

Application to Remove a Private Tree – 173 Homewood Avenue

Date: March 12, 2024

To: North York Community Council

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

Wards: Willowdale - 18

SUMMARY

This report requests that North York Community Council deny the request for a permit to remove one privately owned tree located at 173 Homewood Avenue. The applicant indicates the reason for requesting removal of the tree is due to concerns that the tree drops nuts and may drop large branches during a storm creating safety hazards and possible property damage.

The subject tree is a black walnut tree (*Juglans nigra*) measuring 55 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 of Urban Forestry, Parks, Forestry and Recreation recommends that:

1. North York Community Council deny the request for a permit to remove one privately owned tree located at 173 Homewood Avenue.

FINANCIAL IMPACT

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

DECISION HISTORY

At its meeting on February 27, 2017, the Parks and Environment Committee adopted a report from the General Manager of Parks, Forestry and Recreation titled *Black Walnut Trees in Toronto*. The report outlined the detrimental effects on the City's ability to preserve, protect and grow the urban forest and tree canopy by exempting black walnut trees (*Juglans nigra*) from protection under the City's Tree By-laws, with a focus on both community safety and canopy impacts.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.PE17.2>

COMMENTS

Parks, Forestry and Recreation received an application for a permit to remove one privately owned tree located in the rear yard at 173 Homewood Avenue. The black walnut tree (*Juglans nigra*) in question measures 55 cm in diameter. The applicant indicates the reason for requesting removal of the tree is due to concerns that the tree drops nuts and may drop large branches during a storm creating safety hazards and possible property damage.

The arborist report that accompanied the application described the tree to be in fair health and fair to poor structural condition. This report noted that the subject tree's trunk divides into two co-dominant stems at approximately 3.5 metres above grade and has an asymmetrical crown. The report states that this creates a structural weakness resulting from the uneven distribution of branches and foliage, which could increase the likelihood of branch failure in a storm. Throughout the canopy, minor epicormic growth and deadwood was noted to be present.

City staff inspected the tree and at the time of inspection determined that it is healthy and maintainable. The union where the trunk divides into codominant stems is relatively broad and open with no visual evidence of included bark or decay, and the crown above is relatively upright. Staff noted that the crown asymmetry is minor and does not substantially increase the risk of breakage or failure. Staff observed evidence of recently broken smaller branches likely caused by a heavy nut crop. Walnut trees produce heavier nut crops in alternate years, and occasionally may experience branch breakages as a result of the added weight. Even in heavy years, branch breakage and nuts falling will be limited to a window of a few months. These temporary conditions do not warrant a permanent solution such as removal when the subject tree is healthy.

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 black walnut tree at 173 Homewood Avenue 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 North York Community Council deny the request for a permit to remove one privately owned tree located at 173 Homewood Avenue. Should North 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) North York Community Council approve the request for a permit to remove one privately owned tree located at 173 Homewood Avenue 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

David Bostock, Supervisor Tree Protection and Plan Review, Urban Forestry
Tel: 416-395-6134, Email: David.Bostock@toronto.ca

SIGNATURE

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

ATTACHMENTS

Attachment 1 – Figure 1: Arborist photograph of the black walnut tree at 173 Homewood Avenue; August 21, 2023

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