

Tree by-law is passed , but it's no clear cut answer

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to hammer out something that everyone could agree on - no clear cutting.

The question is - will it do that?

What is known is that under the new legislation woodlands or green lands 0.5 hectares or larger in size will gain some protection from the axe as harvesting or clear cutting will require a permit. Cutting trees for own use purposes will be allowed, but only up to 24 cubic metres per calendar year.

"Unfortunately, this is a woodlot bylaw, not a tree by-law," said Allan Elgar, Ward 4 Regional and Town Councillor.

For residents who are disturbed by massive tracts of land under development that are devoid of anything but ragweed and goldenrod, not much will change, however.

"All development gets its approval from the Planning Act, so developers are exempt," says Fisher.

The Region concurs that the by-law will not stop trees from coming down because of development but it is designed, says Ho Wong, manager of long range planning for the region, to stop developers from clearing the land prior to a development application's approval.

Also exempt from the by-law are municipalities and work being done under the Aggregate Act.

"If trees and woodlands could talk, they'd tell you that farmers are their friends," said resident Lieven Gevaert. "However, the Planning Act and the Aggregate Act are the enemies of the woodlands."

For many, whether or not the by-law will work as intended, remains to be seen.

Fisher, citing the case of George Vastis, a Burlington resident who is accused of clearing 20 acres of trees on his Fourth Line property in 2003, thinks that other than in the case of development, it will.

"We will still have an enforcement problem, but I think if you apply this to the Vastis situation, they'd be dead in the water - there's no wiggle room," he said.

Elgar, who is also a member of the Ecological and Environmental Advisory Committee (EEAC), is not so sure.

"Would this by-law have made a difference?" asks Elgar. "I don't think so, because we already have a by-law in Oakville," he said.

The legislation has been a long time in coming and concerns voiced by both HAAC and EEAC exemplify just why it has been so difficult to create a piece of legislation that will please even the majority.

Those involved in agriculture - as represented by HAAC- wonder why the rural areas are so often penalized by issues such as the tree by-law and although in the end they supported the by-law, it was clearly with reluctance.

Farmers who presented delegations before Regional Council, on October 5 and at the planning and public works meeting the week prior, made it clear that they could not and would not support a by-law that attempted to hammer them into submission or one that eroded their private property rights.

"We are the stewards of the woodlands... we have compromised our ownership of the trees," he said. "If you push it too far, there's going to be conflict," said Fisher."

For the most part, HAAC concerns were addressed by staff including the moving of the definition of normal farm practices to the exemption part of the by-law.

Keeping that definition as well as one for good forestry practices, out of the by-law proper, was a problem for EEAC, however and was in fact part of the recommendations needed for their support of the by-law.

The fact that the Ministry of Natural Resources (MNR) supports keeping the definitions within the by-law encourages Elgar who is confident that the issue of the inclusion of these amendments will come around again at council prior to January.

"There is a motion to have council to look at this again. Other than that, they wouldn't even be looked at.

According to Wong, the staff decision to reject MNR's recommendation is based on the rationale that keeping the definitions outside the by-law allows for more flexibility when changes need to be made, a stance that Elgar rejects.

"Just amend the by-law, that's what we do for every thing else," he said, pointing out that the by-law will have few teeth with the definitions not included.

The Region is not convinced however and sees enforcement as a big issue.

"If you put those conditions in they are the letter of the law...it's difficult to enforce. You should educate the public," said Wong.

In keeping with this decision, the Region will also be launching a Woodlands Stewardship Program that will go hand in hand with the new by-law and provide information on tax incentives, landowner's rights and more.

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Upper Credit Humane Society's 1000th adoption

SUBMITTED PHOTO

Pictured from left to right are son Isaac, Dr. Gabor Madarasz, and his wife Kathleen (Kathy) of Georgetown with Axel a two-year-old german shepherd/collie cross. Axel is the 1,000th pet to be adopted from the Upper Credit Humane Society in Erin.

