

## **Boundary Tree Review Status - 103 Hogarth Avenue**

**Date:** November 6, 2025

**To:** Toronto and East York Community Council

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

**Wards:** Ward 14 (Toronto-Danforth)

### **SUMMARY**

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The City of Toronto reviewed an application for minor variances at the Committee of Adjustment associated with proposed construction at 103 Hogarth Avenue. The Committee of Adjustment provided conditional approval of the minor variances requiring the applicant to submit an application to injure or remove privately owned trees. This condition was satisfied when the applicant applied to the City and a clearance letter was issued.

The City received an application to remove a Northern catalpa tree (*Catalpa speciosa*) measuring 64 cm in diameter, located on the boundary between 103 Hogarth and 105 Hogarth Avenue in order to facilitate the construction of a new dwelling. Staff assessed the tree to be in poor condition and as such qualified for a permit to remove based on its condition. Following completion of the notification process for Neighbour and Boundary Trees a permit to remove the tree was issued on October 15, 2025.

### **FINANCIAL IMPACT**

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There are no financial impacts related to the information presented herein.

### **DECISION HISTORY**

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On September 18th, 2025, Toronto and East York Community Council directed that consideration of the item TE25.20 - 103 Hogarth Avenue - Residential Demolition Application be deferred until the November 27, 2025 meeting of the Toronto and East York Community Council to permit the Director, Urban Forestry, Environment, Climate and Forestry to report on the status of their review of the impact on the boundary tree at 103 Hogarth Avenue.

[Agenda Item History - 2025.TE25.20](#)

## COMMENTS

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Trees on private property measuring 30 cm or greater are regulated by *Municipal Code, Chapter 813, Article III 'Private Tree Protection'*. This by-law authorizes the City to issue permits to injure and remove trees under certain circumstances including the following provision:

§ 813-18. *Issuance of permits. [Amended 2008-01-30 by By-law No. 118-2008]*

The Executive Director is authorized to issue permits where:

- A. Trees are in poor condition and cannot be maintained in a healthy and safe condition.

The 64 cm diameter Northern catalpa tree was assessed to be in poor condition due to multiple branch failures causing poor architecture of the canopy and due to wood decay located within cavities near the base of the trunk. Based on this condition the City is authorized to issue a permit for removal subject to conditions, in this case Cash in Lieu of replanting to accommodate future construction works on site.

For applications to injure or remove boundary trees, the City has a process to notify the applicant and co-owners of the tree when an application is received and in advance of issuing a permit.

Boundary trees are also regulated under the Ontario Forestry Act, which outlines that "every person who injures or destroys a tree growing on the boundary between adjoining lands without the consent of the landowners is guilty of an offence under this Act". In addition to the municipal permit to injure or remove a boundary tree, the owner is required to obtain the consent of the owner/co-owner of the tree prior to injury or removal. the City considers this a civil matter that the applicant and their neighbour should resolve prior to the commencement of construction work that would impact bylaw-protected trees.

In accordance with the Neighbour and Boundary Tree Procedure both sets of notification letters have been sent to the applicant and the neighbouring property owner. Following issuance of the second notification the City was in a position to issue the permit to remove the 64 cm diameter catalpa tree and it was issued on October 15, 2025.

## CONTACT

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## **SIGNATURE**

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Kim Statham  
Director of Urban Forestry, Environment, Climate & Forestry

## **ATTACHMENTS**

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Attachment 1 - Figure 1: Arborist photograph of the Northern catalpa tree at 103 Hogarth Avenue

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