

**TREE BY-LAW APPEAL HEARING**  
**68 Princess Street**  
**April 30, 2024**

- **Appendix I** – Letter and Arborist Report – Matthew Delazzer
- **Appendix II** – Application Denial Letter from Urban Forestry Officer
- **Appendix III** – Letter from Matthew Delazzer advising of Appeal
- **Appendix IV** – Meeting Notice from Clerks Office

February 28, 2024

Harry Althorpe By Law Officer or Whom it May Concern  
Town of Niagara on the Lake

Mr. Althorpe or Whom it May Concern,

I am writing this letter and including a report at the request of Mr. Michael Wakil for the permission to remove one (1) tree located on his property at 68 Princess St, in the town of Queenston, Niagara on the Lake. The tree to be removed likely requires a permit but may fall under the exemption for a permit as set out in Section d (a) of the by law as the tree has begun to crack the foundation of the home. Michael requesting permission to remove this tree to prevent further damage to his property or any harm or damage to any persons on the property or damage to or harm to any persons or property on the town road. Michael has plans for an extensive landscape and would like to begin working on it before spring which includes replacing this tree with other plantings throughout his property. I have included a brief report on the tree and assessed that it does fit justification for removal and may fit under the exemption to prevent further damage to property. It is in my opinion that this tree warrants removal. Please see the attached report.

Thank you

Matthew Delazzer  
905-359-4721  
ISA Certified Arborist ON-1920A

## Arborist Report

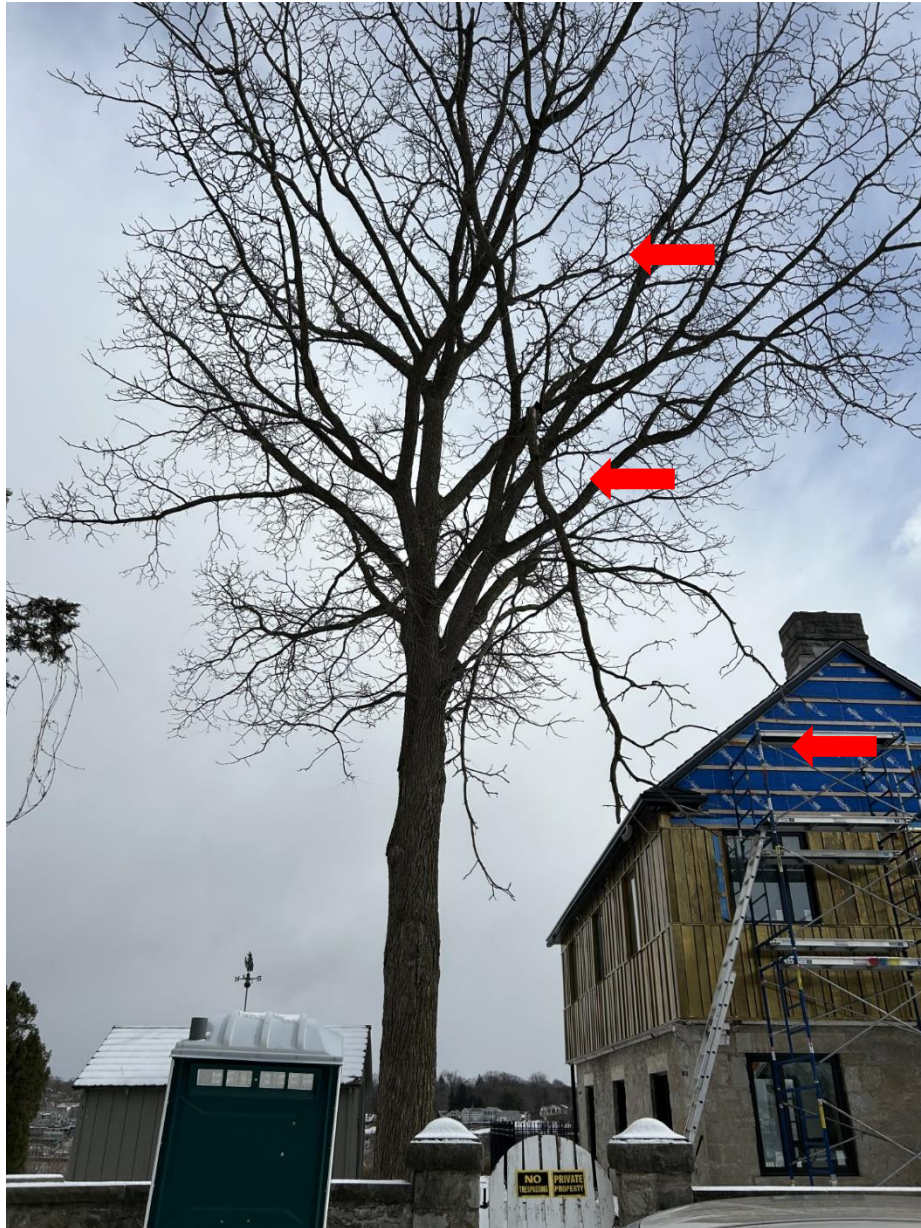
This report is being completed on behalf of Mr. Michael Wakil for the permission to remove one (1) tree. The tree may require a permit or may fall under the exemption as set out in Section 5 (d) of the town private tree bylaw.

Address for trees to be removed is 68 Princess street, town of Queenston, Niagara on the Lake.

Tree is located on the front left side of the property when looking from the roadway.



**TREE A** Tree species is a Black Walnut (*Juglans nigra*). Tree is a single stem with a DBH of 71cm an approximate height of 60' and crown of 40'. Signs of cracking in the home foundation appear to be being caused by the tree root zone. Trees canopy overhangs the home, walkway and town roadway which causes staining and damage when trees walnuts fall. Several vehicles and persons including Michael have been hit or had near misses from the falling nuts. Tree has included bark unions and deadwood, in addition to storm damage. Evidence of damage to the stone wall bordering the property and walkway can also be seen. upon inspection. Trees root flare appears deep in the surrounding terrain. **It is in my opinion that this tree should be removed to prevent damage to property and persons.**













The map displays a residential neighborhood with several streets: Queenston Street, Princess Street, Walnut Street, and River Frontage Road. A red dot labeled "TREE A" is located on Princess Street, near the intersection with River Frontage Road. The map shows property boundaries, lot numbers (e.g., 14487, 129, 131, 92, 84, 61, 57, 53, 56, 68, 36, 35, 34, 33, 32, 31, 30, 29, 28, 27, 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, 15, 14, 13, 12, 11, 10, 9, 8, 7, 6, 5, 4, 3, 2, 1), and a "Willowbank" area. A search bar at the top left contains the text "Find address or place". The map includes a scale bar (0 to 40m) and a coordinate display (658,070,490 4,781,298,790 Meters). The bottom of the map features a toolbar with various navigation and utility icons, and a status bar showing the time (6:24 PM) and date (2024-02-28).

-2°C  
Light snow



Map data © OpenStreetMap contributors, CC-BY-SA | Teranet Inc.  
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esri



**Division of Municipal Law Enforcement**  
1593 Four Mile Creek Road  
P.O. Box 100, Virgil, ON L0S 1T0  
905-468-3266 • Fax: 905-468-0301

[www.notl.com](http://www.notl.com)

March 11, 2024

Wakil Adel Michael  
Del Vasto Adrianna  
68 Princess St  
Queenston ON  
L0S 1L0

RE: Tree removal application- AP-2024-157

This letter is to inform you that the tree removal application that you have submitted on February 29, 2024 has been reviewed.

Upon inspection of the Black Walnut tree in the front yard, and the issues surrounding it, I have come to the conclusion that it does not fall within the permit exemption criteria within part V of the Town of Niagara on the Lake private tree protection By-Law 5139-19.

Furthermore, there are no major immediate issues of concern at this time, and the reasoning behind wanting to remove it does not qualify for a permit to be granted.

You are advised that Section 13 of the Private Property Tree Protection By-Law states:

13.(1) If an Inspector refuses to issue a Permit, or if an Applicant objects to a condition attached to a Permit by an Inspector, the Applicant may appeal to the Committee. Such appeal shall be made by written notice received by the Inspector within seven (7) days after the date of refusal or the issuance of conditional Permit, as the case may be.

If you wish to appeal, you will need to submit a written letter by March 19, 2024.

If you have any further questions or concerns, please do not hesitate to contact me.

Kindest Regards,

Harry Althorpe  
Urban Forestry Officer  
905-468-3266 Ext. 379  
[harry.althorpe@notl.com](mailto:harry.althorpe@notl.com)

March 11, 2024

Harry Althorpe By Law Officer or Whom it May Concern  
Town of Niagara on the Lake

Mr. Althorpe or Whom it May Concern,

I am writing this letter on behalf of Mr. Michael Wakil In response to your permit denial letter dated March 11, 2024 and concerning the removal of the Black Walnut Tree (Application AP-2024-157) located at 68 Princess Street, Queenston, Niagara on the Lake. Mr. Wakil is requesting to appeal the permit denial and continues to request a permit for removal. Although the tree did not fall within the permit exemption as outlined in section V of the tree bylaw, Mr. Wakil requests to appeal for a permit to remove the tree as it continues to cause concern over current foundation damage and future damage, as well as the hazards associated with falling fruits/nuts as outlined in the original report. Mr. Wakil is planning a new landscape in which he would like to replace this tree with several other trees that better fit the landscape and do not cause issue with the residence. Please advise on the next steps in the appeal process.

Thank you

Matthew Delazzer  
(905) 359-4721  
ISA Certified Arborist ON-1920A



Department of Corporate Services  
1593 Four Mile Creek Road  
P.O. BOX 100, Virgil, ON L0S 1T0  
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