

## **Application to Remove a Private Tree – 31 Norden Crescent**

**Date:** August 13, 2021

**To:** North York Community Council

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

**Wards:** Ward 16 – Don Valley East

### **SUMMARY**

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This report requests that City Council deny the request for a permit to remove one privately owned tree located in the rear yard at 31 Norden Crescent. The application indicates the reason for removal is due concerns over safety and damage to adjacent hardscape features, both caused by falling walnuts.

The subject tree is a black walnut (*Juglans nigra*), measuring 74 cm in diameter. The Tree By-laws do not support the removal of this tree as it is 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 one privately owned tree located at 31 Norden Crescent.

### **FINANCIAL IMPACT**

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

### **DECISION HISTORY**

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At its meeting of February 27, 2017, the Parks and Environment Committee adopted a report, *Black Walnut Trees in Toronto*, from the General Manager of Parks, Forestry and Recreation that explained the effects of exempting black walnut trees (*Juglans nigra*) from protection under the City's Tree By-laws with a focus on both community safety and canopy impacts.

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

## COMMENTS

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Urban Forestry received an application for a permit to remove one privately owned tree located at 31 Norden Crescent. The subject tree is a black walnut measuring 74 cm in diameter. The request to remove this tree has been made to address concerns about safety hazards and damage and staining to adjacent hardscape features, both caused by falling walnuts.

The arborist report that accompanied the application described the tree to be in fair-good condition, but notes some minor deficiencies such as lion-tailed structure on secondary limbs, adequate but not ideal root flare and possible sub-surface root girdling. The arborist report also states that black walnut is an unsuitable species for the location and poses safety concerns for children residing at the address.

Urban Forestry staff inspected the tree, and at the time of inspection determined that it is healthy and maintainable.

Regarding safety concerns over being struck and injured by falling walnuts, information was requested from the City of Toronto Corporate Finance, Insurance and Risk Management group, in 2017, as to whether the City had ever received a claim as a result of a falling walnut. Staff advised that they received one claim for property damage in September 2014. The claim was not paid and the file was subsequently closed. Historical claims experience suggests the risks associated with falling walnuts do not pose a significant exposure for the City.

All trees drop leaves, needles, nuts, fruit or other debris that some residents consider a nuisance. Moreover, every large growing tree has some degree of maintenance associated with it including removal of leaves, flowers, fruit, twigs and small branches. The benefits that trees afford to a community far outweigh the maintenance inconvenience associated with falling debris. The City's Tree By-laws do not support tree removal to address the perceived nuisance resulting from a tree's natural functions. Concerns expressed by the applicant regarding falling nuts may be addressed through good arboricultural practices and routine tree maintenance.

Through this inspection and review of the arborist report, staff have concluded that the removal of the subject tree is not permissible under the Tree By-law, *City of Toronto Municipal Code Chapter 813*. As a result of the above noted findings and in support of protecting and growing the City's urban forest, a permit to remove the tree was denied by Urban Forestry. The applicant is appealing this decision.

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 application to remove the tree in question.

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 two replacement trees. However, in this instance it would be appropriate for the applicant to provide five replacement trees which can be achieved in a combination of on-site planting and cash-in-lieu of planting.

The black walnut tree at 31 Norden Crescent is a valuable part of the urban forest that provides numerous aesthetic, social and economic benefits to the property owner and local community. Toronto's urban forest provides \$55 million in environmental benefits every year including improved air quality through pollution removal, lower storm water management costs by reducing runoff, and carbon sequestration that lessens the impacts of climate change. Through shade and transpiration, increasing urban tree cover can mitigate exposure to extreme heat events. A higher density of trees in a neighbourhood has been shown to significantly improve physical and mental health, such as reducing blood pressure and stress levels and promoting physical activity. Trees also make urban environments aesthetically more pleasing which raises property values.

Protecting the urban forest is a key strategy for building resiliency, as it continues to face increasing natural pressures such as storms and invasive pests. The 2013 ice storm resulted in the removal of over 3000 City-owned trees. The Emerald Ash Borer beetle has killed approximately 860,000 ash trees across the City. As a result, if the City aims to reach its canopy target of 40 per cent, it is imperative that the City protect healthy trees from injury and removal whenever possible. The improved condition and size of the urban forest will support the City of Toronto's goals to improve quality of life and well-being that enables a diverse, sustainable, innovative, growing and thriving city.

In accordance with the City Council-approved Strategic Forest Management Plan, Toronto's Official Plan, Toronto's Biodiversity Strategy, and the Private Tree By-law, the black walnut tree at 31 Norden Crescent, as a valuable part of the urban forest, should not be removed.

## **CONTACT**

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## **SIGNATURE**

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Kim Statham  
Acting Director, Urban Forestry  
Parks, Forestry and Recreation

## ATTACHMENTS

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Attachment 1 – Figure 1: Staff photograph showing the black walnut tree at the rear of 31 Norden Crescent; March 2021

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