

Subject:

FW: Public Meeting Tomorrow, Tuesday February 6, 2018 / File: Z.17.008 / OBJECTION to 84 Drumlin Circle Zoning to Amend By-law 1-88!

Attachments:

Some Email from Officer Singh.docx; ATT00001.htm; Article 3 - 84 Drumlin Circle Expired Toronto Real Estate Board Listing.pdf; ATT00002.htm; Article 2 - 84 Drumlin Circle MAP Aerial Pictures.pdf; ATT00003.htm; Article 4 - 84 Drumlin EM1 notice in orange.pdf; ATT00004.htm; 84 Drumlin Circle Case Response to Adjourned Motion of Oct.14th, 2016.pdf; ATT00005.htm

PUBLIC HEARING C7
COMMUNICATION

Date: Feb 6/18 ITEM NO. 1

From: luna Barone [REDACTED]

Sent: Monday, February 05, 2018 9:33 AM

To: Racco, Sandra <Sandra.Racco@vaughan.ca>; Bevilacqua, Maurizio <Maurizio.Bevilacqua@vaughan.ca>; Ferri, Mario <Mario.Ferri@vaughan.ca>; Rosati, Gino <Gino.Rosati@vaughan.ca>; Carella, Tony <Tony.Carella@vaughan.ca>; DeFrancesca, Rosanna <Rosanna.DeFrancesca@vaughan.ca>; Singh, Sunder <Sunder.Singh@vaughan.ca>; lafrate, Marilyn <Marilyn.lafrate@vaughan.ca>; Shefman, Alan <Alan.Shefman@vaughan.ca>

Subject: Public Meeting Tomorrow, Tuesday February 6, 2018 / File: Z.17.008 / OBJECTION to 84 Drumlin Circle Zoning to Amend By-law 1-88!

Importance: High

File: Z.17.008 / OBJECTION to 84 Drumlin Circle Zoning to Amend By-law 1-88!

Hello Honourable Mayor Maurizio Belvilacqua and all Council Members,

Hopefully you will remember that I brought this issue to light back in 2014/2015 and it is finally going to be dealt with tomorrow!

I know Mondays are usually crazy but hopefully there will be time for each of you to go through this email along with the attachments to get a better understanding of the issue as the way the clerks has typed the cause of the amendment to the EM-1 zoning is **absolutely misleading**.

Tal Metals Recycling obviously figured they will run this "Salvage Yard" in our EM-1 Prestigious Industrial Zoned area until someone had the courage to call the City By-Law! They ARE CAUGHT sometime in 2013! In all that time Tal Metals Recycling did not do anything to even comply a little! Instead they CONTINUED their business! All the while Tal Metals Recycling went to court more than 7 times and still CONTINUED! Finally, on April 6, 2017 Tal Metals Recycling clearly stated "GUILTY" before the judge in court! Tal Metals Recycling was forced to pay a low charge of \$1,000 for violating the zoning.

One would think Tal Metals Recycling would have brought their business "wholly" inside while they CONTINUED their business. By-law officer, Harinder Singh went to do a check on the place and Tal Metals Recycling was still violating the by-laws. Officer Harinder Singh laid charges again! As of June 2017 Tal Metals is again at the "to be spoken to" level in court!

Has anyone at the City of Vaughan even ask Officer Harinder Singh how this Tal Metals Recycling even operates?

Why would the City of Vaughan even allow an application to amend the City's Zoning By-law 1-88 to permit the CONTINUED use when Tal Metals Recycling has CONTINUED to operate against the by-laws since admitting being GUILTY! Nothing has changed! Officer Harinder Singh went back to check and they still CONTINUED to violate the By-laws! They still continue to have all this outside!

Why has the City of Vaughan not clearly state what Tal Metals Recycling is really about?

This proposal should really be saying that Tal Metals Recycling wants to amend the City Zoning By-law 1-88 to CONTINUE to break all the laws that are in place to protect our EM-1 Prestigious Industrial Zoning, our Water and Sewage Disposal Laws and our environmental laws!

This is a full functional garbage metal recycling place. Read their brochure on the internet!

Tal Metals Recycling wants to make this amendment look like it's the parking that they want changed! Really? They cannot park where they have outlined on the proposal because that area is lined up with oversized RUSTY bins full of RUSTY METALS!

SO NOOOOOO! I object to the zoning change!

Please see attached to see some of the letters that will help you all see what is really going on at Tal Metals Recycling.

Please call me if you'd like to discuss this on the phone at [REDACTED]
Iuna Magarelli Barone, Resident of Vaughan

-----Original Message-----

From: Singh, Harinder [<mailto:Harinder.Singh@vaughan.ca>]

Sent: June 30, 2017 8:13 AM

To: 'luna Barone' [REDACTED]

Cc: Brusco, Nicolino <Nicolino.Brusco@vaughan.ca>

Subject: RE: Drumlin case

Good Morning luna

I hope this email finds you well.

Just an update on 84 Drumlin Circle matter.

A follow-up inspection Mid-June, 2017 was conducted that resulted in observing the use to be still continuing and in violation of the City of Vaughan's Zoning By-Law. As such charges were prepared and submitted earlier this week.

I will keep you apprised once a court date is set.

Have a great Canada Day weekend,

Regards,

Harinder Singh, B.A., C.P.S.O., M.L.E.O

Provincial Offences Officer

905-832-8505, ext. 8279 | harinder.singh@vaughan.ca

City of Vaughan | By-Law and Compliance, Licensing & Permit Services
2141 Major Mackenzie Dr., Vaughan, ON L6A 1T1 www.vaughan.ca

From: Singh, Harinder

Sent: May 24, 2016 10:15 AM

To: 'luciano corona'

Cc: Brusco, Nicolino; 'luna Barone'; Girard, Rick; Jozefacki, Celeste

Subject: RE: Court Date Friday, May 20th / Tal Recycling / 84 Drumlin Circle, Concord / illegal use

Good Morning Mr. Corona

There is an active investigation file related to the matter at 84 Drumlin Circle. The owner/corporation has been charged pursuant to Zoning and is currently before the courts, most recently their legal representative setting the matter for trial on October 14, 2016.

Please be advised Zoning, governed pursuant to the Ont. Planning Act, does not provide/authorize for immediate remedy/fines through taxes; leaving the courts as the appropriate course of action.

The courts are also bound by legislation, Provincial Offenses Act that sets out procedures that must be followed in respect of all provincial offense proceedings that includes trials, sentencing, and appeals. Everyone charged with an offense is presumed to be innocent when a charge is filed with the courts. The justice of the peace will only register a conviction/penalty if admission of guilt is advised by the defendant (in this case there was no admission of guilt and as such the matter was set for trial) or when proceedings of trial occur and the evidence provided by the prosecutors satisfies him or her beyond a reasonable doubt. It is up to the Justice of Peace, though recommendation is made by the Prosecutors sometimes, what the penalty(s) maybe if any depending on the outcome of trial.

Following outcome of this court case, should non-compliance continue, additional charges may be laid until compliance is achieved. As you may be aware, disposition and conclusion of such matters through the court system, does conclude our investigation and interests to achieve compliance.

I understand your concern and frustration, however, bound to legislation set fourth for all individuals/corporations, proper procedures must be followed in order to obtain successful prosecution and compliance. I appreciate your co-operation in advance.

Regards,

Harinder Singh, B.A., C.P.S.O., M.L.E.O

Provincial Offences Officer

905-832-8505, ext. 8279 | harinder.singh@vaughan.ca

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www.vaughan.ca



On Jul 22, 2015, at 1:12 PM, Michaels, Gus <Gus.Michaels@vaughan.ca> wrote:

Good Morning Ms. Barone:

Thank you for copying me on your email. I thought it may be best for my office to attempt and offer some clarity.

Please allow me to begin with my sincere apologies. The comment or assumption that you have knowledge of Zoning and Planning may have inadvertently been my fault, not Councillor Racco's. Unfortunately during a conversation with the Councillor I did mention it was my opinion, that professionals in the field of Real Estate (such as yourself) commonly have a much better understanding of how Zoning & Planning are applied, than most residents do. It was not my intent to make assumptions that would be taken as offensive. I truly made the comment to Councillor Racco out of respect for you being in the real estate field and nothing further.

Notwithstanding, the above, please allow me to attempt to answer your questions and explain process further.

Your questions:

- Is the City of Vaughan proceeding with the Provincial Offence charge? As advised by Enforcement Officer Singh and further confirmed by Councillor Racco's email of July 15, charges have been initiated. For clarity this is done via a Part III Information/Summons to Appear, in accordance with Part III of the Ontario Provincial Offences Act. Once the summons is been sworn before a Justice, service will be done, followed by further filing of the charge before the provincial courts. Also as identified by Councillor Racco and to ensure no misunderstandings this is not a quick process.
- Has the Tal Recycling submitted their Planning Application? – to date as of July 15th, not to our knowledge. Enforcement Officer Singh is responsible to stay abreast of progress in this regard and will advise you accordingly, once done.
- Why is the City stalling on stopping this illegal use? Respectfully Ms. Barone, I do believe both staff and Councillor Racco have explained previously, there are no available options pursuant to the Zoning By-law or the Planning Act at this time, that can forcibly "stop" a use from continuing. There is no stalling taking place, the City is following lawful process. At this stage, we exercising due diligence and legal process, with this case file.
- What has the City done to check the heavy metal migration into the soil and groundwater caused by handling the scrap metal? Again Ms. Barone, it is my understand and as noted in Councillor Racco's email, you have been advised already that, this concern has been brought to the attention of the Ministry of the Environment ("MOE"). I must echo the Councillor's comments, that while my office/department and the City have a close

working relationship with the MEO, their investigation carried out in accordance with law, is carried out independently with assistance from the City, if and when the MEO determines that is needed. At this point, any environmental concerns are being investigated by the MEO, at their sole discretion.

Lastly Ms. Barone, if I may offer one further comment for your consideration/understanding. While I (as does Councillor Racco's) truly empathize with your concerns, take these concerns seriously and are treating the issues with the appropriate level of priority, I ask that you understand that we must follow legal and statutory processes in our attempt to resolve any issues through regulation and enforcement considerations.

I trust that this provides you with a bit of clarity around process, timelines and response to your inquiries.

PS. You'll note above, I have copied the investigating By-law & Compliance Officer, Enforcement Officer Singh; Enforcement Supervisor Brusco and Enforcement Manager Girard to ensure everyone is kept apprised of your on-going concerns.

Thank you for your patience and understanding. Should you require further updates, please contact Enforcement Officer Singh directly.

Sincerely,

GM/

Gus Michaels, Director

By-law & Compliance Department

Legal & Administrative Services

CITY OF VAUGHAN

2141 Major Mackenzie Drive

Vaughan City Hall, Main Floor

W: 905-832-8505, Ext. 8735

E: gus.michaels@vaughan.ca

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From: Iuna Barone [REDACTED]
Sent: Wednesday, July 22, 2015 8:56 AM
To: Racco, Sandra
Cc: Bevilacqua, Maurizio; Di Biase, Michael; Ferri, Mario; Rosati, Gino; Michaels, Gus; 'luciano corona'
Subject: Tal Recycling/ 84 Drumlin Circle, Concord / illegal use

July 21, 2105

Sandra Yeung Racco

Councillor, Concord/North Thornhill

City of Vaughan

2141 Major Mackenzie

Vaughan, Ontario

L6A 1T1

Dear Ms. Racco,

Thank you for your response of July 15, 2015.

I have two concerns, one being your tone and secondly the lack of timely action regarding the illegal use at 84 Drumlin Circle, Concord.

Tone of Your Response

I am offended by your condescending tone, specifically of how I should be familiar with the Zoning and OPA processes because of my position as an assistant to a real estate agent. I do not have any expertise in planning and your comments of what you expect me to be aware of, are inappropriate and offensive.

Lack of Timely Action

The City of Vaughan has been aware of this illegal use since November 2013 and yet the City has not addressed this issue in a timely manner. These are my outstanding questions:

- Is the City of Vaughan proceeding with the Provincial Offence charge?
- Has the Tal Recycling submitted their Planning Application?
- Why is the City stalling on stopping this illegal use?
- What has the City done to check the heavy metal migration into the soil and groundwater caused by handling the scrap metal?

Ultimately, Tal Recycling is an illegal use and they are operating in contravention to your By-Laws.

Sincerely,

Iuna Magarelli Barone

Iuna Barone, Assistant


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www.TonyKnowsToronto.com fax: 905-907-4414

905-781-2000 ext.5225

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	84 Drumlin Circle Vaughan Ontario L4K3E9 Vaughan Glen Shields York SPIS: N Taxes: \$31,974.51 / 2014 / Annual Legal: Plan 65M 2157 Lot 30		List: \$2,250,000.00 For Sale	Days On Market 206 Days They couldn't even sell their place!
	Industrial Free Standing Factory/Manufacturing Possession: 6 Months Dir/Cross St: Steeles & Keele		Occup: Owner Freestanding: Y SPIS: N Com Cndo Fee:	Lease Term: / Holdover: 90 Franchise: N
MLS#: N3122209 <u>Sellers: Ta&Ry Investments Ltd</u> Contact After Exp: N PIN#: ARN#:				
Total Area: 12,346 Sq Ft Ofc/Apt Area: 15 % Indust Area: 85 % Retail Area: Apx Age: 16-30 Volts: Amps: Zoning: <u>Em-1</u> ← Means they are perfectly aware of the zoning Truck Level: 0 Grade Level: 0 Drive-In: 5: 12' x 9' Double Man: 0 Clear Height: 16 0 Sprinklers: Y Heat: Gas Forced Air Open Phys Hdcp-Eqp:	Survey: Lot/Bldg/Unit/Dim: 164.6 x 200.46 Feet Building Lot Irreg: Bay Size: %Bldg: Washrooms: 4 Water: Municipal Water Supply: Sewers: San+Storm A/C: Y Utilities: A Garage Type: Outside/Surface Park Spaces: 10 #Trl Spc: Energy Cert: Cert Level: GreenPIS:	Soil Test: Out Storage: N Rail: N Crane: Basement: N Elevator: None UFFI: Assessment: Chattels: N LLBO: Days Open: 6 Hours Open: Employees: Seats: Area Infi: Major Highway Public Transit		
Bus/Bldg Name: Actual/Estimated: Taxes: Insur: Mgmt: Maint:	Heat: Hydro: Water: Other:	For Year: Gross Inc/Sales: -Vacancy Allow: -Operating Exp: =NetIncB4Debt:	Financial Stmt: Y EstValueInv At Cost: Com Area Upcharge: % Rent:	
Client Remks: Large Free-Standing Industrial Building. Featuring Office Area, 5 Drive-In Level Shipping Doors, 16 Foot Clearance Height And Over 12,000 Square Feet Of Floor Space. A Must See Property!				
Extras: Brkage Remks: Environmental Is Done At Buyers Own Expense. Showings Are After 5:30Pm Daily Or Anytime On Weekends. Thank You For Showing.				
FOREST HILL REAL ESTATE INC., BROKERAGE Ph: 905-709-1800 Fax: 905-709-4752 7787 Yonge Street Unit 201 Thornhill L3T7L2 AMIR TAL Salesperson 905-709-1800 Contract Date: 2/21/2015 ← This is during their "To Be Spoken To" period. Expiry Date: 9/15/2015 Last Update: 9/16/2015 Condition: Cond Expiry: CB Comm: 2.0%				
Amir Tal is a REALTOR meaning he knows all about by-laws! Ad: Y Escape: Original: \$2,250,000.00				

Tal Recycling has no intentions of following the bylaws! They are just prolonging the case to buy time until they sell and move on. In the meantime their existence devalues the area and who knows what they are washing down our sewers!

Property Details

GeoWarehouse Address:

84 DRUMLIN CIR
VAUGHAN
L4K3E9

PIN: 032310027

Land Registry Office: YORK REGION (65)

Land Registry Status: Active

Registration Type: Certified (Land Titles)

Ownership Type: Freehold

Notice: - 66 Drumlin's front and back are totally clean
 - 84 Drumlin is split between Tal Metals Recycling and Omega Aluminum Systems Ltd.
 *Tal Metals uses 97.58 feet width and 50.88 feet depth of outside storage
 *Omega Aluminum Systems Ltd uses 66.22 width and 50.88 feet depth of outside storage
 - 100 Drumlin's front and back are totally clean



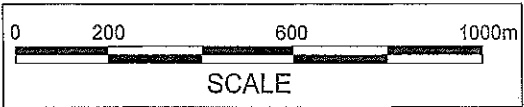
Ownership

Owner Name:

TA&RY INVESTMENTS LIMITED

Legal Description

PCL 30-1 SEC 65M2157; LT 30 PL 65M2157; S/T LT121598 VAUGHAN



KEY MAP 3A
TO BYLAW 1-88
REVISED JANUARY 2014

Good afternoon Harinder Singh and Nicolino Brusco and everyone else I have included in this email.

I was present Friday, October 14th, 2016 at the courthouse at 2:40 p.m. Mr. Corona also arrived shortly before 3:00 p.m. I was very surprised to see NOBODY was there! I asked the front desk receptionist to see what was going on as this matter was posted on the wall and that you, Harinder Singh had emailed me confirming the meeting was still scheduled. She did enquire for me. She came back and told me it was adjourned. Again! To my surprise the "prosecutor" came to speak to us. She had explained that she had adjourned the matter to January 5th, 2017. She told us that the city is going to be "working with these people" so they were given more time! She mentioned that you, Mr. Singh can tell me more about it.

While talking to the prosecutor I had the opportunity to tell her about the history of this case as she seemed unaware (*which I found disappointing*). This means that this case is being taken very passively. I have come to conclude that when dealing with the City of Vaughan By-laws it is acceptable to "do now" and "beg for forgiveness later.... if caught"! Tal Recycling has been operating at this location since 2008. This matter was brought to the City of Vaughan's attention sometime before 2013. We are now going into 2017 and the matter is still at the "to be spoken to" level! By-Laws are in place for everyone to follow is that not the case? Or are they to be challenged if caught?

The following properties were purchased before Tal Recycling's 2008 arrival and violation of the M1 Zoning which is designated for this immediately area. Tal Recycling clients' dump trucks drive pass these locations to get to 84 Drumlin Circle which adds pollution, noise, junk, traffic, etc.:

2100 Steeles Avenue	Purchased 1995
20 Tandem Circle	Purchased 1994
19 Bessemer Court	Purchased 1985
45 Drumlin Circle	Purchased 1999
34 Drumlin Circle	Purchased 1995
50 Drumlin Circle	Purchased 2008
66 Drumlin Circle	Purchased 1986
2060 Steeles Avenue	Purchased 1996
30 Capstan Gate	Purchased 1985
160 Drumlin Circle	Purchased 2006
115 Drumlin Circle	Purchased 1984

TAL RECYCLING HAS and IS:

USE, OBNOXIOUS - Means a use which, from its nature or operation creates a nuisance or is liable to become a nuisance or offensive by the creation of noise or vibration; or by reason of the emission of gas, fumes, dust or objectionable odour; or by reason of the unsightly storage of goods, wares, merchandise, salvage, refuse matter, waste or other material; and without limiting the generality of the foregoing shall include any uses which under the Public Health Act., R.S.O. 1980, Chapter 409 or regulations thereunder may be declared by the Local Board of Health or Council to be noxious or offensive trade, business or manufacture.

SALVAGE YARD - Means land or buildings used for an automobile wrecking yard or premises for the keeping and/or storing of any of the following: used building products, waste paper, rags, bones, bottles, bicycles, automobile tires, old metal or other similar scrap material or salvage, or where any such material is bought, sold, exchanged, baled, packed, disassembled or handled.

BUT ZONING M1 is only for the following Use:

6.9 M1 - RESTRICTED INDUSTRIAL ZONE

6.9.1 Uses Permitted

a) The uses permitted are as follows, provided they are within a wholly enclosed building(s):

- Club or Health Centre
- Day Nursery
- Industrial Uses as Defined in Section 2.0
- Office Building
- Parks and Open Space
- Public Garage
- Retail Sales Accessory to an Industrial Use, subject to the restrictions of Subsection 6.8.2 of this By-law
- Service or Repair Shop
- Wayside Pit
- Wayside Quarry

b) In addition to the above uses, where Council prior to the passage of this by-law, has deemed a site to be a commercial complex, pursuant to Sections 4(2)(b) of By-law 2961, then the following uses shall be permitted:

- Bank
- Business Office
- Eating Establishment
- Place of Amusement

provided the development consists of a least four (4) such uses and is in accordance with a site plan approved by Council

Notwithstanding Subsection 6.9.1(a), only outdoor patio uses accessory to an eating establishment shall be permitted outside of a wholly enclosed building.

M1	RESTRICTED INDUSTRIAL	35	3000	9	15	6	9	—	—	11 ⁷	—	60
M1	RESTRICTED INDUSTRIAL ABUTTING MAJOR ROADS ⁸	65	8000	9	22	6	9	—	—	11 ⁷	—	60

ZONE	PERMITTED USE CATEGORY	MINIMUM LOT FRONTAGE	LOT AREA (minimums unless otherwise noted) (m ² unless otherwise noted)	MINIMUM YARD				MAXIMUM LOT COVERAGE	MINIMUM LOT DEPTH	MAXIMUM BUILDING HEIGHT	MAXIMUM GROSS FLOOR AREA	MINIMUM SETBACK FROM AN "R" ZONE TO ANY BUILDING STRUCTURE OR OPEN STORAGE USE
				FRONT	REAR	INTERIOR SIDE	EXTERIOR SIDE					
		(m)		(m)	(m)	(m)	(m)	(%)	(m)	(m)	(m ²)	(m)

Tal Recycling claims that they have been a family run business over 20 years! This means they know about complying with zoning by-laws. Tal Metal Inc. consider themselves "to be good corporate citizens." But obviously, Tal Metal Recycling care only about running their business and not of the laws that are put in place for surrounding business and property owners. I can't begin to believe that they will follow the rules of what is acceptable to wash down our sewers.

"Tal Metal is fully committed to the pre-requisites as prescribed by the Occupational Health and Safety Act, as well as the rules and regulations that are specifically applicable in our industry." Obviously Tal Metal Recycling is NOT fully committed to following the City Of Vaughan's By-laws! Notice below where it say which "FERROUS" Metals they accept.

The following were all taken from the Tal Recycling webpages.



Tal Metal Recycling now offers the local and global buying, processing and distribution of non-ferrous scrap metals. Non-ferrous metals are Aluminum, Zinc, Copper, Brass, Lead, Chromium, Lithium, Vanadium, Ruthenium, Beryllium, Titanium, Sodium, Magnesium, Scandium, Potassium, Calcium, Manganese, Molybdenum, Lanthum Barium, Bismuth, Cobalt, Niobium, Nickel, Zirconium, Gallium, Yttrium, Rubidium, Strontium, Cesium, Technetium, Antimony, Osmium, Rhodium, Silver, Gold, Mercury, Tin, Platinum, Iridium, and much much more!

EXAMPLES OF METALS THAT ARE ACCEPTED BY TAL METAL

NON-FERROUS METALS

- | | | |
|------------|--------------|-------------|
| • Aluminum | • Manganese | • Palladium |
| • Zinc | • Molybdenum | • Tin |
| • Copper | • Bismuth | • Tungsten |
| • Brass | • Cobalt | • Beryllium |
| • Lead | • Nickel | |
| • Chromium | • Zirconium | |
| • Vanadium | • Titanium | |

FERROUS METALS

- Mild Steel
- Carbon Steel
- Cast Iron
- Stainless Steel
- Wrought Iron

OTHERS

- Electronics (TV's etc.)
- Insulated Wires
- Wires and Cables

The following picture is what's on google map.

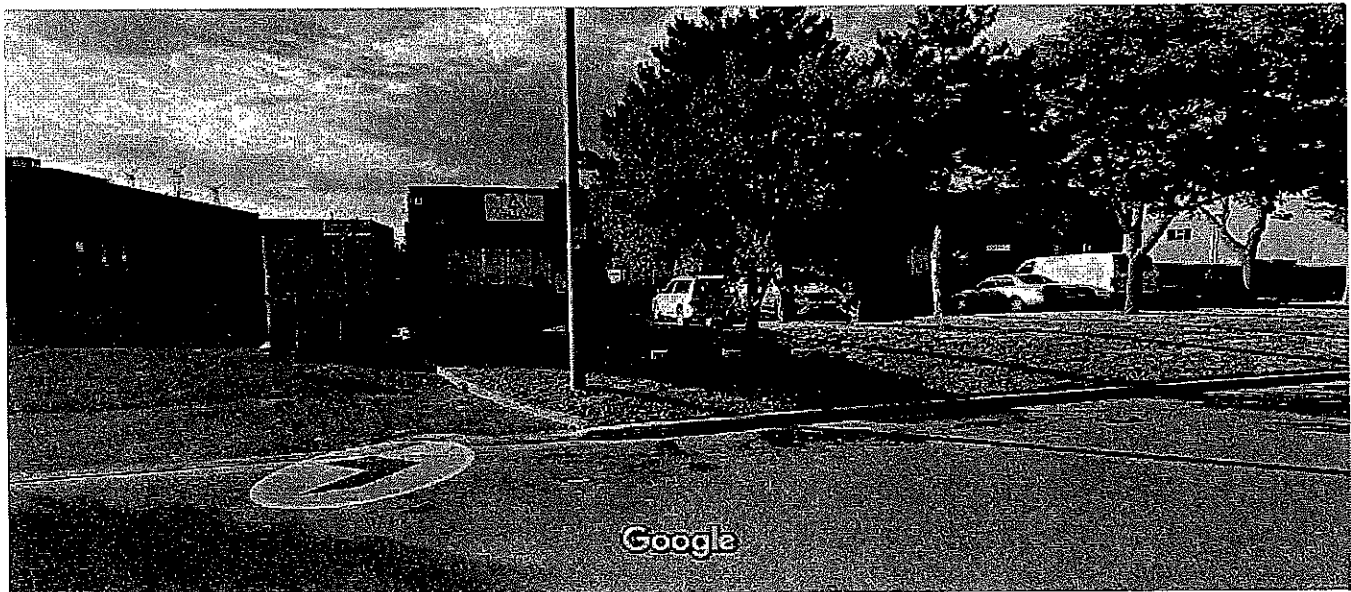
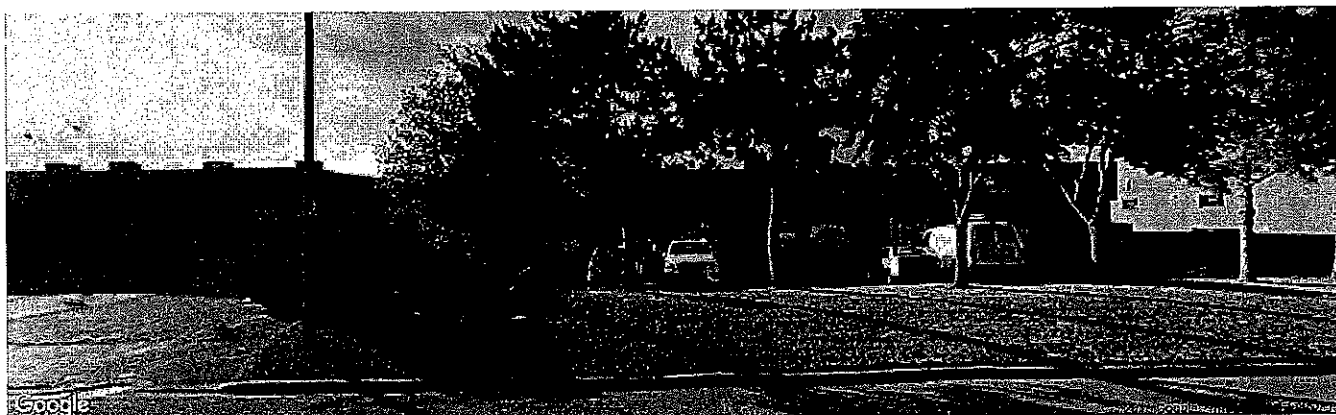


Image capture: Jun 2016 © 2016 Google

Vaughan, Ontario

Street View - Jun 2016

Another angle of the front.



In conclusion, I hope that this email encourages you all to continue defending the City of Vaughan's By-law Zonings that the By-law department of the City of Vaughan have been hired to do. The residences and property owners of the City of Vaughan have elected you the Mayor, the Ward Councillor and the Regional Councillors to look out for their best interest when issues arise.

Most of the councillors of the City of Vaughan know me as a person who gets things done to improve the life style of the residences of Vaughan. I will continue to encourage fellow residences and property owners to believe in all of you.

Thank you for reading my email.

Please keep me posted.

Sincerely,

Iuna (Magarelli) Barone

Cellular [REDACTED]/email: [REDACTED]