

May 11, 2018

Subject: CN Intermodal Update

At its meeting on April 30, 2018, Oakville Town Council approved the following motion:

WHEREAS under the Municipal Act, Ontario municipalities have the authority and responsibility to advance and protect the “economic, social and environmental well-being of the municipality” and the “health, safety and well-being of persons”;

WHEREAS the Provincial Government has designated Ontario municipalities to have responsibility to establish official plans that meet or exceed provincial standards for managing and directing physical change and effects on the social, economic, built and natural environment;

WHEREAS CN Rail has declared that the Province of Ontario and the Halton Municipalities (the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville) and Conservation Halton have no regulatory role whatsoever with respect to a proposed truck/rail development that will have a direct impact on the economic, social and environmental well-being of the municipality and health, safety and well-being of residents;

WHEREAS the Halton Municipalities and Conservation Halton recognize that railways are a matter of federal jurisdiction, but assert that truck-rail developments have non-rail aspects that engage multiple areas of provincial and municipal government regulatory responsibility;

WHEREAS the Halton Municipalities and Conservation Halton have commenced a Court Application to confirm their legitimate regulatory role in respect of the CN development;

WHEREAS CN’s position that its proposed truck-rail development falls exclusively under federal jurisdiction, if upheld, would create a regulatory gap that would prevent the Province of Ontario, the Halton Municipalities and Conservation Halton from discharging their statutory responsibilities, and leave CN Rail, a for-profit company, to self-regulate on matters that engage provincial and municipal responsibilities; and

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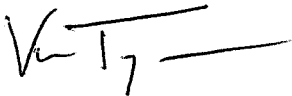
WHEREAS irrespective of the merits of CN's proposed development, CN's interpretation of jurisdiction over this development, if upheld, would be detrimental to all provinces and municipalities that contain existing or proposed developments that engage matters of federal, provincial and municipal regulatory interest;

NOW THEREFORE BE IT RESOLVED:

1. *THAT the Town of Oakville endorses the principles that:*
 - a. *there must be a cooperative approach to all developments that engage federal, provincial and municipal regulatory matters.*
 - b. *the existence of federal regulation over a development does not preclude and may require provincial and municipal regulation of the proposed development to avoid regulatory gaps.*
2. *THAT the Town of Oakville calls on the Government of Ontario to join the court Application of the Halton Municipalities.*

Should you have any questions regarding this matter or should you require any additional information, please contact me at 905-845-6601, extension 2003, or email vicki.tytaneck@oakville.ca.

Yours truly,



Vicki Tytaneck
Town Clerk

- c. The Honourable Kathleen Wynne
The Honourable Bill Mauro, Minister of Municipal Affairs
The Honourable Yasir Naqvi, Attorney General of Ontario
The Honourable Karina Gould, MP, Burlington
The Honourable Lisa Raitt, MP, Halton
The Honourable John Oliver, MP, Oakville
The Honourable Pam Damoff, MP, Oakville-North Burlington
The Honourable Michael Chong, MP, Wellington-Halton Hills
The Honourable Eleanor McMahon, MPP Burlington
Bill Mauro, Minister of Municipal Affairs
The Honourable Indira Naidoo-Harris, MPP, Halton
The Honourable Kevin Flynn, MPP, Oakville
Ted Arnott, MPP, Wellington-Halton Hills
Association of Municipalities of Ontario
Andrea Horwath, Leader, Ontario New Democratic Party
Doug Ford, Leader, Ontario Progressive Conservative Party
Mike Schreiner, Leader, Green Party of Ontario

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Federation of Canadian Municipalities (FCM)
Association of Municipalities of Ontario (AMO)
Large Urban Municipal Caucus of Ontario (LUMCO)
Mayors and Regional Chairs Caucus of Ontario (MARCO)
Rural Ontario Municipal Association (ROMA)
Northwestern Ontario Municipal Association (NOMA)
Federation of Northern Ontario Municipalities (FNOM)
Conservation Authority of Ontario
All Ontario Municipalities