



August 7, 2018

File No. 17-1582-001

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Manitoba Sustainable Development  
Environmental Stewardship Division  
Environmental Compliance and Enforcement Branch  
1007 Century Street  
Winnipeg, Manitoba  
R3H 0W4

ATTENTION: Mr. Don Labossiere  
Director, Environmental Compliance and Enforcement

RE: 2710331 Manitoba Ltd. (Rakowski Recycling) – Day to Day Operation

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Dear Mr. Labossiere:

In your letter dated July 16, 2018, it was indicated that Rakowski Cartage & Wrecking Ltd. must immediately cease all day-to-day activities that are performed related to scrap metal processing until zoning/conditional use permit issues are fully and properly addressed and an Environment Act Licence is obtained.

On Friday, August 3, 2018 Mr. Yanek Rakowski received a letter from the City of Winnipeg Planning, Property & Development Department (dated July 23, 2018) in response to a Request for Zoning Letters. The City of Winnipeg Zoning and Permits Branch provided confirmation of activities that are permitted at 454 Rue Archibald Street for Conditional Use under the Winnipeg Zoning By-law 6400/94. The subject site is located within an area zoned "M2" Manufacturing General District and, in accordance with the City of Winnipeg Zoning By-law No. 200/06, a recycling plant and accessory outside operations are listed permitted uses. Recycling: materials sorting, baling or other processing is permitted under DCU 163035/2006C.

Only permitted activities, as indicated on the attached correspondence, will be conducted. Rakowski Recycling is following up with the City's Zoning and Permits Branch to confirm whether recycling of lead acid batteries would be permitted as most batteries are brought to the site by customers and are not associated with auto wrecking.

In order to obtain an Environment Act License, additional information needs to be submitted to the Environmental Approvals Branch in response to the information request issued by Mr. Eshetu Beshada on July 5, 2018. In particular it was requested that a full noise assessment of the facility with proposed mitigation be provided by August 31, 2018. As such, Rakowski Recycling is requesting that they resume permitted outdoor activities at the site so that they can conduct the requested noise assessment.

Mr. Labossiere  
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Yours truly,



Gene Senior, M.A.  
Environmental Scientist

GS/jkb  
Enclosure / Attached

cc: Siobhan Burland Ross, Environmental Compliance and Enforcement  
Rob Matthews, Environmental Compliance and Enforcement  
Yvonne Hawryliuk, Environmental Compliance and Enforcement  
Eshetu Beshada, Environmental Approvals  
Yanek Rakowski



Planning, Property & Development Department • Service de l'urbanisme, des biens et de l'aménagement  
Development and Inspections Division • Division de l'aménagement et des inspections

In reply please refer to / Référence à rappeler :

Roger Blackman-Shaw  
Phone: 204-986-7764  
Fax: 204-986-6347

July 23, 2018

Yanek Rakowski  
Rakowski Recycling  
775 Plinquet ST  
WINNIPEG, MB R2J 0G3

Dear Sir/Madam:

**RE: 454 ARCHIBALD ST**  
**LEGAL DESCRIPTION: LOT 1 BLOCK 1 PLAN 20930 RCMP**  
**FOLDER #: 18 151495 000 00 ZR**

This will acknowledge receipt of your letter dated July 18, 2018 requesting a **verification of described use/uses** with regard to the above noted zoning lot. The Zoning and Permits Branch has used your letter of activities submitted with this request, numbered, categorized and defined those activities. We have attached the activities list, a definitions list and a copy of the approved conditional use.

Please be advised that the subject site is located within an area zoned "M2" Manufacturing General District. In accordance with the City of Winnipeg Zoning By-law No. 200/06 and amendments thereto, a recycling plant, a towing and storage facility and accessory outside operations are listed permitted uses. A recycling: materials sorting, baling or other processing is permitted as approved by DCU 163035/2006C. A wrecking and salvage yard is not a listed permitted use.

**We must therefore insist that any operations/activities related to a wrecking and salvage yard cease immediately upon receipt of this letter, Failure to comply with this request will result in enforcement action which may include fines and/or legal action through the Provincial Court of Manitoba.**

We trust this is the information you require.

Yours truly,

Martin Grady  
Zoning & Permits Administrator

MG:LL:mr

*Embrace the Spirit • Vivez l'esprit*

Unit 31 – 30 Fort Street • 30, rue Fort, unité 31 • Winnipeg • Manitoba R3C 4X7

### **Rakowski Recycling, 454 Rue Archibald Street – Verification of Use**

The existing uses (outdoor and indoor operation activities) that we would like verified are listed below and described in greater detail in the enclosed Environment Act Proposal (Section 2.5.2).

#### **Outdoor Activities**

1. receive wrecked automobiles
2. drain and temporary storage of automobile fluids until removal by a licensed contractor
3. remove automobile tires, rims, gas tank, battery and converters
4. store tires until picked up by a licensed recycler
5. load and ship automobiles to other facility for further processing
6. receive ferrous and non-ferrous metal materials
7. sort large metal materials with front end loader and/or grapple excavator
8. store the large metal materials for shearing/baling/packaging
9. shear metal materials into smaller pieces to facilitate packaging and shipping
10. bale metal materials to facilitate packaging and shipping
11. receive and palletize lead acid batteries to be shipped away for processing
12. receive and store fridges, freezers and air conditioners to be shipped to a licenced company to remove/recover the gases (metal components are returned for processing by Rakowski)
13. receive wood waste (in a bin) to be shipped for processing
14. bin for general garbage that is shipped to an approved landfill
15. storage containers to store nonferrous inventory to be exported

#### **Indoor Activities**

16. hand sort smaller metal materials
17. strip insulation off copper and aluminum wiring
18. use hand shear to resize smaller metal materials
19. bale aluminum cans and other non ferrous materials

1, 2, 3, 4, 5 and 11 are activities that fit within the wrecking and salvage yard definition and this use is not permitted.

6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 19 are activities that fit within the recycling plant or accessory outside operations definition or would be permitted as approved under DCU 163035/2006C to permit a Recycling: Materials Sorting, Baling or Other Processing use. (attached)

## Definitions

**Recycling Plant:** means a facility in which recoverable resources such as newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production. This facility is not a wrecking yard or junkyard.

**Wrecking and salvage yard:** means any lot upon which 2 or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale. Building materials, scrap metal, or any other kind of salvage are also included in this definition.

**Towing and storage facility:** means a commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor storage component for such vehicles or equipment, but may not include junked, salvage, or permanently inoperable vehicles or equipment.

**Outside operations (accessory):** means activities conducted outside that are directly related to, and in support of a permitted principal use on the site.

**Salvage yard:** means an open or enclosed area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to metals, paper, rags, rubber tires, and bottles, and includes an automobile wrecking or dismantling yard, or a materials recycling operation. (this is a use definition from the previous zoning bylaw 6400/94 - a use variance was applied for this use and rejected in 2008)

**Recycling: Materials Sorting, Baling or Other Processing:** this use was approved under conditional use in 2007 under zoning bylaw 6400/94. There is no definition of this use.



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**The City of Winnipeg**  
**CONDITIONAL USE ORDER**  
**BOARD OF ADJUSTMENT**

**DCU 163035/2006C**

**Before:** Board of Adjustment  
Mr. Bill Evans, Chairperson  
Mr. Mark Morgan  
Mr. Ron Turner

**Hearing:** January 17, 2007  
West Committee Room  
Council Building, 510 Main Street

**Applicant:** Rakowski Cartage (Bob Molter)

**Premises Affected:** 454 Archibald Street

**Legal Description:** Lot 1 Block 1 Plan 20930 RCMP,  
hereinafter called "the land"

**Property Zoned:** "M2" Industrial District

**Zoning Atlas Sheet:** AA27 (NY)

**Nature of Application:** For a Conditional Use under The Winnipeg Zoning By-law  
6400/94 to permit a Recycling: Materials Sorting, Baling  
or Other Processing use

It is the opinion of the Board of Adjustment that subject to conditions listed below, if any, this Order meets the statutory criteria of The City of Winnipeg Charter in that it:

- (a) is consistent with Plan Winnipeg, and any applicable secondary plan;
- (b) does not create a substantial adverse effect on the amenities, use, safety and convenience of the adjoining property and adjacent area, including an area separated from the property by a street or waterway;
- (d) is compatible with the area in which the property to be affected is situated.

C.W. Charter Section 254 and Subsection 247 (3)

ORDER:

The Board of Adjustment orders that a Recycling: Materials Sorting, Baling or Other Processing use is approved on "the land", subject to the following conditions which the Board of Adjustment considers necessary to ensure compliance with criteria (a), (b) and (d) above, namely:

1. That if any Conditional Use granted by this Order is not established within two (2) years of the date hereof, the Order, in respect of that Conditional Use, shall terminate.
2. That final plans showing the location and details of buildings and outdoor storage components, fencing and screening shall be submitted to the Director of Planning, Property and Development for approval prior to the issuance of any development or building permits, and thereafter, shall be maintained to the satisfaction of the Director of Planning, Property and Development.

THIS ORDER IS SUBJECT TO ALL BUILDING, HEALTH OR OTHER REGULATIONS PERTAINING TO THE LAND HEREIN REFERRED TO.

DATE OF ORDER: January 19, 2007

CERTIFIED BY:



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Diane Timmins  
Secretary to the Board

HOW TO APPEAL

You may appeal against either the whole of this order or part(s) of it by filing a letter of appeal.

That letter must be submitted in writing, be signed by the appellant, show the printed name of the appellant, contain the mailing address of the appellant, contain the contact telephone number of the appellant, and

- (a) be addressed as set out below,
- (b) be received at that office not later than 4:30 p.m. on February 7, 2007,  
[IF RECEIVED LATE YOUR APPEAL CANNOT BE HEARD.]
- (c) refer to Conditional Use Order No. DCU 163035/2006C, give brief reasons for the appeal and must describe whether you appeal the whole order or only part(s) of it.

Any appeal letters not containing all of the above elements will be rejected by the City Clerk as invalid appeals and will not be heard at an appeal hearing.

You can attend the appeal hearing and speak on issues raised in someone else's appeal, but the appeal committee can only rule on issues raised in appeals filed. If you are not sure what others have appealed you should file your own appeal.

Address: City Clerk, City of Winnipeg  
c/o Appeal Committee  
510 Main Street  
Winnipeg, MB R3B 1B9  
Fax 947-3452  
Email clk-appeals@winnipeg.ca

**THE FOLLOWING PERSONS MADE REPRESENTATIONS AND ARE ENTITLED TO APPEAL:**

**In Support:**

Yanek Rakowski, Rakowski Cartage

**In Opposition:**

Nil

**For the City:**

Mr. M. Robinson, Planner, Planning, Property and Development Department