

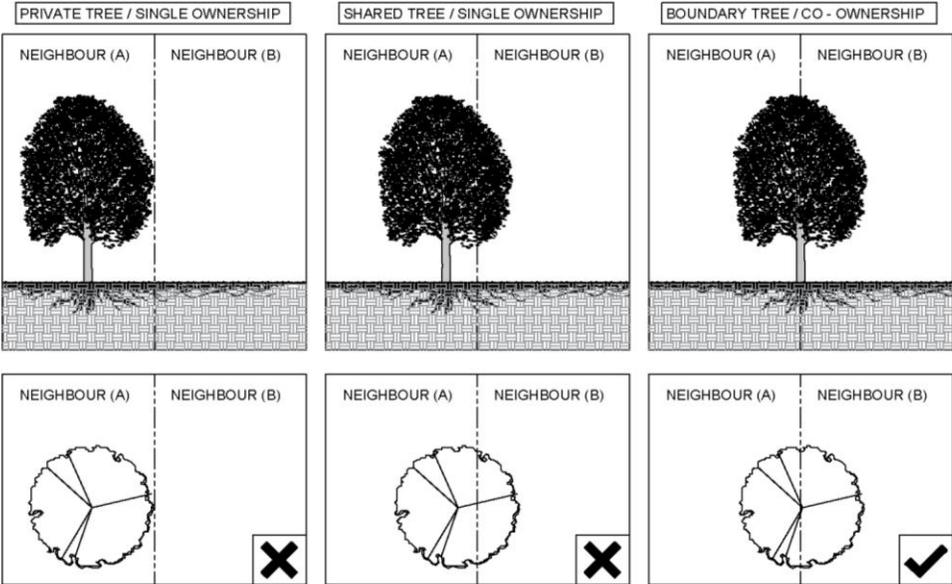
“Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of adjoining lands”, as defined by the [Forestry Act R.S.O. 1990](#). This condition is determined through the interpretation of property lines from information provided (survey, maps or plans provided by the owner).

In Ontario, boundary trees are considered common property (i.e., co-owned property) and fall under the legal provisions of the [Ontario Forestry Act Section 10](#). The Forestry Act indicates that it is a prosecutable offense for one co-owner to injure or cut down a boundary tree without the other co-owner’s permission.

This website provides information about the rights and responsibilities of property owners who may have ‘boundary trees’: <https://boundarytrees.com/>

It is important to note that “boundary trees” differ from “shared” trees, where a portion of the root structure or the canopy of a tree may cross the boundary between adjoining lands. The roots and the canopy portions of a tree are not protected by the Forestry Act in the same way that the trunk of a boundary tree is. It is the responsibility of a property owner to discuss with their neighbours the potential impacts to both shared trees and boundary trees that may arise from activities on their property. Should such trees be injured to the point of instability or death, the developer or property owner may be held responsible through civil action.

Figure 1: Boundary Trees



For more information, contact

Operations/Forestry: 905.668.3437 / pw.operations@whitby.ca
Planning and Development: 905.430.4306 / planning@whitby.ca

