

TITLE: MAINTENANCE OF STREET TREES WHICH ARE LESS THAN 50% ON CITY PROPERTY (CITY/PRIVATE BOUNDARY LINE TREES)

Policy Statement

With consent of the property owner, the City of Toronto may prune or otherwise maintain trees whose main stems touch the street line but are situated more than 50% on private property.

Application

This policy shall apply throughout the City of Toronto however, it does not apply to trees located along laneways or unopened road allowances. It is the property owner's responsibility to address emergency situations such as broken limbs and/or storm damage, etc. The City of Toronto may take action in emergency situations during regular work hours where resources permit. This policy does not change emergency handling governed by City of Toronto Municipal Code Chapter 629, the Property Standards By-law.

Purpose of This Policy

To establish a uniform protocol for responding to requests for maintenance of street trees whose main stems are less than 50% on City property.

In accordance with City of Toronto Municipal Code Chapter 813, Trees, Article II, the planting, care and maintenance, protection, preservation and removal of all trees located on any City street shall be under the supervision of the Director of Urban Forestry.

"Tree" as defined in Chapter 813, Trees, Article II means "any shade or ornamental tree, all or part of which is located on, above, or below a City street. Ownership and maintenance of trees which have 50% or more of their main stem situated on a City road allowance will be the responsibility of the City".

A majority of the privately owned "boundary line" trees are located in well established residential areas of the City and make significant contribution to the character and quality of the streetscape and the urban forest as a whole. Many of these trees are located on streets that have an unusually narrow street allowance. Many of them were planted as street tree planting projects and were thought to have been planted within the road allowance.

Notwithstanding the definition of "tree" as noted above, and in consideration of the contribution made to the streetscape by privately owned trees which touch the City street line; the following procedure may be followed.

Implementation (Process and Procedure)

Upon receipt of a request for maintenance of a tree that is touching or straddling the street line but has more than 50% of its main stem on private property:

- ◆ The property owner will be advised in writing (refer to attached form) that the tree is privately owned and that the City of Toronto is prepared to maintain the tree in accordance with City standards

provided that the owner signs a form entitled “*Consent to Tree Maintenance for Boundary Line Street Trees*”. The form will list the tree(s) which require maintenance and must be signed by the property owner. The form will be witnessed and dated by the person issuing the form.

- ◆ Tree pruning or other maintenance that has been confirmed to be necessary by Urban Forestry staff will be scheduled at the City’s convenience as part of routine maintenance activities in the subject area.
- ◆ If the tree is dead, hazardous or no longer viable to maintain, the City of Toronto will undertake removal of the tree in accordance with its tree removal schedule for the area. A replacement tree will be scheduled for planting on the adjacent City street allowance provided that space and site limitations permit.
- ◆ The “*Consent to Tree Maintenance for Boundary Line Street Trees*” form must be signed by the property owner each and every time that maintenance services are requested. The maintenance must be confirmed as being necessary by Urban Forestry staff.

Note 1: If the Street Line to Curb (SLTC) measurement is not available or cannot be determined, assistance of the City Surveyor will be requested to verify ownership and location of the tree in relation to the street allowance.

Note 2: When verifying tree ownership, measurement is taken at ground level, just above the trunk flare from the midpoint of the tree, perpendicular to the curb. For multi-stem trees, ownership is determined by where the majority of the tree stems lie, using the same technique. Burls and other growths and/or anomalies are not included in the measurement.

Recovery of City’s Costs

In recognition of the City’s investment of resources towards maintenance of a healthy streetscape and street tree population, the property owner(s) will be required to agree not to damage or remove the tree(s) for a period of three (3) years from the date of the most recent maintenance by the City, without prior written authorization from the City. This recognizes the City’s investment of resources towards maintenance of a healthy streetscape and street tree population.

If during the 3 year period, it is found that the tree has been damaged or removed without authorization from the City, the adjacent private property owner(s) will be required to pay all costs associated with the City’s prior maintenance activities.

CONSENT TO TREE MAINTENANCE FOR BOUNDARY LINE STREET TREES

I/We, _____ am/are the registered owner of
(please print name)

(please print address including postal code)

in the City of Toronto and as such I/we request the City of Toronto (the City) to provide maintenance of the tree(s) located on my property, on the border of the road allowance, as described below.

I/we agree that any maintenance service provided by the City shall be in accordance with the current policy and practice of the City.

I/we understand and agree that the City shall not be liable for any claims whatsoever in respect of the tree(s) and I/we hereby agree to save harmless and fully indemnify the City, its successors and assigns, from and against all actions, claims and demands whatsoever which may be brought against or made upon the City arising out of the City's performance or non-performance of the tree maintenance services described below.

I/we agree that for a period of 3 years from the date of maintenance to neither prune nor remove the tree(s) without prior written authorization from the City of Toronto, Urban Forestry. I/we understand that I/we will be responsible for paying the cost of the City work if the terms of this agreement are violated.

Owner's Signature

Owner's Signature

Witness

Date: _____

For City Use Only

TREE ID	POS	SPECIES	DBH	OWN	MNT	LOCATION DETAIL



Parks, Forestry & Recreation

Urban Forestry
Return Address

Name
Title

Tel: 416 _____
Fax: 416 _____
Email address

SAMPLE NOTIFICATION LETTER

Date:

Address:
(*insert address*)

Dear (*insert name*):

Re: Inspection of Tree Located at (*insert address*)

Please be advised that an inspection of (*insert address*) has revealed that the existing (*insert the species of tree or trees in question*) tree(s) are privately owned and therefore, responsibility for maintenance of the tree(s) rests with the owner of this property.

However, in consideration of the contribution made to the streetscape by privately owned trees which touch the City street line, the City of Toronto is prepared to maintain the tree(s) in accordance with City standards provided that the owner signs a form entitled "***Consent to Tree Maintenance for Boundary Line Street Trees***".

If you wish to have the City perform maintenance on the tree(s), please contact Urban Forestry at 416 _____ in order to make further arrangements.

Yours truly,

(*insert name*)
Supervisor of Planning and Protection