

To

Date

Wednesday September 28, 2011

3 pages from Jeanette Merrick

URBAN FORESTERS' SYMPOSIUM

Urban Foresters' Symposium

Wednesday, September 28
9:00 am - 3:30 pm
Pre-registration: BCLNA members **\$125**, non-members **\$150**; at the door: **\$175**
Price includes lunch.



Arboriculture & The Law: The Duty of Care
With Dr. Julian Dunster, Dunster & Associates Environmental Consultants Ltd., BC
Due diligence, duty and standard of care, liability, and negligence. The importance of careful contracting and report writing is underlined in Julian Dunster's session for municipal foresters, tree care companies, and arborists. A registered professional forester, planner, consultant, writer and certified arborist, he will highlight key court cases to ensure that you are aware of the risks.



Just How Risky Are Trees? A Closer Look at the Cases, Claims and Costs
With Lindsay E.W. Nilsson, Staff Lawyer, Municipal Insurance Association of British Columbia, BC
Municipalities have experienced their fair share of legal claims as a result of fallen trees, overhangs, root damage, and more. From trip and falls to car accidents, learn first hand about the claims and costs associated with tree hazards found throughout BC. Lindsay is a lawyer specializing in municipal defense work, involving the representation of MIABC members.

Tree Risk Management Programs
Learn the policies, procedures and program information that municipalities undertake to manage risk with respect to shade and forest trees. Mike Hunter, Alan Kemp, and Greg Ward—expert arborists with the cities of North Vancouver, Nanaimo and Surrey respectively—will provide overviews of their risk management programs to protect the public, workers, and their communities.

The "2011 Urban Foresters' Symposium" was held at the Vancouver Convention Centre.

It was part of the Education Programs offered at the CanWest Horticulture Show.

Of the 96 people who attended, two-thirds were from municipalities and school districts. Others were from private companies or consultants.

This Symposium will be an annual event at the CanWest show.

Just How Risky are Trees?

Lindsay E.W. Nilsson, Staff Lawyer, Municipal Insurance Association of British Columbia
<http://www.miabc.org/Contact/staff.aspx>

Most common tree related claim for municipalities are 'trips / falls' from sidewalks or tree grates. Unexpected changes in elevation are the land managers' responsibility. Other tree related claims are obstruction of view (motor vehicle accidents) and falls (children climbing and falling from trees).

A municipality should have a policy or guideline that is easy to follow and is based on budgets, available resources and best management practices.

Arborist Technician Apprenticeship Program

Anne Kadwell, CEO, HortEducationBC <http://www.horteducationbc.com/apprentice-info>

The program will begin January 2012 at Kwantlen Polytechnic University. This more in-depth training may be considered a replacement for the ISA qualifications for contractors submitting bids to municipalities.

Arboriculture & The Law: The Duty of Care

Julian Dunster, Dunster & Associates Environmental Consultants Ltd., B.C.

Arborists are held to the industry standard as professionals with the responsibility for the trees under their care. A homeowner is held to a lower standard because they have not received similar training, unless they have received a written notification of the hazard.

Ahead of doing the work, documentation of an assessment should include: who is involved, what is the planned work to be done (including a list of assumptions being made such as who supplied the maps or plans and confirmed the property lines) and what are the contractor or property owner responsibilities.

Final documentation should show that the work was completed within the industry standard of care. Information must include written communication of work to be done. For property ownership, there must be a written notification on possible hazards.

The concepts that form the legal rights and standard of care are:

- "Standard of care": the expected conduct using prudent judgement and current knowledge.
- "Duty of care": the obligation to conform to the industry standards and training;
- "Due diligence": the act that follows the standard to manage a possible problem.
- "Negligence": the failure to act within the standards in a professional manner.

Tree Risk Management Programs

Mike Hunter, Manager Environment and Parks, City of North Vancouver

The City of North Vancouver established a Street Tree Master Plan that included an assessment of all street trees. The objectives were to identify possible constraints and opportunities for trees through development, establish city street tree value system and a fire management plan.

The city street tree policy includes:

- the city manages all trees and only the city works on trees on city property;
- removals are considered only when there is a risk to public safety;
- bylaws were developed for streamside protection;
- fostering community-based stewardship programs with a focus is on tree retention.

Inspections are based on high consequence areas (trail heads and town centre) which are reviewed yearly. All other locations are assessed on a 5-year hazard assessment rotation. The history of maintenance with updated attributes are tracked to each tree.

Tree Risk Management Programs

Greg Ward, Manager of Urban Forestry and Environmental Program, City of Surrey

Parks department and Engineering share the management of city trees. Parks manages the tree, engineering (public works) manage the sightlines and infrastructure.

Parks and street planted trees are given a pruning and inspection cycle based on planting year or previous inspection details.

Tree risk management in natural areas brings more than 5,000 service requests per year or inspection based on a 13 – 15 year inspection cycle.

A fire management plan was completed (through Diamond Head Consulting Ltd.). Assessment was limited to fuel management and park fire management plans.

A “Wind storm response plan” is based on past assessment and completed by a ‘Trace Program Certified Assessor’ with 5 years certification and 3 years tree risk assessment along with 1,200 hours of experience.

Tree Risk Management Programs

Allen Kemp, Urban Forestry Coordinator, City of Nanaimo

Inspections have been recorded since 1992.

Yearly formal assessments are completed on boulevard trees. Downtown and high use areas are informally but continuously observed and monitored by staff.

Working with Vancouver Island forestry to establish proactive standards of care based on ISA, pruning schedules and an ARC mapping program.

Industry Safety Association for Private Companies

Rose McDonald, Industry Specialist, WorkSafeBC

An industry led association can lobby for safety and training standards required for companies.

The association would create a core assessment to review the current safety standards of a company. Once completed the company would be given a certificate of safety. This allows the company to set a standard and future safety goals. Ultimately the reward is lower insurance rates.