

WHAT IS A HERITAGE TREE?

Heritage Tree: a noble specimen because of its size, form, shape, beauty, age, colour, variety, genetic constitution, or other distinctive features; a living relic that displays evidence of cultural modification by Aboriginal or non-Aboriginal people including strips of bark or knot-free wood removed, test hole cut to determine soundness, furrows cut to collect pitch or sap, or blazes to mark a trail; a prominent community landmark; a specimen associated with a historic person, place or event or period; a representative of a crop grown by ancestors and their successors that is at risk of disappearing from cultivation; a tree associated with local folklore, myths, legends or traditions; a specimen identified by members of a community as deserving heritage recognition.

LINKS OF INTEREST

Preserving Old Heritage

Trees <https://sites.aces.edu/group/homegrounds/blog/Lists/Posts/Post.aspx?ID=182>

WHERE ARE THE ONTARIO HERITAGE TREES?

Below is a sample of some Heritage trees designated under Part IV of the Ontario Heritage Act as of May 2011. Each tree has a Municipal Designation By-laws to protect it. Carolinian Oak Tree Ashfield-Colborne-Wawanosh Township Mill Road (north side), 350 meters west of CPR, Colborne Township, Huron County Opposite Part 5, Plan 22, R-676 Block A Bylaw 003-1992 The Blacksmith's Tree 15260 Yonge St, Aurora Plan 246, Part Lots 15, 16, 21, 17, 18, 19 Bylaw 5053-08.R Notice of Intention to Repeal Bylaw – June 2010 Osage Orange Tree Hedgerow 5400 Old School Rd, Caldeon E1/2 Lot 23, Conc 5 EHS; west side of Torbram Road running north from Old School Road Bylaw 99-24; 99-120 Manor House (stable and Cottonwood Tree) Georgina Township 153 High St, Sutton Block 53, Plan 69 Bylaw 91-57 Tree

Stand 10 Grant Avenue, Grimsby Part 1st St., Part 2nd St., Part Bowslaugh Ave., Lots 322- 325, Lots 370- 375, Plan 64, Part Lot 3, Concession 1 Bylaw 010-40 Double-Trunked Maple Tree Hamilton Lot 28 Concession 9 Bylaw 244-82 Speyside Royal Oak (English oak tree) 11445 Highway 25, Halton Hills Part Lot 18, Concession 3, Part 1, Plan 20R-1522 Bylaw 2007-0077 The White Oak 438 Botsford St, Newmarket Lot 56, Part Lot 58, Plan 81 Bylaw 2005-44

ACTION STRATEGIES

Here are the ways heritage trees can be protected in a nutshell... - Under the Municipal Act by a tree protection by-law (see A below) - Under the Ontario Heritage Act by (a) designation by the Municipality (see B below) (b) designation by the Minister (see C below) (c) by designating the geographic area as a Heritage Conservation District (see D below) (e) by an easement held by the Ontario Heritage Trust (see E below) - Under the Planning Act A. Trees in a municipality can be protected on private and public property (needs to be specified) by the passing of a municipal by-law under Section 135 of the Municipal Act. This could include "heritage trees" (which would need to be defined) and trees that qualify would be listed under a Schedule to the by-law. The by-law would likely/should specify that the tree cannot be damaged or destroyed and must be maintained using good heritage tree stewardship practices; B. Under the Ontario Heritage Act Part IV Sections 29 to 34.4 Municipalities may designate by By-law private "properties" on which a "heritage tree" is located (the owner can put forward the designation or if not interested, others may request designation and the owner may object and appeal to the Conservation Review Board under the Ontario Heritage Act). Through designation, the tree cannot be destroyed or altered (Section 30) without the written approval of the Municipality. There are two ways that municipal designation of trees can be initiated: (a) by request of the owner, (b) by request of any ratepayers to the Municipal Heritage Committee (MHC) which can (it doesn't always) recommend to Council. NOTE: While designation is a form of protection that involves recognition and a degree of security, Council can repeal designation by-laws. C. Under the Ontario Heritage Act Part IV Section 34.5 to 34.9 the Minister of Culture can also designate "properties" (permission of the landowner is not required). Through designation, the tree cannot be destroyed or altered unless the Minister consents (Section 34.5 (2)). This is rarely used....but anyone can petition the Minister. NOTE: An owner can apply to the Minister to alter or demolish the designated property and the

Minister will discuss the request with the Ontario Heritage Trust before rendering a decision. D. Part V of the Ontario Heritage Act allows for the designation by By-law (Part V Section 40.1) of Heritage Conservation Districts (HCD). Trees are generally identified as significant heritage attributes within the scope of almost every existing Heritage Conservation District. While there may not be a HCD that focuses only on trees, that is a possible scenario and may occur at some point. HCDs start with a study (Part V Section 40). This is a Council initiated study, but if there is a Municipal Heritage Committee, Council has to consult with the MHC (Part V Section 40(3)). All HCDs are reviewed and approved by the Ministry of Tourism and Culture, Culture Services Unit. Within the HCD there can be no alteration or destruction of the designated heritage features, i.e. the trees. E. In addition to the above, the Ontario Heritage Trust has the power (Part II Section 22) to enter into heritage conservation easement agreements under the Ontario Heritage Act (Part II Section 10(1) (c) which get registered on title against the property binding all present and future landowners. The Trust currently does not hold an easement specifically over a heritage tree to protect it, but it would be possible if the tree met the significant cultural values criteria in Ontario Regulations 10/06 made under the Ontario Heritage Act for defining "provincial significance". NOTE: Protection by a heritage conservation easement agreement is an "in perpetuity" protection of cultural property and this protection can not be revoked except by mutual consent of both parties. There are as well significant planning tools also available under the Planning Act and the Provincial Policy Statement 2005 (particularly cultural heritage landscapes under Section 2.6.1) for tree protection. Note: The Trees Ontario Heritage Tree program http://www.treesontario.ca/programs/index.php/heritage_tree_program has no statutory authority. It is a web based public recognition and celebratory program.

HERITAGE TREE TRAINING

by Brenlee Robinson, M.A.T., M.F.C. Assessing Old Trees with New Eyes

We can all agree that trees are valuable – but we can change our ideas about why. On Dec. 3 2008, heritage tree experts from the Ontario Urban Forest Council (OUFC) ran a fabulous and informative one-day training session for seven of Trees Ontario field advisors and others, on how to assess potential heritage trees and use the rating system developed by the OUFC and the Ontario Heritage Tree Alliance (OHTA). The OHTA is an ongoing project of the OUFC. The day consisted of a half-day of theory, and a half-day of practice using the rating guide for single trees or tree pairs. As the participants' experiences were as foresters with MNR, the perspective of valuing trees for their heritage value rather than for their timber or environmental value required a real "change of lenses", or new eyes. The theory portion was presented by Barbara Heidenreich, Natural Heritage Coordinator, Ontario Heritage Trust, who did a masterful job of making a lot of information digestible. She reviewed existing provincial policies, and spoke of the challenges of establishing effective tree protection by-laws. There are provisions within Ontario legislation for protection of trees. Unfortunately, few people are aware of these provisions, and only become interested in tree protection when a specific tree or stand is already slated for removal. As well, even when citizens are actively engaged in tree protection, as with many issues, protection is only as good as enforcement and penalty provisions. The Ontario Heritage Act has been used successfully on rare occasion to protect trees. The Planning Act and Sections 135 - 141 of the Municipal Act allow municipalities to protect trees very effectively. It is up to the community members to ensure these tools are used. Tree protection begins long before the whine of the chainsaws. Municipal councils are there to look after the public interest, and council agendas respond to public demands.

<http://www.oufc.org/ohtaprotectiontoolkit.htm> The field advisors will be the first point of contact for many people who are interested in saving trees they believe to be valuable. Therefore it is important for the field advisors to continue to stay current on information regarding saving trees in their districts. The morning concluded with contributions on "next steps" for the field advisors from Fran Moscall, OHTA chair. The second part of the day was in the "field", or in this case, Edwards Gardens in Toronto. Peter Dmytrasz Supervisor, Tree Protection & Plan Review Etobicoke York District, led the practical session in his endlessly patient manner, with supporting contributions from Jack Radecki, Executive Director of the OUFC. The criteria for assessing a potential heritage tree were created in 2006 by the Ontario Heritage Tree Alliance, a project of the OUFC. The five factors are: rarity, prominence, appearance, social and integrity. Each of the five factors has sub-factors, and rating guidelines. Peter had pre-

designated six trees with various cultural and historical significance, for the workshop participants to practice assessing with “new eyes”. The Black Walnut tree planted in 1900 was a beautiful specimen, but as it had no cultural or social significance, it failed to qualify as a candidate heritage tree. On the other hand, a pair of visually unremarkable Honey Locust trees met the criteria. The unknowing passerby might not realize these two trees were planted at the gate of the family cemetery at the turn of the last century, and as was tradition at the time, were called “husband and wife trees”. The field advisors were coached on methods to find cultural and historical information on community trees. Tree history may not be in obvious places. Research may require creativity such as connecting with the local librarian, the local historical society, or chatting with the old timers at the legion or community center. It was noted that while foresters are often known as a fairly laconic bunch, they were coached to “not talk too much” while interviewing community resource people! Talk about a change of “lenses”! In 2006 the OHTA published “Securing the Future of Heritage Tree: A Protection Toolkit for Communities”. The response and interest from communities has been exceptional, and communities around Ontario have been engaged in “Tree Hunts” to find and protect potential heritage trees, guided by the toolkit and support from volunteers from OUFC and beyond. In 2008 Trees Ontario received a grant to build a province-wide database for compiling information on heritage trees. If you think you may know of a candidate heritage tree, please contact a Trees Ontario Field Advisor for further advice and information. To find which field advisor is assigned to your area, go to <http://www.treesontario.on.ca/info/>. If you would like more information on building community interest in heritage trees, please contact info@oufc.org. Directors of the OUFC would be willing to discuss providing training sessions to your city/municipality. Participants from Trees Ontario were: Ed Borczon, Scott Brown, Al Corlett, Donald Gummer, Greg Greer, Brian Swaile, Adam Zulinski. Participants and Presenters from the Ontario Urban Forest Council were Barbara Heidenreich, Peter Dmytrasz, Brenlee Robinson, and missing from the photo are Jack Radecki, and Fran Moscall. **Heritage Trees Seed Collection-Locating Heritage and Community Seed Treasure Trees** Locating and documenting Community Seed trees for climate change plantings is an expansion of our view of heritage trees. We need to expand our cultural and historic heritage view of trees, to include tree species as our biological heritage, as well. Individual trees, avenues and groves and stands of trees are threatened by climate change during the next 30-100 years. Heat waves and droughts will affect photosynthesis, tree performance, tree health, and seed set. Read more... **Actions and Achievements**

in Heritage Tree protection Across this province, Individuals and community organizations are working to recognize and protect urban forests and heritage trees which are so integral to our healthy environment and social history. In 2006, the OUFC brought out its Heritage Tree Toolkit, to provide comprehensive tools, in lay-language, to help individuals and organizations eager to protect their oldest trees. In 2009, Trees Ontario began working with the OUFC on Heritage Tree protection and now provide an on-line nomination form (or you can use the paper version in our Toolkit). Either way, trees deemed to be potential candidates are inspected by Trees Ontario foresters, and if they get the nod, are then reviewed by a panel which includes representatives from Trees Ontario and the OUFC. Trees which receive the formal designation are entered into the Trees Ontario Heritage Tree database at www.treesontario.org. Across this province we are witnessing remarkable stories of personal tenacity and achievements which came about through hard work of individuals who persist through frustration, through joy and through humour to protect their treasured trees.