TORONTO

REPORT FOR ACTION

Application to Remove a Private Tree – 55 Dixon Avenue

Date: August 13, 2021
To: Toronto and East York Community Council
From: Director, Urban Forestry, Parks, Forestry and Recreation
Wards: Ward 19 – Beaches-East York

SUMMARY

This report requests that City Council deny the request for a permit to remove one privately owned tree located at 55 Dixon Avenue. The application indicates the reason for removal is due to concerns that the tree is in conflict with a proposed new pool, it is a hazard to their children and dog, and causing property damage.

The subject tree is a black walnut tree (*Juglans nigra*), measuring 48 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 55 Dixon 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 55 Dixon Avenue. The subject tree is a black walnut tree measuring 48 cm in diameter. The request to remove this tree has been made to address concerns that the tree is conflict with a proposed new pool; it is a potential hazard to their children; it is potentially toxic to their dog; its roots are damaging a neighbour's pathway and house foundation; and its large overhanging limbs are above the neighbour's roof.

The arborist report that accompanied the application described the tree to be in fair condition, with a full canopy, and very large, codominant stems that are spread far apart. The subject tree was also described as having minor root damage from past construction on the adjacent property.

Urban Forestry staff inspected the tree and at the time of inspection determined that it is healthy and maintainable.

The hazard concern to the homeowner's children is unclear. The applicant noted that their previous dog succumbed to liver failure, which they suspect was a result of chewing the tree's nuts and ingesting juglone, a compound found in black walnuts. However, no evidence was provided that the health of a recently acquired dog is at risk. Moreover, the City's Tree By-laws do not support tree injury or removal to address the perceived nuisance resulting from a tree's natural functions such as the production of nuts, nor do they have a mechanism that would allow the removal of a nut-bearing tree to mitigate the risk of a toxic response.

This tree is situated approximately two metres from the neighbouring house. No evidence of the tree impacting the house was observed at the time of inspection. The tree is located such that routine maintenance of the tree can be performed in accordance with good arboricultural practices.

Evidence has not been provided to indicate foundation damage to the neighbouring house is caused by the tree's roots. Tree roots are not physically capable of exerting enough force to lift or crack properly constructed and maintained infrastructure such as pathways and house foundations. 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. As roots cannot grow where there is no water or air, the pathway and house foundations, if properly constructed and sealed, should prevent roots from growing into any existing cracks or other openings. Any damage to the pathway and house foundation can typically be repaired without requiring tree removal.

Finally, 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.

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. One comment in objection to removing the tree in question was received.

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 55 Dixon 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 neighborhood 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 3,000 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 55 Dixon Avenue, as a valuable part of the urban forest, should not be removed.

CONTACT

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SIGNATURE

Kim Statham
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Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Figure 1: Staff photograph showing black walnut tree at 55 Dixon Avenue; April 29, 2021

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