

BUDGET COMMITTEE REQUEST:

The Trafalgar Chartwell Residents Association requests the Budget Committee consider setting aside funds that would enable the Town to take responsibility for pruning and managing aging trees on private property.

RECOMMENDATIONS:

- That the information be received.

KEY FACTS:

- The Trafalgar Chartwell Residents Association (TCRA) has requested the Budget Committee consider putting aside funds that would enable the Town to assume responsibility for private tree health and structural assessment, pruning and managing trees on private property (see Attached Letter).
- The TCRA has also suggested a review of the current deposit and replacement tree requirements within the Private Tree Protection By-law 2017-038 to ensure they are balanced, practical, and do not discourage responsible tree management.
- Presently, Town staff are responsible for maintaining, protecting and preserving municipal trees, the municipal tree canopy, ensuring compliance with municipal tree related by-laws and compliance with the Private Tree Protection By-law 2017-038 all as approved by Council.
- Staff enter or are invited onto private property to ensure compliance with the Private Tree Protection By-law, Property Standards By-law, or inspecting or assessing trees under a regulated development application. To assume any responsibility for private trees beyond these actions would place the Town in a position of very significant liability.
- If Budget Committee wishes to consider assisting TRCA residents with financial support for risk assessment and the maintenance of private trees (tree risk assessment, pruning/removal/stumping/planting), staff recommend an annual grant/subsidy program be established whereby residents could apply for funding based on a set of criteria.
- TCRA has also suggested a review of the current deposit and replacement tree requirements within the Private Tree Protection By-law 2017-038. A condition in obtaining a permit to remove a tree under the by-law may include tree replacement. Under the Private Tree Protection By-law, the number of replacement trees required is 1 tree for every 10 cm of the DBH (diameter at breast height) of the tree requested for removal. i.e. a 50 cm tree = 5 replacement trees.

- Removing the requirement to provide replacement trees as a condition of removing a healthy private tree would negatively impact the Town's goal of 40% tree canopy by 2051.
- Staff cannot recommend any further Town involvement with private trees beyond enforcing compliance with by-laws affecting private trees. Staff are unaware of any municipality that has assumed the responsibility of providing private tree assessment, direct maintenance or pruning of private trees due to the liability involved. If Budget Committee wishes to provide assistance to residents in the maintenance or planting of private trees, staff recommend this be enabled through a grant/subsidy program based on set criteria.

COMMENTS/OPTIONS:

The TCRA submitted correspondence to the 2026 Budget Committee requesting Budget Committee set aside funding that would enable the Town to take responsibility for the tree risk assessment, pruning and managing of aging trees on private property. To provide context the TCRA Boundary map is attached to this Appendix. Staff estimate there are approximately 50,000 private trees within the TCRA area and approximately 260,000 private trees south of Dundas. These figures are from the most recent study *Modelling the potential of Oakville's Private Tree Protection By-law to minimize the impact of Bill 23 on achieving 40% canopy cover across residential lands south of Dundas in 2023*. Also, within the correspondence TCRA has also suggested a review of the current deposit and replacement tree requirements within the Private Tree Protection By-law to ensure they are balanced, practical, and do not discourage responsible tree management.

Presently, Town forestry staff are responsible for the maintenance, preservation and protection of the municipal urban forest. Additionally, staff are responsible for compliance under the Private Tree Protection By-law, Property Standards By-law, or inspecting or assessing private trees in conjunction with a regulated development application. To assume any responsibility for private trees beyond ensuring compliance with Council approved by-laws or regulated development applications, would place the municipality in a significant position of liability. The risk of liability is so extremely significant, that staff are not aware of any municipality that has taken on the direct responsibility for private tree maintenance such as tree risk assessment, pruning, removals and stumping.

Traditionally, the owner of the property where a private tree is located has the duty of care to maintain the private tree. As such, the risk related to the tree falling and causing damage lies with the property owner. Should the Town assume responsibility for tree risk assessment, pruning and maintaining private trees, that risk would shift to the Town. In such a scenario, the Town would be required to proactively monitor and assess private trees and identify hazardous trees before they pose imminent risks in order to assess the need for pruning and/or

maintenance of private trees. The Town does not have the staffing resources to regularly inspect every private tree in the Town. If council chose to fund additional staffing resources to support this function, the town would still be limited under section 62 of the *Municipal Act, 2001* (which provides the Town a right of entry upon land lying along its highways to inspect trees and to remove decayed, damaged or dangerous trees posing a danger to the health and safety of any person using the highway), since these rights do not extend to private trees, which might pose a danger to neighbours or others not using a public highway.

Accordingly, under the TCRA proposal, while the Town would be assuming the obligation to identify private hazardous trees before they pose a risk to prune and maintain private trees, the Town would not have any ability to perform such obligations unless the property owner consented to the Town's entry on to their property to perform the necessary work. If the property owner declined consent, the Town would be faced with an untenable situation where it assumed a duty of care related to a private tree but does not have the legal ability to execute that task. Further, if the Town did enter on private property to inspect or perform maintenance work without the consent of the property owner, the Town could be exposed to liability from the property owner for trespass and/or damage to the owner's property. Staff would have to argue that the liability risks involved with the Town assuming tree assessment, pruning and maintenance responsibilities for private trees outweigh any benefit such a program might have. This would leave the town vulnerable to a legal ruling on that position.

Should council wish to support this resident request, rather than having the municipality assume the direct responsibility for tree risk assessment, pruning and managing ageing private trees (as suggested by TCRA) Budget Committee could consider establishing a grant or subsidy program whereby residents could apply based on a set criteria for a subsidy towards the costs associated with maintaining their private trees, or planting trees on private property. Other communities such as the Town of New Tecumseth have such a subsidy program for both tree maintenance and tree planting. Other communities such as Whitby, Newmarket and Toronto partner with LEAF (an NGO) for a subsidized backyard tree planting program. Oakville also partnered with Oakvillegreen and LEAF a few years ago on a one-time basis for a subsidized backyard tree planting program.

TCRA is also suggesting a review of the current deposit and replacement tree requirements within the Private Tree Protection By-law 2017-038 to ensure they are balanced, practical, and do not discourage responsible tree management. A condition in obtaining a permit to remove a tree under the by-law, may be tree replacement. Under the By-law the number of replacement trees required is 1 tree for every 10 cm of the DBH (diameter at breast height) of the tree requested for removal. i.e. a 50 cm tree = 5 replacement trees.

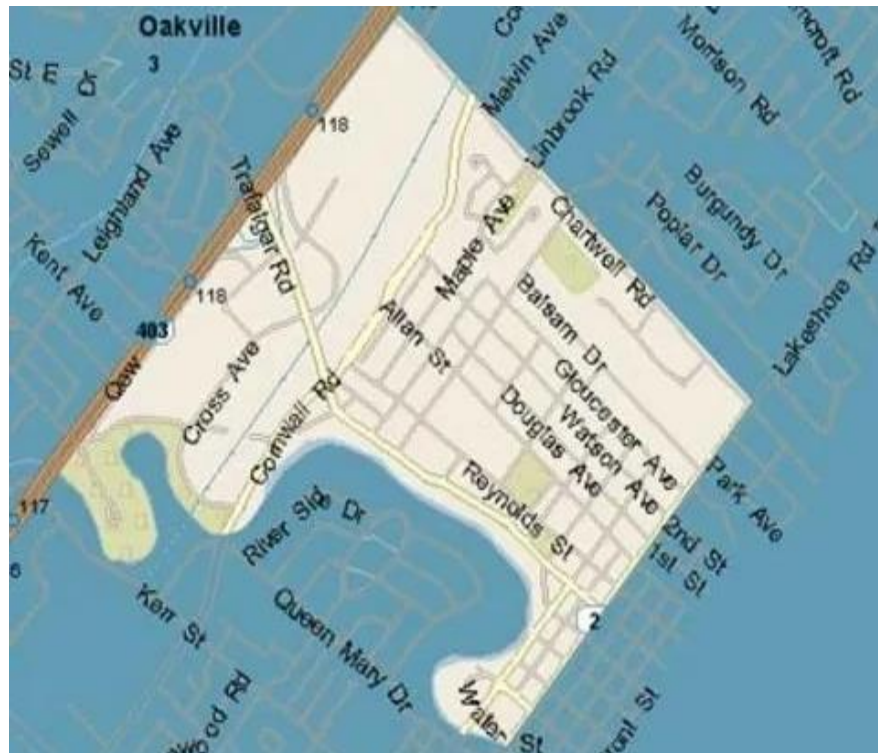
Staff advise that in determining the number of required replacement trees the number is already discounted. That is because in rating a healthy tree to determine if a permit will be approved/denied or approved with conditions, the health condition of the tree is assessed, as well as the remaining tree canopy on the property. Hence someone removing a tree in decline with several trees remaining on their property would be required to plant fewer trees than someone else who wishes to remove a healthy tree, and who has minimal trees on their property.

Staff believe the current requirement for a refundable deposit, and replacement tree requirement to remove healthy trees, is a fair and balanced approach. Further reducing or eliminating the tree compensation requirements of the Private Tree Protection By-law will negatively impact the town's ability to achieve its 40% canopy goal by 2051.

In closing, staff cannot recommend expanding Town interest in private trees beyond compliance with by-laws affecting private trees. Staff are unaware of any municipality that has assumed the responsibility of providing tree risk assessment, direct maintenance or pruning of private trees due to the liability involved. If Budget Committee wishes to provide assistance to residents in the assessment, maintenance or planting of private trees, staff recommend this be enabled through a grant/subsidy program based on set criteria.

Trafalgar Chartwell Resident Boundaries

North: Queen Elizabeth Way; South: Lakeshore Road East; West: Sixteen Mile Creek; East: Chartwell Road





TOWN OF OAKVILLE 2026 BUDGET – RESIDENTS' INPUT

21 October 2025

Dear Councillors Adams and McNeice,

Executive Summary

In the context of the 2026 Operating Budget, the following suggestion is to set aside funds to enable appropriate assistance to homeowners caring for trees which form an important but ageing component of Oakville's urban forest.

Argument

I am writing on behalf of the Trafalgar Chartwell Residents Association (TCRA) and of local residents. We share a deep appreciation for the heritage and beauty of our town's dense tree canopy. This canopy, a defining feature of our community's character, comprises both publicly managed trees and a significant number of mature trees located on private properties.

The Town's efforts to maintain, prune, and remove trees on public lands are commendable, and we recognize the expertise and care with which these responsibilities are carried out.

However, the situation is more challenging for private homeowners. Many of these properties are home to large, beautiful trees that contribute immeasurably to our neighbourhoods' aesthetic, environmental, and cultural value. Unfortunately, as these trees reach the end of their natural life, they can increasingly pose safety hazards. Even before removal becomes the only safe option, they may begin dropping large, heavy limbs, endangering people and property and obstructing roadways. Most private homeowners lack the knowledge and experience to anticipate these dangers and often only react after damage has occurred. The financial burden is also significant: removing a single large tree can cost several thousand dollars, and the Town's current policies - such as requiring deposits against replacement by planting ten or more small trees - add further disincentives to responsible action.

Given the historic and communal value of our urban canopy, I urge the Budget Committee to consider expanding the mandate and resources of the Town's forestry group. Specifically, I suggest that the forestry group take a more proactive and supportive role in assisting private homeowners. This could include:

- Offering free or subsidized assessments to help identify hazardous trees before they pose imminent risks.

- Providing guidance and education to help residents understand the lifecycle and warning signs of aging trees.
- Collaborating with homeowners to minimize the financial burden of necessary tree removals, potentially through grants, cost-sharing programs, or streamlined permitting processes.
- Reviewing the current deposit and replacement-tree requirements to ensure they are balanced, practical, and do not discourage responsible tree management.

By taking these steps, the Town can help preserve the legacy of our mature tree canopy while ensuring the safety of residents and property. Supporting homeowners in their stewardship of these natural treasures will ensure that Oakville's tree canopy continues to thrive for generations to come.

Thank you for your consideration,

Sincerely,

Hugh Murray

Director, TCRA

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