

October 31, 2011

Councillor Brad Clark
Ward 9
City of Hamilton

Dear Councillor Clark:

Re: Licence requirement for cutting down trees in every ward in City of Hamilton.

On October 28, 2011, the owners of 123 Highland Road West, hired a contractor to cut down several trees along their rear lot line which abuts 115 Byron in Upper Stoney Creek (Hamilton). The contractor began his work without giving notice to the owners of 115 Byron and during the working period a 5 to 6 inch limb fell into the yard of 115 Byron. Mrs Moore the owner went to see what had happened and notice the large limb had fallen into the yard along the rear fence area and had buried her daughter's two-wheel bike under the limb. One of the workers spoke to Mrs. Moore and said that he would clean it up on Saturday (the following day) and speak to her and her husband. Saturday was a no show and no work was done over Saturday or Sunday and the branch (limb) lay in the rear yard or 115 Byron.

Monday morning, the workers returned and found that Mr. Moore had parked his small sport car in the rear outside his garage door. The worker saw Mr. Moore's Daughter and asked her to move the car, to which she replied, I'm sorry I don't drive and then she left for work at about 9:00 am. At this time, Mr. Moore called me (Father in law) and asked if I would go to the house and see what was happening.

I arrived before 10:00 am and noticed the workers cutting off limbs from the trees that were along the rear fence line abutting 115 Byron. The workers saw me and made no effort to speak to me. I left the property and contacted the Property Standards Office and spoke to Officer Richard [trees] (905 546-2489) and he advised me there was no requirement for a licence to cut trees. I asked if any areas of Hamilton required a licence and he said that **only in Ancaster it was required**. He advised me that if it was a matter of trespassing on private property, the police should be called and if there is damage, a call should be made to the Insurance Company. I called my son in law Kevin Moore and advised him of the situation and he called the Hamilton Police Dept. who arrived on the scene within the hour.

I explained to the officer what had taken place (as noted above) and that at no time had this contractor made any effort to contact the Moore's and proceeded to cut down the trees regardless of what may happen to the large garage which is located in the centre of the lot along the rear fence and the car sitting some 20' feet away. The officer approached the workers and asked them what was happening. the worker said he spoke to the wife of the owner and told her that they would clean it up on Saturday. The office responded, but you didn't show up on Saturday, to which the worker up in the tree said. what's the big deal? We'll buy a new bike and why was it there in the first place to which the officer replied, it's their back yard and they can anything the like anywhere on their property. The conversation continued with the officer and worker for a period. I moved the car to avoid the possibility of any damage and was assured by the officer, that the worker would clean up the yard by days end. They did clean up the yard.

Had they failed to do so, the Officer instructed me to contact him and further action would be taken.

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The issuing of a permit, which should have specific requirements of the contractor, could have made this less stressful on the Moore's or for that matter, any property owner who is subjected to a similar situation. The contractor should be made to provide a letter of introduction along with the name of his insurance agent to all parties who may be subject to damage to their property. They should also be required to notify Hydro, Bell and any Cable Company that have wires running through the trees as it was in this case where the cables were supporting chunks of tree limbs 5 inches in thickness and approximately 10 inches long.

The City is looking for means to raise additional funds, here is one area that would be beneficial to the City and certainly protect the owners of adjacent properties when this type of work is being done. If it is good for Ancaster, why not the whole City of Hamilton?

Mr Clark, I encourage you and your fellow Councillors to give serious consideration to having a by-law enacted to correct this practice of tree Cutting without a permit.

Respectfully submitted to
Councillor Brad Clark

Vern Nelligan

on behalf of
Kevin and Anne Marie Moore