

C8
COMMUNICATION
COUNCIL – September 26, 2023
CW (PM) - Report No. 36, Items 2

From: Clerks@vaughan.ca
To: [Adaha Bellair.o](mailto:Adaha.Bellair.o)
Subject: FW: [External] ILLEGAL TRUCKYARD & VAUGHAN IS POWERLESS AGAIN -
Date: September-20-23 11:44:41 PM

From: IRENE FORD <irene.ford@vaughan.ca>
Sent: Wednesday, September 20, 2023 9:36 PM
To: Clerks@vaughan.ca; webohs@ontario.ca; Environmental Permissions (MECP) <enviropermissions@ontario.ca>; Toronto and Region Conservation Authority (TRCA) <info@trca.ca>; Minister of Transport / Ministre des Transports (TC) <tc.ministeroftransport-ministretransport@tc.gc.ca>; Minister (MMAH) <minister.mah@ontario.ca>; minister.mto@ontario.ca
Cc: Ombudsman On Info <info@ombudsman.on.ca>; customer_service@cpr.ca; Highway 413 Project Team <project_team@highway413.ca>; Ontario Region / Region d'Ontario (IAAC/AEIC) <iaac.ontarioregion-regionontario.aeic@canada.ca>; Peter Miasek <miasek.peter@vaughan.ca>
Subject: [External] ILLEGAL TRUCKYARD & VAUGHAN IS POWERLESS AGAIN -

This is insane, I have no other words if you permit this then we might as well not even give approvals and just throw in the towel. They exist off of Cold Creek Rd - do you understand how dangerous it is where Highway 50, Cold Creek and Nashville currently meet? How could anything that involves the volume of truck traffic be legally approved, let alone tolerate the amount of illegal truck traffic that created on a road that was never intended or meant to manage heavy equipment.

WHY DO WE HAVE TO CONSIDER A DEVELOPMENT APPLICATION THAT HAS ESTABLISHED ITSELF ILLEGALLY? WHY IS THERE BUSINESS AND OPERATIONS BEING EVICTED? IF THEY ACTED ILLEGALLY WHY DO THEY STILL HAVE RIGHTS? PERHAPS WE NEED TO GET SERIOUS, PERHAPS THEY NEED TO BE CHARGED UNDER THE CRIMINAL CODE FOR NUISANCES?

Since Vaughan staff can only answer this question by telling residents that it's with the courts I have included the **Ontario Ombudsman**, perhaps they could help get an answer as to why we have no ability to enforce or bring about compliance with our municipal zoning by-laws in effect, why businesses are establishing themselves, operating with no consequence that is significant enough to bring about compliance?

These operations appear to meet the criteria of Nuisances under the Criminal Code. They have had no endorsed review of their operations for traffic safety and operate on roads that are not intended or built for the heavy equipment forced upon them when they establish themselves. Proving it in court is another thing but the act of establishing your business illegally is unlawful (even if it is a zoning by-law, it is still a law) and is a failure to discharge their legal duty to obtain land use permissions first, to ensure compliance with environmental and planning legislation to mitigate & prevent off-site impacts. They are making our roads unsafe and creating a public hazard and they are obstructing public use and enjoyment of some individuals' own properties. What is the cost to municipal property taxpayers, are we subsidizing the wear and tear on our infrastructure, how can these sites possibly be serviced, have toilets, and running water if they never obtained land use permissions?

I have asked and I will ask again if the issues are beyond the scope and powers of the municipality to address then they can't be ignored. Bring the matters to the attention of the appropriate authorities in a transparent way that supports your residents and all other businesses that abide by the rules. Otherwise, it will continue to be a race to the bottom and residents pay the price.

Any Council or staff member who recommends and supports this has clearly not driven in the vicinity of Highway 50 anywhere from Rutherford to Major Mackenzie. A couple of weeks ago I got off the 427 at Rutherford the line of trucks backed up east and west to enter the CP Railyard was astounding. From the off-ramp at Highway 427 and from Highway 50. It's bananas.

If the **CP's McMillian Yard** can't handle the capacity what is their role if their customers set up illegally around them? They talk well about sustainability but their operations & what's exploded surrounding them are anything but sustainable and they are most definitely impacting the surrounding community. **Transport Canada** as the regulator needs to get involved or be formally asked to get involved. **MTO** should be concerned about the safety of commercial vehicles, which the auditor general has documented that inspections on municipal roads are lacking and inconsistent in different areas of the province. I've never seen an MTO inspection vehicle, come to think of it. **YRP** in the area are few and far between. Their very presence makes a difference, even if it is just encouraging compliance. Highway 413 won't solve this. There is an unplanned, uncoordinated explosion of trailer tractors resulting from the Highway 427 expansion exacerbated by premature land use approvals.

If this is approved in any manner whatsoever, supported by staff then you might as well put your hands up and admit that you are powerless, that private commerce has taken over and government regulations, legislation, and policies are meaningless. It also means you are deaf to your residents, their pleas, and frustration with the relentless, unsafe truck traffic that is taking over. Then there's the Climate Emergency declaration, which appears meaningless.

Need I remind you all that the proposed Highway 413 interchange would be directly overtop of this, where it meets at the proposed Highway 427 extension. So anything worth protection that might have been documented would be destroyed, if not already. Or is it actually as simple as those in charge are letting the lands degrade, natural heritage destroyed so the EA will be easier to approve because all that was worth protecting is already gone? Did they destroy the PSW that is on Ontario's Natural Heritage network mapping (see below) or are we just going to pretend it never existed?

Notices were issued to the Owner by By-law Enforcement for the Subject Lands.

On January 7, 2022, the City of Vaughan By-law and Compliance, Licensing and Permit Services Department issued a Notice of Violation to the Owner for storing intermodal shipping containers and parking trucks and trailers on the Subject Lands.

On July 7, 2022, a Notice of Encroachment was issued to the Owner for the modification and extension of a culvert along the Cold Creek frontage without a permit. The Owner is currently working with the Development Engineering Department to rectify the situation.

To rectify? - did they get charged was there any consequence? Why should anyone abide by our planning legislation if squatters' rights clearly exist and we are powerless to stop and punish blatant illegal activity that burdens and is subsidized by, our municipal tax base? Did they alter any watercourses and if so did you notify TRCA, MECP, MNR, DFO?

Did you contact the MOL, Revenue Canada, YRP, OPP anybody, what is the due diligence of the City? If the owner and operator are this far gone that they set up a whole operation what other issues of compliance might exist? What is stored on the site in the containers, what about employees, safety, proper permits and licensing?

I get that these email rants are not helpful but what else is to be done, it has only gotten worse, in ways I never believed possible as a Canadian citizen. There is a level of lawlessness, and brazenness that I never imagined I would witness in Canada. It is no wonder we are falling on the [democracy index](#) and [corruption index](#). This is about so much more than these small planning matters.

Regards,
Irene Ford

[2631622 ONTARIO CORP. OFFICIAL PLAN AMENDMENT FILE NO. OP 23.005 ZONING BY-LAW AMENDMENT FILE NO. Z 23.008 PART OF LOT 28, CONCESSION 11 VICINITY OF HIGHWAY 50 AND ALBION-VAUGHAN ROAD - Committee of the Whole \(Public Meeting\) - September 13, 2023](#)

Ontario Natural Heritage Network Mapping Screenshot Taken Sept 20, 2023

Note: PSW and Unevaluated wetland w/in subject lands. All the unevaluated wetlands will have Highway 413 plow through and destroy them. I can't imagine the stormwater burden we are creating.

