

2. ~~Requested the homeowner to provide documentation as to what type of work was done.~~

~~Origin~~

~~(February 27, 2009) Report from Director, Urban Forestry, Parks, Forestry and Recreation~~

~~Summary~~

~~The report requests that Council deny the request for removal of one (1) privately owned tree, located in the front yard of 66 Trehorne Drive. The property owner is concerned that this tree may cause damage to the foundation of the house located on the property.~~

~~Inspection of the tree by staff revealed that it is in good condition. Foundation repairs have been carried out at the property. If the repairs included disconnection of the downspouts from the weeping tiles, eliminating water from collecting at the foundation, tree roots currently growing in this location will die and not pose a problem in the future. With proper care and maintenance, the tree should continue to provide benefits to the community for years to come. Urban Forestry cannot support the removal of an existing healthy tree when action can be taken to eliminate the problems that currently exist with the tree and the home on the property.~~

~~Background Information~~

~~February 27, 2009 report~~

~~(http://www.toronto.ca/legdocs/mmis/2009/ey/bgrd/backgroundfile_19391.pdf)~~

EY25.11	ACTION	Deferred		Ward: 5
---------	--------	----------	--	---------

4187 Dundas Street West and 567, 569 and 571 Prince Edward Drive – Private Tree Removal

Decision Advice and Other Information

Etobicoke York Community Council:

- Deferred indefinitely the report (March 4, 2009) from the Director, Urban Forestry, Parks, Forestry and Recreation.

Origin

(March 4, 2009) Report from Director, Urban Forestry, Parks, Forestry and Recreation

Summary

This report requests that Council confirm the decision of the General Manager of Parks, Forestry and Recreation to deny the request for a permit to remove two (2) privately-owned trees at 4187 Dundas Street West and 567, 569 and 571 Prince Edward Drive (the “Site”).

The applicant originally applied for permits to remove 9 trees, but subsequently requested the deletion of two trees located on the abutting property. By letter dated November 20, 2008, the

General Manager advised that of the remaining 7 trees, 5 could be removed subject to conditions but the General Manager refused to issue a permit to destroy Tree Nos. 4192 and 4193, being a red oak and a horse-chestnut, as: inspection of the trees by staff revealed that both are in good condition and, for the reasons set out below, the General Manager cannot support the removal of these trees.

The applicant has appealed this decision to refuse to issue permits to destroy these two trees to Etobicoke York Community Council.

The applicant had requested the removal of all 9 trees (including the 2 on the abutting property) to permit the construction of a proposed residential building that was the subject of a zoning and site plan appeal to the Ontario Municipal Board (the “OMB”). The OMB has issued a decision allowing the proposed building; and, in appealing the General Managers refusal, the owner stated that:

the above noted decision . . . contradicts decision PL070056 of the Ontario Municipal Board. The decision of the General Manager would not permit the construction of the 7 storey condominium development on site as approved by the Ontario Municipal Board. I believe that the decision of the General Manager cannot ignore and also contradict the decision of the Board

However, City legal counsel, who appeared before the OMB, has advised that he had specifically raised the issue of trees with the OMB member during the hearing, noting that the owner’s witnesses had not identified any trees that may need to be removed and that the owner was not seeking permission from the OMB to remove any trees. City legal counsel had, therefore, specifically asked the presiding OMB member to note that its decision would not prejudice any later decision that may have to be made by the City in the event the owner applied to the City for a permit to remove trees. The presiding Board member agreed with City legal counsel on that point. The decision of the General Manager therefore neither ignores, nor contradicts the Board’s decision.

Background Information

March 4, 2009 report

(<http://www.toronto.ca/legdocs/mmis/2009/ey/bgnd/backgroundfile-19609.pdf>)

EY25.12	ACTION	Adopted	Delegated	Ward: 11
--------------------	-------------------	--------------------	----------------------	---------------------

~~Application for Encroachment Agreement – 2 A Bushey Avenue~~

~~Committee Decision -~~

~~Etobicoke York Community Council approved the application for the existing encroachments within the road allowance subject to the following conditions:~~

- ~~1. The City Solicitor be authorized to prepare an Encroachment Agreement for the proposed encroachment.~~