

Clause embodied in Report No. 4 of the West Community Council, as adopted by the Council of the City of Toronto at its meeting held on May 30, 31 and June 1, 2001.

10

**Application for the Construction of a Fence (Noise Barrier)  
ABC Group Air Management Systems Inc.  
220 Brockport Drive (Ward 2 - Etobicoke North)**

*(City Council on May 30, 31 and June 1, 2001, adopted this Clause, without amendment.)*

The West Community Council recommends the adoption of the report (May 3, 2001) from the District Manager, Municipal Licensing and Standards, West District, subject to adding the following new Recommendations Nos. (3) and (4):

- “(3) Chapter 447 of the Municipal Code - Fences be amended to permit the construction and maintenance of the proposed fence (noise barrier) on the subject property; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”

The West Community Council submits the following report (May 3, 2001) from the District Manager, Municipal Licensing and Standards, West District:

Purpose:

To permit the construction of a fence (noise barrier) approximately 5 metres high and 60 metres long located along the northerly boundary of the industrial property municipally know as 220 Brockport Drive, notwithstanding the provisions of City of Toronto Fence By-law No. 472-2000.

Financial Implications:

There are no financial implications for the City.

Recommendations:

It is recommended that:

- (1) the fence be approved subject to the fence being erected along the northerly boundary of the subject property to the satisfaction of the Ministry of Environment for the Province of Ontario; and
- (2) the fence be maintained in a state of good repair at all times.

Background:

ABC Group Exterior Systems Inc. manufactures painted automotive parts. The Applicant's manufacturing operation is located at 220 Brockport Drive in the former City of Etobicoke. Parallel to the north side of the Applicant's property is an industrial condominium complex. This complex comprises over 30 one-storey industrial business units that back onto the fence line of the Applicant's property.

The Applicant's manufacturing process includes three paint lines, each of which has an exhaust system to remove and treat fumes. Each exhaust system has a large fan unit that draws off the air above the paint line, processes the air and exhausts it through vertical stacks to the atmosphere. Each exhaust system moves approximately 75,000 cubic feet of air per minute. As a result of a complaint about the noise from the exhaust systems, the Ministry of the Environment ("MOE") investigated and issued a Field Order that essentially required the Applicant to attenuate, or reduce, the noise.

Comments:

The Applicant appealed the MOE Field Order to the Environmental Appeal Board. On August 4, 2000, counsel for the parties jointly presented an amended Order to the Appeal Board and the Appeal Board agreed to the terms of the amended Order and adopted it as a component of its decision.

The end result of the appeal is that the Applicant is required to erect a noise barrier (fence) to reduce the impact of the noise from the exhaust systems on the properties to the north of the lands concerned. Attached is a copy of a plan prepared by HGC Engineering, showing the location of the proposed fence as well as a site plan showing the extent of the fencing as it relates to the boundaries of the property and the abutting lands. The proposed fence will consist of two inch thick solid wood (two inch tung and grove or one inch thick boards fully overlapped), with no gaps or cracks.

Conclusions:

Notwithstanding that the City's fence by-law would, in this instance, permit a 2.5 metre high fence, approval of the proposed 5 metre high sound barrier will provide the occupants of the properties/businesses located to the north of the lands concerned with some relief from unwanted noise.

Contact:

John Romano, Supervisor, Municipal Licensing and Standards, West District  
Tel. (416) 394-2536; Fax: (416) 394-2904

Insert Table/Map No. 1  
Plan Prepared by HGC Engineering

Insert Table/Map No. 2  
Site Plan Prepared by Applicant

Mr. Brian Illion, Law Office of Harvey Freedman, appeared on behalf of the applicant before the West Community Council in connection with the foregoing matter.