



Corporate

NO: R117

Report

COUNCIL DATE: May 22, 2001

REGULAR COUNCIL			
TO:	Mayor & Council	DATE:	May 10, 2001
FROM:	General Manager, Planning & Development	FILE:	7000-001/12356-09100
SUBJECT:	Tree Removal at 12356 - 91 Avenue		

RECOMMENDATION

The Planning & Development Department recommends that Council:

1. Receive this report as information; and
2. Authorize staff to take action as documented under Option 2 of this report.

REASON FOR REPORT

Council, in its meeting on April 23, 2001, requested that staff provide a report on the trees which were removed at 12356 – 91 Avenue and that no building permit be issued until the report is received by Council.

BACKGROUND

On March 17, 2001, in response to a call from a concerned neighbour, a City By-Law Enforcement Officer attended the site at 12356 - 91 Avenue and found employees of a local tree-servicing firm cleaning up after removing all the branches from the lower four-fifths of each of 16 mature (40 to 50 foot) evergreen trees growing on the property (see photos attached). The workers at the site advised the By-law Officer that the owner of the property had authorized the work. The matter was referred, by the By-law Enforcement Officer, to the Landscape Section of the Building Division. A City Landscape Inspector attended the site and determined that so much of the foliage of these trees had been removed, as to potentially render the trees hazardous.

On April 12, 2001, City staff forwarded a letter to the owners of the property, which advised that the owner was to have an arborist assess the trees and provide the City with a report. They were further advised that should the arborist find that the trees would not survive then a penalty of \$320 would be assessed and the planting of 8 large replacement trees (i.e., as many trees as the lot would be able to properly sustain over the life of the trees) would be required. The letter also advised that a bond in the amount of \$3,200 would be required to ensure that the 8 replacement trees were planted and maintained in a manner that would ensure their survival. A response was requested by May 11, 2001.

On April 17, 2001, the City received another call from a neighbour stating that the excessively pruned trees had been removed on April 13, 2001, a Civic holiday (Good Friday). The RCMP had received a call and attended the site on April 13, 2001. They found the same tree service firm, which had originally pruned the trees, removing some of the trees. A subsequent inspection by City staff on April 17, 2001, revealed that 9 of the 16 pruned trees had been removed. It was also determined that the remaining 7 trees were of sufficient size (i.e., 12 inches in diameter at a height of 5 feet above the ground) to qualify as protected trees under the City's Tree By-law. However, it was not possible to confirm whether the trees already removed would also have qualified since they were not measured during previous inspections. On the basis of the photographs, which were taken at previous inspections, it appears that all 16 of the trees were approximately the same height and had approximately the same trunk size.

On May 15, 2001, the owner attended at the Building Division counter at City Hall and provided a report from an arborist who had assessed the condition of the trees remaining on the subject lot. The report concludes that the 7 remaining trees are hazardous in their current condition and should be removed.

The City has received several calls from other neighbourhood residents raising concerns about the tree pruning and removal that has occurred at 12356 – 91 Avenue.

The landscaping and tree service company involved in this unauthorized tree pruning process had its business license temporarily suspended by the City on a previous occasion for unauthorized tree pruning and removal work.

There is no active building permit application on the City's records for the property at 12356- 91 Avenue.

DISCUSSION:

The following are options available to the City in relation to dealing with this matter and an evaluation of each option.

- 1. Option 1:** Proceed with actions against the owner of the property as outlined above, including:
 - The requirement that the owner:
 - Pay a penalty;
 - Plant replacement trees; and
 - Post a bond for ensuring the planting and on-going maintenance of the replacement trees.

Pros:

- Will help to demonstrate the City's commitment to ensuring that property owners act responsibly in protecting trees and only prune and/or remove trees that are approved through the required City permitting process.

- The replacement trees will with time mature and provide a similar environmental amenity as the trees that were pruned/removed.

Cons:

- This option does not address the apparent lack of responsibility on the part of the tree servicing firm in undertaking the tree pruning work without first obtaining the necessary City approvals and permits.

2. Option 2: Proceed with actions in accordance with Option 1 and also invite the owner of the subject property and the owner of the tree-servicing firm that pruned and removed the trees from the subject property, to appear before Council at a Regular Council Land Use meeting to explain their actions.

Pros:

- Same as Option 1.
- Allows the owner of the property and the principals of the tree-servicing firm to provide an explanation of their actions that will assist the City in determining whether any further action is necessary.
- Demonstrates the City's commitment to ensuring that not only owners, but also others involved in dealing with protected trees in the City, act responsibly.
- Depending on the outcome of the dialogue between Council and the delegations, Council may still proceed with action under Option 3, if such action is deemed necessary.

Cons:

- This approach has no significant disadvantages.

3. Option 3: Proceed with actions in accordance with Option 1 and also take appropriate action to hold a Council Hearing to determine if the City should revoke the business license of the subject tree-servicing firm.

Pros:

- Same as Option 1; and
- Addresses the apparent lack of responsibility on the part of the tree-servicing firm in pruning the trees without the necessary City approvals and permits.

Cons:

- Proceeding with this action, prior to going through the process documented in Option 2, may appear somewhat heavy-handed.

CONCLUSION

Based on the number of trees that appear to have been significantly damaged through less than responsible behaviour by both the owner of the property at 12356 – 91 Avenue and the tree servicing firm that pruned the trees at that address, it is recommended that Council authorize staff to proceed with action under Option 2 as documented above.

This course of action will assist in addressing the current matter and send a clear message to tree servicing

firms and the public as to the City's commitment to the Tree Preservation By-law.

Murray Dinwoodie
General Manager
Planning & Development Department

Attachments

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Attach.

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