

Tree Protection on Development Sites

Date:	April 30, 2010
To:	Parks and Environment Committee
From:	Brenda Patterson, General Manager, Parks, Forestry and Recreation
Wards:	All
Reference Number:	P:\2010\Cluster A\PFR\PE30-052110-AFS#12070

SUMMARY

City Council, on October 26 and 27, 2009, requested a report to the appropriate committee on ways and means to avoid a recurrence of situations like the one that has occurred at 21 and 23 Mastwood Crescent and/or seek appropriate restitution.

Tree protection requires cooperation among residents, builders and City Divisions. The resources required to monitor every site where construction has the potential to impact a tree are not in place. Improved education and awareness of the tree protection by-laws are essential so that trees are considered in the initial stages of project design. Monitoring and enforcement of sites for tree protection are key components to protecting the urban forest.

Financial Impact

There are no financial implications resulting from the receipt of this report.

DECISION HISTORY

A report was before City Council, at its meeting of October 26 and 27, 2009, with a recommendation that Council approve the request for a permit to remove four (4) privately-owned trees situated on Mastwood Crescent (formerly Buttermilk Subdivision). City Council adopted the request to remove four (4) privately-owned trees, and among other things, “directed Urban Forestry, Parks, Forestry and Recreation staff to report to the appropriate committee on ways and means to avoid a recurrence of situations like the one that has occurred at 21 and 23 Mastwood Crescent and/or seek appropriate restitution.”

ISSUE BACKGROUND

Grading plans for the Buttermill Subdivision on Mastwood Crescent were approved by City of Toronto Development Engineering in December 2007, however after construction was well under way, it was discovered that pertinent information, including the location of trees to be preserved and tree protection zones, had not been included on the plans. It wasn't until October 2008, that the developer submitted an application to remove five (5) privately-owned trees to permit grading in accordance with the approved plans.

Scarborough Community Council, at its meeting of October 13, 2009, had a report before them recommending that a permit be approved for removal of four (4) privately-owned trees located at the rear of 23 Mastwood Crescent (Lots 11 and 12).

The report and discussions at the Community Council meeting revealed that over the span of several months, tree protection barriers were repeatedly installed only to be removed by persons unknown, and the five (5) privately-owned trees were repeatedly injured by girdling the tree stems. One tree was removed entirely. The staff report recommendation was based on the fact that the remaining four (4) trees had been so severely injured, they would only continue to decline and die.

COMMENTS

In the past, most grading plans submitted as a condition of subdivision approval did not include tree locations or tree protection information. Since 2008, Urban Forestry staff, in response to what occurred at the Mastwood site, are now working more closely with developers and staff in other City Divisions, such as City Planning and Development Engineering, and participate in the Development Application Review Process (DARP) meetings. Staff work together to ensure that Urban Forestry staff are provided with grading plans prior to final approval of plans, and that trees to be retained, as well as the requisite tree protection zones are detailed and included on the plans. Reviewing all required plans prior to approvals, and providing comments to Development Engineering, with respect to grading plans, helps to prevent situations like those experienced in 2008 and 2009 at 21 and 23 Mastwood Crescent.

In 2008, City of Toronto Municipal Code Chapter 813, Article III (also known as the Private Tree By-law) was amended. One of the amendments allows Parks, Forestry and Recreation to require a letter of credit to ensure compliance with conditions of permit issuance. Staff will be looking more closely at this, and are consulting with City Legal on how best to implement the authority to collect tree securities, particularly with new subdivision applications. For trees that are subject to a security, if there is no encroachment into the tree protection zones, and the trees have not been injured by construction, tree protection securities will be released upon completion of all construction activity. If protected trees are injured or destroyed, or there has been

encroachment into the tree protection zone, securities will be held until it can be determined if the tree(s) will survive, and if necessary, after any maintenance is performed to mitigate injuries to the tree(s).

Staff investigated the tree injury that occurred in 2009 at the Mastwood site in Scarborough and continue to investigate all sites where a report of a tree protection by-law infraction is received. Urban Forestry, after consulting with City Legal, will proceed with laying charges under the provisions of the tree protection by-laws where there is sufficient evidence to suggest a successful prosecution.

On the Mastwood site, the City was able to secure six (6) large growing replacement trees as restitution for each tree that was removed from the site.

Urban Forestry staff will continue to work with the developers, owners, residents, as well as other City divisions, to ensure the highest level of tree protection is provided where commitment has been made to retain and protect trees on City and private property.

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SIGNATURE

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