



April 19, 2016

To: Environment Committee, City of Ottawa

From: BIG TREES of Kitchissippi

This memo provides Environment Committee with our response to the **Urban Tree Conservation By-law Update** submitted to Environment Committee and City Council in Ottawa on April 12, 2016.

We have chosen to be as brief and straightforward as possible in providing our feedback. We list ACTION ITEMS first and then we provide COMMENTARY on the update.

ACTION ITEMS	
<p>Environment Committee should require that the frequency of future reports on this by-law be semi-annual (every 6 months)</p>	<p>We strongly recommend that reporting on the by-law occur semi-annually (every 6 months). We reject the statement in the current report that “demand for permits varies significantly by season” as a reason to seek relief from semi-annual reporting.</p> <p>Our rationale: Property owners are preparing plans for building construction at all times of the year, and Committee of Adjustment deals at all times of the year with requests for variances that often lead to tree permits being approved. The public has a right to be informed of tree permitting and tree permit denials in a timely manner.</p>

<p>Environment Committee should require that infractions launched under the by-law be tallied and described fully in future update reports</p>	<p>This was not included in the April 2016 update., nor was it part of Councillor Leiper’s original request for reporting on implementation of the by-law. Adding it to the reporting regime will require liaison with By-law Services and with the Legal Services. Our rationale: Because the by-law provides for penalties, infractions that stem from the by-law’s implementation must be included in all future updates. As citizens, we find it almost impossible to track infractions and the court cases stemming from infraction notices. Legal services must find a way to report to the public on cases without breaching confidentiality, if that is deemed to be an impediment.</p>
<p>Environment Committee should require that a separate tally from Committee of Adjustment rulings be part of future reports on the by-law.</p>	<p>Committee of Adjustment meets all year and is often the place where property owners seeking variances also request permission to remove distinctive trees protected under the by-law. Our rationale: In order to understand the impact of the Official Policy’s mandate regarding infill development in the urban core, reporting on the tree by-law needs to describe and enumerate the tree destruction permits provided as a result of Committee of Adjustment hearings.</p>

Before we move into a detailed commentary on the update, we wish to provide Environment Committee with recommendation on a related, important concern.

PGMD may be better able to deal with both segments of by-law enforcement

Distinctive Tree Permits are issued by the Public Works Department, and process changes passed by Council on May 9, 2012 (followed by an amendment to the by-law in 2013), have NOT BEEN ACTIVATED. This means that few to no rules are in place to ensure that healthy distinctive trees appear on site plans for building permits and Committee of Adjustment. In 2014 and 2015, residents of Kitchissippi ward often viewed site plans that did not capture distinctive trees.

When it comes to Tree Permits for properties greater than one hectare (handled by the Planning and Growth Management Department (PGMD), a well-developed, transparent process is in place. We recommend that the Environment Committee and City Council insist that Public Works (at a minimum) adopt similar processes in the matter of Distinctive Trees.

COMMENTARY ON THE UPDATE

Table 1	<p>This shows data from 2010 through 2015. The <i>Number of Requests</i> column is not related to the <i>Number of Permits Issued</i> column.</p> <p>The Number of Requests includes 3-1-1 requests for information, duplicate calls, status of request, etc. In fact, this data represents the number of calls that the City logged.</p> <p>REMEDY: A comparison is needed between the <i>Number of Permits Issued</i> and the <i>Number of Permits Citizens Applied For</i>. This requires that the latter data show up in a column of its own.</p>
More commentary on Table 1	<p>The table shows a 32.4% increase in permits issued between 2010 and 2011, which likely is due to developers twiggging to the fact that they needed a permit. It's likely that the actual number of distinctive trees removed in 2010 was much higher than reported (assuming tracking had not been instituted in year 1).</p> <p>The subsequent year-by-year changes are: 2012: 5.6% increase 2013: 1.3% reduction 2014: -11.5% (a decrease of this magnitude requires explanation to ensure that it's not a mistake) 2015: 2.5% increase</p> <p>REMEDY: explain significant increases or decreases in data reported.</p>
Table 3	<p>The breakdown by city ward for 2015 suffers from the same issues mentioned in our commentary on Table 1 for columns of data. The relevant columns are:</p> <p>Issued: safety concerns are cited as a reason for issuing a permit, which is also a reason for issuing an Exemption. How can the same situation be covered in two different columns?</p> <p>Exempt: How many trees “exempted” from a permit are trees severely damaged</p>

	<p>during excavation, thus becoming “dangerous” or unstable and requiring destruction on an emergency basis, without need for a permit.</p> <p>REMEDIES: 1) It would be better to remove “unsafe” and “dangerous” as criteria for <i>issuing</i> a permit and include those cases under “exempt.” 2) We suggest that trees damaged by excavation be noted as special cases within the “exempt” category.</p>
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