Agenda – Standing Policy Committee on Community Services – December 2, 2025

REPORTS

Item No. 11 City of Winnipeg Tree By-law

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That the Public Service report back by December 2026 with:

   A. a by-law to protect trees on public or City-owned property; and

   B. a City tree policy.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Standing Policy Committee on Community Services – December 2, 2025

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On September 8, 2025, the Standing Policy Committee on Community Services concurred in the recommendation of the Winnipeg Public Service and granted an extension of time of up to 90 days to report back with a review of the City of Winnipeg Charter, in consultation with the Province of Manitoba, to have a by-law brought forward to Council to enhance tree protection to include private properties.

On June 13, 2025, the Standing Policy Committee on Community Services concurred in the recommendation of the Winnipeg Public Service and granted an extension of time of 60 days to report back on the matter.

On July 5, 2024, the Standing Policy Committee on Community Services concurred in the recommendation of the Winnipeg Public Service and granted an extension of time of up to 300 days to report back on the matter.

David Grant submitted a communication with respect to the matter.

On March 6, 2024, the Standing Policy Committee on Community Services concurred in the recommendation of the Winnipeg Public Service and granted an extension of time of 120 days for the Winnipeg Public Service to report back on the matter.

On November 20, 2023, the Standing Policy Committee on Community Services directed the Winnipeg Public Service to report back in 90 days on the following:

1. A review of the City of Winnipeg Charter, in consultation with the Province of Manitoba, to have a by-law brought forward to Council to enhance tree protection to include private properties.

ADMINISTRATIVE REPORT

Title: City of Winnipeg Tree By-law

Critical Path: Standing Policy Committee on Community Services

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Domke	J. Berezowsky	N/A	J. Dunford

EXECUTIVE SUMMARY

Winnipeg does not have a Tree By-law. The Public Service was told to review the City of Winnipeg Charter (the "City Charter") and consult with the Province of Manitoba to determine what would be required to develop a bylaw to protect trees on both private and public property.

Through this review, the Public Service determined four things:

- The City's ability to protect public trees is varied and limited;
- The City has limited authority to regulate trees on private property;
- The Charter provides the City authority to regulate tree removal within the purview of City zoning by-laws; and
- Regulations around trees are not clear enough to be effective and have insufficient enforcement.

As such the Public Service has submitted a request to the Province to amend the City Charter. The amendment would grant the City more general authority to protect trees on private property. In the interim, as the City has authority to regulate trees within the purview of the City zoning by-laws, the Public Service will review the City's zoning by-laws in the comprehensive zoning by-law review for amendments to regulate the removal, protection, compensation, and planting of trees.

In the interim, the Public Service recommends:

- No action on a private tree by-law until the Charter is amended
- Development of a Public Tree By-law for Council consideration in Q4 2026 -

  This by-law should include recommendations for both administration and enforcement.
- Development of a City Tree Policy in Q4 2026

  The Tree Policy would clarify rules for removing, protecting, planting, and getting compensation for trees on City property.

The Comprehensive Urban Forest Strategy adopted by Council on December 14, 2023, recommends adopting a Tree By-law and a City Tree Policy.

RECOMMENDATIONS

1. That the Public Service report back by December 2026 with:

    A. a by-law to protect trees on public or City-owned property; and

    B. a City tree policy.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

On November 20, 2023, the Standing Policy Committee on Community Services directed the Winnipeg Public Service to report back in 90 days on the following:

1. A review of the City of Winnipeg Charter, in consultation with the Province of Manitoba, to have a by-law brought forward to Council to enhance tree protection to include private properties.

Subsequent extensions of time were provided to the Department to report back on the matter.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no immediate implications with the recommendations of this report.

HISTORY/DISCUSSION

Recent concerns and discussions regarding City tree removal legislation and enhanced protection of public trees can be traced back to 1993. In 1993, the Commissioner of Protection, Parks and Culture requested a report from the Department of Parks and Recreation on tree removal legislation. In 1994, the Public Service drafted a Public Tree By-law that addressed the protection, planting and maintenance of trees and woody shrubs growing on public lands. However, the draft by-law was not moved any further.

Since that time, there have been repeated concerns, discussions and reviews related to enhancing tree protection, including minor revisions to various City by-laws and direction for enhanced protection of the urban forest in Our Winnipeg, Complete Communities, the Residential Infill Strategy, the Winnipeg Parks Strategy, and the Winnipeg Urban Forest Strategy. Although injury to or removal of trees on public property is noted in some City by-laws, tree protection is not well-defined, authority varies depending on the by-law, and enforcement is very limited.

Tree by-laws have been enacted in many Canadian cities and towns, most with smaller urban forests than Winnipeg. Examples of cities, towns and municipalities with tree by-laws are Fredericton, Halifax, Toronto, Brampton, Burlington, Guelph, Kitchener, Langford, Mississauga, Oakville, Aurora, Ottawa, Kingston, London, Richmond Hill, Vaughn, Markham, Regina,

Saskatoon, Calgary, Edmonton, Burnaby, Coquitlam, Kelowna, Surrey, New Westminster, North Vancouver, Vancouver, and Victoria. The by-laws in Fredericton and cities/municipalities in Ontario and British Columbia, regulate the injury and removal of trees on public and private property. The by-laws in Halifax and cities/municipalities in Alberta and Saskatchewan, regulate trees only on public property. All of the by-laws include fines and penalties for violations. To date, the City of Winnipeg does not have a tree by-law.

The City previously had a City Tree Removal Policy C222 dating back to 1984. This Policy outlined the procedure for the removal of a tree located on a City street. During a comprehensive review and consolidation of City policies and by-laws in and around 2009 by the Public Service, processes in the City Tree Removal Policy were incorporated into some City by-laws that refer to the regulation of City trees, and the City Tree Removal Policy was repealed.

<u>Summary of City of Winnipeg by-laws related to trees</u>

1. Public trees

At present there are five by-laws that refer to the protection and regulation of trees located on City-owned property in Winnipeg. Tree protection is limited and variable with little to no enforcement. These by-laws are listed below:

a) Streets By-law No. 1481/77 – limited protection of boulevard trees from injury and removal, limited enforcement.

b) Neighbourhood Liveability By-law No. 1/2008 – limited protection of boulevard trees from injury and removal, limited enforcement.

c) Private Access By-law No. 49/2006 – regulates removal of public trees in the construction or modification of private approaches via a private access permit application.

d) Winnipeg Zoning By-law No. 200/2006, Part 5 (Development and Design Standards) – presents a credit system for private trees preserved on site during development, although credits from preserved trees do not offset the number of trees already required in street frontage landscaping on private land.

e) Parks By-law No. 85/2009 – limited protection of park trees from injury and removal, with no enforcement.

2. Private trees

Presently, there is no City legislation to protect trees located on privately-owned property other than that noted in the Winnipeg Zoning By-law via a tree preservation credit system which has little outcome for preserving and protecting trees.

In the public engagement workshops for the Residential Infill Strategy: Small-Scale and Low-Rise Residential Development Guidelines for Mature Communities, participants identified as one of the top priorities that the City needs to protect trees on private property.

Winnipeg Urban Forest Strategy

On December 14, 2023, Council adopted the Winnipeg Comprehensive Urban Forest Strategy. The Strategy provides a 20-year vision and strategic framework to direct future planning, protection, growth, and management of the urban forest. It identifies key recommendations and strategic actions to help protect, preserve, and enhance Winnipeg's tree canopy towards achieving a canopy cover of 20 percent by 2045 and 24 percent by 2065. Strategic actions include the adoption of a tree by-law and a City tree policy.

Current status and recommendations: Authority under the City Charter for a private tree by-law

The Public Service has reviewed the City of Winnipeg Charter (the "Charter") in relation to its authority to enact a by-law to regulate trees on private property. Under s. 131 of the Charter, the City has authority to enact a tree by-law in respect of trees located on privately-owned property. However, this authority is limited to property "adjacent to streets".

The Charter does provide authority to regulate the removal of vegetation (including trees) within the purview of City's zoning by-laws. Hence, with existing authority, the Winnipeg Zoning By-law could be amended to more clearly regulate tree removals on private properties related to this by-law. A broader authority under a tree protection by-law would still be required to simplify the process and to provide comprehensive protection of the urban forest canopy.

The Public Service has written to the Province of Manitoba (Minister of Natural Resources and Indigenous Futures and Minister of Municipal and Northern Relations) to ask that the Charter be amended to provide a more general authority to protect trees located on private property. Additional information has been provided to the Province upon request by Provincial representative. At the time of this report, no further response from the Province has been received.

Due to the current limited authority for the City to adopt a private tree by-law under the Charter, and the need for public engagement, the Public Service recommends revisiting the development of a private tree by-law at a later date, if and when the Charter is amended as noted. However, as the City currently has the authority to regulate trees within the purview of its y zoning by-laws, the Public Service will review this authority in the comprehensive zoning by-law review.

Current status and recommendations: Public Tree By-law and City Tree Policy for City-owned trees

Tree protection and replacement requirements are an important tool for maintaining and growing tree canopy, which are priorities of the Winnipeg Urban Forest Strategy. City trees are assets that accrue in value over time. Protection and replacement of public trees is diluted amongst various by-laws with little enforcement. A public tree by-law would consolidate and strengthen tree retention, protection and replacement requirements for public trees that are impacted or removed for construction, development, services, or other reasons. Such a by-law would aim to achieve outcomes that retain healthy trees when feasible, require replacement trees or compensation to regenerate lost canopy cover and create a clear and consistent process that is efficient for all parties to implement.

Although the City no longer has a City Tree Removal Policy, The City of Winnipeg Tree Removal Guidelines and Compensation Requirements outline the process for the removal of

and compensation for trees on City-owned land. The City also has details and specifications and other guidelines for tree planting on streets and in parks (including regional and downtown streets), tree protection procedures, and maintenance of trees on public property. However, these processes are not consolidated or transparent resulting in inconsistent application related to work occurring on public property. A City Tree Policy is necessary to consolidate these processes into one Policy to more effectively manage the City's tree assets and to align with the regulation of public trees under the public tree by-law.

A detailed review of tree by-laws in Canadian cities and best practices has been conducted in consideration of Winnipeg's local context and values. Recommendations for the protection of City-owned trees to be included in a Tree By-law for Winnipeg are summarized broadly below and provided in more detail in Appendix 1 and Appendix 2.

1. General administrative recommendations – identify requirements in the administration of the by-law outlined below:
    a. scope of the by-law and actions that are prohibited unless a tree permit is obtained (recommended language specific to the Tree By-law is described in Appendix 2),
    b. submission requirements for permit applications,
    c. tree protection requirements on construction sites,
    d. replacement tree planting standards,
    e. cash-in-lieu compensation, and
    f. enforcement.

2. Substantive recommendations – identify how the by-law will apply and function related to the components listed below:
    a. protected trees – defining which trees are regulated by the by-law (trees on City lands),
    b. tree retention – limiting the circumstances under which City trees may be removed,
    c. tree replacement – requiring replacement trees to compensate for the removal of City trees,
    d. securities and fees – defining appropriate refundable securities and permit fees, and
    e. an appeal and / or variance process for those seeking relief from the proposed tree by-law regulations

Additional considerations

1. Updates to other by-laws

As part of the comprehensive review of the Zoning By-law, the items listed below should align with the recommendations for a Public Tree By-law and with the intent of enhancing tree protection under current authority in the City Charter:

- Add a provision to the Zoning By-law covering both Downtown and the rest of the city that specifies development permits are needed for removing trees of certain size and categories.

- Consider ways to address recently exempted significant building additions, to prevent gaps in the administration of tree protection.

- Include a provision that defines the conditions under which a development permit would be issued to allow for tree removal.

Updates also will be required subsequently to the Private Access By-law, Streets By-law, Parks By-law, and Neighbourhood Livability By-law to align and have consistent language with the Public Tree By-law.

2. Cash-in-lieu compensation under the Public Tree By-law

On September 12, 2025, the Standing Policy Committee on Property and Development, referred the Public Service recommendation for cash-in-lieu compensation for infill development properties that do not meet tree planting requirements outlined in the City's zoning by-laws, at a current value of $1,000 per tree not planted, to the comprehensive Zoning By-law review process. This recommendation was related to the establishment of a public tree fund with proposed compensation from infill development.

Cash-in-lieu compensation for the removal of public trees will also be a component of the Public Tree By-law. Hence, it is recommended all cash-in-lieu compensation would be directed to initiatives such as replanting trees on public property where suitable, acquisition of existing natural stands of trees or of lands to expand these areas and/or for afforestation, and initiatives to support planting trees on private properties in high poverty neighbourhoods.

FINANCIAL IMPACT

Financial Impact Statement Date: October 22, 2025

Project Name:

City of Winnipeg Tree By-law

COMMENTS:

There are no financial impacts associated with the recommendations of this report.

J. Ruby, 2025-10-22
J. Ruby CPA, CA
Manager of Finance & Administration

CONSULTATION

This Report has been prepared in consultation with: Legal Services

OURWINNIPEG POLICY ALIGNMENT

The report aligns with the OurWinnipeg as noted below:

- 2.19 Leverage Green Infrastructure: Value, protect and integrate green infrastructure solutions within the urban environment, to achieve highest and best use for biodiversity and ecosystem integrity, mitigate servicing capacity constraints, and accommodate only park, recreation, open space, or City ns related uses in City-owned land used as parks or under parks jurisdiction. HW, CB
- 2.21 Leverage Green Infrastructure: Conserve, restore, and enhance the urban forest as a key contributor to air quality, erosion control, carbon sequestration, storm water management, efficient energy resource consumption, shade, improved health and wellbeing, and mitigation of and adaptation to the urban heat island effect. HW, SE
- 2.23 Urban Soil Regeneration: Value, preserve and enhance the soil quality of agricultural land, riverbank lands and natural areas, and on both previously developed lands and in new developments. HW, CB
- 4.7 Community Safety: Provide capacity to prepare, mitigate, assess risk, respond to and recover from the impacts of climate change, extreme weather, human or natural emergencies, disasters, and diseases, to promote community resilience within a changing hazard landscape. LG, ER, SE

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The Report aligns with Strategic Opportunity #7 as noted below:

- 7.2 Increase and Preserve Tree Canopy (Primary Responsibility: Public Works Department).
- 7.3 Preserve and Manage Parks and Natural Areas to Support Climate Change Mitigation (Primary Responsibility: Public Works – Parks).

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

This Report aligns with the Winnipeg Poverty Reduction Strategy as noted below:

- Goal 6: All City Services are Equitable, Inclusive and Accessible.

SUBMITTED BY

Department: Public Works
Division: Parks and Open Space
Prepared by: Martha Barwinsky
Date: November 7, 2025

Attachments:
Appendix 1 – General administrative and substantive recommendations
Appendix 2 – Recommended Tree By-law language

APPENDIX 1 – General administrative and substantive recommendations

1. General administrative recommendations – recommended requirements in the administration of the Public Tree By-law based on best practices and a detailed review of tree by-laws across Canada.

a. Scope of application, prohibitions, and appeal process

- **Exemptions:** Exemptions include city operations and agents performing work for city operations (to be guided instead through a City Tree Policy), and activities directly related to emergency response, for example.
- **Diameter at Breast Height measurement:** Tree by-laws rely on a standard arboricultural measurement to determine the stem or trunk diameter of a tree at breast height (DBH) to determine compensation requirements and tree protection requirements.
- **Prohibitions:** Actions that constitute tree damage to regulated trees would be prohibited unless a tree permit is obtained. The list of prohibitions should include non-compliance with the by-law or terms and conditions of a permit and damage to tree limbs, foliage, trunk, and roots (see 02 for a detailed list of recommended prohibitions related to tree damage).
- **Appeal process**: An appeal and / or variance process for those seeking relief form the proposed tree by-law regulations.
- **Administration and enforcement**
- **Offences and penalties**

b. Permit application submission requirements

The information requested at permit application is intended to allow efficient staff review of how applications conform to by-law requirements. We recommend the following requirements for applications:

- **Qualified arborist definition:** To ensure that information is provided by qualified professionals, define a qualified arborist as someone certified by the International Society of Arboriculture and meeting the City of Winnipeg's general contractor requirements (these are current requirements for arborists performing tree-related work on City-owned trees).
- **Arborist information requirements:** Allow staff to request tree surveys, arborist reports, tree management plans, and tree replacement plans for complex applications, such as development projects.
- **Shared tree:** Clarify what is considered a shared tree (for example, a tree where its trunk straddles City property and private property).

c. Tree protection on construction sites

To successfully protect trees, the by-law must enact requirements to prevent impacts to tree roots, trunks, and limbs on properties where construction or site disturbance is taking place. Adequate protection can be achieved by including the provisions listed below:

- **Defining a Tree Protection Zone:** This definition is used to determine a perimeter around which protection measures must be installed to avoid damaging the tree. It also serves to identify trees that may require removal due to unavoidable impacts of construction activities.
- **Tree protection standards during construction:**
    - **Tree protection barriers:** Mandate the installation of protective barriers around the Tree Protection Zone prior to the commencement of any site work. These barriers should remain in place throughout the construction period to prevent tree damage from equipment, material storage, and personnel activities, and to ensure the long-term health and stability of the trees.
        - Require that confirmation of the installation of barriers be received by the City prior to issuing a tree permit.
        - Enable the use of alternative protection measures, where the City determines, with supporting information from the project's Qualified Arborist, that barriers are not appropriate for the site or for a retained tree either throughout or at a specific time during site construction. Such measures would include arborist supervision and reporting for any work within the Protected Root Zone.
    - **Arborist supervision:** The by-law should integrate requirements for supervision and reporting from a Qualified Arborist if any temporary disturbance requires the removal of the tree protection barriers.
- **Other on-site measures:**
    - **Permit posting:** require the permit to be displayed on-site during the entire execution of the work to inform those working at the site and community members that a permit is in place.
    - **Tree identification:** require that the trees to be removed be identified by paint or flag tape to facilitate City inspections or enforcement.

d. Tree replacement best practices

- **Replacement tree planting standards**: Require replacement trees to meet the City's tree planting standards, including minimum spacing to allow trees to grow to maturity, appropriate tree stock size, and use of suitable trees from a list of recommended species.
- **Cash-in-lieu compensation**: Define how cash-in-lieu compensation for the removal of trees protected under the Tree By-law would be received. Compensation would be used to purchase, plant, and maintain trees, improve sites where trees are to be planted, and for the acquisition of land to preserve and grow the City's tree canopy.

e. By-law enforcement

By-law enforcement mechanisms should deter by-law infractions and allow the City to collect compensation when infractions result in damage to by-law-protected trees. Enforcement mechanisms are recommended to include:

- A list of fine provisions enforceable through the Provincial Offences Act in accordance with the maximum amounts enabled under that Act, with amounts that are commensurate to the gravity of such infractions. The highest fines should apply to damage that results in tree removal (see 02 for a detailed list of recommended infractions)

- A stop work order provision that allows the City to issue a stoppage of work where such work is creating (or has the potential to create) significant tree damage and until remediation measures are taken.

2. Substantive recommendations – these recommendations are central to determining how the by-law would apply and function. In addition to being informed by best practices and precedents from other jurisdictions, they respond to Winnipeg's local context and community values.

a. Protected trees: Definitions of by-law-protected trees

- A tree of any size growing on lands owned or managed by the City

b. Tree retention: Circumstances under which the removal of by-law-protected trees would be permitted:

- Allow removal at discretion of the City and in accordance with the City Tree Policy

c. Tree replacement: Compensation for every by-law-protected tree removed:

- Provide replacements or cash-in-lieu compensation in accordance with the City Tree Policy

d. Securities and fees:

- Require a minimum of $2,000 security per replacement tree to be refunded two years after planting if the tree is in good condition as determined by the City.

- For trees on, or adjacent to, a property where construction or site disturbance activities will occur within 10 metres of the trunk of a City tree – collect a refundable tree protection security (appraised value of tree) in accordance with the City Tree Policy to be held for the duration of the construction project.

- At the end of construction and site disturbance, refund the tree protection securities as follows:
  - Where no damage occurred (as confirmed by the project's Qualified Arborist or tree protection barriers having been maintained on site for the duration of the work), refund 100% of securities

  - Where damage has occurred, but the tree is safe to retain (as confirmed by the project's Qualified arborist or a lack of maintaining tree protection barriers on site for

the duration of the work), retain 50% of securities and require mitigation work to improve the tree's health

- Where damage has occurred and the tree is dead or not safe to retain (as confirmed by a Qualified Arborist), retain 100% of securities

iv. Require permit fees commensurate to other types of permit applications in Winnipeg.

APPENDIX 2 – Recommended Tree By-law language

This appendix provides examples of detailed language to support recommendations made in the General Administrative Recommendations section in Appendix 1.

1. By-law application / prohibitions
Recommendations for prohibitions to be considered in the Tree By-law are listed below:

- General compliance
    - Fail to comply with the terms and requirements of the By-law or a Tree Permit
    - Alter, falsify, or misrepresent information on a permit or application
- Tree damage:
    - Pruning in a manner not in accordance with arboricultural best practice, including:
        i. removal of more than 25% of the tree's total live foliage or bud bearing branches or limbs in any 12-month period
        ii. crown raising where the lower branches of the live crown (green branches) of the tree are removed to reduce the live crown to less than 50 percent of the total tree height
        iii. topping, unless the tree in question has been previously topped and regenerative growth has a high likelihood of failure that cannot be mitigated other than by re-topping the tree
    - Poisoning or burning a tree
    - Raising or lowering the grade within the tree protection zone
    - Shearing, harming or undermining the roots of the tree growing within the tree protection zone
    - Placing fill, building materials, asphalt, a building or structure or storing or stockpiling of material within a tree protection zone
    - Operating, staging or parking trucks, backhoes, excavators, mini-excavators, hydro-excavators, mechanical trenchers or other heavy equipment within a tree protection zone
    - Denting, gouging, drilling, harming or affixing anything to the branches or the trunk of a tree
    - Removing bark from a tree
    - Depositing concrete, washout or other liquid or chemical substances harmful to the health of a tree in a tree protection zone
    - Removing soil from a tree protection zone

    - Conducting blasting operations within a tree protection zone
    - Conducting blasting or excavating operations outside of a protected root zone that would harm roots or disturb soil inside a tree protection zone

2. By-law enforcement:
The categories of infractions that should be considered to enforce fines are listed below:

- General compliance
    - Failure to comply with the terms and requirements of the By-law or a Tree Permit
    - Alteration, falsification, or misrepresentation of information on a permit or application
- Tree protection measures
    - Failure to install and maintain tree protection barriers
    - Failure to post the permit
- Tree damage
    - Improper pruning
    - Disturbance within a tree protection zone
    - Failure to plant or maintain a replacement tree
    - Damage to a by-law-protected trees without a tree permit or in contravention to a permit