

April 18<sup>th</sup> 2022

Re Private Tree ByLaw

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

This is in reference to the proposed new Private Tree ByLaw.

1. **The City is to be congratulated on reducing the fees and costs applicable to a level that is at least much more manageable and equitable when compared with the ByLaw currently in place. Thank you!**
  
2. However as has been stated in my delegations previously the text of the ByLaw needs revision to simplify and avoid excessive and inappropriate authority being granted to those entrusted with its implementation and over-complex regulation. This does not seem to have been addressed sufficiently and may lead to unforeseen consequences.
  
3. Without listing each individual area of concern again the following are **just a few examples** of areas which will increase costs, take time and will not be understandable to the average person:  
3.1 In the Definitions and as used in the text of the ByLaw in various places:  
**"good arboricultural practice"** means in accordance with ANSI A300 and ISA standards and best practices. Who knows what these are? An owner is now unlikely to be able to **prune** (refer to **"pruning"** definition) his own tree ...or do anything whatsoever in fact....without an infraction.  
  
**"Injure etc"** is so all encompassing that its likely impossible to avoid. And how are we to cope with "omissions" which are now also an infraction, for example?  
  
**Dead** is far too absolute . "No living tissue". Trees do not die so quickly or conveniently.  
  
**"TRAQ" report**, **"Tree protection plans"**, **etc.** all required to be done by qualified arborists and professionals. This will add substantial costs to owners.  
  
3.2 **As one example only Section 8 "Orders"** gives authority to enter private property unannounced, inspect and remove documents and "things relevant" . This is a very sweeping and all encompassing piece of authority to be granted before the owner has even been advised of a possible contravention.

In addition while there are many new obligations on tree owners there are none whatsoever placed on the City and its staff to provide a practical (to citizens) turn around time for applications to be processed and permits issued never mind the amount of time it will take to make an application in compliance with the rules. In most cases I suspect the permit issuing time will far exceed the time required to undertake the work contemplated by the tree owner. This seems wrong in principle.

***Respectfully submitted,***

***Mike Morris***

***President Fairwood Place West Inc.***