



## CITY OF WELLAND

Infrastructure and Development Services  
Property Standards Committee  
60 East Main Street, Welland, ON L3B 3X4  
Phone: 905-735-1700 Fax: 905-735-8772  
E-mail: devserv@welland.ca  
www.welland.ca

### PROPERTY STANDARDS COMMITTEE HEARING

Tuesday, July 10, 2018, 2:00 p.m.  
City Hall – Room 109

### MINUTES OF OPEN MEETING

Committee Members: Diane Zakraysek, Chair (Diane)  
John Ingrad, Property Standards Committee Member – (PSCM)

Staff Present: Adam White – Property Standards Officer/By-Law Officer (PSO)  
Dallas Jackson – Property Standards Secretary (PSS)

Others in Attendance: William/Wendy Lackie – Appellant  
Jamie Hiscoe – Son of Appellant  
Randall/Barbara Forder – complainant  
Mark Larose – Lawyer for the complainant

**CALL TO ORDER** - Property Standards Committee Members called the Hearing to order.  
The Committee members and staff were introduced.

**ELECTION OF CHAIR** - Diane Zakraysek was elected as Chair of the Property Standards Committee.

**CARRIED**

**CALL TO ORDER** – Chair called the open meeting to order at 2:00pm.

**CONFLICTS OF INTEREST** – Nil.

1. The previous Minutes from May 8, 2014 were Approved.
2. The Chair (Diane) Explained the Schedule 1.
3. The PSS (Dallas) read the orders sent to both 38 Hooker St. and 73 Maple Ave to everyone in attendance.
4. The PSS (Dallas) read the appeal letter sent in by 38 Hooker St. to everyone in attendance.
5. The Chair (Diane) asked the Appellants (William/Wendy Lackie) to address their appeal.
6. The Appellants (William/Wendy) stated that their son Jamie Hiscoe would speak on their behalf



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7. Son of appellant (Jamie) stated that the order they received indicated that William/Wendy Lackie were responsible for the removal of the tree that sits in the middle of both properties.
8. Son of appellant (Jamie) asked Why should they pay the whole cost? And shouldn't the cost be split between both parties? What height does the tree need to be removed to, and is trimming it down to 8ft tall okay? Or do we need to cut the tree down to grade?
9. Son of appellant (Jamie) stated We were told the removal of the tree to the base would cost \$12,000 but leaving it at 8ft tall would save us \$3,000 - \$4,000. We would also like an extension on the time frame given.
10. The Chair (Diane) asked the committee to allow the addition on Dave Stevens signed email.

### CARRIED

11. PSCM (John) informed all parties that both properties received the same order regarding the removal of the tree
12. PSCM (John) Informs all parties that only William/Wendy Lackie appealed the order.
13. The Chair (Diane) asked PSO (Adam) for his thoughts on the height the tree should be reduced to in regards to safety and if the City of Welland has a Tree By-Law.
14. PSO (Adam) stated the City does not have a by-law in regards to trees and that he has seen cases where they only cut the tree down to 10ft.
15. The Chair (Diane) asked the PSS (Dallas) to read and add the notes from "The Forestry Act".
16. PSS (Dallas) read "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. 1 s. 21." (The Forestry Act )
17. The Complainant (Randall/Barbara) stated that the order they received made sense and knew that it fell between both parties.
18. The Lawyer of Complainant (Mark Larose) stated that the Complainant (Randall/Barbara Forder) are willing to remove the tree and split the cost equally.
19. The Complainant (Randall/Barbara) stated they paid a tree company to remove branches in the past.



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20. The Complainant (Randall/Barbara) stated that they want the tree down now, it is an ash tree and infested with bugs. They want it removed down to ground level. If this tree were to fall it would affect 8 houses around it.
21. The Chair (Diane) asked the Complainant (Randall/Barbara) if the 8ft height were to be approved they could always remove the remainder at their own cost.
22. PSCM (John) asked the Complainant (Randall/Barbara) on their thoughts about the time frame of the order.
23. Lawyer of Complainant (Mark Larose) stated the time frame is more than enough time and that they do not wish for more time.
24. Son of appellant (Jamie) stated they didn't know it was a split order and if they knew they wouldn't have appealed, we had called Dave's Trees Company for a price of removal and they told us that our neighbours (Randall/Barbara) had already received a price and that they said the price would be split.
25. PSCM (John) asked the appellants (William/Wendy) if they could get a lawyer to sit down with them and the Lawyer of Complaintive (Mark Larose) to work out a deal between the two of them.
26. The Chair (Diane) asked PSO (Adam) if we were to amend the order sent to 38 Hooker St. (William/Wendy) and tell them to just split the cost.
27. PSO (Adam) stated the City does not deal with money or how it is split and that is solely on the home owners.
28. PSO (Adam) stated to the homeowners if they do not comply with the order within the time frame then the City will come in and remove the tree and the price will be split between both parties and put on their taxes along with a \$200 City charge.
29. The Chair (Diane) asked PSO (Adam) his thoughts on the time frame he gave on the order.
30. PSO (Adam) stated the time frame he gave is very reasonable, that he gave them a total of 3 months, first month to get quotes, second month the tree removal starts, and the third month was given for extra time just in case something came up.
31. PSCM (John) asked The Complainant (Randall/Barbara) on how they were doing for quotes.
32. The Complainant (Randall/Barbara) stated they have gotten a few quotes so far and the average seems to be just under \$10,000.



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33. The Complainant (Randall/Barbara) stated they are willing to take down their fence if need be to get this tree removed and agree with the PSO (Adam) that the time frame is enough time.
  34. PSCM (John) asked if the appellants (William/Wendy) could work out an agreement with the Complainant (Randall/Barbara) and get this tree removed within the time frame for the \$10,000 quote.
  35. Son of appellant (Jamie) stated that it would cost an extra \$3,000 to remove past the 8ft height and that they would like to cut it down to just the 8ft level.
  36. The Chair (Diane) asked the Complainant (Randall/Barbara) if they would be willing to pay the extra \$3,000 to remove past the 8ft height.
  37. The Complainant (Randall/Barbara) stated no, it is in the middle of the property line and the responsibility falls on both of us equally. The tree is infested with bugs and as it is an ash tree it cannot be left at 8ft it must come down completely.
  38. The Chair (Diane) stated her vote is to keep the order as it stands and to remove the tree down to ground level or if not completed by the time frame given, the City will be forced to step in.
  39. PSCM (John) agreed with the Chair (Diane) vote.
  40. The Chair (Diane) stated both votes were in favour to keep the order as it stands.
- CARRIED**
41. The Chair (Diane) called the end of the open meeting at 2:55pm.