

Application to Remove a Private Tree - 51 Crispin Crescent

Date: February 26, 2018

To: North York Community Council

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

Wards: Ward 23 - Willowdale

SUMMARY

This report recommends that City Council deny the request for a permit to remove one (1) privately owned tree located at 51 Crispin Crescent. This application indicates the reasons for removal are the condition of the tree and the risk of the tree failing.

The subject tree is a honey locust (*Gleditsia triacanthos*), measuring 69 cm in diameter. The Private Tree By-law does not support the removal of this tree as it is healthy and maintainable.

RECOMMENDATIONS

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

1. City Council deny the request for a permit to remove one (1) privately owned tree located at 51 Crispin Crescent.

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 for a permit to remove one (1) privately owned tree located at 51 Crispin Crescent. The subject tree is a honey locust tree measuring 69 cm in diameter. The request to remove this tree has been made to address concerns over the condition of the tree and the risk of the tree failing.

The arborist report that accompanied the application did not provide an assessment of the tree's condition however it noted that the tree had decay in the canopy with many dead branches, poor leaf growth, and rot at the base of the trunk and that carpenter ants were present. The report concluded that the tree was no longer structurally sound.

Urban Forestry staff inspected the tree and determined that it was healthy and maintainable both botanically and structurally. There was little deadwood within the canopy and no obvious signs of decay, cavities or structural weaknesses that would make it prone to failure. No evidence was found to support the claim that the tree was structurally unsound.

At the time of inspection, Urban Forestry staff did not observe any carpenter ants or signs of carpenter ant activity (e.g. frass) around the subject tree. Carpenter ants do not cause decay in trees, rather they utilize existing decayed or rotting wood for nesting. Carpenter ants observed near trees may be scavenging for food (e.g. insects or honeydew) rather than using the tree for nesting so their presence is not necessarily indicative of decay within a tree.

When reviewing applications for tree removal, Urban Forestry staff are guided by City policies and by-laws including the *City of Toronto Municipal Code, Chapter 813, Trees, 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 based on the concerns stated in the tree removal permit application.

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, a second arborist report was submitted. The supplemental report stated that the tree was diseased with thyronectria and black spot nectria cankers.

Thyronectria canker and black spot nectria canker are caused by the fungi *Pleonectria austroamericana* and *Nectria nigrescens*, respectively. These cankers can girdle branches and trunks of honey locust trees resulting in branch dieback, reduced, yellowing or wilted foliage, and death of the tree in cases of severe infection. Impacts from both fungi can be reduced by pruning out infected branches and through proper

tree maintenance, including watering trees during periods of drought and avoiding physical damage. No evidence was provided to show infection of the subject tree and no signs of either canker were observed by Urban Forestry staff.

Following the permit denial, a tree bylaw contravention at 51 Crispin Crescent was reported through 311 on August 14, 2017. Urban Forestry Compliance and Enforcement staff conducted an inspection that day and observed excavation and compaction of the soil within the tree protection zone of the subject tree and damage to the roots attributable to construction. A Contravention Inspection Form and Stop Work Order were issued requiring restoration of the grade within the tree protection zone. Urban Forestry staff inspected the tree once the site was restored and determined the tree was still healthy and maintainable, despite the injury.

On December 11, 2017, an application was submitted to the Committee of Adjustment (CoA) for minor variances including the construction of a 6.0 metre wide driveway. Urban Forestry objected to the variance to the CoA because the proposed width of the driveway would cause a significant encroachment into the tree protection zone of the subject tree. In the objection, Urban Forestry advised that any application to destroy the privately owned tree may be denied, as the tree was healthy and maintainable. The CoA granted conditional approval for the minor variances on February 28, 2018. The conditions imposed by the CoA included:

- 1) *The requirements of the Parks and Recreation, Urban Forestry Division;*
- i) *Submission of a complete application for permit to injure or remove privately owned trees.*

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 issuance must be conditional upon the provision of satisfactory replacement planting. As a condition of permit issuance, the applicant is proposing to plant one (1) replacement tree. However, in this instance it would be appropriate for the applicant 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 help to soften the hard lines of built form and surfaces in an urban setting. Trees contribute to the overall character and quality of 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 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 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 honey locust tree at 51 Crispin Crescent 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

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SIGNATURE

Jason Doyle
Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1: Photograph of the honey locust tree measuring 69 cm in diameter
Attachment 2: Photograph of the August 2017 tree bylaw contravention with excavation and compaction within the tree protection zone of the honey locust tree

Attachment 1: Photograph of the honey locust tree measuring 69 cm in diameter



Attachment 2: Photograph of the August 2017 tree bylaw contravention with excavation and compaction within the tree protection zone of the honey locust tree

