



Davies
Howe
Partners
LLP

Lawyers

The Fifth Floor
99 Spadina Ave
Toronto, Ontario
M5V 3P8

T 416.977.7088
F 416.977.8931
davieshowe.com

Please refer to: **John M. Alati**
e-mail: johna@davieshowe.com
direct line: 416.263.4509
File No. 702642

November 18, 2013

By E-Mail Only to *etcc@toronto.ca*

Etobicoke Community Council
Etobicoke Civic Centre
Main floor, 399 The West Mall
Toronto, ON M9C 2Y2

Dear Community Council:

**Re: Item EY29.24
Traffic Regulation Amendments - Judson Street (Ward 6)**

We are counsel to ML Ready Mix Concrete Inc., the owner of the lands at 29 Judson Street, Etobicoke. We are writing in advance of tomorrow's meeting of Community Council, and in response to the staff report authored by Mr. Steven Kodama, dated October 24, 2013.

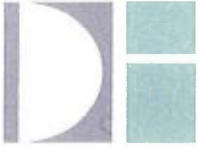
It is our respectful submission that Community Council should not approve the recommendations set out in the staff report. The recommendations have the effect of improperly restricting truck traffic on parts of Judson Street, and restricting left turns only from our client's lands.

Firstly, the staff report and recommendations lack any sound technical traffic or engineering basis; but, instead, are a measure targeted at the business operation on our client's lands. The staff report states:

There was a recent site meeting with the Mayor, staff of various City divisions and area residents where numerous concerns were raised with respect to the operation at 29 Judson Street, including the heavy vehicle use on Judson Street between Royal York Road and Islington Avenue.

[Emphasis added.]

It is clearly evident that the staff report appears to be designed to appease some of the local residents who object to the legal use on our client's lands. In pith and substance, the recommendations are designed to exert pressure on our client's business operation, and thwart the legal use of their lands, under the guise of a traffic measure. This is not the proper purpose of municipal traffic regulations.



Davies
Howe
Partners
LLP

Secondly, our client was not given direct notice by the City that this report was coming, nor was it contacted by staff in advance with any information that the report was being prepared. Based on the foregoing, we are also unable to confirm if any of the neighbouring industrial/commercial properties on Judson Street, which may also generate truck traffic, are aware of this item.

Notwithstanding the above, our client was able to retain, on short notice, an expert traffic consultant to review staff's report, attend the site, and conduct further analysis of this matter. Please find enclosed the technical memo prepared by our client's traffic consultant, Mr. Peter Hillier (MMM Group). In short, the negative impacts resulting from staff's recommendations include the following:

- Safety issues at Royal York Road and Judson Street;
- Inappropriate alternate routing to neighboring roads; and
- Restricted access from the driveway at our client's lands.

We trust that this is satisfactory in expressing our client's objection to the recommendations by staff. Please feel free to contact the undersigned to discuss this matter further.

Representatives of our client intend to appear at tomorrow's Community Council meeting to further elaborate on our client's concerns. Please ensure that a copy of this letter is brought to the attention of the members of Community Council in advance.

Yours truly,
DAVIES HOWE PARTNERS LLP

per: John M. Alati

JMA:MD
encl.

copy: Ulli S. Watkiss, City Clerk
Rosemary MacKenzie, Community Council Secretariat
Peter Hillier, MMM Group
Dave Richardson, MMM Group