

From: [Jenna Auger](#)
To: [Committee of adjustment](#)
Cc: [Farah Faroque](#)
Subject: B-24:035 - 14 & 16 Rossmore Ave, Hamilton - Metrolinx Comments
Date: Monday, May 26, 2025 3:31:07 PM
Attachments: [image001.png](#)
[Metrolinx - HM B-24_035 - 14 + 18 Rossmore Ave, Hamilton.pdf](#)

External Email: Use caution with links and attachments

Good afternoon,

Metrolinx is in receipt of the following consent application affiliated with the subject lands 14 & 16 Rossmore Ave, Hamilton, which is located within 300 metres of Metrolinx infrastructure.

Upon review of the application and it's supporting materials, please see attached Metrolinx comments for consideration.

Best Regards,

Jenna Auger (She/Her)

Adjacent Construction Review (ACR), *Formerly Third Party Projects Review (TPPR)*

Development & Real Estate Management

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To: Hamilton - Committee of Adjustment
From: *Adjacent Developments GO Expansion & LRT - Third Party Projects Review - Metrolinx*
Date: May 26th, 2025
Re: **B-24:035 - 14 & 16 Rossmore Avenue, Hamilton**

Metrolinx is in receipt of the consent application for 14 & 16 Rossmore Avenue, Hamilton.

We understand the proposal is to facilitate the severance of an existing residential lot into two parcels. Metrolinx's comments on the subject application are noted below:

- The subject property is located within 300m of the CP Hamilton Subdivision which carries Metrolinx's Lakeshore West GO Train service.

Conditions of Approval:

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact jenna.auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:
 - **Warning:** Metrolinx and its assigns and successors in interest operate commuter transit service within 300 metres from the subject land. In addition to the current use of these lands, there may be alterations to or expansions of the rail and other facilities on such lands in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx or any railway assigns or successors as aforesaid may expand their operations, which expansion may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual units. Metrolinx will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under these lands.

Advisory Comments:

- As CP Rail is the owner of the railway corridor, they are the authority to provide commentary on matters related to rail safety. Metrolinx suggests that CP Rail is circulated the application for review.

Should you have any questions or concerns, please do not hesitate to contact me.



Best Regards,

Jenna Auger
Adjacent Construction Review (ACR), *Formerly Third-Party Projects Review (TPPR)*
Metrolinx
10 Bay Street | Toronto | Ontario | M5J 2N8

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the "Easement Lands").

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.