



STAFF REPORT ACTION REQUIRED

251 McKee Avenue – Application to Remove a Private Tree

Date:	July 17, 2014
To:	North York Community Council
From:	Jason Doyle, Director, Urban Forestry, Parks, Forestry and Recreation
Wards:	Ward 23 – Willowdale
Reference Number:	P:\2014\Cluster A\PFR\NY34-081214-AFS#20106

SUMMARY

This report requests that City Council deny the request for a permit to remove one (1) privately owned tree located at the rear of 251 McKee Avenue. The owner is requesting removal of this tree due to the required maintenance, the emission of juglone (a substance produced by walnut trees that can be toxic to some plants), and the damage the tree could cause if it failed and fell onto nearby dwellings and properties.

The subject tree is a black walnut (*Juglans nigra*) measuring 59 cm in diameter that tree is in good condition. 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 one (1) privately owned tree at the rear of 251 McKee Avenue.

Financial Impact

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

COMMENTS

Urban Forestry received an application for removal of a 59 cm diameter black walnut tree on private property at the rear of 251 McKee Avenue.

The arborist report indicates the reason for removal of the tree is to "foster the safety and optimal use of the area surrounding it." The report states the subject tree is in "fair-poor shape and is dangerously hanging over the property and the shed" and that 25% of the crown consists of deadwood.

Urban Forestry staff inspected the tree and determined that it is healthy and in good condition with minor deadwood. There are branches overhanging a shed and neighbouring property. However, no evidence has been provided, nor was there anything observed during the staff inspection, to suggest the tree is unsafe.

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 posting period in order to notify the community of the application and provide an opportunity for objection. No comments were received from the community.

A permit to remove the tree was denied by Urban Forestry. The owner is appealing the decision to deny the permit. The appeal letter provides additional reasons for tree removal, including that juglone, produced by walnut trees, is toxic and kills other plants, concerns that it may be harmful to pets and humans, maintenance of the fallen walnuts, and that the tree may fall onto the house and neighbouring properties.

It is well documented that juglone does affect some plants; however there are many plants that are not sensitive to juglone and will thrive under walnut trees. The Ontario [Ministry of Agriculture, Food and Rural Affairs](#) website provides helpful information for gardening under walnut trees. Some people may be allergic to juglone which can be observed as welts when sawdust comes into contact with the skin. This type of contact primarily impacts those working in conditions where sawdust is created, such as arborists or people working in saw mills. People and animals could also be affected by juglone if a large amount of walnut leaves are consumed. There is evidence that horses may be affected if wood chips or sawdust from walnuts are used for bedding material.

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*, approval must be conditional upon the provision of satisfactory replacement planting. The applicant is proposing to replant one (1) tree or provide cash-in-lieu of tree planting. In this case it is appropriate to require three (3) replacement trees which can be provided in a combination of planting and cash-in-lieu.

The policies of the City of Toronto do not support removal of walnut trees due to falling fruit. These policies have been consistently upheld by City Council since 2004. Samplings of Council's support for this policy include:

24 Highgate Road, June, 2014, EY33.1, Decision Document
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.EY33.1>

178 Bellamy Road North -December, 2013, SC28.5, Decision Document
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.SC28.5>;

12 Lockie Avenue – October, 2007, SC8.4, Decision Document
<http://www.toronto.ca/legdocs/mmis/2007/sc/reports/2007-09-10-sc08-cc-dit4.pdf>;

127 Douglas Drive – March 2004, Toronto South Community Council Report 2, Clause 10, Decision Document
<http://www.toronto.ca/legdocs/2004/agendas/council/cc040301/ts2rpt/cl1010.pdf>; and

6 Edgar Avenue – December, 2004, Toronto and East York Community Council Report 9, Clause 18, Decision Document
<http://www.toronto.ca/legdocs/2004/agendas/council/cc041130/ts9rpt/cl1018.pdf>.

The results of the City's canopy study which was published in "[Every Tree Counts](#)" estimated that walnut and butternut trees comprise 0.4% of the city's tree population. This represents approximately 40,800 trees. Toronto's street tree inventory includes 756 walnut and butternut trees.

Urban Forestry occasionally receives complaints about walnut trees on private and public property. Such complaints involve the nuisance qualities related to falling nuts. All trees shed debris such as leaves, twigs and fruit that some consider to be undesirable. This factor, however, is a matter of personal perspective. Some view raking leaves as an onerous, unpleasant task, while others see it as an opportunity to have fun and enjoy the autumn air while getting some healthy exercise.

Toronto's Official Plan policy 3.4.1 supports the preservation of significant trees, citing their many benefits:

- (1) To support strong communities, a competitive economy and a high quality of life, public and private city-building activities and changes to the built environment, including public works, will be environmentally friendly, based on:
 - (d) preserving and enhancing the urban forest by:
 - (i) providing suitable growing environments for trees;
 - (ii) increasing tree canopy coverage and diversity, especially of long-lived native and large shade trees; and
 - (iii) regulating the injury and destruction of trees.

Trees improve the quality of urban life and contribute greatly to our sense of community. They are aesthetically pleasing and soften the hard lines of built form and surfaces in an urban setting. Trees contribute to the overall character and quality of neighbourhoods. Studies suggest that social benefits such as crime reduction and neighbourhood cohesion can be directly attributable to the presence of trees. The environmental benefits of trees include cleansing of air, noise and wind reduction, and protection from ultraviolet radiation.

Trees reduce rain water runoff thereby reducing soil erosion and lowering storm water management costs. They also contribute to moderation of temperature extremes and reduction of the urban heat island effect by providing shade during the summer.

Trees provide many economic benefits, including the enhancement of property values. Homes with mature trees have higher value when compared to similar types of homes in similar locations without trees. Mature trees are associated with reduced home energy consumption. Air conditioning costs are lower in a home shaded by trees and heating costs are reduced when trees break the winter cooling effects of wind.

Trees are a community resource, which can make the city more attractive to investors, tourists and prospective residents, thus contributing to growth and prosperity.

When reviewing applications for tree removal, Urban Forestry staff are guided by City policies and by-laws. This includes the intent of Municipal Code Chapter 813, Trees; Council's past support of staff recommendations over a number of years to preserve walnut trees; and Council's approval of the City's Strategic Forest Management Plan, all of which support maintenance and preservation, and discourage the unnecessary removal of healthy trees.

The 59 cm diameter black walnut tree at the rear of 251 McKee Avenue is a significant and valuable part of the urban forest. With proper care and maintenance it should continue to provide benefits to the property owner and the surrounding community for many years.

CONTACT

Harold Moffatt, Supervisor, Tree Protection & Plan Review, Urban Forestry,
Parks, Forestry and Recreation
Tel: 416 395-6134, Fax: 416 395-6714, Email: hmoffat@toronto.ca

SIGNATURE

Jason Doyle
Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENT

Attachment 1 – Photograph of the 59 cm diameter black walnut tree at the rear of 251 McKee Avenue.

59 cm Black walnut tree at the rear of 251 McKee Avenue

