

PUBLIC PARTICIPATION MEETING COMMENTS

3.2 PUBLIC PARTICIPATION MEETING – New Proposed City of London Tree Protection By-law

- Councillor Cassidy: Thank you Ms. Spence. Any technical questions from Committee? Seeing none I'll open it up to the public, invite you to come to the microphone in whichever committee room you are in. I'll acknowledge because sometimes I see two committee rooms and two people at the same time so I'll acknowledge what room I'm looking at and then you'll be invited to state your name and you will have five minutes to address the Committee. So I am seeing activity in committee room one and two but then that activities stopped. There we go, sir, come to the microphone, state your name and you have five minutes.
- Okay my name is Paul Marsh. I own a small tree company called Woodland Services, it is an incorporated business. I operate it with my son, I really set it up for him, he's not part of the ownership because the incorporation moved back. That's another story but why I am here, first I want to wish everybody in the Committee you know a wonderful afternoon and day. I appreciate the time to speak. I also want to say thank you to Jill-Anne Spence and all the people in her department. My son and I have been working with them for four years and we strongly believe in increasing the tree canopy in London. In fact, to date, we started off as a part-time business, we've planted more trees than we've actually removed and that is our mandate as a company we'd rather plant and preserve then remove but we do do removals and distinctive trees are probably about ten to twenty percent of our target market and our revenue stream. My problem is this, I believe in this sincerely but I believe the Council also needs to represent small business. We're essentially a small company, we're growing, we're trying to employ a few other people. There's a lot of tree companies in this area, there's a lot of fly by night companies in this story which this actually does speak to but it's not part of this by-law. My personal opinion, a by-law about the fly by night businesses is probably more important than this next step. I wasn't able to attend the meeting last year, I didn't actually know about it but that's on, that's on me that's my problem so I wasn't there so I'm probably late to the game. My issue is this, my son is in my opinion and I've been told by others, a very good arborist to use the term. He is a great tree climber, he loves to protect and plant trees; however, he does have some college courses. He actually has a little bit of a learning anxiety when it comes to writing tests. So he's been in this business almost ten years and he was taken a little bit advantage of by another company which I won't go into detail so I said why don't we buy some equipment and we started a small business and I've invested a reasonable amount which will pass on to him. I'm not necessarily a tree guy but hey without trees and worms we're all dead so I am a tree guy. But having said that, my son is not a certified Arborist he, has some college, up to ten years' experience, we've worked to this by-law since 2016, we have turned down trees where homeowners wanted them removed and we knew they were distinctive. We walked away from those jobs. So basically my issue is this, there's a definition of a qualified Arborist. My son meets most of it but the minute you have to write the ISA exam which I suspect he's going to have a little trouble with. So it sounds like it's all about me but it's all about us. To me it's not, I've been in the business world for a long time, it's about small businesses and being successful and the ability to be successful. So we have abided by all the rules but this is going to take us out of about ten to twenty percent of our market unless he passes that exam or unless I hire a contractor, which I've done, but my point is this, is this, I'm fully in favor of increasing the tree canopy, I'm fully in favor of the by-law originally which allowed us to put in permits to the City and I have and I've actually been told some of our permits are well written. So, but having said that, that's all a matter of opinion but if we were able to do it for the last four years there should be some sort of a

grandfather clause in this so that we can proceed. Otherwise, you know it might sound like it's all about me but it's really not, it's about the trees but we follow the rules but it's my son and I that will lose if this goes through exactly the way it is. He needs to be grandfathered and you know what, he's going to study and he's going to try to write and write this test but it's not just about Woodland Services, there are a lot of tree companies in London and a lot of them are fly by night and they hurt the industry and they need to be taken out so that by-law needs to pass but we've done all the right things focusing on the by-law itself. We're incorporated, we're fully insured, I pay in the WSIB which its talked about in here and for the record what I was told by WSIB is we actually don't need to pay into it because it's a very dangerous job so that's something that needs to be looked into but we've done all of that.

- Councillor Cassidy: You have fifteen seconds sir.
- Paul Marsh: Good, because I'm done. We've done all of that. I just believe there, this by-law has to be able to grandfather certain companies in if we're a legitimate business we should be in. That's my point. Thank you very much for the time.
- Councillor Cassidy: Perfect. Bang on five minutes. Thank you sir. Are there any other members of the public who would like to address the Committee? Welcome. State your name and you have five minutes.
- Thank you Madam Chair. I'm Richard Zelinka and I actually spoke on a couple of occasions, once when the first Tree Protection By-law was, was coming to this Committee and again in September at the public meeting regarding the by-law review. First of all, I would like to commend Ms. Spence, Sarah Rowland and their team on the review process that they did conduct. I, I, in my opinion it was a very honest and objective review of the by-law with a professional focus on what the by-law is supposed to do. The by-law is not supposed to be an existing or future parks plan or a trails plan or an open space acquisition plan, it's not to be a future forestation plan and yet the, the current Tree Protection By-law tries to be all of these things and more and in doing so it abuses and confuses the intent and purpose of a Tree Protection By-law. So the recommendations that you see before you tonight I would, I would say seek to redirect the by-law to its intended purpose and, and for that I'm, I'm very pleased at this, at this report and recommendation. The review also takes a pragmatic approach to, towards making the by-law more workable and understandable and also fairer to the public, to the land owners who, who have trees or have been stewards of trees. For example, the proposed removing of the tree protection areas from manicured backyards of private homes in the reforming of the fee schedule, these proposed changes start to move away from the, the approach of penalizing landowners, property owners, homeowners, who plant trees, who care for their trees on their property, so this, these changes are helping to move away from that approach and, and providing a fairer approach to tree protection. On a specific matter, though, I did want to, to mention that I continue to be concerned about one aspect of the by-law in that it contains no provision for the City Engineer to deem existing succession plantings to meet the requirement for replacement trees when a distinctive tree is removed. So the example I gave the Committee in September is I, I have been planting successional plantings, trees under the canopy of a distinctive tree for years to, to have them ready to take over if in future the distinctive tree needs to be removed and yet under the by-law I would be required to, to either pay for replacement trees or to pay the City to have replacement trees put some place else even though I've spent thousands of dollars on, on these trees already. So I would ask that there be some ability for the, the City Engineer to deem our replacement trees to have been met by successional plants, existing successional plantings. The recommendations for

schedule B maps I think are one of the major improvements in the by-law, they bring logic and understandable purpose to the by-law and I, I commend those changes to the, to the maps. There is a recommendation in the text of the report that, that is for updating and revising the maps every four to five years. I would, I would suggest since, since that normally isn't a matter of public notice that there be something on the City's website to, where it would contain a statement to the effect of these maps are updated every four to five years please report any errors or inconsistencies to and leave a contact there so that so that the public can help to identify these things in the, in the period between updates to ensure that, that errors and inconsistencies are identified. I do want to overall state that the recommendations are positive, they are appropriate and, and they're welcome. I'm very pleased with the, with the work that the staff has done on that on this by-law.

- Councillor Cassidy: You are just past five minutes Mr. Zelinka.
- Richard Zelinka: Okay. I'll leave it there then. Thank you.
- Councillor Cassidy: Thank you so much. Any other are members of the public who would like to address the Committee? Welcome.
- Welcome. Thank you very much. Well if you didn't recognize me from my brief maskless stint, I'm Dean Sheppard, I'm Executive Director for ReForest London. ReForest London feels that the, the Tree Protection By-law should be making some incremental steps towards enhanced protection. There's a lot of positive changes in this by-law but it, what it's not doing is making some extra protective advances. It, in fact, you could argue that, that some of these changes are actually rolling back protections a little bit and we would like to see it go in the other direction. A fundamental plank of the City's Urban Forest Management Strategy is that larger trees provide more benefits and we should be striving to grow and protect those largest trees in our city. Leaving the threshold at only fifty centimeters protects only six percent of our existing trees. Think how precious the big trees in our city are if only six percent of them are bigger than fifty. ReForest London is asking that protection be expanded to include trees that are forty centimeters or more. I know this came up in a previous public meeting and I know that staff are not recommending this but this is a very reasonable step forward. It would offer protection to now eleven percent of our urban forest so it's not an aggressive protective measure by any means. Many Ontario municipalities already have by-laws to protect trees of forty centimeters including Brantford, Guelph, Kingston, Mississauga, Richmond Hill, Vaughan, Toronto, even Hamilton, seven out of eight of those places actually have thresholds less than forty. So London, the Forest City, is lagging all of these communities. Tree protection in these communities is stronger than it is in London, it's stronger than even what we're asking for tonight at forty. The rationale provided for not protecting more trees is not in, in the importance of the task but rather the demand on staff time and it's understandable that, that resources are constrained but here's the rub, moneys for additional tree protections need to be approved in the City budget process and I can't see a way personally that a business case is going to make it to Council's consideration for additional staff member to protect more trees without the by-law to justify that ask already being in place so with no by-law change because of no budget and no budget because no by-law change it's a catch twenty-two with no progress, we're stuck. We need to break the logjam and to me, in my opinion, the opportunity is in front of us tonight. It's, it's at the by-law stage where we can make that progress. So we're asking you to enhance tree protections in this by-law and task staff on how and to figure out how to deliver it. Even if the increase in protection is small, I'll hope that the Planning Committee will direct staff to take even tiny steps in the right direction. No amount of new planting is ever going to overcome if we're losing our very

biggest trees. You can imagine how many literally thousands of small trees it might take to produce the same ecological benefit and human benefit as big trees do. We know that trees help us in many other issue areas that are priorities for Council that includes climate change, healthy communities and quality of life, which we need to keep recognizing is also an economic driver. We have a long way to go to reach our canopy in health, healthy forest targets. No progress in tree protections should not be an option, sitting still should not be an option for us. Climate change and quality of life in the Forest City requires to take constant steps of improvement so ReForest London is asking the Committee tonight to endorse changing the level of protection for distinctive trees from fifty centimeters to forty centimeters. Thank you.

- Councillor Cassidy: Thank you Mr. Sheppard. Any other members of the public who would like to address the Committee? Welcome.
- Hi Everybody. My name is Skylar Franke and I am the Executive Director of the London Environmental Network and I just would like to make a few comments regarding the new proposed Tree Protection By-law. As you can assume I will probably echo some similar sentiments to what Dean just said but I do have two specific ones I want to cover. As Dean said, here is an opportunity for Council to take action on climate change tonight ahead of the finalization of the Climate Emergency Action Plan which will be done sometime next year. So by supporting and enforcing tree protection in London Council and Committee will be showing that they are moving forward on climate action efforts. Maintaining the Tree Protection By-law at fifty centimeters of breast height runs the risk of having anything lower than that unprotected and removed and we'd recommend moving the number down to forty centimeters and hiring the necessary staff in order to be able to monitor and enforce those protections. We do need climate action right now and staff are saying through this report that they would need more staff to adequately protect those trees. They put together a very nice chart that I quite like that showed, in fact, if we want to be able to monitor one hundred percent of the trees in London it would require an additional eighteen By-law Officers which is also curiously the same number as the ones that would be required to monitor all the parking spaces downtown that just recently got approved. So Council has demonstrated in the past that if there is a need to hire more By-law Officers there is a possibility of that happening so I'd love to see it moved down to forty centimeters and the additional By-law Officers be hired. That would also help with London's recovery process in that there would be more staff working in the green sector and new jobs being created. Also, as a separate aside, on Appendix A, page 98 of the amalgamated agenda regarding tree replacement it lists the quantity of replacement trees to be planted but no reference size. So for example, a mature Silver Maple could be replaced with like four very small seedlings under one foot tall and there's no mention of how, how large those trees have to be that would be replaced so it would be good if there is a minimum size not only a minimum number of trees to be replaced but also minimum size for those trees. Just because trees act as carbon sinks and as you know we need as many trees in the ground as possible soaking up all of our carbon. So thank you for your time and have a good night.
- Councillor Cassidy: Thank you Ms. Franke. The mic is open. Are there any other members of the public who would like to address the Committee? One more time. Any other members of the public who would like to speak to the Tree Preservation By-law. Okay. I'm not seeing any other interested parties come forward so I'll look for a motion to close the public participation meeting.