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Town of Aurora

General Committee Report

No. OPS20-016

Subject: **Tree Removal Permit Applications - 126 Temperance Street and 53 Metcalfe Street**

Prepared by: Sara Tienkamp, Manager, Parks & Fleet

Department: Operational Services

Date: October 20, 2020

Recommendation

- 1. That Report No. OPS20-016 be received; and**
- 2. That the Tree Removal Permit Application for 126 Temperance Street be approved; and**
- 3. That the Tree Removal Permit Application for 53 Metcalfe Street be approved.**

Executive Summary

This report provides Council with information on two (2) Tree Removal Applications on properties with trees defined as “Heritage” under the Tree protection Bylaw 5850-16:

- Locust tree in decline at 126 Temperance Street a safety concern for the resident and their children.
- Removal of Black Walnut tree at 53 Metcalfe Street stopped by Bylaw Services.

Background

The Town of Aurora's Tree Protection Bylaw 5850-16 defines a "Heritage Tree(s)" as: any tree, including but not limited to, pairs of trees, avenues or windrows of trees, grove or arboreal remnants, or one (1) or more trees that form part of cultural heritage landscape that is on private property and is:

- (i) Located within a heritage conservation district as designated under Part V of the OHA;
- (ii) Designated under, or located on a property designated under Part IV of the OHA;
- (iii) Designated by the Ontario Urban Forest Council;
- (iv) Listed on the Towns Register of Properties of Cultural Heritage Value or Interest.

The properties located at 126 Temperance Street and 53 Metcalfe Street are listed on the Towns Register of Properties of Cultural Heritage Value or Interest and as such are subject to Section 9 (1) (b) of the Bylaw 5850-16:

If a tree subject to an application is found by the Director to be a Heritage Tree, the Director shall not issue a permit unless the injury, destruction or removal is approved by Council following a review by the Town's Heritage Advisory Committee (HAC).

Analysis

Locust tree in decline at 126 Temperance Street a safety concern for the resident and their children

In early June 2020, the owner at 126 Temperance Street contacted the Parks Division to inquire about the removal of a dying locust tree from their property. The tree apparently was dropping branches and causing a safety concern for the resident and their children when in the rear yard.

The Town's Forestry Technician attended the site to determine if the tree was of immediate danger or an imminent threat. It was determined that the tree is in a state of

decline, due to the extreme deep freeze temperature variance over the past couple years. This extensive dieback in the crown is due to ruptured cells in the structure of the limbs. The arboriculture field has observed this problem throughout the Region of York.

Staff advised the resident that the locust tree was alive and though in decline, staff could not authorize removal as it was not an immediate danger and the property is listed on the Town's Registry of Properties of Cultural Heritage Value or Interest under Bylaw 5850 -16. The Owners were advised that their application for removal would need to proceed through the Heritage Advisory Committee as per the bylaw for review, followed by Council approval.

On July 21 2020, the Parks Division received a formal Tree Removal Permit Application from the owners of 126 Temperance Street included as supporting documentation are photos of the tree, proposed replanting plan and letter explaining the desire to remove the tree.

Removal of Black Walnut tree at 53 Metcalfe Street stopped by Bylaw Services

On August 19, 2020, the Owner at 53 Metcalfe Street arranged for the removal of a 45 cm Black Walnut tree. A concerned resident called the Town regarding tree cutting and Bylaw Services deployed an officer to the site. When the officer arrived, the tree company was actively removing the tree and approximately 40 percent of the crown of the tree had been removed. The Officer immediately asked for the work to cease, explaining that the tree was on a Listed Property and that its removal was not permitted, without the approval of a Tree Removal Permit by Council, after review by the Heritage Advisory Committee.

The Town's Forestry Technician attended the site and has confirmed that the tree is in good health. While the tree was aggressively pruned with the intention of removal, what remains is viable and structurally sound; however, it is not aesthetically pleasing and crown is unbalanced.

On August 28, 2020, the Parks Division received a formal Tree Removal Permit Application from the owners of 53 Metcalfe Street. Included as supporting documentation are photos of the tree and letter explaining the desire to remove the tree, due to safety concerns for their children, home and property.

Advisory Committee Review

The Tree Permit Applications for both properties were reviewed by HAC at its September 14, 2020 meeting. The reports were considered and discussed with the committee concluding there were no objections to the removal of the trees on either property.

Legal Considerations

Since the trees are located on listed properties, only Council has the authority to approve the removal of the trees, after review by the Heritage Advisory Committee.

Financial Implications

As the trees in question are located on private property, their removal will be solely at the property owner's expense should Council approve their associated tree removal permit applications. The Town has also collected the appropriate fees and security deposits relating to these applications.

Communications Considerations

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Link to Strategic Plan

This report supports the Strategic Plan goal of Supporting Environmental Stewardship and Sustainability by investigating opportunities to assess the merits of measuring the Town's natural capital assets.

Alternative(s) to the Recommendation

1. Enter further alternative options as required.

Conclusions

That Council receive the review of the report and applications and that the Tree Removal Applications for 126 Temperance Street and 53 Metcalfe Street be approved.

Attachments

Attachment #1 – Tree Removal Permit Applications for 126 Temperance Street and 53 Metcalfe Street

Attachment #2 – Letter from Property Owners for 126 Temperance Street

Attachment #3 – Photo of Locust Tree for Removal and Replanting Plan for 126 Temperance Street

Attachment #4 – Letter from Property Owners & Neighbour for 53 Metcalfe Street

Attachment #5 – Photo of Black Walnut Tree at 53 Metcalfe Street

Previous Reports

None.

Pre-submission Review

Agenda Management Team review on October 1, 2020

Approvals

Approved by Allan D. Downey, Director, Operational Services

Approved by Doug Nadorozny, Chief Administrative Officer