

From: [Ashkan Matlabi](#) on behalf of [Proximity](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: 2022-07-26_CN_RES_59 Bruce St_Kitchener_ "Committee of Adjustment - Applications" with you.
Date: Tuesday, July 26, 2022 4:24:22 PM
Attachments: [image001.png](#)

Hello,

Thank you for consulting CN on the application mentioned in subject. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:

1. 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 rights-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."

2. 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.
3. The implementation of the following mitigation measures in the dwelling design and construction:
 - Forced air ventilation systems with central air conditioning,
 - The exterior wall siding of buildings closest to the railway line to be brick or a masonry equivalent for the exposed facades,
 - 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,
 - Locating noise sensitive rooms away from the railway side,
 - Noise barrier fence providing a maximum 55 dBA limit for outdoor living areas,

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

Best regards

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