



STAFF REPORT ACTION REQUIRED

150 Hamilton Street – Application to Injure a Private Tree

Date:	December 8, 2014
To:	Toronto and East York Community Council
From:	Jason Doyle, Director, Urban Forestry, Parks, Forestry and Recreation
Wards:	Ward 30 – Toronto - Danforth
Reference Number:	P:\2015\Cluster A\PFR\TE03-011315-AFS#20336

SUMMARY

This report requests that City Council deny the application for a permit to injure one (1) privately owned tree located at the rear of 150 Hamilton Street. The property owner of 154 Hamilton Street has submitted an application to injure this tree to accommodate the construction of a new four-storey dwelling at 154 Hamilton Street.

The subject tree is a silver maple (*Acer saccharinum*) measuring 80 to 90 cm in diameter. The tree is healthy and in good condition structurally and botanically. The extensive pruning proposed does not constitute good arboricultural practices and, if approved, it is unlikely the tree will survive well over the long term. Urban Forestry does not support injury of this tree as the extensive pruning proposed can be avoided by adjusting the location of the proposed four-storey dwelling towards Hamilton Street, in line with existing neighbouring dwellings.

RECOMMENDATIONS

The General Manager of Parks, Forestry and Recreation recommends that:

1. City Council deny the request for a permit to injure the one (1) privately owned silver maple tree at 150 Hamilton Street.

Financial Impact

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

COMMENTS

An application was received from the owner of 154 Hamilton Street for a permit to injure a privately owned silver maple tree measuring 80 to 90 cm in diameter, located in the rear yard of 150 Hamilton Street. The application indicates that the reason for injury is to accommodate the construction of a new four-storey dwelling at 154 Hamilton Street. The application to demolish the existing dwelling, and construct a new four-storey detached dwelling that will maintain the existing building envelope was approved by the Committee of Adjustment. Approval was conditional on the applicant satisfying all matters relating to City and privately owned trees to the satisfaction of Urban Forestry.

Urban Forestry staff inspected the tree and confirmed that the silver maple is healthy and in good condition botanically and structurally. There are no visible defects or weaknesses, little deadwood and a healthy canopy with a medium but natural shape. The proposed injury does not constitute good arboricultural practices and, if approved, it is unlikely the tree will survive well over the medium to long term. Urban Forestry does not support the injury of this tree as the extensive pruning proposed can be avoided by relocating the proposed four-storey dwelling further towards Hamilton Street, in line with existing neighbouring dwellings.

Trees produce foliage which is essential for growth and development. The removal of an abundance of foliage through excessive pruning can reduce tree growth and the tree's ability to defend against decay, disease, and insects. The applicant is proposing to prune an estimated 40% of the tree's canopy.

As required under *Section 813-19, of City of Toronto Municipal Code, Chapter 813, Trees, Article III*, a notice of application to injure the tree was posted on the subject property for the minimum 14 day period in order to provide an opportunity for comment by the community. Eight (8) comments were received by Urban Forestry; one (1) supporting the application to injure, and seven (7), including the tree owner, who are opposed to the tree injury.

Removal of 40% of the crown is a significant injury. The American National Standard Institute, Standard Practices (Pruning) (ANSI A300 (Part 1)-2008, is an internationally recognized standard developed by the Tree Care Industry Association. This standard indicates that "Not more than 25 percent of the foliage should be removed within an annual growing season. The percentage and distribution of foliage to be removed shall be adjusted according to the plant's species, age, health and site."

Under Urban Forestry's review, approval of any application to injure a tree is based upon an assessment that the injury cannot reasonably be avoided and that the tree will withstand the injury and continue to survive well. Urban Forestry has determined that the injury the tree would sustain as a result of extensive pruning would unacceptably compromise the health of the tree in question.

A permit to injure the tree was refused. As a result of refusal to issue a permit to injure the tree, the applicant applied for removal of the tree.

As required under *Section 813-19, of City of Toronto Municipal Code, Chapter 813, Trees, Article III*, a notice of application to destroy the tree was posted on the subject property for the minimum 14 day period in order to provide an opportunity for comment by the community. Twelve (12) comments were received from the community, including the tree owner, all opposed to tree removal.

A permit to destroy the tree was denied by Urban Forestry. The owner of 154 Hamilton Street is appealing the earlier decision to deny a permit to injure the tree.

Should City Council approve this request for tree injury, *Section 813-21, of City of Toronto Municipal Code, Chapter 813, Trees, Article III*, requires that a permit to injure trees shall be subject to conditions, including that trees shall be protected in accordance with good arboricultural practices. Therefore, if this request is approved, approval should be conditional upon:

- tree pruning being performed by a qualified arborist using proper arboricultural techniques, and as outlined in Pruning Plan for Silver Maple Tree at 154/150 Hamilton Street, dated May 2014; Figure 2 dated June 2, 2014, by Urban Forestry Innovations Inc.
- the applicant implementing tree protection in accordance with the Pruning Plan/Arborist Report/Landscaping Plans approved by the General Manager.
- the applicant providing a written undertaking and release to ensure tree protection is carried out and maintained in accordance with plans approved by the General Manager.

The silver maple tree at 150 Hamilton Street is a valuable part of the urban forest and with proper care and maintenance this tree has the potential to provide the property owner and the surrounding community with benefits for many years to come. Urban Forestry, therefore, cannot support the proposed injury to this tree.

CONTACT

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SIGNATURE

Jason Doyle
Director of Urban Forestry
Parks, Forestry and Recreation Division

ATTACHMENTS

Attachments 1, 2 and 3 – Photos of the 80 to 90 cm diameter silver maple tree located in the rear yard of 150 Hamilton Street

80 to 90 cm diameter silver maple tree at the rear of 150 Hamilton Street



80 to 90 cm diameter silver maple tree at the rear of 150 Hamilton Street



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