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DRAFT SPEAKING NOTES For MIKE MORRIS (FAIRWOOD PLACE WEST INC) TO GO ALONG WITH PRESENTATION "SLIDES"

Good morning...and thank you once again for giving me the opportunity to present to you on this topic.

You may recall that I represent Fairwood Place West Incorporated, an association of 24 townhouses in Aldershot. Our property has many trees. I provided a brief presentation of our concerns and issues at the meeting of May 6th.

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The message I had at that time was that if we want to enhance the tree canopy, which we strongly support, then the best way is to simply plant more trees that all citizens contribute to and take ownership of: not burden a few unfortunate tree owners with excessive fees.

In other words: KEEP IT SIMPLE.

On May 6th the cost to our owners to replace Norway Maples and crabapple trees on the property with more appropriate varieties was mentioned. Since then we have measured all these trees, one by one and calculated the cost precisely according to the spreadsheet calculator on the Forestry department's website.

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The figures are as you see before you on the PowerPoint presentation slide. These are huge sums of money.

I emphasize these costs are **NOT/ NOT** for the replacement of trees. These are **ONLY** the fees payable to the City. Actual tree removal and planting new trees is extra.

I also emphasize that under the proposed **amended** By-law the costs shown do **NOT** include the costs of required plans, reports and inspections which are basically unlimited: as the Forestry department directs. Reading the proposed amendment we are unable to even begin to make an estimate of what that would cost us. What you see on the slide is then likely an optimistic minimum.... Many people would likely just give up in total frustration...and likely anger.

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Repeating what I said on May 6th... the benefit to the owners and tax payers for these huge fees? No Benefit. No benefit to carbon absorption. No benefit to the Climate Emergency. No benefit to the tree canopy.

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I also spoke about the profound concerns we had with the proposed amended By-Law, its language and contents. Today I will talk briefly about just a few specific selected items. There are more...this is just a selection. The Part and Section references in the proposed amendment are given:

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1. **Pruning** (Part 1, 1.1 Definitions). We thought pruning was a simple matter. In the current By-Law this was simply "in accordance with good arboricultural practice". Now we are required to have trees pruned **in accordance with ANSI 3000 standards** [*In fact I believe this a typo and should read ANSI A300*] **and the Best Practices of the Intl. Society of Arboriculture**. I'm sure like me everyone here is familiar with these standards and best practices. No? Well not to worry likely

none of our contractors are either. The door for required inspections and infractions opens wider.

2. **Dead** (Part 1, 1.1 Definitions). Means “No living tissue”. This definition has been added to the amended By-law which neatly bypasses the fact that dead trees are permit exempt. Now, one green leaf found on a 100 foot, otherwise dead, tree means its not dead so a permit **is in fact** required after all.
3. **Entry & Inspections Part 8.** The Forestry department can now **enter your property (8.1) without notice, without your permission, without a warrant or court order**, just as they please...not even for serious probable cause... and require documents (8.2) in writing or “otherwise” to be handed over.

Let me ask the committee, rhetorically, what their reaction might be if a stranger were to waltz uninvited into their backyard and demanded documents? They’re on your computer? No problem that’s covered by “otherwise”... I’ll take that too. Just for the purpose of “making copies” and “extracts” (8.2 b). That’s what the amended By-Law says. Just to make copies.....of course.

It seems that under the proposed amendment the Forestry dept. **MUST** have powers that even the Police in this country do not have...and will never have.

4. In the proposed amendment there are **23 references to inspect and inspections, 18 to arborists and arboriculture, 12 to reports, more to plans and so on.** The Forestry dept. can drown you in demands and expense without limit...and inspection fees, forever....at their whim. Clearly many more staff will be needed to administer all that.
5. I also read in the proposed amendment that tree owners, that’s everyone in Burlington who owns a tree, **are now responsible for acts of omission towards their trees** (Part 1, 1.1 Definitions under “Injure”). Hitherto most trees and forests, to be frank, got on pretty well without you and me and the Forestry dept. Now a forestry technician can invade your property and issue fines for your omitting to do something with reference to your tree. These acts of omission are also all encompassing, basically whatever the Forestry dept. says they are...”including but not limited to....”. Its incomprehensible and once again gives the Forestry dept. unlimited authority.

I’d like to comment here again that our Norway maples are a problem to us as I pointed out on May 6th. And I listened with interest later in the day to the whole of the committee’s discussions with the Forestry dept. Norway Maples are an invasive species which just don’t happen to be covered yet by the Ontario Invasive Species Act and they come with all kinds of trouble. I was very disappointed when the matter was raised to hear that the Forestry dept.’s prime concern, if a permit exemption were granted, appeared to be a revenue shortfall. **I did**

not hear one iota of concern for the owners, or the citizens needs, all of which should in my opinion be priority No. 1.

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What I've presented here are just a few of the interesting things in this proposed amendment. There are more but time is limited.

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In closing I'd like to re-emphasize...any program that seeks to enhance the tree canopy should be SIMPLE and FOCUSED on that objective and the cost burden shared by all who benefit.

What is being proposed in the amendment astonishes me even more than the original By-law. Such powers as demanded by the Forestry dept. should only be granted for very serious and potentially dangerous situations. Nor is there any need for this fantastically complex system of permits, inspections, plans, reports, infractions and breathtaking costs and fines.

Enough said.

So if we want to enhance the tree canopy...and who doesn't...great! Just do it... but let's keep it simple...plant more trees as fast as possible.

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So, what are we asking for here?

1: The proposed amendment should not be approved.

2: Revisit the original By-law and improve it to something where the money and effort goes not to intrusive, not to say frightening, bureaucracy with draconian powers, fees and penalties and threats but to actually enhancing the tree canopy with the cost shared equitably....and the proper involvement of all citizens.

All of which of course was, I believe, the whole purpose of the exercise in the first place.

Finally, the Motion put forward by Councilor Sharman at page 183 of the Agenda package was noted, and we applaud the approach it proposes.

A breath of fresh air.

With consideration for some form of exemption at the City's discretion, or lesser fee, for replacement of problematic species whether on the Ontario invasive species list or not and the hope that the final By-law wording will be clear and simple to understand and follow, the Motion has our whole hearted support.

I thank you for your attention. Once again I trust I've been sufficiently clear and direct and hope that these comments will assist you in making your decisions.

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