

Arborist Report

Pre-Construction Assessment

Prepared For:

Kristina Schneider

Site Address:

216 Mill St,
Kitchener, ON N2G 4L1

February 10th, 2025
Revisions – February 18th, 2025

Prepared By:

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Summary

The following Arborist Report is with respect to the proposed construction of an addition to the main building and a proposed new walkway at 216 Mill St, Kitchener.

23 trees were assessed on site:

Four – Trees are proposed for Removal.

Three – Trees are proposed to be Injured.

Sixteen – Trees are proposed to be Preserved.

Four - Trees are proposed to be removed to accommodate construction.

- Trees **#13-16** are proposed to be removed to accommodate the construction due to the change of grade for a new walkway.
- Trees **#13-16** will require individual permits for removal due to the D.B.H (Diameter at Breast Height) being above regulation size; >10cm D.B.H
- The City of Kitchener is expected to request up to 15 replacement trees to compensate for the removals of trees **#13-16**. The client shall plant 7 replacement trees on site and pay cash-in-lieu of planting for any required replacement trees not planted on site. Plant 5 Red Oak Trees, and 2 Tulip Trees, with a minimum caliper size of 60mm in the spring or fall of 2025, following construction. (Reference Appendix 2)

DBH Range (cm)	Lifecycle Stage	Compensation for Amenity Trees (Street/Park) Using 50mm Caliper Trees	Compensation for Naturalized Area Trees: Using 150 Container Grown Tree
0-9	Establishment	1 tree / tree removed ^a	1 CGT / 4m ² habitat removed ^b
10-19	Juvenile	2 trees / tree removed	8 CGT / tree removed
20-39	Semi-mature	3 trees / tree removed	12 CGT / tree removed
40-59	Mature [*]	5 trees / tree removed	20 CGT / tree removed
>60	Mature/ Senescent [*]	6 trees / tree removed	24 CGT / tree removed
Various	Heritage trees and cultural/ environmental significant trees	Appraisals [*]	Appraisals [*]
		\$1,800/compensation tree	\$50/compensation CGT

Three – Trees are proposed to be injured due to the proposed construction.

- Trees **#5, #9, and #11**, are proposed to be injured due to the encroachment of proposed construction of an addition to the main building at 216 Mill St, Kitchener. (Reference Appendix 2)
- A permit to injure will be required from the City of Kitchener due to the D.B.H of each tree being above regulation size.
- Low-impact root excavation shall be utilized while working withing the T.P.Z (Tree Protection Zone). Hand-digging, air-spade, or hydro-vac under Arborist supervision at limit of proposed addition. Certified Arborist to prune roots if/where necessary.

Sixteen– Trees are proposed to be preserved throughout the construction process.

- Trees **#1-4, #6-8, #10, #12, and #17-23** shall be protected through the entirety of the construction process.
- Tree preservation barriers shall be installed and built out of 1200mm high paige wire farm fence secured to T-bar posts. (Reference Appendix 2)
- Tree Protection Zones (T.P.Z's) shall remain undisturbed for the duration of site construction, no digging shall happen within its T.P.Z and shall not be used for the storage of excavated fill, building/construction material, structures or equipment.

It is imperative for all crew contracted to perform this construction to thoroughly understand this report and the recommendations stated within.

Introduction

Davey Resource Group (DRG) was retained by the client to develop an Arborist Report and Tree Protection Plan (TPP) for the proposed construction at 216 Mill St, Kitchener.

An inventory and assessment of all the trees within the scope of the assignment was conducted. The Arborist was to document the current condition, size, and location of the trees as they relate to the proposed work. To account for the spatial scope of work within the site, the location of the proposed construction and all trees within 6 meters of it were surveyed. All trees over 5cm in diameter within the scope of the survey were included in an inventory and assessed for protection or removal needs. Small ornamental trees and shrubs were not surveyed for this report.

Recommendations for tree preservation or removal are to be provided and follow City of Kitchener by-laws (UDM Part C, Section 13).

This report must be accompanied by the following additional documents:

1. A full printing of the tree inventory performed by Davey Resource Group (DRG), otherwise known as the Tree Protection Action Key (TPAK). (Appendix 1)
2. The construction maps with the Arborist Comments, otherwise known as the Tree Protection Plan (TPP). (Appendix 2)

Limitations of the Assignment

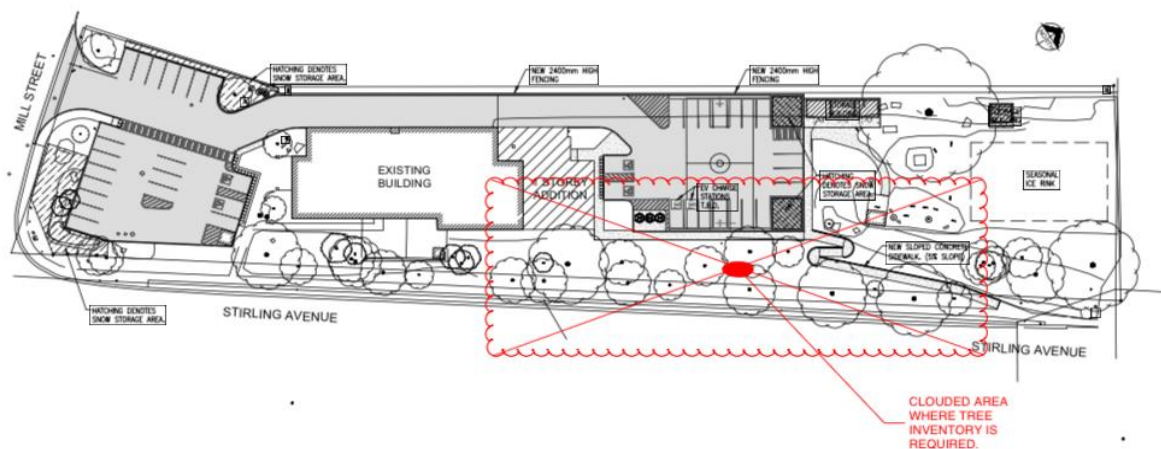
It must be understood that DRG is the assessor of the trees in relation to tree preservation practices. The construction supervisors should incorporate the information and recommendations provided within this report into their construction methodology to complete their project in a reasonable manner.

This Arborist Report is based on the project scope and details for tree preservation as discussed. All proposed construction methods are limited to what was provided in the site plans and in discussions with the Project Leader. Estimates, measurements, and comments regarding tree preservation were based on the proposed construction plans and field observations.

This Arborist Report was compiled from field data collected from the ground. A basic visual assessment of the tree was performed. No level of ISA Tree Risk Assessment was performed. More data on risk may be obtained through a basic or advanced ISA Tree Risk Assessment.

Methods

- Tools used to assess the trees included a metric Diameter tape, and an I-Phone camera.
- Photographs included in this report are labeled copies of their originals and may have been cropped for formatting.
- Trees were studied for their proximity to existing and planned structures to determine recommendations or precautions for trees requiring removal or injury.
- All trees over 10cm inside boundary marked in red were assessed for this Arborist Report.



Observations

- The site was inspected on January 16th, 2025, by ISA Certified Arborist Aaron Geurts (ON-3187A).
- **23** - trees were assessed for this report and labeled **#1-23** in the inventory and Tree Protection Plan included within Appendices 1-2.
- No injuries to any trees, nor any material storage or soil compaction within Tree Protection Zones was noted during the assessment.
- **7** - trees are in Good condition, **13** - trees are in Fair condition, and **3** - trees are in Poor condition.
 - Declaration of Health/Condition coincides with the designation criteria provided by the International Society of Arboriculture.

Discussion

To preserve and protect these trees, proper recommendations must be followed and abided by the client for the duration of the project.

Regulatory context

Private trees outside of woodlots in Kitchener are not regulated by any tree protection by-law, however Tree Management Policies exist which define standards and requirements for tree preservation plans as required by the city for site plan approval.

Tree Protection Zones

Construction within a certain distance of a tree risks damage to its roots by way of soil compaction, root damage or severance, trunk wounds, and breakage of limbs. It is important to set a zone encircling each tree at a specific distance within which construction should be excluded. Following the city's guidelines for Tree Protection Zone establishment, we have recommended that each tree's protection zone extend 1 meter from the edge of its dripline in all directions.

Any construction within the TPZ of a tree is likely to cause injury to it that may take time for the tree to heal from. It is typically closer to the tree than its dripline and encloses the tree's most significant structural and feeder roots. Trees may not easily recover from injury to these roots, so it is important to alter construction activity within TPZ's to preserve these roots. Demolition activity within a TPZ should avoid the use of heavy machinery to avoid compacting soil and breaking roots which lie just beneath the surface. Removal of hardscapes should utilize hand tools to break up material close to roots and avoid tearing or shredding of roots typically risked by using excavators. Digging and grading to install new buildings should be done carefully, with a non-invasive tool such as Hydro-Vac or an Air-Spade if possible, to expose roots prior to excavation and allow for root pruning to cut back roots to a clean cross section which the tree can more easily heal over. Where possible, TPZ's must be enclosed with rigid protection fencing, or "hoarding".

Tree Protection Hoarding (Appendix 3)

It is in the best interest of the client to take every precaution possible to minimize damage to trees where work is taking place, and to avoid any unnecessary injury to trees outside of work areas. On this construction site, hoarding (Tree Protection Fencing (TPF)) is recommended to protect all trees to be retained around the edges of the property and surround the construction site.

On most landscapes within a private property, solid plywood hoarding best serves to protect tree trunks from inadvertent damage. However, along city streets and at driveway entrances, it is recommended that high-visibility snow fence be affixed to a wooden beam frame, which allows for proper tree protection while allowing vehicle and pedestrian traffic to maintain visibility through the tree protection zone. Hoarding locations will be indicated on the Tree Preservation Plan (Appendix 2) which has been included in this report but will be printed to-scale for use on-site and in site plan approval applications. Problems will arise for tree preservation efforts when anyone removes the hoarding, even temporarily. It takes one instance of soil compaction from a heavy machine for roots to suffer from air and water deprivation and for the tree to become stressed. It is imperative to install and maintain in good condition the hoarding to prevent this from happening by utilizing horizontal hoarding whenever necessary.

Staging Areas

All staging areas are understood to be outside the TPZ. At no time are materials, vehicles, traffic or debris to be stacked, staged, or piled inside the hoarding (Tree Protection Fencing).

Conclusion and Recommendations

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Appendix 1 – Tree Protection Action Key (TPAK)

Tree Map Number	Species	Botanical	DBH (cm) @ 1.4 m	Tree Category	Tree Protection Zone (Dripline + 1 m)	Health	Structure	Overall Condition	Crown Class	Tree Value and Physical Constraints	Tree Height (m)	Crown Width (m)	Live Crown Ratio (%)	Deadwood (%)	Construction inside Min TPZ? (Y/N)	Construction Impact (None, Low, Medium, High)	Action	Notes and Recommendations	# Of Replacement Trees
1	Locust, Honey	<i>Gleditsia triacanthos</i>	33	City	3.5	Poor	Poor	Poor	Dominant	Native, In City Right-Of-Way	5	5	45	35	N	None	Preserve		N/A
2	Locust, Honey	<i>Gleditsia triacanthos</i>	38	City	3.0	Fair	Poor	Fair	Dominant	Native, In City Right-Of-Way	5	4	70	30	N	None	Preserve	Two Stems; 28cm & 26cm	N/A
3	Pine, Scotch	<i>Pinus sylvestris</i>	19	City	2.8	Good	Fair	Good	Dominant	Non-Native, In City Right-Of-Way	4	4	90	10	N	None	Preserve		N/A
4	Maple, Norway	<i>Acer platanoides</i>	47	City	4.5	Fair	Poor	Fair	Dominant	Non-Native, In City Right-Of-Way	8	7	70	30	N	None	Preserve	Two Stems; 30cm & 36cm	N/A
5	Walnut, Black	<i>Juglans nigra</i>	37	City	4.5	Good	Fair	Good	Dominant	Native, In City Right-Of-Way	8	7	85	15	Y	Low	Injure	Grade Change Within T.P.Z	N/A

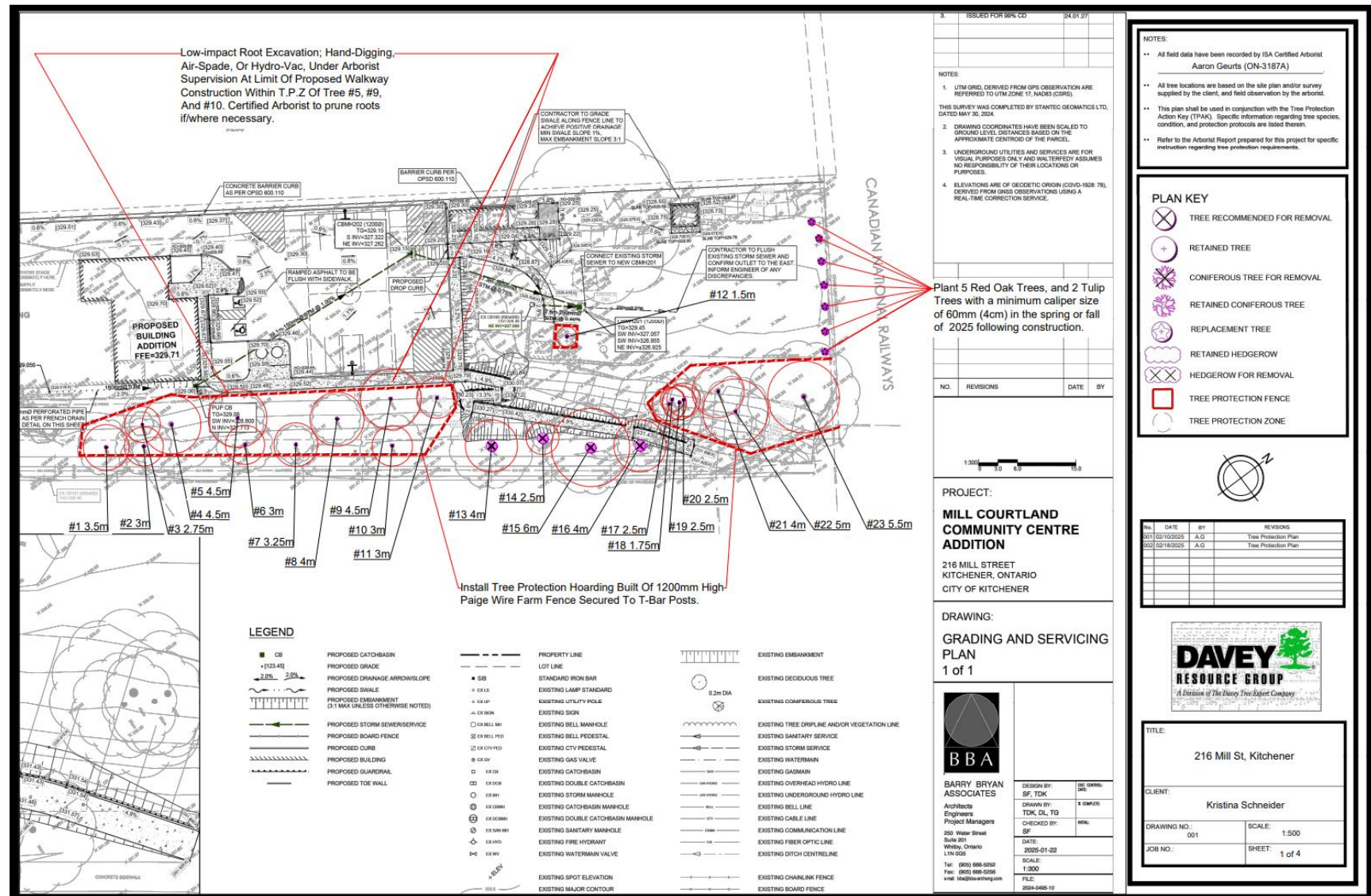
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6	Locust, Honey	<i>Gleditsia triacanthos</i>	24	City	3.0	Poor	Poor	Poor	Dominant	Native, In City Right-Of-Way	4	4	60	40	N	None	Preserve	Two Stems; 10cm & 22cm	N/A
7	Locust, Honey	<i>Gleditsia triacanthos</i>	25	City	3.3	Fair	Poor	Fair	Dominant	Native, In City Right-Of-Way	4	5	75	25	N	None	Preserve		N/A
8	Walnut, Black	<i>Juglans nigra</i>	32	City	4.0	Good	Good	Good	Dominant	Native, In City Right-Of-Way	9	6	80	20	N	None	Preserve		N/A
9	Oak, English	<i>Quercus robur</i>	39	City	4.5	Good	Poor	Good	Dominant	Non-Native, In City Right-Of-Way	7	7	90	10	Y	Medium	Injure	Grade Change Within T.P.Z	N/A
10	Locust, Honey	<i>Gleditsia triacanthos</i>	30	City	3.0	Poor	Poor	Poor	Dominant	Native, In City Right-Of-Way	4	4	70	30	N	None	Preserve		N/A

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11	Oak, English	<i>Quercus robur</i>	26	City	3.0	Good	Fair	Good	Dominant	Non-Native, In City Right-Of-Way	6	4	90	10	Y	Low	Injure	Grade Change Within TPZ	N/A
12	Tulip Tree	<i>Liriodendron</i>	7	City	1.5	Good	Good	Good	Dominant	Native, Located At Bottom Of Slope In The Rear Yard	3	1	95	5	N	None	Preserve		N/A
13	Locust, Honey	<i>Gleditsia triacanthos</i>	47	City	4.0	Fair	Poor	Fair	Dominant	Native, In City Right-Of-Way	5	6	75	25	Y	High	Remove	Three Stems; 20cm, 33cm, & 26cm / Grade Change Within T.P.Z	5
14	Beech, American	<i>Fagus</i>	14	City	2.5	Fair	Poor	Fair	Dominant	Native, In City Right-Of-Way	3	3	90	10	Y	High	Remove	Two Stems; 11cm & 9cm / Grade Change Within T.P.Z	2
15	Locust, Honey	<i>Gleditsia triacanthos</i>	50	City	6.0	Fair	Poor	Fair	Dominant	Native, In City Right-Of-Way	3	3	90	10	Y	High	Remove	Grade Change Within T.P.Z	5

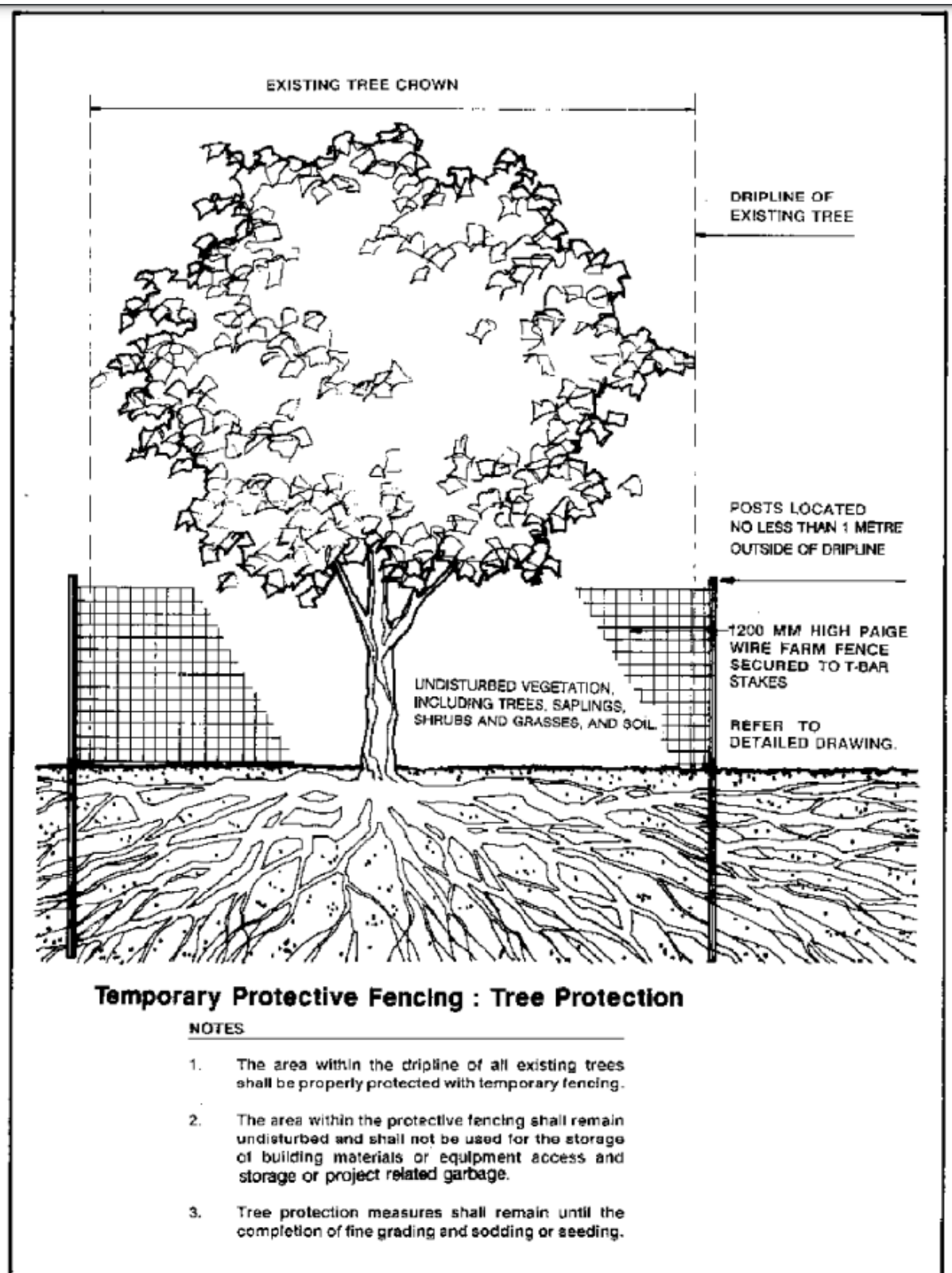
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16	Locust, Honey	<i>Gleditsia triacanthos</i>	26	City	4.0	Fair	Poor	Fair	Dominant	Native, In City Right-Of-Way	5	6	75	25	Y	High	Remove	Grade Change Within T.P.Z	3
17	Maple, Manitoba (Box elder)	<i>Acer negundo</i>	22	City	2.5	Fair	Poor	Fair	Dominant	Native, At Bottom Of Slope, In The Rear Yard	8	3	85	15	N	None	Preserve		N/A
18	Maple, Manitoba (Box elder)	<i>Acer negundo</i>	35	City	1.8	Fair	Poor	Fair	Dominant	Native, At Bottom Of Slope, In The Rear Yard	7	4	90	10	N	None	Preserve	Grade Change Within T.P.Z	N/A
19	Maple, Manitoba (Box elder)	<i>Acer negundo</i>	21	City	2.5	Fair	Poor	Fair	Dominant	Native, At Bottom Of Slope, In The Rear Yard	8	3	80	20	N	None	Preserve		N/A
20	Maple, Manitoba (Box elder)	<i>Acer negundo</i>	28	City	2.5	Fair	Poor	Fair	Dominant	Native, At Bottom Of Slope, In The Rear Yard	8	3	90	10	N	None	Preserve		N/A
21	Maple, Manitoba (Box elder)	<i>Acer negundo</i>	32	City	4.0	Fair	Poor	Fair	Dominant	Native, At Bottom Of Slope, In The Rear Yard	9	6	85	15	N	None	Preserve		N/A

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22	Walnut, Black	<i>Juglans nigra</i>	42	City	5.0	Good	Good	Good	Dominant	Native, At Bottom Of Slope, In The Rear Yard	1 2	8	80	20	N	None	Preserve		N/A
23	Maple, Manitoba (Box elder)	<i>Acer negundo</i>	49	City	5.5	Fair	Poor	Fair	Dominant	Native, At Bottom Of Slope, In The Rear Yard	8	9	70	30	N	None	Preserve	Four Stems; 25cm, 28cm, 21cm, & 23cm	N/A

Appendix 2 – Tree Protection Plan (Preview, to be printed to scale)



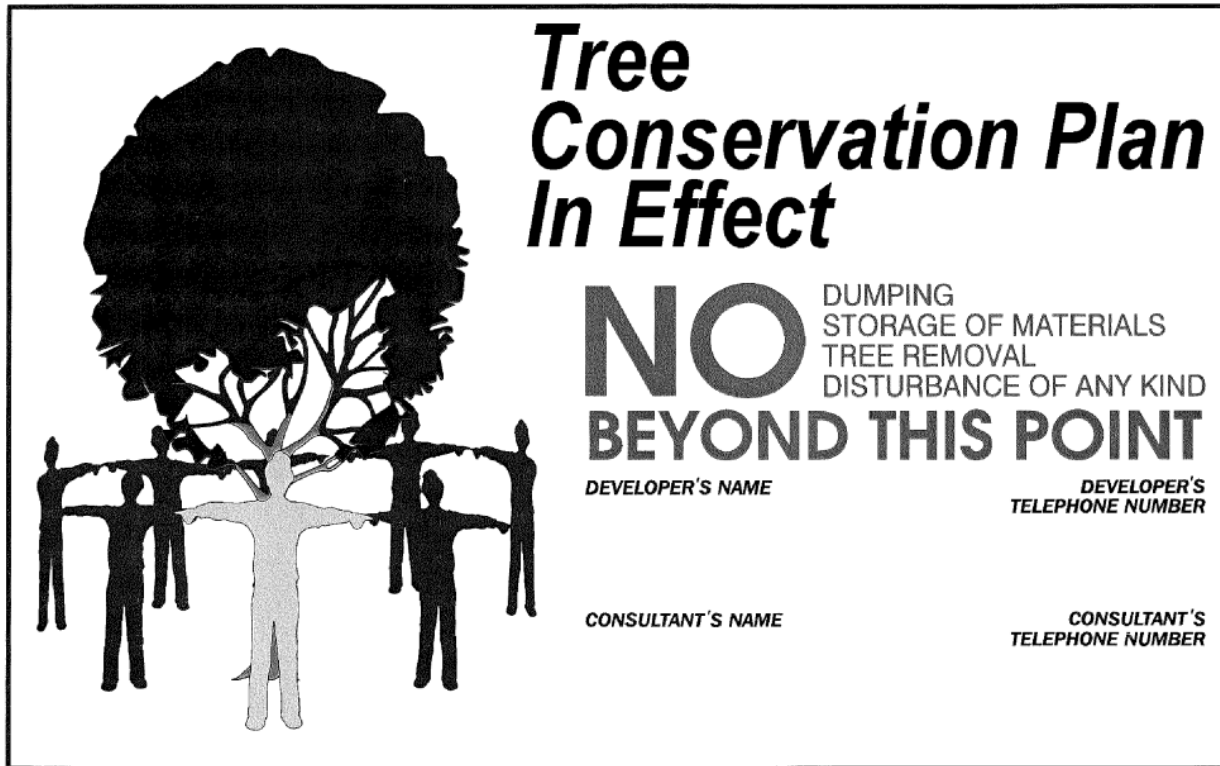
Appendix 3 – Hoarding (TPF) Detail





Appendix 4 – Tree Protection Zone Sign Detail

CONCEPT SIGNAGE



MOUNTED ON GATOR BOARD
MINIMUM SIZE 11" x 17"

SIGN TO BE PLACED 45M O.C. ALONG FENCE
SECURED WITH OUTDOOR PLASTIC LOCKING TIE-WRAPS

Appendix 5 – References

1. ISA, 2001-2011. Best Management Practices, Books 1-9, Companion publications to ANSI A300 Standards for Tree Care
2. Dujesiefken, Dr. Dirk, 2012. Director of the Institute for Tree Care in Germany, The CODIT Principle, research presented on cambial regrowth on trees after injury at the Annual ISA Conference in Kingston Ontario
3. Sinclair and Lyon, 2005. Diseases of Trees and Shrubs, Second Edition
4. ISA, 2010. Glossary of Arboricultural Terms
5. Neely and Watson, ISA, 1994 and 1998. The Landscape Below Ground 1 and 2
6. Matheny and Clark, ISA, 1994. A Photographic Guide to the Evaluation of Hazard Trees in Urban Areas, 2nd Edition
7. Matheny and Clark, ISA 1998. Trees and Development, A Technical Guide to Preservation of Tree During Land Development
8. PNW-ISA, 2011. Tree Risk Assessment in Rural Areas and Urban/Rural Interface, Version 1-5
9. City of Toronto, 2015. Application to Injure or Destroy Trees
10. Todd Hurt & Bob Westerfield, 2005. Tree Protection During Construction and Landscaping Activities
11. City of Toronto, 2015. Toronto Municipal Code Chapter 813: Trees.
12. City of Toronto, 2016. Tree Protection Policy and Specifications for Construction Near Trees

Appendix 6 – Glossary of Common Arboricultural Terms

Arborist	A professional who possesses the technical competence gained through experience and related training to provide for or supervise the management of trees and other woody plants in residential, commercial, and public landscapes.
ANSI A300	Acronym for American National Standards Institute. In the United States, industry-developed, national consensus standards of practice for tree care.
Bark Tracing	Cutting away torn or injured bark to leave a smooth edge.
Branch Bark Ridge	Raised strip of bark at the top of a branch union, where the growth and expansion of the trunk or parent stem and adjoining branch push the bark into a ridge.
Callus wood	Undifferentiated tissue formed by the cambium, usually as the result of wounding.
Clinometer	A device used to calculate the height of trees.
Consulting Arborist	An Arboricultural consultant is one of the following: <ul style="list-style-type: none"> American Society of Consulting Arborists, Registered Consulting Arborist (ASCA RCA#___) International Society of Arboriculture, Board Certified Master Arborist (ISA BCMA #___B) ISA Certified Arborist/Municipal Specialist in good standing for a minimum of 6 years with 6 years of proven experience in a management role related to arboriculture, and has attested and signed to a code of ethics related to arboriculture (ISA#_____)
Compartmentalization	Natural defense process in trees by which chemical and physical boundaries are created that act to limit the spread of disease and decay organisms
Critical Root Zone – (CRZ)	Area of soil around a tree where the minimum amounts of roots considered critical to the structural stability or health of the tree are located. CRZ determination is sometimes based on the drip line or a multiple of dbh (12:1, 12cm of ground distance from the trunk for every cm of dbh) but because root growth is often asymmetric due to site conditions, on-site investigation is preferred.
Daylighting	Also known as Hydro-vac, this is the process by which soil is vacuumed up. In the context of tree care this allows workers to access the soil below the roots without mortal damage to significant roots.
DBH	Acronym for tree diameter at breast height. Measured at 1.4m above ground.
Decurrent	Rounded or spreading growth habit of the tree crown.
Directional Pruning	Providing clearance by pruning branches that could significantly affect the integrity of utility facilities or other structures, and leaving in place branches that could have little or no effect.
Dripline	Imaginary line defined by the branch spread of a single parent or group of plants

Excurrent	Tree growth habit characterized by a central leader and a pyramidal crown.
Included bark	Bark that becomes embedded in a crotch (union) between branch and trunk or between codominant stems. Causes a weak structure.
Lion's Tailing	Poor pruning practice in which an excessive number of branches are thinned from the inside and lower part of specific limbs or a tree crown, leaving mostly terminal foliage. Results in poor branch taper, poor wind load distribution, and higher risk of branch failure.
MTPZ	Acronym for Minimum Tree Protection Zone, also known as the Structural Root Zone (SRZ), which is the distance from the tree equal to 6 times the dbh, within which the likelihood of encountering roots that are structural supports for the tree.
Moment	Rotational force that is created by any line force on a body. The magnitude of a moment is defined as the product of the force magnitude and perpendicular distance from the line of action of the force to the axis of which the moment is being calculated.
Mortality Spiral	A sequence of stressful events or conditions causing the decline and eventual death of a tree.
Mulch	Material that is spread or sometimes sprayed on the soil surface to reduce weed growth, to retain soil moisture and moderate temperature extremes, to reduce compaction from pedestrian traffic or to prevent damage from lawn-maintenance equipment, to reduce erosion or soil spattering onto adjacent surfaces, to improve soil quality through its eventual decomposition, and/or to improve aesthetic appearance of the landscape. Mulch can be composed of chipped, ground, or shredded organic material such as bark, wood, or recycled paper; unmodified organic material such as seed hulls; organic fiber blankets or mats; or inorganic material such as plastic sheeting.
Organic Matter	Material derived from the growth (and death) of living organisms. The organic components of the soil.
CRZ	Acronym for Critical Root Zone, also known as the Critical Root Zone (see definition above), within which there is a high likelihood of encountering roots that are necessary for the survival for the tree.
Project Arborist	The consulting arborist retained to provide all tree preservation recommendations to the project manager or contractors on a given construction project.
Qualified Arborist	An arborist who has documented related training (i.e. ISA, MTCU, or equivalent) and on-the-job experience (minimum of 5 years)
Radial trenching	Technique for aerating the soil or alleviating compaction around a tree by removing and replacing soil (which may be amended) in trenches (typically 300mm deep and 150mm wide) made in a spoke like pattern (radially from the trunk) in the root zone to

	improve conditions for root growth.
Reaction Wood	Wood formed in leaning or crooked stems or on lower or upper sides of branches as a means of counteracting the effects of gravity.
Removal Cut	A cut that removes a branch at its point of origin. Collar cut.
Reduction Cut	A pruning cut that reduces the length of a branch or stem back to a lateral branch large enough to assume apical dominance.
Resistograph®	A brand name of a device consisting of a specialized micro-drill bit that drills into trees and graphs density differences that are used to detect decay.
Soft-Scaped	Landscaping practices that do not involved solid or deeply-dug foundations. Patios consisting of slab rocks laid on-top of the soil with minimal excavation and base (less than 10cm) and causing minimal damage to existing tree roots.
Static Support System	Cabling system that utilizes rigid materials such as rods and steel cables to limit movement and provide constant support of limbs.
Structural cells	Modular system consisting of units of soil and integrated support structures that serve both as a foundation for paved surfaces and a hospitable environment for tree root growth,
Structural pruning	Pruning to establish a strong arrangement or system of scaffold branches.
Structural Soil™	Pavement substrate that can be compacted to meet engineering specifications yet remains penetrable by tree roots in the urban environment. Composed of angular crushed stone, clay loam, and hydrogel mixed in a weight ratio of 100:20:0.03. Developed at the Urban Horticulture Institute, Cornell University, Ithaca, NY.
Supersonic Air Excavation Techniques (SSAT)	A methodology using a device that directs a jet of highly compressed air to excavate soil. Used within the root zone of trees to avoid or minimizing damage to the roots, or near underground structures such as pipes and wires to avoid or minimize damage to them.
Tree Protection Zone (TPZ)	Defined area within which certain activities are prohibited or restricted to prevent or minimize potential injury to designated trees, especially during construction. TPZ is sometimes based on a minimum multiple of dbh (e.g. 6:1, 6cm of ground distance from the trunk for 1cm of dbh)
Walls	<p>Trees have 4 walls in a process known as compartmentalization.</p> <ul style="list-style-type: none"> • Wall 1 prevents decay moving up and down in a tree • Wall 2 prevents decay moving inward in a tree • Wall 3 prevents decay moving laterally in a tree • Wall 4 is the new growth formed on the outside of the tree, callus growth.
Woundwood	Lignified, differentiated tissues produced on woody plants after wounding.

Appendix 7 – Arborist Qualifications

Aaron Geurts- His formal education includes a diploma in Fish and wildlife Conservation Technician as well as a diploma in Forestry. Before joining the Davey Resource Group Aaron had 4 years of varied work experience in urban forestry working around Mississauga and Oakville regions as a crew leader, supervising crews and implementing a high standard of safety and training, ensuring that all tree care work is performed in accordance with industry and company standards. Aaron is familiar with larger tree pruning involving structural pruning, Hazardous tree removals, Canopy reductions, Storm damage, cabling/bracing as well as the smaller scope of tree care regarding ornamental pruning, planting, hedging, and shaping of young saplings. Aaron is a dedicated individual with a strong desire to help serve and improve his community.



Appendix 8 – Photographs



Figure 1 – Photograph Of Tree #1



Figure 2 – Photograph Of Tree #2-#4



Figure 3 – Photograph Pointing Towards The Southwest



Figure 4 – Photograph Pointing Towards The East



Figure 5 – Photograph Pointing Towards The Northeast



Figure 6 – Photograph Showing Trees #17-23



Figure 7 – Photograph Of Tree #12 Conditions of Assessment Agreement

This Conditions of Assessment Agreement is made pursuant to and as a provision of Davey Resource Group, a division of The Davey Tree Expert Co. of Canada, Limited (“Davey”), providing tree assessment services as agreed to between the parties, the terms and substance of which are incorporated in and made a part of this Agreement (collectively the “Services”).

Trees are living organisms that are subject to stress and conditions and which inherently impose some degree or level of risk. Unless a tree is removed, the risk cannot be eliminated entirely. Tree conditions may also change over time even if there is no external evidence or manifestation. In that Davey provides the Services at a point in time utilizing applicable standard industry practices, any conclusions and recommendations provided are relevant only to the facts and conditions at the time the Services are performed. Given that Davey cannot predict or otherwise determine subsequent developments, Davey will not be liable for any such developments, acts, or conditions that occur including, but not limited to, decay, deterioration, or damage from any cause, insect infestation, acts of god or nature or otherwise.

Unless otherwise stated in writing, assessments are performed visually from the ground on the above-ground portions of the tree(s). However, the outward appearance of trees may conceal defects. **Therefore, to the extent permitted by law, Davey does not make and expressly disclaims any warranties or representations of any kind, express or implied, with respect to completeness or accuracy of the information contained in the reports or findings resulting from the Services beyond that expressly contracted for by Davey in writing, including, but not limited to, performing diagnosis or identifying hazards or conditions not within the scope of the Services or not readily discoverable using the methods applied pursuant to applicable standard industry practices.** Further, Davey’s liability for any claim, damage or loss caused by or related to the Services shall be limited to the work expressly contracted for.

In performing the Services, Davey may have reviewed publicly available or other third- party records or conducted interviews, and has assumed the genuineness of such documents and statements. Davey disclaims any liability for errors, omissions, or inaccuracies resulting from or contained in any information obtained from any third- party or publicly available source.

Except as agreed to between the parties prior to the Services being performed, the reports and recommendations resulting from the Services may not be used by any other party or for any other purpose. The undersigned also agrees, to the extent permitted by law, to protect, indemnify, defend and hold Davey harmless from and against any and all claims, demands, actions, rights and causes of action of every kind and nature, including actions for contribution or indemnity, that may hereafter at any time be asserted against Davey or another party, including, but not limited to, bodily injury or death or property damage arising in any manner from or in any way related to any disclaimers or limitations in this Agreement.

By accepting or using the Services, the customer will be deemed to have agreed to the terms of this Agreement, even if it is not signed.

Acknowledged by:

Name of Customer: _____

Authorized Signature: _____

Date: _____