

From: Ashkan Matlabi
To: [Committee Adjustment](#)
Subject: 2022-01-13_CN_RES_New Construction Application_3311 DWIGGIN AVE (File: A72.22)
Date: Thursday, January 13, 2022 1:08:54 PM
Attachments: [image001.png](#)

Hello

Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is located in proximity to adjacent to CN's Branch Line. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. 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:

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 300m 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 implementation of mitigation measures in the dwelling design and construction such as:
 - 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 Ontario 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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