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File No. 702642

April 7, 2014

**By E-Mail Only to [etcc@toronto.ca](mailto:etcc@toronto.ca)**

Etobicoke York Community Council  
City Clerk's Office  
Main Floor, Etobicoke Civic Centre  
399 The West Mall  
Toronto, ON M9C 2Y2

Dear Community Council:

**Re: Item EY32.40 – Investigation of Impacts Related to ML Ready Mix**

We are counsel to ML Ready Mix Concrete Inc., the owners of 29 Judson Street, Toronto. We are writing further to our previous correspondence, dated March 31, 2014, and in response to Mr. Dan Irwin's e-mail sent today to Community Council.

There are a number of inaccuracies and misleading information presented to Community Council in Mr. Irwin's correspondence. We submit that this item need not be deferred, and Council should receive Toronto Public Health's report.

Firstly, we can advise that our client has been issued an Environmental Compliance Approval (the "ECA") from the Ministry of the Environment. Contrary to Mr. Irwin's assertions, this is not a conditional approval. Moreover, our client has implemented a number of noise and dust mitigation measures over the past months, in some instances in excess of the minimum requirements for noise abatement imposed by the Ministry. Our client, is in the process of having and independent audit undertaken of the effectiveness of these required measures.

Secondly, in response to Mr. Irwin's allegations regarding shadow impacts, Mr. Irwin's comments were already dealt with by our client. Mr. Irwin raised this issue in another forum and our client retained an expert consultant to prepare a shadow study. The study concluded that there are no adverse impacts from the existing noise wall on the residential properties to the north, during the time periods for when shadow studies are typically requested or required by the municipality. Mr. Irwin was provided with a copy of said study. Despite the provision of expert shadow studies which refute Mr. Irwin's allegations, he has again raised this issue in relation to the unrelated matter now before Community Council.

Lastly, our client rejects the contention that there is any harmful pollution or effects on human health, as a result of its operation. Importantly, there is no verifiable  
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empirical evidence to support any of these allegations, which are contrary to Toronto Public Health's own findings, nor has Mr. Irwin produced any independent data or information supporting his claims.

Yours truly,  
**DAVIES HOWE PARTNERS LLP**

A handwritten signature in blue ink that reads "John M. Alati".

John M. Alati

JMA:MD

copy: Client