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Arborist Report

Pre-Construction Assessment

Prepared For:

Andrew Davey

Site Address:

157 Geoffrey St,
Ottawa, ON K1Z 7A7

February 24th, 2023

Prepared By:
Vladislav Michnevich

ISA Certified Arborist (ON-2361A)
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Contents

Summary

The following Arborist Report is with respect to the proposed house tear down and rebuild of a larger home with 2 car garages in the front with various exterior improvements in the backyard at 157 Geoffrey St, Ottawa. This report serves to document the condition and provide recommendations to preserve trees within and surrounding this property in advance of future construction work.

10 trees were assessed on site:

- Privately-owned trees at 157 Geoffrey Street: **5**
- Neighbour-owned trees: **0**
- Boundary trees: **5**
- City-owned trees: **0**

1 tree has work proposed within the Critical Root Zone (CRZ) and is expected to be injured.

- Tree #5: construction of the new home is proposed within its CRZ. The tree is ≥30 cm in diameter, and therefore regulated under by-law and requires a permit to injure.

3 trees can be fully protected from construction.

- Trees #7-9 are not expected to be injured so long as the Tree Protection Plans (TPP) are properly followed.

6 trees are recommended for removal prior to construction.

- Trees #3-4 and #10 are trees in fair/poor condition or with construction and relandscaping proposed within their footprints. These trees are <30 cm in diameter therefore no permits should be required to remove.
- Trees #1-2,6. The trees are >30 cm in diameter, and therefore regulated under by-law and may require a permit to remove. It is important to note these trees are in poor or fair condition.

It is imperative for all crew contracted to perform this construction to thoroughly understand this report and the recommendations stated within.

Introduction

Davey Resource Group (DRG) was retained by the client, Andrew Davey, to develop an Arborist Report and Tree Protection Plan (TPP) for the proposed 2-storey house tear down and rebuild with 2 new front garages with various external improvements at 157 Geoffrey Street in Ottawa. Included within the construction plans is a new house, driveway, garages, deck(s), patio, and above-ground hot-tub.

An inventory and assessment of all the trees within the scope of the assignment was conducted. The Arborist was to document the current condition, size, and location of the trees as they relate to the proposed work. To account for the spatial scope of work within the site, the location of the proposed construction and all trees within 5 meters of it, along with the remainder of the property's backyard were surveyed. All trees over 5 cm in diameter as well as all city-owned trees within the scope of the survey were included in an inventory and assessed for protection or removal needs.

Recommendations for tree preservation or removal are to be provided and follow City of Ottawa Tree Protection By-law (By-law No. 2020-340).

This report must be accompanied by the following additional documents:

1. A full printing of the tree inventory performed by Davey Resource Group (DRG), otherwise known as the Tree Protection Action Key (TPAK). (Appendix 1)
2. The construction maps with the Arborist Comments, otherwise known as the Tree Protection Plan (TPP). (Appendix 2)

Limitations of the Assignment

It must be understood that DRG is the assessor of the trees in relation to tree preservation practices. The construction supervisors should incorporate the information and recommendations provided within this report into their construction methodology to complete their project in a reasonable manner.

This Arborist Report is based on the project scope and details for tree preservation as discussed. All proposed construction methods are limited to what was provided in the site plans and in discussions with the client. Estimates, measurements, and comments regarding tree preservation were based on the proposed construction plans and field observations.

This Arborist Report was compiled from field data collected from the ground. A basic visual assessment of the tree was performed. No level of ISA Tree Risk Assessment was performed. More data on risk may be obtained through a basic or advanced ISA Tree Risk Assessment.

Methods

- Tools used to assess the trees included a metric DBH measuring tape, metric measuring tape, and camera.
- Photographs included in this report are labeled copies of their originals and may have been cropped for formatting.
- All city-owned trees as well as private trees over 5 cm within 5 meters planned construction work and access points as well as throughout the entire property were collected and assessed for this report.
- Trees were studied for their proximity to existing and planned structures to determine recommendations or precautions for trees requiring removal or injury.

Observations

- The site was inspected on October 12th, 2022, by ISA Certified Arborist Darren Corbelli (ON-2079A).
- Weather conditions were 15ºC and cloudy.
- No material storage within Critical Root Zones was observed.
- **10 trees** were assessed for this report and labeled #1-10 in the inventory and Tree Protection Plan included within Appendices 1-2.
- **Tree #1** is a large private owned Sugar maple in poor condition located in the client's front yard. It is recommended to be removed. A permit to remove is required.
- **Tree #2** is a large White pine on the side of the client's existing home. It is in fair condition and recommended to be removed to accommodate construction. A permit to remove is required.
- **Tree #3** is a Cedar hedgerow recommended to be removed for construction. No permits to remove is required.
- **Tree #4** is a Buckthorn recommended to be removed. No permit is required.
- **Tree #5** is a 140cm Swamp white oak in good condition located in the client's backyard. The client will need to seek neighbor permission prior to injuring. Excavation for foundation and basement in TPZ of Tree #5 to be performed under Certified Arborist supervision via low-impact excavation methods such a Hydro-vac or hand-digging. Roots will be pruned to the Arborist's discretion. A permit to injure is required. The tree is expected to survive in good health if all recommendations are adhered to in the TPP.
- **Tree #6** is a boundary Norway maple in poor condition. It is recommended to be removed due to its condition. Neighbor permission and a permit to remove is required.
- **Trees #7-9** are boundary Norway maples in fair condition. These trees are recommended to be retained and protected with vertical hoarding.
- **Tree #10** is an Apple tree recommended to be removed near the proposed patio. No permit to remove is required.

Discussion

To preserve and protect these trees, proper recommendations must be followed and abided by the client for the duration of the project.

Regulatory context

Trees in Ottawa are protected by By-law No. 2020-340, which establishes permit requirements for work surrounding trees. Under the Tree Protection By-law, the following protected trees cannot be injured or removed without a tree permit from the City:

- All City-owned trees throughout the urban and rural area
- All trees 10 cm or more in diameter at breast height on private properties within the urban area that are subject to a Planning Act application for Site Plan, Plan of Subdivision, or Plan of Condominium
- All trees 10 cm or more in diameter at breast height on private properties within the urban area that are over 1 hectare in size
- All distinctive trees on private properties 1 hectare or less in size, where distinctive trees are defined as:
- Trees measuring 30 cm or more in diameter at breast height within the inner urban area (urban lands inside the Greenbelt)
- Trees measuring 50 cm or more in diameter at breast height within the suburban area (urban lands outside the Greenbelt).

Under the by-law, Critical Root Zones (CRZ) surrounding each tree are defined by the tree's diameter and must be kept free of all construction activity above and below ground. The CRZ is calculated as 10 centimeters from the trunk of a tree for every centimeter of trunk diameter. Were any work to be required within the CRZ of a tree protected by the by-law a permit to injure the tree is required by the City of Ottawa. Any tree protected by the by-law that must be removed to accommodate construction also requires permit approval to proceed. If work is proposed within 6 meters of a tree but not within its CRZ, it is in the best interest of the client to protect it using a Tree Protection Fence built to city standards (depicted in Appendix 3). This serves to prevent any incidental contact or harm to a protected tree that would constitute a contravention of the by-law and may result in fines or a stop-work order.

Within the context of this report, the property is located within the inner urban area therefore city owned trees as well as private trees measuring 30 cm, or more are protected.

Tree Protection Hoarding (Appendix 3)

It is in the best interest of the client to take every precaution possible to minimize damage to trees where work is taking place, and to avoid any unnecessary injury to trees outside of work areas. To accomplish this, hoarding (Tree Protection Fencing (TPF)) is to be used on this construction site. The distance from trees that hoarding is installed is typically defined by the dripline pursuant to

the city by-law. However, it must be understood that sometimes this distance is not achievable due to infrastructure being too close. In most situations, hoarding does not need to be installed beyond the closest extent of impermeable and/or paved surfaces. It must be further understood the hoarding distance sometimes must accommodate a larger CRZ (than the typical distance) due to a limited root growing area/volume (this area is typically defined by the project arborist.) On most landscapes within a private property, solid plywood hoarding best serves to protect tree trunks from inadvertent damage. However, along city streets and at driveway entrances, it is recommended that high-visibility snow fence be affixed to a wooden beam frame, which allows for proper tree protection while allowing vehicle and pedestrian traffic to maintain visibility through the tree protection zone.

Hoarding locations will be indicated on the Tree Protection Plan (Appendix 2) which has been included in this report but will be printed to-scale for use on-site and in permit applications. Within the scope of this project, hoarding is recommended to be established around trees not already protected by property boundary fences and existing hoarding. Problems will arise for tree preservation efforts when anyone removes the hoarding, even temporarily. It is imperative to install and maintain in good condition the hoarding to prevent this from happening by utilizing horizontal hoarding whenever necessary. All hoarding must be installed and photographed prior to permit issuance.

Root Pruning

Like pruning the upper canopy of the tree, roots are best removed (if needed) via target pruning practices and not by being torn off. Using mechanical tools or excavation equipment to remove or prune roots often leaves ragged edges, stripped bark, or splintered tissue. These surfaces are difficult for a tree to heal over and provide a high surface area for potential decay pathogens (bacteria, fungus, insects), to enter a tree. Minimizing the cross section of pruned roots allows for the most efficient recovery for the tree. Roots that are larger in diameter than 20% of its parent trunk's DBH are structurally integral to a tree and must be pruned with discretion. Root pruning is recommended to be carried out by a licensed professional, such as an ISA Certified Arborist via non-invasive methods of excavation including but not limited to AirSpade, hydrovac, and hand-digging to minimize the damage to the health and structure of the trees.

Tree Protection Signage

It is recommended for the client to create Tree Protection Signs to affix to the tree protection hoarding. A sign should be displayed to indicate the fencing as a Tree Protection Fencing where no construction relative activities are permitted.

Staging Areas

All staging areas are understood to be outside the CRZ. At no time are materials, vehicles, traffic or debris to be stacked, staged, or piled inside the hoarding (Tree Protection Fencing).

Conclusion

To account for the proposed house tear down as well as the construction for a new house with 2 garages and various exterior improvements, we assessed **10 trees** for retention, protection, injury, or removal.

Tree #5 has work proposed within the Critical Root Zone (CRZ) and is expected to be injured. Construction of the new home is proposed within its CRZ. The tree is ≥30 cm in diameter, and therefore regulated under by-law and requires a permit to injure. 3 trees can be fully protected from construction. Trees #7-9 are not expected to be injured so long as the Tree Protection Plans (TPP) are properly followed. 6 trees are recommended for removal prior to construction. Trees #3-4 and #10 are trees in fair/poor condition or with construction and relandscaping proposed within their footprints. These trees are <30 cm in diameter therefore no permits should be required to remove. Trees #1-2,6 The trees are >30 cm in diameter, and therefore regulated under by-law and may require a permit to remove. It is important to note these trees are in poor or fair condition.

Recommendations

In accordance with the numbering of trees in the inventory listed on the Tree Protection Action Key (Appendix 1), we have provided the following recommendations.

- Trees to be fully protected are specified with “Protect” in the “Action” column in the TPAK.
    - We recommend the client establish and maintain tree protection fencing, built to City of Ottawa standards (See Appendix 3) in accordance with the Tree Protection Plan (Appendix 2), which is to accompany this report.
- Trees likely to be injured are specified with “Injure” in the “Action” column in the TPAK.
    - A permit to injure for Tree #5 should be acquired from Urban Forestry prior to commencement of construction.
    - We recommend low-impact root excavation via hand-digging or Hydrovac within the CRZ of Tree #5 under supervision of a Certified Arborist, as well as root pruning by a Certified Arborist, at their discretion.
    - We recommend installing Tree Protection Fencing around Trees #5-9
    - For boundary and Neighbour-owned trees, informed consent from the corresponding owner should be obtained prior to construction.

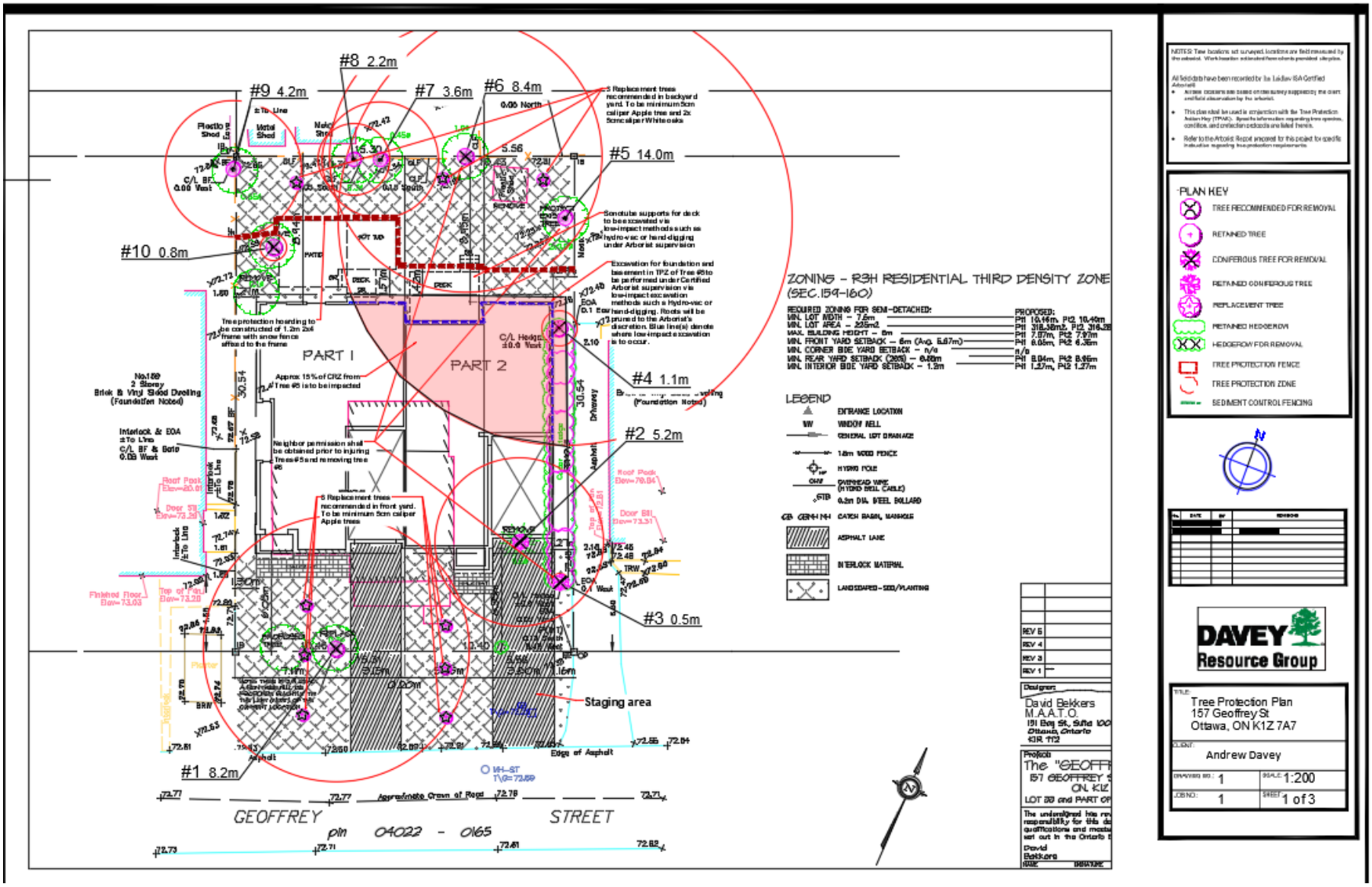
- Trees likely to be injured are specified with “Remove” in the “Action” column in the TPAK.
    - We recommend Trees #1-4,6 and #10 be removed prior to construction. Permits will be required for Trees #1-2, and #6.
    - For boundary and Neighbour-owned trees, informed consent from the corresponding owner should be obtained prior to construction.
- We recommend the client utilize the existing driveway surface and backyard outside any CRZ for equipment storage and access to the property.
- No equipment of any sort shall be stored within the CRZ of the protected trees except where hard surfaces are already present. No dumping, grade change, or removal of soil is permitted from within CRZs. This will be done to avoid compaction of the roots and soil.
- Replacement trees are denoted in the TPP and shall be planted no later than the spring of 2024. 2 white oaks and 7 Apple trees recommended.

Appendix 1 – Tree Protection Action Key (TPAK)

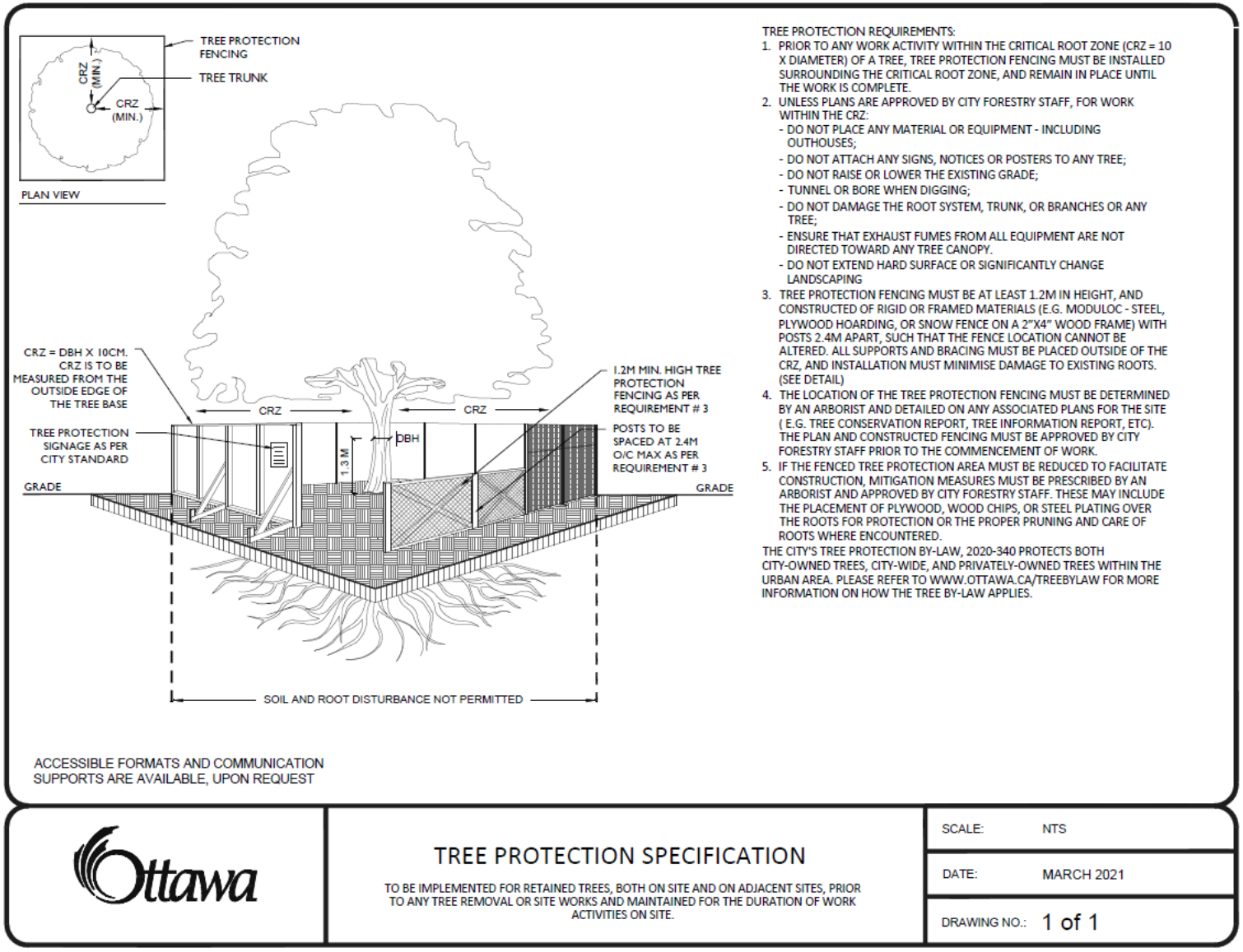
Tree Map Number	Species	Botanical	DBH (cm) @ 1.4 m	Tree Ownership	MTPZ (minimum tree protection zone distance m)	Health	Structure	Overall Condition	Crown Width (m)	Deadwood (%)	Construction inside Min TPZ? (Y/N)	Construction Impact (None, Low, Medium, High)	Action (Preserve/Injure/Remove)	Recommendations and observations
1	Sugar maple	*Acer saccharum*	82	Private	8.2	Poor	Poor	Poor	9	25	Yes	High	Remove	large decay on back stem. Remove due to poor/declining condition.
2	White Pine	*Pinus strobus*	52	Private	5.2	Fair	Fair	fair	10	2	Yes	High	Remove	Remove due to construction and fair condition
3	Cedar Hedge Row	*Thuja occidentalis*	5	Private	0.5	Fair	Fair	fair	1.5	10	Yes	High	Remove	Remove for construction.
4	Buckthorn	*Rhamnus cathartica*	11	Private	1.1	Fair	Fair	fair	2	0	No	None	Remove	Remove due to invasive nature
5	Swamp white oak	*Quercus bicolor*	140	Boundary	14.0	Good	Fair	Good	25	2	Yes	Medium	Injure	Injure for new home construction. Seek neighbor permission prior to injuring. Excavation for foundation and basement in TPZ of Tree #5 to be performed under Certified Arborist supervision via low-impact excavation methods such a Hydro-vac or hand-digging. Roots will be pruned to the Arborist's discretion.

Tree Map Number	Species	Botanical	DBH (cm) @ 1.4 m	Tree Ownership	MTPZ (minimum tree protection zone distance m)	Health	Structure	Overall Condition	Crown Width (m)	Deadwood (%)	Construction inside Min TPZ? (Y/N)	Construction Impact (None, Low, Medium, High)	Action (Preserve/Injure/Remove)	Recommendations and observations
6	Norway maple	*Acer platanodies*	84	Boundary	8.4	Poor	Poor	Poor	15	5	Yes	Medium	Remove	large tear out and open wound on stem. Remove due to poor condition and proposed construction. Seek neighbor permission prior to removing
7	Norway maple	*Acer platanodies*	36	Boundary	3.6	Fair	Fair	Fair	6	5	No	None	Preserve	Retain with hoarding
8	Norway maple	*Acer platanodies*	22	Boundary	2.2	Fair	Fair	Fair	3	0	No	None	Preserve	Retain with hoarding
9	Norway maple	*Acer platanodies*	42	Boundary	4.2	Fair	Fair	Fair	15	5	No	None	Preserve	Retain with hoarding
10	Apple tree	*Malus*	8	Private	0.8	Poor	Poor	Poor	1	25	Yes	High	Remove	Remove due to patio and condition

Appendix 2 – Tree Protection Plan



Appendix 3 – Hoarding (TPF) Detail



Appendix 4 – Tree Protection Zone Sign Detail

Appendix 5 – References

1. ISA, 2001-2011. Best Management Practices, Books 1-9, Companion publications to ANSI A300 Standards for Tree Care
2. Dujesiefken, Dr. Dirk, 2012. Director of the Institute for Tree Care in Germany, The CODIT Principle, research presented on cambial regrowth on trees after injury at the Annual ISA Conference in Kingston Ontario
3. Sinclair and Lyon, 2005. Diseases of Trees and Shrubs, Second Edition
4. ISA, 2010. Glossary of Arboricultural Terms
5. Neely and Watson, ISA, 1994 and 1998. The Landscape Below Ground 1 and 2
6. Matheny and Clark, ISA, 1994. A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas, 2nd Edition
7. Matheny and Clark, ISA 1998. Trees and Development, A Technical Guide to Preservation of Tree During Land Development
8. PNW-ISA, 2011. Tree Risk Assessment in Rural Areas and Urban/Rural Interface, Version 1-5
9. City of Toronto, 2015. Application to Injure or Destroy Trees
10. Todd Hurt & Bob Westerfield, 2005.Tree Protection During Construction and Landscaping Activities
11. City of Toronto, 2015. Toronto Municipal Code Chapter 813: Trees.
12. City of Toronto, 2016. Tree Protection Policy and Specifications for Construction Near Trees

Appendix 6 – Glossary of Common Arboricultural Terms

Arborist	A professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial, and public landscapes.
ANSI A300	Acronym for American National Standards Institute. In the United States, industry-developed, national consensus standards of practice for tree care.
Bark Tracing	Cutting away torn or injured bark to leave a smooth edge.
Branch Bark Ridge	Raised strip of bark at the top of a branch union, where the growth and expansion of the trunk or parent stem and adjoining branch push the bark into a ridge.
Callus wood	Undifferentiated tissue formed by the cambium, usually as the result of wounding.
Clinometer	A device used to calculate the height of trees.
Consulting Arborist	An Arboricultural consultant is one of the following: • American Society of Consulting Arborists, Registered Consulting Arborist (ASCA RCA#___) • International Society of Arboriculture, Board Certified Master Arborist (ISA BCMA #_____B) • ISA Certified Arborist/Municipal Specialist in good standing for a minimum of 6 years with 6 years of proven experience in a management role related to arboriculture, and has attested and signed to a code of ethics related to arboriculture (ISA#_____)
Compartmentalization	Natural defense process in trees by which chemical and physical boundaries are created that act to limit the spread of disease and decay organisms
Critical Root Zone – (CRZ)	Area of soil around a tree where the minimum amounts of roots considered critical to the structural stability or health of the tree are located.
Daylighting	Also known as Hydro-vac, this is the process by which soil is vacuumed up. In the context of tree care this allows workers to access the soil below the roots without mortal damage to significant roots.
DBH	Acronym for tree diameter at breast height. Measured at 1.4m above ground.
Decurrent	Rounded or spreading growth habit of the tree crown.
Directional Pruning	Providing clearance by pruning branches that could significantly affect the integrity of utility facilities or other structures, and leaving in place branches that could have little or no effect.
Dripline	Imaginary line defined by the branch spread of a single parent or group of plants
Excurrent	Tree growth habit characterized by a central leader and a pyramidal crown.

Included bark	Bark that becomes embedded in a crotch (union) between branch and trunk or between codominant stems. Causes a weak structure.
Lion's Tailing	Poor pruning practice in which an excessive number of branches are thinned from the inside and lower part of specific limbs or a tree crown, leaving mostly terminal foliage. Results in poor branch taper, poor wind load distribution, and higher risk of branch failure.
MTPZ	Acronym for Minimum Tree Protection Zone, also known as the Structural Root Zone (SRZ), which is the distance from the tree equal to 6 times the dbh, within which the likelihood of encountering roots that are structural supports for the tree.
Moment	Rotational force that is created by any line force on a body. The magnitude of a moment is defined as the product of the force magnitude and perpendicular distance from the line of action of the force to the axis of which the moment is being calculated.
Mortality Spiral	A sequence of stressful events or conditions causing the decline and eventual death of a tree.
Mulch	Material that is spread of sometimes sprayed on the soil surface to reduce weed growth, to retain soil moisture and moderate temperature extremes, to reduce compaction from pedestrian traffic or to prevent damage from lawn-maintenance equipment, to reduce erosion or soil spattering onto adjacent surfaces, to improve soil quality through its eventual decomposition, and/or to improve aesthetic appearance of the landscape. Mulch can be composed of chipped, ground, or shredded organic material such as bark, wood, or recycled paper; unmodified organic material such as seed hulls; organic fiber blankets or mats; or inorganic material such as plastic sheeting.
Organic Matter	Material derived from the growth (and death) of living organisms. The organic components of the soil.
Project Arborist	The consulting arborist retained to provide all tree preservation recommendations to the project manager or contractors on a given construction project.
Qualified Arborist	An arborist who has documented related training (i.e. ISA, MTCU, or equivalent) and on-the-job experience (minimum of 5 years)
Radial trenching	Technique for aerating the soil or alleviating compaction around a tree by removing and replacing soil (which may be amended) in trenches (typically 300mm deep and 150mm wide) made in a spoke like pattern (radially from the trunk) in the root zone to improve conditions for root growth.
Reaction Wood	Wood formed in leaning or crooked stems or on lower or upper sides of branches as a means of counteracting the effects of gravity.
Removal Cut	A cut that removes a branch at its point of origin. Collar cut.

Reduction Cut	A pruning cut that reduces the length of a branch or stem back to a lateral branch large enough to assume apical dominance.
Resistograph®	A brand name of a device consisting of a specialized micro-drill bit that drills into trees and graphs density differences that are used to detect decay.
Soft-Scaped	Landscaping practices that do not involved solid or deeply-dug foundations.
Static Support System	Cabling system that utilizes rigid materials such as rods and steel cables to limit movement and provide constant support of limbs.
Structural cells	Modular system consisting of units of soil and integrated support structures that serve both as a foundation for paved surfaces and a hospitable environment for tree root growth,
Structural pruning	Pruning to establish a strong arrangement or system of scaffold branches.
Structural Soil™	Pavement substrate that can be compacted to meet engineering specifications yet remains penetrable be tree roots in the urban environment. Composed of angular crushed stone, clay loam, and hydrogel mixed in a weight ratio of 100:20:0.03. Developed at the Urban Horticulture Institute, Cornell University, Ithaca, NY.
Supersonic Air Excavation Techniques (SSAT)	A methodology using a device that directs a jet of highly compressed air to excavate soil. Used within the root zone of trees to avoid or minimizing damage to the roots, or near underground structures such as pipes and wires to avoid or minimize damage to them.
Tree Protection Zone (TPZ)	Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction. TPZ is sometimes based on a minimum multiple of dbh (e.g. 6:1, 6cm of ground distance from the trunk for 1cm of dbh)
Walls	Trees have 4 walls in a process known as compartmentalization. • Wall 1 prevents decay moving up and down in a tree • Wall 2 prevents decay moving inward in a tree • Wall 3 prevents decay moving laterally in a tree • Wall 4 is the new growth formed on the outside of the tree, callus growth.
Woundwood	Lignified, differentiated tissues produced on woody plants after wounding.

Appendix 7 – Arborist Qualifications

Vladislav Michnevich is an ISA Certified Consulting Arborist for the Davey Resource Group (DRG). He has obtained his Urban Forestry Technician diploma from Fleming College in 2017 and completed a year of Urban Arboricultural studies at Humber College in 2018. He has acquired over 5 years of experience from arboricultural practices, consultations, project coordination and management.

Education

• Received a diploma in Urban Forestry Technician Co-op from Fleming College in 2017
• Completed training and received designation of Certified Arborist from the International Society of Arboriculture. ISA# ON-2375A
• Year of Humber College Arboricultural studies.
• Completed training and received designation of Tree Risk Assessment Qualified from International society of Arboriculture.
• Completed Sales internship within the Davey Tree Expert Company.

Appendix 8 – Photographs

Figure 1 – View of Tree #1

Figure 2 – View of tree #2.

Figure 3 – View of Tree #3, a hedge along the north and east sides of the property.

Figure 4 – View of Tree #4 (surrounding hedge) in the backyard.

Figure 5 – View of Tree #5

Figure 6 – View of Tree #6

Figure 7 – View of Trees #7-9

Conditions of Assessment Agreement

This Conditions of Assessment Agreement is made pursuant to and as a provision of Davey Resource Group, a division of The Davey Tree Expert Co. of Canada, Limited ("Davey"), providing tree assessment services as agreed to between the parties, the terms and substance of which are incorporated in and made a part of this Agreement (collectively the "Services").

Trees are living organisms that are subject to stress and conditions and which inherently impose some degree or level of risk. Unless a tree is removed, the risk cannot be eliminated entirely. Tree conditions may also change over time even if there is no external evidence or manifestation. In that Davey provides the Services at a point in time utilizing applicable standard industry practices, any conclusions and recommendations provided are relevant only to the facts and conditions at the time the Services are performed. Given that Davey cannot predict or otherwise determine subsequent developments, Davey will not be liable for any such developments, acts, or conditions that occur including, but not limited to, decay, deterioration, or damage from any cause, insect infestation, acts of god or nature or otherwise.

Unless otherwise stated in writing, assessments are performed visually from the ground on the above-ground portions of the tree(s). However, the outward appearance of trees may conceal defects. **Therefore, to the extent permitted by law, Davey does not make and expressly disclaims any warranties or representations of any kind, express or implied, with respect to completeness or accuracy of the information contained in the reports or findings resulting from the Services beyond that expressly contracted for by Davey in writing, including, but not limited to, performing diagnosis or identifying hazards or conditions not within the scope of the Services or not readily discoverable using the methods applied pursuant to applicable standard industry practices.** Further, Davey's liability for any claim, damage or loss caused by or related to the Services shall be limited to the work expressly contracted for.

In performing the Services, Davey may have reviewed publicly available or other third- party records or conducted interviews and has assumed the genuineness of such documents and statements. Davey disclaims any liability for errors, omissions, or inaccuracies resulting from or contained in any information obtained from any third- party or publicly available source.

Except as agreed to between the parties prior to the Services being performed, the reports and recommendations resulting from the Services may not be used by any other party or for any other purpose. The undersigned also agrees, to the extent permitted by law, to protect, indemnify, defend and hold Davey harmless from and against any and all claims, demands, actions, rights and causes of action of every kind and nature, including actions for contribution or indemnity, that may hereafter at any time be asserted against Davey or another party, including, but not limited to, bodily injury or death or property damage arising in any manner from or in any way related to any disclaimers or limitations in this Agreement.

By accepting or using the Services, the customer will be deemed to have agreed to the terms of this Agreement, even if it is not signed.

Acknowledged by:

Name of Customer: DAVEY, ANDREW 196

Authorized Signature: DAVEY, ANDREW 196

Digitally signed by DAVEY, ANDREW 196
Date: 2024.03.27 16:13:20 -04'00'

Date: _____