
23 August 2023

Max Dida, Supervisor
Tree Protection & Plan Review
Etobicoke York District
Attn: Jetmir Balashi

RE: Response to Comments from Urban Forestry
5 Capri Road, Toronto, ON

Further to the Tree Inventory and Preservation Plan (TIPP) prepared by our office for 5 Capri Road (dated 25 August 2022, revised 26 October 2022), KFCI received comments from Urban Forestry, dated 28 December 2022.

Comments related to our Tree Inventory and Preservation Plan Report were as follows and responses are below.

*1. Where it is not possible to retain a tree that qualifies for protection under the City of Toronto's Tree By-laws, or where construction activity will encroach upon a protected tree's minimum tree protection zone, it will be necessary for the applicant to submit an application requesting permission to injure or destroy the trees in question to Urban Forestry. There is a fee of **\$377.67 (subject to change)** for each tree included in an application. Payment may be made by certified cheque, money order, Visa, MasterCard, AMEX or debit, and must be submitted with the application. The application fee for boundary/neighbour trees is **\$790.63 (subject to change)** for each tree included in an application.*

a. The privately owned tree, inventoried as tree nos. 101-102, 105-106, 108, 112-122, 124, 128-129, 131-133, 136, 138, 140-144, 146-147, D, H and L, indicated in the Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc., dated August 25, 2021 and revised October 26, 2022, meet the criteria for protection under the City of Toronto's Private Tree By-law. The development proposes the removal of tree nos. 101-102, 105-106, 108, 112-122, 124, 128-129, 131-133, 136, 138, 140-144, 146-147, and protection of tree nos. D, H and L.

Noted. Closer to NOAC, applications for removal and injury of by-law protected trees will be made and appropriate payments remitted.

b. Urban Forestry advises the applicant that all requirements and related tree approval processes of the City's Tree By-laws must be completed prior to Community Planning's Final Zoning Amendment Report to Community/City Council for this application.

Noted.

c. The applicant is advised that tree nos. 102, 135 and 145, will be considered boundary trees, category 2. Urban Forestry will be treating these as boundary trees unless the applicant provides a current survey indicating that the trees are located wholly on the proposed construction site property. The survey must plot the location of the entire trunk

from its point of growth, away from the roots, up to its top where it branches out to limbs and foliage, and demonstrate that the trunk does not cross the boundary at any point in the plane extending upward from the boundary line at ground level. As part of this survey, a precise tracing of the base of the tree in relation to the boundary line is required.

Noted and agreed – these trees are likely shared and have been identified as Category 2 trees within our report.

d. In consultation with City Legal, Urban Forestry has established that a permit for removal of a neighbouring tree or boundary line tree is merely an acknowledgment that the proposed removal, if carried out in accordance with the terms and conditions of the permit, would not constitute a violation of the Private Tree Bylaw; and that any civil property matters must be dealt with by the applicant and/or neighbour. Urban Forestry's issuance of a tree injury or removal permit does not supersede any civil or common law property rights. As part of Urban Forestry's permit review process, after a complete application to remove trees has been received, all involved property owners will be notified by mail that an application concerning trees has been made. We will also provide the owners with not less than 15 days' notice prior to any tree permit being issued (if approved). These notifications provide the neighbours with an opportunity to undertake any civil action regarding the tree removals, if they so wish.

Noted.

e. The applicant is advised that existing trees along the Capri Road have yet to be inventoried and included in the Tree Inventory and Preservation Plan Report, prepared by Kuntz Forestry Consulting Inc., dated August 25, 2021, and revised October 26, 2022, City street trees. Please review and revise accordingly.

As tree removals along this limit for the sidewalk are not expected to be required (ie. the presence of these trees will not have a significant impact on the design), KFCI suggests that these trees be inventoried and included in an updated version of our report for SPA.

f. Urban Forestry requires that the applicant provides a revised Arborist Report indicating trees impacted by the proposed Draft Plan of Subdivision.

Please refer to the version of our report revised 14 March 2023 (with Figure 1 revised 8 March 2022). This report and plan will be further updated for SPA.

*2. The applicant is advised that once a complete application to injure or remove trees has been submitted, for any **healthy** trees requiring removal that are not described in the zoning report, a notice of application must be posted at the site for not less than 14 days, to provide an opportunity for the community to submit comments. Once the notice expires, Urban Forestry will consult with the Ward Councillor with regards to the proposed removal of healthy trees and the proposed Landscape Plan.*

Noted.

3. The removal/injury of bylaw-protected trees may not occur until a Permit to Injure or Destroy Trees has been issued to the applicant by Urban Forestry (Tree Protection & Plan Review), and the works that require the tree removals/injuries are permitted and commence (or are imminent) in accordance with approved plans. Often, Toronto Building

issues permits for early works (e.g., demolition) which cannot lawfully be undertaken without appropriate tree permits from Urban Forestry. Such permits from Toronto Building DO NOT supersede the city's tree bylaws, and all bylaw-protected trees MUST be protected from injury or removal until a specific permit allowing such injury or removal has been issued by Urban Forestry.

Noted.

Respectfully Submitted,

Kuntz Forestry Consulting Inc.

Celine Batterink

Celine Batterink, H.B.Sc. Ecology
Senior Consulting Arborist, Ecologist
ISA Certified Arborist #ON1546-A, TRAQ
Email: cbatterink@kuntzforestry.ca
Phone: 289-837-1871 ext 18

References

Kuntz Forestry Consulting Inc. 2022. Tree Inventory and Preservation Plan Report – 5 Capri Road, Toronto, Ontario. 25 August 2022, Revised 26 October 2022