

**TO:** Committee of Adjustment, City of Kitchener  
Development & Approvals - 200 King Street West, 6<sup>th</sup> Floor, Kitchener, ON, N2G 4G7  
[CofA@kitchener.ca](mailto:CofA@kitchener.ca)

**DATE:** August 6, 2024

**RE:** Adjacent Development Review: B 2024-019  
250 Shirley Avenue, Kitchener, ON  
Consent Application

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Dear Committee of Adjustment,

Metrolinx is in receipt of the Consent application for 250 Shirley Ave, Kitchener, to facilitate the severance of the lands, to create a new lot addition to be consolidated into the adjacent lands at 260 Shirley Ave. As circulated on July 26th, 2024, and to be heard by the Committee on August 20, 2024. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent to the Metrolinx Guelph Subdivision which carries Metrolinx's Kitchener GO Train service. The subject site is also adjacent to the Metrolinx Shirley Ave Layover Facility.

#### GO/HEAVY-RAIL - ADVISORY COMMENTS

- As the proposal is for a technical severance to facilitate lot additions and no new development is proposed, Metrolinx has no objections to the specified proposal should the committee grant approval.
- Please keep Metrolinx involved as a stakeholder in the comprehensive site application (if applicable) as there may be further requirements/comments should any future development be contemplated on either the retained or severed lands.
- Please note that should future development be contemplated (and additional development applications to support this are submitted), the subject properties would be subject to further review/comment. At such time, further requirements may include (but is not limited to) having the Owner enter into an Adjacent Development Agreement outlining all required works to protect Metrolinx interests and registering an environmental easement for operational emissions on title.
- The applicant is advised that all other conditions/requirements/agreements related to the comprehensive application (if applicable) must also be fulfilled prior to approval of the requisite Site Plan. Additionally, the Owner shall be responsible for all costs for the preparation and registration of agreements/undertakings/easements/warning clauses as determined appropriate by Metrolinx, to the satisfaction of Metrolinx.

- The Proponent is advised of the following:
  - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.
  - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way and an interest in land within 300 metres from the subject land. There may be alterations to or expansions of the rail or other transit facilities on such right-of-way and/or to the Shirley Ave Rail Maintenance Facility in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way and/or Shirley Ave Rail Maintenance Facility or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.
- In accordance with the Railway Safety Act and Transport Canada Guidelines, storage of certain hazardous materials near railway corridors is subject to setback regulations. Metrolinx will require the proponent to acknowledge if the storage of hazardous material is being proposed and, if so, that proper Transport Canada regulations are being applied. The below links are provided as reference:
  - [Anhydrous Ammonia Bulk Storage Regulations \(No. 0-33\)](#)
  - [Ammonium Nitrate Storage Facilities Regulations \(No. 0-36\)](#)
  - [Flammable Liquids Bulk Storage Regulations \(No. 0-32\)](#)
  - [Liquefied Petroleum Gases Bulk Storage Regulations \(No. 0-31\)](#)

Should you have any questions or concerns, please contact [Farah.Faroque@metrolinx.com](mailto:Farah.Faroque@metrolinx.com).

Best Regards,

**Farah Faroque**

Project Analyst, Third Party Project Review

Metrolinx | 10 Bay Street | Toronto | Ontario | M5J 2S3

T: (437) 900-2291