



2026-02-09

City of Burlington  
426 Brant Street,  
Burlington, Ontario  
L7R 3Z6

Via e-mail: [newzoning@burlington.ca](mailto:newzoning@burlington.ca);

**Re: City of Burlington's Residential Zoning By-law ("Residential ZBL") and Residential Zoning By-law Near Rail ("Residential ZBL Near Rail")**

**Response on behalf of Canadian National Railway ("CN Rail") to the Draft Zoning By-laws**

To whom it may concern;

CN Rail is pleased to have the opportunity to participate in the City of Burlington's update to the City's Zoning By-law. It is our understanding that Community Meetings to receive feedback on Phase 1 of the Draft Zoning By-law (Residential Zones) was held on August 14, 2025, and an additional meeting was held on August 24, 2025. WSP provided comments on the Draft Residential Zoning By-law, dated June 2025 (**Appendix A**) on August 27, 2025. WSP provided an additional letter (**Appendix B**) on January 20, 2026 at Staff's request to confirm the boundary of the Aldershot Rail Yard.

The comments herein are in response to the Residential Zoning By-law and Residential Zoning By-law Near Rail, to be considered in the Public Meeting scheduled for February 10, 2026. CN Rail is appreciative of Staff's efforts to address the concerns of prominent railway operators present in the City of Burlington through the Draft Residential Zoning By-law Near Rail and look forward to working together.

CN Rail acknowledges and appreciates the preparation of a Zoning By-law ("ZBL") to address residential areas within proximity to rail. A review of the proposed Zoning Schedules for the Draft Residential ZBL Near Rail shows proposed changes of zones with one of four Holding Provisions (H1, H2, H3 and H4). Part 8 Holding Provisions of the Residential ZBL Near Rail outlines the conditions for removal of the Holding Provision associated with the proposed zoning.

CN Rail maintains the opinion as provided in the Comment Letter dated August 27, 2025 ("Original Comment Letter"). The Residential ZBL Near Rail continues to propose as-of-right intensification along portions of the Railway Corridor, without robust legal mechanisms to ensure land use compatibility measures are secured and implemented.



## **Intensification of Development**

Sections 8.2, 8.3, 8.4 and 8.5 include the same sub provision (a), which states:

*A minor addition to an existing building is permitted provided it does not exceed 25% of the existing gross floor area, and provided it complies with the lot and building requirements of the underlying zone.*

This provision permits as-of-right intensification along portions of the Railway Corridor. As CN Rail stated in the Original Comment Letter dated August 27, 2025, CN Rail does not ask that the municipality introduce non-conforming uses by prohibiting the existing uses of a zone, however, CN Rail remains concerned regarding the expansion or intensification of existing uses without having land use compatibility matters addressed.

We note that the provision does restrict expansion to the proposed building envelope, however, there are scenarios where that envelope is substantial. As an example, there are some parcels identified in the proposed zoning schedules that are identified as HN(H1) with unlimited and/or substantial height. If an existing use is an apartment building within 75 metres to 300 metres of a rail line, Provision 8.2(a) permits additions of 25% of GFA, which could be additional storeys of residential dwellings, without review of supporting land use compatibility studies, or implementation of land use compatibility strategies that cannot be secured via the Site Plan approval process. As discussed in the Original Comment Letter of August 27, 2025, mitigation measures that can not be secured during the site plan approval process are matters related to manners and standards of construction that are often used to implement mitigation measures.

## **Use of Holding Provisions**

CN Rail acknowledges the City of Burlington's efforts to address potential land use compatibility issues for lands within 75 metres and 1000 metres of rail properties with the use of Holding Provisions H1, H2, H3 and H4.

However, Section 8.2(c)(ii), Section 8.3(c)(ii), Section 8.4 (c)(ii) and Section 8.5 (c) (ii) does not adequately address CN Rail's concern for securing and implementing mitigation measures. The Provision states:

*Submission of a letter of undertaking from the owner agreeing to undertake the study's recommended mitigation measures and incorporate them into the building permit plans and as part of any applicable Planning Act application to the satisfaction of the Director of Community Planning*

CN Rail has concerns with respect to the reference to a "letter of undertaking", as it is not a defined term in the Planning Act, and it is not clear whether such a document will be



able to bind either the owner of the land or the Chief Building Official to ensure mitigation is incorporated into the building permit approval process. Furthermore, CN Rail typically requires mitigation measures to be secured via a standard development agreement between CN Rail and the Developer (“CN Development Agreement”) that binds the owner to implement mitigation measures.

The CN Development Agreement ensures that warning clauses are registered on title, mitigation measures are implemented through the lifetime of the development, such as should the buildings/structures require the replacement of windows, etc. These agreements are more easily obtained through a rezoning in-lieu of a holding provision. Where appropriate, we trust that staff will continue to work with CN Rail to secure mitigation measures to the benefit of all parties involved.

### **Summary**

It is CN Rail's preference that intensification along the rail corridor is thoughtfully planned to acknowledge, study, and identify recommended mitigation strategies prior to development approval. As currently proposed, as-of-right intensification along the rail corridor leaves limited opportunities to identify land use compatibility conflicts, and secure recommended land use compatibility mitigation strategies that can not be secured at site plan.

Therefore, it is CN Rail's preference that as-of-right zoning in proximity to the rail corridor is generally limited to the existing land uses and development parameters, and that site specific amendments be utilized where land use compatibility mitigation strategies can be assessed and secured through specific zoning provisions where site plan is not the appropriate planning tool. This would be done in-lieu of holding provisions. The intended goal is to ensure that public health and safety is protected, and that the economic competitiveness of industries in the City of Burlington is maintained. Such an approach also allows for the involvement of rail and other industries in the community and where appropriate site-specific zone standards and/or development agreements to secure appropriate mitigation measures.

### **Conclusion**

We would like to thank you again for the opportunity to comment on the City of Burlington New Zoning By-law Project. We look forward to continuing to work with the City of Burlington throughout this process to ensure that this important industry is protected in the land use framework in Ontario. Please forward all future documents to [proximity@cn.ca](mailto:proximity@cn.ca) and the undersigned.



Thank your time and we look forward to receiving further information on this initiative.

Yours very truly.

**WSP CANADA INC.**

*C. B. John-Baptiste*

**Chad B. John-Baptiste, MCIP, RPP**

Senior Principal, Urban and Community Planning – Ontario

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## **Appendix A**

**Response to Phase 1 Draft Zoning By-law (Residential Zones) dated August 27, 2025**



2025-08-27

City of Burlington  
426 Brant Street,  
Burlington, Ontario  
L7R 3Z6

Via e-mail: [newzoning@burlington.ca](mailto:newzoning@burlington.ca);

**Re: City of Burlington's Draft Phase 1 Zoning Bylaw – Residential Zones  
("Draft Zoning By-law") Response on behalf of Canadian National  
Railway ("CN Rail") to the Draft Zoning By-law**

To whom it may concern;

CN Rail is pleased to have the opportunity to participate in the City of Burlington's update to the Zoning By-law. It is our understanding that Community Meetings to receive feedback on Phase 1 of the Draft Zoning By-law (Residential Zones) was held on August 14, 2025 and an additional meeting is scheduled for August 24, 2025. We request that the comments herein be considered.

We recognize and understand that there is growing emphasis on the delivery of housing units and strategic intensification as per the Provincial Policy Statement, 2024 ("PPS, 2024"). The Province of Ontario continues to emphasize the importance of maintaining and promoting economic competitiveness in an evolving economy, in addition to the provincial goals to increase housing. As such, the PPS 2024 maintains that development in proximity to rail shall be compatible with, and supportive of, the long-term purposes of goods movement corridors. Additionally, development of sensitive land uses in proximity to goods movement corridors like the CN Rail infrastructure, including rail lines and rail yards, should be avoided. If the development of sensitive land uses cannot be avoided, then the development approvals should be designed to mitigate and minimize potential adverse effects on public health and safety.

CN Rail is the owner and operator of the Aldershot Rail Yard, and several main rail lines in the City of Burlington including all or a portion of the Halton and Oakville Subdivision lines. The Halton and Oakville Subdivision lines transverse the City of Burlington and are an integral component of railway and transit infrastructure. The rail lines and Aldershot Rail Yard are embedded within existing residential neighbourhoods, industrial areas, and open spaces. The Aldershot Rail Yard is located within the middle of the proposed Aldershot GO MTSA Secondary Plan Area, awaiting Minister of Municipal Affairs and Housing approval. The eastern boundary of the Aldershot Yard is approximately Hidden Valley Road, and the western boundary of the Aldershot Yard is approximately King Road.



We are providing this letter on behalf of CN Rail to outline CN's comments regarding Phase 1 of the Draft Zoning By-law for Residential Zones, dated June 2025. CN Rail is of the opinion that the Zoning By-laws are one of the most effective opportunity to introduce robust zoning provisions to protect and mitigate current and future residents/sensitive uses in proximity to rail infrastructure from potential adverse effects from railway operations. **Please note that text in red indicates a requested consideration or proposed amendment to the Zoning By-law.**

***Request:** It is our request that the following feedback on the provisions of the Draft Zoning By-law for Residential Zones be implemented into the final version of the Zoning By-law.*

### **Land Use Compatibility and Separation Distances for Sensitive Uses**

CN Rail objects, in principle, to sensitive land uses within 300 m of a Rail Yard. Within 300 m to 1000 m of a Rail Yard, a proposed development requires a land use compatibility study to determine the required mitigation strategies from rail operations.

Furthermore, CN Rail requires that land use compatibility studies and/or noise assessments are necessary to identify mitigation strategies for sensitive uses proposed within 300 metres of a rail line, such as the Oakville and Halton Subdivisions.

CN Rail acknowledges that several neighbourhoods abut or are in proximity to the Rail Lines and the Aldershot Rail Yard. CN Rail is not suggesting altering existing zones to introduce legal non-conforming uses for existing residential homes within 300 metres of the Rail Lines or Yard. However, CN Rail requests that new zoning does not expand upon, intensify, or introduce new sensitive uses to these areas without the proper land use compatibility assessments being completed, or the requirement for a Development Agreement with CN Rail.

Noise and vibration produced from rail yard and railway operations are extremely difficult to mitigate at source. In addition, there are existing land use planning conflicts in the area of the Aldershot Yard, as a result of yard operations and residential development abutting and in proximity to the yard. CN Rail has received multiple complaints about current yard operations from existing residents in the vicinity of the Aldershot Yard. We also understand that City Council has also received complaints from existing residents due to CN's operations. These complaints represent a real risk to CN Rail's operations and CN's ability to serve industries in and around Southern Ontario.

We acknowledge and appreciate the inclusion of Section 5.34 Setback from a Railway Right-of-Way in the Draft Zoning By-law. Section 5.34 currently states:

*Notwithstanding any other rules in this Bylaw, all buildings and structures containing a dwelling, additional dwelling unit, place of worship, day care centre, school, college or university, hospital, long-term care facility, retirement home, group home, correctional group home, emergency shelter and boarding house shall be located no closer than 30 metres from any railway corridor.*

However, Section 5.34 does not adequately capture the scope of potential adverse effects from railway operations and facilities as currently written. Nor does it capture all of the sensitive land uses that are contemplated in the draft zoning by-law. CN Rail requests that all sensitive uses not be permitted within 300 m of the Aldershot Yard, and not within 30 metres of a Main Line. Setbacks for uses from a Rail Yard or main line to address rail safety (i.e. derailment) concerns should be 30 m, unless a Development Viability Assessment per FCM-RAC is done to address rail safety matters and design for a crash wall if required.

Furthermore, Section 5.34 of the Draft Zoning By-law does not currently require a land use assessment within certain distances from rail infrastructure for the expansion or introduction of new sensitive uses. Land Use Compatibility impacts from noise and vibration of rail operations on sensitive uses should be studied within 300 m of a rail line or spur. CN Rail's position regarding assessing land use compatibility matter for sensitive land uses from a Rail Yard should reflect the 1,000 m study area in the D-series guidelines. The D-Servies Guidelines are one of several documents which inform the Land Use Compatibility guidelines and procedures as mentioned in the PPS 2024.

CN Rail proposes the following additions to Section 5.34:

***Request:*** *Notwithstanding any other rules in this Bylaw, all buildings and structures containing a dwelling, additional dwelling unit, place of worship, day care centre, school, college or university, hospital, long-term care facility, retirement home, group home, correctional group home, emergency shelter, boarding house, hotel, community centre, and outdoor patio/amenity areas shall be located no closer than 30 metres from any railway corridor.*

***Request:*** *Notwithstanding any other rules in this Bylaw, all sensitive land uses (list above) within 300 metres of Aldershot Rail Yard, shall be prohibited, excluding uses that existed on the date of the passing of this zoning by-law. For the purpose of this Zoning By-law addition, the eastern boundary of the Aldershot Yard is Hidden Valley Road, and the western boundary of the Aldershot Yard is King Road.*

***Request:*** *Development of sensitive land uses (list above) within 300 metres of a rail line shall require a land use compatibility assessment to identify the required land use compatibility mitigation strategies necessary to mitigate the potential adverse effects from railway operations. Such an assessment must identify the legal mechanism to secure*

*the mitigation strategies (if required), and the legal mechanism must be entered into prior to the lifting of holding provision.*

***Request:*** *All sensitive land uses (list above) within 1000 metres of Aldershot Rail Yard shall require a land use compatibility assessment to identify the required land use compatibility necessary to mitigate the potential adverse effects from railway operations. For the purpose of this Zoning By-law addition, the eastern boundary of the Aldershot Yard is Hidden Valley Road, and the western boundary of the Aldershot Yard is King Road. Such an assessment must identify the legal mechanism to secure the mitigation strategies (if required), and the legal mechanism must be entered into prior to the lifting of holding provision.*

### **Proposed Zoning**

The Interactive Zoning Map provided on the City's website provides the location of the proposed zones corresponding to the Draft Zoning By-law. As mentioned, it is acknowledged that the CN Rail Halton and Oakville Subdivisions currently run through many established neighbourhoods in the City. However, CN is of the opinion that it is inappropriate to propose new, higher density and intensified zones near or along railway lines without the appropriate provisions to mitigate potential adverse effects from railway activities. Furthermore, railway property is not clearly identified on the draft mapping.

***Request:*** *CN RAIL requests that the railway properties are clearly identified on the future zoning schedule.*

As mentioned, CN Rail does not wish to amend the proposed zoning to introduce legal nonconforming uses for existing developments within 300 metres of the Rail Line or 1,000 metres of the Rail Yard. However, CN Rail objects in principle to the expansion or introduction of new sensitive uses through as-of-right zoning unless required land use compatibility assessments have been completed, and land use compatibility measures have been incorporated into the Zoning By-law. For example, the Draft Zoning By-law is proposing to change the existing RM2 zones located near Glendor Avenue & Plains Road East, Plains Road East & Maple Avenue, and Fairview Street & Brant Street, to LN8. The table below summarizes the existing and proposed as-of-right zoning for area at Plains Road East and Glendor Avenue:

<p><b>Current</b></p> <p><b>Table 2.7.1 RM Zone Permitted Uses</b></p> <p><b>RM2</b></p>	<p><b>Proposed</b></p> <p><b>Part 7 Residential Zones Table 4: Permitted Uses in All Residential Zones</b></p> <p><b>LN 8</b></p>
<ul style="list-style-type: none"> <li>• <b>Detached Dwelling</b></li> <li>• <b>Semi-detached Dwelling</b></li> <li>• <b>Duplex Building</b></li> <li>• <b>Triplex Building</b></li> <li>• <b>Fourplex Building</b></li> <li>• <b>Townhouse</b></li> <li>• <b>Retirement Home</b></li> <li>• <b>Lodge, Fraternity, Private Club</b></li> <li>• <b>Community Institution</b></li> </ul>	<ul style="list-style-type: none"> <li>• Detached Dwelling</li> <li>• Semi-detached dwelling</li> <li>• Duplex Dwelling</li> <li>• Triplex Dwelling</li> <li>• Fourplex Dwelling</li> <li>• Multiplex</li> <li>• Block Townhouse</li> <li>• <b>Apartment Building</b></li> </ul>

The introduction of the LN8 zone is a substantial expansion of residential uses within proximity of the CN Rail Line. As currently written, there are no zoning provisions in place to secure noise mitigation strategies necessary to protect expanded or newly introduced sensitive uses. In addition, we are not aware of any land use compatibility studies that have been completed to determine whether potential adverse effects can be avoided, or if potential adverse effects cannot be avoided, they have been minimized and mitigated. CN Rail is concerned that this approach to intensification without mitigation leaves limited opportunities in the development approvals process to introduce the appropriate requirements to ensure land use compatibility. As an example, if the lands at Plains Road East and Glendor Avenue are developed into a high-rise apartment building, facilitated by as-of-right zoning, it is not clear what mitigation measures are required and there are no provisions in the Zoning By-law to ensure that the recommended noise mitigation strategies are implemented.

As CN Rail has reiterated, CN Rail does not object to the expansion or introduction of sensitive uses only when it is accompanied by robust planning or legal mechanisms to ensure that recommended noise mitigation strategies, including but not limited to upgraded windows, brick façades, and noise berms, are implemented.

### **Enclosed Noise Buffers**

The CN Rail Aldershot Rail Yard is classified as a Class 3 facility per the D-Series Guidelines. Development near rail yards often require on-building mitigation for nearby sensitive uses, including residential dwelling units. An example of on-building mitigation includes Enclosed Noise Buffers, as permitted through a Class 4 designation for the sensitive land use under NPC-300. It is our recommendation that the City defines Enclosed Noise Buffers and amends the Zoning By-law to prohibit their use. Therefore, any development which requires an enclosed noise buffer as a mitigation strategy must apply for an amendment to the Zoning By-Law.

***Request:** it is our recommendation that a provision prohibiting the use of enclosed noise buffers is added as a general provision in Section 5, to require any development necessitating such mitigation strategy to apply for a Zoning By-law Amendment to Council.*

### **Planning Act Changes**

It is common that mitigation measures with respect to noise and vibration are often executed through the layout of interior and exterior areas, the placement of windows, and the use of upgraded construction materials. It is a misconception between City Staff and Developers alike that all types of land use compatibility measures and recommended mitigation strategies can be addressed at the Site Plan stage of the development approvals process. However, recent *Planning Act* changes have excluded the type and manner of construction from Site Plan Control. Specifically, Section 41, Subsection 4.1 of the *Planning Act* which states that the following matters are excluded from site plan control:

- a) Interior Design
- b) Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2 (d) of subsection (4).
- c) The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection (4).



- d) The manner of construction and standards for construction. 2006. c.23, s. 16 (5); c. 21, Sched 9, s. 11(3).

Furthermore related to the Site Plan approval process, Section 41, subsection 4.1.1 of the Planning Act states that “The appearance of the elements, facilities and works on the land or any adjoining highway under a municipality’s jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands”.

As such, the mitigation measures related to noise, including interior design and material requirements, fall outside the scope of site plan control and cannot be secured in the site plan control process. It is for this reason that provisions to require appropriate land use compatibility studies and demonstrate how the recommended noise mitigation measures will be secured, prior to the site plan approval process, need to be included within the Zoning By-law.

It is CN Rail’s preference that intensification along the rail corridor is thoughtfully planned to acknowledge, study, and identify recommended mitigation strategies prior to development approval. As currently proposed, as-of-right intensification along the rail corridor leaves limited opportunities to identify land use compatibility conflicts, and secure recommended land use compatibility mitigation strategies. CN Rail encourages the City of Burlington to ensure proposed areas of intensification along the rail corridor pre-emptively protect land use compatibility through zoning, separate restrictions on title (ie. a CN Development Agreement), or other land use planning approval mechanisms (ie. a Subdivision Agreement). Therefore, it is CN Rail’s preference that as-of-right zoning in proximity to the rail corridor is generally limited to the existing land uses, and that site specific amendments be utilized where land use compatibility mitigation strategies can be assessed and secured. The intended goal is to ensure that public health is protected, and that the economic competitiveness of industries in the City of Burlington is maintained.

### **Conclusion**

We would like to thank you again for the opportunity to comment on the City of Burlington Draft Zoning By-law review (Phase 1). We look forward to continuing to work with the City of Burlington throughout this process to ensure that this important industry is protected in the land use framework in Ontario. Please forward all future documents to [proximity@cn.ca](mailto:proximity@cn.ca) and the undersigned.



Thank your time and we look forward to receiving further information on this initiative.

Yours very truly.

**WSP CANADA INC.**

*C. B. John-Baptiste*

Chad B. John-Baptiste, MCIP, RPP

Senior Principal, Urban and Community Planning – Ontario

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## **Appendix B**

**Response to Staff's Request to Confirm the Boundary of Aldershot Yard dated January 20, 2026**



Victoria Coates MCIP RPP  
Senior Planner, Special Projects  
Community Planning, Development and Growth Management  
City Hall  
426 Brant Street., PO Box 5013  
Burlington ON

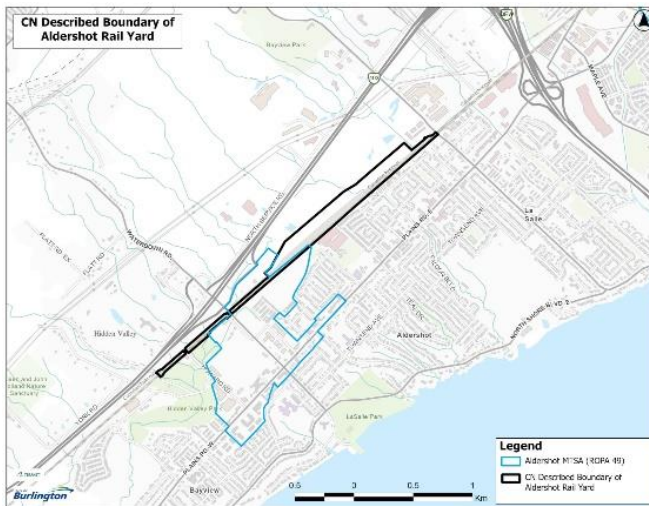
January 20, 2026

## RE: Confirmation of the CN Rail Aldershot Yard Boundary

Dear Ms. Coates,

WSP submitted a Formal Comment Letter (**Enclosed**) in response to the City of Burlington's Draft Residential Zoning By-law (Phase 1) on August 27, 2025. Further to the City's email request on December 18, 2025, please consider this letter as CN Rail's confirmation of the current Aldershot Yard Boundary, solely for the purposes of its inclusion in the Residential Zoning By-law, and subject to the qualifications set out in this letter.

The City of Burlington is proposing to consider the boundary for the Aldershot Yard for the purposes of the Residential Zoning By-law (and potentially other land use planning documents) according to the image provided on December 18, 2025, and shown in **Figure 1**.



**Figure 1. CN Described Boundary of the Aldershot Rail Yard, provided by the City of Burlington on December 18, 2025.**

Please be aware that CN Rail is subject to federal jurisdiction, including the *Canadian Transportation Act* (CTA) and the *Railway Safety Act* (RSA), which defines CN Rail's operational parameters. Per the CTA, CN Rail has the right to expand yard operations outside the depicted limits shown in **Figure 1**. Subject to the relevant statutes, CN Rail has the right to expand rail infrastructure and intensify yard operations within their property limits. The scale and location of yard operations is largely dependent on CN Rail's customer demand and operational needs to service industries located in and around southern Ontario.



For example, expansion of rail tracks within CN Rail's property limits is permitted by the relevant statutes, without requiring CN Rail to notify the municipality. Furthermore, we note that there is existing non-mainline tracks that extend beyond the area outlined in **Figure 1** that lead into Aldershot Yard, and which may be used for Yard operations.

Therefore, the expansion and/or intensification of yard operations may occur and extend beyond the area outlined in **Figure 1**.

CN Rail does not oppose the Aldershot Yard Boundary being identified as noted in **Figure 1** for land use planning purposes. However, the scale of the Aldershot Yard may evolve over time, and **Figure 1** or the Residential Zoning By-law should not be interpreted as constraining the limits of the Aldershot Yard or CN's operations, which are subject to change in accordance with applicable law and at CN's discretion. CN retains all rights to participate in, comment on, and appeal development applications that are impacted by or will impact the Aldershot Yard or any of its holdings in the City, in its sole and absolute discretion, and in accordance with the *Planning Act* and the applicable federal, provincial, and municipal policies and guidelines.

We look forward to continuing to work with the City of Burlington on this matter, and other land use planning initiatives currently in progress.

Thank you,

A handwritten signature in black ink that reads "C.B. John-Baptiste".

**Chad B. John-Baptiste BES MCIP RPP**  
**Senior Principal**

**Enclosure:** Draft Phase 1 Residential Zoning Bylaw – CN Rail Response dated August 27, 2025

**CC:** [Saadia.Jamil@cn.ca](mailto:Saadia.Jamil@cn.ca)  
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