

Application to Remove a Private Tree - 121 Almore Avenue

Date: September 28, 2017

To: North York Community Council

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

Wards: Ward 10 - York Centre

SUMMARY

This report requests that City Council deny the application for a permit to remove one (1) privately owned tree located at 121 Almore Avenue. The application indicates the reasons for removal are to address concerns that the tree is too large for the location and may fail causing damage.

The subject tree is a Norway spruce (*Picea abies*) measuring 72 cm in diameter. Urban Forestry does not support removal of this tree as it is healthy and maintainable.

RECOMMENDATIONS

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

1. City Council deny the request for a permit to remove one (1) privately owned tree located at 121 Almore Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

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

COMMENTS

Urban Forestry received an application to remove one (1) privately owned tree located in the rear yard of 121 Almore Avenue. The subject tree is a Norway spruce tree

measuring 72 cm in diameter. The request to remove this tree has been made to address concerns that it is too large for the location and may fail causing damage.

The arborist report which accompanied the application indicates that the tree is in good condition. It has a visible root collar and the main stem is solid with no evidence of decay or injury. No evidence supporting the potential for the tree to fail was provided in the report.

Urban Forestry staff inspected the tree and at the time of inspection determined that it was healthy and maintainable. The subject tree had a vigorous crown and was structurally sound. It did not exhibit any obvious signs of structural defects that would make it prone to failure.

In addition, Urban Forestry reviewed an application for minor variances made to the Committee of Adjustment regarding proposed construction at this site and provided comments in December 2016. The proposal was to construct new additions to the existing dwelling. Based on the minor variances approved at Committee of Adjustment, the subject tree could be protected with minor encroachment into the minimum tree protection zone during construction. The builder submitted a revised site plan in February 2017 demonstrating that the subject Norway spruce tree would be protected in accordance with the City of Toronto Tree Protection Policy and Specifications for Construction Near Trees.

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 tree was denied by Urban Forestry. The owner is appealing this decision.

Following the permit denial the property owner claimed the tree roots create a trip hazard to children and dropping sap and needles are a nuisance. However, no evidence was provided to support the claims.

All trees drop leaves, needles, nuts, fruit or other debris. The Private Tree By-law does not support tree removal to address the perceived nuisance resulting from a tree's natural functions. Removal of debris such as fallen needles or other natural elements from the landscape, or from within eaves troughs and downspouts is considered part of performing routine property maintenance and is a responsibility of all property owners within the City of Toronto.

Urban Forestry staff conducted a follow-up inspection in July 2017 and observed a Tree By-law contravention. A new dwelling was being constructed on site and no tree protection hoarding has been erected to protect the subject Norway spruce tree and other City owned trees. Construction materials were being stored within the tree protection zone of the subject tree. Damage to the roots and trunk flare attributable to the construction was observed on site. Despite the injury, at the time of inspection the subject tree was still healthy and maintainable.

Urban Forestry's Compliance and Enforcement unit was notified of the tree contravention. An investigation on August 24, 2017 noted contraventions on four City-owned trees, as well as the subject tree. An Order to Comply was issued on August 21, 2017 requiring removal of construction materials, debris, vehicles and equipment from the minimum tree protection zones and installation of tree protection hoarding.

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 applicant is proposing to plant three (3) replacement trees. However, in this instance, it would be appropriate for the owner to provide five (5) 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 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. 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 percent. 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 Norway spruce tree at 121 Almore Avenue is a valuable part of the urban forest. With proper care and maintenance this tree has 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 Private Tree By-law, this tree should not be removed.

CONTACT

Tara Bobie, Supervisor, Tree Protection and Plan Review, Urban Forestry
Tel: 416 395-6134, Fax: 416 395-6714, Email: Tara.Bobie@toronto.ca

SIGNATURE

Jason Doyle
Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 –Photograph of the subject Norway spruce tree measuring 72 cm in diameter

Attachment 1 - Photograph of the subject Norway spruce tree measuring 72 cm in diameter

