

Application to Remove a Private Tree – 85 Helendale Avenue

Date: September 3, 2024

To: North York Community Council

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

Wards: Eglinton-Lawrence - 8

SUMMARY

This report requests that North York Community Council deny the request for a permit to remove one privately owned tree located on the boundary line between the properties of 85 Helendale Avenue and 87 Helendale Avenue. The applicant indicates the reason for requesting removal of the tree is to address concerns related to roots and nuts causing trip hazards, nut allergies, and damage to a fence.

The black walnut tree (*Juglans nigra*) measures 42 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 Acting 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 85 Helendale 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 explained the detrimental effects to the urban forest of 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 on the boundary line between the properties of 85 Helendale Avenue and 87 Helendale Avenue. The black walnut tree (*Juglans nigra*) in question measures 42 cm in diameter. The applicant indicates the reason for requesting removal of the tree is to address concerns related to roots and nuts causing trip hazards, nut allergies, and damage to a fence.

The arborist report that accompanied the application described the tree to be in excellent health. This report noted that pruning has been done three times to reduce the canopy and the amount of fruit production.

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

The City's Tree By-laws do not support tree removal to address the perceived nuisance resulting from a tree's natural functions. Concerns expressed by the applicant regarding falling nuts may be addressed through routine property maintenance. Every large growing tree requires some degree of maintenance such as cleaning up leaves, flowers, fruit, twigs and small branches. Removal of debris such as fallen nuts is considered part of regular property maintenance and is the responsibility of all property owners within the City of Toronto.

Parks, Forestry and Recreation consulted Toronto Public Health in 2017 in the preparation of the staff report to the Parks and Environment Committee titled *Black Walnut Trees in Toronto* regarding concerns about allergies to black walnut, which indicated that:

1. There is no evidence to support the removal of a nut-bearing tree to mitigate risk from an allergic response.
2. Anaphylaxis is highly unlikely to occur except through ingestion of nuts.
3. The allergen is in the nut itself and accidental exposure is not likely since the nut is covered by the shell.
4. Other measures (which are simpler and less expensive than tree removal) can mitigate the risk such as cleaning up tree nuts in play areas or teaching children to avoid tree-nuts.

The application also cites damage to the fence as a reason supporting the tree's removal. During staff's inspection of the site, it was confirmed that the tree is growing in contact with the wooden board fence along the property line. This conflict has arisen because the tree has grown from a nut or seed close to the fence. As the trunk expands in diameter, the tree will continue to push against the wooden fence. This conflict can be resolved without removal of the tree by rebuilding and shifting the affected sections of the fence farther from the trunk. If an injury to the tree is required in order to complete any future repairs to the fence, the applicant may apply for a permit to injure the tree and 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 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 either in support of or 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 85 Helendale 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 85 Helendale 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 85 Helendale 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

Raymond Vendrig
Acting Director, Urban Forestry, Parks, Forestry and Recreation

ATTACHMENTS

Attachment 1 – Figure 1: Staff photograph of the black walnut tree at 85 Helendale Avenue; April 10, 2024

Attachment 2 – Figure 2: Arborist report photograph of the black walnut tree adjacent to the property line fence at 85 Helendale Avenue; March 4, 2024

Attachment 1 – Figure 1: Staff photograph of the black walnut tree at 85 Helendale Avenue; April 10, 2024



Attachment 2 – Figure 2: Arborist report photograph of the black walnut tree adjacent to the property line fence at 85 Helendale Avenue; March 4, 2024

