

Application to Remove a Private Tree – 6 Caines Avenue

Date: May 27, 2021

To: North York Community Council

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

Wards: Ward 18 – Willowdale

SUMMARY

This report requests that City Council deny the request for a permit to remove one privately owned tree located at 6 Caines Avenue. The application indicates the reason for removal is due to concerns by the applicant that the tree's falling nuts have potential to injure their children; that black walnuts are toxic to their pet; and the potential for damage to the structure and appearance of a planned swimming pool and surrounding hardscape.

The subject tree is a black walnut (*Juglans nigra*) measuring 49 cm in diameter. The Tree By-laws do not support the removal of this 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 privately owned tree located at 6 Caines Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting of February 27, 2017, the Parks and Environment Committee adopted a report, *Black Walnut Trees in Toronto*, from the General Manager of Parks, Forestry and Recreation that explained the effects of exempting black walnut trees (*Juglans nigra*) from protection under the City's Tree By-laws with a focus on both community safety and canopy impacts.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PE17.2>

COMMENTS

Urban Forestry received an application for a permit to remove one privately owned tree located at 6 Caines Avenue. The subject tree is a black walnut measuring 49 cm in diameter. The request to remove this tree has been made due to concerns by the applicant that the tree's falling nuts have potential to injure their children; that black walnuts are toxic to their pet; and the potential for damage to the structure and appearance of a planned swimming pool and surrounding hardscape.

Subsequent to Urban Forestry's initial refusal, a number of additional reasons to support the removal of the subject tree were submitted by the property owner. These mainly revolve around increasing biodiversity/habitat on the property, and are predicated on black walnut's production of juglone, an allelopathic compound that suppresses the growth of certain plant species to reduce competition. The applicant also stated that a hedge of cedar trees planted below the walnut trees died or partly died due to juglone toxicity.

The arborist report that accompanied the application described the tree to be in good - fair condition, with one medium dead stem, and a minor-moderate amount of small diameter deadwood. The report also notes included bark at a stem union and several small cavities forming.

Urban Forestry staff inspected the tree and at the time of inspection determined that it is healthy and maintainable. The included bark, and cavities will not affect the tree's health for the foreseeable future. Included bark occurs where two stems or branches are attached at a narrow V-shaped union, which enfolds or captures the bark in the union as the stems/branches grow in diameter over time, thereby potentially weakening the union.

Private trees that are proposed for removal due to construction of accessory landscaping and structures, including swimming pools, are not considered "as-of-right" development and as such there is no obligation under the Tree By-law to issue a tree removal permit. Subsequently, a permit to remove a tree may be denied by Urban Forestry in accordance with tree by-laws.

In this instance, minor changes to the submitted pool plan would allow the tree to be retained. Any work (including pool and/or landscape construction) within this tree's Minimum Protection Distance of 3.0 m would require a Permit to Injure from Urban Forestry. A Permit to Injure would only be approved if Urban Forestry were satisfied that the tree would tolerate the injury and continue to survive well afterwards.

Many of the tree species that grow in Toronto's urban forest produce fruit and nuts that some residents consider a nuisance. Every large growing tree has some degree of maintenance associated with it including removal of fruits and nuts, leaves, flowers, twigs, small branches, and deadwood. The City's Tree By-laws do not support tree removal to address the perceived nuisance resulting from a tree's natural functions.

There are a host of landscape plants including annuals, perennials, shrubs, hedges and trees that are compatible with walnut trees and juglone. Moreover, removing the black walnut tree from the prospective garden area will not address the problem as juglone may persist in the soil for several years as the black walnut roots decay.

Some options for reducing exposure of juglone to sensitive plants can be achieved by adding organic matter; aerating the soil and raising garden beds beneath the crown of black walnut trees. Pruning the tree for enhanced light penetration through and below the canopy, choosing plants that do not require full sun, and considering container gardening as an alternative are all additional options. Collecting fallen leaves and nuts, will reduce the accumulation and decomposition of juglone into the soil as well as reducing its exposure to pets.

Cedars (also commonly referred to as *Arborvitae*) commonly occur in the same habitat as black walnut, and are among the most well-known landscape plants that are resistant to this toxicity effect. It is more likely that the shade cast by this specific tree, and/or one or more of a host of reasons including plant selection, planting details, or general plant cultivation issues are the cause of the hedge's failure.

The results of the 2018 Tree Canopy Study undertaken by the City, estimated that walnut and butternut trees (which produce similar fruit) comprise 0.6% of the city's tree population. This represents approximately 69,000 trees. Removing all these trees, would not only be ineffective in removing all toxins, but would also significantly compromise Urban Forestry's goal of increasing the tree canopy, as well as reduce the many other benefits provided by these trees.

Through this inspection and review of the arborist report, staff have concluded that the removal of the subject tree is not permissible under the Tree By-law, City of Toronto *Municipal Code Chapter 813*. As a result of the above-noted findings and in support of protecting and growing the City's urban forest, a permit to remove the tree was denied by Urban Forestry. The applicant is appealing this decision.

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 application to remove the tree in question.

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 three replacement trees. 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.

The black walnut tree at 6 Caines Avenue is a valuable part of the urban forest that provides numerous aesthetic, social and economic benefits to the property owner and local community. Toronto's urban forest provides \$55 million in environmental benefits

every year including improved air quality through pollution removal, lower storm water management costs by reducing runoff, and carbon sequestration that lessens the impacts of climate change. Through shade and transpiration, increasing urban tree cover can mitigate exposure to extreme heat events. A higher density of trees in a neighbourhood has been shown to significantly improve physical and mental health, such as reducing blood pressure and stress levels and promoting physical activity. Trees also make urban environments aesthetically more pleasing which raises property values.

Protecting the urban forest is a key strategy for building resiliency, as it continues to face increasing natural pressures such as storms and invasive pests. The 2013 ice storm resulted in the removal of over 3000 City-owned trees. The Emerald Ash Borer beetle has killed approximately 860,000 ash trees across the City. As a result, if the City aims to reach its canopy target of 40 per cent, it is imperative that the City protect healthy trees from injury and removal whenever possible. The improved condition and size of the urban forest will support the City of Toronto's goals to improve quality of life and well-being that enables a diverse, sustainable, innovative, growing and thriving city.

In accordance with the City Council-approved Strategic Forest Management Plan, Toronto's Official Plan, Toronto's Biodiversity Strategy, and the Private Tree By-law, the black walnut tree at 6 Caines Avenue as a valuable part of the urban forest, should not be removed.

CONTACT

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SIGNATURE

Kim Statham
Acting Director, Urban Forestry
Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 - Figure 1: Staff photograph showing black walnut tree at 6 Caines Avenue, January 25, 2021.

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