

**From:** [Alexandre Thibault](#) on behalf of [Proximity](#)  
**To:** [Committee of Adjustment \(SM\)](#)  
**Subject:** 2024-08-02\_CN Comments\_FILE: B 2024-021 - 62 Gage Avenue- Kitchener \_Committee of Adjustment - Tuesday, August 20, 2024  
**Date:** Friday, August 2, 2024 2:54:33 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Hello ,

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is 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. The [Guidelines for New Development in Proximity to Railway Operations](#) reinforce the safety and well-being of any existing and future occupants of the area. Please refer to these guidelines for the development of sensitive uses in proximity to railway operations. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. 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."*

- 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.

Also, it is recommended that the proponents integrate into the dwellings design and construction the following mitigation measures :

- Acoustically upgraded windows meeting the minimum requirements of the Building Code and providing a maximum 35 dBA indoor limit for bedrooms and 40 dBA for living rooms,
- Forced air ventilation systems with central air conditioning,
- The exterior provision wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades.

We request that CN rail and the [proximity@cn.ca](mailto:proximity@cn.ca) email be circulated on any and all public notices and notice of decisions with respect to this and future land use planning applications with respect to the subject site.

Thank you and do not hesitate to contact me with any questions.

Best regards,

**PROXIMITY**

**Alexandre Thibault**  
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**wsp**

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**From:** Committee of Adjustment (SM) <[CommitteeofAdjustment@kitchener.ca](mailto:CommitteeofAdjustment@kitchener.ca)>  
**Sent:** Friday, August 2, 2024 9:15 AM  
**To:** Committee of Adjustment (SM) <[CommitteeofAdjustment@kitchener.ca](mailto:CommitteeofAdjustment@kitchener.ca)>  
**Subject:** Agenda - Committee of Adjustment - Tuesday, August 20, 2024

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Good morning,

The [agenda](#) for the August 20, 2024 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, August 16, 2024.

***Connie Owen***

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