

Application to Remove a Private Tree – 47 Westpoint Lane

Date: December 27, 2023

To: Etobicoke York Community Council

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

Wards: York South-Weston - 5

SUMMARY

This report requests that Etobicoke York Community Council deny the request for a permit to remove one privately owned tree located at 47 Westpoint Lane. The applicant indicates the reason for requesting removal of the tree is due to concerns with the tree's size and location, where the roots may cause damage to the foundation, plumbing, and concrete and stone pavers.

The littleleaf linden tree (*Tilia cordata*) measures 39 cm in diameter. The City's Tree By-laws do not support the removal of this tree as it is healthy and maintainable. The permit was denied and the applicant is appealing the decision. Community Council has delegated authority from City Council to make a final decision as to whether a permit may be issued when an applicant wishes to appeal the denial of a permit of a tree protected under the By-laws.

RECOMMENDATIONS

The Director, Urban Forestry, Parks, Forestry and Recreation recommends that:

1. Etobicoke York Community Council deny the request for a permit to remove one privately owned tree located at 47 Westpoint Lane.

FINANCIAL IMPACT

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

DECISION HISTORY

There is no decision history related to this tree removal permit application.

COMMENTS

Parks, Forestry and Recreation received an application for a permit to remove one privately owned tree located in the rear yard at 47 Westpoint Lane. The littleleaf linden tree (*Tilia cordata*) in question measures 39 cm in diameter. The applicant indicates the reason for requesting removal of the tree is due to concerns with the tree's size and location, where the roots may cause damage to the foundation, plumbing, and crack or shift concrete pavers.

The arborist report that accompanied the application described the tree to be in good condition. This report noted that a visual inspection at ground level was done, and the tree's health and structure were good.

City staff inspected the tree and at the time of inspection determined that it is healthy and maintainable. Staff noted that the tree is growing against an existing fence, and there are some improper pruning cuts; however the tree's health is not affected.

This tree is situated adjacent to the fence. No evidence of the tree impacting the fence was observed at the time of inspection. The location of the tree does not prevent or restrict the property owner from having an arborist conduct routine monitoring and maintenance of the tree.

Heavy structures such as building foundations are generally impervious to damage by tree roots. Over many years, deficient construction, inadequate maintenance, and weathering can wear down these structures, causing deterioration and eventually leading to minor defects. Without proper drainage, heaving or cracking may occur as a result of water freezing and thawing, creating spaces that fine roots of nearby trees may grow into, which can accelerate the rate of deterioration. However, this type of age-related deterioration would also occur in the absence of trees and their roots, so trees are not unilaterally responsible for the damage. Waterproofing of the foundation would prevent roots from accessing any existing cracks or other openings in the foundation.

Similarly, hard landscape features such as interlocking unit pavers may be prone to damage by tree roots, if they have not been properly designed, built, or maintained. When built to accommodate future root growth and expansion, and when properly maintained over time, conflict with trees or their roots can typically be planned for and managed without tree removal.

The City's Tree By-laws do not support the removal of this tree as it is healthy and maintainable. Through the inspection and review of the arborist report, a permit to remove the tree was denied by Parks, Forestry and Recreation. The applicant is appealing this decision. Community Council has delegated authority from City Council to make a final decision as to whether a permit may be issued when an applicant wishes to appeal the City's decision to deny a tree permit.

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. No comments were received in support, nor in opposition to the application to remove the tree in question.

The City has reaffirmed its canopy target of 40 per cent by 2050. One approach to support achieving this target is to protect healthy trees from injury and removal whenever possible.

Protecting the urban forest is critical in building climate resilience as urban centres continue to face increasing development, impacts due to climate change in the form of extreme weather events, and other natural threats such as invasive pests. Toronto's urban forest provides \$55 million in ecosystem services and benefits annually. Services such as air pollution removal, reduction of storm water runoff, and carbon sequestration all contribute to climate resilience. Protecting and expanding tree cover helps to mitigate exposure to extreme heat events through shade and transpiration.

A sustainable and expanding urban forest also supports the City of Toronto's goals to improve quality of life and well-being of its residents. A higher density of trees in a neighbourhood has been shown to significantly improve physical and mental well-being by reducing blood pressure, decreasing stress levels, and by promoting physical activity. Economic benefits include enhancements to property values, increased tourism and consumer spending.

In keeping with the City's Strategic Forest Management Plan, Toronto's Official Plan, Toronto's Biodiversity Strategy, and the Tree Protection By-laws, the littleleaf linden tree at 47 Westpoint Lane is a valuable part of the urban forest, providing numerous aesthetic, social and economic benefits to the property owner and the local community and therefore should not be removed.

Parks, Forestry and Recreation recommends Etobicoke York Community Council deny the request for a permit to remove one privately owned tree located at 47 Westpoint Lane. Should Etobicoke 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) Etobicoke York Community Council approve the request for a permit to remove one privately owned tree located at 47 Westpoint Lane, and require the applicant to provide five replacement tree 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
Director, Urban Forestry, Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Figure 1: Staff photograph showing the crown of the littleleaf linden tree at 47 Westpoint Lane; June 21 2023

Attachment 2 – Figure 2: Staff photograph showing the location of the littleleaf linden tree next to the fence at 47 Westpoint Lane; June 21 2023

Attachment 1 – Figure 1: Staff photograph showing the crown of the littleleaf linden tree at 47 Westpoint Lane; June 21 2023



Attachment 2 – Figure 2: Staff photograph showing the location of the littleleaf linden tree next to the fence at 47 Westpoint Lane; June 21 2023

