

**MEETING OF THE HEARING COMMITTEE  
OF THE CITY OF GREATER SUDBURY**

Committee Room C-12  
Tom Davies Square

Wednesday March 23, 2016  
Commencement: 4:00 p.m.

**TANYA THOMPSON, DEPUTY CITY CLERK, IN THE CHAIR**

**Present**

Councillors Cormier; Jakubo; Kirwan; Reynolds; Signoretti

**City Officials**

Tony Cecutti, General Manager of Infrastructure Services; Tony De Silva, Roads Operation Engineer; Eric Labelle, Acting City Solicitor; Lizette Carlson, Tree Warden; Tanya Thompson, Deputy City Clerk; Lisa Locken, Committee Assistant

**Declarations of  
Pecuniary Interest**

None declared.

**APPOINTMENT OF CHAIR AND VICE-CHAIR – HEARING COMMITTEE**

**Item 1  
Appointment of  
Committee Chair  
and Vice-Chair**

Report dated February 17, 2016 was received from the Executive Director, Administrative Services/City Clerk regarding the appointment of Chair and Vice-Chair – Hearing Committee.

Nominations were held for the position of Committee Chair.

**NOMINATOR**

**NOMINEE**

Councillor Cormier

Councillor Signoretti

Nominations were closed by Councillor Jakubo.

Councillor Signoretti accepted the nomination.

Nominations were held for the position of Committee Vice-Chair.

**NOMINATOR**

**NOMINEE**

Councillor Reynolds

Councillor Cormier

Nominations were closed by Councillor Jakubo.

Councillor Cormier accepted the nomination.

The following recommendation was presented:

## **APPOINTMENT OF CHAIR AND VICE-CHAIR – HEARING COMMITTEE (CONT'D)**

Item 1  
Appointment of  
Committee Chair  
and Vice-Chair  
(Cont'd)

HC2016-01 Signoretti/Kirwan: THAT the City of Greater Sudbury appoints Councillor Signoretti as Chair and Councillor Cormier as Vice-Chair of the Hearing Committee for the term ending December 31, 2016.

**CARRIED**

## **COUNCILLOR MARK SIGNORETTI IN THE CHAIR**

## **PUBLIC HEARINGS**

### **MIKE GIONET – TREE REMOVAL REQUEST DECISION – 823 MORNINGSIDE CRESCENT, SUDBURY**

**The Hearing Committee meeting was adjourned and the Public Hearing was opened to deal with the following application.**

Report dated March 2, 2016 was received from the General Manager of Infrastructure Services regarding Tree Removal Request Decision – 823 Morningside Crescent.

Mike and Carmen Gionet, the appellants, were present.

Tony De Silva, Roads Operation Engineer, outlined the report.

Tony Cecutti, General Manager of Infrastructure Services, stated that the tree by-law applies to trees located on the City right-of-ways and it protects healthy trees in the community through environmental initiatives. He stated Mr. Gionet's tree was determined to be healthy and therefore should be maintained. He stated that if the homeowner does work on their property in the future, such as weeping tiles or foundation drains, and during this process new information comes forward showing evidence that there is damage being caused by the roots, the City will re-evaluate their decision at that time. He stated that tree roots will not enter sanitary sewers or through the walls of the foundation unless the pipe had already started to fail, then the tree roots could get into the pipes. He informed it would be very rare that the tree caused the damage. He informed that tree roots can get into weeping tiles however it does not cause them to stop working they would just be slower. He stated that the City has occasionally removed trees when the roots are too close to a house or if they are in the weeping tile but in those cases the Chief Building Official visits the property and looks at the tree roots during the excavation to determine if the tree needs to be removed.

Mr. Gionet provided a hand out which he outlined to the Committee. He stated that his home was built in 1972 and there is no sump pump so he is concerned about flooding and there is evidence that there are roots heading towards the foundation of the house. He stated that he spoke with the City Tree Warden who recommended that he speak with someone at the City regarding the widening his driveway. He stated that he was informed by someone in the Engineering Department that he could do whatever he would like on his front yard, including paving the front yard as long as he stayed within

## **PUBLIC HEARINGS (CONT'D)**

### **MIKE GIONET – TREE REMOVAL REQUEST DECISION – 823 MORNINGSIDE CRESCENT, SUDBURY (CONT'D)**

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twenty (20) to twenty-two (22) feet after crossing the curb. He advised that he has two (2) City trees on his property and originally he wanted the tree on the left removed to install another driveway and after speaking with the City he decided instead to widen his existing driveway due to the costs involved.

Eric Labelle, Assistant City Solicitor, stated that if damage occurred from limbs breaking off a City tree, a homeowner's insurance policy would respond to this situation. He stated that regarding liability they would have to prove that the City was negligent.

Tony Cecutti, General Manager of Infrastructure Services, stated that the City has had two (2) independent arborists examine the trees in question and they have deemed them healthy. He stated that as for liability they would need to prove the City neglected our obligations to maintain the trees to make sure they are healthy.

Lizette Carlson, Tree Warden, stated that photo #7 that was provided by the appellant, shows a picture that looks like a split in the limb however this is actually the seam of the tree and if in fact it was a split, the health of the tree would have indicated this. She advised that she has assessed the tree and the limb is fine and this is not a dangerous situation, however high winds could cause very healthy trees to be uprooted. She stated that the discoloration shown in photo #3 shows the callous where limbs were previously removed and that it is healthy and they will continue to monitor the health of the tree.

Mr. Gionet stated that the property was a duplex when he purchased the property.

Tony Cecutti, General Manager of Infrastructure Services, stated that all activity that occurs on a homeowners property is covered under zoning restrictions and homeowners must be aware of what permits are required. He apologized to the appellant regarding the confusing information he allegedly received from the City regarding increasing the size of his driveway. He informed that the building department would advise a property owner the size of driveway they are allowed to install, which is covered under the zoning by-law.

Mr. Gionet stated that he removed a sixteen (16) inch wedge of soil at the corner of his foundation and replaced the soil with asphalt in order to widen the driveway and when doing so he noticed a tree root at the base of his foundation. He advised that he is not sure if the roots have caused any damage and his basement does not currently leak however both trees have humongous roots and he is concerned about them causing damage.

Robert Killeen, an area resident, stated that his house is located beside Mr. Gionet's and the large branch from the tree near his property causes him concern since it is hanging over his driveway. He stated that the sap and the leaves from the tree cause a large mess and the roots are heading towards the foundation of his house.

**PUBLIC HEARINGS (CONT'D)**

**MIKE GIONET – TREE REMOVAL REQUEST DECISION – 823 MORNINGSIDE CRESCENT, SUDBURY (CONT'D)**

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Mr. Gionet stated that he is aware that there are permits required to do work on a property but he was acting on the information he received from the City advising him that if he did not go past twenty-two (22) feet, he could do whatever he would like on his front lawn.

The Chair asked whether there was anyone in the audience who wished to speak in favour or against this application and seeing none:

**The Public Hearing concerning this matter was closed and the Planning Committee resumed in order to discuss and vote on the application.**

The following recommendation was presented:

HC2016-02 Kirwan/Signoretti: THAT the City of Greater Sudbury declines the request for tree removal from the road allowance at 823 Morningside Crescent, Sudbury.

**YEAS: Councillors Signoretti, Kirwan, Jakubo, Cormier, Reynolds**

**CARRIED**

**CORRESPONDENCE FOR INFORMATION ONLY**

Item C-1: Live  
Streaming of  
Hearing Committee  
Meetings

Report dated February 17<sup>th</sup>, 2016 was received for information only from the Executive Director, Administrative Services/City Clerk regarding Live Streaming of Hearing Committee Meetings.

Adjournment

Jakubo/Cormier: THAT this meeting does now adjourn.  
Time: 5:09 p.m.

**CARRIED**



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Tanya Thompson, Deputy Clerk