



REPORT FOR ACTION

Protection of Heritage Trees

Date: February 9, 2017

To: Parks and Environment Committee

From: General Manager, Parks, Forestry and Recreation

Wards: All

SUMMARY

The purpose of this report is to detail how Parks, Forestry and Recreation protects heritage trees, using available bylaws, internal policies and procedures, and the sharing of information with public utilities and other operational City divisions.

Currently, there are fifteen (15) individual City-owned and privately-owned trees within the City of Toronto with heritage status. An additional twenty-one (21) individual City-owned or privately-owned trees, two (2) groves and three (3) arboreal remnant forests have potential heritage significance.

RECOMMENDATIONS

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

1. The Parks and Environment Committee receive this report for information.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting of June 16, 2016, during consideration of Item PE12.3, Heritage Trees, the Parks and Environment Committee requested that the General Manager of Parks, Forestry and Recreation report back to the Parks and Environment Committee on how Parks, Forestry and Recreation ensures that trees recognized under the Forests Ontario (formerly Trees Ontario) Heritage Tree Program and trees designated as heritage under

the Ontario Heritage Act are protected in accordance with the provisions in Municipal Code 813 - Trees.

PE 12.3 Decision and Other Information

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.PE12.3>

COMMENTS

Currently, there are fifteen (15) individual City-owned and privately-owned trees within the City of Toronto with heritage status. An additional twenty-one (21) individual City-owned or privately-owned trees, two (2) groves and three (3) arboreal remnant forests have potential heritage significance.

A tree can be identified as having or potentially having heritage status either by "designation" under Part IV of the Ontario Heritage Act (OHA), or through "recognition" under the Heritage Tree Program administered by Forests Ontario (formerly Trees Ontario).

Designation under the OHA and the recognition of heritage status by Forests Ontario, as well as the identification of trees with potential heritage status are considered equally as identified heritage trees, groves or arboreal remnants under City by-laws, policies and procedures.

Definition of Heritage Trees

As defined by Professor Paul Aird, Faculty of Forestry, University of Toronto in The Forestry Chronicle, 2005 (a professional journal of the Canadian Institute of Forestry), a "heritage tree" is a tree having one, or more, of the following characteristics:

A notable specimen because of its size, form, shape, beauty, age, colour, rarity, genetic constitution, or other distinctive features:

- A living relic that displays evidence of cultural modification by Aboriginal or non-Aboriginal people, including strips of bark or knot-free wood removed, test hole cut to determine soundness, furrows cut to collect pitch or sap, or blazes to mark a trail;
- A prominent community landmark;
- A specimen associated with a historic person, place, event or period;
- A representative of a crop grown by ancestors and their successors that is at risk of disappearing from cultivation;
- A tree associated with local folklore, myths, legends, or traditions.

This definition is used by Forests Ontario and is generally accepted among heritage tree protection advocates. However, trees can also be given heritage status when they are part of an individual property or Heritage Conservation District via Heritage Preservation Services that meets criteria for designation under the OHA.

Although trees are not specifically identified for protection (they are referred to under the Act as part of the streetscape or landscape), the OHA enables City Council to manage and protect changes to the integrity of those properties with heritage value and attributes. Currently, there are 15 (fifteen) trees in Toronto that have been designated under the Act or recognized by Forests Ontario.

Bylaw Protection for Heritage Trees

City of Toronto Municipal Code Chapters 813, Trees and 658, Ravine and Natural Feature Protection include provisions which provide additional protection of heritage trees identified either through designation under the OHA or recognition by Forests Ontario.

Municipal Code, Chapter 813, Article II, Trees on City Streets, § 813-9 Permit Refusal provides that:

The General Manager shall not issue a permit where:

F: The tree is a heritage tree, or should in the opinion of the General Manager be recommended for designation as a heritage tree.

Municipal Code, Chapter 813, Article III, Private Tree Protection, § 813-17 Permit Refusal provides that:

The General Manager shall not issue a permit for the injury or destruction of trees where:

G: The tree is a heritage tree, or should in the opinion of the General Manager be recommended for designation as a heritage tree.

Chapter 658, Ravine and Natural Feature Protection, § 658-7 provides that:

The injury or destruction of trees, must be authorized by City Council in the following circumstances:

A: The tree is a heritage tree.

As a result, the Street Tree, Private Tree, and Ravine and Natural Feature Protection bylaws require that permit applications for injury or removal of heritage trees be refused. Urban Forestry staff do not have delegated authority to issue these types of permits. Even though no permit can be issued, Urban Forestry staff will continue to work with the applicant to provide options and alternatives in order to protect trees.

Applicants can appeal a refusal decision of Urban Forestry to City Council through Community Council, by way of the bylaw appeal process. The General Manager of Parks, Forestry and Recreation is authorized to issue a permit for the injury or removal of trees if directed to do so by City Council. City Council and Ontario Municipal Board (OMB) decisions can result in demolition of heritage properties including trees.

It should be noted that the Private Tree and Ravine and Natural Feature Protection By-laws do not regulate tree maintenance such as pruning. Property owners are not

required to obtain a permit from Urban Forestry to prune heritage trees in accordance with good arboricultural practices.

Forests Ontario

Urban Forestry works closely with Forests Ontario to ensure communication about the heritage tree recognition process as well as any updates and information on the number and location of heritage trees in the City to ensure that Urban Forestry staff are aware of the locations of all heritage trees.

Work Management System

Urban Forestry maintains a database on each of the identified individual trees, groves, and arboreal remnant forests including condition, diameter and GPS coordinates. This quantitative and qualitative information about heritage trees and trees with potential heritage significance is entered into Urban Forestry's work management system. This procedure ensures that Urban Forestry and 311 staff are aware of the significance of each tree.

All identified trees are assigned 'Heritage Status' for recognized or designated heritage trees or 'Potential Heritage Status' for trees under consideration for heritage status. All questions regarding trees with these statuses are referred to the Supervisor of Urban Forestry Policy and Planning. The Supervisor must be notified before any work is attempted on any of the identified trees.

Urban Forestry Internal Communications

A memorandum is circulated to all units in Urban Forestry that provides an up-to-date list of heritage trees and trees with the potential for heritage status. The memorandum details how these trees are identified in the Urban Forestry work and asset management system and the procedures that are required to be followed when dealing with a heritage tree or a tree with heritage potential.

Working with Other City Divisions and Public Utilities

Public utilities and other operational City divisions regularly carry out work that involves the cutting and digging of roots, pruning, or removal of trees, including those that may have heritage status. Tree pruning may be carried out to provide clearance and prevent storm damage to overhead power lines and other vital electrical infrastructure. Digging around and near tree root systems may be carried out to repair damaged water mains or to upgrade older networks. Prior to undertaking planned tree or root pruning work, Urban Forestry is required to confirm that the proposed work does not constitute a tree injury as defined in Municipal Code Chapter 813 and 658. If the proposed work may result in tree injury, Urban Forestry will recommend and require implementation of practices that ensure minimal impact on the health of tree(s) or may refuse the permit application.

Urban Forestry shares up-to-date information with other City of Toronto operational divisions and utility companies. This information helps ensure that parties who conduct work on, in and around trees are aware of the significance of these valued assets and

that any work around them be conducted appropriately. Urban Forestry also works through the Toronto Public Utilities Co-ordination Committee (TPUCC) to keep relevant staff updated.

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SIGNATURE

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