



Notice of Appeal Hearing Committee Form 1

This Form is considered a public record, and will be included in the public agenda for the Hearing Committee. Information under this Form is collected under the authority of section 10 of the *Municipal Act, 2001*, S.O. 2001, c. 25 and section 32 of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56, and will be used for the purpose of an appeal before the Hearing Committee.

Note: For the appeal to proceed through the Hearing Committee, payment must be received.

Part 1: Appeal Type

Separate Notice of Appeal and additional appeal fee is required for each subject of appeal

Appeal Type (check only the boxes related to your appeal)	Appeal Fee
<input type="checkbox"/> Appeal a decision on a licensing matter	\$106.00
<input type="checkbox"/> Appeal a property tax issue	No Fee
<input type="checkbox"/> Appeal an issue under the Drainage Act	No Fee
<input type="checkbox"/> Appeal an issue under the Development Charges Act	No Fee
<input type="checkbox"/> Appeal a decision on a lottery licensing for charities matter	\$106.00
<input type="checkbox"/> Appeal a decision on a topsoil regulation matter	No Fee
<input type="checkbox"/> Appeal a decision made by acting as a property standards committee	\$106.00
<input type="checkbox"/> Appeal a muzzling order	\$106.00
<input type="checkbox"/> Appeal a street re-naming matter	No Fee
<input checked="" type="checkbox"/> Appeal a matter regarding the regulation of trees on municipal road rights of way	No Fee
<input type="checkbox"/> Appeal a complaint under the Development Charges Act	No Fee
<input type="checkbox"/> Appeal a Handi-Transit decision	No Fee
<input type="checkbox"/> Appeal a matter as set out in municipal by-laws	No Fee

Questions on the collection of this information may be directed to the **Deputy Clerk**, PO Box 5000, Stn A, 200 Brady Street, City of Greater Sudbury, Ontario, P3A 5P3, clerks@greatersudbury.ca or by calling 311.

Notice of Appeal Form 1

Part 2: Location Information		File #
Address subject to the appeal:		
Street Number 1858 1856	Street Name Huntington Drive Huntington Drive	Postal Code P3A 1J6 P3A 1J6
Part 3: Appellant Information		
First Name JANICE		Last Name MURRAY
Corporation Name or Association Name (Association must be incorporated)		
Position Title (if applicable)		Email
Street Number 1858 1856	Street Name Huntington Drive Huntington Drive	Suite/Unit Number
City/Town Sudbury	Province ON	Postal Code P3A 1J6 P3A 1J6
Telephone Number		Mobile Number [REDACTED]
Appellant Signature [Signature]		Date (yyyy-mm-dd) 2021-06-23

Notice of Appeal Form 1

Part 4: Representative Information (if applicable)

I hereby authorize the named lawyer, law firm, corporation and/or individual(s) to represent me			
First Name		Last Name	
Corporation Name or Association Name (Association must be incorporated)			
Position Title (if applicable)		Email	
Street Number	Street Name		Suite/Unit Number
City/Town		Province	Postal Code
Telephone Number		Mobile Number	
Appellant Signature		Date (yyyy-mm-dd)	
<p>Please note: If you are representing the appellant and are not a solicitor, please confirm that you have authority to act on behalf of the appellant. Please confirm this by checking the box and signing below.</p> <p><input type="checkbox"/> I certify that I have authority to act as a representative with respect to this appeal on behalf of the appellant and I understand that I may be asked to produce this authorization at any time.</p>			
Representative Signature		Date (yyyy-mm-dd)	

Part 5: Accessibility

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our the Clerk's Services Department, 200 Brady Street, 2nd Floor, Sudbury, Ontario P3A 5P3, by calling 3-1-1 at clerks@greatersudbury.ca.

Notice of Appeal Form 1

Part 6: Appeal Specific Information

Provide the brief description of your appeal and the reasons and grounds for your appeal. Be specific and if possible, include the By-law(s) which are the subject of your appeal as applicable.

See Attached Schedule 'A'

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TAB 1

SCHEDULE A

- 1) Extensive root system from the previous tree at 1858 Huntington Drive which was removed in 2018 continues to be visible on the yard and driveway at 1858 Huntington Drive. Copies of photos are attached.
- 2) The previous tree was a Linden tree which had an extensive, large spreading root system which extended to within 6 feet of the house at 1858 Huntington Street and which is still visible on the driveway at 1858 Huntington Drive. These roots have lifted, split and caused 'bumps' the asphalt in the driveway. At no time has the City offered to repair the damage to the bottom third of the driveway which is part of their right of way.
- 3) The roots from the previous are still below ground and now the City of Greater Sudbury wants to add another trees root system, The homeowners at 1858 and 1856 Huntington Drive would like to have the opportunity to let the ground settle and the previous trees root system to decay before adding another tree's root system.
- 4) Several houses in the neighbourhood have either not had trees for numerous years or have had trees removed and not replaced. Attached are Google earth photos of a sample of houses on Courtland Drive, Morningside Crescent and Huntington Drive which either have had trees removed since the photos were taken and these trees have not been replaced or in the alternative have not had trees for several years. Why have these homes not had to have their trees 'replaced' pursuant to Section 13 of City of Greater Sudbury By-Law 2011-243?
- 5) There is a curve in road just to the east of 1858 and 1856 Huntington Drive. In the past there have been occasions where cars missed the curve and crossed onto the City of Greater Sudbury right of way portion properties at 1858 and 1856 Huntington. Given where the City of Greater Sudbury wants to plant the tree (in the middle between the two properties) leaves the home owners of 1858 and 1856 Huntington Drive exposed to possible claims for damages and injury should a vehicle hit any tree planted by the City of Greater Sudbury causing damage or injury to the occupants of the vehicle. The homeowners want it on the record that they did not want the tree so the homeowners and/or their insurers can shift liability for damages and/or injury to the City of Greater Sudbury should the homeowners or their insurers be named as a party in any court action resulting from any vehicle hit any tree planted by the City of Greater Sudbury on their right of way.
- 6) The homeowner at 1858 Huntington Drive, Ms. Janice Murray, was never advised in writing of the City of Greater Sudbury's intention to plant a tree. It was only because the homeowner observed someone 'painting lines' that the homeowner became aware of the City's intention to plant a tree. When Mr. Rick Henderson, Manager of Operations, SE Section, City of Greater

Sudbury attended at Ms. Murray's property he advised that the homeowner would have received a letter. No such letter was ever received.

- 7) The homeowner of 1856 Huntington Drive, Ms. Erin Anderson, also does not want to have the new tree. The City was advised and contacted Ms. Anderson who confirmed that she did not want the tree. Ms. Anderson received correspondence from the City of Greater Sudbury advising of the intention to plant a tree only after Mr. Henderson's attendance at Ms. Murray's property.
- 8) Ms. Anderson was only copied on the correspondence dated May 18th, 2021 when she should have received the same information provided to the homeowner at 1858 Huntington Drive and be a party to the Appeal.

TAB 2

Linden Tree Facts

By RACHEL LOVEJOY

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Image Credit: filmfoto/iStock/Getty Images

Of the several species of linden trees grown in the United States, the American linden, or basswood (*Tilia americana*), is the only U.S. native. A distinctly pyramidal shape when young, a straight and sturdy trunk and glossy green leaves set it apart from other large shade trees. A slow grower,, the American linden generally reaches a maximum height of 80 feet but may exceed that measurement, depending upon soil fertility. Tolerant of a number of cultural conditions, the tree is grown as a single specimen for its shade and appearance or in a row as a windbreak. Tea can be brewed from the tree's flowers.

VIDEO OF THE DAY



Physical Description

A mature American linden exhibits a more rounded and less pyramidal crown, the spread of which often equals the tree's height. The bark of a young linden is gray and relatively smooth; it becomes more deeply furrowed over time. The tree's dark-green, heart-shaped leaves are 5 to 6 inches long with toothed edges, turn yellow in fall, and are slightly hairy on a young tree. The leaves

appear in late spring and are followed by clusters of fragrant, yellow flowers that attract bees. Fruit appears in late summer as pea-sized nutlets that fall from the tree by themselves or are removed by wind.

Cultural Preferences

Hardy in U.S. Department of Agriculture plant hardiness zones 3 through 6, the American linden can take a lot of harsh weather, from hard freezes in winter to drought conditions during summer and early fall as well as high winds. Although it does best in loose, rich, well-drained soil, the tree will grow in heavier clay soil, does equally well in full sun and partial shade, and tolerates a pH, or soil acidity, range of 5.5 to 7.5, which is moderately acidic to moderately alkaline.

Environmental Problems

The American linden may develop leaf scald during very hot, windy, dry weather. You can avoid damage to your linden by watering it deeply at the first sign of this condition, which appears as dry, brown edges on otherwise healthy leaves. Because the roots of most established trees grow in the top 12 to 18 inches of soil, deep watering requires moistening the soil to that depth. If you're not sure you're giving the tree enough water, then dig a small, 18-inch-deep hole under your tree, a few feet from the trunk's base, and use the amount of water that collects in the hole as a guide while you water.

Pest and Disease Concerns

Although American linden usually is not bothered by pests, a tree compromised by issues such as leaf scald may be prone to aphid infestations, which appear as curled leaves displaying clusters of small, green insects and a

clear, gelatinous liquid. In order to combat aphids, spray the tree's affected leaves with a solution containing 2 tablespoons of neem oil and 1 gallon of water. Neem oil is a horticultural oil that suffocates insects. Wear a face mask, eye protection and clothing that covers your skin when handling neem oil and the neem oil-water solution. Spray the solution in early morning or late evening when no breeze is present and no rain is forecast. Cover all parts of the tree, including the bottoms of leaves, until they are wet with the solution. The solution can be applied every seven to 14 days until the aphids are gone.

An option is to buy neem oil as a premixed solution and apply it according to its package directions. Neem oil is also effective against other pests that can trouble a linden tree, including spider mites, which cause the leaves to take on a scorched appearance before falling off, and Japanese beetles, which feed voraciously on the leaves during summer.

Additional Concerns

Although leaf and seed litter from American linden does not pose a significant problem, the tree's large spreading root system can threaten nearby structures, drainage systems and other plants. Allow at least 30 feet of space between the tree and other trees as well as buildings, walkways and underground electrical wiring and pipes. The tree's roots sometimes produces sprouts that should be removed.

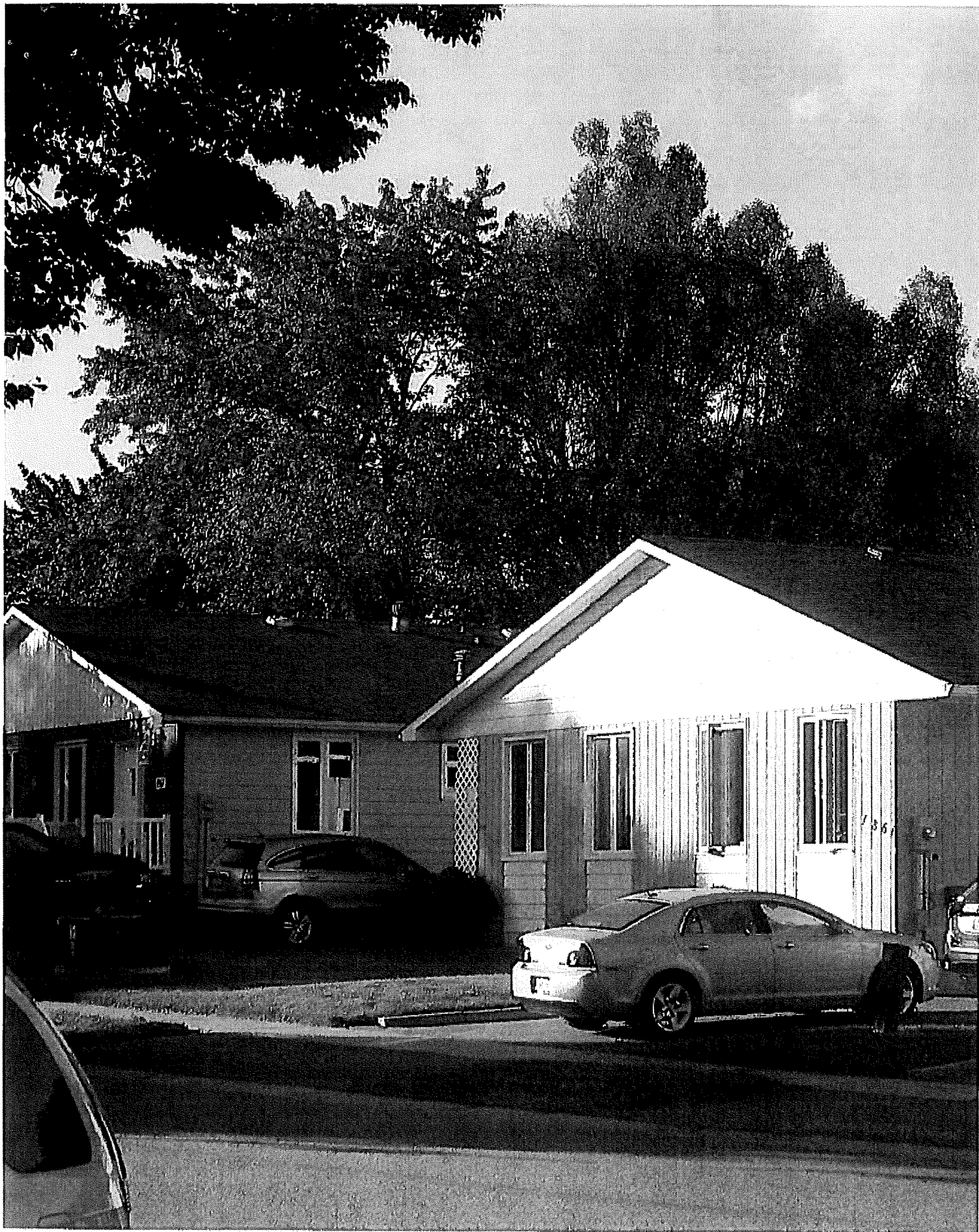
TAB 3







TAB 4

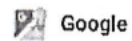


Huntington Dr



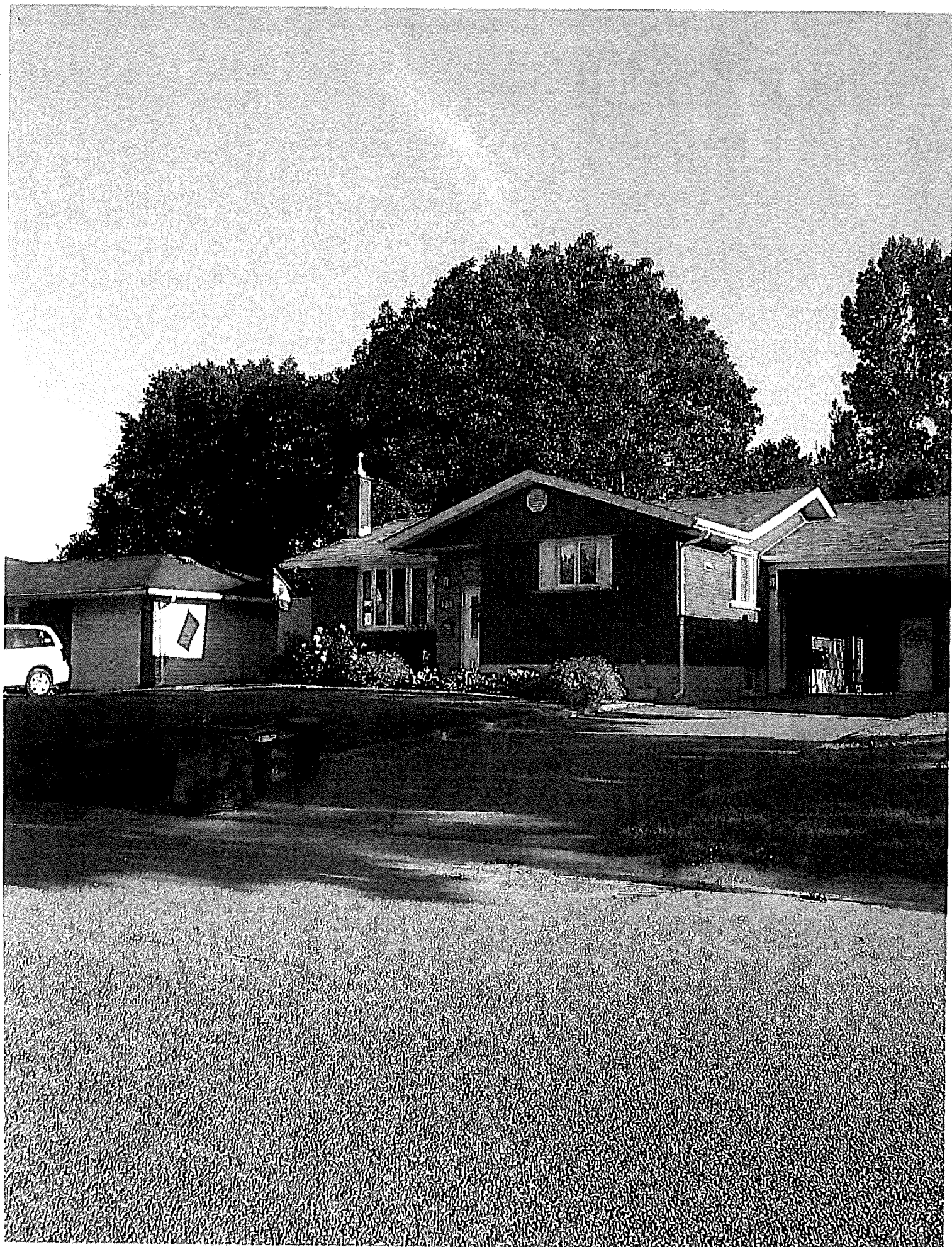
Image capture: May 2014 © 2021 Google

Greater Sudbury, Ontario



Street View





Courlland Dr

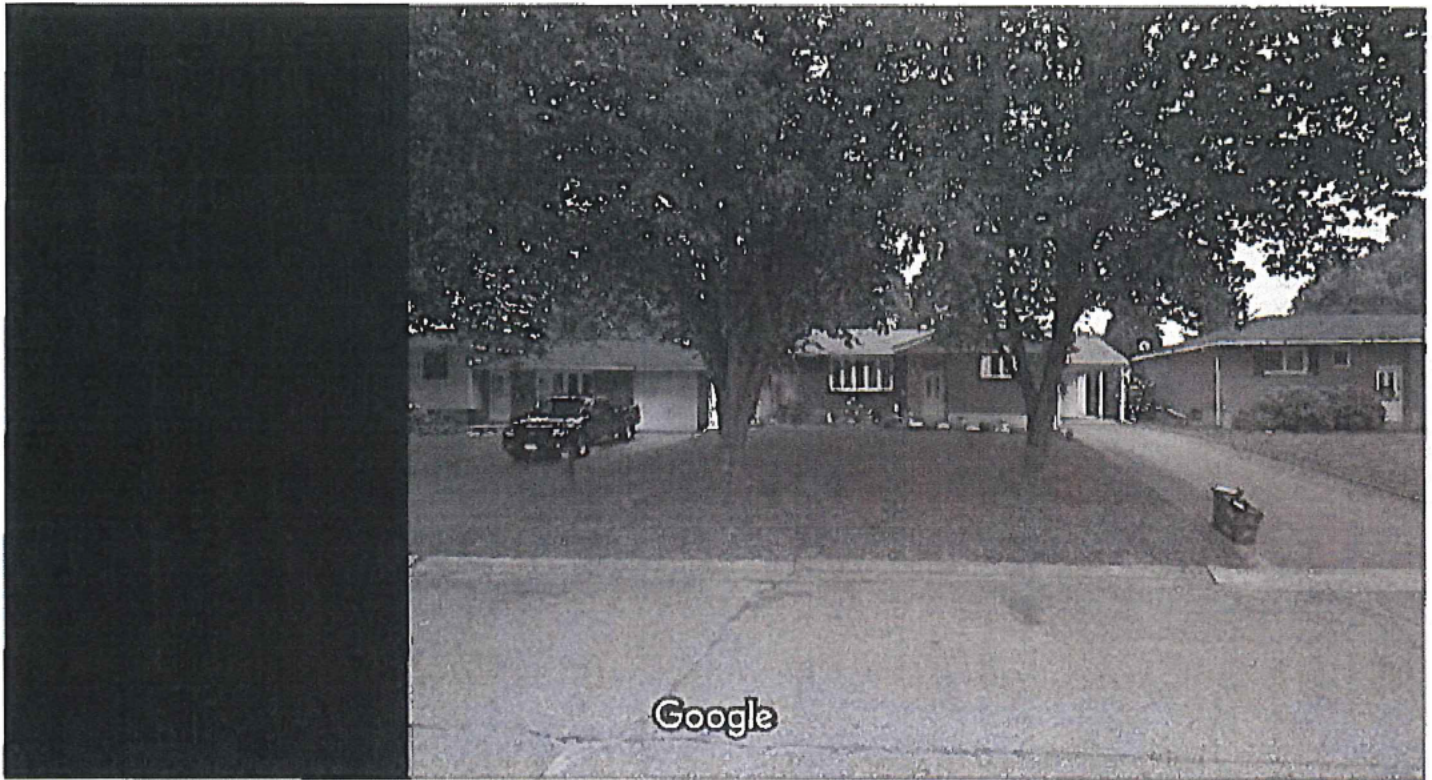


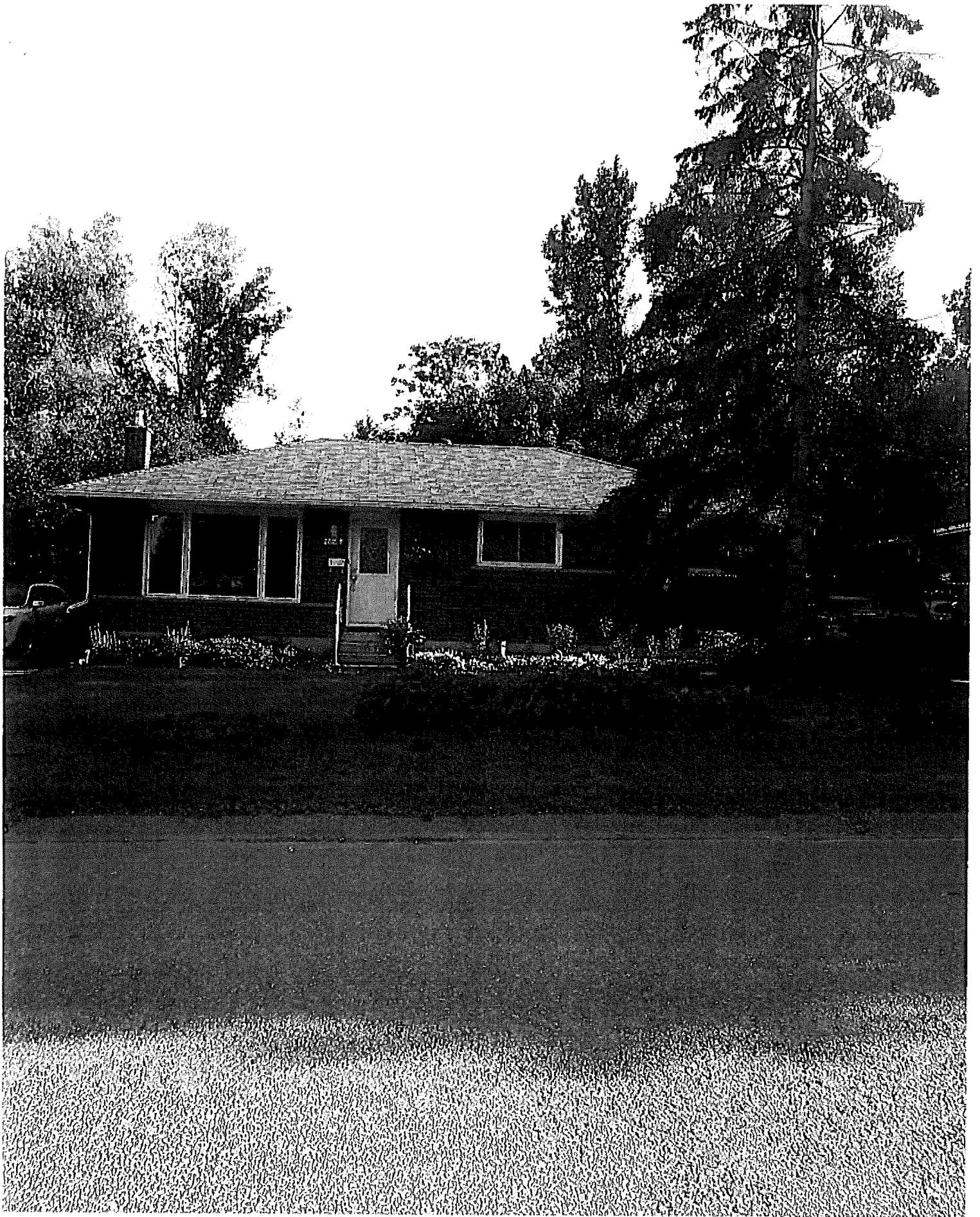
Image capture Aug 2015 © 2021 Google

Greater Sudbury, Ontario

 Google

Street View

Handyman
Sudbury,
Surplus Furniture and
Mattress Warehouse



Google Maps

Morningside Crescent

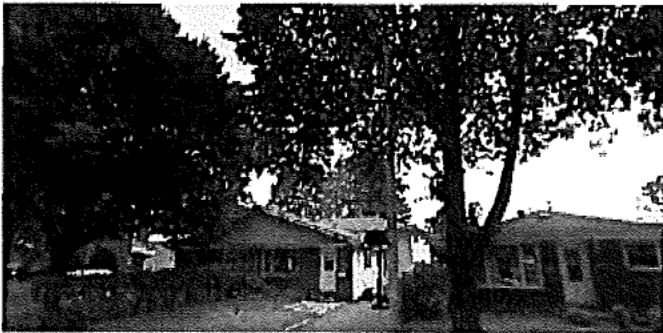


Image capture: Aug 2015 © 2021 Google

Greater Sudbury, Ontario



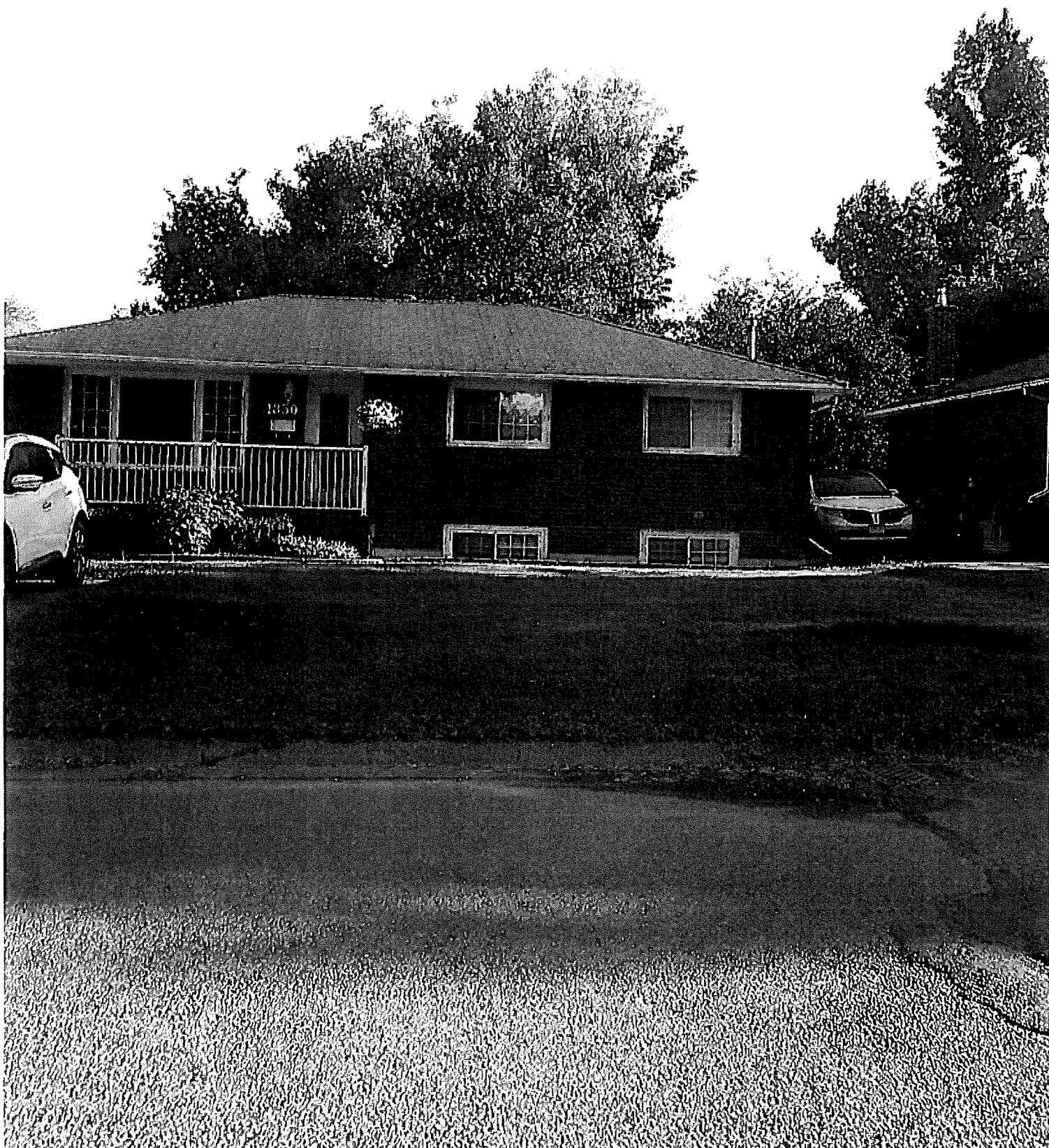
Street View



Currently shown: Aug 2015

Catholic Elementary ▼





Google Maps

Courtland Dr

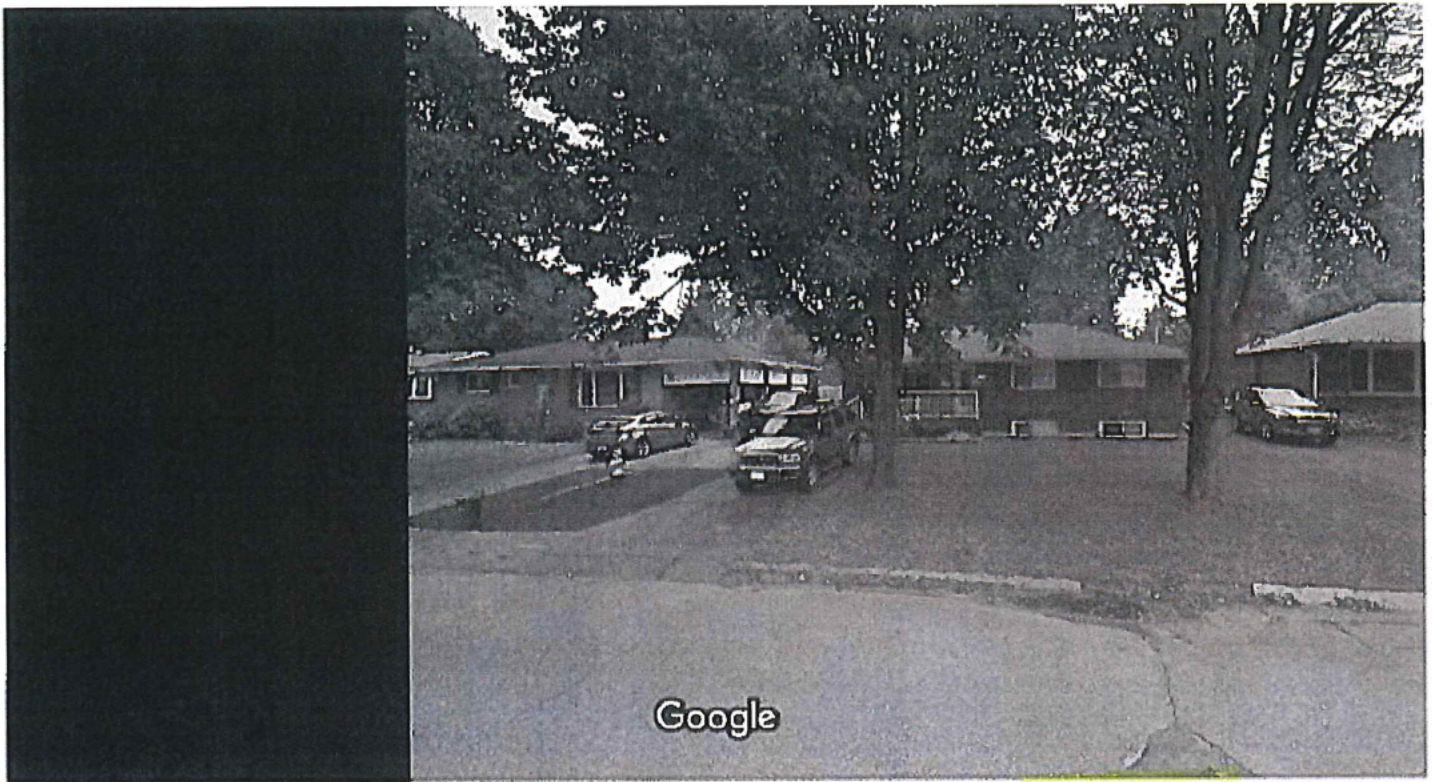


Image capture: Aug 2015 © 2021 Google

Greater Sudbury, Ontario

 Google

Street View

Hawthorne Dr
Col.
Sudbury,
Surplus Furniture and
Mattress Warehouse

TAB 5



Courtland Dr

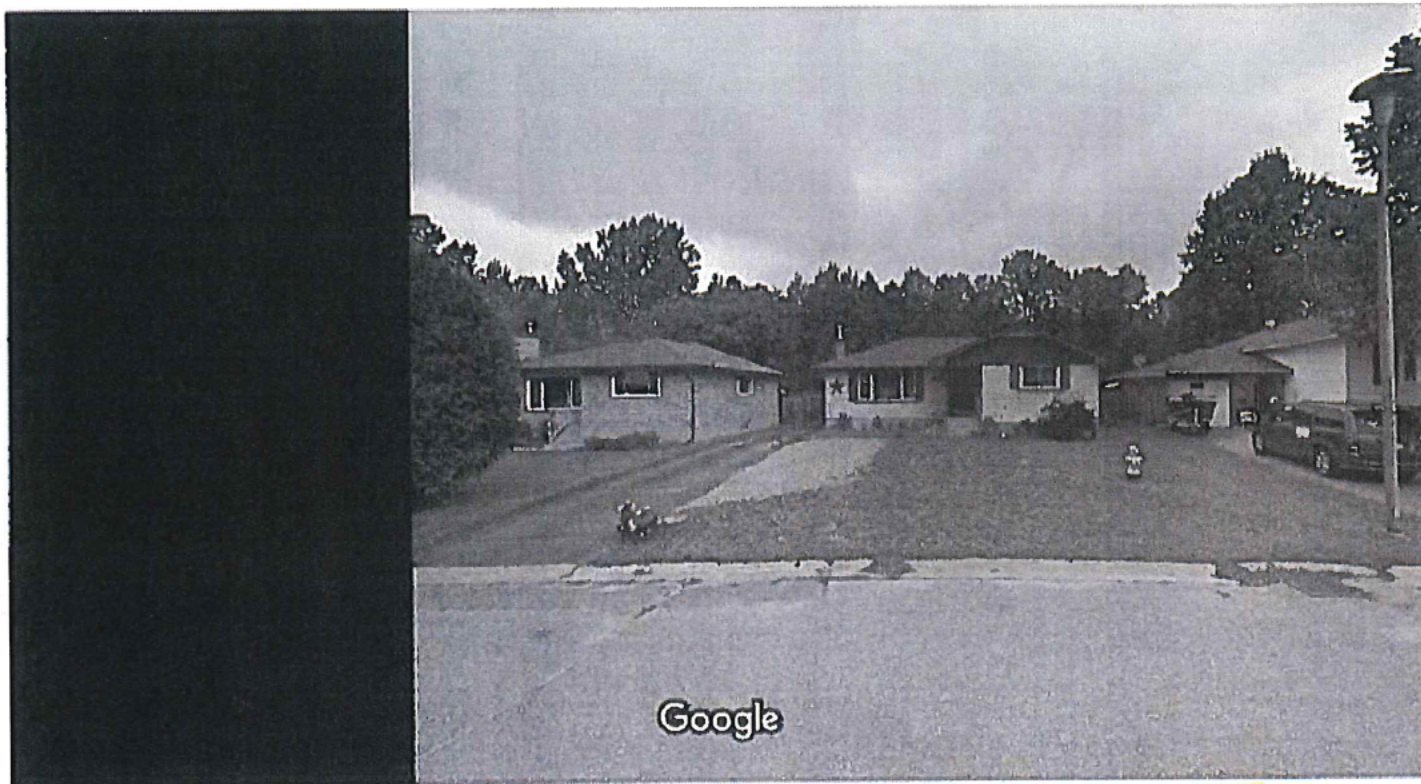



Image capture: Aug 2015 © 2021 Google

Greater Sudbury, Ontario

 Google

Street View

1896 Courtland Dr
Greater Sudbury, Ontario
Plus Furniture and
Mattress Warehouse 

Courtland Dr



Image capture: Aug 2015 © 2021 Google

Greater Sudbury, Ontario

 Google

Street View



Google Maps

Courtland Dr



Image capture: Jul 2009 2021 Google

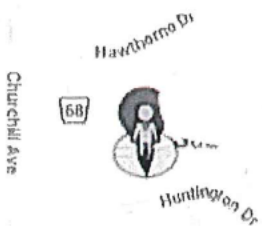
Greater Sudbury, Ontario

Google

Street View



Currently shown: Jul 2009

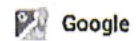


Morningside Crescent

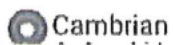
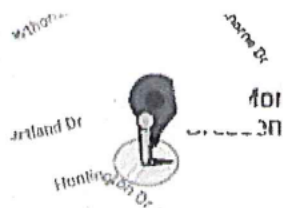


Image capture: Aug 2015 © 2021 Google

Greater Sudbury, Ontario



Street View



Google Maps

Morningside Crescent

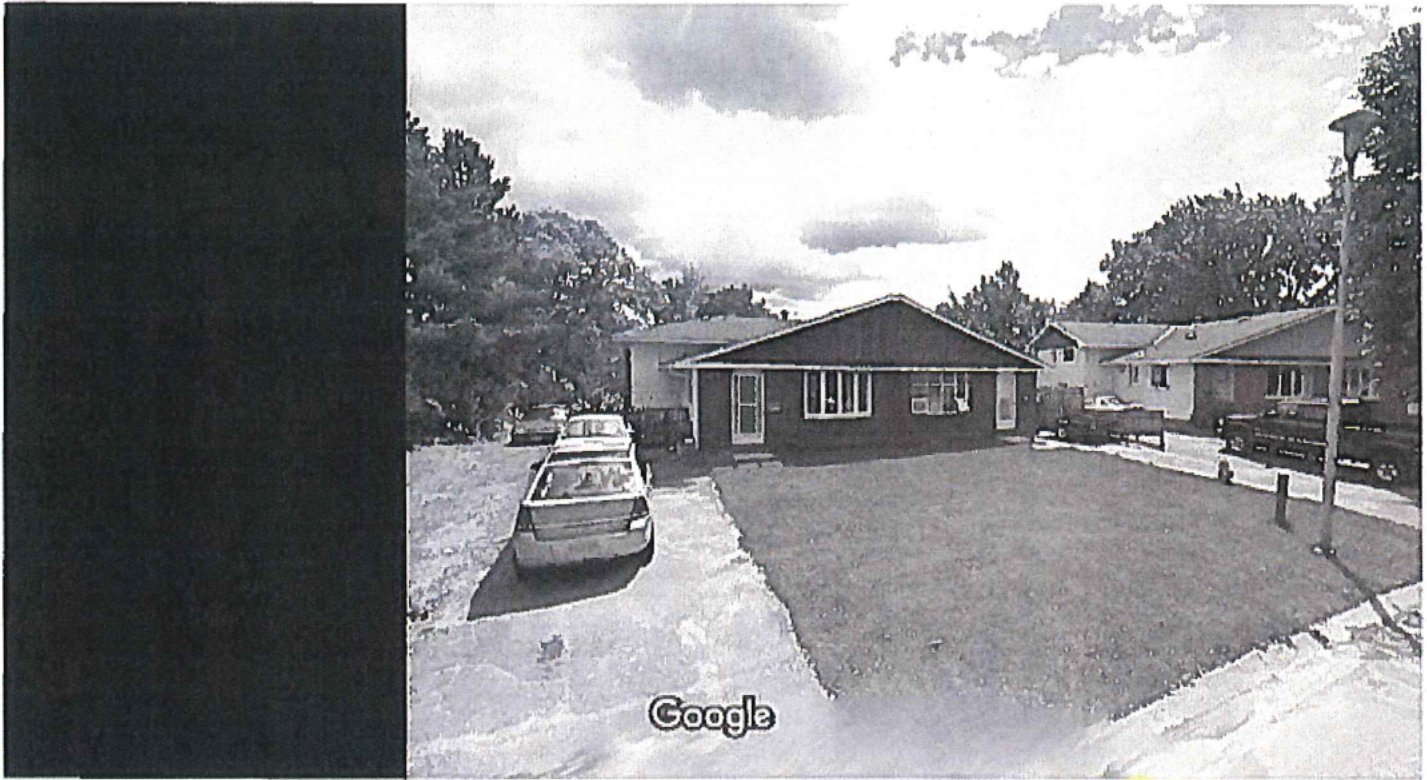


Image capture: Jul 2009 © 2021 Google

Greater Sudbury, Ontario

 Google

Street View



Currently shown: Jul 2009



Google Maps

Morningside Crescent

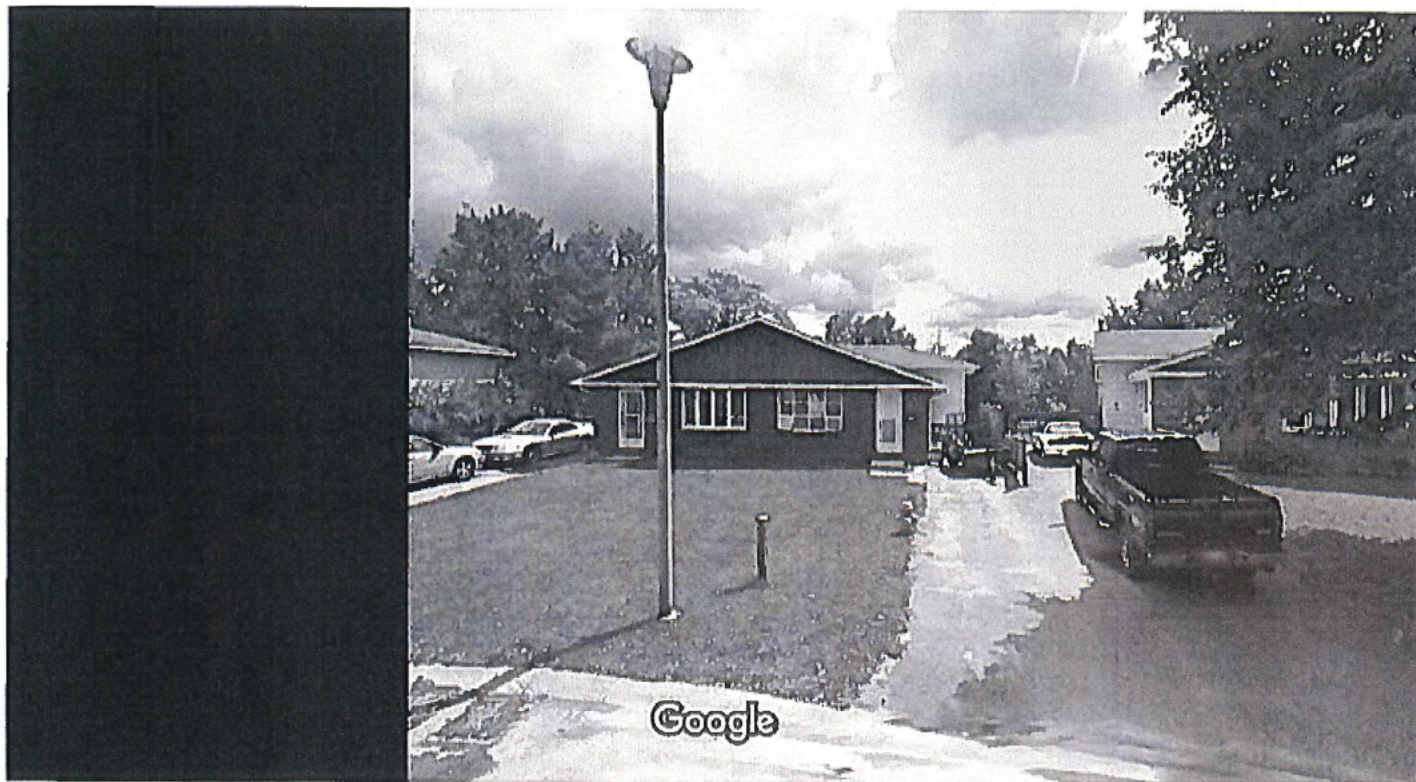



Image capture: Jul 2009 © 2021 Google

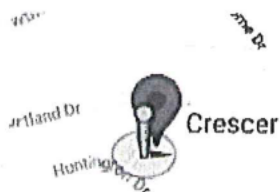
Greater Sudbury, Ontario

 Google

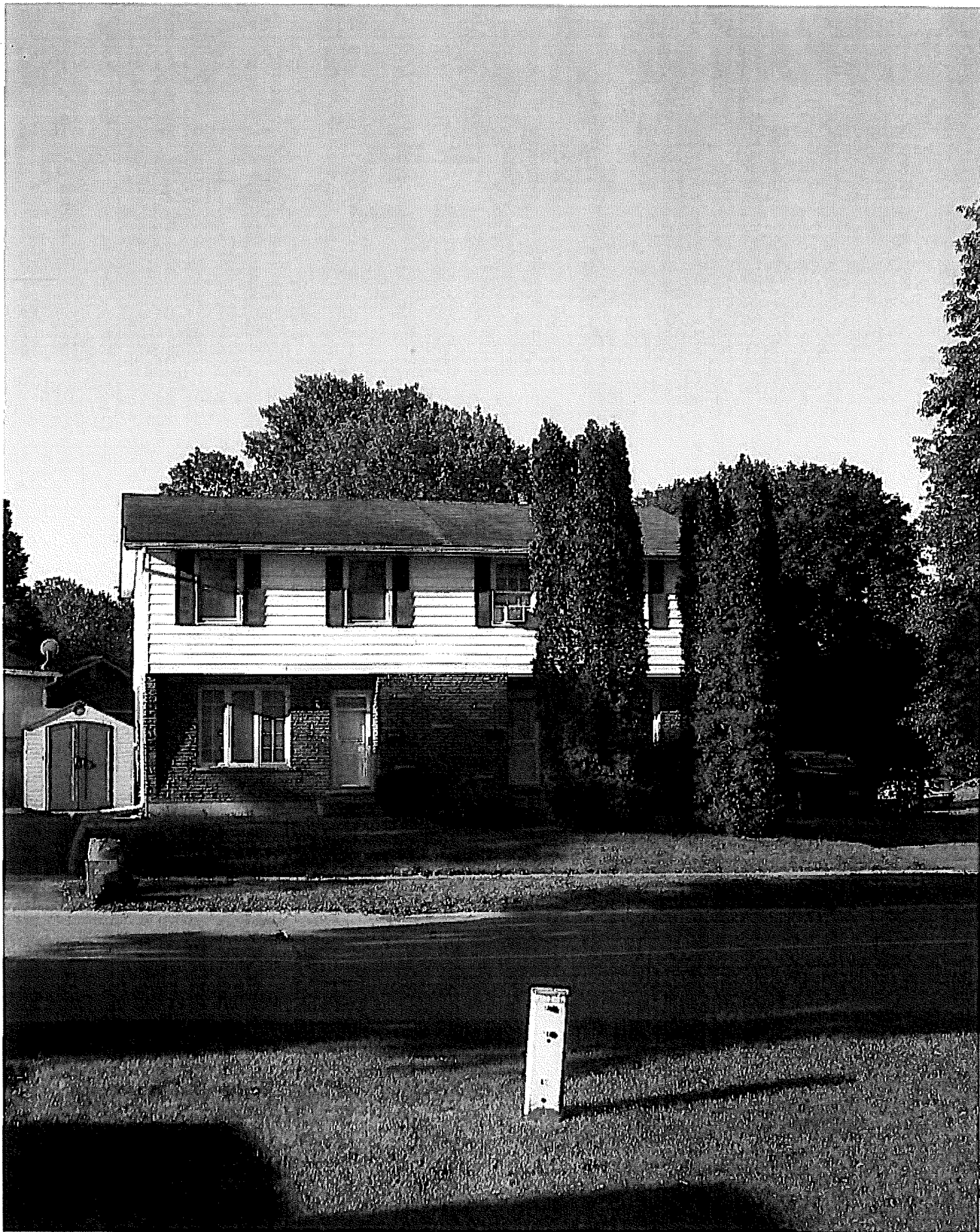
Street View



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Google Maps

Huntington Dr

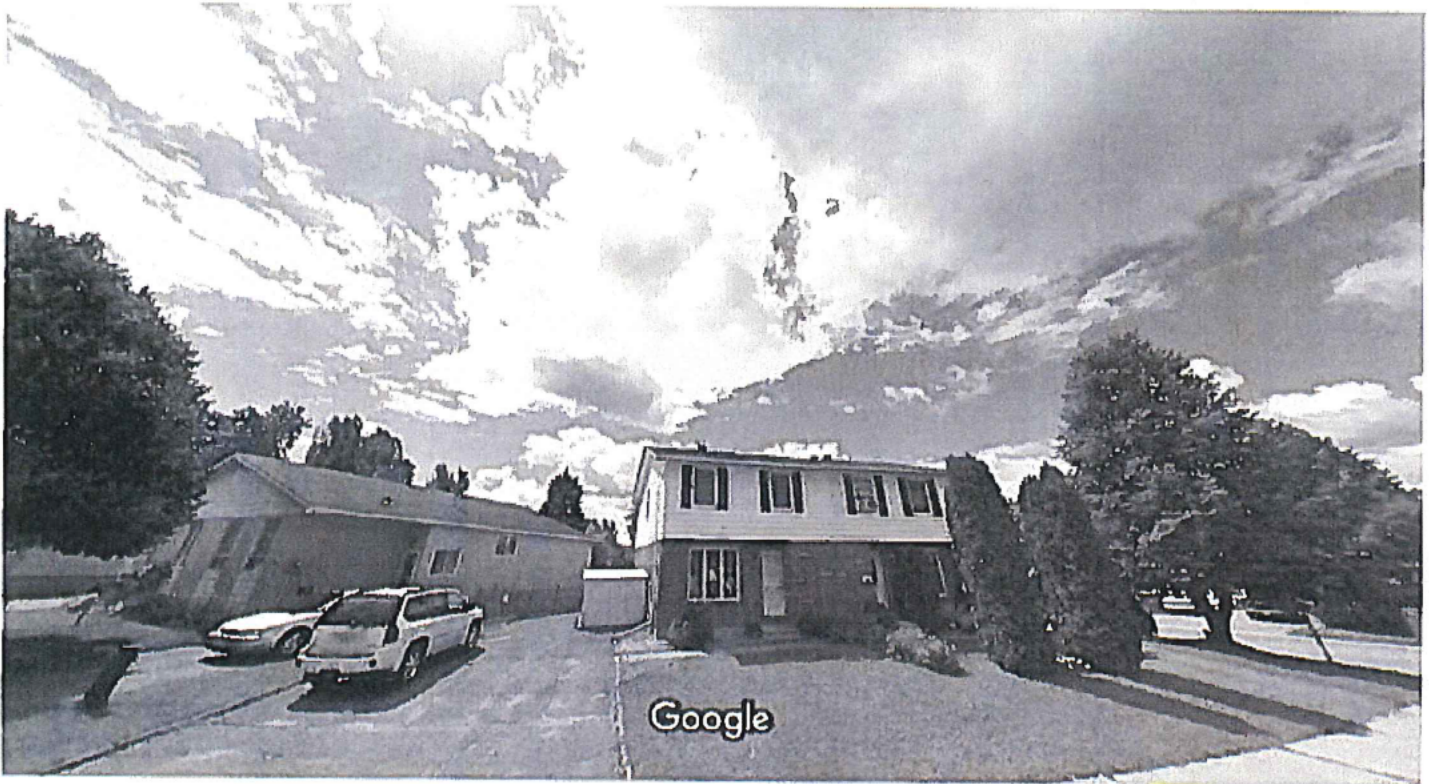


Image capture: Jul 2009 © 2021 Google

Greater Sudbury, Ontario



Street View

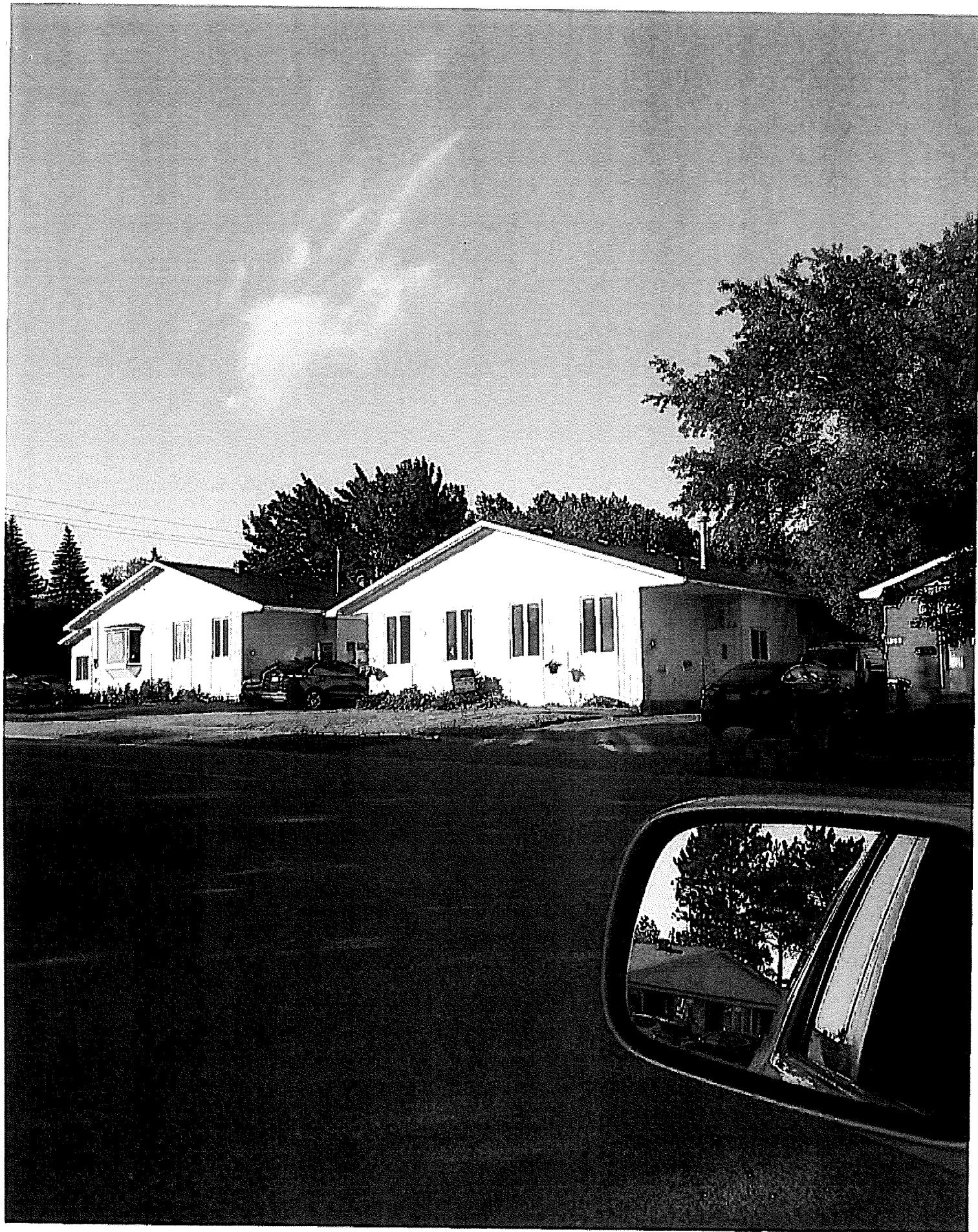


Currently shown: Jul 2009

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Animal t




Google Maps

Huntington Dr



Image capture: Apr 2012 © 2021 Google

Greater Sudbury, Ontario

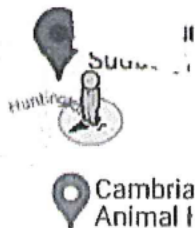
 Google

Street View



Currently shown: Apr 2012

8



Notice of Appeal Form 1

Part 7: Required Fee	Receipt #:
Total Fee Submitted	N/A
Date of Payment	

May 18, 2021

Mrs. Janice Lynn Murray
1858 Huntington Drive
Sudbury ON P3A 1J6

"REGISTERED MAIL"

Dear Ms. Murray:

RE: REQUEST NOT TO INSTALL A REPLACEMENT TREE: 1856 AND 1858 HUNTINGTON DRIVE, SUDBURY

It was determined in 2018 that the Linden tree located on the City's Right of Way (ROW), fronting your property, needed to be removed for safety reasons. Our records indicate that the City completed tree removal and stumping of the Linden tree by 2020. Bylaw 2011-243, as amended by Bylaw 2016-167, dictates that the City will plant a replacement tree where one was previously removed unless extenuating circumstances indicate otherwise. These Bylaws are available for review on the City website: <https://www.greatersudbury.ca/city-hall/by-laws/#Availability>


At your request, staff have investigated the matter and determined that there are no extenuating circumstances that would warrant not planting a replacement tree on the City's ROW at this location. Given the available road frontage, it is our intent to plant one tree (Japanese Lilac), approximately centred and fronting you and your neighbours (Ms. Anderson) property. A replacement tree planted here will add to the natural beauty and environmental sustainability of your neighbourhood that already has a well-established tree canopy.

However, if you are still unsatisfied with staff's decision to proceed with planting a replacement tree, the above noted Bylaw and its amendment allows for an appeal process. You may appeal this decision by completing and submitting the attached "Notice of Appeal Hearing Committee Form 1" by mail or email to:

Deputy Clerk
P.O. Box 5000, Stn. "A" or clerks@greatersudbury.ca
200 Brady Street
Sudbury ON P3A 5P3

If an appeal is filed, you will be notified of the details of your Hearing Committee Meeting. If an appeal is not filed within 30 calendar days of receiving this letter, a tree will be planted on the City's ROW as planned. In the interim, if you have any questions on this matter please feel free to contact me directly.

Yours truly,


Tony De Silva P. Eng.,
Road Operations Engineer
705 674 4455 ext. 3614
TD/dh

Encl. Notice of Appeal Hearing Committee Form 1

c.c.: Ward 8 Councillor, Al Sizer
Tony Cecutti, General Manager of Infrastructure Services
Brittany Hallam, Acting Director of Linear Infrastructure
Rick Henderson, Manager of Operations, SE Section
Stephen Monet, Manager of Environmental Planning Initiatives
Clerk's Services
Erin Elaine Anderson, 1856 Huntington Drive, Sudbury ON

RECOMMANDÉ RÉGIME INTÉRIEUR REÇU DU CLIENT	REGISTERED DOMESTIC CUSTOMER RECEIPT	Canada POSTES POSTES CANADA	Destination Nom Mme Janice Lynn Murray Adresse 1858 Huntington Drive Ville / Prov. / Code postal Sudbury ON P3A 1J6 Déclaré Valeur \$ 0	FOR DELIVERY CONFIRMATION DE LA LIVRAISON canadiapost.ca 07/01/21 1 888 550-6333 CPC Tracking Number RN 454 605 160 CA
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SENT REGISTERED MAIL

May 19, 2021

CASE ID # - 210502-084233

**Ms. Erin Elaine Anderson
1856 Huntington Drive
Sudbury ON P3A 1J6**

**RE: 2021 Tree Planting on City Property
Property Location – 1856 Huntington Drive, Sudbury**

Dear Homeowner,

The City of Greater Sudbury's Forestry Section will be planting a tree on City property in front of your home. The 2021 planting season is scheduled to take place in May and June of this year.

The City's Tree Warden has selected a species of tree based on the soil conditions, surrounding obstacles (overhead/underground wiring) and natural promotion for growth in the area.

Included with this letter is an information sheet regarding the benefits of an urban forest.

Any further information regarding the City's tree planting guidelines or approved tree species list, can be found in the Tree By-Law 2011-243 and 2016-167. Both can be viewed at greatersudbury.ca/bylaw

Yours truly,



Rick Henderson
Manager of Operations
Linear Infrastructure Services
Growth & Infrastructure

Enclosure – Fact Sheet

Cc: Co-ordinator(s) of Roads OPS / Foreperson(s)
File

Le 19 mai 2021

CAS N° 210502-084233

Ms. Erin Elaine Anderson
1856 Huntington Drive
Sudbury ON P3A 1J6

OBJET : Plantation d'arbres de 2021 sur les propriétés municipales
Lieu de la propriété – 1856 Huntington Drive, Sudbury

Cher propriétaire,

La Section de la foresterie de la Ville du Grand Sudbury plantera un arbre sur la propriété municipale se trouvant devant votre résidence. La saison de plantation de 2021 s'étendra de mai à juin.

L'agent de conservation des arbres de la Ville du Grand Sudbury a choisi une espèce d'arbres en fonction des conditions du sol, des obstacles environnants (les fils suspendus et souterrains) et des arbres poussant naturellement dans cette région.

Veuillez trouver ci-joint une fiche d'information sur les avantages procurés par les forêts urbaines.

Vous trouverez des renseignements additionnels sur les lignes directrices régissant la plantation d'arbres par la Ville du Grand Sudbury, de même qu'une liste des espèces approuvées d'arbres, dans le règlement municipal relatif aux arbres (*Règlement 2011-243 et modification 2016-167*), disponible au www.grandsudbury.ca/reglements-municipaux.

Sincèrement,



Rick Henderson
Gestionnaire des opérations
Services de l'infrastructure linéaire
Croissance et Infrastructures

Pièce jointe – Fiche de renseignements

c. c. : coordonnateur(s) des opérations routières / superviseur(s)
dossier

The Benefits of Trees

- Trees provide food for people and animals (fruit, berries and nuts).
- Trees make the air more breathable by reducing particulate matter.
- By planting trees and shrubs, you can reduce noise pollution.
- Tree-lined streets increase traffic safety by making streets appear narrower.
- Trees capture carbon and become carbon 'sinks' which reduce the Greenhouse Effect.



- Trees' root systems help prevent soil erosion, which prevents water pollution.
- Trees provide shade that cools water, benefitting certain species of fish (notably salmonids) - their roots and branches provide space for fish to hide from predators.
- Properties with trees are generally valued higher in the real estate market.
- Trees provide employment in the forestry field: foresters, arborists, lumber, research, tree workers, etc.
- Trees provide recreation and attract tourists: hiking trails, camp grounds.
- Trees provide shade in the summer, which saves on air conditioning costs, conifers insulate homes in the winter, reducing heating costs.
- Trees shade asphalt, making streets and parking lots cooler and extend the life of the asphalt.
- Trees planted in fields shield against wind and snow and help protect crops.
- Trees beautify the landscape and block out unattractive views.
- Trees provide shelter for wildlife.
- Trees provide health benefits such as stress reduction and speed the healing process.
- Trees bring us closer to nature and help us to reconnect with culture.

Les bienfaits des arbres

- Les arbres fournissent de la nourriture aux gens et aux animaux (fruits, baies et noix).
- Les arbres rendent l'air plus respirable en réduisant la matière particulaire.
- En plantant des arbres et des arbustes, vous pouvez réduire la pollution par le bruit.
- Les rues bordées d'arbres sont plus sécuritaires parce qu'elles semblent plus étroites et ralentissent le trafic.
- Les arbres captent le carbone et deviennent des « puits » de carbone qui réduisent les gaz à effet de serre.
- Le système racinaire des arbres aide à prévenir l'érosion du sol, ce qui aide à son tour à prévenir la pollution de l'eau.
- Les arbres fournissent de l'ombre qui rafraîchit l'eau, aidant certaines espèces de poisson (spécialement les salmonidés); leurs branches et leurs racines fournissent un abri aux poissons contre les prédateurs.
- Les propriétés boisées ont généralement une plus grande valeur immobilière.
- Les arbres fournissent de l'emploi dans le secteur de la foresterie : forestiers, arboristes, bois d'œuvre, recherche, travailleurs forestiers, etc.
- Les arbres sont des sources de loisirs et attirent les touristes : sentiers de randonnée, terrains de camping.
- Les arbres fournissent de l'ombre en été, réduisant les coûts de climatisation; les conifères isolent les maisons en hiver, réduisant les coûts de chauffage.
- Les arbres fournissent de l'ombre aux surfaces asphaltées, rendant les rues et les parcs de stationnement plus frais et prolongeant la durée des espaces asphaltés.
- Les arbres plantés dans les
- champs offrent une protection contre le vent et la neige, aidant à protéger les cultures.
- Les arbres embellissent le paysage et dissimulent des aspects moins attrayants.
- Les arbres fournissent un abri à la faune.
- Les arbres fournissent des bienfaits pour la santé, comme la réduction du stress, et accélèrent le processus de rétablissement.
- Les arbres nous rapprochent de la nature et nous aident à renouer des liens avec la culture.

