



Authorized commenting Agency for



KITCHENER
WOODBIDGE
LONDON
BARRIE
BURLINGTON

January 24, 2023

Cassandra Krysko, BURPL, MCIP, RPP
Planner

City of Vaughan
Development Planning Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Via email: Cassandra.krysko@vaughan.ca

Dear Cassandra Krysko:

**RE: Draft Plan of Subdivision & Zoning By-law Amendment, Second Submission
8741 Huntington Road, City of Vaughan**

One-Foot Development Inc. c/o DG Group
City File: 19T-21V006 & Z.21.025
Our File: PAR 44298

MacNaughton Hermesen Britton Clarkson (MHBC) are the planning consultants for TransCanada Pipelines Limited (TCPL). This letter is in response to a notification and request for comments for the above-noted application of a subdivision on the lands identified as 8741 Huntington Road in the City of Vaughan (the "Subject Lands"). TCPL has one (1) high-pressure natural gas pipeline contained within a right-of-way ("easement") within the land identified as "other lands owned by the applicant".

TCPL's pipelines and related facilities are subject to the jurisdiction of the Canada Energy Regulator (CER) – formerly the National Energy Board (NEB). As such, certain activities must comply with the Canadian Energy Regulator Act ("Act") and associated Regulations. The Act and the Regulations noted can be accessed from the CER's website at www.cer-rec.gc.ca.

It is our understanding that the Applicant has removed the lands east of Street "2" from the Draft Plan of Subdivision application, containing TCPL's right-of-way. As such, many of the comments and conditions included in our response letters dated July 29, 2021 and September 26, 2022 no longer apply to the proposed development. Therefore, we provide the following revised comments and requested conditions to be included as conditions of draft approval and in the subdivision agreement.

1. Written consent must be obtained from TCPL prior to undertaking the following activities:

- Constructing or installing a facility across, on, along or under a TCPL right-of-way. A facility may include, but is not limited to: driveways, roads, access ramps, trails, pathways, utilities, berms, fences/fence posts;
 - Conducting a ground disturbance (excavation or digging) on TCPL's right-of-way or within 30 metres of the centreline of TCPL's pipeline (the "Prescribed Area");
 - Driving a vehicle, mobile equipment or machinery across a TCPL right-of-way outside the travelled portion of a highway or public road;
 - Using any explosives within 300 metres of TCPL's right-of-way; and
 - Use of TCPL's Prescribed Area for storage purposes.
2. During construction in proximity to the right-of-way (Block 2, Street 2), temporary fencing must be erected and maintained along the limits of the right-of-way by the Owner(s) to prevent unauthorized access by heavy machinery. The fence erected must meet TCPL's specifications concerning type, height and location. The Owner is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction.
 3. Permanent fencing may be required along the limits of TCPL's right-of-way. The fence erected must meet TCPL's and the municipality's specifications concerning type, location, and height. Any excavations for fence posts on, or within 30 metres of the pipeline must be done by hand or hydro vac. There shall be no augers operated on the right-of-way. The Owner shall notify TCPL 3 business days prior to any excavation for fence posts located on or within 30 metres of the pipeline. All fences made of metallic materials must be approved by TCPL prior to being erected on or within 30 metres of the pipeline.
 4. Storage of materials and/or equipment on TCPL's right-of-way is not permitted.
 5. Where TCPL consents to any ground disturbances in proximity to any TCPL pipeline, the original depth of cover over the pipelines within TCPL's right-of-way shall be restored after construction. This depth of cover over the pipelines shall not be compromised due to rutting, erosion or other means.
 6. Facilities shall be constructed to ensure that drainage is directed away from the right-of-way so that erosion that would adversely affect the depth of cover over the pipelines does not occur. Catchment basins, drainage swales or berms are not permitted within TCPL's right-of-way. All infrastructure associated with site servicing, grading, and stormwater management (e.g. subdrains, manholes, catchbasins, retention walls, storm ponds, culverts/riprap) shall be setback a minimum of 7 meters from the edge of TCPL's right-of-way.
 7. Should pooling of water or erosion occur on the right-of-way as a result of any facility installation or landscaping, the Owner will be responsible for the remediation to TCPL's satisfaction.
 8. Any large scale excavation adjacent to the right-of-way, which is deeper than the bottom of the pipe, must incorporate an appropriate setback from TCPL's right-of-way and must maintain a slope of 3:1 away from the edge of the right-of-way.
 9. Mechanical excavation within 1.5 metres of the edge of TCPL's pipeline is prohibited. Hand or hydrovac excavation must be utilized within this distance.

10. In no event shall TCPL be held liable to the Owner respecting any loss of or damage to the Owner's Facility which the Owner may suffer or incur as a result of the operations of TCPL. The Owner shall be responsible for all costs involved in replacing the Owner's Facility damaged or removed during TCPL's operations and shall indemnify and save harmless TCPL from all actions, proceedings, claims, demands and costs brought against or incurred by TCPL as a result of the presence of or damage to the Owner's Facility on the TCPL right-of-way.
11. TCPL's prior approval must be obtained for the Site Plans for the permanent structures to be erected on lots and/or Blocks which are encumbered by, or are adjacent to TCPL's right-of-way (Block 2).
12. If TCPL's pipelines experience contact damage or other damage as a result of construction, stop work immediately and notify TCPL at once.
13. The owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

Thank you for the opportunity to provide comments. Kindly forward a copy of the draft conditions for review prior to any decision to the undersigned by mail or by email to TCEnergy@mhbcplan.com. If you have any questions, please do not hesitate to contact our office.

Sincerely,



Kaitlin Webber, MA
Planner | MHBC Planning

on behalf of TransCanada PipeLines Limited