

Application to Injure a Private Tree – 1399 Bayview Avenue

Date: August 13, 2021

To: North York Community Council

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

Wards: Ward 15 – Don Valley West

SUMMARY

This report requests that City Council approve the request for a permit to injure one privately owned tree located at 1399 Bayview Avenue. The application indicates the reason for injury is to accommodate the replacement of a portion of the existing stone wall along the western side of the property; to install new stairs overtop of an existing concrete foundation and new concrete paving to connect with an existing walkway.

The subject tree is a white oak tree (*Quercus alba*) measuring 118 cm in diameter. It is a Heritage Tree as defined in *Article III, Chapter 813, Trees, of the City of Toronto Municipal Code*. Under the provisions of *Chapter 813*, the General Manager shall not issue a permit for the injury or destruction of trees where the tree is a heritage tree, or should in the opinion of the General Manager be recommended for designation as a heritage tree.

RECOMMENDATIONS

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

1. City Council approve the request for a permit to injure one privately owned tree located at 1399 Bayview 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 injury permit application

COMMENTS

Urban Forestry received an application for a permit to injure one privately owned tree located at 1399 Bayview Avenue. The subject tree is a white oak tree measuring 118 cm in diameter. The tree was recognized in 2016 as a heritage tree through the province wide Heritage Tree Program administered by Forests Ontario and the Ontario Urban Forest Council. The request to injure this tree has been made to accommodate the replacement of a portion of the existing stone retaining wall along the western side of the property, and to install new stairs overtop of an existing concrete foundation, and new concrete paving to connect with an existing walkway.

The arborist report that accompanied the application described the tree to be in fair condition. The arborist report detailed how the tree will be protected during construction.

Urban Forestry worked with the applicant to reach a satisfactory Tree Protection Plan, which will ensure the tree will be properly protected through construction, and that its health will not be jeopardized.

Key details of this plan include:

- a) The replacement of part of the existing stone retaining wall on the eastern side of the property will be completed manually, and not require new or additional excavation. The wall will be replaced within its existing footprint inside the Minimum Protection Zone of the white oak.
- b) The installation of new concrete stairs to the entrance of the building will be constructed atop the existing concrete foundation, thereby not requiring any new excavation, so as to not impact the existing root system of the tree.
- c) A small portion of the existing soft landscape within the tree protection zone of the white oak will be converted to concrete paving, in order to connect with an existing walkway on the south side of the building. Excavation for the new concrete paving will extend to a maximum depth of 30 centimetres, be completed manually, and will be installed under the supervision of the applicant's arborist. Oak roots tend to be found at a greater depth than the planned excavation, so it is not anticipated that significant roots will be encountered during this work. If roots are encountered: roots smaller than 5 cm in diameter may be pruned by a qualified tree expert; if roots greater than 5 cm in diameter are encountered, the Tree Protection Plan calls for them to be preserved and incorporated into the subbase of the new concrete paving.

The Tree By-laws require that permit applications for the injury or removal of heritage trees be refused. Urban Forestry staff do not have delegated authority to issue these types of permits. Applicants can appeal a refusal decision by Urban Forestry to City Council through Community Council, by way of the bylaw appeal process. The General Manager of Parks, Forestry and Recreation is authorized to issue a permit for the injury or removal of trees if directed to do so by City Council.

Urban Forestry staff have reviewed the proposal with the applicant, and is satisfied that there will be no adverse impact to the tree's health, as long as the details of the Tree Protection Plan are adhered to, including having the supervision of a qualified tree expert when necessary.

CONTACT

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

SIGNATURE

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

ATTACHMENTS

Attachment 1 – Figure 1: Staff photograph showing the white oak tree at 1399 Bayview Avenue; May 18, 2021

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