



## Planning, Building and By-law Services

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**Prepared for: Council-in-Committee**

**Report: PBBS-18-2026**

**Meeting Date: April 13, 2026**

### 1. Title

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Amendments to the Town's Tree Bylaw

### 2. Recommendations

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**That:** Report PBBS-18-2026 Amendments to the Tree By-law be received; and further

**That:** Staff be directed to prepare the necessary By-law;

### 3. Relation to Council's Corporate Strategic Plan

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Priority: Environmental and climate change resiliency

Initiative: Review and refine policies that preserve and enhance our natural heritage.

### 4. List of Stakeholders

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Town Staff

Residents of the Town of Fort Erie

### 5. Purpose of Report

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The purpose of this report is to propose amendments to the Tree By-law, including updates to tree replacement requirements, administrative language, and the introduction of provisions to address impacts to naturalized areas.

The Town of Fort Erie takes pride in its rich diversity of natural heritage features. In recent years, the Town has faced challenges related to the clear-cutting of trees by landowners, including the removal of mature native species that contribute significantly to ecological function and community character. These activities raised concerns among residents and Council and prompted a review of the Town's regulatory framework.

In response, staff-initiated amendments to Tree By-law No. 60-2004. An Open House was held on September 25, 2023, to gather public input on the proposed changes. Council subsequently approved amendments to By-law 60-2004 on February 12, 2024, and enacted By-law 33-2024 on March 18, 2024, to regulate the destruction, injury, and harvesting of trees within the Town.

Following implementation, Report PDS-32-2025 was presented to Council on April 14, 2025, identifying opportunities to refine the by-law based on operational experience. As a result of this

report, Council approved further amendments through By-law 53-2025, which came into force on May 26, 2025.

This report builds on that direction and proposes targeted amendments to improve consistency in tree replacement requirements, introduce greater flexibility in administration, and enhance the Town's ability to address impacts to Sensitive Natural Areas.

## 6. Analysis

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The current Tree By-law establishes multiple frameworks for tree replacement, including Table B.1 and Table B.2, as well as prescriptive language governing staff review processes. It also primarily focuses on individual tree protection, with limited direction regarding broader impacts to naturalized or environmentally sensitive areas.

Staff are proposing to remove Table B.1 from the Tree By-law and rely on a single, standardized replacement framework (Table B.2) for applicable applications. Table B.1 currently applies higher replacement ratios based on diameter at breast height (DBH), which can result in a significant number of required replacement trees for a single removal. In practice, this has led to increased costs for applicants, particularly residential property owners undertaking minor applications such as consents or variances. These costs may include the purchase and installation of replacement trees or cash-in-lieu contributions where on-site planting is not feasible. The proposed removal of Table B.1 would reduce the number of replacement trees required in certain cases, thereby lowering associated costs for applicants while improving consistency in how requirements are applied across different application types. The consolidation to a single replacement framework also improves transparency and predictability and reduces administrative complexity.

Staff are also proposing to amend Section 8.2 to revise the requirement that the Town Arborist shall be deployed to may be deployed, where an arborist report or further review is determined to be necessary by the Director. This change introduces flexibility in how staff resources are utilized, allowing the Town to rely on submitted professional documentation where appropriate, or to deploy the Town Arborist in cases that warrant further investigation. This approach supports a more efficient review process while maintaining the ability to conduct site-specific inspections when required.

Staff are also proposing to introduce a new provision under Section 9.2(q) requiring that measures be implemented to mitigate the direct and indirect effects of tree injury or destruction on Sensitive Natural Areas. This expands the scope of the by-law to consider broader ecological impacts beyond individual trees.

Staff are also proposing to introduce a new provision under Section 6.1 c) v. Requiring that prior to clearing trees for Agricultural Use, the Farmer must advise the Director of the proposed clearing to obtain an exemption letter. This proactive approach provides clarity in enforcement and allows Staff to verify whether the clearing will affect a Sensitive Natural Area.

Staff are also proposing to add a definition for Sensitive Natural Areas, which includes *areas within a Provincially Significant Wetland, Provincial Life Sciences Area of Natural Scientific Interest, or Significant Woodland, as defined in the Town or Regional Official Plan*. This ensures alignment with existing policy frameworks and provides clarity in the application of the new requirement.

Staff are also proposing to amend the definition of “Tree Stump” to clarify its application within the by-law. The revised definition would read: *“Tree Stump” means the remaining base portion of a tree trunk and its roots that is left in the ground after the main stem and canopy have been removed or have fallen and includes situations where a tree has been removed in its entirety, including the base and root system.* This change provides clarity in enforcement and administration by ensuring that all forms of tree removal, including full extraction, are captured under the by-law.

Staff are also proposing to refine administrative language as proposed by the Town’s Legislative Services Department.

## **7. Financial, Staffing and Accessibility (AODA) Implications**

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The proposed amendments may reduce costs associated with tree replacement requirements in certain applications through the removal of higher replacement ratios. This may result in a corresponding reduction in cash-in-lieu contributions; however, the overall effect on Tree Replacement Funds will be minimal.

No additional staffing resources are required to implement the proposed changes. The amendments are expected to improve administrative efficiency by simplifying replacement calculations and introducing flexibility in the deployment of the Town Arborist.

There are no direct accessibility implications associated with the proposed amendments. The changes are administrative and regulatory in nature and do not impact access to municipal facilities or services.

## **8. Policies Affecting Proposal**

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Bylaw 33-2024 as amended by Bylaw 53-2025

*Planning Act s.45, 51 & 53*

*Municipal Act s. 135*

## **9. Alternatives**

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Council may decide to retain the current structure of the by-law, including Table B.1 and the current definitions. This would maintain the current regulatory framework and level of direction. However, this is not recommended as it would continue to result in higher replacement requirements for certain applications, increased costs for residents, and ongoing complexity associated with administering multiple replacement frameworks. Retaining the current definitions may also limit clarity in enforcement and reduce the Town’s ability to consistently apply the by-law in situations involving full tree removal or impacts to environmentally sensitive areas.

## **10. Conclusion**

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This report outlines proposed amendments to the Tree By-law, including updates to replacement requirements, administrative language, and provisions addressing impacts to Sensitive Natural Areas.

The proposed changes provide a more consistent and flexible framework for implementation while enhancing the Town's ability to respond to site-specific environmental considerations.

## **11. Report Approval**

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## **12. Attachments**

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Appendix 1 – Tracked Changes to Tree Bylaw