



December 28, 2019
Environmental Registry of Ontario
ERO #019-0877
109 Ingram Drive Toronto, M6M 2L6

Dear Sir or Madam,

**Re: Golfdale Construction Limited Comments on Optimum Environmental Corp.'s
Application to Expand Waste Transfer and Processing Facility at 109 Ingram Drive
(the "Subject Site") - ERO #019-0877**

Dalicom Group Inc. has been retained by Golfdale Construction Limited as their representative to submit comments on the proposed application for intensification of uses on the Subject Site. Golfdale Construction Limited owns properties that front on Kincort St. and abut the Subject Site. By these comments, the owner of these abutting properties conveys that since about 2000 he has continued to express his concerns regarding the undesirable and unsuitable uses that commenced on the Subject Site at that time, in violation of, and not in strict compliance with, the former North York zoning by-law 7625 as amended ("**By-law 7625**").

Context

In about 2000, the Ingram industrial area consisted predominantly of industrial properties where uses were conducted entirely inside a building, but also permitted limited or no outside storage. Nonetheless, gradual changes occurred in the area and the new City of Toronto zoning by-law 569-2013 ("**By-law 569-2013**") seeks to reflect these changes by updating prior zoning by-laws (including, without limitation, former By-law 7625), and introducing new zoning permissions. In that context, we submit the following observations.

1. By-law 569-2013 is under appeal by the community and we understand the owner of the property abutting the Subject Site is a party to that appeal. There is historical disagreement on the proper interpretation of former By-law 7625 as it was applied to the Subject Site in about 2000.
2. There are unsettled issues that include without limitation whether the asphalt plant use and the associated accessory building, when commenced on the Subject Site, were lawful and in compliance with former By-law 7625. Affected property owners are hopeful that these outstanding issues will be resolved through the planning appeal process of By-law 569-2013.



3. In about 2000, the Subject Site was characterized as one of two distinct and separate lots fronting on two separate streets, Sheffield St. and Ingram Drive.
4. Today, the Subject Site is characterized as a single lot that fronts on two separate streets, and is designated as either a through lot or a non-conforming corner lot in accordance with former By-law 7625. Prior to approval of By-law 569-2013, this single lot included a transfer station, and limited outside storage and outside operations.
5. The Subject Site is a non-conforming lot with exceptions approved under former By-law 7625 in 1997, that included relief on yard setbacks, parking requirements and landscaping requirements.
6. We understand that the existing asphalt plant use was identified as a prohibited use in 2000, but was introduced on the Subject Site as a temporary use by the issuance of a temporary building permit in accordance with Sec. 39 of the *Planning Act* (Ontario) (the “Act”).
7. There is a concern that the existing asphalt plant use is in violation of both the Act and the *Building Code Act* (Ontario), because of insufficient public scrutiny of the approval of zoning permissions in violation of due process.
8. There is also concern that the intent of the By-law 569-2013 does not apply consistently to all properties in the area that are designated as part of the Employment Heavy Industrial Zone (EH).
9. It is in the public interest to ensure that a Toronto City Council (“**City Council**”) approved infrastructure project to connect Ingram Drive to Caledonia Road not be jeopardized by a probable increase in the price to acquire the necessary portion of the Subject Site.

Zoning Relief Required

The objective of the City of Toronto Official Plan (the “**Official Plan**”) is to protect and retain the use of employment lands (as set out in the Official Plan) so that they work well and look good. On behalf of the owner of the abutting properties, we submit the following comments on the zoning relief required prior to the proposed intensification of uses on the Subject Site pursuant to Sec. 41 of the Act.

1. The proposed intensification of uses on the Subject Site is premature, and not in the public interest insofar as it violates due process for the approval of zoning permissions under the Act, and impedes the implementation of a road infrastructure project approved by City Council.
2. We understand that the position of nearby property owners is that the zoning designation for properties in the Ingram industrial area should be restricted to either Employment Light Industrial Zone (EL) or Employment Industrial Zone (E) in order to respect gradual



change and the predominant built form in the area, and to ensure that main uses are conducted inside a building to preserve the existing character of the area in accordance with the Official Plan.

3. We submit that there is zoning relief required both prior and subsequent to the final approval of By-law 569-2013.
4. The existing community appeal of By-law 569-2013 is intended to ensure that the current uses on the Subject Site are in conformity with the Official Plan.
5. We submit that the proposed intensification of uses on the Subject Site in accordance with Sec. 41 of the Act, (a) should be considered after final approval of By-law 569-2013, (b) requires a Committee of Adjustment application for possible minor variances under Sec. 45 of the Act that are consistent with Policy 4.6.6(i) of the Official Plan, and (c) must conform with the intent and purpose of the Official Plan to eliminate non-conforming uses in the long-term.

In light of the foregoing comments, we respectfully request that the decision regarding the proposed intensification of uses on the Subject Site be deferred until the existing community appeal of By-law 569-2013 is resolved in a manner that addresses the concerns of all affected parties, including City Council.

In the alternative, and in the public interest, it would be prudent to conduct a full environmental assessment of the Ingram industrial area to assess the impact of permitting unlimited development on a non-conforming lot formed by merging two separate lots historically separated by a road allowance. The proposed intensification of uses on the Subject Site will generate incremental externalities that will affect nearby properties, including the operation of the nearby public transfer station.

In our view, the consultation under such environmental assessment should address possible mitigation measures to offset the following externalities.

1. Increase in truck traffic on the road system.
2. Inadequate parking and circulation of trucks on site.
3. Inadequate landscaping for both outside storage and outside operations.
4. Greater incompatibility with adjacent and nearby properties with respect to land uses and built form.
5. Increase in dust.
6. Increase in noise and vibrations.
7. Increase in emissions and noxious odors.



Public Consultation

The public interest is well served by having the planning decision precede the environmental decision, however, the planning decision expressly requires public consultation prior to being finalized under the Act. Additionally, intensification of uses is a zoning matter that must satisfy the statutory test for conformity with the Official Plan. The required public consultation process in accordance with the Act is outlined in the Official Plan and the implementing zoning by-law (i.e. By-law 569-2013).

We further submit that the conversion of a primary use *inside* a building on a site, to a primary use entirely *outside* a building on the same site, requires a zoning amendment and an Official Plan amendment by City Council.

Yours truly,

DALICOM GROUP INC.

Frank Di Giorgio, M.B.A.
Principal