

Application to Remove a Private Tree – 115 York Mills Road

Date: January 30, 2025

To: North York Community Council

From: Acting Director, Urban Forestry, Environment, Climate and Forestry

Wards: Don Valley West - 15

SUMMARY

This report requests that North York Community Council deny the request for a permit to remove one privately owned tree located at 115 York Mills Road. The applicant indicates the reason for requesting removal of the tree is due to concerns that the tree's roots may cause structural damage to the foundation of the house, and that wildlife accessing the tree could cause potential damage to the roof.

The Norway spruce tree (*Picea abies*) measures 50 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 appeals the denial of a permit of a tree protected under the By-laws.

RECOMMENDATIONS

The Acting Director of Urban Forestry, Environment, Climate and Forestry recommends that:

1. North York Community Council deny the request for a permit to remove one privately owned tree located at 115 York Mills Road.

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

The City of Toronto received a permit application to remove one privately owned tree located in the front yard at 115 York Mills Road. The Norway spruce tree (*Picea abies*) in question measures 50 cm in diameter. The applicant indicates the reason for requesting removal of the tree is due to concerns that the tree's roots may cause structural damage to the foundation of the house, and that wildlife accessing the tree could cause potential damage to the roof.

The arborist report that accompanied the application described the tree to be in fair condition botanically and fair to poor condition structurally. This report noted that the tree has co-dominant stems at the upper portion of its main stem, that it has no limbs in the lower half of its trunk, and that branching extends two metres over the roofline of the two-storey residence.

City staff inspected the tree and at the time of inspection determined that it is healthy and maintainable. City staff noted that the tree is healthy both botanically and structurally. The co-dominant stems are small, and the tree is sufficiently distant from the house.

The tree is located 1.7 m from the house. It is rare for trees or their roots to cause damage to a well-constructed foundation from this moderate or medium distance. Over time, 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 damage. The applicant has not provided any evidence that the foundation at this address has sustained damage despite the tree being nearby.

City Staff considered the history of the dwelling in relation to the subject tree in the review of the request. The dwelling was partially rebuilt under a 2015 Building Permit. At the time, the issued Building Permit drawings note the removal or replacement of portions of the front foundation wall nearest the tree. Further, a note on the plans relating to retained foundation portions stipulates "verify exterior wall insulation or provide minimum R22 insulation". Assuming building plans were followed, a space or gap around the foundation would have been excavated and new waterproofing installed, or existing waterproofing verified intact. Any tree roots within the excavated area around the house's foundation would have been severed; only small roots, if any, are likely to have grown into the backfilled space since then.

Staff have received no evidence that foundation damage has occurred or is likely to occur in the foreseeable future. Should that change, Urban Forestry would review a new removal application in good faith, if it is accompanied by satisfactory documentation.

The application cites concern that wildlife using the tree may access and damage the roof. The City's Tree By-laws do not support tree removal to address the perceived

nuisance resulting from a tree's natural function as wildlife habitat. Moreover, many species of urban wildlife can climb walls and reach rooftops in the absence of nearby trees. Concerns may be mitigated by pruning low branches to elevate and redirect growth, and to provide greater clearance from the rooftop.

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 Environment, Climate and Forestry. 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 appeals 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 Norway spruce tree at 115 York Mills Road 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.

Environment, Climate and Forestry recommends North York Community Council deny the request for a permit to remove one privately owned tree located at 115 York Mills Road. 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 115 York Mills Road and require the applicant to provide five replacement tree which can be achieved in a combination of on-site planting and cash-in-lieu of planting to the satisfaction of the Executive Director of Environment, Climate and Forestry.

CONTACT

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SIGNATURE

Raymond Vendrig
Acting Director, Urban Forestry, Environment, Climate and Forestry

ATTACHMENTS

Attachment 1 – Figure 1: Staff photograph of the Norway spruce tree at 115 York Mills Road; August 27, 2024

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