

September 5, 2007

Via fax(905)895-3482

Chair and Members of the Planning and
Economic Development Committee
Regional Municipality of York
17250 Yonge Street
Newmarket, ON L3Y 6Z1

Dear Sirs:

**RE: City of Vaughan Official Plan Amendment No. 653
Planning and Economic Development Committee Meeting
of September 5, 2007**

Please be advised that we are the solicitors for CN Rail.

We have been retained by CN in respect of its objection to City of Vaughan Official Plan Amendment No. 653. CN Rail has sought and been granted party status at the Ontario Municipal Board Hearing which has been initiated by Tessmar Holdings Inc.

Our client strenuously objects to the conversion of employment lands south of Rutherford Road, east of Jane Street and to the introduction of destabilizing residential uses on lands adjacent to the CN MacMillan Yard. Our client endorses the recommendations contained in the Planning Report from Regional Staff recommending that OPA 653 be denied and that the Regional Staff be authorized to attend at the OMB to oppose this amendment.

CN Rail owns and operates its MacMillan Classification Rail Yard which is located to the north south and east of the above-referenced property.

The MacMillan Yard comprises approximately 1100 acres of land and was acquired by CN Rail for the purposes of the main Classification Yard for freight for North America.

As a result of the constraints on expansion of CN's facilities in Toronto, political pressure to relocate a majority of those freight operations outside of the City of Toronto and the movement of new industries to suburban locations, CN commenced planning in the late 1950's for the ultimate relocation of its rail classification freight yard activities from central Toronto locations to a northern location outside of urban development in what was then a rural area.

The MacMillan Yard was ultimately constructed and opened in the 1960's. The amount of land acquired and the facilities that it can accommodate were designed to ensure sufficient capacities for CN's freight operations into the distant future.

When the MacMillan Rail Yard was designed, the pull back track which runs north of the yard beyond Rutherford Road was designed so that it went directly northbound in the direction of the then rural community of Maple.

As a result of objections by Maple residents, CN redesigned the yard and its pull back track to a less efficient configuration such that the pull back track went north of Rutherford Road and then curved west toward Jane Street where it terminates.

Over the last twenty years, there have been considerable residential encroachments permitted adjacent to the MacMillan Yard. Initially in the 1980's residential development was allowed to the north of the yard's pull back track at a distance of 150 metres. This community generated a number of complaints for CN and Vaughan given the twenty-four hour noise generated by the MacMillan Yard.

Subsequent to that the Villa Giardino residential condominium development was approved by Vaughan and then for the first time, south of the yard's pull back track north of Rutherford Road residential development was permitted by the OMB over the objections of the Town and CN Rail. This development comprises a series of high rise condominium towers.

CN is very concerned by the possible introduction of residential uses to the northwest of its yard, south of Rutherford Road.

CN is of the view this area should remain an employment area.

CN's concerns are underscored by the three additional OPA Applications for high density residential development that have recently been made in the vicinity of the yard that are referenced in page 5 of Region Planning Staff's Report.

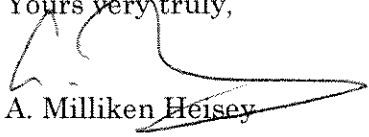
We are writing to request that the Region endorse the recommendations in the report of Regional Planning Staff and direct Regional staff to appear at the Ontario Municipal Board in opposition to Official Plan Amendment No. 653.

Kindly provide the author with written notice of any further meetings and/or decisions by Council of York Region or its Committee in respect of this matter.

We would request copies of the Minutes of the Regional Planning and Development Service Committee and Regional Council meetings addressing this report.

Kindly acknowledge receipt of this letter in writing.

Yours very truly,



A. Milliken Heisey

AMH/hls

cc: Canadian National Railway
Regional Councillor Mario Ferri (via email mario.ferri@vaughan.ca)
City Councillor Peter Meffe (via email peter.meffe@vaughan.ca)