February 17, 2022

# A2: ADDENDUM REPORT

## RE: ORDER TO DEMOLISH/RESTORE # 2021.001:

17221 Airport Road, Town of Caledon, Region of Peel

## SUMMARY

### PURPOSE:

The purpose of this addendum report is to bring back to the Commission a Restoration Order that was deferred at the November 2021 Commission meeting. The Order relates to the property at 17221 Airport Road in the Town of Caledon. At the November meeting, the Commission deferred a decision on the Order to provide the landowner (REDACTED) and his son an opportunity to submit a Development Permit application (DPA) to recognize the placement of fill and further plans for the property. The Order was to return to the Commission in January 2022 if such an application was not received. The January meeting was cancelled, so the Order is now before the Commission again; the landowner and his son have not submitted a DPA.

### UPDATE AS OF February 4, 2022:

Since November, there has been additional contact with the landowner’s family. The landowner himself is reportedly in a poor state of health and unable to act on his own behalf. A site inspection was held at 17221 Airport Road, with consent from REDACTED (“landowner’s son”) on November 26 2021, shortly after November’s Commission meeting. The purpose of this inspection was to observe the full extent of unauthorized development and discuss a plan for the fill material. The landowner’s son estimated that around 170 loads of fill material were imported over the course of two years, from two different companies. He provided a soil report that was ostensibly from the source site of 100 loads of fill that were imported in 2020; the report mentions that the fill material is free from contaminants, however there is no mention of 17221 Airport Road as the receiving site. The remaining 70 loads of fill material was brought in 2021 by Gorilla Bins, a local company that rents out disposal bins and offers junk disposal services.

During the site inspection, we walked throughout the areas of unauthorized development and several photos were taken. In addition to photos, a diagram was created in consultation with the landowner’s son to map out his plans for the fill material. This diagram can be found below.



The area in red has already been graded flat with new fill material. The purpose of dumping fill in this area was to extend the usable for the existing commercial use; space was limited due to the topography of this area. The landowner’s son would like to use a portion of this area for trucks to load and offload their trailers without obstructing customers since this was originally done at the front of the retail building. Another portion of this red area is to be used as a foundation for two greenhouses that existed previously; they were damaged by snow as they were located at the bottom of a steep slope.

The second area of fill placement in front of the retail building was done for the purpose of extending the usable space in this area as well. The landowner’s son would like to extend the usable parking space and create a driveway that loops around the parking area ensuring a smooth flow of traffic on the property. As part of this loop the landowner’s son mentioned a potential second access. A few parking spaces existing directly in front of the retail building, but it is preferred that cars no longer park here.

Discussions took place with NEC staff regarding these proposals. NEC staff are unable to provide a full evaluation of a proposal in the absence of a complete DPA. The landowner’s son was informed that an application should be submitted for all proposed development, but that the second access off Airport Road was unlikely to be supported by the Region of Peel. Any restoration measures required to bring the property into compliance with the NEP can be implemented as part of the DP process, provided that the proposed development is determined to be a permitted use.

Instructions were provided to the landowner’s son in the form of an email guiding him on next steps towards voluntary compliance, these instructions were sent on December 9, 2021. The instructions required him to submit a properly completed development permit application by January 13, 2022: a total of five weeks. Furthermore, he was asked to submit a grading plan prepared by a qualified professional by February 14, 2022. No application has been submitted to date.

NEC compliance received correspondence from the landowner’s son on January 27, 2022, stating that he has now retained a professional to assist with the preparation of detailed site plans. The landowner’s son cited personal issues as the reason for the failure to submit an application by the second week of January, as originally requested by NEC staff.

On January 31, 2022 an email was sent to both the landowner’s son and his retained professional containing all details necessary for the preparation of an application. They were notified that the January Commission meeting was postponed until February. The landowner’s son was informed that an application must be submitted by February 14, 2022 for the proposed Restoration Order to be withdrawn.

### SUMMARY:

The proposed Restoration Order was originally before the Commission in November 2021. The Commission deferred the Order to the January meeting in order to provide sufficient time to submit a DPA. No DPA was submitted by the requested date of January 13, 2022. The January meeting was postponed, and the landowner’s son was given until February 14, 2022 to submit a DPA. No DPA has been received, so staff recommends that the Commission proceed with the Restoration Order.

### RECOMMENDATION:

That the Commission approve the attached Restoration Order, with the dates amended as follows:

1. No later than **April 18th, 2022**, prepare and submit a proposed restoration plan, that includes a grading and drainage plan, for the approval of the Niagara Escarpment Commission (NEC) Director. The plan must be prepared by a qualified professional working in the field who is acceptable to the NEC Director and must address the following:
2. Identification of an appropriate site for disposal of the unauthorized fill material (“disposal site”). At no time shall the fill material be deposited in any location regulated by any agency or regulatory body without prior written approval from the relevant governing body and the NEC Director.
3. The safe removal of the unauthorized fill material from the subject property to the disposal site.

b) Restoration of the area of fill placement on the subject property to the condition it was in prior to the unauthorized filling, including through implementation of a site grading plan and revegetation plan.

c) The use of a qualified professional(s) who will undertake and/or supervise the restoration in a manner that will minimize risks to the environment and to public safety.

2) Fully implement the restoration plan no later than **September 30th, 2022.**

1. No later **October 28, 2022** the qualified professional is to provide to the NEC Director written or email confirmation, including photographs, confirming that all of the unauthorized fill material has been removed from the subject property and that the areas impacted by the unauthorized development have been stabilized in accordance with the restoration plan. The restoration plan shall not be considered fully implemented until such time as the NEC Director has confirmed that the restoration plan has been implemented to her satisfaction.

## Prepared by:

Original signed by:

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Kevin Toste

Provincial Offences Officer #004

(A) Compliance Program Supervisor

## Approved by:

Original signed by:

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Kim Peters, MCIP, RPP

Manager