

January 30, 2018

City Clerk's Office
Toronto City Hall
100 Queen Street West
Toronto, Ontario
M5H 2N2

Response to Administrative Inquiry
Re: Landfill Pile at 0 Oasis Boulevard/3880 McNicoll Avenue

Councillor Neethan Shan submitted an Administrative Inquiry under Municipal Code S27-61 to seek information regarding a landfill pile on a property at 0 Oasis Boulevard/3880 McNicoll Avenue, in Ward 42.

Based on available information, staff have concluded that the pile is comprised of construction soil and other debris placed by a construction company on the vacant land over a period of approximately two years, starting in the summer of 2015.

What City of Toronto regulations exist to have the landfill pile at 0 Oasis Blvd./3880 McNicoll Ave. removed from the property?

There are three bylaws relevant to addressing the landfill pile, which includes one with removal authority by the City.

Municipal Code Chapter 548, Littering and Dumping, requires that owners clear all prohibited waste deposited on their land (548-5). Prohibited waste includes the following items that were found at 0 Oasis Blvd./3880 McNicoll Ave.: soil, concrete blocks, bricks and rocks, concrete jersey barriers, signs, and loose litter (548-Schedule B-M).

The Morningside Heights Zoning Bylaw states that 0 Oasis Blvd./3880 McNicoll Ave. is zoned as a business park, meaning that light industrial use is permitted on the property. Light industrial use includes manufacturing, processing and warehousing (in addition to other uses) within wholly enclosed buildings with no outside storage, meaning the owner cannot store materials, including soil, at the property.

In addition, Municipal Code Chapter 629, Property Standards, requires that all yards be kept free of heavy undergrowth and weeds and have suitable ground cover to prevent recurrent ponding of water and unstable soil conditions or erosion (629-11. A and D).

Status of City Action regarding 0 Oasis Blvd./3880 McNicoll Ave.

The City is working to address the pile at 0 Oasis Blvd./3880 McNicoll Ave.

The City received complaints about the pile in November 2015, December 2016 and July 2017. Staff originally believed that the site was being used for temporary storage and took no further action. Upon receiving the third complaint in 2017, staff determined that the property was likely a permanent storage location for the soil and issued a waste advisory to the owner, numbered corporation 2252230 ONTARIO INC, requiring that they clear the property of refuse and stating that if action was not taken, the owner could be subject to further City action.

Upon inspection in December 2017, City staff found that the pile remained and took two further actions:

1. Staff issued a Notice of Violation on the basis that the owner failed to clean and clear refuse that was deposited at the site. The notice gave the owner 30 days, starting December 14, to clear the waste before further City action would be taken.
2. Staff issued an Order to rectify the issues related to the unsuitable groundcover on the property. The owner had until January 13, 2018, to rectify the issues.

The City is also in communication with the Ministry of Environment and Climate Change regarding possible erosion of the soil onto adjacent natural lands. The Ministry is also in communication with the property owner and considering their appropriate actions, if any.

As of January 29, 2018, the issues identified in the Notice of Violation and the Order were not addressed. Staff are continuing to investigate and have been in communication with the property owner to determine next steps and whether further City action is required. Further action could include proceeding with legal action or removing the prohibited waste and applying the costs incurred by the City to the owner's municipal tax bill.

Sincerely,

Tracey Cook
Executive Director
Municipal Licensing and Standards