



RECORD OF PROCEEDING

PROPERTY STANDARDS COMMITTEE

THE CORPORATION OF THE CITY OF MISSISSAUGA

WEDNESDAY, OCTOBER 5, 2011 – 9:00 A.M.

COMMITTEE ROOM D
SECOND FLOOR, CIVIC CENTRE,
300 CITY CENTRE DRIVE, MISSISSAUGA, ONTARIO, L5B 3C1
www.mississauga.ca

MEMBERS PRESENT: Tony Jasinski, Vice-Chair and Citizen Member
Steve Nanan, Citizen Member
Debbie Willchuk, Citizen Member
Merle Zoerb, Citizen Member

MEMBERS ABSENT: Stephanie Thomson, Chair and Citizen Member

APPELLANTS: Ralph Shepley, General Manager, John Grant Haulage Limited
Gerard V. Thompson, Thompson, MacColl & Stacy LLP,
Appellant's Representative

PROSECUTOR: Marcy Dunlop, Prosecutor, Prosecutions Office

STAFF: Julie Lavertu, Committee Secretary, Property Standards Committee
Ezio Savini, Manager of Maintenance and Operations
Ross Spreadbury, Municipal Law Enforcement Officer
Laura Wilson, Legislative Coordinator

OTHERS: Horace Ellens, Director, Maintenance, John Grant Haulage Limited

CONTACT PERSON: Julie Lavertu, Committee Secretary, Property Standards Committee
Office of the City Clerk, Telephone: 905-615-3200, ext. 5471; Fax: 905-615-4181
Julie.Lavertu@mississauga.ca

This is the record of proceeding of the Hearing by the Property Standards Committee in the matter of an appeal of the Property Standards Order, issued on July 5, 2011 by Ross Spreadbury, Municipal Law Enforcement Officer, against John Grant Haulage Limited (the “Appellant”), being the registered owner of the property municipally known as 2111 Lakeshore Road West, Mississauga, Ontario, L5J 1J9 (Ward 2).

An appeal was submitted by Ralph Shepley, General Manager, John Grant Haulage Limited, on behalf of the registered owner of the property municipally known as 2111 Lakeshore Road West, Mississauga, Ontario, with respect to the Property Standards Order issued on July 5, 2011.

CALL TO ORDER – The Vice-Chair presided and called the Hearing to order at 9:16 a.m.

DECLARATIONS OF DIRECT OR INDIRECT PECUNIARY INTEREST – Nil

INTERLOCUTORY ORDERS PRESENTED INTO EVIDENCE

- 9:32 a.m.** **Exhibit C:** Google aerial map of the surrounding area and property municipally known as 2111 Lakeshore Road West provided to the Committee by Gerard V. Thompson, Thompson, MacColl & Stacy LLP, Appellant’s Representative.
- 9:49 a.m.** **Exhibit D:** Black and white photographs of the property municipally known as 2111 Lakeshore Road West taken on October 3, 2011 and provided to the Committee by Ross Spreadbury, Municipal Law Enforcement Officer.
- 11:15 a.m.** **Exhibit E:** Questionnaire completed by Rachel Krisak, Senior Environmental Officer, Ministry of Environment, provided to the Committee by Gerard V. Thompson, Thompson, MacColl & Stacy LLP, Appellant’s Representative, with respect to the Property Standards Order, issued on July 5, 2011, by Ross Spreadbury, Municipal Law Enforcement Officer, against John Grant Haulage Limited with respect to the property municipally known as 2111 Lakeshore Road West.
- 11:47 a.m.** **Exhibit F:** Colour photographs of the property municipally known as 2111 Lakeshore Road West taken on October 3, 2011 and provided to the Committee by Ross Spreadbury, Municipal Law Enforcement Officer.

WITNESSES

The Vice-Chair administered the Oath or Affirmation as the case may be, to the individuals set out below at the time that the individuals were called to give evidence for the respective parties.

- The following individuals testified on behalf of the City of Mississauga:

9:21 a.m. Ross Spreadbury, Municipal Law Enforcement Officer

10:01 a.m. Ezio Savini, Manager of Maintenance and Operations

- The following individuals testified on behalf of the Appellant:

10:45 a.m. Ralph Shepley, General Manager, John Grant Haulage Limited

11:39 a.m. Horace Ellens, Director, Maintenance, John Grant Haulage Limited

EVIDENCE PRESENTED

9:25 a.m. **Exhibit A:** Documents Brief prepared by Marcy Dunlop, Prosecutor, Prosecutions Office, served to the Appellant on September 15, 2011, containing the following documents:

TAB 1 Copy of the Notice of Appeal from Ralph Shepley, on behalf of John Grant Haulage Limited, to the Property Standards Committee dated July 25, 2011.

TAB 2 Copy of the Property Standards Order issued by Property Standards Officer Ross Spreadbury dated July 5, 2011.

TAB 3 Copy of Parcel Register for Property Identifier, PT LT 31 Con 3 SDS Toronto PT1, 43R10941, Mississauga, identified as 2111 Lakeshore Road West on June 15, 2011.

TAB 4 Copy of Certified Corporation Profile Report for John Grant Haulage Limited dated June 23, 2011.

TAB 5 Copy of Will Say and Evidence Synopsis of Property Standards Officer Ross Spreadbury.

TAB 6 Copy of nine (9) photographs taken on June 13, 2011 by Property Standards Officer, Ross Spreadbury, of property located at 2111 Lakeshore Road West, Mississauga.

TAB 7 Copy of Will Say Statement of Ezio Savini, Manager of Maintenance and Operations, City of Mississauga.

TAB 8 Curriculum Vitae of Ezio Savini, Manager of Maintenance and Operations, City of Mississauga.

TAB 9 Notice pursuant to Section 35 of *Evidence Act* of Ontario.

9:25 a.m. **Exhibit B:** Documents Brief prepared by Gerard V. Thompson, Thompson, MacColl & Stacy LLP, Appellant's Representative, served to the Committee

Secretary on September 20, 2011, containing the following documents:

- TAB A Copy of the letter from John Grant Haulage Limited to the City of Mississauga, dated July 25, 2011, notifying the City of Mississauga of the appeal of the Property Standards Order issued against the property located at 2111 Lakeshore Road West.
- TAB B Copy of the letter from the Ministry of the Environment to Ralph Shepley, General Manager, John Grant Haulage Limited, dated October 1, 2010, enclosing the “Air Quality Inspection Report” and attached Air Facility Inspection Report dated August 26, 2010, which specified that there were no on-going non-compliance issues for the site and no further action was required by John Grant Haulage Limited.
- TAB C Copy of the email from Ralph Shepley, General Manager, John Grant Haulage Limited, to Ross Spreadbury, Municipal Law Enforcement Officer, City of Mississauga, dated May 13, 2011, following a site inspection by Mr. Spreadbury on May 11, 2011, providing an update of the steps that John Grant Haulage Limited was taking to deal with the dust.
- TAB D Copy of the overview of submission to the SGTA Air Quality Task Force, providing a summary of the steps that John Grant Haulage Limited has taken and will be taking to maintain the air quality of the area.
- TAB E Copy of the letter and invoice from Da-Lee, Professional Dust and Ice Management Solutions, to John Grant Haulage Limited dated July 21, 2011, setting out the scope of work performed by Da-Lee for the purposes of dust control.
- TAB F A satellite image of 2111 Lakeshore Road West, including surrounding areas of construction.
- TAB G Photographs of the neighbouring construction areas.
- TAB H Copy of the letter from John Grant Haulage Limited to the Ministry of Environment, dated July 13, 2005, stating that John Grant Haulage Limited’s intent to comply with the development of the Best Management Practices Plan (BMPP).
- TAB I Copy of the letter from John Grant Haulage Limited to the Ministry of Environment, dated August 26, 2005, enclosing BMPP and enclosed BMPP setting out the actions that John Grant Haulage Limited would undertake to maintain air quality in the area.
- TAB J Copy of the email from Trudy Thompson, Compliance and Licensing, City of Mississauga, to Ralph Shepley, General Manager, John Grant Haulage Limited, dated April 10, 2006, expressing her satisfaction with the due diligence that John

Grant Haulage Limited had demonstrated.

- TAB K Copy of the email from Ralph Shepley, General Manager, John Grant Haulage Limited, to Ross Spreadbury, Municipal Law Enforcement Officer, City of Mississauga, dated May 13, 2008, following a site inspection on May 13, 2008, setting out the steps that John Grant Haulage Limited would be taking to ensure dust suppression is maintained, in accordance with best management practices.
- TAB L Copy of the email from Ralph Shepley, General Manager, John Grant Haulage Limited, to Ross Spreadbury, Municipal Law Enforcement Officer, City of Mississauga, dated July 29, 2008, following a site inspection and steps that John Grant Haulage Limited would be taking to deal with the fugitive dust.
- TAB M Copy of Will Say and Evidence Synopsis of General Manager of John Grant Haulage Limited, Ralph Shepley.
- TAB N Copy of Will Say and Evidence Synopsis of Director of Maintenance of John Grant Haulage Limited, Horace Ellens.
- TAB O Copy of Will Say and Evidence Synopsis of Senior Environmental Officer at Ministry of Environment, Halton-Peel District Office.
- TAB P Notice pursuant to Section 35 of the *Evidence Act* of Ontario.
- 9:32 a.m.** **Exhibit C:** Google aerial map of the surrounding area and property municipally known as 2111 Lakeshore Road West provided to the Committee by Gerard V. Thompson, Thompson, MacColl & Stacy LLP, Appellant's Representative.
- 9:49 a.m.** **Exhibit D:** Black and white photographs of the property municipally known as 2111 Lakeshore Road West taken on October 3, 2011 and provided to the Committee by Ross Spreadbury, Municipal Law Enforcement Officer.
- 11:15 a.m.** **Exhibit E:** Questionnaire completed by Rachel Krisak, Senior Environmental Officer, Ministry of Environment, provided to the Committee by Gerard V. Thompson, Thompson, MacColl & Stacy LLP, Appellant's Representative, with respect to the Property Standards Order, issued on July 5, 2011, by Ross Spreadbury, Municipal Law Enforcement Officer, against John Grant Haulage Limited with respect to the property municipally known as 2111 Lakeshore Road West.
- 11:47 a.m.** **Exhibit F:** Colour photographs of the property municipally known as 2111 Lakeshore Road West taken on October 3, 2011 and provided to the Committee by Ross Spreadbury, Municipal Law Enforcement Officer.

ADJOURNMENT – 1:08 p.m. (T. Jasinski)



NOTICE OF DECISION
of the
PROPERTY STANDARDS COMMITTEE
established pursuant to subsection 15.1 (3) of the *Building Code Act, S. O 1992, c. 23*

IN THE MATTER OF AN APPEAL
to the City of Mississauga Property Standards Order
against John Grant Haulage Limited, 2111 Lakeshore Road West,
Mississauga, Ontario, L5J 1J9, Ward 2


THAT, further to the hearing on October 5, 2011 of an appeal of the Property Standards Order dated July 5, 2011, to John Grant Haulage Limited being the Registered Owner of the property municipally known as 2111 Lakeshore Road West, Mississauga, Ontario, the subject Order be modified.

AND THAT the Order of the Property Standards Officer dated July 5, 2011 shall be fully complied with in accordance with the City of Mississauga By-law 654-98, and amendments thereto, and to the satisfaction of the City of Mississauga, as follows:

THAT the date of compliance of the Property Standards Order, dated July 5, 2011, be extended to MAY 31, 2012 at 12:00 a.m.

The comments of the Property Standards Committee with respect to the decision are as follows: The Property Standards Committee has considered all of the evidence, including testimonies, reports, and exhibits presented at the Hearing as well as the submissions of the parties. The Committee finds it prudent to extend the date of compliance to May 31, 2012 at 12:00 a.m. in order to reach a permanent solution to this issue.

Dated at the City of Mississauga this 5th of October, 2011.




Tony Jasinski, Vice-Chair/Citizen Member



Steve Nanan, Citizen Member



Merle Zoerb, Citizen Member



Debbie Willchuck, Citizen Member

This Decision may be appealed to the Superior Court of Justice.



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L.V. ...
LVA 20th 10am.

Property Standards Committee
OCT 05 2011

PROPERTY STANDARDS ORDER

Issued Pursuant to section 1992, 15.2(2) & 15.8(1) of the Building Code Act, R.S.O. 1992, c.23

City of Mississauga
Enforcement Division
300 City Centre Drive
Mississauga, ON L5B 3C1
Tel: 905 896-5655
Fax: 905-615-3374

Location: PT LOT 31 CON 3 SDS TORONTO PT 1, 43RR10941, MISSISSAUGA	Officer: ROSS SPREADBURY	Telephone No.: (905) 615-3200 Ext. 5489
Municipal Address: 2111 LAKESHORE ROAD WEST MISSISSAUGA, ON, L5J 1J9	Compliance Date: NOVEMBER 5TH 2011	
Owner: JOHN GRANT HAULAGE LIMITED 2111 LAKESHORE ROAD WEST MISSISSAUGA, ON, L5J 1J9	Issued To: Owner <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Other <input type="checkbox"/> Delivery Type: Registered Mail <input checked="" type="checkbox"/> Personal Service <input type="checkbox"/> Other <input type="checkbox"/> Date JULY 5TH 2011	

RECEIVED
JUL 07 2011

No.	Section of By-law Contravened	Description of Non Conformity, Location, and Required Action
1.	28 (6)	<p><u>NON CONFORMITY AND LOCATION:</u></p> <p>The property at 2111 Lakeshore Road West is a trucking company with interior roadways and parking areas that are not maintained to prevent the accumulation of dust or dirt from spreading to surrounding roads and adjacent properties.</p> <p>There is an accumulation of dust and dirt being tracked onto Lakeshore Road West as well as airborne dust from the property at 2111 Lakeshore Road West. The accumulation of dust and dirt from 2111 Lakeshore Road West onto the surrounding road and the neighbouring properties is in contravention of section 28 (6) of the Property Standards By-law.</p> <p>Section 28 states:</p> <p>28. LAND</p> <p>All exterior property areas, including vacant land, shall be maintained in a clean and reasonable condition so as to prevent fire, accidents, or health hazard, and more particularly;</p> <p>6. All exterior property areas, including vacant land, shall be maintained to prevent accumulations of dust or dirt from spreading to neighbouring properties</p>



PROPERTY STANDARDS ORDER

		<p><u>ACTION REQUIRED:</u></p> <p>Cover all interior roadways, driveways and parking areas on the property with a hard surface to prevent accumulations of dust or dirt from spreading to neighbouring roads and properties.</p> <p>“Hard surface” means asphalt, concrete, or compacted crushed stone or gravel, granular material or aggregate with an asphaltic or cement binder having a minimum over all depth of 15.0 cm. or any other permanent type of surfacing which prevents the raising of dust or loose particles</p>
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YOU ARE HEREBY ORDERED to carry out repairs necessary to correct the defects as set out in this Order. This order shall be complied with and the property brought into a condition of compliance with the prescribed standards or the site cleared of all buildings, structures, debris or refuse and left in a graded or levelled condition in accordance with any permits required by law **on or before NOVEMBER 5TH 2011.**

WHERE it has been determined that the necessary repairs or demolition have not been completed in accordance with this Order as confirmed or modified, in addition to any possible court action the City of Mississauga may cause the property to be repaired or demolished and the costs of such actions may be registered as a lien on the land and shall be deemed to be municipal real property taxes and may be added by the Clerk of the municipality to the assessment roll and collected in the same manner and with the same priorities as municipal real property taxes.

YOU ARE HEREBY ADVISED that if you are not satisfied with the terms or conditions of the order, **you may appeal** this Order to the Property Standards Committee by sending a Notice of Appeal by registered mail to the

Secretary of the Property Standards Committee
 Office of the City Clerk,
 2nd Floor, Civic Centre,
 300 City Centre Drive
 Mississauga, ON L5B 3C1

on or before JULY 25TH 2011, stating your grounds for appeal along with a non-refundable appeal fee of \$368.00 plus \$47.84 HST, equalling **\$415.84** payable to the City of Mississauga. In the event that no appeal is taken within the prescribed time, this Order shall be deemed to be confirmed and shall be final and binding on you, requiring you to comply with the terms within the time and the manner specified in this Order.

To assist you with the appeal process please see the Property Standards Committee Rules of Practice and Procedure available on the City of Mississauga web site <http://www.mississauga.ca/file/COM/propertystandardsrulesjune07.pdf>



PROPERTY STANDARDS ORDER

JULY 5TH 2011

Date Order Issued

A handwritten signature in black ink, appearing to be "R. J. ...".

Property Standards Officer

Please note that this Order does not represent an exhaustive list of possible violations of other applicable statutes and by-laws.

You are responsible for ensuring compliance with the *Ontario Fire Code*, the *Ontario Building Code*, the *Planning Act* and other applicable statutes or regulations such as Zoning By-laws in relation to this property, whether any such requirements have been identified in this Order or not.

Rev. 601

OCT 05 2011



2111 Lakeshore Road West, Mississauga, Ontario L5J 1J9
Telephones: (905) 822-1600 (905) 849-7422 Fax: (905) 822-2142

25-Jul-11

City of Mississauga
Secretary of the Property Standards Committee
Office of the City Clerk
2nd Floor, Civic Centre
300 City Centre Drive
Mississauga, ON
L5B 3C1

To whom it may concern,

This will serve to notify our appeal of the Order issued against the property at 2111 Lakeshore Road West, Mississauga.

The appeal specifically refers to a perceived lack of maintenance of the property's parking lot and driveway.

John Grant Haulage Limited, has been subject to an unusually large amount of construction related debris (dust), both airborne and tracked into our property, from a site just west of us.


A very wet opening to the summer season, followed by a very quick and intense hot spell, and mostly due to heavy construction in the area, has prevented JGH from spending significant dollars to a problem that is generated by our neighbours, and ends up at our location.

Friday, July 22 last, the Company applied over 8,000 litres of dust suppressant, and are currently sourcing alternative materials to improve the air quality over the property. We cannot however agree that airborne fugitive dust from our neighbours, should be totally our responsibility.

We are good corporate neighbours, and wish to remain that way. Please understand that we are committed to maintaining the air shed, and allow us to do that as economically as possible, so that we may survive these tough economic times.

If you have any further questions, please contact the writer directly.

Sincerely,



Ralph Shepley
General Manager

OCT 05 2011



NOTICE OF HEARING

of the

PROPERTY STANDARDS COMMITTEE

established pursuant to subsection 15.1 (3) of the *Building Code Act*, S. O 1992, c. 23

IN THE MATTER OF AN APPEAL

to the City of Mississauga Property Standards Order
against 2111 Lakeshore Road, Mississauga, Ontario

This gives notice that in response to receipt of a Notice of Appeal dated July 25, 2011 with respect to the Property Standards Order dated July 5, 2011, issued against the property municipally known as 2111 Lakeshore Road West, Mississauga, Ontario (Ward 2), a **Hearing by the Mississauga Property Standards Committee has been scheduled for Wednesday, October 5, 2011 at 9:00 a.m. in Committee Room D, 2nd Floor, Civic Centre, 300 City Centre Drive, Mississauga, Ontario, L5B 3C1.**

The subject appeal will be heard in accordance with the provisions of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S. 22. If the appellant and/or Representative authorized under the *Law Society Act* for the appellant is not present or represented at the scheduled Hearing, the Property Standards Committee may proceed in your absence and you will not be entitled to any future notice of the stated Hearing.

Please be advised that under the *Building Code Act*, S.O. 1992, c. 23, the Committee in addition to exercising all powers and functions of a Property Standards Officer may confirm, modify, quash or extend the time for complying with the Order under appeal provided that, in the opinion of the Committee, the general content and purpose of the by-law and of the official plan or policy statement, are maintained.

Issued by the City of Mississauga on August 19, 2011 to the following parties, and sent by Canada Post Registered Mail, to:

Property Owner(s):

John Grant Haulage Limited
2111 Lakeshore Road West
Mississauga, Ontario, L5J 1J9
ATTN.: Ralph Shepley