

*City of Burlington, Private Tree Bylaw Amendment. Meeting May 6<sup>th</sup> 2021  
Presentation Notes. Mike Morris*

Good Morning: My name is Mike Morris I am President of the association of a group of 24 townhouses constructed around 1998 in Aldershot, Burlington.

I have attached for completeness and your reference 2 letters to Councilor Galbraith who was good enough to visit our property in October last year and discuss our issues in person.

My brief talk today addresses the recommended changes to the Private Tree bylaw and thereby the bylaw itself.

Let me say we support enhancement of the tree Canopy. But do it right. In the documents submitted you will see we are fortunate enough to have a lot of trees on our property. However we are also very unfortunate in that a good number of them in important locations are Norway Maples (some 15 remaining)....and another group are occasionally flowering crabapples (23).

These trees were planted many years ago around the time of construction. We had plans to replace them gradually with more suitable trees and some Maple replacement has been done. The Maples need to be replaced because they are invasive and can be unstable. The problems with Norway Maples are widely recognized. They were a bad choice.

The crabapples because they were planted too close together and rarely bloom, are too susceptible to disease and require the annual application of chemicals just to survive.

This is a bad situation.

The recommended bylaw changes and the bylaw as it stands ignores these well known issues completely.

You will see in one of the letters to Councilor Galbraith a photo of one of our Norway Maples that was blown over a couple of years ago and crashed into one of our townhouses. Luckily no one was hurt. Could have been much worse

The size of just the fees to the City for replacement under the bylaw will run into the tens of thousands of dollars for our owners. That's not for the removing of the Maples and planting new trees that we want but just payments to the City. The net benefit to our owners of these enormous City fees?...Nil. No benefit whatsoever. Note, again, we are not removing a single tree, we are replacing them.

The recommended bylaw changes make the situation even worse than the original bylaw. The recommended changes add an inspection fee to check up on us...\$945 a time to have an inspector check that we're doing what we said, and now the permit also requires a security deposit for replacements.

I find the financial impact of the proposed bylaw changes is also presented in an incomplete way. Table 5 on page 68 makes no reference to the costs referred to very briefly on page 59 of the document. The “compensation” per 10cm of tree diameter which are part of the original bylaw and are often likely to be the major part of the total cost. On first reading of the page 68 table I thought that cost was being eliminated. Wonderful! Not at all it was just **not** presented in the table. That’s not right.

You will also find in the documents submitted a very straightforward and simple calculation concerning the impact of trees on the City’s declared climate emergency. One mature tree can absorb about **48 pounds of CO2** per year. I doubt our crabapples come anywhere close to that figure incidentally. One average vehicle **emits about 4 and a half to 5 tons of CO2 per year, that’s over 10,000 pounds.** These are well known figures readily available from many sources. That’s 1 vehicle requiring over 200 mature trees to absorb its CO2 emissions annually. Why are we being given the impression that the few trees involved that the Forestry department are dealing with will have any impact whatsoever on the climate emergency? It will not. The only way to reduce CO2 significantly is to cut emissions. Vehicles and industry. Less cars per household, smaller cars, less mileage, and so on. I can understand it would not be a very popular move to try to enforce anything along those lines. But let us not fool ourselves, if you want to have a beneficial impact on the climate it is the only way...reduce emissions...and it has to be on a massive scale.

Members of the Committee as you will have noted I am unhappy with the recommended changes to the bylaw. However I am truly very disturbed with the language contained in the City’s documents.

I read of educating the public. The public may need to be informed...hard facts...hard figures... it does not need to be educated. I read of “injury”, I read of “destroying” and “destruction”, I read of “compensation”. The language is clearly intended to portray anyone who wishes to replace a tree or operate a machine near a tree in a very bad light. There is no need for such language nor such a tone in a bylaw and it is clearly intended to create an impression in the readers’ mind...anyone who disagrees is responsible for injury and destruction and needs to be educated and pay compensation? Words matter. Has anyone seen fit to survey all those who have had to deal with this bylaw? Those who have paid the price and suffered the delays and bureaucratic interference? If not, why not?

I am suggesting that the recommended changes to the bylaw be rejected and sent back with a clear instruction and deadline to deal with the real issues that Citizens face and not simply demand more and more of their hard earned money for no value returned. The real impact on the climate of this bylaw, that is no impact at all, should also be stated and not glossed over with fine words.

**The matter should be seen in simple terms.**

If an owner needs to replace **their** tree on **their** property that's fine. Replace it. And remember too that it is the owner's tree; it is not the City's. If the City wants to have more trees in Burlington that's excellent. Wonderful in fact. The City has my unequivocal support.....just go ahead and have the forestry department find a good place to plant them and let all citizens, including the ever increasing number of condo dwellers and apartment dwellers, who have no trees, share the cost burden and not only the benefits....equally. Adjust everyone's taxes to cover the cost. Don't load the whole cost on a few tree owners.

Members of the committee I could spend more time going into details of other shortcomings of the bylaw and proposed changes but you have heard the key points. I hope I have been clear and forthright.

Thank you for this opportunity and I look forward to a reasoned and thoughtful response and appropriate action.

***Mike Morris, Aldershot Burlington***

Attachments:

1. Letter to Councilor Galbraith dated March 3<sup>rd</sup> 2020
2. Letter to Councilor Galbraith dated November 5<sup>th</sup> 2020

November 5<sup>th</sup> 2020

To: Councilor Kelvin Galbraith

City of Burlington, Ontario



**Subject: The City's Private Tree Bylaw. Our Meeting at Fairwood Place West October 23<sup>rd</sup> 2020**

Dear Councilor,

Thank you again for taking the time to visit our property to discuss the Private Tree bylaw with myself and [REDACTED]. It was very much appreciated. We were pleased to hear that the serious problems that this unfortunate bylaw has caused us were clearly understood. Indeed, that you had anticipated some of the issues before the bylaw was passed. The bylaw achieves little at great expense to tree owners and as you will see in attachment 1 it does not help with the City's climate emergency.

**Our particular case in very brief summary:**

1. Fairwood Place West's property now has 15 Norway maples which have caused many problems. A further 5 were replaced in previous years and one just recently. 2 years ago one was blown down and fell on one of our houses. Refer to the photograph in attachment 2. The recent article from the Globe & Mail, while nothing new, says it all (also in attachment 2). The City were warned about Norway maples before passing the bylaw yet incomprehensibly chose to ignore the warnings and now want owners to pay the City for the right to replace them. We also have 23 old crabapples which are failing despite continued treatment, some 8 fir trees, plus a few oaks and others...all told some 60 trees covered by the bylaw.
2. We have been managing our trees prudently over the years recognizing that the Norway maples and crabapples will have to be replaced. This replacement will now, in our estimation, cost the 24 homeowners over \$50,000 just in City permits and fees, maybe more. Plus of course the cost of actually replacing our trees on our own property. We were already preserving the tree canopy by replacing, at our own cost, any tree that had to go. Now we must pay huge additional amounts of money to the City just for their permission to deal with our own problem trees. This is not in any way reasonable. There is no benefit to us (or anyone else) resulting from this onerous additional financial burden. And, I must add, a by-law with draconian fines and penalties for failure to comply.
3. **If the City wants to enhance the Burlington tree canopy we are strongly in favour but the cost burden should then be spread evenly over all who benefit: all citizens, not just a few tree owners.** And there should be an actual plan for the enhancement. There is not even a commitment in the bylaw to use the money taken to plant new trees.

If the bylaw makes sound sense to anyone we'd like to hear them explain it...but **only** with numbers, calculations and hard facts. We also refer you to attachment 1 hereto. If the climate emergency is so serious why are the producers of CO2 in Burlington responsible for the emergency not required to produce less? As mentioned at our meeting, councilor, we would be very pleased to meet with anyone to review this further if it would help and would like to hear what action will be taken to have this bylaw suspended and then changed to something useful and beneficial to all.

A great deal more could be said but I'm quite sure the problems with the bylaw are by now well understood.

Yours Sincerely,

Mike Morris  
President, Fairwood Place West Inc.

## Attachment 1.

### Trees, CO2 and Burlington's climate emergency

1. A simple calculation shows that the bylaw has no measurable effect on net Carbon Dioxide (CO2) in the atmosphere. Unfortunately the numbers do not work. A meaningful reduction in CO2 produced by Burlington can **only** be achieved by reducing CO2 emissions. To actually confront the climate emergency this uncomfortable fact must be faced. **In Burlington, as everywhere else, this means...fewer cars, fewer cars per household, smaller cars, cleaner cars (electric), less mileage per car, more use of public transport and less CO2 emitted by industry.**
2. **One** average mature tree can only absorb about 48lbs of CO2 per year. A tree takes at least 10 years to mature. Our crabapples, for example, being smaller trees would absorb far less CO2 yet the bylaw would penalize us for replacing them with something better.  
**One** typical car emits about 5 tons (11,000lbs) of CO2 per year. A car takes no time at all to add to the equation.  
Adding a few trees, even a few thousand, even a few tens of thousands, will not impact the "climate emergency" and will not even offset a small fraction of the City's annual vehicle growth per year, never mind the many tens of thousands of CO2 producing vehicles already here. If the owner of **each** non-electric vehicle **added** in Burlington every year were asked to offset its CO2 emissions with trees it would require about 230 new trees to be planted, about 5 acres of land, a wait of 10 years and an initial cost to the owner of the **one** added vehicle of at least \$50,000 (230 x 30mm caliper trees planted) plus of course the cost of 5 acres of land if you can find it and long-term tree maintenance. Obviously that scenario is absurd.  
**The only way to help is to reduce CO2 emissions.**
3. Burlington is growing and thereby adding hundreds of additional vehicles every year. When development and growth are encouraged which dramatically increase CO2 emissions there are unfortunate side-effects. Trees cannot eliminate these side-effects or even help and nor can the current tree owners. It is highly misleading to even imply that they can help. To reduce Burlington's contribution to climate change rather than increase it, **Carbon emissions must be reduced.**
4. **The message is very simple, unambiguous and clear.**  
**If you seriously want to impact the climate emergency you have to reduce CO2 emissions.**  
**It is the only way.**  
**The bylaw does not do this.**

**Attachment 2.**



**Norway maple at Fairwood Place West blown down in a wind storm.**

**Luckily no one was injured.**

**Under the bylaw we now have to ask permission to replace them and pay thousands to the City. Why?**

## How the foreign Norway maple is changing Canada's fall palette

Globe and Mail October 31st 2020

The forest floor of Mount Royal Park in autumn is a many-coloured carpet of maple leaves: orange, yellow, and every kind of red. The scene looks ready for a patriotic postcard.

But woven into this Canadian tapestry is a foreign interloper.

To an untrained eye, it could be mistaken for the sugar maple that adorns our flag and litters Montreal's famous park with dazzling mulch. But that resemblance is just one of the Norway maple's cunning tricks.

For all the European tree's outward charm, foresters damn its name. They see the *Acer platanoides* as a dangerous fraud and bully, unworthy of being mistaken for the native *Acer saccharum* that gives us our syrup and most prominent national symbol. Experts in the field worry about the ecological cost of a Norwegian takeover – and the growing tide of other invasive species changing the Canadian landscape.

Mount Royal is a telling example of the problem. Norways were planted there in the 1960s and 70s, and their fruitful seeds have continued blowing onto the mountain from other parts of Montreal.

It has been a slow but steady invasion. A 2003 inventory of saplings on Mount Royal found three times as many Norways as sugars. Within 100 years, 25 per cent of the park's trees could belong to the species, estimates Christian Messier, a professor of

forest ecology and urban forestry at the Université du Québec en Outaouais (UQO) and à Montréal (UQAM).

Since the Norway is slower to change colour, and turns a fairly bland yellow, that takeover could tarnish the mountain's spectacular fall palette, Prof. Messier warned.

"It's a question of heritage," he said. "Do you want the mountain to remain a sugar maple forest?"

The question is not limited to one park, nor are the dangers simply aesthetic. A recent study found fully 17 per cent of Montreal's trees were Norway maples, making the species the most common in the city. They are the third most common tree in Toronto. Even the Parliament buildings in Ottawa are surrounded by the "Viking" maple, as one Ontario horticulturalist dubbed them.

Non-native species (everything from plants to insects to animals) make up a larger and larger share of Canada's natural world. About 8 per cent of wild species in the country are already exotic and the number looks set to increase thanks to global trade, Prof. Messier said.

"We're at the beginning of a vast period of invasion from species like this, because of the growth of commercial exchanges, especially with China," he said. "The Norway maple could just be the tip of the iceberg."

Canadian cities began planting Norways en masse in the 1950s because they are a hardy breed – "so bullet-proof it's hard to pass them up," said Astrid Nielsen, an Ottawa-based forester – but that hardiness also makes them ferocious invaders.

The trees have a suite of qualities that help them conquer native Canadian species. They can tolerate the salty, compacted soil of our cities, and research suggests their roots are "allelopathic," meaning they release chemicals that can suppress neighbours.

The Norway's leaves also grow in thick, blocking sunlight from competitors in the undergrowth. And those non-native leaves repel Canadian insects, which is good news for the tree but bad news for other birds and animals that depend on them for food.

The encroachment of invasive species has done serious damage to local habitats, said Eric Davies, a PhD candidate in forestry at the University of Toronto.

"Historically, hiking through Canadian forests in the spring used to be bright, no leaves, just wildflowers, early butterflies, like the Mourning Cloak, and the burgeoning wave of the migratory birds," he said in an e-mail. "Now, increasingly, our forests are dark, toxic, and lifeless."

Not content with dominating nature, the tree has taken up root in our national symbology, too. Canada Post has printed Norway maple leaves on its stamps and the Bank of Canada on its bills, as forestry communications consultant Peter Kuitenbrouwer pointed out this summer in *The Globe and Mail* (a newspaper whose logo is unmistakably a sugar maple leaf).

You can often tell a Norway by the seven lobes of its leaves (as opposed to the sugar's five), its rounded buds (the sugar's are pointy) and a milky discharge when you snap off one of its stems.

Unfortunately the trees are also revealing other, more troublesome traits. They're prone to poor structure, which gives them a tendency to lose limbs during storms. They can also have "girdling roots," which means the tree sometimes essentially strangles itself to death. Norway maples are "not the ideal urban species we once thought they were," Mr. Kuitenbrouwer said.

That doesn't mean they will die out on their own. Cities have taken steps to nudge the stubborn intruder along. The City of Toronto stopped planting Norways and reduced their share of the street tree population from 22 per cent to 13.5 per cent in the past decade or so. In Montreal, the trees can no longer be planted on heritage sites like Mount Royal.

In 2006, *Les amis de la montagne*, a citizen group dedicated to caring for the park, started cutting down every Norway they found in a series of land parcels, before replacing them with sugar maples and other local plants.

An overall shift in urban forestry has driven the Norway out of fashion, as ecological variety and native species have become more highly valued, said Éric Richard, scientific advisor to the group.

But the fight is far from over. "It remains an issue for the future of the forest," he said.

March 3<sup>rd</sup> 2020  
By email

Burlington, ON  
L7T 4B6  
Mike Morris, President Fairwood Place West Inc.

Attention: Councilor Kelvin Galbraith, City of Burlington.

**Subject: The City's new Private Tree Bylaw**

Dear Councilor Galbraith,

I am writing to you on behalf of **Fairwood Place West Inc.** whose shareholders are the owners/residents of a group of 24 freehold townhouses on Fairwood Place West (even numbers 84 through 130).

We are an Ontario corporation created in 1987, when the townhouses were built, to manage the common elements and affairs of the properties and own certain lands, etc. around the town houses. We are not a condominium and are not governed by the condominium act. I am sure you are generally familiar with the property.

Having reviewed the City's recently adopted Private Tree Bylaw I am writing to express our disappointment and dismay at what has been done. The details below will explain one particular situation we now face and it stems from the facts that the bylaw takes no account of the physical space available on properties such as town houses nor the reasons for tree replacement thereby making the bylaw simply another serious tax burden on Burlington residents. We also note that moneys received by the City do not appear to be mandated for adding trees somewhere in Burlington but just cover the costs of issuing permits and administration.

**The situation at Fairwood Place West Inc.**

The sketch attached shows the layout of our property and the tree locations which we are addressing in this letter specifically. Note that each of the townhouses is an individual freehold property and each tree is owned by the individual property owner(s) not the corporation Fairwood Place West Inc., who "manage" these trees and all landscaping on behalf of the individual property owners.

The trees directly in front of the houses and in the parking areas opposite (owned by the property owners) are Norway Maples. These trees were planted by the developer in 1987 some 33 years ago. Norway Maples were a very bad choice and as the trees matured this became abundantly clear. They have caused serious problems over the years...rising root balls creating negative drainage slopes, potential basement leaks, surface roots preventing grass, plant and flower growth, and in addition they have poor stability (one was recently blown down in a windstorm). The corporation established a plan a few years ago to replace these trees gradually at a rate of 2 per year to manage the annual expense and at the same time undo the damage done to the gardens by the trees' root systems. Replacing the trees means ripping out and rebuilding the whole garden area so you can appreciate that this is an expensive proposition since overall we had 23 Maples. As you can also see in the sketch the areas on which the trees are planted are very small...barely enough room for one tree. This small area is of course typical in townhouse developments.

March 3<sup>rd</sup> 2020  
By email

Burlington, ON  
L7T 4B6  
Mike Morris, President Fairwood Place West Inc.

To date we have replaced 8 maples and planned to continue at our own pace as we can afford it. Imagine our shock to see that the new bylaw will add at least **\$25,000** to our costs (see calculation attached) which, for the 15 remaining Maple trees involved, is in line with what the City talked about at its recent council meeting: some \$1,500 per tree. A rough estimate indicates that the average Maple diameter is around 30cm meaning we have to add 2 additional trees...in addition to the replacement tree on each affected individual property. That's 30 additional trees. There is no space on the individual properties for any more trees so we must make 2 CIL payments to the City instead per tree replaced. The net benefit to the owners of these payments is nil. This situation is amplified by the fact that the payments go to pay for the work created by the new procedures associated with the new bylaw and there seems to be no obligation on the City's part to use any of it for new tree planting anywhere, now or ever.

A technicality is that many of the Maples straddle a property line between 2 townhouses. Who now makes the application? Both property owners? Or is it two applications for which the cost to us will now double? I note the permit fee applies to the property not the tree. Are two permits required?

There are additional serious issues which we will have to contend with as a result of the new bylaw which I will not go into here to avoid excessive length but which will also cost us thousands of dollars for zero benefit received.

The above is our particular case, other townhouse and condominium townhouse properties will have similar but different issues.

In conclusion we recommend this bylaw be temporarily put on hold until these matters are addressed properly. Frankly we must express our serious disappointment here. We have been managing our trees prudently and responsibly and to now have to pay an additional \$25,000 for just one area we have to deal with and contend with all kinds of additional paperwork and regulations for which we, and other Burlington residents, will receive no benefit and for which no additional trees will be planted anywhere is not acceptable. While the City's intent was good....to preserve the tree canopy...the implementation as written in the bylaw appears to be seriously deficient and it is on that that the City will be measured. We would like to meet with you at your convenience to discuss this further and point out additional issues which will adversely affect us here under this bylaw and explore what can be done to remedy this situation.

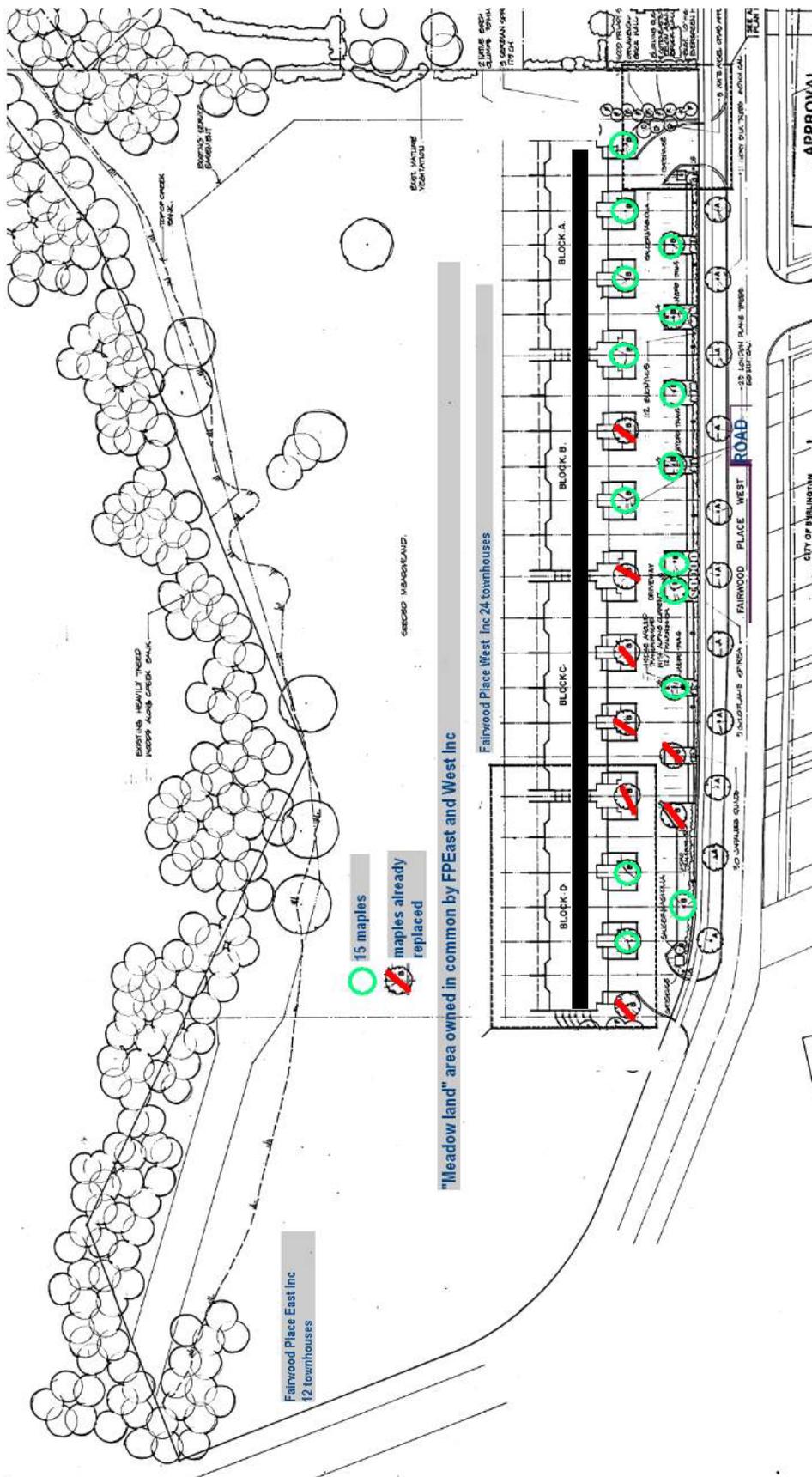
Sincerely,



Mike Morris, President.  
Fairwood Place West Inc.  
On behalf of the board of directors.

Burlington, ON  
L7T 4B6  
Mike Morris, President Fairwood Place West Inc.

March 3<sup>rd</sup> 2020  
By email



Burlington, ON  
L7T 4B6  
Mike Morris, President Fairwood Place West Inc.

March 3<sup>rd</sup> 2020  
By email

**CITY PERMIT AND CIL COST ESTIMATE TO REPLACE QUANTITY 15 MAPLES**

1. Permits qty 15 at \$390 each = \$5,850
2. CIL cost for average 30cm diameter trees with one tree replacement =  $2 \times \$400 = \$800$  per tree replaced. Qty 15 trees = \$12,000.
3. Cost to obtain permits by contractor. 4 hours work per permit at \$100/hour = \$400 per tree. For 15 permits = \$6,000.

Total of above = \$23,850. Excludes additional potential costs for arborists and incidental out of pocket expenses.

**Estimate...at least \$25,000.**

Note this does NOT include the actual cost of replacing the tree itself just City permits and fees.