

## **Application to Remove Two (2) Private Trees - 25 Thames Avenue**

**Date:** April 7, 2017

**To:** Etobicoke York Community Council

**From:** Jason Doyle, Director, Urban Forestry, Parks, Forestry and Recreation

**Wards:** Ward 6 - Etobicoke Lakeshore

### **SUMMARY**

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This report requests that City Council deny the request for a permit to remove two (2) privately-owned trees located at 25 Thames Avenue. The application indicates the reasons for removal are to address concerns that falling walnuts and branches will cause damage to property and pose a potential injury to family members and pedestrians.

The two subject trees are black walnuts (*Juglans nigra*) measuring 76 cm and 113 cm in diameter. The Private Tree By-law does not support the removal of these trees as they are healthy and maintainable.

### **RECOMMENDATIONS**

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

1. City Council deny the request for a permit to remove two (2) privately-owned trees, located at 25 Thames Avenue.

### **FINANCIAL IMPACT**

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

### **DECISION HISTORY**

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There is no decision history regarding this tree removal permit application.

### **COMMENTS**

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Urban Forestry received an application for a permit to remove two (2) privately-owned trees located at 25 Thames Avenue. The subject trees are black walnut trees measuring 76 cm and 113 cm in diameter. The request to remove these trees has been made to

address concerns that the falling walnuts and branches will cause damage to property and pose potential injury to family members and pedestrians.

The arborist report that accompanied the application assessed the trees to be in fair to good condition.

Urban Forestry staff inspected the trees and determined the trees are healthy and in good condition, both botanically and structurally.

All trees drop leaves, needles, nuts, fruit or other debris. When reviewing applications for tree removal, Urban Forestry staff are guided by City policies and bylaws including *City of Toronto Municipal Code Chapter 813, Article III*, more commonly referred to as the Private Tree By-law. The Private Tree By-law does not have a mechanism that would allow the removal of the subject tree to address the perceived nuisance resulting from a tree's natural functions.

Concerns expressed by the applicant can be addressed through pruning in accordance with good arboricultural practices and performance of routine tree maintenance including the removal of deadwood.

As required under Section 813-19, of *City of Toronto Municipal Code, Chapter 813, Trees, Article III*, a Notice of application sign was posted on the subject property for the minimum 14-day period in order to provide an opportunity for comment by the community. No comments were received in response to the posting.

A permit to remove the trees was denied by Urban Forestry. The owner is appealing this decision.

Should City Council approve this request for tree removal, in accordance with *Section 813-20 of City of Toronto Municipal Code Chapter 813, Trees, Article III*, permit approval must be conditional upon the provision of satisfactory replacement planting. As a condition of permit issuance, the property owner is proposing to plant one (1) ginkgo tree (*Ginkgo biloba*) and one (1) Freeman maple tree (*Acer x freemanii*). However, in this instance, it would be appropriate for the owner to provide ten (10) replacement trees, which can be achieved in a combination of on-site planting and cash-in-lieu of planting.

Trees improve the quality of urban life and contribute greatly to our sense of community. They are aesthetically pleasing and soften the hard lines of built form and surfaces in an urban setting. Trees contribute to the overall character and quality of neighbourhoods. Studies suggest that social benefits such as crime reduction and neighbourhood cohesion can be attributed to the presence of trees.

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 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 tree loss due to the presence of the Asian longhorned beetle and the emerald ash borer make the preservation of all healthy trees more necessary now than ever.

The black walnut trees located at 25 Thames Avenue are a valuable part of the urban forest. With proper care and maintenance these trees have the potential to provide the property owner and the surrounding community with benefits for many more years. In accordance with the City Council-approved Strategic Forest Management Plan, Toronto's Official Plan and the Tree By-law, these trees should not be removed.

## **CONTACT**

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## **SIGNATURE**

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Jason Doyle  
Director, Urban Forestry  
Parks, Forestry and Recreation

## **ATTACHMENTS**

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Attachment 1 - Canopies of the subject black walnut trees measuring 76 and 113 cm in diameter located at 25 Thames Avenue.

Attachment 2 - Stems of the subject black walnut trees measuring 76 and 113 cm in diameter located at 25 Thames Avenue.

Attachment 3 - Arborist Report

Attachment 1 - Canopies of subject black walnut trees measuring 76 and 113 cm in diameter located at 25 Thames Avenue.



Attachment 2 - Stems of subject black walnut trees measuring 76 and 113 cm in diameter located at 25 Thames Avenue.





**Arborist Report for 25 Thames Avenue, Toronto, M8W 2N7**

Prepared on behalf of the homeowner

By Shane Goldman, ISA Certification: ON-1645AT Consulting

Arborist – *Tree Doctors Inc.*

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Wednesday October 19, 2016

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**Overview**

This report will assess the condition of two mature Black Walnuts located in the front yard at 25 Thames Avenue. After taking into account the tree’s condition, location targets, environmental factors, and the concerns of the property owner(s) I recommend that the tree be removed.

Tree No.	Species	Stems	DBH (cm.)	Condition	Condition Rating	Ownership
1	Black Walnut ( <i>Juglans nigra</i> )	1	76	<5% small diameter canopy deadwood, evidence of former pruning cuts, good root flare, no visible defects, heavy fruit crop	Good	1-Private tree
2	Black Walnut ( <i>Juglans nigra</i> )	1	114	<5% small diameter canopy deadwood, evidence of former large diameter pruning cuts to reduce canopy overhang, good root flare, no visible defects, heavy fruit crop	Fair-Good	1-Private tree

**Rationale**

The most recent on-site inspection was performed on October 19, 2016. I performed a visual inspection of the tree from the ground. Arriving on site one quickly sees that the two front yard Black Walnuts produce a great deal of fruit. The heavy seed crop adds additional weight to less established branches causing them to snap and fall. Squirrels are attracted to the walnuts and they drop them onto the driveway and sidewalk below in order to split the ovaries and get at the walnuts within. This has become of great concern for the property owner who was recently injured after a walnut landed on his shoulder. He is concerned that a falling walnut may injure one of his children or a pedestrian, creating some personal injury liability and perhaps a trip to the hospital for the injured party. The falling walnuts—which are about 10+ cm in diameter—have damaged the homeowner’s vehicles and the trees are preventing him from maintaining the property in safe and enjoyable condition for the residents and visitors. I recommend that these trees be removed and replaced with two new trees that do not produce hazardous fruit. This recommendation is in accordance with the wishes of the property owner.

The trees in question do not qualify for an exemption from the standard tree removal permit requirements, necessitating an *Application to Injure or Destroy Trees*. A fee of \$104.96 per tree is to be paid to the Treasurer of the City of Toronto via a certified cheque or by credit card if the application is made in-person.

**Replanting Plan**

The applicants understand the replanting requirements: a minimum of one replacement tree (Deciduous trees 50mm+ caliper, nursery grown stock OR Coniferous trees 1.75-2.5m height, nursery grown stock) per existing tree removed in accordance with City of Toronto guidelines. The homeowner has chosen to plant a Gingko (1) and a Freeman Maple (2) in the locations indicated in *Figure 2*. These trees will be planted according to the methodology outlined for balled and bur



lapped trees in turf by Urban Forestry. Please keep in mind that new trees should not be planted any closer than 6 metres apart, or 1.5 metres to fences, property lines, sidewalks or driveways and far enough away from structures and existing trees to allow them to grow to full maturity.

Figure 1. Tree planting methodology

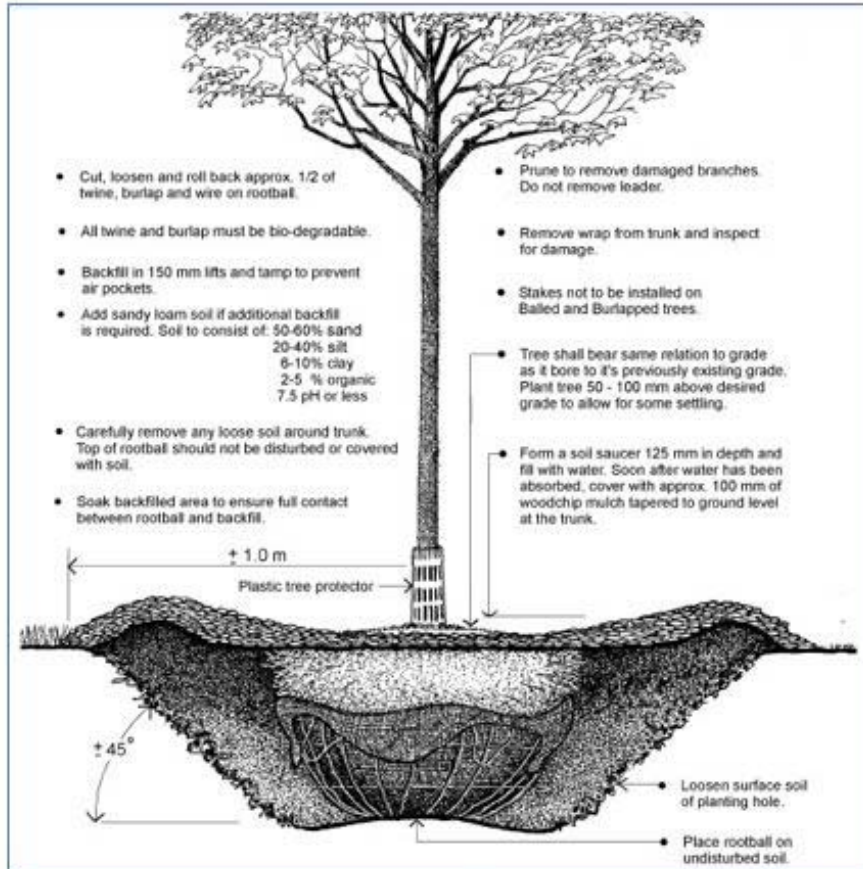


Figure 2: Walnut removals marked "x", replanting locations are green





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Trees 1 & 2: Tree 1 at right, Tree 2 at left



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*Trees 1 & 2: Tree 1 in foreground, Tree 2 in background*



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Trees 1 & 2: Tree 1 at left, Tree 2 at right



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