

STIKEMAN ELLIOTT

Stikeman Elliott LLP Barristers & Solicitors

5300 Commerce Court West, 199 Bay Street, Toronto, Canada M5L 1B9
Tel: (416) 869-5500 Fax: (416) 947-0866 www.stikeman.com

James W. Harbell
Direct: (416) 869-5690
E-mail: jharbell@stikeman.com

VIA FACSIMILE: (416) 394-5600
AND E-MAIL: etcc@toronto.ca

March 15, 2011
File No.: 121770-1003

City of Toronto
Etobicoke York Community Council
Etobicoke Civic Centre
399 The West Mall
Toronto, ON M9C 2Y2

Attention: Ms. Rosemary MacKenzie, Administrator, Etobicoke York Community Council

Dear Ms. MacKenzie:

Re: City Initiated Request to Amend the Official Plan, Toronto Zoning By-law 1156-2010, Former York Zoning By-law 1-83, and Former Toronto Zoning By-law 438-86 with respect to lands in the vicinity of St. Clair Avenue West between Scarlett Road and Keele Street/Weston Road, Toronto City of Toronto File Nos. 09 192880 SPS 00 TM Etobicoke York Community Council Meeting March 22, 2011 Agenda Item No. 2

We are the solicitors for National Rubber Technologies Corp. ("NRT") who own and operate the existing rubber recycling and manufacturing facility at 35 Cawthra Avenue (the "Property"), south east of the intersection of Keele Street and St. Clair Avenue West. NRT and its predecessor companies have operated in this area since 1927.

NRT recognizes that the City's Planning Department and the consultants retained by the City to prepare background studies and lead public consultation for the proposed Official Plan and Zoning By-law amendments for St. Clair Avenue West west of Keele Street are cognizant of NRT's concerns regarding the potential impacts of the odour from its emissions stacks at its facility should high rise residential development be proposed in proximity to its property. This issue is well documented and recognized in the background studies to the current amendments and related planning report dated March 4, 2011 before Community Council. However, insufficient protection has been provided to NRT in the draft Official Plan and Zoning By-law amendments recommended by the Planning Department.

TORONTO
MONTREAL
OTTAWA
CALGARY
VANCOUVER
NEW YORK
LONDON
SYDNEY

STIKEMAN ELLIOTT

In particular, we note that the criteria in the proposed Official Plan amendment respecting the allowance of high rise residential development through a rezoning on certain properties in proximity to NRT's facility is conditional on "[A]ny residential uses being at a height that would not be impacted by the emissions plume from industry at 35 Cawthra Avenue." This language does not speak to the process of quantifying potential impacts from NRT's emissions and NRT's involvement in the evaluation of such impacts.

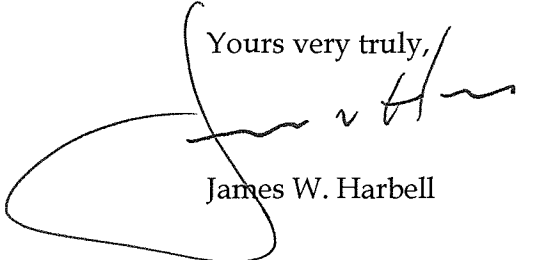
NRT has been very involved in the similar process leading to the adoption of Official Plan and Zoning By-law amendments to allow mixed use development and height increases for lands along St. Clair Avenue West, east of Keele Street. NRT appealed Official Plan Amendment (No. 84) as it did not sufficiently address NRT's concerns regarding the potential conflict of its odour emissions from its various process related emissions stacks at certain heights should high rise residential development be allowed in proximity to its property. This matter is still before the Ontario Municipal Board but we are in the process of negotiations with the City to resolve NRT's concerns through the inclusion of certain language in the Official Plan and Zoning By-law amendments.

While we intend to work with the City's Planning Department to develop appropriate language for the proposed amendments west of Keele Street, this letter has been written to document NRT's concerns with respect to the proposed Official Plan and Zoning By-law amendments as currently drafted. While we anticipate being able to resolve this concern, this letter preserves NRT's appeal rights should we not be able to reach agreement with the City on amended language that will sufficiently address NRT's concerns.

Please also accept this letter as our request to the City Clerk to provide notice to the writer of all public meetings and decisions made by City Council and a Committee thereof, relating to the subject Official Plan and/or Zoning By-law amendments for St. Clair Avenue West, between Keele Street and Scarlett Road.

Should you have any questions with respect to the matters discussed herein, kindly contact the writer or our land use planner, Vicky Simon (416) 869-5628, at your earliest convenience.

Yours very truly,



James W. Harbell

JWH/vs

cc: Mr. Paul Bain, *Community Planning*
Mr. Greg Bavington, *National Rubber Technologies Corp.*
Mr. Brian Haley, *City Legal*