

## **Application to Remove a Private Tree - 294 Fairlawn Avenue**

**Date:** May 27, 2021

**To:** North York Community Council

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

**Wards:** Ward 8 - Eglinton-Lawrence

### **SUMMARY**

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This report requests that City Council deny the request for a permit to remove one privately owned tree located at 294 Fairlawn Avenue. The application indicates that the reason for removal is to address concerns that the tree's sap and root system have caused substantial damage to the owner's home and yard, as well as adjacent homes.

The subject tree is a Norway spruce (*Picea abies*), measuring 76 cm in diameter. The Tree By-laws do not support the removal of this 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 294 Fairlawn 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 located at 294 Fairlawn Avenue. The subject tree is a Norway spruce measuring 76 cm in diameter, situated in the rear yard of the property. The request to remove this tree has been made to address concerns that the tree's sap and root system have caused substantial damage to the owner's home and yard, as well as adjacent homes. This

includes damage to the deck, the stucco siding and the asphalt of the garage of the owner's home. A very small area at the rear with soft scape is completely barren due to the surface roots that are present in the entire yard.

The arborist report that accompanied the application describes the tree to be in good to fair condition.

Urban Forestry staff inspected the tree and, at the time of inspection, determined that it is healthy and maintainable. Although the subject tree has a number of small climbing holds affixed to the trunk, and a broken swing suspended from one of the main limbs, these are not harming the tree at this time. The tree has a number of larger lateral limbs that have turned upwards becoming like small trees in their own right, resulting in a broader canopy than is typical of this species. There is no evidence at this time that the tree is causing structural damage to the owner's dwelling or any other dwellings nearby. Urban Forestry offered to consider the findings and recommendations of an engineer's report, if one was provided, but none has been submitted.

Repairs to, or replacement of the existing fence or deck structure can be undertaken without removing the tree, if guided or informed by a qualified arborist or other tree professional.

All trees drop leaves, needles, nuts, fruit and/or drip sap. The Private Tree By-law does not support tree removal to address the perceived nuisance resulting from a tree's natural functions.

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. Two comments were received in support of removal and one comment was received in opposition to removal.

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.

The Norway spruce tree at 294 Fairlawn 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 Norway spruce at 294 Fairlawn Avenue, as a valuable part of the urban forest, should not be removed.

## **CONTACT**

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David Bostock, Supervisor, Tree Protection and Plan Review, Urban Forestry  
Tel: 416-395-6134, Email: [David.Bostock@toronto.ca](mailto:David.Bostock@toronto.ca)

## **SIGNATURE**

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

## **ATTACHMENTS**

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Attachment 1 – Figure 1: Arborist report photograph showing the Norway spruce at 294 Fairlawn Avenue. Note the large upturned low limbs which greatly increase the canopy spread of this normally narrow and upright species.

Attachment 2 – Figure 2: Google Streetview photograph showing Norway spruce at 294 Fairlawn Avenue, with three stems belonging to the subject tree. What appears to be a smaller fourth stem is a separate tree on another property, October 2020.

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