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API Consultants Inc.  
1464 Cornwall Road. Unit 7  
Oakville, Ontario  
L6J 7W5

April 26, 2023

Attention: Ms. Natalia Garavito

RE: 40 Frank Nighbor Place Ottawa, Ontario  
**Tree Conservation Report (TCR) – Phase I**

Englobe Job No.: 02301334.000

Englobe Corp. was retained by API Consultants Inc. to provide a Tree Conservation Report (TCR) for the proposed development project at 40 Frank Nighbor Place, Kanata, Ontario.

A TCR is a plan prepared by an arborist that is consistent with the City of Ottawa's Guidelines that identifies the location, species and size of trees on a property, identifies trees to be cut and trees to be retained and provides tree protection measures that eliminate or mitigate the potential risk of tree damage, including but not limited to protective barriers and hoarding.

The current project is following a two-phased approach for the TCR whereby a Preliminary and Final TCR are submitted. This approach provides information on the trees to the planners early in the process and can help reduce the risk of changes with respect to trees down the road.

To address the TCR requirements, Dendron Forestry Services was retained by Englobe and the following attached report consist of Phase I, the Preliminary TCR.

We trust the foregoing will satisfy your present requirements. If you have any questions regarding this matter, please do not hesitate to contact the undersigned.

Yours very truly,

**Englobe Corp**

David Vardy, *Ph.D., P.Bio.*,  
Senior Biologist & Project Manager



# PRELIMINARY TREE CONSERVATION REPORT

40 Frank Nighbor Place

Tree Conservation Report submitted as Partial  
Requirements for a Site Plan Control Application,  
February 9, 2023

Dendron Forestry Services



## Dendron Forestry Services

www.dendronforestry.ca

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# Preliminary Tree Conservation Report

**Address:** 40 Frank Nighbor Place

**Date of Report:** February 9, 2023

**Date of Site Visit:** February 6, 2023

**Prepared by:** Astrid Nielsen, RPF, ISA Certified Arborist<sup>®</sup>

**Client:** David Vardy, Ph.D., P.Bio.  
Senior Biologist / Project Manager  
2713 Lancaster Road, Unit 101, Ottawa, ON K1B 5R6  
[David.Vardy@englobecorp.com](mailto:David.Vardy@englobecorp.com)

**This Report must be read in its entirety, including the Assumptions and Limiting Conditions attached herein.**

## **Purpose of the Report**

This Preliminary Tree Conservation Report has been prepared for David Vardy from Englobe, as partial requirements for the Site Plan Control Application submitted to the City of Ottawa. The objectives of this Preliminary Report are:

- To describe all trees with diameters over 10 cm on the site, recording their species, size, and current health condition. This includes trees on adjacent private property 10 cm or greater in diameter, with critical root zones that extend onto the subject property. It also includes city trees of all sizes that will be impacted by the proposed development.
- To evaluate the impact of the trees by the proposed development. Determination on tree retention will be made in the final report, after more information has been received and analyzed

## **Methodology**

The following materials were reviewed as part of this report:

- Site plan by API Development Consultants and Saplys Architects Inc. dated September 19, 2022
- GeoOttawa tree inventory layer and aerial photography
- Google© Street View imagery – various years

A site visit was conducted to collect the following information from each tree classified as protected under the City of Ottawa's Tree Protection By-law No. 2020-340:

- Diameter at breast height (1.3 m from grade)
- Species
- Tree health



## **Current Vegetation**

The property is located at the western terminus of Frank Nighbor place. There is scrubby tree cover approximately 20m from the western boundary of the subject property, which includes ash (*Fraxinus spp.*), elm (*Ulmus spp.*), and balsam poplar (*Populus balsamifera*) in the overstory; dogwood (*Cornus stolonifera*), common buckthorn (*Rhamnus cathartica*), and staghorn sumac (*Rhus typhina*) in the understory, along with balsam poplar and green ash saplings throughout. No butternut trees were observed. The Carp River is located approximately 70m to the west of the subject property.

The subject property itself is a former agricultural site used to grow commercial crops at least as late as 2017 (Google Street View imagery) with no trees besides the four located along the southern boundary, described in the table below. Given the proposed development as is, these trees are likely to suffer root loss of approximately 40%, which could impact structural integrity of the tree, possibly leading to required removal.

### *Tree Inventory*

The following is an inventory of all trees that are protected under City of Ottawa Tree Protection (By-law No. 2020-340) on the site. This includes private trees with a diameter at breast height (dbh) of 10 cm or greater, and city-owned trees of all sizes. It also includes trees with a dbh of 10 cm or greater on adjacent properties whose Critical Root Zone (CRZ) extend into the subject area. The CRZ is an area around the trunk with a radius equivalent to 10 times the diameter of the trunk. This does not take into account infrastructure such as buildings and asphalt and it assumed the tree has no restrictions on root growth.

Tree <sup>1,3</sup>	Species	Diameter at breast height (dbh)	Ownership <sup>2</sup>	Condition
1	Balsam poplar ( <i>Populus balsamifera</i> )	Multi-stem: 30, 37	Boundary – 50 Frank Nighbor	Good: slight lean towards adjacent parking lot
2	Honey locust ( <i>Gleditsia triacanthos</i> )	34	Boundary – 50 Frank Nighbor	Good/Fair
3	Honey locust ( <i>Gleditsia triacanthos</i> )	33	Boundary – 50 Frank Nighbor	Good/Fair
4	Honey locust ( <i>Gleditsia triacanthos</i> )	41	Boundary – 50 Frank Nighbor	Good

<sup>1</sup> Please refer to the enclosed Tree Conservation Report map for tree numbers. Note that this map includes a tree layer added to an orthoimage taken from GeoOttawa. This layer includes only information about the trees.



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<sup>2</sup>Ownership of the tree in this report is based on the information provided and should not be used as a determination of ownership. For ownership disputes, a survey should be relied on. For boundary trees, consent from the adjacent property owner is required for removal as part of the application.

<sup>3</sup>The precise location of these trees was not provided and has been estimated

### **Tree Clearing and Migratory Birds**

Following the guidelines under the *Migratory Birds Convention Act*, 1994, removal of vegetation should be avoided during the nesting periods for migratory birds which extends from April 15 to as late as August 15<sup>th</sup>. If tree removal is required during this period, a nesting survey should be completed by a biologist within 5 days of tree removal to confirm that no nests are present.

The undersigned personally inspected the property and issues associated with this report on February 6, 2023. On Behalf of Dendron Forestry Services,



Astrid Nielsen, MFC, RPF (Registered Professional Forester)

ISA Certified Arborist®, ON-1976

ISA Tree Risk Assessment Qualified

Principal, Dendron Forestry Services

[Astrid.nielsen@dendronforestry.ca](mailto:Astrid.nielsen@dendronforestry.ca)

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Figure 1 - Tree 1, balsam poplar (right) and Tree 2, honey locust (left)



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Figure 2 - Tree 3, honey locust



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Figure 3 - Tree 4, honey locust





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### ASSUMPTIONS AND LIMITING CONDITIONS

#### Intended Use of the Report

This Report was prepared by Dendron Forestry Services (hereafter "Dendron") at the request of the Client. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report are to be used solely for the purposes outlined within this Report. All other uses are impermissible and unintended, unless specifically stated in writing in the Report.

#### Intended User of the Report

This Report was prepared by Dendron for the exclusive use of the Client and may not be used or relied upon by any other party. All other users are unintended and unauthorized, unless specifically stated in writing in the Report.

#### Limitations of this Report

This Report is based on the circumstances and on-site conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. On-site conditions may limit the extent of the on-site inspection(s) conducted by Dendron, including weather events such as rain, flooding, storms, winds, tornados, snowfall, snow cover, hail; obstructions including fencing, dwellings, buildings, sheds, plants, and animals; lack of access to the entire perimeter of the tree due to adjacent properties; the shape of the tree; and accessibility of the tree crown, branches, trunk, or roots for examination.

In the event that information provided by the Client or any third parties, including but not limited to documents, records, site and grading plans, permits, or representations or any site conditions are updated or change following the completion of this Report, this Report is no longer current and valid and cannot be relied upon for the purpose for which it was prepared. Dendron and its agents, assessors, and/or employees are not liable for any damages, injuries, or losses arising from amendments, revisions, or changes to the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

No assessment of any other trees or plants has been undertaken by Dendron. Dendron and its agents, assessors, and/or employees are not liable for any other trees or plants on or around the subject Property except those expressly identified herein. The results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report apply only to the trees identified herein.

Trees and plants are living organisms and subject to change, damage, and disease, and the results, observations, interpretations, analysis, recommendations, and conclusions as set out in this Report are valid only as at the date any inspections, observations, tests, and analysis took place. No guarantee, warranty, representation, or opinion is offered or made by Dendron as to the length of the validity of the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report. As a result the Client shall only rely upon this Report as representing the results, observations, interpretations, analysis, recommendations, and conclusions that were made as at the date of such inspections, observations, tests, and analysis. The trees discussed in this Report should be re-assessed periodically and at least within one year of the date of this Report.

#### No Opinion regarding ownership of the Tree

This Report was not prepared to make a determination as to ownership of the subject tree(s). Where ownership of the subject tree(s) is identified within this Report, said identification is based on the information provided by the Client and third parties, including surveys, permits, and site and grading plans and may not be relied upon as a guarantee, warranty, or representation of ownership.

#### Assumptions

This Report is based on the circumstances and conditions as they existed at the time of the site inspection and the information provided by the Client and/or third parties to Dendron. Where documents, records, site and grading plans, permits, representations, and any other information was provided to Dendron for the purpose of preparing this Report, Dendron assumed that said information was correct and up-to-date and prepared this Report in reliance on that information. Dendron and its agents, assessors, and/or employees, are not responsible for the veracity or accuracy of such information. Dendron and its agents, assessors, or employees are not liable for any damages, injuries, or losses arising from inaccuracies, errors, and/or omissions in the documents, records, site and grading plans, permits, representations, or other information upon which Dendron relied in preparing this Report.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employees assumed that the property which is the subject of this Report is in full compliance with all applicable federal, provincial, municipal, and local statutes, regulations, by-laws, guidelines, and other related laws. Dendron and its agents, assessors, and/or employees are not liable for any issues with respect to non-compliance with any of the above-referenced statutes, regulations, bylaws, guidelines, and laws as it may pertain to or affect the property to which this Report applies.

For the purpose of preparing this Report, Dendron and its agents, assessors, and/or employee assumed that there are no hidden or unapparent conditions affecting the results, observations, interpretations, analysis, recommendations, and conclusions contained within this Report.

#### No Publication

The Client acknowledges and agrees that all intellectual property rights and title, including without limitation, all copyright in this Report shall remain solely with Dendron Forestry. Possession of this Report, or a copy thereof, does not entitle the Client or any third party to the right of publication or reproduction of the Report for any purpose save and except where Dendron has given its prior written consent.



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Neither all nor any part of the contents of this Report shall be disseminated to the public through advertising, public relations, news, sales, the internet or other media (including, without limitation, television, radio, print or electronic media) without the prior written consent of Dendron Forestry.

### Implementing the Report Recommendations

Dendron and its agents, assessors, and/or employees accept no responsibility for the implementation of any part of this Report unless specifically requested to provide oversight on the implementation of the recommendations. In the event that inspection or supervision of all or part of the implementation of the within recommendations is requested, that request shall be in writing and the details agreed to in writing by both parties.

Dendron and its agents, assessors, and/or employees are not liable for any damages or injuries arising from the manner in which the recommendations in this Report are implemented, including failure to, incorrect, or negligent implementation of the recommendations.

### Further Services

Neither Dendron nor any assessor employed or retained by Dendron for the purpose of preparing or assisting in the preparation of this Report shall be required to provide any further consultation or services to the Client, save and except as already carried out in the preparation of this Report and including, without limitation, to act as an expert witness or witness in any court in any jurisdiction unless the Client has first made specific arrangements with respect to such further services, including, without limitation, providing the payment of the Report's regular hourly billing fees.

### Limits of Liability

In carrying out this Report, Dendron and its agents, assessors, and/or employees have exercised a reasonable standard of care, skill, and diligence as would be customarily and normally provided in carrying out this Report. While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them will remain standing. It is professionally impossible to predict with absolute certainty the behaviour of any single tree or group of trees, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential to fall, lean, or otherwise pose a danger to property and persons in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Without limiting the foregoing, no liability is assumed by Dendron for:

- a) any legal description provided with respect to the Property;
- b) issues of title and or ownership respect to the Property;
- c) the accuracy of the Property line locations or boundaries with respect to the Property; and
- d) the accuracy of any other information provided to Dendron by the Client or third parties;
- e) any consequential loss, injury or damages suffered by the Client or any third parties, including but not limited to replacement costs, loss of use, earnings and business interruption; and
- f) the unauthorized distribution of the Report.

The total monetary amount of all claims or causes of action the Client may have as against Dendron Forestry, including but not limited to claims for negligence, negligent misrepresentation, and breach of contract, shall be strictly limited solely to the total amount of fees paid by the Client to Dendron Forestry pursuant to the Contract for Services dated December 5, 2023, for which this Assessment was carried out.

Further, under no circumstance may any claims be initiated or commenced by the Client against Dendron or any of its directors, officers, employees, contractors, agents, assessors, or Assessors, in contract or in tort, more than 12 months after the date of this Report.

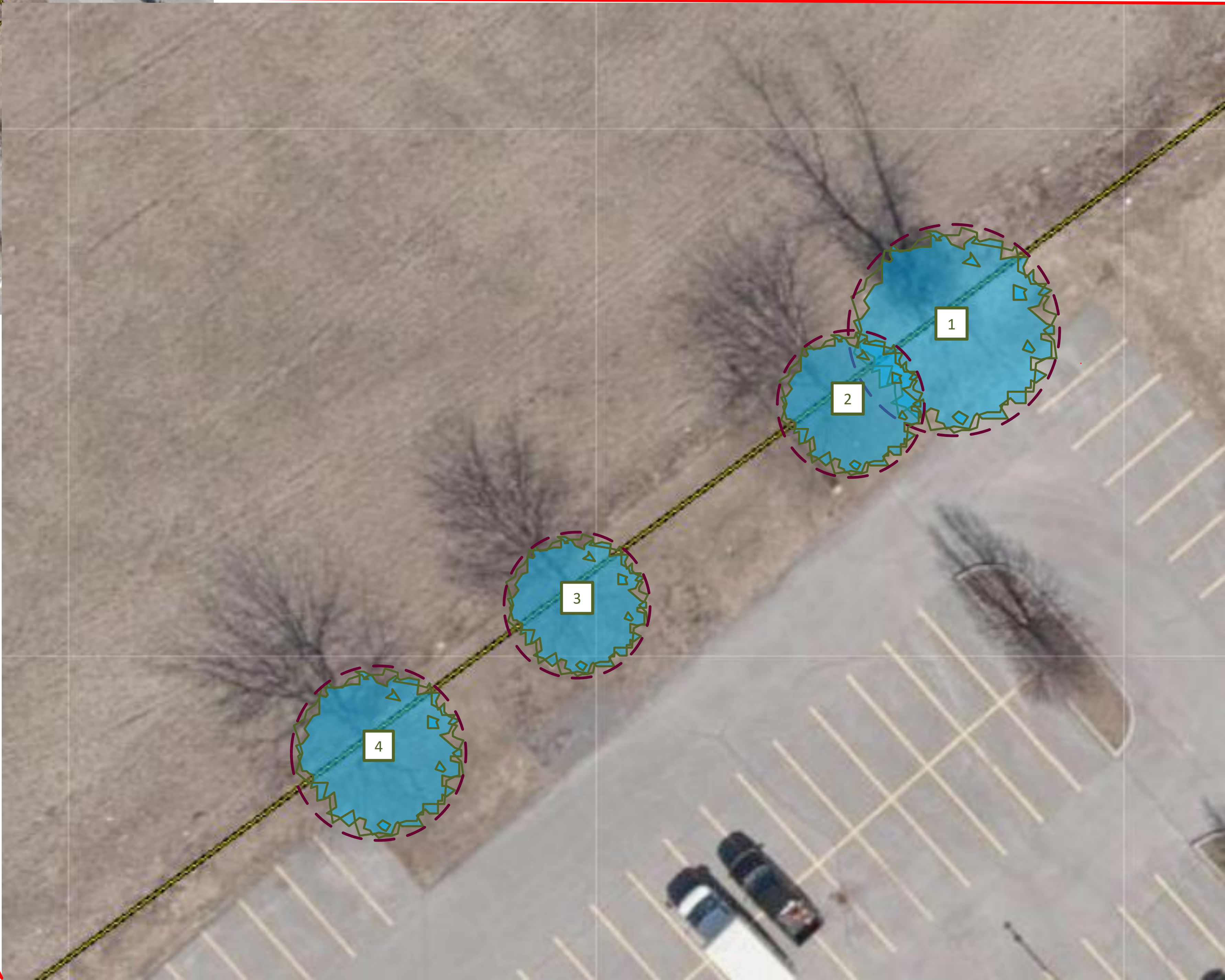
### No Third Party Liability

This Report was prepared by Dendron exclusively for the Client for the purpose set out in the Report. Any use which a third party makes of this Report, or any reliance on or decisions a third party may make based upon this Report, are made at the sole risk of any such third parties. Dendron Forestry accepts no responsibility for any damages or loss suffered by any third party or by the Client as a result of decisions made or actions based upon the unauthorized use or reliance of this Report by any such party.

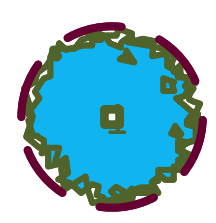
### General

Any plans and/or illustrations in this Report are included only to help the Client visualize the issues in this Report and shall not be relied upon for any other purpose. This report is best viewed in colour. Any copies printed in black and white may make some details difficult to properly understand. Dendron accepts no liability for misunderstandings due to a black and white copy of the report.

Notwithstanding any of the above, nothing in this Report is taken to absolve the Client of the responsibility of obtaining a new Report in the event that the circumstances of the tree change.



Critical Root Zone



Tree either fully or partly on adjacent property

Note that the tree layer has been added to a geoOttawa image as found on the City of Ottawa geoOttawa site



Tree Conservation Report – 46 Frank Nighbor place  
Current Vegetation  
Tree layer prepared by Dendron Forestry Services  
Version 1.0, February 8, 2023  
For more information, please contact [info@dendronforestry.ca](mailto:info@dendronforestry.ca)