



Railway Noise and Vibration Complaint Form

Note: The Canadian Transportation Agency is authorized to investigate a railway noise or vibration complaint once it is satisfied that the parties have exhausted collaborative measures to resolve the issue on their own. The Agency's *Guidelines for the Resolution of Complaints Concerning Railway Noise and Vibration* describe these collaborative measures.

INSTRUCTIONS: Any field marked by an asterisk (*) must be completed. Attach additional pages if required.

Part 1 – COMPLAINANT INFORMATION (your contact information)			
Mr./Ms./Mrs./Miss - Given Name *	Initial	Surname (last name) *	
Glenn	J.	Stalker on behalf of the West Toronto Diamond Community Group	
Mailing Address (Number/Street/Apt./P.O. Box) *			
34 Hook Avenue			
Municipality *		Province *	Postal Code *
Toronto		Ontario	M6P 1T4
Daytime telephone *	Extension *	Evening telephone *	Extension
416-604-2743		416-604-2743	
Cellular telephone		Fax number	
416-570-1947		416.736.5749	
E-mail address gstalker@yorku.ca			

Part 2 – REPRESENTATION INFORMATION
<p>Do you represent an institution, residential or community group, business, municipality, or other individuals in your neighbourhood? *</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, indicate the name of the institution, group, business, or municipality, and your authority to represent it. Specify the nature of the institution, group or business. In the case of other individuals, list their name and contact information on an attached page.</p> <p>West Toronto Diamond Community Group</p> <p>The West Toronto Diamond Community Group (WTDCG) started to organize as local citizens immediately began reacting to the imposition of noise and vibration from GO Transit's West Toronto Diamond Grade Separation Project.. WTDCG members were the first to organize a community electronic mail list-serve to begin the process of community organizing in the face of GO's disruptive construction. Leadership positions in the WTDCG were established after a Members of the wider community were provided the opportunity to take on greater leadership responsibilities on behalf of the wider community of interest. THE WTDCG organized a petition</p>



campaign and local residents supported our efforts to represent their concerns more broadly in addition to submitting written impact statements to the leadership group documenting the impact of the current construction methods on residents' health, wellbeing, daily life, the enjoyment of property in addition to financial and physical property damage. The WTDCG has since worked to represent the broader interests and concerns of the community in negotiations with GO Transit and in consultation with our political representatives. This has been accomplished by keeping the community informed through providing updates of new developments as they arise and working to address emerging community concerns. Following an initial community meeting at Cheri DiNovo's constituency office, the WTDCG has worked to organize three additional community meetings to keep residents informed of events and address and represent concerns from the community. Community meetings have taken place on both sides of the tracks at the Perth Davenport Community Centre and Indian Road Crescent School. Representatives from all levels of government have participated in these community meetings. The WTDCG continues work closely with, and has enjoyed the support of, our municipal and federal representatives in both of the political jurisdictions surrounding the West Toronto Diamond.

Approximate number of residences/institutions/businesses impacted: * **_See attached estimated population profiles**

Part 3 – RAILWAY COMPANY CONTACT INFORMATION

Railway Company Name * GO Transit's Joint Venture with Canadian National (CN)		Railway Subdivision/Yard Name (if available)
Railway Company Representative - Name * Michael Wolczyk		
Telephone *416-869-3600	Extension *5424	E-mail Address Michael.wolczyk@gotransit.com



Part 4 – MUNICIPAL CONTACT INFORMATION

Has the municipality been contacted? * Yes No

If yes, Municipal Contact – Name * City Councillor Gord Perks, Ward 14

Telephone *416-392-7919

Extension *

E-mail *councillor_perks@toronto.ca

Describe how the municipal government has been involved. *

Councillor Perks has been involved since construction began by responding to citizen complaints and actively participating in one meeting with GO representatives that took place March 17, 2009. Municipal councillors Cesar Palacio and Adam Giambrone have also been contacted by many members of the community and by the West Diamond Community Group.

A motion by Mr. Palacio was also presented at City of Toronto Council indicating that the piling completely undermines the livability of the neighbourhood. The motion supports “thousands of residents in Wards 17, 11, 14, 18 and 13” and offers legal support in the quest for “quieter, more reasonable methods of pile driving”

The Toronto District School Board passed a motion (attached) requesting the provincial government to mitigate the noise resulting from the high-level construction.

Part 5 – COLLABORATIVE MEASURES UNDERTAKEN

Describe in detail the collaborative measures that have been undertaken with the railway company and the municipality to resolve the issue. Attach copies of any information sent to the railway company as well as dates and notes of telephone conversations and meetings held. Indicate whether third party facilitation and/or mediation were considered or took place. *

In spite of repeated requests and complaints beginning in late January, prior to March 27, 2009, GO Transit made no known attempt to meet with the community or elected officials to resolve the tremendous impact of the construction methods being used in the West Toronto Diamond Grade Separation Project on the community.

A community group – West Diamond Community Group – was organized, led by a small number of volunteer leaders. A discussion list – Hook Avenue Pile Drivers – was created and used by the community to communicate with the group leadership and each other.

Cheri Dinovo, MPP, made repeated requests for a meeting of GO Representatives to take place with community members. In the end, GO, as represented by Mr. Michael Wolczyk, Director, Rail Infrastructure, and Ms. Kathryn Hanford, Public Relations representative employed by the contractor MRC, refused a public meeting but agreed to meet with a small group of representatives of the West Toronto Diamond Community Group and elected officials.

Elected officials present at that meeting included Councillor Gord Perks, MP Cheri DiNovo, Parkdale High Park, and MP Gerard Kennedy, Parkdale High Park, and their respective aides.

At this meeting Mr. Wolczyk informed community representatives and elected officials that there was nothing that could be done to alleviate the noise and vibration and the resulting impact that construction was having on the community.

During this meeting, it was confirmed that GO Transit had contracted the use of a computer controlled vibratory hammer that would be used to drive piles within feet of the foundation wall of National Rubber Technologies located in the North West quadrant of the construction site. This technology was being used to ensure that damage did not occur to the 110 year-old factory. Mr. Wolczyk was not able to provide an explanation for why this technology was not being used more broadly to reduce community noise and vibration impacts. Meeting minutes taken by Carly Jones, staff member from Cheri Dinovo’s office are included in this application.

A community meeting was held April 20 and a subsequent meeting was held in the “east of the tracks” neighbourhood, also represented on the West Toronto Community Leaders Group by two volunteer leaders. MP Gerard Kennedy and MPP Cheri DiNovo spoke at the meeting and members of the community listed the issues and problems caused by the noise



and vibration.

Following the March 27 meeting, members of the West Toronto Diamond Group decided to pursue mediation through the Canadian Transportation Agency (CTA). A letter of request, included in this application, was sent to Mr. Paul Lacoste on April 2, 2009.

Following a protracted period of complete disengagement on the part of GO Transit, the West Toronto Community Group was invited to participate in a meeting with GO following the submission of our request for mediation to the CTA.

At that time, GO Transit communicated that they were making progress in mitigating noise and vibration. The West Toronto Group was requested to set a time and date to meet and we communicated to GO our willingness to meet at Gerard's Kennedy's constituency office (2849 Dundas Street West) at 7:15 pm on April 27th, 2009. GO representatives objected to Mr. Kennedy's involvement and the location of the meeting and we capitulated to restrict the meeting to community members and business owners by agreeing to meet with GO on April 28th at 7:00 pm. Acting in good faith, we agreed to postpone CTA mediation to meet with GO to be informed of any progress that had been made in mitigating the disruption. Mr. Wolczyk, Ms. Judy Knight and Ms. Kathryn Hanford participated in this meeting. During this meeting a number of noise and vibration mitigating strategies were proposed, including:

1. "French" imported computer controlled vibratory driver
 - a. This machine has cleared CND customs and will be on site by the end of this week for testing
 - b. Upon question by G. Stalker, it was clarified that this is the machine that has been contracted to drive piles along the foundation walls of commercial interest NRT
2. Use of standard vibratory pile drivers (non computer controlled)
 - a. GO indicated that they may be able to use these hammers to drive 80% of the length of piles, then use diesel hammers for the remaining 20% which is the most difficult part to drive
 - b. Would represent a decrease in the need for diesel hammering
 - c. Despite many queries, no confirmed schedule to commence use of this technology was provided less accurate than the "French" computer controlled pile driver, however, when questioned, Mr. Wolczyk indicated that Birmingham experts have indicated that they believe they can drive the piles within allowable tolerances using the standard vibratory hammers
 - e. may produce harmonics
3. Moveable sound barriers
 - a. may take an additional 10 to 15 db off of the noise generated
4. Diesel hammer shrouds
 - a. a three sided design is not being considered since it would direct noise into the community
 - b. a four sided shroud would have to overcome operational constraints by fitting the hammers with cooling systems
 - c. no strong commitment on the use of four sided shrouds was expressed
5. Use of Sand Bags to dampen
 - a. Mr. Wolszyk indicated that sand bags could be hung from piles and timed to hit the pile as it is being driven to attenuate the db levels
 - b. Sandbags could be implemented as early as this week
6. Reduced need to drive the 3rd centre line of piles
 - a. Depending on operational constraints, there may be the opportunity to auger the centre line of piles since the water table may not be a strong limiting factor
 - b. No firm commitment that this approach would be successful or achievable
7. Silent pile driving



- a. Mr. Wolszyk indicated that it takes one day to drive in a pile using this method making it operationally unfeasible
 - b. Presently, diesel hammer method is averaging 11 piles per day
 - c. Ms. Knight indicated that they currently have 1830 remaining piles to be driven
8. Fourth Rig
- a. Ms. Knight suggested that a fourth diesel rig could be procured to "Blast through it", thereby saving time and getting the project over with sooner
9. Ms. Knight and Mr. Wolczyk also indicated that the hours of operation for the use of vibratory hammers could be extended to decrease the schedule of pile driving
- a. Diesel hammer use would remain confined between 8 am and 4 pm

We responded to GO in a letter dated April 30, 2009, attached to his application, in which we indicated that while promising approaches to solve the excessive noise and vibration were being proposed, that there was no firm implementation plan. Furthermore, there was no clear indication or assurance of either the success of these measures or when they could be contracted and implemented.

Failing to hear a response from GO on the requested date, May 4, 2009, we proceeded with our request to involve the CTA in mediation. Again, GO responded through a correspondence with Ms. Mariko Nagata, that they had made progress and would be able to share an implementation plan with the community by May 19, 2009. Again the West Toronto Diamond group agreed to postpone any eventual CTA mediation and, acting in good faith, agreed to meet with GO on May 12, 2009. Mr. Wolczyk, Ms. Judy Knight and Ms. Kathryn Hanford represented GO Transit in this, our third, meeting with the railway.

The outcome of that meeting was terribly dispiriting. We learned that the most promising measures proposed by GO to reduce noise and vibration would not be pursued. GO indicated that the vibratory hammers would not be used to drive piles 80% of length, followed by diesel hammering to completion the remaining 20% of length. The second most promising alternative to current practice, a redesign of the central wall of piles to obviate the need for diesel hammering would also not be pursued. Most discouraging is the fact that any mitigation methods to alleviate the considerable ground vibration produce by diesel piling is no longer being considering by GO Transit in its construction of the WTD Grade Separation. In this meeting, GO representatives indicated that they would not be in a position to share an implementation plan by May 19, 2009. GO representatives were not prepared to commit to any plan of implementation, nor could they confirm that any service had been contracted to alleviate the considerable hardship experienced by community members. Mr. Wolczyk indicated that moveable sound barriers were being tested and resulted in less than a 5 db noise drop. These barriers, retrieved from a northern highway development project, are open on two sides and the West Toronto Community Group is concerned how effective they actually are in reducing, rather than deflecting noise, into different areas of the community. At the time of this application, these moveable walls are not implemented throughout the site, but situated near piling that is occurring adjacent to Weston Road. Mr. Wolczyk indicated that diesel shrouds had been tested and resulted in a 10 db noise drop, though there was no indicated of when shrouds could be contracted, nor could it be confirmed if they would be extensively implemented on all piling activities. Finally, the use of bags of rubber pellets suspended from the piles would not be implemented, as GO did not consider this approach very effective.

The outcome of this meeting made it clear to members of the West Toronto Diamond Community Group that no effective strategy that addressed both noise and vibration could be achieved by working in good faith with GO Transit. Our community group has demonstrated tremendous patience, reasonableness and dispassionate good faith in working with GO transit over three individual meetings, two of which followed the submission of our CTA request for mediation.

We have tried and exhausted all efforts to collaborate and mediate this conflict with GO Transit. This is an unprecedented use of diesel hammers in a densely populated urban environment and CTA involvement in a formal complaint is needed at this time so as not to allow an unfortunate precedence for future commuter rail construction in Canada.

We believe that GO Transit has not dealt with this community in good faith, nor has it demonstrated serious concern for the impact its construction in having in the lives of individuals, families and businesses. It is not acceptable to us that GO Transit expect this community to pay for the social costs of the construction methods it has chosen to implement. We believe at this time, that only formal application to the CTA and an immediate interim injunction will provide the community with relief and GO the time needed to implement less destructive methods that address both the noise and vibration being produce as a result of their construction.



Describe any measures that have already been taken to reduce noise/vibration. *

At the time of writing this application, no mitigation measures have been implemented save the use of moveable barriers previously used in Ontario highway construction. These barriers are open on two sides and not deemed effective by West Diamond Community Group members.

Part 6 – COMPLAINT INFORMATION

6a – Nature of the noise or vibration

Source(s) of the noise/vibration (at least one box must be checked): *

- Idling Locomotives
- Passing Trains
- Switching/Shunting Cars
- Whistling
- Wheel/Rail Interface
- Other Construction of Grade Separation using Diesel Pile Drivers _____
(please specify)

Time of day/night when noise/vibration occurs (at least one box must be checked): *

- Morning
- Daytime
- Nighttime

Duration of typical noise/vibration episode: * 7:30 a.m. to 4:00 p.m. _____ minutes / hours (circle one)

Frequency of the noise/vibration episodes: * ongoing _____ times per day / week (circle one)

Length of time noise/vibration has posed a problem: * five months _____ weeks / months / years (circle one)

Have you kept a record (log) of the frequency and duration of the noise/vibration episodes? * Yes No

If yes, please attach the record to this form. Community Impact Statements

Have any noise or vibration measurements or studies been conducted? * Yes No

If yes, summarize results or attach a copy of the report.

Describe the impact of the noise/vibration. *

Impacts to humans:

- exposure to what is estimated to be 105db of noise from 7:30 a.m. to 4 p.m. Monday to Friday hundreds of metres from the construction site
- exposure to ongoing vibrations that shake floors and walls with every diesel hammer explosion – often as frequent as every two or three seconds – 7:30 a.m. to 4 p.m. Monday to Friday within 100 metres of the construction site

These have resulted in physical harm, financial harm, mental and emotional harm and damage to well-being and community life. Some of these impacts are

- potential hearing damage
- loss of the quiet enjoyment of one's home by thousands of residents along the grade separation corridor
- sense of powerless as the noise and vibration continue unabated in spite of pleas for relief from GO Transit
- anxiety about property values in the face of the long construction period
- loss of income from fleeing renters
- inability for children and adults to enjoy the outdoors around their homes



- inability to open windows
- inability to use traditional walking and dog-walking areas along the corridor because neither humans nor dogs can tolerate the noise and vibration
- inability to sleep for shift workers
- inability to earn a living for work-at-home businesses and businesses in the community, including inability to talk on the telephone for those at close range and inability to concentrate; concomitant costs of moving businesses out of the neighbourhood. Workers report reduced efficiency in performing daily tasks, resulting possible safety issues for workers
- the cancellation of standardized tests for children in an adjacent school
- the cancellation of outdoor recess for children in an adjacent school
- inability for those who are recovering from illnesses to recover in peace
- anxiety including increased clinical effects on persons already suffering from anxiety
- physical effects including fatigue and irritability. Some individuals have reported, anecdotally, increased blood pressure, changed heart beat and increased breathing rate.
- negative impacts on pets who have begun to hide, cry or soil in the house; at least one pet death has been attributed to the noise and vibration by the animal's owner
- negative physical and psycho-social responses of community members with neurological deficits
- negative impacts on elderly community members with diminished mobility
- negative impact on the students of Lucy McCormick Senior Public School Lucy McCormick Senior school serves students with developmental disabilities

Impact on the physical environment (damage to property), in the case of vibration:

- tiles falling off walls
- cracks in foundations
- water in basements
- wall and ceiling cracks
- household effects falling off shelves, breaking

Describe any recent changes to railway operations (volume of traffic, length and frequency of trains, methods of operation) that have affected noise/vibration levels. *

Impact due to current construction of the West Toronto Diamond that commenced in January, 2009. The construction of the project is described as a joint venture between GO Transit and CN and their associated contractors.



6b – Description of the area affected

Describe the location of the source of noise/vibration (street name; neighbourhood/subdivision; railway yard or road crossing). *

The West Toronto Diamond is the crossing of CP tracks and those that were formally owned by CN that have subsequently been purchased by GO Transit. The West Toronto Diamond Grade Separation project extends between Dupont Street, to the south, and St. Claire Street to the North. Piling driving using diesel explosion hammers, the largest hammers manufactured by Berminghammer, is occurring along the Georgetown rail corridor to construct two outer walls and one central wall of interlocking piles, comprising about 2,500 piles.

Approximate distance between the residences/institutions impacted and the source of noise/vibration: * **One metre or less at the closest point of construction.** (circle one)

Is this a new or an older development? * New X Older

Length of time you have resided in current location: * **The West Toronto Diamond Residents Group includes members who have lived in the community their entire lives and those who are recent arrivals. This reflects the larger demographic composition of the community that includes a large number of long term residents and new residents who are increasingly attracted to the community.**

Is there a noise barrier currently in place? * Yes X No

If yes, describe (type of barrier, length, etc.).

Zoning of area (one box must be checked): *

- Residential
- Commercial
- Industrial
- Other: _____ (please specify)

Describe the area where you live or work and which is affected by the railway facility. Include the general land use and any relevant change in land use and development. *Please include a sketch or copy of a map of the area impacted.* *

The neighbourhood is located in an area of Toronto that was formally the independent city of West Toronto Junction that later amalgamated with the City of Toronto in 1909. The area has a unique historical heritage that combines many excellent examples of Victorian, Edwardian and Art Deco architecture. Most of the house located nearest the construction comprise the oldest housing stock within the wider neighbourhood with Victorian houses that were constructed in the late 1880s.

The area where construction is located is a densely populated urban environment. Part of the density of this area is owed to intensification in the use of the existing housing stock, with many home divided into multiple apartments.

Within the affected area there are four impacted schools, included St. Rita's located at 178 Edwin Avenue, St. Josaphats located at 55 Pelham Avenue, Carlton Village South School located at 315 Osler Street, Carlton Village Jr. and Sr. High School located at 315 Osler Street, Lucy McCormick Sr. School for Adolescents with Special Educational Needs located at 2717 Dundas Street West, Indian Road Crescent Jr. High School located at 285 Indian Road Crescent, and Pope Paul IV located at 270 Laughton Avenue. In addition to the existing schools serving the local community, the High Park YMCA child care facility, located at 2665 Dundas Street West – approximately 30 meters from the pile driving occurring at the south end of the construction site, at the intersection of Dundas and Dupont streets.

Pile driving activity is reported to be heard as far east as Ossington and Bloor and as far south as High Park.

Part 7 – PROPOSED RESOLUTION(S)



Describe the resolution options that were considered. *

Prior to formally requesting mediation by the CTA, GO requested a meeting where we were informed the following measures were being investigated:

1. "French" imported computer controlled vibratory driver
 - a. This machine has cleared CND customs and will be on site by the end of this week for testing
 - b. Upon question by G. Stalker, it was clarified that this is the machine that has been contracted to drive piles along the foundation walls of commercial interest NRT
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6. Reduced need to drive the 3rd centre line of piles
 - a. Depending on operational constraints, there may be the opportunity to auger the centre line of piles since the water table may not be a strong limiting factor

We have been informed that GO is only presently considering the use of diesel hammer shrouds. While we have no idea how effective this strategy will be in reducing noise, it will do nothing to reduce the vibration experienced.

Describe the solution(s) that you propose to reduce the noise or vibration. *

To reduce both the noise and vibration experienced by residents and business owners, we request, as per section 28 – Orders – of the Canadian Transportation Act, an immediate interim injunction stopping the use of diesel explosion pile driving activities on the site of the West Toronto Diamond Grade Separation project.



To address both the noise and vibration produced as a result of construction activities, we request that GO Transit use GIKEN silent piling technology to complete pile driving activities on this project. The use of this technology will address both noise *and* vibration impacts. Silent pile driving is a technical solution that ensures that the completion of construction will not be achieved at the expense of our community. GO's use of diesel pile drivers in a densely populated urban community is an unreasonable imposition on the health and wellbeing of this community.

Describe the impact you foresee that the solution(s) would have for you and for the railway company. *

The use of silent piledrivers would offer the community – which has lived in a comfortable relationship with several rail lines throughout its history – to return to normalcy. The use of silent piling methods can address all technical limitations identified by GO Transit while ensuring that the community is not burden by the social costs of constructing the grade separation.

It would also alleviate the worry and stress currently being experienced by the many thousands of residents and businesses along the corridor of a future, planned grade separation project purportedly forecast to necessitate 10,000 piles as contrasted to the 2,500 piles being driven by the West Toronto Diamond Grade Separation.

The timeline of construction may be extended, depending how many GIKEN silent driving rigs are contracted. GO Transit currently indicates that they are meeting municipal law since their work on Federal lands are not regulated by municipal law. Using silent driving methods, GO Transit's construction would actually meet the legal requirements of municipal law in the spirit of its ruling, thereby showing respect for both local citizens and the accepted standards of practice as expressed in Toronto Municipal Law. The construction of the West Toronto Grade Separation would proceed observing similar standards with respect to noise and vibration as municipal works and commercial construction projects in Toronto.

Part 8 – ADDITIONAL INFORMATION

Provide any other information you wish the Agency and the railway company to consider.

Review of Federal Environmental Assessment

The federal environmental assessment (EA), conducted by the CEAA, contains a number of inaccuracies that falsely characterize GO Transit's construction of the grade separation. The environmental assessment was accepted by Greg Ashbee, P. Eng. Senior Project Engineer, GO Transit and, as signator, he accepted responsibility for ensuring implementation of mitigation measures and for ensuring implementation and design of followup programs identified within the EA. Page (ii) of the report indicates that mitigation and follow-up is to be implemented for this project. This follow-up should address a number of statements within the EA that are now in fact false as a result of GO's current management of the West Toronto Grade Separation.

First, as indicated on page (ii) of the EA, the CEAA determination for this project was deemed to not likely cause significant adverse environmental effects. Given the documented evidence in support of the application, we strongly believe that the work being conducted by GO Transit does not reflect this determination and is causing considerable damage to the community's social and economic environment due to both noise produced and ground vibration experienced.

Page 37, Section 5.1.2 – the Noise and Vibration findings – indicates that pile driving activities will take 3 months to complete. This is clearly inaccurate since piling driving has occurred since the end of January, 2009 and is expected to continue well into the spring of 2010. This section additionally discusses the use of pile auguring which is not being implemented on this project.

Page 55 – Direct Effects Table 5.3 – indicates "slight" increase in noise during construction which is clearly inaccurate.

Page 62, Table 5.6, Environmental Effects Checklist – indicates that Potential adverse effect can be Mitigated. It is further indicated that cumulative effects on the same table for noise can be mitigated. GO has not pursued any strategy to mitigate noise in any significant way.

Page 73, indicates that monitoring of the mitigation methods will occur, however, there are currently no effective mitigation methods for noise and vibration to monitor.

Inaccurate GO Corporate Communication

Finally, GO Transit has not acted in good faith in its management and execution of this project. GO's community announcement of the project (attached) made only the most trivial mention of noise impacts and did not mention vibration.

Additionally, great confusion in the community was created when MRC contracted OZA inspections to conduct precondition surveys on residents' homes. The letter of notice sent from OZA included little information on the process of the inspection, why it was being



conduction and what complaint process would be in place to address damage to property. Residents were also told that they could not see the reports of the inspectors. Many individuals did not understand the process and refused to allow inspectors into their homes. The initial catchment area excluded many homes that were subject to tremendous vibration. The catchment area for inspections was extended and residents were given the option of having an inspection completed, however, at that time 4 months into pile driving, no effective and meaningful precondition survey could be conducted as damage had already occurred to many residents homes.

Request to Abridge the 30 days within Which GO Transit can Respond to this Complaint

To the long negotiation process incurred with GO Transit and both parties' now gained familiarity with all aspects of this complaint, we request that the 30 day period in which GO Transit can respond to this complaint be abridged to a period of 14 days. The WTDCG has demonstrated considerable patience in this matter and has responded, in good faith, by delaying proceeding to CTA mediation at the request of GO Transit to meet. We agreed to this despite GO's unwillingness to maintain a dialogue with us when we were not in a position to request CTA mediation.

Notice of Direct Correspondence in Support of Application

A letter of information and support will be directly forwarded to the CTA from the constituency office of Mr. Gerard Kennedy, MP Parkdale - High Park.

List of all documents enclosed to support your complaint *

To investigate your complaint, the Agency requires legible copies of all correspondence exchanged with the railway company. Do not send original documents.

- 1 See attached table of contents and supporting documents.....
- 2.....
- 3.....
- 4.....
- 5.....
- 6.....

I declare that the information provided in this form is accurate.

Signature

Date

Please read carefully and signify your agreement to the attached Privacy Statement. Mail or fax the completed form, the signed Privacy Statement, copies of the documents supporting your complaint and any additional pages to:

**Secretary
Canadian Transportation Agency
Ottawa, Ontario K1A 0N9
Fax : 819 997-6727**

Once a complete application is received, the complainant and the railway company will be informed and the formal pleadings process described in page 10 of the *Guidelines* will be initiated.



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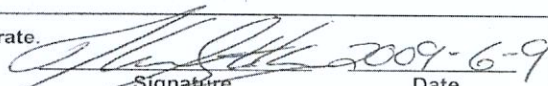
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I declare that the information provided in this form is accurate.

 2009-6-9
 Signature Date

Please read carefully and signify your agreement to the attached Privacy Statement. Mail or fax the completed form, the signed Privacy Statement, copies of the documents supporting your complaint and any additional pages to:

Secretary
 Canadian Transportation Agency
 Ottawa, Ontario K1A 0N9
 Fax : 819 997-6727

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PRIVACY STATEMENT - READ CAREFULLY

Open Court Principle

As a quasi-judicial tribunal operating like a court, the Canadian Transportation Agency is bound by the constitutionally protected open-court principle. This principle guarantees the public's right to know how justice is administered and to have access to decisions rendered by administrative tribunals.

In accordance with the values of the open court principle and pursuant to the Canadian Transportation Agency General Rules, all information filed with the Agency becomes part of the public record and may be made available for public viewing. The names of parties and witnesses involved in a complaint are public.

Agency Process

Information provided to the Agency will be used to investigate complaints and a copy of the complaint will be forwarded to the transportation service provider for comments.

In some instances, the Agency may process complaints together where similar issues have been raised. In such circumstances, information provided to the Agency on each of the complaints may be distributed to parties in the other complaints.

If a complaint is dealt with pursuant to the Agency's formal process, a decision will be issued that contains a summary of the complaint, a summary of other information provided during the pleadings and an analysis of the case, along with the Agency's determination and any corrective action deemed necessary by the Agency.

Publication on Web site

The decision will be posted on the Agency's Web site and will include the names of the parties and witnesses. The decision will also be distributed to a number of organizations and individuals that have subscribed to receive Agency decisions. In its use of names and personal information in decisions and orders, the Agency has adopted the protocol approved by the Canadian Judicial Council in March 2005 for the use of personal information in judgements. This protocol sets out guidelines to assist administrative tribunals when dealing with requests for the non-publication of names.

In an effort to establish a fair balance between public access to its decisions and the individual's right to privacy, the Agency has taken measures to prevent Internet searching of full-text versions of decisions posted on our Web site. This is done by applying instructions using the "web robots exclusion protocol" which is recognized by Internet search engines (e.g., Google and Yahoo).

Therefore, the only decision-related information on the Agency's Web site that will be available to Internet search engines are decision summaries and comments contained in the Agency's annual reports and news releases. The full-text version of decisions is posted on our Web site, but will not be accessible by Internet search engines. As a result, an Internet search of a person's name mentioned in a decision will not provide any information from the full-text version of decisions posted on the Agency's Web site.

We cannot guarantee that the technological measures taken will always be respected or free of mistakes or malfunctions.



There may be exceptional cases to warrant the omission of certain identifying information from an Agency decision. Such omission may be considered where minor children or innocent third parties will be harmed, where the ends of justice will be undermined by disclosure or the information will be used for an improper purpose. In such situations, the Agency may consider requests, supported by proper evidence, to prevent the use of information which identifies the parties or witnesses involved. Any individual who has concerns with respect to the publication of his or her name may contact the Agency's Secretariat by e-mail at NDN-NPN@otc-cta.gc.ca, or by calling 819-997-0099 or 1-888-222-2592 or TTY 1-800-669-5575, or by writing to the Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9.

Privacy of Records

In all cases, the Agency's records relating to complaints will be retained in the Personal Information Bank numbers CTA-PPU-033 for 10 years after the complaint has been resolved & in CTA-PPU-014 for 10 years once received. An individual has the right of access to their personal information as this information will be protected in accordance with the *Privacy Act*. Questions or comments regarding your privacy may be directed to the Privacy Co-ordinator by e-mail at Patrice.Bellerose@otc-cta.gc.ca, by calling 819-994-2564 or 1-888-222-2592 or TTY 1-800-669-5575, or by writing to the Canadian Transportation Agency, Ottawa, Ontario, K1A 0N9.

I, Glenn Stalker, on behalf of the West Toronto Diamond Community Group, have read and agree to the above Privacy Statement.

Signature

Date (yyyy-mm-dd)



Canadian
Transportation
Agency

Office
des transports
du Canada

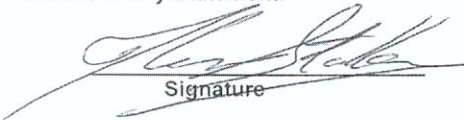


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2009-6-9
Date (yyyy-mm-dd)

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