TORONTO

STAFF REPORT
ACTION REQUIRED

84 Ballacaine Drive - Application to Injure a Private Tree

Date:	July 22, 2014
To:	Etobicoke York Community Council
From:	Jason Doyle, Director, Urban Forestry, Parks, Forestry and Recreation
Wards:	Ward 5 - Etobicoke-Lakeshore
Reference Number:	P:\2014\Cluster A\EY35-081214-AFS#19998

SUMMARY

This report requests that City Council deny the request for a permit to injure one (1) privately owned tree located in the rear yard of 84 Ballacaine Drive. The owner of 32 Bethnal Avenue is requesting tree injury due to proposed construction of a new dwelling at 32 Bethnal Avenue.

The subject tree is a white pine (***Pinus strobus)*** measuring 63 cm in diameter. The tree has been well maintained and is currently in good condition, structurally and botanically. Urban Forestry does not support injury of this tree.

RECOMMENDATIONS

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

1. City Council deny the request for a permit to injure one (1) privately owned tree located in the rear yard of 84 Ballacaine Drive.

Financial Impact

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

ISSUE BACKGROUND

At its meeting January 23, 2014, the Committee of Adjustment – Etobicoke York Panel approved several minor variances for 32 Bethnal Avenue, including exceeding the maximum permitted gross floor area, exceeding the maximum permitted soffit height, exceeding the maximum permitted height of all front exterior main walls and reducing the side yard setback.

Approval of the application included three conditions pertaining to trees:

1. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article II, with respect to City owned trees, to the satisfaction of the Urban Forestry Division.
2. The owner shall satisfy the City of Toronto Municipal Code Chapter 813, Article III, with respect to privately owned trees, to the satisfaction of the Urban Forestry Division.
3. The owner shall submit a Tree Security Deposit (in the form of a certified cheque or letter of credit only) and sign a Tree Preservation Agreement to the satisfaction of the Urban Forestry Division.

Conditions 1 and 3 have been satisfied.

COMMENTS

An application was received for a permit to injure a 63 cm diameter privately owned white pine tree. The reason for injury is stated as "construction of a new dwelling".

An Arborist Report, dated June 7, 2014, submitted with the application indicates the tree is in fair to good condition. Urban Forestry staff have inspected the tree and are in agreement with this assessment.

The Arborist Report advises that excavation for the proposed foundation will be 2.7 m from the tree. The minimum required Tree Protection Zone for the tree is 4.2 m.

The Arborist Report further indicates that pruning of an estimated 30-35% of the live crown would be required to accommodate the proposed dwelling and would add some level of stress to the tree. Urban Forestry considers this extensive pruning. Removal of this amount of the crown is in itself a significant injury. The American National Standard Institute Standard Pruning Practices (ANSI A300 (Part 1)-2008, an internationally recognized standard in the tree care industry, indicates that "Not more than 25 percent of the foliage should be removed within an annual growing season. The percentage and distribution of foliage to be removed shall be adjusted according to the plant's species, age, health and site." The United States Department of Agriculture, recognized throughout North America as being on the leading edge of urban forest research and assessment of tree canopy, indicates in their publication "How to Prune Trees", that "the ratio of live crown to total tree height should be at least two-thirds."

In order to determine whether significant tree roots would be disturbed by the proposed construction, Urban Forestry allowed an exploratory excavation in the area where the new foundation and two supporting piers are proposed to be installed.

A subsequent Arborist Report, dated June 16, 2014, was provided to Urban Forestry following the exploratory excavation. It confirmed that numerous significant roots were found in the area of the proposed northern pier and the existing foundation. In addition, the Arborist Report indicates that the pruning of the roots combined with the crown pruning will likely have a negative effect on the tree.

Urban Forestry agrees that the proposed injury, including root and crown pruning, would be significant and have a negative effect on the health of the tree.

An alternative proposal was recommended by the consulting Arborist to redesign the proposed new dwelling by adjusting the location of the northern pier and limiting excavation outside of the existing foundation wall to accommodate the white pine tree. Although this alternative would reduce the level of root this alternative is also not acceptable to the owner.

Urban Forestry believes that an acceptable level of root injury can be established with the applicant. However, this will not eliminate the requirement to reduce the live crown by 30-35% and Urban Forestry therefore cannot support the injury.

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 the community with an opportunity to submit written comments on the application. One (1) letter of objection was received.

Under Urban Forestry's review, approval of any application to injure a tree is based upon an assessment that the injury cannot reasonably be avoided and that the tree will withstand the injury and continue to thrive. Urban Forestry has determined that the proposed construction would unacceptably compromise the health of the tree in question. This is especially of great consequence since the tree is wholly located on a neighbouring property and if the injury were to occur as proposed, the tree can be expected to become a maintenance concern for the adjacent property owner.

A permit to injure the tree in question was denied by Urban Forestry. The owner is appealing the decision to deny the permit.

The white pine tree located at 84 Ballacaine Drive is a significant and valuable part of the forest community that exists within this area. With proper care and maintenance this tree has the potential to provide the community with benefits for years to come. Urban Forestry therefore cannot support removal of this tree due to its healthy condition and contribution to the urban forest.

CONTACT

Max Dida, Supervisor Tree Protection and Plan Review, Urban Forestry Branch,
Tel: 416 394-8551, Fax: 416 394-8935, Email: mdida@toronto.ca

SIGNATURE

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Jason Doyle
Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 - Photograph of the 63 cm diameter white pine tree at the rear of 84 Ballacaine Drive

63 cm diameter white pine tree at the rear of 84 Ballacaine Drive

