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July 27, 2017

City of Sarnia Council
255 North Christina Street
P.O. Box 3018
Sarnia, ON N7T 7N2

RE: Tree By-Law Consultations

Mayor Bradley and Members of Council,

The Sarnia Lambton Chamber represents more than 700 businesses, approximately 400 of which are located in Sarnia. On behalf of our members, we support the City of Sarnia for trying to find a solution that protects trees from unnecessary damage and destruction. We all have a responsibility for maintaining our natural heritage for future generations. However, the Chamber cannot support the draft tree by-law as it is currently proposed due to a number of concerns. Our members are concerned that the by-law as written invades the privacy of taxpayers, impairs their ability to prevent damages, and inhibits property maintenance and development.

The draft by-law gives Tree Officers discretion to enter onto private property for inspections at will without advanced notice and without receiving a complaint in relation to the property. This power seems excessive and contrary to landowners' privacy rights.

The by-law also inhibits property owners' ability to take quick action when a tree poses a danger to others. For instance, if a tree is damaged due to a storm and needs to be removed immediately, the proposed by-law would force the property owner to apply for a permit and wait for their application to be processed and approved. If the tree causes damage while the application is being processed, the property owner may be faced with damages. The by-law does not set a guaranteed response time, nor does it allow exemptions in cases of emergency or for trees which are demonstrably dead, diseased, or structurally unsound. The by-law is fundamentally at odds with a prudent owner's legal obligations to take reasonable steps to prevent damages and injuries to others. In that regard, the by-law may create liability issues for the City.

Article 6.1 of the by-law, which lists eight conditions under which a Tree Officer may be authorized to issue a permit, omits the situation where a tree is causing structural damage to property. Effectively, the by-law deems that a tree is more valuable than a building or other structure.

Other general concerns include the cost of permits (which has not yet been disclosed), whether separate permits and fees will be required for each tree, and what options would be available to property owners who cannot afford the fees but still have a legal obligation to act as prudent owners. The proposed by-law could have the effect of allowing tree diseases and pest infestations to proliferate as owners become wary of the increased costs associated with tree removal.

The Business Voice of Choice

Enforcement of the by-law is another concern. It provides no third-party appeal process and the final decision lies within the Department of Planning, Building and By-Law Enforcement. While this may facilitate a quicker response time, it allows very little recourse for the public when they disagree with a decision.

The Chamber is concerned that this by-law is a costly measure applied to an issue that could be better regulated by other means, and it fails to consider the potential cost impact on property owners or their existing legal obligations to others.

The Chamber urges you to consider other solutions in lieu of permits, such as requiring new trees be planted for each tree that is removed. This would be more affordable for property owners, more agreeable to our members, create less of an administrative burden on City Hall.

Whether or not Council decides to approve a tree protection by-law, the Chamber urges the City to educate the public on how to properly identify and care for trees according to good arboricultural practices. Sarnia is a beautiful city, much more so because of its tree canopies.

Thank you again for consulting the public on this issue. To continue this discussion, please contact our office at any time by calling Shirley de Silva, President and CEO at 519-336-2400.

Yours very truly,



Michael John Kooy
Chair, Board of Directors



Shirley de Silva
President and CEO

C: Margaret Misek-Evans, Chief Administrative Officer
Alan Shaw, Director of Planning, Building and By-Law Enforcement