

TO: MUNICIPAL MANAGER

1992 August 06

FROM: ACTING DIRECTOR PLANNING AND BUILDING

SUBJECT: REGULATION OF THE HEIGHT OF TREES AND HEDGES

PURPOSE: To provide a response to a request received by Council to consider a bylaw to regulate the height of hedges and trees

RECOMMENDATION:

1. THAT a copy of this report be sent to Mr. Krishan Soni, 6655 Haszard Street, Burnaby, B.C. V5E 1X5.

R E P O R T

Appearing on the 1992 July 27 agenda was a letter from Mr. Krishan Soni requesting that consideration be given to enacting a bylaw to allow Council to regulate the height of hedges and trees in Burnaby, in the interest of protecting the views of adjacent property owners.

Mr. Soni is correct in his understanding that there is no bylaw in Burnaby that seeks to regulate tree and hedge heights in this way.

Burnaby has over the years appreciated the value of natural growth in its neighbourhoods, and Council has been reminded by citizens on innumerable occasions of the importance of maintaining and preserving the urban forest which, to a great extent, has been a defining feature of the quality of Burnaby's residential area landscape.

In this Municipality the height of tree growth in general has never been regulated by bylaw, although until 1983 there was a provision in the Zoning Bylaw that sought to control the height of "hedges" by reference to hedges in the same regulation that limited the height of fences and walls to a maximum of 1.8 m (6 feet) to the rear of a required front yard and to a maximum of 1 m (3 1/2 feet) in a front yard. The Bylaw was amended in 1983 September by deleting the reference to hedges, in recognition of the impracticality of attempting to legislate and enforce a height limit applied to natural, growing things and also in recognition of the contribution to the ambience, quality, and character of the residential environment that trees and hedges help to create.

The only circumstances under which the height of trees and hedges is presently restricted at this time are in vision clearance areas associated with street and lane intersections, and this applies for reasons of safety.

In response to Mr. Soni's request, staff would continue to recommend that the Municipality not attempt to enforce a regulation on the height of trees and hedges in other circumstances. To do so would contradict the significant effort that has been made and that is being continued to preserve and promote the urban forest which provides many environmental benefits such as oxygen production, habitat preservation, provision of shade and cooling (reduction of the urban heat island effect), privacy, and aesthetic diversity/character in the neighbourhoods.

At the same time, it is recognized that protection of existing views that are prized by many homeowners is an important consideration in their minds, and that there would be a desire on the part of those possessing such a view to be able to exercise control over obstructions on private property that restrict their view. The Municipality has taken various actions in recent years to assist in the protection of views that are impeded by new buildings and structures, by tightening up the regulations on building height and above-grade bulk. With respect to trees and hedges however, what is encouraged is cooperation between neighbours to respect each others' reasonable wishes and to manage private tree growth in a way that mutually responds to a balance between landscape growth and view considerations.

Council will recall that the adopted tree management policy for public lands specifically precludes tree topping for reasons of view. Tree topping leads to disease and irregular branching in trees. The main stem is opened up to disease organisms and multiple leaders are formed which are usually poorly attached to the main stem. The irregular lateral growth leads to branches easily breaking off. Trees are only considered for removal in instances of safety and damage.

In summary, there are many reasons that the Municipality has not attempted to legislate the growth of trees and to seek to do so at this time would run counter to the efforts that are being made to enhance preservation of the environment in this community. The interest of property owners in protecting views is acknowledged, and owners like Mr. Soni are encouraged to meet with neighbours whose tree growth may affect their views in a spirit of cooperation and "neighbourliness" to seek to work out the best solution to meet their respective interests.

The contents of this report have been discussed with Mr. Soni.

This is for the information of Council.



D. G. Stenson
ACTING DIRECTOR
PLANNING AND BUILDING

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