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**By E-mail**  
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City of Toronto  
Scarborough Community Council  
Scarborough Civic Centre  
150 Borough Drive  
Toronto ON M1P 4N7

Attention: Carle Turpin, Committee Administrator

Dear Sirs/Mesdames:

**Re: 23 Glen Watford – Zoning Amendment and Draft Plan of Subdivision Applications**

**Property:** 23 Glen Watford Drive  
**Files:** 12 146441 ESC 41 OZ and 17 231670 ESC 41 SB (the "Applications")  
**Item:** SC13.2

We are the solicitors for The International Group, Inc. ("IGI"), owners and operators of the petroleum wax refinery located on the property municipally known as 33, 35 and 50 Salome Drive and 80 Salome Drive (the "IGI Properties"). The IGI Properties are separated from 23 Glen Watford Drive (the "Subject Lands") by Sheppard Avenue East and a CPR rail corridor – less than 70 metres of separation (property line to property line).

IGI's concerns with the Applications primarily relate to IGI's ongoing obligations to operate in compliance with its Environmental Compliance Approval, Section 14 of the *Ontario Environmental Protection Act* ("EPA") and the City of Toronto's Noise Control By-law. The proponent of the new sensitive land use has the obligation to ensure that their development is compatible with the operations on the IGI Properties (both current and future), that the potential for complaints is minimized to avoid potential adverse effects, and that all of the mitigation necessary to ensure land use compatibility has been secured. Until this occurs, the City of Toronto cannot demonstrate that the Applications are consistent with the Provincial Policy Statement, 2014 (the "PPS"), are in conformity with A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (the "Growth Plan"), are in conformity with the City of Toronto Official Plan (the "OP") and represent good planning.

The Applications are neither compatible with nor will be made compatible with IGI through a s.37 Agreement condition that requires at-receptor mitigation measures to be implemented. Unfortunately, securing at-receptor mitigation through a s. 37 Agreement is inappropriate and will negatively impact IGI.

Once the s. 37 Agreement for the Subject Lands is finalized and registered, IGI will have to provide a copy of the agreement to the Ministry of the Environment, Conservation and Parks ("**MECP**") because IGI will have to rely on such at-receptor mitigation to demonstrate continued compliance with environmental regulations, guidelines, approvals and registrations, to obtain environmental permits/registrations in the

future and as a defense to complaints about IGI when they are filed. Yet, the terms of the s. 37 Agreement may be changed without IGI's knowledge or input. More importantly, neither the MECP nor IGI, as third parties, could enforce any of the mitigation requirements of the s. 37 Agreement. Collectively, all of this represents an untenuous amount of uncertainty for IGI and threatens IGI's viability.

Also, the extent of the required at-receptor mitigation (e.g., noise buffer balconies, noise barriers, air system intake locations, restricting the use of patios, terraces, balconies and rooftop amenity space with direct line-of-sight to IGI, etc.) must be reconfirmed at the building permit stage (the design stage) once the exact locations of points of reception are known (including rooftop and ground level amenity areas) and the modelling must be updated at that time to reflect any changes in IGI facility operations and also any changes in MECP requirements. This additional process has not been secured by the City.

Until the recommended/required at-receptor mitigation is secured in an agreement with IGI, the proponents for development of the Subject Lands have not demonstrated land use compatibility with IGI and IGI may be adversely impacted. It is premature to approve zoning by-law amendments for the Subject Lands until such mitigation is secured.

If you have any questions regarding the above, please advise. Please provide us with notice of any upcoming Council or Community Council meetings where the Applications will be discussed and also provide us with notice of the decision of Council on the Applications.

Yours truly,



PER: Calvin Lantz  
Partner

CL/nla

cc. Heather Meike, IGI  
Chris Smith, IGI