



BRATTY AND PARTNERS, LLP
BARRISTERS AND SOLICITORS

PLEASE REFER TO:
Caterina Facciolo (Ext: 293)
Email: cfacciolo@bratty.com
Mario Giambattista (Ext: 288)
Email: mgiambattista@bratty.com
Telephone: (905)760-2700

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Delivered via E-mail

City Council
100 Queen Street West
Toronto, Ontario
M5H 2N2

Attention: Mayor Rob Ford and Members of City Council

Dear Mr. Mayor and Members of Council:

Re: City of Toronto Agenda Item 2011.SC11.29 - 1051 Ellesmere Road - Zoning Amendment and Subdivision Applications - Final Report

We are the solicitors acting on behalf of A. Mantella & Sons Ltd. ("Mantella") with respect to the above referenced matter.

Our client is the owner of industrial land immediately adjacent to and south of the proposed residential development. The Mantella Lands are municipally known as 490 Midwest Avenue and are located on the edge of a large district designated in Toronto's Official Plan as an "Employment Area". The application proposes to permit a residential development immediately abutting our client's lands upon which employment activities occur.

Since learning of the application in June of this year, our client has expressed an interest and a concern regarding the proposed development to City Planning Staff and the Applicant. In addition, we did appear before Scarborough Community Council on November 2, 2011 to express concerns with respect to the proposed development and remind Council that the City's Official Plan provides that because of the important role Employment Districts play in the City's growth, these areas should be protected from encroachment of non-economic uses.

Recognizing that the Applicant had not adequately considered all of the land use compatibility concerns with respect to its Development, Scarborough Community Council added to the recommendations of the City's Planning Department by adopted the following recommendations:


1. City Council request both the owner and the complainant to review noise abatement solutions and forward to the Chief Planner and Executive Director for final direction on implementation.
2. Before introducing the necessary Bills to City Council for enactment, City Council require the owner to have on-site noise source measurements taken by a certified noise consultant for the loading docks, rooftop mechanical equipment, and all other stationary and transportation noise sources generated by 490 Midwest Road; and have an addendum to the Environmental Noise Feasibility Study addressing these measurements and any further mitigation measures required to be submitted to the Chief Planner and Executive Director. Further identified mitigation measures, if any, shall be provided by the owner and secured through the subdivision agreement to the satisfaction of the Chief Planner and Executive Director.

Our client, in order to protect its interests, has retained Novus Environmental to conduct a peer review of the noise work done on behalf of the Applicant. It is the opinion of Mantella's noise consultant that the work done by the Applicant's noise consultant on this project is deficient in a number of ways.

It is our contention that the work carried out is insufficient in order to demonstrate that land-use compatibility will be achieved in this location and it is our expectation that complaints will arise from the residents of this new development abutting this industrial use and other uses currently permitted. Our client has concerns that the future viability of its designated, zoned, built and operating industrial site will be seriously compromised.

We respectfully submit that any approval of these applications should be deferred until such time as the Applicant conducts additional noise work, identifies the impacts of all the noise sources at the appropriate locations. In our view, the City should also, as it does in other areas, require that the Applicant's noise work be peer reviewed for the City at the Applicant's cost. We would respectfully request that, as an interested party, we also receive a copy of any such peer review.

Yours truly,
BRATTY AND PARTNERS, LLP



~~per~~ Caterina Facciolo

cc: Raymond David, Director, Community Planning - Scarborough District.
Carly Bowman, Planner – Scarborough District
Lorne Ross, Lorne Ross Planning Services Inc.