



Niagara-on-the-Lake

Harry Althorpe, Urban Forestry Officer, Certified Arborist
Devin Durocher, By-law Enforcement Officer

Tree By-law Appeal – 68 Princess St
April 30, 2024

Private Tree By-Law No. 5139-19

A [by-law](#) to regulate the destruction or injuring of trees on private property in the urban areas of the municipality

Overview Of Permit Application and Appeal Process

1. Applicant applies for tree permit or exemption and submits all required documentation.
2. Urban Forestry By-law Officer reviews application and determines if exemption or permit can be issued in accordance with By-law No. 5139-19.
3. If permit is denied, applicant may request an appeal of the decision.
4. Appeal hearing is scheduled, and the details are presented to Council.
5. Council may then make any decision that the Officer could have made, pursuant to By-Law No. 5139-19.
 - Permit denial may be denied.
 - Permit may be issued with conditions.
 - Permit may be issued without conditions.

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Section V – Permit Exemptions (*excerpts*)

- a) A tree having no living tissue, having 70% or more of its crown dead, or being infected by a lethal pathogen, fungus, or insect (including the Emerald Ash Borer or Asian Long Horned Beetle)
- b) A tree which is hazardous
- c) A tree that is destroyed or injured as part of Emergency Work
- d) A tree causing structural damage to a drain, load-bearing structure or roof structure
- e) A tree located on a rooftop or interior courtyard and likely to cause damage
- f) A tree growing in contaminated soil, preventing remediation of the contaminated soil
- g) Required under a Property Standards By-law Order
- h) Pruning that is necessary to maintain health and carried out in accordance with good arboricultural practices
- i) A nuisance or weed tree
- j) A fruit tree capable of producing fruit for human consumption
- k) A tree which is part of nursery business, a Christmas tree plantation, or a cultivated orchard business

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Weed Trees:

- Autumn Olive (Elaeagnus umbellate)
- Black Alder (Alnus glutinosa)
- Common Buckthorn (Rhamnus cathartica)
- Cottonwood
- European or Glossy Buckthorn (Rhamnus frangula)
- Manitoba Maple
- Norway Maple
- Russian Olive
- Salt Cedar
- Siberian Elm
- Tree of Heaven
- White Mulberry (Morus alba)

Nuisance Trees:

- Female Ginkgo

Subject Tree – Picture 1

- Black Walnut, front yard.
- 71 cm dbh, good health and fair condition.
- Low-moderate risk.



Subject Tree – Picture 2

- Tree was measured at 4.6m away from foundation of house. Roots that far away from the trunk are unlikely to cause major heaving of structures.
- No context of where pictures of cracks in the Arborist Report were taken from.
- No cracks or damage observed on house at the time of inspection.
- No report from an engineer or building inspector was provided, as required in the by-law for exemptions due to damage to structures caused by trees.



Reason For Permit Denial

- The tree has been assessed as being low-moderate risk by Town Arborist.
- The tree does not appear to be obstructing or causing damage to property.
- The tree is in good health, and fair condition.
- There are no proposed construction or renovations that would require the removal of this tree.
- Tree does not qualify for an exemption under Section V of By-law No. 5139-19.



**Thank you.
Any Questions?**