

From: cathy.colebatch cathy.colebatch
Sent: Friday, August 6, 2021 3:20 PM
To: cityclerks <cityclerks@barrie.ca>
Cc: ammccann
Subject: Deputation Request - item for discussion Private Tree Bylaw.
Importance: High

Good Afternoon

Given that Mondays General Committee and Council Meeting are in the same night, I would like to request permission to do a deputation in favour of the Private Tree By-law.

If you need any additional info from me, please let me know.

Sincerely

Cathy Colebatch

From: Arlene McCann

Sent: Monday, August 9, 2021 9:36 AM

To: cityclerks <cityclerks@barrie.ca>

Cc: Cathy Colebatch

Subject: Deputation Request - item for discussion Private Tree Bylaw

Good Morning:

Given that Monday's (today's) General Committee and Council Meeting are in the same night, I would like to request permission to do a deputation in favour of the Private Tree By-law.

If you need any additional info from me, please let me know.

Sincerely

Arlene McCann

INDIVIDUAL (SINGLE) TREE BY-LAW That staff in the Operations Department conduct a cost benefit analysis associated with individual (single) tree by-laws to mitigate future damage of privately owned trees due to private construction and excavation projects and report back to General Committee. (Item for Discussion 8.9, August 9, 2021) Sponsor: Councillor, J. Harris

Deputation by Arlene McCann
Bylaw.
Cell#:

- item for discussion Private Tree

Mayor and Councilors, thank you for agreeing to listen to my deputation in support of the Private Tree Bylaw. The text of my speech was emailed to each Councilor earlier today. That email contains additional information not included in my speech today.

75% of the trees in Barrie are on private property.

The City of Barrie Urban Forest Strategy November 25, 2013:

“The City of Barrie maintains numerous parks and trails, but Barrie’s urban forest is largely in your hands. A healthy city needs a strong green infrastructure and more than 75% of the land in Barrie is privately owned, therefore, property owners play a vital role in sustaining our green city.”

<https://www.barrie.ca/Living/Environment/Urban-Forestry/Documents/Tree-Protection-Manual.pdf>

90% of the properties in Barrie are eligible for detached secondary dwelling construction.

These two facts put two-thirds of the City of Barrie’s trees in danger.

On July 5th surveyors were present at 34 Burton Ave. Not one hour later a bulldozer and excavator began ripping up the roots of Saint George Anglican Church’s Black Walnut and my Norway Spruce. Due to the City’s lack of regulations regarding detached second dwellings, there was not a thing I could do to stop it. This lack of regulation has left me ‘hat in hand’ hoping the owner will develop a conscience and compensate us for the monetary loss; but nothing can compensate for the loss of two trees a century old. I have lived my life in Barrie – first in Painswick and then in Old Allandale, and, at present, I am disappointed at our City’s lack of protection for both its citizen’s property and for

our tree canopy. While other communities are considering incentives to encourage landowners to retain their trees, our city doesn't even offer protection for our trees.

At present, detached second dwellings are NOT required to do the following:

- *give notice to neighbors

- *conduct a tree inventory

- *calculate root protection zone

- ***conform to best practices when excavating** (i.e. tree protection fencing, hand shoveling around roots, root pruning, wrapping exposed roots, etc.)

<https://www.barrie.ca/City%20Hall/Planning-and-Development/Engineering-Resources/Documents/Standards/BSD-1235.pdf>

These ARE, however, requirements for a building permit for a house that is not governed under the detached second dwelling umbrella.

***Also not required:** to have site inspections at the excavation stage – at present a pit that is at least 15' deep and approximately 35' by 40' and that encompasses 90% of the backyard of 34 Burton Ave has sat idle since July 9th. 10 foot piles of sand line one edge of this pit that is eroding more with each rainstorm. The fencing is sagging and does not encircle the sand piles. The Ministry of Labour inspector that visited the site, stated it is illegal for workers to be in that excavated pit. The City has also been notified of this danger, but, to date, no corrections have been made to fix these safety concerns. As I have said to any officials who will listen, a child playing on these sand piles could easily end up in the bottom of the pit with the sand burying them.

<https://barrie.ctvnews.ca/neighbours-upset-over-damaged-century-old-trees-in-barrie-s-south-end-1.5503749>

To date, we have not received the building plans that had been requested on July 10th under the Freedom of Information Act. We have been told that we should have this report by August 19th.

In your own Limit of Tree Preservation for Development Approvals, the rules are clearly stated. But none of them were applied in this case. It states that the maximum distance from the trunk shall be the drip line for the entire circumference. Your rules state that foundations shall be at least 5m from that perimeter. Therefore, for the trees in question, there should have been 11.1m distance between the trees

and the foundation. At present there is 2.13m and 2.74m distance between the Black Walnut and Norway Spruce to the 15' deep excavation pit. Only 1.52m lies between the Spruce and 10' piles of excavated soil – causing root compaction.

<https://www.barrie.ca/City%20Hall/Planning-and-Development/Engineering-Resources/Documents/Standards/BSD-1235.pdf>

To simplify:

-the walnut has had all its roots on the east side severed

-the spruce has had 70% of the roots on the north side severed and the 30% remaining are buried under 10' of wet sand – rendering them useless. This 100' tree that leans SE has had all its roots on the north side either severed or compromised, thus rendering the tree a safety hazard. Your own City of Barrie rules know this:

DESTROY/DESTRUCTION - To remove, cut down or in any other way cause major damage to a tree to the extent that it is considered necessary to remove or cut down the tree. **Major damage to a tree shall mean any one of:**

- i. the exposure, severing or compaction of more than 25% of the root area;**

From: <https://www.barrie.ca/Living/Environment/Urban-Forestry/Documents/Tree-Protection-Manual.pdf>

The owner and the developer of the property at 34 Burton Ave., while being unscrupulous and lacking integrity, did not actually break any of the CITY bylaws. The City's lack of foresight has resulted in – at conservative estimates - \$27000 in damages. I have been told repeatedly, by various city officials that to receive compensation, I need to take the owner to court myself. To do that I must provide an arborist report at a cost of \$7800 and give an initial retainer of \$1500 to a lawyer (that is just to have a letter written – I am unsure of full cost for court representation). All this with no guarantee of ever receiving these costs back or receiving any compensation for damages done to our property. \$9000 for removal of trees. Cost of replacement trees. Loss of value to the property for losing 100-year-old trees. (This loss of value for the two trees ranges from \$10 000 as per City of Barrie Tree Valuation Form page 27, to \$80 000 as per the Guide for Plant Appraisal published by the International Society of Arboriculture, 8th edition 1992.)

When speaking to City Officials I have been told that not everyone wants regulations put in place – this is quite true. I encourage City Officials to view the YouTube monthly episodes by the developer of this property in which he is

laughing at how upset the neighbours get when his buildings are a foot away from their property line. I also encourage you to view how he is laughing at YOU – the City Planners and Council – at how slow you are to make changes. He is encouraging property owners “to get in on this deal” of creating buildings with full basements that, “with forward thinking” can hold a second (illegal) tenant. Additional construction sites in these videos clearly show they, too, lack shoring on the sides of the excavation. He acknowledges outright that these buildings do NOT fulfill the affordable housing mandate. \$2800 to \$3500 is his suggested rent rates for these four-bedroom two-bathroom homes that have received \$30 000+ in grants that increase profit margins, but do NOT increase the number of affordable homes. If these buildings are not helping provide affordable homes, why are they being built with the help of our tax money?

To be clear: I am NOT against creating affordable housing. I am NOT against a smaller, slab on grade dwelling that does not kill the surrounding trees. I, too, have worried about urban sprawl that is destroying what little prime agricultural land we have in Ontario. Our tree canopy CAN be preserved, while simultaneously creating housing that is truly affordable.

The examples I have given of the severe damage to my tree and the St. George’s Anglican Church tree, are but two examples of what is already happening elsewhere, and what will continue to happen. 93 000 trees are on private property within the City limits. As I’ve already said 90% of residential properties have been, and continue to be at this moment, eligible for detached second dwellings. These combined facts put 83 700 trees in harm’s way. In discussions with city officials, I had been suggesting an emergency injunction be put in place to stop the approval of any more detached second dwellings until regulations are in place to protect our tree canopy and our neighbourhoods. The response: “But, Arlene, where is the emergency?” I would say that putting over 83 000 our trees in jeopardy during this time of imminent climate crisis IS an emergency.

I welcome any questions you may have...

Attached to this email are pictures to show size of trees and pit. Note the lack of shoring on pit walls – even when workers are in pit. Also, note the extent of the erosion of the sides of the pit; particularly under the Norway spruce and at the driveway. Roots from both the walnut and spruce extended to the middle of the excavation.

The Individual – private- tree bylaw introduced by Councilor Harris is a good starting point, but discussion is needed to determine if the scope of this proposition is wide enough. Other possible points to consider:

*ensuring that tree replacement not be just equivalent to the number of trees lost. There is nothing equivalent about a 100-year-old tree and a ten year old sapling. Replacement should reflect both the scope of the environmental impact and loss of property value.

*introduce incentives to retain trees on private land through reduced taxation or other mechanisms – we know that most of the urban forest is privately owned (to the tune of 60 to 90%!) and that those private trees offer very public benefits; shouldn't owners be compensated for their stewardship?

The above ideas, and more, are from an article, Tree Canopy cover in Canadian communities by Mike Rosen in Canada's Local Gardener (localgardener.net) Volume 2 Issue 4.

The following are pictures of the excavation site at 34 Burton Avenue:

















