

I am a very ardent and fervent supporter of tree preservation and am a property owner in the final stages of severing a property, where the proposed bylaw, if it was in effect, would have a severe financial impact on me.

It is my view that whilst we may own a property, we are in fact only temporary custodians of it. As custodians we are charged with the duty to take good care of the property so as to allow future generations to enjoy the pleasure and benefits that flow from it. These are the

same responsibilities that fall on those who own a heritage building. Trees are just as much a part of our heritage as are buildings and must be protected to the same extent.

As mentioned I am in the final stages of severing my property on Lakeshore Road. As a part of that process I was required to commission an arborist report on the trees located on both the lot to be severed and the lot to be retained. The lot to be severed measures 45 feet by 200 feet. So it's not huge by any means. Even so it

has 75 mature trees on it. The trees are predominantly located around the edges of the lot. However, in order to build a home on the lot 11 of the trees would likely need to be removed. I am not myself intending to build but intend to sell to someone that likely will build. In the absence of a private tree bylaw, my intention is to seek through the purchase and sale agreement the purchaser's binding agreement and commitment to preserve and protect the other 64 trees. I believe that demonstrates my commitment to tree preservation.

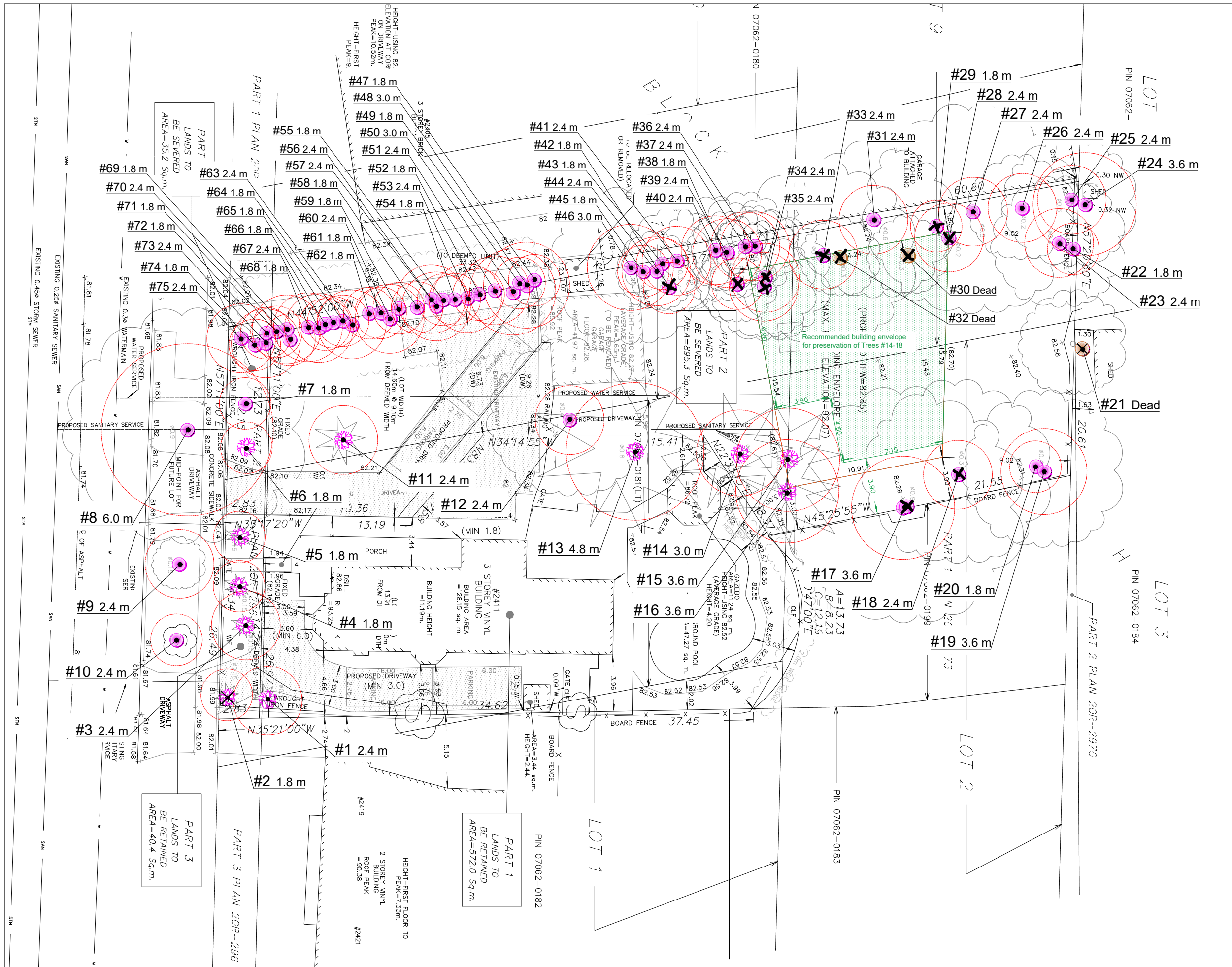
Of the 11 potentially affected trees, 2 are dead (ash), 5 due to their small size fall outside the protection of proposed private tree bylaw (1 mulberry and 4 maples), and the remaining 4 (all maples) fall within the terms of the proposed private tree bylaw.

Let's say for the sake of argument that the proposed private tree bylaw is in force. Under the terms of the bylaw, notwithstanding the potential relief from the terms of the bylaw by way of exemptions (j) or (k), I would be required to obtain a tree permit (I assume

and hope only 1 permit for all 4 trees; though the proposed by law is not clear on that) at a cost of either \$390 and \$680 depending on whether it is deemed a development is taking place or not. Then the second part of the fee structure kicks in. The proposed private tree bylaw requires I either replace those 4 trees elsewhere on the property or pay cash in lieu to the City. There is certainly nowhere else on the property to plant replacement trees; so the cash in lieu aspect would come into play. The total cash in lieu compensation would be \$20,300 !

That is an absurd and outrageous amount! The permit fees are themselves in my view too high. But the replacement cash in lieu amount is just mind boggling.

Here is a listing and detail of the 11 trees, information which I have extracted from the arborist report (see diagram on the next page).



NOTES: Tree locations not surveyed, locations are field measured by the arborist. Work location estimated from clients provided site plan.

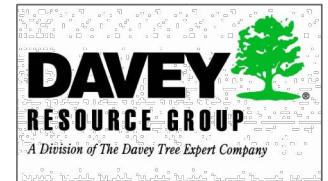
Contains information licensed under the Open Government Licence - Toronto.

- All field data have been recorded by Alan Wellings ISA Certified Arborist® ON-1627A. All tree locations are based on the survey supplied by the client and field observation by the arborist.
- This plan shall be used in conjunction with the Tree Protection Action Key (TPAK). Specific information regarding tree species, condition, and protection protocols are listed therein.
- Refer to the Arborist Report prepared for this project for specific instruction regarding tree protection requirements.

**PLAN KEY**

- TREE RECOMMENDED FOR REMOVAL
- RETAINED TREE
- CONIFEROUS TREE FOR REMOVAL
- RETAINED CONIFEROUS TREE
- RETAINED HEDGEROW
- HEDGEROW FOR REMOVAL
- TREE PROTECTION FENCE
- CRITICAL ROOT ZONE

No.	DATE	BY	REVISIONS
1	10/03/2019	JCS	Tree Inventory



TITLE:  
**2411 Lakeshore Rd  
Burlington, ON**

CLIENT:  
**David Barker**

DRAWING NO.: 001	SCALE: 1:200
JOB NO.:	SHEET: 1 OF 3



Tree Map Number	Species	DBH (cm) @ 1.4 m	Tree Category	Recommended Minimum Protection Distance (m)	Health	Structure	Overall Condition	Live Crown Ratio (%)	Deadwood (%)	Crown Width (m)	Tree Height (m)	Removal (Y/N)	Observations
1	Northern White Cedar	12	Private-Retained	2.4	Good	Good	Good	90	0	4	5		Multi-stem (10cm), planned driveway 1.2m from tree, minor injury expected
2	Northern White Cedar	8	Private-Retained	1.8	Good	Good	Good	85	0	3	4	Y	on road widening conveyance, driveway planned next to stem, removal required
3	Northern White Cedar	13	Private-Retained	2.4	Good	Good	Good	95	0	4	5		Planned driveway 1.3m from tree, minor injury expected
4	Northern White Cedar	10	Private-Retained	1.8	Good	Good	Good	95	0	3	5		
5	Northern White Cedar	9	Private-Retained	1.8	Good	Good	Good	95	0	3	5		
6	Northern White Cedar	8	Private-Severed	1.8	Good	Good	Good	95	0	3	5		Next to driveway; may be affected by future driveway paving
7	Pagoda Dogwood	5	Private-Severed	1.8	Good	Good	Good	80	0	4	4		
8	Silver Maple	94	City-Owned	6.0	Fair	Fair	Fair	55	15	14	22		Crown dieback; restricted root space
9	Freeman Maple	17	City-Owned	2.4	Good	Good	Good	75	0	6	10		
10	Ginkgo	4	City-Owned	1.8	Good	Good	Good	60	0	1	3		Future driveway 2.2m from tree
11	Northern White Cedar	14	Private-Severed	2.4	Good	Good	Good	95	0	5	7		Driveway 2m from tree
12	London Plane Tree	40	Private-Severed	2.4	Good	Good	Good	55	10	14	18		Garage to be demolished 2.4m from tree; driveway o be retained 1m from tree
13	Norway Spruce	78	Private-Retained	4.8	Good	Good	Good	75	10	12	25		DBH taken @1m above ground due to burls
14	Norway Spruce	48	Private-Severed	3.0	Fair	Good	Fair	55	25	9	23		Deadwood
15	Norway Spruce	57	Private-Severed	3.6	Good	Good	Good	65	5	11	24		
16	Norway Spruce	53	Private-Severed	3.6	Good	Fair	Fair	65	15	13	23		Long lateral leader; pruning recommended
17	Manitoba Maple	54	Private-Severed	3.6	Good	Fair	Good	80	5	14	21		Multi-stem (44cm), main leader heavily leans over bldg envelope, recommended for pruning/removal
18	Norway Maple	29	Private-Severed	2.4	Good	Fair	Good	65	0	11	14		Slight lean
19	White Mulberry	41	Private-Severed	3.0	Good	Good	Good	45	10	8	13		DBH taken below leader union; 1m above ground
20	Norway Maple	9	Private-Severed	1.8	Good	Good	Good	90	0	5	5		
21	White Ash	65	Neighbour	4.2	Dead	Dead	Dead	0	100	14	23	Y	DBH Estimated; 50cm behind fence
22	Manitoba Maple	10	Boundary	1.8	Fair	Fair	Fair	60	10	7	6		
23	Manitoba Maple	18	Private-Severed	2.4	Fair	Fair	Fair	55	5	8	12		Multi-stem (14cm, 9cm)
24	Siberian Elm	55	Neighbour	3.6	Fair	Fair	Fair	40	20	10	23		DBH Estimated, 10cm north of property; 15cm dead leader
25	Manitoba Maple	17	Boundary	2.4	Fair	Fair	Fair	65	10	11	7		Multi-stem (15cm, 10cm, 9cm, 7cm)
26	Manitoba Maple	16	Private-Severed	2.4	Good	Fair	Fair	40	5	8	10		
27	Manitoba Maple	29	Private-Severed	2.4	Fair	Fair	Fair	50	10	9	12		Multi-stem (22cm, 6cm)
28	Manitoba Maple	17	Private-Severed	2.4	Good	Good	Good	60	0	8	12		
29	Manitoba Maple	8	Private-Severed	1.8	Fair	Fair	Fair	75	10	6	5		
30	White Ash	27	Private-Severed	2.4	Dead	Dead	Dead	0	100	8	15	Y	Emerald Ash Borer
31	Norway Maple	32	Boundary	2.4	Good	Good	Good	70	0	10	13		Multi-stem (18cm), on lot boundary
32	White Ash	24	Private-Severed	2.4	Dead	Dead	Dead	0	100	6	14	Y	Emerald Ash Borer
33	Norway Maple	29	Private-Severed	2.4	Good	Good	Good	65	5	12	14		Multi-stem (27cm)
34	Norway Maple	30	Private-Severed	2.4	Good	Good	Good	50	5	9	16		
35	Norway Maple	15	Private-Severed	2.4	Good	Fair	Good	45	0	8	14		Multi-stem (14cm)
36	Norway Maple	19	Private-Severed	2.4	Good	Good	Good	45	5	6	14		
37	Norway Maple	24	Boundary	2.4	Good	Good	Good	50	5	8	13		

Tree Map Number	Species	DBH (cm) @ 1.4 m	Tree Category	Recommended Minimum Protection Distance (m)	Health	Structure	Overall Condition	Live Crown Ratio (%)	Deadwood (%)	Crown Width (m)	Tree Height (m)	Removal (Y/N)	Observations
38	Norway Maple	10	Private-Severed	1.8	Good	Fair	Good	65	0	5	11		Multi-stem (9cm)
39	Norway Maple	12	Private-Severed	2.4	Good	Fair	Good	65	5	7	12		Multi-stem (10cm)
40	Norway Maple	22	Boundary	2.4	Good	Good	Good	55	0	8	14		
41	Norway Maple	32	Boundary	2.4	Good	Fair	Good	60	10	11	15		Root flare on property boundary
42	White Mulberry	9	Private-Severed	1.8	Poor	Poor	Poor	15	65	4	5		Shaded out
43	Manitoba Maple	9	Boundary	1.8	Poor	Poor	Poor	20	45	2	3		Carpenter ants, decay in trunk
44	Norway Maple	16	Private-Severed	2.4	Good	Good	Good	55	0	7	15		
45	Norway Maple	5	Private-Severed	1.8	Good	Fair	Fair	30	0	4	5		
46	Norway Maple	42	Private-Severed	3.0	Good	Good	Good	70	5	9	16		5cm from boundary
47	Green Ash	10	Neighbour	1.8	Fair	Good	Fair	40	5	5	10		
48	Siberian Elm	49	Boundary	3.0	Fair	Fair	Fair	60	15	11	20		
49	Norway Maple	8	Neighbour	1.8	Good	Good	Good	60	5	5	9		Multi-stem (6cm)
50	Manitoba Maple	48	Boundary	3.0	Fair	Fair	Fair	50	10	8	17		Fungal conks/mushrooms, leaning over driveway
51	Norway Maple	13	Boundary	2.4	Good	Good	Good	35	5	5	10		
52	Sugar Maple	6	Boundary	1.8	Good	Good	Good	65	5	4	6		
53	Norway Maple	12	Boundary	2.4	Good	Good	Good	45	5	6	10		
54	Norway Maple	8	Boundary	1.8	Good	Good	Good	70	5	5	8		
55	Norway Maple	5	Boundary	1.8	Good	Good	Good	60	5	4	11		
56	Siberian Elm	32	Boundary	2.4	Good	Fair	Fair	40	10	11	18		
57	Norway Maple	13	Neighbour	2.4	Good	Good	Good	70	0	6	13		
58	Sugar Maple	9	Boundary	1.8	Good	Good	Good	80	0	4	10		
59	Sugar Maple	9	Boundary	1.8	Good	Good	Good	80	0	5	8		
60	Siberian Elm	36	Private-Severed	2.4	Good	Good	Good	45	10	10	17		
61	Norway Maple	9	Boundary	1.8	Good	Good	Good	55	0	5	8		
62	Norway Maple	5	Boundary	1.8	Fair	Fair	Fair	40	5	3	6		
63	Manitoba Maple	39	Private-Severed	2.4	Good	Fair	Fair	85	5	12	16		Epicormic sprouts
64	Sugar Maple	5	Boundary	1.8	Good	Good	Good	45	5	3	5		
65	Manitoba Maple	6	Boundary	1.8	Fair	Poor	Poor	25	20	2	3		
66	Sugar Maple	6	Boundary	1.8	Fair	Fair	Fair	50	5	5	7		
67	Siberian Elm	15	Boundary	2.4	Good	Good	Good	35	10	8	15		
68	Sugar Maple	10	Boundary	1.8	Good	Good	Good	85	5	4	8		Multi-stem (8cm)
69	Sugar Maple	7	Boundary	1.8	Good	Good	Good	80	5	5	7		Grapevines
70	Siberian Elm	39	Private-Severed	2.4	Good	Good	Good	45	15	13	17		Significant deadood
71	Sugar Maple	7	Boundary	1.8	Good	Good	Good	85	5	5	7		Grapevines
72	Sugar Maple	10	Boundary	1.8	Good	Good	Good	75	0	6	9		
73	Siberian Elm	19	Private-Severed	2.4	Good	Good	Good	55	10	13	13		Multi-stem (15cm, 15cm))
74	Sugar Maple	5	Private-Severed	1.8	Good	Fair	Good	90	0	6	8		Multi-stem (5cm)
75	Manitoba Maple	30	Boundary	2.4	Good	Poor	Fair	65	5	12	13		Heavy lean towards street

NOTES: Tree locations not surveyed, locations are field measured by the arborist. Work location estimated from clients provided site plan.

Contains information licensed under the Open Government Licence – Toronto.

- All field data have been recorded by Alan Wellings ISA Certified Arborist® ON-1627A. All tree locations are based on the survey supplied by the client and field observation by the arborist.
- This plan shall be used in conjunction with the Tree Protection Action Key (TPAK). Specific information regarding tree species, condition, and protection protocols are listed therein.
- Refer to the Arborist Report prepared for this project for specific instruction regarding tree protection requirements.

PLAN KEY

TREE RECOMMENDED FOR REMOVAL

RETAINED TREE

CONIFEROUS TREE FOR REMOVAL

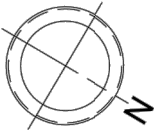
RETAINED CONIFEROUS TREE

RETAINED HEDGEROW

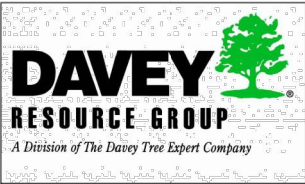
HEDGEROW FOR REMOVAL

TREE PROTECTION FENCE

CRITICAL ROOT ZONE



No.	DATE	BY	REVISIONS
1	10/03/2019	JCS	Tree Inventory



TITLE:

2411 Lakeshore Rd  
Burlington, ON

CLIENT:

David Barker

DRAWING NO.:

001

SCALE:

1:200

JOB NO.:

SHEET:

2

 OF 3



Tree #	Species	DBH (cm)	Condition	Replacement Trees	#	Cash Lieu	In
42	White Mulberry	9	poor	exempt		-	
38	Norway Maple	10	good	exempt		-	
35	Norway Maple	30	good	6		\$ 4,200	
34	Norway Maple	15	good	exempt		-	
33	Norway Maple	29	good	6		\$ 4,200	
32	White Ash	24	dead	exempt		-	
30	White Ash	27	dead	exempt		-	
29	Manitoba Maple	8	fair	exempt		-	
28	Manitoba Maple	17	good	exempt		-	
18	Norway Maple	29	good	6		\$ 4,200	
17	Manitoba Maple	54	good	11		\$ 7,700	
						<u>\$ 20,300</u>	

To sever the property I have to date incurred City fees of a few dollars under \$50,000; comprised of consent & variance (width of frontage) fees of about \$13,000 and a cash in lieu of parkland fee of \$37,500. That's \$50,000 paid to the City to sever a relatively small piece of land. Other costs I have had to incur to facilitate the severance (planning consultant, surveyor, lawyer, arborist, geotechnical engineer) amount to another \$50,000. So that is \$100,000 to sever a small piece of land the application having gained complete staff support! Heaven knows what that number would

have climbed to should an LPAT appeal have been necessary. So another \$21,000 on top of that to allow me to take out just four trees that fall within the scope of the proposed private tree bylaw is unthinkable.

As said, I am a fervent and ardent supporter of the preservation of our trees and so am in favour of a private tree bylaw. But the bylaw in my view should be more focused upon protection and enforcement by way of the imposition of more severe fines: hitting very hard those that indiscriminately cut down “heritage”,

protected species, or other trees that an owner considers a “nuisance”, or those who clear cut properties to make the building process more simple to undertake. I believe that necessary protection is achieved via the City’s power to withhold the issuance of a tree permit.

Part 8 Offence 8.3 of the proposed private tree bylaw provides a range of penalties for an “offence”.

It should be noted “offence” is not a defined term within the bylaw. So if I was to cut down those four trees

without a tree permit, I ask you; is that one offence or four offences?

As to the size of any fine contemplated by the proposed private tree bylaw I assume the amount of a fine imposed would fall within the range set within the bylaw but would be determined by a court at its discretion, taking into account the specific circumstances. I also assume the fine would be in addition to the compensation tree replacement/cash in lieu provisions of the bylaw. In my view the size of the



proposed fines will in no way deter developers or others from clear cutting, as infamously happened at a property on New Street where, I believe, over 30 trees were cut down. If the incident on New Street is considered a single “offence”, I believe the bylaw allows for a maximum fine of \$100,000 to be imposed. That is no deterrent! Nor will the proposed fines deter someone who wishes to take down a single, heritage, protected species or nuisance tree.

I suggest it would be better to set fixed amount penalties that are reflective of the damage done and do not leave discretion to a court. I suggest for example a scale as set out below:-

1 tree @ \$500

2 to 4 trees @ \$1,000 per tree

5 to 9 trees @ 10,000 per tree

10 trees or more @ \$20,000 per tree

At the present suggested levels the combination of permit fees and replacement/cash in lieu costs will surely be

seen as a cash grab by the City, and consequently public support will be lost. I would suggest the vast majority of residents, though I have nothing to substantiate that comment, would support a very small additional item to be included in the make up of the City's property tax so as to fund a substantial tree planting program. Additionally, subdivision developers should be required to plant substantially more trees than they are presently required to do.

In my view the proposed private tree bylaw should not be looked at in the light of what it will do to enhance the tree canopy. It's purpose is solely to protect the canopy as it presently exists and to deter people from ravaging it.

A couple of other items for your consideration:-

I note there appear to be no time constraints set upon the City to deliver a positive or negative response to a permit application. I believe there should be one built into the bylaw.

Also there does not appear to be any appeal process set out for the permit applicant to follow.

And as said before the term “offence” should be defined

Whilst Council voted to move forward with implementation of the proposed bylaw (and I support that) I urge Council to take another look at (1) the size of the permit fees, the tree replacement/cash in lieu, and the proposed fines; (2) including a time requirement for the City to respond to an application; (3) inserting an appeal process; and (4) defining the term “offence”.



Finally I ask is there going to be a lag in time between the time the bylaw is enacted and a time when its terms become effective; so as not to trap those who have already contracted or are imminently going to contract for the removal of a tree?

Thank you.