

**COMMUNICATION – C41  
COUNCIL – MAY 18, 2021  
Committee of the Whole (Closed Session)  
Report No. 27, Item 5**

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**From:** Simone Barb [REDACTED]  
**Sent:** Friday, May 14, 2021 11:48 AM  
**To:** Carella, Tony <Tony.Carella@vaughan.ca>; Bevilacqua, Maurizio <Maurizio.Bevilacqua@vaughan.ca>; Suppa, Frank <Frank.Suppa@vaughan.ca>; Jackson, Linda <Linda.Jackson@vaughan.ca>; Ferri, Mario <Mario.Ferri@vaughan.ca>; lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>; DeFrancesca, Rosanna <Rosanna.DeFrancesca@vaughan.ca>; Shefman, Alan <Alan.Shefman@vaughan.ca>; Rosati, Gino <Gino.Rosati@vaughan.ca>; Richard [REDACTED]; Racco, Sandra <Sandra.Racco@vaughan.ca>; Coles, Todd <Todd.Coles@vaughan.ca>  
**Cc:** Ryan Stern [REDACTED]; Bob Moroz [REDACTED] Celeste Dugas. MOE <celeste.dugas@ontario.ca>; Keep Vaughan Green <keepvaughangreen@gmail.com>; Angie Piro [REDACTED]; Robert A. Kenedy [REDACTED]; Phyllis Barbieri [REDACTED]; IRENE FORD [REDACTED]; Noor Javed <njaved@thestar.ca>  
**Subject:** [External] Re: 5550 Langstaff

please excuse the first email sent as it was sent in error before completing the email.

Todd,

Please also add this communication for upcoming special council meeting regarding 5550 Langstaff site.

As the attached extract document from October 20/2015 states the knowledge and awareness the City of Vaughan staff and council have always had regarding the site of 5550 Langstaff as per meeting and discussion had with the MOECC keep the City of Vaughan apprised at all material times. As that document also fails to provide full disclosure and risk of adversely affected activities without the necessary approvals in place and critical information listed and shared with this community.

No where in that document does it discuss the RAP report a city of Vaughan requirement or the lack of an approved ECA.

As well according to page 4 of this report the Hauling activities are with the City of Vaughan's jurisdiction and bylaw from the direction of City Staff and solicitor's have ordered the bylaw department to not act.

According to an Email written by Rebecca Hall-McGuire she states the following that I highlighted in Red.

**Hall-McGuire, Rebecca** <[rebecca.hall-mcguire@vaughan.ca](mailto:rebecca.hall-mcguire@vaughan.ca)>

**To:** 'Simone Barb'

**Cc:** Catherine DiMarco, Guerette, Christian, Suppa, Frank, Bevilacqua, Maurizio, Michaels, Gus, Phyllis Barbieri, Angie Piro, Carella, Tony, Shefman, Alan, Rosati, Gino, Jackson, Linda, Iafrate, Marilyn, Ferri, Mario, DeFrancesca, Rosanna, Racco, Sandra, Law, Wendy, Richard, Ryan Stern, [REDACTED], Coles, Todd Hide

Fri, Nov 20, 2020 at 5:11 PM

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)

905-832-8585, ext. 8475 | [Rebecca.Hall-Mcguire@vaughan.ca](mailto:Rebecca.Hall-Mcguire@vaughan.ca)

City of Vaughan | Legal Services

2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1

[vaughan.ca](http://vaughan.ca)

Then I am going to attach the Presentation that was put together by the residents for a town hall that took place on Feb 4/2015 please reference the last page which has an email written by Mr. Michaels indicating that there are no infractions currently on the site of 5550 Langstaff but this October 20/2015 report speaks of different language written by Andrew Pearce the Director of Development and Infrastructure and Planning. as well in the report it indicates that a copy of this report was forward to council and city clerk.

No where in that City report does it speak about Identified sensitive receptors or not having an ECA in place in accordance with EPA.

As well please pay attention Mr. Carella and council of paragraph 1 of page 4 of the city document where it speaks to a subdivision agreement for phase 2. It also states several other times in the document as now Mr. Carella is bring forth a motion to consider a subdivision agreement without adhering to the language in your own city of Vaughan document or in Accordance with the EPA.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF OCTOBER 20, 2015

Item 20, CW Report No. 35 – Page 2

6. Ms. Phyllis Barbieri, Campania Court, Woodbridge;
7. Mr. Robert Karrass, Morton Karrass LLP, Sheppard Avenue East, Toronto; and
8. Mr. Tony Gentile, Gentile Circle, Vaughan, applicant.

Recommendation

The Commissioner of Public Works and the Director of Development Engineering and Infrastructure Planning Services, in consultation with the Acting Director of Legal Services, recommend:

1. That the subdivision agreement related to the second phase of the Ravines of Rainbow Creek, Draft Plan of Subdivision 19T-12V003 be executed by the City only after the lands within the Plan have been remediated and a Record of Site Condition has been submitted and acknowledged by the Ministry of the Environment and Climate Change.

Contribution to Sustainability

The remediation and redevelopment of a brownfield site is sustainable for a number of reasons including:

- Environmental – remediation or risk management of waste and contaminants;
- Economic - increased property value/taxes, neighbourhood revitalization, job creation; and
- Social – health benefits, neighbourhood revitalization, increased neighbourhood pride, reduced dumping and crime

Economic Impact

The environmental remediation of the property at 5550 Langstaff Road is the responsibility of the landowner so there is no economic impact to the City resulting from the clean-up work.

Communications Plan

There is no specific communication plan associated with this report.

Purpose

The purpose of this report is to respond to Council's request for a status update on the site remediation activities associated with the development of the Ravines of Rainbow Creek Phase 2 Subdivision located on the property at 5550 Langstaff Road.

Background - Analysis and Options

At its meeting on September 16, 2015, Council adopted the following recommendation of the Committee of the Whole:

"That a report be provided to the Committee of the Whole meeting of October 7, 2015, on the status of 5550 Langstaff Road"

The Ravines of Rainbow Creek Subdivision is located on the property at 5550 Langstaff Road, which is located between Martin Grove Road and the CP Railway line in Woodbridge as shown on Attachment No. 1.

This Report also fails to speak to the existence of Identified Sensitive Receptors.

under the EPA in accordance to the EPA.

that ECA is required before remedial work can be conducted.

The City failing to inform and suppress critical information and failing to advise



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Item 20, CW Report No. 35 – Page 3

The lands at 5550 Langstaff Road were previously used as an unapproved landfill site during the 1970's and early 1980's for the disposal of solid non-hazardous construction and demolition waste. Accordingly, before development can proceed on this brownfield site, the lands must be fully remediated and a Record of Site Condition subsequently filed and acknowledged by the Ministry of the Environment and Climate Change (MOECC).

**The lands are being remediated and developed in two sequential phases**

The landowner is developing the Ravines of Rainbow Creek Subdivision in two phases; the limits of each are shown on Attachment No.1. The first phase of the subdivision was initiated in 2007 and construction is now essentially complete. Records of Site Condition were filed and acknowledged by the MOECC for phase one in 2009/10.

The landowner reportedly began remediating the lands in the second phase of the subdivision in 2010. In 2013, Council approved the draft plan of subdivision (19T-12V003) and associated zoning for the second phase of the development. The landowner is currently in the process of remediating the phase 2 lands.

**The landowner is solely responsible for remediating the lands**

As prescribed in Provincial legislation, the landowner is responsible for the remediation of impacted land. The remediation of the lands is to be carried out in conformance with the Environmental Protection Act and associated regulations. The MOECC is the agency that regulates these activities. The City has no jurisdiction over the works associated with an environmental site remediation or alteration/management of a waste disposal site. The City, however, has an interest in managing any related trucking activities on the municipal road network and in minimizing any community impacts from planned development.

City staff believes that, leading up to 2015, the landowner has excavated the eastern half of the phase 2 lands to native ground and then stockpiled the excavated material on the westerly half of the site under the hydro corridor for subsequent processing (screening and sorting). This stockpile of material has been present for a number of years now.

On July 16, 2015, staff issued the landowner a conditional Road Cut Permit to permit the crossing of the City's existing 0.3 metre reserve located between the Phase 2 lands and Campania Court so the landowner's contracted forces could use Campania Court and Sicilia Street as a truck haul route until September 15, 2015. This permit was issued primarily to facilitate the timely removal of the stockpiled material on the phase 2 lands.

On August 17, 2015, a soil screener was delivered to the site and work began to mechanically separate the waste from the useable soil. As of September 15, 2015, staff estimates that approximately between 30 to 40 percent of the original pile of material has been processed and the majority of the resultant screened soil together with other soils has been trucked off site. A significant amount of work effort is still required to completely remove the stockpile of waste material from the phase 2 lands and to remediate the remaining portions on the western half of the property currently beneath the stockpile.

After the Road Cut Permit expired on September 15, 2015, City staff closed the Campania Court construction access by installing a chain link fence and lockable gate at the south end of Campania Court. This fencing prevents the crossing of the City's existing 0.3 metre reserve abutting Campania Court. With the closure of the construction access on Campania Court, all trucking activities are now restricted to the access from the site to Langstaff Road via Gentile Circle and the maintenance access through the existing storm water management pond as shown on Attachment No.1. The landowner is currently using this access to continue the site clean-up.

...14

after the fact as development

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and

Subdivision  
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City of  
Vaughan

no Hydro One agreement  
in place.

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or informing  
Identified

Sensitive Receptors they were identified.



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As of September 23, 2015, staff estimates that approximately 50 to 60% of the original stockpile of material has been processed.

**MOECC is ensuring proper management of waste material from the phase 2 lands**

From the outset, the MOECC has been involved in the clean-up work to ensure proper management and disposal of waste materials arising from the phase 2 lands in accordance with all regulatory requirements. MOECC staff has committed to continue to work with the community, including the City of Vaughan, and the Toronto Region Conservation Authority to ensure that the site is responsibly managed.

In addition, MOECC staff continues to use its enforcement tools to correct non-compliance with Ontario's environmental legislation. In 2013, the MOECC issued Provincial Officer's Orders to the landowner requiring the submission of a waste processing plan, and for all waste to be removed by June 15, 2014. Given the stockpile of material is still on site, the landowner is currently in non-compliance with the Order.

During a recent teleconference, MOECC staff advised that charges have been laid against the landowner in connection with the remediation of the phase 2 lands and that there are additional infractions currently being investigated related to the landowner and the remediation of the site. Ultimately, if remediation does not proceed as previously directed, additional penalties may result from further legal proceedings. MOECC staff also committed to ensure that a Record of Site Condition is not acknowledged for the Phase 2 lands until the requirements of Ontario Regulation 153/04 and the Environmental Protection Act is satisfied.

**The MOECC Environmental Clean-up Fund cannot be used to clean-up the phase 2 lands if the landowner were to abandon the property.**

In public meetings, some community members have inquired about other opportunities for the clean-up of the lands if the landowner does not fulfill his clean-up obligations. In discussions with MOECC, staff was advised that MOECC has an Environmental Clean-up Fund as a contingency fund of last resort to allow the Ministry to resolve serious or urgent environmental contamination problems on private lands which present significant threats to human health or the environment. This fund is not accessible by outside parties. Applications for use of the Environmental Clean-up Fund come from within the Ministry.

MOECC staff advised that the Environmental Clean-up Funding can be applicable when:

- the use of legislative authority (e.g., Director's Order) against the responsible party has not resulted in the required action (i.e., the responsible party refuses or is unable to take the necessary remedial actions); or
- where the party responsible for the contamination cannot be identified or located.

MOECC have also advised that typically all other funding possibilities are exhausted before the Environmental Clean-up Funding is sought. One or more of the following eligibility requirements must be met:

- Provision of alternate water supplies where existing supplies are affected or threatened by a source of contamination;
- Clean-up of areas where environmental damage or health risks are identified;
- Hydrogeological studies of areas where serious contamination is known or expected; and/or
- Actions to remove or reduce potential long-term environmental hazards.

Mr. Michael's  
said there  
are  
no  
infractions.



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Item 20, CW Report No. 35 – Page 5

At this time, based on the ministry's acceptance criteria, the site at 5550 Langstaff Road does not appear to meet the MOECC's eligibility requirements for the Environmental Clean-up Fund.

The phase 2 lands should be cleaned up before any further development approvals are issued by the City

Given the long history of the site and the prolonged period of time that has elapsed since the landowner has been ordered to remediate the site, staff recommend that any further development approvals, including the execution of the subdivision agreement, be considered by the City only after the phase 2 lands are fully remediated and the MOECC has acknowledged the filing of a satisfactory Record of Site Condition for the lands within the plan.

Relationship to Vaughan Vision 2020

This report is consistent with Vaughan Vision 2020, which encourages management excellence through planned and managed growth. This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Regional Implications

There are no direct Regional implications associated with this report.

Conclusion

The landowner of 5550 Langstaff Road (Ravines of Rainbow Creek Phase 2 Subdivision) has been in the process of remediating the phase 2 lands for a number of years now. Currently, staff estimates that approximately 40 to 50% of the original stockpile of material plus the remaining portions on the western half of the property currently beneath the stockpile still needs to be remediated. The landowner is currently in non-compliance with a Provincial Officer's Order regarding the clean-up of the phase 2 lands and has been charged by the MOECC with infractions related to the works. In addition, MOECC staff advised that there are additional infractions currently being investigated related to the landowner and the remediation of the site.

The construction access to Campania Court was physically closed on September 15, 2015 following the expiration of the City issued Road Cut Permit. Construction access to the phase 2 lands is now restricted to the access from the site to Langstaff Road via Gentile Circle and the driveway around storm water management facility. → why didn't it always remain to Gentile Circle?

Given the long history of the site and the prolonged period of time that has elapsed since the landowner has been ordered to remediate the site, staff recommend that any further development approvals, including the execution of the subdivision agreement, be considered only after the phase 2 lands are fully remediated and the MOECC has acknowledged the filing of a satisfactory Record of Site Condition on the environmental site registry for the lands within the plan.

Attachments

1. Location Map

Report prepared by:

Andrew Pearce, Director of Development Engineering & Infrastructure Planning, Ext. 8255

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

According to court documents the City refused to provide L.C. to MOE to conduct the cleaning. Not that it did not meet requirements

Gus Michael's stating there were no infractions on the site.

without an environmental compliance approval to remediate or without an approved screener or maintaining 205 meters from sensitive receptors or informing sensitive receptors that they were identified.

# **Town Hall Presentation**

## **Re: 5550 Lanstaff Rd / 57 Sicilia St**

**Presented by: Richard Lorello**

### **Brief History**

- Development at 57 Sicilia (8 units)
- Development at 5550 Langstaff Road which was divided up as Phase 1 and Phase 2 lands
- Earth movement / earth works began as early as 2004
- Approx. 32,500 tonnes of soil and waste have been stockpiled at the site on Phase 2
- 5550 Langstaff was previously used as an unapproved landfill / dumping site as early the 1970s
- Much controversy and concern to quality of life, health and safety regarding site



# 57 Sicilia Street – Infinite Homes

- Environmental Site Assessment (Phase 1 & 2) - 2008
- Record of Site Condition submitted and acknowledged by MOECC - 2008
- Site plan application (DA.09.089) approved by Council – Dec. 2011
- Development agreement – executed April 2013

# 5550 Langstaff – 1668135 Ontario

## Phase One Overview

- Environmental Site Assessments (Phase 1 &2) - 2007
- Remedial Action Plan developed by proponent - 2007
- Draft plan of subdivision approved – 2008
- Phase 1 site remediation by proponent– 2008
- Record of Site Condition for Phase 1 lands acknowledged by MOE – 2009/2010
- Construction of new roads and Servicing - 2009
- Subdivision Agreement executed – July 2010
- Plan of Subdivision registered – December 2010
- House building program – commenced in early 2011

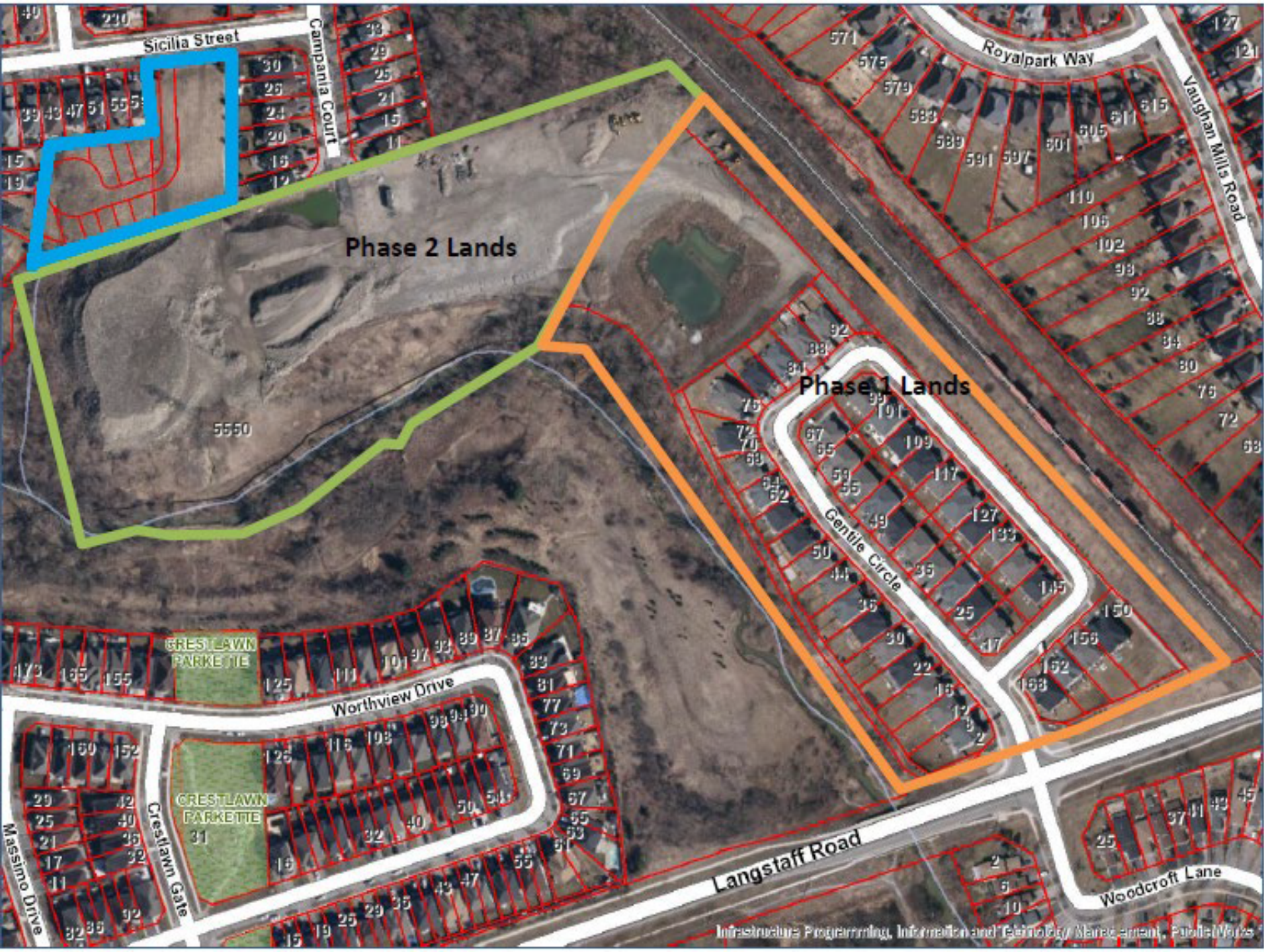


# 5550 Langstaff – 1668135 Ontario

## Phase Two Overview

- Environmental Site Assessments (Phases 1 & 2) – 2007
- Remedial Action Plan (RAP) Update – 2012 (Truck route via Gentile Circle and Langstaff Road unless unsafe)
- Phase 2 site remediation – reportedly began 2010
- Draft plan of subdivision approved – 2013
- Record of Site Condition for the **east portion** of Phase 2 lands submitted but currently being audited by MOECC – 2014
- Construction of partial road and servicing - 2014
- Subdivision Agreement drafted but NOT executed
- Road Cut Permit issued in July 2015 to permit the use of Campania/Sicilia as haul route until September 15, 2015 to expedite the removal of stockpile





Phase 2 Lands

Phase 1 Lands

CRESTLAWN  
PARKETTE

CRESTLAWN  
PARKETTE

Langstaff Road

Royalpark Way

Sicilia Street

Campania Court

Vaughan Mills Road

Woodcroft Lane

Crestlawn Gate

Massimo Drive

Infrastructure Programming, Information and Technology Management, Public Works



- Much controversy and concern to quality of life, health and safety regarding site
- Over 10 years of community disruption with no end in sight

## **How Did We Get Here?**

## City of Vaughan Issues

- Everything started with the way City of Vaughan handled the development process
- Lack Community Input back to 2004 & Lack of Transparency
- City granted development approvals on Phase 1 without cleaning / remediating full site (Phase 1 and 2)
- Ward Councillor Carella motion to remove Hold status on Phase 2 based owners ability to obtain financing
- Infrastructure (roads/sewers/water) allowed to be built in Phase 2 without remediation
- City allowed convoys of triaxle trucks hauling material through residential area (Campania, Sicilia, Martingrove)
- No support from City By-Law

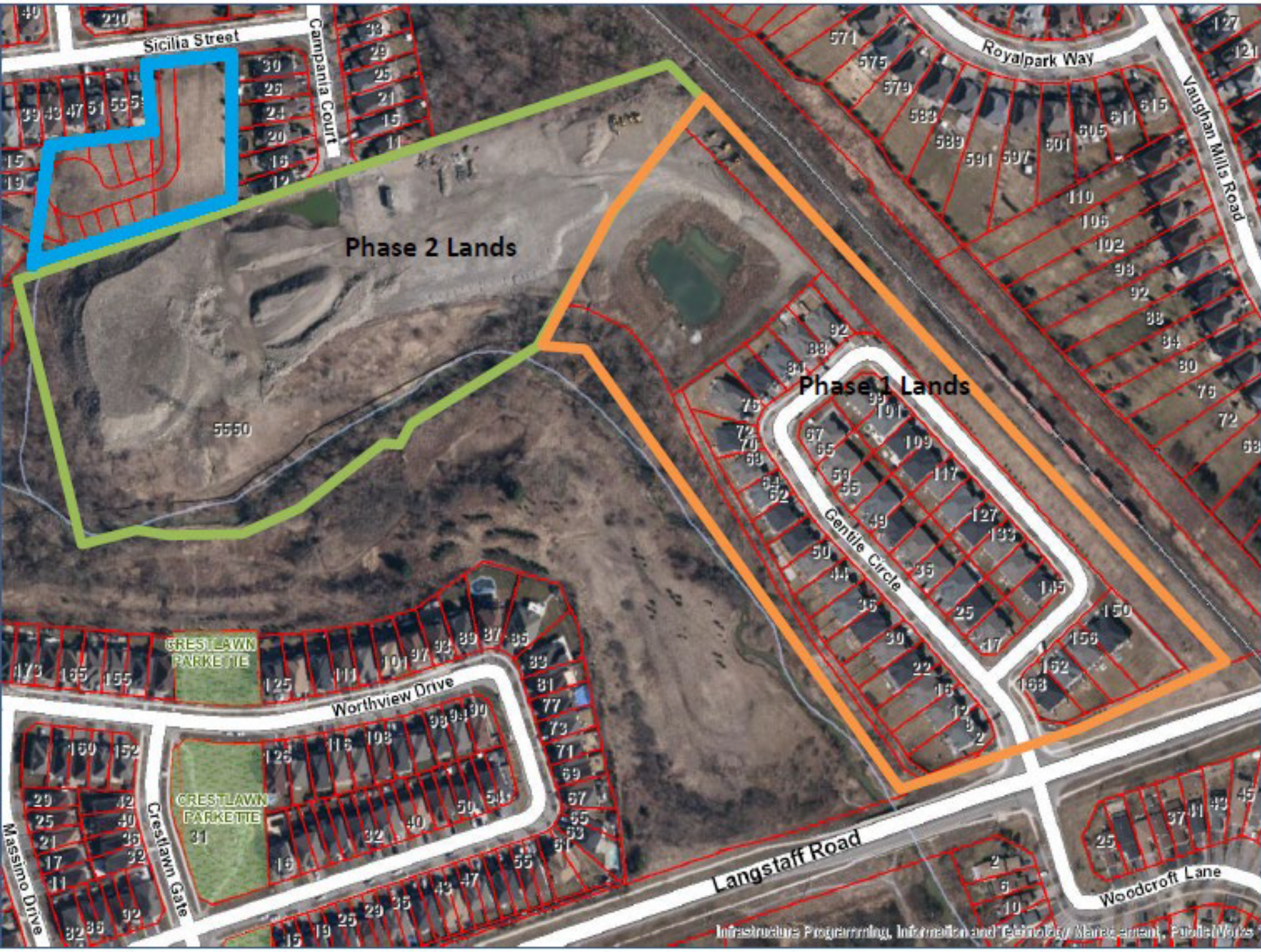


## **Councillor Carella's Motion**

On June 25, 2013, Vaughan Council enacted By-law 089-2013, which included the following conditions to remove the Holding Symbol “(H)”:

“The Holding Symbol “(H)” shall be removed from the subject lands zoned R5(H) Residential Zone upon:

- i) Vaughan being in receipt of confirmation of the Ministry of Environment's Acknowledgement/Registration of the Record of Site Condition; or,
- ii) confirmation from the financial institution that is financing the development of the Draft Plan of Subdivision (19T-12V003) that funding would not be provided if receipt of confirmation of the Ministry of Environment's Acknowledgement/Registration of the Record of Site Condition is a condition of the Holding Symbol “(H); and, the applicant entering into an Agreement with the City, if required, to satisfy any additional conditions with respect to the remediation of the lands subject to this By-law to the satisfaction of the City. This will be subject to further discussions with the applicant, if needed.”



Phase 2 Lands

Phase 1 Lands

CRESTLAWN  
PARKETTE

CRESTLAWN  
PARKETTE

Langstaff Road

Royalpark Way

Sicilia Street

Campania Court

Vaughan Mills Road

Woodcroft Lane

Worthview Drive

Crestlawn Gate







# **Toronto Regional Conservation Authority Report**

To the EXECUTIVE COMMITTEE

Friday, March 7, 2008

“The current owner of the property has indicated that the fill material is unsuitable for development and is proposing the removal of the material as part of this permit application. The grading works proposed with this application are required in order to remove contaminated soils that leached contaminants into the adjacent watercourse, as well as to address slope stability issues.”

## **Ministry of Environment Issues**

- Conflicting Information From MOE
- Key information not revealed or acknowledged
- MOE states that this is a proponent driven process to remediate a Brownfield which in this case has failed
- In the case of an un-remediated Brownfield the proponent and responsibility must lie with the municipality which in this case is City of Vaughan and not the property owner

## **Soil Reports – Inconsistent and Conflicting**

- Current report indicates all testing meets MOE criteria
- JWEL Soil Report from 2000 tells a different story
  - Report states that North End of land deemed to have a higher risk to human health. Bore hole 118 zinc, heavy oil, PAH (PAH is carcinogenic)
  - Page 3 “Samples Exceeded acceptable levels of lead and barium” (toxic heavy metals)
  - Page 16 “Lab results SW1A to SW4A indicate all 4 locations exceeded applicable guidelines for concentrations of “
    - Aluminum (affects central nervous system)
    - Iron (causes liver disease (cirrhosis, cancer), heart disease)
    - Phosphorus (causes weak bones)
  - Page 29 Excessive levels of Benzo A Pyrene measured at 3.40ppm, Moe Criteria 1.2ppm (carcinogenic)
  - All found to be present in Water Table in the report



- Independent Environment Engineer Recently Contacted
- With the assistance of information from the independent environmental engineer who had done soil analysis on 57 Sicilia, it has come to light that further remedial actions were recommended to Infinite Homes but declined which undermines current information that the MOE references

TOPOGRAPHIC PLAN OF  
PART OF LOT 11,  
CONCESSION 8  
CITY OF VAUGHAN  
REGIONAL MUNICIPALITY OF YORK



METRIC  
DIMENSIONS SHOWN ON THIS PLAN ARE IN METERS AND  
CAN BE CONVERTED TO FEET BY MULTIPLYING BY 3.281.

NOTES AND LEGEND

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1:500 = 1:5000

CONCESSION 8 AND LOT 11 ARE REFERRED TO  
AS "VAUGHAN" WITHIN THE CITY OF VAUGHAN  
AND ARE 11.07 ACRES

BOUNDARY INFORMATION FROM THIS PLAN SHALL BE  
AND SHALL BE USED FOR RECORDING

LEGEND

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AREA	PERCENTAGE	AREA	PERCENTAGE	AREA	PERCENTAGE
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RESIDENTIAL

TP17	PARAMETERS	DEPTH	MEASURED CONCENTRATIONS	MOE CRITERIA
SOIL	TPH (HEAVY OILS)	2.8m	1460ppm	1000 ppm

PARAMETERS	DEPTH	MEASURED CONCENTRATIONS	MOE CRITERIA
BENZO(A)PYRENE	5.4m	3.40 ppm	1.2 ppm

REGISTERED

PLAN

BLOCK 120  
PIN 03307 - 0537

BLOCK 121  
PIN 03307 - 0538

LOT 73  
PIN 03307 - 0490

LOT 72  
PIN 03307 - 0488

BLOCK 126  
(0.30 HECTARE)  
PIN 03307 - 0558

PART OF LOT  
CONCESSION  
PIN 03307 - 101

AREA 3

TP18

TP17

TP15

TP10

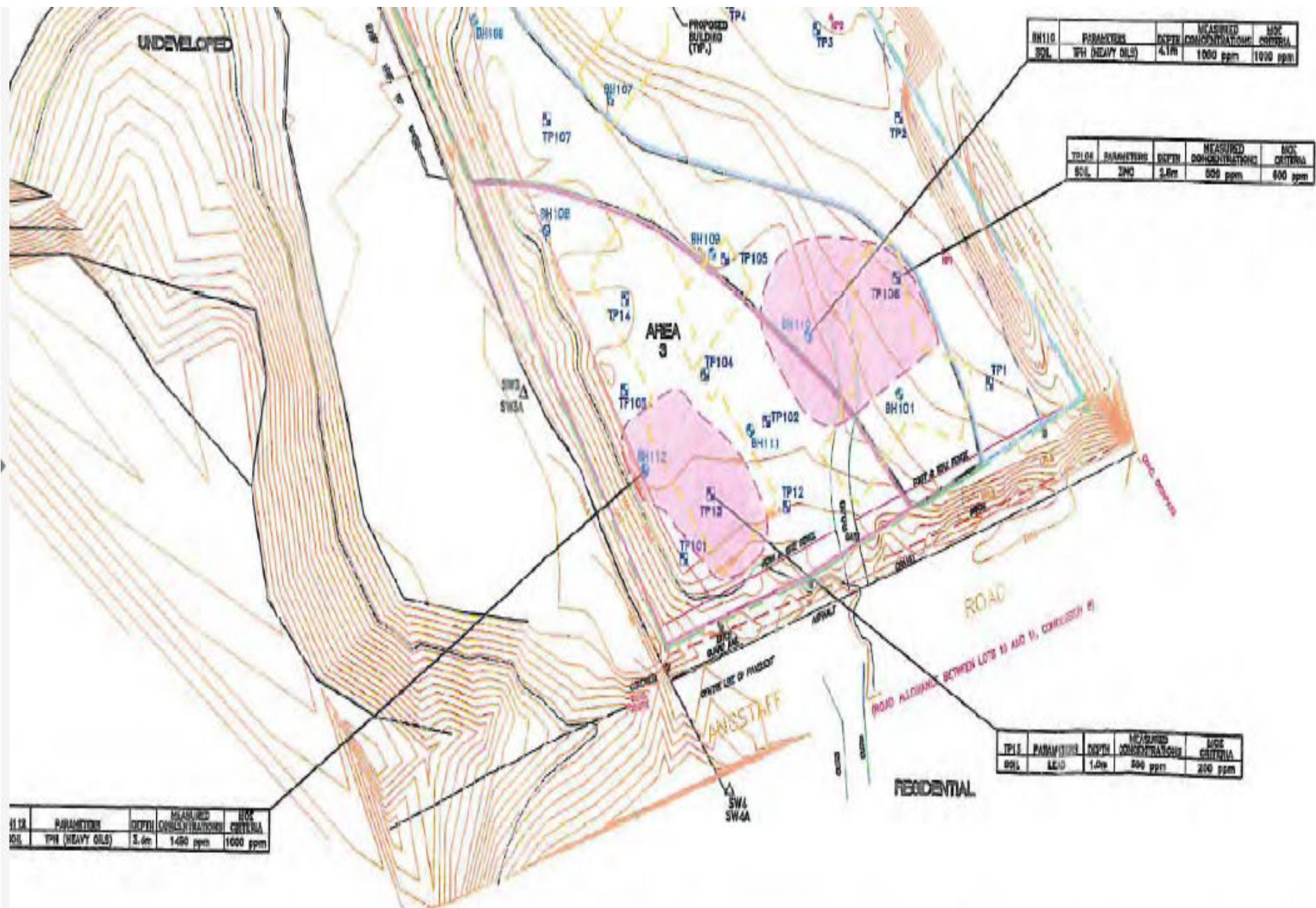
BH113

CAMPANIA COURT  
PIN 03307 - 0558

65M

2984





# **Ministry of Labour Issues**

- Questionable labour practices MOL Employer Services stated that WSIB Clearance Certificate was lacking in August 2015
- Unsanitary Working Conditions







## **Hydro One Corridor Issues**

- Stockpiling of material under hydro corridor not permitted
- Use of heavy equipment under hydro corridor not permitted
- Hydro cannot access hydro corridor due locked fencing
- No 6 meter clearance around hydro towers
- Hydro One agreement with City of Vaughan requires that these violations are to be enforced by City of Vaughan By-law





Sorry for the delayed response. In reply to your inquiry and in discussions with Enforcement Officer Mr. Gord Sherman, By-law & Compliance/Licensing & Permit Services is not aware of any infractions on either site as of today. Just a reminder and as previously advised, with respect [5550 Langstaff Rd](#), I cannot offer any specific comment other than the site remains under the care and control of the Ministry of the Environment accordingly.

Best Regards,

**Gus Michaels,  
Director**

[905-832-8505](tel:905-832-8505), [Ext. 8735](tel:905-832-8505) | [gus.michaels@vaughan.ca](mailto:gus.michaels@vaughan.ca)

**City of Vaughan | By-Law & Compliance,**