

To: Planning and Environment Committee, Feb. 2, 2015 c/o Heather Lysynski
from: Maureen Temme, 66 Palmer Street, London.
Re: Agenda item 9: Boulevard Tree Protection By-law Replacement
Date: February 2/15

Councillors Hubert, Cassidy, Helmer, Squire and Turner

Thanks for setting a public participation time on a proposed replacement of *London's Boulevard Tree Protection bylaw*.

London's urban forest plan has been put together with care and thought, and includes ideas from many individuals, organizations and city staff ... so that London's tree plan fits with other environment-related things the City is doing. It fits the vision of London's proposed official plan, the London Plan.

Bylaws are detail work, necessary to give City staff clear ways of handling situations ... probably more often than not situations where people are in disagreement with each other or with an aspect of City jurisdiction.

That said, there are some comments I want to make about new, proposed *City Tree Protection By-law*.

Could there be a pre-amble to the bylaw - in the bylaw - that says clearly that the Urban Forestry department wants first and foremost to have a conversation with people about any situation concerning trees on public property ... before the regulations of the bylaw come about? My understanding is that many calls to the Bylaw enforcement office are by neighbours or realtors ... that the process is "complaint driven". Even tho' the proposed City Tree Protection Bylaw will be handled by the Forestry people, it is likely to be a complaint driven process. Two things that might lessen the "complaint driven" and bad feelings that are often involved might be:

1. A public registry or notification of neighbours/the public where and when trees are to be removed, so people can comment. This could be with signs, or notices in neighbourhoods, or notices in the papers (... perhaps even a regular "urban forestry" column in one of the papers with readable size print) or a mention on the news like there are "gardener forecasts"
2. That leads to a ***positive*** public information campaign ***supporting*** the bylaw. I think that London should start with saying "London welcomes gardens and trees" and then go on to say there are some places where they work better, and there are circumstances where people need to know some rules ... but all the time putting first that trees are welcome/needed.

Acknowledging again that I do understand that bylaws need to be specific and use definitions, **is there a way to change section 2.5 - Application to plant, injure, destroy or remove a tree** - so that the very language of the title does not deter a person from contacting the urban forestry department?

Also, ... and this might be gotten 'round if there's the public conversation aspect coming before and supporting the bylaw ... **why should someone have to spend money on an arborist to get a report to take a limb off a tree?**

And, ... and this leads to the Schedule "B" Tree Destruction or Removal fees
... if, after someone has a conversation with the urban forestry department and it's deemed o.k. to take out, for example, a 15cm diameter tree ... may the person do it herself if s/he knows how?
\$800 fee for City staff is 40 hours of work at \$20/hour

... or almost 73 hours of work at minimum wage of \$11.00 an hour.

Does the personal cost to a low-income person ever figure into the tree value systems that are used?

When it comes to a \$400.00 fine for planting a tree on City property

... this is probably going to be relevant mostly to someone planting a tree on her or his front lawn, in situations where the planting is happening on city property. If done in good faith, you are asking someone to pay a fine equivalent to 20 hours of work at \$20 per hour, or about 36.5 hours at \$11.00 minimum wage.

Welcoming gardens of all types in London ... a joint undertaking of several City departments and citizens who are already gardening.

Front yard plantings are the trend one sees in garden magazines and books. Food planting is common (if the front is one's only sunny space), and food-producing shrubs are common. Even trees can be "espaliere" or pruned so as to keep to a particular size

This is relevant to this proposed tree protection bylaw ... certainly in whatever section talks about "injury" to a tree ... doing something near the tree that impedes air/water flow. Under this bylaw, someone who has a modest and well kept/mulched integrated pollinator garden on her/his boulevard *and has planted around a tree* could be subject to a \$1000 fine!

I am confident that a well-planned garden around a tree - would be far better for a tree than, for example, the squares of bare, hard earth that London Life instructs its lawn company to cut around its trees each year on Wellington Street, just down the block from City Hall

There are several City departmentsⁱ already involved in evolving Londoners' protection and development of personal and "boulevard" gardens. With a new City tree protection bylaw being developed, perhaps this is a good time for all department to get together with citizens and organizations to talk about how London really can welcome gardens of all kinds. *I've been concerned about this wholistic topic since 2006, and could help with publicizing and getting people any conversations.*

Wording/editing

- It is a ***replacement*** of, ***not a revision*** of a bylaw. It is replacing a bylaw to do with boulevards, with one to do with City trees overall.
- ***Could text in it clarify how this proposed bylaw relates to situations involving all*** of individual homeowners, business owners, and companies (hospitals, I don't know)? The document may need to specifically say that it is written for a long list of entities; and then put "and others". Or it needs to be two-stream for individuals/homeowners and all the others. To me, the bylaw reads as if it is for individuals like homeowners or renters, and my comments above reflect this.
- ***The word consensual needs to be in the dictionary*** (something I mentioned during my interesting and helpful conversation with S. Rowland last week). See footnoteⁱⁱ

With some apologies for the length of the notes here ... thank you for the opportunity to help get right any bylaw helping London trees.

Sincerely,

Maureen Temme

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ⁱ **Linda McDougall**, City ecologist, was given a huge round of applause at the November 24/14 pollinator forum at the Central Library, when she encouraged people to grow flowers and food in their yards, including their front yards. She of course said that we

need to be mindful of underground whatevers, and site lines, but did say that we may plant on boulevards. ext. 6494 or
lmcdouga@london.ca

Natalie Philps of the Bylaw department is working on a new flyer to explain the City's yard and lot maintenance bylaw, in a positive way. nphilps@london.ca or ext. 4475 (working with Heather Chapman)

Vanessa Kinsley, Community Projects Coordinator, has an [Adopt-a-Street](#) program under her jurisdiction.
ext. 1871 vkinsley@london.ca

Greg Sandle, Environment Education Coordinator, has had an eye on the boulevard garden topic for some years now. ext. 7328 or
gsandle@london.ca

Sara Rowland, Urban Forester, involved with the new tree protection bylaw. ext. 4490 or srowland@london.ca

ii ***that the word "consensual" needs to be listed in the definitions ...***

Is "consensual" a commonly used term in bylaws and government documents?

Think about "*consensus*": ("group solidarity in sentiment and belief" and "general agreement").

Think about "consensual" (1) existing or made by mutual consent without an act of writing

... the "*without* an act of writing" is interesting, and counter to the formalities proposed in the City Tree Protection By-law

"Consensual" is used these days so often in regard to sexual activity; it's origins are:

mid 18th century: from Latin *consensus* 'agreement' (from *consens-* 'felt together, agreed', from the verb *consentire*) + -al. (<http://www.oxforddictionaries.com/definition/english/consensual>)

Note there the "felt together" reference. Using that idea, there's an implication of a homeowner and a city staff person having a conversation about a gardening situation, finding a solution. That is not the way the document sets up. The bylaw is all about getting in a tree expert and filling out a form.

"Consensual" doesn't seem to be the right word for the situation. So, unless "consensual" is the currently accepted bylaw/legislative term, is there something else?