STAFF REPORT
ACTION REQUIRED

25 and 27 Vesta Drive – Application to Remove a Private Tree

Date: April 24, 2013
To: Toronto and East York Community Council
From: Jason Doyle, Director, Urban Forestry, Parks Forestry and Recreation
Wards: Ward 21 – St. Paul's
Reference Number: P:2013\Cluster A\PFR\TE24-051413-AFS#17445

SUMMARY

This report requests that City Council deny the application for a permit to remove one (1) privately owned tree straddling the rear property line of 25 and 27 Vesta Drive. The owner of 27 Vesta Drive is requesting removal "as a result of a change in construction plans and new information from root inspections during excavation". No documentation has been submitted to support these reasons. The owner of 25 Vesta Drive submitted a letter indicating support of tree removal.

An arborist report submitted to Urban Forestry indicates that the owner of 27 Vesta Drive wants to remove the tree as it has previously shed large scaffold limbs and caused damage to the house and garage, and he wants to eliminate the possibility of any future damage resulting from falling limbs.

The subject tree is a silver maple (Acer saccharinum) measuring 200 cm in diameter. The tree has been well maintained and is currently in good condition, structurally and botanically. Urban Forestry does not support removal of this tree.

RECOMMENDATIONS

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

1. City Council deny the request for a permit to remove the privately owned silver maple tree at 27 Vesta Drive.
Financial Impact

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

ISSUE BACKGROUND

In 2011, the property owner of 27 Vesta Drive applied for a permit to injure a privately owned silver maple tree measuring 200 cm in diameter, to accommodate an addition to the existing house. An arborist report was submitted which provided a protection plan and methodology to minimize impact to the tree. The protection plan was deemed satisfactory and a permit was issued to injure the tree on October 14, 2011.

In 2012, the owner of 27 Vesta Drive decided he would rather demolish the house and build a new house, and subsequently submitted an application to Committee of Adjustment for three minor variances. The Committee of Adjustment denied the minor variances and the owner appealed the decision to the Ontario Municipal Board, where the minor variances were approved on July 5, 2012.

Toronto Building issued permits to demolish the house, and to construct a three storey detached house on August 29, 2012.

The decision to demolish and construct a new dwelling, rather than construct an addition, has had no further impact on the tree. Plans for the new house were developed in order to preserve as much of the tree protection zone as possible. It was determined by staff that the tree would be minimally impacted by construction, and that the permit to injure the tree, issued in 2011, was still applicable. As stated in an arborist report dated November 19, 2012, provided by the applicant, "the site has been regularly inspected and all by-laws concerning preservation of trees impacted by the project have been constantly upheld by the owner of the property as well as all contractors working on site."

An application to remove the tree was received from the owner of 27 Vesta Drive on August 24, 2012. A permit to remove the tree was denied and the owner is appealing permit refusal.

COMMENTS

An application was received for the removal of a 200 cm diameter privately owned silver maple tree straddling the rear property line of 25 and 27 Vesta Drive. The reason for tree removal stated on the application form indicates that the property owner would like to remove the tree "as a result of a change in construction plans and new information from root inspections during excavation". However, nothing has been submitted to Urban Forestry to support these reasons.

The applicant provided an arborist report dated November 19, 2012, which indicates that the tree has a wide spreading habit, typical of a silver maple, with heavy lateral weight pulling on secondary trunks and in the opinion of the arborist the chance of failure is
greater than normal. The report further states that due to the severe added cost of removing this tree once the new structure is completed, it would be most practical to have the tree removed while general construction is still underway. The owner of 27 Vesta Drive is concerned about future damage from falling limbs and prefers to remove the tree rather than maintain it.

Urban Forestry staff have inspected the tree and found it to be in good condition, having been well maintained by the previous homeowner. Urban Forestry has no objection to the tree being pruned to reduce weight, as long as the work is performed using proper arboricultural practices.

As required under Section 813-17, 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 objection by the community. No letters of objection were received. One letter of support was received from the owner of 25 Vesta Drive.

The tree stands in good condition with no evidence observed by staff that the tree is unsafe. On February 27, 2013, a permit to remove the tree was denied by Urban Forestry. The owner of 27 Vesta Drive is appealing the decision to deny the permit.

As a condition of permit issuance, the property owner is proposing to plant three linden trees (Tilia spp.) as replacements, however there is currently insufficient growing space available at this site to sustain the growth of these trees to maturity. Should City Council approve this request for tree removal, in accordance with Section 813-18 of City of Toronto Municipal Code Chapter 813, Trees, Article III, approval must be conditional upon the owner providing satisfactory replacement planting. In this instance, the owner shall agree to provide a combination of tree planting and cash in lieu of planting, for a total of 10 replacement trees.

The silver maple tree at the rear of 25 and 27 Vesta Drive is a significant and valuable part of the urban forest. With proper care and maintenance, it should continue to provide benefits to the property and the surrounding community. Urban Forestry, therefore, cannot support removal of this tree.
CONTACT
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SIGNATURE

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Jason Doyle
Director of Urban Forestry

ATTACHMENTS
Attachment 1 – Photo of the crown of the 200 cm diameter silver maple.
Attachment 2 – Photo of the stem of the 200 cm diameter silver maple.