

From: [Jack Greenberg](#)
To: [Toronto East York Community Council](#)
Subject: [External Sender] RE: Meeting Notification for the Toronto and East York Community Council – July 8 and 9, 2026
Date: July 2, 2026 11:17:58 PM
Attachments:

Thank you for your e-mail. Attached is my Presentation and 4 photos that I would like circulated among the various Council members prior to the hearing on July 9, 2026 and made part of the meeting record.

Regards,

Jack Greenberg

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From: Jack Greenberg <jackgreenberg@greenberglawyers.ca>

Sent: June 25, 2026 4:02 PM

To: Toronto East York Community Council <tevcc@toronto.ca>

Subject: [External Sender] Meeting Notification for the Toronto and East York Community Council
July 8 and 9, 2026

RE: July 9, 2026 10:30 a.m. - TE34.93 -233 Dunvegan Road -Application to Remove a Private Tree(Ward 12)

I received a copy of your Notice dated June 25, 2026 for the above Council Meeting from my arborist concerning the above item.

I am the solicitor for the neighbour at 235 Dunvegan (Cassandra Greenberg) and the agent for the owner of 233 Dunvegan (Clifford Rand) and will be making a presentation. Please include my name on the list. I would also like to have my comments and some pictures circulated. Your Notice suggests that you will provide instructions on how to

make this presentation or participate in this meeting. Could you please forward the instructions to facilitate both of the above items.

Thank you.

Regards,

Jack Greenberg

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**PRESENTATION FOR ITEM TE34.93 – 233 DUNVEGAN ROAD-APPLICATION TO REMOVE
A PRIVATE TREE (WARD 12) ON JULY 9, 2026**

Good Morning Members of the Community Council.

My name is Jack Greenberg and I appear as counsel for the applicant Clifford Rand being the owner of 233 Dunvegan Road and Dr. Cassandra Greenberg the owner of 235 Dunvegan Road which is the property immediately adjacent to 233 Dunvegan Road.

This is an appeal of the denial by Urban Forestry of a request for a permit to remove a single private tree that is located in the middle of the backyard of 233 Dunvegan but adjacent to the property line between 233 and 235 Dunvegan. This tree is a private black walnut tree with a diameter of 84 cm. It is about 60 feet tall but with a crown that is about 50 feet wide and which overhangs about half of each of the backyards of each of 233 and 235 Dunvegan. The issue for both owners is that this tree, for most of the applicable summer and fall seasons, drops numerous walnuts virtually across the entirety of their backyards. These falling walnuts negatively impact these owners' quality of life on their own properties where they have a pool, patios, furniture, and landscaped and lounging areas.

These walnuts approach the size of baseballs and are very hard and, as clearly shown in the pictures attached to this presentation, reach a size of 2.5 - 3 inches in diameter and are approximately 98 grams in weight. Given the size and weight and the distance from which these walnuts fall, the force with which they land presents a very great and real danger to these owners and their families which also comprise small children and babies. Should they strike an individual, there is the risk of serious personal injury and even death. This situation also presents a real danger of damage to property as shown in the picture attached of the shed which has been severely damaged.

These owners wish only to be able to use their respective backyards with the assurance of safety and with confidence that they and their families and guests will be safe and will not be placed in danger of significant personal injury by simply using their backyards as they are meant to be used. Currently that is not possible. This is of particular concern to the owner of 235 Dunvegan who has recently completed the construction of a new home on her property and has a young baby. The owner of 233 Dunvegan wishes to renovate his backyard to make it more useable and enjoyable for his family. These individuals should not be required to forfeit the use of their backyards or being in constant fear of injury while using their own backyards. That is simply unreasonable and these are very legitimate reasons for allowing the removal of the tree.

Urban Forestry simply denied the request for a permit to remove the tree on the technical grounds that the tree was healthy and consequently did not satisfy the criteria enumerated in Section 813-17C of the Municipal Code Chapter 813 and that that provision was all it had to consider.

With all due respect to Urban Forestry, it is my clients' position that Urban Forestry was wrong in their interpretation and actions and failed to consider section 813-18.1 of the Code which specifically states:

"Despite section 813-17C, and subject to section 813-18.2, the General Manager may issue permits to injure or destroy trees where the conditions set out in 813-18B do not apply."

Section 813-17C is the prohibition from issuing a permit where the tree is healthy which is the exact provision Urban Forestry used to issue a denial of my client's application .

This exception was obviously designed for use when the circumstances required it. When I brought this exception to the attention of the Supervisor of Urban Forestry and suggested that the General Manager could in fact issue a permit in our circumstances without the need to bring this matter to Community Council, she simply ignored the request.

Consequently, it was necessary to have this matter appealed to Community Council. It is still my submission that, not only can my clients' application be permitted under the Municipal Code, given all the reasons enumerated in this presentation, the appeal should be allowed and the permit granted to remove this tree.

Let me add that my clients will of course cover the entire cost of removal and will comply with the usual requirement of tree replacement on a 5:1 basis or pay cash in lieu thereof.

In conclusion, it is my clients' position that there is a legitimate need to prevent serious personal injury or death and prevent property damage from this tree. Those needs are far stronger than any reason for the continued existence of this private tree. Further, there is jurisdiction to issue the permit being requested for all the above reasons and consequently my clients request that this Council allow the appeal and issue the permit being requested.

Those are all my submissions and I would be pleased to answer any questions you may have.

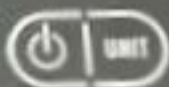


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