

**Extract of Item EY25.11 of the Etobicoke York Community Council meeting held on March 26, 2009.**

### **Other Items Considered by the Community Council**

(The Community Council is authorized to take certain actions without Council's approval.)

<b>EY25.11</b>	<b>ACTION</b>			Ward: 5
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#### **4187 Dundas Street West and 567, 569 and 571 Prince Edward Drive – Private Tree Removal**

#### **Decision Advice and Other Information**

Etobicoke York Community Council:

1. Deferred indefinitely the report (March 4, 2009) from the Director, Urban Forestry, Parks, Forestry and Recreation.

#### **Origin**

(March 4, 2009) Report from Director, Urban Forestry, Parks, Forestry and Recreation

#### **Summary**

This report requests that Council confirm the decision of the General Manager of Parks, Forestry and Recreation to deny the request for a permit to remove two (2) privately-owned trees at 4187 Dundas Street West and 567, 569 and 571 Prince Edward Drive (the "Site").

The applicant originally applied for permits to remove 9 trees, but subsequently requested the deletion of two trees located on the abutting property. By letter dated November 20, 2008, the General Manager advised that of the remaining 7 trees, 5 could be removed subject to conditions but the General Manager refused to issue a permit to destroy Tree Nos. 4192 and 4193, being a red oak and a horse-chestnut, as: inspection of the trees by staff revealed that both are in good condition and, for the reasons set out below, the General Manager cannot support the removal of these trees.

The applicant has appealed this decision to refuse to issue permits to destroy these two trees to Etobicoke York Community Council.

The applicant had requested the removal of all 9 trees (including the 2 on the abutting property) to permit the construction of a proposed residential building that was the subject of a zoning and site plan appeal to the Ontario Municipal Board (the "OMB"). The OMB has issued a decision allowing the proposed building; and, in appealing the General Managers refusal, the owner stated that:

the above noted decision . . . contradicts decision PL070056 of the Ontario Municipal Board. The decision of the General Manager would not permit the construction of the 7 storey condominium development on site as approved by the Ontario Municipal Board. I believe that the decision of the General Manager cannot ignore and also contradict the decision of the Board ....

However, City legal counsel, who appeared before the OMB, has advised that he had specifically raised the issue of trees with the OMB member during the hearing, noting that the owner's witnesses had not identified any trees that may need to be removed and that the owner was not seeking permission from the OMB to remove any trees. City legal counsel had, therefore, specifically asked the presiding OMB member to note that its decision would not prejudice any later decision that may have to be made by the City in the event the owner applied to the City for a permit to remove trees. The presiding Board member agreed with City legal counsel on that point. The decision of the General Manager therefore neither ignores, nor contradicts the Board's decision.

### **Background Information**

March 4, 2009 report

(<http://www.toronto.ca/legdocs/mmis/2009/ey/bgrd/backgroundfile-19609.pdf>)

### **Speakers**

Tom Giancos