

**COMMITTEE OF THE WHOLE (1) – DECEMBER 6, 2022**

**COMMUNICATIONS**

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	<b><u>Item No.</u></b>
<b><u>Distributed December 2, 2022</u></b>	
C1. Confidential Memorandum from the Deputy City Manager, Legal and Administrative Services & City Solicitor, dated December 6, 2022.	3
<b><u>Distributed December 5, 2022</u></b>	
C2. Presentation material titled “ <i>Municipal Council Resolution Request</i> ”.	Presentation 1
C3. Joe Hoffman, Goodmans LLP, Bay Street, Toronto, dated December 5, 2022.	1
C4. Mary Flynn-Guglietti, McMillan LLP, Bay Street, Toronto, dated December 5, 2022.	1
C5. Mina Zeppieri, King Vaughan Road, Vaughan, dated December 4, 2022.	3
<b><u>Submitted at the meeting</u></b>	
C6. Ranjit Lallie, Old Castlemore Road, Vaughan	3
<b><u>Submitted after the meeting</u></b>	
C7. Mark Hopkins, Cold Creek Road, Kleinburg	3

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Please note there may be further Communications.

Communication : C 2  
Committee of the Whole (1)  
December 6, 2022  
Presentation # 1



## Municipal Council Resolution Request

Vaughan Committee of the Whole (1)

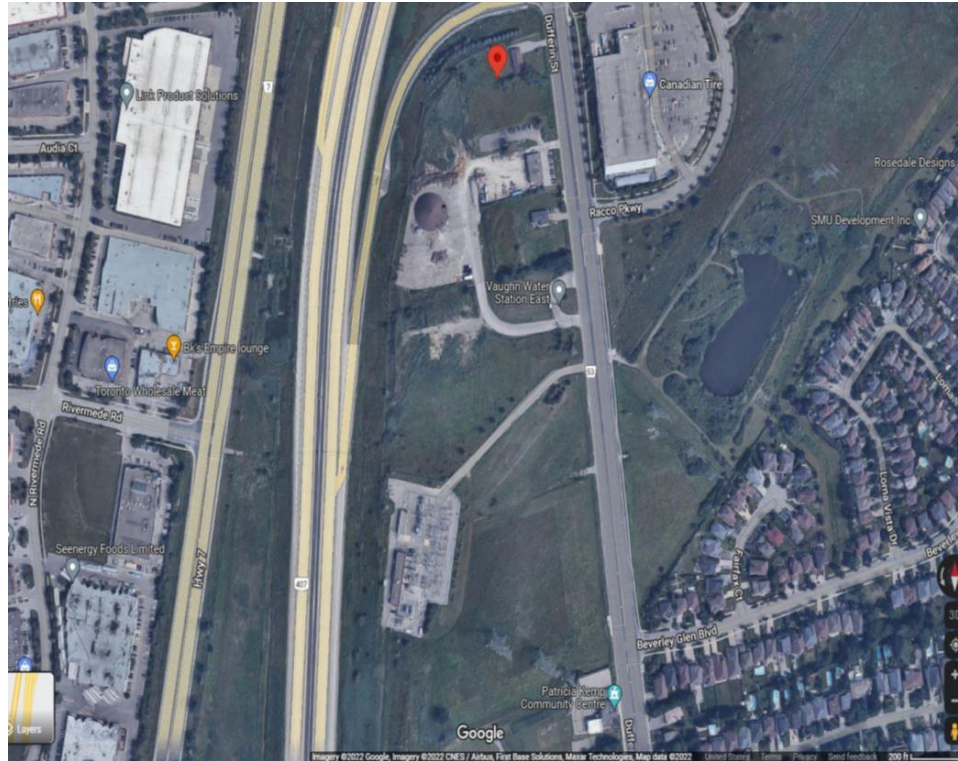
December 6, 2022

- In partnership with Convergent Energy + Power, Alectra has qualified for an Independent Electricity System Operator (IESO) procurement to provide capacity to the system through new battery storage assets.
- Projects are evaluated primarily on bid price, but there are also non-price criteria which can enhance the score of a proposed project. One such criteria is to seek local governing body support through a Municipal Council Resolution.
- A Municipal Council Resolution is an ultimate requirement of all successful bids, however, obtaining **Municipal Council Support Resolutions before Dec. 20, 2022**, will improve applicable project scores and increase our chances of bringing your project to fruition.

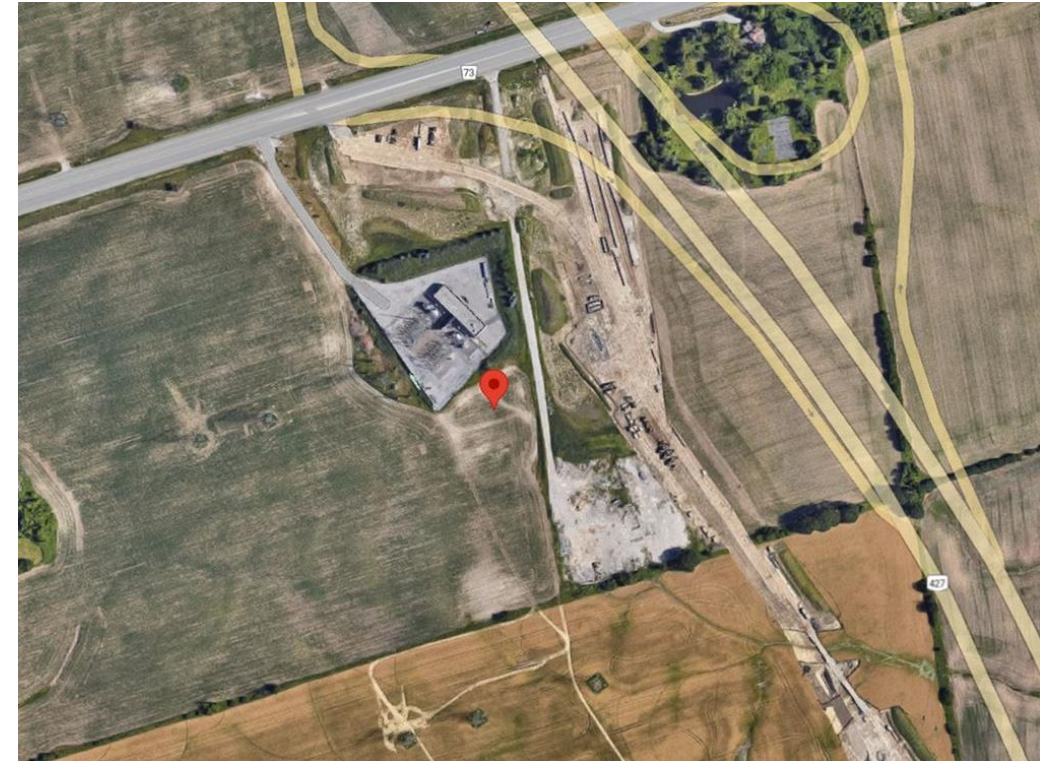
## Local Governing Body Support Resolutions

- 3 points awarded for evidence of having obtained local community support through a Local Governing Body Support Resolution

There are two applications submitted for Vaughan projects:



One project site is located beside Alectra's S.R. Greenwood Transformer Station (Vaughan MTS #1E) at 8118 Dufferin St.



The other proposed project site is located at Alectra's Lorna D. Jackson Transformer Station (Vaughan MTS #3) at 6531 Rutherford Rd.

## Jobs and Economic Development:

- Battery Energy Storage Systems (BESS) support faster and more affordable connection of new loads; alternative to traditional poles and wires infrastructure.
- This will allow Vaughan to be more strategic in realizing their economic development goals when sourcing large projects, such as film studios, data centres and manufacturing facilities.

## Environmental benefits:

- New storage capacity will reduce Ontario's need to rely on gas generation in the coming years.
- Battery storage is clean and generally uses non-emitting power such as hydro, nuclear and renewables generated at off-peak times



## What it does:

- Utility scale BESS consist of one or more batteries typically used to balance the supply and demand of the provincial electricity grid.
- These systems also have the capability to improve grid stability and provide backup power in some applications.

## Technology specs:

- Only proven and top tier equipment suppliers will be used. Long-term quality and capacity guarantees will be basic requirements, along with superior safety related track records.
- Specific power density and system efficiencies vary slightly and may impact space and other project specific information.



## **Size of proposed projects:**

- Site 1 (Vaughan #1E): Up to 45,000 sq.ft. pending IESO site approvals.
- Site 2 (Vaughan #3): Up to 124,000 sq.ft. pending IESO site approvals.

## **Safety:**

- Safety of operations is paramount, and a main component of these installations. Tier 1 suppliers include safety in all aspects of their designs from the individual battery cell design to factory installed connections between cells, up to system level battery monitoring systems (BMS) that incorporate the latest in multi-level fault detection, isolation, and protection features.

### Noise emissions:

- Noise emissions are generally lower than many HVAC systems and environmental studies will be performed at each site to ensure no adverse impacts to all adjacent properties and surrounding areas.

### Beautification:

- Will work with the City of Vaughan to adhere to all zoning, landscaping and beautification standards on and around the sites.
- The sites will be monitored and secured on a 24/7 basis to ensure safety of all in the direct vicinity.





# Alectra's Request

- Alectra is seeking the support of Vaughan City Council through a Municipal Council Support Resolution.

<b>Name of the Long-Term Reliability Project:</b>	<b>Vaughan Battery Energy Storage Systems</b>
<b>Proponent:</b>	<b>Alectra Convergent Development JV</b>
<b>Technology of the Long-Term Reliability Project:</b>	<b>Lithium-ion Battery Storage, 4 hours duration</b>
<b>Maximum Contract Capacity of the Long-Term Reliability Project (in MW):</b>	<b>Project #1 (Vaughan MTS #1E): Between 5 MW and 20 MW, depending on results of the IESO Deliverability Assessment</b> <b>Project #2 (Vaughan MTS #3): Between 20 MW and 50 MW, depending on results of the IESO Deliverability Assessment</b>
<b>Legal description of the portion of the Project Site that is located on lands subject to the authority of one or more Municipalities:</b>	<b>The City of Vaughan Municipal Boundary</b>

# Sample Council Resolution

## MUNICIPAL COUNCIL RESOLUTION:

Resolution NO: \_\_\_ Date: \_\_\_.

*[Note: The Municipal Support Resolution must not be dated earlier than January 27, 2022.]*

## WHEREAS:

1. The Proponent is proposing to construct and operate a Long-Term Reliability Project, with the characteristics outlined in the table below, under the E-LT1 RFP.
2. Pursuant to the E-LT1 RFP, Proposals that receive the formal support of the local jurisdictional authorities of all the project communities in which the Long-Term Reliability Project is located in the form of a support resolution will be awarded Rated Criteria points for the purpose of ranking the Proposal in relation to other Proposals for a contract under the E-LT1 RFP;
3. Pursuant to the E-LT1 RFP, Proposals that did not receive the formal support of the local jurisdictional authorities of all the project communities in which the Long-Term Reliability Project is located in the form of a support resolution may be required under the E-LT1 Contract to be awarded pursuant to the E-LT1 RFP to submit such support resolution for compliance with its obligations; and

# Sample Council Resolution (continued)

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## **NOW THEREFORE BE IT RESOLVED THAT:**

- 1. The council of Vaughan supports the development, construction and operation of the Long-Term Reliability Project on the Lands as follows: Vaughan #1E (8000 Dufferin St.) and Vaughan #3 (6531 Rutherford Rd).**
- 2. This resolution's sole purpose is to enable the Proponent to receive Rated Criteria points under E-LT1 RFP or to satisfy its obligations under any awarded E-LT1 Contract and may not be used for the purpose of any other form of approval in relation to the Proposal or Long-Term Reliability Project or for any other purpose. Rated Criteria points will be used to rank the Proponent's Proposal in relation to other Proposals received by the IESO under the E-LT1 RFP.**
- 3. Though this resolution may impact the rank of the Proponent's Proposal in relation to other Proposals received by the IESO, it does not guarantee a contract will be offered to the Proponent under the E-LT1 RFP.**

## **DULY RESOLVED BY THE LOCAL MUNICIPALITY**

**on the \_ day of \_\_, 20\_.**



Barristers & Solicitors  
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333 Bay Street, Suite 3400  
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Telephone: 416.979.2211  
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goodmans.ca

Direct Line: (416) 597-5168  
jhoffman@goodmans.ca

December 5, 2022

Our File No.: 171939

**Via Email (clerks@vaughan.ca)**

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

**Attention: City Council Members**

Dear Sirs/Mesdames:

**Re: Zoning By-law Amendment Application By 1529749 Ontario Inc. (the Torgan Group), Phase 1, 7700 Bathurst Street, City File No. Z.20.019  
Comments by Promenade Limited Partnership**

We are solicitors for Promenade Limited Partnership (“PLP”), the owner of the Promenade Shopping Centre, municipally known as 1 and 180 Promenade Circle. Torgan’s lands at 7700 Bathurst Street are immediately adjacent to the Promenade Shopping Centre. Both PLP and Torgan’s lands are subject to the Promenade Centre Secondary Plan that was adopted by City Council and recently approved by York Region.

We previously wrote to the Committee of the Whole about Torgan’s planning applications for its phase 1 lands (the “**Phase 1 Lands**”) on March 21, 2022, February 27, 2022 and October 2, 2020. By way of this letter, we are writing to comment on the City staff report dated December 6, 2022 seeking endorsement of Torgan’s zoning by-law amendment application for the Phase 1 Lands, which Torgan has appealed to the Ontario Land Tribunal. PLP is a party to that proceeding. Copies of the aforementioned letters are attached to this correspondence.

In their report, City staff recommend that before Torgan can proceed with its proposed redevelopment of the Phase 1 Lands a number of conditions, secured through a Holding Symbol, must be satisfied. Many of the conditions for removing the Holding Symbol require PLP’s cooperation and permission to fulfill. For example, Torgan must enter into a cost sharing agreement with benefitting landowners in the Promenade Centre Secondary Plan area, including PLP, and obtain easements over PLP’s lands for overland flow drainage and storm sewer discharge. In addition, the conditions require Torgan to obtain confirmation from PLP’s solicitor that Torgan’s proposed redevelopment has certain access rights over Promenade Circle, which are lands owned by PLP, and if those rights are not sufficient, that Torgan obtain suitable rights from

**Communication : C 3  
Committee of the Whole (1)  
December 6, 2022  
Agenda Item # 1**

PLP. Ultimate access to the Torgan Phase 1 Lands is dependent on the construction of a new north-south street, a portion of which is to be on lands owned by PLP.

While PLP supports City staff's recommendation that these conditions, and others, must be satisfied before Torgan can proceed with the redevelopment of the Phase 1 Lands, PLP is of the view that these conditions should be secured through a different mechanism. In particular, rather than securing the conditions through a Holding Symbol in the zoning by-law amendment, the appropriate approach in this instance is to withhold Torgan's zoning by-law amendment until the conditions identified by City staff (and possibly other conditions requested by PLP) are addressed. This position is not substantively different than what City staff are recommending. Both PLP and City staff are recommending that certain conditions must be satisfied before the Phase 1 redevelopment can proceed. PLP's concern, however, with a Holding Symbol is that it is inviting the resolution of issues to be pushed off to another day when it is important to have these issues resolved now. Further, many of the conditions identified by City staff directly affect PLP and require PLP's agreement to fulfill. It is appropriate for these conditions to be satisfied through the Ontario Land Tribunal process, which PLP is a party to, and not a future process where the Holding Symbol would be removed, and where PLP may have more limited rights to determine the outcome of that process.

PLP is therefore asking the Committee of the Whole to instruct the City solicitor to request from the Ontario Land Tribunal that Torgan's zoning by-law amendment be withheld until the conditions identified by City staff in their report are satisfied.

In addition, PLP provides the following comments on the City staff report:

- Torgan's development for the Phase 1 Lands proposes interim vehicular access off of the existing Promenade Circle. This is an interim condition because the Promenade Centre Secondary Plan shows this portion of Promenade Circle shifting south. The ultimate vehicular condition for the Phase 1 Lands will require the construction of a new north-south street, immediately east of Torgan's Phase 1 Lands, when Promenade Circle is relocated. The new north-south street is to be on lands owned by Torgan and PLP. Given that the Phase 1 Lands propose to rely on an interim vehicular condition, it is necessary to secure now, as part of the approvals of the Phase 1 Lands, the delivery of the ultimate vehicular condition being the conveyance and construction of the new north-south street that the Phase 1 Lands will require for access when Promenade Circle is relocated in the future. Securing this ultimate condition is especially important given that the City staff report notes Torgan's intention to sever the Phase 1 Lands from the remainder of the lot. A severance would allow for the possibility that the remainder of Torgan's lands, including the lands where the new north-south street is proposed to be located, could be separately sold to a third party. This adds to the concern that the new north-south street may never be realized if it is not secured now through the planning approvals of the Phase 1 Lands. We note that the City staff report recommends that a Development Agreement is to be entered into to secure, among other matters, the provision of "roads". PLP is of the view that any

Development Agreement entered into now as part of the approval of the Phase 1 Lands must secure the delivery of the new north-south road in the future so that access from the Phase 1 Lands will connect to the new Promenade Circle once it is reconstructed south of its current location in accordance with the approved Promenade Centre Secondary Plan.

- Recommendation 2(d) of the City staff report provides that “the owner shall enter into a cost sharing agreement to the satisfaction of the City with the benefitting landowners in the Promenade Centre Secondary Plan Area.” For clarity, any cost sharing agreement should include, but not be limited to, all cost sharing for the provision of roads and municipal services within the Promenade Secondary Plan area. This is the language found in Torgan’s Official Plan Amendment for its Phase 1 Lands endorsed by City Council and should equally apply to any requirement for a cost sharing agreement imposed as part of any approval of Torgan’s zoning by-law amendment for its Phase 1 Lands. We believe this is City staff’s intention.
- Pages 23 and 26 of the City staff report suggest that any easements required over PLP’s lands in favour of Torgan shall be established through a Consent Application to the Committee of Adjustment and the decision of the Committee of Adjustment shall be “final and binding.” For clarity, we note that the Committee cannot establish an easement in its own right. While approval from the Committee may be required for PLP to grant the easements contemplated in the City staff report, PLP, as owner of the lands proposed to be subject to easements, must consent to the granting of those easements for those easements to be established.

PLP is committed and looks forward to working with the City and Torgan to ensure that new development within the Promenade Centre Secondary Plan area, including Torgan’s development of the Phase 1 Lands, proceeds in a coordinated manner, and that the required commitments of funds, lands and services needed to realize the vision of the Promenade Centre Secondary Plan are shared equitably among benefitting landowners.

We thank the Committee for its consideration of this letter.

Yours very truly,

**Goodmans LLP**



Joe Hoffman

JBH

7327038

March 21, 2022

Our File No.: 171939

**Via Email (clerks@vaughan.ca)**

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

**Attention: Council Members**

Dear Sirs/Mesdames:

**Re: Official Plan Amendment Application By 1529749 Ontario Inc. (the Torgan Group),  
7700 Bathurst Street; City File No. OP.16.006; Comments by Promenade Limited  
Partnership**

We are solicitors for Promenade Limited Partnership (“PLP”), the owner of the Promenade Shopping Centre lands, municipally known as 1 and 180 Promenade Circle.

**Request to City Council and Reasons in Support**

We previously wrote to the Committee of the Whole on February 27, 2022 and October 2, 2020 about Torgan Group’s official plan amendment application for phase 1 of its lands known municipally known as 7700 Bathurst Street. In the most recent letter, which the Committee considered on March 1, 2022, PLP requested that any official plan amendment that would permit the redevelopment of Torgan’s lands contain a cost sharing policy similar to that set forth in Policy 11.7.3 of the draft Promenade Centre Secondary Plan. Through this letter, PLP continues to assert this request that should the Committee endorse Torgan’s phase 1 official plan amendment it does so on the condition that the following language be included:

As condition of approval of development in the Promenade Centre, the City shall require the implementation of appropriate development agreements and other measures which may include front ending agreements and/or cost sharing agreements, to ensure that the new development in Promenade Centre is coordinated and that the required commitments of funds, lands and services are secured and/or in place. These agreements and other measures shall ensure that the reasonable costs of the municipal and community infrastructure, land and/or facilities are fairly and equitably shared without adverse impact on the City’s financial capability. The agreements and measures permitted by this policy shall be

only those permitted by law and otherwise agreed to by the landowner(s) and the City.

Applying cost sharing policies to realize the full build out of Promenade Centre, including a cost sharing policy in respect of Torgan's phase 1 official plan amendment, is a matter of good planning. For example, Torgan's phase 1 development proposes interim vehicular access off of Promenade Circle, on lands owned by PLP. The ultimate vehicular condition for Torgan's phase 1 development requires the construction of a new north-south street, immediately east of Torgan's phase 1 lands, that would connect to the transportation network envisioned by the draft Promenade Centre Secondary Plan. Before Torgan proceeds with its redevelopment plans, it is necessary to secure an agreement with PLP that would permit increase traffic on PLP's lands and secure mechanisms to convert Torgan's interim access arrangement to the proposed permanent access arrangement. Access arrangements must include, among other things, Torgan securing access over the portion of the new-south street over PLP's lands to connect to Promenade Circle once it is relocated south. Any connection to North Promenade from Torgan's phase 1 development must be provided on Torgan's property, and not on PLP's lands.

With this context it is clear that cost sharing between landowners for converting Torgan's interim access arrangement to the proposed permanent access arrangements, as well as for the future buildout of the public road network within Promenade Centre that will benefit both PLP's and Torgan's lands, and any other infrastructure improvements benefitting both owners' lands, is appropriate and should be required. This would allow for, among other things, certainty and fairness for both PLP and Torgan when redeveloping their lands, including future phases of their lands.

### **Response to Comments Made at the March 1, 2022 Committee of the Whole Meeting**

At the March 1, 2022 Committee meeting it was suggested by Torgan representatives that because the City is permitting Torgan to proceed with its phase 1 redevelopment in advance of the Promenade Centre Secondary Plan, the City cannot seek to include cost sharing policies in Torgan's phase 1 official plan amendment. Respectfully, PLP disagrees. To be clear, PLP is not taking any issue with Torgan's phase 1 development proceeding before the Promenade Centre Secondary Plan is finalized nor is PLP taking the position that Torgan's Phase 1 official plan amendment should be subject to the draft Promenade Centre Secondary Plan. Rather, PLP is simply seeking to include a cost sharing policy in Torgan's phase 1 official plan amendment as a matter of good planning. This is consistent with City staff's recommendation in their report to the Committee that cost sharing agreements be considered among landowners to deliver the future public roads, shared use paths and other active transportation facilities.

It was also suggested at the March 1, 2022 Committee meeting that it was not appropriate for Torgan's phase 1 official plan amendment to include a cost sharing policy, and that this language would be more appropriately found in the Promenade Centre Secondary Plan. Respectfully, PLP disagrees. It is important to ensure that new development in Promenade Centre, including Torgan's



phase 1 development, proceeds in a coordinated manner and that the required commitments of funds, lands and services needed to realize the redevelopment of both PLP and Torgan's lands are in place and shared equitably among benefitting landowners. It is not good planning to proceed with approvals for the Torgan phase 1 development based on interim access condition only, without securing the necessary arrangements for ultimate access. Failing to secure such arrangements as a condition of Torgan's phase 1 approvals would place the City, the landowners and future condominium purchasers in a tenuous position in the future when ultimate access via the new north-south street to the east of Torgan's phase 1 lands is required.

Further, we note that including policy language about cost sharing agreements (or other development agreements) outside of a Secondary Plan is common. For example, the area specific policy for Thornhill Town Centre, immediately north of the Promenade Shopping Centre, includes language about cost sharing among benefitting landowners (Policy 12.11), and so does the area specific policy for the Northwest Quadrant of Major Mackenzie Drive and Weston Road (Policy 12.6). The site-specific policy for Eagleview Heights contains similar language as well (Policy 13.22).

## **Conclusion**

PLP has had discussions with Torgan about entering into cost sharing arrangements dating back to 2020. Recently, City staff initiated a meeting between the parties at the direction received from the Committee at its meeting on March 1, 2022. PLP is committed to continuing those discussions with Torgan and is hopeful that cost sharing arrangements can be secured in short order.

In the meantime, it would be appropriate for the official plan amendment permitting Torgan's phase 1 development to include a cost sharing policy as set out above.

A copy of our February 27, 2022 and October 2, 2020 letters to the Committee is attached for ease of reference.

Yours very truly,

**Goodmans LLP**



Joe Hoffman

JBH

7256107

February 27, 2022

Our File No.: 171939

**Via Email (clerks@vaughan.ca)**

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

**Attention: Council Members**

Dear Sirs/Mesdames:

**Re: Official Plan Amendment Application By 1529749 Ontario Inc. (the Torgan Group),  
7700 Bathurst Street; City File Nos. OP.16.006; Comments by Promenade Limited  
Partnership**

We are solicitors for Promenade Limited Partnership (“PLP”), the owner of the Promenade Shopping Centre, municipally known as 1 and 180 Promenade Circle. We are writing in respect of Torgan Group’s official plan amendment application for the lands municipally known as 7700 Bathurst Street, which has been appealed to the Ontario Land Tribunal, and, if approved, would permit Torgan Group’s Phase 1 development consisting of a 30-storey mixed-use building and a 28-storey residential apartment building (the “**Torgan Phase 1 Development**”). Torgan’s lands are immediately adjacent to the Promenade Shopping Centre, within the block bounded by Centre Street to the north, Bathurst street to the east, Clark Avenue West to the south, and New Westminster Drive to the west, which block is subject to the City’s ongoing Promenade Centre Secondary Plan process.

As set forth in more detail, PLP has no general objection to the Torgan Phase 1 Development, but it is anticipating and requesting that any official plan amendment that would permit such development contain cost sharing policies similar to those set forth in Policy 11.7.3 of the draft Promenade Centre Secondary Plan, an excerpt of which is set out below.

PLP has been participating in the public process respecting Torgan Group’s official plan amendment application and on October 2, 2020 wrote to this Committee of the Whole with PLP’s comments for the Torgan Phase 1 Development. A copy of that letter is attached for reference. As noted in the letter, PLP has no immediate concerns with the proposed density, height and uses of the Torgan Phase 1 Development, but at that time raised concerns with the proposed servicing for the Torgan Phase 1 Development that proposed to utilize private services within the Promenade

Shopping Centre lands. Torgan's use of such private services would affect PLP's future development plans for the Promenade Shopping Centre. The Torgan Phase 1 Development proposal continues to rely on private infrastructure within the Promenade Shopping Centre to support the development and, in particular, proposes to connect to the existing private storm sewer within Promenade Circle, despite having no easement right that would permit such connection, and as an interim condition use Promenade Circle for primary vehicular access to its lands.

As part of redeveloping Torgan's lands, City staff note in their report the need for various development agreements relating to infrastructure. City staff acknowledge that Torgan Group will require an easement agreement with PLP to implement the proposed storm connection, and until such time as the pending stormwater management and other servicing concerns are resolved, City staff suggest that a Holding Symbol ('H') for the Torgan Phase 1 Development may be appropriate. PLP supports City staff's recommendation that an 'H' be implemented pending an agreement being reached between PLP and Torgan.

City staff also acknowledge in their report that there may be necessary infrastructure improvements, requiring cost sharing agreements or measures, to accommodate the redevelopment of Torgan's lands, and PLP recognizes that many of these cost sharing requirements for infrastructure improvements may equally apply to its future development plans for the Promenade Shopping Centre. These improvements are being envisioned in conjunction with the City's processing of the Promenade Centre Secondary Plan, and include infrastructure works for the Promenade Secondary Plan service area, and improvements to the transportation network, including the delivery of future roads, shared use paths, and other active transportation facilities. PLP supports City staff's recommendation that development agreements, including cost sharing agreements, be entered into among the landowners within the Promenade Centre Secondary Plan area, and the official plan amendment for the Torgan Phase 1 Development should reflect this understanding.

The City requirement for cost sharing is consistent with the City's processing of the first phase of development of the Promenade Shopping Centre, where PLP was required to provide a letter of credit as security for a financial contribution towards the ultimate servicing strategy for the Promenade Secondary Plan service area, even though it was determined that downstream sanitary sewer improvements were not required for this phase of development. It is also consistent with the draft Promenade Centre Secondary Plan, which anticipates that development agreements, front-ending agreements, cost sharing agreements and/or other measures may be required as a condition of development in the Promenade Centre for future works. In particular, Policy 11.7.3 provides:

As condition of approval of development in the Promenade Centre, the City shall require the implementation of appropriate development agreements and other measures which may include front ending agreements and/or cost sharing agreements, to ensure that the new development in Promenade Centre is coordinated and that the required commitments of funds, lands and services are secured and/or in place. These agreements and other measures shall ensure that the

reasonable costs of the municipal and community infrastructure, land and/or facilities are fairly and equitably shared without adverse impact on the City's financial capability. The agreements and measures permitted by this policy shall be only those permitted by law and otherwise agreed to by the landowner(s) and the City.

It would be appropriate for the official plan amendment permitting the Torgan Phase 1 Development to include the same language to that of Policy 11.7.3 of the draft Promenade Centre Secondary Plan. This would better ensure that while the official plan amendment for the Torgan Phase 1 Development is advancing prior to the approval of the Promenade Centre Secondary Plan, it will do so with an official plan amendment that reflects City staff's recommendations in their report and the anticipated policy framework for the Promenade Centre Secondary Plan.

A draft copy of the proposed official plan amendment for the Torgan Phase 1 Development is not publicly available. If the proposed official plan amendment does not already carry forward the same language of Policy 11.7.3 of the draft Promenade Centre Secondary Plan, we request that the official plan amendment for the Torgan Phase 1 Development include such language as a condition of the Committee's endorsement.

Yours very truly,

**Goodmans LLP**



Joe Hoffman

JBH

7249705

October 2, 2020

Our File No.: 171939

**Via Email (clerks@vaughan.ca)**

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

**COMMUNICATION – C21  
ITEM 4  
Committee of the Whole (Public Meeting)  
October 6, 2020**

**Attention: Council Members**

Dear Sirs/Mesdames:

**Re: Official Plan Amendment and Rezoning Applications By 1529749 Ontario Inc. (the Torgan Group), 7700 Bathurst Street; City File Nos. OP.16.006 and Z.20.019; Preliminary Comments by Promenade Limited Partnership**

We are solicitors for Promenade Limited Partnership (“PLP”), the owner of the Promenade Shopping Centre site, municipally known as 1 and 180 Promenade Circle. PLP is hereby providing comments on the above-noted applications by The Torgan Group (the “Applicant”).

**Background re: Promenade Phase 1 Development**

On June 12, 2019, City of Vaughan Council adopted Official Plan Amendment No. 46 and enacted By-Law No. 105-2019 to permit the Phase 1 redevelopment of the Promenade Shopping Centre site, with 30 and 35-storey residential apartment buildings connected by a 7-storey podium with at-grade retail and a 26-storey mixed-use building comprised of office, hotel and retail uses (the “Promenade Phase 1 Development”).

On September 29, 2020, Vaughan Council enacted By-Law No. 125-2020, to remove the Holding Symbol (“H”) for the Promenade Phase 1 Development lands. As part of this H removal process, it was determined that downstream sanitary sewer improvements are not required for the Promenade Phase 1 Development. PLP was nonetheless required to provide a letter of credit in the amount of \$455,000 as security for a financial contribution towards the ultimate servicing strategy for the Promenade Secondary Plan service area, which may include the Applicant’s lands.

**Comments on The Torgan Applications for 7700 Bathurst Street**

Official plan amendment and rezoning applications have been submitted by 1529749 Ontario Inc. (The Torgan Group) for 7700 Bathurst Street, at the southwest corner of Centre Street and Bathurst

Street, and adjacent to and abutting the Promenade Shopping Centre site. The applications seek permission for a Phase 1 development consisting of a 30-storey mixed-use building and a 28-storey residential apartment building connected by a 1-storey lobby and a 2-storey medical office and commercial building (the “Torgan Phase 1 Development”).

At this time, PLP has no immediate concerns with the proposed density, height and uses of the Torgan Phase 1 Development. However, PLP does have concerns with the proposed servicing for the Torgan Phase 1 Development. The Applicant’s lands currently have limited sanitary capacity and the proposal to utilize private services within PLP’s lands would dramatically affect PLP’s future development plans.

The Functional Servicing Report (FSR) for the development indicates that sanitary servicing is proposed to be accommodated by the existing 250mm sanitary pipe on Promenade Circle. The report also notes that there are “known sanitary sewer capacity issues in the downstream sanitary sewer network”.

The existing 250mm sanitary sewer within Promenade Circle is a private sewer owned by PLP. There is no registered easement or cost-sharing arrangement in place that entitles The Torgan Group to utilize this existing sewer for its Phase 1 development, or for its current use for that matter.

Before approving the Torgan Phase 1 applications, the City should ensure that there is a servicing approach for the development that does not rely on private services owned by PLP, or alternatively confirm that The Torgan Group has secured the necessary easements and cost-sharing arrangements from PLP that could potentially enable it to utilize the private services and other infrastructure within Promenade Circle. The City should also secure an appropriate financial contribution from The Torgan Group towards the ultimate servicing strategy for the Promenade Secondary Plan service area.

Please provide us with copies of any future notices or decisions with respect to the Torgan Phase 1 applications.

Yours very truly,

**Goodmans LLP**



Mark Noskiewicz  
MN/nb  
[GOODMANS\7093852](mailto:GOODMANS\7093852)

Reply to the Attention of: Mary Flynn-Guglietti  
Direct Line: 416.865.7256  
Email Address: Mary.flynn@mcmillan.ca  
Our File No.: 210424  
Date: December 5, 2022

**BY EMAIL ([Clerks@vaughan.ca](mailto:Clerks@vaughan.ca))**

City of Vaughan  
Office of the City Clerk  
2141 Major Mackenzie Drive  
Vaughan, ON L6A 1T1

**Attention: Clerk of the City of Vaughan, Todd Coles**

Dear Chair and Members of the Committee of the Whole:

**Re: Committee of the Whole Meeting Tuesday, December 6<sup>th</sup>, 2022  
1529749 Ontario Inc. (Torgan Group) Phase 1  
Zoning By-law Amendment File Z.20.019  
7700 Bathurst Street (Vicinity of Bathurst Street and Centre Street)**

We are the solicitors retained to act on behalf of 1529749 Ontario Inc. ("**Torgan**"), owners of the lands municipally known as 7700 Bathurst Street, in the City of Vaughan (the "**Subject Property**"). A site specific Official Plan Amendment ("**OPA**") application for the whole of the Subject Lands was filed with the City of Vaughan ("**City**") on April 1, 2016 and deemed complete on April 29, 2016 and assigned City file no. OP.16.006. The site specific OPA was subsequently appealed to the Ontario Municipal Board (now known as the Ontario Land Tribunal or "**OLT**") and assigned file no. PL171353.

On February 25, 2020, the City and Torgan entered into Minutes of Settlement regarding their site-specific OPA appeal for the Subject Property and in order to resolve Torgan's outstanding appeal of the City of Vaughan's Official Plan 2010. The agreement reached was to permit Torgan to submit a rezoning application for its Phase 1 lands only, that would be reviewed and considered under the existing City policies in advance of the completion of the Promenade Centre Secondary Plan ("**PCSP**").

In compliance with the Minutes of Settlement Torgan, through its Planning Consultants, Weston Consulting filed its rezoning application for the Phase I lands only, on June 22, 2020. The Phase 1 lands are located on the western portion of the Subject Lands. The total area of the subject Lands equals approximately 3.3 hectares and is irregular in shape. The Phase I lands equal 0.9 hectares in area of the 3.3 hectare Subject Lands. The

Phase I development contemplates the redevelopment of the western portion of the site while maintaining the remaining two commercial builds and at grade parking on the eastern portion of the Subject Lands. The Phase I lands are bound by North Promenade to the west, Promenade Circle to the south and Centre Street to the north. Also in compliance with the Minutes of Settlement Torgan filed a resubmission of its site specific OPA so that it would deal only with the Phase I lands and no longer the total of the Subject Lands.

On March 28, 2022 we filed, on behalf of Torgan, a Notice of Appeal of its Phase I rezoning application on the basis of the City's failure to adopt the requested amendments within 90 days as set out in the *Planning Act*. The first Case Management Conference for the rezoning appeal was heard on September 6, 2022 and a ten day hearing has been scheduled to commence on July 10, 2023.

We have had an opportunity to review the report to the Committee of the Whole prepared by Haiqing Xu, Deputy City Manager, Planning and Growth Management dated December 6, 2022 and although we are pleased that the Development Planning Department supports the zoning by-law amendment application's height and densities proposed for the Phase I development, we have a number of concerns, including the proposed holding provision conditions listed in the report. In particular and as stated in correspondence to the Committee of the Whole dated March 1, 2022 we respectfully submit that the requirement to enter into a Cost Sharing Agreement regarding "all costs sharing for the provision of roads and municipal services within the Promenade Secondary Plan Area" is contrary to the Minutes of Settlement as the Torgan Phase I lands were to proceed in advance of the PCSP and not be subject to the PCSP. We are also particularly concerned that the City is requesting that our client demonstrate that proper access to the Phase I subject lands is available and requests a title opinion from an abutting land owner, PLP, confirming that the existing easement registered on title permits the continued use of the registered easement. Our clients have previously provided all necessary legal confirmation regarding the easement and no further documentation is required. We also continue to take issue with the parking requirements requested by staff.

We respectfully request that the Committee of the Whole direct staff to reconsider the numerous and inappropriate conditions of the proposed hold related to our client's rezoning application.

Yours truly,



Mary Flynn-Guglietti

Encl.

cc: 1529749 Ontario Inc., Attention: Mr. John Macintyre  
Centrecourt Properties Inc., Attention: Mr. Mitch Gascoyne  
Mr. Philip Duchon  
Weston Consulting, Attention: Mr. Ryan Guetter  
City of Vaughan, Attention: Ms. Effie Lidakis  
WeirFoulds LLP, Attention: Mr. Bruce Engell



**Communication : C 5  
Committee of the Whole (1)  
December 6, 2022  
Agenda Item # 3**

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**From:** mina zeppieri <[minaremo@hotmail.com](mailto:minaremo@hotmail.com)>

**Sent:** Sunday, December 4, 2022 8:23 PM

**To:** [mayor@vaughan.ca](mailto:mayor@vaughan.ca); Marilyn lafrate <[Marilyn.lafrate@vaughan.ca](mailto:Marilyn.lafrate@vaughan.ca)>; Linda Jackson <[Linda.Jackson@vaughan.ca](mailto:Linda.Jackson@vaughan.ca)>; Mario Ferri <[Mario.Ferri@vaughan.ca](mailto:Mario.Ferri@vaughan.ca)>; Gino Rosati <[Gino.Rosati@vaughan.ca](mailto:Gino.Rosati@vaughan.ca)>; Mario G. Racco <[MarioG.Racco@vaughan.ca](mailto:MarioG.Racco@vaughan.ca)>; Christina Booth <[Christina.Booth@vaughan.ca](mailto:Christina.Booth@vaughan.ca)>; Gina Ciampa <[Gina.Ciampa@vaughan.ca](mailto:Gina.Ciampa@vaughan.ca)>; Adriano Volpentesta <[Adriano.Volpentesta@vaughan.ca](mailto:Adriano.Volpentesta@vaughan.ca)>; Rosanna DeFrancesca <[Rosanna.DeFrancesca@vaughan.ca](mailto:Rosanna.DeFrancesca@vaughan.ca)>; Chris Ainsworth <[Chris.Ainsworth@vaughan.ca](mailto:Chris.Ainsworth@vaughan.ca)>; Gila Martow <[Gila.Martow@vaughan.ca](mailto:Gila.Martow@vaughan.ca)>

**Subject:** [External] Re: December 6th Committee of the Whole Meeting Item # 3 on the agenda -4130 KING VAUGHAN ROAD AT 5:45 PM ON FRIDAY DECEMBER 2 2022

Hello,

I am resending to all, as I added Mr. Volpentesta, Ms. Defrancesca, Mr. Ainsworth and Ms. Martow

I would like to apologize for the language used in the video. Please understand we are very angry and frustrated. I live at 4253 king Vaughan Rd.

Attached is a video I took on Friday showing how dangerous my street is. My husband and I were diving east bound and a big tractor trailer was coming right at us not slowing down at all!!!! He was driving on the wrong side of the road. My husband hocked to make sure he saw us . We stopped in front of 4130 and the owner of the business as you can hear denied he knew nothing of the situation, which is a lie!, as trucks were coming in and out of his drive-way and parked on the street to get in. We had to drive on unpaved shoulder inches from falling into the dich! It was complete disorder and confusion!!!!

**Please take note:** These are not little gravel trucks that have taken over are peaceful neighborhood. They are **BIG HUGE TRACTOR TRAILERS** . My husband and I counted 14 along the side of the road and 13 on the property.

This is happening on a continuous basis !!!!! Just this week it was 3 times !!

**I am ANGRY and TIRED of this!!!**

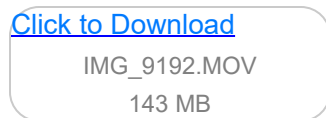
**This is the same property that was addressed at the Public Meeting on November 22,2022 -  
Official Plan Amendment file OP.22.013 Zoning By-Law Amendment Z.22.024**

**Why is the City of Vaughan allowing this to go on?????**

I would like an acknowledgment and a response from ever individual I have emailed.

Mina Zeppieri

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Sent from my iPhone

**BUNDLE INDEX FOR THE COUNCIL MEETING ON DECEMBER 6<sup>TH</sup> 2022**

1. Index to the bundle.
2. Map of all the offending illegally operated container yards and truck yards in the Vaughan Municipality. TO BE ADDED BY GINA CIAMPA
3. List of illegally operated yards, legal yards and hybrid yards (both legal and illegal) operating in Vaughan and some of the Greater Toronto Area (GTA).
4. Draft letter that Mark Hopkins has created that Vaughan City Office and Mayor should send to all companies in involved in the supply chain of shipping containers.
5. List of individual making representations along with their written submissions
  1. Alexandra Ney regarding King Vaughan Road
  2. Mina Zeppieri regarding King Vaughan Road
  3. Christina Oddi
  4. John Bartella regarding Highway 27
  5. Maria Perella
  6. Giovanna C. Luciani regarding Cold Creek Road
  7. Sant Brothers regarding Cold Creek Road
  8. Sant Brothers regarding Cold Creek Road
  9. Fausto Tenaglia
  10. Ranjit Lallie regarding S & at 10481 Highway 50
  11. Mark Hopkins regarding Cold Creek Road and Governance
6. Caledon Municipality Guideline on How to Legally Store Trucks.
7. The Caledon Municipality article regarding \$30,000 million fine for illegal yards dated November 18<sup>th</sup> 2022.
8. Other articles from Municipalities that have shut down illegally operated container and trucking yards.
9. Vaughan Enforcement Options for unlawful uses of Agricultural Lands dated September 13<sup>th</sup> 2022. TO BE ADDED BY GINA CIAMPA



**List of Illegal, Legal And Hybrid Yards**

**Examples of Illegal Yard GTA**

1. Hanjra Haulers Inc. 6902 Mayfield Rd. Caledon
2. Falcon Xpress Transportation Grp 6086 Mayfield Rd, Caledon East, ON L7C 0Z7
3. Falcon Xpress Transportation Group 11369 Coleraine Dr, Brampton Ontario
4. Manraj Transport LTD. 6716 Mayfield Rd. Caledon
5. Sunrise Freight Systems 7072 Mayfield Rd. Caledon
6. Jhaji Can Syndicate 8242 Mayfield Rd. Bolton
7. Blue Shark Transport 12121 Coleraine Dr. Bolton
8. Apra Trucking 6990 Nashville Rd. Kleinberg
9. Best Choice Express 11339 Albion Vaughan Rd. Kleinberg
10. JTL Bolton 11339 Albion Vaughan Rd. Kleinberg
11. AAA Container Plus 11149 Hwy 50, Vaughan, ON L0J 1C0
12. Air & Oceanland Inc. Cold Creek Rd. Kleinberg
13. S&R Trucking 10481 Hwy 50, Brampton ON
14. Khuman & Khuman Transport 10335 Hwy 50 #3, Kleinberg, ON L0J 1C0
15. ET Transport 10590 Hwy 50, Brampton, ON L6P 0L5
16. S&R Trucking 5254 Old Castlemore Rd, Brampton, ON L6P 0G4
17. Autobot Transport 9711 Huntington Rd, Woodbridge, ON L4H 3N5
18. Pauls Transport Inc. 9571 Huntington Rd, Woodbridge, ON L4H 3N5
19. ATF Transport Inc. 9441 Huntington Rd, Woodbridge, ON L4H 4X1
20. Syndicate Group Inc. 6666 Rutherford Rd, Kleinberg, ON L0J 1C0
21. Tri Point Intermodal 9750 Huntington rd. Woodbridge

**Legal Yards GTA**

1. Apra Trucking 7301 Major MacKenzie Dr W, Woodbridge, ON L4H 3N5
2. Container Storage Solutions 8373 Mayfield Rd, Brampton, ON L6P 0H5
3. TMT Freight 14 Cadetta Rd, Brampton, ON L6P 0X4
4. Air & Oceanland 16 Cadetta Rd, Brampton, ON L6P 0X4
5. S&R Trucking 45 Simpson Rd, Bolton, ON L7E 1Y4
6. Avro Transport Inc. 89 Simpson Rd, Bolton, ON L7E 4G2
7. Pauls Transport 1555 Matheson Blvd, Mississauga, ON L4W 1H9
8. Tung Air Transport Ltd. 1244 Kamato Rd, Mississauga, ON L4W 1Y1
9. Gigg Express Inc. 5355 Creebank Rd, Mississauga, ON L4W 5L5
10. Seaport Intermodal 2 Bramkay St, Brampton, ON L6S 6E9

**Hybrid Yards**

1. Gusgo 7050 Major MacKenzie Dr., Kleinberg, ON L0J 1C0  
**(10 acres Zoned, 65 Acres NOT Zoned)**
2. Amar Transport 7290 Major Mackenzie Drive, Vaughan, ON L0J 1C0  
**(7 Acres Zoned, 5 Acres NOT Zoned)**

Draft letter from the Office of the Mayor, City of Vaughan

Addressees: CEOs and Board Chairs of MSC, Evergreen, Hapag Lloyd, CNR, CPR, Walmart, Canadian Tire Corporation, COSTCO, Amazon, etc.

Dear

The City of Vaughan is a great place to do business and we are proud partner with the end-to-end logistics supply chain and its many stakeholders.

In recent years a large number of illegal truck and container storage yards have been established in the City of Vaughan. These illegal operations are expanding and increasing weekly. They buy or lease acres of farmland contravening our zoning bylaws which reduces the amount of agricultural land for critical food production. By exceeding axle weight restrictions they cause damage to our streets and roads. Their continuous hours of operation produces fumes, dust, waste, light and noise pollution disrupting neighbourhoods and preventing the quiet enjoyment of existing communities. Frequent enforcement investigations add to our operating costs which are borne by law abiding business and residential rate payers.

Many of our roads and streets which are not built for large, heavy trucks are being utilised to deliver containers to and from illegally operated yards. This is causing road users to take evasive action. Incidents are escalating and serious accidents and fatalities are inevitable. The key question is, not if, not where, but when a death will occur? We know that you do not wish to be complicit in such a tragedy by using illegal operators.

We formally bring to your attention, that as the owners, customers/end users and intermodal carriers of illegally stored containers, you should not do business with illegal operators.

If your company benefits from and does nothing to prevent such illegal activity, ongoing support and encouragement of unlawful behaviour compounds the problem. It is respectfully submitted that your company may be at risk of culpability in the event of a related injury or death associated with an illegal activity.

All companies have a moral duty to act within the law. Global organisations, and particularly publically traded entities have Board mandated compliance to Environment, Social Governance (ESG) objectives. All organisations must act within the law and safeguard the public from unlawful operators. For example, if contraband items such as drugs, stolen cars, etc., are found in a container, the container owner, agent or shipper have an obligation to report the matter to law enforcement authorities. That same moral compass must extend to where shipping containers are stored in illegally operated yards.

We encourage you to support legal business operations in Vaughan and attach a list of legal truck yard and container storage operators.

We also attach a list of illegally operated truck yard and container storage operators.

We invite you to engage with all of the supply chain organisations to establish who is operating legally as well illegally. To assist in your endeavours to eradicate the municipality and in the long-term the Greater Toronto Area we have identified the following individual ?????? who can be emailed on ??????? and called on ?????? to verify information of who are the rogue traders that are putting the lives of or constituents in danger.

We look forward to hearing from and taking positive action in extinguishing this major issue that we face and simply cannot ignore any longer.

Yours sincerely

DRAFT

Alexandra Ney resident on King Vaughan Road

Hoping you have had time to read the Staff report, Planning Justification Report Franline Investments Ltd and my letter.

**We are against approval to permit existing mineral aggregate storage and distribution operation, and amendments to the Vaughan Official Plan Zoning By-law 1-88, and Zoning By-law 001-2021.**

If this zone does not permit the uses the Owner is seeking, why would you make amendments to permit the operation? If they have been operating illegally for all this time, why would you amend by-laws to accommodate the operation? Why would you want an operation that flaunts your by-laws, zoning and land uses?

Section 2.2.9 of the Growth Plan outlines the policies for Rural Areas, its stated Municipalities are encouraged to plan for a variety of cultural and economic opportunities within rural settlements to serve the needs of rural residents and area business. How is this serving the rural residents? I cannot think of one way they are serving our family? Daily it feels like more and more trucks going past us to the east, south, west and north from the subject lands. More carbon fumes, smell, in secant noise, and dirt.

What is planning? Is it looking forward, setting goals and how you will develop an area, mindful of existing residents, and the environment/prime agriculture lands? Or is it merely accepting what is happening and amending official plans and zoning to accommodate long standing issues? Leaving residents voiceless, powerless and frustrated? This is your gateway to Vaughan; is this the impression you want to leave people with?

If you approve and make the amendments to the official plan and zoning, to accommodate the new land owner, will you be setting a precedence? Opening the flood gates to anything goes in the area and municipality? Will this be your legacy? The subject lands generate such tremendous trucking volume, exhaust fumes, noise and dust; how would future potential residents tolerate all the impact from trucks and the site? With the well documented complaints, why has the Municipality not found a way to enforce compliance, other than laying fines, which clearly have no impact? Why are the YRP not present at Weston Rd and KV Rd?

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Reading the Planning Justification report I cannot help but feel insulted, from the stated hours of operation 7:30 am to 4:30pm, to the low volume truck traffic generated statements, routes travelled, commenting on other subject lands to the South of them, which at this point we do not know their land usage and zoning status, Page 14 comments no anticipated impacts related to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity resulting from the outdoor aggregate storage use. Comments regarding on-site seasonal, end dump trailers once a week November to late March. I do not have time to speak to this, I'll simply state truck numbers and types are far greater and hours much earlier and later then stated, noise and truck volume is impactful. To this end I will ask for a long term independent truck traffic study

overseen by the municipality to give a true picture of generated truck traffic, routes travelled and environmental impact.

Mayor, Councillors, and Regional Councillors - in respect to noise mitigation do we understand correctly the transfer of jurisdiction for King Vaughan Rd (Pine Valley to Bathurst), in November of 2012 Regional Council approved the City's request to the assumption of the road with conditions, the third being the issue of noise mitigation for properties abutting the road be addressed. Regional and City Staff worked together to address the conditions to transfer the road to York Region. Unbelievable, our family has lived here for over 100 years, I have been vocal about all the trucks and noise. You did nothing for us! The report which seems to be flawed only speaks of a subdivision located near Keele St, not even close to all these issues. You need to make this right, as there are outstanding noise mitigation issues. Please provide proof of what you did do for our property? What will you do to mitigate all the noise, it has only escalated since September 2018? Mayor and Regional Councillors you sit here as my representatives both in the Municipality and at the Region, what representation, due diligence, transparent action will you take to the region to ensure the noise mitigation and issues on this road generating so much focus centric truck traffic are dealt with, to give us the enjoyment of our home and property back. **Most importantly, ask for the year-round weight restrictions to be kept in place on King Vaughan Road, and a mandated, and enforced road usage permit. From December 1<sup>st</sup>, 2022 onward all trucks enter and exit the site to and from the West of the Subject Lands on King Vaughan Road. This will be a start in the apparently long overdue noise mitigation, and the tremendous impact of trucks generated by the subject lands operation. What will you do to mitigate the impact of what feels like daily increasing truck traffic?**

Thank you, Alexandra



Mina Zeppieri - My concerns are for the illegal gravel pit business at 4130 King Vaughan Rd and the big tractor trailer truck that have taken over my neighborhood.

- I have had to put up with Big trucks roaring down my street and the noise and pollution that comes with it.
- I have had to put up with trucks not following the 5 ton restriction, a lot of the trucks are way over the weight and have caused damages to the road creating pot holes and damage to my car.
- I have had to deal the nuisance of have dirty windows and porch on a daily basis. I can't even sit on my front porch peacefully; all I hear is the thundering of trucks coming down the road. Have you every had dust or sand blown into your eyes its not pleasant .
- I've had to deal noise from the illegal gravel pit and trucks as early as 5:30 am and as late as 9 pm
- I have had to deal with problems getting in and out of my drive way and most dangerous driving on the wrong side of the road with oncoming traffic, because there are rows of trucks parked on my street , waiting to get into the illegal gravel pit.
- I have not been able to enjoy walks with my husband or my dog because I am afraid of getting hit by a truck or the debris of rocks and gravel.
- My live stock has been affected by the noise and the dust as well. I find dust in their nose and eyes. I see them getting startled as the trucks drive by them. Everytime I look at their faces I feel helpless and defeated.
- My family has lived on this street since the 80's. We moved away from the city to enjoy quite rural life and this illegal gravel pit has taken this away from me and my family. They have denied me the quiet enjoyment of my home and property.

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This illegal gravel pit and the big tractor trailers that have taken over my neighborhood have had major impact on my mental and physical heath. I am always stressed and anxious. I have become a very angry person no one wants to be around. Every year they keep expanding and attracting more business, At times I feel like I am living in a construction zone. Every day I look across the street, I am reminded how overwhelmed and out of control this situation has become Every day I look across the street I am reminded of what these individuals have taken from me without consequence to them.

No one should live like this.

**John Bartella regarding Highway 27**

Discussions points :

- Each illegal land use case should be considered for Cease and Desist court order;
- Without any deterrents Illegal operations continue to function without repercussion;
- They continue to expand operations, increasing industrial machinery and outside storage;
- Resulting in more material moving, causing more dust, more intolerable noise;
- The dust is known to contain toxins, silica, that cause cancer;
- Cannot work from home without closing windows, patio doors as noise is intolerable, disruptive to productivity;
- Cannot enjoy eating out on the patio in summer as trucks go in and out of yard, continuously making noise, equivalent of hearing gun shots.
- The longer we wait, the larger the operation will become, obliterating our community and many others;

**Giovanna C. Luciani submissions regarding Cold Creek Road**

Giovanna C. Luciani will also have slides with pictures

In 1995, my husband and I purchased our property on Cold Creek Rd. Our intention was to have a family and raise our children in this rural and peaceful setting.

Over the next 5 years, Bolton expanded and boomed in all directions. The traffic on Cold Creek Rd. has become increasingly concerning and dangerous, especially during the peak hours of the morning and evening commuter traffic. Many commuters have discovered Cold Creek Rd. as an alternate bypass to avoid the increasing congestion on Caledon Rd's

Cold Creek Rd. is a municipal road with a hard top black surface, with no cement base and has a restricted use of 5 tonnes per axel. The road was not built to sustain heavy vehicles and these transport trucks are well over the allowed limit.

Over the next few minutes, I will express the increasing driving dangers caused by the trucks for commuters and residents of Cold Creek Rd.

Our close proximity to the CP rail yard, has made available farmland appealing. Illegal logistic and transport companies are operating without permits, public consultation, environmental impact assessments, or authority. Our tax dollars are being allocated to repeated repairs on the road and because these companies are illegal, they are therefore, not paying the appropriate tax.

During peak hours of traffic there is a regular line up of cars and tractor trailers waiting on Cold Creek Rd. southbound to make a right or left hand turn onto Nashville Rd. Due to the sheer volume of trucks, it is quite common to wait up to 20 minutes, before you are able to successfully complete this manoeuvre. This creates congestion and pollution with cars and trucks idling. The long line up of trucks block traffic, and commuters become increasingly frustrated making unlawful and dangerous manoeuvres onto oncoming traffic to get around the trucks.

The lack of infrastructure to support these large trucks, forces tractor trailers to make illegal, questionable and dangerous manoeuvres. They make wide turns from Cold Creek Rd. onto oncoming traffic on Nashville Rd., in order to make a left-hand turn.

With no hesitation or consideration, they will make these turns and completely block the intersection causing traffic jams and escalating frustration.

Anyone attempting to make a left turn from Nashville Rd. onto Cold Creek Rd. needs to contend with the line-up of trucks going westbound along Nashville Rd., the traffic coming eastbound from Countryside Drive. and the north and southbound traffic from Highway 50 making turns. All modes of traffic need to be alert and attentive to the individual making a left-hand turn or they will hit them from behind. There have already been several accidents with fatalities at this intersection.

The intersection at Cold Creek Rd. and Nashville Rd. has become increasingly dangerous and for the most part, my family and I completely avoid using this intersection.

Additionally, transport trucks are regularly parked along Cold Creek Rd., north and southbound sitting idling, or waiting to get into the shipping yard. This forces drivers to overpass them illegally on a solid line, onto the opposite lane of oncoming traffic in order to pass.

Trucks speed out of illegal shipping yards with dangerous blind spots without stopping to right of way traffic. You either stop or get crushed. They speed down the road at all hours of the night.

My daughter and I have limited our walking, running and cycling activities and are forced to go out of our way to Kleinburg or Bolton to do so. The fear of trucks speeding out of blind driveways, the excessive speeds, traffic, flying rocks and debris, dust, pollution, garbage, and with a total disregard for pedestrians and wildlife, has made it increasingly undesirable and extremely dangerous to enjoy any outdoor activities.

Attempting to enjoy the countryside has resulted in danger for pedestrians, danger for wildlife, and danger to our health. Our beautiful countryside is becoming increasingly unrecognisable.

**I must ask council to consider this.**

Do you fear walking on the road you live on?

Do you have oversized and illegal transport trucks excessively speeding down your road?

Do transport trucks disregard the laws of your community?

Do transport trucks line your roads idling and spewing toxic fumes?

Are you forced to make dangerous manoeuvres onto oncoming traffic to get around large trucks?

Do transport trucks regularly make dangerous and questionable manoeuvres on your road?

Do you live with dust dirt and toxic pollution at your doorstep?

Are your roads ripped up with potholes?

Has anyone died on your road as a result of excessive traffic?

I ask you to please seriously consider the impact these illegal companies are having on our lives.

Thank you

**Sant brothers regarding Cold Creek Road**

1. Hammering and Banging, Early hours (4 am) and Late 10PM. they do a lot of repairs to the containers 7 days a week
2. Burnt oil smell of smoke throughout my house, When they do repairs they sometimes burn what they can, smells like old oil soaked wood.
3. DUST, my house is sometimes engulfed with dust, Cannot open my windows and making my deck and BBQ area unusable 7 days a week.
4. Lights, The yards are lit up with several yard lights. 7 days a week
5. Loud air horns, The crane operator uses air horns to signal the trucks. 7 days a week
6. Cold Creek Road wasn't meant to handle the volume of tractor trailer trucks, just look at the intersection of Nashville Rd. and Cold Creek Rd.
7. Kirby Rd is already showing signs of breaking down, large bumps at the culvert on Kirby just west of Cold Creek.
8. Poor Sight lines from the Stop Signs
9. Overgrown brush at the roads edge, making it dangerous for pedestrians and bicyclist. Cold Creek has become a common route for bicyclist, joggers and walkers. From Boltons east side subdivisions.

Respectfully,  
**Rick Sant**  
**Dan Sant**  
**Ron Sant**

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**Ranjit Lallie Heads of areas to build submissions in relation to the new illegal container storage yard**  
**10481 Highway 50, Vaughan, Ontario, L0J 1C0**

**1. These illegal unscrupulous business operators started by taking an inch and now have taken a mile.**

Most operations began with 1 acre and then slowly expanded. A good example is Gusgo and Best Choice who had limited zoning and then have grown and overspill into adjoining land.

There are several illegal yards with no zoning at all in Vaughan namely, who operate with no fear in Mafia focused manner.

Marilyn, in a call some 4 weeks ago, referred to there being 9 illegally operated shipping container yard operating from the following locations that have been brought to her attention by various constituents :-

- A. Cold Creek Road which is rural road being utilised for trucks transporting shipping containers
- B. King Vaughan Road has several illegal operators trading in the storage of shipping containers
- C. Highway 27 has several illegal operators trading in the storage of shipping containers
- D. Highway 50 has several illegal operators trading in the storage of shipping containers

These small yards are a fraction of the bigger problem. These small yards are 4 to 6 acres in size and when totalled come to about circa 45 acres.

The biggest problem that has Vaughan faces is that there is now a super yard that is being prepared and has become operational which is run by S & R at 10481 Highway 50. This facility is adjacent to the main artery road namely Highway. S & R original container yard is located at 5253 Old Castlemore Road, where currently there are over 1500 containers stored illegally. Following lots of pressure on behalf of my Uncle, this led to barricades being erected by Bylaw Enforcement Officers. The barriers were promptly removed and the illegal activities continued, such was the audacity of the owners of S & R.

S & R at the start of October 2022 took possession of 50 acres at 10481 Highway 50, Vaughan, Ontario, L0J 1C0.

We brought to the attention of Vaughan municipality and Marilyn the fact that agricultural land was being prepared for the storage of illegal shipping containers.

This new S & R yard needs to be stopped in its tracks and a message sent to all of the illegal operators that Vaughan municipality penalty has a zero tolerance to all illegally operated businesses yards.

## **2. Safety of road users**

Protecting the roads from the significant volume of traffic with regards to trucks and containers clogging the arteries of Vaughan main roads.

The dangerous driving conditions which are created by the trucks leading to road rage incidents and the escalation towards an inevitable fatality given speed and illegal turns

- Apra Transport is located at Nashville Road. Apra is 50 metres from Kleinburg Christian Academy and Church, which is a kindergarten and middle school for children aged 4 to 13 years.

The school has confirmed that there have been a number of reported incidents when parents have dropped off or collected children with regards to the traffic

## **3. Environment impact**

As illegal businesses are less likely to care about pollution, water contamination, long term land preservation, noise and wild life disruption

The illegally operated container yards clearly cause an eyesore to the landscape thereby damaging the reputation of Vaughan as a municipality for families to thrive.

The environmental impact not least the pollution which is caused by the trucks delivering illegal containers to the sites cannot be encouraged by zero action.

## **4. Vaughan Municipality is not discouraging the illegal activities**

It is difficult to understand given the safety issues of constituents, environmental impact, staff being employed illegally and the encouragement of illegal activities that nothing is being done to discourage the behaviour.

**Why it is that the Municipality is not on each point bringing these culprits to account, because when all matters are coupled together the illegal operators would have no plausible defence to their unlawful operations?**

Marilyn has been told by myself in calls and correspondence that the illegal epidemic of truck yards and shipping container yard will become a wide spread issue in Vaughan that will destroy the City positive attributes.

**The issue in Vaughan Municipality is that it has a large agricultural land based area, which is more lucrative for illegal and nefarious activities. Toronto and southern municipalities from Vaughan, do not have a problem due to the extensive development they have seen in the past 20 years. Which begs the question, what will happen to the City of Vaughan if cancerous epidemic of illegal yards goes unchecked and continues to expand? The answer is simple it will become the eyesore of North America viewable from outer space.**

**Action must commence immediately with vigour and be relentless or the community will wither and die. The future of Vaughan is in the hands of this committee**

The City of Vaughan needs to retroactively deal with the corrosive epidemic. It cannot legitimize the older yards due to a lack of enforcement to date. This will be the precedent for ALL violators to tie-up the city in the courts. It's time for the City of Vaughan to show leadership and save its own future by ripping out the root of the problem.

**5. What have other municipality done regarding illegal activities**

Caledon Municipality shut down illegal trucking yards and shipping container yards immediately when they opened.

Caledon Municipality approach is direct, without compromise and should be adopted throughout Greater Toronto Area.

See articles and judgement from the Court in the bundle before the committee.

**6. Issues Vaughan Municipality have with dealing with illegal container and trucking yards**

Marilyn openly stated in call the following:-

1. Law enforcement does not have resources to control the problem of illegal operated shipping container yards and truck yards.
2. Since Covid the problem has escalated and the supply chain has compounded the issue
3. City Hall has lost staff to Covid-19,
  - a. Staff have not returned to the offices and still work remotely so are not fully monitored

4. The Court are back logged and have insufficient Judges to deal with zoning and injunction orders as Judge's have left during Covid or retired.

**5. City Budget meeting is upcoming and Marilyn is lobbying for a Task Force dedicated to be set up to rid Vaughan of all illegally operated shipping container yards and trucking yards. Could this Task Force be funded through**

- **A community fund raising initiative.**



- **Pooling resources from legally operated organisations.**
- **Getting the supply chain organisations who have created indirectly the problem to assist in resolving the major issue.**
- **Obtaining funding from Provisional or Federal Transport as well Environmental ministries.**

**7. Next steps given that City Halls cannot swiftly deal with the problem which harms Vaughan constituents, the larger community and the municipality and so we have to deploy other measures**

A. Implement new Governance that Mark Hopkins will go throughout forthwith

B. Create our own an association of legally operated shipping container yards.

Call it for example "Trucking and Shipping Container Yards Association"

Create a Website for the association where there is database where all shipping companies and their customers can visit to see if the yard is operating legally.

On the website, you upload the zoning portal information.

The insurance paperwork.

The fact the company is approved by the association and have a rating system that shipping companies and customers can comment on given the service provided. ie performance, efficiency, accessibility etc

I have taken guidance from Gobind Saran who works for a Canadian Car Manufacturers Association in Toronto so can assist in creating the associations of "Trucking and Shipping Container Yards Association"

1. Create our own an association of legally operated shipping container yards.
2. Call it for example "Association of Trucking and Container Shipping Yards" (ATCSY)
3. ATCSY would work closely with the Association of Canadian Port Authorities.
4. ATCSY would be to work with all levels of government; municipal; provincial; and federal:
5. ATCSY in creating a website to see where all shipping companies and their customers can visit to see if the yard is operating in a legal manner and on legal premise.
6. On the ATCSY website businesses would upload the zoning portal information, insurance paperwork etc.
7. An approval process by this ATCSY to include a monitoring and rating system that shipping companies and customers can comment on the services provided.

8. Insurers could check the ATCSY website to confirm their prospect client is a member of the organisation.
9. ATCSY would be funded from a percentage from the turnover of the legally operated members

Next Steps:

- Create a new email account ie; ATCSYofCanada@gmail.com
- Start to email major shipping container companies such as MSC, Evergreen, Hapag Lloyd etc; including an image from the city zoning portal of each container yard and stating whether their containers are being stored legally or illegally and not therefore uninsured if broken into or an accident/fatality occurs.
  - The fact of the matter is that these trucking and shipping container yards are working in an illegal matter and are providing a way for illegal activity to occur. These shipping container yards have a moral duty to act within the law and safeguard the public from any unlawful operations. For example, in these shipping containers can be found any sort of drugs, firearms, stolen cars etc.
  - With this new Association being brought forward, we can set out a mission to report all illegal operation found on these yards and report to the proper authorities.
  - With the new Association, all legitimate trading companies who enter Canada would have to be directed to the Association and these companies would be regulated to make sure their containers are being placed on a legal yard.
  - Consequences to these shipping companies once the Association is formed: that if a company acts unlawfully or does not take the adequate steps in reporting to the Association; they would have breached their terms of a legally binding contract with payment being potentially withheld; illegal shipping yards would have the potential to come forward, however, if they do not provide adequate paperwork to support their claim, they would be shut down until they can confirm proper zoning to their land.
  - Start by sending emails to companies such as CN Rail, Canadian Pacific Railway, Walmart, Canadian Tire, Toyota, etc; including an image from the city zoning portal of each illegally operated shipping container yard stating their containers are being stored illegally and therefore uninsured if broken into or an accident/fatality occurs.
  - The Association's purpose would be to engage with the Highway Agency and Police regarding trucks using roads to deliver to illegally operated shipping container yards and hence finding a way to set out a legal obligation to turn trucks away from entering the yards.

Repercussions for all levels of Government:

The Federal, Provincial, and Municipal Governments within Canada would not like to be seen supporting:

- A. The illegal activities of unscrupulous businessmen to thrive as they do as it damages the countries reputation and economy.
- B. Protecting the roads from the significant volume of traffic with regards to trucks and containers clogging the arteries of Vaughan main roads.
- C. The dangerous driving conditions which are created by the trucks leading to road rage incidents and the escalation towards an inevitable fatality.
- D. The illegally operated container yards clearly cause an eyesore to the landscape thereby damaging the reputation of Vaughan as a municipality for families to thrive.
- E. The environmental impact not least the pollution which is caused by the trucks delivering illegal containers to the sites cannot be encouraged by zero action. Old Creek Road is a rural road not designed to take the load of trucks and containers
- F. Due to the fact that these illegal container yards are operating, they are clearly not paying any taxes to the municipality thereby damaging the local economy.
- G. If this matter is not dealt with expeditiously, it will become apparent to all the migrants that are entering the Greater Toronto area that illegally operated businesses are the norm and that the Cities will allow such unlawful behaviour, without any consequences. Surely that is not what the Federal Government want the public to think is the situation.
- H. Federal Departments need to deploy all their capabilities to deal with this situation forthwith, which can only benefit your constituents, the province and the Country.

### **Association for Container Shipping Yards:**

#### **Mission Statement:**

- As the leading voice for Canadian Shipping Yards, the Association would represent the interests of all shipping container companies and all levels of government to provide adequate assistance in making sure all container-shipping yards are operating in a safe and legal manner. ATCSY's mission is to advocate for the public in matters related to safety, security, and trade to contribute to a clean, efficient and reliable supply chain.

#### **Notes:**

- Canada's economy within shipping container yards support over 200,000 jobs with more than \$50 billion dollars in economic activity each year. As a community partner, we would actively like to start an Association for Container Shipping Yards in helping to ensure that all companies are aware of any sort of illegal shipping yards that are present within Canada and the GTA.
- The ATCSY would like to become the forefront for all shipping container yards and the companies within this sector to bring awareness for the illegal shipping container yards that their products may be in.

**8. Vaughan City Hall and Mayors Office start to contact the Shipping container owners, rail companies, customers and insurance brokers**

The group has drafted the following letter to assist the committee

Draft letter from the Office of the Mayor, City of Vaughan

Addressees: CEOs and Board Chairs of MSC, Evergreen, Hapag Lloyd, CNR, CPR, Walmart, Canadian Tire Corporation, COSTCO, Amazon, etc.

Dear

The City of Vaughan is a great place to do business and we are proud partner with the end-to-end logistics supply chain and its many stakeholders.

In recent years a large number of illegal truck and container storage yards have been established in the City of Vaughan. These illegal operations are expanding and increasing weekly. They buy or lease acres of farmland contravening our zoning bylaws which reduces the amount of agricultural land for critical food production. By exceeding axle weight restrictions they cause damage to our streets and roads. Their continuous hours of operation produces fumes, dust, waste, light and noise pollution disrupting neighbourhoods and preventing the quiet enjoyment of existing communities. Frequent enforcement investigations add to our operating costs which are borne by law abiding business and residential rate payers.

Many of our roads and streets which are not built for large, heavy trucks are being utilised to deliver containers to and from illegally operated yards. This is causing road users to take evasive action. Incidents are escalating and serious accidents and fatalities are inevitable. The key question is, not if, not where, but when a death will occur? We know that you do not wish to be complicit in such a tragedy by using illegal operators.

We formally bring to your attention, that as the owners, customers/end users and intermodal carriers of illegally stored containers, you should not do business with illegal operators.

If your company benefits from and does nothing to prevent such illegal activity, ongoing support and encouragement of unlawful behaviour compounds the problem. It is respectfully submitted that your company may be at risk of culpability in the event of a related injury or death associated with an illegal activity.

All companies have a moral duty to act within the law. Global organisations, and particularly publically traded entities have Board mandated compliance to Environment, Social Governance (ESG) objectives. All organisations must act within the law and safeguard the public from unlawful operators. For example, if contraband items such as drugs, stolen cars, etc., are found in a container, the container owner,

agent or shipper have an obligation to report the matter to law enforcement authorities. That same moral compass must extend to where shipping containers are stored in illegally operated yards.

We encourage you to support legal business operations in Vaughan and attach a list of legal truck yard and container storage operators.

We also attach a list of illegally operated truck yard and container storage operators.

We invite you to engage with all of the supply chain organisations to establish who is operating legally as well illegally. To assist in your endeavours to eradicate the municipality and in the long-term the Greater Toronto Area we have identified the following individual ?????? who can be emailed on ??????? and called on ?????? to verify information of who are the rogue traders that are putting the lives of or constituents in danger.

We look forward to hearing from and taking positive action in extinguishing this major issue that we face and simply cannot ignore any longer.

Yours sincerely

**10. List below contains illegally operated yards, legal yards and hybrid yards that commenced legally but have acquired adjacent land to expand their operation into one that is illegal**

**11. Commence legal action, contact provincial and federal Government Departments, contact the media, federal bodies and engage a lobbyist**

1. Commence a Class Action to shut down all illegally operated shipping container yards.
2. We should consider provincial problem being taken to the federal minister for infrastructure/business/trade etc. Vaughan City Hall clearly is ill equipped to deal with the issue given the matters raised above especially with the staffing crisis and clogged up Court system.
  - A. Federal Departments would not want to see the illegal activities of unscrupulous businessmen to thrive as they do as it damages the countries reputation and economy
  - B. All politicians want to protect the roads from the significant volume of traffic with regards to trucks and containers clogging the arteries of Vaughan main roads.
  - C. No one wants to encourage dangerous driving conditions, which are created by the trucks speeding and leading to road rage incidents and the escalation towards an inevitable fatality.
  - D. The environmental impact not least the pollution which is caused by the trucks delivering illegal containers to the sites cannot be encouraged by zero action. Old Creek Road is a rural road not designed to take the load of trucks and containers.
  - E. The illegally operated trucking and container yards clearly cause an eyesore to the landscape thereby damaging the reputation of Vaughan as a municipality for families to thrive.
  - F. Due to the fact that these illegal container yards are operating, they are clearly not paying any taxes to the municipality thereby damaging the local economy.
  - G. If this matter is not dealt with expeditiously it will become apparent to all the migrants that are entering the Greater Toronto area that illegally operated businesses are the norm and that the Cities will allow such unlawful behaviour, without any consequences. Surely that is not what the Federal Government want and the general public to think is the situation.
  - H. Federal Departments need to deploy all of their capabilities to deal with this situation forthwith, which can only benefit your constituents, the province and the Country as a whole

December 5, 2022

Dear Mayor and Members of Council:

On September 13, 2022, my deputation to the Committee of the Whole (1) on the issue of illegal truck yards operation on agricultural land in the Cold Creek Rd area included the following comparison between the Town of Caledon's enforcement approach and the City of Vaughan's.

## Governance Comparison

Metric	Town of Caledon	City of Vaughan
Area	688.82 km <sup>2</sup>	272.44 km <sup>2</sup>
Population (2021 Census data)	76,581	323,103
Enforcement resources - illegal truck yards and fill	Dedicated Team: Manager Officers (2) Coordinator Zoning Admin Prosecutor	None dedicated
Truck yard compliance guide - website content	yes	None
Illegal truck yard injunction(s)	\$1 million fine	No injunctions filed

The Town of Caledon governs an area 2 ½ times greater than the area of Vaughan and is more forceful and proactive than Vaughan in addressing the illegal truck yard and fill issues. Caledon Council has adopted and communicates a governance strategy to achieve compliance while supporting the logistics sector. It established a task force with dedicated staff assigned to deal with illegal fill and illegal truck yards, including parking large commercial vehicles in residential neighbourhoods. Recognizing that illegal land use may be the tip of the iceberg, the task force works with multiple Police forces and Canada Revenue Agency on investigations.

Caledon's communication strategy includes website content which sets out how to operate legally with links to specific compliance and process information.

To the extent that Caledon enforcement successfully prosecutes illegal fill and truck yard infractions, unsuccessful or ineffective municipal enforcement creates a target for illegal operators.

Related media reports and the Town of Caledon's media release (attachment 1) announcing the injunction and the \$1million fine are provided to inform your discussion and actions to address this issue recurrent and persistent illegal activity. Of particular note is the quotation in the media release of the High Court Judgement. The Court clearly recognized the impact of the illegal operation on its neighbours and determined that serious offences deserve significant punishment.

Also included is the Legal Trucking Guide (attachment 1) from the Town of Caledon's website which I referenced in my deputation. The Caledon of Caledon staff who have assisted us in understanding their approach to the issue are keen to work with adjoining municipalities. The Communications Manager indicated that their guideline are in the public domain. That is low hanging fruit for Vaughan to quickly and easily issue a similar document with hyperlinks to Vaughan's relevant Bylaws. It is surprising and disappointing that 3 months after my deputation, Vaughan has not issued a similar document setting out the rules for truck and container operations and the penalties for non-compliance. If no effort is made to fix the holes in the enforcement bucket, illegal operations will not be stopped and will continue to leak out.

### **Issues**

The spreading cancer of illegal truck and container yards and illegal aggregate storage and fill yards has these impacts:

- Public safety: Roads unsafe for commuters, cyclists, joggers, pedestrians
- Permanent loss of farmland for food production
- Noise, dust, light pollution, vehicle maintenance waste, ground water contamination
- Stress and health impacts on livestock
- Road damage and repair costs
- Illegal businesses are unfair competition to complying businesses
- Unchecked illegal activities encourage other law breakers
- Ineffective enforcement costs
- Loss of commercial tax revenue
- Control dump truck licenses like tow truck licenses

### **New Action**

The key players in the logistics sector which unwittingly use the services of illegal truck and container yards include: Mediterranean Shipping Company (MSC); Evergreen Line; Hapag Lloyd; CPR; Walmart; Canadian Tire Corporation; COSTCO; Amazon; etc. Our research shows that each of these companies has a Board mandated Code of Conduct or Environment Social Governance (ESG) commitments that include the requirement that their staff and suppliers must comply with local laws (see attachment 2).

We ask that on behalf of Council, the Mayor's Office issue a letter to the CEO and Board Chair of all of the major logistics company bringing to their attention that the City of Vaughan appreciates their business and expects them to use the services of companies that are fully compliant with Vaughan's Bylaws. This action should include a media release and press conference. A proposed draft letter is included as Attachment 3.

We ask that this action be taken within the next 7 to 10 days.

### **Preserving farmland indefinitely**

At the heart of the illegal truck and container storage issue is the critical need to protect farmland. The staff report mentions a Bylaw to protect, "areas of municipal ecological significance". If that proposed Bylaw overcomes the damage to Conservation Authorities responsibilities from Bill C-23, that will be a positive and important step forward. However, the protection of agricultural land much recognize that until they are



stopped, truck and container yards incrementally nibble away tracts of crop land that will eventually render farming in Vaughan as commercially NOT viable. Areas of municipal ecological significance must preserve farmland for farming indefinitely.

Bonnefield Financial Inc. specializes in managing an investment portfolio that makes farmland available to farmers, not to developers. It ensures farmland is retained for food production and provides succession planning for farm families. *Right Sizing the Farm: How scale and currency affect farm profitability and farmland value* is a Bonnefield Research Report issued in 2018 and presented to the Senate Agriculture Committee. The research shows that a commercially viable farm requires at least 3000 acres. While Vaughan does not have a single farm of that size, where possible its farmers lease relatively adjacent acreages for their crops. The following table is based on the 2018 report with production and values provided by a major farm operation based in Ward 1.

Crop	Tons/Acre	Value/Acre	Min. Commercial Farm (3000 Acres)	
			Total Production Tons	Total Revenue
Soya Bean	1.25	\$ 1,000.00	3750	\$ 3,000,000.00
Corn	4.5	\$ 1,500.00	13500	\$ 4,500,000.00
Hay - 1st cut	10	\$ 3,000.00	30000	\$ 9,000,000.00
Hay - 2nd cut	10	\$ 3,000.00	30000	\$ 9,000,000.00
Wheat	2.25	\$ 1,000.00	6750	\$ 3,000,000.00

It is also important to recognize that in Ward 1 we have a mix of crops and crop rotation. For example, there are approximately 150 Acres bounded by Kirby Rd. Cold Creek Rd., Albion Vaughan Rd. and King Vaughan Road. Two years ago it produced soya bean. Last year it produced corn. In 2023 it will produce 2 crops of hay.

Agriculture occurs where soil meets air. Plants remove carbon dioxide from the air. In addition to providing food for our tables, good farming practices ensure that soil carbon storage capability helps fight climate change.

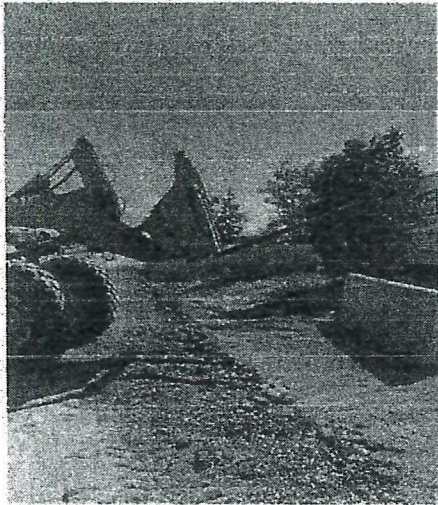
When nominations closed for the recent municipal election, the Clerk’s Department listed the candidates and their contact information including websites and social media accounts. All but 2 candidates had websites where they set out their platforms. Research on the websites of candidates for Mayor, Regional Councillors and Ward 1 Councillor, those most directly impacting the lives of my neighbourhood for the next 4 years, revealed that only the current Ward 1 Councillor’s website included preservation of farmland in the declared platform priorities. That suggests that Vaughan Council is focussed on important urban issues and gives little consideration to the importance of preserving farmland indefinitely for food production. Inflation, the war in Ukraine and disastrous climate change impacts demonstrate that food security is vulnerable and at risk. Our climate and land stewardship responsibilities to future generations depend on preserving farmland for food production indefinitely.

Respectfully

Mark Hopkins

Mark Hopkins  
11801 Cold Creek Rd  
Vaughan

Attachment 1 Re Town of Caledon Enforcement



Town of Caledon photo

Caledon's bylaw enforcement division used concrete barriers to block the entrance to a truck yard allegedly operating illegally in the community on June 17.

# TOWN BLOCKS ENTRANCE TO TRUCK YARD

## CALEDON IDENTIFIED 200 SUSPECTED ILLEGAL TRUCK STORAGE FACILITIES THROUGHOUT COMMUNITY

KAREN MARTIN-ROBBINS  
kmartinrobbins@metroland.com

A truck yard that the Town of Caledon claims doesn't have permission to be operating had its driveway blocked by concrete barriers on June 17.

It's just one of the ways the municipality is battling against what officials call illegal operations that have been multiplying across agricultural land in the community over the last decade.

"Illegal trucking has lasting negative impacts on our communities, and we will continue to take action," said Mark Srage, director of building services and municipal law enforcement division.

The town's municipal law enforcement division has identified more than 200 properties with suspected illegal trucking op-

**"Enforcement and education go hand-in-hand."**

— Mayor Allan Thompson

erations as of September 2021.

The town has also been trying to tackle the problem by issuing fines.

In December 2021, the town successfully prosecuted an illegal trucking operation, which resulted in a \$1-million fine.

Another tool the town is using is education.

The rules of how to have a truck operation legally in the municipality have been laid out in a new resource guide online.

The guide has helpful information for members of the trucking and logistics industries, realtors, residents and others interested in trucking operations in Caledon on how to operate legally.

"Enforcement and education go hand-in-hand," said Mayor Allan Thompson. "As we help existing properties come into compliance with our land use bylaws, we want to make sure new operators opening their businesses in Caledon know our rules."

But the town said it will continue to identify and investigate illegal trucking operations in the community.

Srage said Caledon is proud to be a destination for trucking and logistics operations and the town wants to support legitimate operators as they build their businesses.

This includes bringing enforcement action against those who do not comply with town's bylaws.

"These new resources will help operators understand our rules and will direct them to the appropriate town division for more detailed information," said Srage.

For more information, visit the town's Illegal Trucking Guide online.

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## Town of Caledon Media Release

Posted on Friday, December 10, 2021

December 10, 2021 – The Town of Caledon has successfully prosecuted an illegal trucking operation, resulting in a precedent-setting \$1 million fine.

On December 9, 2021, the Ontario Superior Court of Justice (Toronto Region) sentenced Darzi Holdings Ltd. for contempt of court, with a fine of \$1 million, following a finding of guilt on February 8, 2021.

“This is a huge victory that signals to those who violate our by-laws that the Town takes enforcement seriously,” said Mayor Allan Thompson. “It’s also a win for all the legal operators in the Town who have invested over the years to build legitimate, competitive businesses. They want a level playing field, and we will continue to go after those who try to sidestep our by-laws.”

The prosecution in this case began in 2018, prompted by complaints concerning debris, mud tracking, the importation of fill and grading without a permit and the illegal parking and storage of commercial motor vehicles and contracting equipment at the property on Coleraine Drive within the South Simpson Industrial Secondary Plan Area in Bolton.

The property owner was charged and pleaded guilty in 2019 to contravening the Town’s Zoning By-law and was fined \$36,000 in penalties. Following the property owner’s failure to bring the property into compliance the Town successfully pursued a civil injunction. When the uses continued despite the court injunction, the Town asked for a finding of contempt for the breach.

The court found the property owner to be in contempt and sentenced them to a \$1 million fine, stating:

*In my view a fine of \$1 million as sought by the Town will serve some of the ends of denunciation and general deterrence. The Town asks for \$1 million fine. Despite my reservations as to the adequacy of this quantum, I assess a fine of \$1 million payable by the defendants jointly and severally.*

As similar incidents increased across Caledon, Council established an Illegal Land Use Task Force in 2020 with the goal of addressing the more than one hundred identified cases of illegal storage/parking of commercial vehicles.

The Task Force is comprised of municipal law enforcement officers, prosecutors and zoning specialists. As a first step, the Task Force notifies offending operators and works with them to achieve compliance, but where that is not successful, the Town takes enforcement action.

- 30 -

### Media contact:

Stacey Abbott

Manager, Communications

905.584.2272 x. 4076 | [stacey.abbott@caledon.ca](mailto:stacey.abbott@caledon.ca)

[www.caledon.ca](http://www.caledon.ca) | @YourCaledon

Source: <https://www.caledon.ca/en/news/illegal-contracting-facility-and-trucking-operator-fined-1-million.aspx>

## **Caledon shuts down illegal trucking depot, company hit with \$30,000 fine**

By Ryan Rumbolt

Published November 18, 2022 at 12:39 pm by Insauga.com

After more than two years of investigations, an illegal trucking company out of Caledon has been shut down and is facing down a \$30,000 fine.

Back in June of 2020, the Town of Caledon says it received complaints about noise, debris and property alterations in the Tullamore area related to a trucking operation directly across from a residential community.

The company known as 6230 Mayfield Inc. was charged for illegal land use by the Ontario Superior Court of Justice earlier this month, the Town said, and has pleaded guilty to charges under the Provincial Offences Act.

A \$30,000 fine was handed down to the company, which has been banned from using its property as a trucking depot. The company has also been ordered to remove all illegal trucking equipment and imported fill by an agreed upon date.

“This is yet another victory against the illegal trucking operations that continue to negatively impact our Town,” said Mark Sraga, Director of Building and Municipal Law Enforcement with the Town. “We share this win with owners and operators of legal trucking businesses in Caledon. We will continue to take legal action against those who defy the Town’s bylaws to ensure Caledon remains a fair and sustainable location for businesses.”

Illegal trucking operations have been a problem for the Town and residents, with Caledon Town Council hearing last year that there were nearly 200 illegal trucking yards operating in and around Caledon.

Last December, another illegal trucking and contracting facility in Caledon was fined \$1 million for breaking town zoning bylaws.

Under Caledon bylaws, a corporation can be liable to fines of up to \$50,000 on a first conviction and \$25,000 for additional each day, while individuals can face fines of \$25,000 on a first strike and another \$10,000 for every additional day.

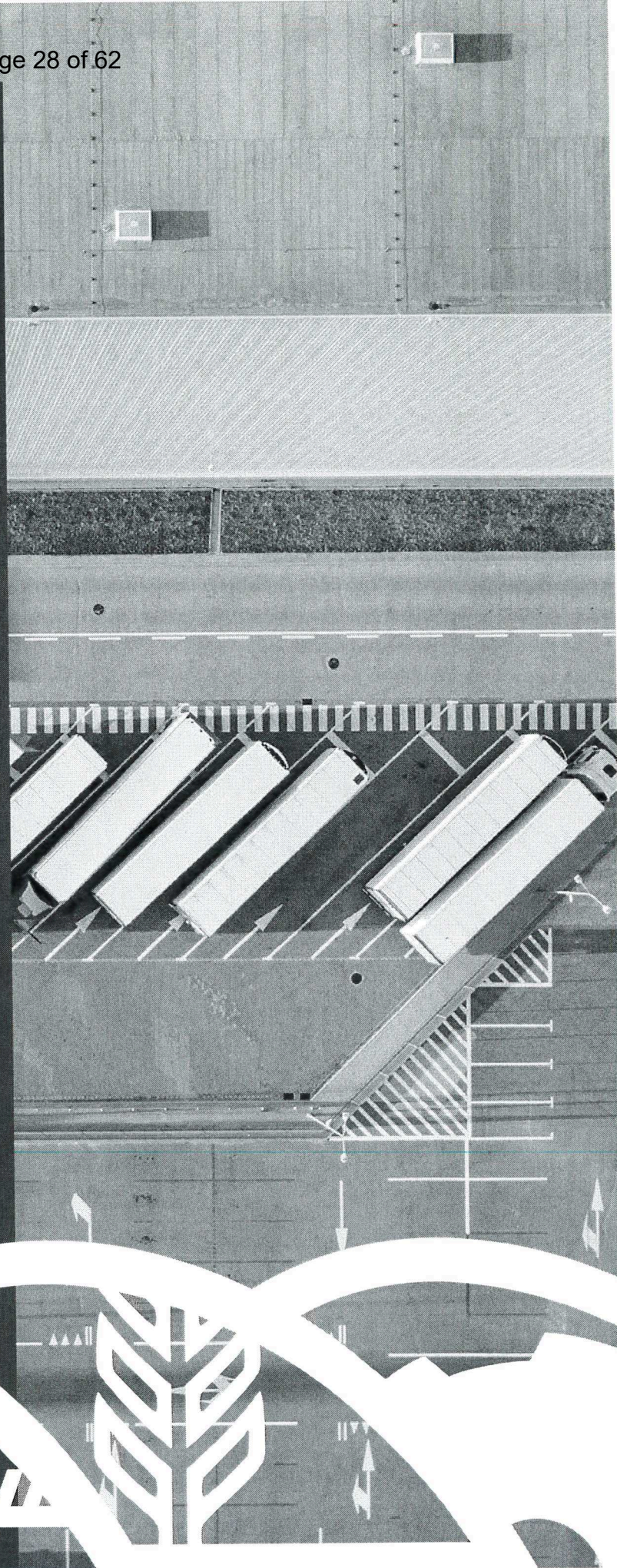
The Town is encouraging residents to report suspected illegal trucking facilities. If you see a property that you believe is illegally, improperly, or unsafely storing trucks, you can contact Service Caledon by dialling 311 or by sending an email to [info@caledon.ca](mailto:info@caledon.ca).

Source: <https://www.insauga.com/caledon-shuts-down-illegal-trucking-depot-company-hit-with-30000-fine/>



# How to Legally Store Trucks in Caledon

This guide contains information about what is and isn't permitted under the Town's land use bylaws and provides information about the enforcement actions the Town is taking.





# What's the Issue?

**Caledon is proud to be a partner in the commercial trucking industry in North America and a great place to do business.**

The Town has rules (land uses that are identified in the zoning bylaws) that dictate where and how truck storage facilities can operate. Caledon is facing an issue with trucking operators that are illegally operating on lands that are not designated for this purpose. This includes illegal trucking yards and parking vehicles on residential properties. These operations are harmful – and not just to how the town looks.

# The Impacts

**Everyone in Caledon is negatively impacted by illegal trucking operations.**

Illegal operators also make it harder for legitimate businesses who follow the rules to compete in Caledon. Compliant businesses are unfairly disadvantaged because illegal operators are not following the Town's rules.



**Environment**  
Damage to sensitive soil and water



**Farmland**  
Paves over rich farmland and threatens food supply



**Pollution**  
Air, light, and noise pollution



**Safety**  
Large trucks on residential roads and near busy neighbourhoods



**Town Character**  
Makes the town look unwelcoming



**Quality of Life**  
Impacting property values and discouraging potential new residents



# What's the Town Doing?

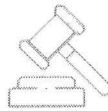
**Residents and local businesses are the top priority for Caledon. The Town has been working hard to crack down on illegal trucking operations, while educating the trucking and real estate industries on how to operate legally.**

The Town is also protecting legitimate operators by taking enforcement action against illegal operators who are breaking the rules. Offenders are facing serious action from bylaw enforcement officers. This includes:



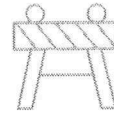
## Fines

Ranging from hundreds of dollars for smaller infractions to tens of thousands of dollars for larger illegal operations



## Court Injunctions

For more serious offences and repeated non-compliance, the Ontario Superior Court will rule on cases that can lead to fines from thousands to millions of dollars



## Physical Blockades

Blocking access to illegal trucking storage facilities so operators cannot conduct business and truck drivers cannot access their vehicles

**Caledon is proud to be a destination for trucking and logistics operations. The Town is committed to supporting legitimate operators as they build their businesses.**

# What are the ByLaws?

**In every municipality, there are zoning bylaws that dictate the permitted uses on all land within the municipality's boundaries.**

For example, some lands are zoned as residential to ensure enough housing is built, while other lands zoned for employment must be used to provide jobs. Municipalities need to protect lands from misuse and enforce zoning bylaws to make sure communities are built according to the municipalities' Official Plan.

**In Caledon, truck storage facilities are only allowed on lands that are zoned for Serviced Industrial (MS) and Unserviced Industrial (MU).** The permitted uses on these lands that are generally relevant to trucking facilities are:

- A Accessory Open Storage to a permitted non-residential use (Does not include parking areas and must be in addition to an existing use)

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- B Bulk Storage Facility

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- C Contractors Facility

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- D Maintenance Garage

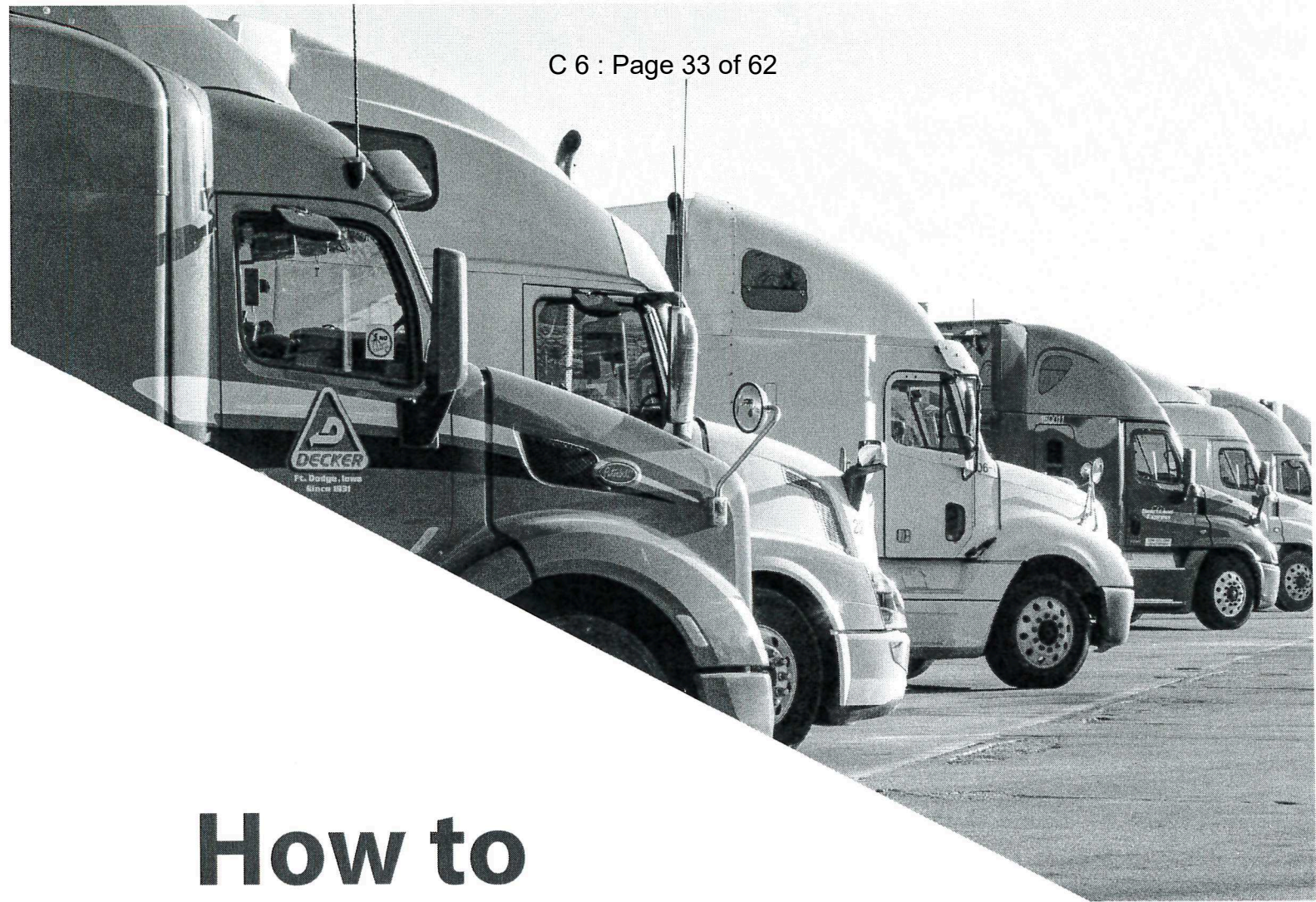
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- E Motor Vehicle Repair Facility

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- F Transportation Depot

For more information on Industrial Zones, their requirements, and their permitted uses please see Section 8 – Industrial Zones of the Town's Zoning bylaw. For definitions on any of the terms listed above, please see Section 3 - Definitions of the Town's Zoning bylaw. Both are located at <http://www.caledon.ca/zoning>.



# How to Legally Store Trucks in Caledon

1. Identify lands with the proper zoning in place
2. Ensure your intended use is permitted on the site
3. Secure Site Plan Approval for your property

## 1. Identify lands with the proper zoning in place

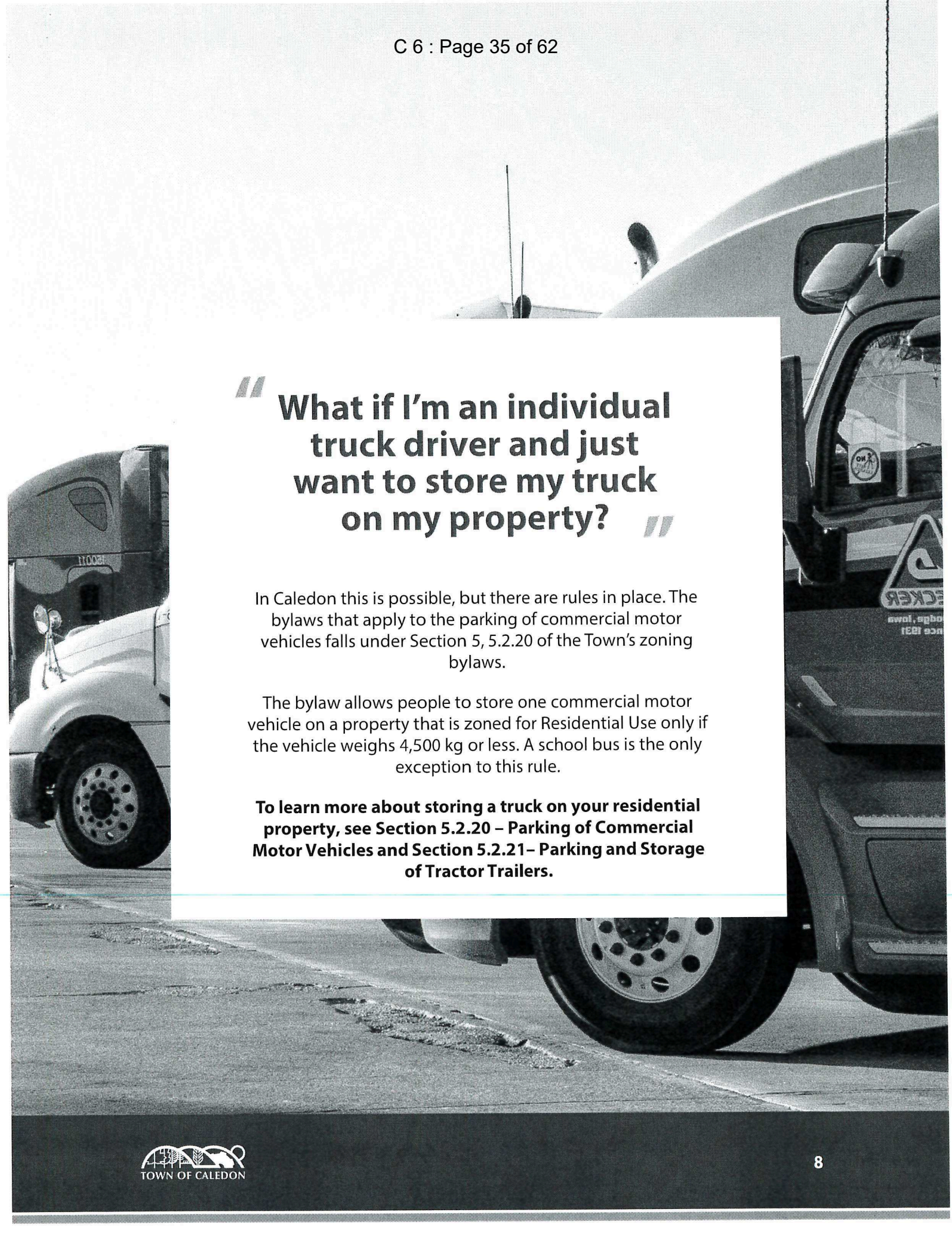
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- A. Before a truck storage facility can open and legally operate, Site Plan Approval must be in place. Proper zoning is not enough on its own.
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The bylaw allows people to store one commercial motor vehicle on a property that is zoned for Residential Use only if the vehicle weighs 4,500 kg or less. A school bus is the only exception to this rule.

**To learn more about storing a truck on your residential property, see Section 5.2.20 – Parking of Commercial Motor Vehicles and Section 5.2.21– Parking and Storage of Tractor Trailers.**

# How is the Town Enforcing its Rules?

The Town acts as quickly as possible when it receives a report of a suspected illegal trucking operation, but the enforcement process can be lengthy and complex.

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In addition to responding to resident tips, the Town is actively looking for and investigating properties with potential violations.

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**Part I** fines can be issued daily, anytime

a bylaw officer attends a property and observes a violation.

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- Directors and/or officers of the corporation can also be charged individually and be subject to the same penalties as an individual property owner

Regardless of whether the property owner is an individual or a corporation, the Town can take further action if

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- Removing the fill from the property
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[caledon.ca](http://caledon.ca)



## Attachment 2

### Major Vaughan Logistics Companies - ESG and Codes of Ethics Statements

The following statements and source URLs were derived from publicly available documents of the following companies who are regular users of local supply chain infrastructure and services. The information provides the opportunity for the City of Vaughan to engage directly to block non-compliant businesses and to support legal trucking and container yards.

#### Amazon's Supplier Code of Conduct

Documentation and Records. Suppliers are required to create, retain, and dispose of business records in full compliance with applicable legal requirements along with appropriate confidentiality to protect privacy. All facilities must maintain a valid business license; suppliers are responsible for reviewing and complying with all legal requirements, and have available required permits, licenses (e.g., health and safety permits, occupancy permits, etc.) necessary to operate.

[https://sustainability.aboutamazon.com/amazon\\_supply\\_chain\\_standards\\_english.pdf](https://sustainability.aboutamazon.com/amazon_supply_chain_standards_english.pdf)

#### Canadian Pacific Railway

Strong corporate governance and ethical business practices are integral to CP's long-term growth and critical to maintaining stakeholder trust and transparency. Corporate governance begins with our Board of Directors. <https://sustainability.cpr.ca/about/governance-and-ethics/#corporate-governance-at-cp>  
We believe that each director, leader, manager, employee and contractor share responsibility for maintaining CP's reputation and standards for ethics and integrity.

<https://sustainability.cpr.ca/about/governance-and-ethics/#business-ethics>

#### Canadian Tire Corporation

Integrity, ethics and transparency are critical to maintaining our brand trust and social licence to operate.

We foster a culture of integrity across our operations

Commitment 3 - We conduct our business honestly and with integrity.

Commitment 4 - We contribute to the communities in which we operate.

<https://corp.canadiantire.ca/Environmental-Social-Governance/Governance/Business-Ethics/>

#### COSTCO Wholesale

Costco recently launched our ESG (Environmental, Social and Governance) Executive Advisory Council, which brings together leaders from across the company to chart goals and strategy. We have also aligned executive compensation with ESG priorities through our Executive Bonus Plan, which rests, in part, on quantitative metrics including diversity, equity and inclusion (DEI), resource consumption, waste reduction and climate.

<https://mobilecontent.costco.com/live/resource/img/static-us-landing-pages/6aGovernance-Education.pdf>

### **Evergreen Line**

#### **Ethical Compliance & Risk Management**

As a globally reputable container shipping company, Evergreen insists on operating in a legal, transparent and honest manner and is committed to complying with global competition law/anti-bribery/anti-corruption/privacy/economic sanctions regulations.

<https://www.evergreen-line.com/esg/jsp/CorporateSustainabilityPolicy.jsp>

### **Hapag-Lloyd Supplier Code of Conduct**

The Supplier confirms adherence to all relevant laws and regulations applicable for all its business activities.

[https://static-cf.hapag-lloyd.com/content/dam/website/downloads/pdf/Supplier\\_COC\\_2020.pdf](https://static-cf.hapag-lloyd.com/content/dam/website/downloads/pdf/Supplier_COC_2020.pdf)

### **Mediterranean Shipping Company (MSC) Code of Business Conduct**

Not enable another person's efforts to evade taxes, launder money, or violate other laws.

<https://www.msc.com/en/sustainability/msc-code-of-conduct>

### **WALMART Inc.**

At Walmart, we remind ourselves each day that our work isn't just about what we achieve but how we achieve it. The way we conduct our business is as important as the products we sell and the services we provide. That means complying with the laws of the communities where we do business.

<https://corporate.walmart.com/purpose/ethics-integrity>

We are honest, fair, and objective. We speak up about concerns and comply with all laws and our policies.

[https://www.walmartethics.com/content/walmartethics/en\\_us/code-of-conduct.html](https://www.walmartethics.com/content/walmartethics/en_us/code-of-conduct.html)

### **ZIM**

We comply with the law:

ZIM and its employees are committed to comply with the requirements of the law, wherever the company operates. ZIM will refrain from doing business with such associates who do not have high standards of ethical conduct and do not comply with the law.

<https://www.zim.com/about-zim/sustainability/code-of-ethics>

\*\*\*\*

### Attachment 3

Draft letter from the Office of the Mayor, City of Vaughan

Addressees: CEOs and Board Chairs of - Mediterranean Shipping Company (MSC), Evergreen Line, Hapag Lloyd, CPR, Walmart, Canadian Tire Corporation, COSTCO, Amazon, etc.

Dear

The City of Vaughan is a great place to do business and we are proud partner with the end-to-end logistics supply chain and its many stakeholders.

In recent years a large number of illegal truck and container storage yards have been established in the City of Vaughan. These illegal operations are expanding and increasing weekly. They buy or lease acres of farmland contravening our zoning bylaws which reduces the amount of agricultural land for critical food production. By exceeding axle weight restrictions they cause damage to our streets and roads. Their continuous hours of operation produces fumes, dust, waste, light and noise pollution disrupting neighbourhoods and preventing the quiet enjoyment of existing communities. Frequent enforcement investigations add to our operating costs which are borne by law abiding business and residential rate payers.

Many of our roads and streets which are not built for large, heavy trucks are being utilised to deliver containers to and from illegally operated yards. This is causing road users to take evasive action. Incidents are escalating and serious accidents and fatalities are inevitable. The key question is, not if, not where, but when a death will occur? We know that you do not wish to be complicit in such a tragedy by using illegal operators.

We formally bring to your attention, that as the owners, customers/end users and intermodal carriers of illegally stored containers, you should not do business with illegal operators.

If your company benefits from and does nothing to prevent such illegal activity, ongoing support and encouragement of unlawful behaviour compounds the problem. It is respectfully submitted that your company may be at risk of culpability in the event of a related injury or death associated with an illegal activity.

All companies have a moral duty to act within the law. Global organisations, and particularly publically traded entities have Board mandated compliance to Environment, Social Governance (ESG) objectives. All organisations must act within the law and safeguard the public from unlawful operators. For example, if contraband items such as drugs, stolen cars, etc., are found in a container, the container owner, agent or shipper have an obligation to report the matter to law enforcement authorities. That same moral compass must extend to where shipping containers are stored in illegally operated yards.

We encourage you to support legal business operations in Vaughan and attach a list of legal truck yard and container storage operators.

Yours sincerely

# Preserve farmland for farming indefinitely

Crop	Tons/Acre	Value/Acre	Min. Commercial Farm (3000 Acres)*	
			Total Production Tons	Total Revenue
Soya Bean	1.25	\$ 1,000.00	3750	\$ 3,000,000.00
Corn	4.5	\$ 1,500.00	13500	\$ 4,500,000.00
Hay - 1st cut	10	\$ 3,000.00	30000	\$ 9,000,000.00
Hay - 2nd cut	10	\$ 3,000.00	30000	\$ 9,000,000.00
Wheat	2.25	\$ 1,000.00	6750	\$ 3,000,000.00

Soil’s carbon storage capability can help fight climate change. (Source 4 per 1000 Initiative)

“Areas of municipal ecological significance”

\*Right Sizing the Farm: How scale and currency affect farm profitability and farmland value. A Bonnefield Research Report. 2018, Bonnefield Financial Inc.

## Staff report – illegal truck yards

- 3 months wasted
  - Information without recommended actions
- Problems are fixed by owners
  - Silos of responsibility not coordinated to deliver timely results
  - Current enforcement processes do not produce results
  - No educational campaign (see Town of Caledon website example)
  - Failure to recognise issues are regional and cross-boundary
  - Who owns this problem – staff or Elected Officials?

# Issues

- Illegal land use in Vaughan is historic, chronic and increasing weekly
  - Is City Hall political culture the problem?
  - Why is being 'business friendly' putting communities at risk?
    - Serious impact and harm deserve serious punishment not accommodation.
- Impacts:
  - Public safety: Roads unsafe for commuters, cyclists, joggers, pedestrians
  - Noise, dust, light pollution, vehicle maintenance waste, ground water contamination
  - Damages roads & repair costs
  - Unchecked illegal activities encourage other law breakers
  - Illegal businesses are unfair competition to complying businesses
  - Ineffective high enforcement costs

## Governance actions – 1

- Within 7 days - Major on behalf of Council schedule media briefing on following actions
  - letters to CEOs of CPR, Amazon, CTC, COSTCO, etc., requesting they use only legal truck yard & container storage operators
  - Highlight business risks of illegal operators
    - Does not meet corporate ESG objectives
    - Culpability -third party liability coverage may be null & void
  - Provide a list of legal operators & addresses in Vaughan
- Schedule residents' meeting with Mayor, Deputy City Mgr & senior staff
  - Let's work together
    - Issues, answers, accountability & action



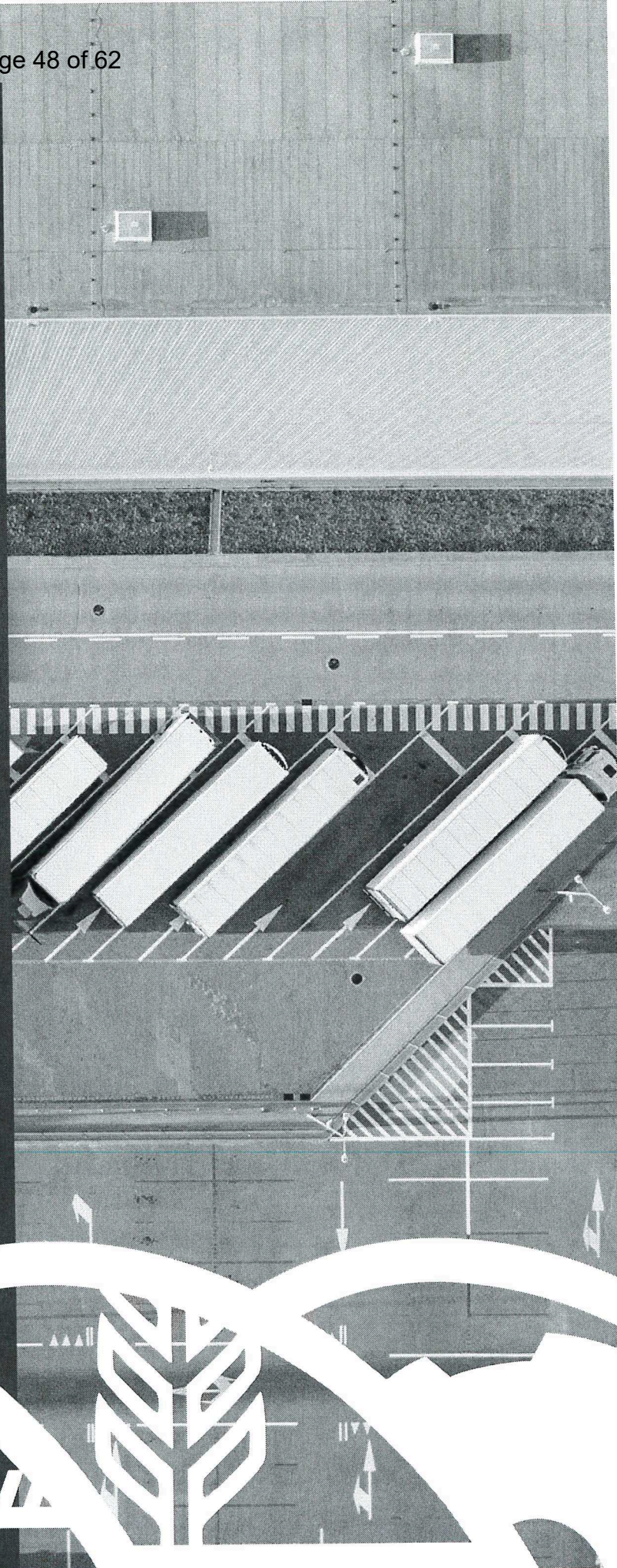
## Governance actions – 2

- Illegal truck and container yards a “strict liability offence”
- Change pricing model for infractions
  - fines increase logarithmically up to incarceration
- Get YRPSB engaged
- Engage other levels of government
  - Treat public safety issues as criminal offences
  - Proceeds of crimes investigations of beneficial owners of illegal business operations
- What is Vaughan going to do?  
*Facta non verba – actions not words!*



# How to Legally Store Trucks in Caledon

This guide contains information about what is and isn't permitted under the Town's land use bylaws and provides information about the enforcement actions the Town is taking.





# What's the Issue?

**Caledon is proud to be a partner in the commercial trucking industry in North America and a great place to do business.**

The Town has rules (land uses that are identified in the zoning bylaws) that dictate where and how truck storage facilities can operate. Caledon is facing an issue with trucking operators that are illegally operating on lands that are not designated for this purpose. This includes illegal trucking yards and parking vehicles on residential properties. These operations are harmful – and not just to how the town looks.

# The Impacts

**Everyone in Caledon is negatively impacted by illegal trucking operations.**

Illegal operators also make it harder for legitimate businesses who follow the rules to compete in Caledon. Compliant businesses are unfairly disadvantaged because illegal operators are not following the Town's rules.



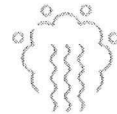
## Environment

Damage to sensitive soil and water



## Farmland

Paves over rich farmland and threatens food supply



## Pollution

Air, light, and noise pollution



## Safety

Large trucks on residential roads and near busy neighbourhoods



## Town Character

Makes the town look unwelcoming



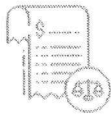
## Quality of Life

Impacting property values and discouraging potential new residents

# What's the Town Doing?

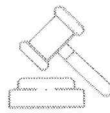
**Residents and local businesses are the top priority for Caledon. The Town has been working hard to crack down on illegal trucking operations, while educating the trucking and real estate industries on how to operate legally.**

The Town is also protecting legitimate operators by taking enforcement action against illegal operators who are breaking the rules. Offenders are facing serious action from bylaw enforcement officers. This includes:



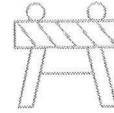
## Fines

Ranging from hundreds of dollars for smaller infractions to tens of thousands of dollars for larger illegal operations



## Court Injunctions

For more serious offences and repeated non-compliance, the Ontario Superior Court will rule on cases that can lead to fines from thousands to millions of dollars



## Physical Blockades

Blocking access to illegal trucking storage facilities so operators cannot conduct business and truck drivers cannot access their vehicles

**Caledon is proud to be a destination for trucking and logistics operations. The Town is committed to supporting legitimate operators as they build their businesses.**

# What are the ByLaws?

**In every municipality, there are zoning bylaws that dictate the permitted uses on all land within the municipality's boundaries.**

For example, some lands are zoned as residential to ensure enough housing is built, while other lands zoned for employment must be used to provide jobs. Municipalities need to protect lands from misuse and enforce zoning bylaws to make sure communities are built according to the municipalities' Official Plan.

**In Caledon, truck storage facilities are only allowed on lands that are zoned for Serviced Industrial (MS) and Unserviced Industrial (MU).** The permitted uses on these lands that are generally relevant to trucking facilities are:

- A Accessory Open Storage to a permitted non-residential use (Does not include parking areas and must be in addition to an existing use)

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- B Bulk Storage Facility

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- C Contractors Facility

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- D Maintenance Garage

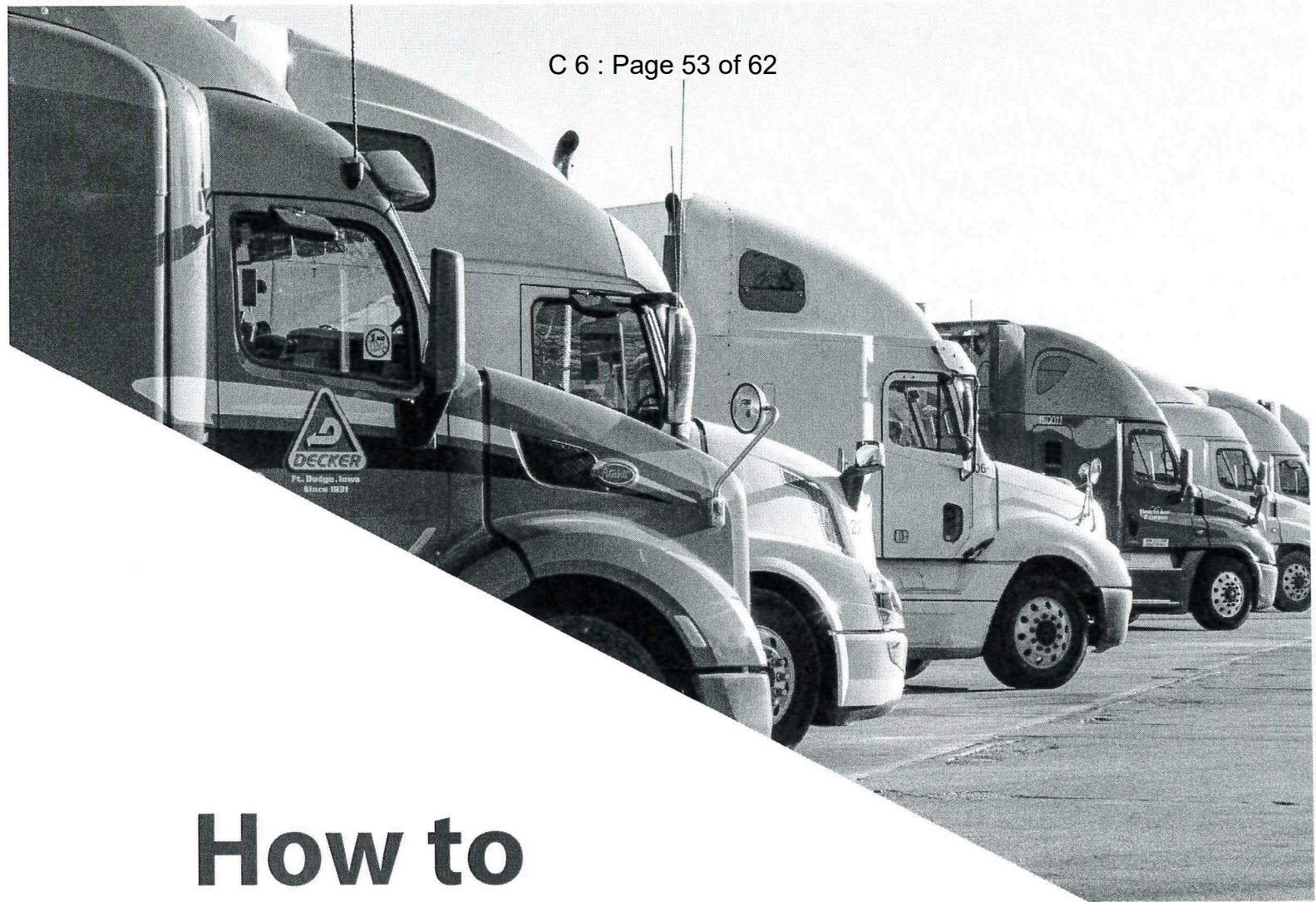
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- E Motor Vehicle Repair Facility

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- F Transportation Depot

For more information on Industrial Zones, their requirements, and their permitted uses please see Section 8 – Industrial Zones of the Town's Zoning bylaw. For definitions on any of the terms listed above, please see Section 3 - Definitions of the Town's Zoning bylaw. Both are located at <http://www.caledon.ca/zoning>.



# How to Legally Store Trucks in Caledon

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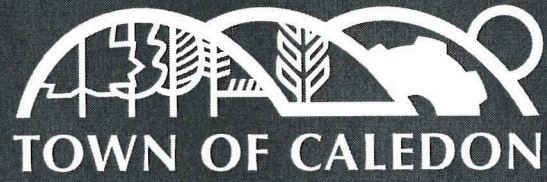
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LOCAL : NEWS


# Ontario Superior Court of Justice orders trucking company to cease illegal activities in Caledon, imposes \$30,000 fine

On Nov. 9, the Ontario Superior Court of Justice charged 6230 Mayfield Inc. for illegal land use

 Set Caledon as My Local news

By **Rohan Puri**

Fri., Nov. 18, 2022

 1 min. read

A trucking company in Caledon has been ordered to cease illegal operations and fined \$30,000, according to a news release.

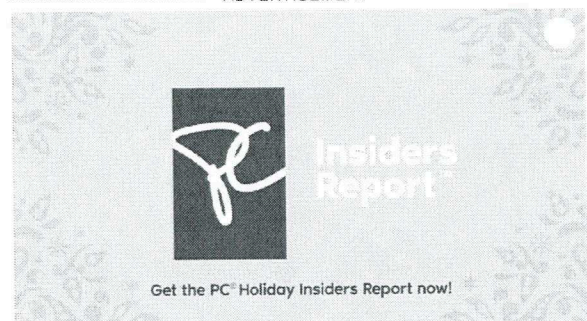
On Nov. 9, the Ontario Superior Court of Justice charged the company for illegal land use.

The investigation began in June 2020, when residents brought complaints of noise, debris and property alterations in the Tullamore area, directly across from an established neighbourhood, to the Town of Caledon's attention.

The defendants agreed to plead guilty to Provincial Offences Act charges brought against them by the town.

In addition to the fine, the order prohibited the company from continuing to use their property as a trucking depot and ordered they remove all illegal trucking equipment and imported fill by an agreed-upon date.

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The advertisement features a dark square with a white stylized logo on the left. To the right of the logo, the text "Insiders Report" is displayed in a white, sans-serif font. Below the logo and text, the phrase "Get the PC Holiday Insiders Report now!" is written in a smaller white font. The background of the advertisement is a light, textured pattern.

"This is yet another victory against the illegal trucking operations that continue to negatively impact our town," said Mark Sruga, director of Building and Municipal Law Enforcement, as per the news release. "We share this win with owners and operators of legal trucking businesses in Caledon. We will continue to take legal action against those who defy the town's bylaws to ensure Caledon remains a fair and sustainable location for businesses."

The town is encouraging residents to report suspected illegal trucking facilities to help the town staff fight illegal trucking operations by contacting Service Caledon by dialing [311](tel:311) or by email at [info@caledon.ca](mailto:info@caledon.ca).

SHARE:

## My Local

New Feature! Go to the MyLocal page to customize your local news. >



Select a community for local news

### LOCAL : NEWS

New cases, announcements, closures around coronavirus for Ancaster, Dundas, Hamilton Mountain, Stoney Creek



2 hrs ago

### LOCAL : ENTERTAINMENT

7 things to do this weekend in Flamborough (Nov. 25-27)



7 hrs ago

### LOCAL : NEWS

Stoney Creek contractor, Oakville worker connect for hands-on experience



8 hrs ago

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**Articles from Municipalities that have shut down illegally operated container and trucking yards.**

1. <https://www.insauga.com/caledon-shuts-down-illegal-trucking-depot-company-hit-with-30000-fine/>
  - a. 6230 Mayfield Inc. Charged for illegal land use by Ontario superior court of justice in November 2022. City of Caledon has been receiving noise complaints since June of 2020.
2. <https://www.insauga.com/caledon-illegal-trucking-operator-hit-with-1m-fine/>
  - a. Darzi Holdings Ltd. Fined \$1M in December 2021, case goes back to 2018.
  - b. Located on Coleraine Rd. Caledon
  - c. Owner pleaded guilty in 2019 to breaching Caledon bylaws and was fined \$36,000 in penalties
3. <https://www.caledonenterprise.com/news-story/10800841-caledon-to-mull-rezoning-farmland-for-temporary-trucking-yards/>
  - a. Two locations of Nishan Transport in Caledon, on Airport road have been attempting to rezone their properties to allow for parking of trucks and trailers.
  - b. Originally parked trucks without permits, Bylaw officers issued violation notices and all parking was removed.
4. <https://www.caledonenterprise.com/news-story/10659791-town-blocks-entrance-to-truck-yard-allegedly-operating-illegally-in-caledon/>
  - a. Yard location or operating name not mentioned, but another example of Caledon blocking an illegal truck yard with concrete barriers (June 17, 2021)



# Preserve farmland for farming indefinitely

Communication : C 7  
Committee of the Whole (1)  
December 6, 2022  
Agenda Item # 3

Crop	Tons/Acre	Value/Acre	Min. Commercial Farm (3000 Acres)*	
			Total Production Tons	Total Revenue
Soya Bean	1.25	\$ 1,000.00	3750	\$ 3,000,000.00
Corn	4.5	\$ 1,500.00	13500	\$ 4,500,000.00
Hay - 1st cut	10	\$ 3,000.00	30000	\$ 9,000,000.00
Hay - 2nd cut	10	\$ 3,000.00	30000	\$ 9,000,000.00
Wheat	2.25	\$ 1,000.00	6750	\$ 3,000,000.00

Soil's carbon storage capability can help fight climate change. (Source 4 per 1000 Initiative)

“Areas of municipal ecological significance”

\*Right Sizing the Farm: How scale and currency affect farm profitability and farmland value.

A Bonnefield Research Report. 2018, Bonnefield Financial Inc.

# Staff report – illegal truck yards

- 3 months wasted
  - Information without recommended actions
  - How many months more to wait?
- Problems are fixed by problem owners
  - Silos of civic responsibility not coordinated to deliver timely results
  - Current enforcement processes do not produce results
  - No educational campaign (see Town of Caledon website example)
  - Failure to recognise issues are regional and cross-boundary
  - Who owns this problem – staff or Elected Officials?

# Issues

- Illegal land use in Vaughan is historic, chronic and increasing weekly
  - Is City Hall political culture the problem?
  - Why is being 'business friendly' putting communities at risk?
    - Serious impact and harm deserve serious punishment not accommodation.
- Impacts:
  - Public safety: Roads unsafe for commuters, cyclists, joggers, pedestrians
  - Permanent loss of farmland for food production
  - Noise, dust, light pollution, vehicle maintenance waste, ground water contamination
  - Damages roads & repair costs
  - Unchecked illegal activities encourage other law breakers
  - Illegal businesses are unfair competition to complying businesses
  - Ineffective high enforcement costs

# Governance actions – 1

- Within 7 days - Mayor on behalf of Council schedule media briefing on following actions
  - letters to CEOs of CPR, Amazon, CTC, COSTCO, WALMART, etc., requesting they use only legal truck yard & container storage operators
  - Highlight business & compliance risks using illegal operators
    - Does not meet addressees corporate ESG or business ethics objectives
      - see draft letter & Ethics/Governance commitments
    - Culpability -third party liability coverage may be null & void
  - Provide a list of legal operators & addresses in Vaughan
- Schedule impacted residents' meeting with Mayor, Deputy City Mgr. & senior staff
  - Let's work together
    - Issues, answers, accountability & action
- Establish dedicated rural enforcement team including prosecutor
- Bring dump truck licenses under a regime like tow truck licenses

# Governance actions – 2

- Sort out York Courts and prosecutorial issues
  - Regional Councillors meet with AG, Chief Justice, Regional Solicitor
- Illegal truck and container yards a “strict liability offence”
- Change penalty model for infractions
  - fines increase logarithmically up to incarceration
- Get YRPSB engaged
- Get ALECTRA involved – no power to illegal businesses
- Engage other levels of government
  - Treat public safety issues as criminal offences
  - Proceeds of crimes investigations of beneficial owners of illegal business operations
- What is Vaughan going to do?  
*Facta non verba – actions not words!*