

August 25, 2016

Mayor and Council
City of London
300 Dufferin Avenue, 6th Floor
P.O. Box 5035
London, ON N6A 4L9

Re: Planning & Environment Committee Report: Item 24 Tree Protection Bylaw

Community benefits should be paid for by the community. Parks, libraries, schools: these are all community benefits paid for by ALL citizens, even though many citizens may not use them. City hall has decided that trees – all trees in the City – are a community benefit, those on public lands and those on private property. So, logically, the whole community should pay for them, or support their existence, since the whole community benefits, right? Not so.

Under the new Tree Protection Bylaw recommended to be passed by Council on Monday night, it is property owners that have trees on their lots who will bear the burden for the collective good. Those ordinary citizens who are providing the community benefit are to be subject to policing by City enforcement officers, who can enter upon their property at any time to determine compliance with the Bylaw. All for the crime of having a tree on their property!

The costs of protection are on the property owner who may have paid a premium for a treed lot or who may have spent time and money over the years planting and nurturing trees to beautify their property and neighbourhoods, and doing their part to help green London.

Most citizens thought a new bylaw would simply strengthen the City's hand to prevent developers from cutting trees in advance of development. Instead, Council is being asked to approve sweeping new provisions that will also include every property owner who has a large (distinctive) tree on their lot. What is "large" is subject to change without notice. The Bylaw started with a proposal for large trees to be defined as 75 cm in diameter (only 20,000 of those on private properties); then, it was changed at Committee to 50 cm. One Councillor has called for a 30 cm diameter trigger. Some members of the public have urged Council to include all small trees on all lands. It is clear from City staff comments that the tree size to be regulated can be changed (without notice) and may depend only on how much budget City Council allocates to enforcement.

The Bylaw also includes as "Tree Protection Areas" not just lands that may be developed, but in some cases whole residential lots, or parts of lots, where City staff have determined there are trees that should be protected – regardless of size (i.e. including saplings and seedlings). Here owners cannot remove or harm any tree (other than a noxious weed) of any size without a permit.

The assumption is that London property owners, if left to their own devices, will willfully cut down trees, even if not necessary.

Unlike the recent London Plan process, where City staff went to great lengths to inform and involve the public, with this important Bylaw notice was negligible, and the Bylaw was brought to Committee during the summer vacation time when Councils would typically avoid dealing with matters of broad public importance. Now the City's plan is to let you know AFTER you have been included in the Bylaw, when it is too late to speak to your Councillor or to object. Ostensibly, that is so that you don't run out and cut all your trees down before the Bylaw is passed.

Most Londoners love their trees and would not knowingly harm them or remove them unless absolutely necessary. Now they must pay a \$100 fee, provide documentation (which may require hiring an arborist) and prove it to a bureaucrat who has no obligation to permit it. If they are allowed to remove a tree, they must replace it or pay the City \$350 to plant one somewhere else in the City. If they remove a "protected" tree without a permit, or if they fail to plant a tree, there is a set fine of \$1,000. All the while a neighbour, a passer-by or a busybody – who may never have planted a tree - can complain to the City if they think you are doing something wrong, thus making you subject to investigation.

The City has sought to enlist the support of its citizens in working toward a well-treed City. This is a laudable common goal. The Community should support those who purchase, plant and/or maintain trees that provide a community benefit.

Why does the City not propose incentives? For the cost of the additional "tree police", small tax rebates could be given to those who nurture large trees of community benefit; the City could annually give thousands of Londoners cash incentives to plant native tree species in their yards, or could add money to its own tree planting programs or community planting initiatives. Instead, Council is being asked to choose to spend money to police those who already have trees and have been providing the benefit to the public for free. Instead of celebrating the benefit these many ordinary citizens provide and share with the community – we penalize them.

And for what? To help London reach an arbitrary target of 34% tree canopy cover (thought by even many staff and councillors to be unrealistically high) so that we can have bragging rights as the "Forest City".

Yes, trees are an important asset to our community but, based on the City's preferred approach, the only way to ensure you will never be subject to tree permits, inspections and fines is to never have a tree on your property. What kind of a message is that? This is a heavy-handed and cynical approach to Londoners and their trees. Is this the new vision for London?



Richard Zelinka
727 Galloway Crescent
London, ON N6J 2Y6