



THE MUNICIPALITY OF THE VILLAGE OF LIONS BAY

Village of Lions Bay Policy Statement

Regarding: **Tree Management on Private Land**

Date: **Approved by Council on May 16, 2011**

Purpose

The purpose of the *Tree Management on Private Land* policy is to state:

1. The process in the event of a complaint related to a Tree on private property that is ***posing an imminent* threat to the safety of humans or damage to property.***
2. The philosophy for neighborly resolution to complaints between property owners related to trees.

.***Imminent** is defined as *likely to occur at any moment, impending.*

Note: Trees on Village Property are governed by Tree bylaw # 393

Section 1

In the event strong wind or heavy snowstorm, rock fall, earthquake, fire or disease result in ***an imminent threat to the safety of humans or damage to property*** complainant must first contact the owner of the tree and request removal of the tree or part of the tree causing the threat.

If the owner does not respond in a timely manner or there is a lack of agreement by the owner to take required action, the complainant can file a request with the Village Office as follows:

Contacting the Village Office by phone or e-mail and provide the following:

1. Address of the property, location on the property
2. Reason for concern
3. Dates and sequence of events for contacting owner

The Village Office will attempt to make contact with the property owner and establish a timeline for a site visit and further action which may require the opinion of an independent arborist appointed by the Village Office. When the situation is urgent, and if required, the Village may take remedial action for trimming or removal of the tree in accordance with section 73 of the Community Charter. In such cases the costs of such action would be borne by the property owner.

Section 2. General guidelines for trees on private property:

In accordance with the Official Community Plan adopted March, 2009, residents are encouraged to engage with each other in open-hearted discussion appreciating that repeated attempts to reach common ground may ultimately be necessary. It should also be recognized by both/all parties that while a completely unimpeded view is not a given right, residents should reasonably expect to be able to retain their original views.

Tree preservation, conservation and management should reasonably take into account the very special scenic environment of Lions Bay and whenever feasible seek to maintain it.

Residents may request assistance and guidance from the Tree Committee that is comprised of volunteer residents. This is a service provided by the volunteer Tree Committee. Windowing, thinning of branches, limbing up, removal and/or preservation of the tree are options that may be considered. This may be done by contacting the chair of the Tree Committee and providing the following information:

1. Address of the property,
2. Specifics of the trees in question
3. Location on the property
4. What is being requested
5. Reason for seeking guidance from the tree committee.

Note: Trees on private property are the responsibility of the land owner and do not fall within the Village Tree Bylaw, or the Terms of Reference of the Tree Committee. The Village of Lions Bay, staff and Council are not involved. Recommendations provided by the Tree Committee to the landowners are non-binding.

Determining ownership of trees

In the event a survey is required to determine if the trees are on Village property or private property, the cost of such a survey is borne by the complainant.