

Residents win reprieve over Longthorpe trees amid squabble

By Brock Weir

Aurora Councillors have tasked staff with finding alternatives to cutting down three trees in the southeast corner of Aurora that have divided both a Council and a community.

After over two hours of Council debate last Tuesday, Councillors voted to block the removal of three trees slated for the chopping block to clear up a grading and drainage issue on a property currently under construction on Longthorpe Court.

The decision came after Councillors received an updated report from Warren Mar, Solicitor for the Town of Aurora, asking Council to approve a tree replacement plan for the site. While the homeowner submitted a plan to plant six moderately sized trees in the place of the three mature trees in the way, Mr. Mar highlighted the trees' removal only needed the approval of the Director of Parks and Recreation.

"They weren't afforded any special protection beyond that," said Mr. Mar of any provisions made for the trees when they once shared a lot with a relocated heritage home. "When the subdivision agreement changed, the understanding was those trees were part of the heritage area that made up the Allen Brown House.

"Once that was removed, they weren't afforded any special heritage protection and could be removed. That is not on the table tonight. Staff have looked at the grading and decided that under the delegated authority, the trees will be removed. The authority that has been delegated to staff is being exercised."

That didn't wash for some Councillors who argued the situation changed when options on the trees' future were presented to Council in the first place. Councillor Paul Pirri, for instance, questioned how staff can "come back with a report" now saying they always had the authority all along to make the decisions.

"Did we have to claim no take backs?" he said.

Councillor Chris Ballard also said he had concerns and using the word "concern" was "charitable".

"Yes, the director has the delegated authority to make those decisions, but that authority ended the minute the question came to this Council for us to debate," said Councillor Ballard. "I was expecting tonight to make a decision about the trees, about the potential for infill and I find that authority has been taken away from me unilaterally.

"Those trees can be saved, engineers do amazing things with water redirection and I think it is just a matter of convenience and expense. I am at the point of saying right now that this is something the builder needs to deal with. The builder has the responsibility to make this right."

After hearing the explanation from staff, both Councillors Ballard and Sandra Humfries both said their "resolve" was stronger than ever to protect the trees. Councillor Humfries added she felt the process of this coming to Council when they had no authority at the end of the day to block the tree cutting "misled" residents.

Council's motion to protect the trees and having staff work with developers on an alternate grading plan was approved 5 ? 4 with Mayor Geoffrey Dawe, along with Councillors Evelyn Buck, Pirri, and Michael Thompson voting against it. For those in favour, the key point was the original grading plan itself, which was submitted to and approved by the Town while not making any notation of the trees on the property.

"When an engineer is sitting in a cubical looking at drawings where trees were not there, and approving an engineer's grading plan to put in a house with a walkout basement with low windows, of course they're going to approve it because there is nothing wrong with

it," said Councillor John Gallo. "Add in those trees and all of a sudden you have got a problem."

Although Councillor John Abel previously voiced his support for going ahead with the removal when this was last before Council, he said in light of the fact that hundreds of protected trees were felled in this neighbourhood making way for the rest of the homes surrounding this property, going that extra step in protecting the trees that are left, sends a good message.

Sending the right message was also important to Councillor Wendy Gaertner, who said she was "sorry" neighbours were upset about the plan.

"We have a developer that has caused so much trouble, we have a situation where we have before us a lot of frustrated, angry, and upset [residents] that have paid a lot of money to be upset and angry," she said. "They had promises made to them. If this Council allows these three trees to be removed, we're not taking care of the rights of our community, we're taking care of the rights of the developer.

Sometimes, however, you have to make tough decisions that go against the majority of the people in the room, argued Councillor Evelyn Buck.

"There was never any guarantee [neighbours] would be able to enjoy the view of those trees," said Councillor Buck. "They don't own them. They are on somebody else's property and that somebody else has rights. They go beyond the neighbours' enjoyment of their lot.

"There is no solution that will please both sides. That is what makes an elected office and responsibility difficult. You can't always be everyone's friend. You can't always do what everyone wants you to do because problems come up every now and again and problems have to be solved."