

NOTICE OF MOTION**2195 Yonge Street – Minto Construction Activity****Moved by: Councillor Walker****Seconded by: Councillor Stintz**

“**WHEREAS** Minto Midtown Inc. has commenced construction of a major high rise residential building at 2195 Yonge Street; and

WHEREAS the initial stage of construction involves the excavation of the site; and

WHEREAS the construction methods employed by Minto involve the insertion of a series of large diameter temporary steel liners to create a concrete caissons wall system around the entire perimeter of the site before excavation to control water infiltration during excavation and afterwards; and

WHEREAS the steel liners are being inserted to a depth in excess of eighty feet utilizing drilling and an ICE model 4450 vibratory hammer for several months; and

WHEREAS the use of the vibratory hammer has caused vibrations to travel through the ground into the adjacent neighbourhood; and

WHEREAS such vibrations have adversely impacted upon persons in the use and enjoyment of their homes and businesses; and

WHEREAS the construction activity commenced in August of this year and it is anticipated that the activity causing the vibrations will continue for several more weeks; and

WHEREAS the complaints and concerns of residents and businesses in the vicinity of 2195 Yonge Street about the adverse impact of the vibrations emanating from the Minto construction activity are well-founded; and

WHEREAS the affected residents and businesses are requesting that the City, on an urgent basis, take necessary action to cause Minto to mitigate the adverse impacts of its construction activity.

NOW THEREFORE BE IT RESOLVED THAT:

Council requests the Commissioner of Urban Development Services and the City Solicitor to investigate the impacts of vibrations emanating from the Minto construction activities at 2195 Yonge Street and provide a report to the Planning and Transportation Committee at its next meeting, such report to address the following matters:

- a) The availability of alternate construction methods that may mitigate or eliminate the adverse impacts of the vibrations from the presently utilized construction methods;
- b) The building permit process followed with respect to 2195 Yonge Street, and the

- adequacy of the information about possible adverse impacts related to the construction methods proposed by Minto in its application;
- c) A description of the applicable regulations under the *Building Code Act, 1992*, S.O. 1992, c. 23, with respect to vibrations or ground-shaking caused by construction;
 - d) A description of the role of the City in monitoring and limiting vibrations caused by construction;
 - e) An explanation of when a stop-work order would be utilized on account of adverse impacts caused by construction vibrations;
 - f) Comments on the adequacy of existing Provincial laws to address the problem of adverse impacts caused by construction vibrations;
 - g) Comments on the legislative authority of the City to enact a by-law to regulate adverse impacts; and
 - h) The legal exposure, if any, of the City with respect to the construction activities carried on by Minto pursuant to a building permit issued by the City; and
 - i) What role can the City play to assist residents and businesses that are adversely affected by the construction vibrations caused by Minto.

AND BE IT FURTHER RESOLVED THAT the necessary provisions of Chapter 27 of the City of Toronto Municipal Code be waived to permit introduction and debate of this Notice of Motion at the meeting of Council to be held on October 26, 2004.”

October 26, 2004

Attachment

According to Chapter 27 of the Municipal Code, the foregoing Notice of Motion:

Notice was previously given	
Meets Municipal Code provisions and only requires a simple majority to introduce and debate	
Requires two-thirds to waive notice	
Requires two-thirds to re-open	
Fiscal Impact Statement provided	
Should have Fiscal Impact Statement prior to debate	
Requires two-thirds to waive requirement if Council wishes to debate	
Should be referred to the Toronto East York Community Council	
Requires two-thirds to waive referral if Council wishes to debate	
Recommendations are time sensitive	