

Application to Remove a Private Tree – 49 Sumach Street

Date: May 2, 2022

To: Toronto and East York Community Council

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

Wards: Ward 13 – Toronto Centre

SUMMARY

This staff report is about a matter that Community Council has delegated authority from City Council to make a final decision.

This report requests that Toronto and East York Community Council deny the request for a permit to remove one privately owned tree located at 49 Sumach Street. The application indicates the reason for removal is due to the replacement of an existing pool, concerns over falling fruit that produced a foul smell, attracted wildlife, and may be poisonous to children and dogs.

The subject tree is a ginkgo tree (*Ginkgo biloba*) measuring 73 cm in diameter. The Tree By-laws do not support the removal of this tree as it is healthy and maintainable.

RECOMMENDATIONS

The Acting Director of Urban Forestry recommends that:

1. Toronto and East York Community Council deny the request for a permit to remove one privately owned tree located at 49 Sumach Street.

FINANCIAL IMPACT

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

DECISION HISTORY

There is no decision history regarding this tree removal permit application.

COMMENTS

Urban Forestry received an application for a permit to remove one privately owned tree located at 49 Sumach Street. The subject tree is a ginkgo tree measuring 73 cm in diameter. The request to remove this tree has been made to accommodate a development that involves the replacement of the existing in-ground pool with a larger pool footprint as well as concerns over falling fruit that produced a foul smell, attracted wildlife, and may be poisonous to children and dogs.

The arborist report that accompanied the application described the tree to be in good botanical and structural condition.

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

Urban Forestry allows permits for the removal of healthy trees when it is required to accommodate an 'as-of-right' house footprint. However, Urban Forestry does not consider pools to be 'as-of-right' structures. In addition, staff also reviewed the submitted site plans and identified workable solutions to retain the tree while constructing the proposed pool. Recommendations were made on how the location of the pool could be shifted to match the existing pool so that the tree could be retained.

Many of the tree species that grow in Toronto's urban forest produce fruit that some residents consider a nuisance. The benefits that trees afford to a community far outweigh the maintenance inconvenience associated with falling debris. Removal of debris such as fallen fruit is considered part of performing regular property maintenance and is a responsibility of all property owners within the City of Toronto.

Through this inspection and review of the related documents, 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*. The City's Tree By-laws do not support tree removal to address the perceived nuisance resulting from a tree's natural functions. 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. Six comments were received in response to the application to remove the tree in question. Three objected to the removal of the tree and three others supported the removal of the tree.

The ginkgo tree at 49 Sumach Street 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 resilience, 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 ginkgo tree at 49 Sumach Street, as a valuable part of the urban forest, should not be removed.

The Acting Director of Urban Forestry recommends Toronto and East York Community Council deny the request for a permit to remove a privately owned tree located at 49 Sumach Street. Should Toronto and East York Community Council grant this request for tree removal, the following recommendation may be adopted, in accordance with the City's Tree By-law permit requirements:

- 1) Toronto and East York Community Council approve the request for a permit to remove a privately owned tree located at 49 Sumach Street, and require the applicant to provide five replacement trees which can be achieved in a combination of on-site planting and cash-in-lieu of planting to the satisfaction of the General Manager of Parks, Forestry and Recreation.

CONTACT

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SIGNATURE

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

ATTACHMENTS

Attachment 1 – Figure 1: Staff photograph showing the ginkgo tree at 49 Sumach Street; May 21, 2021

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