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November 14, 2022

Our File No.: 200308

Via Email (cglass@hullmark.ca)

HM RK (450 Dufferin) Ltd.
474 Wellington Street West, Suite 200
Toronto, ON M5V 1E3

Attention: Christina Glass

Dear Sirs/Mesdames:

Re: Update to Compatibility and Mitigation Study - 450 Dufferin Street (the “Lands”)

You have requested an update to our Compatibility and Mitigation Analysis prepared on November 7, 2020, and our response to the Peer Review by Arcadis, dated May 6, 2022.

Update to November 7, 2020 Analysis

As set out in our memo of November 7, 2020, our analysis and update are based on the Ministry of the Environment, Conservation and Parks’ (the “MECP”) “D-6 Compatibility between Industrial Facilities” guideline (the “D-6 Guidelines”). We reviewed various public databases maintained by the MECP to identify Environmental Compliance Approvals (each an “ECA”), Certificates of Approval (each a “CoA”), Environmental Activity Sector Registrations (each an “EASR”), proposals for the same, and Hazardous Waste Registrations (each a “Registration”) that had the potential to create noise/odour emissions or exposure to other contaminants.

In particular, we reviewed the above-mentioned approvals at properties that could potentially fall under the “Areas of Influence” for Class I, Class II, and Class III facilities, as those terms are defined in the D-6 Guidelines.

As noted in our memo of November 7, 2020, there are no “major facilities” within an area of influence that would include the Lands. The instruments that we reviewed largely identified facilities that either no longer operate, generate minimum impacts, or were outside the minimum setback distances prescribed in the D-6 Guidelines.

We reviewed the public databases again, and there were no changes which would alter our November 7, 2020 conclusions.

Response to Arcadis Peer Review**ECAs and EASRs**

The City retained Arcadis to conduct a peer review. As you know, we reviewed the Arcadis' comments and prepared a response dated May 6, 2022. The peer review identified five (5) sites which have an ECA or an EASR and indicated that more study of these sites was warranted: Lakeside Services Corp., Silver Lynx Developments Inc., Blue Box Recycling Inc., Models Unlimited Corp. and Burkhardt & Co. Ltd. In our May 2022 response, we noted that none of these sites were within the minimum distances set out in the D-6 Guidelines. We advised that the uses which required the ECA or EASR at Models Unlimited Corp. and Burkhardt & Co. Ltd. were no longer operating. The ECA associated with Silver Linx Developments Inc. was for sewage works relating to municipal sewer replacements. As such, it is not a facility covered by the D6 Guidelines.

Further consideration has been given to the operations at Lakeside Services Corp. and Blue Box Recycling Inc. An air quality assessment prepared on behalf of the applicant has concluded that air emissions from these facilities are not expected to be significant.

Proximity to GO Rail Operations

In addition to identifying the above noted ECAs and EASRs for consideration, Arcadis recommended that a "closer evaluation of the GO Rail operations" be undertaken. The applicant has submitted three assessments which fully address Arcadis' comment. A Noise Feasibility Study has been prepared by the applicant's consultant which recommends the implementation of typical mitigation measures to achieve applicable standards. The air quality assessment cited above concludes that based on the separation distance between the rail corridor and the Lands, air quality impacts are not expected to be significant. Further, a consultant retained by the applicant has prepared an assessment of the proposal which reviews the proposed development against the most recent industry guidelines for new development in proximity to rail infrastructure. The assessment concludes that the proposed development meets the necessary criteria.

If you have any questions or comments regarding this update, please do not hesitate to contact us.

Yours truly,

Goodmans LLP



Catherine A. Lyons
CAL/MLH
7319760.2

TO: Charles Arbez, Development Manager

November 24, 2020

FROM: Catherine A. Lyons and Matthew C.M.
Lakatos-Hayward**FILE NO:** 200308**SUBJECT:** Methodology for Compatibility/Mitigation Study - 450 Dufferin Street

I. PURPOSE AND LIMITATIONS

HM RK (450 Dufferin) Ltd. (the “**Applicant**”) proposes to submit applications to redevelop the lands located at 450 Dufferin Street (the “**Site**”). In support of those applications, an analysis of land use compatibility is being undertaken. In order to consider potential impacts from other employment uses in the vicinity of the lands, the following must be identified: “any existing approval or other authorization from the [Ministry of the Environment, Conservation and Parks (MECP)], such as an Environmental Compliance Approval or a registration in the Environmental Activity and Sector Registry, for major facilities whose influence areas include any portion of the applicant’s property.”

This memorandum sets out the methodology that we employed to identify the above-mentioned instruments.

II. SUMMARY OF METHODOLOGY AND CONCLUSIONS

Using the MECP’s Guideline “D-6 Compatibility between Industrial Facilities” (the “**D-6 Guidelines**”) as a guide, we reviewed the following publicly accessible databases maintained by the MECP to identify Environmental Compliance Approvals (“**ECA**”), Certificates of Approval (“**CoAs**”), Environmental Activity Sector Registrations (“**EASRs**”), proposals for the same, and Hazardous Waste Registrations (“**HWINs**”) that had the potential to create noise/odour emissions:

- Access Environment;
- the Environmental Registry of Ontario; and
- the Hazardous Waste Information Network.

(collectively, the “**Databases**”)

In particular, we reviewed the above-mentioned approvals at properties that could potentially fall under the “Areas of Influence” for Class I, Class II, and Class III facilities, as those terms are defined in the D-6 Guidelines.

We screened out various approvals that the D-6 Guidelines do not take into consideration, including ECAs for combined sewer works, Permits to Take Water, and ECAs/CoAs for non-

industrial/employment properties, such as an ECA for a spray painting project at a residential condominium property. In addition, we did not include approvals for generally routine activities that would not likely generate noise or odour emissions, such as approvals for boiler systems and emergency generators.

The results of our findings are set out at Schedule A and Schedule B. Based on a review of the approvals reported in these Databases, there are no “major facilities” within an area of influence that would include the Site.

III. OVERVIEW AND DISCUSSION OF D-6 GUIDELINES

A. D-6 Guidelines

Proponents and regulatory authorities alike use the D-6 Guidelines throughout the land use planning process as a means to prevent or minimize the encroachment of sensitive land uses and industrial land uses on one another.¹

The D-6 Guidelines divide industrial facilities into the three categories of Class I, Class II, and Class III facilities based on the facility’s potential area of influence:

Generally speaking, Class I and Class II facilities represent a smaller scale of operations than Class III facilities. This classification is discussed in more detail below. The D-6 Guidelines assume the following “Areas of Influence” for each facility, but note that the actual area of influence may be smaller based on the facility and the mitigation measures employed therein:

- **Class I:** 70 metres;
- **Class II:** 300 metres; and
- **Class III:** 1000 metres.

The MECP prescribes the following recommended minimum separation distances; however, the D-6 Guidelines note that the actual required separation distance may be smaller:

- **Class I:** 20 metres minimum separation distance;
- **Class II:** 70 metres minimum separation distance; and
- **Class III:** 300 metres minimum separation distance.

¹ Ministry of the Environment, Conservation and Parks, Guidelines “D-6 Compatibility between Industrial Facilities” (July 1995) [D-6 Guidelines].

The D-6 Guidelines generally apply to activities on industrial lands that have the potential to produce air emissions, such as noise, vibration, odours, dust, and contaminants. Activities involving discharges to soil, groundwater, or municipal sewer infrastructure are specifically excluded.² Furthermore, activities at non-industrial/employment properties have also been excluded. Finally, other regulated matters that do not have the potential to cause land use compatibility issues, including approvals for boiler systems and emergency generators, have also been screened out of our assessment.

B. Review of Approvals

Ontario's *Environmental Protection Act* requires persons to apply for approvals to emit "contaminants"³ into the air or to operate certain waste management systems. In most cases, a person would now be required to obtain an EASR for routine types of air emissions.⁴ However, facilities require an ECA/CoA if the operator applied for an approval before 2017 or for major emissions.⁵ Furthermore, generators of hazardous wastes are required to register as a generator on the Hazardous Waste Information Network (HWIN).⁶ These types of activities all raise land use compatibility factors to be considered under the D-6 Guidelines and as set out below, provide a convenient means to identify industrial facilities. Accordingly, we reviewed ECAs/CoAs, EASRs and HWINs.

The MECP maintains various the Databases to publish information about environmental approvals. The Databases include the following:

- Access Environment, which provides information about ECAs/CoAs and EASRs, and which shows other approvals in the nearby vicinity;
- HWIN, which allows persons to search for HWINs by generator; and
- the Environmental Registry of Ontario, which allows persons to view ECAs/CoAs and EASRs that are proposed for a facility, but which are not yet in force.

We have reviewed these databases to identify regulated activities at facilities in the vicinity of the lands.

² D-6 Guidelines, section 1.2.2.

³ The definition of "contaminant" in the *Environmental Protection Act*, RSO 1990, c. E19 s 1(1) [EPA] is broadly defined to include any "solid, liquid, gas, odour, heat, sound, vibration, radiation, or combination" resulting from human activity that may cause an adverse effect

⁴ EPA, s 20.21(1); *O. Reg 1/17: Registrations Under Part II.2 of the Act – Activities Requiring Assessment of Air Emissions*.

⁵ EPA, s 20.2(1); *O. Reg 419/05: Air Pollution – Local Air Quality*.

⁶ *Regulation 347: Waste Management – General*, s 18(1).

C. Classification of Facilities

Although the D-6 Guidelines set out possible examples of Class I, Class II, and Class III facilities, these examples are intended to be flexible. The primary means of classifying a facility is through various factors set out in the D-6 Guidelines and its appendices. These factors are intended to be considered holistically and on a case-by-case basis and are as follows:⁷

- **Output Frequency and Type:** As set out below, the D-6 Guidelines are primarily concerned with air, noise, dust, and odour emissions and vibration. A facility will be more likely deemed to be a Class II or III facility if it emits multiple types of emissions on a frequent and intense basis;
- **Self-Containment:** A facility will be more likely deemed a Class I facility if its operations are completely self-contained without a probability for fugitive emissions;
- **Scale of Operations:** smaller-scale facilities, such as electronics and furniture repair, auto parts supply, and bottling services are more likely to be deemed Class I facilities. Class II facilities generally feature a medium level of production that include printing services, paint spray booths, waste transfer stations, feed packing, and dry cleaning services. Class III facilities feature large production levels and include the manufacture of metals, resins and coating, soaps and detergent, solvent recovery, chemicals, and automobiles.
- **Frequency of Operations:** Facilities that operate only during working hours and with an infrequent movement of products or heavy products are more likely to be deemed to be a Class I facility than a Class II or Class III facility.

D. Major Facilities

The City's policies refer to "major facilities;" however, the D-6 Guidelines does not classify facilities as "minor" or "major" facilities. This determination would appear to be on a case-by-case basis. However, the D-6 Guidelines offers some guidance on how to identify major facilities. Generally, Class III facilities, and some larger-scale Class II facilities with the potential for intense emissions, are characterized by the significant potential for adverse environmental impacts. These facilities operate for significant periods of a day and emit large, frequent, and sustained emissions from the property. Furthermore, these facilities feature limited self-containment and may have several points of impingement originating from outside sources. As a result, it is likely that Class III facilities and some Class II facilities would be deemed to be "major" facilities.

Based on the above characteristics, most Class I and Class II facilities are defined by their relatively minor environmental impacts. These facilities produce infrequent or small amounts of emissions, operate only during the daytime or in shifts, feature the occasional movement of goods or equipment, and are mostly self-contained indoors with potentially additional mitigation

⁷ D-6 Guidelines, Appendix A.

measures as needed. Accordingly, most Class I and Class II facilities should not be considered to be “major” facilities.

Based on our review of the Databases, there are no Class III or “major” facilities within an area of influence that includes the Site.

SCHEDULE A ENVIRONMENTAL APPROVALS**Class I Area of Influence**

390-444 Dufferin St. (390 Dufferin St. GP Inc.) (67m from Site) – [CoA for industrial stormwater sewer works](#) (No odour or air emissions - although likely not relevant, we included it due to the facility's proximity to the Site). *Property to be redeveloped from existing use.*

444 Dufferin St. E (Models Unlimited Corporation) (67m from Site) – [CoA for air emissions](#) relating to paint spraying and laser cutting (although odour and air emission controls are not specifically listed, the facility is required to prepare and maintain an odours and emissions control program). *Property to be redeveloped from existing use.*

Class II Area of Influence

50 Alma Ave. (Blue Box Recycling Inc.) (110 m from Site) – [Provisional CoA for waste management system](#) (various wastes appear to be transported to and from the facility, possibly creating odours. However, no odour control program is required under the CoA, possibly because it relates to recyclables).

50 Alma Ave. (New Choice Excavating Ltd.) (110 m from Site) - [Amended ECA for waste management system](#) (various wastes appear to be transported from the facility, possibly creating odours. However, no odour control program is required under the ECA, possibly because it relates to excess soils);

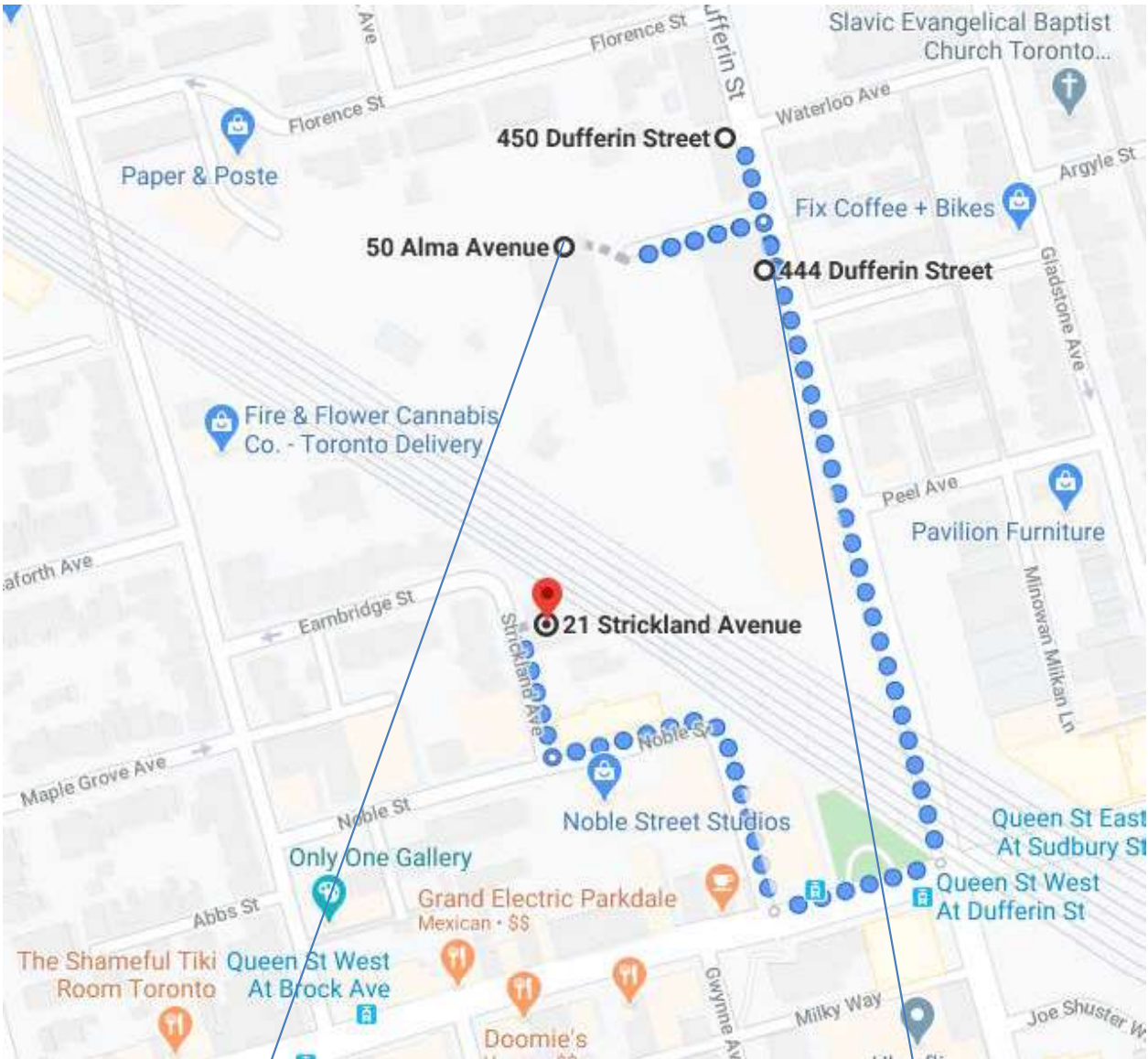
Class III Area of Influence⁸

21 Strickland Ave. (Burkhardt & Co. Ltd.) (700m from Site) – [CoA for Air Emissions](#) (this relates to exhaust systems for a jewelry operation, including waste emissions from a trichloroethylene degreaser. However, the CoA does not list any specific noise/odour control provisions). *Google Streetview tells us this site houses "Breakaway" which is an addiction services agency. <https://www.breakawayaddictions.ca/>*

277 Gladstone Ave. (Cadbury Adams Canada Inc.) (750m from Site) – [Amended CoA for Air Emissions](#) (this relates to dust collectors, scrubbers, exhaust systems and fans that may generate noise and potential odours. There is a requirement to maintain a noise control measures program and is required to carry out post-abatement acoustic audit measurements on the actual noise emissions due to the operation of the facility. However, it is likely that this facility would not be deemed to be a Class III facility, meaning that the Area of Influence is likely less than 1000m. This facility is also surrounded by nearby low-rise residential dwelling units). *This site is attached to the Gladstone Hotel and beside/across the road from houses.*

⁸ It is not clear whether either facility would be classified as a Class III facility. However, both sites are located beyond the 300m minimum separation distance that is recommended for Class III facilities under the D-6 Guidelines.

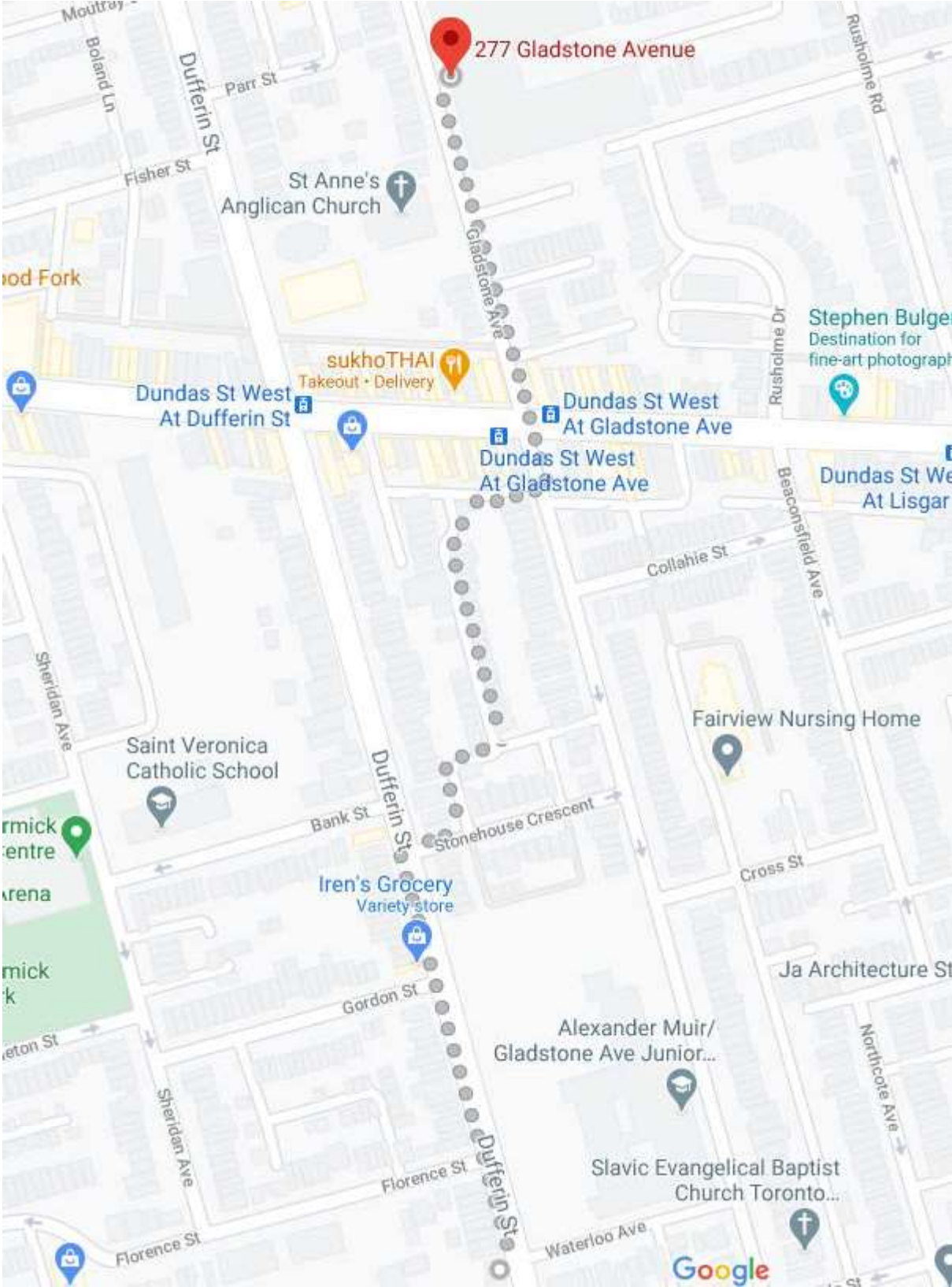
SCHEDULE B ENVIRONMENTAL APPROVAL MAPS



7106500

2 Approvals at this Site

2 Approvals at this Site – 390 Dufferin St. and 444 Dufferin St.



TO: Josh Neubauer May 6, 2022

CC: Charles Arbez

FROM: Catherine Lyons **FILE NO:** 200308

SUBJECT: 450 Dufferin Street
Arcadis Peer Review (the “Peer Review”)

We have read the Peer Review comments prepared on behalf of the City with respect to the proposed conversion of 450 Dufferin.

As you know, we prepared a memorandum dated November 7, 2020 which set out the methodology for determining which MECP instruments should be considered in order to fully to respond to the following requirement of the City:

In order to consider potential impacts from other employment uses in the vicinity of the lands, the following must be identified: “any existing approval or other authorization from the [Ministry of the Environment, Conservation and Parks (MECP)], such as an Environmental Compliance Approval or a registration in the Environmental Activity and Sector Registry, for major facilities whose influence areas include any portion of the applicant’s property.”

This memorandum was included in the applicant’s submissions to the City.

The Peer Review identifies five (5) sites which have Environmental Compliance Approvals (“ECA”) or Environmental Activity and Sector Registrations (“EASR”) which warrant more study: Lakeside Services Corp., Silver Lynx Developments Inc., Blue Box Recycling Inc., Models Unlimited Corp. and Burkhardt & Co. Ltd.

A brief description of the instruments is set out below. These sites either no longer operate or generate minimum impacts and none are within the minimum setback distances set out on the D-6 Guidelines. Nonetheless, the applicant’s consultants are most certainly prepared to work with the City to update their reports to demonstrate the analysis.

Lakeside Services Corp: This facility appears to be a junk removal company located at 50 Alma Street. According to the [EASR](#), the company is authorized to operate a waste management system for leaf/yard, commercial, and non-hazardous solid industrial wastes. As with the other operations at 50 Alma, the EASR notes that operations at the site are to be limited to truck storage. As such, it would not consider this facility to be a Class I facility. We note that the EASR was obtained in February 2021, several months after the conversion request was submitted in 2020. The consultant’s report can be updated to include this.

Silver Lynx Developments Inc.: Silver Lynx Developments Inc. relates to a townhouse development project by Great Gulf completed in 2018 known as [Lighthouse Brockton](#). The [ECA](#) associated with this property is for sewage works relating to municipal sewer replacements. This ECA does not note any odour control or other mechanisms and is associated with servicing a residential use. Accordingly, this facility would not be a Class I, II, or III facility.

Blue Box Recycling: This company has an [ECA](#) associated with 50 Alma Ave.; however, no facility appears to be delineated on Google Maps. The ECA was obtained in 2002, suggesting that it may be a historic operation. As such, it is not clear whether the company even operates out of this site anymore. Even if the company continues to operate at the site, Blue Box only uses (or used) the site for truck storage purposes. The ECA prohibits Blue Box from storing or transporting waste to 50 Alma.

Models Unlimited Corp: This Company was noted as a Class I facility located at 444E Dufferin St. The [ECA](#) was for air emissions associated with a laser cutting machine and paint spraying booths. *However, this building appears to have been demolished and replaced with the larger residential towers currently under construction.*

Burkhardt & Co. Ltd.: Burkhardt appears to be a jeweler manufacturer. The [ECA](#) issued in 2007 was for air emissions associated with dust and a TCE degreaser. *The property today is occupied by an addiction services agency.*

In addition Arcadis recommends that a “closer evaluation of the GO Rail operations” be undertaken. The applicant’s consultant had noted that other sensitive uses are closer to the rail operation than 450 Dufferin. The consultants are prepared to undertake further evaluation at the time of a rezoning or earlier is that would assist the City.