



**PUBLIC MEETING RE: ML Lumber/Ready Mix  
Facilitated by City of Toronto Councillor Grimes  
In conjunction with the Mimico Residents Association**

**Date: Wednesday, February 6, 2013 6:30pm**

**MINUTES taken by the Mimico Residents Association**

**1. Opening Remarks - Councillor Grimes**

Councillor Grimes opened the meeting with a brief summary of the issue.

Since 2003 there have been sporadic complaints, but in the last year and a half there has been an escalation of complaints regarding ML Lumber/Ready Mix. The City, working with the Mimico Residents Association (MRA), made the decision to hold this public meeting to address these concerns. There are several members of staff present from various departments who will try to answer all the questions. Staff will stay on at the end of the meeting if you wish to ask questions privately.

The Mimico Residents Association will handle questions from the floor.

**2. Councillor Grimes Introduced the Panelists**

- a) Kyra Trainor, President, Mimico Residents Association
- b) Ward 6 Councillor Mark Grimes
  - Councillor's Staff in attendance (not panelists):
  - Mary Ciuffo, EA and Colin Johnston, Constituency Coordinator
  - Jessica Roberts, Admin Assistant
- c) City Staff
  - City Planning
    - Sharon Hill, *Manager*
    - Christian Ventresca, *Senior Planner*
  - Toronto Building
    - Lee Salvati, *Manager of Inspections*
  - Transportation
    - Mark Hargot, *Supervisor, Transportation Services*
    - Tony Almeida, *Senior By-Law Officer*
    - Jeff Melo, *Senior By-Law Officer*
  - Economic Development
    - John Alderdice, *Senior Business Development Officer*
  - Municipal Licensing and Standards (MLS)
    - Curtis Sealock, *Manager, Investigation Services*
    - Joy Correia, *Supervisor*
- d) Ontario Ministry of the Environment (MOE)
  - Rod Adams, *Manager, Toronto District Office*

Wendy McNaughton was also in attendance representing MPP Laurel Broten's office and staff, but she was not on the panel.

### 3. Councillor Grimes – History of the Issue and the area:

Ward 6 Etobicoke-Lakeshore has a history of bad zoning. Councillor Grimes was elected in 2003. The first example of that was in 2007 – Toronto Ready Mix (TRM) came in and bought a 15 acre site on New Toronto Street, and opened up a cement batching operation right on people's backyards – a nightmare for area residents. The Councillor worked with TRM and City Planning and found the IC2 zoning allowing "noxious uses" was still in place. The City was able to move the cement batching plant to a snow dumping site beside the new jail in Mimico, and move the snow dumping to New Toronto Street.

More recently St. Mary's Cement has moved back to New Toronto Street. The City fought them on it, but lost to the OMB (Ontario Municipal Board).

The City undertook a zoning review of the area to examine the IC2 zoning, and remove some of the obnoxious uses out. Planning went through an extended process to work with industry stakeholders to take out these bad uses and that was approved early January 2012.

There is an Air Quality Study underway for Wards 5 & 6.

There is also an Official Plan review being performed currently, in which properties, zoning are reviewed. Councillor Grimes has requested the City look at a regeneration project East of Royal York road across from San Remo, by the GO Station. The Councillor has also added a request for review and study of ML Lumber/Ready Mix site (area North of GO Tracks, South of Judson), which is currently underway.

Councillor Grimes has also implemented a Pilot grant program in Ward 6 to revitalize brown fields by offering grants/tax incentives for industries who redevelop area industrial sites and bring jobs to the area. Gambles Produce, CANPAR and York Chicken have taken advantage of that program.

Currently ML Lumber(Ready Mix) has come in under old zoning and are there "as of right" – we may change the zoning and take the uses out, but they are still allowed to be there.

### 4. Kyra Trainor – Opening Remarks for Mimico Residents Association (MRA)

Thank you to both levels of government for making this meeting happen, and to the residents for their involvement in this issue. To maintain order, as with previous MRA Public Meetings, we will accept written questions which will be picked up by runners and brought to the front.

The MRA is here to help facilitate the needs of residents. The MRA requests from the panel: that we get clarity, we get direction, we get action, and we hope that we don't point fingers at one another and go in a "bureaucratic loop." This is a real issue for the residents, and as you can see by the turn out here, they are passionate about it.

The Judson Street area residents ultimately want the company to be pursued by all departments to the letter of the law. Ultimately, they want a City-ordered injunction issued on any illegal activities, and hopefully a relocate with a timeline.

### 5. City Staff Updates

Councillor Grimes advised most complaints go to Municipal Licensing and Standards

**Municipal Licensing and Standards (MLS): Curtis Sealock, *Manager, Investigation Services***

MLS Predominantly deals with noise regulations. Municipal Code Chapter 591 sets down standards of noise and timeframes.

Since 2008 there has been an influx of complaints - Revving engines, time of delivery, time of removal, traffic going up and down Judson.

When MLS receives complaints that fall into their jurisdiction, MLS investigates. If they are valid complaints, MLS will issue a notice to the individual [company] to give them time to rectify the situation, and if they don't, we have the power to enforce it by taking it to the courts. Recently MLS has received complaints from residents and from the Councillors' office. Most complaints have involved the timeslots – people working too early/too late as perceived by the individuals. MLS is governed by very tight time restrictions around noise timeslots – normally a starting time and finishing time during the day, as well as certain days of the week (e.g., no construction on Sundays).

MLS staff have visited the site on a regular basis and continue to monitor the property and at the present time have one active folder that we (MLS) may open for observation purposes – but by and large the complaints don't technically violate the legislation, and as such MLS cannot take action against it.

#### **Toronto Transportation: Mark Hargot, Supervisor, Transportation Services**

Complaints that Transportation has received have been mainly related to heavy truck usage, esp. after 7pm.

Heavy trucks are permitted between 7AM and 7PM on Judson, however, there is an exemption in the Bylaw. Any vehicle engaged in making a delivery to, a collection from, or providing a service to the premises would be exempted.

However, heavy vehicles that are short-cutting on Judson from Royal York to Islington [after 7PM], would be in violation of the by-law.

Other issues & concerns:

Vehicles queuing (lining up) on Judson waiting to get into premises are not in violation of the bylaw.

Vehicles blocking the road – not much transportation can do about that.

Judson is a shared bicycle route between vehicles and bicycles. No designated bike lane.

#### **Toronto City Planning: Sharon Hill, Manager**

City Planning recently completed an IC2 Zoning Review of industrial lands in the area. In March 2012 City Council enacted a bylaw to remove permissions for some uses including concrete batching plants. So no new Concrete batching plants can establish in that area.

A couple of questions:

1. Is the Plant "Grandfathered in" - Is the current use lawful?  
City Planning's understanding is that the use [Concrete batching – IC2 industrial] was in operation when the bylaw went through in 2012 to generally remove any new Concrete Batching Plants.  
Planning is working with City Legal and Toronto Building to go back through the files and get a clear

determination of that [whether ML was operating when the bylaw went through].

2. What are the requirements to go through a Site Plan Approval process?

Site plan approval typically relates not to use, but actually the arrangement of building/parking on the site. Also tied to Grandfathering – Planning is working with Toronto Building & Legal in order to determine whether there would be a retroactive requirement for the site plan.

As part of City's current Official Plan Review there is a review of all the City's employment lands. City Council has directed that the area East around Mimico GO station, as well as the strip of land on the South side of Judson Street West of Royal York, be reviewed opportunities for land resignation and perhaps some changes in use. This would begin with going through property analysis and old permits, and speaking with landowners. City Planning is hoping to wrap up a broader Employment Lands Review this year, so hopefully some conclusions and decisions will come from that in 2013.

**Toronto Building: Lee Salvati, Manager of Inspections**

Inspectors are mandated through Ontario Building Code, which stipulates that you must have Building Permit to build. As a result of a complaint received, Toronto Building did investigate the site. There has been construction without a building permit.

Toronto Building has issued Orders [for permits] for a number of buildings, and the owners intend to apply for Permits. There is a process in place which does include zoning requirements, and the Permits will be tested at the time of application.

If the company takes a reasonable amount of time and shows steps towards obtaining a permit, Toronto Building will allow some time. From past experience, if Toronto Building tries to go to court without allowing enough time to obtain permits, the Courts view that as being overly zealous or aggressive and not giving them enough opportunity to go through the proper steps, and would simply extend the timeframe.

If ML fails to obtain a permit, and we do end up in court, charges/convictions would lead to fines and possibly (rarely) a court order to remove buildings.

**Economic Development: John Alderdice, Senior Business Development Officer**

Business Protection and Expansion - works with existing industry in Toronto to retain industry and good corporate citizens.

Toronto Economic Development has worked with South Etobicoke Industrial Employers Association to deal with some issues and challenges. They have worked with Councillor Grimes on the concrete issues in the last few years. Especially the ST Mary's Cement issue – tried to find a relocation strategy. There is no financial mechanism to move a company at will. Economic Development is continuing to explore options for the site going forward.

**6. Ontario Ministry of the Environment (MOE): Rod Adams, Manager, Toronto District Office**

If a facility is permitted, by way of city zoning, in a given location, the Ministry of the Environment's role is to ensure that the facility meets the requirements under Environmental Protection Act.

In particular in this situation, the requirements relate to dust and noise generated from the operation of the facility. This could be dust from an operational component such as a bag house they may have on the

property, or fugitive dust from the Yard. The company currently has an Application before the Ministry for an Environmental Compliance Approval. Ministry reviews that application based on its technical merit.

Questions related to noise - have gone back to the company asking for details on the submission. ML has until March 1, 2013, to update the information in the application. It will go through normal process.

Company has been operating various types of operations since 2003 – starting as ML Lumber, then ML Disposal, and in 2008 MOE became aware of concrete batching plant there. MOE requested an application for Certificate of Approval at that time, which they submitted, then went back and forth collecting data. In the latter part of 2010, ML said they were making changes at facility and wanted to put changes in and then re-apply. The original application was cancelled in 2010. While inspecting the facility in October 2012, it was discovered that the company had not re-applied for an approval. They were instructed to do so and an application was submitted in November 2012.

## **6. Question and Answer Period – Moderator: Kyra Trainor**

Kyra remarked on the frustration that these questions have been asked by residents for several years, and some are only being answered tonight.

**To Municipal Licensing and Standards (MLS): If I wanted to open a Cement facility tomorrow, do I have to take out a license to do that?**

MLS: No, if the IC2 zoning allows for it, a company does not need a License for a batching plant, it is not a requirement under the present Licensing administration.

**There appears to be nothing right now that the City or MOE can use to force a stop work injunction on that site, based on noise, transportation, environment, planning, or building inspections – is that correct?**

Councillor Grimes: That is correct.

**Is there a consultative process with immediate community that should occur when the onsite activity changes from Lumber to Concrete?**

City Planning: No, if the use is permitted, then no consultation would be required. The City would not necessarily even know of the change.

**Legal Action: Is there a process by which residents can take legal action against a facility that seems to have been breaking laws to operate their facility?**

Kyra: There is nobody from Toronto Legal here to answer this. Residents hope to see some movement to fix what has been broken. What can residents do to move that forward?

**ACTION: Councillor Grimes to investigate with Toronto Legal what the legal process would be for Residents to take action.**

**To Municipal Licensing and Standards (especially regarding Noise violations). If you get so many complaints, you could potentially take legal action against the company. How many notices do you need to take legal action?**

MLS: It's not necessarily based on the numbers, but on the actual violation itself. One violation can go to court, or it can be a multitude. Obviously the multitude of violations adds more credence to the enforcement action and the penalty that would result from the courts.

However, we've only issued one notice. Since that notice has been issued, there has been no other violation, so based on the fact of one violation they then brought the property into compliance. So at this stage it's a monitoring process for MLS to ensure that they continue to comply with the existing legislation.

**How long could we be waiting for the Building Permit / Grandfathered use issues to be looked into by Toronto Legal?**

City Planning: Toronto Planning/Building will need to work with Legal to determine whether the use itself is legal versus the changes to structures and buildings. The process could be a fairly short one or could be extended.

If a complaint comes that there is construction observed, Toronto Building responds to it. The complaint came in a few weeks ago and the City responded in a timely manner.

There are agencies that the company can appeal to such as the Committee of Adjustment and even Ontario Municipal Board. It's possible that the clients (ML) will take this route, and [Toronto Building] will give them that opportunity. What's important to Toronto Building is that we see them making steps towards obtaining Permits – if after several weeks there have been no steps, Toronto Building could take ML to court and go for a conviction.

**To Ministry of the Environment (MOE): Can there be restrictions based on the Environmental License that they are applying for?**

MOE: Ontario Regulation 419/05, the local air quality regulation, has limits for particulate at the property boundary.

Regarding noise requirements, the restriction is for the noise level attained at the nearest sensitive receptor, i.e., the nearest house.

ML has to demonstrate that they can meet both of these requirements. They cannot be granted an Approval if they exceed the requirements. There may be mitigation measures that they can use on the site, around their equipment that can reduce the noise at its source in order to meet the requirements.

**Waste water has been coming into the street from trucks being washed, and the water is going into the sewers and into the Lake. What are the regulations around that, and which department deals with it?**

MOE: ML had put in a circulation system to contain washwater. When this complaint was received more recently, ML responded that one of their water pumps was frozen, and it didn't let the system know that the water should not continue to flow. ML has since fixed the issue. It should not be occurring right now.

MOE will also be looking into stormwater management operation so ML is able to control the water that flows across the site from precipitation so that it doesn't flow down the driveway into the road. Today there was a complaint and at 3:30 the company was shovelling up the ice etc., that had built up there.

It should not be running off the site like that - call the MOE if there are problems.

**ML has been refuelling at the entrance to the facility, and there are tanks of gasoline within 40 – 50 feet of houses. Is that permitted, does it need to be monitored?**

MOE: Technical Standards and Safety Authority would have to answer that. From MOE's perspective, the tanks have a containment wall around them, so if they were to leak, the fuel would be contained at that exact location. MOE's recommendation to ML will be to move fuelling to a better location, not near the entrance to the facility.

**Re: Portland Cement and Health Hazards associated with it. Do you look at the affects of Portland Cement on the residents in the area?**

MOE: Cement particulate would need to meet standard for particulate. With respect to Health Concerns – that question should be put to Toronto Public Health. MOE makes sure that the Plant meets requirements for air emissions from the site, meaning that there would be limited or no potential for impact from particulate.

**Gravel spill on Judson and cement road spill caking at Evans and Islington has been an ongoing issue. Weekly sweeping is not enough. Who is accountable for that? What is being done to make sure that it doesn't happen?**

By Law Officer: By-Law Enforcement deals with gravel and mud on the road, as well as the idling By-Law. Up to date, they checked the files and have not received any complaints whatsoever regarding mud or gravel on the road. [General outburst and consternation in the crowd, as many have complained].

**ACTION: Councillor's office will assemble a list of the relevant phone numbers for complaints of all kinds, and MRA will help ensure that it is distributed to residents.**

**There are waste bins going in and out, can somebody comment on what is going in and out of the facility and what's happening?**

MOE: They had approval when operating as ML disposal to move waste. They have taken operation down the street to 145 Judson. MOE investigated recently and saw waste bins, and is looking into why they are there and if they have approval to be there.

**ACTION: Residents should call and report to MOE if you see waste bins, specifically when and where.**

Resident: ML appears to be running trucks back and forth between 145 and 29 Judson, using the Ready Mix site (29) as a back-up storage facility.

**ACTION: MOE to investigate both sites on Judson Street.**

**Are there any plans to expropriate the land for GO transit?**

Grimes: No – this appears to be a rumour. Grimes responded that GO falls under Provincial jurisdiction, and Mimico GO is undergoing a big redevelopment. Metrolinx parking is now falling under Provincial jurisdiction, and they are picking up properties in the area [for parking for GO]. But no, this land has not been expropriated for that – it is a difficult site for a parking lot.

**Residents have seen property value go down 30% with this facility, based on property tax assessments. Does the City look at that from a perspective of losing tax revenue that could be going back into the community?**

Grimes: We live in a very unique part of the City, people and industries have been here for a long time. New Toronto was an industrial town (e.g., CIL, Continental Can, Kraft, Campbell Soup, etc.) We don't plan this way

anymore (e.g.,: Christie's plant closing, 450 jobs lost). We are trying to attract businesses. We can build all the condos you want, but if there are no jobs we're going to be in trouble.

In Ward 6, we're not afforded the luxury of an industrial mall far away from homes, we have to learn how to coexist between residents and industry. It's a fine balance.

Is this [concrete plant] what should be across the street from homes? Absolutely not. But we're dealing with the old IC2 zoning. Relocation is very difficult because there are very few sites left in the area with this zoning – nobody wants it.

For this revitalization we want to happen, we need concrete. It has to go somewhere – it can only travel so far. Councillor Grimes has been talking to Economic Development about a possible concrete campus in the West end.

**Financial Accountability – Has ML been held financially accountable for anything so far?  
Have any fines been issued against them?**

No charges have been brought to court at this time by MLS or MOE. No fines have been issued. This would be determined if the charges were brought before Courts. If there is a conviction, typically there is a fine.

The first thing [MOE] does is require the company to address a concern. Based on the company's response, that determines whether or not we take additional steps such as ticketing or charging.

**NOISE ISSUES:**

**Noise from trucks - Air horn blasting from the yard, beeping, back-up noises from trucks – can ML not do this at certain times of day?**

MLS : There is Prohibitive Timing, but if they are necessary, and not actually exceeding noise limits or during prohibited times of day, it's not something MLS can enforce.

Kyra: It comes down to good corporate citizenship, and maybe having ML recognize that they are in a residential area.

MOE: We've asked them to evaluate noise under worst case, or high end scenario. Certainly though, if they're blasting air horns at unreasonable times, I have no issue with talking to the company -- tell them if there are complaints, ask why, and is there anything ML can do to fix it. The back-up beepers would be difficult to avoid, as it's a Ministry of Labour requirement for workers/trucks. There might be an option of flashing lights. MOE could discuss this with Ministry of Labour to see if there is an option, and relay that outcome/recommendation to the company.

**ACTION: Residents to direct complaints to MOE. MOE to follow up with ML and Ministry of Labour regarding measures to avoid excessive noise from air horns and back up beeping.**

**What is the maximum Decibel level allowed in a residential area?**

MLS: 85 decibels.

**Would ML have to adhere to noise limits for a Residential zone or industrial?**

MLS: This classifies as a residential zone, so our regulations would be based on those limits.



**There is a Seniors Home across the street – would that fall into quiet zone?**

MLS: We need to look that up.

**ACTION: MLS to report on whether the proximity of the Senior's facility would make this a Quiet zone.**

**What does 85 decibels sound like?**

MLS: Maybe somebody speaking in a loud voice – difficult question to give a good answer.

[MRA did some follow up research and found this reference chart showing comparative noise levels:

[www.industrialnoisecontrol.com/comparative-noise-examples.htm](http://www.industrialnoisecontrol.com/comparative-noise-examples.htm)

According to this, 80 dB can be compared to a freight train (at 15 metres), a propeller plane flyover at 1000 ft (88 dB) or a diesel truck 40 mph at 50 ft (84 dB).]

**What are the Hours in which operation (especially noise) is allowed?**

MLS: Prohibited times for loading and unloading concrete are:

Weekdays: 11pm until 7am the next day, Monday to Friday

Weekends: 11pm Friday until 9am Monday morning

No work allowed Sundays and Statutory Holidays.

The company could apply for an exemption to supply concrete to a site doing a continuous pour, in which case they could go beyond these hours. But this kind of application to supply concrete after hours is very rarely made to MLS.

**DUST ISSUES:**

**What can be done to control dust right now?**

MOE: First, report it to MOE. An officer will assess what's occurring. MOE would work with the company to have them better control dust. Dust control plan for particulate and fugitive emissions.

**ACTION: Kyra suggested we (MRA) have a separate meeting with MOE to point out some of these issues.**

**Can dust be controlled short of putting a dome over the facility?**

MOE: Yes. ML can have dust control measures on their site to control fugitive dust such that they meet the requirements at the property boundary (e.g.,: putting calcium on the site).

**Have ML put any dust measures into place to control dust currently?**

MOE: I understand that they have, but obviously if the people in the neighbourhood are being impacted, there is more that needs to be done.

**Who tests the air quality & how often is it done? Is the company warned in advance of an inspection?**

MOE: If we are in a situation where they seem to be exceeding the requirements, there are options – e.g.,: putting a monitor in the area to collect samples. Noise measurements are taken in conjunction with the city. Generally, we do not warn the company that we're coming to do it.

**Do MOE Certificates require minimum distance from homes?**

MOE: No. The Company is required to meet standards at property boundary of source or at nearest sensitive receptor. There is no specific separation distance for residential to industry.

**What purpose would calling Toronto Public Health serve? Can they do anything about the Plant?**

MOE: They would be able to provide specific details on whether or not certain part of the operation, such as cement handling or dust from that, at what level it would cause a health impact to people in the neighbourhood.

**PARKING AND TRANSPORTATION ISSUES:**

**Plant employees are parking on side streets surrounding the plant, blocking driveways, not allowing space for garbage pick-up, resident parking etc. Residents call 3-1-1 on a regular basis. Is there a solution rather than residents having to continually monitor and take action?**

Transportation: If the residents want parking prohibition on this street, they can petition for that.

**ACTION: Residents to determine if increased parking restriction is desirable and if so, petition for this.**

**Isn't the facility required to create parking for its employees?**

MLS: The zoning bylaw does normally require a certain amount of parking for different types of businesses. MLS would need to go back and look at what the requirement is for this type of business and what ML has. Based on that analysis, we could determine if there was in fact a violation of the zoning bylaw.

**ACTION: MLS to investigate parking requirements and assess any violation on the ML site.**

**There have been parking added as a traffic calming measure on Evans Avenue. Could this force additional traffic problems onto Judson St.?**

Grimes: There were a lot of complaints about the speed on Evans Ave. Especially, with people trying to cross the street to catch the bus. Grimes moved a pilot project to see if parking on one side would slow traffic down. [Yes, it may result in more traffic on Judson] which is a Collector and allows trucks.

**There have been issues with Speeding on Judson. What is the speed limit and can it be better enforced?**

Grimes: There is a 50 km/h limit. Residents should call Police (22 Division) if there are problems.

Transportation Services can request also request enforcement.

**ACTION: Mark Hargot, Transportation will request increased enforcement of speed limit.**

**Transportation: Trucks make wide right turns into the facility, blocking oncoming traffic. Is the fence and entrance set up inappropriately if it forces 18 wheelers to veer into oncoming traffic?**

Grimes agrees the road network in the area does not handle this size of truck well, because the roads were designed for older, smaller trucks. It's an ongoing problem not just with this site but through the Ward and the City is looking at changing zoning in these areas.

**ACTION:** The question wasn't really answered – MRA to follow up with MOE and MLS about safety requirements for entrance to the site.

**Can the MOE issue an Environmental Certificate when the operator does not have Building Permits for its facilities?**

MOE: Building Permits do not fall under the MOE jurisdiction – this is up to the City of Toronto to enforce.

**Who monitors the street trees for stress levels? Are the mature trees on Judson and in the neighbourhood at risk and in decline?**

*This question wasn't answered publicly.*

Kyra noted that when ML came in they removed 150 trees off the site when they built the fence.

**ACTION:** Councillor Grimes please follow up and let MRA know the answer to this question – who is responsible for the health of area trees, and how would they be impacted by air quality.

**IN CLOSING:**

Councillor Grimes noted that there is an **Official Plan Review of Employment Lands**, residents are encouraged to attend and participate and provided information on the various sessions.

Information for the Etobicoke session is as follows:

Tuesday, February 12, 2013

Etobicoke Civic Centre

3:00pm – 5:30pm afternoon session

or

6:30pm – 9:00pm evening session

Streamed online on Rogers TV. Get input into neighbourhood.