

**COMMITTEE OF THE WHOLE (CLOSED SESSION) – MAY 12, 2021****COMMUNICATIONS**

<b><u>Distributed May 11, 2021</u></b>		<b><u>Item</u></b>
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**Disclaimer Respecting External Communications**

Communications are posted on the City's website pursuant to Procedure By-law Number 7-2011. The City of Vaughan is not responsible for the validity or accuracy of any facts and/or opinions contained in external Communications listed on printed agendas and/or agendas posted on the City's website.

Please note there may be further Communications.

**COMMUNICATION – C1  
ITEM 5  
Committee of the Whole (Closed Session)  
May 12, 2021**

**From:** [Simone Barb](#)  
**To:** [Coles, Todd](#); [Carella, Tony](#)  
**Cc:** [Iafrate, Marilyn](#); [Ferri, Mario](#); [Bevilacqua, Maurizio](#); [Robert A. Kenedy](#); [Richard Lorello](#); [IRENE FORD](#); [Phyllis Barbieri](#); [Jackson, Linda](#); [DeFrancesca, Rosanna](#); [Shefman, Alan](#); [Suppa, Frank](#); [Michaels, Gus](#); [Racco, Sandra](#); [Rosati, Gino](#); [Angie Piro](#); [Ryan Stern](#); [Noor Javed](#); [Bob Moroz](#); [Keep Vaughan Green](#); [Guerette, Christian](#); [alexandra ney](#)  
**Subject:** [External] Fwd: 5550 Langstaff April 22/2021  
**Date:** Friday, April 23, 2021 3:31:21 PM

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Hello Todd,

This is an email I received from Celeste Dugas District Manager of the MEPC York Durham district Office.

Todd can you please add this communication to the public record of special committee meeting regarding 5550 Langstaff.

Regards,  
Simone Barbieri

Sent from my iPhone

Begin forwarded message:

**From:** "Dugas, Celeste (MECP)" <Celeste.Dugas@ontario.ca>  
**Date:** April 23, 2021 at 2:52:18 PM EDT  
**To:** Simone Barb [REDACTED] >  
**Cc:** "Brown, Andrea (MECP)" <Andrea.J.Brown@ontario.ca>, "McNeice, Matt (MECP)" <Matt.McNeice@ontario.ca>, "Sones, Kristen (MECP)" <Kristen.Sones@ontario.ca>  
**Subject:** FW: 5550 Langstaff April 22/2021

Simone

In order to ensure future users of a property are protected, a property owner who wants to change the use of a property to a more sensitive use (e.g., residential on a former industrial site), must first demonstrate to the ministry that applicable site condition standards have been met considering the environmental setting and future use.

The Environmental Protection Act requires that a record of site condition (RSC) be submitted and filed in the Environmental Site Registry (ESR) prior to the change of use. A record of site condition is a document that confirms that a property meets the standards applicable for its intended use and the process for submission of an RSC is set out in Ontario Regulation 153/04.

Section 168.3.1 of the Environmental Protection Act, prohibits certain changes in property use unless an RSC is filed. This prohibition makes it mandatory for a property owner to file an RSC before changing the use of a property to a more sensitive use and this is applicable law under the Building Code Act.

As discussed, the ministry identified in our June 25, 2018 letter to the City of Vaughan and property owner, that submission of a new RSC for the Residential Parcel of the Phase 2 lands is required prior to a change to a more sensitive use on these lands.

To date the ministry has not received a new RSC submission for the Residential Parcel.

Regards,

***Celeste Dugas***

District Manager  
York Durham District Office

Ministry of Environment, Conservation and Parks  
Ministère de l'Environnement, de la Protection de la nature et des Parcs  
230 Westney Road South, 5<sup>th</sup> Floor  
Ajax, ON L1S 7J5  
[celeste.dugas@ontario.ca](mailto:celeste.dugas@ontario.ca)  
Phone: (905)442-3105

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## COMMUNICATION – C2

### ITEM 5

#### Committee of the Whole (Closed Session)

May 12, 2021

**From:** [Simone Barb](#)  
**To:** [Phyllis Barbieri](#)  
**Cc:** [Richard Lorello](#); [Carella, Tony](#); [Coles, Todd](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Iafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas. MOE](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randall](#); [Andrea Brown](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Wednesday, April 21, 2021 1:29:13 PM  
**Attachments:** [letter to council 04202021.pdf](#)  
[ATT00001.htm](#)  
[20210129132018937.pdf](#)  
[ATT00002.htm](#)  
[20210106135918091 2.pdf](#)  
[ATT00003.htm](#)  
[2014 CoV Contaminated Sites Policy Update 2.pdf](#)  
[ATT00004.htm](#)  
[new doc 2018-03-11 22.04.13 20181130135432.pdf](#)  
[ATT00005.htm](#)  
[Final Remediation Action Plan.pdf](#)  
[ATT00006.htm](#)

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Todd,

Please place this communications on the City website for the Special Council meeting regarding 5550 Langstaff. Please add my communication received today to Special Council meeting as well.

As well as the 2 Orders from the Ministry of Environment. As well as a copy of the court Order for the hauling as well.

Regards,  
Simone Barbieri



Mayor Maurizio Bevilacqua, Council, Staff, & Integrity Commissioner Susan Craig,

April 21/2021

After receiving Mr. Lorello's email yesterday, Mr. Carella's actions do not surprise me. As this is the first, I am hearing of this. ZERO communication or opportunity for our voices to be heard once again. This brings me back to when we arrived at council chambers for a public meeting in 2015 and Tony Carella blind side the community hammering out a back door deal with the developer 48 hours before the public hearing and then trying to kick us off the agenda without our voices being heard and forcing a road cut permit down our throats. Making dump trucks haul hazardous waste through our community. Without informing my family that we were an identified sensitive receptor, and that Mr. Gentile did not have an approved environmental Compliance Approval to even conduct any remedial operations on or off site since at least but not limited to April 4/2014.

This is a perfect example how the City of Vaughan has always pushed their obligation of community consultation out of the way and removing our voice to such a miss management brown filed site under the Provisions of Ministry of Environment and the Environmental Protection Act. Evaluating all the suppressed information is disturbing what lengths the City of Vaughan would go to with the developer to suppress critical information that would have changed the course of all the damages and harm that we have been subjected to over the course of this negatively miss managed site.

I am not sure what position the developer or Mr. Carella currently think they have that TRUMPS the protocol of the Environmental Protection Act to move forward a development application in such a reckless manner. The City of Vaughan does not have the authority to overrule the Guidelines of the Environmental Protection Act. Or even by-pass your own policy endorsed by this very council.

Let me provide everyone a recap. As you all received a copy of the current Directors order that still has not been complied with to date for the property of 5550 Langstaff. As I have attached the MEPC to this email if this statement is wrong please, I allow you to correct the update regarding the Directors orders.

Director's Order No.: 1-14673240 Addressed to 1668135 Ontario Inc, Antonio Gentile and Vlado Vujeva Regarding 5550 Langstaff. This Order was issued out on Jan 6/2021 and following this Order a following Directors order was issued on Jan 29/2021.

These Orders have not been complied with to date. As well to date according to Andrea Brown from the MEPC there has been no application of RSC submitted and there has been no RSC for the phase 2 property issued by the Ministry of Environment.

As well if Mr. Gentile has a lawsuit against the City of Vaughan, what puts the City in a position to negotiate anything with Mr. Gentile. As well without an RSC registered to the property and a

massive pile of waste currently on the property where does the City of Vaughan think its appropriate to even entertain a development application.

We have been suffering for years with no supports or protection from the developer and the City of Vaughan. We have been subjected and forced to live through very cruel living conditions that have taken our right a way for a quality of life everyone is entitled to. We have been greatly adversely affected by the gross negligent actions of this developer and the City of Vaughan.

Mr. Carella referencing back to your audio discussion. You have reached a new low with community safety and respect and lack of transparency.

Your argument is complete lies and more lies. As you sate their and lied about the history of this property and were speaking negatively about 1 family which we all know you meant my family. I and my family are completely disgusted that in the course of time you have never once acted as our Ward 2 councillor and in good faith. You as are Ward 2 councillor had a part in suppressing critical and vital information as my family home has been identified as a sensitive receptor and that Mr. Gentile operated without an Environmental Compliance approval for over 6. As well that remediation of this waste was to be conducted at a minimum of 205 meters away from All identified sensitive receptors.

You have also failed to mention that at every stage that the City of Vaughan supported the developer to put infrastructure on the property it was without proper compliance approvals in place according to My Ministry of Environment FOI file of information, email communications and reports, even a letter written from York Region stating that if there is not a RSC for the property the infrastructure can not move forward but yet all the above was ignore and the infrastructure was installed.

After speaking with Celeste Dugas of the Ministry of Environment to April 21/2021 @ 10:00 am the following questions were asked and answered, and I invite Mrs. Dugas to correct me if I am wrong with the following break down.

**Question 1 was:** Have the Current Director's Orders been complied with by the Developer of the Property?

**Celeste Dugas response was:** NO, they have not been complied with. They are still outstanding.

**Question 2 was:** the waste that currently sits on the site. Can that waste be reused on the site for development or any other purpose?

**Celeste Dugas Response was:** No, it can not be reused on the site. It would have to be removed.

**Question 3 was:** With respect to development of the phase 2 lands can the City of Vaughan enter into a subdivision agreement with the developer to allow development on the property?

**Celeste Dugas Response:** NO, they can not, Development of foundations, occupancy, and sales of home can not happen in the current state of the site without a register RSC and with the current orders outstanding.

**Question 4 was:** is a Record of Site Condition for the Property been given to the developer for the phase 2 lands?

**Celeste Dugas Response was:** No there is no RSC for the property.

After having that conversation with Mrs. Celeste Dugas of the MEPC. I am asking where do you Mr. Carella or Wendy Law, or City staff, have the right to discuss any form of subdivision agreement with a developer that has allegedly according to directors' orders been reckless with his operation and broken many Ontario Regulations in the process of removing the waste off the site?

Mr. Carella I and my family are completely insulted with your continued position on this site. What my family has been through, subjected to has been so degrading that my mom has moved out because the devastation of harm and damages to our lifestyle and home has truly broke her. Your position in the audio recording from April 20/2021 is not for the benefit of my family or community or the Ministry of Environment EPA to be respected. It is to the benefit of your self-serving agenda and the developer to capitalize on the hot housing Market at any reckless length to get their. NO matter what law is broken, what legislation is ignored and or what policy and framework is ignored and or not adhere to.

Thank you for confirming that all the waste from phase 1 lands was stockpile on the phase 2 lands as according to the developer that was all removed. In my opinion I suggest before you go speaking lies you might want to get your scripted narrative in line if you are going to continue to lie about the events of operation of 5550 Langstaff and continue suppressing information and the truth. Also lets all be reminded that Mr. Karrass the Proponents then lawyer went on record confirming contamination and hotspots of contamination on the property. Mr. Carella please check your records before you speak and continue in my opinion belittle our damages and what we have been subjected to with no support from you or staff or bylaw and calling all my emails for help and concern frivolous and vexatious.

I strongly suggest that the City of Vaughan start do what is right and stop hurting and harming innocent people and damaging homes and families in the process. Because my family will forever be stigmatized by the gross negligence, harm, and damages we have been degrade and forced to live through.

So, Mr. Carella, Mayor, staff, council, and Mrs. Wendy Law, no meeting should be taking place, no subdivision agreement should be hammered out. The Only office that the developer should be speaking with is the MEPC not the City of Vaughan.

Regards,  
Simone Barbieri

Ministry of the Environment,  
Conservation and Parks  
Central Region  
York Durham District Office  
1091 Gorham Street, Suite 102  
Newmarket, ON L3Y 8X7  
Toll-Free : 1-800-376-4547  
Telephone.: 905-427-5600  
Fax: 905-836-9209

Ministère de l'Environnement, de la  
Protection de la nature et des Parcs  
Région du Centre  
Bureau de district de York Durham  
Suite 102, 1091 Rue Gorham  
Newmarket, ON L3Y 8X7  
Sans frais : 1-800-376-4547  
Téléphone : 905 427-5600  
Télécopieur : 905 836-9209

Friday January 29, 2021

1668135 Ontario Inc.  
166 Gentile Circle  
Woodbridge, ON  
L4H 3N3

Antonio Gentile  
166 Gentile Circle,  
Woodbridge, ON  
L4H 3N3

Vlado Vujeva  
6 Eastglen Crescent  
Etobicoke, ON  
M9B 4P7

**Re: Director's Order No.: 1-14673240**

**Site: 5550 Langstaff Road, Vaughan**

I am mailing to each of you a copy of the enclosed Director's Order No. 1-14673240 that I have issued today to all of you, 1668135 Ontario Inc., Antonio Gentile and Vlado Vujeva.

The Director's Order sets out work that must be done by the dates indicated and has been issued in response to the Request for Review dated January 15, 2021 that was made with respect to the Provincial Officer's Order 1-14169693.

Please **note** the Appeal to the Environmental Review Tribunal Information in the Director's Order at pages 6 and 7. The email address and fax number that has not been included on page 6 are [celeste.dugas@ontario.ca](mailto:celeste.dugas@ontario.ca) at (905) 836-9209.

This Director's Order is being served by mail and is deemed to be served five days after the day of mailing, on January 29, 2021.

For convenience I am also sending a copy of this letter and Director's Order by email today to the Ministry people involved as well as to Antonio Gentile, Vlado Vujeva and the legal counsel who has been recently involved.

If you have any questions about the Director's Order do not hesitate to contact me at [celeste.dugas@ontario.ca](mailto:celeste.dugas@ontario.ca) or at (905) 836-9209.

Yours truly,



Celeste Dugas  
District Manager

[Matt.mcneice@ontario.ca](mailto:Matt.mcneice@ontario.ca)  
[Kristen.sones@ontario.ca](mailto:Kristen.sones@ontario.ca)  
[Norm.rankin@ontario.ca](mailto:Norm.rankin@ontario.ca)  
[tony@castlemanorhomes.ca](mailto:tony@castlemanorhomes.ca)  
[vlado@vujeva.com](mailto:vlado@vujeva.com)  
[drees@mpdlawfirm.com](mailto:drees@mpdlawfirm.com)

## Director's Order

*Environmental Protection Act*, R.S.O. 1990, c. E.19 (EPA)  
*Nutrient Management Act*, 2002, S.O. 2002, c. 4 (NMA)  
*Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (OWRA)  
*Pesticides Act*, R.S.O. 1990, c. P.11 (PA)  
*Safe Drinking Water Act*, 2002, S.O. 2002, c. 32 (SDWA)

Order Number

1-14673240

### Order Issued To

1668135 ONTARIO INC.  
166 GENTILE CIRCLE , VAUGHAN, ON, L4H 3N3

ANTONIO GENTILE  
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

VLADO VUJEVA  
6 EASTGLEN CRESCENT, TORONTO, ON, M9B 4P7

### Site

1668135 Ontario Inc (5550 Langstaff Rd)  
5550 LANGSTAFF RD, VAUGHAN, ON, L4H 3N5

Unless specified herein, capitalized terms used in this Director's Order have the meanings set out in the Definitions section in the Provincial Officer's Report, Part B of the Provincial Officer's Order, a copy of which is attached.

### WORK ORDERED:

Pursuant to my authority under **EPA - s. 157.3**, I order you, jointly and severally, to do the following:

Item No.1      **Compliance Date:** 02/19/2021

By February 19, 2021 , submit to the undersigned Provincial Officer, by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca), a report on all the activities undertaken at the Site during the period of September 1, 2020 until December 31, 2020. The report must include a daily log to indicate what activity, if any, was being carried on including without limitation the following:

- (a) any sorting or movement of the Soil and/or the Waste on Site;
- (b) any shipment of Soil and/or Waste off-site; and
- (c) any Waste being brought back onto the Site.

Item No.2

**Compliance Date:** 03/05/2021

By March 5, 2021, submit to the Provincial Officer Matt McNeice, by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca), a report providing details on the trucking activities relating to the movement of Waste at the Site during the period of September 1, 2020 until December 31, 2020. The report must include the following information:

- (a) the name of the person(s) supervising and/or responsible for arranging the trucking activities;
- (b) the details regarding the trucks involved and quantity of Waste being hauled;
- (c) the locations where the Waste was sent;
- (d) any detailed information regarding the quality or nature of the Waste that was provided to the locations where the Waste was sent; and
- (e) details regarding any truck loads that returned Waste to the Site and why it was returned.

Item No.3

**Compliance Date:** 02/05/2021

Upon service of this Director's Order, no Waste shall be removed from the Site, unless there has been submitted to Provincial Officer Matt McNeice by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca) the following proposed information and the Ministry has confirmed receipt of the information and acknowledged that the Waste can be removed as proposed:

- (a) the licence plate of each truck to be used to transfer the Waste and the details of the Environmental Compliance Approval or Environmental Activity Sector Registry under which the truck is operating;
- (b) the address where the Waste is destined for disposal or transfer and the details of the Environmental Compliance Approval under which that site is operating and confirmation that that site is authorized to, and has agreed to, receive the Waste; and
- (c) the estimated volume of Waste that is destined for the receiving site.

## REQUEST FOR REVIEW

I have reviewed the Provincial Officer's Order **1-14169693** signed **01/06/2021**. I have considered the Request for Review and accompanied submissions and met with the Issuing Officer, **Matt McNeice** to discuss the Provincial Officer's Order and the submissions.

For convenience and ease of reference I have attached a copy of the Provincial Officer's Order excluding the Review and Appeal Information and Additional Information sections that are not

relevant to this Director's Order.

The Work Ordered Items set out above replace the Work Ordered Items in the Provincial Officer's Order.

The Provincial Officer's Report in the Provincial Officer's Order is hereby incorporated into, and forms part of, this Director's Order except as may be noted below.

In response to your Request for Review, I have made the following changes:

Due to technical difficulties I was not able to respond to the Request for Review within 7 days and accordingly the Provincial Officer's Order has been deemed to be confirmed. However, I have the authority to amend the deemed Director's Order and am hereby doing so.

I have extended the compliance dates but not to the requested April 30, 2021 date. Item No. 1 simply requires a summary of the activities at the Site which should be readily available. Accordingly I have amended that date to February 19, 2021. Item No. 2 has been amended to March 5, 2021 as it involves more detailed reporting which may include the consultation with third parties.

I have not replaced the references to "Waste" with "Soil and/or Waste". The defined terms are clear in the Provincial Officer's Report.

I have not removed Vlado Vujeva as requested.

I have added a new Item No. 3 to deal with the ongoing activities regarding the removal of Waste from the Site.

## **REASONS FOR RESPONSE**

The following sets out a summary of the Request for Review submissions and my responses to them and the reasons for such responses.

The February 19, 2021 compliance date for Item No. 1 is reasonable as it is only a record of the activities at the Site and do not require and documentation from third parties. Sub-paragraphs a) and b) relate to the Soil and/or Waste activities and sub-paragraph c) deals with any Waste being brought back onto the Site.

The March 5, 2021 compliance date for Item No. 2 is reasonable given that the information regarding Waste activities has been requested even before the Order was issued.

As indicated in the Provincial Officer's Report Vlado Vujeva (listed at the bottom of page 3 as



Vujeva Vlado) is being ordered as a director and officer of the Company. The Request for Review incorrectly states that he is only the Treasurer. As a director he should have knowledge of, or involvement in, the facts at issue. Under the EPA section 194, as a director and officer he and Antonio Gentile both have a duty to take all reasonable care to prevent the Company from contravening any order.

I have added Item No. 3 to ensure that there is no misunderstanding and mistakes regarding removal of Waste at the Site. I understand that no material has left the Site since January 1, 2021 and what is remaining at the Site is all Waste as defined in the Provincial Officer's Report.

## **ATTACHMENTS**

The attachments listed below form part of this Director's Order:

A copy of Provincial Officer's Order Number 1-14169693 (6 pages only).

**ISSUING DIRECTOR**

**Name:** Celeste Dugas

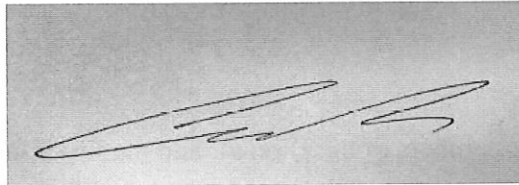
**Badge Number:** 763

**Address:** 230 WESTNEY RD S 5TH FLR, AJAX, ON, L1S 7J5

**Address:** 230 WESTNEY RD S 5TH FLR, AJAX, ON, L1S 7J5

**Email:** celeste.dugas@ontario.ca

**Date:** 2021/01/29



**Signature:**

## **APPEAL TO THE ENVIRONMENTAL REVIEW TRIBUNAL INFORMATION**

### **REQUEST FOR HEARING**

You may require a hearing before the Environmental Review Tribunal if, within 15 days of service of this Director's Order, you serve written notice of your appeal on the Environmental Review Tribunal and the Director. Your notice of appeal must state the portions of this Director's Order for which a hearing is required and the grounds on which you intend to rely at the hearing. Unless you receive permission (leave) from the Environmental Review Tribunal, you are not entitled to appeal a portion of this Director's Order or to rely on grounds of appeal that are not stated in the notice of appeal. Unless stayed by the Environmental Review Tribunal, this Director's Order is effective from the date of service.

### **CONTACT INFORMATION**

The address, email address and fax numbers of the Director and the Environmental Review Tribunal are:

The Secretary  
Environmental Review Tribunal  
655 BAY STREET, SUITE 1500  
TORONTO, ON M5G 1E5  
Fax: (416) 326-5370  
Fax Toll Free: 1(844)213-3474  
Email:  
[ERTTribunalSecretary@ontario.ca](mailto:ERTTribunalSecretary@ontario.ca)

and

Director  
Ministry of the Environment, Conservation and Parks  
York Durham District Office  
230 WESTNEY RD S  
, 5TH FLR  
AJAX, ON L1S 7J5

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained by contacting them directly:

Tel: (416) 212-6349

Fax: (416) 326-5370

Email: [erttribunalSecretary@ontario.ca](mailto:erttribunalSecretary@ontario.ca)

Webpage: [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

### **SERVICE INFORMATION**

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the legislation under which this Director's Order is made and any corresponding Service Regulation.

Please note that where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any of the above-mentioned timelines.

### **ADDITIONAL INFORMATION**

Failure to comply with a requirement of this Director's Order constitutes an offence.

The requirements of this Director's Order are minimum requirements only and do not relieve you from complying with the following:

- any applicable federal legislation;
- any applicable provincial requirements that are not addressed in this Director's Order; and
- any applicable municipal law.

The requirements of this Director's Order are severable. If any requirement of this Director's Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of this Director's Order.

Further orders may be issued in accordance with the legislation as circumstances require.

**The procedures to request a hearing and an appeal of this Director's Order and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at <https://www.ontario.ca/laws>.**



## Provincial Officer's Order

*Environmental Protection Act*, R.S.O. 1990, c. E.19 (EPA)  
*Nutrient Management Act*, 2002, S.O. 2002, c. 4 (NMA)  
*Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (OWRA)  
*Pesticides Act*, R.S.O. 1990, c. P.11 (PA)  
*Safe Drinking Water Act*, 2002, S.O. 2002, c. 32 (SDWA)

Order Number

1-14169693

### Order Issued To

1668135 ONTARIO INC.  
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

ANTONIO GENTILE  
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

VLADO VUJEVA  
6 EASTGLEN CRESCENT, TORONTO, ON, M9B 4P7

### Site

1668135 Ontario Inc.  
5550 LANGSTAFF ROAD, VAUGHAN, ON, L4H 3N5

Refer to the Definitions section in the Provincial Officer's Report, Part B of this Order, for the meaning of all the capitalized terms that are used in this Order.

### PART A - WORK ORDERED

This work is ordered pursuant to my authority under **EPA | 157.1, EPA | 157**, I order you, jointly and severally, to do the following:

Item No.1      **Compliance Date:** 01/22/2021

By January 22, 2021, submit to the undersigned Provincial Officer, by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca), a report on all the activities undertaken at the Site during the period of September 1, 2020 until December 31, 2020. The report must include a daily log to indicate what activity, if any, was being carried on including without limitation the following:

(a) any sorting or movement of the Soil and/or the Waste on Site;

- (b) any shipment of Soil and/or Waste off-site; and
- (c) any Waste being brought back onto the Site.

Item No.2

**Compliance Date:** 01/29/2021

By January 29, 2021, submit to the undersigned Provincial Officer, by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca), a report providing details on the trucking activities relating to the movement of Waste at the Site during the period of September 1, 2020 until December 31, 2020. The report must include the following information:

- (a) the name of the person(s) supervising and/or responsible for arranging the trucking activities;
- (b) the details regarding the trucks involved and quantity of Waste being hauled;
- (c) the locations where the Waste was sent;
- (d) any detailed information regarding the quality or nature of the Waste that was provided to the locations where the Waste was sent; and
- (e) details regarding any truck loads that returned Waste to the Site and why it was returned.

## **PART B - PROVINCIAL OFFICER'S REPORT**

This Order is being issued for the reasons set out below.

### **Definitions**

For the purposes of this Order, the following capitalized terms shall have the meanings set out below:

"Company" means 1668135 Ontario Inc.

"EPA" means the Environmental Protection Act, R.S.O. 1990, c. E.19.

"Ministry" means the Ministry of the Environment, Conservation and Parks.

"Provincial Officer" means the undersigned provincial officer or, in the event that the undersigned is unable to act, any other provincial officer authorized to act under the EPA.

"Site" means the property legally described as Parts 4 and 5 on Reference Plan 66R-35952, being part of Property Identifier Number (PIN) 03307-2291 (LT) and municipally referred to as part of 5550 Langstaff Road, City of Vaughan.

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Antonio Gentile is being ordered as he is the president and a director of the Company and the primary person dealing with the Ministry regarding the Site.

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Vujeva Vlado is being ordered as a director and officer of the Company, who together with Antonio Gentile, has management and control of the Site and activities taking place at the Site.



## Description of the Site and/or System/Facility

The Site was used as an unapproved landfill during the 1970s and early 1980s by a variety of waste management systems operating in the Greater Toronto Area for the disposal of primarily solid, non-hazardous, construction and demolition waste.

The Site is commonly referred to as the "Residential Parcel" of the second phase of the Ravines of Rainbow Creek residential subdivision development.

## Events Leading up to Order

- 1 The following summarizes some of the key events that have occurred prior to this Order:
  - (1) The Company purchased the Site, along with adjoining property, on December 14, 2007.
  - (2) The Ministry and the City of Vaughan have had concerns regarding actions taken by the Company and others at the Site during the remediation and development process.
  - (3) In June 2018 the Ministry acknowledged the filing of record of site condition number 224542 confirming that as of March 2017 the Site was suitable for residential use but also advised the Company and the City of Vaughan that a new record of site condition would be required to be submitted and acknowledged by the Ministry to confirm that it will be suitable for residential development in the future, because of activities conducted at the Site.
  - (4) Since 2017 significant quantities of Soil and Waste were deposited and stockpiled on the Site and subsequently removed.
  - (5) The Ministry has had numerous discussions with Antonio Gentile and his environmental and legal advisors as to what needed to be carried out to properly remove the excess Soil and all of the Waste from the Site and then submit an updated record of site condition.
  - (6) The City of Vaughan has been monitoring the activities at the Site regarding compliance with its municipal and development requirements.
  - (7) The nearby residents have been concerned about the activities at the Site and been providing information to the Ministry and the City of Vaughan on a regular basis regarding the Site and the trucking activities including a number of occasions when trucks were coming to the Site and dumping material thereon.

(8) In September I attended at the Site and observed that Soil was being removed.

(9) On November 6, 2020 the Ministry learned that Waste from the Site was illegally deposited at an approved fill site in Springwater Township.

(10) I attended the Site on November 6, 2020 and observed that Waste was being loaded onto trucks. I requested from Antonio Gentile and the Company person on Site information regarding the waste management trucking companies involved and where the Waste was being taken. Although I was given information regarding the names of the trucking companies, I did not receive all of the information that I requested and was required in order to determine whether the EPA was being complied with.

(11) The owner of the Springwater Township site is working with the Ministry and making arrangements to remove the Waste.

(12) In December I was advised of Waste from the Site being deposited at 18 Molson Road in Brant County and also being returned to the Site.

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(14) No information has since been provided and, as indicated in the email, this Order is being issued for the Ministry to proceed on a more formal basis.

### **Authority to Issue the Order**

I am issuing this Order under my authority as a Provincial Officer under the following legislation, including the applicable sections providing for consequential authority, namely EPA 196, OWRA 104, and/or SDWA 162:

I have the authority as a Provincial Officer to issue orders under the EPA to further the purpose of the EPA, namely "to provide for the protection and conservation of the natural environment".

This Order is issued pursuant to subsection 157(1) of the EPA. I reasonably believe that the parties named in this Order (Orderees) have contravened section 40 of the EPA regarding depositing, or causing, permitting or arranging for the deposit of Waste upon land that is not a waste disposal site for which an environmental compliance approval has been issued and that Antonio Gentile has contravened subsection 184(4) of the EPA by refusing to provide information to the Ministry.

Set out in this Order is a brief description of the nature, and the locations, of the contraventions.

This Order is also being issued pursuant to subsection 157.1(1) of the EPA. I reasonably believe

that the requirements of this Order are necessary or advisable so as to prevent, decrease or eliminate an adverse effect that may result from the presence of any Waste on the Receiving Sites

**Contraventions**

EPA   184   (4)	(4) No person shall refuse to furnish any provincial officer, the Minister, the Ministry or any employee in or agent of the Ministry with information required for the purposes of this Act and the regulations.
EPA   40	40. No person shall deposit, or cause, permit or arrange for the deposit of, waste upon, in, into or through any land or land covered by water or in any building that is not a waste disposal site for which an environmental compliance approval or renewable energy approval has been issued or a registration under Part II.2 is in effect and except in accordance with the terms and conditions of the approval or the regulations made for the purposes of Part II.2.

Ministry of the Environment,  
Conservation and Parks  
Central Region  
York Durham District Office  
1091 Gorham Street, Suite 102  
Newmarket, ON L3Y 8X7  
Toll-Free : 1-800-376-4547  
Telephone.: 905-427-5600  
Fax: 905-836-9209

Ministère de l'Environnement, de la  
Protection de la nature et des Parcs  
Région du Centre  
Bureau de district de York Durham  
Suite 102, 1091 Rue Gorham  
Newmarket, ON L3Y 8X7  
Sans frais : 1-800-376-4547  
Téléphone : 905 427-5600  
Télécopieur : 905 836-9209

Wednesday January 6, 2021

1668135 Ontario Inc.  
166 Gentile Circle  
Woodbridge, ON  
L4H 3N3

Antonio Gentile  
166 Gentile Circle,  
Woodbridge, ON  
L4H 3N3

Vlado Vujeva  
6 Eastglen Crescent  
Etobicoke, ON  
M9B 4P7

**Re: Order No.: 1-14169693**

**Site: 5550 Langstaff Road, Vaughan**

I am mailing to each of you a copy of the enclosed Order No. 1-14169693 that I have issued today to all of you, 1668135 Ontario Inc., Antonio Gentile and Vujeva Vlado.

The Order sets out work that must be done by the dates indicated. As you may be aware, non-compliance with the Order by the corporation is an offence under the legislation as is the failure to carry out the director and officer duty of care.

Please **note** the review/appeal information in the Order at pages 9 and 10. The email address and fax number that has not been included on page 9 are [celeste.dugas@ontario.ca](mailto:celeste.dugas@ontario.ca) at (905) 836-9209.

I am able to amend the Order unless you Request a Review at which time it will be up to my District Manager, Celeste Dugas, to deal with the Order requirements.

This Order is being served by mail and is deemed to be served five days after the day of mailing, on January 6, 2021.

For convenience I am also sending a copy of this letter and the Order by email today to the Ministry people involved as well as to Antonio Gentile, Vlado Vujeva and the legal counsel who has been recently involved.

If you have any questions about the Order do not hesitate to contact me at (705) 733-4387 or by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca).

Yours truly,



Matt McNeice  
Provincial Officer #209

[Celeste.dugas@ontario.ca](mailto:Celeste.dugas@ontario.ca)  
[Kristen.sones@ontario.ca](mailto:Kristen.sones@ontario.ca)  
[Norm.rankin@ontario.ca](mailto:Norm.rankin@ontario.ca)  
[tony@castlemanorhomes.ca](mailto:tony@castlemanorhomes.ca)  
[vlado@vujeva.com](mailto:vlado@vujeva.com)  
[drees@mpdlawfirm.com](mailto:drees@mpdlawfirm.com)

## Provincial Officer's Order

*Environmental Protection Act*, R.S.O. 1990, c. E.19 (EPA)  
*Nutrient Management Act*, 2002, S.O. 2002, c. 4 (NMA)  
*Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (OWRA)  
*Pesticides Act*, R.S.O. 1990, c. P.11 (PA)  
*Safe Drinking Water Act*, 2002, S.O. 2002, c. 32 (SDWA)

### Order Number

1-14169693

### Order Issued To

1668135 ONTARIO INC.  
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

ANTONIO GENTILE  
166 GENTILE CIRCLE, VAUGHAN, ON, L4H 3N3

VLADO VUJEVA  
6 EASTGLEN CRESCENT, TORONTO, ON, M9B 4P7

### Site

1668135 Ontario Inc.  
5550 LANGSTAFF ROAD, VAUGHAN, ON, L4H 3N5

Refer to the Definitions section in the Provincial Officer's Report, Part B of this Order, for the meaning of all the capitalized terms that are used in this Order.

## PART A - WORK ORDERED

This work is ordered pursuant to my authority under **EPA | 157.1**, **EPA | 157**, I order you, jointly and severally, to do the following:

Item No.1      **Compliance Date:** 01/22/2021

By January 22, 2021, submit to the undersigned Provincial Officer, by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca), a report on all the activities undertaken at the Site during the period of September 1, 2020 until December 31, 2020. The report must include a daily log to indicate what activity, if any, was being carried on including without limitation the following:

(a) any sorting or movement of the Soil and/or the Waste on Site;

- (b) any shipment of Soil and/or Waste off-site; and
- (c) any Waste being brought back onto the Site.

Item No.2

**Compliance Date:** 01/29/2021

By January 29, 2021, submit to the undersigned Provincial Officer, by email at [matt.mcneice@ontario.ca](mailto:matt.mcneice@ontario.ca), a report providing details on the trucking activities relating to the movement of Waste at the Site during the period of September 1, 2020 until December 31, 2020. The report must include the following information:

- (a) the name of the person(s) supervising and/or responsible for arranging the trucking activities;
- (b) the details regarding the trucks involved and quantity of Waste being hauled;
- (c) the locations where the Waste was sent;
- (d) any detailed information regarding the quality or nature of the Waste that was provided to the locations where the Waste was sent; and
- (e) details regarding any truck loads that returned Waste to the Site and why it was returned.

## **PART B - PROVINCIAL OFFICER'S REPORT**

This Order is being issued for the reasons set out below.

### **Definitions**

For the purposes of this Order, the following capitalized terms shall have the meanings set out below:

"Company" means 1668135 Ontario Inc.

"EPA" means the Environmental Protection Act, R.S.O. 1990, c. E.19.

"Ministry" means the Ministry of the Environment, Conservation and Parks.

"Provincial Officer" means the undersigned provincial officer or, in the event that the undersigned is unable to act, any other provincial officer authorized to act under the EPA.

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**ISSUING OFFICER**

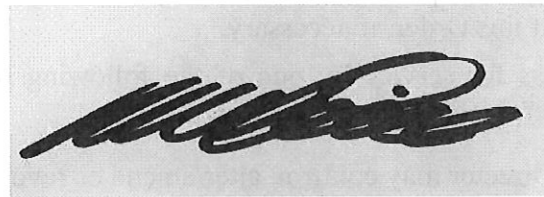
**Name:** Matt McNeice

**Badge Number:** 209

**Address:** 230 WESTNEY RD S 5TH FLR, AJAX, ON, L1S 7J5

**Email:** matt.mcneice@ontario.ca

**Date:** 2021/01/06



**Signature:**

## **REVIEW AND APPEAL INFORMATION**

### **REQUEST FOR REVIEW**

You may request that this Order be reviewed by the Director. Your request must be made in writing or orally with written confirmation. Your written request or written confirmation of your oral request must be served on the Director within 7 days after the date this Order was served on you and must be served on the Director at the address, email address or fax number in the Contact Information below.

In your written request or written confirmation, you must:

- Specify the portions of this Order that you wish to be reviewed.
- Include any submissions to be considered by the Director with respect to issuance of this Order to you or any other person and within respect to the contents of this Order.
- Apply for a stay of this Order, if necessary.
- Provide an address for service by one of the following means, in person, by mail, by commercial courier, by fax, or by email.

In response to your request, the Director may confirm, alter/amend or revoke this Order.

The Director will serve you with a copy (written notice) of the decision to revoke this Order or of an order, a Director's Order, to confirm or alter/amend this Order, together with reasons.

### **DEEMED CONFIRMATION OF THIS ORDER**

If within 7 days of the Director receiving your request for review you do not receive oral or written notice of the Director's decision on your request for review, this Order is considered (deemed) to have been confirmed by order of the Director and deemed to have been served upon you at the expiry of those 7 days.

### **APPEAL INFORMATION (REQUIRE A HEARING)**

A. If this Order is deemed confirmed as explained above, you may require a hearing by the Environmental Review Tribunal on the deemed confirmed order within 15 days of the deemed service date:

- You must serve written notice of your appeal on the Environmental Review Tribunal and the Director within those 15 days of the deemed service date.

- Your notice must state the portions of the deemed confirmed order for which a hearing is required and the grounds on which you intend to rely at the hearing.
- Unless you have permission (leave) of the Environmental Review Tribunal, you are not entitled to appeal a portion of the deemed confirmed order or to rely on grounds of appeal that are not stated in your notice requiring the hearing.
- Unless stayed by the Environmental Review Tribunal, the deemed confirmed order is effective from the deemed service date.
- Written notice requiring a hearing must be served at the address, email or fax number for the Environmental Review Tribunal and the Director in the Contact Information below.

If this Order is confirmed or altered/amended by the Director by a written order served upon you (as opposed to the deemed confirmation noted above), such Director's Order will include the appropriate instructions for appealing that order to the Environmental Review Tribunal.

#### **CONTACT INFORMATION**

The address, email address and fax numbers of the Director and the Environmental Review Tribunal are:

The Secretary  
Environmental Review Tribunal  
655 BAY STREET, SUITE 1500  
TORONTO, ON M5G 1E5

Director (Provincial Officer's Orders)  
Ministry of the Environment, Conservation and Parks  
York Durham District Office  
230 WESTNEY RD S  
, 5TH FLR  
AJAX, ON L1S 7J5

Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal:

Tel: (416) 212-6349

Fax: (416) 326-5370

Email: [erttribunalSecretary@ontario.ca](mailto:erttribunalSecretary@ontario.ca)

Webpage: [www.olt.gov.on.ca](http://www.olt.gov.on.ca)

#### **SERVICE INFORMATION**

Service of the documentation referred to above can be made personally, by mail, by fax, by commercial courier or by email in accordance with the legislation under which this Order is made and any corresponding Service Regulation.

Please note that where service is made by mail, it is deemed to be made on the fifth day after the date of mailing and choosing service by mail does not extend any of the above-mentioned timelines.

### **ADDITIONAL INFORMATION**

Unless stayed by the Director or the Environmental Review Tribunal, this Order is effective from the date of service.

Failure to comply with a requirement of this Order constitutes an offence.

The requirements of this Order are minimum requirements only and do not relieve you from complying with the following:

- any applicable federal legislation;
- any applicable provincial requirements that are not addressed in this Order; and
- any applicable municipal law.

The requirements of this Order are severable. If any requirement of this Order, or the application of any requirement to any circumstance, is held invalid, such finding does not invalidate or render unenforceable the requirement in other circumstances nor does it invalidate or render unenforceable the other requirements of this Order.

Further orders may be issued in accordance with the legislation as circumstances require.

**The procedures to request a review by the Director or require a hearing and other information provided above are intended as a guide. The legislation should be consulted for additional details and accurate reference. Further information can be obtained from e-Laws at <https://www.ontario.ca/laws>.**



**CITY OF VAUGHAN  
POLICY AND PROCEDURES FOR DEALING WITH  
CONTAMINATED OR POTENTIALLY CONTAMINATED SITES  
UPDATED JANUARY 2014**



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### ATTACHMENTS

*City of Vaughan Site Screening Questionnaire*  
*Letter of Reliance Template*  
*City of Vaughan Environmental Remedial Action Plan (RAP) Requirements*

## **1.0 Introduction**

Soil, ground water, and/or sediment quality can have a direct impact on human and ecological health. In order to minimize risk of health impacts, brownfield and contaminated sites with impacted soils, ground water, and/or sediment are severely restricted in terms of the uses that can occur on the lands.

Redevelopment and intensification will likely result in the identification of an increasing number of brownfield and contaminated sites. These sites may be found in Intensification Areas, where a significant portion of new growth in the City of Vaughan is being directed.

### **1.1 Purpose**

This document provides an update to the City of Vaughan's *Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites* that was originally adopted by Council on May 14, 2001. The policy's intent is to ensure contaminated or potentially contaminated sites within the City of Vaughan are addressed according to Provincial statutes and regulations, York Region standards, and best management practices to permit development or redevelopment, and to ensure that lands being conveyed to the City meet the applicable environmental standards. As significant updates have occurred to the legislation relating to contaminated sites since 2001, an update to the policy is required to ensure the City's environmental review process is consistent with current industry practices and regulations as well as remaining effective and efficient for Vaughan's development application review process.

The requirements outlined in this updated policy are consistent with those prescribed by *Ontario Regulation (O. Reg.) 153/04* (as amended) but also encompass the guiding principals and recommendations contained in Ontario Ministry of the Environment (MOE) Guidance documents in order to capture those development applications where the land use does not change or the proposed development does not result in a change to a more sensitive land use.

Although this document supersedes the 2001 *Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites*, the protocols prescribed in this update have remained largely unchanged. Where applicable, reference should be made to the original policy document and background report if further insight on the development of the policy is required.

## **2.0 Governing Policies, Plans, and Legislative Background**

The following provides a summary of the applicable provincial and municipal policies, plans, and legislation which has guided the development of the City's policy on dealing with brownfields and contaminated or potentially contaminated sites.

### **2.1 Official Plans and Policies**

#### **2.1.1 Provincial Policy Statement, 2005**

The Provincial Policy Statement, 2005 (PPS) provides direction for the entire province on matters of provincial interest related to land use planning and development. The following are excerpts from the PPS which relate to brownfield and contaminated sites:

##### ***1.7 Long-Term Economic Prosperity***

*1.7.1 Long-term economic prosperity should be supported by:  
c) promoting the redevelopment of brownfield sites;*

##### ***3.2 Human-Made Hazards***

*3.2.1 Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation measures to address and mitigate known or suspected hazards are under-way or have been completed.*

*3.2.2 Contaminated sites shall be remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

#### **2.1.2 Regional Municipality of York Official Plan Policies**

The Regional Municipality of York (York Region) comprises nine local municipalities including the City of Vaughan. The York Region Official Plan - 2010 was approved by the Minister of Municipal Affairs and Housing on September 7, 2010 and appealed to the Ontario Municipal Board (OMB). Section 5.2 of the York Region Official Plan addresses contaminated or potentially contaminated sites as follows:

*It is the policy of Council:*

*17. That local municipalities shall develop official plan policies and associated procedures for development on contaminated or potentially contaminated sites, including the use of community improvement plans where appropriate to promote brownfield site redevelopment.*

### 2.1.3 City of Vaughan Official Plan Policies

On September 7, 2010, the City of Vaughan Council adopted a new Official Plan (VOP 2010) as part of the City's integrated Growth Management Strategy. The Official Plan addresses all elements of effective, sustainable and successful city-building, while managing projected growth to 2031.

Section 3.8.1 of VOP 2010 (City of Vaughan Official Plan 2010 Volume 1, as Adopted by the Council of the City of Vaughan September 7, 2010, subject to Council modifications on September 27, 2011, March 20, 2012 and April 17, 2012, as endorsed by Regional Council on June 28, 2012) outlines the City of Vaughan's policy requirements with respect to soil quality and site remediation as follows:

*It is the policy of Council:*

*3.8.1.1. To support and encourage the cleanup, renewal and redevelopment of brownfield and other contaminated sites for a variety of uses.*

*3.8.1.2. That brownfields and other contaminated sites are a legacy of past or current use that must be addressed when new development or a change in land use is proposed. New development on or adjacent to brownfield sites must plan for the redevelopment and reintegration of the brownfield site. Secondary plans and other planning exercises will also be required to plan for the redevelopment of brownfield sites.*

*3.8.1.3. To encourage the use of municipal funding mechanisms and funding sources from other tiers of government to support the cleanup, renewal and redevelopment of brownfield and other contaminated sites.*

*3.8.1.4. That, where development is proposed on a site which, in the opinion of the City or other approval authority, may be contaminated due to previous use, environmental assessment reports are required to be submitted in accordance with provincial regulations and guidelines.*

*3.8.1.5. To require that, prior to considering to permit development on contaminated sites, the following be completed to the satisfaction of the City or other approval authority:*

*a. determination of the impacted area of the site, in consultation with the City or appropriate approval authority, on the basis of technical studies;*

*b. submission of studies by the proponent identifying the level of contamination of the site, proposed remediation measures and post clean-up conditions as deemed necessary for the proposed use; and*

*c. cleaning or remediation of the site in accordance with provincial criteria, the policies of this Plan, and the directions identified in studies submitted to support redevelopment.*

## 2.2 Legislative Framework

### 2.2.1 Environmental Protection Act

The *Environmental Protection Act* is Ontario's key legislation for environmental protection. The act grants the MOE broad powers to deal with the discharge of contaminants which cause negative effects. The act specifically:

- prohibits the discharge of any contaminants into the environment which cause or are likely to cause negative effects - and in the case of some approved contaminants requires that they must not exceed approved and regulated limits;
- requires that any spills of pollutants be reported and cleaned up in a timely fashion.

The *Environmental Protection Act* includes, among a number of items, authorization for the MOE to issue a control order where there is an adverse effect to the environment as well as prescribes the requirements for Environmental Compliance Approvals, Waste Management, and Spills. Records of Site Condition (RSCs) setting out the requirements for the assessment and cleanup of a property and prohibiting certain changes in the use of a property are detailed in Part XV.1 of the *Environmental Protection Act*. Part XV.2 contains special provisions reducing the potential liability from orders for municipalities and others who may need to undertake certain investigative or other actions related to brownfield sites.

### 2.2.2 Planning Act

The *Planning Act* legislates land use planning in Ontario and describes how land uses may be controlled, and who may control them. Section 2 of the *Planning Act* states that municipalities shall have regard to:

- (h) the orderly development of safe and healthy communities;*
- (o) the protection of public health and safety;*

While Part V, Section 34 relating to Contaminated lands; sensitive or vulnerable areas states:

*34. (1) Zoning by-laws may be passed by the councils of local municipalities:*

- 3.1 For prohibiting any use of land and the erecting, locating or using of any class or classes of buildings or structures on land,*
  - i. that is contaminated,*

- ii. *that contains a sensitive groundwater feature or a sensitive surface water feature, or*
- iii. *that is within an area identified as a vulnerable area in a drinking water source protection plan that has taken effect under the Clean Water Act, 2006.*

#### 2.2.3 Building Code Act, 1992

The *Environmental Protection Act* is linked to the *Building Code Act, 1992* by requiring that a RSC be filed before construction, if the building will be used in connection with certain property use changes. However, an exemption to the requirement for a RSC prior to issuance of a building permit can be made in cases where excavation and shoring are required, recognizing that site remediation often takes place in concert with building excavation and a RSC could not be filed until after an excavation has taken place.

#### 2.2.4 MOE Guideline for Use at Contaminated Sites in Ontario (1996)

The Guideline for Use at Contaminated Sites in Ontario (GUSCO) issued by the MOE in June of 1996 and revised in February 1997 provided advice and information to property owners and consultants on assessing the environmental condition of a property, determining whether or not restoration was required and options for clean-up based on background, generic, and site specific risk assessment approaches. It included details on undertaking site assessments, sampling and analysis, remedial work plans, and RSCs. GUSCO included a section on land use planning which outlined opportunities and considerations for using planning mechanisms to address potential concerns with the reuse or redevelopment of a contaminated or potentially contaminated sites.

The majority of the details in GUSCO have largely been formalized and legalized with the implementation of *O. Reg. 153/04*. The guidance and recommendations with respect to contaminated sites and land use planning were considered during the development of this policy and have been incorporated where applicable.

#### 2.2.5 Brownfields Statute Law Amendment Act (2001) and O. Reg. 153/04

In 2001, the Ontario government enacted the *Brownfield Statute Law Amendment Act*, which amended seven provincial statutes including the *Environmental Protection Act*, with the objective of encouraging the redevelopment of thousands of brownfield sites in Ontario. However, since compliance with the existing soil and ground water quality criteria was optional, owners and prospective owners of brownfield sites were reluctant to develop these sites because of concerns about potential liability and unknown future clean-up costs.



In 2004, the *Environmental Protection Act* was amended and *O. Reg. 153/04 – Records of Site Condition – Part XV.1 of the Act*, made under the *Environmental Protection Act*, was passed to address some of these concerns as well as to legalize and formalize the provisions originally set out in the 1996 MOE GUSCO. The regulation set out the technical requirements for conducting Environmental Site Assessments (ESAs), Site Remediation and Risk Assessments. Owners of brownfield sites or sites where a change in land use resulted in a more sensitive site (e.g., commercial or industrial to residential or parkland) were now required to provide RSCs indicating that their sites have been assessed and whether or not they met the soil, ground water and sediment quality criteria applicable to the proposed use of their sites. *O. Reg. 153/04* strengthened the quality criteria for soil, ground water and sediment from mere guidelines to standards, enforceable through RSCs.

In October 2004, the MOE issued a new guidance document entitled *Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition* that provided an overview of the new requirements under the *Environmental Protection Act* and other Acts and generally replaced the 1996 MOE GUSCO.

To address ongoing concerns related to RSCs and liability, *O. Reg. 153/04* was amended again in 2007 and in December 2009, to improve the integrity of RSCs, streamline risk assessments and set quality standards for soil brought to brownfield sites. The MOE also published updated soil and ground water quality standards for approximately 120 chemicals in their technical document entitled *Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act* (April 15, 2011) (MOE Soil, Ground water, and Sediment Standards). Most of these amendments and the updated quality standards came into force on July 1, 2011.

As prescribed by the legislation, the requirements of *O. Reg. 153/04* (as amended) and the filing of a RSC is mandatory wherever a property changes to a more sensitive land use (e.g., industrial/commercial to residential). The ESA reports completed to support the filing of an RSC must be conducted or supervised by a Qualified Person (QP), as defined by *O. Reg. 153/04* (as amended).

### **3.0 Scope of Application**

This policy applies to development proposals requiring Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Site Development applications, and where lands are being acquired by the City, except as otherwise stated in this policy.

This policy does not apply to applications for minor variance and severance where a change to a more sensitive land use is not contemplated. Draft Plan of Condominium applications also do not apply to this policy as they are addressed at the Official Plan, Zoning By-Law, or Site Development application stages.

### **4.0 Administration**

The Development Planning Department is responsible for ensuring all required information is received to facilitate the approval of development applications.

The Development/Transportation Engineering (DTE) Department is responsible for coordinating the review of environmental information relating to contamination or potential contamination at a site for a development application. The DTE Department will identify specific requirements to address contamination or potential contamination and will provide acceptance of ESA reports and related documentation.

### **5.0 Review Process**

As part of the Pre-Application Consultation (PAC) meeting request, the Proponent will be required to complete and submit a Site Screening Questionnaire. The value of the Site Screening Questionnaire assists in ensuring that the potential for adverse environmental effects are kept to a minimum to the extent practicable, without unduly restricting or slowing down the development review process.

The Development Planning Department will circulate the Site Screening Questionnaire to the DTE Department for review prior to the PAC meeting. The Proponent will be notified in the PAC meeting whether the development application will require the submission of ESA reports.

If ESA reports are required, the Proponent shall submit the reports to Development Planning Department who will then circulate to the DTE Department for review and comment. Comments from the DTE Department will be provided to the Development Planning Department who will then circulate to the Proponent.

If contamination or potential contamination on the subject lands is identified, the Proponent must then determine the course of action required to address and resolve the issues to the satisfaction of the City.



### 5.1 External Peer Review Option

At the discretion of the DTE Department, submitted ESA reports may be subject to an external peer review. The option to undertake an external peer review will be on a case-by-case basis but will generally depend on factors such as the previous or current use of the site, the degree or potential degree of contamination at the site, and/or the complexity of remediation/risk assessment undertaken or required. If an external peer review is deemed necessary, the Proponent will be notified and will be required to submit a deposit and pay for all costs associated with the peer review.

In those instances where a peer review is required, the City will rely on the review and recommendations of the City's environmental peer review consultant. However, the responsibility for ensuring that ESA reports and remedial/risk assessment work (if required) meet the applicable MOE requirements and the site is suitable for the intended use or reuse remains solely the responsibility of the Proponent and their environmental consultant's QP.

## 6.0 Scheduling and Timing

Where ESA(s) are required, the following shall apply with respect to the scheduling of the development application for consideration by the Committee of the Whole:

1. The requirement for ESA report(s) **will not** affect the scheduling of the Public Hearing on an application.
2. **Applications for Official Plan and Zoning By-law Amendment, Plan of Subdivision and Site Development shall not proceed to a Technical Report to the Committee of the Whole until such time as the DTE Department has informed the Development Planning Department that one of the following has occurred:**
  - i) The Proponent has submitted a Site Screening Questionnaire which has been completed to the satisfaction of the DTE Department and the information in the Site Screening Questionnaire along with a review of the City's files/records indicates no potential for environmental concern to the proposed development or adjacent properties; OR
  - ii) The Proponent has submitted ESA report(s) which have been completed to the satisfaction of the DTE Department, the ESA report(s) indicate that the subject lands are free of contamination, and/or the Proponent's QP indicates no further investigation is necessary and the lands are suitable for the proposed land use; OR
  - iii) The Proponent's ESA report(s) have identified areas of contamination and a Remedial Action Plan (RAP) has been prepared by the Proponent's QP, submitted, and reviewed to the satisfaction of the DTE Department. For Zoning By-law Amendments, the use of the 'H' Symbol shall be applied to



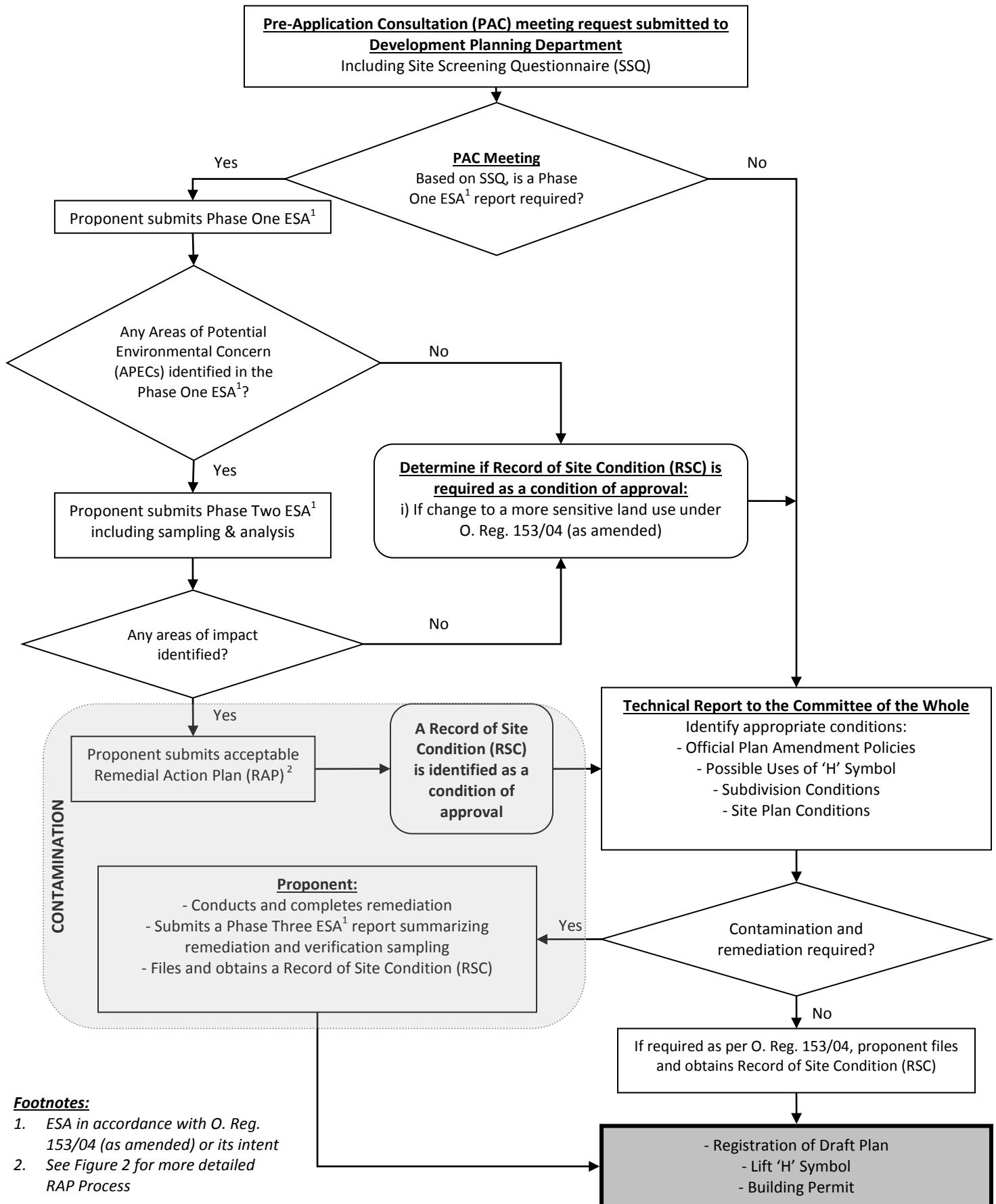
the application under these circumstances (refer to Section 8.1 for further details).

## **7.0 Submission Requirements**

This section provides a detailed description of the City of Vaughan's environmental site contamination document submission and review requirements for development applications.

A flow chart outlining the City's review process is provided on the following page (Figure 1) for ease of reference in understanding this policy's requirements.

**Figure 1: City of Vaughan Environmental Site Contamination Review Flow Chart**



## 7.1 Site Screening Questionnaire

A Site Screening Questionnaire (completed and signed by the Owner and, if applicable, purchaser and/or lessee of the subject lands) must be submitted to the Development Planning Department with every Pre-Application Consultation (PAC) meeting request. As part of the application, the Environmental Certification affidavit which the applicant swears to, will also apply to the Site Screening Questionnaire.

The Development Planning Department will forward the completed Site Screening Questionnaire and Environmental Certification to the DTE Department for review.

A copy of the Site Screening Questionnaire and Environmental Certification is included in Appendix A of this Policy.

## 7.2 Environmental Site Assessment (ESA) Reports

### 7.2.1 Phase One ESA Requirements

A Phase One ESA, in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) to the satisfaction of the City where a RSC is not mandatory, will be required as part of a development application submission prior to the Technical Report being considered by the Committee of the Whole, if **any** of the following circumstances apply:

- i) The proposal includes a change to a more sensitive land use as defined under *O. Reg. 153/04* (as amended).
- ii) The Site Screening Questionnaire indicates the potential or uncertainty for contamination on the subject lands that currently or historically have been use for non-residential purposes (e.g., landfill, industrial manufacturing, automotive related, gas station, dry cleaning, raw material storage) and presents an environmental concern to the proposed development or to the surrounding land uses.
- iii) Lands are to be deeded/conveyed to or acquired by the municipality including but not limited to roads, parks, woodlots, valley lands, storm water management facilities or where lands are being acquired by the City through real estate transactions outside of the development review process.
- iv) The City has any other information by which it has reason to suspect that the subject lands may have the potential for being contaminated presenting an environmental concern to the proposed development or to the surrounding land uses.

The submitted Phase One ESA must be completed by or under the supervision of a QP and reflect the **current conditions** of the subject lands. As such, the submitted Phase One ESA report should contain information and site data **no more than 18 months** from the time of the development application submission date. If the information in the report is beyond 18 months, then an update to the Phase One ESA will be required with the extent of the Phase One ESA update (e.g., update letter or full report) determined by the Proponent's QP in order to satisfy themselves that the information relied upon in the update provides an accurate environmental assessment of the current site conditions.

Exceptions to the requirement for a Phase One ESA report may be granted as determined on a case-by-case basis by the DTE Department (e.g., in the case of road widening, easements and acquisitions of a minor nature).

Reliance on submitted Phase One ESA report(s) must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.

#### 7.2.2 Phase Two ESA Requirements

A Phase Two ESA, in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) to the satisfaction of the City where a RSC is not mandatory, will be required as part of a development application submission that resolves the environmental concerns of the City prior to the Technical Report being considered by the Committee of the Whole, if **any** of the following circumstances apply:

- i) The Phase One ESA recommends a Phase Two ESA and/or identifies areas of potential environmental concern on the subject lands presenting an environmental concern to the proposed development or to the surrounding land uses.
- ii) Lands designated as park land and/or open spaces are being deeded/conveyed to the City. If areas of potential environmental concern are identified in the Phase One ESA, the Phase Two ESA on the park land and/or open spaces shall occur **prior** to the Technical Report to the Committee of the Whole AND, in all cases, a Phase Two ESA on the park land and/or open spaces shall be conducted **after** the City has certified the rough grading for the park land and/or open spaces but prior to placement of topsoil and landscaping.

The submitted Phase Two ESA must be completed by or under the supervision of a QP and reflect the **current conditions** of the subject lands. If the City has reason to believe the information in the Phase Two ESA report does not reflect or satisfy all of the environmental concerns on

the subject lands, then additional updates or supplemental ESA work may be required to the satisfaction of the City.

Reliance on submitted Phase Two ESA report(s) must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.

### 7.2.3 Phase Three ESA / Remedial Action Plan (RAP) requirements

A Phase Three ESA / Remedial Action Plan (RAP) in accordance with *O. Reg. 153/04* (as amended) will be required as part of the development application submission if the Phase Two ESA identifies soil, ground water, and/or sediment concentrations of contaminants on the subject land which exceed the applicable MOE Soil, Ground Water and Sediment Standards and remediation is necessary in order to make the site suitable for the intended use.

A RAP meeting the requirements outlined in the **City's Environmental Remedial Action Plan (RAP) checklist** (attached in Appendix A) shall be submitted by the Proponent for review and to the satisfaction of the DTE Department prior to the Technical Report to the Committee of the Whole. In some instances, the Proponent may be required to undertake a public communication program, to the satisfaction of the City.

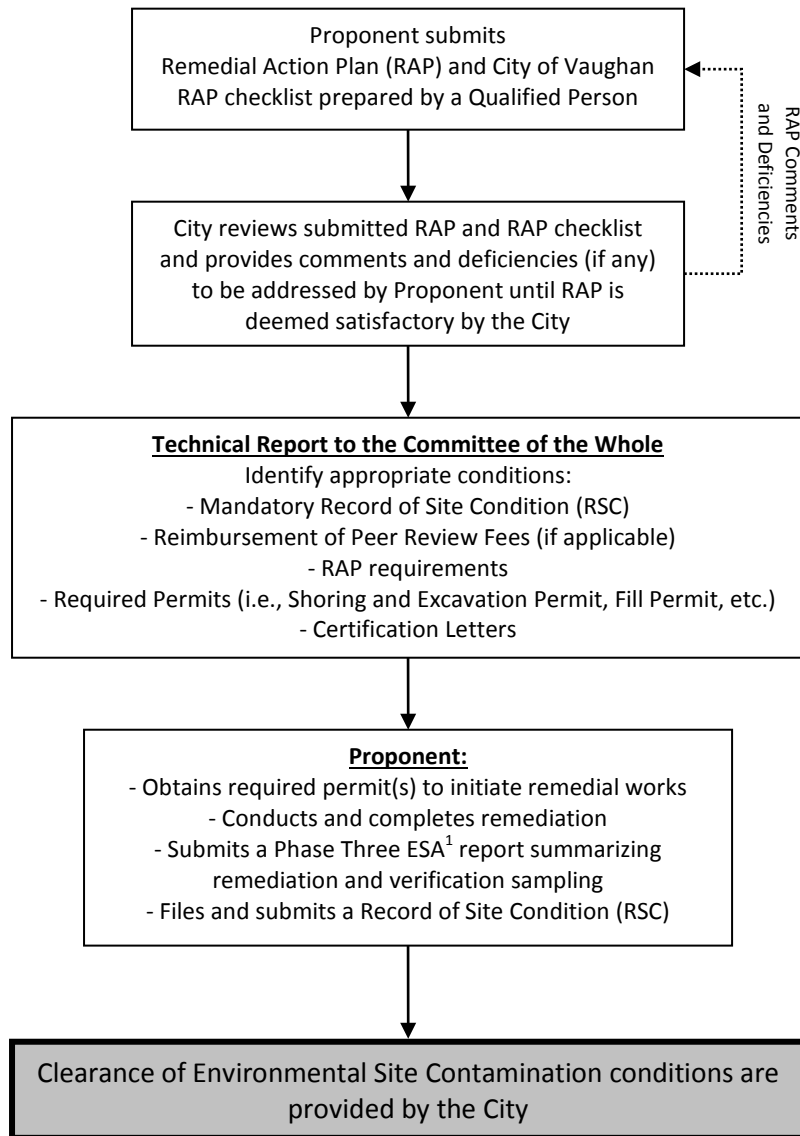
Upon ratification of the development application by Council, the Proponent may then proceed with remedial works in accordance with all applicable permits and agreements. The responsibility for ensuring that the information in the reports is correct, the site remediation and restoration work is completed in a manner consistent with MOE requirements, and the site is suitable for the intended property use, remains with the Proponent and their environmental consultant's QP.

Following the completion of all remedial works whereby the subject land is deemed suitable by the Proponent's QP for the intended land use and meets the applicable MOE Soil, Ground Water and Sediment Standards, a Phase Three ESA which includes details on the execution of the RAP and a summary of the results of remediation along with details on the completed site restoration must be prepared and submitted by the Proponent for review and to the satisfaction of the DTE Department.

The Phase Three ESA and RAP must be prepared by or under the supervision of a QP. Reliance on submitted Phase Three ESA report(s) and RAP must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.

An overview outlining the City of Vaughan's RAP review process is provided in Figure 2 on the following page for ease of reference.

**Figure 2: City of Vaughan RAP Review Flow Chart**



**Footnotes:**

1. ESA in accordance with O. Reg. 153/04 (as amended)

### 7.3 Record of Site Condition (RSC)

A Record of Site Condition (RSC) will be required as a condition of development approval, if any of the following circumstances apply:

- i) The proposal includes a change in use to a more sensitive land use as defined under O. Reg. 153/04 (as amended).
- ii) The subject land requires remediation.

A copy of the RSC along with an MOE acknowledgement letter confirming that the RSC was filed on the Environmental Site Registry must be provided to the City as a condition of approval of the development application.

### 7.4 Use of Risk Assessment and Stratified Clean-up Approach

The City acknowledges the use of risk assessment and/or stratified clean-up in accordance with O. Reg. 153/04 as an alternative approach for addressing contaminated sites where remediation may not be feasible. As such, the utilization of risk assessment or stratified clean-up approach would be permitted for development sites where no lands are to be conveyed or acquired by the City. The proponent will be required to provide applicable documentation to the satisfaction of the City indicating that the approach is a viable alternative and recommended over remediation.

For development sites where the proposed remediation includes land to be conveyed or acquired by the City, the use of a risk assessment or stratified cleanup approach will be assessed on a case-by-case basis, having regard for the individual constraints and merits of the development proposal, and will be brought to the attention of Council.

Should a risk assessment or stratified clean-up approach be utilized, all applicable documentation must be forwarded to the City for review (e.g., MOE Pre-Submission Form, MOE correspondence, Risk Evaluation/Assessment Report, Risk Management Plan, Certificate of Property Use, RSC acknowledged by MOE etc.). The applicant may also be requested to undertake a public communication program, to the satisfaction of the City. Documentation must be prepared by or under the supervision of a QP (ESA or RA, as applicable). Reliance on submitted reports must be provided to the City and its peer reviewer as part of the development application, either within the body of the report or in a separate reliance letter. A sample reliance letter template is provided in Appendix A.



## 8.0 Conditions on Development Approvals

If the development application or ESA reports have indicated that **remediation of the subject land and/or a RSC is required**, appropriate environmental site contamination policies/conditions will be applied to the Amendment or Agreement (i.e., Official Plan Amendment, Zoning By-Law Amendment, Draft Plan of Subdivision, Site Plan Agreement, Letter of Undertaking) which may include the following, as applicable.

### 8.1 Official Plan Amendments and Zoning By-Law Amendments

- The Official Plan Amendment should include policies respecting any additional reports or approvals required to address the remediation of the site, prior to development occurring, and the use of a “H” Holding Symbol in the amending zoning by-law.
- For Zoning By-Law Amendments, “H” Holding Symbol will be used to grant approval conditional upon the proponent’s RAP and verification of clean-up (RSC).
- The “H” Holding Symbol would have the effect of requiring the owner to carry out or cause to be carried out the recommendations and measures contained in the environmental consultants report(s) including the RAP and to obtain the necessary permits to perform the works referred to prior to construction on the site and to provide the City with a completed RSC acknowledged by the MOE prior to lifting of the “H” Holding Symbol.

### 8.2 Plan of Subdivision

- The Proponent shall carry out or cause to be carried out the recommendations and measures contained within the ESA report(s) and RAP and to obtain any necessary permits to perform the work(s) referred to, prior to the commencement of any grading or construction on the site.
- The Proponent shall provide the City with appropriate environmental documentation (e.g., Updated ESA reports, Phase Three ESA report, certificate letters) which documents that the site remediation and restoration has been conducted and completed in accordance with the requirements of the *Environmental Protection Act* and its regulations and indicates that the site is suitable for the intended property use.
- Prior to final approval, the Proponent shall provide the City with a copy of the RSC which has been acknowledged by the MOE.

### 8.3 Site Plan Agreement/Letter of Undertaking

- The Proponent shall carry out or cause to be carried out the recommendations and measures contained within the ESA report(s) and RAP and to obtain any necessary permits to perform the work(s) referred to, prior to the commencement of any grading or construction on the site.
- The Proponent shall provide the City with appropriate environmental documentation (e.g., Updated ESA reports, Phase Three ESA report, certificate letters) which documents that the site remediation and restoration has been conducted and completed in accordance with the requirements of the *Environmental Protection Act* and its regulations and indicates that the site is suitable for the intended property use.
- Prior to the issuance of building or foundation permits, the Proponent shall provide the City with a RSC which has been acknowledged by the MOE. Should the Proponent require excavation as part of the works to remediate the subject lands, a shoring and excavation permit may be issued by the Buildings Standards Department to facilitate remedial works prior to issuing of a building or foundation permit provided City interests are protected through financial assurances or other means.

### 8.4 Other Conditions (as applicable)

- The Proponent shall reimburse the City for the cost of an external peer review.
- For developments where no remediation was required but a change in use to a more sensitive land use as defined under *O. Reg. 153/04* (as amended) is proposed, prior to final approval, the Proponent shall provide the City with a copy of the RSC which has been acknowledged by the MOE.
- For development on or adjacent to closed or active waste disposal sites or landfill facilities, the proponent may be required to provide written approval from the MOE that the development satisfies the provisions of the *Environmental Protection Act* and that the site has been decommissioned and rehabilitated in accordance with applicable legislation and to the satisfaction of the MOE.

## 8.5 Land Conveyances/Acquisitions to the City

Where **lands are being conveyed to or acquired by the City**, the following clauses will be included as a condition in the Site Plan/Letter of Undertaking or Subdivision Agreement (as applicable) which has the effect of:

- Where **only a Phase One ESA** was completed, the Proponent's QP covenants and agrees that:
  - The assessment of the subject land has been conducted in accordance with the current requirements of the *Environmental Protection Act* and its regulations by or under the supervision of a QP.
  - They are not aware of any soil, ground water or sediment contamination on or within lands to be conveyed to the municipality that would exceed the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the subject lands and its intended use.
  - They are not aware of soil, ground water or sediment contamination on or within adjacent lands that could potentially migrate on to lands conveyed to the municipality resulting in exceedences of the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the intended use.
- Where a **Phase One and Phase Two ESA** were completed, the Proponent's QP covenants and agrees that:
  - The assessment of the subject land has been conducted in accordance with the current requirements of the *Environmental Protection Act* and its regulations by or under the supervision of a QP.
  - Lands to be conveyed to the municipality meet the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the subject lands and its intended use.
  - They are not aware of soil, ground water or sediment contamination on or within adjacent lands that could potentially migrate on to lands conveyed to the municipality resulting in exceedences of the MOE Soil, Ground water, and Sediment Standards (as amended) applicable for the intended use.
- Where **park land/open space is being conveyed to or acquired by the City**, prior to conveyance/acquisition and/or the issuance of building permits, the Proponent shall submit Phase Two ESA report(s) addressing all park blocks/open spaces in the plan to the satisfaction of the City. Note that if areas of potential environmental concern are identified in the

Phase One ESA, the Phase Two ESA on the park land and/or open spaces shall occur **prior** to the Committee of the Whole AND, in all cases, a Phase Two ESA on the park land and/or open spaces shall be conducted **after** the City has certified the rough grading for the park land and/or open spaces but prior to placement of topsoil and landscaping.

## 9.0 Definitions and Acronyms

**Brownfield Site** - abandoned or underutilized properties where development or activities have led to the presence or potential for environmental contamination. Brownfields are usually former industrial or industrial/commercial lands (e.g., closed factories, processing plants, gas stations).

**Contaminated Site** - an area of land in which the soil or underlying ground water or sediment contains a hazardous waste or substance in an amount or concentration that exceeds provincial environmental quality standards. A site is contaminated if it is unsuitable for specific uses of land, water and sediment.

**DTE** – Development/Transportation Engineering

**ESA** – Environmental Site Assessment

**GUSCO** – *Ontario Ministry of the Environment Guideline for Use at Contaminated Sites in Ontario* (June 1996 and revised February 1997)

**MOE** – Ontario Ministry of the Environment

**MOE Soil, Ground water, and Sediment Standards** – *Ontario Ministry of the Environment Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act* (April 15, 2011)

**Phase One ESA** – is the systematic process by which a Qualified Person seeks to determine whether a particular property is or may be subject to actual or potential contamination, and the likely nature and location of the contamination. The process involves gathering and examining documents, maps and verbal information pertaining to a site. A Phase One ESA does not involve the investigative procedures of sampling, analyzing, and measuring. The Phase One ESA shall be completed in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) where a RSC is not mandatory.

**Phase Two ESA** – is the systematic process by which a Qualified Person seeks to characterize and delineate the extent of a property's contamination, by means of intrusive investigations, including surveys, excavating, sampling and analyses, to provide information to enable a decision on whether site remediation is required. A Phase Two ESA does not involve implementing any remedial activities. The Phase Two ESA shall be completed in accordance with *O. Reg. 153/04* (as amended) or generally meeting the intent of *O. Reg. 153/04* (as amended) where a RSC is not mandatory.

**Phase Three ESA and Remedial Action Plan (RAP)** - Depending on the results of the Phase Two ESA, a Phase Three ESA/RAP may be required in order to remediate the site. A Phase Three ESA/RAP involves determining the course of action required to remove contamination from the property and implementation and documentation of that strategy. Documentation must be sufficient to demonstrate that the remedial objectives were achieved. Examples of remediation strategies include: Excavation and soil removal; Physical treatment; Hydraulic containment; Ground water treatment; Offsite

treatment; In-situ treatment system; Institutional control. Depending on the nature of the contamination, on-going monitoring may be required for a determined period of time. The Phase Three ESA shall be completed in accordance with *O. Reg. 153/04* (as amended).

**Pre-Application Consultation (PAC)** – Prior to submitting a Development Application, the Owner and/or Agent must arrange a Pre-Application Consultation meeting with the Development Planning Department. The purpose of this meeting is for the Owner and/or Agent to present a proposal and for City Staff to identify, on a preliminary basis only, the required information for a complete submission of the Development Application.

**Proponent** – refers to the Owner and/or Owner's Agent for the subject lands.

**Qualified Person (QP)** – is defined under **O. Reg. 153/04** (as amended) as someone:

- Who holds a licence, limited licence or temporary licence under the *Professional Engineers Act*; or,
- Who holds a certificate of registration under the *Professional Geoscientists Act*, 2000, and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario.

**Record of Site Condition (RSC)** – is a document prepared by a Qualified Person based on ESAs and filed electronically with the MOE in the Environmental Site Registry (ESR) to certify that a property has been assessed and meets the soil, ground water, and sediment standards applicable to the proposed use of the property. The ESA(s) will either confirm that there is no evidence of contaminants at the property that would interfere with any future use of the property or that contaminants at the property do not exceed applicable concentration standards. **O. Reg. 153/04** (as amended), made under the *Environmental Protection Act*, outlines the provisions related to RSCs.

**Remediation** – refers to the cleanup and management of contaminated soil, ground water and sediment so that the site will be suitable for its future intended use.

**Risk Assessment** – is the scientific process used to describe and estimate the likelihood of adverse effects to human health and the environment resulting from exposure to contaminants. The purpose of a risk assessment is to develop standards that will protect the people and organisms expected at a property, that is being used for a given purpose.

## **10.0 References**

City of Vaughan, *Background Report on Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites*, May 2001

City of Vaughan, *Policy and Procedures for Dealing with Contaminated or Potentially Contaminated Sites*, May 2001

Ontario Ministry of the Environment, *Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act*, April 2011

Ontario Ministry of the Environment, *Records of Site Condition – A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition*, October 2004

Ontario Ministry of the Environment, *Guideline for Use at Contaminated Sites in Ontario*, June 1996, Revised February 1997

*Ontario Regulation (O. Reg.) 153/04* (as amended)

## **ATTACHMENTS**

City of Vaughan Site Screening Questionnaire  
Letter of Reliance Template  
City of Vaughan Environmental Remedial Action Plan (RAP) Requirements



**SITE SCREENING QUESTIONNAIRE AND ENVIRONMENTAL CERTIFICATION****(To be completed by Owner and, if applicable, Purchaser and/or Lessee of the Subject Property)****SUBJECT PROPERTY ADDRESS (Legal/Municipal):** \_\_\_\_\_

1. What is the historical, current, and proposed use of the Subject Property? Historical: _____ Current: _____ Proposed: _____	
2. Is there reason to believe the Subject Property may be contaminated either from <u>historical</u> or <u>current land use</u> or from <u>adjacent properties</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
3. Has <u>land filling</u> or <u>waste dumping</u> ever occurred on the <u>Subject Property</u> or on <u>adjacent properties</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
4. Has a <u>gas station</u> or <u>dry cleaning operation</u> ever been located on the <u>Subject Property</u> or on <u>adjacent properties</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
5. Was the <u>Subject Property</u> or <u>adjacent properties</u> ever used for industrial/commercial purposes (e.g., <u>product manufacturing</u> , <u>chemical/petroleum bulk storage</u> , <u>rail yards/tracks</u> , <u>automotive repair</u> , <u>metal fabrication</u> , other: _____)? (If yes, please circle/fill-in the applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
6. Was the Subject Property ever used for agricultural purposes with the application of <u>cyanide-based pesticides</u> (e.g., for orchards) or <u>sewage sludge</u> ? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
7. Are there or have there been any <u>underground</u> or <u>aboveground</u> storage tanks located on the Subject Property? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
8. Are you aware of any hazardous materials that may be present or that were generated on the Subject Property (i.e., asbestos, PCBs, lead, mercury, etc.)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
9. Is the Subject Property within 500 m (1,640 ft) of an <u>operational</u> or <u>non-operational</u> landfill or dump? (If yes, please circle applicable underlined item(s))	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain
10. Have any previous environmental reports been prepared for the Subject Property within the last 5 years, including but not limited to a Phase I, II, III Environmental Site Assessment(s), Remedial Action Plan, Risk Assessment, Record of Site Condition, or Certificate of Property Use? If Yes, please submit the documents in digital and hard copy format with your application along with a letter granting third party reliance on the documents to the City of Vaughan and its peer reviewer. If the reports were in connection to a previous City of Vaughan Development Application, please provide the City reference file number(s) (e.g., OP-, Z-, 19T-, DA-): _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Uncertain

**NOTE: ALL QUESTIONS MUST BE ANSWERED.****TO BE COMPLETED BY CITY OF VAUGHAN****A. DEVELOPMENT PLANNING DEPARTMENT**

- |   |  |
|---|--|
| 1. Are all the Site Screening Questions answered and the Environmental Certification on page 2 completed, dated and signed? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Does the completed Site Screening Question include any "Yes" or "Uncertain" responses?                                   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Does the proposal include any lands to be conveyed to the City?  | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**B. DEVELOPMENT/TRANSPORTATION ENGINEERING DEPARTMENT**

- |  |  |
|--|--|
| 1. Does the proposal require any lands to be conveyed to the City or for the City to acquire an interest in any lands for such purposes as, but not limited to, road widening, storm water management, services, etc.? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Is there a change proposed for the Subject Property to a more sensitive land use as defined by the MOE? If Yes, then ESA reports and RSC is required as per O. Reg. 153/04.   | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Is a Phase One, Two, Three ESA, and/or RAP required to be submitted with the application? If Yes, provide correspondence to Development Planner to notify proponent in PAC meeting.                                 | <input type="checkbox"/> Yes <input type="checkbox"/> No |



City File Number: \_\_\_\_\_  
City File Name: \_\_\_\_\_  
City Planner and extension: \_\_\_\_\_

**ENVIRONMENTAL CERTIFICATION**

(To be signed by Owner and, if applicable, purchaser and/or lessee)

I/We \_\_\_\_\_ the owner and/or purchaser \_\_\_\_\_ and/or lessee \_\_\_\_\_ (delete terms not applicable) of the above-noted lands Hereby acknowledge that the information provided in the site screening questionnaire is true to the best of my/our knowledge as of the date below and it is my/our responsibility to ensure that I/We are in compliance with all applicable legislative enactments, guidelines and other government directives pertaining to contaminated or potentially contaminated sites including, but not limited to, the *Environmental Protection Act (as amended)*. I/We further acknowledge that the City of Vaughan and/or the Regional Municipality of York are not responsible for the identification and/or remediation of contaminated sites and in any action or proceeding for losses or damages related to environmental contamination or clean-up of contamination will not sue or claim over against the City of Vaughan and/or the Regional Municipality of York.

Affix Corporate Seal of registered owner of property. Processing will not commence until this is provided.

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.  
Location Day Month Year

\_\_\_\_\_  
**Signature of OWNER**  
**Please Print Name**  
**(AFFIX Corporate Seal, if applicable)**

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.  
Location Day Month Year

\_\_\_\_\_  
**Signature of PURCHASER**  
**Please Print Name**  
**(AFFIX Corporate Seal, if applicable)**

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 2\_\_\_\_\_.  
Location Day Month Year

\_\_\_\_\_  
**Signature of LESSEE**  
**Please Print Name**  
**(AFFIX Corporate Seal, if applicable)**

**(INSERT COMPANY LETTERHEAD/LOGO)**

**(INSERT DATE)**

Andy Lee, P. Eng  
Environmental Engineer  
Development/Transportation Engineering Department, City of Vaughan  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

Dear Mr. Lee,

**Re: Reliance Letter for (INSERT FULL SITE ADDRESS OR LEGAL DESCRIPTION AND PROJECT REFERENCE NUMBER)**

---

**(INSERT NAME OF YOUR COMPANY)** (the “Consultant”) understands that **(INSERT NAME OF THE OWNER/PROPONENT)** (the “Client”) is seeking approval of their development application from the City of Vaughan regarding the above-referenced property (the “Site”). The Client has requested that the City accept the following report(s), which was prepared by the Consultant for the exclusive benefit and use of the Client:

- **(INSERT THE TITLES OF ALL APPLICABLE ENVIRONMENTAL REPORTS, REFERENCE NUMBERS, AND DATES)**

The Consultant therefore agrees that the City and its peer reviewer may use and rely on the Report as if the report had been prepared for the use and benefit of the City. The Consultant recognizes that the City will utilize the Report for the purposes of assessing the environmental risk inherent in the contemplated development of the Site. The Consultant certifies that the Report was prepared in accordance with the due diligence practices and environmental laws and regulations applicable at the time of the investigation.

Yours very truly,

**(INSERT SIGNATURE OF QUALIFIED PERSON, AS DEFINED UNDER O. REG. 153/04(AS AMENDED))**

**(INSERT YOUR NAME, FOLLOWED BY QUALIFIED PERSON DESIGNATION) (I.E., P. ENG OR P. GEO)**

**(INSERT YOUR TITLE)**

**(INSERT YOUR CONTACT INFORMATION)**



## **ENVIRONMENTAL REMEDIAL ACTION PLAN (RAP) REQUIREMENTS**

The following checklist ensures proponents submit an environmental Remedial Action Plan (RAP), where required, containing complete and comprehensive information. The checklist shall be completed and submitted along with the RAP to the City for review and acceptance.

The checklist is based on recommended Ministry of the Environment (MOE) guidelines as well as requirements outlined under O. Reg. 153/04 (as amended). It is not meant to be an exhaustive list and additional requirements may be identified by the City in the course of the environmental documents review.

<b>REMEDIAL ACTION PLAN CHECKLIST</b>	
1. Description of the <b>proposed remediation objective and strategy</b> to reduce/eliminate concentrations of contaminants exceeding the applicable MOE site condition standards for soil, ground water, and/or sediment (e.g., excavation and soil removal; offsite treatment; in-situ treatment, containment/isolation etc.).	<input type="checkbox"/>
2. <b>Site Plan Figure(s)</b> showing locations and concentrations of contaminants exceeding the applicable MOE site condition standards for soil, ground water, and/or sediment.	<input type="checkbox"/>
3. <b>Site Plan Figure(s)</b> showing the estimated vertical and horizontal extent of contamination on the site.	<input type="checkbox"/>
4. The <b>estimated quantity of contaminated soil/ground water/sediment</b> required to be remediated (in m <sup>3</sup> or tonnes and/or litres).	<input type="checkbox"/>
5. The <b>estimated quantity of imported clean fill material</b> required following remediation (if applicable) (in m <sup>3</sup> or tonnes).	<input type="checkbox"/>
6. A <b>management plan</b> outlining how the remediation of contaminated soil / ground water/sediment will be undertaken along with associated onsite activities (e.g., provide details on segregation of soils, stockpiling, offsite removal, onsite screening of contaminants, long-term monitoring requirements, onsite supervision schedule, management of impacted groundwater, dust, noise and traffic issues, etc.).	<input type="checkbox"/>
7. The <b>confirmatory sampling strategy</b> detailing the media, the specific analyses to be undertaken on the media, and the number and location of confirmatory samples to be submitted for chemical analysis following implementation of the remediation strategy. If excavation is proposed, confirmatory sampling should follow the minimum floor and wall sampling requirements for excavations as presented in O. Reg. 153/04, Schedule E- Part V, Table 3 (as amended). If stockpiles are present on site, confirmatory sampling follow the minimum stockpile sampling frequency as presented in O. Reg. 153/04, Schedule E- Part V, Table 2 (as amended).	<input type="checkbox"/>
8. If import of clean fill material is required for site restoration, the <b>proposed confirmatory sampling strategy for imported clean fill material</b> to confirm it meets the applicable MOE site condition standards.	<input type="checkbox"/>
9. The <b>Contingency Remediation Plan</b> in the event confirmatory sampling results indicate concentrations exceeding the applicable MOE site condition standards.	<input type="checkbox"/>
10. The <b>Quality Assurance/ Quality Control Plan and Health and Safety Plan</b> to be implemented during remedial activities.	<input type="checkbox"/>
11. The <b>Communications and Reporting Plan</b> to the City and other regulatory agencies.	<input type="checkbox"/>
12. The <b>approximate timelines and/or stages</b> of the implemented remediation strategy.	<input type="checkbox"/>
13. Description of <b>regulatory agency approval requirements and/or other responsible authorities</b> , if applicable (e.g., MOE Environmental Compliance Approval (ECA) for discharges such as air/noise, water, waste treatment, TRCA approval, etc.).	<input type="checkbox"/>
14. Proponent's <b>Qualified Person (QP) Sign-off and Owner's Certification of Implementation</b> of the RAP (include title, designations and stamps, signatures, and printed names).	<input type="checkbox"/>

Checklist Completed by (print name): \_\_\_\_\_

Signature: \_\_\_\_\_

Company: \_\_\_\_\_

Date: \_\_\_\_\_



**From:** Pearce, Andrew

**Sent:** Friday, September 10, 2010 5:52 PM

**To:** Cardile, Lucy

**Cc:** Testani, Stephanie; Carella, Tony; Uyeyama, Grant; Grellette, Leo

**Subject:** RE: 55 Sicilia Street, Woodbridge

Hi Lucy,

The parcel of land that Tony Gentile is currently developing at 5550 Langstaff Road (Ravines of Rainbow Creek, 19T-06V15) will be developed in two phases.

In brief, the status of the first phase of the development is as follows:

- Roads and municipal services have been constructed;
- Subdivision Agreement has been executed;
- Clearances from the various approval agencies for registration are being requested by the Owner;
- A MOE Record of Site Condition is still required for a number of lots in the plan before the plan of subdivision can be registered. Tony Gentile has retained a new environmental engineer to assist him in securing the RSC in the next few weeks;
- The waste material that was generated through the clean up of the phase 1 lands, which is temporarily stockpile on the phase 2 lands, must be removed before the plan of subdivision can be registered. It is important to note that piles of clean fill may continue to be stock piled on the phase 2 lands and used in the clean up of the phase 2 lands.
- House construction has begun without permits. It is my understanding that the Building Department is issuing charges/orders accordingly.

I would expect that the phase 1 plan of subdivision will be registered within the next two months. There is no development application that I'm aware of on the Phase 2 lands yet.

By copy, I am asking Grant and Leo to provide any additional comments from their perspective.

Have a good weekend.

*Andrew D. Pearce*

Director, Development / Transportation Engineering

City of Vaughan

2141 Major Mackenzie Drive

Vaughan, ON

L6A 1T1





## TERRA FIRMA PLUS INC.

PROFESSIONAL GEOTECHNICAL, INSPECTION AND TESTING ENGINEERS,  
ENVIRONMENTAL & BUILDING SCIENTISTS AND INSPECTORS

100 MCLEVIN AVE., SUITE NOS. 202 & 203, SCARBOROUGH, ONTARIO, M1B 2V5  
PHONE: 416-321-3274 FAX: 416-321-6543

This document forms part of  
a permit APPROVED by the  
TRCA Executive Committee on

DEC 12 2014

May 8, 2012

1668137 Ontario Inc.  
180 Wigwoss Drive  
Woodbridge, Ontario  
L4L 4H2

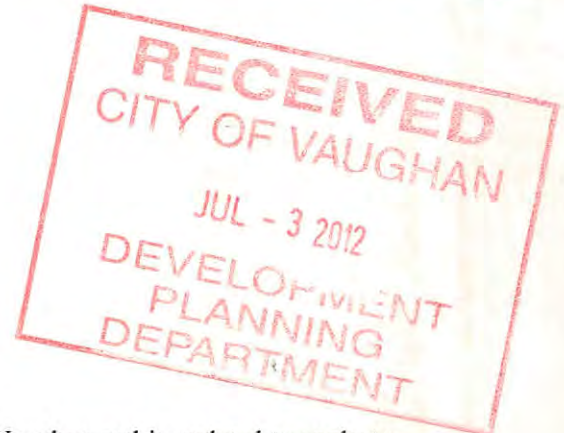
Attention: Mr. Tony Gentile



Report No.: 2007-R-1133-Addendum  
Project: TSP-766

This approval is valid only if accompanied  
by a permit signed by an TRCA  
Enforcement Officer and is subject thereto.  
\* provides a list of all TRCA approved documents.

Re: • Final Remediation Action Plan (RAP)  
Proposed Residential Subdivision, Phase 2  
5550 Langstaff Road, Vaughan, Ontario.



### 1.0 INTRODUCTION

As requested this letter is prepared on the request of the City of Vaughan and is updated to apply to the second Phase of Development referred to herein as Phase 2 development.

#### History

On behalf of 1668137 Ontario Inc., Terra Firma Plus Inc. prepared a Final Remediation Action Plan, for Phase 1 lands development in our earlier report dated September 2007. The earlier RAP was accepted by the TRCA and City and on that basis development of Phase 1 lands has been completed.

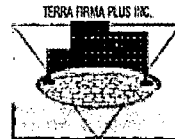
An earlier Phase II study, Project No. 33750.1 dated August 15, 2000, was conducted by Jacques Whitford Environmental Limited (hereinafter referred to as JWEL 2000 report) and included the subject site. In the time that has elapsed since the JWEL 2000 report and present there have been changes to MOE guidelines that govern the property use under consideration.

The City of Vaughan requested an updated Phase 2 ESA report prior to considering draft plan approval of the proposed residential subdivision, Phase 1.

An Updated Phase II Environmental Site Assessment study was submitted by Terra Firma Plus Inc. (TFPI), under our Report No. 2007-R-1104 dated May 1, 2007.

Subsequent to the submission of TFPI's Updated Phase II ESA, in their comments on the Phase II ESA, the City and their Peer Reviewer requested a Phase 1 ESA study and Aerial Photo Study. The Phase 1 ESA study was submitted by TFPI under our Report No. 2007-R-1104A dated June 28, 2007. The Aerial Photo study was submitted by TFPI under our Report No. 2007-R-1104B dated June 29, 2007. Notification to City of Vaughan and Region of York (upper tier municipality) of the intention to use MOE Table 1 and MOE Table 3 guidelines on the site was submitted in a letter dated June 26, 2007.

Subsequent to the TFPI submissions, Terrapex raised additional queries in their letter dated July 16, 2007 and email dated July 13, 2007 addressed to City of Vaughan. A meeting was subsequently arranged for July 27, 2007 to discuss some of the issues face to face together with representatives of



TRCA who also raised environmental, geotechnical and erosion control concerns pertaining to the proposed development. Prior to the meeting a report to address some of the peer review concerns was prepared by TFPI under our Report No. 2007-R-1104-C-2 dated July 27, 2007.

Subsequent to the meeting a list of concerns, raised by the Region of York, City, Peer Reviewer, and TRCA that are to be addressed in this RAP, was composed and is provided in the next section. The purpose of this RAP is to address all the stated concerns of all parties.

### 1.1 Purpose and Scope

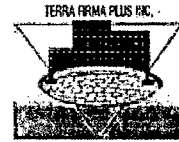
As per the understanding of the writer, the main concerns regarding this development (those that should be addressed in the remediation action plan) are as follows:

- C1. No contaminants or soils get into the Rainbow Creek during remediation and construction. *No migration of contaminants should occur across any property lines during remediation and construction.*
- C2. No contaminants or contaminated soils are left on-site after cleanup including within buildings, roadways, sound berms backyards, valleylands, etc. (within the degree of testing approved for the remediation action plan). The above does not include the placement of topsoil or organic material where it is permitted by normal construction practices.
- C3. During construction dust control and erosion control measures satisfactory to the TRCA and City are implemented on site.
- C4. During the cleanup all erosion control measures will be maintained.
- C5. During the cleanup measures will be in force to maintain slope stability.
- C6. The erosion control measures and slope stability factors of safety for the development will be in accordance with TRCA requirements.
- C7. The ultimate restoration and planting of the valley area, essentially, a reforestation.
- C8. Non-potable groundwater conditions (already approved by York Region) would be employed for the portion of lands outside of a 30 m buffer measured from the edge of Rainbow Creek and MOE Table 3 criteria for contaminants of concern in soil and groundwater would apply. Within 30 m buffer from the edge of Rainbow Creek MOE Table 1 criteria for contaminants of concern in soil and groundwater would apply as required by regulation.

From a development perspective, the following geotechnical and structural and other requirements are hereby added as 'concerns' for clarification purposes and to emphasize the plans for development of the proposed residential subdivision.

- C10. As an economical alternative to deep foundations and structural slab, etc., the house footings and floor slabs, underground services and roadways are to be constructed on 'inert' certified engineered fill. Certification would require continuous supervision by experienced personnel of earthworks during the entire engineered fill process.

We discuss our proposed remediation action plan and methodologies of satisfactorily addressing the above concerns in the ensuing paragraphs.



### 1.2 Proposed Development

The proposed Phase 2 lands development comprises one (1) parcel. A draft plan application for fully residential subdivision request has been submitted to the City of Vaughan and is currently under consideration. This parcel is intended to be remediated and developed into a residential subdivision.

### 1.3 Existing Conditions On-Site

The existing conditions prior to implementation of remediation action plan are as follows.

The subsoils consist of varying depths of structurally deleterious existing fill (not capable of supporting infrastructure for the proposed residential development) mixed with construction debris and sewage. More details about the composition of the subsoils are provided in earlier study called Phase II environmental investigations prepared by JWEL (2000) and TFPI (2006).

Based on the study called Phase II environmental site investigations conducted by JWEL (2000) and TFPI (2007) hot spots of chemically deleterious fill (exceeding applicable MOE guidelines) were also encountered on the site.

## 2.0 REMEDIATION ACTION PLAN

The remediation action plan has been divided into discrete steps based on the construction sequences envisioned at the time of its preparation and is described in general terms in this section.

#### *RAP Step No. 1) Installation of Dust and Erosion Control Measures, Working within City of Vaughan Bylaw Times, Site Access Routes*

All erosion control measures would be installed as described in the drawings prepared by Skira & Associates Ltd. (see attached drawings).

In accordance with the requirements of TRCA, the proposed post-remediation design slopes adjacent to Rainbow Creek were analyzed (by Soil Probe Ltd.) to ensure that the proposed slopes constructed of compacted soil free of organics and meeting the MOE requirements approved by the City and Region.

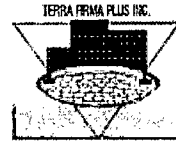
Dust Control Measures will be applied as field conditions dictate.

All work will be carried out strictly within City of Vaughan bylaw hours which are Monday to Saturday 7am to 7pm. The Phase 2 lands will be accessed through the adjoining Phase 1 lands referred to earlier provided that access to equipment and materials can be provided safely through the designated pond area. Alternatively access to the site will be carried out through Campania Court, an existing residential street to the north of the Phase 2 lands.

#### *RAP Step #2) Direct Surface Water Away from Rainbow Creek during remediation.*

The earthworks would take place with every reasonable effort made to direct ground and surface water away from Rainbow Creek.





*RAP Step#3) Management of Excavated Fill Materials*

*RAP Step#3-1) It is intended to classify and handle the existing fill based on five (5) categories which are as follows:*

**Fill#1-** Fill soil with visual evidence of free product.

This fill once excavated will be temporarily transported to a portion of the northerly adjacent lands owned by the applicant for mechanical sorting to remove construction debris and separate the soil. Both materials will be transferred to MOE certified receivers via MOE certified transporters and the movement of the materials will be documented in general compliance with MOE guidelines.

**Fill#2-** Soil free of topsoil, construction debris and visible evidence of free product

This fill once excavated will be temporarily stored on a portion of the northerly adjacent lands owned by the applicant for until it is laboratory screened to ensure that the material meets the approved MOE criteria for the site (see Appendix A) for the contaminants of concern identified from the Phase 1 ESA and Phase 2 reports by JWEL (2000) and TFPI (2007) (See Appendix B).

**Fill#3-** Soil mixed with construction debris.

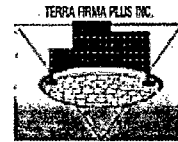
This fill once excavated will be temporarily transported to a portion of the northerly adjacent lands owned by the applicant for mechanical sorting to remove construction debris and separate the soil.

Construction Debris will be placed in the construction debris pile for transport to a receiver accepting the waste.

The separated soil, if free of organics and visible free product will be added to the pile containing soil without topsoil and construction debris for further laboratory screening to determine whether the material meets the approved MOE criteria (Appendix A) for the site for the contaminants of concern identified from the Phase 1 ESA and Phase 2 reports by JWEL (2000) and TFPI (2007) (Appendix B).

**Fill#4-Sewage**

The solid and fluid sewage will be completely removed from its location on-site onto appropriate vehicles and shipped to a receiver who accepts the waste.



**Fill#5-Construction Debris**

Construction Debris will be placed in the construction debris pile for transport to a receiver accepting the waste.

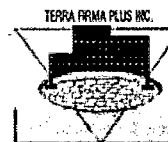
*RAP Step#3-2) Test Pit Field and Lab Screening Portion of Remediation Action Plan*

Field and lab screening has already been conducted by JWEL (reported in August 2000) and TFPI (reported in May 2007) and as such no further field and lab screening is deemed necessary prior to removal of fill soils from the site except as required by receivers of fill material exported off-site.

*RAP Step#4) Fill Removal down to undisturbed natural ground*

The plan for removal of fill will be enacted, which is subject to change based on actual field conditions, and it is described in very general terms as follows:

- 1) Existing Fill will be stripped in layers from the entire site
- 2) Every effort will be made to maintain the grading of the site away from Rainbow Creek so as to mitigate flow of ground or surface water from the lands into Rainbow Creek.
- 3) The areas identified with soils will be stripped first and it is intended to work around the areas that contain sewage, free product, construction debris, etc.
- 4) The areas that contain soil without sewage, free product, construction debris, etc. will be stockpiled in the designated area on 'the adjacent lands owned by the applicant' for additional testing and eventual re-use.
- 5) The areas that contain construction debris mixed with soil will be stockpiled in the designated area on 'the adjacent lands owned by the applicant' for mechanical sorting, stockpiling of the construction debris for off-site disposal and stockpiling of separated soils for laboratory screening. Based on the results of laboratory screening the separated soils would either be added to the re-use soil stockpile or dispose/further assess soil stockpile.
- 6) The material from areas that contain construction debris will be stockpiled in the designated area on 'the adjacent lands owned by the applicant' off-site disposal
- 7) The material from areas that contain sewage or free-product will be loaded onto trucks and shipped off-site.
- 8) Materials will be handled by haulers and receivers that are certified to handle the particular type of waste



*RAP step#5) Screening of Undisturbed Natural Ground*

After removal of all fill material (including native topsoil), any free product (sewage, fuel, oil, etc.) if encountered, the exposed undisturbed natural ground will be sampled based on one (1) representative sample per about 2000 metre squared and submitted to an accredited environmental lab to determine the levels of all identified contaminants of concern on the site (See Appendix B).

If the sample representing the undisturbed natural ground does not meet the MOE standards for the site, the sampled are would be subject to removal of suspect soil and additional screening of remaining soils until the remaining native soils meet the MOE criteria approved by the City and Region (See Appendix A).

If the remaining natural ground soils meet MOE Table 1 requirements for contaminants of concern in that case the native ground would be stockpiled on the 'adjacent lands owned by the applicant for the purposes of reuse as a compacted backfill within 30 m of Rainbow Creek.

The undisturbed natural ground will also be visually screened for competency to support the proposed engineered fill.

*RAP step#6) Field and Lab Screening of Stockpiles of Fill Generated from the Cleanup.*

i) After removal of fill materials and prior to re-use of any fills as engineered fill, the stockpile of fill that is intended for re-use as an engineered fill would be visually inspected for liquid free product, debris, etc., and laboratory screened for the full range of contaminants of concern (see Appendix B of the September 2007 RAP). The rate of sampling would be about one sample per 3000 m<sup>3</sup> based on the client's expected volume of 40,000 to 60,000 cubic meters of soil to be recovered from the site. In our opinion the sampling rate of 1 sample per 3000 cubic meters is sufficiently representative based on the estimated volume of soil that is to be recovered on-site from the earthworks to be performed as a part of this RAP.

ii) Any material that fails to meet approved MOE guidelines for the site (See Appendix A) would be placed in a separate pile.

*RAP step#7) Placement of organic-free engineered fill that meets site approved MOE guidelines*

After the native ground subsoils and on-site fill stockpile subsoils are approved as meeting the approved MOE cleanup guidelines (See Appendix A)

i) The placement of engineered fill would be in controlled lifts not exceeding 200 mm and compacted to at least 98% standard Proctor maximum dry density and constructed in accordance with TFPI Engineered Fill Placement Guidelines.



ii) The material used for engineered fill within 30 m of Rainbow Creek would be soils meeting Table 1 found either on-site or imported.

iii) The material used for engineered fill for the portion of site outside of the 30 m boundary from Rainbow Creek would be soil meeting approved MOE guidelines (see Appendix A) found either on-site or imported soils.

iv) For quality control purposes, a minimum of five (5) representative samples of imported fill will be submitted for laboratory screening against selected metals and compared to the approved MOE guidelines for the subject site (see Appendix A).

v) The grading of the engineered fill would be in accordance with the design grading approved by the City and TRCA.

vi) Over the engineered fill (expected to be placed up to a level at least 0.3 m above the proposed underside of footing level), fill meeting the approved MOE requirements (see Appendix A) would be placed, however, it need not necessarily be free of topsoil and should be at least 1.2 m thick in order to act as a frost cover if the engineered fill will remain exposed to freeze and thaw cycles.

vii) Upon completion of engineered fill earthworks a certificate will be submitted documenting the engineered fill placed.

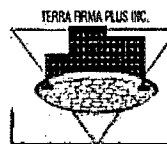
*RAP step#8) Removal of Stockpiled materials*

i) All the remaining stockpiled earth not meeting approved MOE guidelines (see Appendix A) would be completely removed within 90 days of the end of engineered fill operations.

ii) All construction debris would be completely removed within 90 days of the start of engineered fill operations.

*RAP step#9) Methane Intrusion Concerns*

All methane generating materials will be completely removed during remediation. As such in our opinion concerns of methane intrusion into the proposed dwellings will be made redundant by the implementation of this RAP.



### **3.0 ADDITIONAL ISSUES**

The remediation action plan presented earlier is based on the information available and approvals received to date. The RAP may need to be revised based in the future based on additional information and approvals as they become available.

i) A slope stability analysis was conducted by Soil Probe Ltd. (SPL) as required by the TRCA for inclusion in this RAP and is submitted under separate cover.

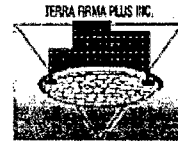
Based on the findings of the analysis the minimum factor of safety (FOS) is 1.5 for the proposed slopes after remediation is under TRCA review and approval.

ii) A record of site condition will be completed and filed with the MOE for each parcel of land after the remediation action plan is executed and site cleanup is completed.

### **4.0 LIMITATION OF LIABILITY, SCOPE OF REPORT, THIRD PARTY RELIANCE**

This report has been prepared and the work referred to in this report has been undertaken by Terra Firma Plus Inc. (TFPI) for **1668137 Ontario Inc.** It is intended for the sole and exclusive use of **1668137 Ontario Inc.**, its affiliated companies and partners and their respective insurers, agents, employees and advisors as well as City of Vaughan and their peer reviewer. Any use, reliance on or decision made by any other person is the sole responsibility of such other person. TFPI makes no representation or warranty to any other person with regard to this report and the work referred to in this report and they accept no duty of care to any other person or any liability or responsibility whatsoever for any losses, expenses, damages, fines, penalties or other harm that may be suffered or incurred by any other person as a result of the use of, reliance on, any decision made or any action taken based on this report or the work referred to in this report.

The investigation undertaken by TFPI with respect to this report and any conclusions or recommendations made in this report reflect TFPI's judgment based on the site conditions observed at the time of the site inspection on the dates set out in this report and on information available at the time of preparation of this report. This report has been prepared for specific application to this site and it is based, in part, upon visual observation of the site, subsurface investigation at discrete locations and depths, and specific analysis of specific chemical parameters and materials during a specified time interval, all as described in this report. Unless otherwise stated, the findings cannot be extended to previous or future site conditions, portions of the site which were unavailable for direct investigation, subsurface locations which were not investigated directly, or chemical parameters, materials or analysis which were not addressed. Substances other than those addressed by the investigation described in this report may exist within the site, substances addressed by the investigation may exist in areas of the site not investigated and concentrations of substances addressed which are different than those reported may exist in areas other than the locations from which samples were taken.



If site conditions or applicable standards change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

Other than **1668137 Ontario Inc., City of Vaughan and their peer reviewer**, copying or distribution of this report or use of or reliance on the information contained herein, in whole or in part, is not permitted without the express written permission of TFPI. Nothing in this report is intended to constitute or provide a legal opinion.

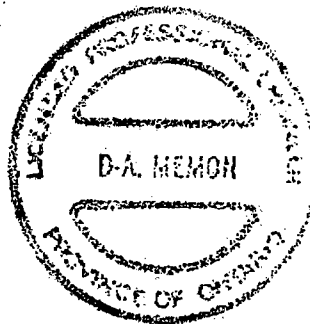
**Notwithstanding what has been delineated above, this submitted report can be used for development approval purposes by the City of Vaughan and their peer review consultants, who may rely upon the finding, analysis, conclusions and recommendations of the report.**

## **5.0 CLOSURE**

We trust this information is sufficient for your immediate needs. Should any questions arise, please do call us.

**Yours Very Truly,  
TERRA FIRMA PLUS INC.**

For (M Ahmed)  
**Daanish Memon, P.Eng.**  
DM/ZK/tfpi07



**COMMUNICATION – C3**  
**ITEM 5**  
**Committee of the Whole (Closed Session)**  
**May 12, 2021**

**From:** [Simone Barb](#)  
**To:** [Carella, Tony](#); [Coles, Todd](#)  
**Cc:** [Richard Lorello](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Iafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas, MOE](#); [Phyllis Barbieri](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randall](#); [Andrea Brown](#); [Ryan Stern](#); [Suppa, Frank](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Wednesday, April 21, 2021 4:17:58 PM  
**Attachments:** [letter 04212021x2.pdf](#)  
[ATT00001.htm](#)

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Hello Todd,

Please add this second communication to the special council meeting.

Mayor Maurizio Bevilacqua, Tony Carella, Council, Staff, City Clerk,

April 21/2021,

I would like to add to my first communication. After listening to the audio again, I would like to add a few more points and clarification to Tony Carella's spoken at the council meeting on April 20/2021.

Mr. Carella you have never acted on any of the resident's behalf. If my family will not give the support of this motion it's because you have not lived in our shoes for all the gross negligent that has taken place here by the reckless actions of the developer and the support of the City of Vaughan. You never once acted in good faith to represent my family or this community. You have never made any attempt to recognize our damaged and provide us solutions to our harm and damages. You have only work in conjunction with this developer to cheat the system and advance this development no matter who is harmed or adversely affected in the process.

You also talked about the waste leaving the site over the years. Please I allow the MEPC to confirm that waste during the operations over the years had a history of dumping on unapproved site not registered or hold the proper approval in receiving this waste.

In the last 3 years from 2018 waste piles were created from the West portion of the Property to the residential portion because in 2017 there was a court order issued that the developer was prohibited from hauling waste off the site.

So rather than not disturbing the west portion of the land until the developer apply for the proper provincial approvals under the Environmental Compliance Act of the Environmental Protection Act. Instead, the City of Vaughan conducted a business meeting to provide the green light to move forth with infrastructure that was not even approved by the Ministry of Environment.

There for the Developer advise Norman Gravel 2 days before he started stock piling waste next to my family home on June 3/2018. That he was going to stockpile the waste next to my home. As the stock piling of waste began and my family and I informed the City of Vaughan. The City of Vaughan by-law department refused to act in protecting us or enforcing the municipal by-law that would have prevented the developer to stockpile the waste that sat next to my home from June 5/2018 until October 2021. Even after Frank Suppa of the City of Vaughan Engineer department informed my father and I in 2018 that Mr. Gentile did not have Municipal permits to stockpile waste next to our home changing the grading and causing flooding of water over the winter seasons as the water was trapped and no where to drain.

Also, this occurred because the developer and the City of Vaughan were pushing through the remaining infrastructure. So once again harming us was all about benefiting the developer's



advancement of the site no matter who was harmed and damages that were caused in the process. You also failed to mention the letter the Ministry issued to the Engineering department on June 25/2018. Again, that letter was ignored.

As the waste that currently was removed from the site since August of 2020 the Ministry issued out Provincial Orders and Directors Order because the waste was being dumped on unapproved properties around the province and then being returned to the site of 5550 Langstaff and never once when bylaw was called did, they come out to support the community. They infact dismissed our calls and just let the hauling continue no matter the harm it was causing to this community or other communities receiving this waste inappropriately without proper permits.

Mr. Carella this site is not like every other development site. Like you confirmed in the Audio this was an illegal dump that you as our councillor never disclosed to this community. Thank you for confirming that. You as our elective Ward 2 councillor had an obligation to inform us of this information, but once again more information that was clearly suppressed for the developers gain and our loss and damages.

As well do not ever make the claims that you cannot go to the residents for everything happening in the development. Let us make one thing clear you never came to this community for any thing as you and the City of Vaughan a companied by the developer hide behind a claim that went no where and always used the excuse this site is before the courts and could not speak to the residents. But continued having business meeting with a developer that was suing the City of Vaughan.

SO once again nor you, the developer, City staff, ever consulted with this community on anything. So do not make false claims that you have as they are complete lies.

Let me ask why you did not mention anything about these orders because once I received these orders in January and February of 2021, I shared these orders with you and the rest of council and the City of Vaughan.

You made a claim what do we want, and trucks must come. No trucks should have ever been granted access to our roadways as there was a phase 1 that these trucks should have been trucking through. You just do not seem to understand all that we have lost, all the suffering we have endured, the gross negligent that has been committed here causing an unmeasurable deal of adversely negative impact causing great harm, and damages, as well the quality of life that was lost.

Just remember that, that one family was the only family identified as the sensitive receptor in environmental reports. That is the family your focus of obligation should be focused on as we are the most vulnerable family that was harmed and damaged through this whole process.

Let us all be reminded that this site was to be managed by a professional expert. The proponent was not a professional expert, and never had the approvals, or certificates need to conduct any remedial operations, yet the City of Vaughan closed a blind eye, suppressed information, and allow it all to happen.

Also, I think you all you should please review environmental documents, and TRCA reports where the developer him self admits to the site being contaminated.

Regards,

Simone Barbieri

COMMUNICATION – C4  
ITEM 5  
Committee of the Whole (Closed Session)  
May 12, 2021

**From:** [Simone Barb](#)  
**To:** [Casella, Tony](#); [Coles, Todd](#)  
**Cc:** [Richard Lonsell](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Wili](#); [Kathryn Angus](#); [Bob Moroz](#); [Jaf ate, Marilyn](#); [DeFrance.ca, Rosanna](#); [Bacco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas, MOE](#); [Phyllis Barbieri](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randa](#); [Andrea Brown](#); [Ryan Stern](#); [Suppa, Frank](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Wednesday, April 21, 2021 5:00:09 PM

---

Todd,

Please add this document to the Special Council Meeting

That will correct the record of Mr Carella statement that the site was not contaminated

Regards,  
Simone Barbieri

FURTHER TO EXECUTIVE COMMITTEE #1/08  
To be held Friday, March 7, 2008

Pages

FURTHER TO:

8. SECTION II - ITEMS FOR EXECUTIVE ACTION

8.1 ERRATA UPDATE SHEET

132-133

WITHDRAWN

8.1.37 2058433 ONTARIO LTD.

WITHDRAWN

8.1.48 11 BUTTONVILLE CRESCENT EAST

NEW PERMITS

CITY OF TORONTO (NORTH YORK COMMUNITY COUNCIL AREA)

8.1.68 28 DONWOODS DRIVE

To construct, reconstruct, erect or place a building or structure on Lot 41, Plan 2343, (28 Donwoods Drive), in the City of Toronto (North York Community Council Area), Don River Watershed. The purpose is to develop within a Regulated Area of the Don River Watershed to facilitate construction of a new two-storey dwelling. The existing dwelling is to be demolished.

134-135

CITY OF VAUGHAN

8.1.69 1668137 ONTARIO INC.

To site grade and temporarily or permanently place, dump or remove any material, originating on the site or elsewhere on Part of Lot 11, Concession 8, (5550 Langstaff Road), in the City of Vaughan, Humber River Watershed as located on the property owned by 1668137 Ontario Inc. The purpose is to undertake works within a TRCA Regulated Area of the Humber River Watershed in order to remediate a contaminated site and to restore an altered valley / stream feature on Part of Lot 11, Concession 8 (5550 Langstaff Road), in the City of Vaughan.

135-138

TOWN OF CALEDON

8.1.70 RIVER'S EDGE BOLTON LTD. C/O KIRK MAWHINNEY

To construct, reconstruct, erect or place a building or structure, site grade and temporarily or permanently place, dump or remove any material, originating on the site or elsewhere on Lot 53, 63, Plan 43R-20636, (60 Ann Street), in the Town of Caledon, Humber River Watershed as located on the property owned by River's Edge Bolton Ltd. c/o Kirk Mawhinney. The purpose is to construct a new residential condominium building within the Bolton Special Policy Area. 138-142

Sent from my iPhone

On Apr 21, 2021, at 4:17 PM, Simone Barb [REDACTED] wrote:

Hello Todd,

Please add this second communication to the special council meeting

<letter 04212021x2.pdf>

Regards,  
Simone Barbieri

Sent from my iPhone

On Apr 21, 2021, at 1:26 PM, Simone Barb <[REDACTED]> wrote:

Todd,

Please place this communications on the City website for the Special Council meeting regarding 5550 Langstaff. Please add my communication received today to Special Council meeting as well.

As well as the 2 Orders from the Ministry of Environment. As well as a copy of the court Order for the hauling as well.

Regards,  
Simone Barbieri  
<letter to council 04202021 pdf>

<20210129132018937 pdf>

<20210106135918091 2 pdf>

<2014 CoV Contaminated Sites Policy Update 2 pdf>

<new doc 2018-03-11 22 04 13\_20181130135432 pdf>

<Final Remediation Action Plan pdf>

<https://pub-vaughan.escrimemeetings.com/Meeting.aspx?id=ac33c990-4578-4abc-93e4-518a692b2ce9&Agenda=Addendum&lang=English&Item=14>

Sent from my iPhone

On Apr 21, 2021, at 11:33 AM, Simone Barb <[REDACTED]> wrote:

Hello All,

Please see attached communication regarding April20/2021 meeting regarding 5550 Langstaff

Also attached is the 2 Current Ministry Orders that are currently outstanding and have not been complied with by the developer The first order Amended to the second Director's order

Regards,  
Simone  
<letter to council 04202021 pdf>

<20210106135918091 2 pdf>

<20210129132018937 pdf>

Sent from my iPhone

On Apr 20, 2021, at 6:15 PM, Phyllis Barbieri <[REDACTED]> wrote:

Good evening to all:

This email I find disturbing that Councilor Carella is behaving so careless with his constituents well being!!

I have been struggling since this nightmare began!! The fact that we are being totally ignored and this is another bad decision!!

Suzanne Craig Integrity Commissioner has constantly been made apprised!! of how we have been ignored Yet she is failing us to

I demand that Tony Carella step down It's clear due to his age he can't think clearly This application is not protecting the City's risk Don't forget Gentile is suing, so why are do you doing business with him???

Phyllis

Sent from my iPhone

On Apr 20, 2021, at 2:19 PM, Richard Lorello <[REDACTED]> wrote:

Mr. Coles

Please place this communications on the City website for the Special Council meeting regarding 5550 Langstaff.

<https://pub-vaughan.escrimemeetings.com/Meeting.aspx?Id=ac33c990-4578-4abc-93e4-518a692b2ce9&Agenda=Addendum&lang=English&Item=14>

Councillor Carella

It is most disturbing that you brought this item forward as an addendum item regarding 5550 Langstaff without any notification to the community that is directly affected. You have an obligation to your constituents to not only apprise them any developments but you also have an obligation to allow for public input. Did you even consider meeting with the community to advise them of your intentions to proceed with the development at 5550 Langstaff?

This is yet another liberty that you have taken in the midst of a raging pandemic. Your actions in this matter are deplorable.

I strongly request that your addendum item be retracted until the people affected by this development have been notified of a public meeting to hear their input.

As you are well aware this development is situated on a recognised Ministry of Environment brown field where hazardous waste has been dumped dating back decades and for years the community has been concerned for their health and welfare.

You are aware that the residents of this community have had their lives turned upside down over the last 15 years with a history of poor management on the City's including the transport of dump trucks carrying hazardous material through their neighbourhood.

You are aware that the first phase of this development was started without permits or an acknowledged Record or Site Condition by the Ministry of Environment.

You are aware that the residents of this community have been waiting for years for some kind of resolution to this matter.

That said you decided to proceed with none other than an addendum item without any public notification or opportunity for the public for input. The manner in which this development has been managed over the years has also been deplorable.

Other members of Council and the Mayor also have an obligation to reject Councillor Carella addendum at the next Special Council Meeting until the proper protocols and public notices have been provided.

I and others would like to know what your plans are prior to making a motion to Council.

Sincerely  
Richard T. Lorello

On Tuesday, April 20, 2021, 11:31:31 a.m. EDT, IRENE FORD [REDACTED]

Hello,

At this morning's meeting I tuned in late. Councillor Carella brought up a development application 5550 Langstaff Rd. I don't really understand why or how it got to be here or what the motion was fully about. He is pushing to get approval for something so the construction on this site can get the green light. It sound like the Mayor is going to schedule a Special Council meeting for this. I think Councillor Carella's intentions are good here and just wants this saga over with, at least that's how he's presented this.

I take issue more with the process as to why and how a development application came up in this meeting. It would seem the issue will now by-pass CofW and go straight to a Special Council meeting as per Vaughan's by-law no one can speak at Council meetings so it sounds like whatever just happened circumvented opportunities for residents to give deputations. Councillor Carella is willing to take the heat for this b/c the saga has been going on for so long...

If you are more familiar with the history and have concerns here you may want to reach out to inquire what is happening. I will not be doing anything further with this item.

Irene

["Joint failure": 15-year saga over Vaughan dump site development heats up — again — due to waste haulage](#)



**COMMUNICATION – C5**

**ITEM 5**

**Committee of the Whole (Closed Session)**

**May 12, 2021**

**From:** [Simone Barb](#)  
**To:** [Carella, Tony](#); [Coles, Todd](#)  
**Cc:** [Richard Lorello](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Tafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas, MOE](#); [Phyllis Barbieri](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randall](#); [Andrea Brown](#); [Ryan Stern](#); [Suppa, Frank](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Thursday, April 22, 2021 12:46:16 PM  
**Attachments:** [jan 16x4.pdf](#)  
[ATT00001.htm](#)

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Todd,

There is another communication that I kindly ask you to please add to the special committee agenda regarding 5550 Langstaff.

Mrs. Rebecca Hall-McGuire

Legal Counsel

City of Vaughan

2141 Major Mackenzie

Vaughan, ON

L6A 1T1

(905) 832-8585 ext. 8475

**January 16, 2020.**

Mrs. Hall-McGuire, thank you for your immediate response @11:31am to my communication of January 16, 2020.

Can I ask you for verification of your verbal response as anyone can say they made a verbal request or statement but without proof a statement of such request can not be substantiated without proof?

Simone has shared all communications, emails and phone conversations with me to establish that such a request was never made on your behalf.

However, On November 6/2019, November 12/2019, September 3/2019, October 29/2019 etc. Simone has written to you with all the current information that is being questioned by you from me now.

In no way am I refusing to share with you any of the information as I have provided you with a step by step process how to obtain the documents as emailing these large files are not an option for me as the City of Vaughan has an exceedance on file sizes that can be emailed to you at any time.

It has only been my families position over these trying times to seek out support and advocacy from you or the City of Vaughan, which I feel rather than addressing the ongoing issues a level of resistance has always been put in place by the City of Vaughan lack of actions and responses.

However, as an Identified sensitive receptor that was established in Mr. Gentiles Environmental Site Assessments I will not stop exercising my right for a Duty of Care that is owed to myself and family that resides at 12 Campania court from all harm, stigma, damage, and financial burden it has placed on my home and family.

I ask you at this current time to please start working with the adversely affected residents and break the position of resistance that has been formed. My life style in everyway has been damaged and compromised and the City of Vaughan In my opinion has had the critical information in there possession and never governed accordingly with the public on the ongoing and public safety to the ongoing illegal activities that have been established on this site of 5550 Langstaff before the New Market courts.

The following reports are as followed:

**REPORT #1 ESA**



EXP report is the following Phase 2 Environmental Site Assessment.

Project Name

Phase 2 Environmental Site Assessment

Part of 5550 Langstaff Road, Vaughan, Ontario

Part of Lot 11 Concession 8

Project number

MRK-00011004-B0

EXP Services Inc.

220 Commerce Valley Drive West, Suite 110500

Markham, Ontario L3T 048

Canada

Date Submitted

June 20/2017

Re-issued October 5, 2017

Re-issued April 2,2018

## **REPORT #2**

**Environmental Compliance Approval Dated April 4/2014**

**Number 9523-9DSL7V**

## **Document #3**

**Letter Dated June 25/2018**

**To the attention of**

**Mr. Ben Pucci, P. Eng.**

**Chief Building Official, Building Standards Department**

**City of Vaughan**

**2141 Major Mackenzie Drive**

Vaughan ON L6A 1T1

**Document # 4**

**RAP report**

**Terra Firma Plus Inc.**

**May 8/2012**

Which was stamped by Planning and development on **July 3/2012** and stamped again by the planning department on **Dec 8/2014**. **There is a 24-month gap between dates which violates the 18-month period between Dec 8/2012 and Dec 10/2012.**

It was on **December 10/2012** in the Provincial Officer Order #0803-92WMVY Page 5 of the Order. Paragraph 4 that Mr. Gentile states that the RAP is not being followed for Phase 2 and Paragraph 3 of Page 5 states who was present at this meeting.

Please Note that none of the above reports were ever part of the Public agenda or public consultation.

Please feel free to reach out for any further communication.

Kind Regards,

Phyllis Barbieri

**COMMUNICATION – C6**

**ITEM 5**

**Committee of the Whole (Closed Session)**

**May 12, 2021**

**From:** [Simone Barb](#)  
**To:** [Carella, Tony](#); [Coles, Todd](#)  
**Cc:** [Richard Lorello](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Iafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas, MOE](#); [Phyllis Barbieri](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randall](#); [Andrea Brown](#); [Ryan Stern](#); [Suppa, Frank](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Thursday, April 22, 2021 12:27:08 PM  
**Attachments:** [jan222021.pdf](#)  
[ATT00001.htm](#)

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Todd,

Can you please add the following communication from Jan 22,2021 to the agenda of the special council meeting regarding 5550 Langstaff.

This will confirm the status of the City of Vaughan knowing about the Current Provincial Officer Orders.

Regards,  
Simone Barbieri

Hello Mr. Guerette,

January 22, 2021

Thank you for your status update on my communication that was sent to you Sunday January 17/2020 and that you are requesting more time to provide a response to these communications.

However, I find it genuinely concerning and troubling that you can not provide a response to my communication from Sunday. When all it took me was a phone with the MEPC this week speaking to members that are managing this file to break down further events that lead up to this new Served Provincial Officers Order.

It is not surprising that you would need more time since the Municipal Service inspector Norm Gravel was in a position of Knowledge from November 6/2020 and other dates that there were issues with the dump trucks not having the appropriate ECA approvals to haul waste off the site.

As on November 6/2020 Norm was told about this issue directly from the mouth of the MEPC enforcement officer that was on the site of 5550 Langstaff that day the trucks were either returning to the site with their loads of waste or dumping out their trucks as they were not allowed to leave the site with the waste as they did not have the appropriate ECA to haul waste in that manner it was being loaded.

Rather than Norm staying on site and restricting the access point he got back in his truck after being informed from the enforcement officer and leaving the site like nothing was wrong. As days past the City of Vaughan still failed to take action to protect this community with the information they knew and rather than restricting the access point they still allowed hauling of waste to continue.

I was also advised that in November when a formal letter went out to Mr. Gentile regarding issues of the site and asked to comply to certain outstanding issues. A copy of that letter was shared with Frank Suppa of the City of Vaughan and still no enforcement action was taken from the City of Vaughan to shut down the access point from hauling.

Another incident occurred on November 17/2020 as trucks were returning to the site and still no Action was taken by the City of Vaughan.

Another incident occurred again on December 19/2020 resulting over 168 trucks returning to the site.

Bylaw was called on all these dates above that these incidents were occurring and no one from the Bylaw department showed up or took any action.

Instead, I received the following responses from the City of Vaughan.

**This was Christian Guerette email response on December 23/2020 to my December 19/2020 email.**

-  
Ms. Barbieri:

I am writing to you further to your email of December 21<sup>st</sup>, 2020.

Please be advised that the City of Vaughan did receive your call on December 19<sup>th</sup>, and after conducting the necessary due diligence determined that no violation had been identified as per provincial regulations and as a result no actions were taken.

As you have been previously advised on several occasions, the MOECP (Ministry of the Environment, Conservation and Parks) has jurisdiction over administration and enforcement of the *Environmental Protection Act*, not the City of Vaughan, and as a result, concerns of this nature should be directed to their attention. The trucks you are referencing appear to have been operating within permitted construction times, taking into consideration the current provincial order permitting construction activity at essential workplaces between 6:00 a.m. and 10:00 p.m. Any concerns that you may have about the speed of the trucks should be directed to York Regional Police. The City of Vaughan is in the process of addressing any residual mud on the roads with the developer and hope to have that issue remediated as soon as possible. The City of Vaughan will be in contact with the Region of Peel about the apparent return of fill to the Vaughan site and will evaluate the information received to determine if anything needs to be done.

The remainder of your query relates to subject matter which is subject to litigation between yourself and the City. As such, please have those inquiries directed through your legal counsel.

Yours truly,

**Chris Guerette**, B.A. (Hons.), LL.B.

**Legal Counsel**

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**This was the email response on November 20/2020 from Mrs. Hall-McGuire**

Hello Ms. Barbieri,

“As you are aware, the Ministry of the Environment, Conservation and Parks (MECP) has jurisdiction over hauling of waste material. As you indicate below, the MECP is addressing the issue of waste hauling with Mr. Gentile. It would not be appropriate for the City to restrict access to 5550 Langstaff to address an issue that is within the jurisdiction of the MECP, and which is being dealt with by the MECP.”

Thank you,

Rebecca Hall-McGuire  
Legal Counsel  
(She/Her/Hers)  
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How Could the City of Vaughan send out these types of responses when you were aware of hauling issues that the Ministry were trying to govern.

But the City of Vaughan acting recklessly supressing further information that would have protecting this community from the uncertified hauling of waste that is accessing our municipal roads leading to our regional roads to provincial roads.

In November rather then addressing this hauling issue that led to multiple sites be dumped on that were unpermitted to receive this waste and the dump trucks did not have the ECA required to haul off the site of 5550 Langstaff.

You sent out a letter talking about subdivision agreements in November instead. I find this to be a massive miss use of public office and lack of transparency on the community safety issues and reckless actions that has caused us mental distress, damages, harm. As the City of Vaughan in my opinion is closing an eye to all infractions by taking advantage thinking as long as the community is not aware of the truth theirs nothing to act on unless we the community were informed accordingly. So, unless the community knew what was really going on. There was no reason for the City to act on ongoing infractions that the City has been taking the ongoing position that infractions and violations do not exists when the City of Vaughan was in a position of Knowledge that in fact there were always infractions on this site of 5550 Langstaff since this waste hauling commenced in Aug of 2020. But not limited to that date.

Therefore, I am holding the City of Vaughan Jointly responsible for all the ongoing damage, harm, etc..... That has occurred over the course of the unpermitted operations that have taken place here at 5550 Langstaff Since you were always in a position of Knowledge and have an obligation and responsibility to deliver the highest standards of Duty of Care to protect any and all from harm damages and adverse affects.

Regards  
Simone Barbieri

**COMMUNICATION – C7**  
**ITEM 5**  
**Committee of the Whole (Closed Session)**  
**May 12, 2021**

**From:** [Simone Barb](#)  
**To:** [Carella, Tony](#); [Coles, Todd](#)  
**Cc:** [Richard Lorello](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Iafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas. MOE](#); [Phyllis Barbieri](#); [MATT MCNEICE](#); [Kristen Sones](#); [Andrea Brown](#); [Ryan Stern](#); [Suppa, Frank](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Thursday, April 22, 2021 9:43:11 AM  
**Attachments:** [feb032021.pdf](#)  
[ATT00001.htm](#)

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Todd,

My Feb 03/2021 communication to the City of Vaughan, I would like it as well to be added to the Special Committee meeting as this communication was not addressed in it order of questions be asked or clarifications being requested, or understandings being seek out.

As well page 3 of the communication regarding funding and council resolutions. At the special committee meeting I am requesting, through what council resolutions and when did the City promise financing and guarantor to the developer without notifying the public or seeking public consultation for the use of tax payers money.

I'm requesting staff to review all submitted communications and prepare responses for all areas of questions and concerns written in each submitted communication.

I Thank you for your cooperation in advance and look forward to a long over due explanation of all unaddressed, unanswered, communications to the attention of the City of Vaughan, council, staff, and By-law department.

Mr. Christian Guerette,

February 3, 2021

I would like to thank you for your communication received. Responding to many community communications from January 22/2021 emails.

However, there are many corrections of your communications that need to be corrected for the record as your updates are inaccurate and anyone that has briefed you on this ongoing matter has devaluing the adverse affects and has violated what our right to quality of life is measured that has caused an unmeasurable level of ongoing harm, damages, etc..... The City of Vaughan has had a continuous active role in the ongoing activities, and in the knowledge and review of reports and information and approval process of 5550 Langstaff to take a very back seat currently with in my opinion your water down response trying to make every effort to remove liability off the position of the City of Vaughan. Is very highly offence.

**1) (City of Vaughan Respons)**

**“Any issues relating to the Environmental Protection Act, environmental approvals, receiving sites for the excavated materials, qualified persons, and the parties to whom Provincial Officer’s Orders are addressed, should be addressed to the Ministry of the Environment, Conservation and Parks, as they are the entity responsible for managing those issues.”**

I will agree with you that environmental approvals, Provincial Officer Orders etc. are mandated by The MEPC whom Govern the Environmental Protection Act. HOWEVER, through policy passed by are municipal government that states the municipal government has a responsibility to uphold and govern in accordance with the EPA and even according to the Ministry of Environment in an email from January 26/2021 @2:46pm stated the following and I quote

**“The City can however enforce their own policies and procedures which may reference requirements set out in the EPA (as noted in the attached document you provided).”**

The document that was referred to was the VOP policy.

The City of Vaughan has only ever taken the position that its not within their jurisdiction and have never enforced policy and procedures because of said position.

Please refer to the Jan 22/2021 email where the issue is not provincial orders and environmental approvals.

The Communication is talking about the Hauling issues that has arise.

Hauling issues are a shared jurisdiction with the Ministry of Environment and the City of Vaughan.

As the MEPC are required to be notified where the waste is be hauled to and with which transport company. As ECA (environmental compliances are required before hauling can commence).



However, The City of Vaughan also holds jurisdiction in this area as it is the City of Vaughan handing out road cut permits, as well it is the City of Vaughan that governs are municipal roadways and the 0.3-meter reserve in front of the access point on Campania court. Not the MEPC.

According to the Policy endorsed by council there are a few key points I like to remind the City of Vaughan.

### **Section 1.1 PURPOSE:**

" This document provides an update to the City of Vaughan's POLICY and PROCEDURES for dealing with Contaminated or Potentially Contaminated Sites that was originally adopted by Council on May 14,2001. The POLICY'S intent is to ensure contaminated or potentially contaminated sites within the CITY OF VAUGHAN are addressed accordingly to Provincial statutes and regulations. York Region standards, and best management practices to permit development or redevelopment, and to ensure that lands being conveyed to the city meet the applicable environmental standards."

### **Section 2.0 GOVERNING POLICIES, PLANS, and LEGISLATIVE BACKGROUND**

"The following provides a summary of the applicable **provincial and municipal** policies, plans, and legislation which has guided the development of the City's policy on dealing with brownfields and contaminated or potentially contaminated sites.

Page 2-11 illustrates the City of Vaughan's role and responsibility to maintain the highest level of management, transparency, integrity in accordance with legislated Framework of the EPA policy and procedures are addressed accordingly to Provincial statutes and regulations. If you reflect to prior responses from the City of Vaughan. The City of Vaughan has always taken the position that its not within their jurisdiction. therefore, not applying policies and procedures to reduce the exposure of all adverse affects we were forced to be subjected to as Provincial statutes Regulations were not being complied with as the History of Provincial Orders dated back to 2013 with the City of Vaughan always being in a position of this knowledge and more. As if you also reflect to the public record there are ZERO technical reports or staff reports communicating these issues on the public record.

### **Referencing page 10 of the policy**

**Page 10** is a City of Vaughan Environmental Site Contaminated Review Flow Chart.

If each step was followed according to this formatted flow chart then Huston, we have major issues with the integrity of the management of this site. Due to policy procedure and provincial legislated framework endorsed by this very sitting elective body that hold elective positions within our Municipal government, especially our Ward 2 Councillor Tony Carella, and Regional Councillors and our Mayor of the City of Vaughan.

AS WELL

let us refer to **Page 14: City of Vaughan RAP Review Flow Chart**

Huston, we have an even bigger problem. When reviewing this flow chart from page 14. It speaks to the required RAP (remedial action plan). Referencing back to Jennifer Kozaks Provincial Officer Order. Within the Order there was communication stated for the record that a business meeting was held at the City of Vaughan, with all parties present including legal counsel for all governing parties.

Mr. Gentile advised all parties at the meeting that the RAP (Remedial Action Plan) for phase 2 was not being followed.

So please explain how policy and procedures were being applied to the governance of the site if the RAP was not being followed or the site was not being managed by a Qualified Person?

Definition of Qualified person is on Page 21 of VOP policy.

Further review of these flow charts both on page 10 and 14 there are a lot of red flags that pop up. Questioning the process, of policy, and procedures being followed in the order they are required to be followed. As required steps were missed or overlooked or skipped in the accordance of the EPA as the City of Vaughan DTE department of the City of Vaughan should have been aware of this in the review process as they were issuing out their approvals. As they were not acting in accordance with the EPA. Of section 6 of the policy and other areas of VOP policy.

According to Page 10 there should be no registered drafted plan registered to the City of Vaughan until all the above is adhered to. But in an email retained in an FOI package there is an email from 2015 Where the City of Vaughan was going to enter into a model home agreement and a subdivision agreement without the site having an RSC to its title or without the remedial operations not being concluded. In fact, there is no public record that speaks to any of the ongoing issues of the site let alone any of the required technical reports.

Or let us reference back to when the City of Vaughan changed the Provincial requirements to lift the Hold symbol off the property to guarantee the developer financing when the Municipality does not have that authority to do so. Or the that council did not consult the public for being a guarantor on the Developers financing as the developer himself on public record stated that through council resolution if council does not help him it will go against there promise they gave the develop again without consulting the public as the City of Vaughan is a public entity that functions on public funding through property tax etc.... that without consent of the public Vaughan council can not be funding developers with our money behind close doors. From 2012-2018 the developer has received \$78 million from charter banks without having an RSC certified by the MEPC.

As records show the municipality also assisted and supported the developer on installing roads, sanitary and sewer systems on the phase 2 lands knowing that the developer had not completed the remedial operations, or obtained the required RSC needed to certify the lands for a more sensitive land use of development. There is also an email from the TRCA to the City of Vaughan in 2013–2014-time frame when the roads infrastructure was being installed. Stating that there is still a large mountain of waste located across the hydro One easement. City response to the TRCA was that they were aware and are supporting the developer of the installation of roads to haul out the waste.

Yet there was no infrastructure needed to stockpile the waste from phase 1 to phase 2. As the waste sat across the hydro One easement under the hydro one wires from 2009 to 2016 with no municipal permits or an encroachment agreement entered by the developer with Hydro One as the City of Vaughan was very aware of this as it is the DTE department of the City of Vaughan that facilitates said required agreements.

As the developer also went on public record and lied about a stop work order put on title by the Ministry in that time frame of 2013-2014 at the same time the City of Vaughan was supporting the installation of services and infrastructure to the phase 2 lands.

Even after referencing a letter written by York Region stating that the developer can only move forward with the above if there is an RSC on title. Yet both Municipal staff and Developer ignoring that communication and moved forward even without an ECA approval issued out by the Ministry of Environment as all these communications are enclosed in the received FOI package of the MEPC.

To reference to the July 16/2016 meeting of the whole. That meeting was conducted in an inappropriate manner on the bases that when the community arrived for the public committee meeting, we were under the impression that we were going to speak to many ongoing unaddressed community issues.

Instead, the community was blind side and almost pushed off the public agenda because of a backdoor deal made between the developer and staff and Ward 2 councillor Tony Carella without public consultation.

A deal between the developer and staff was being hammered out 48 hours before the meeting was to execute a road cut permit without consultation from the community.

It was Ward 1 Councillor that expressed concern and addressed the City Clerk about procedure of removing the community voice from the record. As we were not notified a head of time about what the developer and staff were in communications about, we were still allowed to speak at the public meeting.

But the course of conversation had changed as it was now to fight for our rights against the lack of consultation of the Road Cut Permit being forced on this community. Our Voices were being ignored and the right to public consultation was being taken away from us as these back door deals were taking place while the developer was suing the City and having a legal matter before the courts.

Which I might add canceled another scheduled community meeting that was supposed to happen on December 10/2015 2 days after the City of Vaughan was served with a statement of Claim in December 8/2015 from the proponent of 5550 Langstaff.

But it was ironic that 1 hour before attending the December 8/2015 community meeting regarding the other development of infinite Homes on Block 120. I received a phone call from executive assistant to the Mayor. That our Formal request to meet and sit with the Mayor to discuss ongoing unaddressed issues was going to be contingent on the outcome of the community meetings.

But never mentioned in that phone call that, that very Morning of December 8/2015 the City had been served with a statement of Claim and because of that claim had no intention of speaking with the community in the formal meeting request we had issued out to the Mayor of the City of Vaughan.

As the City of Vaughan has always take the position that community concerns could not be spoken to with the community due to the litigations matters before the court. Never Stopped the City of Vaughan from discontinuing their business meetings with the developer or progressing the development forward.

Because of this claim the last 5 plus years the City of Vaughan has never included the public in the process.

The public was removed from the public process, our voices were muted, our public request for a working task force was denied without explanation.

Our municipal government failed to support the community through the adverse affects we were and still are being subjected to.

In the same period both the Ministry and the City of Vaughan were in the position of knowledge that the Developer did not have an ECA to conduct any remedial operations on the Site as they were withholding and supressing public information that sensitive receptors were identified through environmental reports written by Mr. Gentile's consultant. This was never expressed through any public committee hearing. I found out on my conducting my own research that identified sensitive receptor were identified and that 12 Campania court was receptor #1 and that a minimum 205-meter distance was to be maintained from the remediation operation to 12 Campania court in accordance with the ECA that Mr. Gentile failed to comply with in accordance with the EPA.

## **2) (The City of Vaughan Response Jan 29/2021)**

"The March 8, 2017 order of Justice Cavanagh held that, pursuant to the development agreement, the developer can access the Phase 2 Lands via Campania Court only to move equipment (to be used to remediate, service and maintain the Phase 2 lands) on and off the lands if the vehicles cannot maneuver safely through Phase 1. This does not preclude the City from entering into an arrangement with the developer which allows for access to Vaughan roadways for the hauling of the excavated materials."

### **(Simone's Response)**

I find it very ironic that you reference this particular paragraph of the order.

When this was not the argument from the community.

When the City of Vaughan finally made the community aware after the fact regarding the access point proceeding to court. The Community realized why you held on to the information as long as you did before informing the residents.

The appeal process was past, and the arguments presented to the judge was not the full story or all accurate events of information leading up to the matter of access.

The City of Vaughan once again failed to reach out to the community to provide consultation to this matter.

Page 2 paragraph 5 is what argument has been regarding not the response you have provided.

I find your response is evading the actual problem and is just another way to avoid addressing what was and was not allowed according to the order.

According to the development agreement the indemnity clauses precludes the developer from ever suing the City of Vaughan. Yet the developer served the City of Vaughan with a claim and the City of Vaughan has been hiding behind this claim the last 5 years rather than striking it as per said development agreement. As well there has been no movement of said claim as said claim sat dormant for 5 years. In my opinion was used as tool rather than respecting the Rule of law.

Also going back to when this development agreement was first developed the community was not consulted then regarding that Campania court was going to be listed as an access route from the site.

Mr. Gentile should have been required to maintain phase 1 access through the course of operations but with eyes wide open and policy and procedures not being followed the developer intentionally reduced his access from phase 1 pushing the City of Vaughan in a position to force access through Campania court.

Please let's all be reminded that when this order was issued in 2017. May of 2017 the developer tried to haul out of the site against the court order and when YRP were called to the site because of the breach of order on the developer's part.

The hauling was halted and within 2 days all machines were removed from the site as the site after that in 2017 was shut down until 2018.

The developer in 2017 days after commencing operations proceeded to inform the YRP officer that there was new language that permits him to haul out of the site through Campania court.

The Officer asked the developer to produce the new order that updates the language allowing him to haul out of the site. The developer could not produce this new order he was speaking about as it did not exist.

As Mr. Andrew Pearce Confirmed that day to the YRP Officers that there is no new language to the current order. As the Order stands in the form it was written at the time by Justice Cavanagh.

Another letter in 2018 stated the same from Andrew Pearce. That hauling still was prohibited from Campania access point. So please explain what changed in 2019 because the matter was never set down for trial.

Let us also be reminded that while in 2018 when Mr. Gentile still did not have the required ECA to perform any remedial activities on the site and was required to keep a minimum 205 meters away from all identified sensitive receptors. Did not comply to these requirements because as the

Ministry and the City of Vaughan were in a position of knowledge that Mr. Gentile of 1668137 Ontario Inc and or 1668135 Ontario Inc failed to apply for an amendment or an appeal.

As this information came out before the Courts on Environmental charges that were being heard in the New Market court. As usual this information was suppressed from the Community as It would have been our Local Governments Duty of Care to inform the community through public consultation of above said information and as well to have enforced Municipal bylaws that would have protected this community but also to govern according to Policy that clearly outlines the Regulations and statues that need to be adhered to maintain the accordance of the EPA in the operations of 5550 Langstaff site and safety of the surrounding community residents that have and still are being adversely affected.

As our Local government is the closes branch of government that governs the safety of their community residents. It is the local government that has the responsibility for upholding the highest level of duty of care to all residents being adversely affected by this ongoing matter, which after a long road of doors closing, refusing of public consultation, and suppressed information or not upholding policy and procedures within City of Vaughan Official Plan Policy.

It is the City of Vaughan that has not upheld their Oath of public office and elective duties, that has allowed this community to be adversely affected with eyes wide open failing to provide a duty of care and a safe community to live a quality of life.

Even requesting formal meetings with our council appointed integrity commissioner have been ignored and or dismissed without addressing our ongoing concerns that involve our elective officials that have failed to uphold their elective duties to their constituents causing adversely affected damages.

### 3) (City of Vaughan Response)

“City inspectors address all calls from residents as appropriate. City of Vaughan By-law officers have attended at 5500 Langstaff Road on numerous occasions. We are unaware of any instance where any representative of the City By-Law Department instructed the York Regional Police (YRP) to “take no action”. It should be noted that the mandate of the YRP would not allow them to defer to City staff on a matter requiring police intervention.”

#### (Simone's Response)

I would like to address that we have multiple Municipal bylaws that have failed to be enforced. Property Standards 231-2011, Nuisance bylaw 195-2000, 170-2004, 100-2020, 106-2020, Debris bylaw 103-2020, Standing water bylaw 143-2003, Tree Protection Bylaw 052-2018, Fill dumping bylaw 189-96, 44-2004, 265-2006, 7-2017, 164-2019, Site Plan Control bylaw, 123-2013, 095-2020, 149-2020, as there are many more bylaws that can be questioned of lack of enforcement.

As well City inspectors that has attended this site of 5550 Langstaff on multiple occasions were aware of many issues and seat back with eyes wide open and did nothing to stop, enforce, or correct the unpermitted actions of the developer.

Examples are June 3/2018 municipal inspector being advised by the proponent himself he was going to stockpile waste next to the “Barbieri's” home and took no action for over 2.5 years and seat back and watched him stockpile waste next to my house knowing the City of Vaughan did

not issue out municipal permits to do so. Which was also a violation to Bylaw 189-96. The City receiving correspondence regarding this matter and took no action.

November 6/2020 Municipal inspector was advised about the hauling issues from the Ministry of Environment officer at the site of 5550 Langstaff and took no action. Bylaw was call and they took no action.

November 17/2020 Municipal service inspector was advised of the ongoing issues and still took no action. Bylaw was called and bylaw still took no action.

December 19/2020 the City was advised again regarding the hauling. Bylaw was called to come out and both the City of Vaughan and bylaw took no action. Then the City of Vaughan sent an email indicating there was no violation to provincial regulations that is why the city did not act to enforce.

In 2018 when the screener arrived at the site. Both the City of Vaughan and the Ministry were both not notified of the operations commencing. Rather then enforcing Provincial statues according to policy and procedures of the VOP and being aware that the developer could not haul waste off site and or have an approved ECA to conduct any remedial operations on the site of 5550 Langstaff.

The City of Vaughan conducted a business meeting with Mr. Gentile and contractors to finish the west leg of roadways and sewer and sanitary work on a site that had no approvals to do so in accordance with the ECA process. The only reason why the City of Vaughan did not enforce any municipal bylaws or contravention to bylaws, or the permit process was because the City of Vaughan was supporting Mr. Gentile's unpermitted actions to stockpile waste next to 12 Campania court and the rest of phase 2 property which adversely affect us and changed the grading of our property causing pooling to occur for approximately 2.5 years and having unidentified waste piled next to our home for 2.5 years but also to advance his development at any risk or liabilities caused by the premeditated negligent actions of the remedial operations that was conducted by Mr. Gentile and under the knowledge of the City of Vaughan and not by a qualified person.

There are many more examples of response to question 3 of your response provided but I will leave you with one last example in 2018 on a Saturday the YRP was called out to the community because of hauling waste issues off the site. When the YRP arrived at our residence, we informed him of the issue. The YRP officer then asked if we were able to contact the author of the City letter supporting the court order. Which was Andrew Pearce. I had Mr. Pearce cell phone number and contacted him. Once we were able to make connection with Mr. Pearce. The Officer asked if he could proceed outside with the call. Our home has audio surveillance and picked up the call from Mr. Pearce and the YRP officer. In that call the YRP officer was ready to cease the access point and said to Mr. Pearce provide me direction to stop the hauling and I will act. Rather Mr. Pearce told the YRP officer to take no action and just let it continue. Allowing the developer to breach the court order of hauling waste.

#### 4) (City of Vaughan's response)

"Initial public consultation took place in a public hearing format on October 16, 2012. The matter was also before the Committee of the Whole on June 18, 2013, and a Special Committee of the Whole on July 16, 2015. There were additionally public meetings on February 4, 2016 and

February 6, 2017, involving the Ministry of the Environment. In addition to the foregoing, Vaughan has issued multiple communication updates to area residents on the status of matters at the development site, the most recent being on or around November 11th, 2020.”

**(Simone’s Response)**

Mr. Guerette, as you have listed all these dates of so-called consultation with the community. I will have to disagree with you completely. As I already discussed earlier in this email that July 16/2015 meeting was to expose a backdoor deal without public consultation. Feb 4/2016 was with the Ministry discussing results from surface samples conducted on July 26/2015 by the Ministry.

The Feb 6/2017 hosted by Mr. DelDuca had no city representative there to address are concerns.

After reviewing video recording from Feb 6/2017 Mr. DelDuca held a meeting with no city representative present and took the position of no comment when it came to city related questions. Therefore, we could not speak to any related outstanding issues and most definitely no discussions of development applications or proposed applications were discussed or even mentioned.

If you look at the City of Vaughan extracts on the City of Vaughan website, it can verify that the meeting of June 18/2013 did not take place as the minutes of the meeting is completely blank even on the City website itself.

The meeting from October 16/2012 was regarding community issues of the activities of the site as at that point the community was not aware of the required remediations that were occurring on the site as we still were unaware of what the sites history was because we were never consulted regarding the history of the property. dust issues were also spoken of that were never addressed and the steel barrier that Mr. Gentile removed from the end of Campania court without public consultation to informing us why it was being removed and then placed at the bottom of my property until 2016. None of the above listed meetings was development applications, or proposed development, or remedial activities discussed with this community.

**5) (City of Vaughan Response)**

“A ‘Remedial Action Plan’ is a requirement identified in the City’s ‘Contaminated Sites Policy’. It can be required further to a Phase 2 Environmental Site Assessment (ESA).”

**(Simone’s response)**

Remedial Action Plan was required as Phase 2 ESA was required for the site. According to policy and the Ministry of Environment the RAP was a City of Vaughan requirement. As it was clearly stated in Jennifer Kozak’s Provincial order that a business meeting was conducted, and Mr. Gentile informed all parties plus legal for all parties that the RAP was not being followed.

Therefore, how was the City of Vaughan’s policy and procedures of the flow chart being followed and how was the H symbol removed off the site to guarantee the developer financing of \$78 million between 2012-2018 without an RSC on title.



Please refer to page 8 of the Policy section 6.0 for review and please explain if this process as others were not upheld how did the development progress forward?

As well please indicate from page 8 section 6.0 when was the public hearing scheduled for the ESA to be spoken to and the applications for Official Plan and Zoning bylaws as well as the RAP report????

Also please refer to page 21 of the policy as it provides a City of Vaughan break down of what a Qualified person is defined as and a Proponent is defined as to City of Vaughan and Ministry of Environments in accordance with EPA definition.

Can you please tell me where Mr. Gentile follows into these definitions as he conducted his own remediation of the property without ECA's that the Ministry and City of Vaughan were both aware of and suppressed that information for years from the residents as we were being adversely affected by the actions of an unapproved remediation that was as well under Provincial Order for years and being forced onto this community causing harm and damages that were being ignored and dismissed by the City of Vaughan.

At this point I am encouraging that the City of Vaughan to please review your own policies as in my opinion the City of Vaughan is issuing out false statements that do not provide response's in accordance with the VOP policy and legislated framework reference with the City of Vaughan's policy.

The City of Vaughan's responses are very offensive in the environment we were forced to live in with no mitigation plan in place that would have been in line with Ontario regulation 153/04. That could have protected us from damages, harm, mental anguish, etc. The responses of the City of Vaughan devalued our quality of life that we simply did not matter.

I am requesting that the City of Vaughan stop dismissing their responsibility of their position of what has happened here as The City of Vaughan has had and continues to have a large role of what is continuing to happen here and failing to govern accordingly. Causing harm, and damages etc..... and failing to provide a Duty of Care and uphold their elective role and oath of public office which in my opinion is abuse of public office and a violation against the Vaughan Accord that this current elective body has signed and endorsed to govern by. I ask this elective body to reflect and ask your self if you would sit back and allow you and your family to be adversely affected in these degrading living conditions that have caused an unmeasurable amount of damages to private properties and peoples quality of lives with no measures of protection in place or government support or transparency.

Regards,  
Simone Barbieri

**COMMUNICATION – C8**

**ITEM 5**

**Committee of the Whole (Closed Session)**

**May 12, 2021**

**From:** [Simone Barb](#)  
**To:** [Carella, Tony](#); [Coles, Todd](#)  
**Cc:** [Richard Lorello](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Iafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas, MOE](#); [Phyllis Barbieri](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randall](#); [Andrea Brown](#); [Ryan Stern](#); [Suppa, Frank](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Thursday, April 22, 2021 4:16:56 PM  
**Attachments:** [Nov212020.pdf](#)  
[ATT00001.htm](#)

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Todd,

Please add the following communication to the special committee meeting regarding 5550 Langstaff.

Regards  
Simone Barbieri

November 21/2020

Mrs. Hall-McGuire,

Reflecting of your response from November 19/2020 @ 4:46pm. After reading your response to my family. My mom was immediately in tears because your responses do not support the harm, damages, and violation of our privacy and our lack of ability of having any type of quality of life while being subjected to this unpermitted unqualified disaster for longer than anyone should be.

My father was infuriated because for over the time this remediation has been going on the City of Vaughan failed to put the safety of this community first.

Our home and our quality of life is a prime example of how we were treated and devalued.

This remediation has caused a heavy financial burden on my parents that all could have been prevented if we were communicated with and public documents were made available on the public record with a mitigation plan in place to protecting all that was put at risk under Ont/Reg 153/04 of the Environmental Protection Act that was linked to the Building Code Act through policy framework approved by City of Vaughan Mayor and Council of the City of Vaughan.

My little Sister that is 21 now and for most part of her childhood and all her teenage years was subjected to harmful, damaging, stigmatizing environment that took away the ability to live a normal childhood. At the age of 19 in 2018 Michaela's privacy was violated to the worst degree.

Waking up to proceed to go take a shower to get ready to go to work. As she went to the upstairs main hall washroom located on the south portion of our dwelling. She proceeds to take a shower to then be violated as Mr. Gentile and the men from Metrics that were allegedly illegally stockpiling waste next to our home.

Frank Suppa clarified that Mr. Gentile did not have municipal permits to stockpile and Andrew Pearce Confirming that the Court order and the City letter head from 2017 prohibiting Mr. Gentile to haul still stands nothing about the order changes.

Mr. Gentile and the City of Vaughan were both aware that Mr. Gentile did not have a valid ECA to conduct any remedial operations on the site of 5550 Langstaff and therefore the property to the west should have not been disturbed until all approvals and certificates need were in place to operate accordingly under the Environmental Protection Act.

As Michaela proceeded to take a shower turning towards the window the operator had turned off the excavator to proceed to watch Michaela get undressed. To then Michaela yelling closing the blind in the washroom then started crying immediately. Calling the police and Bylaw to report the incident.

YRP showing up to our house not to address the violation of my sisters' privacy but to hand deliver a letter to Michaela from Mr. Michael's restricting Michaela from entering any public facilities for a span of 3 months.

If that is not a gross miss use of public office and our court system as well as degrading the presence of our YRP officers at the time, I am not sure what is. Let us close this by saying this all could have been avoided when Mr. Gentile informed Norm Gravel June 3/2018 that Mr. Gentile was going to stockpile the waste next to our house by enforcing bylaws that would have protected us from harm damages, and violation of one's privacy.

Working diligently is a statement that my family has a hard time comprehending with because the City was in a position of knowledge for years that my home and family were identified sensitive receptors and that there was no valid ECA to conduct any remedial operations on the site and that Mr. Gentile was required to stay a minimum of 205 meters away from all sensitive receptors. Yet all that was tossed to the side neglecting your Duty of Care that was owed to us and continued to proceed with the unlawful activity of remedial operations. By willfully closing an eye to community safety and policy protocol.

My question to you Mrs. Hall-McGuire is how diligent were you Working? when the developer filed a lawsuit against the City of Vaughan and you never terminated your discussions with the developer but rather continue moving forward with the business dealings only shutting out the community's voices and refusing to share public information that affected the safety of our community and my family and I. Or creating a frivolous and vexatious policy suspending my public services for 3 months and calling all my unaddressed email frivolous and vexatious. In my opinion that lawsuit was just a power tool to refrain from speaking with the community but behind close doors continue to work very closely with the developer at any length knowing he did not have the appropriate approvals and tools to work with.

I am asking you at this current time do not claim that the Mayor, council, or staff have been working diligently to resolve all issues with 5550 Langstaff because first there is an omission on your part that there were and still are issues and second that is a massive insult to the gross negligence against my family and home, our safety, and the ability to try to live a normal private life within our home. The scars run deep for the premeditated harm inflicted on my family and by you saying the City has been working diligently is a complete insult and devalue to all the hardship, harm and damages my family have been adversely affected by.

On November 16/2020 not a single bylaw officer or staff member attended my home or this site to see the condition of the fence. As my family was home all day on Monday and there is always someone home plus surveillance cameras around my property, I can say for 100% certainty that not a single city employee was here regarding the fence. As if someone were being sent out you then would have had the common courtesy, I would hope to email me and inform me of such which that never happened because all my emails went unaddressed. As well if a Bylaw officer attendant the area of where the fence has collapsed, he or she would have needed access to my backyard which then he or she would have had to knock on our front door to request access and

inform us that they were here to see the damage that occurred with the fence. That never happened.

As well with all the calls requesting bylaw to attend the area due to community safety issues related to the activity on the site of 5550 Langstaff not one of those calls were addressed. In fact, we had to call multiple times per call in the span of 3 or 4 hours requesting an explanation to why a bylaw officer have not attended the site. With getting zero explanation and our community concerns going unaddressed.

Regards

Simone Barbieri

**COMMUNICATION – C9**  
**ITEM 5**  
**Committee of the Whole (Closed Session)**  
**May 12, 2021**

**From:** [Simone Barb](#)  
**To:** [Carella, Tony](#); [Coles, Todd](#)  
**Cc:** [Richard Lorello](#); [Robert A. Kenedy](#); [Sustainable Vaughan](#); [IRENE FORD](#); [Keep Vaughan Green](#); [Andre Willi](#); [Kathryn Angus](#); [Bob Moroz](#); [Tafrate, Marilyn](#); [DeFrancesca, Rosanna](#); [Racco, Sandra](#); [Shefman, Alan](#); [Rosati, Gino](#); [Jackson, Linda](#); [Ferri, Mario](#); [Noor Javed](#); [Celeste Dugas, MOE](#); [Phyllis Barbieri](#); [MATT MCNEICE](#); [Kristen Sones](#); [Matthew Randall](#); [Andrea Brown](#); [Ryan Stern](#); [Suppa, Frank](#)  
**Subject:** [External] Re: 5550 Langstaff Rd.,  
**Date:** Thursday, April 22, 2021 12:39:49 PM  
**Attachments:** [Jan 24x6.pdf](#)  
[ATT00001.htm](#)

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Todd,

Please add the following communication to the special committee meeting regarding 5550 Langstaff

Mrs. Rebecca Hall-McGuire  
Legal Counsel  
City of Vaughan  
2141 Major Mackenzie  
Vaughan, ON  
L6A 1T1  
(905) 832-8585 ext. 8475

January 24, 2020.

**WITHOUT PREJUDICE**

Mrs. Hall-McGuire,

**In my opinion after careful review of documents, passed occurrences and the facts.**

In response to your communication from January 23/2020. I have reviewed the communication and have a few concerns which are the following.

Yes, you are correct that I have requested the matter of the Stockpiles that are currently on the property of 5550 Langstaff to be part of the public agenda.

You stated that because of the ongoing matters before the court my request can not be brought to the public agenda. However, I would like to bring to your attention that after carefully reviewing the matters before the court the following break down is as follows

**CV-15-530281 ONSC 6667** was served on the City of Vaughan on December 8/2015 and its regarding the hold back of the Subdivision agreement.

**CV- 16-561498 ONSC 3936** was served on the City in March of 2017 and brought before the courts without the publics knowledge of this claim even existing as this claim speaks to the gate that was installed on September 15/2015.

There is no matter that is currently before the courts that represent the argument of these stockpiles. As these stockpiles were from the illegal remedial operations that occurred in the summer of 2018. Where the Ministry laid charges and the charges were heard in Newmarket court which resulted to a guilty verdict by Judge Clark On or around September 23/2019.

Mrs. Hall-McGuire, I would like to address paragraph 5 of your January 23/2020 communications. I will quote your Statement then will make my comments.

*" In your correspondence dated January 16, 2020 you refer to recordings of my phone conversations with Ms. Simone Barbieri. Please be advised that these recordings are relevant to Simone's litigation*

*against the City and accordingly these recordings **must be preserved**, and the City reserves the right to request all recordings be produced in the litigation. I have copied Ms. Simone Barbieri on this email to ensure she is aware of her ongoing **obligation to preserve (and eventually produce) all** recordings of conversations between her and City staff related to 5550 Langstaff."*

The above statements in my opinion hold many contradictions to upholding the true validity of the process of legal matters that are before the courts.

First if the City of Vaughan is reserving the right to preserve articles that represent a matter before the courts.

Then in my opinion as the legal Matters with Mr. Gentile began in 2015 the City of Vaughan never enforced the validity of that matter to be preserved as its still before the courts.

Instead the City of Vaughan continued working with Mr. Gentile but shut the residents out of any and all communications.

Please let's not forget the Environmental Compliance Approval that was issued to 1668137 Ontario Inc on April 4/2014 for the municipal property known as 5550 Langstaff Lot 11 Con 8.

Also carried compliance issues that 1668137 Ontario Inc needed to seek an amendment for or request an appeal to the ECA to operate within compliance on the Property of 5550 Langstaff when conducting the remedial operations of the property.

As that was established once again in the Newmarket court on or around September 23/2019 that neither option was ever exercised by Mr. Gentile of 1668137 Ontario Inc.

It was also established that all involved parties were aware of this non-compliance to the Environmental Protection Act of the ECA as the Provincial officer orders that were amended 4 times were never complied with since 2014 and the Ministry took the position of not amending the provincial officer orders any further because of the unwillingness of cooperation of the Mr. Gentile not operating within the legislation of O/Reg 153/04 and O/Reg 347.

There were letters issued out by the Ministry to the City of Vaughan regarding Liability exposure of section 168 of the Environmental protection Act.

How ever in my opinion it seems that the City of Vaughan never acted accordingly with those communications as not a single resident was ever informed of these liability risks or any other prudent information enclosed in these environmental documents.

When reviewing the Policy of the VOP I have come to understand the following. Through policy that our City of Vaughan council has passed and endorsed it affirms that the Environmental Protection Act is Linked with the Building Code Act 1992. Once a policy is passed and the Municipality decides to place a Municipal service inspector on and municipal property development, the municipal service inspector in collaboration with our elective local council and staff owe a duty of care to whom all that can be affected, harmed or damaged. As these responsibilities of the City of Vaughan or the property owner were never practiced.

Can you please explain to me how the matters of CV-15-530281 of 2015 has not been set down for trial?



When you review the court process of an allotted time frame for a matter before the courts. The Courts allow a matter a 5-year window to be resolved or set down for trial. As it currently stands Dec 8/2020 is the 5-year anniversary of CV-15-530281 ONSC 6667. Which in my opinion was never going to be set down for trial, but only used as a tool to cut out the public voice or public consultation that is owed to us through public policy and process.

As well the City of Vaughan has taken the position with Simone Barbieri to categorize her communications as vexatious and frivolous, and then suspending her municipal services for a duration of 3 months. When in that process the City of Vaughan was in a position of full knowledge of history of non-compliance of Mr. Gentile and was in possession of prudent information within environment documents that could of prevent a world of harm, stigmatization, damages, financial burden etc. On the residents and their own private properties.

When reviewing Simone's FOI package from the MEPC the online file holds a volume of an approximate of 6321 pages of all current environmental documents that the DTE department of the City of Vaughan has received and is required to use within the review process of the policy of the Vaughan official plan according to section 2, 3, 4, 5, 6, 7, 8, of the Policy. As the City of Vaughan currently should not be questioning or be able to indicate that they are not currently aware of what documents are currently being used. As the way the file was downloaded from the MEPC was in the current stage of each document being submitted and used for reference of current operations of the site.

In 2017 there was another claim of CV-16-561498 that was served to the City of Vaughan from Mr. Gentile of 1668135 Ontario Inc regarding the gate that was installed on the end of Campania court in the area of the City of Vaughan 0.3 meter reserve as Mr. Gentile did not comply to his commitment of 2015 ROP that the City of Vaughan issued out against public knowledge because the City of Vaughan knew that the residents were apposed to this as Mr. gentile had a phase 1 entrance to utilize on his site of 5550 Langstaff. That claim in no way represent the illegal occurrences that took place in 2018.

As the CV-16-561498 as well has not been put down for trial and the City of Vaughan taking the position to not preserve the evidence of that matter of the final decision that was written by Mr. Justice P.J. Cavanagh in paragraph 5 that no hauling of waste was permitted off the site of 5550 Langstaff through Campania court. Yet hauling of waste was occurring and when we notified the City of Vaughan no action was taken as the hauling carried out through the whole summer of 2018. Then when we called the YRP to intervene the Officer took the position to contact Andrew Pearce and in that phone call the Office informed Andrew that he had the ability to cease the hauling, it was then when Andrew responded no let it continue. Obstructing a courts decision and the YRP from doing their job.

Mrs. Hall-McGuire, as I do respect the legal system and the process to uphold the integrity of any matter that goes before the courts, I ask you to please allow me to understand how the integrity of the matters that are currently before the courts with Mr. gentile has been preserved and upheld. As there is a least a half of a decade in my opinion when reviewing the events that took place and the documents in the Hands of the City of Vaughan that have occurred against compliance of policy and legislated framework and operations of the site were never ceased and discussions between all parties were never discontinued until the matters before the court were settled. Please explain the preserve to produce and the elements of integrity regarding these matter in keeping with respecting the court systems legal process??

Therefore, after careful review the matter of the 2018 Stockpile is nowhere involved in any of Mr. Gentile's claims against the City of Vaughan before the courts. Therefore, currently I do not see the resistance once again to add this item to the public agenda. As a community letter you stated is being prepared for the community. Wouldn't that letter act in the same way of adding this item to the public agenda of February 11/2020?

The clear resistance I see here from the City of Vaughan is that you are clearly trying to cut off the resident's voice and as well cut out the ability of any of this prudent information hitting the public record. If that resistance is not true, I do not see why it should be an issue to add this matter to the public agenda.

The communication you attached from Aug 8/2019 where you asked Simone Barbieri about the identified sensitive receptors here is Simone Barbieri's original communication that was sent out and what she was asking and requesting.

What Simone Barbieri was seeking from the City of Vaughan after reviewing information that was finally provided through the FOI process of MEPC that Sensitive identified receptors existed, and the property of 12 Campania court was included in that identification. Which at that point was new concerning information that was never expressed to the residents of 12 Campania court in the existence of this project and was never brought to a public agenda in the City of Vaughan.

At this time, I will agree with Simone such agreements should have been put in place and as clear indication from returned communication indicates that you have refused to indicate the acknowledgement of such agreement.

*Mrs. Rebecca Hall-McGuire, Aug 6/2019 @ 11:26am*

*"Can you please send me a copy of Identified Sensitive Receptor Agreements that were entered into with all outlined identified sensitive receptors, that would provide a mitigation plan, that was entered into by all parties, protecting from harm and damages before the City of Vaughan entered into development agreements, draft plan agreements, and passed any Municipal bylaws in council at the City of Vaughan with respect to 1668135 Ontario Inc, 1668137 Ontario Inc, Antonio Gentile, Gentile Brother Construction Limited for municipal property known as 5550 Langstaff, Vaughan, Ontario, Lot 11 Cons 8.*

*Can you please provide the agreements that bears proof that the identified sensitive receptors entered with the City of Vaughan and the proponent of 5550 Langstaff property before the remediation broke ground at 5550 Langstaff, Vaughan, Ontario, under the Municipal Code. That provides outline that all identified sensitive receptors were disclosed of the risks being an identified receptor and that includes an outline of requirements, and responsibilities of the proponent and the City of Vaughan to maintain a safe environment, without health risks, harm or damages to all identified sensitive receptors that bears a plan to protect all, and in the event damages or harm were to occur what the mitigation plan set out to remediate the damages on one's private property or quality of life."*

*Regards  
Simone Barbieri*

Mrs. Hall-McGuire, I feel that you have misinterpreted Simone's email. She was requesting you to provide her these documents. I understand sometimes things get misinterpreted through written communications, therefore verbal communication provides an opportunity for clarity. Please understand we have done nothing wrong. We are just trying to reach a win win situation for all parties regarding this mess. I don't think this is asking too much.

Kind Regards,  
Phyllis Barbieri