

Annual Report on Tree By-law Removal Permit Appeals and Requests

Date: May 10, 2024

To: Infrastructure and Environment Committee

From: General Manager, Parks, Forestry and Recreation

Wards: All

SUMMARY

This report provides a summary of the tree by-law appeal volumes, outcomes and rationale, as well as the total number and outcomes of tree removal permits considered by Parks, Forestry and Recreation following the delegation of final decision making on all tree removal permit application appeals to Community Council under Municipal Code, Chapter 27, Council Procedures, Chapter 813 Trees and Chapter 658 Ravine and Natural Feature Protection.

RECOMMENDATIONS

The General Manager, Parks, Forestry and Recreation recommends that:

1. Infrastructure and Environment Committee receive this report for information.

FINANCIAL IMPACT

There are no financial impacts resulting from the adoption of the recommendations in this report. No additional funding associated with this initiative in current and future years are required.

The Chief Financial Officer and Treasurer has reviewed this report and agrees with the information as presented in the Financial Impact section.

DECISION HISTORY

At its meeting on May 11, 2022, City Council delegated authority on the final decisions of Tree Removal Permit Appeals to respective district Community Councils to improve local decision-making. City Council also requested the General Manager, Parks, Forestry and Recreation, in consultation with the City Clerk, to report to the Infrastructure and Environment Committee annually on:

- a. the tree by-law appeal volume and outcomes at Community Councils acting under delegation, along with the rationale for permits awarded by Community Council; and
- b. the total number of tree removal permits considered by Parks, Forestry and Recreation and with the outcome: granted, refused and appealed to Community Council.

<https://secure.toronto.ca/council/agenda-item.do?item=2022.EX32.15>

At its meeting on February 5, 6, 7, and 8, 2007, City Council considered Item 2007.EX2.5, and delegated final decision making to Community Councils on some routine local matters, subject to the necessary statutory powers being in effect, to improve local decision-making. Exemptions issued under Chapter 813 Trees were not recommended for delegation to Community Council at that time.

<https://www.toronto.ca/legdocs/mmis/2007/cc/minutes/2007-02-05-cc02-mn.pdf>

<https://www.toronto.ca/legdocs/mmis/2007/ex/bgrd/backgroundfile-586.pdf>

COMMENTS

The urban forest is comprised of trees along streets, in parks, ravines and natural areas, on private property and in landscaped open spaces, throughout the city of Toronto. Trees, provide shade, energy savings, wildlife habitat, and improve air quality through removal of carbon dioxide and airborne pollutants. Trees are a critical component of the city's network of green infrastructure and are key to the city's climate resiliency. The City of Toronto has long recognized the importance of trees and urban forests and the benefits they provide. In 2021, City Council reaffirmed Toronto's canopy cover target of 40 per cent by 2050 to align with the City's TransformTO Net Zero Strategy.

The intent of the City's tree by-laws are to regulate tree injury and removal, protecting trees from unnecessary harm, while promoting maximum tree protection and compensation, including replacement planting. *Municipal Code Chapter 813, Trees Article II* protects trees of all sizes on public property. *Municipal Code Chapter 813, Trees Article III* protects privately owned trees with 30 cm diameter-at-breast-height (DBH) or greater. *Municipal Code Chapter 658, Ravine and Natural Feature Protection* protects trees of all sizes within the regulated area, including private property.

Application of the by-laws are equitably applied across the city to protect and enhance the urban forest regardless of administrative boundaries, such as wards.

Property owners can apply for a permit to remove or injure protected trees under the provisions of the tree by-laws. Property owners can appeal to the appropriate Community Council following City staff decision to deny the permit for removal or injury.

Delegation of final decision making on tree by-law appeals to Community Council was adopted on May 11, 2022, to amend Municipal Code Chapter 27, Council Procedures. Amendments to the City's tree by-laws, Municipal Code Chapter 813, Trees, and Municipal Code Chapter 658, Ravine and Natural Features, were also required. These amendments were solely related to where final decision making on appeals occurs and did not impact the current protections afforded to by-law protected trees, nor in Parks, Forestry and Recreation's administration of the tree by-laws.

Since the adoption of item [2022.EX32.15](#), final decisions on Tree Permit Appeals have been considered by Community Councils. When an appeal is registered, Parks, Forestry and Recreation prepares a staff report with recommendations to Community Council. At the Community Council meeting, members of the public, including the applicant, have an opportunity to depose and provide information further to the permit request. Community Council can make a recommendation to either deny the request for permit (adopt staff recommendations) or approve the request for permit (amend staff recommendations).

Tree Permit Application Volume and Outcomes

Application review and decisions to refuse or approve the removal of a tree are made in accordance with the provisions of the applicable tree by-law; Municipal Code Chapter 813 – Trees and Municipal Code Chapter 658 – Ravine and Natural Feature Protection. Permit outcome data is provided based on the best tracked information available and represents non-construction, construction, and development application types.

From May 2022 to the end of 2023, a total of 3,858 tree removal permit applications were considered by Parks, Forestry and Recreation. This includes trees regulated under Municipal Code Chapter 813 as well as under Municipal Code Chapter 658, Ravine and Natural Feature Protection.

Of the 3,858 permit applications reviewed, the following outcomes were determined:

- 3,335 tree removal permits were granted by City staff
- 114 tree removal permit applications were denied by City staff
- 409 tree removal permit applications were either withdrawn by the applicant, became dormant due to non-response by the applicant or plans were revised so that a tree permit was no longer needed.

Of the 114 denied tree permit applications denied by City staff, 60 were appealed by the permit applicant to Community Council.

Tree Appeal Volume and Outcomes

The 60 tree by-law appeals represent 1.6 per cent of all tree removal permit applications received by Parks, Forestry and Recreation during this time period. The following summarizes the findings of the 60 tree by-law appeals that had recorded a final outcome by the end of 2023. The ownership of the trees subject to appeal were 79 per cent privately-owned trees and 21 per cent City-owned.

Table 1 provides a summary of appeal outcomes by Community Councils acting under Delegation from May 2022 to the end of 2023. The key findings include:

- Community Council adopted the staff recommendations to deny tree removal in 44 tree by-law appeal staff reports (73 per cent).
- Community Council amended the staff recommendations in 16 tree by-law appeal staff reports (27 per cent) to allow tree removal.

Table 1: Summary of Appeal Outcomes by Community Council May 2022 - December 2023

Community Council	Total Staff Reports Appealed	Adopted Staff Recommendations	Amended Staff Recommendations
North York	18	13 (72%)	5 (27%)
Toronto & East York	16	15 (93%)	1 (6%)
Etobicoke York	14	6 (43%)	8 (57%)
Scarborough	12	10 (83%)	2 (16%)
Total	60	44 (73%)	16 (27%)

When accounting for the final decisions made by Community Council on all 3,858 tree removal permit applications:

- 3,351 tree removal permits were granted
- 98 tree removal permit applications were denied
- 409 tree removal permit applications were either withdrawn by the applicant, became dormant due to non-response by the applicant or plans were revised so that a tree permit was no longer needed.

Rationale for Permits Awarded by Community Council

Parks, Forestry and Recreation tracked the rationale associated with Community Council decisions that amended a staff recommendation and resulted in the permitting of a tree for removal. The following is based on Parks, Forestry and Recreation's interpretation of rationale as provided by ward Councillors during a Community Council meeting. Rationale for tree removal permits awarded by Community Council was associated with:

- construction-related impacts such as driveway construction, pool installation, or perceived foundation damage (38 per cent)
- circumstances where a tree was perceived as a nuisance such as for onerous property maintenance, animals, or undesirable species (25 per cent)
- perceived poor tree condition (13 per cent)
- tree in close proximity to a dwelling (6 per cent)
- species prone to disease (6 per cent)
- no rationale provided (13 per cent).

Changes to Permit Appeal Outcomes Resulting from Community Councils Acting under Delegation

Item EX.32.15 provided permit appeal volume and outcomes during the period of 2017-2021, when appeal reports progressed to City Council for final consideration. Attachment 1 provides a summary of appeal outcomes by Community Council between 2017 and 2021. The comparison of appeal outcomes following delegation in May 2022 is summarized in Table 2.

Table 2: Comparison of Appeal Outcomes by Community Council Pre- and Post-Delegation

Time Period	Total Staff Reports	Community Council Adopted Staff Recommendations	Community Council Amended Staff Recommendations	Without Recommendations	Deferred or referred back to staff
2017-2021	129	91 (71%)	17 (15%)	3	18
May 2022 – Dec 2023	60	44 (73%)	16 (27%)	N/A	N/A

This data is a comparison of a 5-year period to a 19-month period of monitoring data. As per City Council's direction, PFR will continue to report back annually on tree appeal data.

Compensation - Replacement Tree Planting

The 3,858 tree removal permit applications received during this period were associated with a total of 25,299 trees that were considered for removal. A total of 24,207 trees were granted tree removal permits, which includes 23 trees considered by Community Council. The total required compensation associated with approved permits during this time period was 38,199 in replacement plantings. Of the 38,199 in replacements, 34,103 was secured as on-site planting (89 per cent) and 4,096 was secured as cash in lieu (11 per cent). The requirement for replacement tree planting with regard to permitted tree removal is a critical component of Toronto's Strategic Forest Management Plan and target to increase canopy cover to 40 per cent by 2050.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Summary of Appeal Outcomes by Community Council between 2017 and 2021

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Community Council	Total Staff Reports 2017-2021	Adopted	Amended	Without recommendation	Deferred or referred back to staff
North York	54	38 (70%)	7 (13%)	2 (4%)	7 (13%)
Toronto & East York	34	29 (85%)	0%	0%	5 (15%)
Etobicoke York	25	10 (40%)	10 (40%)	1 (4%)	4 (16%)
Scarborough	16	14 (87%)	0%	0%	2 (13%)
Total Staff Reports	129	91	17	3	18