

58 Linnsmore Crescent - Update on Tree By-law Compliance Efforts

Date: December 11, 2020

To: Toronto and East York Community Council

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

Wards: Ward 14 - Toronto-Danforth

SUMMARY

This report provides an update on the efforts that were made by Toronto Buildings and Urban Forestry to ensure compliance for the protection of trees at 58 Linnsmore Crescent.

RECOMMENDATIONS

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

1. Toronto and East York Community Council receive this report for information.

FINANCIAL IMPACT

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

DECISION HISTORY

On December 2, 2020 Toronto and East York Community Council (TEYCC) requested the Director, Urban Forestry, to report to the January 12, 2021 TEYCC meeting on the trees at 58 Linnsmore Crescent, and what efforts were made by Toronto Buildings and Urban Forestry to ensure compliance.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2020.TE21.64>

COMMENTS

Urban Forestry defines a contravention as an unauthorized injury, destruction or removal of a tree regulated by Municipal Code Chapters 658 Ravine and Natural Feature Protection and 813 Trees, known as the City's Tree By-laws. Established in 2017 and fully operational in 2018, the Compliance and Enforcement Unit administers and enforces specific sections of the City's Tree By-laws. Officers inspect sites where By-law contraventions have been reported or observed and follow up with property owners and contractors to ensure that tree damage ceases and is mitigated and compensated for.

Urban Forestry has the authority to use a variety of tools to address Tree By-law contraventions including the issuance of Stop Work Orders, Orders to Comply, contravention inspection fees, remedial work and pursuing prosecution and fines.

Urban Forestry was notified about a possible contravention at 58 Linnsmore Crescent. The site was inspected by Urban Forestry staff and contraventions of both the Trees on City Streets By-law (MC Chapter 813, Article II) and the Private Tree By-law (MC Chapter 813, Article III) were observed.

These contraventions are subject to an ongoing investigation.

Urban Forestry issued a Stop Work Order requiring all activity within the minimum tree protection zones to cease. From an enforcement aspect, Urban Forestry only has the authority to stop work directly within tree protection zones, as determined by the City's Tree Protection Policy and Specifications for Construction Near Trees. Only an order issued under the Building Code Act related to the construction could provide the ability to stop construction activity, unrelated to trees.

Toronto Building investigated a complaint that was received for construction taking place without a permit. Upon completing the investigation it was determined that the construction taking place, specifically landscaping work, does not require a building permit. Relying on the investigation results and the fact that there were no open building permits, Toronto Building could not take any enforcement action as there were no Building Code Act contraventions.

CONTACT

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SIGNATURE

Jason Doyle
Director, Urban Forestry

ATTACHMENTS

No attachments