

Clause embodied in Report No. 10 of the Economic Development and Parks Committee, which was before the Council of the City of Toronto at its meeting held on November 6, 7 and 8, 2001.

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Harmonized Policy for the Removal of Ornamental Fruit-Bearing Trees (All Wards)

(City Council on November 6, 7 and 8, 2001, deferred consideration of this Clause to the next regular meeting of City Council scheduled to be held on December 4, 2001.)

The Economic Development and Parks Committee recommends the adoption of the following report (October 1, 2001) from the Commissioner of Economic Development, Culture and Tourism, subject to adding the following:

“That in assessing a request for the removal of any ornamental fruit-bearing tree:

- (1) priority consideration be given to applications submitted for reasons of health; and**
- (2) consideration be given to an applicant’s ability to pay for the removal of such tree.”:**

Purpose:

Prior to amalgamation, various policies existed regarding the removal of City-owned fleshy fruit-bearing trees such as crab-apples that are located within the public right of way. This report seeks approval to harmonize existing policies.

Financial Implications and Impact Statement:

There are no financial implications resulting from the adoption of this report.

Recommendations:

It is recommended that:

- (1) the Commissioner of Economic Development, Culture and Tourism be authorized to remove healthy, fleshy fruit-bearing trees such as ornamental crab-apple or apple trees that are located within the City-owned road allowance;**

- (2) any request for healthy, fleshy fruit-bearing tree removal which is approved be conditional on:
 - (a) the applicant providing payment to the City in the amount of \$275.00 (including applicable taxes) to offset the tree removal cost; and
 - (b) Forestry staff planting a replacement bare root tree(s), if in the opinion of Forestry staff, space is available on the public property adjacent to the applicant's property.

Background:

The report dated March 28, 2000, entitled "Standardized Forestry Policies", identified various policies which existed in the former municipalities and recommended harmonized policies with respect to the planting, care, protection and removal of City-owned trees. The report which was adopted as amended by City Council at its meeting held on May 1, 10 and 11, 2000, (Clause No. 5 of Report No. 5 of The Economic Development and Parks Committee) also stated that a uniform policy pertaining to the removal of crab-apple trees situated on City-owned property would be the subject of a future report.

Comments:

Policies existed in the former municipalities of Scarborough, North York, East York, Etobicoke, and Toronto with respect to the removal of healthy crab-apple trees due to several inherent problems with the species. Many of the City's crab-apple trees were planted in the mid 1960's and 1970's due to their attractive flowers, their hardiness and vigour and the small size of the trees which seldomly interfered with overhead wires. However, several undesirable traits are associated with the species and include susceptibility to tent caterpillar infestation, apple scab fungus, leaf molds/rusts and fruit drop. As a result of the undesirable characteristics, the trees are sometimes viewed as being a nuisance and messy. In many cases, property owners complain about the fallen fruit creating a hazard on private driveways, walkways or City sidewalks because the rotting fruit creates a slippery condition particularly during wet weather conditions. Property owners have also expressed concern that bees and wasps are attracted to the rotting fruit and thus the probability of being stung increases.

With the exception of specific requests, the routine planting of crab-apple trees on City streets was discontinued approximately 15 to 20 years ago in many of the former municipalities as a result of the inherent problems with the species. The current policies respecting removal of the trees were developed in response to public concerns. However, the acknowledged importance of preserving public tree planting sites resulted in a requirement under all of the existing policies that a suitable replacement tree be planted on City property subsequent to the removal of a crab-apple tree. Costs to the adjacent property owner associated with crab-apple removal differ between existing policies and ranges from no charge to the full cost recovery for tree removal and replanting.

Ornamental crab-apple trees are very attractive, provide seasonal viewing interest, and in addition to other environmental benefits, they offer food and shelter to birds and other wildlife. Urban Forestry staff continue to strongly advocate protection and preservation of trees on City

road allowances and other public properties. However, it is acknowledged that fleshy fruit-bearing trees are a significant nuisance to some people and under some circumstances are potentially hazardous and may cause injury. We are, therefore, recommending a harmonized policy for the removal of select ornamental fleshy fruit-bearing trees that are situated within the City-owned road allowance.

It is recommended that upon receipt of a written request from an immediately adjacent property owner (the applicant) for the removal of a healthy, fleshy fruit-bearing tree(s) such as an ornamental crab-apple or apple tree that is located within the City-owned road allowance, the Commissioner of Economic Development, Culture and Tourism may authorize the removal of the tree(s) and the planting of an appropriate replacement tree within the road allowance provided that the applicant submits payment to the City in the amount of \$275.00 (includes G.S.T.). The \$275.00 fee does not cover the full tree removal cost, however it will offset the City's cost while providing residents with an accessible option for having healthy fruit-bearing trees removed and replaced with a new and more appropriate tree for the site. Under the City's current harmonized tree removal policy, any request for healthy tree removal which is approved is conditional on the applicant providing payment to the City in an amount to cover the appraised tree value, removal and replacement costs. For crab-apple and apple trees however, it is recommended that the standard requirement that the applicant pay for the appraised tree value be waived. Furthermore, a replacement bare root tree will be planted within the City road allowance at no cost to the applicant. If the applicant desires to have a larger balled and burlapped tree planted instead of the standard bare root tree, the applicant will be required to pay for the cost of the upgraded tree.

Traditionally, requests for removal of crab-apple trees form a low percentage of the total number of tree removal requests that are received annually. We therefore do not anticipate receiving an increased number of removal requests as a result of this policy.

In addition to crab-apple trees, Forestry staff occasionally receive requests for the removal of other fleshy fruit-bearing trees such as cherries, mulberries and pears for similar reasons as noted above. Staff will continue to assess the merits of each such request on an individual basis, consistent with the current harmonized City tree removal policy.

Conclusions:

Establishing a harmonized policy for the removal of select City-owned, ornamental, fleshy fruit-bearing trees will result in more consistent and equitable service to the residents of the City of Toronto. This will also ultimately improve efficiency as we standardize our processes, forms, administration and general management of associated issues.

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The Economic Development and Parks Committee also had before it during consideration of the foregoing matter the following motion by Councillor Joanne Flint, Ward 25 Don Valley West, respecting the removal of crab apple trees on City boulevards:

“WHEREAS fallen apples from crab apple trees rot and attract wasps; and

WHEREAS many people are allergic to wasp stings and passers-by are frightened of wasps - (especially children); and

WHEREAS fallen crab apples are also used as projectiles by passing school children to the annoyance and danger of other people; and

WHEREAS rotting crab apples cause the sidewalk to be slippery - thereby increasing the possibility of accidents and litigation;

THEREFORE BE IT RESOLVED that, at the request of an abutting owner, crab apple trees on City boulevards be removed by the City at no cost to the owner and replaced with a more suitable tree, the species to be determined in consultation with the owner.”

Councillor Joanne Flint, Ward 25 Don Valley West, appeared before the Economic Development and Parks Committee in connection with the foregoing matter.

(Councillor Korwin-Kuczynski, at the meeting of Council held on November 6, 7 and 8, 2001, declared an interest in the foregoing Clause, in that he has a crab-apple tree planted on his property.)