



STAFF REPORT ACTION REQUIRED

11 Brooke Avenue – Application to Remove a Private Tree

Date:	April 19, 2016
To:	North York Community Council
From:	Jason Doyle, Director, Urban Forestry, Parks, Forestry and Recreation
Wards:	Ward 16 – Eglinton-Lawrence
Reference Number:	P:\2016\Cluster A\PFR\NY14-051016-AFS#22792

SUMMARY

This report requests that City Council deny the application for a permit to remove one (1) privately-owned tree located at 11 Brooke Avenue. The application indicates the reasons for removal are due to concerns over injury that was sustained due to falling walnuts, staining of the patio deck and outdoor furniture, the resulting restricted use of the patio deck and backyard, and heaving of stones around the base of the tree.

The subject tree is a black walnut (*Juglans nigra*) tree measuring 61 cm in diameter. Urban Forestry does not support removal of the 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 11 Brooke 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 11 Brooke Avenue. The subject tree is a black walnut measuring 61 cm in diameter. The application for tree removal has been made to address concerns over injury sustained due to falling walnuts and the resulting restricted use of the patio deck and backyard. Additionally, the application was made to address concerns regarding staining of patio deck and outdoor furniture due to juglone, a substance produced by the tree and found in the walnuts, as well as heaving of stones around the base of the tree.

The arborist report which accompanied the application did not provide an assessment of the tree's condition. However, the arborist's observations regarding tree structure and botanical vigor include "...a strong, straight central trunk," where, "Scaffold branches are well attached and full of foliage." The report further states that "This tree possesses approximately 40% of total canopy...has very little deadwood in the canopy and has been heavily producing fruit." No evidence of damage caused by staining due to juglone was included in the application.

Urban Forestry staff inspected the tree and determined it is healthy both botanically and structurally with minor deadwood. Heaving of stones surrounding the base of the tree was observed to be minor and characteristic of the basal and root flare of this tree species. At the time of inspection Urban Forestry did not identify any defects that would indicate the tree is likely to fail. Pruning for clearance of the patio deck is not recommended as the extent of pruning required would result in the decline in health and subsequent death of the tree.

When reviewing applications for tree removal, Urban Forestry staff are guided by City policies and by-laws. This includes the *City of Toronto Municipal Code Chapter 813, Article III*, more commonly referred to as the Private Tree By-law; Council's past support of staff recommendations over a number of years to preserve walnut trees; and the City's Strategic Forest Management Plan, all of which support preservation, and discourage the unnecessary removal of healthy trees.

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, Decision Document
<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2014.NY34.19>, and

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 City's tree canopy study which was 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 qualities 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 to destroy the tree was posted on the subject property for the minimum 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 provision of satisfactory replacement planting. As a condition of permit issuance, the applicant is proposing to plant one (1) replacement tree. 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 on-site planting 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 the 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 11 Brooke 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

Jason Doyle
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Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Photograph of the 61 cm black walnut tree in the rear yard of 11 Brooke Avenue

Attachment 2 – Photograph depicting minor heaving of stone base

Attachment 3 – Photograph depicting proximity to patio deck