initiative. Announced on April 22, 2025, 7-Eleven's gas stations in Ontario—including this Welland location—will transition to trusted brands like Petro-Canada or Esso/Mobil. While the gas station's name will change, customers can expect the same convenient in-store experience they've come to know and appreciate.

Photo credit: Frank Fazzalari



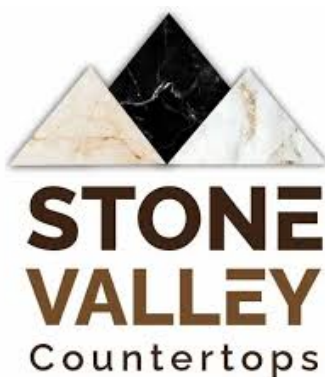
**Esso- EXPRESS STOP & GO ESSO.
 90 Lincoln Street**

The former Pioneer gas station at 90 Lincoln Street in Welland has officially been rebranded as an Esso, offering the same reliable service under a trusted new name. This transition brings enhanced fuel options while maintaining the convenience and accessibility



Big Carm's Catering Brings a Taste of Italy to Welland
66 Division Street

Big Carm's Italian Market, located at 66 Division Street, held its soft opening on June 12, welcoming the community with the rich, comforting flavours of traditional Italian cooking. Specializing in authentic catering for events of all sizes, Big Carm's brings homemade pastas, signature sauces, and old-school Italian hospitality to every table. Whether you're planning a corporate lunch, family celebration, or just craving a taste of Nonna's kitchen, Big Carm's is ready to deliver bold flavour with a personal touch—right here in the heart of Welland.



Stone Valley Countertops: Where Craft Meets Stone
69 East Main Street, Unit 3c

Downtown Welland is now home to Stone Valley Countertops, a family-owned business specializing in high-quality stone surfaces for kitchens, bathrooms, and beyond. Located at 69 East Main Street, Unit C3, Stone Valley offers custom fabrication and installation of quartz, granite, marble, quartzite, and porcelain—bringing style, durability, and expert craftsmanship to every project.



RSR Grocery Store – Your Passport to Authentic Indian Cooking
40 Division Street

Located in downtown Welland, RSR Grocery Store offers an exciting new destination for fans of South Asian cuisine. RSR is your one-stop source for everything needed to recreate classic Indian dishes at home. Proudly serving the Welland community, RSR Grocery Store brings cultural authenticity, quality products, and personal service—making it easy and enjoyable to explore Indian cuisine without leaving town.



Now Open in Downtown Welland: Canal View Café
3 East Main Street, Unit 4

There's a new spot to discover in the heart of downtown Welland! Canal View Café, located at the corner of East Main Street and King Street, held its soft opening on June 7 and is already making waves with its delicious menu and unbeatable view of the canal. Whether you're in the mood for sweet or savoury crepes, a cup of fresh coffee, comforting hot food, or irresistible baked goods, Canal View is the perfect place to relax, refuel, and take in the scenery.



**Smart Storage, Local Convenience - Vaultra Welland
 261 Power Drive**

Welland's newest self-storage facility, Vaultra Storage, officially opened its doors in mid-May and is already making an impact. Conveniently located and purpose-built with modern storage needs in mind, the facility features 85 total units, including heated indoor spaces, across a 50,000 sq. ft. building.

Designed with security and accessibility at its core, Vaultra is access-controlled and offers tenants easy, 24/7 access via a mobile app—making storage seamless and secure. The facility is staffed with one full-time and one part-time employee, ensuring that personal service is always available for customers.

Business Spotlight

Billyard Insurance Group (BIG), founded in 1998, has grown from a local brokerage into a national success story—and it all starts in Welland. Proudly headquartered in the heart of downtown, BIG continues to deepen its commitment to the community with an ambitious expansion of its footprint to over 47,000 square feet. The Welland office is home to 120 staff working both in-person and remotely, supporting national operations with a strong foundation built right here.

Today, BIG operates 80 locations across Canada and employs over 1,200 professionals coast to coast. With a proven franchise model and an emphasis on relationship-driven service, the company has become one of Canada's fastest-growing insurance brokerages. BIG continues to explore expansion into new provinces and markets, bringing its trusted model and client-first approach to communities nationwide.

At the heart of BIG's success is its ability to blend innovation with personalized service. Their investment in digital platforms, including advanced quoting and underwriting tools, has streamlined operations and enhanced the client experience. These innovations allow brokers to work efficiently and deliver tailored insurance solutions, without sacrificing the personal connection that sets BIG apart. In addition to its industry growth, BIG has earned national recognition as a top employer in the insurance sector. Its culture emphasizes professional development, collaboration, and community involvement—values that are deeply rooted in the company's Welland origins.





Legal and Legislative Services

June 24, 2025

The Honourable Doug Ford, Premier of Ontario
Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sir:

Re: The Corporation of the Township of Rideau Lakes Resolution – Strong Mayor Powers

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of June 23, 2025, received and supported correspondence from Township of Rideau Lakes dated May 22, 2025, calling upon 444 municipalities to collect and coordinate action and seek legal and constitutional expert to challenge the Strong Mayor Powers.

Attached please find a copy of Township of Rideau Lakes correspondence dated May 22, 2025.

Thank you for your attention to this matter.

Kind regards,

Ashlea Carter,
Acting Manager, Legislative Services/Town Clerk
acarter@forterie.ca
AC:dlk
Encl.

c.c.: The Honourable Rob Flack, Minister of Municipal Affairs and Housing; minister.mah@ontario.ca
MPP's jburch-qp@ndp.on.ca; wgates-qp@ndp.on.ca; sam.oosterhoff@pc.ola.org; jstevens-qp@ndp.on.ca
AMO; amo@amo.on.ca
Rideau Lakes: mtruelove@rideaulakes.ca, councillorpbanks@rideaulakes.ca
Municipalities of Ontario

Mailing Address:	The Corporation of the Town of Fort Erie 1 Municipal Centre Drive, Fort Erie ON L2A 2S6	
Office Hours 8:30 a.m. to 4:30 p.m.	Phone: (905) 871-1600 FAX: (905) 871-4022	Web-site: www.forterie.ca

**TOWNSHIP OF RIDEAU LAKES
Special Council Meeting**

RESOLUTION 129-2025

Title: Councillor P. Banks: Proposed Motion re: Strong Mayor Power Legal Challenge to Province

Date: Thursday, May 22, 2025

Moved by Councillor P. Banks

Seconded by Councillor Dunfield

WHEREAS the Province of Ontario has unilaterally imposed “Strong Mayor Powers” on numerous municipalities without democratic consultation or local consent, overriding the will of almost 50 municipal councils and communities;

WHEREAS these powers centralize authority in the office of the mayor, undermining the longstanding principles of democratic, council-based decision-making and the equal voice of ward councillors who represent diverse and distinct communities within a municipality;

WHEREAS the imposition of Strong Mayor Powers has particularly harmful implications for rural municipalities, which often have part-time mayors who may now feel there is neither the need nor the financial capacity to hire and retain full-time, independent, and professionally qualified Chief Administrative Officers (CAOs), undermining the critical role of senior staff in providing non-partisan, expert advice and ensuring stable, accountable local administration;

WHEREAS in such municipalities, these powers threaten to erode the role and independence of professional administrative staff, including CAOs, whose accountability to the full council is essential for transparent, well-managed local government, raising concerns that a single elected official may unilaterally direct, override, or dismiss senior staff without the benefit of full council oversight;

WHEREAS the Township of Rideau Lakes, representing a small rural community, has taken a leadership role by committing financially toward a collective advocacy, legal, and communications effort to defend local democracy and resist the imposed governance framework;

WHEREAS over 50 municipalities across Ontario have already expressed formal opposition to Strong Mayor Powers, and growing support from across regions—including Newmarket and other urban and rural communities—demonstrates the broad, nonpartisan resistance to this undemocratic model;

THEREFORE, BE IT RESOLVED THAT:

1. Council formally reaffirms its opposition to the imposition of Strong Mayor Powers and requests to opt out of this governance model, reaffirming our commitment to democratic, council-based governance and equal representation for all residents.

2. Council highlights the unique risks and negative consequences for municipalities, where part-time elected officials and resource-constrained administrations are especially vulnerable to disruptions in effective and accountable governance.
3. Council directs that a copy of their resolutions be included in the publicly documented list of municipalities that oppose Strong Mayor Powers.
4. Council further directs that this resolution be sent to all 444 municipalities in Ontario as a strong call to collective, coordinated action against this top-down provincial policy.
5. Council commits to contributing financial support to the shared effort initiated by the Township of Rideau Lakes, recognizing the importance of standing together to protect democratic local governance in every municipality, large or small.
6. Once a coordinated effort is established among all 444 municipalities, we, as a collective, should seek out a legal and constitutional expert to challenge the Ford government's 'strong mayor' powers. These powers undermine the democratic rights of councillors and may violate constitutional principles of local governance and representation.

Carried



Legal and Legislative Services

June 24, 2025

The Honourable Doug Ford, Premier of Ontario
Queen's Park
Toronto, ON M7A 1A1
premier@ontario.ca

Honourable and Dear Sir:

Re: The Corporation of the County of Prince Edward Resolution - Bill 5 Protect Ontario by Unleashing Our Economy Act, 2025

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of June 23, 2025, received and supported correspondence from The Corporation of the County of Prince Edward dated May 27, 2025, requesting the Province to define Special Economic Zones and their purpose with more clarity and ensure activities within such zones are equally subject to the local and provincial laws that support all Ontario and First Nations people and foster our social, cultural and environmental prosperity.

Attached please find a copy of The Corporation of the County of Prince Edward's correspondence dated May 27, 2025.

Thank you for your attention to this matter.

Kind regards,

Ashlea Carter,
Acting Manager, Legislative Services/Town Clerk acarter@forterie.ca

AC:dlk

Encl.

The Honourable Stephen Lecce, Minister of Energy and Mines; MinisterEnergy@ontario.ca

The Honourable Rob Flack, Minister of Municipal Affairs and Housing; minister.mah@ontario.ca

The Honourable Todd McCarthy Minister of the Environment, Conservation and Parks; minister.mecp@ontario.ca

The Honourable Sylvia Jones, Deputy Premier and Minister of Health; Sylvia.Jones@ontario.ca

Niagara MPP's jburch-gp@ndp.on.ca; wgates-gp@ndp.on.ca; sam.oosterhoff@pc.ola.org; jstevens-gp@ndp.on.ca

AMO; amo@amo.on.ca

ROMA; roma@roma.on.ca

County of Prince Edward: clerks@pecounty.on.ca

Geralda Jamieson, Interim Executive Director, Fort Erie Native Friendship Centre llc1@fenfc.org

Municipalities of Ontario

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 4:30 p.m.

Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

May 28, 2025

Please be advised that during the regular Council meeting of May 27, 2025 the following resolution regarding Bill 5: Protecting Ontario by Unleashing Our Economy Act, 2025 was carried.

RESOLUTION NO. 205-317

DATE: May 27, 2025

MOVED BY: Councillor MacNaughton

SECONDED BY: Councillor Hirsch

WHEREAS the Government of Ontario has introduced Bill 5: Protecting Ontario by Unleashing Our Economy Act, 2025, which proposes substantial changes to many Acts within one bill which undermine environmental protections in order to "unleash the economy"; and

WHEREAS multiple inclusions will impact habitat, biodiversity protections and environmental integrity without proper process including but not limited to:

- **the repeal and replacement of the Endangered Species Act with a weaker act;**
- **the creation of a Special Economic Zones Act which will permit exemptions from legislated environmental protections;**
- **changes to provisions to the Mining Act which provide sweeping powers to the Minister of Energy and Mines that are poorly defined, subject to caprice, or possibly designed to enable exemption from environment protection; and**

WHEREAS proposed changes will override local planning authority, provincial legislation, and bylaw enforcement for the benefit of specific preferred proponents over the rights of Ontarians; and

WHEREAS First Nations citizens have an enshrined right to access their own archeology and Canadians have an enshrined responsibility to seek free, prior and informed consent from First Nation neighbours regarding land use; and

WHEREAS several proposed changes could imperil the health of lands and water for which First Nations have traditional and treaty rights; and

WHEREAS the provisions of the Special Economic Zones Act are not clear enough to ensure that there are adequate legal and environmental protections to offset risks to Ontarians and First Nations members, to provide adequate safeguards against bad faith environmental practice; and protect against unsafe labour practice as identified by labour sector organizations; and

WHEREAS fairness is enshrined in both Canada's and Ontario's laws yet proposed changes seem to permit prejudicial regulatory practice (e.g. codifying permissions for "trusted proponents" over others); and

WHEREAS the wording of the changes to the Electricity Act seem to support Canadian ownership of energy suppliers but appear to potentially restrict development of specific types of energy and could impact local renewable energy development; and

WHEREAS there is no evidence that undermining of environmental protections, local legal frameworks, and the rights of First Nations communities in Ontario are a necessary step to "unleash the economy"; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the County of Prince Edward supports any regulation that could encourage energy providers to Buy Canadian but urges the province to clarify the proposed provisions of the Energy Act and ensure they foster local green energy development; and

THAT the province remove the elements in Bill 5 that would reduce current environmental protections, reduce protections for species at risk, and reduce legal protection from bad faith actors in special economic zones; and

THAT the Council of the County of Prince Edward urges the Province to further define Special Economic Zones and their purpose with more clarity and ensure that activities within such zones are equally subject to the local and provincial laws that support all of Ontario and First Nations people and foster our social, cultural and environmental prosperity;

AND FURTHERMORE BE IT RESOLVED THAT the Council of the County of Prince Edward expresses solidarity with the concerns of our neighbouring community, Mohawks of the Bay of Quinte and members of the Haudenosaunee Nation and support Mohawks of the Bay of Quinte and their letter to the province of May 16th 2025, attached; and THAT this resolution be shared with the Honourable Doug Ford, Premiere of Ontario; Stephen Lecce, Minister of Energy and Mines; Rob Flack, Minister of Municipal Affairs and

Housing; Todd McCarthy Minister of the Environment, Conservation and Parks; Sylvia Jones, Deputy Premier and Minister of Health; Tyler Allsopp, Member of Provincial Parliament for Bay of Quinte; Chief Don Maracle, Mohawks of the Bay of Quinte; AMO; ROMA; and the Municipalities of Ontario.

CARRIED

Yours truly,



Victoria Leskie, **CLERK**

cc: Mayor Steve Ferguson, Councillor MacNaughton



MOHAWKS OF THE BAY OF QUINTE

KENHTÈ:KE KANYEN'KEHÁ:KA

TYENDINAGA MOHAWK COUNCIL,
24 Meadow Drive, Tyendinaga Mohawk Territory, ON K0K 1X0
Phone 613-396-3424 Fax 613-396-3627

May 16, 2025

The Honourable Doug Ford
Premier of Ontario
Legislative Building Queen's Park
Toronto, ON M7A 1A1
[Email: premier@ontario.ca](mailto:premier@ontario.ca)

Subject: Mohawks of the Bay of Quinte Comments on Bill 5 – Protect Ontario by Unleashing Our Economy Act, 2025

Dear Premier Ford,

I am writing to express the concerns and opinions of the Mohawks of the Bay of Quinte on the proposed Bill 5, *Protect Ontario by Unleashing Our Economy Act, 2025*. Our community is concerned with the Bill's proposed amendments to the *Endangered Species Act, 2007* ("ESA") and the proposal to replace the ESA with the *Species Conservation Act, 2025*. We also have concerns regarding the proposed amendments to the *Electricity Act, 1998*, the *Environmental Assessment Act*, the *Mining Act*, the *Ontario Heritage Act*, the *Special Economic Zones Act, 2025*, and the *Rebuilding Ontario Place Act, 2023*, and how they would negatively impact our members, our traditional territories, and our rights as Indigenous people.

Although our community, Kenhtè:ke, is confined within the borders of Tyendinaga Mohawk Territory, our traditional territory extends to a vast area in Ontario and our Members reside all across Canada and Ontario. Our Members also reside within the City of Toronto, other First Nations communities, and in other communities across the province that will be impacted by Bill 5 and its proposed changes to the aforementioned laws and regulations. As Chief of the Mohawks of the Bay of Quinte, it is my responsibility to act in the best interests of our members, no matter where they reside. For this reason, the concerns expressed in this letter capture potential threats to Tyendinaga Mohawk Territory, our traditional territory, and any other territories in the province upon which our members are resident.

The Province of Ontario has the highest Indigenous population across the country. Indigenous peoples have been the stewards of these lands and its inhabitants for centuries, ensuring that no matter what unexpected threats were posed, including threats to the environment and threats to trade and economic relations, the environment remained cared for and protected. This is our sacred duty and one that we do not take lightly. Without a healthy environment, the chances of future generations being prosperous, are greatly diminished.

Concerns Regarding the Environment

We would like to note that the proposals posted by the Province of Ontario to the Environmental Registry of Ontario on April 17, 2025, represented by ERO numbers 25-0416, 025-0380, 025-0409, 25-041, 25-0391, 025-0396, 25-0389 are of great concern to our community. It is evident that the proposals both individually and collectively have the potential to cause serious adverse impacts on the environment, human health, and our right as Indigenous peoples to the stewardship of our lands.

Bill 5, *Protect Ontario by Unleashing Our Economy Act, 2025*, if passed, will:

1. Exempt key projects from *Environmental Assessment Act* reviews.
2. Repeal the Endangered Species Act, 2007, replacing it with a weaker Species Conservation Act, 2025.
 - a. Reduce protection of the critical habitats of species at risk
 - b. Allow species to be at risk of harassment
 - c. Remove any reference to stewardship and Indigenous Traditional Knowledge
3. Empower the province to declare “special economic zones” under the Special Economic Zones Act, 2025, where provincial laws and municipal by-laws—including environmental and public-participation rules—would be inoperative.
4. Remove the third-party and science-based nature of species at risk assessment and introduce political interference in identifying what species at risk is added to the protection regulation.
5. Reduce opportunity for domestic renewable energy.
6. Weaken oversight of mining activities under the Mining Act.

The above proposed changes and introductions will reduce and/or eliminate provincial protections for endangered, threatened and special concern species in Ontario. The elimination of these protections will cause further species decline, loss of biodiversity and unpredictable impacts to food web dynamics.

Permitting and approval processes are crucial in assessing the potential negative environmental impact of a project, and the process requires essential education to ensure projects are carried out with minimal impact. Without the current permitting and approval processes or provincial oversight, there could be an increase in environmental negligence and non-compliances. The proposals eliminate vital safeguards that have been put in place over the years in recognition of their necessity for environmental and human health safety.

This is of grave concern to our community as we have hundreds of endangered species living within our territory. Additionally, our territory is situated on the Bay of Quinte where many of our people rely on the quality of its waters for drinking water, hunting and consuming fish as we have been doing for centuries.

Mohawks of the Bay of Quinte would like to note that the proposals are likely to have direct and indirect negative effects on our traditional and treaty rights through potential negative environmental impacts that would put our food for sustenance and water resources at risk.

Concerns Regarding the Indigenous Rights and Sovereignty

Further to the environmental impacts that the changes and introductions in Bill 5 could have, our community is concerned with the threats that these changes and introductions pose to our rights as Indigenous peoples.

After many years of leading in stewardship by example, education, and advocacy, Canadian and provincial laws are beginning to recognize the value of our traditional knowledge as Indigenous peoples, especially when it comes to caring for the environment. Our rights as Indigenous people to be consulted and accommodated in projects that will impact our traditional territories has been affirmed in Canada's highest court. Additionally, the principle of Free, Prior, and Informed Consent, has been enshrined into Canadian law with the adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

Bill 5, *Protect Ontario by Unleashing Our Economy Act, 2025*, if passed, will:

1. Potentially bypass, and therefore undermine, the Duty to Consult in interest of economic gain.
2. Violates the principle of Free Prior and Informed Consent as required by the UNDRIP, which Canada and Ontario have both committed to implement.
3. Weakened oversight of mining activities under the Mining Act.

Not only are our rights as Indigenous people inherent, but they have also been affirmed in Canadian law. Bill 5, as it is currently proposed, threatens these inherent and Constitutionally recognized rights. In reducing government review and oversight on development projects, the proposed amendments ignore the legal obligation for Ontario and proponents to consult and accommodate First Nations.

Concerns Regarding Ontario Powers

Our final concern is regarding the seemingly unilateral decisions and exemptions that Ontario is proposing. Though we have our own laws as Haudenosaunee, our laws and teachings have a value that is shared with Canada's laws; no one is above the law, everyone is equal under the law. This is a value that is integral to democracy. Our people have been acting under a democratic system for centuries which is one of the reasons why we are so concerned with Bill 5 and its proposed changes and additions.

Bill 5, *Protect Ontario by Unleashing Our Economy Act, 2025*, if passed, will:

1. Avoid public accountability by seeking to shield government decisions from civil liability.
2. Allow Ontario to make exemptions for proponents by bypassing provincial and local laws and regulations.
3. Allows Cabinet to make extensive changes without legislative scrutiny.

As a First Nation, with Aboriginal and Treaty Rights and with a Nation-to-Nation relationship with Canada and Ontario, we are concerned that Ontario is proposing changes that would make itself and the other named parties exempt from legal recourse and would allow itself and the named parties to

make decisions without consulting experts in the field, including Indigenous peoples. We are also concerned, as noted above, that the Bill will allow Cabinet to make extensive changes to laws unilaterally, without the review and scrutiny of the public. These changes go directly against the heart of Rule of Law which is meant to protect citizens.

Concluding Remarks

Mohawks of the Bay of Quinte are of the opinion that Bill 5 would remove many of the most meaningful protections that safeguard our environment, human health, and Indigenous rights. Bill 5 undermines tremendous, necessary progress made in environmental protection and Indigenous rights recognition and marks a regression that is not in the interest of our seven generations to come.

In solidarity with the Chiefs of Ontario and the Association of Iroquois and Allied Indians, the Mohawks of the Bay of Quinte call for a pause on the advancement of this legislation and call for the Province of Ontario to meaningfully partner and engage with First Nations leadership across the province on the issues raised in the Bill and the future of economic growth and stability in the province.

The above shall not be construed so as to derogate from or abrogate any inherent, Aboriginal, treaty, constitutional, or legal rights of the Mohawks of the Bay of Quinte.

Sincerely,



R. Donald Maracle, Chief
Mohawks of the Bay of Quinte

Cc: The Honourable Andrea Khanjin, Minister of the Environment, Conservation and Parks, andrea.khanjin@pc.ola.org
Ms. Marit Stiles, Leader of the Official Opposition, mstiles-co@ndp.on.ca
Mr. Mike Schreiner, Leader, Green Part of Ontario, mschreiner-co@ola.org
Ms. Bonnie Combie, Leader, Ontario Liberal Party, bonnie@ontarioliberal.ca
Tanzima Khan, Standing Committee on the Interior, Committee Clerk, sci@ola.org
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The Honourable Mandy Gull-Masty, Minister of Indigenous Services, mandy.gull-masty@parl.gc.ca
Ontario Regional Chief Abram Benedict, ORC@coo.org
Grand Chief Joel Abram, Association of Iroquois and Allied Indians, jabram@aiai.on.ca
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June 19, 2025

CL 8-2025, May 22, 2025
PEDC 4-2025, May 7, 2025
PDS 4-2025, May 7, 2025

Distribution List

SENT ELECTRONICALLY

Woodland Conservation By-law Update

PDS 4-2025

Regional Council, at its meeting held on May 22, 2025, passed the following recommendation of its Planning and Economic Development Committee:

That Report PDS 4-2025, dated May 7, 2025, respecting Woodland Conservation By-law Update, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That By-law No. 2020-79, being A By-Law to Prohibit or Regulate the Destruction or Injuring of Trees in Woodlands in The Regional Municipality of Niagara (short title being the "Woodland Conservation By-law"), **BE AMENDED** to reflect the changes set out in Appendix 2 to Report PDS 4-2025;
2. That the necessary amending By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and
3. That Report PDS 4-2025 and a final copy of the amended By-law, **BE CIRCULATED** to the Local Area Municipalities, NPCA, Niagara Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission.

A copy of Report PDS 4-2025 and By-law No. 2025-24 is enclosed for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

js

CLK-C 2025-055

cc: D. Root, Regional Forester
M. Sergi, Deputy Chief Administrative Officer
N. Oakes, Executive Assistant to Deputy Chief Administrative Officer

Distribution List:

Local Area Municipalities
Niagara Peninsula Conservation Authority
Niagara Federation of Agriculture
Niagara Woodlot Association
Niagara Home Builders Association
Niagara Construction Association
Niagara Parks Commission

Subject: Woodland Conservation By-law Update

Report to: Planning and Economic Development Committee

Report date: Wednesday, May 7, 2025

Recommendations

1. That By-law No. 2020-79, being A By-Law to Prohibit or Regulate the Destruction or Injuring of Trees in Woodlands in The Regional Municipality of Niagara (short title being the “Woodland Conservation By-law”), **BE AMENDED** to reflect the changes set out in Appendix 2 to Report PDS 4-2025;
2. That the necessary amending By-law **BE PREPARED** and **PRESENTED** to Regional Council for consideration; and
3. That Report PDS 4-2025 and a final copy of the amended By-law, **BE CIRCULATED** to the Local Area Municipalities, NPCA, Niagara Federation of Agriculture, Niagara Woodlot Association, Niagara Home Builders Association, Niagara Construction Association and Niagara Parks Commission.

Key Facts

- The purpose of this report is to present the updated Niagara Region Woodland Conservation By-law for Regional Council review and approval.
- Niagara Region’s Woodland Conservation By-law was last updated in 2020. Since then many significant changes have been made to Regional and Provincial planning policies and documents, including official plans.
- The goal of the updates is to ensure that the By-law can continue to be effectively interpreted and administered in response to changing natural heritage definitions and planning responsibilities in Niagara Region.
- The majority of changes relate to Agricultural Use exemptions. Further minor changes and modernizations are also recommended.

Financial Considerations

Financial costs of undertaking the Woodland Conservation Bylaw review internally have been accommodated within the approved 2024 and 2025 Infrastructure Planning operating budgets. The budget covers staffing and associated expenses for one full-time staff member, a Registered Professional Forester, to administer this By-law.

Analysis

Background: The Woodland Conservation By-law

Section 135(2) of the Municipal Act authorizes upper-tier municipalities to pass by-laws regulating activities that injure or destroy trees within woodlands greater than one hectare in size, as defined in the Forestry Act. Regional Council passed the Woodland Conservation By-law 2020-79 in October 2020. The current version of the Woodland By-law has been administered internally by Regional staff since January 31st, 2021.

Changing Official Plans and Planning Authority Requires By-law Update

The current iteration of the Woodland By-law contains language referring to environmental designations as provided for in the then current Regional Official Plan (2014), and the official plans of local municipalities. Regional Council adopted the most recent version of the Niagara Official Plan (NOP) in June 2022, two years after enacting the current Woodland Conservation By-law.

In 2022, the Provincial government passed Bill 23, the *More Homes Built Faster Act*, 2022, which has the effect of making Niagara Region an “upper-tier municipality without planning responsibilities” effective March 31st, 2025. As a result, the NOP will be downloaded to the lower tier municipalities until such time as it is replaced by updated local official plans.

Taken together, these changes create the need to update Niagara Region’s Woodland Conservation By-law to ensure viability and clear interpretation going forward.

Consultation

As a result of the changing planning responsibilities in Niagara Region, Niagara Staff conducted an internal analysis and consulted with the Regional Agriculture Policy and Action Committee and Local Area Municipalities.

The Woodland By-law was reviewed internally by Regional by-law and planning staff, and a first draft of proposed revisions was sent to members of the Agricultural Policy and Action Committee (APAC) and area municipalities in the Spring of 2024. Proposed updates to the By-law were modified based on feedback received by APAC members and area municipalities. Further modifications to the proposed changes were made following a review by internal legal staff. A second draft of proposed changes was sent to APAC members and area municipalities in February 2025. Comments and discussion with APAC members lead to further minor revisions.

Proposed Changes to the Woodland By-law

The proposed by-law modernizations are largely driven by the need to ensure alignment with the reality of planning policy in Niagara Region going forward – post Bill 23. In this way, the substantive updates are principally the result of: (i) ensuring alignment with the Niagara Official Plan (2022); (ii) the Region’s Official Plan being transitioned to local area municipalities; and/or (iii) aligning the By-law to the 2024 Provincial Planning Statement, as set out below:

Section 1.1: The definition of “Agricultural Use” was updated to match language in the most recent Provincial Planning Statement (2024)

Section 1.26: The Sensitive Natural Area Definition was updated to refer to environmental features in the 2022 NOP that now receive a similar level of protection to Environmental Protection Area features in the 2014 NOP. The 2014 Official Plan divided all natural heritage features into one of two categories: Environmental Conservation Area (ECA) and Environmental Protection Area (EPA). Within ECAs, certain activities were permitted provided that a no net-negative impact threshold was maintained. In contrast, EPA designation represented a higher, “no touch” level of environmental protection. The 2022 version of the Niagara Official Plan eliminates ECA and EPA categories, instead assigning specific protection thresholds to individual environmental feature types. The updated Sensitive Natural Areas definition includes features afforded a “no touch” level of protection in the 2022 NOP, aligning the By-law with environmental protection levels in the current council-approved Official Plan.

Section 4.15: The agricultural exemption has been streamlined, and references to local official plans have been added. Specifically, clarification that Urban Area boundaries are determined by Local Official Plans, rather than the Regional Official Plan. The updates further clarify that for Local Area Municipalities that use zoning overlay systems, environmental overlays cannot be ignored when determining whether an area is designated for agricultural use in a Local Official Plan. This change recognizes the

increased role that area municipalities will play in determining the location and extent of environmental features in their updated official plans. Given the updates to the definition of “Sensitive Natural Areas” the reference to permit application for Sensitive Natural Areas has been removed. The By-law permitting system continues to be addressed in Sections 5 and 6 of the By-Law where, in accordance with the requirements of those sections, applications can be submitted for Good Forestry Practices Permits. Finally, the references to Normal Farm Practices have been removed, and a new separate exemption explicitly related to activities that are Normal Farm Practices has been created.

Section 4.16: A stand-alone exemption for Normal Farm Practices ensures that pre-existing and ongoing agricultural practices will not be impacted by the updated Sensitive Natural Areas definition.

An additional change is being recommended to Section 9 which removes a potential remedy that has not, as a practical matter, ever been used in the context of this By-law. Regional by-law staff will maintain the ability to issue Orders, charge a landowner with a By-law violation for failing to comply with an Order, and to register Orders on title following a legal process.

Redline and clean copies of the updated By-law are found in Appendix 1 and Appendix 2, respectively, which capture the above referenced edits together with some additional housekeeping items. Appendix 3 provides a summary of impacted sections.

Alternatives Reviewed

Alternate draft updates to the Woodland By-law were considered and circulated by Regional Staff to members of Agricultural Policy and Action Committee and local municipalities and were reviewed by internal Legal staff. Many proposed changes were either modified or removed based on feedback received by APAC members and area municipalities. The final version of proposed updates aims to maintain the By-law in its current structure while aligning environmental protection objectives with changing language and expectations in relevant municipal official plans.

Not updating the By-law will result in definitions that are misaligned with relevant planning language and objectives resulting in challenges to by-law interpretation and enforceability by staff and the public.

Relationship to Council Strategic Priorities

Effective Region - The proposed changes will ensure that the Woodland By-law remains enforceable and clearly understood in a changing municipal context.

Green and Resilient Region - The proposed updates align with expanded protection of Significant Woodlands enacted by council through the adoption of updated environmental policies in the 2022 Regional Official Plan.

Prosperous Region - The proposed updates expand and clarify the exemption for Normal Farm Practices, ensuring that preexisting agricultural uses can continue on existing farmland in Niagara Region.

Other Pertinent Reports

- DPD 49-2006 - Update on the Tree Conservation By-law
- CAO 4-2008 - Tree and Forest Conservation By-law Amendments
- DPD 133-2007 - Tree and Forest Conservation By-law Amendments
- Service Level Agreement Tree and Forest Conservation By-law August 2008
- [PDS 13-2019 - Initiation of a Woodland By-law Review](#)

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- CWCD 41-2020- Woodland By-law Review Update
- [PDS 16-2020 Woodland Conservation By-law Review](#)

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Prepared by:

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Regional Forester
Public Works Department

Recommended by:

Terry Ricketts, P.Eng.
Commissioner of Public Works
Public Works Department

Submitted by:

Ron Tripp, P.Eng.
Chief Administrative Officer

This report was prepared in consultation with Cara Lampman, Manager of Environmental Planning, and reviewed by Brian Wilson, Legal Counsel and Diana Morreale, Director of Growth Management and Planning.

Appendices

Appendix 1 Revised Woodland Conservation By-law (2020-79) – mark-up copy

Appendix 2 Niagara Region Woodland Conservation By-law (2025-xx) – clean copy

Appendix 3 Table summarizing proposed Woodland by-law updates

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

A BY-LAW TO PROHIBIT OR REGULATE THE
DESTRUCTION OR INJURING OF TREES IN
WOODLANDS IN THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS Regional Council ~~the Council for The Regional Municipality of Niagara (“Regional Council”)~~ deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara ~~(the “Region”)~~ through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- ~~helping to achieve the objectives of the Regional Official Plan to ensure~~ Ensuring the long-term health and productivity of Wwoodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;
- ~~supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and, supporting the objective of the Regional Official Plan to maintain, restore and, enhance the ecological health, integrity and biodiversity~~

~~of the Core Natural Heritage System and its contributions to a Healthy Landscape as defined in the Regional Official Plan; and,~~

WHEREAS on ~~October 22, 2020 By-law No. 2020-79~~ April 10, 2008 ~~By-law No. 30-2008~~ was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal ~~By-law No. 2020-79 By-law No. 30-2008~~ and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE ~~the Council of The Regional Municipality of Niagara~~ Regional Council enacts as follows:

1. **DEFINITIONS**

In this By-law:

- 1.1 "Agricultural Use" means ~~the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. the commercial production of crops and/or raising of livestock for human use and includes ploughing, seeding, Harvesting, leaving land fallow as part of a conventional rotational cycle, production of tree fruits and grapes, grazing, animal husbandry, and buildings and structures associated with these activities;~~
- 1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act*, 1992, S.O. 1992, c.23, as amended;

- 1.4 “Bumper Tree” means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 “Coppice growth” means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;
- 1.6 “DBH” or “Diameter at Breast Height” means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;
- 1.7 “Diameter” means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;
- 1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;
- 1.10 “Good Forestry Practices” means:
 - 1.10.a 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 aesthetic and recreational opportunities of the landscape;

- 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
- 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
- 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;
- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;
- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
 - 1.13. a broken branches in the crown of a Tree;
 - 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
 - 1.13. c the splitting of, removal of or damage to the bark of a Tree; or
 - 1.13. d damage to the root structure of a Tree;but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.

- ~~1.14 “Normal Farm Practice” means a practice that is recognized by the Normal Farm Practices Board which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices;~~
- 1.15 "Officer" means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- 1.16 "Owner" means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;
- 1.17 "Own Use" means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;
- 1.18 "Permit" means a permit to Injure or Destroy Trees issued under this By-law;
- 1.19 "Person" means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;
- 1.20 "Point of Measurement" means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;
- 1.21 "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- 1.22 "Qualified Tree Marker" means:
- 1.22.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or

- 1.22.b A Qualified OPFA Member qualified to do tree marking.
- 1.23 “Region” means The Regional Municipality of Niagara;
- 1.24 “Regional Council” means the Council of The Regional Municipality of Niagara;
- 1.25 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;
- 1.26 “Sensitive Natural Area” means lands that are in a Woodland and:
- 1.26.a within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or the Environmental Protection Area designation of the Natural Heritage System and adjacent lands, as defined in the Regional Official Plan; or
- 1.26.b within a Natural Area as designated in the Niagara Escarpment Plan.
- 1.27 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.28 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.29 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), 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;

- 1.30 "Tree" or "Trees" means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.31 "Tree Preservation Plan" means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.32 "Wildlife Habitat" means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;
- 1.33 "Woodland" or "Woodlands" means land on one or more properties with a density of at least:
- 1.33.a 1,000 Trees, of any size, per hectare;
 - 1.33.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
 - 1.33.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
 - 1.33.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;
- but does not include:
- 1.33.f a cultivated fruit or nut orchard;
 - 1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or

1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;

1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

- 2.1 all Woodlands having an area of one (1) hectare or more;
- 2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and
- 2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

- 3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:
 - 3.1.a Unless exempted under Section 4 of this By-law; or
 - 3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.
- 3.2 No Person through their own actions or through any other Person shall:
 - 3.2.a Contravene the terms or conditions of a Permit issued under this By-law;
 - 3.2.b Fail to comply with an Order issued under this By-law; or
 - 3.2.c Remove or deface any Order that has been posted pursuant to this By-law.
- 3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that

the authority to regulate such Trees has been delegated to the Region by the Area Municipality.

- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
 - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
 - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
 - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;

- 4.4.d in a development agreement between an Owner and an Area Municipality;
- 4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or
- 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 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, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 4.6 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, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
 - 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the

construction or use of the building, structure or thing in respect of which a Building Permit has been issued;

- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;

- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;

- 4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

- 4.13 The Injuring or Destruction of Trees that:
 - 4.13.a are dead;

 - 4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or

 - 4.13.c pose a hazard to human safety or property.

- 4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:
 - 4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”; and

 - 4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing, ~~and is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing.~~

~~— The clearing shall be carried out in accordance with Normal Farm Practices as defined in the *Farming and Food Production Protection Act, 1998*, S.O. 1998, c. 1, as amended, provided that:~~

4.15.a the land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing; that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.b the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.bc prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required; ~~and~~

4.15.ed the land being cleared for Agricultural Use is

- (i) outside the Urban Area; and
- (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,

~~outside the Urban Areas as defined in the Regional Official Plan, and is designated and zoned for Agricultural Use~~ in the Official Plan and Zoning By-law of the Area Municipality and, where applicable, in the Niagara Escarpment Plan;

4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.

~~except where the Injuring or Destruction of Trees involves a Sensitive Natural Area, in which case a Permit is required pursuant to the provisions of this By-law, but no fee shall be required.~~

~~4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;~~

4.1~~7~~⁶ The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.

4.1~~8~~⁷ The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.

5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:

- 5.2.a a complete signed application form as provided by the Region;
- 5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,
- 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.

- 5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:
- 5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
 - 5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;
 - 5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and
 - 5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.
- 5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

- 6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.
- 6.2 Applications for Permits will be processed only if:
- 6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;
 - 6.2.b the requirements that must be submitted with an application have been included; and

- 6.2.c applications are in keeping with the general purpose and intent of this By-law.
- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
 - 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
 - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
 - 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
 - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
 - 6.5.c the marking of Trees to be cut with paint;
 - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
 - 6.5.e the submission of additional information required before the Permit becomes effective;
 - 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
 - 6.5.g a follow-up fuelwood (firewood) harvest.
- 6.7 When denying a Permit, the Officer will notify the applicant in writing by

registered mail. The Officer shall provide written reasons for their decision to the applicant.

- 6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

- 7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:

7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or

7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

- 7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.

- 7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.

- 7.4 Regional Council may:

7.3.a Uphold the decision of the Officer;

7.3.b Vary any condition on a Permit; or

7.3.c Issue a Permit with conditions as Regional Council considers appropriate.

- 7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

- 8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the 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 stop the Injuring or Destruction of Trees. The Order shall set out:
- 8.1.a the municipal address or the legal description of the land;
 - 8.1.b reasonable particulars of the contravention; and
 - 8.1.c the period within which there must be compliance with the Order.
- 8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:
- 8.2.a the Owner of the Woodland; and
 - 8.2.b the person identified as Injuring or Destroying Trees.
- 8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.
- 8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

- 9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.
- 9.2 The Order shall set out:

- 9.2.a the name and the Owner and the municipal address or the legal description of the land;
 - 9.2.b reasonable particulars of the contravention;
 - 9.2.c the work to be done and the date by which the work must be done;
 - 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,
 - 9.2.e contact information of the Officer.
- 9.3 The Order may be served in accordance with the service provisions contained in section 8.

~~9.4 If a Person fails to comply with an Order issued pursuant to this section, the Region may enter the lands at any reasonable time for the purposes of doing the things described in the Order at the Person's expense.~~

~~9.5 If the Region enters onto the lands and completes the work, the Region may recover its costs to complete the work for the Person named in the Order by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes.~~

10. **PENALTY**

10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:

- 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater;
- ~~10.1.b~~ on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
- 10.1.~~b~~e on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.

- 10.2 Despite subsection 10.1, where the Person convicted is a corporation:
- 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and
- 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000 per Tree.
- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.
- 10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.

11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.

11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. **ADMINISTRATION**

12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part 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 to be enacted as such.

12.2 The short title of this By-law is the "Woodland Conservation By-law".

12.3 By-law 30-2008 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.

12.4 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:

12.4.a proceedings in respect of offences that occurred before its repeal;
and,

12.4.b permits in compliance with Bylaw 30-2008, which were approved prior to its repeal.

12.5 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. *draft*

A BY-LAW TO PROHIBIT OR REGULATE THE
DESTRUCTION OR INJURING OF TREES IN
WOODLANDS IN THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by by-law prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS Regional Council deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- Ensuring the long- term health and productivity of Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;

AND WHEREAS on October 22, 2020 By-law No. 2020-79 was passed by Regional Council and this By-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 2020-79 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE Regional Council enacts as follows:

1. DEFINITIONS

In this By-law:

- 1.1 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- 1.2 "Area Municipality" means any one of the municipalities of the Town of FortErie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 1.4 "Bumper Tree" means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 "Coppice growth" means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;
- 1.6 "DBH" or "Diameter at Breast Height" means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;
- 1.7 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;

- 1.8 “Farmer” means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 “Forest Management Plan” means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”, as amended from time to time;
- 1.10 “Good Forestry Practices” means:
 - 1.10.a 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 aesthetic and recreational opportunities of the landscape;
 - 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
 - 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
 - 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”;
- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;

- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
- 1.13. a broken branches in the crown of a Tree;
 - 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
 - 1.13. c the splitting of, removal of or damage to the bark of a Tree; or
 - 1.13. d damage to the root structure of a Tree;
- but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.
- 1.14 “Officer” means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- 1.15 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;
- 1.16 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;
- 1.17 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;
- 1.18 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;
- 1.19 “Point of Measurement” means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;
- 1.20 “Qualified OPFA Member” means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of

- certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- 1.21 “Qualified Tree Marker” means:
- 1.21.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or
- 1.21.b A Qualified OPFA Member qualified to do tree marking.
- 1.22 “Region” means The Regional Municipality of Niagara;
- 1.23 “Regional Council” means the Council of The Regional Municipality of Niagara;
- 1.24 “Regional Official Plan” means the Official Plan of The Regional Municipality of Niagara;
- 1.25 “Sensitive Natural Area” means lands that are in a Woodland and:
- 1.25.a Within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or
- 1.25.b within a Natural Area as designated in the Niagara Escarpment Plan.
- 1.26 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.27 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.28 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), 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;

- 1.29 “Tree” or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.30 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.31 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;
- 1.32 “Woodland” or “Woodlands” means land on one or more properties with a density of at least:
 - 1.32.a 1,000 Trees, of any size, per hectare;
 - 1.32.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
 - 1.32.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or
 - 1.32.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;but does not include:
 - 1.32.e a cultivated fruit or nut orchard;
 - 1.32.f a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their

intended purpose for a period of 15 years or more;

1.32.g a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted; or

1.32.h a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

2.1 all Woodlands having an area of one (1) hectare or more;

2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and

2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:

3.1.a Unless exempted under Section 4 of this By-law; or

3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.

3.2 No Person through their own actions or through any other Person shall:

3.2.a Contravene the terms or conditions of a Permit issued under this By-law;

3.2.b Fail to comply with an Order issued under this By-law; or

3.2.c Remove or deface any Order that has been posted pursuant to this By-law.

3.3 No Person through their own actions or through any other Person shall Injure or

Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.

- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. **EXEMPTIONS**

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;
- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
 - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
 - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
 - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - 4.4.d in a development agreement between an Owner and an Area Municipality;
 - 4.4.e as a condition to a development permit authorized by regulation made

under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or

- 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 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, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 4.6 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, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and
 - 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where

applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;

4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;

4.13 The Injuring or Destruction of Trees that:

4.13.a are dead;

4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or

4.13.c pose a hazard to human safety or property.

4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”; and

4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing, provided that:

4.15.a The land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;

4.15.b the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a

Permit are not required;

4.15.d the land being cleared for Agricultural Use is:

- (i) outside the Urban Area; and
- (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,

in the Official Plan and Zoning By-law of the Area Municipality, and, where applicable, in the Niagara Escarpment Plan; and

4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.

4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;

4.17 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription; or

4.18 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.

5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:

5.2.a a complete signed application form as provided by the Region;

5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA

Member; and,

- 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.
- 5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:
 - 5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;
 - 5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;
 - 5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and
 - 5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.
- 5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* 2000, c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. PERMIT APPLICATION PROCESS

- 6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

- 6.2 Applications for Permits will be processed only if:
- 6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;
 - 6.2.b the requirements that must be submitted with an application have been included; and
 - 6.2.c applications are in keeping with the general purpose and intent of this By-law.
- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
- 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
 - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
- 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
 - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
 - 6.5.c the marking of Trees to be cut with paint;
 - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
 - 6.5.e the submission of additional information required before the Permit becomes effective;

- 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
- 6.5.g a follow-up fuelwood (firewood) harvest.
- 6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.
- 6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.
- 7. **APPEALS TO REGIONAL COUNCIL**
- 7.1 An application for a Permit under this By-law may be appealed to Regional Council if:
 - 7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or
 - 7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.
- 7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.
- 7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.
- 7.4 Regional Council may:
 - 7.4.a Uphold the decision of the Officer;
 - 7.4.b Vary any condition on a Permit; or
 - 7.4.c Issue a Permit with conditions as Regional Council considers appropriate.
- 7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the 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 stop the Injuring or Destruction of Trees. The Order shall set out:

8.1.a the municipal address or the legal description of the land;

8.1.b reasonable particulars of the contravention; and

8.1.c the period within which there must be compliance with the Order.

8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:

8.2.a the Owner of the Woodland; and

8.2.b the person identified as Injuring or Destroying Trees.

8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.

8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.

9.2 The Order shall set out:

9.2.a the name and the Owner and the municipal address or the legal description of the land;

- 9.2.b reasonable particulars of the contravention;
 - 9.2.c the work to be done and the date by which the work must be done;
 - 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and
 - 9.2.e contact information of the Officer.
- 9.3 The Order may be served in accordance with the service provisions contained in section 8.
- 10. PENALTY**
- 10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:
- 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater; on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
 - 10.1.b on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.
- 10.2 Despite subsection 10.1, where the Person convicted is a corporation:
- 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and
 - 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000 per Tree.
- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner

and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.

- 10.4 If an Order has been issued under this By-law or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.
- 11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.
- 11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. ADMINISTRATION

- 12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part 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 to be enacted as such.

- 12.2 The short title of this By-law is the “Woodland Conservation By-law”.
- 12.3 By-law 2020-79 of the Regional Municipality of Niagara and all amendments thereto, are hereby repealed.
- 12.4 Despite subsection 12.3, By-law 2020-79, as amended, shall continue to apply to:
- 12.4.a proceedings in respect of offences that occurred before its repeal;
and,
 - 12.4.b permits in compliance with By-law 2020-79, which were
approved prior to its repeal.
- 12.5 That this By-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

Appendix 3. Table summarizing proposed Woodland by-law updates and the reason for their consideration. The primary reason for updates is driven by changes in the updated Regional Official Plan and/or changes to municipal planning responsibilities due to Planning Act changes, with further minor refinements to other areas recommended by Regional staff.

By-law Section	Description of Update	Reason for Update			
		Official Plan Transition	PPS (2024) Conformity	Niagara Official Plan (2022) Conformity	Other Staff Recommended Changes
Preamble	WHEREAS Statement Updates	Yes	No	No	No
1.1	Agricultural Use Definition Update	No	Yes	No	No
1.14	Move Normal Farm Practice Definition to Section 4	No	No	No	Yes
1.26.a	Sensitive Natural Area Definition Update	Yes	No	Yes	No
4.15	Agricultural Exemptions Update	Yes	No	No	Yes
4.16	Standalone Normal Farm Practice Exemption addition	No	No	No	Yes
9.4, 9.5	Removal of Failure to Comply with Work Order and Cost Recovery Clause	No	No	No	Yes

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2025-24

A BY-LAW TO AMEND BY-LAW 2020-79 BEING A BY-LAW TO PROHIBIT AND REGULATE DESTRUCTION OR INJURING OF TREES IN THE REGIONAL MUNICIPALITY OF NIAGARA

WHEREAS Section 135(2) of the Municipal Act, 2001, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

WHEREAS Section 135(7) of the Municipal Act provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

WHEREAS Regional Council deems it desirable to enact a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- Ensuring the long- term health and productivity of Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;

WHEREAS on October 22, 2020 By-law No. 2020-79 was passed by Regional Council and this By-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region; and

WHEREAS Regional Council deems it desirable to amend By-law 2020-79 being a By-law to Prohibit or Regulate the Destruction or Injuring of Trees in The Regional Municipality of Niagara.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. That Section 1.1 of By-Law No. 2020-79 be deleted and be replaced with the following:
 - 1.1 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
2. That Section 1.14 of By-Law No. 2020-79 be deleted.
3. That Section 1.26a of By-Law No. 2020-79 be deleted and be replaced with the following:
 - 1.26a Within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or
4. That Section 4.15 of By-Law No 2020-79 be deleted and be replaced with the following:

The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing, provided that:

 - 4.15.a The land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;
 - 4.15.b the land that is cleared is put into Agricultural Use within three (3) years of the date on which such clearing commences;

- 4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required;
- 4.15.d the land being cleared for Agricultural Use is:
- (i) outside the Urban Area; and
 - (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,
- in the Official Plan and Zoning By-law of the Area Municipality, and, where applicable, in the Niagara Escarpment Plan; and
- 4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.
5. That the following wording be added to Section 4 of By-Law No. 2020-79 following Section 4.15 as a new section.
- 4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;
6. That Section 5.4 of By-Law No. 2020-79 be deleted and be replaced with the following:
- 5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* 2000, c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.
7. That Section 9.4 of By-Law No. 2020-79 be deleted.

8. That Section 9.5 of By-Law No. 2020-79 be deleted.
9. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: May 22, 2025

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-79

A BY-LAW TO PROHIBIT OR REGULATE THE
DESTRUCTION OR INJURING OF TREES IN
WOODLANDS IN THE REGIONAL MUNICIPALITY OF
NIAGARA

WHEREAS Section 135(2) of the *Municipal Act, 2001*, S.O. 2001, c. 25, (the “Act”), as amended, provides that Regional Council may by bylaw prohibit or regulate the destruction or injuring of trees in woodlands designated in the by-law;

AND WHEREAS Section 135(7) of the *Municipal Act* provides that the by-law may require that a permit be obtained to injure or destroy trees in woodlands as designated in the by-law and impose conditions on a permit, including conditions relating to the manner in which destruction occurs and the qualification of persons authorized to injure or destroy trees;

AND WHEREAS Regional Council deems it desirable to enact such a by-law for the purposes of:

- conserving and improving the Woodlands in the Regional Municipality of Niagara through Good Forestry Practices;
- promoting Good Forestry Practices that sustain healthy Woodlands and related natural habitats and environments;
- Ensuring the long- term health and productivity of Woodlands;
- regulating and controlling the removal, maintenance and protection of trees in Woodlands;
- protecting, promoting and enhancing the values of Woodlands;
- contributing to human health, recreation, enjoyment and quality of life through the maintenance of Woodland cover;
- enhancing biodiversity and forest resilience to help our communities adapt to climate change;

WHEREAS on April 10, 2008 By-law No. 30-2008 was passed by Regional Council and this by-law has been in place to prohibit or regulate the destruction or injuring of trees in Woodlands in the Region;

AND WHEREAS Regional Council wishes to repeal By-law No. 30-2008 and replace same with an updated By-law regulating the destruction or injuring of trees in Woodlands in the Region;

NOW THEREFORE Regional Council enacts as follows:

1. DEFINITIONS

In this By-law:

- 1.1 "Agricultural Use" means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated onfarm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time farm labour when the size and nature of the operation requires additional employment.
- 1.2 "Area Municipality" means any one of the municipalities of the Town of Fort Erie, Town of Grimsby, Town of Lincoln, City of Niagara Falls, Town of Niagara-on-the-Lake, Town of Pelham, City of Port Colborne, City of St. Catharines, City of Thorold, Township of Wainfleet, City of Welland, and the Township of West Lincoln;
- 1.3 "Building Permit" means a building permit issued by an Area Municipality under the *Building Code Act, 1992*, S.O. 1992, c.23, as amended;
- 1.4 "Bumper Tree" means a poor quality, low value tree that grows in close proximity to higher value trees and is located along skid roads to protect residual trees from damage during logging and skidding operations;
- 1.5 "Coppice growth" means clump growth where more than one tree stem grows from a single tree stump and the point of measurement for such growth means that point on each stem measured immediately above the point of fusion, provided such point of fusion is less than 1.37 metres above the highest point of undisturbed ground at the base of the coppice or clump growth;
- 1.6 "DBH" or "Diameter at Breast Height" means the diameter of the stem of a tree measured at a point that is 1.37 metres above the ground;

- 1.7 "Diameter" means the diameter of the stem of a tree measured at a specified Point of Measurement with such measurement including the bark of the stem;
- 1.8 "Farmer" means a person who has a current and valid farm registration number under the *Farm Registration and Farm Organizations Funding Act, 1993*, S.O. 1993, c. 21, as amended;
- 1.9 "Forest Management Plan" means a course of forest management action prescribed for a particular woodland area after specific assessments and evaluations have been made by a Qualified OPFA Member in accordance with the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests", as amended from time to time;
- 1.10 "Good Forestry Practices" means:
- 1.10.a 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 aesthetic and recreational opportunities of the landscape;
 - 1.10.b the cutting and removal of hazardous, severely damaged, diseased and insect-infested trees which must be removed in order to prevent contamination or infestation of other trees or because they no longer contribute to the achievement of forest values;
 - 1.10.c in the case of hazardous, damaged, diseased or insect-infested trees, the maintenance of a Woodland after the cutting and removal is completed unless it is determined through a report prepared by Qualified OPFA Member that trees must be removed and a Woodland would not be maintained; and,
 - 1.10.d the forestry management practices as set out in the Ministry of Natural Resources document "A Silvicultural Guide to Managing Southern Ontario Forests";

- 1.11 “Harvesting” means the Injury or Destruction of a Tree through cutting or other mechanized means. The term “Harvested” shall have a corresponding meaning;
- 1.12 “Heritage Tree” means a Tree identified and designated by the Council of an Area Municipality as having heritage significance;
- 1.13 “Injury” or “Destruction” means lasting damage to a Tree, that has the effect of inhibiting or terminating growth and which may include, but is not limited to:
 - 1.13.a broken branches in the crown of a Tree;
 - 1.13. b the breaking off or splitting of the stem of any Tree and the noticeable tipping of any Tree;
 - 1.13.c the splitting of, removal of or damage to the bark of a Tree; or
 - 1.13.d damage to the root structure of a Tree;but does not include damage to Bumper Trees, or pruning or removing branches for maintenance purposes. The terms “Injury”, “Injured”, “Injuring”, “Destroy”, “Destroying” or “Destroyed” shall have a corresponding meaning.
- 1.14 “Officer” means an individual appointed by Regional Council for the administration and enforcement of this By-law;
- 1.15 “Owner” means any Person having control over any portion of land that contains Woodland or Woodlands and specifically includes any Person having any right, title, interest or equity in the land and any Person lawfully permitted on the land;
- 1.16 “Own Use” means use that does not include a commercial sale, exchange or other disposition of trees Injured or Destroyed;
- 1.17 “Permit” means a permit to Injure or Destroy Trees issued under this By-law;
- 1.18 “Person” means an individual or a corporation and their respective heirs, executors, administrators or other duly appointed representatives;

- 1.19 "Point of Measurement" means the point on a tree trunk measured above the highest point at which the ground meets the tree. For Coppice Growth the Point of Measurement shall be at the point on the tree trunk where the tree stems separate provided that such point of separation is less than 1.37 metres from where the ground meets the tree;
- 1.20 "Qualified OPFA Member" means a Registered Professional Forester or Associate Member of the Ontario Professional Foresters Association under the *Professional Foresters Act* 2000, c.18, as amended, certified to practice professional forestry, unless a suspension, term, condition or limitation of certification applies which would restrict the Member from carrying out responsibilities under this By-law;
- 1.21 "Qualified Tree Marker" means:
 - 1.21.a An individual who is currently certified through the Ontario Ministry of Natural Resources Certified Tree Marker Program; or
 - 1.21.b A Qualified OPFA Member qualified to do tree marking.
- 1.22 "Region" means The Regional Municipality of Niagara;
- 1.23 "Regional Council" means the Council of The Regional Municipality of Niagara;
- 1.24 "Regional Official Plan" means the Official Plan of The Regional Municipality of Niagara;
- 1.25 "Sensitive Natural Area" means lands that are in a Woodland and:
 - 1.25.a within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as those terms are defined in the Regional Official Plan, or, in the case where there is no Regional Official Plan, as defined in the Official Plan of the relevant Area Municipality; or
 - 1.25.b within a Natural Area as designated in the Niagara Escarpment Plan.

- 1.26 “Significant Community Tree” means a Tree identified and designated by the Council of an Area Municipality as having community significance;
- 1.27 “Silviculture” means the theory and practice of controlling forest establishment, and the composition, growth and quality of forests to achieve the objectives of forest management. The term “Silvicultural” shall have a corresponding meaning;
- 1.28 “Silvicultural Prescription” means the site specific operational plan, signed and sealed by a Qualified OPFA Member (unless otherwise exempted under the *Professional Foresters Act*), 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;
- 1.29 “Tree” or “Trees” means any living species of woody perennial plant, including its root system, which has reached or can reach a height of at least 4.5 meters at physiological maturity;
- 1.30 “Tree Preservation Plan” means a plan, prepared by a Qualified OPFA Member or Certified Arborist, for the purpose of protecting and preserving trees on properties where development or disturbance of the natural forest cover is to occur;
- 1.31 “Wildlife Habitat” means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific wildlife habitats of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non-migratory species;
- 1.32 “Woodland” or “Woodlands” means land on one or more properties with a density of at least:
- 1.32.a 1,000 Trees, of any size, per hectare;
- 1.32.b 750 Trees, measuring over five (5) centimetres in Diameter at DBH, per hectare;
- 1.32.c 500 Trees, measuring over twelve (12) centimetres, in Diameter at DBH, per hectare; or

- 1.32.d 250 Trees, measuring over twenty (20) centimetres, in Diameter at DBH, per hectare;

but does not include:

- 1.33.f a cultivated fruit or nut orchard;
- 1.33.g a plantation established for the purpose of producing Christmas trees and which is being actively managed and Harvested for the purposes for which it was planted, except that this does not refer to plantations that have ceased being managed or Harvested for their intended purpose for a period of 15 years or more; or
- 1.33.h a bona fide tree nursery that is being actively managed and harvested for the purposes for which it was planted;
- 1.33.i a hedgerow or windrow less than 20 meters in width.

2. APPLICATION OF THE BY-LAW

This By-law shall apply to:

- 2.1 all Woodlands having an area of one (1) hectare or more;
- 2.2 all Woodlands having an area of less than one (1) hectare upon delegation of such authority by an Area Municipality to the Region; and
- 2.3 Heritage Trees and Significant Community Trees identified and designated by the Council of an Area Municipality, upon delegation of such authority by an Area Municipality to the Region.

3. GENERAL PROHIBITIONS

- 3.1 No Person through their own actions or through any other Persons shall Injure or Destroy any Tree located in Woodlands:
 - 3.1.a Unless exempted under Section 4 of this By-law; or

- 3.1.b Unless in possession of a valid Permit issued under this By-law and in accordance with its terms or conditions.
- 3.2 No Person through their own actions or through any other Person shall:
 - 3.2.a Contravene the terms or conditions of a Permit issued under this By-law;
 - 3.2.b Fail to comply with an Order issued under this By-law; or
 - 3.2.c Remove or deface any Order that has been posted pursuant to this By-law.
- 3.3 No Person through their own actions or through any other Person shall Injure or Destroy any Tree that has been designated by the Council of an Area Municipality as a Heritage Tree or a Significant Community Tree, provided that the authority to regulate such Trees has been delegated to the Region by the Area Municipality.
- 3.4 An Owner is deemed to have knowledge of, to have permitted, and to be liable for actions that violate this By-law that occur on the portion of land over which the Owner has control.
- 3.5 A Person is not liable under Section 3.4 of this By-law if such Person establishes, on a balance of probabilities, that the actions that violate this By-law occurred before or after such Person was an Owner.

4. EXEMPTIONS

Despite Section 3 of this By-law, this By-law does not apply to:

- 4.1 Activities or matters undertaken by a municipality or a local board of a municipality;
- 4.2 Activities or matters undertaken under a licence issued under the *Crown Forest Sustainability Act, 1994*, S.O. 1994, c.25, as amended;
- 4.3 The Injuring or Destruction of Trees by a Person licensed under the *Surveyors Act*, R.S.O. 1990, c. S.29, as amended, to engage in the practice of cadastral surveying or his or her agent, while making a survey;

- 4.4 The Injuring or Destruction of Trees imposed after December 31, 2002:
 - 4.4.a as part of a Tree Preservation Plan required as a condition of approval in a plan of subdivision that has received draft approval under Section 51 of the *Planning Act*;
 - 4.4.b as part of a Tree Preservation Plan required as a condition on a consent approved under Section 53 of the *Planning Act*;
 - 4.4.c as a condition to the approval of a site plan or a plan of subdivision under Sections 41 and 51, respectively, of the *Planning Act* or as a requirement of a site plan agreement or subdivision agreement entered into under those sections;
 - 4.4.d in a development agreement between an Owner and an Area Municipality;
 - 4.4.e as a condition to a development permit authorized by regulation made under Section 23(b) of the *Niagara Escarpment Planning and Development Act*, R.S.O 1990, c. N.2, as amended; or
 - 4.4.f as a condition to a development permit authorized by regulation made under Section 70.2 of the *Planning Act* or as a requirement of an agreement entered into under the regulation.
- 4.5 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, Sched. A, as amended, for the purpose of constructing and maintaining a transmission system or a distribution system, as those terms are defined in that section;
- 4.6 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, as amended;
- 4.7 The Injuring or Destruction of Trees undertaken on land in order to lawfully establish and operate or enlarge any pit or quarry on land:
 - 4.7.a that has not been designated under the *Aggregate Resources Act* or a predecessor of that Act; and

- 4.7.b on which a pit or quarry is a permitted land use under a by-law passed under Section 34 of the *Planning Act*.
- 4.8 The Injuring or Destruction of Trees that is required in order to erect any building, structure or thing, including yard areas, in respect of which a Building Permit has been issued and has taken into consideration the protection of Trees surrounding the structure or work within the building envelope, provided that no Tree is removed that is located more than 15 metres from the outer edge of the building, structure or thing, and that only those Trees necessary to accommodate the building structure or thing, including yard areas, are removed;
- 4.9 The Injuring or Destruction of Trees that is reasonably required in order to install and provide utilities, including a private waste disposal system, to the construction or use of the building, structure or thing in respect of which a Building Permit has been issued;
- 4.10 The Injuring or Destruction of Trees that is required in order to install, provide or maintain a driveway of sufficient width for vehicular access to the building, structure or thing in respect of which a Building Permit has been issued;
- 4.11 The Injuring or Destruction of Trees on lands, including buffer lands, used for the purpose of a licenced waste disposal site that has been approved, where applicable, under the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, the *Environmental Assessment Act*, R.S.O. 1990, c. E.18, as amended, the *Planning Act*, and/or the *Niagara Escarpment Planning and Development Act*;
- 4.12 The Injuring or Destruction of Trees for the construction of drainage works under the *Drainage Act*, R.S.O. 1990, c. D.17, as amended;
- 4.13 The Injuring or Destruction of Trees that:
 - 4.13.a are dead;
 - 4.13.b are diseased, as identified in a Silvicultural Prescription or Forest Management Plan; or
 - 4.13.c pose a hazard to human safety or property.

4.14 The Injuring or Destruction of Trees by an Owner of a Woodland who may Harvest, Destroy or Injure Trees for his or her Own Use on his or her property provided that:

4.14.a Good Forestry Practices are employed in accordance with the Ministry of Natural Resources document “A Silvicultural Guide to Managing Southern Ontario Forests”; and

4.14.b the Injuring or Destruction, in that part of the Woodland where Trees have been Injured or Destroyed, does not reduce the number of Trees per hectare below that necessary to constitute a Woodland.

4.15 The Harvesting, Injuring or Destruction of Trees by a Farmer that involves the clearing of all or part of a Woodland for Agricultural Use on land that is owned by the Farmer doing the clearing provided that:

4.15.a the land upon which the clearing is to occur is part of a farm operation or farm corporation that has existed for at least three (3) years prior to such clearing;

4.15.b the land that is cleared is put into Agricultural Use within three(3) years of the date on which such clearing commences;

4.15.c prior to the clearing, the Farmer advises the Officer of the proposed clearing. For the purposes of this section the marking of Trees, a Forest Management Plan or a Silvicultural Prescription, a fee and a Permit are not required;

4.15.d the land being cleared for Agricultural Use is

- (i) outside the Urban Area; and
- (ii) is designated and zoned for Agricultural Use, with no Environmental Overlays,

in the Official Plan and Zoning By-law of the Area Municipality, and, where applicable, in the Niagara Escarpment Plan;

4.15.e the Injuring or Destruction of Trees does not involve a Sensitive Natural Area.

- 4.16 The Injuring or Destruction of Trees as a result of a 'Normal Farm Practice' carried on as part of an 'Agricultural Operation' as such terms are defined in the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c.1, as amended, or any successor legislation;
- 4.17 The Harvesting, Injuring or Destruction of non-native/invasive Trees in a Woodland for the purpose of restoring the tree cover to native species as per an approved Forest Management Plan or Silvicultural Prescription.
- 4.18 The Injuring or Destruction of Trees in a Woodland for the purpose of conducting site rehabilitation activities to remove and/or treat contaminated soils. A reforestation plan must be prepared and approved by the Officer prior to Tree removal.

5. GOOD FORESTRY PRACTICES PERMITS

- 5.1 The Niagara Region hereby delegates to an Officer the authority to issue a Good Forestry Practices Permit under this By-law, and to impose such terms and conditions in accordance with Good Forestry Practices.
- 5.2 An application for a Good Forestry Practices Permit shall be submitted at least four (4) weeks prior to the commencement date of Harvesting and shall include the following:
 - 5.2.a a complete signed application form as provided by the Region;
 - 5.2.b a copy of the Silvicultural Prescription sealed by a Qualified OPFA Member; and,
 - 5.2.c A signature from a Qualified OPFA Member confirming proof that the marking of the Trees to be cut has been carried out by a Qualified Tree Marker in accordance with a Silvicultural Prescription or Forest Management Plan. Tree marking must include clean, legible paint marks at breast height, visible from any direction, and 40 centimetre stump marks that are in crevices (if available) and run right to the ground.

5.3 A Good Forestry Practices Permit issued under this By-law shall be subject to the following terms and conditions:

5.3.a Trees which are to be harvested are cut in accordance with Good Forestry Practices, and as described in a Silvicultural Prescription sealed by a Qualified OPFA Member;

5.3.b the Harvesting, Injuring or Destruction of Trees will not reduce the number of Trees per hectare below the minimum number of Trees per hectare required to be considered a Woodland;

5.3.c The Permit-holder must notify the Officer at least 48 hours before start of cutting and again upon resumption of activities after any four (4) week period of inactivity; and

5.3.d Any other terms and conditions deemed appropriate and imposed by the Officer.

5.4 Notwithstanding Sections 5.2 and 5.3, a Good Forestry Practices Permit may be issued where an exclusion provision under the *Professional Foresters Act* c.18, as amended, applies and a qualified member of the Ontario Professional Foresters Association provides an opinion that the Harvesting of Trees is consistent with Good Forestry Practices.

6. **PERMIT APPLICATION PROCESS**

6.1 Every Person who intends to Injure or Destroy Trees personally or through another Person, where a Permit to do so is required under this By-law, shall first complete and submit an application for a Permit in the form approved by the Region from time to time.

6.2 Applications for Permits will be processed only if:

6.2.a the appropriate application form, approved by the Region from time to time, has been completed in full, duly signed and submitted to the Officer;

6.2.b the requirements that must be submitted with an application have been included; and

- 6.2.c applications are in keeping with the general purpose and intent of this By-law.
- 6.3 A Permit application that does not meet the requirements of clauses 6.2.a, 6.2.b and 6.2.c will be returned to the applicant within 30 days.
- 6.4 A Permit may be:
 - 6.4.a issued by the Officer to the Owner for a term of up to one (1) year from the date of issue and shall not be transferable; and,
 - 6.4.b may be renewed by the Officer for up to two (2) additional one (1) year terms contiguous with the expiry date of the original Permit and after a written request from the Owner for renewal is made to the Officer, who must be satisfied that there are reasonable grounds for the renewal.
- 6.5 In addition to those terms and conditions listed in section 5.3, the Officer may impose conditions to a Permit that relate to, but which are not restricted to:
 - 6.5.a the manner and timing in which Harvesting, Injuring or Destruction is to occur;
 - 6.5.b the species, size, number and location of Trees to be Injured or Destroyed, or to be planted;
 - 6.5.c the marking of Trees to be cut with paint;
 - 6.5.d the qualifications of Persons authorized to Injure or Destroy Trees;
 - 6.5.e the submission of additional information required before the Permit becomes effective;
 - 6.5.f measures to be implemented to mitigate the direct and indirect effects of the Injuring or Destruction on Sensitive Natural Areas; and
 - 6.5.g a follow-up fuelwood (firewood) harvest.

6.7 When denying a Permit, the Officer will notify the applicant in writing by registered mail. The Officer shall provide written reasons for their decision to the applicant.

6.8 A Permit issued under the By-law does not relieve the Owner of any other applicable property boundary, municipal, provincial, or federal by-laws, regulations or requirements.

7. APPEALS TO REGIONAL COUNCIL

7.1 An applicant for a Permit under this By-law may be appealed to Regional Council if:

7.1.a the Officer refuses to issue a Permit; such an appeal must be made within 30 days after the refusal; or

7.1.b if the applicant objects to a condition in the Permit; such an appeal must be made within 30 days after the issuance of the Permit.

7.2 A request by an applicant for a hearing shall be made in writing and filed with the Regional Clerk.

7.3 Regional Council shall hold a hearing on the issue and shall give the applicant an opportunity to make representations at the hearing. The Regional Clerk shall mail a notice of hearing to the applicant at least seven (7) days before the hearing.

7.4 Regional Council may:

7.3.a Uphold the decision of the Officer;

7.3.b Vary any condition on a Permit; or

7.3.c Issue a Permit with conditions as Regional Council considers appropriate.

7.5 Regional Council will provide reasons for its decision. The decision of the Regional Council is final.

8. ORDERS TO DISCONTINUE ACTIVITY

8.1 Where an Officer is satisfied that a contravention of this By-law has occurred, the 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 stop the Injuring or Destruction of Trees. The Order shall set out:

8.1.a the municipal address or the legal description of the land;

8.1.b reasonable particulars of the contravention; and

8.1.c the period within which there must be compliance with the Order.

8.2 An Order issued under this By-law may be served personally or by registered mail to the last known address of:

8.2.a the Owner of the Woodland; and

8.2.b the person identified as Injuring or Destroying Trees.

8.3 Where service of an Order is made by registered mail, service shall be deemed to have been served on the fifth day after the date the Order is mailed.

8.4 Where service cannot be carried out under subsection 8.2, the Officer shall place a placard containing the terms of the Order in a conspicuous place on the affected lands. The placing of the placard shall be deemed to be sufficient service of the Order on the Person to whom the Order is directed. The placard shall not be removed without the approval of the Officer.

9. WORK ORDERS

9.1 Where an Officer believes that a contravention of this By-law has occurred, the Officer may issue an Order requiring the Person to rehabilitate the land or Woodlands, or to plant or replant Trees.

9.2 The Order shall set out:

- 9.2.a the name and the Owner and the municipal address or the legal description of the land;
- 9.2.b reasonable particulars of the contravention;
- 9.2.c the work to be done and the date by which the work must be done;
- 9.2.d a statement that if the work is not done in compliance with the Order within a specified time period, the Region may have the work done at the expense of the Owner; and,
- 9.2.e contact information of the Officer.

9.3 The Order may be served in accordance with the service provisions contained in section 8.

10. PENALTY

10.1 Any Person who contravenes any provision of this By-law, or an Order issued under this By-law is guilty of an offence and is liable:

- 10.1.a on first conviction, to a fine of not more than \$10,000 or \$1,000 per Tree, whichever is greater; on any subsequent conviction for the same offence, to a fine of not more than \$25,000 or \$2,500 per Tree, whichever is greater; and,
- 10.1.b on conviction for a continuing offence, to a fine of not less than \$100 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.

10.2 Despite subsection 10.1, where the Person convicted is a corporation:

- 10.2.a the maximum fines in clause 10.1.a are \$50,000 or \$5,000 per Tree; and
- 10.2.b the maximum fines in clause 10.1.b are \$100,000 or \$10,000

per Tree.

- 10.3 If a Person is convicted of an offence for contravening this By-law or an Order is issued under this By-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may order the Person to rehabilitate the land or to plant or replant Trees in such a manner and within such period as the court considers appropriate, including any silvicultural treatment necessary to re-establish the Trees.
- 10.4 If an Order has been issued under this bylaw or by the court, and the order has not been complied with, the contravention of the Order shall be deemed to be a continuing offence for each day or part of the day that the Order is not complied with.
- 10.5 The destruction of two or more Trees without or in contravention of a Permit shall be deemed to be a “multiple offence” as provided in the *Municipal Act* and shall be subject to the per tree penalties prescribed in section 10.1 and 10.2.

11. ENFORCEMENT

- 11.1 The provisions of this By-law may be enforced by an Officer.
- 11.2 An Officer or any person authorized by an Officer may, at any reasonable time, enter upon and inspect any land for the purposes of enforcing this By-law, determining compliance with this By-law, determining compliance with terms and conditions of a Permit issued under this By-law, determining compliance with an Order issued under this By-law or laying charges under this By-law.
- 11.3 An Officer exercising a power may be accompanied by a Person under his or her direction.
- 11.4 Any Person who obstructs or interferes with an Officer, or any Person or agent authorized by an Officer, in the discharge of his or her duties under this By-law, shall be considered in violation of this By-law.
- 11.5 Any Person who provides false information to an Officer shall be deemed to have obstructed or interfered with the Officer in the execution of their duties.

12. **ADMINISTRATION**

12.1 If any section or part of this By-law is found by any court of competent jurisdiction to be illegal or beyond the power of Regional Council to enact, such section or part 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 to be enacted as such.

12.2 The short title of this By-law is the “Woodland Conservation By-law”.

12.3 Despite subsection 12.3, By-law 30-2008, as amended, shall continue to apply to:

12.3.a proceedings in respect of offences that occurred before its repeal;
and,

12.4 That this by-law shall come into force and effect on January 31, 2021.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: October 22, 2020

June 3, 2025

Ministry of Municipal Affairs and Housing
17th Floor, 777 Bay Street
Toronto, ON
M7A 2J3
Att: Minister Rob Flack

RE: Strong Mayor Powers – Town of Prescott Position

On behalf of the Council of the Corporation of the Town of Prescott, we are writing regarding the Province's recent decision to expand Strong Mayor Powers to an additional 169 municipalities, including our own.

While we recognize the Province's stated intent to accelerate housing development across Ontario, Council remains unclear on how these powers—especially in the context of smaller municipalities—provide a practical or effective mechanism to build more homes, faster. We have identified some alternatives to the centralization of authority in the office of the Mayor to the complex housing challenges we face that would have a direct result in getting housing and infrastructure completed.

We would like to see the province and municipalities be fully aligned and develop a strong working relationship that addresses the barriers to housing development. These barriers are often beyond a municipalities control but are well within the provincial authority to reduce red tape and delays. Whether it be in planning approvals, environmental assessments, or infrastructure coordination, municipalities often face significant holdups not of their own making, but as a result of slow or opaque bureaucratic processes.

We would like to see the same concept of Strong Mayors be used at the provincial level to veto or override provincial-level bottlenecks that stall housing progress. By having conduit, through which municipalities can identify the issues they are facing on specific projects to the province, we would be able to get shovels in the ground quicker and projects completed within months and not years.

This Council remains firmly committed to addressing the housing crisis and to doing our part to enable more homes and more opportunity in Prescott and beyond our borders in neighbouring communities. We believe the path forward must be grounded in bi-lateral efforts, shared accountability, and a commitment to strengthening local governments to make decisions for their communities.

We appreciate your attention to this matter and would welcome further dialogue with the Province to develop housing solutions that are truly effective and locally appropriate by removing unnecessary and non-valued added steps to the process.

Kindly,

A handwritten signature in black ink, appearing to be 'Gauri Shankar', written in a cursive style.

Mayor Gauri Shankar on behalf of the Council of the Corporation of the Town of Prescott

PRESCOTT

EST 1784

THE FORT TOWN

Regular Council

June 2, 2025

111 -2025

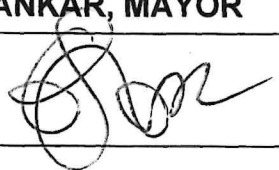
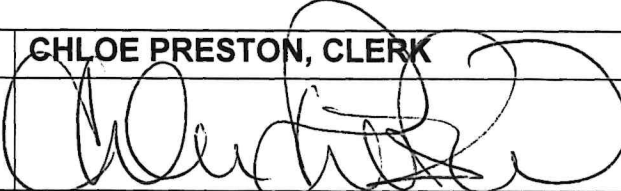
Moved by: Lee McConnell

Seconded by: Justin Kirkby

THAT Council endorse the attached draft letter to the Ministry of Municipal Affairs and Housing expressing the Town of Prescott's position on the Strong Mayor Powers; AND

THAT Council direct staff to send the letter to the Minister of Municipal Affairs and Housing and copy the Premier of Ontario, the Ministry of Red Tape Reduction, Member of Provincial Parliament for Leeds, Grenville and Rideau Lakes Steve Clark, the Association of Municipalities of Ontario (AMO), the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO), and all municipalities across the province.

REQUESTED BY:			
RECORDED VOTE		YES	NO
Councillor Leanne Burton			
Councillor Mary Campbell			
Councillor Justin Kirkby			
Councillor Ray Young			
CARRIED:	✓		
TABLED:			
DEFEATED:			
RECORDED VOTE:			
Councillor Tracey Young			

GAURI SHANKAR, MAYOR	CHLOE PRESTON, CLERK
	



Regular Council Meeting Resolution Form

Date: May 20, 2025 No: RESOLUTION - 269-2025
Moved by Deputy Mayor Scott Brum Disposition: CARRIED
Seconded by Councillor Kevin Rosien Item No: 13.2

Description: Bill 5: Protecting Ontario by Unleashing Our Economy Act, 2025

RESOLUTION:

Whereas the Government of Ontario has introduced Bill 5: Protecting Ontario by Unleashing Our Economy Act, 2025, which proposes substantial changes to environmental planning legislation, including the repeal of the Endangered Species Act and the creation of "Special Economic Zones" that may override local planning authority;

And Whereas the Township of McNab/Braeside supports increasing housing supply and economic growth, but believes this must be achieved without undermining environmental protections or compromising the integrity of municipal planning processes;

And Whereas Bill 5, as proposed, risks weakening safeguards for Ontario's natural heritage and reducing the role of municipalities in managing growth in a responsible and locally informed manner;

Now Therefore Be It Resolved That Council for the Township of McNab/Braeside:

- Opposes the provisions in Bill 5 that would reduce environmental protections or override municipal planning authority;
- Urges the Province of Ontario to advance housing and infrastructure growth through policies that respect sound environmental planning principles and uphold the planning tools available to local governments;
- Urges the Province to support municipalities through ensuring responsible growth through infrastructure projects designed to ensure protection of sensitive wildlife and natural resources;

And Directs that this resolution be forwarded to:

- The Honourable Doug Ford, Premier of Ontario,
- The Honourable Rob Flack, Minister of Municipal Affairs and Housing,
- The Honourable Todd McCarthy, Minister of the Environment, Conservation and Parks,
- Billy Denault, MPP for Renfrew-Nipissing-Pembroke,
- The Association of Municipalities of Ontario (AMO),
- All Ontario municipalities for their awareness and consideration,
- All Conservation Authorities in Ontario,
- Conservation Ontario


MAYOR

Recorded Vote Requested by:

Declaration of Pecuniary Interest:

	Yea	Nay	
Mayor Lori Hoddinott	_____	_____	Disclosed his/her/their interest(s), vacated
Deputy Mayor Scott Brum	_____	_____	he/her/their seat(s),
Councillor Kevin Rosien	_____	_____	abstained from discussion and did not vote
Councillor Robert Campbell	_____	_____	
Councillor Jill Campbell	_____	_____	

**Township of Southgate
Administration Office**

185667 Grey County Road 9, RR 1
Dundalk, ON N0C 1B0



Phone: 519-923-2110
Toll Free: 1-888-560-6607
Fax: 519-923-9262
Web: www.southgate.ca

June 23, 2025

Re: Bill 5 – Protecting Ontario by Unleashing Our Economy Act

At their regular Council meeting held on June 18, 2025, the Council of the Corporation of the Township of Southgate adopted the following:

No. 2025-343

Moved By Deputy Mayor Dobreen

Seconded By Councillor John

Be it resolved that the Township of Southgate receives and supports the correspondence from the City of Woodstock - Bill 5, Protect Ontario by Unleashing our Economy Act, 2025, and by virtue of that the correspondence, supports the resolution from City of Kingston; and

Whereas the Township of Southgate supports increasing housing supply and economic growth, but believes this must be done in a way that upholds environmental responsibility and maintains the integrity of local planning processes; and

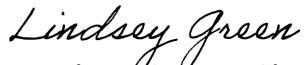
Therefore, be it resolved that the Township of Southgate oppose all provisions in Bill 5 that reduce environmental protections and Ontario's proud legacy of protections of Endangered Species, that override the rule of law and that nullify municipal planning authority; and

That the Council of the Township of Southgate urge the Province of Ontario to rescind Bill 5 and instead support housing and infrastructure development in ways that aligns with sound environmental planning and wildlife protection, respects the sovereignty and stewardship of Indigenous peoples, and empowers municipalities with appropriate planning tools; and

That this resolution be sent to The Honourable Doug Ford, Premier of Ontario; The Honourable Sylvia Jones, Deputy Premier; The Honourable Rob Flack, Minister of Municipal Affairs and Housing; The Honourable Todd McCarthy, Minister of the Environment, Conservation and Parks; The Honourable Prabmeet Singh Sarkaria, Minister of Transportation; The Honourable Stephen Lecce, Minister of Energy and Mines; The Honourable Graydon Smith, MPP Parry Sound-Muskoka, MPP Paul Vickers Bruce Grey Owen Sound, The Association of Municipalities of Ontario (AMO); The Federation of Northern Ontario Municipalities (FONOM); The Northwestern Ontario Municipal Association (NOMA); Conservation Ontario; Saugeen Ojibway Nation Chief Conrad Ritchie; Chippewas of Nawash Unceded First Nation Chief Greg Nadjiwon; Six Nations of the Grand River Chief Sherri-Lyn Hill; Anishinabek Nation Grand Council Chief Linda DeBassige; Métis Nation of Ontario (MNO) President Margaret Froh; and all Ontario Municipalities. **Carried**

If you have any questions or concerns regarding the above, please contact our office at (519) 923-2110.

Sincerely,



Lindsey Green, Clerk
Township of Southgate

cc: The Honourable Doug Ford, Premier of Ontario
The Honourable Sylvia Jones, Deputy Premier of Ontario
The Honourable Rob Flack, Minister of Municipal Affairs and Housing
The Honourable Todd McCarthy, Minister of the Environment, Conservation and Parks
The Honourable Prabmeet Singh Sarkaria, Minister of Transportation
The Honourable Stephen Lecce, Minister of Energy and Mines
The Honourable Graydon Smith, MPP Parry Sound-Muskoka
Paul Vickers, MPP Bruce Grey Owen Sound
The Association of Municipalities of Ontario (AMO)
The Federation of Northern Ontario Municipalities (FONOM)
The Northwestern Ontario Municipal Association (NOMA)
Conservation Ontario
Conrad Ritchie, Chief, Saugeen Ojibway Nation
Gregory Nadjiwon, Chief, Chippewas of Nawash Unceded First Nation
Sherri-Lyn Hill, Chief, Six Nations of the Grand River
Linda DeBassige, Chief, Anishinabek Nation Grand Council
Margaret Froh, President, Métis Nation of Ontario (MNO)
All Ontario Municipalities



Regular Council Meeting Resolution Form

Date: May 20, 2025 No: RESOLUTION - 267-2025
Moved by Deputy Mayor Scott Brum Disposition: CARRIED
Seconded by Councillor Kevin Rosien Item No: 12.4

Description: Strong Mayor Powers

RESOLUTION:

WHEREAS the Province has announced the expansion of strong mayor power to another 169 municipalities as of May 1, 2025 in addition to the 47 municipalities which currently have received strong mayor powers;

AND WHEREAS the Province claims that strong mayor powers will get homes and infrastructure built faster, reduce red tape, and accelerate the delivery of key priorities;

AND WHEREAS research from the Association of Municipal Clerks & Treasurers of Ontario has identified that:

- a. There is no evidence to suggest this legislation has any impact on the number of housing starts in municipalities that have been granted the powers; and
- b. Strong Mayor Powers have blurred the political-administrative authority between the roles of head of council and chief administrative offices threatening the neutrality of the public service and politicizing local government leadership;

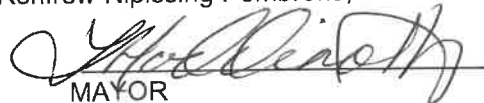
AND WHEREAS strong mayor powers is an erosion to the democratic process of an historically non-partisan municipal governance structure;

AND WHEREAS the Township of McNab/Braeside has received requests from The Town of Parry Sound, the Municipality of North Middlesex and the Municipality of North Perth for our support to reject strong mayor powers and have strong mayor powers removed from their municipalities;

AND WHEREAS Council of the Township of McNab/Braeside encourages the Provincial government to repeal this legislation;

AND FURTHER THAT the Township support all municipalities requesting the rejection of strong mayor powers.

AND BE IT FURTHER RESOLVED THAT this resolution be forwarded to the Minister of Municipal Affairs and Housing Rob Fack, Premier Doug Ford, MPP Renfrew-Nipissing Pembroke, the Association of Municipalities of Ontario and all Ontario Municipalities.


MAYOR

Recorded Vote Requested by: _____
Yea Nay
Mayor Lori Hoddinott _____
Deputy Mayor Scott Brum _____
Councillor Kevin Rosien _____
Councillor Robert Campbell _____
Councillor Jill Campbell _____

Declaration of Pecuniary Interest: _____
Disclosed his/her/their interest(s), vacated he/her/their seat(s),
abstained from discussion and did not vote



**The Corporation of the
Township of Perry**

Box 70 1695 Emsdale Road Emsdale, Ontario P0A 1J0

Date: June 4, 2025

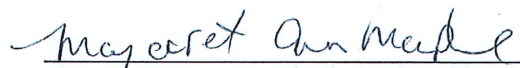
Resolution No.: 2025- 199

Moved By: Joe Lumley **Seconded By:** Paul Sowrey

Be it resolved that Council hereby receives and supports the Municipality of Chatham-Kent's Resolution "Bill 5 – Risks to your communities";

And further that Council directs staff to forward a copy of this resolution to the Honourable Doug Ford, Premier of Ontario, Association of Municipalities of Ontario, Municipality of Chatham-Kent, and all Ontario municipalities.

Carried: ✓ **Defeated:**


Margaret Ann MacPhail, **Acting Mayor**

RECORDED VOTE		
Council	For	Against
Councillors Jim Cushman		
Joe Lumley		
Paul Sowrey		
Acting Mayor Margaret Ann MacPhail		

May 13, 2025

To all Ontario Municipalities, AMO, ROMA and FCM:

Re: Bill 5 - Risks to your communities and support requested

As Mayor of the Municipality of Chatham-Kent, I am sharing this motion to bring to your attention the potential risks to your communities and ask for your support to oppose this approach. The following motion was approved yesterday, May 12, 2025:

"Whereas 29831 Irish School Road in the Municipality of Chatham-Kent is a property approximately 800 metres from the Town of Dresden;

And Whereas the property contain small fill areas used for historic local landfill purposes, and the property has never been properly studied or zoned for any significant landfilling use;

And Whereas the current property owners are attempting to create a new recycling and landfill facility for millions of tonnes of waste, which would result in hundreds of trucks travelling through towns and communities in the area;

And Whereas this approach has been strongly opposed by Council, the Community, neighbouring Indigenous Nations and many other voices, due to impacts to the environment, our homes, the safety of our families and children, and the fabric of our communities;

And Whereas the Provincial government has proposed Bill 5, which includes a section removing the obligation for a full Environmental Assessment for this new landfill and recycling facility;

And Whereas if this limited, historic local landfill use on the edge of Dresden can be expanded into a massive landfill and recycling facility, then this can happen anywhere;

And Whereas there are likely hundreds of properties across the Province that may have had limited, historic waste uses, which could also face this threat;

And Whereas Bill 197 established a veto for Municipalities within 3.5 kms of a new landfill, which reflected the need for local government and community approval of landfill sites;

And Whereas the approach being taken for this property disregards the importance of our rural communities, and local voices, in determining appropriate landfill sites within their communities:

Cont'd...

Now Therefore to ensure that other Municipal Councils and communities know about what is happening in Dresden, and the potential risk to their community if this approach is taken by the Province, Council requests that the Mayor's Office write a letter to all other Ontario Municipalities, AMO, ROMA and FCM:

1. Advising them of this issue and the risks to their community if a similar approach is taken for other historic landfill properties; the possibility of the Ontario government setting a precedence and
2. Requesting their support in opposing this approach and ensuring that full Environmental Assessments are required for all landfills and that municipalities have a strong voice in determining appropriate locations for landfills in their communities."

Thank you for your time and attention to this important matter.

Sincerely,



Darrin Canniff, Mayor/CEO
Municipality of Chatham-Kent



Township of Perry

PO Box 70, Emsdale, ON POA 1J0

PHONE: (705)636-5941

FAX: (705)636-5759

www.townshipofperry.ca

June 24, 2025

Via Email: premier@ontario.ca

Honourable Doug Ford
Premier of Ontario
Legislative Building, Queens Park
Toronto, ON M7A 1A1

Dear Honourable Doug Ford,

**RE: Resolution of Support – Municipality of Chatham-Kent re: Bill 5 – Protect
Ontario by Unleashing Our Economy Act, 2025**

At their regularly scheduled meeting on Wednesday June 4, 2025, the Council of the Corporation of the Township of Perry supported the following resolution:

“Resolution #2025-199

Moved by: Joe Lumley

Seconded by: Paul Sowrey

Be it resolved that Council hereby receive and supports the Municipality of Chatham-Kent’s Resolution “Bill 5 – Risks to your communities”;

And further that Council directs staff to forward a copy of this resolution to the Honourable Doug Ford, Premier of Ontario, Association of Municipalities of Ontario, Municipality of Chatham-Kent, and all Ontario municipalities.

Carried”

Your attention to this matter is greatly appreciated.

Sincerely,

Beth Morton
Clerk-Administrator

Encl.

cc Association of Municipalities of Ontario, Municipality of Chatham-Kent, and all Ontario Municipalities





Northumberland County

Council Resolution

SENT VIA EMAIL

June 25, 2025

Right Honourable Mark Carney (Prime Minister of Canada)
Honourable Philip Lawrence (MP for Northumberland-Clarke)
Honourable Doug Ford (Premier of Ontario)
Honourable Victor Fedeli (Minister of Economic Development, Job Creation and Trade)
Honourable Paul Calandra (Minister of Municipal Affairs and Housing)
Honourable David Piccini (Minister of Labour, Immigration, Training and Skills Development)
Association of Municipalities of Ontario (AMO)
Federation of Canadian Municipalities (FCM)
Northumberland County's 7 Member Municipalities
All Ontario municipalities

**Re: Correspondence, Township of Mulmur
'Procurement and Advocacy for Trade Agreement Exemptions'**

At a meeting held on June 18, 2025 Northumberland County Council approved Council Resolution # 2025-06-18-508, adopting the below recommendation from the June 3, 2025 Finance and Audit Committee meeting:

Moved by: Councillor John Logel
Seconded by: Councillor Scott Jibb

"**That** the Finance and Audit Committee, having considered the correspondence from the Township of Mulmur regarding 'Procurement Advocacy for Trade Agreement Exemptions', recommend that County Council support this correspondence and direct staff to send a copy of this resolution to key stakeholders, including the stakeholders listed in the correspondence, as well as the MP for Northumberland - Clarke, MPP for Northumberland-Peterborough South, and Northumberland County's 7 Member Municipalities."

Council Resolution # 2025-06-18-508

Carried

If you have any questions regarding this matter, please do not hesitate to contact the undersigned at matherm@northumberland.ca or by telephone at 905-372-3329 ext. 2238.

Sincerely,
Maddison Mather



Manager of Legislative Services / Clerk
Northumberland County

Council Resolution

Moved By J. Logel (SL)
Seconded By S. Dibb (SS)

Agenda
Item 10

Resolution Number
2025-06-18- 508

Council Date: June 18, 2025

"That Council adopt all recommendations from the six Standing Committees, as contained within the Committee Minutes (meetings held June 2, 3 and 4, 2025).

Recorded Vote
Requested by

Councillor's Name

Deferred

Warden's Signature

Carried

Warden's Signature

Defeated

Warden's Signature

Finance & Audit Committee Resolution

Committee Meeting Date: June 3, 2025

Agenda Item: 7.a

Resolution Number: 2025-06-03- 444

Moved by: M. Martin

Seconded by: B. Ostrander

Council Meeting Date: June 18, 2025

"**That** the Finance and Audit Committee, having considered the correspondence from the Township of Mulmur regarding 'Procurement Advocacy for Trade Agreement Exemptions', recommend that County Council support this correspondence and direct staff to send a copy of this resolution to key stakeholders, including the stakeholders listed in the correspondence, as well as the MP for Northumberland - Clarke, MPP for Northumberland-Peterborough South, and Northumberland County's 7 Member Municipalities."

Carried 

Committee Chair's Signature

Defeated _____

Committee Chair's Signature

Deferred _____

Committee Chair's Signature



758070 2nd Line E
Mulmur, Ontario
L9V 0G8

Local **(705) 466-3341**
Toll Free from 519 only **(866) 472-0417**
Fax **(705) 466-2922**

April 11, 2025

Procurement & Advocacy for Trade Agreement Exemptions

At the meeting held on April 2, 2025, Council of the Township of Mulmur passed the following resolution:

Moved by Lyon and Seconded by Cunningham

Whereas the Township of Mulmur recognizes that tariffs may increase the costs of goods and services sought by the Township;

And whereas the Township of Mulmur recognizes the importance of supporting Canadian businesses and workers through responsible procurement practices;

And whereas municipalities have significant purchasing power but are bound by international trade agreements;

And whereas trade agreements such as the Canadian Free Trade Agreement (CFTA) impose restrictions on municipalities, and prevent municipalities from giving preference to Canadian suppliers in procurement decisions above certain thresholds;

Now therefore be it resolved that the Township of Mulmur commits to considering Canadian suppliers for goods and services when it is feasible and fiscally responsible to do so for procurements under trade agreement thresholds:

And that the Township of Mulmur commits to continue to utilize cooperative purchasing groups to explore cost-saving measures and Canadian suppliers when it is feasible and fiscally responsible to do so.

And that the Township of Mulmur calls upon the Canadian federal and provincial governments to enact legislative changes to exempt municipalities from trade agreement restrictions while tariffs are imposed, allowing them to give preference to Canadian suppliers for goods, services, and infrastructure projects.

And further that a copy of this resolution be sent to:

- The Prime Minister of Canada
- The Premier of Ontario
- The Minister of Economic Development, Job Creation and Trade
- The Minister of Municipal Affairs and Housing
- The Association of Municipalities of Ontario (AMO)
- The Federation of Canadian Municipalities (FCM)
- All Ontario municipalities for their consideration and support.

Carried.

Sincerely,

Roseann Knechtel

Roseann Knechtel, Clerk



June 3, 2025

Premier of Ontario
Legislative Building
Queens Park
Toronto, ON K7A 1A4
Via email: premier@ontario.ca

The Honourable Doug Ford, Premier of Ontario

The Council of the Town of Renfrew is writing to formally express its strong opposition to the Province of Ontario's decision to designate the Town of Renfrew as a "Strong Mayor" community, with enhanced mayoral powers that came into effect on May 1, 2025.

The Strong Mayor framework significantly alters the balance of governance at the municipal level, undermining the role of Council in decision-making, diminishing collaborative governance, and weakening the principle of majority rule that is foundational to local democracy.

The Town of Renfrew has a long history of local governance built upon a foundation of Council debate and shared decision-making. At no time did the Town request, seek, or support designation under the Strong Mayor legislation. This designation, imposed without consultation, has raised serious concerns within the community and among elected officials across Ontario.

The Town of Renfrew is not alone in this position. A growing number of municipalities and municipal leaders throughout the province have voiced their opposition to this governance model and are calling for its reconsideration or repeal.



Accordingly, the Town of Renfrew respectfully requests the following:

1. That the Government of Ontario immediately remove the Town of Renfrew from the list of municipalities designated under the Strong Mayor legislation.
2. That a copy of this letter be shared with the Minister of Municipal Affairs and Housing, all regional Members of Provincial Parliament, all Ontario municipalities, and the Association of Municipalities of Ontario (AMO) for their awareness and support.

The Council of the Town of Renfrew thanks you for your attention to this matter and urges the Province to respect the democratic will of our Council and community.

Yours sincerely,

Gloria Raybone

Chief Administrative Officer on behalf of the Town of Renfrew Council

CC: The Honorable Paul Calandra (Minister of Municipal Affairs and Housing)
Regional Members of Provincial Parliament
All Ontario Municipalities
The Association of Municipalities of Ontario (AMO)





The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

Tuesday, June 3, 2025

Resolution # RC25101	Meeting Order: 5
Moved by: 	Seconded by: 

WHEREAS the Ontario government has fast-tracked Bill 5, Protect Ontario by Unleashing our Economy Act, 2025 (Bill 5), such that it was referred to the Standing Committee on the Interior on May 6, 2025, after being first read on April 17, 2025, and

WHEREAS the written submission deadline for participation on Bill 5 is May 26, 2025, at 6:00 PM (EDT), and

WHEREAS Bill 5 would enact the Special Economic Zones Act, 2025; amend/repeal the Endangered Species Act, 2007 and replace it by enacting the Species Conservation Act, 2025; and amend various Acts including the Ontario Heritage Act, the Mining Act, the Ontario Energy Board Act, 1998, and the Electricity Act, 1998 and to revoke various regulations in relation to development and procurement, and

WHEREAS Bill 5 will allow the Lieutenant Governor in Council to create zones anywhere in Ontario where municipal and provincial laws will not apply, and where projects or proponents can be exempted from requirements under provisions of an Act or of a regulation, including environmental and heritage laws, and

WHEREAS the provisions of Bill 5 as written include anti-democratic principles and risks undermining civil liberties, Indigenous rights, the environment and local government oversight, and

WHEREAS The Corporation of the Municipality of Wawa believes that the provincial priorities of housing, resource development and economic development can be achieved without subverting existing laws, undermining municipal authority, threatening the environment, restricting industry growth, or undermining informed consent with Indigenous communities;

Page 2...



The Corporation of the Municipality of Wawa

REGULAR COUNCIL MEETING

RESOLUTION

NOW THEREFORE BE IT RESOLVED that The Corporation of the Municipality of Wawa hereby opposes Bill 5; and that Council formally express its opposition to Bill 5 in favour of preserving democracy, transparency, accountability, the environment, civil liberties, and Indigenous rights and;

That Council encourage the province to prioritize democratic principles and governance systems that support responsible development, environmental preservation, and acknowledge our responsibility to future generations; and

That Council formally request that the Ontario government reject Bill 5; and

That a copy of this motion be forwarded to the Honourable Doug Ford, Premier of Ontario; the Honourable Stephen Lecce, Minister of Energy and Mines; MPP Lisa Thompson; all Ontario municipalities; the Association of Municipalities of Ontario; and the Standing Committee on the Interior.

RESOLUTION RESULT		RECORDED VOTE		
<input checked="" type="checkbox"/>	CARRIED	MAYOR AND COUNCIL	YES	NO
<input type="checkbox"/>	DEFEATED	Mitch Hatfield		
<input type="checkbox"/>	TABLED	Cathy Cannon		
<input type="checkbox"/>	RECORDED VOTE (SEE RIGHT)	Melanie Pilon		
<input type="checkbox"/>	PECUNIARY INTEREST DECLARED	Jim Hoffmann		
<input type="checkbox"/>	WITHDRAWN	Joseph Opato		

Disclosure of Pecuniary Interest and the general nature thereof.

- ☐ Disclosed the pecuniary interest and general name thereof and abstained from the discussion, vote and influence.

Clerk: _____

DEPUTY MAYOR – MITCH HATFIELD	CLERK – MAURY O'NEILL