

Tree Removal - 478 Roncesvalles Avenue (High Park)

(City Council on November 23, 24 and 25, 1999, adopted this Clause, without amendment.)

The Toronto Community Council recommends that City Council issue a permit for tree removal at 478 Roncesvalles Avenue, on condition that two mature trees be planted in the rear of the property.

The Toronto Community Council resubmits Clause 65 of Toronto Community Council Report No. 12, titled “Tree Removal – 478 Roncesvalles Avenue (High Park):

(City Council on September 28 and 29, 1999, referred this Clause, back to the Toronto Community Council for further consideration.)

The Toronto Community Council submits this matter to Council without recommendation.

The Toronto Community Council reports, for the information of Council, having requested the Acting Commissioner of Urban Planning and Development Services, in consultation with the Commissioner Economic Development, Culture and Tourism, to meet with the applicant to examine alternatives which would permit the retention of the tree, and report thereon directly to Council.

The Toronto Community Council submits the following report (August 24, 1999) from the Commissioner Economic Development, Culture and Tourism:

Purpose:

An application for a permit to remove one tree on private property in order to construct a replacement addition at the rear of the property has been filed by the owner of 478 Roncesvalles Avenue, Mr. Ghazi Salti, 2749 Hammond Road, Mississauga, Ontario, L5K 2M3.

Financial Implication:

N/A

Recommendations:

Either 1, or 2 below

- (1) issue a permit for tree removal; or
- (2) refuse to issue a permit for tree removal requiring the applicant to redesign the rear addition to accommodate the tree.

Comments:

The tree in question is a forty-five centimetre diameter Tree of Heaven in fair condition. The tree is located adjacent to the rear of the building and in the opinion of staff, is causing or is likely to cause structural damage to a load bearing structure. The applicant was advised by staff, on April 13, 1999, that the Tree of Heaven met the criteria for an exemption under the private tree by-law, and that a permit to remove the tree was not required. The Department has since received fourteen letters opposing the removal of the tree. At the request of Councillor Chris Korwin-Kuczynski, this report was prepared and the applicant was advised not to remove the tree until the issue could be discussed at Toronto Community Council.

The applicant was served with an "Order to Comply", from the Urban Planning and Development Services Department. The order indicated that at the rear of the property, the structural wood members of the existing three storey enclosed porch have deteriorated and do not provide adequate support. The applicant was required to obtain the services of a professional engineer to review the site conditions and recommend the necessary remedial action required to eliminate all unsafe conditions. The applicant was also required to submit plans and obtain a permit to repair, demolish or rebuild this structure. Staff from our Department are concerned that the construction required to rebuild the addition will significantly impact the health of the tree and may destabilize it. The Tree of Heaven is a fast growing weak wooded species. This particular specimen is located in a poor growing environment adjacent to the building, and has the potential to cause damage to the property.

The fourteen letters opposed to the removal of the Tree of Heaven have been forwarded to the Community Council Secretary for the Community Council to review.

Contact Name:

Andrew Pickett, 392-6644

The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof is on file in the office of the City Clerk:

- (September 13, 1999) from Peter and Rosemary Meier; and
- (March, 1999) from Mr. Daniel J. Pavlon, Daniel Design Services Inc.

The following persons appeared before the Toronto Community Council in connection with the foregoing matter:

- Mr. Alex Poch-Goldin, Toronto, Ontario;
- Mr. Stephen McCammon, Toronto, Ontario; and
- Mr. Ghazi Salti, Toronto, Ontario.

(A copy of the letters referred to in the foregoing report was forwarded to all Members of the Toronto Community Council with the agenda for its meeting on September 14, 1999, and a copy thereof is on file in the office of the City Clerk).

(City Council on September 28 and 29, 1999, had before it, during consideration of the foregoing Clause, the following report (September 23, 1999) from the Acting Commissioner of Urban Planning and Development Services:

Purpose:

The Toronto Community Council, at its meeting of September 14, 1999, requested that I, in conjunction with the Commissioner of Economic Development, Culture and Tourism, meet with the applicant report to consider ways to retain the private tree at the rear of the subject premises, and report directly to your Council on this matter.

Financial Implications:

N/A

Recommendations:

That this report be received for information.

Background:

The owner of the subject premises applied for permission to remove a forty-five centimetre diameter Tree of Heaven which is currently in fair condition and is located approximately 0.3 metres away from the rear wall of the building at 478 Roncesvalles Avenue, in order to undertake remedial repairs ordered by my Chief Building Official.

At the time the Toronto Community Council considered this matter a number of area residents appeared in opposition to the owner's proposal, indicating that the tree was an important amenity for this immediate neighbourhood.

In response, Toronto Community Council requested that staff from the Buildings Division and Forestry Office meet with the owner to explore the feasibility of preserving the tree in question, without preventing the necessary repairs ordered by the Chief Building Official.

Comments:

The area of the building, which the owner has been required to repair, is in very poor condition at the present time and repairs should be made as quickly as possible.

The rear of the existing building appears to be frame construction addition to the main building, with a further shed-roof addition. Steps from the second storey lead from rear of the building addition, over the second and western-most addition, and to grade. The tree is located

approximately 0.3 metres west of the wall of the shed-roof addition, and directly adjacent the steps which lead from the second storey.

The owner has engaged an engineer to prepare Building Permit application drawings detailing his proposal to remove and reconstruct an addition to the rear of the building, including a set of exterior steps.

The proposed addition, as detailed in the building permit application, would extend beyond the existing addition. It could not be constructed as proposed unless permission is given to remove this tree. It should be noted, however, that the Ontario Building Code Order could be remedied by re-constructing the rear addition in it's existing location. What is unclear at the present time is the condition of the foundation of the rear addition. The building permit application indicates that the existing foundations are to remain undisturbed, suggesting that they would support the construction of a new addition. If the rear addition were reconstructed in it's current location, and could be built on the existing foundation there would be minimal impact on the root system of the subject tree, and the tree could be preserved. The proposed addition will encroach into the crown of the tree and substantial pruning will be required to provide clearance. The pruning should be carried out by a qualified tree expert using standard arboricultural practice to minimize the injury resulting from the removal of a significant portion of the tree crown.

On Monday, September 20, Buildings and Forestry staff met with the owner on-site to discuss his proposal. Notwithstanding a discussion of the situation, as noted above, the owner remains of the view that he would prefer to re-construct the rear addition in the manner set out in his building permit application, which would require the removal of the tree.

It was noted at the time of the inspection that, although this is the only tree at the rear of this property, there are a number of other trees in relatively close proximity, and photographs of the area in question which identify the location of other nearby trees have been shared with the local Councillors.

Contact Names:

Buildings Division, Pam Coburn, Director and Deputy, Chief Building Official, 392-7961
Parks and Recreation Division, Forestry, Andrew Pickett, 392-6644

The Toronto Community Council reports, for the information of Council, having also had before it during consideration of the foregoing matter, the following communications, and a copy thereof is on file in the office of the City Clerk:

- (November 6, 1999) from Mr. Thomas MacPherson;
- (November 6, 1999) from Mr. Paul Kraussman;
- (November 6, 1999) from Britt Gardner; and
- (October 6, 1999) from Mr. Demetre (Jim) Bazios.

The following persons appeared before the Toronto Community Council in connection with the foregoing matter:

- Mr. Ghazi Salti; and
- Mr. Michael Gardner.