

September 29, 2004

TO: Ann Boroovah, Chief Building Official and Executive Director, Building
Paula Dill, Commissioner – Urban Development Services
Anna Kinastowski – City Solicitor

FROM: Councillor Michael Walker

RE: 2195 Yonge Street – Minto Construction Activity

Further to my letter of August 19, 2004 I am writing to follow-up on issues that have arisen in the course of the commencement of Minto's construction activities at 2195 Yonge Street. As you may be aware, a number of area residents are extremely concerned with regards to the physical disruption caused by this activity.

Residents throughout the Yonge-Eglinton neighbourhood have been complaining of significant vibrations caused by the pile-driving of metal caissons to allow for the excavation of the site. I have been informed that this phase of the process will last at least 4 months. While Minto, their consultants and their representatives have been forthcoming in the provision of information regarding the vibrations and their impact I do remain concerned about the City's legal liability with regards to this construction process and the impacts on neighbouring properties and quality of life in the area.

I have received numerous phone calls with regards to the vibrations. I have received threats and heard rumour of a class-action lawsuit against the City of Toronto for loss of quality of life and reasonable enjoyment of their property. As someone who lives in the immediate area and who has also experienced the vibrations, I tend to agree with their response to the disruption and immediately thought of seeking a stop-work order.

I would also like further information about the following:

- 1) "Shock-crete".
 - a) I have been informed that a different approach to the construction of footings is utilized in British Columbia. I would like more information regarding this construction method and whether it is feasible to use for major projects in Toronto such as Minto's
 - b) The feasibility of Minto employing new methodology to reduce vibrations
- 2) Building Permit Process
 - a) What legal obligations does the City have with regards to building permit issuance?
 - b) Was Minto required to describe their construction methods to City Staff in order to acquire their building permit?
 - c) Did Buildings staff understand that the method to be used would create vibrations and if so, did staff understand/anticipate the frequency and magnitude of the vibrations

- d) Did the City undertake due diligence to understand the possible impacts of this construction and if not, why?
 - e) Does the City rely solely on information provided by the applicant and their consultants or does the City employ engineers to review applications?
- 3) Vibrations
- a) What regulations exist under the Ontario Building Code with regards to vibrations and/or ground-shaking caused by construction?
 - b) What, if any, role does the City play in monitoring and limiting vibrations caused by construction?
 - c) In what case, or in other words, how much damage and disruption would have to occur before City officials could justify issuing a stop-work order for the Minto project?
 - d) Are province-wide regulations adequate to protect Toronto's aging infrastructure and its homes, many of which were built over 80 years ago and are constructed of plaster, lathe and very old mortar?
 - e) Does the City have the legislative authority to regulate vibrations through By-law and if so, would City Staff consider bringing forward such a By-law.
- 4) Resolution of complaints
- a) Many residents have complained that Minto's work is affecting their homes, both structurally and cosmetically. Is the only recourse for residents through their private insurance companies, lawyers and if necessary, expensive court processes?
 - b) Is there any way or any precedent for the City of Toronto to intervene, with its expertise in engineering to assist residents in addressing problems that may be caused to their homes. Claims to insurance companies eventually result in higher premiums and that would be a terrible side-effect of Minto's construction practices.

I appreciate that I have raised complex questions that may be difficult for each of you to answer alone. I would however, very much appreciate a timely response to the concerns raised above as the construction on the Minto site is continually generating a high volume of complaints to which there has not been a satisfactory City response.

In conclusion, in my opinion the invasiveness of the vibrations into the surrounding buildings and homes requires us at the City to push our legal envelope to reign in the current construction activity on the Minto site.

Yours sincerely,

Michael Walker
Councillor – Ward 22
CC Interested Parties