
City Council

Notice of Motion

MM37.37	ACTION			Ward:All
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Request to Update Toronto's Private Tree By-law in Accordance with Provincial Planning Act (2005) and the Federal Migratory Birds Convention Act (2005) and accepted principles of evidence based decision making - by Councillor Glenn De Baeremaeker, seconded by Councillor Sarah Doucette

** Notice of this Motion has been given.*

** This Motion is subject to referral to the Parks and Environment Committee. A two thirds vote is required to waive referral.*

Recommendations

Councillor Glenn De Baeremaeker, seconded by Councillor Sarah Doucette, recommends that:

1. City Council request the General Manager, Parks, Forestry and Recreation to report to the Parks and Environment Committee in the first quarter of 2014 on how to improve the City's tree preservation by-law, such report to include:
 - i. Integrating evidence-based tree measures (species identification, age, health, and value) for large trees (greater than 30 cm in diameter) to streamline the development and planning process consistent with the policy under Ontario's Planning Act (Land Use Planning for Natural Heritage);
 - ii. Requiring impartial third party collection, and peer review of evidence during the planning and development process, similar to the standards currently set for environmental assessments of brownfields under Ontario's Environmental Protection Act, to ensure compliance with provincial and municipal policy; and
 - iii. Preventing large trees (greater than 30 cm in diameter) from being removed during the nesting season of migratory birds in order to comply with Canada's Migratory Birds Convention Act.

Summary

The cutting of mature trees in development sites causes public concern.

Failure of the developer to provide, nor the City to require, real and readily available evidence on tree species, age and condition could mean that the approved plan may not comply fully with the regulatory policy outlined in Ontario's Planning Act (Land Use Planning for Natural Heritage). The destruction of migratory bird nests during the breeding season would violate the federal Migratory Birds Convention Act.

Evidence-based decision-making is a simple practice whereby decision-makers require quantitative 'evidence' (in the form of an analyzed sample), as opposed to qualitative 'opinion' (based on visual examination). This practice has revolutionized many policy-fields over the past few decades, including medicine, and conservation (Sutherland et al 2004).

Currently, the City of Toronto requires qualitative opinion in the form of 'visual examination' for tree characteristics used to guide urban forest policy (tree species, tree age, and tree health) – whereby, anyone with basic arboriculture training is permitted to estimate these metrics by simply guessing what they are from a cursory 'visual examination'.

The proposed 'sample evidence' method simply requires the collection of 'sample evidence' so that it may be quantitatively evaluated by an expert third-party review process, and then passed on to decision-makers. Accordingly, 'sample evidence' for the three main tree characteristics would be as follows:

- 1) Tree Species: requires a 'leaf sample'
- 2) Tree Age: requires a 'core sample' (a sample of wood used to count the age)
- 3) Tree Health: requires a 'core sample' (to use in conjunction with visual examination).

(Submitted to City Council on July 16 and 17, 2013 as MM37.37)

Background Information (City Council)

Member Motion MM37.37

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60203.pdf>

Article by William J. Sutherland, Andrew S. Pullin, Paul M. Dolman and Teri M. Knight in "TRENDS in Ecology and Evolution" Vol. 19 No. 6 June 2004

<http://www.toronto.ca/legdocs/mmis/2013/mm/bgrd/backgroundfile-60225.pdf>