

Staff Report

Infrastructure Services Department



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REPORT TO: Community and Infrastructure Services Committee

DATE OF MEETING: June 2, 2025

SUBMITTED BY: Jeffery Silcox-Childs, Director, Parks & Cemeteries, 519-783-8877

PREPARED BY: Hajnal Kovacs, Forestry Project Manager, 519-783-8864

WARD(S) INVOLVED: All

DATE OF REPORT: June 2, 2025

REPORT NO.: INS-2025-190

SUBJECT: Updates to the Public Tree Bylaw

RECOMMENDATION:

That Chapter 690 Public Tree Bylaw (By-law 87-293) in its entirety be repealed and replaced with the proposed Public Tree Bylaw, as outlined in staff report INS-2025-190 Attachment A; and,

That the Clerk be authorized to update Chapter 690 of the City of Kitchener Municipal Code to reflect the proposed changes; and,

That the Administrative Penalty By-law Fines for Public Tree Bylaw, as noted in Attachment B to staff report INS-2025-190, be approved; and,

That staff be directed to implement the new bylaw, including necessary education, enforcement, and monitoring measures, to ensure compliance and the long-term health of the City's urban forest.

REPORT HIGHLIGHTS:

- The purpose of this report is to recommend Chapter 690 Public Tree Bylaw be repealed and replaced.
- Financial impacts are anticipated to include additional revenues associated with increases to the Administrative Penalty By-law Fines for Public Tree Bylaw however they are anticipated to be offset by increased efforts to support bylaw compliance including the increased need for inspections, education and outreach.
- Engagement included community feedback through Engage Kitchener in October 2024 and collaboration with internal teams.
- This report supports **Cultivating a Green City Together: Focuses a sustainable path to a greener, healthier city; enhancing & protecting parks & natural environment**

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while transitioning to a low-carbon future; supporting businesses & residents to make climate-positive choices.

BACKGROUND:

In 2022, Council endorsed a tree canopy target of 30 per cent for each ward by 2050 and an overall City-wide tree canopy target of 33 per cent by 2070. In 2023, staff reviewed the existing tree conservation processes and identified specific enhancement opportunities to current tree conservation tools and processes. The intent of the review was to extend and strengthen the tree conservation measures that support the tree canopy target.

This report brings a recommendation to Council to repeal and replace the Public Tree Bylaw, Chapter 690, which will improve and expand City's urban tree canopy cover on City land to support the tree canopy target.

REPORT:

Forestry and Planning Staff have initiated several projects that improve and expand Kitchener's Urban Forestry Program and enhance Kitchener's tree canopy cover. The retention and management of existing trees is one of the greatest opportunities to achieving the City's tree canopy targets.

1. Public Tree Bylaw

Staff have comprehensively updated the Public Tree Bylaw to enhance tree protection, clarify requirements, and align with best practices in urban forestry and good arboricultural practices. The existing Chapter 690 Public Tree Bylaw will be repealed and replaced with a bylaw that reflects current regulatory needs, operations, and community expectations shared through Engage Kitchener feedback in October 2024.

The proposed **Public Tree Bylaw** (Attachment A) was developed in consultation with key internal departments to ensure alignment with citywide policies. Notable changes to the bylaw include:

- Expanding and clarifying definitions to improve consistency and enforcement
- Strengthening tree protection measures and establishing new requirements
- Granting authority to issue Orders to cease or correct bylaw contraventions
- Regulating plantable spaces to support tree growth and long-term canopy goals
- Implementing an updated tree removal and compensation program to enhance urban canopy retention
- Updating tree planting specifications to align with best practices

In January 2024, bylaw staff implemented the Administrative Monetary Penalty System (AMPS) to streamline municipal bylaw enforcement, including the Public Tree Bylaw. As part of the proposed repeal and replacement of the Public Tree By-law, updates to fines are being recommended. These include both an expansion and an increase of penalties for public tree-related infractions. The increases act as a deterrent and better reflect the value of damages. The revised fines will be reflected

through updates to Schedule A of the Administrative Penalty By-law for Non-Parking By-laws (Attachment B).

Staff are collaborating to review and update Chapter 895, Boulevard Beautification and Maintenance Bylaw, to align with the new standards proposed in the new Public Tree Bylaw.

While an entirely new tree permitting system was not pursued at this time, staff will manage City trees and plantable spaces on public land using the updated bylaw and internal mapping tools. This will help support canopy retention goals and in managing anticipated growth in project planning and permit reviews.

By repealing and replacing the existing bylaw, the City aims to improve compliance, enhance the resilience of the urban forest, and provide greater clarity for residents, project managers, and other stakeholders who are working around City-owned trees. Pending Council approval, staff will implement the new bylaw with supporting education, enforcement, and monitoring measures to ensure its effective application.

2. For Information

Tree Protection Standards

Staff have updated tree protection standards to align with best practices, supporting tree retention and canopy growth alongside the revised Public Tree Bylaw. Developed with internal and external review, these standards define the Tree Protection Zone (TPZ) based on tree diameter, as outlined in the **Tree Preservation Detail & Notes** (Attachment C). The **Tree Preservation Detail & Notes** provides guidance on working around retained public trees, including TPZ requirements, tree protection fencing, and signage installation. This document will be available on the City's website and updated as needed.

Tree Planting

In 2024, staff updated the City's **Standard Tree Planting Detail** to guide the planting of trees on City property. This standard aligns with best practices to ensure successful tree establishment, improve planting quality, and support the City's long-term canopy goals. This document will be available on the City's website and updated as needed.

Compensation Program

Staff have updated the **Public Tree Removals and Compensation** program (Attachment D) that establishes tree compensation ratios and cash-in-lieu options for approved public tree removals. Compensation is not based on a 1:1 replacement or the financial value of the removed tree, as the loss of an established tree significantly impacts canopy cover, often taking decades to restore.

To address this, the program applies increasing values of compensation based on tree diameter, ensuring replacement efforts which reflect both the loss of the

individual tree and its broader canopy contribution. Cash-in-lieu options cover the full cost of compensation trees, including purchase, installation, establishment, and a two-year warranty and watering maintenance period. The program aligns with industry standards for compensation and supports tree canopy growth with respective text in the updated Public Tree Bylaw.

STRATEGIC PLAN ALIGNMENT:

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FINANCIAL IMPLICATIONS:

Attachment B outlines the increased administrative fines to support the new Public Tree Bylaw which may result in additional revenues to the City.

It is also anticipated that additional expenses may be required to enforce, inspect and provide education regarding the provisions in the Public Tree By-law

At this time, there are no anticipated net financial impacts however staff will monitor revenues and expenses associated with the new Public Tree By-law and any impacts will be brought forward through subsequent budget processes.

COMMUNITY ENGAGEMENT:

INFORM – This report has been posted to the City's website with the agenda in advance of the council / committee meeting.

CONSULT – Community engagement included a City-owned Tree Conservation and Management engagement page on Engage Kitchener in October 2024. Internal consultation occurred in early 2025 to prepare new bylaw text, specifications, and a public tree removal compensation program.

PREVIOUS REPORTS/AUTHORITIES:

- [DSD-2023-161 Tree Conservation Processes Review](#)
- [INS-2022-002 Tree Canopy Target for Kitchener](#)
- [INS-20-017 – Kitchener Urban Forest Canopy - Update](#)
- [INS-19-008 – Approval of Sustainable Urban Forest Strategy \(2019 – 2028\) & Implementation Plan](#)

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ATTACHMENTS:

- Attachment A – Chapter 690 Public Tree Bylaw (By-law 87-293)
- Attachment B – Administrative Penalty Fines
- Attachment C – Tree Preservation Detail & Notes
- Attachment D – Public Tree Removals and Compensation