

August 19, 2004

**TO: Commissioner Paula Dill, Urban Development Services
Anna Kinastowski, City Solicitor**

**CC: Ann Borooh, Executive Director, Building
Jim Laughlin, Director, Building, South District
Pam Coburn, Executive Director, Municipal Licensing & Standards**

FROM: Councillor Michael Walker

**RE: 2195 Yonge Street – Construction of Minto Towers
- *Issues of Health & Safety and Potential Long-Term Damage to Property and City Infrastructure***

Dear Commissioner and Madam Solicitor,

Further to my August 19, 2004 meeting with Mr. Mike Krane, Senior Inspector, Building – South District, and Mr. Tom Cheung, Building Inspector, South District, I am requesting a meeting with both of you as well as Ms. Ann Borooh, Mr. Jim Laughlin, and Ms. Pam Coburn as soon as possible to discuss urgent issues regarding the health and safety of area residents and potential long-term structural damage to private and public property in the vicinity, resulting from the construction of Minto Towers.

This first stage of construction commenced August 3, 2004 and consists of, among other construction aspects, immense vibrations created by machinery to insert 42” steel liners for caisson posts 22 metres down into the soil of this two acre site. The vibration that is created by the mechanical tamping of these liners is constant from early morning into the evening, 7 days a week, and is severely disturbing to many residents and businesses in the area; the vibrations are visible in the shaking windows of the adjacent office buildings and are tangible when you walk down the streets of the area.

It has been acknowledged by City inspectors and the developer that the soil conditions and the existence of two underground aquifers under this site could be amplifying the vibrations to increase both their intensity and distance traveled. My office has received calls from residents as far south as Belsize Drive and Tullis Drive (up to approximately 0.5 km from site) regarding personal belongings falling off shelves, wall-hung pictures falling, restaurant cutlery falling off tables, cracks in the walls of 18 year old condominiums, and possible cracks in the foundation of 70 year old houses.

Yesterday evening, August 18, 2004, one of many small meetings between the developer, Minto, and area residents took place at the condominium at 30 Holly Street. During this meeting, it was noticeable that a table in the meeting room was vibrating along with the note pads on the table. The developer referred to the everyday, all-day vibrations as “inconvenience” to area residents. Residents who are young or old, with children or not, with disabilities or not, do not consider these constant vibrations to be “inconveniences”. The area residents’ right to reasonable enjoyment of their property and their

safety seems to be greatly infringed upon. A resident should not be expected to drastically change the display and storage of their belongings for 4 months due to a building's construction in the area.

There are potential health and safety issues produced by this construction over and above any other issues from preceding developments due to the soil conditions, aquifers, scope and time of this project.

Presently, it appears the City does not have any legal mechanism to protect the affected residents from the issues raised above. Our Noise Bylaw is not applicable to vibration. The consulted engineering standards for acceptable thresholds of construction vibration are not triggered because upon measurement, the vibrations are within acceptable standards. I am concerned with the consequences of vibrations sustained by foundations of large and small buildings in the area over a period of 4 months. The engineering thresholds for vibrations do not seem to acknowledge the consequences of compounded vibration over substantial lengths of time.

Apparently, Mr. Krane and Mr. Cheung have contacted the Province to request aid and guidance regarding the powers of the City or Province to mitigate such byproducts of construction, but the response was that the Province will not get involved. This response from the Province is unacceptable.

If this construction process by Minto results in long-term structural damage to office and/or residential buildings in the area and the City's response to complaints is that we can't do anything, will, I believe, result in the City being equally if not more liable with Minto. The response to date, in my opinion, by the City is just not acceptable. The City can do something to stop these construction practices by Minto and it has to do it now.

That is why I am requesting this meeting with you as soon as possible.

Yours sincerely,

Michael Walker
Councillor - Ward 22

CJS