

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

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

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Todd,

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

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

January 24, 2020.

**WITHOUT PREJUDICE**

Mrs. Hall-McGuire,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Regards  
Simone Barbieri*

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

Kind Regards,  
Phyllis Barbieri