

## **Application to Remove a Private Tree – 31 Clearside Place**

**Date:** March 14, 2024

**To:** Etobicoke York Community Council

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

**Wards:** Etobicoke Centre - 2

### **SUMMARY**

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This report requests that Etobicoke York Community Council deny the request for a permit to remove one privately-owned tree located on the boundary line between the properties of 31 Clearside Place and 33 Clearside Place. The tree is protected under the Ravine and Natural Feature Protection bylaw. The applicant indicates the reason for requesting removal of the tree is due to concerns that the tree may pose a safety concern and cause property damage, should it fail.

The red maple tree (*Acer rubrum*) measures 72 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**

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The Director of 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 31 Clearside Place.

### **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 related to this tree removal permit application.

## COMMENTS

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Parks, Forestry and Recreation received an application for a permit to remove one privately owned tree located in the side yard on the boundary line between the properties of 31 Clearside Place and 33 Clearside Place. The red maple tree (*Acer rubrum*) in question measures 72 cm in diameter and is considered co-owned as it straddles the boundary of two privately-owned properties. The tree is protected under the Ravine and Natural Feature Protection bylaw. The applicant indicates the reason for requesting removal of the tree is due to concerns that the tree may pose a safety concern and cause property damage, should it fail.

The arborist report that accompanied the application described the tree to be in fair condition and noted some defects. This report noted that the tree is growing in a restricted space and has a crown that is overhanging the adjacent houses that may result in property damage in the event of failure. The report also noted that a cement walkway has been damaged by the roots of the tree.

City staff inspected the tree and, at the time of inspection, determined that it is healthy and maintainable despite growing between two houses. 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 and house can be performed. In addition, pruning in accordance with good arboricultural practices should mitigate concerns identified in the arborist report.

There are roots lifting a cement walkway at either side, but this can be remedied without removing the tree. Hard landscape features such as interlocking unit pavers and asphalt surfaces 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, any conflict with trees or their roots can be planned for and managed without tree removal.

As the tree is co-owned, issuing a permit to remove the tree does not supersede civil property rights nor constitute permission to trespass or remove the tree without the permission of the co-owner. Prior to issuing boundary tree permits, City staff provide a notice to the co-owners of the tree 14 days prior to permit issuance. The notification period allows the co-owners of the tree to request documents submitted by the applicant with the tree removal application, while also allowing the applicant to coordinate the tree removal with their neighbour. The co-owner of the boundary tree has been notified in writing that an application to remove the tree has been received.

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.

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 red maple tree at 31 Clearside Place 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 31 Clearside Place. 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 ravine protected tree located at 31 Clearside Place and require the applicant to provide seven 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**

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

## **ATTACHMENTS**

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Attachment 1 – Figure 1: Staff photograph of the red maple at 31 Clearside Place showing the trunk of the tree; December 8, 2023

Attachment 2 – Figure 2: Staff photograph of the red maple at 31 Clearside Place showing the crown of the tree; December 8, 2023

Attachment 1 – Figure 1: Staff photograph of the red maple at 31 Clearside Place showing the trunk of the tree; December 8, 2023





Attachment 2 – Figure 2: Staff photograph of the red maple at 31 Clearside Place showing the crown of the tree; December 8, 2023

