

COVER STORY: Up a tree



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There's little recourse for North Shore homeowners who've had views blocked by their neighbours' trees

Whether coniferous or deciduous, trees are considered one of the North Shore's greatest assets.

We would quickly lose our way of life without them.

The outdoor activities that define us — snowboarding, hiking and mountain biking to name a few — all involve thousands of trees.

Our tourist destinations revolve around them and, in fact, they're the very reason many people live here.

Urban trees, the ones lining the streets and growing in yards, are individually cherished for bringing North Shoreites closer to nature.

But adamantly protected, they can be just as strongly detested.

Trees can be a nuisance — even a threat — to some North and West Van residents.

Lining the mountains? Great.

A few houses away? Perfect.

Shading the garden? No way.

Blocking the view? Intolerable.

Obscured horizons from tall trees have caused countless feuds between neighbours, leading to the occasional criminal act.

In September, for example, a letter circulated ordering homeowners to top their trees no more than two metres above their houses — or face a \$30,000 fine.

But the letter was a convincing hoax printed on official-looking West Vancouver letterhead. The police got involved, calling it a “very creative fraud” and threatening stiff penalties.

No one has been charged, yet, so the mystery still lingers.

Another case, dubbed the “Tree Massacre,” saw 35 trees hacked down at a park in North Vancouver last January.

Using hand- and chainsaws, the rogue lumberjacks cut down the mature cedars and firs, many of which were more than five decades old.

The culprits, who left some \$40,000 in damage, haven't been caught yet.



It doesn't have to be this way

It's undoubtedly clear, North Shore residents can do little (legally) if their neighbours' trees grow to block their precious view.

They could, of course, civilly discuss the problem.

But if this doesn't work — tough! — they own the house and yard, not the skyline. Yes, to be clear, this even applies to homes overlooking the ocean.

Like City of North Vancouver guidelines put it, the objective is to ensure “long-term sustainability of... urban forests.”

But not every municipality puts trees first.

Bylaws in San Francisco, for example, emphasize the “right to light and sight”.

In stark contrast to the North Shore, homeowners there have the right to preserve their views as they existed when the house was purchased.

This means residents can be forced to trim their trees if they grow tall enough to affect the value of their neighbours' home, either economically or aesthetically.



It's written into law.

If city-run mediation fruits no result, an arbitrator will come in to decide whether the tree should be trimmed or topped. The decision is enforceable under the California Code of Civil Procedure.

If all else fails, one neighbor has the right to sue the other.

Although the North Shore has countless more trees than San Fran, the laws here don't go far to protect "the right to light and sight."

In essence, views and sunlight don't come with the lot.

Homeowners, however, are allowed to trim trees and shrubs that hang into their yard, as long as they don't actually harm the plant. This way, gardens can have more sunlight.

"You should not harm the tree or the shrub or the hedge because if you do, the owner... does have the right to sue you through the law courts for damage to their property," explains Mark Brown, North Van district's community forester. "Don't trespass to do it. Try and get their blessing first."

Following suit, trees on city-owned property won't be chopped by staff to enhance someone's property.

"We're not going to cut the top off trees, or something like this, because that compromises the health of the trees," says Michael Hunter, North Van city's manager of parks and environment.

Most protected

No matter their size or shape, Heritage Trees in North Vancouver are completely off limits.

Around a dozen or so non-native trees, often beside heritage homes, have been given this designation.

A very large black locust, for instance, was planted decades ago beside the Davidson House on East Kings Road off Lonsdale Avenue. The leaves turn bright yellow in the fall and provide shade in the summer.

Even cutting down trees on private property doesn't come easily in certain areas of North Van.

While homeowners are free to do what they wish with trees in their own yards in West Van and the City of North Van, residents in the District of North Van face a list of rules.



A permit is required if, for instance, the tree trunk is more than 30 inches in diameter or the tree is a Western Yew (a rare tree that was common on the North Shore a century ago) greater than nine inches in diameter. A Yew this size could easily be 100 years old.

But there is one way to get rid of a big tree. Pay \$510.

As long as the tree isn't in a stream corridor or on a steep slope, it can go.

"Council wanted to give homeowners a little bit more freedom," explains Brown, "and make their bylaw less restrictive when it comes to large-diameter trees on private property."

If the lot maintains more than 20 per cent canopy cover, new trees can be planted in its place. But if the canopy cover drops below this amount, then the homeowner owes \$510 to the district, which will be used for community tree planting.

In the other two municipalities, if the tree is on your property, do with it as you please (with the exception of some environmental bylaws concerning streams and slopes).

"Sometimes we'll receive calls from people concerned, but it isn't something we regulate," says Hunter, referring to



worried City of North Van residents who see trees topple down in their neighbourhoods.

Buyer beware

It's buyer beware on the North Shore.

A house's view could easily vanish in a decade, leaving little recourse for the homeowner.

It's up to neighbours to get to the root of the problem themselves, and come up with a workable solution — if there is one.

It's these very bylaws, like them or hate them, that protect urban greenery on the North Shore for future generations.

But, as long as trees keep growing, these neighbourhood feuds aren't likely to go away.

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