

Mr. Coles,

September 14, 2020

**COMMUNICATION – C31
Council – September 29, 2020
BY-LAW NO. 116-2020**

I am currently writing to you as Frank Suppa's letter to the residents expressed that Gentile Circle was going to before council in September of 2020 for assumption of the roads.

I am requesting that this communication is added to items of communication as my deputation on this agenda item and that staff and council please address the questions in the public hearing.

THE CITY OF VAUGHAN

BY-LAW NUMBER 116-2020

A By-law to assume Municipal Services in The Ravines of Rainbow Creek, 19T-06V15, Registered Plan 65M – 4230.

WHEREAS The Subdivision Agreement between The Corporation of the City of Vaughan and 1668135 Ontario Inc. provides for the installation of certain public services.

AND

WHEREAS the Deputy City Manager Planning and Growth Management has received certification that the services in Registered Plan 65M-4230 have been constructed and installed in accordance with City specifications.

NOW THEREFORE the Council of The Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the services in Registered Plan 65M-4230, more particularly described in the Subdivision Agreement between The Corporation of the City of Vaughan and 1668135 Ontario Inc. dated July 9th, 2010, be and they are hereby assumed as public services.

Enacted by City of Vaughan Council this 29th day of September 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Email Written by Andrew Pearce,

"From: Pearce, Andrew

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

To: Cardile, Lucy

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

Subject: RE: 55 Sicilia Street, Woodbridge

Hi Lucy,

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

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

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

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

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

Have a good weekend.

Andrew D. Pearce
Director, Development / Transportation Engineering
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1"

According to the EXP report TWO RSC's (87912 and 90715) were filed for the Phase 1 lands on October 21, 2010.

Therefore My question to City of Vaughan Staff and Council is how was a subdivision agreement executed On July 9th of 2010 when the RSC applications were not even submitted to the Ministry of Environment Yet to deem this property for a more sensitive land use of residential Homes?

The report also spoke about the soil testing that there was exceedance of Table 2 standards on the phase 1 property of many chemicals and Electrical conductivity in the soil at a depth of 2 meters deep. This material was excavated from the phase 1 land and stored on the phase 2 land as it was unsuitable for reuse on the property and was required to be hauled out of the phase 2 lands before any development agreement can be executed for the phase 1 lands. Hence why the developer started building homes without permits and a subdivision agreement registered to the City of Vaughan. Please note none of this unapproved activity was brought to the public recorder.

I would like Staff to explain why they are calling it clean fill stockpiled on the phase 2 lands of the Hydro One Corridor and the Environmental Consultants EXP reported it was unusable waste determined by the soil testing that occurred deemed if unfit?

Also Confirmed by the Ministry of Environment Jennifer Kozak, in an email stated the following and I Quote; *"The owner demonstrated an unwillingness to comply with aspects of my order, and / or proactively engage appropriately qualified contractors or staff to conduct the waste processing activities. As a result, the Ministry has no means nor rationale to assist or expedite activities where we are concerned, they will not be undertaken in accordance with the requirements of our legislation or more recent orders. In addition, the Ministry has referred the potential compliance issues to our Investigations and Enforcement Branch who are in the process of investigating the developer(s) and potentially laying charges in relation to the activities at the site".*

So just to confirm with By-law 116-2020 the development of 19T-06V15 was not constructed and installed in accordance with City Specifications.

AGENDA ITEM ASSUMPTION OF GENTILE CIRCLE

The following concerns and questions are,

Have all the deficiencies of the phase 1 development been addressed and repaired?

Will the Letter of Credit that the City of Vaughan currently holds for the Phase 1 development be used to repair any outstanding issues of the development?

Does the City of Vaughan still hold a letter of credit for the phase 1 lands?

The Phase 1 development was supposed to go through a 13-month review. Was this completed? If yes, please provide explanation and details.

Has the retaining rock wall been corrected in front of the train tracks as this item was listed as a deficiency? If yes, please explain and provide details.

The entrance of Gentile circle roadway was also listed as a deficiency. Was this repaired and corrected? If yes, please explain and provide details.

Can Staff please confirm that all outstanding deficiencies for the phase 1 development have been addressed if the City of Vaughan is considering assuming the development. If Not, why is the City of Vaughan considering assuming the development???

As well As part of the Phase 2 development is still home to massive unpermitted stock piles of waste that are still be currently tested by environmental consulting firm G2S for contaminated waste that has been stockpile against O. Reg 153/04 section 168.3.1 (1) of the Environmental Protection Act and Ontario Regulation 347. As well without an Environmental Compliance Approval in place to even conduct any remedial operations in 2018 but not limited to that time frame. Why would the City of Vaughn even consider assuming the phase 1 development with such liability and risks present on the site currently today?

According to a letter written by York Region on April 25/2014 to a Mr. Kerkusz the consultant of Skira and Associates LTD. Referencing the developer, the City of Vaughan, and the York Region file number V.06.14.

It states the following that until an Environmental Compliance approval is issued out by the Ministry of Environment. Storm and sanitary sewers can not move forward on virro court but with the Region and the City aware of that on April 4/2014 the ECA was issued but need to be amended or appealed to achieve compliance but it was confirmed by the crown of the Ministry of Environment that the developer has failed to take any action in filing an appeal and or amendment. Yet storm and sewers were still installed on Virro court.

As well there was an email written from Andrew Pearce to Lucy Cardile CC'ing staff and Tony Carella and Leo Grellette city staff which is now retired and working for the developer.

indicating that houses were built without permits at the time and RSC for several properties were not issued and a subdivision agreement was not register to the City of Vaughan when development started on the Phase 1 development.

As well in the TRCA Executive committee #1/08 March 7/2008 reports it stated the following:

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

Can Staff please confirm to all residents that the work required under the accordance of O.Reg 153/04 in the above TRCA document has been done by a qualified person and there is currently no potential risk posed to any resident. As the Storm Management pond was part of the Phase 1 development but did not get develop until 2016 years later to when residents moved into the homes on the phase 1 development of Gentile circle.

It also was communicated by the MOECC at the time that roads and sewers were not to move forward with out an RSC Confirmed for the property as it was still subjected at the time as a property that was under remediation and that all waste that was excavated from the phase 1 site and stored on the phase 2 site needed to be removed before the property can be approved for development and achieve compliance.

As the Stockpile remained under the Hydro One corrido until the summer of 2016.

Please review all photo documents and Provincial orders to indicate the history of the waste and the non-compliance of the developer of removing the waste pile before he started developing homes on the phase 1 development without RSC and building permits.

Can the City of Vaughan Staff please confirm if all the filed Variances of all properties and roadways were corrected as there were several filed as the development commences without the proper surveys and approved subdivision agreement registered to the City of Vaughan.

Can Staff please confirm all the above and confirm why council and staff have always declared the waste on this land was not contaminated when there are environmental reports indicating contaminated hot spots on both phases 1 and 2.

Regards
Simone Barbieri