

PUBLIC PARTICIPATION MEETING COMMENTS

3.8 PUBLIC PARTICIPATION MEETING – Application – Propose New City of London Boulevard Tree Protection By-law

- *(Deputy Mayor J. Helmer indicating that the minimum fee for removing a tree is \$1,240, looking at Schedule 'A' for less than ten centimeters, the minimum fine is \$500 and that seems like the wrong kind of incentive structure to set up, it would be substantially cheaper to just injure the tree, have it die and not pay the fee.); Ms. J.-A. Spence, Manager, Urban Forestry, responding that the fee for removal does include the cost for a replacement tree, they have not set the fees and fines yet, once this by-law is adopted, they will propose the fees and fines to the province and they will get set; advising that is a ticket, there are two ways that they can basically cover an offense under the by-law, one is ticketable and the second piece is they can go to a Part 2, which is a civil remedy and in that, they may have the option to apply the appraisal method and it would be up to the courts to decide if that is an acceptable comparison; (Deputy Mayor J. Helmer being very clear he is looking under Part 9 in the draft, Penalties - Minimum and Maximum so that this is not the civil remedies part which is separately listed but just the fines, minimum fine \$500 and maximum fine \$100,000 so the maximum fine sounds very imposing, the minimum fine however is often what gets applied in these situations, they do not go for something in between \$500 and \$100,000, it will often be \$500 so he is just checking on that, it is his understanding, they have dealt with these fine issues before, is that they do get set but this is setting out the range from the minimum to the maximum; wondering why we would have the minimum below what the lowest fee is, that is all.); Ms. J.-A. Spence, Manager, Urban Forestry, responding that she may not understand, currently they do not have a set fine, that will come after the by-law has been approved and they will propose the fee amounts to the province and it is up to the province to approve what they will be recommending; however, if you go to 9.5, under Civil remedies, they do have the option to pursue doing an appraised value method; it would ultimately be up to the enforcement officer whether it is a ticketable offense or they go a civil route; (Deputy Mayor J. Helmer indicating that this is just a question and he is happy to wait for the public meeting to be over and they will get into it after.)*