

Fawcett Lake Resort Tree Removal Policy

A falling tree can be very destructive when it lands. If a tree falls on something valuable then the cost could be significant. By default, when a tree falls naturally, the cost of this damage is the responsibility of the owner of the tree. In many recreation areas (golf courses, ski areas, theme parks), liability like this is typically transferred to the person at risk. Since campgrounds own so many trees, damage from a falling tree is also included in this transfer of liability. If this was not done, a treed campground would not be able to remain financially viable and all campgrounds would look more like cow pastures in order to eliminate this risk.

At the lake, we have many trees and we regularly see the potential for damage that they can cause. Regardless of where a tree is on the Resort, it is part the Resort and the liability for any damage that it could cause is transferred to the person at risk. There is no transferring of liability to the Annual Camper who leases the lot from which it fell. This means that when a naturally falling tree causes damage, the responsibility for any costs goes to the owner of the item that is damaged. If someone is concerned that a specific tree will fall on their personal property and damage it, then they should not put it under that tree. If personal property is already under that tree, then they should move it (either temporarily or permanently). If needed, there may be a location on the Resort other than the lot, where items (including an RV) may be stored until a danger tree is removed.

Your Rights and Responsibilities

The cost of any damage caused to personal property by a tree that falls naturally within the Resort, is the responsibility of the owner of the damaged property. However, if someone had caused the tree to fall then they could be liable. The Annual Camper who leases a lot near or in which a tree stands, does not have the right to prevent agents of Resort Management from entering a lot and removing the tree. The cutting or injuring of trees on the Resort is not allowed without prior approval. Regardless of whether it is still standing or not, any mess made naturally by a tree is the responsibility of the Annual Camper who leases the lot where the mess is located. Regardless of what caused a tree to fall, any firewood that can be harvested from it belongs to the Resort (unless otherwise agreed). Debris may be taken to the Wood Waste and Yard Waste piles. Resort Management may be willing to assist you in cleaning up part of this mess.

Identifying a Tree to be Removed

Of course, sometimes a tree needs to be removed even if it is not in immediate danger of falling (for development of a lot). If plans are made that require a tree to be removed or once a danger tree has been noticed, the tree should immediately be identified to Resort Management so that approval can be obtained to remove it. Flag the tree in question with a ribbon or tape (do not permanently mark or cut the tree yet) and submit a picture of the tree so that it can be more easily found. The tree and the surrounding area will then be inspected.

Ways a Tree Can Be Removed

After approval is received from Resort Management to remove a tree, the tree should be removed in a controlled manner:

- Resort Management may be willing to try to fall the tree, if it can be arranged that all personal property is removed from within reach. Assistance could be provided in scheduling the day of the work. The cost of the work would be assumed by the Resort, but any mess left on a lot would be the responsibility of the Annual Camper of that lot.
- An approved tree falling service can be hired to remove the tree. This can be done by simply falling it or by dropping it one piece at a time. The service would likely offer to clean up the mess as well, including raking and removal of any debris. The day of the work would need to be scheduled with Resort Management and the cost of this service would be shared by the owners of the personal property at risk.
- You may be allowed to remove the tree yourself, if you are comfortable doing this and if Resort Management feels that the job is being done safely (see below for more information about Removing a Tree Yourself). The day of the work would need to be scheduled with Resort Management and any cost of the work and any mess left behind would be your responsibility.
- If it is not urgent, the tree can be added to the list of trees to be removed the next time a tree falling service comes to the Resort (see below for more information about Tree Day).

Removing a Tree Yourself

If you are comfortable removing a tree yourself then this may be allowed. When identifying the tree, you should also inform Resort Management of your intentions. You will need to demonstrate your plans, including which lots you will need to enter, as well as schedule when the work will be done, and when you will complete cleaning up the resulting mess. There is a shield that can be placed over a holding tank or other small fixed items on a lot to protect it when the tree falls. All immediate neighbors should be informed of the schedule so that they don't get surprized when a tree crashes to the ground. In most cases, tree removal takes a minimum of two people. One person is needed to work the saw and at least one other person to watch the area and keep it clear (of kids and other people). Anyone who causes a tree to fall should be aware that they will be liable for damage to any persons or property that it causes. In addition, that person should be aware of their environmental liability, because all migratory bird nests in Canada are protected. If a tree is removed during the spring or early summer it must be inspected first, to confirm that there are no nests in it. More environmental information is available on the Government of Canada website.

Watching for a Danger Tree

If a danger tree is not identified soon enough, the issue may need to be addressed as soon as it is found. A leaning tree can be a very urgent situation to the owner of the item that it is threatening. In a case like this, it can be very difficult to find a tree falling service that is able to come to the Resort quickly to remove the tree, and the cost for an urgent service like this can be very high. Because of this, everyone should keep a watchful eye on the trees around our lots and regularly consider the likelihood that any of them will fall soon.

Everyone is reminded to take some time at the end of each summer to look at the trees that are near their personal property, to assess if any of them have degraded and are maybe at risk of falling and causing costly damage. Of course, it doesn't matter where the tree is, if it is threatening a particular item then the owner of that item should be concerned. By identifying a danger tree before it falls naturally, an opportunity becomes available to fall the tree at a controlled time and in a controlled manner, to minimize and maybe even eliminate the risk to any personal property.

Tree Day

At the end of each summer an attempt is made to organize a Tree Day, when a tree falling service can come to the lake and remove all of the identified trees that have been put on the list. This gives the owners of the personal property time to plan on temporarily moving their items out the way, while the work is being done. Tree Day allows everyone to share in the cost of travel time to the Resort and in setting up the equipment, which significantly reduces the cost of the work for each tree.

It is hoped that this Tree Removal Policy will help everyone to make a plan to accomplish what is usually a common goal of bringing a tree safely to the ground. By working together, removing trees from the Resort can become an event that not only helps maintain healthy relationship between neighbors, but also keep our community safe and growing.