

# View From *Julianne's Journal*

## *Julianne's Journal* March 2012

I am a real estate broker that believes in working with a group of specialists in addition to relying on my education and 26 years' experience in real estate.

It is my pleasure to have developed a full range of specialists that I can call on to resolve any issue related to homes as an added service to buyers and sellers. Part of this service is to provide topical articles written by specialists for the readers of *Julianne's Journal* as well as call on them to work on resolving specific problems with construction, wiring, roofing, basements, gardening, trees, financial, staging to name a few.

There is so much more than writing up the listing agreement and offers that a seasoned real estate broker like me can do to assist in your housing requirements.



If you have a subject you would like to see written, please let me know through my web-site. If you have questions I'm sure other readers would also be interested. I enjoy your feedback and appreciate your loyalty to my business.

Yours in real estate and happy homes. **JB**



Go to my website [www.jbudd.ca](http://www.jbudd.ca) for a chance to win **Toronto Raptors Tickets!**

You are cordially invited to call **JULIANNE BUDD, Broker**

**RE/MAX® Realty Services Inc., Brokerage**

Each office is independently owned and operated for a free opinion of value and marketing discussion regarding your real estate needs, a no obligation service to you.

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*This is not intended to solicit buyers or sellers currently under contract with a broker.*

### Interesting Events

**16 to 18** Wine and Cheese Show, International Centre, Mississauga  
[www.towineandcheese.com](http://www.towineandcheese.com)

**\*16 to 25** National Home Show & the Canada Blooms Show,  
Direct Energy Building Exhibition Place, Toronto.  
[www.nationalhomeshow.com](http://www.nationalhomeshow.com) & [www.canadablooms.com](http://www.canadablooms.com)

**16 to 24** Cabaret 2012 Music of Andrew Lloyd Weber Acton Town Hall  
[www.haltonhills.ca](http://www.haltonhills.ca)

**17** 8 PM St. Patrick's Day Irish Dancers & Kitchen Party  
Brampton Irish Centre, 20 Strathern Ave. Unit 5, Brampton  
905-790-1747

**21 to Apr. 4** The Blackhorse Players "Caught in the Net"  
Orangeville contact [info@blackkhorse.ca](mailto:info@blackkhorse.ca) 905-936-3801

**28 to Apr. 1** One of a Kind Show, Direct Energy Centre Exhibition Place,  
Toronto [www.oneofakindshow.com](http://www.oneofakindshow.com)

**28 to Apr. 21** Countrylicious Celebration. Prince Edward County. Dine on  
fine cuisine at down-to-earth prices. [www.countrylicious.ca](http://www.countrylicious.ca)

\*I'm interested in any feedback you might have on the National Home and Canada Blooms show should you have opportunity to use the tickets provided in last month's *Julianne's Journal*.



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*"Yours in Real Estate"*

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## Trees Bordering Property Lines

As we head into spring it is the time of year to assess tree damage from the heavy burden of snow. Safety is of the utmost importance when it comes to large and older trees. Weak and damaged trees falling on buildings, against other trees or across power lines and property boundaries may create disruption of power and damage to other properties as well as yours.



### “Who Pays if a Tree Falls in your Yard?”

**By Mark Weisleder** – Mark is a real estate lawyer, author and speaker to the real estate industry.

**“Who owns the tree?”** A tree whose trunk is on the boundary between properties belongs to both property owners, according to the Forestry Act of Ontario.

**When can you trim?** Either owner can trim branches on their side of the property. If the tree is completely on your neighbour's land, but roots and branches extend onto your property, you have the right to trim them, so long as it does not do any harm to the tree.

You cannot go into your neighbour's yard to do this. While this is usually simple to determine when it comes to branches, it is not so easy to figure out when roots are involved. In other words, how do you know whether cutting part of the roots on your land will injure the tree?

Here's where it can be a problem. I have had clients who wanted to put in a pool, only to find that the neighbour's tree roots extend into their yard. Do they have to move the pool or “make it smaller?” The rule of thumb is that the diameter of the tree trunk determines how far away from it you can dig. If the

trunk is less than 30 centimetres, you can usually dig two metres from your neighbour's tree trunk. **It is best to consult with a professional arborist before you start.**

**A dying tree:** If you think a tree is dying and you get a report from a certified arborist, you can remove the tree from your yard, in most cases without a permit. Still, you need to send in a copy of the arborist's report to the City before taking down the tree.

**If a tree falls** and damages your property, it will largely depend on whether the tree was healthy or whether you had warned your neighbour to remove the tree because it was dying. Case law has determined that if the tree was healthy, then you cannot sue your neighbour for damages. It becomes a matter between you and your insurance company, although in my experience, many policies do not cover this type of damage. There is also case law that if you had warned your neighbour to take down the tree because it was dying, they did nothing and then damage occurred, you can successfully claim on your losses.

**Protected Trees:** Most trees within 15 feet of the road are typically owned by the City, so you can't cut any of the branches or remove the tree yourself. If you are worried that the branches may damage wires from the hydro poles, contact the City. They'll come and trim the branches or remove the tree.

There are also rules against trimming or cutting down a heritage tree. You can find a listing of heritage trees at [www.heritagetrees.on.ca](http://www.heritagetrees.on.ca)

