

1. **By-Law Exemption for Tree Cutting near Tewin Area**

Exemption au règlement pour l'abattage d'arbres près du secteur Tewin

Committee recommendation

That Council approve that the tree cutting incident near the Tewin lands be referred to the Normal Farming Practices Protection Board.

For the information of Council:

The following Direction to Staff was given by the Environment and Climate Change Committee:

Direction to Staff (S. Menard)

Direct staff to investigate and report back on potential changes to Exemption 82 (7) of the City's Tree Protection By-law to require landowners obtain a formal exemption with evidence provided and communicate with neighbours, the local City Councillor and City staff prior to tree removals including where a permit is not required by By-law (e.g. where the activity is exempt from the provisions of By-law).

Recommandation du Comité

Que le Conseil approuve que l'affaire de la coupe d'arbres près des terrains de Tewin soit renvoyée à la Commission de protection des pratiques agricoles normales.

Pour la gouverne du Conseil :

Les instructions au personnel suivantes ont été données par le Comité de l'environnement et du changement climatique :

Instructions au personnel (S. Menard)

Demander au personnel d'analyser la possibilité de modifier l'exemption figurant au paragraphe 82(7) du *Règlement sur la protection des arbres* de la Ville pour obliger les propriétaires fonciers à obtenir une exemption officielle assortie de preuves et de communiquer avec le voisinage, le conseiller municipal de leur

quartier et le personnel municipal avant d'abattre des arbres, y compris lorsqu'un permis n'est pas requis par la réglementation municipale (par exemple lorsqu'une activité n'est pas assujettie aux dispositions d'un règlement municipal), et de présenter un rapport à ce sujet.

Documentation/Documentation

1. Interim General Manager, Planning, Real Estate and Economic Development Department, memoranda dated 7 March 2023 and 28 February 2023 (listed as communications on the March 21, 2023, Environment and Climate Change Committee)

Notes de service du Directeur général par intérim, Services de la planification, des biens immobiliers et du développement économique, datés le 7 mars 2023 et le 28 février 2023 (fait partie des communications du 21 mars 2023 du Comité de l'environnement et du changement climatique).

2. Extract of draft Minutes, Environment and Climate Change Committee, 21 March 2023.

Extrait de l'ébauche du procès-verbal, Comité de l'environnement et du changement climatique, le 21 mars 2023.

Reference No : ACS2023-OCC-CCS-0050

Numéro de référence : ACS2023-OCC-CCS-0050

4. Communications and Correspondence

4.1 By-law Exemption for Tree Cutting near Tewin Area

Reference No : ACS2023-OCC-CCS-0050 – Cumberland (19)

As this was a 'Communications' item, not normally subject to Committee consideration and discussion, the following Motion was introduced to raise the item onto the agenda for that purpose:

MOTION N° ECCC 2023 02-01

Moved by Councillor S. Menard:

That, pursuant to Subsection 89(3) of the Procedure By-law (being By-law N° 2022-410), the Environment and Climate Change Committee approve that the Rules of Procedure be suspended to allow for the consideration of the item listed as:

Communications – Memo – Tree Clearing Near Tewin Area (Memos to Council dated 7 March and 28 February 2023)

Carried

The Committee heard from Mr. Don Herweyer, Interim General Manager, Planning, Real Estate and Economic Development Department (PRED), who provided background on an incident in February 2023 pertaining to tree cutting in the Tewin Lands area of Ottawa by the Tewin Ownership Group, as outlined in two memoranda to Council, issued on 7 March 2023 and 28 February 2023, respectively.

Also in attendance were Ms Martha Copestake, Program Manager, Natural Systems and Rural Affairs, PRED and Mr. Stuart Huxley, Senior Legal Counsel, Legal Services Department.

The Committee heard from the following public delegations:

1. Mr. William van Geest, Program Coordinator, Ecology Ottawa
2. Mr. Sam Hersh
3. Ms Angela Keller-Herzog, Executive Director, Community Associations for Environmental Sustainability (CAFES)
4. Mr. Paul Johanis, Chair, Greenspace Alliance
5. Ms Donna DuBreuil, President, Ottawa-Carleton Wildlife Centre
6. Dr. Ole Hendrickson, PhD, Chair, National Conservation Ctee, Sierra Club Canada Foundation
7. Ms Monica Brewer
8. Ms Pamela O'Donnell
9. Ms Meral Aduli*
10. Ms Jane Keeler
11. Mr. Phil Mount
12. Ms Moe Garahan, Exec. Dir., Just Food Ottawa / Project Dir., Food Communities Network
13. Mr. J.P. Unger

Correspondence was also received from the following individuals:

- Ms Della Wilkinson*, Chair, Glebe Community Association Environment Committee
- Ms Jo Saunders*

[Individuals / groups marked with an asterisk above either provided comments in writing or by e-mail; all submissions and presentations are held on file with the Office of the City Clerk]*

Following Committee discussions, the following Directions to Staff were provided:

Direction to Staff:

Chair S. Menard

Direct staff to investigate and report back on potential changes to Exemption 82 (7) of the City's Tree Protection By-law to require landowners obtain a formal exemption with evidence provided and communicate with neighbours, the local city councillor and City staff prior to tree removals including where a permit is not required by By-law (e.g., where the activity is exempt from the provisions of By-law).

Councillor T. Kavanagh

That the tree cutting incident near the Tewin lands be referred to the Normal Farming Practices Protection Board.

In response to questions from Councillor Kavanagh regarding her Direction to Staff to refer the Tewin tree cutting incident to the Normal Farming Practices Protection Board, Mr. Stuart Huxley, Legal Services Department, recommended that the Direction to refer the matter to the Board for a determination of whether the action taken had constituted a normal farm practice (under the *Farming and Food Production Protection Act, 1998*), rise to Council for Council's consideration.

Chair Menard noted that the Direction provided by Councillor Kavanagh would rise as a Committee recommendation to Council, with the opportunity for it to be amended at Council, subject to further consultation with Legal Services.