



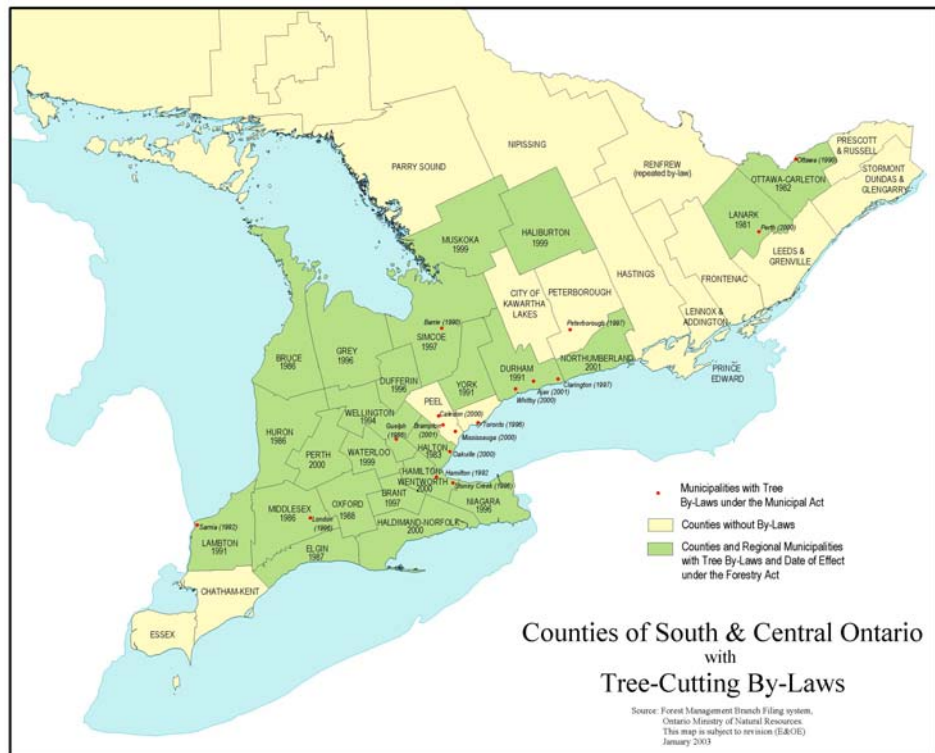
Tree Conservation and Tree Cutting Bylaw Legislation in Ontario

Over the years, Ontario's municipalities have had the authority to regulate the harvest of trees on private lands through various statutes. Councils of counties and townships in southern Ontario were empowered to enact tree-cutting bylaws through the *Trees Conservation Act* (1946), the *Trees Act* (1950), and the *Forestry Act* (1998). In addition, municipalities with a population greater than 10,000 could forbid the cutting of trees under Section 223.2 of the *Municipal Act*. As a result, by 2001, there were 24 municipalities with tree-cutting bylaws, passed under the *Forestry Act*, and about a dozen municipalities with tree-cutting bylaws passed under the *Municipal Act*.

However, these provisions were not applicable to all municipalities, and in particular, not to many municipalities in Northern Ontario.

The new *Municipal Act, 2001* (which came into effect on January 1, 2003) now provides tree-cutting bylaw powers to all municipalities in Ontario.

However, it will still be up to the municipality to decide whether a bylaw is required or even desirable. Under the new legislation, an upper-tier municipality will be able to pass bylaws for woodlots that are one hectare or more in size (as defined in the *Forestry Act*), while a lower tier municipality will be able to pass bylaws for trees found in woodlots of less than one hectare. The municipality will also have the power to impose and enforce conditions on how trees in a woodlot are harvested, or to establish the qualifications of persons



involved with woodland management. They may require that a permit be obtained prior to the commencement of any forest-cutting operations. Refer to the *Municipal Act, 2001*, Sections 135 to 140, for the provisions specifically dealing with tree-cutting bylaws. A copy of this act is available on-line at <http://192.75.156.68/DBLaws/Statutes/English/01m25_e.htm> or a copy of the act can be purchased from Publications Ontario by calling 1-800-668-9938.

For more information about forest conservation bylaws in your area, contact your municipal office.

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