

DATE: Monday, October 16, 2017

TO: Toronto and East York Community Council

FROM: Eva Garvey, owner / resident of 35 Bowmore Road

RE: Application to Remove a Private Tree — 35 Bowmore Road

I strongly believe that the spruce tree in my backyard is now posing a danger both to the continuing safety of my person and of my property and is the primary reason I wish to have it removed. I am therefore appealing the recommendation made by the General Manager of Parks, Forestry and Recreation to deny my request for a permit to remove it.

White spruce is very susceptible to being blown over in high winds when grown on thin, sandy soil (which is the type of soil we have in the Beaches area) because of its inherently shallow root system. As a first-time homeowner, I was unfamiliar with the tree's characteristics nor aware that its final height may reach over 100 feet, otherwise I would have removed it before the bylaw limiting tree removal came into effect. This tree has doubled in size since I've lived here; it now stands approximately 65 feet high and is still continuing to grow. Despite this height, its tap roots are only about 4 feet deep. Moreover, it is my understanding that when my backyard was landscaped, any surface roots visible to the eye and any at a depth of 1-2 feet were cut back in order to level the soil for the planting of perennial stock and the creation of stone walkways. I fear this has greatly compromised the tree's already shallow, compact and fibrous root system.

The tree's stability is further compromised because of the continuing loss of many of the lower and middle branches due to the accumulated weight of snow, ice or rainwater on its needles throughout the seasons. Its canopy loss is also aggravated because branches are deliberately removed by utility company technicians so as not to interfere with their lines. There are now many such gaps in the tree where branches have fallen or been cut down. I have consulted with master gardeners in past years and have been warned that the tree will be quite unstable and top-heavy if more branches are lost.

Although I spent considerable time outlining my safety concerns to both the arborist and Urban Forestry staff, they were not adequately represented in either report. While the tree is free of disease and therefore deemed "healthy," I fail to understand how it could be considered structurally sound when neither the arborist nor Urban Forestry staff has witnessed its behaviour during torrential thunderstorms or snowstorms when it is swaying dangerously in the wind.

We are experiencing more extreme and unpredictable weather conditions as a result of climate change and extremely high wind gusts, wind storms, funnel clouds and tornados are becoming more prevalent in the Toronto area. Environment Canada has registered multiple instances where maximum wind gusts exceeded 100 km per hour this year. Previously a rarity, such weather is now becoming the new normal, and I don't believe its effects are reflected in Urban Forestry's policies.

All trees---even those which are ostensibly healthy---have the potential to break or uproot as a result of weather events like gusting winds, ice storms, excessive rainfall causing saturated soil, or a number of other natural variables. A long period of drought (such as we had this summer) interrupted by torrential rains can be enough to knock down trees: the dry weather loosens up the sandy soil and the rainwater

saturates it, allowing high winds to push trees down when their roots are weakened. Additionally, coniferous trees are more susceptible to breakage and uprooting than deciduous trees, and the taller the tree and the greater its exposure to the elements the greater the risk of “windthrow.”

Given the above, I believe it’s not a matter of “if” this tree falls down but “when” it falls. I fear it’s only a matter of time before it goes and when it does, it will cause substantial structural damage to my house (destroying the roof and second floor) or to neighbouring houses adjacent to mine. Its continuing growth is already causing damage to my deck and a shared fence, therefore having a negative impact on my neighbour’s property as well. It is neither financially nor legally feasible to modify existing structures to provide clearance for the tree to continue its growth.

The City’s Private Tree Bylaw does allow for the removal of “a destabilized or structurally compromised tree that is in imminent danger of causing damage or injury to life or property.” I believe my situation meets the above criteria and ask this committee to approve my request for its removal.

In a related matter, both the arborist and the Urban Forest staff member informed me that a replacement tree needs to be planted for each tree removed, and that where there is inadequate space for replanting, it is possible to pay “cash in lieu” of replanting, in the amount of \$583 per tree removed. My backyard is very small and already has 5 small trees and 8 large shrubs as well as various perennial flowers and groundcover in a space measuring only 16’ x 16’ (basically the size of a bedroom). Given the placement of the existing spruce tree, a sizeable stump would remain even were the tree removed, and I have absolutely no other space sufficient to accommodate the planting of a new mature tree. Therefore I indicated that I would be willing to pay the \$583 fee to have a tree planted elsewhere. However, I am shocked and upset to read in the Report for Action that, should Council approve my request for tree removal, Urban Forestry recommends that I provide five (!!!) replacement trees and stipulates that it be a combination of on-site planting and cash-in-lieu of planting. This is an outrageous and completely inappropriate recommendation. Firstly, I am in no position to afford the more than \$3000 this would cost me over and above the cost of the tree removal itself. I would not have gone forward with the permit application process had I known I would be subject to such arbitrary add-on costs. I am a single woman carrying a large mortgage and struggling to make ends meet, currently on a long-term medical leave for a terminal illness and subsisting on monthly CPP disability payments. I simply don’t have the financial means to meet this inflated requirement (the estimated cost of the tree removal and the single cash-in-lieu fee is hardship enough) nor do I think it is warranted or justifiable. Secondly, as mentioned above, my backyard cannot accommodate another tree; it is full to capacity as is. I would therefore also request that this committee modify the recommended condition of permit issuance, stipulating that I do not have to plant any replacement trees on my property and that a cash-in-lieu fee either be waived outright or that I be required to pay a cash-in-lieu fee totalling no more than \$583 (reflective of the cost of a single replacement tree).

Thank you for your consideration of this matter.

A handwritten signature in black ink, appearing to read 'E. Garvey', with a long, sweeping horizontal line extending to the right.

Eva Garvey