TOWN OF CALEDON
PLANNING
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September 23, 2025

Arborist Report

12100 Creditview Road

Site Plan Approval

Town of Caledon



Prepared for:

Glen Schnarr & Associates Inc.

Project Number:

AA21-158A

Date:

September 17, 2025

ABOUD & ASSOCIATES INC.
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EXPERT OPINION
OMB TESTIMONY
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PEER REVIEW
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September 17, 2025

Our File No.: AA21-158A
Sent by email: stephaniem@gsai.ca

12100 Creditview Developments Limited
c/o
Glenn Schnarr & Associates, Inc.
700-10 Kingsbridge Garden Circle
Mississauga, ON L5R 3K6
Attention: Stephanie Matveeva

Re: 12100 Creditview Road OPA and ZBA application
Town of Caledon, Regional Municipality of Peel
Tree Preservation Plan and Arborist Report

Dear Stephanie:

We have completed our study of the above referenced project. This arborist report has been prepared according to the requirements outlined in the Town of Caledon's, *Terms of Reference for Arborist Reports, Tree Preservation Plans and Tableland Tree Removal Compensation* (April 2020) and a request from the Town for an arborist report supporting the Site Plan Approval.

The following attached documents are part of this investigation.

- *Appendix 1. Tree Inventory and Assessment Methodology*
- *Appendix 2. Detailed Tree Data*
- *Appendix 3. Limitations of this Tree Assessment*
- *Appendix 4. Protection of Migratory Birds and Development*
- *Drawing TPP1-3 Tree Preservation Plan*

1. Introduction

1.1 Proposed Development and Existing Conditions

The owner of 12100 Creditview Road, Town of Caledon ("the property") is proposing to develop the land. Currently proposed are seven proposed structures of varying size, a gas bar facility and associated surface parking areas. The property measures 10.28 hectares (25.3 acres) and is currently being used as agricultural land. The majority of the open grown trees on site are found proximate to the farmhouse, barns and driveway.

1.2 Legislative Context

Tree management is generally regulated in the Town of Caledon in two ways - through the Municipal Act and through the Planning Act. Through the Municipal Act, the Town of Caledon has enacted a Woodland Conservation By-law (By-law 2000-100) that regulates the removal of private trees for reasons that are generally exclusive of land development. As established in its Official Plan, through the Planning Act the Town of Caledon has required the preparation of an Arborist Report and Tree Preservation Plan to accompany any development or site alteration application where there are any trees located on the site and up to six metres of the subject property. These reports and plans may include public trees in their scope.

The Town of Caledon has developed its *Terms of Reference for Arborist Reports, Tree Preservation Plans and Tableland Tree Removal Compensation* (April 2020) ("the Town's TOR") to clarify the requirements of Arborist Reports and Tree Preservation Plans. Under the Town's TOR, these studies "shall be submitted as part of a complete application for an Official Plan Amendment, Zoning By-law amendment, Plan of Subdivision, Site Plan Applications, Plan of Condominium, Consent and all other development streams." They require information on vegetation that includes a detailed inventory of all onsite trees and offsite trees within six metres of the property boundary 10 cm or larger in DBH, aerial mapping, a photo-journal of trees inventoried, an analysis of the inventory data, an assessment of all potential impacts on the trees, recommended mitigation of tree injury and/or compensation for tree removal, proposed tree protection measures and a rationale for trees that cannot be preserved.

In addition to the municipal by-laws and requirements, it is required by law in the province of Ontario to obtain consent for the removal or injury of any boundary trees prior to injuring or removing that tree. Paragraph 10 of the Forestry Act, R.S.O. 1990, c. F.26 states that:

> 10. (2) Every tree whose trunk is growing on the boundary between adjoining lands is the common property of the owners of the adjoining lands. 1998, c. 18, Sched. I, s. 21.
> (3) Every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the land owners is guilty of an offence under this Act. 1998, c. 18, Sched. I, s. 21.

1.3 Study Terms

The proposed development is subject to conditions imposed by the Town of Caledon, which include the preparation of a Tree Preservation Plan and Arborist Report. Aboud & Associates was retained by Glenn Schnarr & Associates to complete the Tree Preservation Plan and Arborist Report. The completion of these materials required an inventory of trees within and adjacent to the proposed limit of work to be performed by an ISA Certified Arborist.

2. Methodology

2.1 Site Context

The Town's TOR indicate the need for an arborist report to support the Site Plan Application. The tree inventory and assessment required for the arborist report was conducted by Julian Alvarez-Barkham, ISA Certified Arborist, on September 24, 2021. The tree locations were surveyed by J.D. Barnes Limited on December 13, 2021. The Site Plan was provided by Glenn Schnarr & Associates (dated May 9, 2024) and is used as the base plan for *Drawing TPP1-2* to determine the preservation recommendations for existing trees.

2.2 Tree Inventory Requirements

Data for several categories of information were required for each tree included in the inventory. As such, the following data were collected for each tree:

- Tree identification number *
- Species (botanical and common names) *
- Diameter at Breast Height - "DBH" (cm) *
- Crown Reserve (dripline) (m)*
- Biological Health, Structural Condition and Overall Condition *
- Ownership of tree *
- Minimum Tree Protection Zone (MTPZ)
- Recommendation Based on Condition
- Recommendation Based on Development Impacts *
- Tree preservation measures / comments*
- Observations / comments *

* Categories for data collection required per the Town's TOR.

Appendix 1 provides a description of assessment methods and definitions of codes used in the Observations/Comments category. Recommendations to preserve or remove individual trees were assigned based on a tree's current condition and the expected impact from the construction. The final recommendation for each tree and other data listed above are provided in *Appendix 2*. Detailed rationale for the recommendations of select trees is given in Section 3.

We provide *Appendix 3 – Limitations of this Tree Assessment* to clarify what is reasonable and possible in our assessment of trees. *Appendix 4 – Protection of Migratory Birds and Development* is provided for reducing impacts to breeding birds.

3. Observations and Recommendations

3.1 Tree Inventory Data Summary

A total of 45 trees were recorded in the study area. Specific data for each individual tree are provided in *Appendix 2*. The locations, tag numbers, approximate crown reserve, MTPZ (as per City of Guelph Specifications for Trees (SS-31), February 2012) and preservation recommendations of trees are shown on *Drawing T1*. The City of Guelph specification for tree protection zones has been applied in this instance because the Town of Caledon does not prescribe MTPZs, yet MTPZs are a valuable tool in analyzing development impacts to trees.

There are 34 on-site trees, 10 trees within the municipal right of way and one privately shared tree in the study area. Species diversity is relatively high as 14 tree species were inventoried within the study area and none of the species had more than eight individual specimens. The majority of the trees inventoried are deciduous, accounting for 91% of the inventory. The

species with the highest counts were Norway Maple (*Acer platanoides*), Eastern Cottonwood (*Populus deltoides*) and Bur Oak (*Quercus macrocarpa*) with eight, eight and seven individual specimens, respectively. Six Ash (*Fraxinus* sp.) were also included in the inventory. Five Ash trees, one Norway Maple and one Eastern red cedar (*Juniperus virginiana*) were dead at the time of the inventory.

3.2 Recommendations for Preservation and Removal

3.2.1 Trees Recommended for Preservation

None of the inventoried trees are recommended to be preserved due to either tree condition or the proposed works. Table A provides a summary of recommended action assigned to all inventoried trees.

3.2.2 Trees Recommended for Removal

All 45 trees are recommended for removal due to their condition or the proposed development. Table A provides a summary of recommended action assigned to all inventoried trees.

Table A. Summary of Recommended Action Assigned to Trees

Recommended Action	Based on Condition	Based on Construction Impacts	Based on Condition AND Construction Impacts
Preserve	31	0	0
Remove	14	45	45
Totals	**45**	**45**	**45**

All trees recommended for removal will be severely impacted by the construction of roads and parking lots, retail buildings and a gas station. Trees 1 – 8, 35, and 40 are recommended for removal due to a proposed future separate development application (Pre-Application Review Committee file number PRE 2024-0107). 42 trees recommended for removal are located on private property. One tree is private offsite, and two are municipally owned. Of these trees, Trees 15, 19, 21, 24, 25, 29 – 32, 35, 36, 38, 1878, and 1879 are either dead or in poor condition and will not require compensation for their removal.

3.3 Protection of Trees Recommended for Preservation and Off-site Trees

In order to preserve the identified on-site trees during and after construction, the following tree protection measures must be taken:

- Tree protection fencing (TPF) must be installed where shown on *Drawing T1*;
- TPF must be installed as shown in Detail 1 on *Drawing T1*;
- Root pruning is recommended prior to earthworks by pre-staking the development limit, exposing roots (by air-spading/hydro-vacuuming) along the development limit where it passes under the crown reserves or into MTPZs of trees to be preserved, cutting roots with appropriate tools (pruners, pole saws, or chainsaws as required), and backfilling immediately with clean topsoil;
- Root pruning within the crown reserves should be conducted or supervised by a Certified Arborist where the development encroaches within the crown reserves or MTPZs of trees recommended for preservation (indicated on *Drawing T1*); and

- Tree branches that are at risk of being damaged due to the movement of machinery on-site should be pruned to arboricultural standards by a Certified Arborist prior to the beginning of construction.

4. Compensation

Compensation for tree removals is prescribed according to the Town's TOR. Compensation requirements are determined based on the diameter class they belong to and their condition. In addition, all healthy tree species deemed invasive that are proposed for removal are subject to the same compensation values as summarized below.

Of the 45 trees recommended for removal due to the proposed development, 14 are dead or in poor condition and will not require compensation for their removal. The remaining 31 trees will require compensation as specified in the Town's TOR, as summarized below.

Compensation Class	Tree Size (DBH)	Compensation Required
N/A	<10 cm	None
1	10 - 20 cm	1 tree
2	21 - 35 cm	2 trees
3	36 - 50 cm	3 trees
4	51 – 65 cm	4 trees
5	>65 cm	5 trees

Where development cannot accommodate tree compensation numbers within the subject site, cash-in-lieu may be considered as an option at a rate determined by the Town of Caledon. Table B (on following page) summarizes the number of trees in each category and their resultant compensation requirements.

A total of 86 compensation trees is required for the removal of the onsite trees based on their current condition and the proposed developments. Compensation numbers for each individual tree can also be found on *Appendix 2*.

Table B. Town of Caledon Tree Cover Compensation Methodology**.** The explanation for each removed tree type and how they are compensated is explained in Section 4 of this report.

Removed Tree Type	Quantity for Current Project	Compensation Plantings Required per Removed Tree	Total Compensation
Dead / dying / poor condition	14	None	0
Healthy, Native Private and Municipal Trees	31	Class 1 = 5 Class 2 = 13 Class 3 = 4 Class 4 = 2 Class 5 = 7	86 Trees
Totals			**86 Trees**

5. Conclusion

The proposed development at 12100 Creditview Road in the Town of Caledon requires an Arborist Report and Tree Preservation Plan to support the Official Plan Amendment and Zoning By-law Amendment Applications for the property. Through field study of the on-site vegetation and analysis of the proposed development, no trees are recommended for preservation. Compensation for the proposed tree removals is calculated to be 86 trees. Where development cannot accommodate tree compensation numbers on site, cash-in-lieu may be considered as an option at a rate to be determined by the Town.

Report Prepared By:

ABOUD & ASSOCIATES INC.



Jeff Laidman, BLA., Consulting Arborist
ISA Certified Arborist ON-2570

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APPENDIX 1. TREE INVENTORY AND ASSESSMENT DEFINITIONS

Note: Not all definitions may apply.

Codes of Damage Descriptions

BA - branch attachment poor
BB – branches broken
BC - bark crack
BD - bark dead
BI - bark included
BS - basal trunk sprouts
CB - crown broken
CD - crown dieback
CK - canker (abnormal growth from disease or damage)
CL - crown live, CL20 - 20% live crown
CS - crown sprouts
CT - crown thin (having reduced foliage)
CU - crown unbalanced
CV - crown vines
DW - deadwood
FB - fungal bodies present
LC - leaves chlorotic (yellow)
LD - leaves defoliated
LP - leader poor/problem
MB - multi-branched node of limbs on stem
ML - multiple leaders
PH - planted high
PL - planted low
PP - past pruning problems
RC - root crown damage/abnormality
RE - roots exposed
RG - roots girdling
SC - stems co-dominant
SG - stem girdled
ST - soil on trunk
TB - trunk bent
TC - trunk cavity
TK - trunk crooked
TD - trunk decay
TE - trunk base enlarged abnormally
TF - trunk basal flair lacking / abnormal
TG - trunk/stem girdling
TL - trunk lean (L< 5°), (M 5-20°), (H>20°)
TM - trunks multiple from at or below ground level
TS - trunk split
TT - trunk twisted
TW - trunk wound
WW - wet wood

QUANTIFIED CONDITIONS (defects, diseases)

L (low, minor), M (moderate), H (high, severe)
E.G. CT(H) = severe crooked trunk
TD(L) = minor trunk decay
TF(H) = severely poor basal trunk flare

CARDINAL COORDINATES (N, S, E, W)

e.g., LN(L-S) = minor lean to the south

Codes of Recommendations

A - Add mulch
B - Remove attachments (burlap, wire, stake, guard)
C - Cable
F - Fertilize
L - lower soil level
M - Monitor
N - None Needed
P - Prune
R - Remove
S - Soil bulk density (compaction) lower
V - soil volume (increase)
W – Water
~ - Denotes approximate

Life Expectancy

1 - Less than 5 years
2 - 5 to 10 years
3 - 11 to 20 years
4 - 21 to 50 years
5 - 51 to 100 years
6 - 101 to 200 years

Priority: An action priority schedule (i.e. general timing) to provide arboricultural treatment(s).
E - Extremely Urgent (within a week)
U - Urgent (within 3 months)
H - High (within a year)
M - Moderate (within 3 years)
L - Low (little or no action required for at least 5 years)

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Appendix 2 - Detailed Tree Data 12100 Creditview Road, Caledon AA21-158A
Data recorded September 24, 2021.

Tree No.	Tree Species	DBH (cm) [1, 2]	Crown Reserve (diameter, m)	Minimum Tree Protection Zone Radius (m) [3]	Biological Health(HigH, Mod., Low)	Structural Condition(High, Mod., Low)	Development Tolerance(High, Mod., Low)	Ownership: Private, Offsite, Municipal, Shared	Rec. Action - Condition [5]	Rec. Action - Development	**Final Recommendation [5]**	Compensation Required (Number required)	Comments
1	*Populus deltoides* Eastern Cottonwood	21	2	1.8	M	L	Fair	P	P	R	RD	Y(2)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
2	*Populus deltoides* Eastern Cottonwood	17	2	1.8	H	M(H)	Good	P	P	R	RD	Y(1)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
3	*Populus deltoides* Eastern Cottonwood	20 [15,9,8,7]	3	1.8	M(H)	M	Good	P	P	R	RD	Y(1)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
4	*Populus deltoides* Eastern Cottonwood	26 [23,10,7]	4	1.8	M(H)	M	Good	P	P	R	RD	Y(2)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
5	*Populus deltoides* Eastern Cottonwood	20 [15,10, 7,5]	3	1.8	M(H)	M(L)	Fair	P	P	R	RD	Y(1)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
6	*Populus deltoides* Eastern Cottonwood	36 [20,20, 16,13,9]	4	2.4	M(H)	M(L)	Fair	P	P	R	RD	Y(3)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
7	*Populus deltoides* Eastern Cottonwood	14 [13,6]	3	1.8	M(H)	M	Good	M	P	R	RD	Y(1)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
8	*Populus deltoides* Eastern Cottonwood	13 [11,6,4]	2	1.8	M(H)	M	Good	M	P	R	RD	Y(1)	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
12	*Quercus macrocarpa* Bur Oak	74	9	4.8	M(H)	M(L)	Fair	P	P	R	RD	Y(5)	
13	*Acer platanoides* Norway Maple	32 [25,20]	4	2.4	M(H)	M	Good	P	P	R	RD	Y(2)	
14	*Thuja occidentalis* Eastern White Cedar	45	4	3.0	M(H)	M	Good	P	P	R	RD	Y(3)	
15	*Salix alba* White Willow	120	9	7.2	M	L	Poor	P	R	R	RCD	N	Decayed & hollowed trunk, root plate lifting
16	*Quercus macrocarpa* Bur Oak	87 [79,37]	9	5.4	M(H)	M	Good	P	P	R	RD	Y(5)	
17	*Quercus macrocarpa* Bur Oak	67	8	4.2	M(H)	M(H)	Excellen	P	P	R	RD	Y(5)	
18	*Acer platanoides* Norway Maple	27	4	1.8	M(H)	M(H)	Excellen	P	P	R	RD	Y(2)	
19	*Fraxinus americana* White Ash	29 [21,20]	3	1.8	L	L	Dead	P	R	R	RCD	N	Lots of root suckers

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20	*Juniperus virginiana* Red Cedar	22 [17,14]	3	1.8	M(H)	M	Good	P	P	R	RD	Y(2)	
21	*Malus pumila* Apple	70 [46,44,28]	5	4.2	L	L	Poor	P	R	R	RCD	N	
22	*Acer negundo* Manitoba Maple	22 [14,12, 11,5]	3	1.8	M(H)	M(L)	Fair	P	P	R	RD	Y(2)	
23	*Acer negundo* Manitoba Maple	26 [21,15]	3	1.8	M(H)	M(L)	Good	P	P	R	RD	Y(2)	
24	*Fraxinus americana* White Ash	72	5	4.8	L	L	Dead	P	R	R	RCD	N	
25	*Morus alba* White Mulberry	150 [130,59, 47]	5	9.0	M	L	Poor	P	R	R	RCD	N	Massive cavity at the base
26	*Pyrus* sp. Pear	45	4	3.0	M(H)	M	Good	P	P	R	RD	Y(3)	
27	*Aesculus hippocastanum* Horse Chestnut	41	3	3.0	M(L)	M(L)	Fair	P	P	R	RD	Y(3)	
28	*Aesculus hippocastanum* Horse Chestnut	55 [43,35]	5	3.6	M	M(L)	Fair	P	P	R	RD	Y(4)	
29	*Fraxinus americana* White Ash	39	4	2.4	L	L	Dead	P	R	R	RCD	N	
30	*Acer platanoides* Norway Maple	67 [46,35, 33]	7	4.2	M	L	Poor	P	R	R	RCD	N	Decay at base on N side
31	*Juniperus virginiana* Red Cedar	13	1	1.8	L	L	Dead	P	R	R	RCD	N	
32	*Aesculus hippocastanum* Horse Chestnut	65	5	4.2	M(L)	L	Poor	P	R	R	RCD	N	
33	*Sorbus decora* *Showy Mountain-Ash*	31 [23,18, 10]	4	2.4	M	M	Fair	P	P	R	RD	Y(2)	
34	*Thuja occidentalis* Eastern White Cedar	23 [19,13]	3	1.8	M(H)	M(H)	Excellen	P	P	R	RD	Y(2)	
35	*Fraxinus americana* White Ash	26 [21,15]	3	1.8	L	L	Dead	P	R	R	RCD	N	To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.
36	*Fraxinus americana* White Ash	14	2	1.8	L	L	Dead	P	R	R	RCD	N	
37	*Quercus macrocarpa* Bur Oak	73	7	4.8	M(H)	M	Good	P	P	R	RD	Y(5)	
38	*Acer platanoides* Norway Maple	18	2	1.8	L	L	Dead	P	R	R	RCD	N	
39	*Fraxinus* sp. Ash	70	5	4.8	M(L)	M(L)	Fair	P	P	R	RD	Y(5)	No tag; values approximate.
40	*Salix fragilis* Crack Willow	24 [15,10, 10,9,8]	2	1.8	M	M	Fair	O	P	R	RD	Y(2)	Neighbour's, on fenceline. Owner consent required for injury or removal. To be removed under separate development application. Pre-Application Review Committee file number: PRE 2024-0107.

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Data recorded September 24, 2021.

Tree No.	Tree Species	DBH (cm) [1,2]	Crown Reserve (diameter, m)	Minimum Tree Protection Zone Radius (m) [3]	Biological Health(HigH, Mod., Low)	Structural Condition(High, Mod., Low)	Development Tolerance(High, Mod., Low)	Ownership: Private, Offsite, Municipal, Shared	Rec. Action - Condition [5]	Rec. Action - Development	**Final Recommendation [5]**	Compensation Required (Number required)	Comments
1872	*Quercus macrocarpa* Bur Oak	64	8	4.2	M(L)	M(L)	Fair	P	P	R	RD	Y(4)	Crown dieback 25%, hydro pruned, first tagged as 9
1873	*Quercus macrocarpa* Bur Oak	70	8	4.2	M(H)	M	Good	P	P	R	RD	Y(5)	Initially tagged as 10
1874	*Quercus macrocarpa* Bur Oak	66	8	4.2	M(L)	M	Fair	P	P	R	RD	Y(5)	Initially tagged as 11
1876	*Acer negundo* Manitoba Maple	24 [20,14]	3	1.8	M(H)	M(L)	Fair	P	P	R	RD	Y(2)	
1878	*Acer platanoides* Norway Maple	22	2	1.8	L	L	Poor	P	R	R	RCD	N	
1879	*Acer platanoides* Norway Maple	20	2	1.8	M(L)	L	Poor	P	R	R	RCD	N	
1880	*Acer platanoides* Norway Maple	21	3	1.8	M(L)	M(L)	Fair	P	P	R	RD	Y(2)	Girdling stakes
1881	*Acer platanoides* Norway Maple	23	3	1.8	M	M(L)	Fair	P	P	R	RD	Y(2)	Girdling stakes

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SUMMARY

Ownership	Private (On Site) Trees	42			
	Private (Off Site) Trees	1			
	Municipal Trees	2			
	Shared Trees	0			
	Total	**45**			
Recommendation based on Tree Condition					
	Preserve Tree Based on Condition		31		
	Remove Tree Based on Condition		14		
	Total		**45**		
Recommendation based on Development					
	Preserve Tree Based on Development Impacts			0	
	Remove Tree Based on Development Impacts			45	
	Total			**45**	
Final Recommendations					
	Final Recommendation: Preserve (P)				0
	Final Recommendation: Remove Due to Condition (RC)				0
	Final Recommendation: Discretionary Preservation (DP)				0
	Final Recommendation: Remove Due to Development (RD)				31
	Final Recommendation: Remove due to Condition and Development (RCD)				14
	Total				**45**
Compensation					
	Trees recommended for removal requiring compensation				**31**
	Total compensation trees required				86

[1] DBH (Diameter at breast Height): Measurement of tree stem diameter at 1.4 metres above ground.

[2] [XX, YY,] Denotes DBH's of Each Stem of Tree witH Multiple Stems

[3] Tree Protection Zones, Specifications for Trees (SS-31) City of Guelph. February, 2012.

[4] The Town of Caledon requires compensation for the removal of healthy tableland trees per their *Terms of Reference for Arborist Reports, Tree Preservation Plans and Tableland Tree Removal* (April 2020).

Diameter at Breast Height (cm)	Compensation Ratio
<10	Not Applicable
10-20	1:1
21-35	2:1
36-50	3:1
51-65	4:1
>65	5:1

APPENDIX 3. LIMITATIONS OF TREE ASSESSMENT

It is the policy of Aboud & Associates Inc. to attach the following clause regarding limitations. We do this to ensure that developers, agencies, municipalities and owners are clearly aware of what is technically and professionally realistic in retaining trees.

The assessment of the trees presented in this report has been made using accepted arboricultural techniques. These include a visual examination of the above-ground parts of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack and crown dieback, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the proximity of property and people. Except where specifically noted in the report, none of the trees examined were dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation were not undertaken.

Notwithstanding the recommendations and conclusions made in this report, it must be realized that trees are living organisms, and their health and vigour constantly change over time. They are not immune to changes in site conditions, or seasonal variations in the weather conditions, including severe storms with high-speed winds.

While reasonable efforts have been made to ensure that the trees recommended for retention are healthy no guarantees are offered, or implied, that these trees, or any parts of them, will remain standing. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree or group of trees or their component parts in all circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. The assessment presented in this report is valid at the time of the inspection.

APPENDIX 4. PROTECTION OF MIGRATORY BIRDS AND DEVELOPMENT

Most species of birds in Ontario are protected under the federal Migratory Birds Convention Act, 1994 (MBCA) or the provincial Fish and Wildlife Conservation Act, 1997. The "incidental take" of migratory bird nests or the disturbance, destruction or taking of the nest of a migratory bird are prohibited under section 6 of the *Migratory Bird Regulations* (MBRs), under the authority of the MBCA. "Incidental take" is defined as the harming of migratory bird nests due to actions such as construction activities. No permit can be issued for the incidental take of migratory birds or their nests as a result of economic activities.

The provincial Fish and Wildlife Conservation Act, 1997, provides protection for some species excluded from the MBCA, including raptors, gamebirds and specially protected birds. Under the Act (Section 7 (1)) a person shall not destroy, take or possess the nest or eggs of a bird that belongs to a species that is wild by nature. With the exception of the nest or eggs of an American crow, brown-headed cowbird, common grackle, house sparrow, red-winged blackbird or starling (Section 7(2)).

Project construction, operation or maintenance activities such as vegetation clearing, tree removal/harvesting, site grubbing, site access, excavation and stockpiling of soil/fill could result in the incidental take of migratory birds or their nests if conducted in migratory bird habitat. Construction activities could also disturb nearby breeding birds and disrupt breeding. It is the proponent's responsibility to meet the requirements of the MBRs and should projects or activities result in the contravention of the MBRs, prosecution under the MBCA may be initiated.

In order to ensure compliance with the MBRs, Aboud & Associates recommends the following:

1. Activities resulting in the disturbance, destruction or removal of potential breeding bird habitat should, where possible, not take place during the General Nesting Period as outlined by Environment Canada (2014). The General Nesting Period is identified in 'Environment Canada's Avoidance Guidelines for Incidental Take' (2014) as the period between the end of March and August 31 in Nesting Zones C1 and C2 in Ontario, located in the Lower Great Lakes/St. Lawrence Plain (Bird Conservation Region (BCR) 13).
2. When it is absolutely necessary that work must take place during the General Nesting Period, a qualified wildlife biologist must carry out a comprehensive survey to identify areas on the subject property where birds are building nests, incubating eggs, rearing young, etc. All disruptive activities in the nesting area should be halted and identified nests should be protected with a buffer (i.e. nest protection zone/no disturbance zone) appropriate for the species, the disturbance intensity level and the surrounding habitat. Disruptive activities can continue inside the buffered area once the biologist has deemed that fledglings have naturally left the vicinity of the nest.
3. Disruptive activities taking place outside of the General Nesting Period can be preceded by an assessment by a qualified wildlife biologist to ensure that the identification of stick nests of owls and raptors is undertaken in suitable habitat. Most raptor species, with the exception of species protected under the ESA are excluded from the MBCA; as a result, the nesting period for this group is not included under Environment Canada's general nesting periods.

References:

Environment Canada. 2014. Incidental take of Migratory Birds in Canada. https://www.ec.gc.ca/paom-itmb/default.asp?lang=En&n=C51C415F-1. Accessed: April 7, 2015.

Fish and Wildlife Conservation Act, 1997.

Migratory Birds Convention Act, 1994.

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