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Eli El-Chantiry

**From:** Dunn, Jenn

**Sent:** Wednesday, July 16, 2014 08:56 AM

**To:** El-Chantiry, Eli

**Cc:** Huxley, Stuart; Charron, Matthieu

**Subject:** FW: Urban Tree By-law - March Road

Councillor El-Chantiry,

The purpose of this e-mail is to provide you with some background information on the current prosecution in the above-noted matter. I understand that you have received various inquiries from your residents on this item. Therefore, this e-mail is designed to provide you with information to assist with such general inquiries.

I can confirm that the City of Ottawa has commenced a prosecution against Metcalfe Realty Company Limited in relation to an alleged contravention of the City of Ottawa's *Urban Tree Conservation By-law*. The charge relates to alleged tree destruction without a permit during May 2014, at the property owned by the defendant at 936 March Road. As this prosecution is currently before the Courts, I am not in a position to discuss the specifics of the case. Any details of the allegation will be canvassed through the court process.

The prosecution of this matter will take place before the Ontario Court of Justice, Provincial Offences Court. A first court appearance is scheduled to take place on Thursday, July 17<sup>th</sup>, 2014 at 1:30 p.m. in Courtroom #102 at the Court at 100 Constellation Drive, Ottawa. The proceedings before the Provincial Offences Court are open to members of the public. I note that this first court date is not a trial date and that it is not uncommon for Provincial Offences matters to be adjourned from time-to-time by the Court. At this point in time, as the prosecution is at its very early stages it is premature to predict a timetable. Having said that, court processes are not rushed in order that various procedural steps can be achieved accordingly.

I can advise that the By-law in question does provide that in the event of a conviction (i.e. a finding of guilt by a court), that the court can impose a fine of up to \$100,000 and impose an Order requiring a person convicted to correct the contravention. There are a number of factors that are generally considered when a sentence is imposed by a court, including but not limited to the principles of deterrence. I trust that you will appreciate that the prosecution does not publically comment or speculate on fines in the hypothetical or while matter are before the courts.

I can advise that carriage of the above-noted prosecution for the City of Ottawa is with Mr. Stuart Huxley, Senior Legal Counsel. I have asked Mr. Huxley to keep your office apprised of court dates on this matter as the case progresses through the courts.

I trust that the above is satisfactory.

**M. Rick O'Connor, CMO**

Certified Specialist (Municipal Law: Local Government) | Spécialiste agréé (Loi sur les municipalités: gouvernement local)

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