

DISTRICT OF WEST VANCOUVER
750 17TH STREET, WEST VANCOUVER BC V7V 3T3

COUNCIL REPORT

Date:	April 6, 2022
From:	Heather Keith, Manager, Environmental Protection Sheryl LeBlanc, Manager of Bylaw & Licensing Services
Subject:	2668 Bellevue Avenue – <i>Community Charter</i> Remedial Action Requirement – Hazard Tree
File:	1605-12

RECOMMENDATION

Council impose a remedial action requirement pursuant to Division 12, Part 3 of the *Community Charter* on the following terms:

WHEREAS Division 12 of Part 3 of the *Community Charter* authorizes Council to impose a remedial action requirement upon the owner of land on which a tree which in or creates an unsafe condition is located, including a requirement to remove the tree or to otherwise deal with it in accordance with the directions of Council or a person authorized by Council.

AND WHEREAS Rosa Donna Este and Mina Esteghamat-Ardakani are the registered owners (the “Owners”) of land with the civic address 2668 Bellevue Avenue, West Vancouver, BC and legally described as PID 013-216-422, Lot 5 Block 33 District Lot 555 Plan 3058 (the “Property”).

AND WHEREAS section 17 of the *Community Charter* provides that the authority of Council to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the District may fulfill the requirement at the expense of the person.

NOW THEREFORE, the Council of the District of West Vancouver, in open meeting assembled, resolves as follows:

1. THAT Council hereby considers that the hemlock tree located on the Property and identified as “High Risk” by Acer Tree Services in December 2019 (the “Hemlock Tree”) is in and creates an unsafe condition within the meaning of Section 73 of the *Community Charter*.
2. THAT Council hereby requires, pursuant to its powers under Section 72(2)(b) of the *Community Charter*, that the Owners, within

30 days of the date this Resolution is sent to the Owners, do all things necessary to remove the Hemlock Tree.

3. THAT the Owners or either of them may request that Council reconsider the terms of this Resolution by providing the District with written notice within 14 days of the date on which notice of this Resolution is sent to the Owners under Section 77 of the *Community Charter*.
4. THAT if the Owners or either of them has not completed any requirement imposed by this Resolution within the time limit for so doing, District staff are authorized to fulfil the applicable requirement without further notice to and at the expense of the Owners, and may recover the cost of so doing from the Owners, together with interest, as a debt and in the same manner as municipal taxes in accordance with sections 17, 258, and 259 of the *Community Charter*.

1.0 Purpose

The purpose of this report is to recommend that Council impose a remedial action requirement in accordance with Division 12, Part 3 of the *Community Charter* upon the Owners of that property legally described as PID 013-216-422, Lot 5 Block 33 District Lot 555 Plan 3058, with the civic address of 2668 Bellevue Avenue, West Vancouver, BC (the “Property”).

2.0 Executive Summary

Council may impose a remedial action requirement where Council considers, pursuant to section 73(1)(c) of the *Community Charter*, that a tree is in or creates an unsafe condition. In a Tree Risk Assessment report dated December 21, 2019, Acer Tree Services Ltd. categorized the Hemlock Tree as high risk, and recommended that it be removed. To date, the Owners have not complied with previous requests by District staff to remove the Hemlock Tree under the District’s Good Neighbor Bylaw. Given that the Hemlock Tree poses a significant safety hazard to neighbouring properties, persons, and nearby power lines, it is District staff’s view that the Hemlock Tree is in and creates an unsafe condition. Accordingly, staff recommend that Council impose a remedial action requirement, requiring the Owners to remove the Hemlock Tree.

3.0 Legislation/Bylaw/Policy

Relevant sections of the *Community Charter*, SBC 2003, c. 26 provide as follows:

Council may impose remedial action requirements

72 (1) A council may impose remedial action requirements in relation to

(a) matters or things referred to in section 73 [*hazardous conditions*],

...

(2) In the case of matters or things referred to in section 73 or 74, a remedial action requirement

(a) may be imposed on one or more of

...

(ii) the owner or occupier of the land on which it is located, and

(b) may require the person to

(i) remove or demolish the matter or thing,

(ii) fill it in, cover it over or alter it,

(iii) bring it up to a standard specified by bylaw, or

(iv) otherwise deal with it in accordance with the directions of council or a person authorized by council.

Hazardous conditions

73 (1) Subject to subsection (2), a council may impose a remedial action requirement in relation to any of the following:

...

(c) a tree;

...

(2) A council may only impose the remedial action requirement if

(a) the council considers that the matter or thing is in or creates an unsafe condition, or

...

Time limit for compliance

76 (1) The resolution imposing a remedial action requirement must specify the time by which the required action must be completed.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], the time specified under subsection (1) must not be earlier than 30 days after notice under section 77 (1) [*notice to affected persons*] is sent to the person subject to the remedial action requirement.

(3) The council may extend the time for completing the required action even though the time limit previously established has expired.

Notice to affected persons

77 (1) Notice of a remedial action requirement must be given by personal service or by registered mail to

- (a) the person subject to the requirement, and
- (b) the owner of the land where the required action is to be carried out.

(2) In addition, notice of the remedial action requirement must be mailed to

- (a) each holder of a registered charge in relation to the property whose name is included on the assessment roll, at the address set out in that assessment roll and to any later address known to the corporate officer, and
- (b) any other person who is an occupier of that land.

(3) A notice under this section must advise

- (a) that the person subject to the requirement, or the owner of the land where the required action is to be carried out, may request a reconsideration by council in accordance with section 78 [*person affected may request reconsideration*], and
- (b) that, if the action required by the remedial action requirement is not completed by the date specified for compliance, the municipality may take action in accordance with section 17 [*municipal action at defaulter's expense*] at the expense of the person subject to the requirement.

Person affected may request reconsideration by council

78 (1) A person who is required to be given notice under section 77 (1) [*notice to affected persons*] may request that the council reconsider the remedial action requirement.

(2) Subject to section 79 [*shorter time limits in urgent circumstances*], a request under subsection (1) must be made by written notice provided within 14 days of the date on which the notice under section 77 (1) was sent or a longer period permitted by council.

(3) If the council receives a notice that complies with subsection (2), it must provide the person with an opportunity to make representations to the council.

(4) After providing the opportunity referred to in subsection (3), the council may confirm, amend or cancel the remedial action requirement.

(5) Notice of a decision under subsection (4) must be provided in accordance with section 77 (1) and (2) [*notice to affected persons*].

Shorter time limits in urgent circumstances

- 79 If the council considers that there is a significant risk to health or safety if action is not taken earlier, the resolution imposing the remedial action requirement may
- (a) set a time limit under section 76 [*time limit for compliance*] that is shorter than the minimum otherwise applicable under subsection (2) of that section, and
 - (b) set a time limit for giving notice under section 78 [*persons affected may request reconsideration*] that is shorter than the limit otherwise applicable under subsection (2) of that section.

Municipal action at defaulter's expense

- 17(1) The authority of a council under this or another Act to require that something be done includes the authority to direct that, if a person subject to the requirement fails to take the required action, the municipality may
- (a) fulfill the requirement at the expense of the person, and
 - (b) recover the costs incurred from that person as a debt.
- (2) Division 14 [*Recovery of Special Fees*] of Part 7 [*Municipal Revenue*] applies to an amount recoverable under subsection (1) that is incurred for work done or services provided in relation to land or improvements.

4.0 Council Strategic Objective(s)/Official Community Plan

Council's Strategic Objectives do not apply. The Official Community Plan does not apply. This report is being brought forward for the purpose of recommending a remedial action requirement.

5.0 Financial Implications

Costs of the required works to remove the Hemlock Tree are estimated to be not less than \$7,000. Any costs incurred by the Municipality in performing the remedial action requirement in the event of default shall constitute a debt due and owing by the Owners to the District in accordance with section 258 of the *Community Charter*.

6.0 Background

- 6.1 The current registered owners of the Property are Rosa Donna Este and Mina Esteghamat-Ardakani (**Appendix A**).
- 6.2 In December 2019, the District received an application for a tree cutting permit to remove two trees on the subject Property, which were in conflict with a proposed development. This application included an arborist's report from Acer Tree Services Ltd. (the "Arborist Report"), which is included as **Appendix B**. One of the trees assessed was a hemlock tree (the "Hemlock Tree") located at the front of the Property near Bellevue Avenue. The other was a cedar tree (the "Cedar Tree").
- 6.3 The Arborist Report noted structural deficiencies with the condition of both trees, categorized the Hemlock Tree as high risk, and recommended that both trees be removed.
- 6.4 The assessment in the Arborist Report on the Hemlock Tree include:
- "...The tree's structural defect is a concern in wind exposure and given its declining condition and location within the striking distance of the targets [a neighbor's house and people who may be present on site], the tree should be removed in order to build the new house ... The tree is categorized as HIGH RISK." (page 9)
- 6.5 On January 24, 2020, the District issued a Tree Cutting Permit for the Hemlock Tree and the Cedar Tree under section 6.3.2 of the Interim Tree Bylaw (**Appendix C**). This Permit expired on July 24, 2020, with no tree removal work having been done.
- 6.6 The District's Bylaw Department determined that the risk to persons and property posed by the continued presence of the trees on the Property constituted a nuisance, which is prohibited by Section 5.1.2 of the Good Neighbour Bylaw, No. 4380, 2004: "No Owner may permit a nuisance to be caused or to exist on or from a parcel of the owner."
- 6.7 Accordingly, on December 3, 2021, a Bylaw Infraction letter was mailed to the Property owner who had originally applied for the Tree Cutting Permit (the "Applicant Owner"), requiring that the Hemlock Tree and the Cedar Tree be removed in order to bring the property into compliance with the Good Neighbor Bylaw. The Tree Cutting Permit was extended to allow for this removal, which was required to be completed by December 17, 2021.

- 6.8 On January 4, 2022, District staff carried out a follow-up inspection and found that the trees had not been removed.
- 6.9 On January 5, 2022, the District issued an Order to Comply under the Good Neighbor Bylaw to both the Owners, extending the Tree Cutting Permit to January 19, 2022, and providing the Owners with a deadline of January 19, 2022 for removal of the trees.
- 6.10 On January 6 and 11, 2022, the Applicant Owner emailed the District's Bylaw Department to advise that she does not plan to remove the trees until she has a building permit for her desired new development on the Property (**Appendix D**).
- 6.11 The Owners have failed to comply with the Order to Comply or to take any steps to effect the removal of the Hemlock Tree.

Community Impacts

- 6.12 The Hemlock Tree remains on the Property and poses a high risk hazard to neighbouring properties and persons on the Property or neighbouring properties, as identified by the Arborist Report.
- 6.13 The District has received numerous public complaints since fall of 2020, expressing concern about the hazard that the Hemlock Tree poses to surrounding properties and persons.
- 6.14 Recent weather storm events of unprecedented severity have caused compromised trees to unexpectedly fall on other properties in the District, resulting in tragic loss of life. Given the clear risk posed by hazardous trees due to changing weather patterns, District staff have identified this safety issue as requiring Council consideration.
- 6.15 If it were to fall toward the road rather than the neighbouring properties, the Hemlock Tree could also cause severe damage to the high voltage power lines which are located along Bellevue Avenue, and the distribution lines on the north side of the train tracks running parallel to Bellevue Avenue past the Property, which provide power to a large area of the District.
- 6.16 Given the seriousness of the safety hazard that the Hemlock Tree poses to neighbouring properties, individuals, and the nearby power lines, District staff have decided that the issue should be escalated to Council for a Remedial Action Requirement.

7.0 Analysis

- 7.1 Section 73 of the *Community Charter* permits Council to impose a remedial action requirement where it determines that a tree is in or creates an unsafe condition. The Arborist Report indicates that the Hemlock Tree has structural defects that may cause its failure in the event of high wind exposure and, given its declining condition and location, the Hemlock Tree is categorized as high risk. The professional recommendation as set out in the Arborist Report is that the Hemlock Tree should be removed from the Property.
- 7.2 If it were to fall, the Hemlock Tree poses a serious safety hazard to neighbouring properties and to nearby power lines, given its location. For all of these reasons, District staff recommend that Council determine that the Hemlock Tree is in and creates an unsafe condition.
- 7.3 Where Council has determined that a tree is in an unsafe condition, Council may impose a remedial action requirement.
- 7.4 Section 72 of the *Community Charter* provides that Council may impose remedial action requirements on property owners, lessees, or occupiers of land. Such actions may include requirements for a person to remove or demolish a matter or thing. Council must require that such remedial actions be carried out within a specified time period, of not less than 30 days from the date that notice of the requirements is provided to the person charged with carrying them out.
- 7.5 Sections 77 and 78 of the *Community Charter* require the District to notify owners and certain other registered charge holders of the Property about Council's decision to impose remedial action requirements. A title search for the Property shows that there are two Certificates of Pending Litigation registered against title to the Property. If Council imposes remedial action requirements as recommended herein, staff will send notices to the necessary parties as required under the *Community Charter*.
- 7.6 Under Section 78 of the *Community Charter*, a person affected by remedial action requirements, such as the Owners, may request that Council reconsider the decision and have an opportunity to make representations to Council. The time limit for such a request is 14 days, unless Council makes provision for a shorter or longer period of time. The time period may not be shortened unless there is a significant risk to health and safety if action is not taken earlier.
- 7.7 If the Owners default on carrying out the remedial action requirement within the necessary time period, then pursuant to Item 4 of the

recommended resolution, District staff may act to complete the remedial action requirement directly, and the costs for so doing may be charged back to the Owners under Section 17 of the *Community Charter*. Any costs associated with the proposed tree removal that remain unpaid by the Owners as of December 31 in the year they were incurred may be added to the taxes for the Property and be recovered along with the property taxes.

7.8 Public Engagement and Outreach

The District will provide a copy of this report to both Owners to allow for sufficient notice and comment prior to Council consideration of this report on April 25, 2022.

7.9 Other Communication, Consultation, and Research

The Permits & Inspections Department and Municipal Solicitors were consulted regarding this matter.

8.0 Options

8.1 Recommended Option

Council may approve the resolution as written. This option is recommended because the Hemlock Tree poses a safety hazard to the public and especially to neighbouring properties.

8.2 Considered Options

Council may suggest amendments consistent with Part 3, Division 12 of the *Community Charter*, or reject the resolution.

9.0 Conclusion

Given the unsafe condition created by the continued presence of the Hemlock Tree in its structurally compromised condition, staff recommend a remedial action order be made to compel the Owners to complete the removal of the Hemlock Tree.

Author:  Heather Keith, Manager, Environmental Protection

Author:  Sheryl LeBlanc, Manager of Bylaw and Licensing Services

Date: April 6, 2022
From: Heather Keith, Manager, Environmental Protection
Sheryl LeBlanc, Manager of Bylaw and Licensing Services
Subject: **2668 Bellevue Ave - Community Charter Remedial Action Requirement – Hazard Tree**

Appendices:

Appendix A - Title Search for 2668 Bellevue Avenue

Appendix B - Arborist Report prepared by Acer Tree Services Ltd.

Appendix C – Private Property Tree Cutting Permit

Appendix D - Emails from Applicant Owner to the District Bylaw Department

TITLE SEARCH PRINT
File Reference: 176-1016
Declared Value \$4500000

Appendix A

2020-11-27, 15:06:09
Requestor: Stephanie Jarvis

****CURRENT AND CANCELLED INFORMATION SHOWN****

Land Title District
Land Title Office

VANCOUVER
VANCOUVER

Title Number
From Title Number

CA4233073
BX790165

Application Received

2015-02-13

Application Entered

2015-03-04

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

ROSA DONNA ESTE, DENTIST

Section 22(1)

[REDACTED]

Registered Owner/Mailing Address:

MINA ESTEGAHAMAT-ARDAKANI, RETIRED

Section 22(1)

[REDACTED]

Taxation Authority

West Vancouver, The Corporation of the District of

Description of Land

Parcel Identifier:

013-216-422

Legal Description:

LOT 5 BLOCK 33 DISTRICT LOT 555 PLAN 3058

Legal Notations

NONE

Charges, Liens and Interests

Nature:

RIGHT OF WAY

Registration Number:

416222M

Registration Date and Time:

1965-11-25 11:34

Registered Owner:

THE CORPORATION OF THE DISTRICT OF WEST VANCOUVER

Remarks:

PART IN EXPLANATORY PLAN 8704

TITLE SEARCH PRINT

2020-11-27, 15:06:09

File Reference: 176-1016

Requestor: Stephanie Jarvis

Declared Value \$4500000

Nature:	MORTGAGE
Registration Number:	BB268816
Registration Date and Time:	2007-06-19 11:51
Registered Owner:	THE TORONTO-DOMINION BANK

Nature:	MORTGAGE
Registration Number:	BB713585
Registration Date and Time:	2008-09-24 11:17
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE
Cancelled By:	CA7516124
Cancelled Date:	2019-05-23

Nature:	CERTIFICATE OF PENDING LITIGATION
Registration Number:	CA4226878
Registration Date and Time:	2015-02-11 09:16
Registered Owner:	ROSA DONNA ESTE
Remarks:	INTER ALIA

Nature:	CERTIFICATE OF PENDING LITIGATION
Registration Number:	CA7411910
Registration Date and Time:	2019-03-26 11:46
Registered Owner:	MEHRAN TAHERKHANI
Remarks:	INTER ALIA

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

Corrections

BB1519727 2015-03-12 10:16:00 TITLE OWNER ADDRESS CORRECTED

BB1519727 2015-03-12 10:16:00 TITLE OWNERSHIP REMARKS CORRECTED

Appendix B

Acer Tree Services Ltd.

Acer Tree Services Ltd.

1401 Crown Street
North Vancouver, BC
V7J1G4

Ph: (604) 990-8070

Email: acertree@telus.net

December 21, 2019

Arborist Report

Written by: Sylvain Gaudreau
ISA Arborist # PN-8542A
ISA Tree Risk Assessor TRAQ
Diploma in Arboriculture, 1998/99
&
Mosen Zadeh, Director
ISA Arborist # PN-950
Wildlife Danger Tree Assessor # P2351

For: District of West Vancouver

Site Location: 2668 Bellevue Ave. West Vancouver

Site inspection: December 21, 2019. Cloudy weather

This Tree Risk Assessment is based on 3 years' time frame

Introduction

The scope of the work is to provide an Arborist report at 2668 Bellevue Ave West Vancouver. I visited the site on December 21, 2019 to inspect the trees and take photos which are included in this report. The subject trees of this report are suggested for removal. Unfortunately, the house has burnt down few years ago and the owner is Section 22(1) [redacted]. The trees are conflicting with the project and should be removed given the circumstances. The trees are also demonstrating a loss of vitality from previous construction activities. This report is not an authorization for work order. The District of West Vancouver makes the final decision, issuing the work permit.

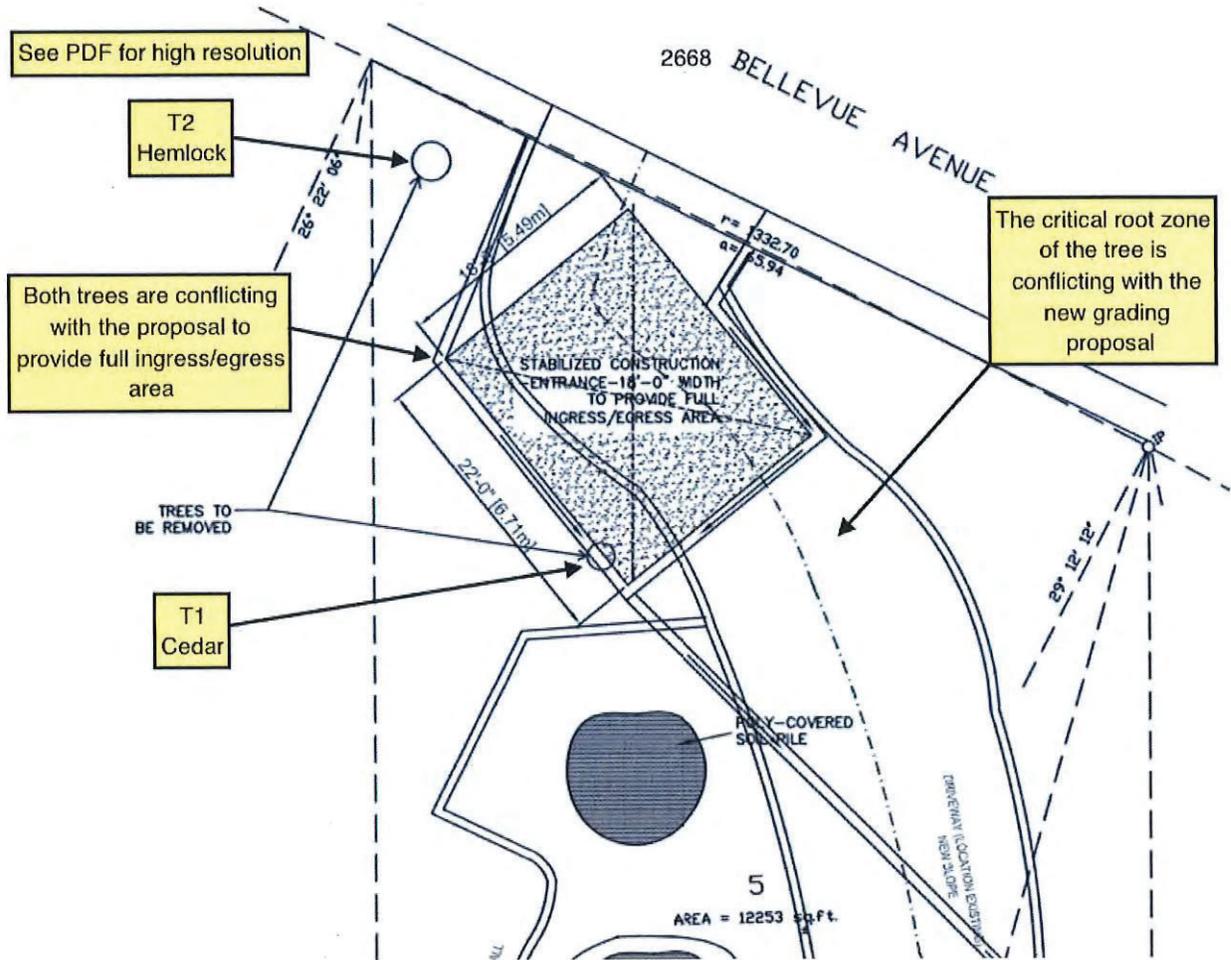
A Level 2: Advance Assessment was completed for this report which consist of a visual inspection from the ground identifying the general health of the tree including the root flare, the main stem, the canopy, structural branches, growth habits and other site factors to detect if any major defects and conditions are present that could increase potential for tree failure.

Site Location



Acer Tree Services Ltd.

Sediment & erosion control plan



See PDF for high resolution and the entire plan

Acer Tree Services Ltd.

Legend

Tree # - Denotes the tree number in this report and on the tree management drawing.

DBH: Denotes the trunk diameter, measured in cm at 1.4 m above grade.

Drip Line: Denotes the approximate spread of the branch canopy in diameter extended around the tree.

CRZ: The critical root zone of the tree. This is the area of the root plate required for the tree to maintain its health and to support itself in the ground.

LCR: The ratio of the height of the live crown to the height of the entire tree.

TPZ: The tree protection zone. Term used to identify the area around a protected tree, usually delineated by a tree protection barrier erected around a tree.

Tree protection barrier: Tree protection fencing; the distance usually measured from the center of the tree trunk to the tree protection fence. The tree protection barrier represents the TPZ.

Hoarding: A tree protection barrier erected around a retained tree to protect it during demolition, construction and landscaping activities.

Structure rating scale:

- **Good:** Normal with no significant structural defects.
- **Moderate:** The tree has some structural defects. Monitoring and mitigating are needed if retained or its environment is disturbed.
- **Poor:** The tree has several structural defects and weaknesses. The tree is mostly not suitable for retention within the striking range of targets.
- **Hazard:** The likelihood of failure and impact of the tree is high.

Condition rating scale:

- **Dead:** The tree 's health cannot be restored.
- **Hazardous** (based on TRAQ).
- **Very poor:** The tree is in advanced decline or dying.
- **Poor:** tree is in questionable health; low vigor; minor defects; restorable defects.
- **Fair:** The tree's overall vigor is normal to good.

Retention Value rating:

- **High:** The tree is appropriate for retention. It has a good structure and condition rating.
- **Medium:** The tree may be appropriate for retention with a good to moderate structural rating. Monitoring or mitigating work may be needed to adjust minor defects or if any site disturbance has taken place.
- **Low:** The tree suitability for retention either requires major mitigating work with post monitoring. The tree may have a structural rating of poor with major defects. The anchorage of the tree may be precarious. Any site disturbance may result in the tree failure.
- **Nil:** Removal

Tree Data

Tree#	Species	DBH (cm)	Height (m)	Drip line (m)	CRZ	LCR %	Structure	Condition	Retention value	Risk rating	Notes	Action & recommendations
					m							
1	Thuja plicata	106	22	12	6.3	60	POOR	POOR		N/A	Decayed Declining	Remove Permit required
2	Tsuga heterophylla	128	22	12	7.6	60	POOR	POOR		HIGH	Decayed Declining	Remove Permit required





Hemlock tree Codominant trunks with included bark



Acer Tree Services Ltd.



acertree@telus.net

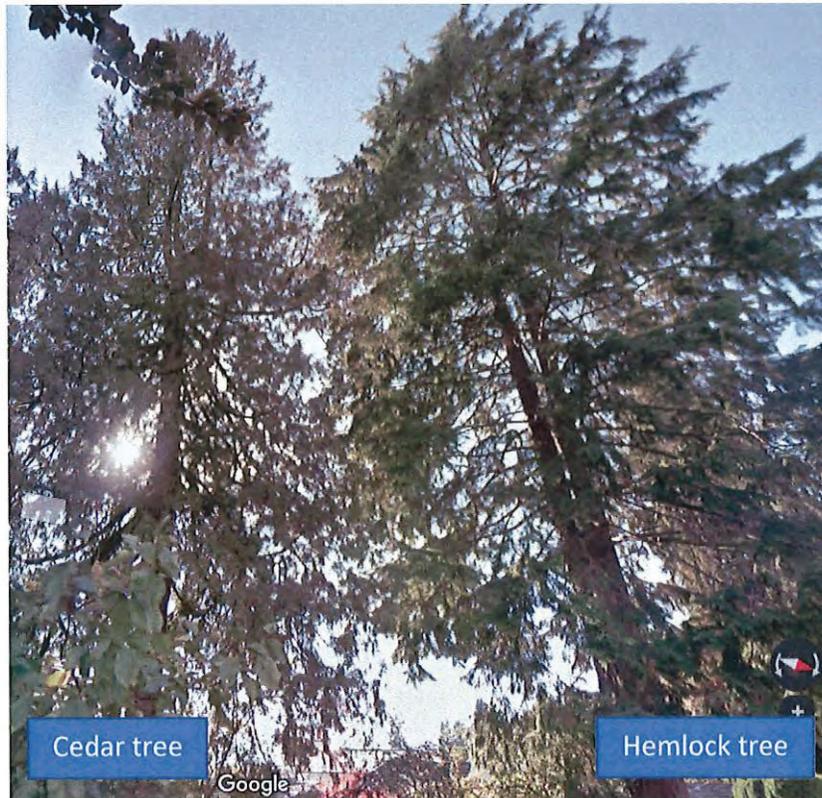
7

Acer Tree Services Ltd.



Above, the house has burnt down few years ago

Below, picture from google map demonstrating that both trees were more vigorous few years ago, indicating a substantial loss of vitality.



acertree@telus.net

Observations/conclusion & recommendations:

The subject trees are one Cedar tree (*Thuja plicata*) and one Hemlock tree (*Tsuga heterophylla*) located at the front of the property. Paving of the driveway was completed prior the house fire, where structural roots were severed **Section 22(1)** A loss of vitality is apparent in the foliage of both trees.

Tree # 1

Flush cuts are observed on the main stem of the cedar. The Cedar tree has been topped and a column of decay is expected all the way down to the base, originating from the topping point at about 15 m from the ground where several stems have grown over the height of 7m compromising its structure. The upper canopy is heavy and the weight distribution is unbalanced. Decay and weak junctions' attachments are present at the topping point with included bark. The tree's structural defects are a concern in wind exposure and given its declining condition and location for the construction's activities, the tree should be removed in order to build the new house.

Tree # 2

The Hemlock tree has codominant stems, starting at 1.5m from the ground. Decay and weak junctions' attachment are present at the union with included bark. A substantial loss of vitality is apparent in the foliage of this tree. A high production of cones are present, also indicating that the tree is stressed. The tree is declining and will likely die shortly. The tree's structural defect is a concern in wind exposure and given its declining condition and location within the striking distance of the targets, the tree should be removed in order to build the new house. The tree has been run through the Matrix table. (See below) The tree is categorized as HIGH RISK.

Acer Tree Services Ltd.

Target Assessment

Target Number	Target description	Target protection	Target zone			Occupancy Rate 1 - Rare 2 - Occasional 3 - Frequent 4 - Constant	Practical to move Target?	Restriction practical?
			Target within Drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1	Neighbour's house	NO				4	no	no
2	People	NO				2	no	no

Risk Categorization

Target (Target number or description)	Tree #	Condition(s) of concern	Likelihood											Consequences				Risk Rating From matrix 2		
			Failure				Impact				Failure & Impact			Negligible	Minor	Significant	Severe			
			Improbable	Possible	Probable	Imminent	Very low	low	Medium	High	Unlikely	Somewhat	Likely						Very likely	
1	2	Codominant stems with included bark																		HIGH
2																				

TRAQ MATRIX

Matrix 1. Likelihood matrix.

Likelihood of failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Mitigation options Tree # 1: Remove Residual risk: LOW

acertree@telus.net

Acer Tree Services Ltd.

General waiver and limitation of assessment

I confirm that the trees listed in this report have been inspected.
I have no current or prospective financial interest in the vegetation or the property which is the subject of this report and have no personal interest in favour of, or against, any of the involved parties of the respective position if any.

The findings, conclusions and recommendations made in this report reflect Acer Tree Services professional judgment based on current scientific procedures and facts. This report has been prepared according to accepted arboriculture standards and practices for British Columbia.

The information included in this report only reflects the condition of the trees that were examined, as of the time and date of inspection.

This report is valid for the day of inspection only as this is natural entity and weather conditions and the surrounding site can change.

The opinions expressed herein are not intended nor should they be construed as any type of warranty or guarantee regarding the condition of the subject trees in the future. To the best of my knowledge and belief, all statements and information in this report are true and correct and information provided by others is assumed to be true and correct.

I am not an attorney or engineer. This report does not cover those areas of expertise and represents advice only of arboricultural nature. It is understood that nothing contained in this report is intended as legal advice, or advice or opinions regarding soil stability, or zoning laws, and this report should not be relied upon to take the place of such advice.

Sincerely,



Sylvain Gaudreau



Mosen Zadeh

DWV copy

Appendix C

The Corporation of the District of West Vancouver

750 - 17th Street West Vancouver, BC V7V 3T3 Ph. (604) 925-7192

PLANNING & DEVELOPMENT SERVICES

Permit #: **TP003562**

Issued Date: Jan 24, 2020

Expiry Date: Jul 24, 2020

Permit Type: **TREE PERMIT - PRIVATE**
Description: **TREE CUTTING PERMIT**

Application to remove (1) Cedar tree and (1) Hemlock tree that are over permit size.

Permit issued to remove (1) Cedar tree and (1) Hemlock tree that are over permit size as recommended by Acer tree service.

Address: **2668 BELLEVUE AVENUE**
Legal: **S/3058///33//5**

Zone:
P.I.D. 013-216-422

Owner: **ESTE, ROSA DONNA**
Address: **Section 22(1)**

Phone: **Section 22(1)**

Special Conditions:

- * Permit must be visible from abutting street during work.
- * All approved pruning work will be completed according to I.S.A. standards.
- * Any work inside the limits of approach to hydro lines will be undertaken by a Utility Certified tree company.
- * No debris is to be left on District property.
- * Permit valid 6 months from date of issuance.

This tree cutting permit expires and is of no further force or effect if the tree to which it pertains has not been cut within 6 months of the date of issuance of the permit. The permit holder must, before cutting the tree, post the tree cutting permit issued under Part 6 in a location on the lot to which the permit pertains that is visible from the abutting street, and keep the permit posted until all cutting authorized by the permit has been completed. The District of West Vancouver accepts no responsibility for any damages incurred by the issuance of this tree permit. This permit does not relieve me from conforming to the requirements of the Tree Bylaw or any other related regulation in force in the District of West Vancouver.

Date: Feb 3, 2020 Signature of Owner or Applicant: Section 22(1)

Please Print Name: _____

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Appendix D

From: P[Section 22(1)]
Sent: Thursday, January 6, 2022 1:45 PM
To: Bylaw Dept <BylawDept@westvancouver.ca>; Lucas Moroz <lmoroz@westvancouver.ca>
Subject: 2668 Bellevue - HIGH IMPORTANCE

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Dear bylaw department

Re: cutting of trees [Section 22(1)]

1. Your request to cut trees under present circumstances is unreasonable and prejudicial. Please see below a Message from District garbage and recycling services to taxpayers and residents of [Se] neighborhood that their services are not being performed due to cold winter conditions. The WCB also advises against workers perform such work that you request in the cold winter conditions until weather improves in the spring.
2. You must provide your own arborist report to me as [Se] trees are in observation stage and any cutting is premature especially that there is no landscaping plan approved to replace them with other trees as required.
3. Furthermore as the District has made it a requirement that the co-title holder consent is required for the building permit, you must obtain co-title holder's signature for tree permits and her agreement to pay her

share of tree cutting fees [Section 22(1)] .

[Section 22(1)]

4. The tree cutting was part [Se] building and landscaping permit application, and until the building permit application is approved, NO tree cutting work can start as [S] will NOT consent or allow damages to [Se] trees and landscaping until a building permit for reconstruction is approved. The important issue and reason for cutting the trees was to open access for cranes and construction work. It will not be necessary to cut the two trees until a building permit is issued and work is started.

Please put your effort of having the building permit application approved if you wish to have [Se] trees removed. I remind you that the tree permit is expired and not valid so is the arborist report. The District requires a valid arborist report and permit.

[Section 22(1)]

Look forward to the approval of [Se] building permit application which includes a landscaping plan.

Thanks

[Section 22(1)]

From: Bylaw Dept <BylawDept@westvancouver.ca>
Sent: Tuesday, January 11, 2022 10:09 AM
To: Section 22(1)
Cc: Lucas Moroz
Subject: RE: 2668 Bellevue - HIGH IMPORTANCE

Good Morning,

We are in receipt of the email below.

Regards,

Janine Knowles
Bylaw and Licensing Clerk | District of West Vancouver
t: 604-921-3451 | westvancouver.ca

-----Original Message-----

From: Section 22(1)
Sent: Tuesday, January 11, 2022 10:05 AM
To: Bylaw Dept <BylawDept@westvancouver.ca>; Lucas Moroz <lmoroz@westvancouver.ca>
Subject: 2668 Bellevue - HIGH IMPORTANCE

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***PLEASE CONFIRM RECEIPT ***

Dear bylaw department

Re: cutting of trees on Section 22(1)
2668 Bellevue

1. Your request to cut trees under present circumstances is unreasonable and prejudicial.
2. You must provide your own arborist report. Section 22(1) trees are in observation stage and any cutting is premature especially that there is no landscaping plan approved to replace them with other trees as required.
3. Furthermore as the District has made it a requirement that the co-title holder consent is required for the building permit, you must obtain co-title holder's signature for tree permits and her agreement to pay her share of tree cutting fees. Section 22(1).

Section 22(1)

4. The tree cutting was part **Se** building and landscaping permit application, and until the building permit application is approved, NO tree cutting work is allowed nor can start as **S** will NOT consent or allow damages to **Se** trees and landscaping until a building permit for reconstruction is approved with the replacement plan for the trees. The important issue and reason for cutting the trees was to open access for cranes and construction work. It will not be necessary to cut the two trees until a building permit is issued and work is started.

Please put your effort on having the building permit application approved if you wish to have **Se** trees removed to improve outlook and views for **Section 22(1)**.

I remind you that the tree permit is expired and not valid so is the report that was withdrawn by previous arborist. The District requires a valid up to date arborist report and permit.

Section 22(1)

Look forward to the approval of **Se** building permit application which includes a landscaping plan.

Thanks

Section
22(1)