

RE: LETTER FROM Y. S. MOON WHICH APPEARED ON THE AGENDA FOR THE
1983 APRIL 18 MEETING OF COUNCIL (ITEM 4b)
TALL EVERGREEN TREES - 4254 PRICE CRESCENT

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Engineering be adopted.

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TO: MUNICIPAL MANAGER

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FROM: DIRECTOR ENGINEERING

SUBJECT: TALL EVERGREEN TREES - 4254 PRICE CRESCENT

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Y.S. Moon, 4253 Hazelwood Crescent, Burnaby, B.C., V5G 2R3.

REPORT:

Mr. Y.S. Moon of 4253 Hazelwood Crescent wrote to Council regarding the growth of evergreen trees on the property of a neighbour at 4254 Price Crescent.

The owner of 4254 Price Crescent has planted numerous evergreens in the rear yard area, many along the lane and Barker Avenue property lines. These trees, about 50 in number, presently stand 10 to 20 metres high. Although the limbs of the trees along the lane property line extend into the lane, they only encroach as far as the pavement edge and would create a minimum of interference with traffic in the lane. The tree limbs on the Barker Avenue property line also extend into the road allowance but only encroach into the boulevard area and are causing no obvious problems.

Under Section 6.13 (2) of the Burnaby Zoning Bylaw 1965, vision clearance is covered by the following:

"In any zoning district,...no hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance in the area bounded by:

- (2) The intersecting lot lines at a lane corner and a line joining points along said lot lines 6.0 m (19.69 feet) from their point of intersection. A lane intersection shall include the intersection of a lane with any other lane or with a street."

Within the above defined triangle at the intersection of the lane and the street, there are nine hemlock trees with trunks ranging in size from 3 to 12 inches in diameter; the trees did not appear to be creating a visual problem. In this regard, the key words of the section of the Bylaw quoted in the foregoing are: "...so as to obstruct vision clearance....".

In regard to the height of the trees, we must advise that there is no legislation that we could call upon to compel the property owner to trim the tops. We will however, pass these concerns on to the property owner when we are able to make contact. The owner lives in Quesnel, B.C., for whom there is no address available at this time.

During Council discussion of this item at its 1983 April 18 meeting, it was mentioned that the Municipality of West Vancouver had enacted a bylaw to restrict the height to which a tree could be allowed to grow. We checked with West Vancouver authorities and were advised that they do not now have such a bylaw. They once had a bylaw to prohibit the indiscriminate cutting of trees (this was not a bylaw to control or regulate the height of trees). In any event, this bylaw was rescinded because Victoria removed the enabling legislation. In cases where such complaints arise they will sometimes act as mediators, giving advice via their Parks' personnel on how to best go about resolving the complaint. In Burnaby, we follow very much the same course in that we contact the owner of the trees and try to work toward resolving the complaint; we intend to do so in the case at hand as soon as we are able to get in touch with the registered owner.

EEO/HB/ch

c.c. () Traffic Supervisor


DIRECTOR ENGINEERING