

Application to Remove a Private Tree – 16 Cornish Road

Date: December 12, 2017

To: Toronto and East York Community Council

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

Wards: Ward 27 – Toronto Centre-Rosedale

SUMMARY

This report recommends that City Council deny the request for a permit to remove one (1) privately owned tree located at 16 Cornish Road. The application indicates the reasons for removal are that the property owner wishes to re-landscape the yard, and that the tree is in an undesirable location. They are also concerned about the potential hazard of falling walnuts and the secretion of juglone into the soil preventing other plants from growing.

The subject tree is a black walnut (*Juglans nigra*), measuring 51 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 16 Cornish Road.

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 in the rear yard of 16 Cornish Road. The subject tree is a black walnut measuring 51 cm in diameter. The application indicates the reasons for removal are that the property owners wish to re-landscape the yard and that the tree is in an undesirable location. They have also expressed concern about the potential hazard of falling walnuts and the secretion of juglone into the soil preventing other plants from growing.

The arborist report that accompanied the application does not provide comment on the condition of the tree.

Urban Forestry staff inspected the tree and determined that it was healthy and maintainable both botanically and structurally. 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.

At its meeting of February 27, 2017, the Parks and Environment Committee adopted a report from the General Manager of Parks, Forestry and Recreation that explained the effects of exempting black walnut trees from protection under the City's tree by-laws for reasons including fear of being struck and injured by falling walnuts and not being able to grow other plants in close proximity to black walnut trees.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PE17.2>

Urban Forestry occasionally receives complaints about walnut trees on private and public property. Such complaints involve the nuisance related to walnuts falling on property and the risk of walnuts falling on people below. In 2013 the City's Risk Management Unit reported that a search of their records found that they have not received claims for damages or personal injury related to walnuts falling from City trees. Urban Forestry has not received such a claim since the 2013 review of claims. If the City accepts that the nuisance and risk factors of these trees outweighs their environmental and health values, this could lead to the potential removal of hundreds of street trees and thousands of park and private walnut trees in Toronto. Additionally, there are thousands of other nut-bearing trees across the city which could also be the subject of similar concerns.

The concerns about juglone, a chemical that occurs naturally in the leaves, roots, husks, fruit, and bark of plants in the Juglandaceae family that prevents certain plant species from growing, can be addressed by planting species that are tolerant of the juglone chemical. The Ontario Ministry of Agriculture, Food and Rural Affairs website provides helpful information for gardening under walnut trees.

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. 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 pay cash-in-lieu for the replanting of three (3) replacement trees. 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 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 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 tree at 16 Cornish Road 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
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Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Photograph of the black walnut tree measuring 51 cm in diameter

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