

**From:** [Real Estate Canada](#)  
**To:** [Etobicoke Community Council](#)  
**Subject:** Comments regarding Amend Zoning By-law Application No. 21 251071 WET 03 OZ  
**Date:** February 7, 2023 2:38:31 PM  
**Attachments:** [image001.png](#)  
**Importance:** High

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Good Afternoon,

**RE: Comments on Amend Zoning By-law Application No. 21 251071 WET 03 OZ at 5251 Dundas Street West, within proximity of CP Rail Line**

Canadian Pacific is generally not opposed to Commercial/Industrial type developments adjacent to our right of way. Notwithstanding that statement, commercial developments should still meet certain recommendations based upon site specific conditions and intended use. CP is not in favour of residential uses that are not compatible with rail operations as the safety and welfare of residents can be adversely affected by rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change.

CP's approach to any development or expansion in the vicinity of rail operations is encapsulated by the recommended 2013 Proximity Guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. CP continues to recommend that all proposed developments (whether residential, commercial, or industrial) follow the 2013 Proximity Guidelines. It is incumbent upon the developer to incorporate these safety measures to a degree that satisfies the requirements of the relevant agencies issuing building and development permits. The 2013 Proximity Guidelines can be found here: <http://www.proximityissues.ca/>

CP recommends that the below condition be inserted in all property and tenancy agreements or future offers of purchase and sale for all dwelling units in the proposed building(s):

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

We would appreciate being circulated with all future correspondence related to developments adjacent to our right of way.

Thank you,

Real Estate Canada



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**\*\* Please be advised that [CP\\_Proximity-Ontario@cpr.ca](mailto:CP_Proximity-Ontario@cpr.ca) will be deactivated as of January 31, 2023. Effective immediately, please ensure your contact email for CP Proximity-Ontario is updated to [Real\\_EstateCanada@cpr.ca](mailto:Real_EstateCanada@cpr.ca) to ensure your communication is received and replied to in a timely manner \*\***

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