

MOTION

Hard Rock and Santos Excavating

Moved by: **Councillor**

Palacio

SUMMARY:

Hard Rock and Santos Excavating, located at 101 Union Street (Ward 17), has been charged by the Municipal Licensing and Standards Division with various zoning and waste infractions. This case has been before the Courts on two separate occasions. The latest postponement occurred on November 17, 2009 because the owner of 101 Union Street did not attend the Court hearing. The case will not come before the Courts again until July 2010.

For the past six years, the emissions, dust, noise and vibration emanating from 101 Union Street have caused great distress to the immediate neighbours and the Turnberry community as a whole. The homeowners on the west side of Alentejo Drive in particular are angry and frustrated with the delay in prosecuting this case. They have endured daily hardship in living next to a site that shakes their homes, wakes their sleeping, and pollutes their living environment.

It is totally unacceptable that the residents have to live with this adversity while the Courts delay and the owner of 101 Union Street shows contempt for the City of Toronto and its bylaws.

A petition from the Turnberry Community is attached, supporting Municipal Licensing and Standards Division in their prosecution of Hard Rock and Santos Excavation.

RECOMMENDATIONS:

- 1 City Council requests Municipal Licensing and Standards to monitor this location more often with a view to determining whether additional charges should be laid before the courts.

2. City Council requests Municipal Licensing and Standards to investigate the feasibility of laying bylaw charges for excessive noise and violent shaking of the nearby residents' homes due to the huge concrete and stone smashing that goes on at this location.
3. City Council requests Municipal Licensing and Standards, and Legal Department staff to meet with the local Councillor and nearby residents to obtain input from the community before the next Court day in July 2010.
4. City Council requests the Ministry of the Environment to investigate the environmental and health concerns of the community, particularly the air borne contaminants and the effects of the noise and vibration on the nearby residential community.
5. City Council further requests that Municipal Licensing and Standards report to the April 2010 meeting of Etobicoke York Community Council on their investigations of 101 Union Street.

Date: January 12, 2010