

Tree law hampers land owners

A Strathroy farmer says planting trees puts owners at risk of losing control of their land

BY PETER RESCHKE

Ontario Farmer

Don Kowaluk says his experience should serve as a warning to any landowner thinking of planting trees on his property – it could put other people in control over what happens on your land.

Don and his wife Donna, who farm just south of Strathroy, ran afoul of Middlesex County's Woodlands Conservation bylaw recently when they were ordered to cease cutting operations on a plantation on one of their fields.

Their plan was to remove about "10 to 12 acres" of trees on a 50-acre property to square up their existing crop fields.

Middlesex Council then rejected a recommendation by its own staff to provide retroactive permission and allow the Kowaluk's to continue.

Council also levied a \$400/

acre fine, which amounted to around \$3,000, to be paid to the county's tree fund.

While some of those on council told the *London Free Press* that it's important to "clamp down" on landowners who would remove woodlots in the county, Don Kowaluk has a different interpretation. He says the decision puts those who plant trees on their property at risk of losing control of their land.

In fairness, Kowaluk didn't plant the 23,500 trees on the property. This was done some 15 years ago with provincial and federal assistance as a way to protect Strathroy's drinking water wellhead and prevent erosion. But, the *Free Press* article pointed out, when Strathroy built its water pipeline from Lake Huron, the property was declared surplus and sold to the Kowaluks.

Don says that sale didn't come with any land use restrictions. In fact, the property was rezoned Class A farmland.

He says the plan was to leave windbreaks and corridors to prevent erosion and provide

wildlife benefits. "We thought it would be a workable plan...sort of a model for how one could accommodate both nature and agriculture." Because the land was now zoned agricultural he didn't feel he needed permission to return it to its original use.

He also bought a tree spade to move some of the trees from the plantation to other locations.

Kowaluk now says the experience has made him wary of planting trees in the future and other landowners should be worried as well. "Why would you want to plant trees if you can never remove them?"

He says forestry staff at the municipality showed a lot of common sense in addressing the issues but "when it goes before the people on council, I don't think they have a clue what's going on."

"It's something that every farmer should know. When you have trees, every neighbour can essentially dictate what will happen on your land."

"I think every property owner should contact council and voice his concern."