



**STAFF REPORT
ACTION REQUIRED**

150 Hamilton Street – Application to Injure a Private Tree

Date:	October 25, 2016
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:\2016\Cluster A\PFR\TE20-111516-AFS#23728

SUMMARY

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

The subject tree is a silver maple (*Acer saccharinum*) measuring 80-90 cm in diameter. The tree is currently maintainable and in good condition, both structurally and botanically. Urban Forestry does not support injury of the subject tree as the proposed work does not constitute good arboricultural practice.

RECOMMENDATIONS

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

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

Financial Impact

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

DECISION HISTORY

A permit application to injure the tree in questions was submitted by the previous owner of the property on April 1, 2014. 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. Thirteen (13) submissions were received in response to the posting: one (1) supporting the application to injure, and twelve (12) submissions opposed to the tree injury.

The request for permit was denied by Urban Forestry. The applicant appealed this decision and at its meeting on February 10, 2015, City Council adopted recommendations to deny issuance of an permit authorizing tree injury. A new property owner has purchased the property and has made the identical application.

The previous decision and report are located here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2015.TE3.17>

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 construction of a new four-storey dwelling at 154 Hamilton Street and will include removal of approximately 40 per cent of the trees crown.

An application to demolish the existing dwelling, and construct a new four-storey detached dwelling, while maintaining the existing building envelope, was approved by the Committee of Adjustment (February 8, 2012). Approval was issued conditional on the applicant satisfying all matters relating to City and privately-owned trees to the satisfaction of Urban Forestry.

In response to the current permit application submitted by the new owner of 154 Hamilton Street, Urban Forestry staff inspected the tree and confirmed that the silver maple is healthy and in good condition, both 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 a good arboricultural practice 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. The extensive pruning proposed could possibly be avoided by relocating the proposed four-storey dwelling further towards Hamilton Street.

Trees produce foliage which is essential for sustainment and future growth. 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 per cent of the tree's canopy. The removal of 40 per cent of a tree's 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 level of injury proposed would unacceptably compromise the health of the tree in question.

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) submissions were received in response to the posting: one (1) supporting the application to injure, and seven (7) submissions opposed to the tree injury.

A permit to injure the tree was denied by Urban Forestry. The applicant is appealing the decision.

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 approval be conditional upon:

- The tree being protected in accordance with good arboricultural practices.
- That tree pruning be performed by a qualified arborist using proper arboricultural techniques, and as outlined in Pruning Plan for Silver Maple Tree at 154/150 Hamilton Street, prepared by Urban Forest Innovations Inc., revision dated June 2, 2014, that the applicant implement tree protection in accordance with tree protection plans and arborist reports approved by the General Manager.
- That the applicant provide a written undertaking and release to ensure tree protection is carried out and maintained in accordance with plans approved by the General Manager.

The environmental benefits of trees include cleansing of air, noise and wind reduction, and protection from ultraviolet radiation. Trees reduce rainwater runoff thereby reducing soil erosion and lowering storm water management costs. They also contribute to moderation of temperature extremes and reduction of the urban heat island effect by providing shade during the summer.

Trees provide many economic benefits including the enhancement of property values. Homes with mature trees have higher value when compared to similar types of homes in similar locations without trees. Mature trees are associated with reduced home energy consumption. Air conditioning costs are lower in a home shaded by trees and heating costs are reduced when trees mitigate the cooling effects of wind in winter. Trees are a community resource which can make the city more attractive to investors, tourists and prospective residents thus contributing to growth and prosperity.

It is the goal of the City of Toronto to increase the city's tree canopy to 40 per cent. The loss of trees in the city due to the ice storm experienced in late December 2013, compounded with additional recent tree loss due to presence of the Asian longhorned beetle and the emerald ash borer make the preservation of all healthy trees more necessary now than ever.

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.

CONTACT

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SIGNATURE

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ATTACHMENTS

- Attachment 1 – Photo of the silver maple tree at 150 Hamilton Street, measuring 80-90 cm in diameter
- Attachment 2 – Photo of the silver maple tree at 150 Hamilton Street, measuring 80-90 cm in diameter



