



Report to: Licensing Committee of Council

Date Report Authored: August 7, 2019

SUBJECT: Appeal from Karl Koehn of 8 John Lyons Road to remove one (1) tree on private property under By-Law 2008-96

PREPARED BY: John Lee, Tree Preservation Technician, Operations Department, Ext. 3224

RECOMMENDATION:

- 1) That the Licensing Committee of Council receive and review the decision of the Tree Preservation Technician to refuse the issuance of a permit for the removal of a tree on private property at 8 John Lyons Road, Markham.
- 2) And that under section 7.2 (d) (vi) of the Tree Preservation By-Law, the Administrator may refuse to issue a permit to injure or destroy a tree if it contravenes the general intent and purpose of this by-law.
- 3) And that staff be authorized and directed to do all things necessary to give effect to this resolution.

PURPOSE:

The purpose of this report is to:

- Inform the Licensing Committee of Council that an appeal hearing has been requested by Karl Koehn of 8 John Lyons Road; and
- Provide information to the Licensing Committee of Council regarding the refusal of a permit for the removal of one (1) tree on private property.

BACKGROUND:

An application was received from Mr. Koehn requesting the removal of one (1) Black Walnut (*Juglans nigra*) tree, located in the backyard of 8 John Lyons Road. The applicant has cited the following reasons for the removal of the tree: "The walnuts that fall from the tree pose a threat to his baby grandson."

The City's Tree Preservation Technician (John Lee) conducted a ground-based visual assessment of the tree to determine if a permit would be applicable in accordance with the Tree Preservation By-law on April 10, 2019. An assessment of the same tree was also conducted by a second Tree Preservation Technician (Mark Goldsworthy), on June 18, 2019.

The Black Walnut is 71.5cm DBH (DBH = diameter at breast height measured at 1.37 metres up from at grade base of the tree) and it is approximately 25 metres in height. The tree's estimated age is approximately 70 years old.

The permit was denied because the subject tree is healthy, with no diseases or structural defects. Based on the conclusions of the assessment, the Black Walnut does not qualify for a permit or a permit exemption under the stipulations outlined by the Tree Preservation By-law.

A letter was sent out on April 11, 2019 notifying the applicant of this decision. The applicant is appealing the decision of the Tree Preservation Technician to deny the removal of the Black Walnut (*Juglans nigra*) on the property of 8 John Lyons Road.

OPTIONS/ DISCUSSION:

The subject Black Walnut is growing on the west side of the property in the backyard. The tree is the only large growing tree on the property and currently contributing to improved air and ground water quality, community aesthetics as well as supporting the local ecosystem of migratory birds, mammals and insects. Black walnut trees of this size contribute not only to our community air, water and ground integrity. They also contribute to the local ecosystem of birds, ground mammals and insects. There are no physiological or environmental indicators that would suggest that the subject Black Walnut is likely to decline significantly in health or structural stability.

This tree has no pests, diseases or defects that would compromise its health or structural stability long term. The trunk was sounded using a nylon sounding hammer and no pockets of decay were found. The canopy is full with no dieback. All unions on the tree were well structured and no included bark was found.

Black walnut trees produce white flowers which become walnuts that are approximately 7 centimetres in diameter. Seeding is a staple part of all plants, it is how they reproduce. Black walnuts typically seed biannually. However as they age it becomes irregular and depends mostly on environmental conditions. To prevent seeding Arborists use three different methods:

1. The application of FLOREL, a growth regulator that is sprayed on flowers to prevent fruiting.
2. The injection of a growth agent Sniper which causes the flowers to fall before turning to seed.
3. Flowers be pruned off by a climbing Arborist. This is the most labour intensive.

Due to the size of the Black Walnut we recommend the application of Sniper when the flower buds are breaking dormancy. The Black Walnut at 8 John Lyons Road would require 7 injections at a time, and would cost a small percentage of the removal cost for this tree.

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FINANCIAL CONSIDERATIONS AND TEMPLATE: (external link)

Not applicable

HUMAN RESOURCES CONSIDERATIONS

Not applicable

ALIGNMENT WITH STRATEGIC PRIORITIES:

The Tree Preservation By-Law aligns with the Green Print and other Environmental/Sustainability initiatives.

BUSINESS UNITS CONSULTED AND AFFECTED:

Not applicable

RECOMMENDED BY:



John Lee,
Tree Preservation
Technician



Raymond Law,
Sr. Manager, Business,
Fleet and Public Realm



for Morgan Jones,
Director, Operations

