



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2010-148

A by-law to designate the property on which the Bronte White Oak Tree is located as a property of historical, architectural and/or contextual significance.

WHEREAS pursuant to Part IV of the *Ontario Heritage Act*, R.S.O. 1990, Chapter O.18, the Council of a municipality is authorized to enact by-laws to designate a real property, including all natural features thereon, to be of cultural heritage value or interest;

WHEREAS the municipal council of the Corporation of the Town of Oakville has cause to be served on the owners of the lands and premises (the Region of Halton) at:

1179 Bronte Road
Oakville, ON

and upon the Ontario Heritage Trust, notice of intention to designate the Bronte White Oak Tree and a statement of the reasons for the proposed designation, and further, has caused said notice of intention to be published in the Oakville Beaver, being a newspaper of general circulation in the municipality;

AND WHEREAS no notice of objection to the proposed designation has been served on the municipality;

AND WHEREAS the reasons for designation are set out in Schedule "B" attached hereto and form part of this By-law;

COUNCIL ENACTS AS FOLLOWS:

1. The following real property, more particularly described in Schedule "A" attached hereto and forming part of this By-law is hereby designated as being of cultural heritage value or interest:

A portion of the road allowance of Bronte Road (Regional Road 25)
1179 Bronte Road
Town of Oakville
The Regional Municipality of Halton

2. The Town solicitor is hereby authorized to cause a copy of this By-law to be registered against the property described in Schedule "A" attached hereto at the Land Registry Office.
3. The heritage attributes of the property are described in Schedule 'B' to this By-law.
4. Authorization for specific alterations to the property under Section 33, Part IV of the *Ontario Heritage Act* R.S.O. 1990, Chapter O.18 is hereby provided for the alterations described in Schedule 'C' and Schedule 'D' to this By-law.

PASSED this 13th day of December, 2010

ROB BURTON

MAYOR

VICKI TYTANECK

A/ CLERK

**SCHEDULE "A" TO
BY-LAW 2010-148**

That portion of the road allowance at 1179 Bronte Road (Regional Road 25) described as Part of Lot 30, Concession 2 SDS, designated as Parts 1, 2 and 3 on Plan 20R-18750, Oakville

SCHEDULE “B” TO BY-LAW 2010-148

STATEMENT OF SIGNIFICANCE

Description of Property

The Bronte White Oak Tree (*Quercus alba*) is located within the eastern portion of the expanded road allowance of Bronte Road (Regional Road 25) at 1179 Bronte Road. The tree is just north of the Queen Elizabeth Way and adjacent to the Halton Regional Building.

The Bronte White Oak Tree is estimated at over 250 years of age, and has the characteristic gnarled branches of a mature white oak. At present time, it is a healthy tree standing 19.5 meters above ground with a massive trunk nearly 1.5 meter in diameter and stout far-reaching limbs spreading approximately 25 meters. The tree stands in a median adjacent to the parking lot of Regional building, and is the dominant feature of the landscape.

Statement of Cultural Heritage Value

Design Value or Physical Value

The Bronte White Oak Tree has cultural heritage value in its physical value as a fine representative example of a mature white oak tree. The broad spreading crown of this oak tree has round-lobed leaves that transform from a silvery pink in spring to glossy green in summer, and then deepen to a reddish brown in autumn where they remain deep into winter. Acorns are produced with periodic abundance and have been gathered to propagate its genetic stock.

A native Carolinian species, white oak is common in southern Ontario and is widespread across the eastern United States. It grows on a wide range of soils and sites from dry forests and fields to moister woodlands. Throughout its range, the white oak provides food and cover for more than 180 different kinds of birds and mammals. This tree species is becoming a historic component of local forests. In the open, the white oak tends to be stocky and wide spreading, like the Bronte Road tree, while in forests it is taller with a more compact crown. Typically, forest grown white oaks reach 24 to 30 m in height, and the trunk generally ranges from 91 to 122 cm in diameter.

The Bronte White Oak Tree also has physical value as a rare example of a surviving old growth white oak tree. While the species of tree is common to southern Ontario, due to the history of intense logging in the province, old growth white oak trees of this stature are rare. If undisturbed, white oak trees can live 500 to 600 years; however, the lifespan of individual trees can be difficult to predict. The Bronte White Oak Tree is an old-growth tree which has survived despite the threat of logging and modern development, and has the potential to be a long-lived tree.

Historical Value or Associative Value

The Bronte White Oak Tree has cultural heritage value in its historic associations with the development of the hamlet of Merton, the village of Bronte and the Town of Oakville. The Bronte White Oak Tree is estimated to date back to the 1730s, and therefore pre-dates historical European settlement in the Oakville area. The Bronte White Oak Tree is one of a very few pre-settlement white oak trees that remain in Oakville.

Before European settlement, large white oaks dominated forests across eastern North America. However, early settlers recognized that the hard, heavy, tough oak wood was a valuable source of lumber. Numerous mills were built across Oakville, Bronte and Trafalgar Township in order to process timber. At that time, oak trees were so in abundance in this part of southern Ontario that the name Oakville was chosen for one of the area settlements whose founder, William Chisholm, was also named "White Oak" by the First Nations people.

The Bronte White Oak Tree has historical value in its association with past owners of the land on which it stands. The tree was once located on Woodlands Orchards, an estate owned by James White who bought the land in the 1840s. James White was a sawmill owner, lumber merchant, gentleman farmer, and livestock breeder. He was a major developer of the timber resources of the Twelve Mile Creek valley, and was also the owner of the horse (Don Juan) who won the first Queen's Plate. The land later passed to White's son-in-law, Paul Campbell, who transformed the 315 acre farm into the best known orchards in the area.

In 1921, George Chew Atkins bought the property and moved his family from New Jersey. In the 1970s, the property was owned by his son, George Atkins, who was an important figure in Canadian broadcasting. He received a honorary degree from the University of Guelph, was named a Fellow of the Agricultural Institute of Canada in 1980, received the AIC International Recognition Award in 1993 and an Order of Canada in 1989. Atkins was responsible for the first efforts to preserve the Oak Tree when it was put at risk by road construction in the 1970s. He enlisted the assistance of Erik Jorgenson of the Shade Tree Research Laboratory of the

University of Toronto, who identified the tree as one of few remaining old oak trees in Ontario. In 1972, Atkins signed an agreement with the Department of Transportation that ensured that “every possible precaution will be taken to guard the safety of said Tree”.

The Bronte White Oak Tree also has cultural heritage value in through its special associations and relationship with the local community. Due to its age, size and location, the Bronte White Oak Tree has been recognized by the community as a highly valued natural heritage landmark for many years.

In 2006, the Bronte White Oak Tree was preserved due to community efforts to divert a regional road around the tree and the preservation campaign gained national attention. The ‘Woodlands Oak Tree Preservation Committee’ was successful in its attempt to protect the tree, and although a relatively recent event, in years to come this effort will likely be seen as an important moment for the community. The current property owners, the Region of Halton, have demonstrated a strong commitment to the tree’s preservation and to ensuring its ongoing biological health.

Contextual Value

The Bronte White Oak Tree has cultural heritage value in its contextual value as it has existed at this location for approximately 250 years, pre-dating the European settlement and development of the area. The Bronte White Oak Tree is a community landmark and is well known by its prominent location on Bronte Road. The tree is a physical reminder of the rural character of this area, which has only recently experienced intensive development.

Description of Heritage Attributes

Key attributes of the Bronte White Oak Tree which embody its physical, historical and contextual value as a rare remaining example of an old growth white oak tree and:

- the crown, trunk, branches and root system of the Bronte White Oak tree

Key attributes of the Bronte White Oak Tree which embody it as a natural heritage landmark in the town of Oakville:

- the location of the Bronte White Oak Tree

SCHEDULE “C” TO BY-LAW 2010-148

AUTHORIZED ALTERATIONS

The following classes of alterations are consented to by the Town of Oakville, subject to the conditions listed below:

1. Human Safety

Pruning, trimming or other action, if required to address an identified health and safety risk as determined by the Region’s Commissioner of Public Works or designate.

2. Bronte Road Reconstruction

Pruning, trimming or other action, if necessary for the Bronte Road Reconstruction as determined by the Region’s Commissioner of Public Works or designate.

3. Routine Maintenance

All routine maintenance described in the Maintenance Plan attached as Schedule ‘D’ to this By-law.

CONDITIONS

1. All works must be supervised by the Region’s arborist (or a certified arborist designate) and shall be completed in a manner that causes the least amount of harm to the tree, including crown and root system.
2. Within 30 days of actions undertaken as part of the authorized heritage permit alterations listed above, the Region will provide a memo to the Town of Oakville’s Planning Services department for documentation.
3. The Region will provide a copy of any assessments of the tree to the Town of Oakville’s Planning Services department within 30 days of receipt.

SCHEDULE “D” TO BY-LAW 2010-148

MAINTENANCE PLAN

This Maintenance Plan provides the guiding principles for the maintenance activities to be provided in order to ensure, to the degree possible, the continued health of the “Bronte White Oak” (the tree).

An annual assessment of Bronte White Oak will be prepared by a certified arborist each spring (June). The annual assessment will identify the maintenance requirements of the Bronte White Oak and these requirements will be implemented by the Region during the following year. If recommended in the annual assessment, interim assessments of the Bronte White Oak will be conducted by the Region’s arborist, the results of which will also form part of the Region’s maintenance plan for the Bronte White Oak.

The annual assessment of the Bronte White Oak will include, but not be limited to, recommendations regarding:

- Watering;
- Fertilization;
- Pruning and trimming; and
- Placement of any landscaping materials within the Tree Protection Zone.

As noted above, pruning and trimming of the tree will be undertaken based on recommendations provided through the arborist’s annual assessment.

All pruning and trimming shall be carried out in accordance with the generally accepted best practices as established from time to time by the Region’s arborist.

Unless otherwise directed by the Region’s arborist, the following conditions shall apply to activities within the designated area as defined by the Reference Plan in Schedule ‘A’ to this By-law.

- a. Landscaping materials to be planted from time to time within the designated area will be selected such that they will require the same level of maintenance as the tree and will be compatible with respect to soil properties, moisture, salt tolerance, etc. Drought tolerant plants that require little irrigation during the summer months are preferred in the area surrounding the tree;
- b. No grade changes, including the placement of fill, shall be made within the designated area;

- c. Where the removal of soil is required the work is to be carried out with an air-spade to ensure protection of the roots;
- d. Soil compaction must be avoided within the designated area;
- e. No heavy equipment will be permitted within the designated area;
- f. Grading within the median island outside of the designated area shall not be changed such that surface flow is directed to the designated area.