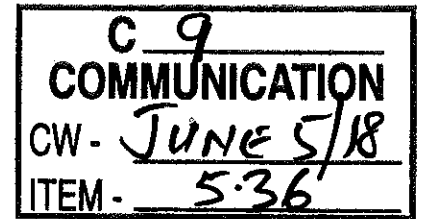


Britto, John

From: Alan Heisey <heisey@phmlaw.com>
Sent: Monday, June 4, 2018 3:41 PM
To: Clerks@vaughan.ca
Cc: Racco, Sandra; Quinto Annibale (qannibale@loonix.com); Steven Zakem; Scarcella, Isabella; Susanne Glenn-Rigny; Saadia Jamil
Subject: Committee of the Whole Public Meeting June 5, 2018 - Rutherford - Block 4 - OP.06.028 and Z.06.075
Attachments: AMH June 4 2018 Draft letter to Committee of the Whole Re Block 4 Rutherford subdivision from CNR 2.pdf

Follow Up Flag: Follow up
Flag Status: Completed



Attached please find a letter concerning this matter
Please confirm receipt in writing.

A. Milliken Heisey Q.C.
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Barristers & Solicitors/Avocats
Standard Life Centre,
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June 4, 2018

File No. 88070

VIA EMAIL - clerks@vaughan.ca

Councillor Sandra Racco and The Committee of the Whole
Vaughan Civic Centre
2141 Major Mackenzie Rd
Vaughan, ON L6A 1T1

Chair Racco and Members of Council:

Re: Committee of the Whole Public Meeting June 5, 2018
Re: Rutherford - Block 4 - OP.06.028 and Z.06.075
The Vaughan Mills Centre Secondary Plan

Please be advised that we are the solicitors for Canadian National Railway ("CN") on this matter.

Our client owns and operates the MacMillan Classification Yard (the "Yard") located east of Jane Street nearby the eastern edge of the proposed Plan. The Yard comprises about 1,000 acres and is about three times the size of the total proposed Vaughan Mills Center Secondary Plan Planning Area.

CN employs 1,500 people at this location and has, over the last fifty years, attracted numerous other industries to the employment lands that have developed around the Yard in the heart of Vaughan. The Yard is one of the most important transportation terminals in Canada and North America.

This yard was developed in response to constraints on expansion of CN's facilities in the City of Toronto. In response to mounting political pressure to relocate a majority of those freight operations outside of Toronto and the movement of new industries to suburban locations, CN commenced planning in the late 1950's for the ultimate relocation of its rail classification freight yard activities from central Toronto locations to a northern location outside of urban development in what was then a rural area.

The MacMillan Yard was ultimately constructed and opened in the 1960's. The amount of land acquired and the facilities that it can accommodate were designed to ensure sufficient capacities for CN's freight operations into the distant future.

When the MacMillan Rail Yard was designed, the pull back track which runs north of the yard beyond Rutherford Road was designed so that it went directly northbound in the direction of the then rural community of Maple.

As a result of objections by Maple residents, CN redesigned the yard and its pull back track to a less efficient configuration such that the pull back track went north of Rutherford Road and then curved west toward Jane Street where it terminates.

Over the last twenty-three years, there have been considerable residential encroachments permitted by the City adjacent to Yard. Initially in the 1980's residential development was allowed to the north of the yard's pull back track at a distance of 150 metres. This community generated a number of complaints for CN and Vaughan given the twenty-four hour noise generated by the Yard.

Subsequent to that the Villa Giardino residential condominium development was approved by Vaughan in 1999 and then for the first time, south of the yard's pull back track north of Rutherford Road high rise residential development was permitted by the OMB in 2004 after a lengthy hearing over the objections of the City of Vaughan and CN Rail.

CN has an outstanding appeal to the Vaughan Mills Centre Secondary Plan as it applies to the lands that are the subject of this proposed Official Plan and Zoning Bylaw Amendment Application at the south east corner of Rutherford Road and Jane Street.

CN has unsuccessfully attempted to negotiate policies for the VMCSPP as it affects these lands to ensure the appropriate implementation and maintenance of noise mitigation measures if the lands are feasible for residential development.

The conceptual site plan shown for Block 4 that is the subject of this partial approval, shows proposed mixed use high-rise, with residential condominium towers. This area is within the noise influence area of the Yard and within the original setback zone established by the Township of Vaughan established to protect residential areas from excessive noise.

At this point in time CN is negotiating in good faith with the proponent to secure the required mitigation, an environmental easement in favour of CN and an agreement made

pursuant to the *Industrial and Mining Lands Compensation Act* to enable a partial approval for Block 4 to go forward before the Local Planning Appeal Tribunal at the proposed consent hearing scheduled for June 21, 2018.

Failure to properly secure the needed mitigation and other measures needed to protect the MacMillan Yard and future residents could threaten the continued successful operation of the Yard. The Yard is an integral part of the local, regional, national and international economy. Affordable rail transportation is a key part of the York regional economy.

Kindly provide the author with written notice of any further meetings and/or decisions by Council or its Committees in respect of this matter and provide the author with Notice of Approval of any Draft Plan of Subdivision or Condominium Approval affecting the property or any portion of it.

We would request copies of the Minutes of the Committee of the Whole and Council meetings addressing this matter.

Kindly acknowledge receipt of this letter in writing.

Yours very truly,



A. Milliken Heisey, Q.C.
AMH/ig

cc: Susanne Glenn-Rigny, RPP, OUQ, MCIP
Senior Officer, Community Planning and Development
Canadian National Railway

Steve Zakem, solicitor for Granite Real Estate

Quinto Annibale, Solicitor for Rutherford/Caldari

Councillor Sandra Yeung Racco, Ward 4