



STAFF REPORT INFORMATION ONLY

101 Union Street

Date:	March 30, 2010
To:	Etobicoke York Community Council
From:	Curtis Sealock, District Manager, Municipal Licensing and Standards
Wards:	Ward 17, Davenport

SUMMARY

To report on the monitoring of the business activities and to determine the feasibility of laying by-law charges against 101 Union Street, operating as “Hard Rock and Santos Excavating and Neon Disposal Limited”, for excessive noise and violent shaking of nearby residential homes and requested the Ministry of the Environment to investigate the environmental and health concerns of the community.

Financial Impact

There are no financial implications resulting from the adoption of this report.

ISSUE BACKGROUND

City Council at its meeting of January 26, 2010, Item EY33.50, Hard Rock and Santos Excavating and Neon Disposal Ltd., 101 Union Street, adopted the motion of the Ward Councillor to direct Municipal Licensing and Standards to report to the April, 2010 Etobicoke York Community Council meeting on:

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 by-law charges for excessive noise and violent shaking of the nearby residents' home 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 the Etobicoke York Community Council on their investigations of 101 Union Street.

COMMENTS

Hard Rock and Santos Excavating and Neon Disposal Limited operate a commercial business from the property at 101 Union Street.

As a result of neighbourhood concerns Municipal Licensing and Standards coordinated a joint investigation of the operation of the business and the subject property to determine compliance with municipal by-laws.

The joint investigation took place on February 3, 2010 and included staff from Toronto Fire Services, Toronto Buildings, Transportation Services, Municipal Licensing and Standards and the Ministry of the Environment and Parking Enforcement.

Toronto Fire Services identified issues and are dealing with blocked exits on the interior of the building.

Toronto Buildings has advised that there are no matters of violation or concern under their jurisdiction.

Transportation Services identified violations under their jurisdiction related to the illegal storage of disposal bins within the right of way (boulevard area) and roadway, in addition to illegal parking on the boulevard area. These matters were resolved with the cooperation of Parking Enforcement staff on March 4, 2010 where 10 vehicles were tagged and towed, (4 vehicles from the roadway and 6 vehicles from the City Boulevard).

The Ministry of Environment had no issues identified regarding noise or vibration. There was no evidence of air borne contaminants at the time of the inspection. The only concern was with the accumulation of household waste within the illegally stored bins. This matter was resolved upon the removal of the bins from public access.

Municipal Licensing and Standards has communicated the requirement to expedite repairs due to the condition of the existing fence (deteriorated corrugated metal). At the last follow up investigation conducted on March 20, 2010 the fence has been substantially repaired. At this time there was also a Zoning charge pending with the courts to be heard July 27, 2010 regarding the use of the premises and a pending charge regarding non-compliance with a Notice issued under the provisions of City of Toronto Municipal Code Chapter 548, Littering and Dumping. There were no other violations within Municipal Licensing and Standards jurisdiction at the time of the investigation.

Toronto Planning was contacted with regards to the development agreement for residential townhouse properties on Turnberry Street, located at the rear of 101 Union Street. They have reviewed the Development Agreement related to this development. On the basis of the application submitted, the Draft Plan of the Subdivision involves the development of 22 semi detached, one detached dwelling and a public lane on the east half of 101 Union Street. There is no provision in the subdivision agreement that requires the construction of a wall or barrier as a visual or sound mitigation measure along the west side of the public lane abutting 101 Union Street, or on the abutting property at 101 Union Street.

City of Toronto Municipal Code Chapter 447, Fences, regulates fences as far as height and construction. However, there is no provision in the by-law that requires any property owner to install fencing where none exists, nor does it prohibit the removal of any existing fencing. The business owner on the property has submitted plans to Municipal Licensing and Standards for a fence exemption to allow the installation of a fence, along the west boundary adjacent to the laneway, that is over the maximum height permitted. This application is presently under review.

Due to the weather conditions, further monitoring of the premises will commence in the spring when the construction season begins and the likelihood of greater activities on the property will become more prevalent.

The requested meeting with the Legal Division, Municipal Licensing and Standards staff and the community remains pending at this time.

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SIGNATURE

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