

COMMUNICATION – C6

ITEM 5

Committee of the Whole (Closed Session)

May 12, 2021

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

Todd,

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

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

Regards,
Simone Barbieri

Hello Mr. Guerette,

January 22, 2021

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

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

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

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

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

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

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

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

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

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

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

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Ms. Barbieri:

I am writing to you further to your email of December 21st, 2020.

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

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

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

Yours truly,

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

Legal Counsel

(905) 832-8563 ext. 8086 | Christian.Guerette@vaughan.ca

City of Vaughan | Legal Services

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

Hello Ms. Barbieri,

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

Thank you,

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

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

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

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

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

Regards
Simone Barbieri