

1960

c 406 Trees Act

Ontario

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Bibliographic Citation

Trees Act, SO 1966, c 406

Repository Citation

Ontario (1960) "c 406 Trees Act," *Ontario: Revised Statutes*: Vol. 1960: Iss. 4, Article 102.

Available at: <http://digitalcommons.osgoode.yorku.ca/rso/vol1960/iss4/102>

CHAPTER 406

The Trees Act

TREES ON BOUNDARY LINES

1. In this Act, "forestry purposes" means primarily the production of wood and wood products and includes such secondary purposes as proper environmental conditions for wild life, protection against floods and erosion, recreation, and the protection and production of water supplies. 1960, c. 125, s. 1. ^{Interpre-}
^{tation}

2. An owner of land may with the consent of the owner of adjoining land, plant trees on the boundary between such lands, and every tree so planted shall be the common property of the owners. R.S.O. 1950, c. 399, s. 1. ^{Trees on}
^{boundary}
^{lines}

3. Every person who ties or fastens any animal to or injures or destroys any tree growing for the purposes of shade or ornament upon a boundary line between lands, or who suffers or permits any animal in his charge to injure or destroy or who trims, cuts down or removes any such tree without the consent of the owners thereof, is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1950, c. 399, s. 2. ^{Injuring}
^{trees}

TREES CONSERVATION

4. Subject to the approval of the Minister of Lands and Forests, the council of any county, or any municipality separated from the county for municipal purposes, or any municipality in a territorial district, may pass by-laws, ^{By-law}
^{restricting}
^{cutting of}
^{trees}

- (a) restricting and regulating the destruction of trees by cutting, burning or other means; and
- (b) providing for the appointment of officers to enforce the provisions of any by-law passed under this section. 1954, c. 98, s. 1.

5. A by-law passed under section 4 does not, ^{Exceptions}

- (a) interfere with the right of a person who has been the registered owner of land for at least two years to cut trees thereon for his own use;

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c. 249

- (b) interfere with any rights or powers conferred upon a municipality by *The Municipal Act*;
- (c) interfere with any rights or powers of The Hydro-Electric Power Commission of Ontario or of any other board or commission that is performing its functions for or on behalf of the Government of Ontario;
- (d) apply to trees growing upon any highway or upon any opened road allowance; or
- (e) apply to trees growing in a woodlot having an area not exceeding two acres. R.S.O. 1950, c. 399, s. 4.

Offence

6. Every person who contravenes the provisions of any by-law passed pursuant to section 4 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 or to imprisonment for a term of not more than three months. R.S.O. 1950, c. 399, s. 5.

MUNICIPAL REFORESTATION

County
by-laws for
acquiring
lands for
forestry
purposes

- 7.** The council of any county may pass by-laws,
- (a) for acquiring by purchase, lease or otherwise land for forestry purposes;
 - (b) for declaring land that is owned by the municipality to be required by the municipality for forestry purposes;
 - (c) for planting and protecting trees on any land acquired for or declared to be required for forestry purposes;
 - (d) for the management of any land acquired for or declared to be required for forestry purposes and the sale or other disposition of the trees thereon;
 - (e) for the issuing of debentures, without the assent of the electors but subject to the approval of the Ontario Municipal Board, from time to time for the purpose of providing for the purchase of land for forestry purposes to an amount not exceeding \$25,000 to be owing at any one time;
 - (f) for entering into agreements for the management of any land acquired for or declared to be required for forestry purposes;
 - (g) for leasing, selling or otherwise disposing of any land acquired for or declared to be required for forestry purposes. 1960, c. 125, s. 2.

8.—(1) The council of any city, town, village or township, having a population of not less than 10,000, has all the powers, privileges and authority conferred on the council of a county by section 7. Powers of certain local municipalities

(2) Land may be acquired under subsection 1 in another municipality with the consent of the council thereof. Acquisition of land in another municipality

(3) Where a municipality acquires land in another municipality under this section, the council of the first-mentioned municipality may agree to pay annually to the municipality in which the land is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1952, c. 108, s. 2. Payments

9.—(1) The council of any township having a population of less than 10,000 has all the powers, privileges and authority conferred by clauses *a, b, c, d, f* and *g* of section 7 on the council of a county. R.S.O. 1950, c. 399, s. 7 (1); 1952, c. 108, s. 3 (1); 1960, c. 125, s. 3. Powers of township councils

(2) The council of any township may levy by special rate a sum not exceeding \$1,000 in any year for the purpose of providing for the purchase of such land. R.S.O. 1950, c. 399, s. 7 (2); 1952, c. 108, s. 3 (2). Idem

10.—(1) The council of any township may enter into agreements with the owners of lands located in the township providing for, Agreements as to re-forestation areas

- (a) the reforestation of portions of such lands;
- (b) the entry and planting of trees upon such portions by the servants or agents of the council; and
- (c) the fencing of such portions and conservation of all growing trees thereon by the owner.

(2) No such agreement shall provide for the reforestation of less than five acres of land for every one hundred acres belonging to the same owner. Acreage

(3) Every such agreement shall prescribe the conditions under which the cutting of timber upon such portions may be carried out and such conditions are subject to the approval of the Minister of Lands and Forests. Cutting

(4) The council of the township may exempt any such portion from general taxation as long as it continues to be used for the purposes set out in the agreement. Exemption from taxation

(5) The council of the township may enter into agreements with the Minister of Labour for Canada and the Minister of Labour Agreements with Ministers of Labour

Labour for Ontario regulating the conditions of labour and the payment of wages in respect of labour performed in connection with the planting and conservation of trees in such portions. R.S.O. 1950, c. 399, s. 8.

Approval
of by-law
by Minister

11. No by-law shall be finally passed under section 7, 8, 9 or 10 until approved in writing by the Minister of Lands and Forests. R.S.O. 1950, c. 399, s. 9; 1952, c. 108, s. 4.
