

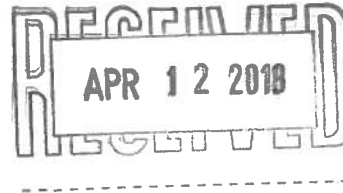
From: Roxanne St. Germain
Sent: Thursday, April 12, 2018 8:38 AM
To: Roxanne St. Germain
Subject: Halton Region Correspondence - Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton
Attachments: Halton Region Correspondence - Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton.pdf; CN Motion for Endorsement by Other Municipalities-March 23 2018.doc

From: Finn, Michele [mailto:Michele.Finn@halton.ca]
Sent: Wednesday, April 11, 2018 4:13 PM
Subject: Halton Region Correspondence - Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton

Please find attached a copy of the above-noted Council resolution.

Sincerely,

Michele Finn



- File Incoming Other
- Mayor
- Council EA
- CAO
- Building
- Finance S C
- Ec Dev S C
- Parks & Rec S C
- Planning S C
- Public Wks S C
- PPP
- Social Services
- _____
- _____

Michele Finn
 Committee Assistant
 Office of the Regional Clerk
 Legislative & Planning Services
 Halton Region
 905-825-6000, ext. 7747 | 1-866-442-5866



halton.ca (311)

This message, including any attachments, is intended only for the person(s) named above and may contain confidential and/or privileged information. Any use, distribution, copying or disclosure by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please notify us immediately by telephone or e-mail and permanently delete the original transmission from us, including any attachments, without making a copy.



VIA EMAIL

Legislative & Planning Services
Department
Office of the Regional Clerk
1151 Bronte Road
Oakville ON L6M 3L1

April 11, 2018

Federation of Canadian Municipalities, Brock Carlton
Association of Municipalities of Ontario, Pat Vanini
Large Urban Municipal Caucus of Ontario (LUMCO), Mayor Jeffrey
Mayors and Regional Chairs Caucus of Ontario (MARCO), Ken Seiling
Rural Ontario Municipal Association (ROMA), Mayor Ronald Holman
Northwestern Ontario Municipal Association (NOMA), Mayor Wendy Landry
Federation of Northern Ontario Municipalities (FNOM), Mayor Alan Spacek
Conservation Authority of Ontario, Richard Hibma
all Ontario municipalities

Please be advised that at its meeting held Wednesday, March 28, 2018, the Council of the Regional Municipality of Halton adopted the following resolution:

RESOLUTION: Seeking Support on the Court Application Involving the CN Truck-Rail Development in the Town of Milton

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 Halton Region and its area municipalities (“Halton Municipalities”), in partnership with Conservation Halton, have carried out multi-year, multi-phase planning processes to update their applicable official plans to address all relevant provincial plans and policy and foster healthy communities;

WHEREAS the most recent Halton Region official plan process engaged railways, including CN Rail, and was amended to accommodate stated railway plans for rail-supported development;

Regional Municipality of Halton

HEAD OFFICE: 1151 Bronte Rd, Oakville, ON L6M 3L1

905-825-6000 | Toll free: 1-866-442-5866

- 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 Halton Region calls on the Government of Ontario to join the Court Application of the Halton Municipalities.
3. THAT a copy of this resolution be forwarded to the Honourable Kathleen Wynne, Premier of Ontario; the Honourable Bill Mauro, Minister of Municipal Affairs; the Honourable Yasir Naqvi, Attorney General of Ontario; Halton's Members of Parliament (MPs), Members of Provincial Parliament(MPPs), and Leaders of the Opposition Parties.
4. THAT a copy of the attached resolution be forwarded to the Federation of Canadian Municipalities (FCM), the Association of Municipalities of Ontario (AMO), the Large Urban Municipal Caucus of Ontario (LUMCO), the Mayors and Regional Chairs Caucus of Ontario (MARCO), the Rural Ontario Municipal Association (ROMA), the Northwestern Ontario Municipal Association (NOMA), Federation of Northern Ontario Municipalities (FNOM), the Conservation Authority of Ontario, and to all Ontario municipalities for their endorsement.

As per the above resolution, please accept this correspondence and attached resolution for your information and consideration.

If you have any questions please contact me at extension 7110 or the e-mail address below.

Sincerely,



Graham Milne
Regional Clerk
graham.milne@halton.ca

Resolution for Endorsement by Other Municipalities

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

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 [insert municipality name] endorse 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 [insert municipality name] calls on the Government of Ontario to join the court Application of the Halton Municipalities.