Application to Remove a Private Tree – 119 Heward Avenue

Date: September 22, 2017
To: Toronto and East York Community Council
From: Jason Doyle, Director, Urban Forestry, Parks, Forestry and Recreation
Wards: Ward 30 – Toronto-Danforth

SUMMARY

This report requests that City Council deny the request for a permit to remove one (1) privately owned tree located on the boundary of the properties located at 119 Heward Avenue and 121 Heward Avenue. An applicant on behalf of the homeowner of 119 Heward Avenue is requesting removal to address concerns that the tree is causing property damage and has weak branch unions.

The subject tree is a tree-of-heaven (*Ailanthus altissima*) measuring approximately 62 cm in diameter. The Private Tree By-law does not support the removal of this tree as it is healthy and maintainable.

RECOMMENDATIONS

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

1. City Council deny the request for a permit to remove one (1) privately owned tree located at 119 Heward Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

There is no decision history regarding this tree removal permit application.
COMMENTS

Urban Forestry received an application for a permit to remove one (1) privately owned tree located on the rear boundary of the properties located at 119 Heward Avenue and 121 Heward Avenue. In accordance with the City's Boundary and Neighbour Tree Procedure, the co-owner of the boundary tree has been notified in writing that an application to remove the tree has been received.

The subject tree is a tree-of-heaven measuring 62 cm in diameter. The application indicates the reasons for removal are to address concerns that the tree is causing property damage and has weak branch unions.

The arborist report that accompanied the application assessed this tree to be in fair condition. The arborist described concerns regarding early signs of included bark in the main trunk union, interfering limbs, lack of buttress flare, and small diameter interior deadwood throughout the canopy. The report also states that both homeowners expressed concerns that the tree is too big for their properties, drops excessive flowers staining their decks and that they have concern for their children's safety due to occasional dropping of dead branches. Furthermore, the report states that the property is being damaged by the tree pushing over a fence and heaving paving stones creating a tripping hazard.

Urban Forestry staff inspected the tree and determined that it was healthy and maintainable both botanically and structurally.

The issues presented regarding the tree's branch unions with included bark can be addressed through pruning to remove weight on one or both of the limbs included in the union. The removal of deadwood and interfering branches through pruning in accordance with good arboricultural practices will also reduce the likelihood of future limb failure. Routine tree maintenance is considered part of performing routine property maintenance and is a responsibility of all property owners within the city of Toronto.

All trees drop leaves, needles, nuts, fruit or other debris. The Private Tree By-law does not support tree removal to address perceived nuisance resulting from a tree’s natural functions, such as dropping flowers.

The fence and paving stones can be repaired without requiring removal of the tree. Roots do not and cannot go where there is no water but are capable of growing into any available space that offers water and air. Tree roots cannot damage a properly constructed walkway but if proper drainage has not been provided, heaving may occur as a result of freezing and thawing that creates space into which tree roots may grow. The paving stones surrounding the tree can be removed by hand, under the supervision of an arborist. A more robust and properly constructed paving area, which provides proper drainage and accounts for freeze and thaw cycles, can then be installed. If roots are encountered during the repair, a qualified arborist can prune smaller roots, or if warranted, shave down larger roots to provide a flat surface under the paving stones. This will provide a long-term solution while retaining the tree.
When reviewing applications for tree removal, Urban Forestry staff are guided by City policies and by-laws including City of Toronto Municipal Code, Chapter 813, Article III, more commonly referred to as the Private Tree By-law. The Private Tree By-law does not have a mechanism that would allow the removal of the subject tree based on the concerns stated in the tree removal permit application.

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 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 issuance must be conditional upon the provision of satisfactory replacement planting. As a condition of permit issuance, the applicant is proposing to pay cash-in-lieu for the replanting of one (1) replacement tree. However, in this instance it would be appropriate for the applicant 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 help to 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 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 per cent. The loss of trees in the city due to the ice storm experienced in late December 2013, compounded with additional tree loss due to 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 tree-of-heaven located on the property boundary at 119 Heward 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. In accordance with the City Council-approved Strategic Forest Management Plan, Toronto’s Official Plan and the Private Tree By-law, this tree should not be removed.

CONTACT

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SIGNATURE

Jason Doyle
Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 –Photograph of the tree-of-heaven measuring approximately 62 cm in diameter.
Attachment 2 –Photograph of the tree-of- heaven measuring approximately 62 cm in diameter.
Attachment 3 –Photograph of the tree-of- heaven measuring approximately 62 cm in diameter.
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