



## STAFF REPORT ACTION REQUIRED

### 202 Albertus Avenue – Application to Remove a Private Tree

<b>Date:</b>	March 15, 2016
<b>To:</b>	North York Community Council
<b>From:</b>	Jason Doyle, Director, Urban Forestry, Parks, Forestry and Recreation
<b>Wards:</b>	Ward 16 – Eglinton-Lawrence
<b>Reference Number:</b>	P:\2016\Cluster A\PFR\NY13-040516-AFS#22625

#### SUMMARY

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This report requests that City Council deny the application for a permit to remove one (1) privately-owned tree located at 202 Albertus Avenue. The application indicates the reason for the requested removal is due to the nuisance caused by falling walnuts.

The subject tree is a black walnut (*Juglans nigra*) measuring 75 cm in diameter. Urban Forestry does not support removal of this tree as it is healthy and maintainable.

#### 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 located at 202 Albertus Avenue.

#### FINANCIAL IMPACT

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

#### COMMENTS

Urban Forestry received an application to remove one (1) privately-owned tree located in the rear yard of 202 Albertus Avenue. The subject tree is a black walnut measuring 75 cm in diameter. The tree straddles the lot line with the property to the east, 198 Albertus Avenue. The owner has made an application to remove the tree due to the nuisance

caused by the falling walnuts. The owner's concerns specifically relate to the hazard falling walnuts pose to children; noise associated with walnuts falling onto the roof and deck, particularly at nighttime; and damage to homes caused by wildlife (e.g., racoons and squirrels) attracted to the tree. The property owner of 198 Albertus Avenue is supportive of the tree removal.

The arborist report submitted with the application describes the tree as being in fair to good condition. The rationale for removal provided by the arborist was that both property owners have young families and are unable to enjoy their backyards due to falling walnuts. The report also indicates that the noise of falling walnuts has affected the owners' sleep and that any pruning to mitigate the nuisance would be too extensive.

Urban Forestry staff inspected the tree and determined it is healthy and in good condition both botanically and structurally. No evidence has been provided by the applicant or their arborist, nor was any defect observed during inspection by Urban Forestry staff to suggest the tree is unsafe, either due to existing condition or past activity on the site. This tree can be expected to live for many years.

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. Examples of Council's recent support for this policy include:

251 McKee Avenue, August 2014, NY34.19, City Council Decision Document  
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.19>

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

The results of the tree canopy study undertaken by the City, published in "[Every Tree Counts](#)", estimated that walnut and butternut trees (*Juglans cinerea*), which produce similar fruit, 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 related to walnuts falling on property and the risk of walnuts falling on people below. In 2013 the City's Risk Management Unit reported that a search of their records found that they have not received claims for damages or personal injury related to walnuts falling from City trees. Urban Forestry has not received such a claim since the 2013 review of claims. If the City accepts that the nuisance and risk factors of these trees outweighs their environmental and health values, this could lead to the potential removal of 756 street trees and thousands of park and private walnut trees in Toronto. Additionally, there are thousands of other nut-bearing trees across the city which could also be the subject of similar concerns.

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 required 14-day period, in order to provide an opportunity for comment by the community. No comments were received in response to the posting.

A permit to remove the tree was denied by Urban Forestry. The owner is appealing this decision.

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*, permit approval must be conditional upon the owner providing satisfactory replacement planting. As a condition of permit issuance, the applicant is proposing to plant four (4) replacement trees, two at 202 Albertus Avenue and two at 198 Albertus Avenue. However, in this instance it would be appropriate for the owner to provide five (5) replacement trees, which can be achieved in a combination of planting on site and cash-in-lieu of planting.

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 attributed 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 rainwater 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 mitigate the cooling effects of wind in winter. Trees are a community resource, which can make the city more attractive to investors, tourists and prospective residents, thus contributing to growth and prosperity.

It is the goal of the City of Toronto to increase the city's tree canopy to 40 percent. Impacts on the tree canopy in the city due to the ice storm experienced in late December 2013, as well as the presence of the Asian longhorned beetle and the emerald ash borer make the preservation of all healthy trees more necessary now than ever.

The black walnut tree located at 202 Albertus Avenue is a valuable part of the urban forest. With proper care and maintenance this tree has the potential to provide the property owner and the surrounding community with benefits for many more years. Urban Forestry, therefore, does not support removal of this tree.

## **CONTACT**

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## **SIGNATURE**

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Jason Doyle  
Director, Urban Forestry  
Parks, Forestry and Recreation

## **ATTACHMENTS**

Attachment 1 – Photograph of the 75 cm diameter black walnut tree in the rear yard of 202 Albertus Avenue.

Attachment 2 - Photograph of the 75 cm diameter black walnut tree in the rear yard of 202 Albertus Avenue.