

City. Council also adopted the following recommendation of Corporate Report No. C003:

"Direct staff to bring forward a report with recommendations, making the Municipal Ticket Information (MTI) system applicable to infractions under the By-law, including recommendations on the penalties that will be applicable to the various types of infractions that may be addressed using MTI tickets as well as adjustment to fines that may be levied by other means in relation to infractions of the By-law".

On September 25, 2006, following significant public consultation, Council adopted the Tree Protection Bylaw, which regulates and prohibits the cutting, removal and damage of trees, the setting of fees and issuance of permits, the requirement for replacement trees and of security for their provision and maintenance.

This report is to introduce an additional mechanism that will assist City staff in the effective implementation of the provisions of the new Tree Protection Bylaw.

DISCUSSION

The MTI ticketing process provides the City with the option of issuing a ticket for an infraction under a municipal by-law. The ability to issue tickets does not preclude the City from proceeding with long form charges (i.e. taking people to court for by-law infractions), but it does provide the option to issue a ticket immediately.

Upon receipt of a ticket under the MTI process, an individual has the option of:

1. Admitting guilt and paying the ticket; or
2. Disputing the ticket. In this circumstance the matter is referred to court for trial and the City is required to make the case as it would in a long form charge; or
3. Not pay the ticket. In these cases, the individual is deemed convicted after a specified period of time has elapsed. The City can then bill the individual and, if necessary, take collection action.

The maximum fine that can be levied under the MTI process is \$1,000. This can be issued per infraction, per day. The ticket, which can be served by the City's By-law Officers, can be issued to the owner of the property, or to any individual committing an offence under the Tree Protection Bylaw. At any time, the City has the discretion not to proceed with issuing a ticket and to revert to the Tree Protection Bylaw for higher fines or for administrative reasons. The use of the MTI By-law does not preclude the City from requiring the implementation of all other requirements of the Tree Protection Bylaw, such as the requirement for the installation of replacement trees and the provision of the appropriate securities.

The advantage of this process is that it can avoid the lengthy process of going through the courts for many of the infractions under the Tree Protection Bylaw. The ticket is served,

and if paid (or not paid in time), the individual is deemed convicted. Revenue under this process comes to the City.

Proposed Fines under MTI

Staff has now reviewed the provision of the new Tree Protection Bylaw, with regard to identifying those items which can most effectively be enforced through the use of the MTI ticketing process.

In setting fine amounts, staff are cognizant of the need to balance the amount of fines to set them high enough that they provide a strong deterrent to infractions, but not so high that those charged with offences are likely to dispute a high percentage of the tickets. It is noted that the maximum fine, per offence per day, is \$1,000.

The following are the recommended charges and fine amounts, as documented in Appendix I:

- 1. Fail to comply with permit (Section 8).....\$500.00
- 2. Expired permit (Section 8).....\$100.00
- 3. Fail to plant replacement trees (Section 12)\$300.00
- 4. Fail to post permit (Section 26)\$50.00
- 5. Improper pruning (Section 27).....\$500.00
- 6. No Tree Protection Barrier (Section 63).....\$500.00
- 7. Fail to maintain Tree Protection Barrier (Section 65)\$500.00
- 8. Disturbance within tree protection zone (Section 66).....\$1,000.00
- 9. Removal of felled tree cut without permit (Section 69)\$1,000.00

Infractions such as the illegal cutting of trees are not proposed to be covered by the MTI By-law. Rather, the City would continue to use long form charges before the Courts for this type of infraction.

Other Fines for Infractions under the Tree By-law

The recently adopted Tree Protection Bylaw will still provide for the standard processes of fining anyone guilty of an offence under that bylaw, a fine of not less than \$50.00 and not more than \$10,000. For the purposes of the Tree Protection Bylaw, each tree cut, removed or damaged in violation of the bylaw constitutes a separate offence. In addition, the Tree Protection Bylaw imposes additional penalties, including the planting of replacement trees in a number, size and species as determined by the General Manager, and contains specific penalty amounts relating to the cutting, removal or damaging of:

- A Protected Tree other than a Significant Tree\$1,000.00
- A Significant Tree.....\$10,000.00
- A Specimen Quality Tree.....\$2,000.00

plus the loss of any securities provided to the City to ensure the protection and preservation of a tree.

Legal Services has reviewed this report.

CONCLUSION

The MTI By-law is an effective and efficient means of dealing with a number of the possible infractions under the Tree Protection Bylaw. It provides the opportunity to issue tickets and collect penalties for infractions without the more lengthy and costly process of taking the matter before the courts. It does, however, provide the City with the flexibility to revert to the penalties under the provisions of the Tree Protection Bylaw and to use the court process at any time, where it is in the interest of the City.

How Yin Leung
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JM/kms/saw

Attachments:

Appendix I Proposed Amendments to Surrey Municipal Ticket Information Utilization
By-law, 1994, No. 12508

**Proposed Amendments to
Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508**

The following amendments are proposed to Surrey Municipal Ticket Information Utilization By-law, 1994, No. 12508:

1. Delete the words "Schedules 2 through 25" and replace them with the words "Schedules 2 through 26" in Sections 3 and 4.
2. Insert a new Section 25 in Schedule 1, as follows:
 25. Surrey Tree Protection Bylaw, 2006, - Manager, By-law & Licensing Services
No. 16100 - Senior By-law Enforcement Officer
- By-law Enforcement Officer
3. Insert a new Schedule 26, as follows (next page):

SCHEDULE 26 to BY-LAW NO. 12508

SURREY TREE PROTECTION
BYLAW, 2006, NO. 16100

	<u>SECTION</u>	<u>FINE</u>
1. Fail to comply with permit	8	\$500.00
2. Expired permit	8	\$100.00
3. Fail to plant replacement tree	12	\$300.00
4. Fail to post permit	26	\$ 50.00
5. Improper pruning	27	\$500.00
6. No tree protection barrier	63	\$500.00
7. Fail to maintain tree protection barrier	65	\$500.00
8. Disturbance within tree protection zone	66	\$1,000.00
9. Removal of felled tree	69	\$1,000.00