

1914

c 213 Tree Planting Act

Ontario

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CHAPTER 213.

An Act to encourage the Planting and Growing of
Trees.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Short title.

1. This Act may be cited as *The Tree Planting Act*.
3-4 Geo. V. c. 53, s. 1.

Planting trees
on highways,
etc.

2.—(1) The owner of land adjacent to a highway, lane, alley, place or square may plant trees on the portion thereof contiguous to his land; but no tree shall be so planted that the same is or may become a nuisance or obstruct the reasonable use of a highway or other public thoroughfare.

Property in
trees planted
by owners.

(2) Every tree so planted shall be the property of the owner of the land adjacent to such highway, lane, alley, place or square and nearest to such tree.

Trees on
boundary
lines.

(3) An owner of land may, with the consent of the owner of the adjoining land, plant trees on the boundary between such lands, and every such tree so planted shall be the common property of such owners.

Property in
shade and or-
namental
trees.

(4) Every growing tree, shrub or sapling planted or left standing on either side of a highway for the purposes of shade or ornament shall be the property of the owner of the land adjacent to the highway and nearest to such tree, shrub or sapling. 3-4 Geo. V. c. 53, s. 2.

Municipal
by-laws for
granting tree
bonuses.

3.—(1) The council of any municipality may pass a by-law for paying a bonus not exceeding twenty-five cents for every ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut or whitewood tree, planted, under the provisions of this Act, within such municipality on any highway or on any boundary line or within six feet of such boundary line.

Inspector of
trees.

(2) The by-law shall provide for the appointment of an Inspector of trees so planted, for their due protection against injury or removal by any person, including the owner, without the authority of a resolution of the council, and for the conditions on which the bonus may be paid. 3-4 Geo. V. c. 53, s. 3.

4.—(1) Not less than thirty municipal electors in a police village may petition the council of the township praying for the passing of a by-law under section 3 to have effect within the limits of the police village, and on receipt of such petition the council may pass a by-law giving effect to it.

Petition for passing by-law.

(2) The trustees of such police village shall appoint the Inspector of trees provided for by the by-law, and the amount required for the payment of the bonuses for tree planting under the by-law, and the remuneration of the Inspector shall be raised by a rate upon the assessment for real property, income and business and other assessments in such police village in the manner provided by *The Municipal Act*.

Appointment of Inspector.

Rev. Stat. c. 132.

3-4 Geo. V. c. 53, s. 4.

5.—(1) The Inspector shall make to the council one report for each year, if required so to do, giving the names of all persons entitled to any bonus under the by-law, the number of trees of each species planted and the amount of bonus to which each person is entitled, and certifying that the trees have been planted for a period of three years and that they are alive, healthy and of good form; and upon the adoption of such report the bonus shall be paid.

Report of Inspector on state of trees.

(2) The corporation shall not be liable to pay a larger sum in respect of trees planted under this Act than would be payable if the same had been planted at a distance of thirty feet apart, and in no case shall a bonus be granted where the trees are less than fifteen feet apart. 3-4 Geo. V. c. 53, s. 5.

Limitation of amount of bounty.

6.—(1) Any person who ties or fastens any animal to or injures or destroys a tree planted and growing upon a highway, lane, alley, place or square, or, if a bonus has been paid therefor, upon any boundary line between lands, or who suffers or permits any animal in his charge to injure or destroy or who cuts down or removes any such tree without having first obtained permission so to do by resolution of the council of the municipality shall incur a penalty not exceeding \$25, recoverable under *The Ontario Summary Convictions Act*.

Penalties for injuring trees on highways.

Rev. Stat. c. 90.

(2) One half of such penalty shall go to the person laying the information and the other half to the corporation of the municipality within which such tree was growing.

Application of penalty.

(3) Any 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 cuts down or removes any such tree without the consent of the owners thereof shall incur the like penalty.

Injuring trees on boundary lines.

3-4 Geo. V. c. 53, s. 6.

Municipal
by-laws as to
planting and
removal.

7. The council of every municipality may pass by-laws to
- (a) regulate the planting of trees upon highways;
 - (b) prohibit the planting upon the highways of any species of trees which they may deem unsuited for that purpose;
 - (c) provide for the removal of trees planted on a highway contrary to the provisions of any such by-law.
3-4 Geo. V. c. 53, s. 7.
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