

## **TCRA's position on Proposed Revisions to Private Tree By Law**

November 5, 2014

1. Our community and TCRA Board vigorously support and are fully committed to the goal of tree retention and enhancement of the tree canopy in Oakville.

2. Experience in our community clearly demonstrates that the activities of “ Developers “ in building several homes , or constructing large homes where previously smaller homes existed , results in significant tree loss. (“Developers” are controlled by provincial legislation and are not subject to the Town of Oakville Private Tree By Law- which appears to be poorly communicated and the source of widespread misunderstanding in the community).

TCRA therefore supports every effort by Council towards assigning this responsibility to the Town. Our community and TCRA Board consider that this is by far the largest issue facing tree retention and canopy increase in Oakville. And in our opinion it is “out of control”.

3. TCRA recognises for the most part private landowners responsibly enhance their property by planting additional trees and shrubs. TCRA supports the Town exploring a positive incentive scheme to increase and enhance the natural desire of homeowners to make their homes attractive.( Possibly by provision of saplings at minimum cost)

4. TCRA recommends that the Town obtain more current and complete data by updating the current Oakville Tree canopy study.

5. TCRA reluctantly sees only marginal improvement to tree retention and canopy enhancement in the proposed changes to the “Private Tree by law”, at a cost of further intrusion into private property rights and an increase in bureaucratic intervention together with associated costs and fees to the property owner.

David Mallen

Chairman of the Board

## **Proposed Private Tree By Law - TCRA Residents Survey**

Approximately one year ago, the developer of the “DND lands”, Fernbrook Homes, clear-cut all trees from the former DND property located at the NE corner of Rebecca and Dorval. Public outrage followed this alarming event, resulting in public demand for Town action to prevent such an event occurring again on development sites. Development sites “include not only larger tracts of land such as the former DND property, but any lot where the existing structure is demolished and a new house built. There are many examples in SE Oakville where a developer has demolished a smaller house to build a much larger one that resulted in the removal of mature trees. With respect to tree removal, developers and development sites are provincially controlled and out of the Town’s hands. Town staff in consultation with “Oakville Green”, in response to the public outcry, have prepared a report recommending a more stringent **“private-tree by law”** which will apply to homeowners only, with no effect on developers. Thus it will not prevent a repeat of the DND lands experience. The significant changes proposed to the current private-tree by law are:-

- Private property owners will now have to apply for a permit to remove trees from their property that are 15cm (6 in) and over in diameter. The new permit application will carry a processing fee that has yet to be determined. Currently only the removal of trees over 76 cm in diameter requires a permit. All trees on private property between 20 and 76 centimetres in diameter currently require a written notification to the town (not a permit) that the tree is being cut.
- Individual property owners will be allowed to apply for the removal of a maximum of two trees per year (with Town Permit). The current tree by law allows up to 4 trees per year to be removed (up to 76cm diameter) with written notification (not a permit) to the town.
- In the new by law, compensation will be required at a rate of 1 new tree per 10cm of tree diameter removed (i.e.: The removal of a 40cm tree will require the replanting of four 10cm trees). The current by law already requires compensation for all trees removed over 76 cm.
- Penalties and application fees still need to be determined but it is reasonable to assume that private property owners can expect fees and compensation costs to go up.
- In all cases dead or hazardous trees are excluded.

### **TCRA has undertaken to survey your views**

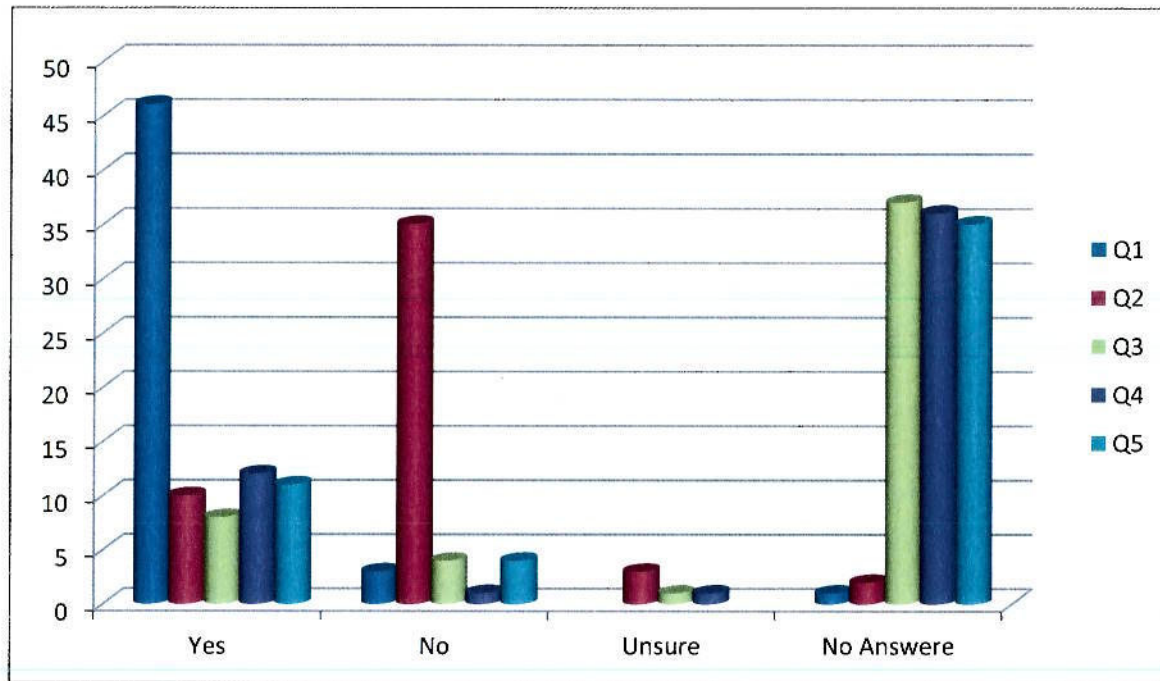
We would be grateful if you could take the time to answer the questions below. All you need to do is to click “reply” to this email, type an “x” in the answer box you prefer (please – only one “x” per question), and click on “send”.

Thanks very much ...

	QUESTION	YES	NO	UNSURE
1	Do you support efforts to control “developers” tree removal activities at the town level and should the TCRA lobby the Town to ask the Province to transfer this responsibility to municipalities?			
2	Do you support a revised and more restrictive <b><u>private- tree by-law</u></b> , knowing that it will have no impact on controlling the clear-cutting of land by developers and that it will not prevent a repeat of the DND lands experience?			
<b>If you answered YES to Q2 would you:-</b>				
3	Pay for a <b><u>Town permit</u></b> to remove any tree above 15cm diameter on your property?			
4	Agree to reduce from 4 to 2 per year, the number of trees above 15cm a home owner may remove (with a permit only)?			
5	Provide compensation for trees removed by planting new trees?			

**TCRA thanks you for your response; we will be guided by the results of this survey.**

**TCRA Survey Results as of August 18 2014**



**Conclusion**

Respondents expressed a strong desire to control developers with no need to change the private tree by law. There is little or no support at all for a) paying for a **Town permit** to remove any tree above 15cm diameter on private property, b) for reducing from 4 to 2 per year, the number of trees above 15cm a home owner may remove, and c) regulating the number of trees that would need to be replaced

**Data as at August 2014**

**(300 Surveyed / 50 Responses) =16.67 %**

	Q1	Q2	Q3	Q4	Q5
<b>yes</b>	46	10	8	12	11
<b>No</b>	3	35	4	1	4
<b>Unsure</b>		3	1	1	
<b>No Answer</b>	1	2	37	36	35
<b>Total Responses</b>	50	50	50	50	50



# *Coronation Park*

## RESIDENTS ASSOCIATION

January 19, 2015

Ms. Maureen Rabchuk  
Parks Administrator  
Parks and Open Space  
Town of Oakville  
1225 Trafalgar Road  
Oakville, ON  
L6H 0H3

Dear Ms. Rabchuk,

We apologize for the delay in sending these comments, however it had been some time since we reviewed the Private Tree Protection Bylaw and we wanted to reacquaint ourselves with the issues at hand and the preliminary suggestions put forth by staff.

As identified in the staff report presented to Council in March of 2014, a disturbingly high number of trees, representing 1% of our overall canopy, have been lost under the current Notification Process. We are in full agreement that a new, more strenuous process is needed. We also support the following:

- protect trees that have a dbh of 15cm
- subject **all** trees to a permit and attach a scalable fee
- introduce a replacement formula of 1 replacement tree for every 10cm of tree diameter removed on the subject site. Replacement trees should be of a substantial size, as it will take years for them to reach the point where they are helping to protect our environment.
- require identification of boundary trees by an Ontario Land Surveyor

When reviewing the comments and telephone calls received over past years from local residents we note a number of commonalities:

- Individuals felt a sense of helplessness, as there was nothing they could do to stop the cutting once it had started.
- They had no prior knowledge that trees were to be cut and no way to identify their concerns.
- There was nothing posted on or near the trees to denote that a permit had been issued for the cutting.
- In more than one instance, we were told that the tree removal company in charge of cutting had gone house to house offering to take down trees even though they were healthy and caused no safety concern.



It is our understanding that the current process requires the homeowner to complete the Notification Form, submit it, wait 24-hours and proceed with cutting. There is no need to submit an arborist's report, a photo of the tree(s) in question, a location drawing or any sort of permission from a neighbour if the tree is on a boundary line.

In order to create a permit process that can have a real effect on slowing the depletion of our canopy, we believe it should resemble the following:

1. Applicant completes the application and submits it to the Town along with (a) *an arborist report prepared by an ISA (International Society of Arboriculture) certified arborist*, (b) *an original, signed letter of authorization from the property owner*, (c) *a written letter of consent from the other property owner if this is a boundary tree*, (d) *three photos - picture of whole tree, picture of defective/diseased or problem area, photo of the overall area at a distance*; (e) *a site diagram of the location of the tree (perhaps a topo view taken from Explore Oakville)*
2. Once the request for permit is received a waiting period will begin. The homeowner/ applicant is given a brightly coloured Request To Remove Trees notice (similar to Committee of Adjustment) to be placed in a prominent area. The notice will have a large, highly visible telephone number to call where concerned residents can ask questions, report concerns, etc. Perhaps there should also be a band of some sort - similar to those used in the EAB program- to clearly indicate the tree(s) in question.

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A central number, with 24/7 access should also be available and promoted to the general public which will serve as a place for them to call when they see trees that are planned for cutting. This will allow residents to raise concerns.

3. During the ensuring waiting period, the application will be assessed by a certified town professional who will perform a visual evaluation of every tree under review.

We also feel that some consideration should be given to establishing a committee to deal with those situations that become highly contentious.

Thank you for the opportunity to provide this input. We plan to remain engaged with this process as it moves forward.

Sincerely,

**Pamela Knight**  
**President**

**Donald Cox**  
**Vice President**

cc: Councillors Duddeck and Damoff

October 20, 2014 (Final of June 16, 2014 (MM's Draft Changes July 9, 2014))

To: Mayor Rob Burton  
Darnell Lambert – Director, Engineering & Construction  
Chris Marks – Director, Parks & Open Spaces

cc: Ward 3 Regional Councillor Keith Bird  
Ward 3 Councillor Dave Gittings  
David Mallen - Trafalgar-Chartwell Residents' Association

From: Dani Morawetz - Chartwell-Maple Grove Residents Association  
Janet Haslett-Theall – Joshua Creek Residents' Association  
Bob Laughlin - Oakville Lakeside Residents' Association

SUBJECT: Review of Private Tree Protection By-law 2008-156

We would like to thank the Town of Oakville for the tremendous amount of work that Town Staff has done to develop a stronger private tree protection by-law and to engage the public in this process, in particular the May 14, 2014 session with a number of residents' association.

Since this last meeting, we have reviewed the recommendations. Before addressing each of them, we would like to submit the following general comments.

We commend the Town's commitment to reaching its 40% canopy coverage goal by 2057 through a number of initiatives. While our residents' associations support strengthening the private tree by-law, we believe that it is equally important, if not of greater priority, to address the loss of canopy coverage on development lands in order to achieve this target. We do not support more onerous requirements on private individuals who wish to remove a tree for personal reasons, than that which is placed on property owners whose land is under redevelopment. With this in mind, we seek assurances from the Town that it will take action with the provincial government to change the *Municipal Planning Act* to provide Oakville with control over tree protection on development lands.

The 2006 Urban Forest Effects Model Report provided the Town with a comprehensive picture of Oakville's urban forest that included the canopy coverage, as well as its health and benefits to our community. We support the Town's decision to update this report in 2015 and strongly urge that it be updated every four years as per Action Item #25 since this is a critical tool to evaluate the progress of the Town's initiatives and to develop future strategies.

With respect to the May 14<sup>th</sup> presentation by Town Staff and their review of the Oakvillegreen Conservation Association's proposed changes, we would like to make the following comments.



## 1. Definition of Private Regulated Tree

We support the recommendation to change the dbh to 15cm from 20cm.

## 2. Notification and Permit Process

2.1. Permit – We support the elimination of the “notification” process and the implementation of a “permit” system for all tree removals from 15cm dbh for tracking purposes and to encourage dialogue between Town Staff and homeowners before tree removals. As discussed during the meeting, however, the term “permit” and the intent of the process may be misinterpreted by or confusing to residents. We propose that it be replaced with another word or terminology such as “certificate of approval”. For the purpose of this letter, “permit” will be used.

### 2.2. Fees, Compensation

2.2.1. We support reducing the number of regulated trees that can be removed from 4 per year to 2-3 trees 15cm dbh and under 56cm dbh every 2 years from the date of tree removal.

2.2.2. In order to encourage tree replacement, we propose the following system and recommend that the replacement calculation be easy to understand and that costs associated with tree replacements not be onerous on property owners.

- Replacement system – Minimum of \$50 per tree.
- No replacement – Minimum of \$200 per tree. Fees to be calculated on a sliding scaled based on dbh.

We support incentives for tree replacement, as a strong case can be made to justify incentives for replacement given the benefits to the environment of the tree canopy. See the June 9, 2014 Special Report TD Economics, attached.

## 3. Boundary Trees

We support the recommendation to add the provision to the by-law.

## 4. Penalties

Staff informed us that they strive for the maximum fee for illegal tree removals; however, we believe that the \$450 fine requiring Justice Minister approval is insufficient and that the Town should explore additional avenues to deter such practices.

## 5. Enforcement and Communication Tools



1. Outside of business hours, there should be a means for the public to contact by-law enforcement regarding tree removals.
2. We recommend that the Town provide the public with online access to a database of tree removal permits. This may reduce the number of inquiries to Town Staff and make it easier for residents to identify trees that have received permits for tree removal.
3. We also propose that the Town consider posting signs, similar to the application for variance signage, to advise residents that a permit application has been filed and approved. This may also reduce the number of inquiries to Town Staff and help increase public awareness of Oakville's tree canopy and the requirement to comply with the Town's Private Tree By-law.

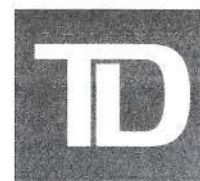
We thank you for your consideration of our input and look forward to your comments.

Sincerely,

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# SPECIAL REPORT

## TD Economics



June 9, 2014

### URBAN FORESTS: THE VALUE OF TREES IN THE CITY OF TORONTO

#### Highlights

- Urban forests are made up of the trees, shrubs and other flora and fauna that line the streets, parks and ravines of our cities.
- Urban forests do more than beautify the scenery. They represent an important investment in environmental condition, human health and the overall quality of life.
- The trees in the City of Toronto's urban forest are worth an estimated \$7 billion, or about \$700 per-tree.
- Toronto's urban forest provides residents with over \$80 million, or about \$8 per-tree, worth of environmental benefits and cost savings each year. For the average single family household, this works out to \$125 of savings per annum.
- For every dollar spent on annual maintenance, Toronto's urban forest returns anywhere from \$1.35 – \$3.20 worth of benefits and cost savings each year.
- Maintaining the health of our urban forests is the best way to protect the value of our green investment.

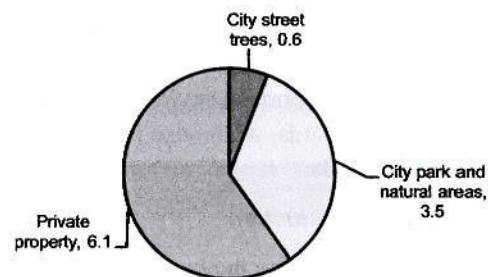
Urban forests are made up of the trees, shrubs and other flora and fauna that line the streets, parks and ravines of our cities. Urban forests play a much greater role than just beautifying the scenery. The green space provided by Toronto's urban forest is a critical factor in environmental condition, human health and the overall quality of life. Using the City of Toronto's urban forest as an example, we demonstrate how an investment in urban forests is an investment in the overall economic and environmental well-being of urban society.

#### Toronto's urban forest

"Forest" might not be the first word that comes to mind when we think of a bustling urban centre like Toronto – the most populous city in Canada. However, beyond the business and condo towers lie 10 million trees comprised of at least 116 different species that make up Toronto's urban forest. From a bird's-eye view, these trees appear as a lush green canopy that covers nearly 30% (190 km<sup>2</sup>) of the City of Toronto. The density of Toronto's urban forest is on average 16,000 trees per square kilometre or about four trees per person in the city. The majority of Toronto's urban forest is located in its ravines and river valleys, such as the Don Valley, Highland Creek and Rouge River watersheds (see Chart 1), which have been largely undisturbed by the city's expansion.

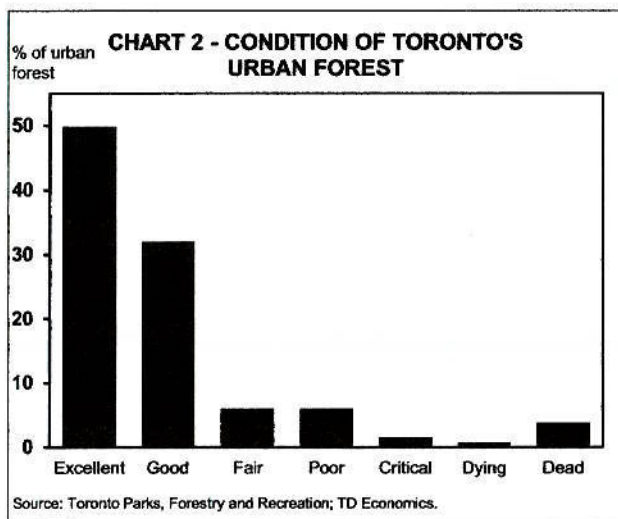
There has been increasing recognition of the environmental

**CHART 1 - DISTRIBUTION OF TORONTO'S URBAN FOREST (MILLIONS OF TREES)**



Source: Toronto Parks, Forestry and Recreation; TD Economics.





trees absorb up to 10 times more air pollutants, 90 times more carbon, and contribute up to 100 times more leaf area to our urban forest canopy relative to smaller trees (see Table 3). That's not to say smaller plants don't do their fair share. The shrubs in Toronto's urban forest contribute about a quarter of the air quality benefits that trees do.

Maintaining the health of our existing urban forests is the best way to secure larger trees, grow the value of our natural capital and ensure they continue to provide environmental benefits. Maintenance is important, as there are serious threats to the health of our urban forests. Invasive species, such as the European Gypsy Moth and the Emerald Ash Borer, pose a significant threat to almost 10% (\$570 million) of Toronto's urban tree population. The Asian Long Horned Beetle – which poses a threat to \$4 billion worth of Canadian urban forests – was previously thought to be eradicated in Canada. However, it was re-discovered in western Toronto in October 2013. Efforts to maintain our urban forests make a world of difference, and the vast majority of Toronto's urban forest is in good or excellent condition (see Chart 2).

It's only natural to question if the benefits of maintaining an urban forest outweigh the costs, especially in heavily urbanized environments, where plant life has difficulty thriving naturally. Using the 2011 City of Toronto parks and forestry budget proposal as a reference point, we can say that the annual maintenance cost of a tree is roughly \$4.20. For every dollar spent on maintenance in Toronto's urban parks, trees return \$3.20 to the community, but this number can vary based on the type of land on which the trees are located. For example, trees located in areas where it is difficult for them to grow – such as street trees – return about \$1.35 of benefits for every dollar spent. Despite this variation it's clear that the benefits provided by Toronto's urban forest outweigh the cost of maintaining them.

#### Bottom line

Urban forests are made up of the trees, shrubs and plants that grow in our yards and parks and that line our streets. Torontonians recognize that their urban forest represents an important investment in the city's environmental condition, human health and societal wellbeing. Indeed, the 10 million trees that make up the City of Toronto's urban forest are valued at over \$7 billion and provide an additional \$80 million of environmental benefits and cost savings each year. Although it's important to keep in mind that the true value of our urban forests is much larger than is reflected in these figures, as they do not include some important benefits such as aesthetic and cultural value, and recreational. Maintaining our urban forests makes sense, as every dollar spent on maintenance returns \$1.35 – \$3.20 worth of benefits to residents of the City of Toronto. The cost savings produced by our urban forests make it clear that keeping the green on our streets, keeps the green in our wallets.

**Craig Alexander, SVP & Chief Economist**  
416-982-8064

**Connor McDonald, Economist**

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January 21, 2014

We commend the Town of Oakville for its commitment to preserve and protect our urban forest through a number of initiatives over the past number of years including the UFORE project, the introduction of a private tree bylaw, the establishment of a 40% canopy coverage goal by 2057, and more recently the measures undertaken to address the Emerald Ash Borer.

Recognizing that the Town is committed to revising and strengthening its private tree bylaw and sparked by immense public concern over the extensive loss of canopy coverage on DND lands, a coalition of Oakville residents' associations would like to submit the following suggestions to improve the public consultation process and to provide better protection and enhancement of our urban forest.

## **1. Improving Oakville's Tree Canopy**

### **Current Situation — Current Tree Canopy**

The 2006 UFORE Report gave the Town a good snapshot of what its tree canopy was. Over the past 5 years many significant changes have taken place from the ravages of emerald ash borer to new development that has made the 2006 report outdated.

### **Recommendation:**

Update the UFORE report to quantify canopy loss/gains so that a plan can be formulated to meet the 40% tree canopy coverage goal by 2057.

### **Current Situation — Working With Community To Meet Challenges**

The residents' associations applaud the Town for setting a target of 40% tree canopy coverage by 2057, however, we also realize there will be difficulty in achieving this goal due to:

#### **a) Net tree losses**

- \* Approx 10% of Oakville's canopy will be lost as the Emerald Ash Borer affects almost 180,000 ash trees.
  - White pines, white cedars and other trees are at risk due to warmer weather
  - Silver maples, and other species, can't take the drier weather that is expected.
  - Development plans are currently being made for the Merton lands that, if approved under the current "Tree Protection" guidelines, are likely to result in significant tree loss.
  - Ongoing infill development in the south and new development in the north will continue to degrade the canopy.
- #### **b) Lack of public outreach and educational programs**
- There is no program in place to encourage planting of trees in areas with the lowest tree canopy, for instance in the industrial/commercial lands along the QEW.

- There is no program in place to encourage or support tree planting on private land (except by volunteer community groups).
- There is currently no comprehensive program in place to educate people about the value of native vs non-native trees (except by volunteer community groups)
- c) **No planting plan for the NHS**
  - The Town's own studies show that reaching 40% tree canopy cover is possible if 90% of the Natural Heritage System in north Oakville is forested. Currently, it is mostly degraded farmland that is not forested.

**Recommendations:**

- a) Update the UFORE report every four years as per Action #25 of the 2006 report and make it available to the public. Benchmarks should be established for each of the four year periods to monitor the progress towards achieving the 40% canopy coverage goal.
- b) Develop a new plan that partners with community groups and engages every segment of Oakville's community in getting native trees planted. This plan should go hand-in-hand with a tree education program that promotes the value of trees as green infrastructure, stresses the value of native trees and shrubs and teaches people how to select, plant and care for trees.
- c) Develop and publicize a planting plan for the NHS. (The community groups realize that not all the NHS could or should be forested as meadowlands, marshes etc. are also important to protect biodiversity.)

## 2. **Terminology**

**Current Situation — Tree Preservation Plans:**

- a) Tree Preservation Plans actually serve as "Tree Loss Plans" because, unless a tree is specifically mentioned to be preserved, the developer can take it down. For example, the cedars on the fenceline of the DND lands were removed. They were on the periphery of the DND lands and could have been preserved but as they were not marked for preservation they were automatically removed.
- b) Rationale used to take down trees.
  - For mature trees: "They're near the end of their life anyway."
  - For young trees: "They don't contribute much and they are easy to replace."
  - For ash trees: "They are dying/dead so they are exempt."



- For non-native trees: “They don’t belong here” (despite the fact they contribute to pollution and erosion abatement, oxygen, habitat, shade etc).
- For shrubs and native plants: “They’re messy” or “they are just a hedge”.

**Recommendation:**

- a) The terminology and Town staff approach to Tree Preservation Plans to be replaced with “Tree Loss Plans” or “Tree Destruction Plans” which show trees to be removed with all unmarked vegetation automatically being preserved.
- b) Change this dialogue so that any tree removal needs to be justified instead of excused.
- c) Use the recent Supreme Court decision on “boundary trees” to protect more trees on development sites. Clarify whether this decision affects the current private tree bylaw.
- d) Add additional considerations for tree protection that could be used to protect smaller trees and shrubs that: 1) provide vegetative buffers or “green linkages”; that 2) preserve biodiversity or 3) that serve a social or esthetic purpose such as shielding neighbouring homes from development.

**Current Situation — “Tree” Definition:**

A “tree” is defined differently depending on which document is referenced. The Urban Forest report defines a tree as to be any woody plant with a diameter at breast height (dbh) larger than 2.5 centimeters whereas the Private Tree Bylaw only concerns itself with trees 20 cm or larger dbh. There needs to be a much clearer definition of “tree”.

**Recommendation:**

Define trees as per the Urban Forest Report.

3. **Tree Loss Plans & Community Consultation**

**Current Situation — Renaming Tree Preservation Plans:**

Tree preservation plans, which we would like changed to “tree loss plans”, that are available during community consultations are DRAFT plans, subject to change once all utility plans, etc. are approved. No public consultation is undertaken AFTER the final preservation plan is agreed to. This “standard practice” leaves residents feeling they’ve been “duped” as those who participate in discussions about tree preservation never get to see the final result that show exactly how many trees end up being removed to make way for utilities etc.

**Recommendation:**

This standard practice must change. During the public consultation period Planning staff need to communicate clearly what is achievable in terms of



tree preservation. Plus, information on finalized plans must be provided to stakeholders. Depending on the scale of the development and the level of public interest, this could include notification by email, posting on site or holding a public meeting. Further, the Town website must be updated with current information as soon as a site plan has been approved. Residents' associations are requesting at least 10 days notice between the approval of a site plan application and any work on the site beginning.

**Current Situation — Improving Visuals of Draft Plans:**

The point was made by the public and Councillors that current depictions of plans don't adequately convey what the real, visual impact will be due to tree loss on development sites, therefore, residents are shocked when development does occur. Also, when depicting sites, developers often show their plans with mature trees and landscaping — a visual that is deceptive because it will take many years for trees/landscaping to grow as depicted.

**Recommendation:**

- 1). Require developers to provide aerial views of the property and photos taken from the north, south, east and west of their development site. These photos can be used to show the actual trees that will be preserved or destroyed.
- 2). Have draft plans that show the actual tree canopy area instead of just small circles on the map or use actual photos of the area and photoshop out trees. Have graphics that show what the site will look like with landscaping immediately after development.

**Current Situation — Improving Community Input**

Community members are often unaware of the impact tree loss will have on a development property until trees are removed.

**Recommendation:**

On development sites that will require permits for tree removal require signage that describes the number of trees to be removed and gives a % of expected canopy loss. The notification should be required to be posted for three weeks and should tell residents that they can file a concern regarding potential tree loss with the Town. It will be the responsibility of property owners to remove the signage after three weeks. Outcomes of permit requests should also be posted both on the development site and online.

4. **Meeting Canopy Coverage Goals**

**Current Situation — Tree Replacement Ratios:**

There is no formula used for appropriately offsetting the trees that are lost during new or infill development. For example, on the DND lands 162

trees were taken down (not counting “shrubby”) and only 145 will be planted. If offset trees can’t be replanted on site, there is no dedicated fund that property owners can pay into that would be used to plant trees elsewhere. Tree replacement plans are not communicated to citizens.

**Recommendation:**

- 1). Use I-Tree or similar system to evaluate the tree canopy/ecological services being provided by the trees/shrubs being removed and require equivalent plus replacement value. Ecological service totals are based on the DBH (diameter at breast height) so for example, a large tree would require a greater compensation ratio than a small tree.
- 2). Tree loss must be compensated by more than a 1:1 tree replacement ratio since we know not all tree/shrubs planted will survive due to climate change, pests, predation etc, that will take their toll.
- 3). If replacement trees/shrubs cannot be planted on site, then property owners should be required to provide financial compensation so that replacement trees/shrubs can be planted elsewhere. The fund must be a separate fund dedicated to that purpose. Tree compensation funds must not go into general revenue.
- 4). Consideration should be given to “geographic” tree canopy/ecological services so replacement trees/shrubs should be planted in the same geographic area they were removed from if possible.
- 5). Put in writing a requirement to review and report on tree replacement for all sites and fine those not in compliance.

**5. Protecting Biodiversity**

**Current Situation — Replacement Trees:**

We are losing biodiversity as we take down old trees whose genetic lineage traces back over thousands of years in connection to this land and replace them with cloned trees collected from unknown seed sources.

**Recommendation:**

The Town should strive to source trees for replanting that are grown from local seed sources as often as possible and put more effort into protecting existing native trees and native “shrubby” that harbour those good genes and improve biodiversity.

**6. Private Tree Bylaw**

Options for improvement:

**A) Current by-law (2)**

No person shall injure or destroy a total of five (5) or more trees, or the fifth or more tree, each with a diameter greater than 20 cm and less



than 76 cm on a lot within a calendar year, without first obtaining a permit pursuant to this ByLaw

**Recommendation**

No person shall injure or destroy a total of three (3) or more trees, or the fourth or more tree, each with a diameter greater than 15 cm and less than 50 cm on a lot within a two-year period, without first obtaining a permit pursuant to this ByLaw.

**Additional Recommendations:**

Add protections for:

- \* Healthy trees that are rare
- \* Trees that have heritage value
- \* Trees that have naturally smaller trunk sizes or that are slow growing.
- \* Very large stature trees because while they compromise only .5% of our forest canopy, they provide the most benefits and are under significant threat from infill development.

**B) Current by-law(3)**

- No person shall injure or destroy any tree with a diameter greater than 76 cm on a lot within a calendar year, without first obtaining a permit pursuant to this ByLaw

**Recommendation**

No person shall injure or destroy any tree with a diameter greater than 50 cm on a lot without first obtaining a permit pursuant to this ByLaw

**C) Current Section 7 Notification Process**

Subject to the notification process set out in Section 7, a permit is not required to injure or destroy a tree if:

- (a) the number of trees each with a diameter between 20 cm and 76 being injured or destroyed on a lot within one calendar year is four (4) or less

**Recommendation**

Subject to the notification process set out in Section 7, a permit is not required to injure or destroy a tree if:

- (a) the number of trees each with a diameter between 15 cm and 50 being injured or destroyed on a lot within two calendar years is three (3) or less

**D) Current Minimum Fine**

The minimum fine for an offence is \$400

**Recommendation**

- \* Make the minimum charge for an offence the maximum allowed by law.
- \* Consider special penalties for developers who take down trees without a permit. Homeowners might consider fines significant but



current fines are pocket change to developers and do little to deter willful tree cutting.

\* Consider special penalties for arborists/contractors who falsify information on permit forms such as misidentifying healthy trees as dead or dying, misstating diameter of tree etc.

\* Ensure enforcement includes fines that are imposed on arborists and contractors, and not just property owners for contravening the bylaw.

\* Ensure that all arborists and contractors receive notification of the by-law and that they risk a fine if they do not comply with it.

7. **Enforcement**

Options for improvement:

**B) Current situation**

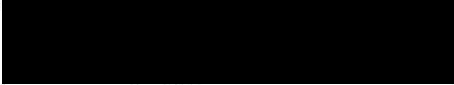
It can be very difficult for residents to know whether a tree removal permit has been issued. Tree removals also often occur after office hours so it can be difficult for citizens to contact bylaw enforcement. As well, after making a complaint to bylaw enforcement, residents often do not know what if any action was taken.

**Recommendation**

- The mechanism to contact bylaw enforcement needs to be reviewed. To make it easier to find out if a permit has been issued, make tree removal permits available online.
- One form of communication may include posting of permits online.
- Consider whether bylaw enforcement may be more effective if it falls under Forestry Services. Currently it falls under Parks and Recreation and Development Engineering.
- Posts signs on the property requesting tree removal permits and when approvals have been granted, post those signs on the property.

Signed by:

Karen Brock  
President  
Oakvillegreen Conservation Association

  
[www.oakvillegreen.org](http://www.oakvillegreen.org)

Pamela Knight  
President,  
Coronation Park Residents Association

905-827-4641

Linda Oliver

President

Bronte Village Residents Association



[brontevillageresidents@gmail.com](mailto:brontevillageresidents@gmail.com)

[www.brontevillageresidents.com](http://www.brontevillageresidents.com)

Boyd Waites

President

Oakville Lakeside Residents Association



[www.oakvillelra.ca](http://www.oakvillelra.ca)

Dani Morawetz

President, Chartwell-Maple Grove Residents Assoc.

[info@cmgra.org](mailto:info@cmgra.org)

905-338-9330

[www.cmgra.org](http://www.cmgra.org)

David Mallen, President

Trafalgar Chartwell Residents Association (TCRA)



905-842-3470

Paul Baillie, President

**SCORA – Southwest Central Oakville Residents Association**



905-842-9760

[www.scora.ca](http://www.scora.ca)



Sharon Clark-Gamus

Hopedale Residents Association (HOPE)



905-827-2818

Scott Leduc

President

Fourteen Mile Creek Residents Association

[fourteenmilecreekra@yahoo.ca](mailto:fourteenmilecreekra@yahoo.ca)

JCRA supports the Town of Oakville's goals for tree protection and preservation to increase the tree canopy on both private and town land, and we are pleased the Town has undertaken a review of the existing Private Tree Protection Bylaw to ensure it works to achieve these goals.

JCRA supports three overriding principles that we believe should guide and inform the proposed changes to the existing Private Tree By-law

1. Protection of property rights - tree by laws should not prevent property owners from making changes to their property
2. Permit Requirements and Tracking process for removal of all trees
3. Compensation for tree removal, including incentives to retain trees

### **Property Rights**

Homeowners cannot be prevented from making changes to their property, including pools, decks, sheds, gazebos, additions because of an existing tree. While a notification and compensation process must be followed, property owners must have full use of their property for their own needs.

### **Permits for Removal and Tracking Process**

Require a permit for removal of all trees with a 15 cm dbh or greater.

Use the permit process to both track removal, but also to track the planting of compensation trees. The tracking process of replacement trees will also allow the Town to ensure compensation trees meet minimum requirements, are not removed and are cared for to ensure they survive. Tracking compensation trees is an integral part of ensuring the Town meets its tree canopy targets.

Limit the number of trees allowed for removal to 2- 3 (down from: 4) within a 2 year period from the date of tree removal (rather than 1 calendar year as the time frame for removal) to help with the balance between property rights and tree protection.

Exempt hedgerows from the Private Tree By-law to further protect property owners' right to landscape their property.

JCRA also supports the protection of very large (76 cm dbh as defined by the by law) or rare trees unless they are assessed as dangerous or diseased by the Town as non- negotiable.

### **Compensation**

Compensation for removal of trees needs to consider the size of the tree removed, and the property from which it was removed. While a simple formula of 1 tree for every 10 cm dbh



removed is easy for homeowners to understand it may not be practical given the size of a property. As well, the by law should stipulate that compensation trees must be equal to the minimum size that requires a removal permit to prevent the future removal of compensation trees without a permit.

In addition to compensation requirements for tree removal, an incentive program for planting trees or for planting compensation trees in excess of minimum requirements would encourage property owners to add and/or save trees, thereby improving the town's ability to reach tree canopy targets. The development and implementation of such an incentive program could accompany the private tree by law.

### **Development Approval Process**

The removal of large, mature trees, as well as mass removal of trees i.e. more than 2 appears to be a significant cause of tree loss on redevelopment lands south of Dundas Street, and as such, a significant concern for residents in that geographical area. Addressing these concerns should be a priority for town staff.

JCRA understands the differentiation between the Town's Private Tree By law and the Municipal Planning Act governing lands that are subject to development approval i.e. site plan approval or subdivision approval, and that tree removals and replacements on those lands are part of the site plan approval process, not the Private Tree By law.

Although we support the strengthening of the private tree by laws to ensure tree protection, we do not want to see more onerous requirements on private individuals who wish to remove a tree for personal reasons, than that which is placed on property owners whose land is under redevelopment.

We want assurances from the Town that they will take action with the provincial government to make changes to the Municipal Planning Act so that individual municipalities can have control over the tree protection on development lands. Without such assurance, we are reticent to support changes to the private tree protection by laws that restrict private individuals to a greater degree than those property owners with land under development.

## Chris Mark

---

**From:** privatetreebylawreview  
**Sent:** Monday, May 12, 2014 1:17 PM  
**To:** Chris Mark; Darnell Lambert  
**Subject:** FW: Comment

---

**From:** Ivor Davies [REDACTED]  
**Sent:** Sunday, May 11, 2014 11:20 PM  
**To:** privatetreebylawreview; [REDACTED] Cathy Duddeck; Pam Damoff  
**Subject:** Comment

Informed yesterday (May 10) about review of town's Private Tree Protection Bylaw with accompanying comment....."Appears this Council is in the process of declaring war on land owners with trees on their property." Original intent of this By-law was to discourage clear cutting, I believe. It has now evolved in to demand from a few, due minimal damage from a recent ice storm and Emerald Ash Borer depredations, that notification or possibly a permit process be applied for any tree cut on private property that is 15 cm (5.91") dbh (diameter at breast height) or more. Push by the few, apparently, was for 12 cm (4.78") dbh limit: Town staff has recommended 15 cm (5.91") dph. Original standard was 20 cm (7.88") dbh.

Town release with his information dated April 1, 2014 lacks conversion from metric to Imperial measure, which may confuse many. Two public meetings were held April 23 and 24 which one doubts few were aware of: I certainly wasn't!

While few would deny the value of trees in cleaning the air we breath, value of feedback from public meetings in a suggested By-law change of this nature is always suspect: one wonders what percentage of Oakville residents attended?

Having planted some 150 cedar trees on my property 30 years ago as a privacy hedge that is trimmed by a certified arborist yearly, some are now approaching the suggested numbers of 12-15 cm (4.78" to 5.91") dbh. As the odd dieback occurs I will be faced unnecessarily with reporting/permit removal of same by Town, of trees I planted 30 years ago. This scenario holds true for all present Oakville property owners for one, ten, twenty or more trees, and could retard tree planting by newcomers including those now settling North of highway 5. Leave well alone at 20 cm (7.88") dbh.

Sincerely, [REDACTED]



## Chris Mark

---

**From:** privatetreebylawreview  
**Sent:** Monday, May 12, 2014 1:19 PM  
**To:** Chris Mark; Darnell Lambert  
**Subject:** FW: private tree laws

**From:** Lynette Pasma [REDACTED]  
**Sent:** Monday, May 12, 2014 11:32 AM  
**To:** privatetreebylawreview  
**Subject:** private tree laws

I would like to submit my ideas regarding the private tree by-law review.

1. The change from 20cm dbh to 15 dbh is senseless. Many trees fall under this change that otherwise would not be regulated. A decrease in size would require an inordinate amount of paperwork and inspections otherwise not needed.

Is the Town prepared to hire more inspectors and office staff to process the increase in permit processing?

I fear that many home owners might try to bypass the by-laws and cut the trees themselves. We have already seen what happens when inexperienced people try to do that. Is the Town ready to accept responsibility for injuries that might arise from that?

2. The present 4 trees 20cm-76cm dbh removed using a notification process with no permit required is much fairer to the private home owner. Changing this to the proposed EVERY tree over 15cm dbh is not reasonable. The cost for a homeowner might become impossible. \*If I had 4 trees 65cm dbh to be removed, there would be an additional cost of \$2400 over the cost of removal by a tree company (not to mention canopy replacement). This to me is just a money grab on the Town's part.

If the Town is trying to offset the cost of storm damage by implementing this cash grab, it must realize that it is an unfair burden on the tax payers who own property with trees. Whereas all property owners enjoy the public spaces, only a few are being forced to cover the costs in this way.

Perhaps a one time levy for property owners would spread it out over the Town - a much fairer and equitable solution. It would also be a sure money income rather than waiting for money acquired only when permits were requested.

3. If written consent of a neighbour is required for boundary tree removal now, why the need for a survey? In many cases, neighbours agree. Yet, with the new proposal, they would have to produce a survey - Just another example of money required by an individual homeowner to remove a tree on his/her own property. There is no advantage to the Town or its citizens.

4. The compensation by-law suggestion of 1 tree for every 10cm dbh of trees removed will be impossible for some properties. I am referring to the individual property owner with a small lot.

I realize this is to protect the canopy of Oakville. My concern is not with the individual property owner. It is with the developers. They are the ones with the deep pockets and it is my suspicion that they are also the ones causing the most canopy destruction in the Town of Oakville. It would be better to give us information on their impact and focus on them, rather than the small property owner.

Thank you for taking the time to consider my responses,

## Chris Mark

---

**From:** privatetreebylawreview  
**Sent:** Friday, April 25, 2014 3:53 PM  
**To:** Jalil Hashemi; Chris Mark; Darnell Lambert  
**Cc:** John McNeil  
**Subject:** FW: Follow-up to first e-mail: Please protect our significant trees!

**Importance:** High

-----Original Message-----

**From:** Valadka Saulius [REDACTED]  
**Sent:** Friday, April 25, 2014 3:51 PM  
**To:** privatetreebylawreview  
**Cc:** Pam Damoff; Cathy Duddeck; Mayor Rob Burton  
**Subject:** Follow-up to first e-mail: Please protect our significant trees!

To whom it may concern,

Speaking to intent of rather than the letter of the by-law, I would add a quote from the initial "Private Tree Protection By-Law", 2008-156 page 1.

"Whereas the Town of Oakville recognizes the ecological and aesthetic value of trees and is desirous of managing the destruction and injury of trees, particularly large-stature trees of heritage interest;"

As implied in my initial e-mail, the girth of a Spruce tree does not quantify it's stature adequately or appropriately.

Secondly, I believe the trees in question are of "heritage interest".

I invite you to drive down Tracina Dr. to appreciate the above statements. There stature has already been unfortunately diminished (I believe as a travesty of the by-law). Please do not let it go further.

I would appreciate a response to this inquiry, as acknowledgement I have reached the appropriate persons. I would also appreciate any feedback on decisions pertaining to, as well as notice of any potential future public discussions relating to this matter. (I understand I unknowingly just missed such an opportunity yesterday)

Thank you again.

Sincerely,  
Saulius Valadka

> To whom it may concern,

>

> My name is Saulius Valadka. I am a resident/homeowner in the Coronation Park neighbourhood for Southwest Oakville. [REDACTED] I hope I am not the first or last to write about the following issue. I have contacted the tree protection service of Oakville, namely Chris Brown, and I understand I am not the first with this concern.

>



> The issue is around a mature stand of spruce trees east of Tracina Dr., which to my knowledge predates the neighbourhood. This is a real and visible feature of our neighbourhood. The original farmhouse on this property, I believe, is protected as a historic home. The tree line in question, I believe, lined the original driveway to this property. I do understand that my backyard neighbour to the north (fronting on Talbot) obtained permits to dispose of 4 of these trees, within current by-law. These trees are now being taken down, and damage has already been done to this feature of our neighbourhood. What was a beautiful wall of healthy spruce trees now has a gaping hole. I am hoping there can be a stop to any further damage.

>

> This tree line was a big reason why I and I'm sure others in the immediate neighbourhood chose to buy and live here. Taking these trees down in a real way impacts the value and feel of the neighbouring properties. Also what once stood as a united front against foul weather, has now been weakened. It remains to be seen how the new "bookend" trees will fare, that were used to the environmental stresses on trees that grew in the middle of the row. (i.e.. there will be greater stress on these individual trees where it was more evenly distributed before)

>

> These likely century old trees are irreplaceable and would take another lifetime to grow to their height. Please protect the rest of this majestic stand of trees. Under current by-law, this individual can continue to take these trees down 4 per year. This is an unbelievable tragedy. Frankly, I can't believe this was allowed to happen.

>

> I think the by-law needs strengthening, absolutely. Maybe focus on age instead of girth (i.e.. the spruce trees in question are relatively narrower per year than an oak or maple, yet are likely 100 years old)

>

> Before the by-law can be reviewed, please protect these materially significant beautiful trees from further damage.

>

> Thank you for your consideration.

>

> Sincerely,

> Saulius Valadka

## Chris Mark

---

**From:** Jill MacInnes  
**Sent:** Monday, April 28, 2014 8:52 AM  
**To:** Chris Mark; Darnell Lambert  
**Cc:** Jalil Hashemi  
**Subject:** FW: Comments to Council on proposed tree bylaw changes...

Jill MacInnes  
Communications Advisor  
Strategy, Policy and Communications  
Town of Oakville | 905-845-6601, ext.3096 | f: 905-338-4259 | [www.oakville.ca](http://www.oakville.ca)

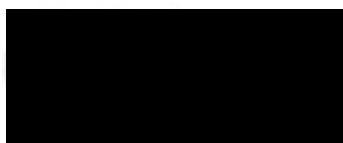
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**From:** Doug Wade [REDACTED]  
**Sent:** Sunday, April 27, 2014 4:50 PM  
**To:** privatetreebylawreview  
**Subject:** Comments to Council on proposed tree bylaw changes...

In order to reverse the shrinking canopy, we must get to the point where it is clear that if you choose to buy a home in Oakville, you accept that the trees cannot be cut. Period.

If you want to build pools or undertake other such projects, you can only do so if existing trees, of any size, are unaffected. Allowing people to cut trees if they pay a fee or fine, regardless of how expensive, is no deterrent in Oakville. They will cut then pay with nary a blink!



## Chris Mark

---

**From:** Jill MacInnes  
**Sent:** Monday, April 28, 2014 8:51 AM  
**To:** Chris Mark; Darnell Lambert  
**Cc:** Jalil Hashemi  
**Subject:** FW: Private tree bylaw

Jill MacInnes  
Communications Advisor  
Strategy, Policy and Communications  
Town of Oakville | 905-845-6601 ext.3096 | f: 905-338-4259 | [www.oakville.ca](http://www.oakville.ca)

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-----Original Message-----

From: Maura Peacock [REDACTED]  
Sent: Saturday, April 26, 2014 9:11 AM  
To: privatetreebylawreview  
Subject:

Leave things as they are, the current law is quite adequate. you are wasting tax payer money revisiting this issue .What you should be doing is removing the trees that cut the power lines in southeast oakville every time the wind blows. we are sick of the constant power outages. It is totally 3rd world! Also you should be spraying the bugs as it is becoming increasingly impossible to enjoy the outdoors around this town as everywhere you go you are covered in flying insects.

Sent from my iPad



## Chris Mark

---

**From:** Jill MacInnes  
**Sent:** Friday, May 09, 2014 8:57 AM  
**To:** Chris Mark; Darnell Lambert  
**Cc:** Jalil Hashemi  
**Subject:** FW: Tree Bylaw Review

**Jill MacInnes**  
**Communications Advisor**  
**Strategy, Policy and Communications**  
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**From:** Bill Fulton [REDACTED]  
**Sent:** Thursday, May 08, 2014 4:44 PM  
**To:** privatetreebylawreview  
**Cc:** Cathy Duddeck  
**Subject:** Tree Bylaw Review

Between our lot [REDACTED] and other lots on Tracina Drive and lots to the east on Talbot Street stands a row of evergreen trees which date back to earlier times, maybe 100 years. These trees have for years created a formidable windbreak which, according to local history, was planted by the Walby family, pioneers of the area. Recently a home owner on Talbot, the street to the east of this line of elegant trees, decided to remove three of these trees which would enable the afternoon sun to access their back yard. So we now have an open space in this line of trees, all to satisfy the whims of a homeowner, and much to the chagrin of the owners of a new house being built on Tracina who never expected to be able to see the house to the east of them which is now in full view. All of this was apparently done with the proper permits, etc so apparently nothing could be done to prevent it from happening. Now, of course, it can be expected that others who reside east of this row of trees will decide to take similar action with the result that, over time, an historic land mark will gradually disappear thus reducing the tree canopy, something that Oakville is apparently trying to protect.

It is our view that the bylaws need to be amended to ensure that this kind of destruction of a environmentally friendly, major community landmark does not happen again and it is our hope that the current tree bylaw review being undertaken will do so.

[REDACTED]

## Chris Mark

---

**From:** Jill MacInnes  
**Sent:** Tuesday, May 06, 2014 9:48 AM  
**To:** Chris Mark; Darnell Lambert  
**Cc:** Jalil Hashemi  
**Subject:** FW: Private tree by-law review

Jill MacInnes  
Communications Advisor  
Strategy, Policy and Communications  
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---

**From:** Colin Hardman [REDACTED]  
**Sent:** Tuesday, May 06, 2014 12:37 AM  
**To:** privatetreebylawreview  
**Cc:** Dave Gittings; Keith Bird; Mayor Rob Burton  
**Subject:** Re: Private tree by-law review

Dear Town Council

I attended one of the April public meetings re the private tree by-law review. What I heard was a continual idea of what the Town does not want people to do, and the changes required to the by-law to enforce this behaviour.

I think you should have far more focus on what you would like to see happen, and not focus on what you do not want people to do. A good start would be to see the backyard tree planting program in Toronto by the Tree Leaf organization: <http://www.yourleaf.org/>

Their 2012 Annual Report describes that they:

“LEAF CONTINUES TO INNOVATE while staying true to its core strengths and priorities: plant and protect, engage and inspire, collaborate and advocate. I’m so pleased to see the advances we made on all three fronts in 2012! LEAF has planted in backyards for more than 15 years and with over a 90% survival rate for our trees and shrubs we do it very well. Now we have expanded our offerings, to better serve residents and promote a more ecological view of the urban forest. In 2012 LEAF added shade gardens and edibles to its popular butterfly and songbird kits.

Through education, outreach and a strong presence on social media and in the news, LEAF continues to shape urban communities by empowering our citizens to act. This was a strong year for community engagement: volunteer hours and attendance at educational programs are up over last year. LEAF is quick to respond to emerging threats to our forests, and so too are local residents. We launched our Emerald Ash Borer Ambassador Program in 2012 and our new ambassadors devoted 251 hours raising awareness and sharing their expertise in the community.”

Part of the Leaf program is to provide guidance on space requirements for plants:

“Remember: Select an appropriate species for your backyard based on the available space, rather than trying to fit in a tree that does not suit the location.

The planting site you have in mind should meet the following minimum space requirements:

Site Conditions	Shrubs	Trees
Area of soft surface required	3' x 3'	15' x 15'
Distance from fence/property line	3'	3'
Distance from hard surfaces (deck/paving)	3'	8'
Distance from buildings with foundations	3'	10'
Distance from existing trees	8'	20'
Overhead wires	not an issue	avoid
Raised beds or container planting	not recommended	never”

This takes care of the problem of new trees being on the property line and close to buildings: they will not exist. In my opinion any tree that does not meet with these recommendations should be moved or re-moved by either of the affected property owners.

As for encouraging property owners to plant more trees, could you offer a benefit to property owners? One example to follow might be the principle of the Province of Ontario's micro-FIT program for people to put solar collectors on their rooftops. Or simply offering saplings free to property owners (with their agreement to follow the planting guidelines) may be enough to encourage them to plant or replace trees this year.

Regards  
Colin Hardman

	Shrubs	Trees
Area of soft surface required	3' x 3'	15' x 15'
Distance from fence/property line	3'	3'
Distance from hard surfaces (deck/paving)	3'	8'
Distance from buildings with foundations	3'	10'
Distance from existing trees	8'	20'
Overhead wires	not an issue	avoid
Raised beds or container planting	not recommended	never

From: Colin Hardman [REDACTED]  
To: "[privatetreebylawreview@oakville.ca](mailto:privatetreebylawreview@oakville.ca)" <[privatetreebylawreview@oakville.ca](mailto:privatetreebylawreview@oakville.ca)>  
Cc: [REDACTED]; Keith Bird <[kbird@oakville.ca](mailto:kbird@oakville.ca)>  
Sent: Friday, 11 April 2014, 13:44  
Subject: Private tree by-law review



Dear Town Council

As an Oakville property owner with a few trees, I would first like to know what the effect has been of the subject by-law before any changes are made to it.

For instance:

How many applications for tree removal have been made, how many approved, rejected, modified and the reasons?

What percentage of the mature trees have been lost due to approval application?

What percentage of the mature trees have been lost to natural causes such as bugs, lightning, old age deterioration, etc.?

How many more trees would exist if the permit diameter was modified as suggested?

What it has cost property owners in time and expense?

What has it cost the Town to operate the by-law?

What was the original canopy coverage and what is it now?

Is 40% really feasible considering that there is little space for trees in the areas of the increasingly dense housing that is now being built, apart from the road allowances?

Instead of placing all the costs on tree growers, would the Town partake in the costs by actions such as supplying the saplings for the replacement trees and eliminating permit costs?

How to address the competing green-ness of trees and the current crop of solar panels now appearing on roof tops?

There has been recent reporting on the problem of trees on a property line. This is generally caused by one owner allowing a self-seeded tree to grow, and continuing to do nothing about it as it grows over the property line, frequently causing damage to fencing and other plantings. To properly eliminate this problem, I believe that no new tree should be allowed with its centre closer than a metre from a property line. Any existing tree or sapling currently closer than one metre to a property line should be removed when it becomes larger than the permit diameter in the by-law. And that either "part-owner" of a tree that crosses a property line should be able to take any action they deem necessary to protect their own property.

Regards

Colin Hardman

## Chris Mark

---

**From:** privatetreebylawreview  
**Sent:** Thursday, April 24, 2014 9:17 AM  
**To:** Chris Mark  
**Cc:** Jalil Hashemi  
**Subject:** FW: Private Tree Protection by-law feedback

---

**From:** Krista Leaver Cobbold [REDACTED]  
**Sent:** Saturday, April 19, 2014 9:49 AM  
**To:** privatetreebylawreview  
**Subject:** FW: Private Tree Protection by-law feedback

---

**From:** [REDACTED]  
**To:** [privatetreebylaw@oakville.ca](mailto:privatetreebylaw@oakville.ca)  
**CC:** [REDACTED]  
**Subject:** Private Tree Protection by-law feedback  
**Date:** Sat, 19 Apr 2014 09:47:29 -0400

As a resident of Oakville living with large mature trees I would like to suggest that homeowners be given greater freedom to decide what to do with their property. I have a very large oak tree on my property that is impeding the use of my driveway and garage yet I am not able to take this tree down as per the Town's existing Private Tree Protection by-law.

I have no intention of clear cutting my property, yet I am unable to remove one tree. I have presented my request to the Town twice and I have been denied a permit. This seems exceedingly inequitable.

I anxiously await the findings of this review.

Krista Leaver Cobbold  
[REDACTED]

## Chris Mark

---

**From:** Jill MacInnes  
**Sent:** Monday, April 28, 2014 11:46 AM  
**To:** Chris Mark; Darnell Lambert  
**Cc:** Jalil Hashemi  
**Subject:** FW: Private Tree By-Law Comments

**Jill MacInnes**  
**Communications Advisor**  
**Strategy, Policy and Communications**  
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**From:** Joanne Robbins [REDACTED]  
**Sent:** Monday, April 28, 2014 11:40 AM  
**To:** privatetreebylawreview  
**Cc:** Jo Robbins  
**Subject:** Private Tree By-Law Comments

In response to the proposed changes to the private tree by-law, I have the following comments:

- 1) In the presentation given last week, it was mentioned that trees of 12cm dbh provide environmental benefits. As such, I would support regulation of trees that are of 12cm dbh (i.e. even less than the proposed 15cm).
- 2) EVERY regulated tree should be subject to a scalable permit that recognizes the size of the tree.
- 3) Compensation should be required for every tree being removed, with some stipulations regarding the species and size of replacement trees. Furthermore, the onus should be on the property owner to ensure survival of replacement trees, and should newly planted trees fail within a period of years (however long it takes for new trees to become established), the property owner will be required to replace them again.
- 4) I would propose the introduction of *meaningful* financial incentives for people to plant and preserve trees. For instance, there could be a property tax discount that is based on the total cm dbh for the property in question, thereby incenting people to preserve their mature trees and plant new trees as well. This type of financial incentive will mean that the permit fee is not the only cost of removing a mature tree.

I would like to add that I fully support your efforts to strengthen our private tree by-law. My main concern, though, is that the private tree by-law only addresses a very small part of the issue. In order to truly protect our existing canopy, we need to be thinking of ways to prevent developers from destroying what is already beautiful. There is no comparison between a large, mature tree and half a dozen newly planted trees, so even if landscape plans exist for these new developments, it's really not good enough. We need to find a way forward to address this much more serious threat to our canopy.



## Chris Mark

---

**From:** Jill MacInnes  
**Sent:** Friday, April 25, 2014 1:45 PM  
**To:** Jalil Hashemi  
**Cc:** Chris Mark; Darnell Lambert  
**Subject:** FW: Tree removal

**Jill MacInnes**  
**Communications Advisor**  
**Strategy, Policy and Communications**  
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---

**From:** Alex Balogh [REDACTED]  
**Sent:** Friday, April 25, 2014 10:23 AM  
**To:** privatetreebylawreview  
**Subject:** Tree removal

We were unable to attend the meeting on revised by-laws on private tree removal.

We would like clarification on the application of the existing of new by-law with regards to trees of 75 cm in diameter which are leaning dangerously in the direction of our residence; the tree is on the lot line with our neighbour. In other words, do all the severe penalties for cutting trees apply to dangerous or dying trees?

Thank you  
Alex and Marie Balogh

**Date:** Mon, 24 Mar 2014 16:32:38 -0400

**From:** Rob Boak [REDACTED]

**To:** [mertonstudy@oakville.ca](mailto:mertonstudy@oakville.ca)

Why did my wife and I move to Oakville? The main reason was the beautiful trees and the canopy they produced. Our first home was purchased in 1970. Over the forty-four years that we have lived in Oakville we have watched developers destroy many areas by removing as many trees as possible in order to make it easier for development.

A recent example of this type of development was the DND lands at the northwest corner of Rebecca Street and Dorval Drive here in Oakville. Over 70% of the trees were removed from this development site. New trees will be planted (sticks) and it will take 20 to 30 years for this area to contribute to the Towns canopy.

When will we stop destroying our trees through development of this type. I am dead against developing the Merton Lands. From the map I have seen of the area it is surrounded with massive developments of homes. We don't need more. The Halton Watershed needs to be protected. It is a very Environmentally Sensitive Area. The wildlife and meadow flowers would disappear never to be replaced.

A few years ago I took the attached picture from the bridge at Lyons Valley Park. Don't take this away from us.

Thank you.

Rob Boak

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2014.0.4354 / Virus Database: 3722/7256 - Release Date: 03/27/14

## Maureen Rabchuk

---

**From:** Chris Mark  
**Sent:** Wednesday, October 15, 2014 12:21 PM  
**To:** [REDACTED] Pam Damoff  
**Cc:** Darnell Lambert; Maureen Rabchuk  
**Subject:** Re: Private Tree ByLaw

Councillor Pam

Thank you for these comments. We shall include them in future staff reports.

Maureen please print for me.

Thank you

Chris

Sent from Chris' iPhone

> On Oct 15, 2014, at 12:05 PM, [REDACTED] wrote:

>

> Hi Chris,

>

> Please see below with his comments on the private tree bylaw, which I

> said I would provide as part of your review of the bylaw.

>

> Pam

>

> Having said that, I would like you to forward my concerns to the Town

> now and continue to do so should you be reelected.

>

> I firmly believe that by periodically retaining the professional

> services of an arborist to prune and maintain the trees on my property

> I ensure that that all of them, small or large and mature, remain

> healthy and this is the best guarantee of protection of the canopy.

> Should permits be required, the cost is likely to dissuade homeowners

> to do the right thing and the result will be detrimental to the Town's objectives.

>

> Developers are the biggest threat to the canopy (I live near the

> former DND lands and have witnessed their practices...) and the Town

> should be firmer with them, even though they are not as soft a target

> as individual homeowners.

>

> Thank you for forwarding my concerns.

>

> Kind regards,

>



## Chris Mark

---

**From:** Jill MacInnes  
**Sent:** Thursday, April 24, 2014 9:26 AM  
**To:** Chris Mark  
**Cc:** Jalil Hashemi  
**Subject:** RE: Private tree bylaw review input

Hi - just wanted you to be aware, as I realized my signature was not on the last email -- I also have access to the private tree by-law review email.

That message was from me. Shall I continue to forward any I see to you and Jalil?

Jill

Jill MacInnes  
Communications Advisor  
Strategy, Policy and Communications  
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-----Original Message-----

From: privatetreebylawreview  
Sent: Thursday, April 24, 2014 9:16 AM  
To: Chris Mark  
Cc: Jalil Hashemi  
Subject: FW: Private tree bylaw review input

Chris, the following just appeared this morning in the privatetreebylawreview email.

-----Original Message-----

From: Nick Price-Owen [REDACTED]  
Sent: Monday, April 21, 2014 6:52 PM  
To: privatetreebylawreview  
Subject: Private tree bylaw review input

Dear Mr. Mark

Director Parks and Open spaces.

Here are my recommendations in response to your renewed private tree bylaw review, as unfortunately I cannot attend your meetings"

- 1) If the Town believes it should incentivise planting of new private trees, I recommend you offer a rebate or discount to home owners similar to the Halton Region high efficiency /watersense toilet replacement program.
- 2) Parks and Open spaces first and only priority should be to the trees for which it is responsible
- 3) Neighbours of mine with damage to their own trees caused by falling Parks and Open spaces managed tree have been told by town employees (who have been removing damaged trees as a result of the ice storm) that the Town has no

responsibility for the damage caused to private trees by falling/fallen Town trees. This must be corrected. If Oakville trees cause damage to private trees, the Town should correct the damage or replace the private trees.

4) Focus on correcting the Town's own Ash trees problem, unless a private tree has safety concerns

5) Do not create any further restriction on Private trees, in fact I recommend you remove the current limits on size and number of trees. My private trees on my property, and ones that I have planted are not the business of the Town, unless there is a safety issue.

6) Private trees, unless in a designated woodlot, are of no concern to the Town, beyond safety issues.

7) Karen Brock does not represent the taxpaying citizens of Oakville, and should have no input on any 'private tree' that is not on her own property.

I would appreciate your acknowledgement of this request, plus an update on how you progress.

Please keep my private trees from any further bureaucratic meddling by "Big Brother" and Karen Brock.

...Nick Price-Owen

## Chris Mark

---

**From:** Charles Davidson [REDACTED]  
**Sent:** Thursday, January 08, 2015 2:05 PM  
**To:** Chris Mark  
**Subject:** Tree Notification Policy  
**Attachments:** Oakville Green Tree Policy Report.doc

Hi Chris,

I sent the following letter to my Town & Regional Councillors, but Karen Brock of Oakville Green suggests that you would also be interested in public input. I am also sending this to Darnell Lambert and Colleen Bell at Karen's suggestion.

I hope that the Town councilors and you folk who work at the Town (not that our Councillors don't work!) will be able to get together on this topic and come to a better way of saving our trees that can be saved, and if not, then getting help(money!) to plant new ones.

"I have been reading the Oakville Green Newsletter and am concerned at the loss of 1% of Oakville's tree canopy since the Notification Policy came into being. The facts seem to show that this policy does not give Oakville the necessary information to control what developers, homeowners, do with the trees on their property. As a homeowner in Ward 3 I have seen the devastation of in-fill housing on some of the properties and the half hearted attempts at preserving some trees which generally die in the process of building

I am hoping that Council is aware of the very necessary place that trees have in our environment and in sustaining our very life here on this planet – without putting too fine a point on it!

My hope is that Council will decide to do away with the current Notification Policy and require residents, developers to request permission to remove any and all trees, thus ensuring the Town has an opportunity to educate on need to remove, or at least obtain funds to replace those removed.

I have attached a copy of the Oakville Green Conservation report in the event that you have not already received this. I hope you will do your best to help us do a better job in preserving our trees and achieving the goals described in the attached report.

Thank you for your time, and a Happy and Healthy New Year to you both!"

Yours sincerely,

*Mary Davidson*



## **privatetreebylawreview**

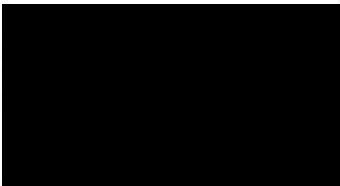
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**From:** Rick Williams [REDACTED]  
**Sent:** Tuesday, July 15, 2014 7:04 PM  
**To:** privatetreebylawreview  
**Subject:** comment on Private Tree Protection By-law 2008-156

Oakville's Private tree protection Bylaw, Private Tree Protection By-law 2008-156, By-law 2009-145 , to quote from the website; was *"adopted by Council to support a greener community and a healthier environment. It exists to preserve significant trees on all private properties within the town and to sustain Oakville's urban forest."*

In my opinion this bylaw is a joke. All that is required in order for a homeowner/resident to destroy and remove as many as 4 trees of up to 76 cm diameter in a year is an intent to landscape and a simple notification form that does not have any cost or approval process associated with it and does not require any consultation at all with neighbours regarding the shade, privacy, temperature and pollution control, or aesthetic benefits of the tree on their enjoyment of their own property.

This By-law does not, as it stands now, do anything to fulfill its intended purpose of supporting a greener and healthier environment or preserving trees and needs to be revised so that it actually protects trees, encourages the incorporation of existing trees in landscaping plans and discourages the removal of trees from private property.



**Chris Mark**

---

**From:** Jill MacInnes  
**Sent:** Thursday, April 24, 2014 12:27 PM  
**To:** Chris Mark; Darnell Lambert; Jalil Hashemi  
**Subject:** FW: Vote against this  
**Attachments:** Proposed private tree bylaw.pdf

**Jill MacInnes**  
**Communications Advisor**  
**Strategy, Policy and Communications**  
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**From:** RFT [REDACTED]  
**Sent:** Thursday, April 24, 2014 11:49 AM  
**To:** privatetreebylawreview  
**Cc:** [REDACTED]  
**Subject:** Vote against this

This proposed tree bylaw modification is regulation overreach. I love and appreciate the tree canopy in Oakville as much as anyone but am dead against tying up property owners with more bureaucratic fees & regulations regarding trees on their properties. In the past many trees were planted without proper planning and forethought of quite how large they would eventually grow. Subsequently owners find their lots have too many trees for the size of lot or a nuisance tree is threatening the health of a more desirable tree. In other situations trees were planted too close to houses and block out the light. The property owner must not have his ability to enjoy his/her property to full advantage by being hampered by this proposed tightening of regulations.

For goodness sake, let's leave the regulations exactly as they are.

Also, drop the justification that cites the need for stricter tree removal regulations as being in the interest of increasing "carbon storage & sequestration". To reduce the volume of undesirable emissions into the atmosphere over Oakville we should start with enforcing the regulations we already have about idling car & truck engines while parked - including our police cars.

[REDACTED]

**Chris Mark**

---

**From:** privatetreebylawreview  
**Sent:** Friday, June 20, 2014 3:14 PM  
**To:** Chris Mark; Darnell Lambert  
**Cc:** Maureen Rabchuk  
**Subject:** FW: Saving a tree

FYI

Jill

---

**From:** Carolann Malenfant [REDACTED]  
**Sent:** Friday, June 20, 2014 9:31 AM  
**To:** privatetreebylawreview  
**Cc:** [REDACTED]; Carolann Malenfant  
**Subject:** Saving a tree

To Whom It May Concern,

We recently moved into a new condo at [REDACTED] and have the fortune to have a very large and beautiful maple tree to look at. Unfortunately, the tree is on the neighbour's property and we are trying to be proactive in taking steps now to ensure this tree remains in place. The property will be bought by a developer in the near future we are sure and would like to find out what we can do to make sure this tree is not destroyed.

I called the town of Oakville (tree protection dept) on June 8 and have yet to hear back from them.

Can you please direct us to who we may contact in order to begin working on saving this beautiful tree?

Thank you

Jim and Carolann Malenfant



**From:** [REDACTED]

**Sent:** Sunday, March 1, 2015 5:52 PM

**To:** privatetreebylawreview

**Cc:** Mayor Rob Burton; [REDACTED] Cathy Duddeck;  
Pam Damoff; [REDACTED]

**Subject:** Comments for the Oakville Private Tree By Law Review as requested by Mayor Burton / Councillors Duddeck and Damoff

To Whom It May Concern:

We are residents at [REDACTED] and have recently witnessed the clear cutting of huge trees on a property two doors west of us. As such we have contacted our Councillors as well as Mayor Burton who have informed us that under the current by law such removal was allowed.

Frankly we find this disquieting and contrary to the Mayor's and Council's vision of having Oakville be deemed The Greenest Town in Canada.

We have reviewed the recommendations made by the Town of Oakville Staff to Council and in the main agree with them both as they pertain to reducing the size of tree that can be removed but most importantly, agree that the current 24 hour notification of such removal with no need of permit or tree replacement be abolished.

Furthermore, we would like to recommend that included in the by law changes there be a requirement that when permits are applied for that the neighbouring properties, not dissimilar to the building application process, be notified and asked for comment

We are currently very concerned about the listed for sale the property adjacent to ours, [REDACTED], which contains a very natural and wild woodlot complete with stream ( and I might add a Town of Oakville right of way). We are concerned that should the buyer decide to sever that lot and develop it, that it will be clearcut before applications are made or worse that an application will be made under the Planning Act, which is not subject to this tree bylaw. We strongly believe that the woodlot should remain in its natural state.

We would appreciate feedback on our remarks with particular emphasis on our concerns with [REDACTED]

Regards

[REDACTED]

Peter M Willis

[REDACTED]

Cathy Duddeck

## **THE LOSS OF OUR TREES IN OAKVILLE**

**Here is an example of what is happening in Oakville. We are losing our trees at an alarming rate!**



**All the trees except one have been removed from this property at 80 Ennisclare Drive East. Last fall I watched while a tree company removed some very large trees on this property. The next day all that was left is shown in the next picture.**



**There was a Town of Oakville Tree Protection sign on this property. Obviously there is something terribly wrong with the current system of tree protection.**

**We don't have enough bylaw enforcement personnel in the Town of Oakville. The Ontario Municipal Act does not protect the trees in Oakville at all. It allows developers to remove all the trees on a property. The Mayor should push the Ontario government to make changes so that we can protect our trees. We also allow homes to be built with a huge imprint on the property. This should be stopped.**

**Hopefully, we will have a new tree bylaw that will protect the trees and our much needed canopy.**

**Yours truly,**

**Rob Boak**

Question	Agrees	Disagrees
Do you agree that when a tree is cut down compensation should include replacing the tree either on your property or in the neighborhood?	41	19
Do you agree that a property owner should have the right to cut down a limited number of trees within a 2 year period for the purposes of landscaping or other property changes such as a pool?	52	7
Do you agree the Town should establish a required permit process for all tree removals greater than 15 cm dbh so they can track tree removal and replanting to ensure they stay on target to meet their long term tree canopy preservation goals?	44	16
Do you agree that the town should continue to protect rare trees or trees greater than 76 cm (measured at chest height) from being removed?	50	10



	<b>Do you agree that when a tree is cut down compensation should include replacing the tree either on your property or in the neighborhood?</b>	<b>Do you agree that a property owner should have the right to cut down a limited number of trees within a 2 year period for the purposes of landscaping or other property changes such as a pool?</b>	<b>Do you agree the Town should establish a required permit process for all tree removals greater than 15 cm dbh so they can track tree removal and replanting to ensure they stay on target to meet their long term tree canopy preservation goals?</b>	<b>Do you agree that the town should continue to protect rare trees or trees greater than 76 cm (measured at chest height) from being removed?</b>	<b>Please provide any further feedback on the Tree By-law by May 13th.</b>
Date	Agree	Agree	Agree	Agree	<p>I do not agree with the approach of determining tree eligibility by measurement at chest height. By this definition there are many 100 year-old Norway Spruce that are 120 feet in height that could be removed without the application of this by-law. There should be an additional total height test.</p> <p>The Town also needs to address enforcement of the existing tree protection by-law. Complaints to the Town about violations are not investigated. Developers are free to ignore the existing by-law without sanctions.</p>
5/11/2014					
5/11/2014	Agree	Agree	Agree	Agree	
5/11/2014	Agree	Agree	Agree	Agree	
5/11/2014	Agree	Agree	Agree	Agree	
5/11/2014	Agree	Agree	Agree	Agree	



5/8/2014	Agree	Agree	Agree	Agree	Developers must be held to the same standards as the residence.
	Disagree	Agree	Agree	Agree	I do not feel the problem is with the majority of home owners, but more so the developers.
5/8/2014					
5/8/2014	Disagree	Agree	Agree	Agree	
	Disagree	Agree	Agree	Agree	On private property any tree or trees that need to be removed for the installation of a pool or an item that improves the enjoyment of the property must be the basic right of the homeowner to remove. Wholesale removal of trees purely for re-development on both individual properties and subdivisions should be closely monitored. The lack of any trees in new subdivisions would indicate that the rules are not always equal nor applied fairly.
5/8/2014					
5/8/2014	Disagree	Agree	Agree	Agree	
	Agree	Disagree	Agree	Agree	2 replacement trees for every tree removed is better policy and proper followup care for replacement trees will ensure better survival rate. But anyone who believes that replacing an old growth tree, and its 50-75 ft canopy with an 8ft sapling is a good urban tree management, is grossly misinformed. More thought must be given before destroying a mature tree that has taken 30-75 years to grow. The oxygen generating capabilities alone, of a large tree is far greater than that of a replacement sapling. I'm by no means an expert in urban tree management but a one-to-one replacement ratio seem to be a somewhat ridiculous compensation strategy.
					Survey Question #2: Removal of prime trees for "Landscaping" reasons? This is a completely absurd proposal. One would think that mature trees ARE a compliment to landscaping. Why not adjust the plan for the gazebo by 6 feet and keep the tree so that it can be enjoyed by future owners of the property.
					Healthy prime trees along lot lines should always be protected. The city has to crack down on builders as well. Why make distinctions between private owners and builders? The end result is trees are being removed at an alarming rate for purely egotistical or financial reasons. A pioneer wind row of at least 8 prime spruce trees was cut down at a tear-down & rebuild on Aintree Terrace near Charnwood and they were "on" the lot line. These trees were a landmark to the area and provided critical shelter to birds and other wildlife who already struggle to share our neighbourhoods. How could the city of Oakville permit this?!!
5/8/2014					



5/8/2014	Agree	Disagree	Agree	Agree
5/8/2014	Agree	Disagree	Agree	Agree
5/8/2014	Agree	Disagree	Agree	Agree
5/8/2014	Agree	Disagree	Agree	Agree
5/8/2014	Agree	Disagree	Agree	Agree
5/8/2014	Agree	Agree	Disagree	Agree
5/8/2014	Agree	Agree	Disagree	Agree
5/8/2014	Disagree	Agree	Disagree	Agree
	Disagree	Agree	Disagree	Agree
5/7/2014				
5/7/2014	Disagree	Agree	Disagree	Agree
	Disagree	Agree	Disagree	Agree

5/7/2014

Unless we implement simple, clear and tough by-laws with bite, and hold all who live in our community to them we will continue to see the steady demise of Oakville's old growth trees.

T Delitala,

You shouldn't need a permit to cut down one or two trees on your own property. It's mass clearing of trees by developers that should be prevented.

Having gone through the process of getting a permit to remove a large tree that was damaged and growing over our deck and roof, we came to the conclusion that the tree cutting bylaw was just an additional tax on mature established neighbourhoods. The permit was conditional on either planting several more trees on our property or doing remedial work on existing trees on the property. We had to submit a copy of the work order prior to the permit being issued. We paid \$2000 to have the tree removed, \$500 for the permit and \$115 to fertilize our elm (that was the least expensive choice).

What percentage of large tree cutting permits are issued in new subdivisions? I would think the number is very low because developers have clear cut the properties. That is why I think this bylaw is inequitable

We still see the Oakville tree protection fences on redeveloped properties sites yet by the end of the construction there are a lot more trees missing. I think town staff should be present on the day the developer is cutting trees to do a tree count and come back when the project is finished to do a recount. That's where the bylaw should have teeth not focusing on home



owners needing to remove a tree. Home owners know the value of preserving the tree canopy, they enjoy it everyday, turn your attention to the redevelopment that is going on in our older neighbourhoods.

Leave the regulations for privately owned trees the way they are. The proposed bylaw is too complicated and adds layers of red tape.

Difficult issue but ultimately the property owner's rights should prevail. Parties who wish to prevail over property owner rights and prevent tree removal should pay up and buy the property if they wish to preserve a tree.

A permit process should be implemented to give the Town an opportunity to use moral suasion to dissuade property owners from stupid or unwarranted tree removal.

Compensation may be appropriate where a property owner proposes mass removal of trees (more than 4 to 6 depending on lot size)

There is too much interference with private property rights. My home is my kingdom that I worked for and nobody has the right to tell me what I can and can,t do on it so long as I am not causing problems to anybody else. This process is a total waste of money. In S.E. oakville we have constant blackouts because of the tree branches falling on the hydro wires every time the wind blows. It's about time they were chopped! Bug off with your tree by laws!

Having a professional background in dealing with new/proposed provincial regulations, I witnessed too often unnecessary regulations. The cost directly and indirectly to the taxpayer can be overbearing. I am not convinced that a tree by-law is needed as applied to ordinary residents. In fact, in my neighbourhood, it would appear that far more trees are planted or, allowed to grow naturally from scattered seeds than have been cut down for whatever purpose. It seems to me that ordinary residents love trees and are constantly planting simply for the love of trees if not for

5/7/2014	Disagree	Agree	Disagree	Agree
5/7/2014	Disagree	Disagree	Disagree	Agree
5/7/2014	Agree	Agree	Agree	Disagree
	Disagree	Agree	Agree	Disagree
5/7/2014				
5/7/2014	Disagree	Agree	Disagree	Disagree
5/7/2014	Disagree	Agree	Disagree	Disagree
5/7/2014	Disagree	Agree	Disagree	Disagree
5/7/2014	Disagree	Agree	Disagree	Disagree
5/7/2014				
5/7/2014	Disagree	Agree	Disagree	Disagree
5/7/2014				

practicality. I'm guessing that a problem south of Dundas is in "newer" housing areas and I'm sure over time, trees will sprout in those areas.

A greater concern, addressed by some European communities, is setbacks for trees from property lines - Huge trees planted near boundary lines can, and have, created problems for their neighbours by blocking sunlight, causing distress on gardens and, costly pruning when the tree owner refuses responsibility...this of course, tend to result in neighbour conflict. The Tree By-law violates a persons individual property rights.

I think it is important to preserve Oakville's tree canopy. I think most homeowners who have trees on their property have bought those properties because they want trees. Those owners are the best people to decide what trees need removal or replacement according to their own personal goals. I have lived in Oakville for 40 years and have never seen a lived-on residential property clear cut or damaged by excessive tree removal. I don't think we need more extra by-laws to protect the tree canopy in Oakville. The tree police will just be another expense with very little to be gained. As I mentioned in the short brief I sent in before the first round of by-laws was enacted, the real culprits are the developers. I have seen many properties clear cut by them. The Municipal Planning Act is what needs to be changed and strengthened to protect Oakville's tree canopy.

If I understand the process today, you just have to fax a form to the town for their approval and 24 hours after the form is sent, if no negative response, then you can go ahead and cut the tree down. I believe strongly that the town must acknowledge and respond to every request.

5/7/2014 Disagree Disagree Agree Disagree Disagree Disagree Disagree

5/7/2014 Agree Agree Agree Agree

5/12/2014

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

BY-LAW ELEMENT: Regulated Size

Current Provision:

Private Trees **20cm dbh** are regulated

Proposed Provision:

Private Trees of **15cm dbh** be regulated

I **Support** the proposed change

☒

I **DO NOT Support** the proposed change

☐

**Comments:**

15 cm should be minimum

Another consideration - protection of heritage trees

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

BY-LAW ELEMENT: Regulated Size

**Current Provision:**

Private Trees **20cm dbh** are regulated

**Proposed Provision:**

Private Trees of **15cm dbh** be regulated

I Support the proposed change

☐

I DO NOT Support the proposed change

☐

Comments:

*Hedges also provide environmental benefits. Can you encourage hedging instead of board fencing.*



# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

## BY-LAW ELEMENT: Regulated Size

### Current Provision:

Private Trees **20cm dbh** are regulated

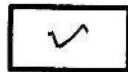
(8") ↘ what is this?

### Proposed Provision:

Private Trees of **15cm dbh** be regulated

(6")

I **Support** the proposed change



I **DO NOT Support** the proposed change



Comments:

with changes.

Explanation of dbh should be given.

Add inch measurement for all tree sizes. Not everyone knows what metric size equates to as far as size of diameter of a tree.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

BY-LAW ELEMENT: Regulated Size

Current Provision:

Private Trees **20cm dbh** are regulated

Proposed Provision:

Private Trees of **15cm dbh** be regulated

~~strongly~~  
I **Support** the proposed change



I **DO NOT Support** the proposed change

☐

Comments:

I would even suggest that you would have strong support for 12cm. dbh. –

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

BY-LAW ELEMENT: Regulated Size

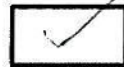
Current Provision:

Private Trees **20cm dbh** are regulated

Proposed Provision:

Private Trees of **15cm dbh** be regulated

I **Support** the proposed change



I **DO NOT Support** the proposed change

☐

**Comments:**

Yes, under the condition it follows the  
existing by-law

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

BY-LAW ELEMENT: Regulated Size

**Current Provision:**

Private Trees **20cm dbh** are regulated

**Proposed Provision:**

Private Trees of **15cm dbh** be regulated

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☒

**Comments:**




# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

BY-LAW ELEMENT: Regulated Size

Current Provision:

Private Trees **20cm dbh** are regulated

Proposed Provision:

Private Trees of **15cm dbh** be regulated

I **Support** the proposed change

☒

I **DO NOT Support** the proposed change

☐

Comments:


# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 1/4

BY-LAW ELEMENT: Regulated Size

Current Provision:

Private Trees **20cm dbh** are regulated

Proposed Provision:

Private Trees of **15cm dbh** be regulated

I Support the proposed change

☒

I DO NOT Support the proposed change

☐

Comments:


# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

## BY-LAW ELEMENT: Notification and Permit Process

### Current Provision:

Up to **4 trees** between **20cm and 76cm** can be removed annually through a **notification process** (fax in service)

**5<sup>th</sup> tree** or more between 20cm and 76cm subject to a permit

Any tree above **76cm** subject to a permit

### Proposed Provision:

Every tree **15cm dbh** and above subject to a permit  
**First 2 trees** between **15cm and 40cm dbh** \$50/permit

**Additional tree removals** subject to a permit. Permit costs vary by size of tree to be removed.

- 3 or more 15cm to 40cm      \$200/tree
- trees 41cm to 60cm      \$400/tree
- trees 61cm to 80cm      \$600/tree
- trees 81cm to 100cm      \$800/tree
- trees above 100cm      \$1000/tree

I **Support** the proposed change

☒

I **DO NOT Support** the proposed change

☐

### Comments:

- ① MINIMUM COST FOR FIRST (2) TREES SHOULD BE HIGHER, AND COST SHOULD BE FOR EVERY TREE (THAT IS, FIRST TREE BETWEEN 15 & 40 CM DBH = "X"/PERMIT.
- ② ANY REMOVAL SHOULD BE COMBINED W/A COMPENSATION PLAN.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

## BY-LAW ELEMENT: Notification and Permit Process

### Current Provision:

Up to **4 trees** between **20cm and 76cm** can be removed annually through a **notification process** (fax in service)

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### Proposed Provision:

**Every tree 15cm dbh and above** subject to a permit  
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- trees 81cm to 100cm      \$800/tree
- trees above 100cm      \$1000/tree

I **Support** the proposed change

☒

I **DO NOT Support** the proposed change

☐

**Comments:**

Really good change



## TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

### BY-LAW ELEMENT: Notification and Permit Process

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Up to 4 trees between 20cm and 76cm can be removed annually through a **notification process** (fax in service)

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Any tree above 76cm subject to a permit

#### Proposed Provision:

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- trees 61cm to 80cm \$600/tree
- trees 81cm to 100cm \$800/tree
- trees above 100cm \$1000/tree

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☒

Comments:

I think the changes proposed complicate the process - not sure that the reason for change as 'doesn't encourage replanting' is valid... this by-law talks more about removal, not replacement of trees.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

## BY-LAW ELEMENT: Notification and Permit Process

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- trees 81cm to 100cm      \$800/tree
- trees above 100cm      \$1000/tree

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☐

**Comments:** *Good planning, would be for owners to plant replacement trees <sup>nearby</sup> several years*

*before they anticipate removing a tree. This should be encouraged.*

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

## BY-LAW ELEMENT: Notification and Permit Process

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- trees above 100cm      \$1000/tree

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☒

Comments:

Too expensive! Moving from 4 ~~free~~ trees to charging for every removal will be impossible to regulate.



## TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

### BY-LAW ELEMENT: Notification and Permit Process

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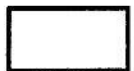
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- trees 81cm to 100cm \$800/tree
- trees above 100cm \$1000/tree

I **Support** the proposed change



I **DO NOT Support** the proposed change



#### Comments:

Is \$50 enough to have people rethink their decision to remove a healthy tree - start with \$200/tree for 1<sup>st</sup>.  
Town has the proof that over past 5 years 1% of canopy was lost - great opportunity to evaluate on an individual basis - greater workload for Town staff, but with tremendous value added. Return on investment.



## TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

### BY-LAW ELEMENT: Notification and Permit Process

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- trees above 100cm          \$1000/tree

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☒

#### Comments:

Progressive Pricing has never been done anywhere.

How can there be a higher price on a larger tree

When evaluating trees of different size cost the same.

Where does the money go? Is it used to help replace the canopy lost by the Towns new developments?

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

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- trees above 100cm      \$1000/tree

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☐

**Comments:**

IF A TREE IS DAMAGED, SICK OR A DANGER TO MY HOUSE OR NEIGHBOURS  
SHOULD OWNER BE REQUIRED TO PAY? NEEDS CLARIFICATION

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

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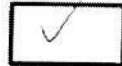
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- trees 41cm to 60cm \$400/tree
- trees 61cm to 80cm \$600/tree
- trees 81cm to 100cm \$800/tree
- trees above 100cm \$1000/tree

I Support the proposed change



I DO NOT Support the proposed change



Comments:

I support this proposal if the current exemption process is maintained. There are many instances where a tree should be removed and <sup>a blanket</sup> ~~the~~ permit process will/could keep homeowners from removing undesirable trees or introduced invasives; trees that are blocking more desirable species; trees that show deformity or the inability to reach genetic potential. Please maintain the current exemption process.



# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 2/4

## BY-LAW ELEMENT: Notification and Permit Process

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- trees 81cm to 100cm      \$800/tree
- trees above 100cm      \$1000/tree

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☒

**Comments:**




# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

## BY-LAW ELEMENT: Boundary Trees

### Current Provision:

Written consent of neighbor required to remove a boundary tree

No provision to request survey confirmation of a trees position relative to the property line

### Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change

☐

I DO NOT Support the proposed change

☐

Comments:

See my written submission C. HARDMAN

Also I would appreciate answers to my questions in email dated 11 April.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

## BY-LAW ELEMENT: Boundary Trees

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Written consent of neighbor required to remove a boundary tree

No provision to request survey confirmation of a trees position relative to the property line

### Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change

☐

I DO NOT Support the proposed change

☒

### Comments:

provided neighbours can collaboratively agree on steps to take on boundary trees (which I think is 99% of the time), I don't think it's worth the trouble for getting a surveyor etc.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

BY-LAW ELEMENT: Boundary Trees

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## Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change

☐

I DO NOT Support the proposed change

☒

Comments:

*Don't need change.*


## TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

### BY-LAW ELEMENT: Boundary Trees

#### Current Provision:

Written consent of neighbor required to remove a boundary tree

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#### Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change



I DO NOT Support the proposed change



#### Comments:

Worth it.

Unfortunately, I have seen instances where homeowners are pressured by new neighbours/builders/developers to cut down boundary trees. For ~~for~~ those who want to save the boundary tree, it would be great addition to require survey.



## TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

### BY-LAW ELEMENT: Boundary Trees

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#### Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change

☐

I DO NOT Support the proposed change

☒

Comments:

Why is this necessary? It is an extra step in an already exhausting process. If there is no concern of from either property owner, why would a survey be required?

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

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### Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change

☐

I DO NOT Support the proposed change

☐

### Comments:

IF BOTH NEIGHBOURS WITH A BOUNDARY TREE ASKED ON ITS REMOVAL  
CAN THE FEE BE WAIVED?  
OLS SURVEY.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

BY-LAW ELEMENT: Boundary Trees

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## Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change

☒

I DO NOT Support the proposed change

☐

Comments:


# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

BY-LAW ELEMENT: Boundary Trees

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**Proposed Provision:**

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I **Support** the proposed change

☒

I **DO NOT Support** the proposed change

☐

**Comments:**




# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

BY-LAW ELEMENT: Boundary Trees

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## Proposed Provision:

Written consent of neighbor required to remove a boundary tree

**Provision to request survey confirmation of a trees position relative to the property line**

I **Support** the proposed change



I **DO NOT Support** the proposed change

☐

**Comments:**


# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 3/4

## BY-LAW ELEMENT: Boundary Trees

### Current Provision:

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No provision to request survey confirmation of a trees position relative to the property line

### Proposed Provision:

Written consent of neighbor required to remove a boundary tree

Provision to request survey confirmation of a trees position relative to the property line

I Support the proposed change

☒

I DO NOT Support the proposed change

☐

Comments:


# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

BY-LAW ELEMENT: Compensation

## Current Provision:

Bylaw allows for compensation however the bylaw provides no details on how compensation is to be calculated

## Proposed Provision:

Compensation will be 1 tree for every 10cm dbh of tree(s) removed

I Support the proposed change

☒

I DO NOT Support the proposed change

☐

## Comments:

UNSURE ON METHODS, BUT THE FORMULA SHOULD BE FAIRLY STRAIGHTFORWARD.

HOW WILL HEDGEROWS BE DEALT WITH OR WILL THEY BE EXCLUDED?

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

BY-LAW ELEMENT: Compensation

## Current Provision:

Bylaw **allows for compensation** however the bylaw **provides no details** on how compensation is to be calculated

## Proposed Provision:

**Compensation will be 1 tree for every 10cm dbh of tree(s) removed**

I **Support** the proposed change

☐

I **DO NOT Support** the proposed change

☒

**Comments:**




# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

BY-LAW ELEMENT: Compensation

**Current Provision:**

Bylaw **allows for compensation** however the bylaw **provides no details** on how compensation is to be calculated

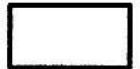
**Proposed Provision:**

Compensation will be **1 tree for every 10cm dbh of tree(s) removed**

I **Support** the proposed change



I **DO NOT Support** the proposed change



**Comments:**

Needs definition of size of replacement tree

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

BY-LAW ELEMENT: Compensation

## Current Provision:

Bylaw allows for compensation however the bylaw provides no details on how compensation is to be calculated

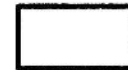
## Proposed Provision:

Compensation will be 1 tree for every 10cm dbh of tree(s) removed

I Support the proposed change



I DO NOT Support the proposed change



Comments:

Makes sense to replace what is removed, but I would increase the replacement of 1 tree for every 20cm.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

## BY-LAW ELEMENT: Compensation

### Current Provision:

Bylaw allows for compensation however the bylaw provides no details on how compensation is to be calculated

### Proposed Provision:

Compensation will be 1 tree for every 10cm dbh of tree(s) removed

I Support the proposed change

☐

I DO NOT Support the proposed change

☐

### Comments:

You cannot replace a 40cm tree with 4- 10cm. The 10cm ones will be too dense as they get to be mature. So owners will get stuck again until removed for.

# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

## BY-LAW ELEMENT: Compensation

### Current Provision:

Bylaw allows for compensation however the bylaw provides no details on how compensation is to be calculated

### Proposed Provision:

Compensation will be 1 tree for every 10cm dbh of tree(s) removed

I Support the proposed change

☐

I DO NOT Support the proposed change

☒

Comments:

Why 10cm - 15cm is better.  
Add inches in brackets after metric size



# TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

## BY-LAW ELEMENT: Compensation

### Current Provision:

Bylaw allows for compensation however the bylaw provides no details on how compensation is to be calculated

### Proposed Provision:

Compensation will be 1 tree for every 10cm dbh of tree(s) removed

Strongly  
I Support the proposed change ☒

I DO NOT Support the proposed change ☐

### Comments:

Simple formula - easy to calculate.

Absolutely necessary to stipulate size of the "1 tree"

Please, please specify that the "1 tree" should be 50 mm or 60 mm dbh, otherwise this change will ~~be~~ not be effective in achieving canopy.

<sup>new</sup> Scenario: One 30 cm<sup>dbh</sup> tree removed, would be required to be replaced by "3 trees". If .5 cm (50 mm) then total dbh replacement for this tree would only be 15 cm dbh. What about a cm/  
dbh replacement? cm

## TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

### BY-LAW ELEMENT: Compensation

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Bylaw allows for compensation however the bylaw provides no details on how compensation is to be calculated

#### Proposed Provision:

Compensation will be 1 tree for every 10cm dbh of tree(s) removed

I Support the proposed change

☐

I DO NOT Support the proposed change

☒

#### Comments:

Overkill. The goal is to have a canopy of 40% by 2046, at this re-planting plan there will be an overgrowth.

## TOWN OF OAKVILLE PRIVATE TREE BY-LAW – COMMENT SHEET 4/4

BY-LAW ELEMENT: Compensation

### Current Provision:

Bylaw allows for compensation however the bylaw provides no details on how compensation is to be calculated

### Proposed Provision:

Compensation will be 1 tree for every 10cm dbh of tree(s) removed

I Support the proposed change

☐

I DO NOT Support the proposed change

☒

Comments:

I think this is prohibitive on a number of levels.
1 tree for every 15 or 20cm of dbh removed is
far more reasonable