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June 20, 2023

Our File No.: 230947

Director and Deputy Chief Building Official
Toronto Building Toronto and East York
100 Queen Street West
Toronto, ON M5H 2N2

Dear Sirs/Mesdames:

Re: TE 6.35 – 251 Dunvegan Road – Residential Demolition Application

We are counsel to George Krieser, who owns the property known municipally as 500 Russell Hill Road (“**500 Russell Hill**”) along with his wife Shari Krieser, and Harry Glicksman, the owner of the property known municipally as 502 Russell Hill Road (“**502 Russell Hill**”) along with his wife Marsha Glicksman. Our clients’ properties abut the eastern boundary of the property known municipally as 251 Dunvegan Road (the “**Subject Property**”), which is the subject of the above-noted application (the “**Demolition Application**”) to demolish the existing dwelling on the Subject Property (the “**Existing Dwelling**”).

In May 2023, we wrote on behalf of our clients to object to the approval of the Demolition Application. In our May 2023 correspondence, which is attached to the staff report before Community Council, we outlined why approval of the Demolition Application would be premature and threaten the health of large and long-standing boundary trees. Critically, no tree protection plan for those trees has been approved and no permit from Urban Forestry has been issued with respect to those trees.

Since submission of our May 2023 letter, we have coordinated further with Urban Forestry. Staff have advised that “exploratory” work to understand the roots of the boundary trees and potential approaches for protecting the trees is ongoing, and further exploratory work in this regard is required. As indicated in the correspondence enclosed, the exploratory dig conducted to date showed large diameter structural roots in areas where demolition and construction activity is proposed.

The update from Urban Forestry staff makes clear that neither the applicant nor Urban Forestry staff have a sufficient understanding of the roots of the boundary trees at this stage to allow demolition to proceed. Without such an understanding, it is impossible to have any comfort that demolition of the Existing Dwelling will not significantly damage the boundary trees. It is clear that the applicant has not even settled upon a proposed tree protection plan, let alone received

approval of from staff. Permitting demolition of the Existing Dwelling to proceed in these circumstances would be irresponsible and highly inappropriate.

Demolition must not be permitted in the absence of a proper understanding of the implications of demolition on the boundary trees and establishment of an appropriate tree protection plan. In these circumstances, consideration of the Demolition Application should be deferred at least until the next Community Council meeting so that the further “exploratory” work can be undertaken and the results can be vetted to properly understand the implications of demolition on the health and stability of the boundary trees. Alternatively, at a minimum, a condition must be imposed requiring the owner to obtain a permit from Urban Forestry before commencing any demolition activity.

Yours truly,

Goodmans LLP



Max Laskin
ML/

cc. Clients

Enc

From: Ryan Rolfe <Ryan.Rolfe@toronto.ca>
Sent: Friday, June 16, 2023 3:40:23 PM
To: Peter Kuntz <peter@kuntzforestry.ca>
Subject: RE: Dunvegan

Hi Peter,

I received the updated Arb report and TPP with exploratory dig results from the applicant. They are now proposing to do another exploratory for the two helical pile locations at the eastern edge of the proposed terrace. I have asked their arborist on a timeline for this.

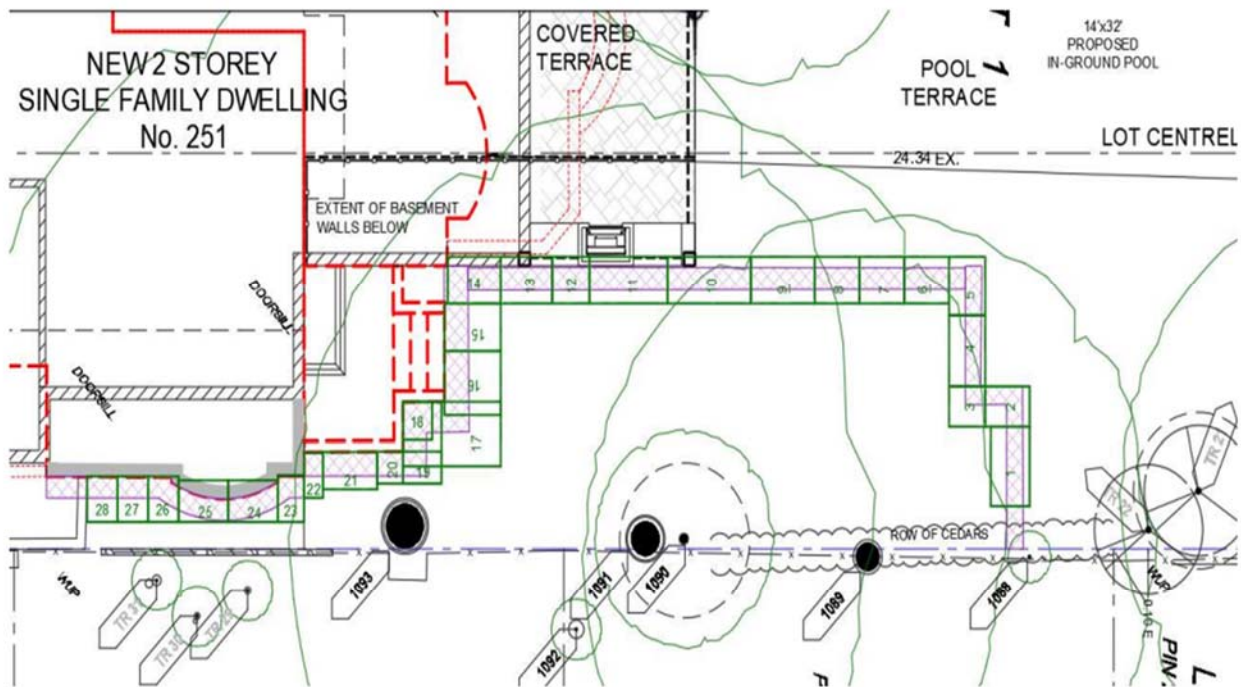


FIGURE 14, DIAGRAM OF EXPLORATORY EXCAVATION AREA (PURPLE HATCHED AREA). GREEN RECTANGLES INDICATE PHOTOGRAPH REFERENCE NUMBERS (PRN) AND DIRECTION OF CAPTURE.

5.0 CONCLUSIONS & RECOMMENDATIONS

5.1 EXPLORATORY EXCAVATION

On April 3 2023, an exploratory excavation was conducted to determine the extent of the existing root structures below-ground. The excavation was conducted by Qualified Arborists using an air spade; some manual excavation with trenching shovels/drain spades and hand tools was completed when the pneumatic air tool was unable to remove soils appropriately.

Excavation of the trench averaged 0.6m or two feet in depth along the area illustrated in Figure 14, Appendix 4. This area also illustrates the Photograph Reference Number (PRN) areas that refer to the areas photographs were taken during excavation. Refer to Appendix 5 for photographs of the excavation.

The following pertinent conclusions can be made from the results of the exploratory excavation:

1. There is a concrete wall foundation beneath the existing northeastern porch area (Figure 15) at least 0.75m deep.
 - a. This would indicate that there is no rooting mass, or rooting mass was removed, beneath the existing rear porch
2. Large structural roots were identified from the root flare, extending west towards the porch area, and turning north to follow the existing subterranean porch foundation wall (Figure 16)
 - a. This would indicate that there is no rooting mass, or rooting mass was removed, beneath the existing rear porch
3. A congestion of roots was found at the base of the porch stairs as well, following the length of the wall (Figure 17)
 - a. This would indicate that there is no rooting mass, or rooting mass was removed, beneath the existing rear porch steps
4. Several [approximately five (5)] larger diameter woody roots (greater than 5cm diameter but less than 9cm diameter) were identified within the area where the proposed cantilevered terrace is proposed (within PRN areas #10-13, refer to Figure 14, Appendix 4 and Figures 18-21, Appendix 5)
 - a. Excavation for the proposed two (2) helical piles at the eastern edge of the proposed terrace should be completed by hand first, to determine the location of these significant roots and adjusted accordingly to preserve these roots, where possible.

From: Peter Kuntz [<mailto:peter@kuntzforestry.ca>]

Sent: June 14, 2023 4:10 PM

To: Ryan Rolfe <Ryan.Rolfe@toronto.ca>

Subject: [External Sender] Dunvegan

Hi Ryan,

Sorry to bug, lawyers are bugging me. Further to my last email, wondering how the permitting process going for tree removals at above noted.

Thanks,

Peter

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