

**SUPPLEMENTARY COMMENTS FOR ITEM TE 34.93 – 233 DUNVEGAN ROAD-
APPLICATION TO REMOVE A PRIVATE TREE (WARD 12) ON JULY 9, 2026**

After reviewing the Report For Action of Urban Forestry dated June 19, 2026 (the “Report”) in respect of this Item, it is necessary that I provide my comments thereon.

With all due respect to the Director of Urban Forestry, her Comments in the Report are not helpful nor accurate and it completely misses the point.

Although the Report acknowledges that the applicants’ concerns are about the “large falling nuts” from the tree in question, the Report fails to deal with that issue at all. Rather it focuses on the tree being “healthy and maintainable”. This is a given fact and the Report suggests that the issue is that of “fallen leaves, flowers, fruit, twigs and small branches” and that the solution to the problem is a matter of “maintenance”. However, the Director already acknowledged that those issues are not the problem at all. The real problem of “large falling nuts” cannot be solved or addressed by “maintenance” as we are dealing with the issue of hundreds of large dangerous nuts falling and endangering the safety and health of the owners and their families. This is also not just a nuisance issue. It is a clear and present danger.

Further, in support of its position, the Report invokes its standard boiler plate paragraphs espousing the “greater good” policy which Urban Forestry always includes verbatim in all its reports and which also make up 50% of the Report. This policy could be supportable for City Owned trees in the public domain but it is completely inapplicable and inappropriate for private trees on private property. The tree in question is a single private tree in a private backyard with no other similar trees within any reasonable proximity so the canopy, density and forest comments are unfounded.

Further, the Report comments that:

“A sustainable and expanding urban forest 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 shown to significantly improve physical and mental well-being by reducing blood pressure, decreasing stress levels, and promoting physical activity. Economic benefits include enhancements to property values, increased tourism and consumer spending.”

This statement is totally and completely wrong in the current circumstances and in fact, the negative or opposite of all those alleged unsupported benefits is true.

This tree and its related problem has definitely not improved the quality of life and well-being of anyone. Conversely, It has elevated the blood pressure and stress levels of these owners and has decreased their physical activity in their backyards. Their property values

have declined due to this real and present danger and there is absolutely no positive impact on tourism and consumer spending. There are no benefits to these property owners and definitely none to the local community that has absolutely no access to this tree or the properties in question.

Accordingly, it is my submission that the Report should not be considered at all and this appeal be allowed given the aforementioned special circumstances of these properties which completely justify the removal of the tree. The whole point of an appeal to the Community Council is to review decisions of the City in light of special circumstances that justify a deviation from the general rule. That is the whole point of section 813-18.1 which starts with “Despite section 813-17C” which is the subparagraph dealing with the tree being healthy. Accordingly there is discretion to make a different finding and I ask this Council to do so.

I’d also like to bring up another matter which is of relevance The failure of the City to deal with this issue in the manner requested has significant potential legal liability ramifications for the City. The “greater good” policy is not law and not a legal defence to a negligence claim. I have already put the City on notice that it will be subject to a claim if any injury or damage results from its failure to issue a permit for removal. I re-iterate that notice in this public meeting and on the record. The simple act of permitting the removal of this tree, the cost of which the owners will bear, would eliminate this potentially huge liability.

It is trite to say that any reasonable person would accept that it is foreseeable that there is a reasonable probability that there could be serious personal and/or property damage as a result of these large falling nuts. So, the City’s failure to mitigate against this real foreseeable risk would certainly factor into the question of whether there would be a finding of negligence which could result in not just huge damages but punitive damages given prior knowledge and awareness of the issue and the refusal to deal with it.

Accordingly, I submit that there are many special circumstances that would justify this Council approving the issuance of a permit to remove the tree in question and I respectfully request that it do so.

Jack Greenberg

Counsel to the applicant and adjacent owner