

From: [development.coordinator](#)
To: [Committee of Adjustment \(SM\)](#)
Subject: RE: ACTION REQUIRED - Committee of Adjustment Application Review - April 18, 2023 Meeting
Date: Monday, March 27, 2023 1:39:08 PM
Attachments: [image010.png](#)
[image011.png](#)
[image012.png](#)
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[image018.png](#)
[image019.png](#)
[Environmental Easement Language January 2022.pdf](#)

Hi Alison,

Please find below Metrolinx's comments and form of easement attached for the April 18, 2023 Committee of Adjustment Agenda for City of Kitchcner.

245 Wellington St N:

Metrolinx is in receipt of the minor variance application for 245 Wellington St North to construct a multiple dwelling with 4 units. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Guelph Subdivision which carries Metrolinx's Kitchcner GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [<Derek.Brunelle@metrolinx.com>](mailto:Derek.Brunelle@metrolinx.com)

with questions and to initiate the registration process.

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way 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 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.

306 Wellington St N:

Metrolinx is in receipt of the minor variance application for 306 Wellington St N to construct a Multiple dwelling with 6 units. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300 meters of Metrolinx's Guelph Subdivision which carries Metrolinx's Kitchcner GO Train service.
- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact [<Derek.Brunelle@metrolinx.com>](mailto:Derek.Brunelle@metrolinx.com)

with questions and to initiate the registration process.

- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor
 - **Warning:** Metrolinx and its assigns and successors in interest has or have a right-of-way 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 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.

Kind regards,
Tara Kamal Ahmadi

Tara Kamal Ahmadi

Junior Analyst

Third Party Projects Review, Capital Projects Group

Metrolinx | 20 Bay Street | Suite 600 | Toronto | Ontario | M5J 2W3



From: Committee of Adjustment (SM) <CommitteeofAdjustment@kitchener.ca>

Sent: March 24, 2023 4:15 PM

Subject: ACTION REQUIRED - Committee of Adjustment Application Review - April 18, 2023 Meeting

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Hello,

Please be advised the applications for the City of Kitchener Committee of Adjustment meeting scheduled for Tuesday, April 18, 2023, have been loaded and circulated through Sharefile. You should have already received the necessary link.

If you wish to make comments, provide advice, or request the imposition of any conditions on any of these applications, please provide the Committee with a written report.

Please note: If you have comments, your written report must now be sent to CofA@kitchener.ca no later than 12 noon on Monday, April 3, 2023.

If you have no comments for the Committee's consideration, you do not need to respond to this email.

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



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