

From: [Alexandre Thibault](#) on behalf of [Proximity](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: 2023-12-07_CNcomments_Kitchener_Agenda - Committee of Adjustment - Tuesday, December 12, 2023
Date: Thursday, December 7, 2023 7:34:25 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)

Hello dear Committee of Adjustment,

Thank you for circulating the agenda for the 12 December to CN. It is noted that some sites are within 1000 meters of CN's rail yard or within 300 meters of CN's main line. CN has concerns of developing/densifying residential uses in proximity to railway operations. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities.

The guideline is available at the following link : [Land use planning around rail corridors: railway proximity guidelines | Federation of Canadian Municipalities \(fcm.ca\)](#)

Concerning the following files :

A 2023-142 - 807 Frederick Street

A 2023-138 -136 river Road East

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 1000m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 1000 metres from the land the subject hereof. There may be alterations to or expansions of the railyard facilities on such rights-of-way in the future including the possibility that the railyard or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

Concerning the following file :

A 2023-141 - 24 Cherry Street

CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way:

"Warning: Canadian National Railway Company or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."

Best regards,

E : proximity@cn.ca
1600, René-Lévesque Ouest, 11e étage
Montréal (Québec)
H3H 1P9 CANADA
wsp.com

From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>
Sent: Friday, November 24, 2023 11:59 AM

Subject: Agenda - Committee of Adjustment - Tuesday, December 12, 2023

CAUTION: This email originated from outside CN: DO NOT click links or open attachments unless you recognize the sender AND KNOW the content is safe.

AVERTISSEMENT : ce courriel provient d'une source externe au CN : NE CLIQUEZ SUR AUCUN lien ou pièce jointe à moins de reconnaître l'expéditeur et d'avoir VÉRIFIÉ la sécurité du contenu.

Good morning,

The [agenda](#) for the December 12, 2023 Committee of Adjustment meeting is now available on our [Council/Committee calendar](#).

The combined agenda with reports will be posted to the meeting calendar by noon on Friday, December 8, 2023.

Best,

Alison Fox (she/her)
Administrative Clerk | Legislated Services | City of Kitchener
519-741-2200 ext. 7594 | TTY 1-866-969-9994 | cofa@kitchener.ca

