

## **Application to Remove a Private Tree - 147 Fenn Avenue**

**Date:** November 30, 2020

**To:** North York Community Council

**From:** Director, Urban Forestry, Parks, Forestry and Recreation

**Wards:** Ward 15 - Don Valley West

### **SUMMARY**

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This report requests that City Council deny a request for a permit to remove one privately owned tree located at 147 Fenn Avenue. The application indicates the reasons for removal are that the tree is too close to the dwelling, may be impacting the dwelling foundation, and that its roots are heaving the paving stones of the interlocking walkway, causing an accessibility issue.

The subject tree is a honey locust (*Gleditsia triacanthos*) measuring 64 cm in diameter. The Private Tree By-law does not support the removal of the tree as it is healthy and maintainable.

### **RECOMMENDATIONS**

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

1. City Council deny the request for a permit to remove one privately owned tree located at 147 Fenn Avenue.

### **FINANCIAL IMPACT**

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

### **DECISION HISTORY**

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

## COMMENTS

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Urban Forestry received an application for a permit to remove one privately owned tree at 147 Fenn Avenue, situated at the rear of the property. The subject tree is a honey locust tree measuring 64 cm in diameter. The application indicates the reasons for removal are that the tree is too close to the dwelling, may be impacting the dwelling foundation, and that its roots are heaving the paving stones of the interlocking walkway, causing an accessibility issue.

The arborist report which accompanied the application provided no condition rating for this tree. The arborist report does state that the subject tree has exposed roots and a codominant stem at 4 m high. The tree's canopy is described as overhanging the dwelling, as well as the neighbouring property. The arborist report also states that the tree requires removal due to property management and accessibility concerns, as the heaved paving stones render the walkway inaccessible to persons with mobility issues, including wheelchair use.

Urban Forestry staff inspected the tree and determined it is healthy and maintainable. At the time of inspection, the tree did not exhibit any signs of decay, and has a full and generally balanced crown, with no obvious or large dead or broken branches. The union between the two main halves of the tree appears strong. Pruning in accordance with good arboricultural practices and the performance of routine tree maintenance will reduce the likelihood of limb failure and any other issues with the tree overhanging the dwelling.

The tree is situated approximately 2-2.5 m from the rear wall of the dwelling. No evidence of any interaction with, or damage to the dwelling foundation was observed, and none has been presented by the applicant in subsequent correspondence.

Tree roots are not physically capable of exerting enough force to lift or crack properly constructed and maintained infrastructure such as dwelling foundations and walkways. However, if proper drainage is not provided, heaving or cracking may occur as a result of water freezing and thawing, creating spaces that tree roots may grow into. The damage described here, can typically be repaired without requiring tree removal. Waterproofing of the foundation, if not already done, would prevent roots from growing in any existing cracks or other openings in the foundation. Roots cannot grow where there is no water or air. The driveway or patio, if properly constructed and sealed, should prevent roots from growing into any existing cracks or other openings.

Urban Forestry staff observed that the paving stones comprising the walkway beneath the tree are heaved and uneven. Reconstructing the walkway, including rebuilding the sublayer and re-laying the paving stones is required to restore accessibility; however this repair can take place without removing or causing irreparable harm to the tree.

When reviewing applications for tree removal, Urban Forestry staff are guided by City policies and bylaws including *City of Toronto Municipal Code, Chapter 813, Trees, 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 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. One comment was received in support of the tree removal.

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 plant one replacement tree. However, in this instance it would be appropriate for the applicant to provide five 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 the 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 resources thus contributing to growth and prosperity.

It is the goal of the City of Toronto 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 honey locust tree at 147 Fenn Avenue is a valuable part of the urban forest. With proper care and maintenance this tree has the potential to provide the property owner

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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 Tree By-law, this tree should not be removed.

## **CONTACT**

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## **SIGNATURE**

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Jason Doyle  
Director, Urban Forestry  
Parks, Forestry and Recreation

## **ATTACHMENTS**

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Attachment 1 – Figure 1: Staff photograph showing subject honey locust tree measuring 64 cm in diameter situated in the rear yard of 147 Fenn Avenue, March 2020

Attachment 2 – Figure 2: Staff photograph showing walkway adjacent to subject honey locust tree situated in the rear yard of 147 Fenn Avenue, March 2020

Attachment 1 – Figure 1: Staff photograph showing subject honey locust tree measuring 64 cm in diameter situated in the rear yard of 147 Fenn Avenue, March 2020





Attachment 2 – Figure 2: Staff photograph showing walkway adjacent to subject honey locust tree situated in the rear yard of 147 Fenn Avenue, March 2020

