

## **Application to Remove Private Tree – 204 Douglas Drive**

**Date:** October 19, 2021

**To:** Toronto East York Community Council

**From:** Acting Director, Urban Forestry

**Wards:** Ward 11 – University-Rosedale

### **SUMMARY**

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This report requests that City Council deny the request for a permit to remove one privately owned tree located on the boundary line between 204 Douglas Drive and 64 St Andrews Gardens. The application indicates the reason for removal is due to concerns that the tree's roots are causing structural damage to the hardscape; sewage pipes and foundation of 64 St Andrews Gardens; the main stem is in conflict with a fence; there is potential for large branch failure due to included bark; and that falling walnuts make the backyard unusable from June to October.

The subject tree is a black walnut tree (*Juglans nigra*), measuring 71.5 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 Acting Director of Urban Forestry recommends that:

1. City Council deny the request for a permit to remove one privately owned tree located on the boundary line between 204 Douglas Drive and 64 St Andrews Gardens.

### **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 on the boundary line between 204 Douglas Drive and 64 St Andrews Gardens. The subject tree is a black walnut tree measuring 71.5 cm in diameter. The request to remove this tree has been made to address concerns that the tree's roots are causing structural damage to the hardscape; sewage pipes and foundation of 64 St Andrews Gardens; the main stem is in conflict with a fence; there is potential for large branch failure due to included bark; and that falling walnuts make the backyard unusable from June to October.

In accordance with the City's Boundary and Neighbour Tree Procedure, the co-owner of the boundary tree has been notified in writing that an application to remove the tree has been received.

The arborist report that accompanied the application described the tree to be in fair condition. They note that 14 m above grade, a potential point of failure in the form of an included union in the tree's main stem is present. Within the tree's canopy, large deadwood can be found and there is a history of large branch failure.

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

Included (i.e. ingrown) bark grows in the union between two or more stems that are growing closely together. Bark does not have a strong supportive fiber strength like wood so the branch attachment may be much weaker than a union without included bark, potentially resulting in a branch that is not well supported. The issues presented regarding the branch attachment with included bark can be addressed through pruning to remove weight on one or both of the limbs included in the union.

The removal of deadwood through pruning in accordance with good arboricultural practices and the performance of routine tree maintenance will also reduce the likelihood of future limb failure.

Tree roots are also not physically capable of exerting enough force to lift or crack properly constructed and maintained infrastructure such as foundations. Moreover, tree roots grow almost exclusively in the upper 60 cm of soil, while water and sewer pipes are usually 1.5 - 2 meters below ground level. If proper drainage is not provided, heaving or cracking of infrastructure may occur as a result of water freezing and thawing, creating spaces that tree roots may grow into. Similarly, when damaged pipes leak, they provide oxygen and nutrient-rich water deep in the soil, which attracts tree roots to enter the already cracked drain pipe. Foundation damage repair and waterproofing can typically be completed without requiring tree removal. Waterproofing of the foundation would prevent roots from growing in any existing cracks or other openings in the foundation. The driveway or patio, if properly constructed and sealed, should prevent roots from growing into any existing cracks or other openings. Replacing old clay pipes with continuous PVC piping between the house and sewer can eliminate future blockages by tree roots.

Finally, all trees drop leaves, needles, nuts, fruit or other debris. Removal of debris such as falling walnuts is considered part of performing regular property maintenance and is a responsibility of all property owners within the City of Toronto. The City's Tree By-laws do 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. One comment in objection and one comment in support 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 pay cash in lieu of planting 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 black walnut tree at 204 Douglas Drive 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 204 Douglas Drive, as a valuable part of the urban forest, should not be removed.

## **CONTACT**

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## **SIGNATURE**

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

## **ATTACHMENTS**

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Attachment 1 – Figure 1: Staff photograph showing black walnut tree on the boundary line between 204 Douglas Drive and 64 St Andrews Gardens; June 29, 2021

Attachment 2 – Figure 2: Staff photograph showing included bark at union of black walnut tree on the boundary line between 204 Douglas Drive and 64 St Andrews Gardens; June 29, 2021

Attachment 1 – Figure 1: Staff photograph showing black walnut tree on the boundary line between 204 Douglas Drive and 64 St Andrews Gardens; June 29, 2021



Attachment 2 – Figure 2: Staff photograph showing included union bark at union of black walnut tree on the boundary line between 204 Douglas Drive and 64 St Andrews Gardens; June 29, 2021

