ATTACHMENT 8
7808 YONGE

7808 Yonge Street

Arborist Report

City of Vaughan

Prepared for:

Letourneau Heritage Consulting Inc.

Project Number:

AA19-120A

Date:

March 17, 2021

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March 17, 2021

Our File No.: AA19-120A
Sent by email: bholthof@lhcheritage.com

Jackie Fu
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c/o

Ben Holthof, Heritage Planner
Letourneau Heritage Consulting Inc.
Suite 400 - 837 Princess Street
Kingston, Ontario, K7L 1G8

Re: Arborist Report
7808 Yonge Street – Site Plan
Thornhill (City of Vaughan)

Dear Mr. Fu:

We have completed our study of the above referenced project. This arborist report has been prepared according to the requirements outlined in the City of Vaughan's Tree Protection Bylaw with special consideration given to the City's Tree Protection Protocol and other provincial and federal legislation, as it applies.

The following attached documents are part of this investigation.

- *Appendix 1.* *Tree Inventory and Assessment Methodology*
- *Appendix 2.* *Detailed Tree Data*
- *Appendix 3.* *Limitations of this Tree Assessment*
- *Appendix 4.* *Protection of Migratory Birds and Development*
- *Appendix 5.* *Photojournal*
- *Drawing TPP1* *Tree Preservation Plan and Details*

1. Introduction

1.1 Proposed Development and Existing Conditions

The owners of the property at 7808 Yonge Street are planning to redevelop the property. The proposed work would involve demolition of the existing building and constructing a new detached dwelling fronting on Yonge Street with driveway access from Old Yonge Street. The property currently has an older detached single-family dwelling on site. The existing vegetation consists mainly of larger trees and sections of naturalized saplings.

1.2 Legislative Context

The protection of public and private trees is regulated by the City of Vaughan's Tree Protection Bylaw (Bylaw No. 052-2018).

As stated in the Tree Protection Bylaw, removing and injuring private trees 20 cm DBH or greater is regulated through a permitting process and requires several articles to be submitted to the City, including an arborist report, payment of required fees, and consent from tree owners if shared or neighbouring trees are to be removed. The tree removal permit application requirements are listed in Section 6 of the Tree Protection Bylaw.

Trees of every diameter within the municipal right of way are also protected and require a separate permitting process.

As well, the City has a Tree Protection Protocol which compliments the Tree Protection Bylaw by outlining in greater detail aspects of the processes and technical requirements of sections within the Bylaw.

In addition to the municipal bylaws, it is required by law in the province of Ontario to obtain the consent of any boundary tree's owned prior to injuring or removing that tree. Paragraph 10 of the Forestry Act, R.S.O. 1990, c. F.26 states that:

> 10. (2) Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. 1998, c. 18, Sched. I, s. 21.
> (3) Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21.

1.3 Study Terms

The proposed work may injure or require the removal of public and private trees (as defined in Table A), therefore an Arborist Report in support of this work is required. Aboud & Associates was retained by Letourneau Heritage Consulting Inc. to complete the Arborist Report.

2. Methodology

2.1 Site Context

The tree inventory and assessment was conducted by Dan Bechard, ISA Certified Arborist, on February 25, 2021. The proposed site plan (February 22, 2021) was prepared by Dutra Architect Inc. and is used as the base plan for *Drawing TPP1* to determine the preservation of existing trees. The tree locations were surveyed by Pearson and Pearson Surveying Ltd. (2016).

2.2 Tree Inventory Requirements

The tree inventory for this project was conducted to collect the pertinent information under the Tree Protection Bylaw, with technical requirements outlined in the Tree Protection Protocol. Data within several categories must be collected for each tree included in the inventory. In addition to assigning a number to each tree and determining their individual locations, the following data were collected for each tree:

- Species (botanical and common names)*
- Diameter at Breast Height (cm)*
- Crown Reserve (dripline) (m)*
- Tree health/disease*
- Recommendation of removal or preservation based on Condition and Development impacts
- Minimum Tree Protection Zone (MTPZ)
- Tree Risk Assessment for trees deemed hazardous*
- Observations / comments
- Photographic record of each tree*

* Categories for data collection required as outlined by the Tree Protection Protocol.

Appendix 1 provides a description of assessment methods and definitions of codes used in the Observations/Comments category. Recommendations to preserve or remove individual trees were assigned based on a tree's current condition and the expected impact from the construction. The final recommendation for each tree and other data listed above are provided in *Appendix 2*. Detailed rationale for the recommendations of select trees is given in Section 3.

We provide *Appendix 3 – Limitations of this Tree Assessment* to clarify what is reasonable and possible in our assessment of trees. *Appendix 4 – Protection of Migratory Birds and Development* is provided for reducing impacts to breeding birds. *Appendix 5 – Photojournal* provides a photographic record of the trees inventoried for the Arborist Report.

3. Observations and Recommendations

3.1 Tree Inventory Data Summary

A total of 30 trees were inventoried in this study; no trees were tagged. Specific data for each individual tree are provided in *Appendix 2*. The locations, identification numbers, approximate crown reserves and preservation recommendations of trees are shown on *Drawing TPP1*.

Within the study area, 20 onsite private trees were inventoried, as well as three offsite private trees and seven trees located on the municipal right of way.

Over half (16 individuals) of the trees inventoried are either Manitoba Maple (*Acer negundo*) or Norway Maple (*Acer platanoides*). Eight coniferous trees were inventoried, seven of which are Scots Pine (*Pinus sylvestris*). The remaining deciduous trees inventoried are comprised entirely

of non-native species, including Horse Chestnut (*Aesculus hippocastanum*), White Mulberry (*Morus alba*) and Black Locust (*Robinia pseudoacacia*).

3.2 Recommendations for Preservation and Removal

3.2.1 Trees Recommended for Preservation

It is recommended that 12 of the studied trees be preserved. These trees are in acceptable biological condition and will either not be affected or will be minimally affected by the proposed works. Table A provides a summary of recommended action assigned to all inventoried trees.

The general protection details for these trees are provided in *Drawing TPP1-2* and described in Section 3.3 of this report, below. Specifically, for Trees 17 and 22, some of the proposed work is in close proximity to these trees. Any excavation or root exploration within the MTPZ of trees should be done using minimally invasive methods (air spade, dry vac, hydro-vac or hand digging) in order to determine the structural impact on the tree and reduce biological stress to the tree.

3.2.2 Trees Recommended for Removal

There are 18 trees recommended for removal due to being in conflict with the proposed development. Table A provides a summary of recommended action assigned to all inventoried trees.

Table A. Summary of Recommended Action Assigned to Trees

Recommended Action	Based on Condition	Based on Construction Impacts	Based on Condition AND Construction Impacts
Preserve	30	12	12
Remove	0	18	18
Totals	**30**	**30**	**30**

Trees 6-8, 11-16, 18, 19, 23, and 25-30 are all recommended for removal due to their conflict with development. Only Tree 13 is unregulated as it is under 20cm in diameter and located on the proponent's property. Removal of tree 6-8, 11-16, 18, 19, 23, 25-27 and 30 requires the written consent of both adjacent property owners under the City's Tree Preservation Bylaw (Sec. 6.1 item e) as a portion of the base of these trees are within 6m of the adjacent property boundary.

3.3 Protection of Trees Recommended for Preservation

In order to preserve the identified onsite trees during and after construction, the following tree protection measures must be taken:

- Tree protection fencing (TPF) must be installed at the limit of work where specified and as detailed in *Drawings TPP1-2;*
- Where the development limit generally falls within the MTPZs of trees to be preserved, root pruning is recommended prior to earthworks by pre-staking the development limit, exposing roots (by air-spading/hand-digging with spades/hydro-vacuuming) along the development limit, cutting roots with appropriate tools (pruners, pole saws, or chainsaws as required), and covering cut roots and maintaining their moisture until backfilling with clean topsoil takes place; and
- Prior to construction, the site should be inspected (i.e., walked) by the contractor, project engineer and project arborist to determine the locations and extent of pruning needed. Any tree pruning required due to the movement of machinery onsite should be pruned to arboricultural standards by a Certified Arborist prior to the beginning of construction.

4. Compensation Plan

The City of Vaughan applies compensation plantings for all regulated private trees in a scaled ratio correlated to their DBH size as prescribed below:

Compensation Class	Tree Size (DBH)	Compensation Required
N/A	<20 cm	None
1	20 - 30 cm	1 tree
2	31 - 40 cm	2 trees
3	41 - 50 cm	3 trees
4	>50 cm	4 trees

Dead or hazardous trees with diameters of 20 cm or greater do not require any compensation trees to be planted. However, they still require a separate permit for their removal and an arborist report with a tree risk assessment component for each tree deemed hazardous or dead. For compensation trees that cannot be planted on site due to space restrictions, cash-in-lieu of planting is accepted at a rate of $550 each. Table B summarizes the number of trees proposed for removal and their resultant compensation requirements.

For this project, the categorical tree subtotals with their mandatory compensation totals are provided in Table B. Forty-four (44) trees will be required as compensation for the loss of the trees removed to accommodate this project.

Table B. City of Vaughan Tree Compensation Methodology**.** The explanation for each removed tree type and how they are compensated is explained in Section 4 of this report.

Removed Tree Type	Quantity for Current Project	Compensation Plantings Required per Removed Tree	Total Compensation
Under 20cm DBH (private)	1	0	0
Dead/Hazardous	0	0	0
Private Trees 20cm and greater	17	Class 1 = 2 Class 2 = 6 Class 3 = 6 Class 4 = 3	44 Trees
Development Total	**18**		**44 Trees**

Tree 13 is recommended for removal but is under 20 centimeters in DBH thus requiring no compensation for its removal. Trees 11 and 12 belong in Class 1 requiring two compensation trees total. Trees 8, 15, 18, 23, 27 and 29 fall under Class 2 requiring two compensation trees each for their removal, tallying to 12 compensation trees. The removal of Trees 6, 7, 14, 16, 26 and 30 will require a total of 18 compensation trees as they fall within Class 3. Trees 19, 25 and 28 fall under Class 4, requiring 4 compensation trees for each of their removals, tallying to 12 trees. In summary, the proposed removal of 18 trees based on developmental impacts required 44 compensation trees to be planted. No dead or hazardous trees were observed during the site visit.

The species and locations of compensation plantings are provided in the Landscape Plans submitted under separate cover. It is understood that any outstanding compensation trees not planted will be compensated for by cash-in-lieu of planting at a rate of $550/tree. A tree removal permit is required prior to removing any trees on the property. Trees removed without a permit are subject to a fine, the value of which may be up to $10,000 for a first offence (individual) and up to $100,000 for a corporation.

5. Conclusion

The proposed development of the property located at 7808 Yonge Street in Vaughan requires an Arborist Report. Through field study of the trees and analysis of the proposed work, 12 of 30 trees are recommended for preservation. The trees recommended for removal include private trees and private trees located within 6m of the neighbouring property. Removing these trees requires written permission from the City and neighbouring tree owners. Tree protection for retained trees will be achieved through the installation of TPF, root pruning and potentially through clearance pruning to arboricultural standards.

Report Prepared By:

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APPENDIX 1. TREE INVENTORY AND ASSESSMENT DEFINITIONS

NB: Not all definitions or categories may apply.

DBH (cm): Diameter at breast height, 1.4 m above ground, measured in centimeters. Two or more numbers denotes the DBH of each stem/trunk for trees with multiple stems/trunks.

Height (metres): Height of tree from ground to top of crown. Height is estimated from visual ground observations.

Crown Reserve (metres): Crown diameter (tree's canopy) measured at intervals of 1, 3, 5, 8, 10, 15 meters.

Biological Health: Related to presence and extent of disease/disease symptoms and the vigour of the tree.

H (High) - No observed diseases/disease symptoms present, and moderate to high vigour.
M (Moderate) - Presence of minor diseases/disease symptoms, and/or moderate vigour.
L (Low) - Presence of major diseases/disease symptoms, (i.e., extensive crown dieback), and/or poor vigour.
A further rating may be assigned of M(L) = Low side of Moderate, H(M) = Moderate side of High.

Structural Condition: Related to defects in a tree's structure, (i.e., lean, codominant trunks).

H (High) - No observed structural defects, well-developed crown.
M (Moderate) - Presence of minor structural defects.
L (Low) - Presence of major structural defects.
A further rating may be assigned of M(L) = Low side of Moderate, H(M) = Moderate side of High.

Overall Condition: A general rating related to the tree's rating of biological health and structural condition.

Excellent – A sound trunk with no blemishes, a full and natural shape to the crown, healthy, normal leaf colour or a good winter bud set.
Good – Minor branch cuts on trunk with minor decay, medium sized crown for the species and still retaining some natural shape, minor deadwood – up to 10% of secondary branches, may be interfering with utilities lines, have minor insect or pathogen or nutritional deficiencies.
Fair – Trunk exhibits decay, frost cracks, swelling or cankers, crown has partial sections or side missing, cut into a deep "V" for wires, crown has large deadwood in 11-35% of secondary branches.
Poor – In degraded condition with irreversible problems large cavities/decay, major deformities, frost cracks, swellings or cankers, visible girdling root or leaning more than 30^{o}, 50% or more of branches are dead.
Dead – Dead or have over 90% dead branches and/or have completed succumbed to either insects, pathogens or nutritional deficiencies.

Ownership
Private Tree: Tree trunk located completely within the property boundary of the subject property.
Offsite Tree: Tree trunk located on private property completely outside of the property boundary of the subject property.
Municipal Tree: Tree is located on the property of the municipality/region, e.g., within Right-of-Way.
Shared Tree: Tree shared between the subject property and adjacent private or public property.

Site Dev. Impact: Impact to tree is anticipated from proposed development (e.g., road, building) at or near the tree, and/or grade changes (cut/fill).

Transplant Potential: A transplantation recommendation of **Y**es or **N**o based on a tree's size, species, and condition, and site conditions (e.g. near adjacent trees/objects, on slopes, soil type).

Recommended Actions (due to Condition, due to Development, and Final): A recommendation of the following three categories is assigned to preserve or remove a tree:

i) The tree's current biological health and structural condition
ii) The anticipated impacts from proposed development
iii) The summary of the previous two categories. Note: Only trees having a recommendation of preserve for both health and structure, and impacts from the proposed development are assigned a final recommendation of preserve.

P (Preserve) - Tree has a moderate to high biological health AND moderate to high structural condition, AND is likely to survive impact from the proposed development (if present). The tree is likely to survive for at least 3 to 5 years.
R (Remove) - Tree has low biological health, AND/OR low structural condition, AND/OR will not survive the proposed development impacts (if present). The tree is not likely to survive more than 1-3 years.
C (Conditional) - In some situations a tree's preservation or removal is related to potential relocation/modification of the limit of construction, and/or known arboricultural treatments that will likely improve the biological health and/or structural condition of the tree. This may include review of a tree's condition, e.g., roots, at time of construction/excavation.

APPENDIX 1. TREE INVENTORY AND ASSESSMENT DEFINITIONS

NB: Not all definitions or categories may apply.

Codes of Damage Descriptions

BA - branch attachment poor
BB - burlap, basket, wire present on/in tree/root ball
BC - bark crack
BD - bark dead
BI - bark included
BS - basal trunk sprouts
CB - crown broken
CD - crown dieback
CK - canker (abnormal growth from disease or damage)
CL - crown live, CL20 - 20% live crown
CS - crown sprouts
CT - crown thin (having reduced foliage)
CU - crown unbalanced
CV - crown vines
DW - deadwood
FB - fungal bodies present
LC - leaves chlorotic (yellow)
LD - leaves defoliated
LP - leader poor/problem
MB - multi-branched node of limbs on stem
ML - multiple leaders
PH - planted high
PL - planted low
PP - past pruning problems
RC - root crown damage/abnormality
RE - roots exposed
RG - roots girdling
SC - stems co-dominant
SG - stem girdled
ST - soil on trunk
TB - trunk bent
TC - trunk cavity
TK - trunk crooked
TD - trunk decay
TE - trunk base enlarged abnormally
TF - trunk basal flair lacking / abnormal
TG - trunk/stem girdling
TL - trunk lean (L< 5°), (M 5-20°), (H>20°)
TM - trunks multiple from at or below ground level
TS - trunk split
TT - trunk twisted
TW - trunk wound
WW - wet wood

QUANTIFIED CONDITIONS (defects, diseases)

L (low, minor), M (moderate), H (high, severe)
E.G. CT(H) = severe crooked trunk
TD(L) = minor trunk decay
TF(H) = severely poor basal trunk flare

CARDINAL COORDINATES (N, S, E, W)

e.g., LN(L-S) = minor lean to the south

Codes of Recommendations

A - Add mulch
B - Remove attachments (burlap, wire, stake, guard)
C - Cable
F - Fertilize
L - lower soil level
M - Monitor
N - None Needed
P - Prune
R - Remove
S - Soil bulk density (compaction) lower
V - soil volume (increase)
W – Water
~ - Denotes approximate

Life Expectancy

1 - Less than 5 years
2 - 5 to 10 years
3 - 11 to 20 years
4 - 21 to 50 years
5 - 51 to 100 years
6 - 101 to 200 years

Priority: An action priority schedule (i.e. general timing) to provide arboricultural treatment(s).
E - Extremely Urgent (within a week)
U - Urgent (within 3 months)
H - High (within a year)
M - Moderate (within 3 years)
L - Low (little or no action required for at least 5 years)

APPENDIX 2. DETAILED TREE DATA: 7808 Yonge Street, Vaughan **AA19-120A**

Data recorded February 25, 2021 (See Appendix 1 for Methodology).

Tree No.	Tree Species	DBH (cm) [1]	Minimum Tree Protection Zone (m) (Radius measured from edge of tree) [2]	Crown Reserve est. (m)	Biological Health	Structural Condition	Ownership: **P**rivate, **O**ffsite, **M**unicipal, **S**hared	Rec. Action - Condition	Rec. Action - Development	**Final Recommendation**	Compensation Required (Quantity)	Comments / Observations
1	*Aesculus hippocastanum* *Horse Chestnut*	26	1.8	6	M(H)	M(H)	O	P	P	P	N	DBH ESTIMATED
2	Acer negundo Manitoba Maple	47 [42,21]	3.0	20	M(H)	M	M	P	P	P	N	Unbalanced crown, moderate lean
3	Acer negundo Manitoba Maple	28	1.8	10	M	M	M	P	P	P	N	Deadwood moderate
4	Acer negundo Manitoba Maple	20	1.2	6	M(L)	M(L)	M	P	P	P	N	Basal sprouts, lean minor,
5	*Acer platanoides* *Norway Maple*	43	3.0	13	M(H)	M	P	P	P	P	N	Unbalanced crown
6	*Acer negundo* *Manitoba Maple*	42	3.0	24	M(H)	M(L)	P	P	R	RD	Y(3)	Lean moderate
7	*Acer negundo* *Manitoba Maple*	42	3.0	10	M	M(H)	P	P	R	RD	Y(3)	Deadwood moderate
8	*Morus alba* *White Mulberry*	39	2.4	10	M	M(H)	P	P	R	RD	Y(2)	
9	Pinus sylvestris Scots Pine	40	2.4	10	M(H)	M(H)	O	P	P	P	N	DBH ESTIMATED
10	Pinus sylvestris Scots Pine	45	3.0	10	M(H)	M(H)	O	P	P	P	N	DBH ESTIMATED
11	Acer negundo Manitoba Maple	24 [20,9,9]	1.8	12	M	M(L)	P	P	R	RD	Y(1)	
12	Acer platanoides Norway Maple	22	1.8	7	M(H)	M(H)	P	P	R	RD	Y(1)	
13	*Acer platanoides* *Norway Maple*	14	1.2	5	M	M(H)	P	P	R	RD	N	Suppressed
14	*Pinus sylvestris* *Scots Pine*	41	3.0	12	M(H)	M	P	P	R	RD	Y(3)	Lean moderate
15	*Acer negundo* *Manitoba Maple*	37 [34,14]	2.4	22	M	L	P	P	R	RD	Y(2)	Severe lean, epicormic shoots moderate
16	*Robinia pseudoacacia* *Black Locust*	48	3.0	11	M	M(L)	P	P	R	RD	Y(3)	Cavity and decay @2m, unbalanced crown
17	*Acer platanoides* *Norway Maple*	39	2.4	12	M	M(L)	M	P	P	P	N	Unbalanced crown, cavity and decay
18	Acer platanoides Norway Maple	36	2.4	8	M(H)	M(H)	P	P	R	RD	Y(2)	
19	*Acer platanoides* *Norway Maple*	74 [56,38,31]	4.8	16	M(H)	M	P	P	R	RD	Y(4)	Included bark
20	*Acer platanoides* *Norway Maple*	22	1.8	6	M(H)	M(H)	M	P	P	P	N	
21	*Aesculus hippocastanum* *Horse Chestnut*	16	1.2	6	M	M	M	P	P	P	N	

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Data recorded February 25, 2021 (See Appendix 1 for Methodology).

Tree No.	Tree Species	DBH (cm) [1]	Minimum Tree Protection Zone (m) (Radius measured from edge of tree) [2]	Crown Reserve est. (m)	Biological Health	Structural Condition	Ownership: **P**rivate, **O**ffsite, **M**unicipal, **S**hared	Rec. Action - Condition	Rec. Action - Development	**Final Recommendation**	Compensation Required (Quantity)	Comments / Observations
22	*Acer negundo* *Manitoba Maple*	44	3.0	12	M	M	M	P	P	P	N	Unbalanced crown, epicormic shoots moderate
23	*Acer platanoides* *Norway Maple*	35	2.4	10	M	M	P	P	R	RD	Y(2)	Deadwood moderate
24	*Robinia pseudoacacia* *Black Locust*	35	2.4	6	M(H)	M(H)	P	P	P	P	N	
25	Pinus sylvestris Scots Pine	55 [45,32]	3.6	12	M(H)	M	P	P	R	RD	Y(4)	Deadwood moderate
26	*Pinus sylvestris* *Scots Pine*	45	3.0	10	M(H)	M(H)	P	P	R	RD	Y(3)	Dead wood minor
27	*Pinus sylvestris* *Scots Pine*	31	2.4	8	M(H)	M(H)	P	P	R	RD	Y(2)	Leader problems
28	*Robinia pseudoacacia* *Black Locust*	73 [56,47]	4.8	14	M(L)	M(L)	P	R	R	RCD	Y(4)	Deadwood moderate, fungal fruiting bodies, moderate lean
29	Picea glauca White Spruce	38	2.4	10	M	M(H)	P	P	R	RD	Y(2)	Dieback moderate, dead wood minor, minor lean
30	Pinus sylvestris Scots Pine	48	3.0	12	M(H)	M(H)	P	P	R	RD	Y(3)	

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Data recorded February 25, 2021 (See Appendix 1 for Methodology).

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Private (On Site) Trees	20			
Private (Off Site) Trees	3			
Municipal Trees	7			
Shared Trees	0			
Subtotal	**30**			
Preserve Tree Based on Health & Structure		29		
Remove Tree Based on Health & Structure		1		
Subtotal		**30**		
Preserve/Transplant Tree Based on Development Impacts			12	
Remove Tree Based on Development Impacts			18	
Subtotal			**30**	
Final Recommendation: Preserve (P)				12
Final Recommendation: Remove Due to Condition (RC)				0
Final Recommendation: Remove due to Development (RD)				17
Final Recommendation: Remove due to Condition and Development (RCD)				1
Subtotal				**30**

Tree Removal Compensation [3, 4]		Proposed Removals	Compensation Required
Dead/Dying (trees) or under 20cm DBH		1	0
Private Trees		17	44
Total		**18**	**44**

1. DBH (Diameter at breast height): Measurement of tree stem diameter at 1.4 meters above ground. Multiple stem DBHs provided in Comments/Observations column
2. Minimum Tree Protecton Zones as per City of Vaughan's Tree Protection Protocol (2018), 3.1.2. Tree Protection Zone
3. The City of Vaughan enforces the following policy for compensating trees to be removed as part of a development application:
   a) No replacement for trees less than 20 cm DBH or trees in poor/hazardous condition
   b) For healthy, non-harzadous trees, the chart below applies

DBH Range	Compensation Trees
20-30 cm	1
31-40 cm	2
41-50 cm	3
>50 cm	4

   c) For compensation trees that cannot be planted on site, cash-in-lieu of planting is accepted at a rate of $550 each
4. Tree compensation calculated based on City of Vaughan's Tree Protection Protocol (2018), 4.1 Tree Replacement Requirement (For Private Trees)

APPENDIX 3. LIMITATIONS OF TREE ASSESSMENT

It is the policy of Aboud & Associates Inc. to attach the following clause regarding limitations. We do this to ensure that developers, agencies, municipalities and owners are clearly aware of what is technically and professionally realistic in retaining trees.

The assessment of the trees presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the above-ground parts of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack and crown dieback, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted in the report, none of the trees examined were dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation were not undertaken.

Notwithstanding the recommendations and conclusions made in this report, it must be realized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather conditions, including severe storms with high-speed winds.

While reasonable efforts have been made to ensure that the trees recommended for retention are healthy no guarantees are offered, or implied, that these trees, or any parts of them, will remain standing. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or group of trees or their component parts in all circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. The assessment presented in this report is valid at the time of the inspection.

APPENDIX 4. PROTECTION OF MIGRATORY BIRDS AND DEVELOPMENT

Most species of birds in Ontario are protected under the federal Migratory Birds Convention Act, 1994 (MBCA) or the provincial Fish and Wildlife Conservation Act, 1997. The "incidental take" of migratory bird nests or the disturbance, destruction or taking of the nest of a migratory bird are prohibited under section 6 of the *Migratory Bird Regulations* (MBRs), under the authority of the MBCA. "Incidental take" is defined as the harming of migratory bird nests due to actions such as construction activities. No permit can be issued for the incidental take of migratory birds or their nests as a result of economic activities.

The provincial Fish and Wildlife Conservation Act, 1997, provides protection for some species excluded from the MBCA, including raptors, gamebirds and specially protected birds. Under the Act (Section 7 (1)) a person shall not destroy, take or possess the nest or eggs of a bird that belongs to a species that is wild by nature. With the exception of the nest or eggs of an American crow, brown-headed cowbird, common grackle, house sparrow, red-winged blackbird or starling (Section 7(2)).

Project construction, operation or maintenance activities such as vegetation clearing, tree removal/harvesting, site grubbing, site access, excavation and stockpiling of soil/fill could result in the incidental take of migratory birds or their nests if conducted in migratory bird habitat. Construction activities could also disturb nearby breeding birds and disrupt breeding. It is the proponent's responsibility to meet the requirements of the MBRs and should projects or activities result in the contravention of the MBRs, prosecution under the MBCA may be initiated.

In order to ensure compliance with the MBRs, Aboud & Associates recommends the following:

1. Activities resulting in the disturbance, destruction or removal of potential breeding bird habitat should, where possible, not take place during the General Nesting Period as outlined by Environment Canada (2014). The General Nesting Period is identified in 'Environment Canada's Avoidance Guidelines for Incidental Take' (2014) as the period between the end of March and August 31 in Nesting Zones C1 and C2 in Ontario, located in the Lower Great Lakes/St. Lawrence Plain (Bird Conservation Region (BCR) 13).
2. When it is absolutely necessary that work must take place during the General Nesting Period, a qualified wildlife biologist must carry out a comprehensive survey to identify areas on the subject property where birds are building nests, incubating eggs, rearing young, etc. All disruptive activities in the nesting area should be halted and identified nests should be protected with a buffer (i.e. nest protection zone/no disturbance zone) appropriate for the species, the disturbance intensity level and the surrounding habitat. Disruptive activities can continue inside the buffered area once the biologist has deemed that fledglings have naturally left the vicinity of the nest.
3. Disruptive activities taking place outside of the General Nesting Period can be preceded by an assessment by a qualified wildlife biologist to ensure that the identification of stick nests of owls and raptors is undertaken in suitable habitat. Most raptor species, with the exception of species protected under the ESA are excluded from the MBCA; as a result, the nesting period for this group is not included under Environment Canada's general nesting periods.

References:

Environment Canada. 2014. Incidental take of Migratory Birds in Canada. https://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1. Accessed: April 7, 2015.

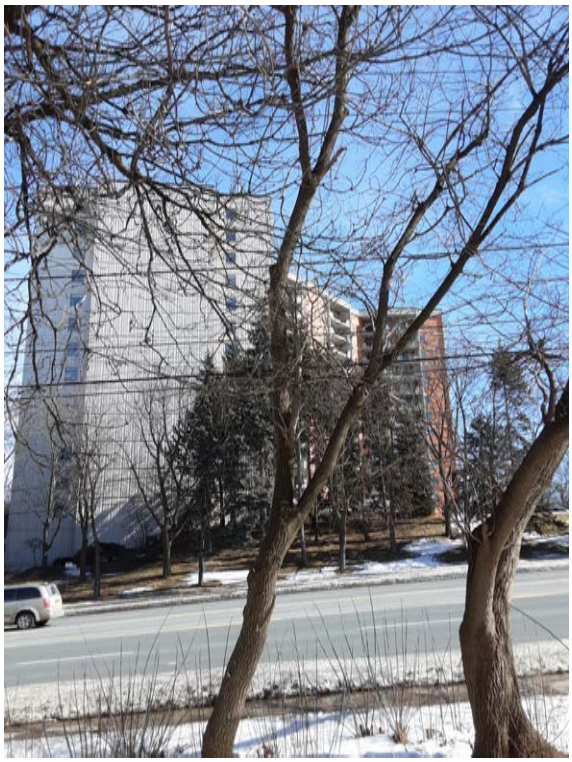
Fish and Wildlife Conservation Act, 1997.

Migratory Birds Convention Act, 1994.

Appendix 5 Photojournal

Tree 1

Tree 2

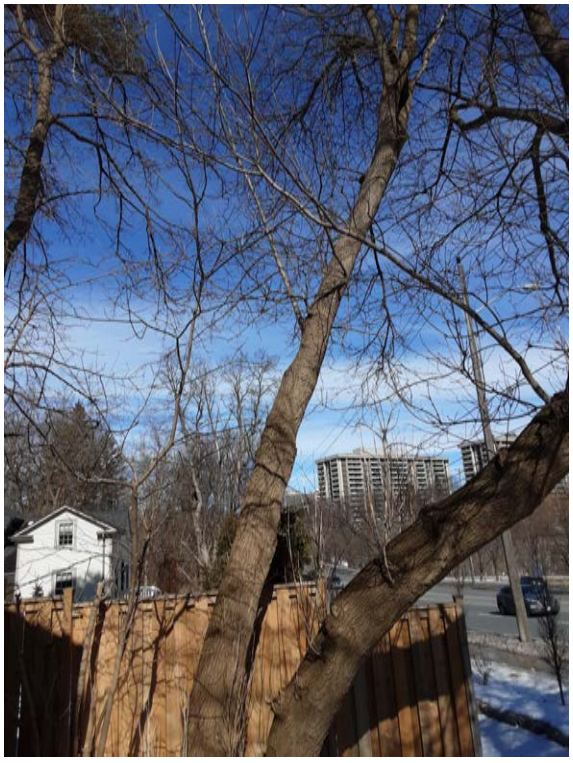


Tree 3

Tree 4

Tree 5

Tree 6



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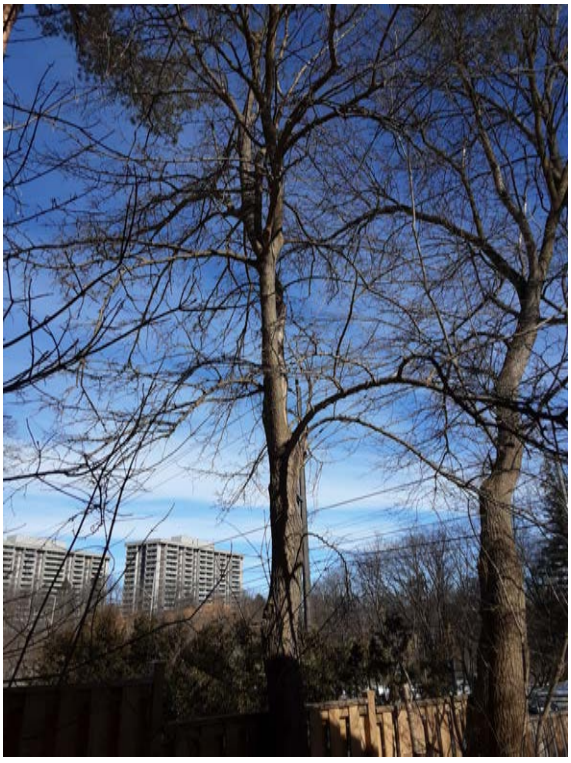
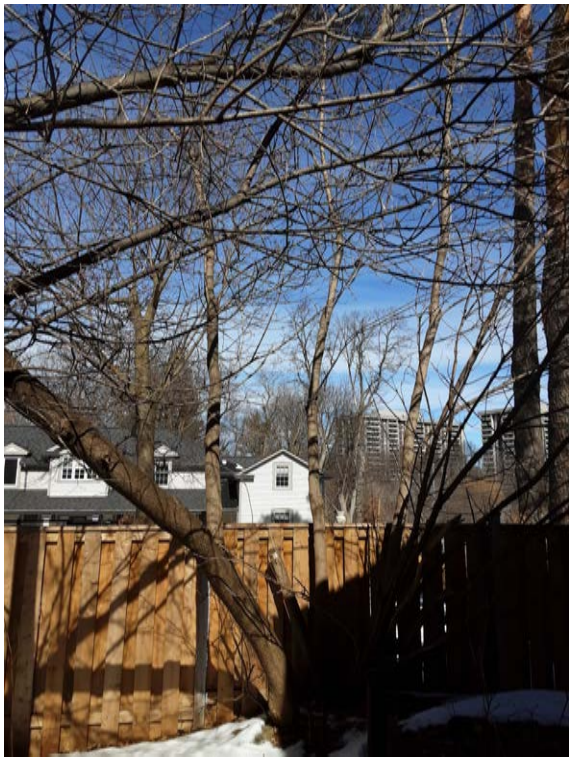


Tree 8

Tree 9

Tree 10



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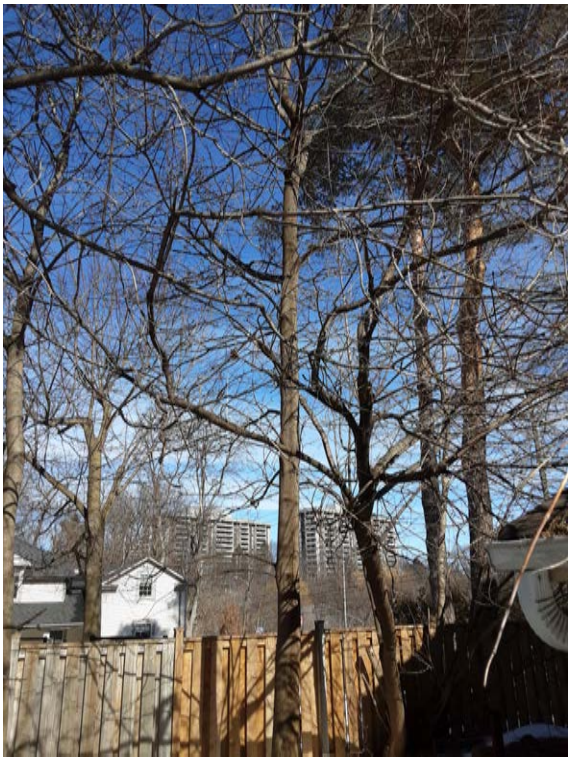

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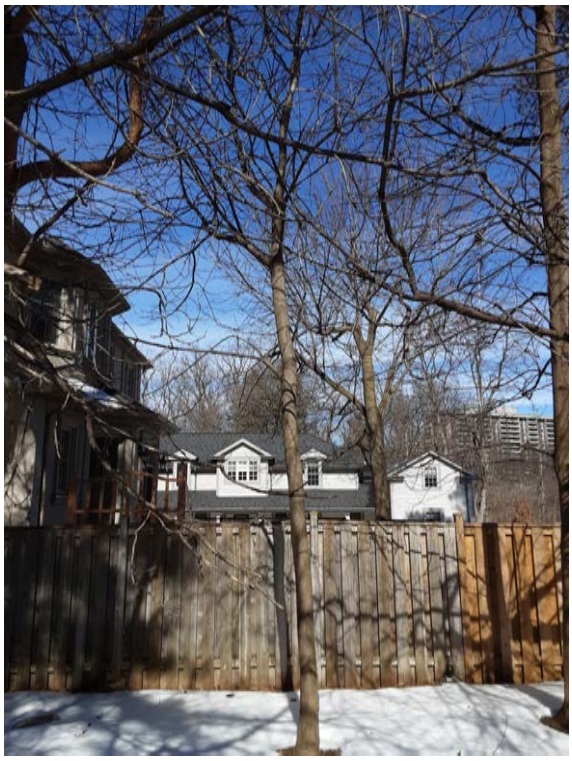

Tree 13

Tree 14

Tree 15

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Tree 30

:

- Urban Forestry
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