

Application to Remove a Private Tree – 217 Hendon Avenue

Date: May 15, 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 217 Hendon Avenue. The applicant indicates the reason for requesting removal of the tree is due to concerns over animals accessing the roof by utilizing the tree's branches and causing property damage, and damage to the foundation of the house possibly caused by the tree's roots.

The littleleaf linden tree (*Tilia cordata*) measures 56 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 217 Hendon Avenue.

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 217 Hendon Avenue. The littleleaf linden tree (*Tilia cordata*) in question measures 56 cm in diameter. The applicant indicates the reason for requesting removal of the tree is due to concerns over animals accessing the roof by utilizing the tree's branches and causing property damage, and damage to the foundation of the house possibly caused by the tree's roots.

The arborist report that accompanied the application described the tree to be in good condition. This report described the tree to be viable and full of life upon inspection.

The applicant also submitted a report from an engineer indicating that it was their professional opinion that damage to the foundation wall corresponds to the location of the tree. However, the report does not present any technical information to support that conclusion, nor does the report indicate that the tree would need to be removed in order for the damage to be repaired.

City staff inspected the tree and at the time of inspection determined that it is healthy and maintainable.

The tree is located 3.3 m from the house and 2.3 m from the neighbouring house. It is extremely rare for trees or their roots to cause damage to a well-constructed foundation from this distance. Over many decades, foundations may develop cracks or leaks due to material deterioration and/or environmental factors like water freezing and thawing. These conditions can create tiny gaps that fine roots of nearby trees can grow into, potentially accelerating the rate of deterioration. However, such age-related deterioration could also occur in the absence of trees and their roots. Therefore, it is unlikely trees are solely responsible for any observed damage.

The damage described by the applicant can typically be repaired without requiring tree removal. The applicant was advised that they could proceed with a construction-related tree permit application if they wanted to repair the foundation of the house or conduct an exploratory root excavation to determine if the tree is causing structural damage to the foundation of the house. If subsequent repairs were to be made, they would be required to submit the relevant construction plans and arborist report showing how the tree will be impacted and protected during construction.

The City's Tree By-laws do not support tree removal to address the perceived nuisance resulting from a tree's natural function as habitat for wildlife. Moreover, many species of urban wildlife can climb walls and reach the rooftops of houses even in the absence of nearby trees.

The City's Tree By-laws also 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 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 217 Hendon 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 217 Hendon 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 217 Hendon 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

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SIGNATURE

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

ATTACHMENTS

Attachment 1 – Figure 1: Photograph from arborist report of the littleleaf linden tree at 217 Hendon Avenue; February 2023; 217 Hendon Avenue is to the left of tree and 215 Hendon Avenue is behind tree.

Attachment 1 – Figure 1: Photograph from arborist report of the littleleaf linden tree at 217 Hendon Avenue; February 2023; 217 Hendon Avenue is to the left of tree and 215 Hendon Avenue is behind tree.

