



## **The Ontario Heritage Act**

by Fran Moscall, OUFC Board Member

How do heritage trees fit into the Ontario Heritage Act? Currently the Act does not recognize and protect heritage trees. While it gives municipalities and the Province powers to preserve and promote Ontario's heritage (built structures) the Act is enabling legislation only. Serious losses of our natural and built heritage prove that this legislation must be tightened to deter those who would incur such losses.

Therefore the Ontario Urban Forest Council submitted a brief on April 29 th 2003 to the Ministry of Culture as it considers changes to the Act. We asked that the Ontario Government broaden the concept of Ontario Heritage to include "heritage trees" as defined below and safeguard this concept in the implementation of the Act and its Regulations. The definition follows:

*A heritage tree is an outstanding specimen because of its size, form, shape, age, colour, rarity, genetic constitution or other distinctive community landmark; a specimen associated with an historic person, place, event or period; representative of a crop grown by ancestors and their successors, that is at risk of disappearing from cultivation; a specimen recognized by members of a community as deserving heritage recognition. (Courtesy of Paul Aird. Professor Emeritus, Faculty of Forestry, University of Toronto)*

Other recommendations include the requirement that municipalities adopt tree protection strategies in their official plans; that the Planning Act recognize heritage trees as an environmental feature; that listings of heritage properties include heritage trees; and that the fine for heritage tree demolition be to a maximum of \$1 million (as is proposed for built heritage structures).

The Ontario Heritage Foundation and Heritage Toronto are also working toward broadening the concept of *heritage* . The OHF is addressing principles of natural heritage to broaden the preservation of the broader landscape of a heritage site. Heritage Toronto is also working on principles of cultural heritage and natural heritage and wishes to work on this with the OUFC.

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