



**Coco Paving Inc.**

**PG21.1.209**

*VIA COURIER AND EMAIL*

March 5, 2013

City of Toronto  
100 Queen Street West  
Toronto, Ontario  
M5H 2W2

**Attention: Mr. Peter Milczyn,  
Chair of Planning and Growth Management Committee**

**Mr. Joe D'Abramo,  
Director Zoning By-law Review**

**Councillor Maria Augimeri**

Dear Sirs and Madam:

**Re: Draft City of Toronto Harmonized Zoning Bylaw  
Coco Paving Inc., 949 Wilson Avenue, Toronto**

We write with respect to the above-referenced draft City of Toronto Harmonized Zoning Bylaw (the "Draft Bylaw") and to express our serious concern that by not recognizing our operations, the Draft Bylaw threatens the continued operation of our asphalt plant at 949 Wilson Avenue, Toronto.

Though 949 Wilson is presently zoned as M2 under By-law 7625, as amended, which permits 'heavy industrial uses', including 'manufacturing uses', our review of the Draft Bylaw reveals that our present operations at 949 Wilson have not been carried forward in the Draft Bylaw.

We have expressed our concerns in this matter to municipal staff on multiple occasions, including: at the 'Public Open House for the new City Wide By-law' held on September 20 2012, at the 'Statutory Public Meeting of the Planning and Growth Management Committee' held on October 12 2012, and by way of multiple written submissions and other meetings with municipal staff.

In response to our expressed concerns, municipal staff members have advised of their inability to locate city records which demonstrate that the operations of an asphalt plant at 949 Wilson are permitted. As a result municipal staff has concluded – in our view, summarily and arbitrarily – that asphalt operations 949 Wilson's are not a legal, non-conforming use.

In fact, our own investigations have revealed that a majority – if not all – of the records relevant to this matter have been lost or damaged by fire.

Irrespective of the above, we submit that the existence or non-existence of such records is not determinative of this matter and that the asphalt plant at 949 Wilson has been in existence since at least the early 1960s, as confirmed by way of the enclosed Statutory Declaration, sworn by one of our longest standing employees.

We note that the City of Toronto itself remains one of our larger regular customers and as such has been fully aware of the operations carried on at 949 Wilson. Yet despite this fact, at no point over the past 50 years has any representative of the City disputed the presence of asphalt operations at 949 Wilson. Indeed, the City of Toronto has benefited from our operations at 949 Wilson by means of the regular collection of tax.

Coco Paving Inc. provides a vital service to our customers, including the City of Toronto, and is one of a limited number of companies located in central Toronto to operate all year round. In light of its long history of permitted use at 949 Wilson, recorded or otherwise, a restriction or prohibition of our asphalt operations at 949 Wilson at this time would be highly damaging to the company, and its customers, and would also be patently unjust.


Coco Paving Inc. hereby reiterates the two options it has previously put forward as means to resolve this matter, and which we urge be given due and prompt consideration at this time:

- (1) Amend the Draft Bylaw so as to permit asphalt operations at 949 Wilson as a permitted use in an Employment Zone; or
- (2) Amend the Draft Bylaw so as to permit asphalt operations at 949 Wilson as a Legal Non Conforming Use.

We respectfully ask that one of the above site-specific amendments be made so as to avoid the time and expense of an otherwise unnecessary hearing before the Ontario Municipal Board, which course we would be obliged to pursue should the concerns expressed herein not be adequately addressed.

Thank you.

Sincerely,

  
Jenny Coco, CEO  
Coco Paving Inc.

Encl.

**STATUTORY DECLARATION**

CANADA ) IN THE MATTER OF: **949 Wilson Ave, Toronto**  
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PROVINCE OF )  
ONTARIO )  
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I, Carlo Fallavollita, of the City of Mississauga, do SOLEMNLY DECLARE, that I have been an employee of Coco Paving Inc. (formerly LaFarge Canada) since July 1, 1966 and that, to the best of my knowledge, the asphalt plant located at 949 Wilson Avenue, City of Toronto, has been in operation since prior to my joining the company.

I make this solemn Declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

DECLARED before me at the )  
City of Toronto in the )  
Province of Ontario )  
this 5<sup>th</sup> day of March, 2013. )  
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**CARLO FALLAVOLLITA**

  
A Commissioner etc.