

Application to Remove a Private Tree – 33 Kempsell Crescent

Date: November 6, 2025

To: North York Community Council

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

Wards: Don Valley North - 17

SUMMARY

This report requests that North York Community Council deny the request for a permit to remove one privately owned tree located at 33 Kempsell Crescent. The applicant indicates the reason for requesting removal of the tree is concern that the tree's roots are lifting the foundation walls creating an uneven basement floor and resulting in cracks in the wall.

The white fir tree (*Abies concolor*) measures 57 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 City's decision to deny a tree permit.

RECOMMENDATIONS

The 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 33 Kempsell Crescent.

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 an application for a permit to remove one privately owned tree located in the rear yard at 33 Kempself Crescent. The white fir tree (*Abies concolor*) in question measures 57 cm in diameter. The applicant indicates that the reason for requesting the removal of the tree is that the tree roots are lifting the foundation walls creating an uneven basement floor and resulting in cracks in the wall. The applicant is requesting to remove the tree to prevent further damage.

A professional arborist report was not submitted as part of this application.

City staff inspected the tree and, at the time of inspection determined that it is healthy and maintainable. Staff observed multiple leaders causing the tree to have a broad top. There was minor dieback (less than 5 per cent of canopy), mild chlorosis (yellowing of the leaves), slight lean of main stem (approximately 15 degrees), and exposed roots with minor damage. These were assessed as non-critical and do not compromise the overall health or structural stability of the tree.

The tree is located 2.8 m from the 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 here, can typically be repaired without requiring tree removal. Waterproofing of the foundation, if not already done, would prevent roots from accessing any existing cracks or other openings in the foundation. If an injury to the tree is required to complete the repairs, the applicant may apply for a construction permit 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 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. One comment was received in support of removal and no comments were received 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 white fir tree at 33 Kempself Crescent 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 33 Kempself Crescent. 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 33 Kempself Crescent and requires 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 Executive Director, Environment, Climate and Forestry.

CONTACT

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SIGNATURE

Kim Statham
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ATTACHMENTS

Attachment 1 – Figure 1: Staff photograph of the white fir tree at 33 Kempself Crescent;
April 14, 2025

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