
City Council

Notice of Motion

MM39.11	ACTION			Ward: 3
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Evicting ML Ready Mix Concrete from 29 Judson Street - by Councillor Mark Grimes, seconded by Mayor John Tory

** Notice of this Motion has been given.*

** This Motion is subject to referral to the General Government and Licensing Committee. A two-thirds vote is required to waive referral.*

Recommendations

Councillor Mark Grimes, seconded by Mayor John Tory, recommends that:

1. City Council direct the Executive Director, Corporate Real Estate Management to issue a notice of termination of Remicorp's lease agreement at 29 Judson Street. should the following conditions not be met by June 30, 2022:

- a. Remicorp to discontinue all concrete batching activities at 29 Judson Street;
- b. Remicorp to discontinue any operational activities that include attendance of trucks at 29 Judson Street (including truck maintenance); and
- c. Remicorp to have an account with the City of Toronto that is in good standing.

Summary

Since 2010, the operation of a concrete batching facility in the Mimico neighbourhood of Etobicoke-Lakeshore has conflicted with the residential area surrounding the site. In 2012, I moved a motion at City Council prohibiting concrete batching and other heavy industrial uses in a large section of South Etobicoke, however ML Ready Mix (Remicorp Industries Inc.) was in operation prior to the by-law so they have been able to continue operating at 29 Judson Street.

In an effort to relocate ML Ready Mix, in July 2018 Toronto City Council approved the City purchase of 29 Judson Street and lease-out of 545 Commissioners Street to ML Ready Mix. Shortly thereafter, the Agreement of Purchase and Sale was executed, and following a thorough due diligence process, both transactions closed in November 2019.

Complications from the COVID-19 pandemic delayed ML Ready Mix's move to the Port Lands by over a year so in 2021 I re-started the ML Interdivisional Working Group to get the move back on track. I also requested the Executive Director, Corporate Real Estate Management to issue a legal demand letter to Remicorp Industries Inc. (ML Ready Mix) that outlined the

requirement for the following conditions to be met by no later than December 31st, 2021, failing which the City will issue a notice of termination of Remicorp's lease agreement at 29 Judson Street and a notice of termination of Remicorp's lease agreement at 545 Commissioners Street:

1. provide a notice to the City of Remicorp's intention to take possession of 545 Commissioners Street, including the date on which possession will be taken;
2. produce a permit from Toronto and Region Conservation Authority for 545 Commissioners Street;
3. produce a detailed project schedule for 545 Commissioners Street outlining all construction activities necessary to entirely relocate Remicorp's business operations from 29 Judson Street to 545 Commissioners Street;
4. execute the lease amending agreement provided by the City for the lease agreement at 29 Judson Street; and
5. pay the outstanding arrears balance, in full, under the lease agreement at 29 Judson Street.

ML Ready Mix complied with these conditions so the countdown clock can now begin. In order to ensure ML Ready Mix adheres to their construction timeline, this Motion seeks to issue a notice of termination of ML Ready Mix's lease agreement at 29 Judson Street should they fail to meet with June 30, 2022 deadline.

Background Information (City Council)

Member Motion MM39.11

<https://www.toronto.ca/legdocs/mmis/2022/mm/bgrd/backgroundfile-175621.pdf>