

**Review Panel
Public Hearing**

**Commission d'examen
Audience publique**

**Milton Logistics Hub
Project**

**Projet de pôle logistique
de Milton**

Review Panel

Ms. Lesley Griffiths
Dr. Isobel Heathcote
Mr. William McMurray

Commission d'examen

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Holiday Inn Express & Suites
2750 High Point Drive
Milton, Ontario

July 10, 2019

Holiday Inn Express & Suites
2750 High Point Drive
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Le 10 juillet 2019

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TABLE OF CONTENTS / TABLE DES MATIÈRES

	PAGE
Presentation by Canadian National Railway Company	2765
Questions from Interested Parties	2784
Presentation by Huron-Wendat Nation	2799
Comments by the Proponent	2809
Questions from the Panel	2810
Presentation by Ontario Ministry of Tourism, Culture and Sport	2820
Questions from Interested Parties	2830
Questions from the Panel	2846
Presentation by Halton Municipalities	2854
Comments by the Proponent	2862
Questions from the Panel	2864
Presentation by Canadian National Railway Company	2882
Questions from Interested Parties	2907
Questions from the Panel	2936
Presentation by Halton Municipalities	2946
Comments by the Proponent	2987
Questions from the Panel	2992
Closing remarks by Canadian National Railway Company	3024

Undertakings on pages 2841 and 3013

1 Milton, Ontario / Milton (Ontario)

2 --- Upon commencing on Wednesday, July 10, 2019

3 at 9:30 a.m. / L'audience débute le mercredi

4 10 juillet 2019 à 9 h 30

5 MR. RONZIO: As usual, just before we
6 begin our day, I'd like to welcome everyone and
7 quickly go over some of the emergency procedures for
8 this venue.

9 If there is an emergency, the fire
10 alarm, or the alarm will go off and we're asked to
11 leave the room through the glass doors, out into the
12 parking lot and what would be to your left, around the
13 building to the far side of the parking lot where we
14 can gather and find out when it's either safe to go
15 back in, or determine what the next steps are.

16 If, at that point, you realize anyone
17 from your party is not with you, please let one of the
18 members of the Secretariat know, and we'll look to
19 ensure that everyone is safe in such an event. If
20 either of those doors are blocked, we ask that you go
21 out this door at the front, through the left and
22 through the double doors. If you discover an
23 emergency, there's lots of the red pull stations in
24 the room and some outside in the hallway. There's
25 also a fire extinguisher at each end of the hallway if

1 you need to use it.

2 In the case of minor medical issues,
3 there's a first aid kit at the front desk of the hotel
4 and they're prepared to provide first aid, if needed.
5 And there's not a defibrillator on site, so if we do
6 need emergency medical services, we ask that whoever
7 is nearest and first discovers the issue to call right
8 away so that we can get those services here.

9 I also note, this is the -- I didn't
10 know this part was being broadcast on the webcast
11 until yesterday, so anybody who is watching on the
12 webcast, when we take breaks, you should take breaks
13 too. Get up, sitting in the chairs and watching
14 you'll just get sore all day. Please make sure you're
15 doing that as well. For the people in the room, the
16 washrooms are out the door on the right and on the
17 right-hand side of the hallway.

18 So thank you very much. The Panel
19 will be here in just a minute.

20 --- Pause

21 THE CHAIRPERSON: Good morning,
22 everyone. It is Day 10 of the hearing. My name is
23 Lesley Griffiths. I Chair the Review Panel. My
24 colleagues are Dr. Isobel Heathcote and Mr. William
25 McMurray. Today's topic are first, archeological and

1 heritage resources; and following that socio-economic
2 conditions, and specifically within that, community
3 services and infrastructure, which was a session we
4 had to move from June the 26th.

5 This morning -- hopefully this
6 morning -- we will have four presentations from CN,
7 the Huron-Wendat Nation, Ontario Ministry of Tourism,
8 Culture, and Sport, and Halton Municipalities. But
9 before we move to the presentation, we will do
10 housekeeping, as usual. I will begin -- I just have a
11 short statement here from the Panel.

12 Yesterday Mr. Northey expressed
13 concerns about the scope of CN's closing statement.
14 So the Panel wants to reiterate the direction it
15 provided last week. At that time, the Panel said
16 that, CN would be permitted to summarize what it heard
17 or what it said during the day, but that this would
18 not be an opportunity to offer additional response on
19 new information. So I'd like to remind CN to abide by
20 this direction for the next three days.

21 Speaking more broadly, the Panel once
22 again encourages all parties to focus on the
23 substantive information and analysis that will help
24 the Panel fulfil its mandate. And in order to make
25 good use of the remaining time, the Panel may need to

1 be stricter about the type of questioning it allows.
2 Also, we understand that caucusing may sometimes be
3 necessary when presenters or people taking questions
4 have a large number of people, but we ask you to
5 please keep it to a minimum because it can end up
6 taking a considerable amount of time.

7 So that is our statement. I ask other
8 participants, starting with CN, do you have anything
9 else for housekeeping, Mr. Lerner?

10 MR. LERNER: Good morning. Mr.
11 Bernstein would like to speak on behalf of CN
12 regarding Undertaking Number 15.

13 THE CHAIRPERSON: All right.

14 MR. BERNSTEIN: Good morning. So CN
15 wishes to request that the memo that was enclosed with
16 Undertaking 15 be entered as an exhibit in this
17 proceeding, and the reason that we want to make that
18 request is that we think it's important for the Panel
19 to have the memo.

20 Just as a quick refresher, CN offered
21 to provide the 2008 BA Traffic Report, and in
22 addition, Mr. Reynolds offered to provide a summary of
23 the comparison of the traffic generation. Those are
24 the exact words of Undertaking 15.

25 The comparison that he is talking

1 about was the comparison between the traffic generated
2 by a rail-served industrial park on the one hand, and
3 the traffic generated by the intermodal hub on the
4 other hand. The 2008 report was about traffic as it
5 related to the rail-served industrial park.

6 And in response to that, the Panel
7 accepted the undertaking, and again, the transcript
8 reflects that the Chair said, "Yes, thank you for the
9 offer," the offer being of the summary comparison
10 document. So the undertaking was not just for the
11 report, but also for the summary comparison.

12 And the reason for the summary
13 comparison is so that the Panel can easily see and
14 understand a point that CN wants to make clear, which
15 is that the traffic levels are comparable. In fact,
16 the full buildout of the rail-served industrial park
17 would have produced more heavy trucks than the
18 intermodal hub that's being proposed.

19 So CN would like to enter that memo as
20 an exhibit so that the Panel can have it. CN thinks
21 it's very important because it speaks directly to an
22 issue before you, which is that comparison. The memo
23 will help you understand the BA report from 2008,
24 which obviously is written by engineers. And to be
25 clear, what it reflects is that the municipalities had

1 in front of them, back in 2008, a proposed rail-served
2 industrial park on the same lands that the hub is
3 being proposed on.

4 And they're telling you now that the
5 traffic from this proposed project is a surprise, and
6 that's just not consistent, in our submission, with
7 the facts, and the combination of the report, the 2008
8 report and the Panel -- and the memo that was
9 submitted, will help the Panel understand that it's
10 not consistent with the facts, that in fact the
11 traffic couldn't possibly be a surprise.

12 So that would be CN's respectful
13 request.

14 THE CHAIRPERSON: Thank you, Mr.
15 Bernstein. I'll just remind everyone that the Panel,
16 as of yet, has not seen -- we have not read the
17 undertaking. By the time it came in and the time the
18 request was made by Halton Municipalities to not
19 accept it, we hadn't read it and so we have continued
20 not to read it. So we do not know the content.

21 Thank you, Mr. Bernstein. So I would
22 like to ask Halton Municipalities for your comments on
23 this.

24 MS. RIZKALLA-KAMEL: Thank you. If I
25 can have direction on, are we to give you comments on

1 whether it should be accepted as an exhibit, or will
2 it be accepted and we are allowed to have a response
3 to that from our experts. Because my position stays
4 the same -- this is just a different way of doing it.

5 At first it was going to be an exhibit
6 to the record. Now it's going to be another way of
7 getting this memo in. Our position stays the same,
8 that this is new information. The memo certainly
9 contains a critique of a position that our experts
10 took and now our expert is not here to respond to that
11 position.

12 So I know you haven't read the memo,
13 Madam Chair, but we just ask, on behalf of Halton
14 Municipalities, that consider that this is new
15 information. When Mr. Reynolds said, "I can give you
16 a summary," we did not contemplate that that summary
17 would have contained new information, a new
18 interpretation that was not in the 2008 report, and
19 that directly rebuts what our expert said during his
20 testimony.

21 THE CHAIRPERSON: First, I think are
22 you giving -- so the question -- I think the question
23 to you, first of all, is have you got comments on
24 whether the Panel should receive this memo as an
25 exhibit, if you have some comments on that, if you

1 have a reason why we should not.

2 The second issue, if indeed it is
3 accepted as an exhibit after consideration, you are
4 then asking a question about whether Halton will have
5 a chance to respond to this information; correct?
6 Have I got that straight?

7 MS. RIZKALLA-KAMEL: That's right. I
8 mean, our position is the same position as before, as
9 their position is the same position as before. My
10 first position is that this memo should not be
11 accepted as an exhibit on the record. Technical
12 submissions were due May 29th. This is new
13 information that was not submitted as part of their
14 technical submissions. They had the 2008 report. If
15 they wanted to do a comparison of the 2008 report to
16 the Milton Logistics Hub proposal, they could have
17 done that before May 29th. So this is a new position
18 they're taking and so my original objection is that
19 this should not be part of the record.

20 And my second position is, if the
21 Panel does accept it, would we have an opportunity to
22 respond?

23 THE CHAIRPERSON: All right, thank
24 you. I think I've got that clear.

25 Mr. Bernstein, just a very brief

1 comment from you, and then we will take this away --
2 you know, what we do -- and we will consider it and
3 come back with a response.

4 MR. BERNSTEIN: I guess two things,
5 Madam Chair. The first is, of course, that Halton
6 Municipalities have had that 2008 BA report since
7 2008. So that can't come as a surprise. The memo
8 provides some analysis, comparative analysis,
9 essentially responding to -- I don't know if you
10 remember this, but Halton, one of their experts had a
11 big bullet in one of their presentations saying the
12 suggestion that the levels of traffic are comparable
13 is false. And, you know, our submission is that's not
14 right, it's not false, and the memo is necessary --
15 the Panel could on its own try and parse the report
16 and do a comparison. The memo is simply there to
17 assist the Panel to understand why Halton's assertion
18 is not correct, number one.

19 Number two, because we're here to help
20 the Panel and not here in some kind of adversarial
21 process, of course we don't have an objection if
22 Halton's expert wants to provide a brief rebuttal.
23 The point, as we understood it, is for the Panel to
24 have everything that the Panel might need that could
25 assist it, and unlike my friends, we're not here to

1 keep things from the Panel so --

2 THE CHAIRPERSON: Mr. Bernstein --
3 anyway --

4 MS. RIZKALLA-KAMEL: Can I just say
5 one brief statement about that?

6 THE CHAIRPERSON: Just one --

7 MS. RIZKALLA-KAMEL: Is that when Mr.
8 Almuina said it's not consistent and it was there,
9 that could have been taken up with him right then and
10 there, and the question could have been asked right
11 then and there. Ms. Amy Jiang from BA Group was
12 sitting in the back. She could have been consulted
13 and this could have been taken up at the time. So
14 my --

15 THE CHAIRPERSON: I'm going to --
16 thank you very much to both of you. I think we have
17 enough information.

18 Can I just get some clarity. Can you
19 remind me, who asked for Undertaking 15 in the first
20 place?

21 MS. RIZKALLA-KAMEL: CN offered to
22 provide a summary of the 2008 report.

23 THE CHAIRPERSON: They offered. They
24 didn't -- hang on a minute, please.

25 MS. RIZKALLA-KAMEL: Okay.

1 THE CHAIRPERSON: And they were not -
2 nobody specifically asked. Is that what happened?
3 That it was an offer made by CN.

4 MS. RIZKALLA-KAMEL: It was an offer
5 made by CN and then Mr. Reynolds said, would it be
6 helpful if I also provided you with a summary, Madam
7 Chair? And you said yes.

8 THE CHAIRPERSON: Yes.

9 MR. BERNSTEIN: Summary comparison.
10 Summary comparison.

11 THE CHAIRPERSON: Mr. Bernstein,
12 you're not on the mic. So you can say that and I'm
13 going to say thank you to both of you, but say what
14 you just said so it's on the record.

15 MR. BERNSTEIN: The exact words were a
16 summary comparison.

17 THE CHAIRPERSON: All right. Thank
18 you very much. We will get back to you with a
19 response as soon as we can.

20 Mr. Lerner, have you got anything -- a
21 little less exciting by way of housekeeping?

22 MR. LERNER: All I want to do is start
23 the presentation.

24 THE CHAIRPERSON: Okay. Thank you.
25 So CN, please begin.

1 **PRESENTATION**

2 MR. LERNER: Okay. Thank you very
3 much. So today we'll be discussing archaeology and
4 cultural heritage, and Luanne Patterson will begin
5 with the overview.

6 MS. PATTERSON: Thanks, Mark. So
7 today we'll be talking about archaeology and cultural
8 heritage. So just a brief overview of what we will be
9 presenting today is CN's Aboriginal engagement.
10 Specifically, a discussion on CN's Aboriginal vision,
11 which looks at respect, dialogue, and trust with all
12 Aboriginal communities throughout CN's network.

13 We will discuss the archeological
14 study that was completed at the site and cultural
15 heritage study, looking at the process and the results
16 of that work, and the recommendations and follow-up
17 programs that have been recommended by the experts.

18 The presenters today, to my left is
19 Mr. Doug Devlin from CN. He's CN's Senior Manager for
20 Aboriginal and Tribal Relations. To my right is Mr.
21 Parker Dickson and Ms. Meaghan Rivard from Stantec.
22 Their bios can be found in CEAA registry number 851.
23 And I will pass it over to Doug.

24 MR. DEVLIN: Thank you very much.
25 Good morning, Madam Chair. My name is Doug Devlin,

1 D-E-V-L-I-N. I'm very proud to be the Senior Manager
2 of Aboriginal and Tribal Relations for CN Rail.

3 I'd like to first acknowledge the
4 Mississaugas of the Credit First Nation, the Six
5 Nations of the Grand River, the Huron-Wendat Nation,
6 and the Métis Nation of Ontario.

7 CN in 2013 created an Aboriginal
8 vision, and this vision was to develop respectful and
9 mutually beneficial relationships with all Aboriginal
10 people, while ensuring service to its customers. We
11 sought to be recognized by all stakeholders, including
12 customers and governments, as having a sound approach
13 to engaging with Aboriginal communities, and having
14 respectful and sustainable relationships with
15 Aboriginal people across CN's system.

16 The vision is divided into pillars.
17 The first is to engage respectfully -- and this is the
18 most important -- meaningful dialogue, with an
19 emphasis on face-to-face communication. This is CN's
20 core value in communicating with Aboriginal
21 communities.

22 Next is promoting employment through
23 manners of job fairs, open houses, or integration
24 between CN's human resources departments and the
25 departments of individual communities.

1 Increasing employee engagement. This
2 is a celebration of things like National Indigenous
3 Peoples Day. We also established an Aboriginal
4 Awareness Training program, which is now mandatory for
5 management, staff, as well as new hires. Identifying
6 and fostering business opportunities. This involves
7 contracting or procurement matters. In some cases, it
8 involves simply providing advice.

9 And increasing smart stakeholder
10 engagement, and for CN this means understanding the
11 communities. Where are the communities, especially
12 geography -- in Canada, geography is everything. What
13 is specifically interested -- in the interests of
14 those communities as to where they are located?

15 For project-specific engagement, each
16 of the communities had various interests that they
17 expressed to CN. The Mississaugas of the Credit First
18 Nation were interested really globally in the project,
19 environmental, archeological certainly, procurement,
20 employment.

21 Six Nations of the Grand River also
22 very much interested in archaeology, but then also
23 were very interested in matters which related directly
24 to their reserve, employment-related matters, but also
25 tree-planting procurement opportunities.

1 The Huron-Wendat expressed interest in
2 archaeology as well as business opportunities and
3 procurement opportunities.

4 The Métis Nation of Ontario did not
5 express any specific interest in the project.
6 However, we continue to provide information throughout
7 the process.

8 At this time, Madam Chair, I would
9 like to pass the microphone to Mr. Dickson of Stantec
10 Consulting.

11 MR. DICKSON: Thank you, Mr. Devlin.
12 And thank you to the Panel for giving us an
13 opportunity to present on the archeological matters.

14 We, like any proposed project, we
15 began this with a stage one archeological assessment.
16 Stage 1 assessment is a desktop study where we aim to
17 look at the study area of the property to determine if
18 it has potential for archeological resources or
19 artefacts; simply put, archeological potential.

20 We examined various criteria. Most
21 commonly we looked at the distance to water,
22 topography and soils, as well as transportation routes
23 and registered archeological sites. Registered sites
24 are maintained by the Ministry of Tourism, Culture,
25 and Sport, the MTCS. When we examined that query,

1 that database, there were no sites registered within
2 the property.

3 Looking further afield, there's about
4 30 or so that are registered within a kilometre.
5 Those sites that had been registered were a range of
6 single isolated examples of Aboriginal items or small
7 Aboriginal camps, as well as homesteads or farmsteads
8 from the 19th century or 1800s. Despite the fact
9 there were no registered sites within the property,
10 the property obviously contains a creek and
11 tributaries, and even though today they are relatively
12 intermittent or seasonal, they would have been larger
13 in magnitude in the past.

14 We know from looking at the soils and
15 agricultural activities currently that that land has
16 been farmed and plowed and tilled and harvested for
17 over a century now, so those soils would have provided
18 a good base for agriculture now and then, and
19 transportation routes around the area, such as
20 Tremaine Road and Lower Base Line would have attracted
21 settlement in the Euro-Canadian kind of period.

22 So everything was evaluated based on
23 that. We determined that the property did have
24 archeological potential. As I'll talk about in the
25 next slide, this information was summarized in an

1 archeological assessment report and then provided to
2 various parties for review.

3 So because we identified potential,
4 our next step was a stage 2 archeological assessment.
5 And the goal here is to get out and physically look at
6 the lands for archeological resources. We did this
7 using two methods. An agricultural field, the area
8 was plowed. That turning action of the soils will
9 disturb the soils and bring up artefacts to the
10 surface, where then survey crews can then go out, walk
11 across that surface of that field at a set interval of
12 five metre and examine that ground for artefacts.

13 Where plowing was not viable or
14 feasible, whether it's scrub land or woodlotted areas,
15 we did a test pit survey. That involved digging by
16 hand, pits roughly 30 centimetres in diameter, down to
17 subsoil, again we're talking 30 centimetres or so
18 depending on the topography specific to that area.
19 The soils are then screened for artefacts and those
20 pits are then backfilled. Those pits are then
21 excavated at a 5-metre interval across that area that
22 could not be plowed.

23 During the fieldwork portion, we had
24 participation from First Nations representatives who
25 helped us with identification and collection of

1 resources, participated in the physical nature of the
2 work, the digging and screening.

3 All told, we identified 60
4 archeological locations during this stage 2 work.
5 Those locations were then evaluated using industry
6 standards for culture, heritage, or value interest, or
7 CHVI, and then we made recommendations based on an
8 evaluation, whether further work was required.
9 Through that evaluation we determined that 17 of the
10 60 locations retained further CHVI and recommended
11 further work.

12 All of this information was then
13 summarized again in an assessment report where we
14 documented the methodology, the evaluation, the
15 recommendations. We paired that with the information
16 from the stage 1 work and then provided that
17 information in a report to various First Nation
18 communities for review and input prior to providing it
19 to MPCS for review.

20 As we said, of the 60 sites that we
21 identified or locations we identified, 17 of them
22 retained further cultural heritage value or interest
23 and we recommended further work. This further work
24 took the form of what we call a stage 3 archeological
25 assessment, and the goal here is to further assess and

1 refine the cultural, heritage value or interest of
2 each site, as well as to determine the geographic
3 extent of that actual site, or the site size, so to
4 speak. This was done through additional field
5 methodology.

6 Again, on plowed fields where we
7 identified sites, the fields are then replowed again.
8 Again, this turning action helps to bring up more
9 artefacts to the surface where we walk at a more
10 intensive interval, one-metre interval instead of
11 five-metre interval, and these artefacts are collected
12 and recorded using high precision GPS.

13 Once the control surface pickup, or
14 CSP is completed, we then moved into test unit
15 excavation by hand. This is where we excavate one
16 metre by one metre units at a five-metre interval
17 across the site area. The soils from each unit are
18 then screened for artefacts, and that unit expands
19 until we are confident we have identified the limits
20 of the site.

21 Once again, we had wonderful
22 participation from First Nation community members who
23 assisted in the identification and collection of these
24 resources and participated in the actual digging and
25 screening of the soils.

1 Each archeological report or each site
2 had its own report prepared, and that report
3 summarized the methodologies, provided a description
4 of the artefacts that were identified, what they
5 meant, provided us a chance to characterize each site,
6 and did an evaluation of cultural heritage value or
7 interest again.

8 We then evaluated that CHVI based on
9 industry standards to determine if additional work was
10 then required. Of the 17 sites, four were determined
11 that CHVI had been sufficiently documented, and no
12 further work was recommended. For the remaining 13
13 sites, they retained further CHVI and we recommended
14 further work. So every archeological assessment
15 report was provided to First Nation communities for
16 review and comment and then updated prior to being
17 submitted to the MTCS for review.

18 As I said, we had 13 archeological
19 sites that retained further CHVI and warranted further
20 work. This stage 4 work, stage 4 mitigation or
21 salvage archaeology as some know it by, was retained
22 on 13 sites in an effort to reduce or eliminate the
23 anticipated project's impact to those sites. This
24 again included additional field methodology, quite
25 intensive field work, especially in the heat of the

1 summer.

2 This involved additional unit
3 excavation, so more of these 1-metre by 1-metre units
4 were excavated. Once those units were then excavated
5 kind of based on artefact count, quantity that's
6 coming out largely, it can also be expanded upon based
7 on the type of artefact identified in that one-metre
8 unit. This is what we call block excavation. That
9 proceeds around every unit that this a certain
10 trigger, and that expanded until we were confident
11 that we had peripheral established.

12 On certain sites, once the unit
13 excavation piece was completed, we did mechanical
14 topsoil removal where we brought in a machine with a
15 straight-edge ditching bucket, and that would peel the
16 topsoil back so we could look at the subsoil or the
17 floor of the site, for evidence of subsurface cultural
18 features, or evidence of sediment pattern. If that
19 was identified it was then recorded, drawn, profiled,
20 and excavated by hand.

21 Once again during that process, unit
22 excavation, the topsoil removal and feature
23 excavation, we were assisted by representatives from
24 the First Nation communities, and just like before,
25 they participated in artefact identification and

1 collection.

2 Each site was then summarized in its
3 own archeological assessment report again, which
4 documented the methodology, as well as recommendations
5 for further work, because this was the stage 4 and it
6 was going to be the end of the archeological process,
7 the recommendation was that the CHVI had been
8 determined. That there was no further CHVI for these
9 sites and therefore, no further work was required.

10 The reports were shared with the
11 communities again and were updated based on any
12 comments that were received before finalizing and
13 submitted to the MTCS. In addition, at this point we
14 had also reached out to the various communities and
15 asked if they wanted to provide a site name. In
16 general, we identify a site as simple generic, numeric
17 expression, location 1, location 2, location 3, et
18 cetera. For some of the Aboriginal sites we asked if
19 there was a more appropriate name to be applied and we
20 received names to help commemorate those sites and the
21 shared history of those sites. So as I said, these
22 reports were provided to the MTCS at the end of that
23 First Nations review.

24 So looking at kind of, the results of
25 the stage 2 through 4 work, the top right image

1 illustrates typical examples of the Aboriginal
2 artefacts that were identified on this project. They
3 are what we call lithic artefacts, so they're made of
4 stone, chipped, in much the same way as -- my bad
5 metaphor is peeling a potato. There's lots of flakes
6 of stone that come off. About 85 percent or so of the
7 artefacts that were identified are these flakes of
8 stone or chipping detritus. As I said they're a
9 byproduct of making stone tools. They would be more
10 easily recognized as an arrowhead or spear point, to
11 use that terminology.

12 Overall, the artefacts indicate that
13 there was an occupation of some type as early as
14 10,000 years ago up to about 1,000 years ago, in terms
15 of the Aboriginal origin. But none of these sites
16 were a permanent settlement, like a typical village
17 that you kind of think of when you think of Aboriginal
18 habitations. These were contemporary campsites
19 occupied for short durations, possibly used during
20 very seasonal activities, for specific resource
21 extraction ideas or activities. But expected of the
22 region.

23 The bottom right image is just a quick
24 sample of some of the European or non-indigenous items
25 that we identified. Again, they are typical of 19th

1 century or 1800s, early 1900s living. Those sites
2 were located right along Tremaine Road and Lower Base
3 Line Road. So it makes sense that they were
4 representative of early living in the township. Those
5 items are typically, nails, and glass, and fragments
6 of pots and tea cups and saucers, and that type of
7 thing.

8 Overall, though, the artefacts that we
9 identified and sites that we identified are consistent
10 what we identified as part of that stage 1 work. We
11 had 30 sites outside the study area that had the same
12 kind of range and context of the items that we
13 identified.

14 So to kind of summarize the
15 archeological process, we began with an overarching
16 stage 1, where we established archeological potential
17 for the project lands. Then through a progressive
18 application of more intensive fieldwork, specifically
19 through stage 2 and 3, we are able to identify, assess
20 and refine the CHVI of various archeological
21 locations. And through stage 4 mitigation, we are
22 able to do additional fieldwork and reduce or
23 eliminate anticipated project impacts to those
24 resources and concluding the archeological process.

25 Throughout that entire process, most

1 specifically with the field work component, we had
2 wonderful engagement and collaboration with First
3 Nations communities.

4 Moving forward, should the project
5 proceed, we've recommended an archeological resources
6 protection plan. The details of this still need to be
7 developed in additional collaboration and engagement
8 with First Nations communities to ensure that items of
9 interest that they want to see addressed are
10 addressed. But it is essentially a chance finds
11 protocol, such that if any new resources are
12 identified during construction, there is a process in
13 place to stop work, call in the experts, assess and
14 mitigate as needed with collaboration from indigenous
15 communities.

16 So at this point, that concludes the
17 archeological component and I'll turn it over to my
18 colleague, Meaghan Rivard, who can walk us through the
19 heritage piece.

20 MS. RIVARD: Thank you.

21 So from here I'll talk a little bit
22 about the Cultural Heritage Assessment report that we
23 completed. The purpose of this report was to
24 identify, evaluate, and assess any effects related to
25 the project in the context of the built and landscape

1 environment. This report was completed based on a
2 detailed background history of the area, focused
3 generally on the Euro-Canadian period, beginning in
4 the early 1800s.

5 It was also supplemented by the town
6 of Milton's heritage list, which includes properties
7 that the town has identified to be of potential
8 cultural heritage value or interest. So we took this
9 information and completed a site assessment, where we
10 identified the potential cultural heritage resources,
11 came back to the office, and then evaluated these
12 resources according to criteria that define the
13 cultural heritage value or interest. As a result, we
14 came up with 16 cultural heritage resources situated
15 within the study area. As you can see, depicted on
16 the map here.

17 So from there we look at the
18 interaction between the cultural heritage resources
19 and the project. We identified two overarching
20 effects, the first being vibration and the second
21 being removal, so I'll walk through both of those.

22 In the first case we identified two
23 heritage resources that are positioned within 50
24 metres of proposed project components, so those are
25 depicted on the slide as CHR-4 and CHR-1. In addition

1 to this, we identified three properties that contained
2 cultural heritage resources situated either within, or
3 within 50 metres of the project development area. So
4 as a result of this, we anticipated or we identified
5 the potential for construction-related effects. So
6 while there is not a project component in the
7 vicinity, there may be project equipment required
8 within, or close to, that 50-meter buffer, so as a
9 result we recommended vibration monitoring should any
10 projects come within that 50-metre buffer for all five
11 of these resources.

12 In addition, we identified effects
13 related to a shed at CHR-4 or 5269 Tremaine Road. So
14 that's the image you see up at the top of the screen
15 there, and just below it, you can see the relationship
16 between the shed, the residence, and then the larger
17 barn complex. So we identified this resource to be a
18 farmstead, characteristic of the late 1800s. Both the
19 residence and the barn were constructed around that
20 time. The shed was a later addition. It was built in
21 the 1940s or '50s, and speaks to the general history
22 of the site and the ongoing agricultural activities
23 through the 1900s.

24 So we -- to get into the value of the
25 shed. We identified the value to be contextual, in

1 that it's part of the story of the site; and the
2 relationship that the shed holds to the residence and
3 barn tells part of that story. However, the shed
4 itself is not a specific heritage resource in and of
5 itself. It's important because of its relationship,
6 not because of the structure.

7 So we looked at our options to
8 mitigate the removal of the shed that's being proposed
9 as -- to facilitate the stormwater management pond, as
10 you can see in that image. Typically, we look at a
11 series of options. In this case we looked at
12 retention, relocation, and documentation and salvage,
13 and determined that the latter was the most
14 appropriate given that the value we had identified for
15 the shed.

16 Specifically, in Environmental
17 Assessments, all of these processes are usually
18 evaluated and documentation and salvage tends to be
19 the preferred option, where either retention or
20 relocation is not feasible or warranted. In this
21 case, we decided that the relationship that we
22 identified to be significant would be best documented
23 through a documentation and salvage report, so that
24 the history of the site could be captured, thereby
25 retaining a component that we determined to be

1 significant.

2 From there, we made recommendations
3 for both the vibration monitoring and then the
4 documentation and salvage activities related to this
5 removal, and I'll pass it back to CN for some closing
6 comments.

7 MS. PATTERSON: So we've heard this
8 morning on the Archeological and Heritage Resource
9 Assessment that was completed and the inclusion of the
10 Aboriginal communities in the archeological field
11 program, their assistance in the actual completion of
12 the fieldwork, the input that they provided during the
13 course of the field program at the site, as well as in
14 the review of the documents and the reports that were
15 drafted and then finalized. And then the engagement
16 overall in that process has been greatly appreciated
17 and has actually helped improve the archeological work
18 that was completed at the site.

19 The heritage impacts have been
20 mitigated through the recommendations that Ms. Rivard
21 has suggested to CN, and that CN is committed to
22 reviewing the construction sequencing plan with the
23 Aboriginal communities so that we can better
24 understand how they can participate and be a part of
25 the construction program moving forward. And CN is

1 committed to the follow-up program that has been
2 recommended by the archeological assessment and the
3 heritage assessment and the ongoing engagement that CN
4 is committed to with the Aboriginal communities.

5 And that completes our summary of the
6 archeological and heritage resource. Thank you.

7 THE CHAIRPERSON: Thank you very much,
8 Ms. Patterson, Mr. Devlin, Mr. Dickson, Ms. Rivard,
9 for your presentation.

10 We will now move to questions and I'll
11 just explain to people who haven't been participating
12 in the hearing so far. The way we do that is that I
13 ask for questions from the other registered presenters
14 on this topic in order, and then I'll also ask if
15 there are any other registered participants who have a
16 question in the room, and then we move to Panel
17 questions. At least that's usually the way we do it.

18 So that would mean that do the
19 presenters from Huron-Wendat have questions for CN?

20 MS PELLETIER: No questions.

21 THE CHAIRPERSON: No questions, thank
22 you. Ministry of Tourism, Culture and Sport, any
23 questions?

24 MR. MINKIN: No questions, thank you.

25 THE CHAIRPERSON: No questions?

1 Halton?

2 MS. COTÉ: Yes.

3 THE CHAIRPERSON: Good.

4 MS. COTÉ: Good morning, Madam Chair,
5 and members of the Panel, my name is Anna Côté,
6 C-Ô-T-É. I'm here on behalf of Halton Municipalities.

7 I had a clarification question for CN
8 to start. They referenced five built heritage
9 resources in slide 14, and I'm just trying to get a
10 bit of clarity on exactly which resources they've
11 picked out. I know we generally talked, there's two
12 within 50 metres and three within the PDA, or within
13 50 metres of the PDA. But if we could get the
14 cultural heritage resource numbers for those, that
15 would be really helpful for clarity, I think, both for
16 the Panel and for ourselves.

17 THE CHAIRPERSON: Would it be helpful
18 to have the slide with the wider number? Was it a
19 previous slide? Slide 13? Would that be more
20 helpful? You choose which slide you'd like.

21 MS. CÔTÉ: Sure. There is a map a
22 little bit earlier that could be helpful.

23 THE CHAIRPERSON: That's 13, I
24 believe.

25 MS. CÔTÉ: Slide 13, correct.

1 MS. RIVARD: Thank you for the
2 question. So we're discussing CHR-1, 2, 4, 5, and 6.

3 MS. CÔTÉ: That answers my question,
4 thank you.

5 I had a couple more, if I may?

6 THE CHAIRPERSON: Yes. Go ahead.

7 MS. CÔTÉ: So we know that it's a
8 common issue that heritage buildings which are not
9 actively conserved, risk deteriorating. And in our
10 questions for CN about their plan for their cultural
11 heritage buildings is, what funds they have set aside
12 for maintenance of the buildings that they are not
13 planning on actively using at the moment?

14 MR. LERNER: So if I understand the
15 question, how much funds we've allocated for this; is
16 that what you're asking?

17 MS. CÔTÉ: Yes, or how have you
18 allocated them? We're looking for assurance that
19 there are funds set aside for their maintenance and
20 what your plan is for funding the maintenance of those
21 cultural heritage resources.

22 MR. LERNER: Okay.

23 MR. REYNOLDS: So as part of the
24 project, for the facilities or the cultural heritage
25 buildings that are on the project development area,

1 which we discussed earlier that would be vacated, CN
2 is committed to ensuring that they stay, you know, in
3 working order. So I don't have an exact dollar figure
4 for what that means right now, but it's part of the
5 ongoing plan moving forward.

6 MS. CÔTÉ: Thank you. Finally, we're
7 wondering about your adaptive reuse plans for those
8 sites. It says that adaptive reuse may be
9 contemplated in the future, and again, this is
10 important for conserving and ensuring that heritage
11 buildings don't deteriorate. So we were wondering if
12 you could enlighten us a little bit about what those
13 adaptive reuse plans may be?

14 MS. PATTERSON: CN has committed to
15 looking at adaptive reuse. There aren't specific
16 plans that have been developed at this point, but
17 that's something we're looking at going forward and
18 certainly would be interested in the town's input in
19 possible opportunities for reuse.

20 MS CÔTÉ: Okay, thank you. So no
21 specific plans at the moment. Thank you. I think
22 that answers my question.

23 THE CHAIRPERSON: May I ask a question
24 of either of you? I think it would be helpful to the
25 Panel.

1 What sort of things -- I mean, maybe
2 I'll ask CN first. Since all of your -- we learned
3 yesterday all of the participating receptors, all of
4 the buildings that are currently occupied by people
5 are going to be vacated, so do I assume that -- within
6 the PDA that adaptive reuse would not involve any kind
7 of residence? Is that the -- and if not, if anybody
8 has any -- can give us any idea of what forms of that
9 reuse might be possible if it doesn't involve people
10 living there?

11 MR. REYNOLDS: That's correct, it
12 won't involve residences.

13 As Luanne pointed out, we looked
14 towards the town for some thoughts and suggestions on
15 what might be able to go there or how they might be
16 able to be used.

17 THE CHAIRPERSON: Ms. Côté, have you
18 any thoughts about this? I mean, I'm not asking you
19 to solve this, but what sorts of adaptive reuse might
20 be possible?

21 MS CÔTÉ: This isn't something we've
22 turned our experts to. We haven't heard anything from
23 CN about this, about involving the town in this plan,
24 so that will be something we'd have to consider in the
25 future.

1 THE CHAIRPERSON: All right. Well,
2 thank you. I think the Panel may have more questions
3 about this. Thanks.

4 MS CÔTÉ: Thank you.

5 THE CHAIRPERSON: Thank you very much.
6 Is there any other registered
7 participant who has a question for CN? No? So that
8 would be Panel questions, then.

9 Can I ask -- so this is a question of
10 CN. Can I ask about vibration and the monitoring of
11 the vibration?

12 I believe CN has committed to monitor
13 vibration through the construction period. Are there
14 any locations that -- and we heard yesterday, maybe --
15 or we've heard this week, I think, that -- am I right
16 in saying that CN is saying in an operational context
17 the only source of vibration would be the main line?
18 Am I correct?

19 MS. PATTERSON: That is correct.

20 THE CHAIRPERSON: Did I hear that?

21 Are there any areas -- so the
22 vibration is only deemed to be a concern with respect
23 to buildings, is that right, heritage buildings?

24 MS. PATTERSON: In the purpose of this
25 session, exactly. That was the risk that Ms. Rivard,

1 and she can certainly speak to that, had indicated to
2 CN that there was the potential if construction
3 equipment was working closer potentially than 50
4 metres to the heritage buildings that there could be a
5 vibration risk, and that is why I understand that they
6 recommended to CN that we conduct vibration monitoring
7 if construction was to occur within that 50-metre
8 buffer.

9 Ms. Rivard, if you wanted to add to
10 that?

11 MS. RIVARD: Thank you, Ms. Patterson.

12 The 50-metre buffer is a standard
13 practice that we use generally in environmental
14 assessments to identify the potential for vibration
15 effects in combination with more specific
16 site-specific conditions. Vibration monitoring allows
17 to essentially prevent any effects before they are
18 experienced. So it would be triggered if a basic
19 level is exceeded and then construction activity would
20 be adjusted in relation to the heritage resource
21 specifically.

22 THE CHAIRPERSON: And so with respect
23 to operations, there are no buildings that would be at
24 any risk from ongoing vibration effects from the
25 operation of the main line, Is that correct?

1 MS. PATTERSON: No, the vibration
2 assessment, as you recall from yesterday, indicated
3 that there was no vibration impacts outside of the 50
4 metres from the main line operations, and there's no
5 heritage buildings or buildings within that 50 metres.

6 THE CHAIRPERSON: Okay. Thank you.

7 MEMBER HEATHCOTE: Thank you all for
8 your presentation. I have a couple of questions.

9 Let me start with Mr. Dickson, maybe.
10 So you've talked about the archeological assessment
11 and some excavation. I'd like to know how deep that
12 excavation might have gone.

13 MR. DICKSON: Certainly. Thank you
14 for the question.

15 In Ontario archaeology, excavation
16 only goes down as deep as the subsoil, which
17 essentially represents the time when the glacier had
18 moved through. So in this particular project, the
19 depth of excavation ranged anywhere from about 20
20 centimetres at its shallowest, maybe 40 to 50
21 centimetres at most in the deepest. Because the area
22 is relatively flat agricultural land, the majority of
23 our sites were identified in agricultural field, we
24 had a flat topography, flat stratigraphy to deal with.
25 We had fairly consistent excavation across the sites

1 when we were into them, so 20 to 45, 50 centimetres is
2 probably the average for range.

3 MEMBER HEATHCOTE: So thank you. That
4 answers my question.

5 And in the course of your excavations
6 you described stone chips and 18th -- 19th century
7 cultural artefacts of different kinds. Did you
8 discover any human remains, any evidence of ossuaries?

9 MR. DICKSON: No.

10 MEMBER HEATHCOTE: Thank you.

11 All right. So the items that were
12 excavated, what is the status of those now? Where are
13 they?

14 MR. DICKSON: Thank you.

15 Those have been catalogued and are
16 curated and stored in climate-controlled facilities.

17 MEMBER HEATHCOTE: Thank you.

18 So now two questions for Ms. Rivard.
19 On your slide 14 -- you don't need to bring it up --
20 but you mentioned in your comments that you reviewed
21 structures against a number of criteria, cultural
22 heritage criteria. Could you tell us a little bit
23 more about those criteria and where they came from?

24 MS. RIVARD: Absolutely. So cultural
25 heritage value or interest on the built side of things

1 as opposed to -- we both use similar terminology but
2 in a different context.

3 So Ontario Regulation 906 prescribes
4 the criteria against which we evaluate cultural
5 heritage value or interest. It has three general
6 criteria, so a design and physical value, a historic
7 and associative value, and then a contextual value.
8 Each are broken down into three additional categories
9 that go into a little bit more detail as to what would
10 satisfy that criteria. So that's the evaluation
11 framework that we used to determine the presence of
12 cultural heritage value or interest here.

13 MEMBER HEATHCOTE: So essentially the
14 provincial rules are what you used.

15 MS. RIVARD: Correct.

16 MEMBER HEATHCOTE: Thank you. And
17 then just one quick one about the shed at CHR-4, I
18 think you said. Is that barn swallow territory at
19 all?

20 MS. RIVARD: So I might defer -- I am
21 not a natural heritage specialist. I'll defer to CN
22 on that.

23 MS. PATTERSON: So in the terrestrial
24 presentation from a couple weeks ago, they had
25 indicated that they recently found that barn swallow

1 were using the shed --

2 MEMBER HEATHCOTE: Oh, okay.

3 MS. PATTERSON: -- and that in --
4 sorry, I'm just trying to remember. Mr. Taylor's
5 presentation, yes.

6 MEMBER HEATHCOTE: I do remember.

7 MS. PATTERSON: In Mr. Taylor's
8 presentation, he had talked about a replacement
9 structure --

10 MEMBER HEATHCOTE: Yes.

11 MS. PATTERSON: -- to provide a
12 residence for the barn swallow.

13 MEMBER HEATHCOTE: I do recall that
14 now. Thank you.

15 And then just one follow-up question
16 again for -- I guess for Mr. Dickson. You mentioned
17 climate-controlled facilities that are used for
18 storing these artefacts. Where are they and who has
19 access to them?

20 MR. DICKSON: Those are stored --
21 Stantec has various offices, obviously, throughout the
22 province. Essentially, they're stored in a controlled
23 facility -- third party controlled facility off site
24 from Stantec offices. We have a location in London
25 and then one in Ottawa, I believe, as well.

1 Right now only Stantec personnel have
2 access to those but, upon request, we'd welcome to
3 share those collections with anybody that wants to
4 look at them.

5 MEMBER HEATHCOTE: And are these
6 facilities that are designed for the storage of
7 archeological artefacts?

8 MR. DICKSON: Not specifically, no.

9 MEMBER HEATHCOTE: So what makes them
10 suitable for this purpose?

11 MR. DICKSON: Simply that they are
12 climate controlled so there's no issue of moisture or
13 inadvertent access by the general public.

14 MEMBER HEATHCOTE: Okay. Thank you
15 very much. I think that's all my questions.

16 MR. RONZIO: Bill, your mic.

17 MEMBER McMURRAY: I have a question
18 that's largely related to the ventilation system,
19 which is preventing me from hearing a lot this
20 morning.

21 Your slide number 6, you started with
22 stage 1 of the archeological assessment. I didn't
23 hear the geographic scope of that assessment.

24 MR. DICKSON: For stage 1 we looked at
25 the LAA of the project.

1 MEMBER McMURRAY: But you -- I heard
2 you make a reference to the number of registered sites
3 within the PDA and then you also gave a distance, I
4 believe, in kilometres outside of the PDA and that's
5 what I didn't hear.

6 MR. DICKSON: That's correct. When we
7 looked at the stage 1 archeological assessment, the
8 boundaries for that assessment was the LAA, so we
9 examined -- or queries the ASDB, or Archaeological
10 Sites Database, for sites within the LAA which also
11 included the PDA and then we looked for one kilometre
12 beyond the limits of the LAA. And that's where we
13 identified 30 or so, I can't remember off the top of
14 my head, registered sites within that area.

15 MEMBER McMURRAY: And then if we go to
16 slide 11, do I understand correctly, as your research
17 progresses from stage 1 to stage 4, the geographic
18 scope diminishes accordingly or is it the same?

19 MR. DICKSON: The geographic scope is
20 the same, but during stage 2, we only looked at the
21 PDA lands. We did not look at anything outside the
22 PDA. Then for stage 3 and stage 4, that work is
23 specific to the geographic extent of the archeological
24 site. So that could be a 10-metre by 10-metre area or
25 that could be a 50-metre by 50-metre area within the

1 PDA.

2 MEMBER McMURRAY: Thank you.

3 And slide 10 you -- slide 10
4 distinguishes between the Aboriginal artefacts and the
5 non-Aboriginal artefacts. You gave an approximate
6 date for the Aboriginal artefacts. I'm just curious,
7 what is your best guess as to a date of the European
8 artefacts?

9 MR. DICKSON: Thank you.

10 MR. LERNER: Is it possible to get the
11 slide up?

12 MEMBER McMURRAY: Slide 10.

13 MR. DICKSON: So the majority of the
14 non-Aboriginal or European artefacts would generally
15 date from 1850 to 1920.

16 MEMBER McMURRAY: Did you find any
17 railway spikes?

18 MR. DICKSON: No.

19 --- Laughter / Rires

20 MEMBER McMURRAY: No. Okay. Thank
21 you. Those are my questions.

22 THE CHAIRPERSON: I'm sorry. I just
23 had one of those mind blank moments, because I had a
24 question which I am just trying to recall. If I can't
25 recall it, we'll pass on it.

1 Yes, sorry. So my question relates to
2 the whole question of chance finds. Obviously, you
3 were doing your surveys with people with a
4 considerable amount of knowledge, who were quite
5 trained. How reliably can you know that you've made a
6 chance find during construction? Because I'm looking
7 at what I'm seeing on the screen, and that will not be
8 readily identifiable, I imagine, by most people
9 operating heavy equipment.

10 So I'm curious about how that works
11 and how confident you are about that, and is there
12 First Nations participation in a monitoring basis
13 during the construction?

14 MR. LERNER: Madam Chair, would it be
15 possible to have a quick caucus on that one?

16 THE CHAIRPERSON: Sure.

17 MR. LERNER: Thank you.

18 --- Pause

19 MR. LERNER: Thank you, Madam Chair.
20 Luanne Patterson will begin the response, followed by
21 Mr. Dickson.

22 MS. PATTERSON: So Mr. Dickson
23 mentioned in the presentation, and certainly in CN's
24 filings number 799, we indicated the intention and
25 plan for CN to complete an archeological resource

1 protection plan which will specifically detail the
2 chance find protocol, the steps that would be taken
3 within that. We have also committed to having
4 archeological monitors on site, experts such as Mr.
5 Dickson during the ground excavation portion of the
6 construction phase, which is when archeological
7 artefacts could potentially be found.

8 In addition to that, we have plans and
9 commitments with the Aboriginal communities to have
10 Aboriginal monitors during that component. So we will
11 have First Nations presence on site, as well as
12 archeologists. And I'll just hand it over to Mr.
13 Dickson who can speak a little bit about the training
14 that would be formed as part of that protection plan.

15 MR. DICKSON: Thank you. I'll just go
16 back to Dr. Heathcote's question about the curation of
17 the artefacts. Curating them is part of the terms and
18 conditions of our licence, so that's part of the
19 component that I need to ensure their safety.

20 MEMBER HEATHCOTE: All right. Could
21 you speak a little more slowly? Thank you.

22 MR. DICKSON: Sorry. So going back to
23 Madam Chair's question, we examined the entire PDA
24 area. There is always the likelihood -- it's a
25 sampling strategy. So there is always a small

1 likelihood that there are additional resources that
2 weren't captured as part of that sampling. Which is
3 why -- one of the drivers behind an archeological
4 resources protection plan.

5 Looking at artefacts on a slide, it is
6 difficult to ascertain certain unique characteristics
7 to determine whether it's a piece of gravel or a
8 flake. But once you have one in your hand, then we
9 provide training to keep personnel who are going to be
10 on site, we can establish what those criteria are,
11 what attributes you're looking for, and they pop out
12 like a sore thumb once you've seen them.

13 THE CHAIRPERSON: Okay. Thank you
14 very much. That concludes the questions from the
15 Panel. So thank you very much for the presentation
16 and for accepting questions.

17 So we will now move to the second
18 presentation of the day, and so I'd like to invite
19 Huron-Wendat Nation forward.

20 **PRESENTATION**

21 MS. PELLETIER: Good morning, Madam
22 Chair and Panel members. My name is Renee Pelletier
23 and I am legal counsel for the Huron-Wendat Nation and
24 the Huron-Wendat Nation has asked me to make this
25 presentation today. But I'm joined by my colleague,

1 Julia Brown and Maxime Picard the Huron-Wendat's
2 project co-ordinator for Ontario. And they will
3 both -- Mr. Picard in particular, will be available to
4 answer questions at the end of my presentation.

5 So our presentation today concerns the
6 importance of archaeological and burial sites to the
7 Huron-Wendat Nation and will outline some of the
8 difficulties associated with protecting these sites.

9 The Huron-Wendat Nation is a First
10 Nation that now inhabits the nation of Wendake, Québec
11 composed of almost 4,000 members, with approximately
12 2,000 members living in Wendake. From time immemorial
13 the Huron-Wendat Nation occupied and used a vast
14 territory in Southern Ontario and Quebec.

15 The Huron-Wendat Nation's traditional
16 lands in Ontario are called Wendake South and are
17 represented approximately on this map. These lands
18 were occupied by more than 30,000 members of the
19 Huron-Wendat Nation, and this history is reflected in
20 the archaeological record in Wendake South. In fact,
21 the Huron-Wendat Nation have the richest
22 archaeological history in all of Ontario.

23 As you can see on the map displayed
24 here, Milton is in the western part of the
25 Huron-Wendat Nation's primary area of interest. With

1 several known archaeological sites, which are marked
2 by the purple dots nearby. CN's proposed logistic's
3 hub is therefore, on the Huron-Wendat's ancestral
4 territory and close to some of the more than 800
5 archaeological sites documented to date in Wendake
6 South.

7 The Huron-Wendat Nation is a signatory
8 to a treaty with the crown concluded in 1760, an image
9 of which is displayed here. This treaty has been
10 recognized by the Supreme Court of Canada in the 1990
11 case of R and Sioui. The 1760 Treaty recognizes and
12 protects the Huron-Wendat Nation's cultural and
13 spiritual practices.

14 The Huron-Wendat Nation also has
15 inherent rights protected by section 35 of the
16 *Constitution*, which include but are not limited to,
17 the right to the integrity of the nation,
18 archaeological and burial sites. Our presentation
19 tomorrow will discuss in more detail the duty to
20 consult of the crown. The duty to consult and
21 accommodate the Huron-Wendat Nation when there is a
22 possibility that the nation's rights to the integrity
23 of its archaeological and burial sites may be
24 impacted.

25 The Huron-Wendat Nation has a sacred

1 obligation to ensure the respect and protection of its
2 archaeological and cultural heritage in Ontario. And
3 this obligation is especially strong in relation to
4 protecting its ancestor's burial sites. The
5 Huron-Wendat's Nation burial sites are typically
6 ossuaries, which is a unique form of burial among
7 Canada First Nations. These ossuaries, along with
8 other archaeological sites, are of inestimable
9 spiritual and cultural value to the Huron-Wendat
10 Nation. Under Huron-Wendat Nation law it is
11 imperative that such sites not be disturbed.

12 The reason that protection and
13 non-disturbance of these sites is so important is that
14 the Huron-Wendat Nation's belief is that its ancestors
15 soul -- of which there are two, which I will explain
16 in more detail later. One much these souls remains
17 with the ancestor's bones. If the ancestor's bones
18 are disturbed, the ancestor will not be able to rest
19 in peace. The Huron-Wendat Nation owes the ancestor
20 respect and protection, and must do everything they
21 can to ensure the ancestor's rest is not disturbed.

22 These beliefs and the Huron-Wendat's
23 Nation's spiritual practices have been integral to the
24 Huron-Wendat Nation's society since time long past,
25 and have been well documented, including by Europeans

1 from the time of contact. One of the practices that
2 was extensively documented by Europeans after contact
3 was the feast of the dead. The Feast of the Dead was
4 a Major Huron-Wendat ceremony held about once every 12
5 years, involving a number of villages from across the
6 Huron-Wendat confederacy.

7 During the ceremony the remains of the
8 deceased members were taken from their primary
9 inhumation and placed in a common burial for all the
10 involved villages. These common burial grounds are
11 the ossuaries that the Huron-Wendat Nation works to
12 protect today. One example of a -- of European
13 account of this ceremony provided in this slide. This
14 is an excerpt from the Jesuit Reporter, also known as
15 the Jesuit Relations published in 1736. The Jesuit
16 Reporter was a series of chronicles or missives,
17 written by Jesuit missionaries in what they referred
18 to as New France, about their experiences there.

19 Now, I won't read the entire
20 translation, but to summarize, the report's author in
21 this excerpt relates that Huron-Wendat Nation members
22 transported bodies to a common gravesite, and remarks
23 on the care and affection of family members for the
24 dead, saying that it is indescribable. The author
25 also notes that a specially appointed person, the

1 Aiheonde, performed the exhumation of the first burial
2 and outlined some aspects of the ceremony associated
3 with this reinternment.

4 As I have explained, it is the
5 Huron-Wendat Nation's belief that it's ancestor's
6 souls remained with their ancestors bones. After the
7 Feast of the Dead one soul departs the body, but
8 another stays with the bones.

9 This belief has been well documented
10 by European sources, including in this excerpt of the
11 Jesuit Reporter, also from the 1636 edition. This
12 excerpt outlines the author's exchange with a member
13 of the Huron-Wendat Nation Nation, whom he describes
14 as a Captain.

15 The author recounts that he asked, why
16 the bones of the dead are called Atisken. And the
17 Captain said we have two souls and one of these souls
18 separates itself from the body at death, but stays in
19 the cemetery and this would be the primary inhumation,
20 until the Feast of the Dead, then it goes away to the
21 village of the souls.

22 The other soul is bound to the body
23 and stays with it, even after the Feast of the Dead.
24 Now while this expert does not explain this, the
25 Huron-Wendat word for soul is Asken (phonetic) and the

1 word for bones is Atisken, so one can easily hear and
2 understand the link that the Captain is trying to
3 explain.

4 Because the soul remains with the
5 deceased bones, the importance of not disturbing
6 Huron-Wendat burial sites cannot be overstated. The
7 importance of non-disturbance was also noted in post
8 contact sources. This an excerpt from Gabriel
9 Sagard's *Le Grande Voyage du Pays des Hurons*, which
10 was published in 1865, and published in translation in
11 1939.

12 In this excerpt the author explains
13 that nothing can give members of the Huron-Wendat
14 Nation greater offence than to ransack and remove
15 things from the tombs of their relatives. And that
16 the Huron's feel affection and reference for the bones
17 of their relatives to such an extent that they would
18 prioritize protecting burial sites over protecting
19 their villages from a fire.

20 Now moving from the historical record
21 to the present. The Huron-Wendat Nation's Council
22 adopted a resolution on June 15, 2015, describing the
23 inherent rights of the Huron-Wendat Nation in Ontario
24 and the Huron-Wendat Nation's sacred obligation to
25 protect its archaeological and burial sites in

1 Ontario.

2 The resolution states and recognizes
3 that only the Huron-Wendat Nation is able to assume
4 this responsibility and that all necessary measures
5 must be taken to ensure the respect and the protection
6 of Huron-Wendat, cultural and archaeological sites.
7 And an image of this resolution is shown here.

8 Now, preserving and protecting the
9 Huron-Wendat Nation's archaeological and burial sites
10 is challenging. It is estimated that more than 2,000
11 Huron-Wendat Nation archaeological and burial sites
12 have been destroyed by development in Southern
13 Ontario, including the greater Toronto area, without
14 the knowledge of the Huron-Wendat Nation and without
15 its consent.

16 Part of the difficulty in protecting
17 these sites is that it's difficult to protect
18 Huron-Wendat burials and ossuaries using methods for
19 archaeological assessments, and that is because these
20 sites are normally deeply buried deposits.

21 As noted on this slide, test pits dug
22 during archaeological assessments that are done in
23 accordance with the standards and guidelines for
24 consultant archaeologists to identify resources only
25 go to five centimetres beyond the sub soil. That's

1 approximately 25 centimetres below the surface.

2 The depths of standard test pits is
3 problematic for identifying Huron-Wendat Nation
4 ossuaries, because the most visible sign of an ossuary
5 which is the actual presence of bones, can start
6 anywhere from 20 centimetres below the sub soil, to
7 over two-meters below the sub soil. That would be 40
8 centimetres from the surface to about two meters and
9 20 centimetres below the surface. Test pits dug to
10 five centimetres below the subsoil, or 25 centimetres
11 below surface, simply won't catch the presence of an
12 ossuary.

13 An example of this difficulty is found
14 in this slide which is the Moatfield ossuary. This
15 was a Huron-Wendat ossuary that was accidentally
16 discovered during the summer of 1997, during
17 renovations of a soccer field in North York. In that
18 ossuary, bone mass began 45 centimetres from the
19 modern ground surface which, is approximately 25
20 centimetres below the sub soil.

21 Now, this photo I appreciate is
22 somewhat hard to see, but if you look carefully at the
23 bottom of the photo you can see the presence of bones,
24 and they are well below the surface and approximately
25 25 centimetres below the sub soil. The sub soil being

1 demarcated by the tiny little white dots in the photo.

2 Because of the difficulty in detecting
3 Huron-Wendat Nation ossuaries, the Huron-Wendat Nation
4 actively participates in many development projects in
5 Ontario by sending monitors during all phases of
6 construction that involve ground disturbance to ensure
7 the protection of its archaeological sites. The
8 Huron-Wendat Nation monitors have been present at the
9 Milton Hub site for stage 3 and 4 archaeological work
10 and their presence going forward remains necessary.
11 CN has agreed to the ongoing presence and funding of
12 Huron-Wendat Nation monitors throughout the
13 construction phase, and this is something we will
14 discuss further in our presentation tomorrow.

15 Again, tomorrow we will outline the
16 steps in more detail that the Huron-Wendat Nation
17 feels is necessary to mitigate the impacts of the
18 Milton Logistics Hub. But just briefly, the four
19 points that the Huron would like addressed is the
20 avoidance of impacts on archeological heritage
21 resources. The continued presence and funding of a
22 Huron-Wendat monitor at the site during construction.
23 Ongoing consultation and reporting regarding the
24 project. And economic opportunities to mitigate
25 potential impacts on Huron-Wendat Nation cultural

1 heritage. And so thank you. That is my presentation
2 and I'm open for questions, as is Monsieur Picard.

3 THE CHAIRPERSON: Thank you very much,
4 Ms. Pelletier for your presentation. So, I will ask
5 if there are questions before the Panel; we'll have
6 questions.

7 CN, do you have questions or any
8 comments you wish to make?

9 MR. LERNER: Yes, Madam Chair. Luanne
10 Patterson has a few comments to make, thank you.

11 MS. PATTERSON: Thank to you the
12 Huron-Wendat and Ms. Pelletier and the continuing
13 participation in the field work and this process.

14 In their presentation, the
15 Huron-Wendat note that ossuaries are difficult to
16 detect using MTCS standards. We do agree with this
17 assessment and that is a concern we take seriously.
18 We are committed to the inclusion of Huron-Wendat and
19 other Aboriginal monitors during construction, our
20 archaeological resources protection plan, as well as
21 addressing any potential concerns related to
22 ossuaries.

23 Again, we are pleased and honoured
24 that the Huron-Wendat has taken time to participate in
25 this process and we look forward to continuing to work

1 closely with them on the project in the future. Thank
2 you.

3 THE CHAIRPERSON: Thank you very much.
4 Ministry of Tourism, Culture and Sport do you have
5 questions?

6 MR. MINKIN: No questions, thank you.

7 THE CHAIRPERSON: No questions, thank
8 you. And Halton Municipalities, do you have any
9 questions?

10 MS. CÔTE: No questions.

11 THE CHAIRPERSON: All right. The
12 Panel.

13 MEMBER McMURRAY: Thank you, Ms.
14 Pelletier and good morning. Your presentation clearly
15 outlined the nature and the concern for your Nation's
16 sacred obligation.

17 Your first slide on the difficulty of
18 detecting ossuaries, it doesn't have a number that I
19 can see, it's the first slide after the text of the
20 resolution from 2015. Slide 12.

21 MS. PELLETIER: I can bring that up
22 for you.

23 MEMBER McMURRAY: Yes. And in your
24 comments on slide 12, you mentioned something that I
25 recall was also set out in your hearing submission.

1 And you referred to your Nation's estimate of the more
2 than 2,000 archaeological and burial sites that have
3 been destroyed by development in Southern Ontario,
4 particularly the GTA, without your knowledge and
5 consent.

6 I just wondered if you wanted to take
7 this opportunity to articulate the impact and the
8 effect that that has had on your Nation?

9 MS. PELLETIER: Perhaps I'll pass that
10 over to Mr. Picard to speak to.

11 MR. PICARD: This is simply based on
12 historical facts and historical history, on our oral
13 history back in our community, based on archaeological
14 researches and archaeological knowledge that we have.
15 So, this is an estimated 2,000 archaeological sites,
16 including burial sites, ossuaries and all those, so
17 it's all different types of sites.

18 So this -- and we have experienced
19 this so much in the past that project developments,
20 you know, touch our site, touch our people, touch our
21 ossuaries. So that's why today we are involved in on
22 field work, and involved in projects with CN. For
23 example, this is one great example of collaboration
24 between the proponent and our Nation to make sure that
25 all those errors of the past doesn't happen any more.

1 So we ask specifically, you know, the
2 size of Toronto, you know the size of the GTA? We
3 were about early -- in the early 60s we were 40,000
4 people here in Southern Ontario. So you can imagine,
5 you know, how many traces are still here today, you
6 know, for -- there were village of 2,000, 3,000, up to
7 5,000 people in one village. So you can easily
8 imagine how many artefacts are still in the ground,
9 how many ossuaries are associated to those villages.
10 So, that's my answer to this question.

11 MEMBER McMURRAY: And from your
12 history and your knowledge of the past, do you have
13 any particular concerns about this site as a potential
14 ossuary?

15 MR. PICARD: There is no -- I'll be
16 clear. There is no sign on site at this stage that
17 there is an ossuary on the Milton Logistics Hub
18 project footprint, but there is always a slight
19 chance. There is always a chance we hit something.

20 And like I said, it has happened so
21 much in the past, you know, we don't want to take any
22 chances any more. So that's why, for those types of
23 project, we still want to be involved, you know, on
24 field during construction to make sure that our
25 concerns, you know, are respected.

1 You never know for sure.

2 MEMBER McMURRAY: On ne sais jamais.

3 MR. PICARD: On ne sais jamais.

4 You never know until you put a shovel
5 in the ground, you know. And the image that Renee
6 showed you, I think it talks really well.

7 MEMBER McMURRAY: Thank you.

8 MR. PICARD: Thank you.

9 MEMBER HEATHCOTE: Thank you for your
10 presentation.

11 So we heard earlier from CN about the
12 work that they've done on archaeology and Huron-Wendat
13 Nation's involvement, which is very good to hear. CN
14 has made the point that the effects of the project on
15 archaeological sites are neutral and could, in fact,
16 be considered positive because of the accumulation of
17 new knowledge through the archaeological assessment.

18 So I guess I would ask first do you
19 agree with that assessment? Do you agree that the
20 assessment -- the impacts of the project on these
21 archaeological sites are, in fact, positive?

22 MR. PICARD: In the presentation we
23 showed you the Band Council resolution. So our
24 preferred option is always protection. You know,
25 protection of the archaeological sites is always our

1 preferred option as a Nation and that's the way we
2 collaborate with different promoters or Ministries or
3 whatever.

4 But you know, sometimes it's not
5 feasible, it's not possible. So the answer to this is
6 mitigation, accomodation. How do we then move forward
7 respecting our Nation and rights when protection is
8 not an option?

9 But you know, as -- I don't think
10 there's any project that has positive impacts on
11 archaeology. Unfortunately, it's -- you know,
12 sometimes we have to do excavation. Is it positive?
13 I wouldn't say it's positive. But there's some ways
14 to mitigate and accommodate those impacts.

15 MEMBER HEATHCOTE: Thank you. I think
16 that answers my question.

17 Thank you very much.

18 THE CHAIRPERSON: Following on from
19 that, we've heard from CN that they investigated with
20 assistance from probably yourselves. They said
21 monitor workers from First Nations. I presume that
22 there were people that were Huron-Wendat who were
23 involved in that work? Yes, okay.

24 And they found and removed and are now
25 protected -- catalogued and protected various

1 artefacts.

2 So what would happen, however, if an
3 ossuary was found? Because my understanding from your
4 presentation is it is vital that it be left
5 undisturbed, not dug up, catalogued. That would be --
6 it needs to be understood, correct?

7 I wonder if you could speak more about
8 that and then I'm going to ask CN about what they
9 would do. You've said it's -- well, go ahead and
10 answer that question before I continue.

11 MS. PELLETIER: Thank you for your
12 question, Madam Chair.

13 It's unfortunately a difficult
14 question to answer as Mr. Picard has just highlighted
15 that, really, the Nation's top priority is for the
16 preservation and protection of sites. That is
17 especially true when it comes to ossuaries.

18 The Nation's preference is always, in
19 fact, more than preference. They are mandated to
20 protect ossuaries and ensure that they do not get
21 disturbed.

22 I mean, I think the answer to that is
23 it's hard to say. I think that, so far, the Nation
24 and CN have had a very good relationship and have been
25 working collaboratively together.

1 So I think I'd answer that by saying I
2 would trust that if an ossuary were detected the
3 parties would meet and discuss and hopefully come to
4 an agreement.

5 THE CHAIRPERSON: Can protection
6 include -- I don't know under what circumstances this
7 might happen. Can it include being left in place but
8 being covered?

9 MS. PELLETIER: Yes, yes. That is
10 exactly -- yes, and sorry, I should have mentioned
11 that.

12 There is a way to and there have been
13 -- if you'd like some examples, Mr. Picard would be
14 able to speak to them better than I would, but there
15 have been examples of ossuaries being detected and it
16 doesn't always mean that a project can't go ahead.
17 Because they are so deeply buried, they have -- there
18 are ossuaries in the GTA that have development on top
19 of them, which is you know, perhaps from the Nation's
20 perspective not ideal, but it does have the benefit of
21 leaving the ossuary undisturbed, so that could be a
22 potential outcome.

23 Again, I think that -- you know,
24 certainly I don't want to commit the Huron-Wendat
25 Nation to that outcome should one be discovered, but

1 that's something that the parties could discuss for
2 sure.

3 THE CHAIRPERSON: And is it important
4 that you have periodic access to the location of the
5 ossuary, even if it is under something? Is that an
6 important element?

7 MR. PICARD: The answer is yes,
8 clearly yes. And I will give you an example.

9 In 2015 -- you know, as a Nation, we
10 re-bury our people. I don't think there's a lot of
11 people doing this in the whole Canada, but we have
12 ancestor all over the world in boxes. And every year,
13 we rebury our people.

14 And for example, I'll give you the
15 example, the Tonaka ossuary in Vaughn, where in 2015
16 we reburied 1,700 of our ancestors. It was the
17 largest reburial in North America.

18 So -- and we have a clear -- a
19 permanent access to the site. This is an example.
20 Like what's my point by saying this is when sometimes,
21 you know, a project impacts on a burial site can be
22 avoid. There's -- we have ways, we have reburial in
23 place in the community, so we have some tools to
24 mitigate those possible unfortunate negative impacts,
25 you know, but is there some solution. Yeah.

1 THE CHAIRPERSON: So the very first
2 step, though, is to know whether --

3 MR. PICARD: The best step is to
4 protect.

5 THE CHAIRPERSON: Is to protect.

6 MR. PICARD: But you know, depending
7 on the ossuary or the body location, sometimes it's
8 not really respectful to left the ancestry in place
9 where they are, so sometimes we have to move them.

10 THE CHAIRPERSON: I'm going to just
11 ask CN if they have any comments about that.

12 MR. LERNER: Thank you, Madam Chair.

13 Well, first of all, we agree
14 wholeheartedly with what's been said and we would work
15 hand in hand with Huron-Wendat and make all the
16 necessary precautions moving forward.

17 THE CHAIRPERSON: Thank you.

18 And just I have one more question. I
19 think you may have said that your final slide required
20 accommodation. You may have said you were going to
21 speak more about this tomorrow. Is that right? Is it
22 still a good -- I would like to ask about the final
23 bullet. The final bullet under your slide required
24 accommodation.

25 So economic opportunities to mitigate

1 potential impacts on Huron-Wendat's cultural heritage.
2 Can you just expand a little bit? If you want to talk
3 about it tomorrow, that's fine.

4 MS. PELLETIER: It is probably better
5 to speak to it tomorrow in the context of
6 accommodation. I do want to manage your expectations,
7 however, and that's to say that we won't have too much
8 to say beyond just that the Nation has been in
9 discussions with CN about possible ways to accommodate
10 the impacts that have already been felt.

11 As we heard earlier, there already
12 have been resources that have been found that have
13 been taken out of the ground. And those are ongoing
14 discussions between the parties.

15 So it's a bit of a spoiler alert for
16 tomorrow.

17 THE CHAIRPERSON: I look forward to
18 that. Thank you very much.

19 Well, I think that concludes our
20 questions. Thank you very much for coming to make the
21 presentation and we look forward to the presentation
22 tomorrow.

23 It is five to 11:00. I think we do
24 deserve a break, so we'll take a 15-minute break and
25 return at 10 past 11:00.

1 --- Upon recessing at 10:56 a.m. /

2 Suspension à 10 h 56

3 --- Upon resuming at 11:14 a.m. /

4 Reprise à 11 h 14

5 THE CHAIRPERSON: Before we continue
6 to the next presentation, which is given by the
7 Ontario Ministry of Tourism, Culture and Sport, the
8 Panel would like to reply to a request for
9 clarifications from Halton Municipalities with respect
10 to the request by CN to submit the memo associated
11 with Undertaking 15. So this is our response.

12 CN may submit the memo that is
13 associated with Undertaking 15. Halton Municipalities
14 or indeed any participant may submit a written reply
15 no later than 8:00 p.m. Friday, and interested parties
16 can also include any commentary on these matters in
17 their closing remarks. So that is the Panel response.

18 Turning now to the Ministry of
19 Tourism, Culture and Sport for their presentation.

20 **PRESENTATION**

21 MR. MINKIN: Hi. I'm Dan Minkin. I'm
22 a heritage planner at the Ontario Ministry of Tourism,
23 Culture and Sport, and with me today is Shari Prowse,
24 who is an archaeological review officer for the
25 Ministry.

1 I will be giving our presentation
2 today, and Sheri will help answer any technical
3 questions about the archaeological assessment and
4 review process.

5 Just to go through our outline, I will
6 talk about the MTCS mandate with respect to cultural
7 heritage, talk about the legislative framework for
8 cultural heritage conservation, discuss the scope of
9 our review role and summarize our review of the
10 project before we take questions.

11 MTCS' cultural heritage mandate. MTCS
12 is interested in the conservation of cultural heritage
13 resources, which include built heritage resources,
14 cultural heritage landscapes and archaeological
15 resources. We discussed the meanings of those terms
16 back at the orientation session.

17 These terms are international.
18 They're not specifically related to Ontario law, but
19 they do have definitions in Ontario's Provincial
20 Policy Statement, which I'll talk about a little bit
21 about later.

22 So moving into the legislative
23 framework. Federally, of course, the *Canadian*
24 *Environmental Assessment Act* provides that physical or
25 cultural heritage is to be taken into account in the

1 federal EA process, and that's why we're all here
2 today. In terms of provincial law, the *Environmental*
3 *Assessment Act* provides a broad definition of
4 environment that includes cultural conditions.

5 Now, although the provincial *EA Act* is
6 not directly relevant to this project, MTCS's
7 engagement with provincial EA through that provision
8 of the Act is the source of a lot of our practices and
9 our capacity with respect to environmental assessment
10 review generally.

11 The *Planning Act* lists cultural
12 heritage among the matters of provincial interest that
13 planning authorities must have regard for in planning
14 decisions, and it's also the legislation under which
15 the Provincial Policy Statement is created.

16 The Provincial Policy Statement, the
17 PPS, is a set of policies for all land use planning
18 decisions in Ontario to be consistent with, and it
19 contains specific policies for the conservation of
20 cultural heritage resources.

21 The *Ontario Heritage Act* has a large
22 number of functions such as creating the Ontario
23 Heritage Trust, regulating the provincial government's
24 conservation of its own heritage properties, and
25 authorizing heritage easements, but the most relevant

1 functions for our purposes today are regulating
2 archaeology, creating the municipal tools for
3 conserving heritage property, and setting the criteria
4 for cultural heritage value or interest.

5 So to go into those three functions in
6 a little bit more detail, Part 6 of the Act regulates
7 archaeology, so it grants protection to all
8 archaeological sites from unauthorized disturbance.
9 It creates a licensing framework under which MTCS
10 licenses archaeologists. Those licensees are the only
11 people allowed to do archaeological fieldwork.

12 And it -- and all that archaeological
13 work follows the assessment process that is regulated
14 under MTCS's standards and guidelines, which are a
15 product of the Act as well. So that's the four-stage
16 process that we heard about earlier today in the
17 proponent's presentation under which each stage
18 triggers the next stage and follows the
19 recommendations in the previous stage.

20 And -- and each -- and these standards
21 and guidelines, I should say, set minimum
22 requirements. Licensees can make recommendations that
23 go beyond that bare minimum. And where the nature of
24 a site triggers indigenous engagement, the SNGs
25 mandate that that engagement has to happen at least at

1 stage 3, which is the site-specific assessment and
2 development of mitigation measures, although we
3 encourage as a best practice for it to happen
4 throughout the process.

5 Each stage of the archaeological
6 assessment process results in a report which the
7 licensed archaeologist must submit to MTCS for review.
8 And once the report is deemed compliant with the
9 standards and guidelines, it's entered into our
10 register of archaeological sites.

11 So moving on to Part 4 of the Act,
12 that is, for the most part, enabling legislation for
13 municipal designation and listing of heritage
14 properties.

15 So to make that distinction,
16 designation of a property is done by by-law. The
17 by-law would specify the heritage attributes of a
18 property and then any alterations to those attributes
19 would require a heritage permit from the municipality.

20 Listing is what we call when a
21 municipal council -- and this is specifically
22 authorized under the Act -- adds a property to their
23 register of heritage properties without designating
24 the property. It's a much simpler process. It
25 doesn't afford the property that kind of protection

1 except in that it requires 60 days' notice to council
2 before the owner demolishes any structure on that
3 property and it also just flags the property as having
4 heritage value to the community, which is important in
5 processes like environmental assessment.

6 Moving on to Ontario Regulation 906
7 made under the *Ontario Heritage Act*, that's the
8 criteria for cultural heritage value or interest.

9 And the content of that criteria was
10 discussed a bit during orientation as well as earlier
11 today, so that's the design or physical value, the
12 historical or associated value and the contextual
13 value.

14 Now, by -- you know, under the *Ontario*
15 *Heritage Act* directly, properties have to meet at
16 least one criteria -- one of these criteria in order
17 to be designated by municipality. However, aside from
18 this legislative purpose, these criteria are
19 considered to be a definition of cultural heritage
20 value or interest that we expect heritage consultants
21 to use when identifying cultural heritage resources
22 outside of the municipal designation context, for
23 example, in a technical study supporting an
24 environmental assessment.

25 Moving on to the scope of our review

1 role as a Ministry. MTCS is not an environmental
2 assessment approval authority. We provide advice to
3 EA approval authorities through our review of EA
4 documents as they pertain to potential impacts on
5 cultural heritage resources.

6 The actual determining of potential
7 impacts and the recommendations for the -- for
8 mitigation measures are done by licensed
9 archaeologists in the case of archaeology and by
10 qualified heritage consultants in the case of built
11 heritage resources and cultural heritage landscapes.

12 We're not out there ground truthing
13 their work and we don't make the final determination
14 as to what impacts should be expected or what
15 mitigation measures should be. Our role is to ensure
16 that these questions have been appropriately addressed
17 in the environmental assessment documentation
18 according to industry best practices and according to
19 our standards and guidelines for consultant
20 archaeologists in the case of archaeology.

21 So I'll summarize what we found in our
22 review, and I'll try to be brief about this part
23 because some of this is a repetition of what the
24 proponent described earlier today.

25 So the project area was, most of it,

1 subjected to stage 1 and 2 archaeological assessment
2 before the EIS submission, with some additional stage
3 2 coverage done after the submission.

4 Sixty locations were identified, 17 of
5 them were recommended for stage 3 assessment and 13 of
6 those stage 3 assessments resulted in recommendations
7 for stage 4 excavation.

8 All of those excavations have been
9 completed. All the reports from all the stages have
10 been -- have been entered into our register as
11 compliant and the EIS contains the appropriate
12 commitments for assessing any archaeological resources
13 that are unexpectedly encountered during construction
14 so there are no further archaeological concerns from
15 MTCS.

16 In terms of built heritage resources
17 and cultural landscapes, so as we heard earlier, there
18 -- the cultural heritage assessment report identified
19 four properties as cultural heritage resources that
20 will -- that would potentially be impacted by the
21 project, those four properties on Tremaine Road, 4393,
22 5269, 5193 and 5381 Tremaine Road. All of these are
23 listed properties on the Town of Milton heritage
24 property register, not designated, but listed.

25 So the most direct impact is the

1 removal of the shed at 5269 Tremaine Road. The report
2 found that the shed itself does not have cultural
3 heritage attributes, unlike the other structures on
4 the property, but the linkages between the buildings
5 on the site is itself a heritage attribute, so there's
6 still an impact to the removal of the shed.

7 The proposed mitigation is
8 documentation and salvage. The proponent is proposing
9 to offer the community an opportunity to submit a
10 relocation plan for the shed, but does not consider
11 relocation necessary because the shed has no
12 identified cultural heritage value outside of the
13 spatial context of that property. So removing it from
14 the property is an impact either way.

15 Then there's the potential for
16 vibration-related impacts during construction to the
17 residence and barn at the same property as well as a
18 barn at 4393 Tremaine Road just due to their proximity
19 to construction activities. And the proposed
20 mitigation is to mark a 50-metre buffer, keep
21 construction out of that buffer as much as possible,
22 and when activities do have to come within 50 metres,
23 monitor vibration levels according to maximum peak
24 particle velocity that would be set by a qualified
25 engineer.

1 And then there are the potential
2 long-term impacts due to vacancy of several
3 residential buildings, namely at 5269, 5193 and 5381
4 Tremaine Road. These are buildings occupied by
5 tenants who would be vacating before construction and
6 future occupancy is uncertain.

7 So the proposed mitigation is that the
8 buildings be secured, that is, boarded up against the
9 elements and vandalism until such time as there are
10 opportunities for adaptive reuse.

11 So in conclusion, as far as MTCS is
12 concerned, the proponent has carried out the necessary
13 technical investigations to identify cultural heritage
14 resources and the project's potential impacts on them.
15 Some of this was done during the information request
16 process rather than the initial EIS preparation, but
17 we have at this point the documentation we would
18 expect so MTCS has no further concerns with project
19 documentation.

20 We can move to questions.

21 THE CHAIRPERSON: Thank you, Mr.
22 Minkin, for your presentation.

23 CN, do you have questions or comments?

24 MR. LERNER: Madam Chair, we just
25 wanted to thank the Ontario Ministry of Tourism,

1 Culture and Sport for their participation in the
2 process, and we have no further comments.

3 Thank you.

4 THE CHAIRPERSON: Thank you very much.

5 The Huron-Wendat Nation, do you have
6 comments -- questions, sorry. Comments, questions of
7 the Ministry? That's all right. That's okay. They
8 are not in the room. I think we'll proceed.

9 And Halton Municipalities. Yes, Ms.
10 Côté.

11 MS. CÔTÉ: Good morning, Madam Chair.
12 I have a clarification question to start for the
13 Ministry, and also I'm starting by asking some
14 questions with respect to cultural heritage
15 specifically.

16 So I'm wondering, when a property is
17 designated property of cultural heritage value or
18 interest for provincial significance, I understand the
19 MTCS would be involved in its conservation but
20 otherwise municipalities normally handle the
21 preservation of cultural heritage.

22 THE CHAIRPERSON: Excuse me. I'm
23 sorry. I have to interrupt you because we have a
24 technological hitch and your words are not being
25 recorded for the record, which is a bad thing, so

1 we'll take a quick break

2 We need to take a five-minute break to
3 sort this out and come back.

4 MS. CÔTÉ: Thanks.

5 --- Pause

6 THE CHAIRPERSON: I think our
7 technical problems have been solved, so Ms. Côté would
8 you like to come back and start again? My apologies.

9 MS. CÔTÉ: Not a problem. Thank you
10 very much.

11 So to start from the top again, my
12 first question is one of clarification for the MTCS,
13 and I'll start off by describing my understanding of
14 your role, that where a property is designated as a
15 property of cultural heritage value or interest of
16 provincial significance, the MTCS will be involved in
17 its conservation, but otherwise, municipalities
18 normally handle the conservation of built cultural
19 heritage and cultural heritage landscapes. But then
20 in this case, because of the context and the EA
21 review, the MTCS has gotten involved and reviewed CN's
22 documents on built cultural heritage despite there not
23 being a provincially-designated property involved.

24 And I wanted to make sure that was the
25 correct understanding of your role in this project.

1 THE CHAIRPERSON: No, it's not on.
2 You have to press a button. That's it.

3 MR. MINKIN: Sorry. I didn't realize
4 I was in control of the button on this one.

5 That would be correct. I mean, there
6 is -- there's two separate things. There's the
7 *Ontario Heritage Act* framework for cultural heritage
8 property and there's the EA process.

9 You're entirely right in terms of the
10 way the *OHA* works. Property that is significant under
11 Ontario Regulation 906 that's not, you know, of
12 provincial significance is up to the municipality to
13 conserve.

14 However, in the case of any EA
15 process, we take the role of reviewing those documents
16 because, in part, it's a matter of consistency.
17 Imagine this project, instead of being set in Milton,
18 was being set in some municipality that didn't have a
19 heritage program, didn't have heritage planners on
20 staff, didn't have a municipal heritage committee.
21 They might not have anything on the register. But
22 it's still important as a matter of EA process that
23 someone is looking at the potential cultural heritage
24 resources from the perspective of 906, from the
25 perspective of those criteria, and accounting for what

1 are the potential impacts, what are the proposed
2 mitigation measures.

3 I mean, that's a matter of the EA
4 function requiring consideration of those -- of those
5 values which is separate from the -- from the legal
6 framework under the *OHA* for regulating heritage
7 property.

8 MS. CÔTÉ: Thank you.

9 So typically, if it wasn't an EA
10 process you might not be reviewing these properties as
11 they are not provincially designated?

12 MR. MINKIN: That's correct. We would
13 not get involved if it was simply an -- applicants
14 under the *Planning Act* submitting an application to
15 the Town of Milton and there were a list or designated
16 property. That would not come across our desk.

17 MS. CÔTÉ: Thank you.

18 I'm also imagining that the MTCS would
19 have experience with cases of demolition by neglect
20 and I was wondering if you could speak and provide
21 MTCS' understanding of that concept, as I think it
22 will assist the Panel later on in this session this
23 morning.

24 MR. MINKIN: Demolition by neglect is
25 basically another way of phrasing what in my

1 presentation I called potential long-term impacts due
2 to vacancy.

3 Built heritage is not like archaeology
4 that can remain in the ground *in situ* for as long as
5 no one's disturbing it and retains its cultural
6 heritage value. Buildings require maintenance. If
7 they're not being used, they're typically not being
8 maintained. And if they are neglected, that is a
9 potential long-term impact and that's what I was --
10 that's what we have been talking about with respect to
11 the residential buildings to be vacated.

12 That's why that needs to be noted as
13 an impact to be mitigated and there are proposed
14 mitigation measures in the form of securing the
15 buildings, and hopefully in the long term of adaptive
16 reuse.

17 MS. CÔTÉ: Do you mind if I ask, Madam
18 Chair to just specify a little more specifically what
19 occurs in demolition by neglect?

20 MR. MINKIN: Well, what occurs is that
21 the structure over time, through lack of maintenance,
22 through lack of day to day use becomes, you know,
23 deteriorates in condition and eventually is no longer
24 viable as a building, could become a safety hazard
25 that can no longer be used, or that has to be

1 demolished, or that simply falls apart.

2 MS. CÔTÉ: Thank you.

3 MR. MINKIN: Does that answer your
4 question?

5 MS. CÔTÉ: Yes, that does answer
6 question. Thank you.

7 Now, MTCS on slide 10 stated that the
8 MTCS does not determine potential impacts or
9 appropriate mitigation measures, but ensures that
10 these questions have been appropriately addressed
11 through technical studies. And you also mentioned in
12 your presentation today that you look at this
13 according to industry best practice.

14 And I'm wondering, in this case, what
15 MTCS is referring to having looked at, with respect to
16 built cultural heritage?

17 MR. MINKIN: Sorry, what we're
18 referring to?

19 MS. CÔTÉ: What MTCS is referring to
20 having looked at in those technical studies that you
21 reviewed with respect to the cultural heritage
22 affected by CN's project, what documents were those?

23 MR. MINKIN: Well, the Cultural
24 Heritage Assessment Report and of course, all the
25 archaeological assessment reports.

1 MS. CÔTÉ: And did you see a Heritage
2 Impact Assessment?

3 MR. MINKIN: Like property specific
4 HIAs? No.

5 MS. CÔTÉ: And, even if a HIA was not
6 completed or submitted, it doesn't seem we can say CN
7 has completed all the key elements of a HIA, because
8 according to MTCS's own documents that requires --
9 there is seven components listed in MTCS documents of
10 what is included in HIA. The last two elements are an
11 implementation and monitoring plan that includes
12 scheduling and reporting structure for implementation
13 and recommended conservation. And a summary statement
14 and conservation recommendations.

15 So a description of exactly how the
16 conservation and mitigative measures will be
17 implemented to minimize or avoid impact. And we
18 haven't seen these in a HIA form. And therefore,
19 we're wondering how the MTCS reached conclusions in
20 their slide 15, but the proponent carried out all the
21 necessary investigations and provided sufficient
22 documentation and identified all the mitigation
23 measures?

24 THE CHAIRPERSON: May I just intervene
25 for a moment? The document that you are quoting from,

1 Ms. Cote, is?

2 MS. CÔTÉ: So this is a document from
3 the MTCS, they are info sheets. I will have to get
4 back to you on the exact title.

5 THE CHAIRPERSON: Do you happen to
6 know if it's on the registry? Have you already put
7 this on -- do either of you know if this is on the
8 registry? Is this a document that you would have
9 provided to us in the orientation session?

10 MR. MINKIN: No.

11 THE CHAIRPERSON: Then I think, Ms.
12 Cote, I need to ask you to provide it to the
13 Secretariat, which actually, I am now going to take a
14 step backwards. Because it was pointed out to me that
15 I did not give CN an exhibit number for the memo. So
16 then I can give you an exhibit number for this
17 document.

18 Yours will be Exhibit 10.

19 THE CHAIRPERSON: And if you can
20 provide this document for reference it that will be
21 Exhibit 11.

22 MS. CÔTÉ: Will do.

23 THE CHAIRPERSON: Thank you. So carry
24 on. I interrupted the question and answer process.

25 MS. CÔTÉ: So my question is, given

1 there has not been a HIA submitted, and there hasn't
2 been --

3 MEMBER HEATHCOTE: Excuse me, what is
4 HIA?

5 MS. CÔTÉ: So that's a Heritage Impact
6 Assessment.

7 MEMBER HEATHCOTE: Thank you.

8 MS. CÔTÉ: And we don't have the
9 complete information that would normally be contained
10 in a HIA. We don't have the level of detail that
11 would typically be there, and particularly the
12 comments with respect to how the mitigation will be
13 implemented successfully, and how it will be monitored
14 and reported on. We were wondering how this MTCS came
15 to the conclusion that they had all the necessary
16 information, that CN provided sufficient information,
17 and that all the mitigation measures were accounted
18 for?

19 MR. MINKIN: If we're talking about a
20 highly detailed property specific HIA as to really
21 work out all the details of the mitigation process.
22 That we often would expect after the EA process as
23 part of -- as part of the actual mitigation process.
24 The Cultural Heritage Assessment Report contained
25 assessment of the impacts and proposed mitigation

1 measures, which is typically the part of that function
2 that takes place at the EA reporting stage.

3 MS. CÔTÉ: So these were earlier
4 conclusions before having had all those documents?
5 Without getting all that information that you would
6 expect to come later and provide those details?

7 MR. MINKIN: Site -- property specific
8 HIA can be part of a mitigation strategy which would
9 come, sort of, during implementation and detailed
10 design.

11 MS. CÔTÉ: Okay. Thank you.

12 I have one more question with respect
13 to cultural heritage and it's with respect to the
14 50-metre buffer zone. That is mentioned on your slide
15 13 and something CN referenced in their presentation
16 as well. We're wondering how you determined that the
17 50-metre buffer zone was sufficient, and whether you
18 can point to any policies that state this is an
19 appropriate buffer zone? And the reason we raise
20 this concern is because the studies that CN relies on
21 to have chosen their 50-metre buffer zone had
22 demonstrated that there were vibration effects felt at
23 at least 40 metres from vibration sources, but not
24 that they ended at 40 metres. So we are wondering if
25 the MTCS has a reason for limiting and agreeing with

1 the limitation of 50 metres as a buffer zone?

2 MR. MINKIN: If the request is for
3 documents that, you know, that we have access to that
4 support that conclusion I would be happy to undertake
5 to answer -- to provide an answer to the Panel after
6 today. I don't have -- I don't have, you know,
7 documents like that at my fingertips right now.

8 THE CHAIRPERSON: So you will take an
9 undertaking to provide us -- now I -- particularly at
10 this stage of the proceedings we don't want vast
11 amounts of documentation. So in fact, I'd be -- I
12 think the Panel would be content with a summary or
13 with references to the documents and a summary of what
14 they said, Ms. Côte that would be sufficient, would it
15 not?

16 MS. CÔTÉ: Yes. I think as long as
17 the references are accessible, that would be great.

18 THE CHAIRPERSON: Yes. So when could
19 you provide this by?

20 MR. MINKIN: What would be appropriate
21 to the Panel's time lines?

22 THE CHAIRPERSON: Well, I guess,
23 Friday at the latest, but -- yes, earlier would be
24 better. Let's say Friday. So you are going to
25 provide a short summary of the information and

1 documents that support your -- support the viability
2 of a 50-metre buffer as being protective of buildings
3 from vibration?

4 MR. MINKIN: Yes.

5 THE CHAIRPERSON: That was poorly
6 expressed, but I think everyone can figure that out.

7 And that will be undertaking 33.

8 **UNDERTAKING**

9 THE CHAIRPERSON: Ms. Côté was that
10 the final question?

11 MS. CÔTÉ: I do have two more
12 questions, if I may.

13 THE CHAIRPERSON: Go ahead, please.

14 MS. CÔTÉ: So turning to archaeology,
15 I understand that the MTCS participates in EAs as
16 mentioned at the beginning of your presentation. So I
17 gather that you know that it's not typical that you
18 would give approval before a project is approved. So
19 in this case, we're wondering why the MTCS granted
20 approval for CN to go ahead with stage 4, the removal
21 of archaeological sites, prior to project approval?
22 And how could you make the determines that it was
23 necessary to mitigate the excavation, and that the
24 protection and avoidance options were not feasible,
25 when we didn't even have a go ahead of the project?

1 MS. PROWSE: I'll answer that
2 question. MTCS's role is to provide licences and
3 ensure that the licences -- licencees meet the term
4 and condition of licence. We are not an approver. We
5 just make sure that they follow the standards and
6 guidelines. So when a report is submitted and we
7 review, and the recommendations are appropriate based
8 on our standards and guidelines, we would accept the
9 report to the register which is a signal that the
10 report did meet the standards and guidelines and they
11 would proceed.

12 And sorry, I only caught one part of
13 your question. Could you repeat the other please?

14 MS. CÔTÉ: I think the last part is,
15 how do you make the determination that it's necessary
16 to do the excavation if you don't yet know that the
17 project is actually going to be on the site as
18 proposed?

19 MS. PROWSE: Yes. Our preference is
20 always to avoid and protect archaeological sites as a
21 form of mitigation, as opposed to excavation. As part
22 of the process, it's up to the licensee to discuss the
23 option of a avoidance protection with the proponent
24 and make a decision on whether or not it's viable,
25 given the context. If they determine it's not viable,

1 then mitigation would be through excavation. So this
2 is outside of the actual project specific. It's just
3 in general, how you would address archaeological
4 resources at stage 4.

5 MS. CÔTÉ: I guess I'm still confused
6 how it wouldn't be premature if you don't know that
7 the project will actually occur as CN has identified?

8 THE CHAIRPERSON: Ms. Côté can I ask
9 for clarification of our own, please? Can you clarify
10 how this matter, which your questioning the Ministry
11 about, can you relate it directly to the interest
12 before the Panel. Why this should be I matter of
13 concern to us, the Panel?

14 MS. CÔTÉ: Thank you for your
15 question, Madam Chair. I think the interest is in how
16 this project has to date been carried out and what
17 process CN is following, in terms of respecting the EA
18 process itself. And how stage 4 has ended up going
19 forwards, ahead of the Panel's own process.

20 MS. PROWSE: Our stages for
21 archaeological field work are outside of a particular
22 development application. The stages can proceed
23 whether or not there is an application on the
24 property, and in fact, sometimes we do see proponents
25 carry out all of the archaeology without having a

1 formal application in place. Our application -- our
2 standards and guidelines are to ensure that the
3 licensees have met their term and condition of
4 licence. Our process is not to approve an
5 application, and our stages are not dependent on the
6 approval of an application.

7 MS. CÔTÉ: Okay. I think I'll leave
8 it there. Thank you.

9 And I just have a final question.
10 It's about the stage 3 and stage 4 Archaeological
11 Assessment Reports, because there has been a lot of
12 secrecy around them. And we're wondering, why they
13 have never been submitted to -- as part of the Panel
14 process? Is that related to a policy of the MTCS, or
15 has that been CN's decision?

16 MS. PROWSE: Could you clarify secrecy
17 in this matter?

18 MS. CÔTÉ: We have not seen the stage
19 3 and stage 4 archaeological assessment reports,
20 despite that having been asked of CN. And so we're
21 wondering if that was a policy of the MTCS that does
22 not allow disclosure of those reports, or if it's CN's
23 decision?

24 MS. PROWSE: No. Those reports would
25 be available through our Ontario Public Register of

1 Archaeological Reports. You can contact us and get
2 access to those.

3 MS. CÔTÉ: Okay. Thank you.

4 MR. MINKIN: Just to say -- and
5 correct me if I'm wrong, Sheri, the versions of the
6 reports on the public register might be omitting
7 specific site locations for the security of the sites.
8 Sometimes those would be in like, a supplementary
9 document that's not made public, but the report itself
10 is public.

11 MS. CÔTÉ: Understood. Thank you very
12 much. Thank you.

13 THE CHAIRPERSON: I am just going to
14 ask CN do you have any comment on this recent exchange
15 since it was -- had a bearing on how the
16 archaeological survey was carried out? Any comment?

17 MR. LERNER: If we could just have a
18 moment, please? Thank you.

19 --- Pause

20 MR. LERNER: Thank you, Madam Chair.
21 We believe we have been respectful of the MTCS process
22 and we have followed their guidelines carefully. And
23 as you heard from the MTCS, they do not have any
24 concerns with how we've conducted ourselves in this
25 process.

1 THE CHAIRPERSON: Okay. Thank you.

2 This brings us to Panel questions.

3 MEMBER McMURRAY: Thank you. Good
4 morning. I have a question about your slide 10. Or
5 the question that arises from slide 10. And there has
6 been discussion of your role to provide advice. So,
7 most of the EAs you would review would be provincial
8 EAs, is that correct?

9 MR. MINKIN: By volume that is the
10 vast majority of EAs that we see, yes.

11 MEMBER McMURRAY: And that would
12 include class EAs?

13 MR. MINKIN: Yes.

14 MEMBER McMURRAY: So there has been
15 some discussion in this forum about the widening of
16 certain arterial roads within the region of Halton.
17 Would your Ministry review class EAs related to the
18 upgrading and widening of arterial roads?

19 MR. MINKIN: Yes.

20 MEMBER McMURRAY: And do those class
21 EAs address cultural heritage resources?

22 MR. MINKIN: Yes.

23 MEMBER McMURRAY: And this 50-metre
24 buffer we have been debating, is that customarily used
25 in those sorts of class EAs?

1 MR. MINKIN: I have certainly seen
2 things like that. If you are asking whether 50 metres
3 is this standard that's supported by documentation,
4 that would be included in my response to the
5 undertaking.

6 MEMBER McMURRAY: Good enough, good
7 enough. And I had a question for you about your slide
8 13, and the problems inherent in leaving a building
9 vacant for a period of time, but I think we have had
10 enough discussion of that already.

11 So thank you. Those are my questions.

12 MEMBER HEATHCOTE: I just have one
13 question, and I thought I had understood from your
14 earlier presentation in the orientation session and in
15 earlier comments, I thought I understood the process
16 of designating heritage properties, but I think I'm
17 now confused.

18 So, your slide 8 sets out the
19 legislative framework. If you could just walk me
20 through it. So, for example, does the process always
21 start with the municipality? That a municipality
22 proposes protection or designation of a particular
23 property, a submission is made to the ministry citing
24 the criteria under the act. No, okay. Please explain
25 it.

1 MR. MINKIN: When a municipality
2 designates a property they do not make a submission to
3 the Ministry.

4 MEMBER HEATHCOTE: Okay they can
5 designate locally by a vote of Council?

6 MR. MINKIN: Yes. By law it needs --
7 the property needs to meet at least one of the
8 criteria in Ontario Regulation 906. By law, if the
9 municipality has Municipal Heritage Committee, they
10 need to consult them in that designation. In fact,
11 practically speaking, the designations are often
12 initiatives of municipal heritage committees.

13 They would -- there is a process
14 whereby they would first -- the council would have to
15 first issue a notice of intent to designate. The
16 owner -- the property owner would have to have an
17 opportunity to respond to that or object to that. At
18 the end of the notice period the council would either
19 withdraw the Notice of Intent or pass the designation.
20 There is a provincial appeals process.

21 MEMBER HEATHCOTE: I don't need to
22 hear about the appeals process for now.

23 MR. MINKIN: Right. But unless it
24 comes to that the province is not involved in the
25 designation.

1 MEMBER HEATHCOTE: Okay. So the
2 province would never even hear about these properties;
3 is that correct?

4 MR. MINKIN: Correct, it's just a
5 municipal designation.

6 MEMBER HEATHCOTE: Okay. Thank you.
7 So then what's the province's role then? How do you
8 get involved? So there would be a separate, like, an
9 intentional application to the province to designate -
10 - so -- I'm having difficulty understanding. Does the
11 process of designating a provincially significant
12 property, does that ever begin with the Ministry?

13 MR. MINKIN: So the Minister can
14 designate properties, yes. But that's -- that's
15 fairly rare. There are not a lot of properties in
16 Ontario that are designated by the Ministry.

17 MEMBER HEATHCOTE: So then what
18 happens with the gap? So, if say Halton -- one of the
19 Halton Municipalities thinks they have a property that
20 deserves provincial protection, they would make a
21 separate and special application to the Ministry? Or
22 how does the provincial --

23 MR. MINKIN: They would generally just
24 designate it themselves. There isn't really a --

25 MEMBER HEATHCOTE: So there is not --

1 there is a provincial designation?

2 MR. MINKIN: There is, but it's not
3 generally something that the municipality applies for,
4 as some higher level of designation.

5 Heather: That's the core of my
6 question. Is how -- how does that provincial
7 designation come to be?

8 MR. MINKIN: It's a decision of the
9 Minister.

10 MEMBER HEATHCOTE: That's the only
11 time is by decision of the Minister?

12 MR. MINKIN: Yes.

13 MEMBER HEATHCOTE: Okay. I had a
14 different understanding --

15 MR. MINKIN: Now there's -- I mean,
16 that's separate from the provincial heritage property
17 process, which applies only to properties that are
18 owned by provincial Ministries, or prescribed public
19 bodies, which are basically provincially agencies.
20 Because those are exemption municipal designation.

21 MEMBER HEATHCOTE: I see.

22 MR. MINKIN: But there is a whole
23 process for the provincial Ministry or public body
24 that owns them to ensure their conservation. But
25 that's something I didn't speak about today because

1 that's not relevant to the study area.

2 MEMBER HEATHCOTE: That's fine, I
3 understand. So then if I understand correctly,
4 basically, this is a municipal activity in large part.
5 The MTCS is -- the act role is to set the rules, the
6 criteria which the municipalities need to follow;
7 correct?

8 MR. MINKIN: Yes.

9 MEMBER HEATHCOTE: And in occasional
10 instances the Minister may designate a property.

11 MR. MINKIN: Yes.

12 MEMBER HEATHCOTE: But generally
13 speaking, it would be within the municipalities' power
14 to designate and protect?

15 MR. MINKIN: Yes, so long as it's not
16 a provincially owned property.

17 MEMBER HEATHCOTE: Thank you. That's
18 very clear. Thank you.

19 THE CHAIRPERSON: One question. And
20 moving back to archaeology. We are required to
21 consider cumulative effects as you know. So we
22 certainly heard from the Huron-Wendat Nation this
23 morning with respect to cumulative effects. But I
24 wanted to ask you about your involvement with respect
25 to mitigating effects to archaeological sites that may

1 have been found in closer areas.

2 I mean Milton, as we all know, is
3 growing very fast and there is a lot of development
4 taking place. So, I wonder if you have been involved
5 in any way with archaeological investigations in the
6 Boyne Survey subdivision, for example, or any of those
7 areas?

8 MR. MINKIN: I mean -- one moment.

9 --- Pause

10 MR. MINKIN: With respect to
11 archaeology, all archaeological assessments come
12 through the same review process at our Ministry. It's
13 Sheri and her coworkers doing those reviews; and yes,
14 that includes development processes. As processes
15 don't have a provincial role.

16 So when, for example, you have just an
17 applicant under the *Planning Act* who is doing a
18 development as you say, in a growing urban area like
19 Milton, applying to the Municipal Council for planning
20 approval, MTCS would have no involvement in that
21 planning process. That's between the applicants and
22 the municipality.

23 But, if there is an archaeological
24 assessment happening in support of that application,
25 it goes through the very same review process at MTCS

1 as one that's related to an EA or any other trigger.

2 THE CHAIRPERSON: So what you are
3 saying is that the requirement for an Archaeological
4 Assessment of a large scale land development process
5 like we're seeing in Milton, that requirement would be
6 made by the region? In which case I will direct my
7 questions --

8 MR. MINKIN: Yes. The -- so, in a
9 typical planning process, like I say, just the
10 developer of the municipality, the municipality is the
11 approval authority.

12 So, they would be -- typically
13 requiring an archaeological assessment if the land in
14 question has potential, we provide a screening system
15 for that. It's in the PPS that any land with
16 archaeological potential needs to be assessed before
17 development or alteration is approved. So the
18 municipality, you know -- and municipalities would
19 tend to have that policy reflected in their own
20 official plans, et cetera. So they would be waiting
21 it see the review letter from us at MTCS, saying that
22 that archaeological assessment which -- you know,
23 whichever stage, recommends no further assessment, has
24 been entered into the register as compliant.

25 THE CHAIRPERSON: Through that

1 process, have you any comments about archaeological
2 resources in the neighbouring areas, around the
3 project?

4 MS. PROWSE: No, not specifically. As
5 part of the assessment process of stage 1, that would
6 have been reviewed. They would have looked at the
7 registered archaeological sites based on our data base
8 and determined how close they were to the subject
9 property, and determined at that point whether or not
10 what was happening as part of this application would
11 risk impacting those sites.

12 THE CHAIRPERSON: I understand. I
13 think I'll ask my question of Halton after the
14 presentation. Thank you very much.

15 I think that concludes the Panel
16 questions. Thank you for your presentation and
17 answering questions.

18 MR. MINKIN: Thank you.

19 THE CHAIRPERSON: Our next
20 presentation is Halton Municipalities.

21 --- Pause

22 **PRESENTATION**

23 MR. WONG: I guess I would say good
24 afternoon, Madam Chair, and members of the Panel,
25 ladies and gentlemen. My name is Anthony Wong,

1 A-N-T-H-O-N-Y, W-O-N-G. I am the current Planner
2 looking after heritage planning in the Town of Milton.
3 My credentials for your record.

4 This afternoon in my presentation, I
5 will be speaking about how the proposed CN Milton
6 Logistics Hub will have a significant adverse
7 environmental effect on the heritage component in this
8 project as outlined in this slide.

9 In my opinion -- it is my opinion that
10 the project is likely to result in the loss of
11 cultural heritage resources for future generations.
12 Preservation is more about saving bricks and mortar.
13 It is about saving the layers and layers of
14 information of our lives and those of our pioneers and
15 ancestors. Heritage conservation gives meaning and
16 value to our lives. When we lose our past we lose our
17 sense of identity and continuity in society. And as a
18 result, people will be less inclined to make their
19 communities more valuable and meaningful.

20 As you all heard CN has identified
21 many heritage resources, but today we are going to be
22 focusing on four heritage properties that are located
23 within CN ownership, as shown in this slide.

24 It is our contention that the most
25 significant and adverse environmental effect on the

1 heritage component is the deterioration of these
2 listed properties as a result of mothballing,
3 relocation or vibration, and the loss of the shed at
4 5269 Tremaine Road.

5 Based on CN response, IR 7.9, the
6 proposed mitigation measure for CN owned properties,
7 namely, CHR 3, 4 and 5 which are located within the
8 PDA, will be vacated prior to the construction. And
9 the proposed mitigation measure suggested is to close
10 down or deactivate this building for an extended
11 period of time, to temporary protect the structure
12 from weather and secure it from vandalism. And this
13 will involve boarding up the windows and doors until
14 such time as adaptive reuse is identified. This
15 process sometimes is referred to as mothballing.

16 Mothballing as a mitigation strategy
17 is usually the last straw for heritage resource
18 conservation. The last being demolition. It is
19 usually used when all means of finding a productive
20 use for heritage resource cannot be determined, or
21 when funding are not available to conserve the
22 property.

23 In order to have an effective
24 mothbalancing strategy any development application
25 coming to the Town of Milton will be required to

1 submit a mothballing plan, in accordance with the town
2 terms of reference for this purpose. And this would
3 normally include an analysis of the heritage
4 condition, stabilization measures, security, heating,
5 ventilation, and moisture control, monitoring
6 maintenance schedule, and posting of securities, and
7 possibly a heritage easement through a site plan
8 agreement.

9 Currently, the Panel experiences with
10 mothballing is very discouraging as the neglect for the
11 upkeep of the building is often implemented by force
12 through our Properties Standard By-law. The picture
13 in this slide shows one of our designated heritage
14 currently undergoing decay by -- through a mothballing
15 proposal.

16 This slide summarizes the evaluation
17 with the correction that CHRT do have a positive CHIV
18 evaluation.

19 In this slide you will see some
20 pictures of the properties that shows the visual
21 quality of the heritage value and attribute associated
22 with this property. As you can see, the setting where
23 the heritage resources are located plays an important
24 composition to the cultural landscape.

25 Most of this buildings were

1 constructed between 1877 and 1898. The residential
2 buildings are mostly of the 19th century Vernacular
3 Gothic Revival and Ontario cottage style, and a
4 distinctive character of the barns are the gable roof.
5 And if you notice the extreme right building at the
6 corner of the slide, it is showing that the building
7 has already been boarded up at this moment.

8 The importance of culture heritage
9 conservation is supported by conservation policies
10 through the Provincial Policy Statement. I won't go
11 through the slide, because I think I have heard enough
12 of the policy statement. Under the *Ontario Heritage*
13 *Act* I will point out that because we are considering
14 listed property that would be under section 273, it
15 states that:

16 "if a property [that is] included
17 in the register under subsection
18 1.2 has not been designated under
19 section 29, the owner of the
20 property shall not demolish or
21 remove building[s] or
22 structure[s] on the property or
23 permit the demolition or removal
24 of the building...unless the
25 owner gives the council of the

1 municipality 60 days in notice of
2 the owner's intention to
3 demolish..."

4 In this slide we just like to
5 reiterate that CN propose mitigation for the
6 conservation of these heritage resources are the
7 removal of the heritage resources, the 50 metre buffer
8 zone and monitoring from vibration effects and
9 mothballing. CHR-1 and 3 are contained within the LAA
10 and CHR-4 and 5 are contained within the PEA.

11 The impact on the magnitude is such
12 that CN predicts that the project construction may
13 alter or remove heritage resources and cause vibration
14 effect on the heritage resources.

15 Now, mothballing is never the
16 preferred mitigation for the identified heritage
17 structure. Frequently, mothballing efforts in
18 demolition will end up in demolition by neglect. The
19 best approach is for heritage resources is to be
20 conserve and occupy for an alternate use and
21 incorporated as part of the development plan.

22 In terms of the geographical extent,
23 CN predicts that the construction activity may cause
24 vibration effect on the heritage resources up to 50
25 metre of the project activity. This will affect two

1 heritage resources as we know, CHR 4 and 5.

2 It is our contention that it is not
3 certain whether the 50-metre buffer zone for vibration
4 would be sufficient for the conservation of this
5 valuable heritage resources, and it is our opinion
6 that continuous monitoring of all heritage resources
7 during the construction and operation is the only
8 assured method of mitigating any loss of the heritage
9 resource.

10 The duration will be permanent and the
11 frequency will be continuous during the operation and
12 construction period and any heritage loss will be
13 irreversible.

14 If there is an increase in the
15 magnitude, geographical extent and frequency of
16 impacts due to future development, there will be
17 further significant adverse environmental effect. For
18 example, if the new proposed development surrounds the
19 heritage resource, the context of the heritage
20 attribute will deteriorate further through vibration
21 impacts during construction, operation and perhaps
22 even shadow effect, dust, noise.

23 In order for the town to further
24 evaluate the adverse effect of this future impact, a
25 heritage impact assessment in accordance with the town

1 terms of reference need to be completed, which must
2 include a mitigation strategy or proposed methods, a
3 conservation scope of work which include the proposed
4 method, and an implementation and monitoring plan.

5 Heritage buildings certainly capture a
6 moment in time. Once it is destroyed, it is gone
7 forever. When we lose our historical building, we
8 lose our connection with our community.

9 When we board up our heritage, we shut
10 off its lights and its heat and the building is now
11 left to the mercy of the natural elements, pests and
12 potential vandalism.

13 The choice is ours. Do we value
14 heritage? Let us activate and not deactivate the
15 heritage resources.

16 In conclusion, given the limited
17 information provided by CN, it is an inescapable
18 conclusion that there are significant adverse effect
19 on the heritage value component with this project.

20 This conclude my presentation.

21 THE CHAIRPERSON: Thank you, Mr. Wong,
22 for your presentation.

23 We'll now go to questions, and
24 beginning with CN. Questions or comments?

25 MR. LERNER: Yes, Madam Chair, we have

1 some comments. Luanne Patterson will deliver them.

2 MS. PATTERSON: Thank you for your
3 presentation, Mr. Wong, and thank to you the Halton
4 Municipalities.

5 In their presentation, the Halton
6 Municipalities focused on the loss of cultural
7 heritage resources. You have heard that Halton
8 Municipalities question the effectiveness of the
9 50-metre buffer to prevent vibration effects related
10 to construction activity. They are concerned this
11 does not provide adequate setback, which may result in
12 inadvertent damage of cultural heritage resources.

13 The establishment of a 50-metre buffer
14 was informed by the results of the geotechnical work
15 conducted across the site, which you heard about in an
16 earlier technical session. That work characterized
17 the nature of the soils and subsurface conditions
18 across the site.

19 The vibration assessment that you
20 heard about yesterday examined the potential extent of
21 vibration propagation in these soils. Based on these
22 conditions, the 50-metre buffer is expected to provide
23 a very conservative separation between construction
24 activity and cultural heritage resources.

25 CN has proposed monitoring during

1 construction to ensure adverse vibration effects on
2 cultural heritage resources are avoided.

3 Regarding the loss of cultural
4 heritage resources discussed by Halton Municipalities,
5 to be clear, the only component of a cultural heritage
6 resource where removal is proposed is the shed
7 constructed in the 1940s or 1950s associated with the
8 agricultural activity. You have heard that this shed
9 does not represent a cultural heritage resource
10 itself, so it has no independent architectural or
11 aesthetic significance but, rather, is relevant
12 because of its relationship to the residence on the
13 property.

14 CN has proposed to document the
15 relationship between it and the residence and salvage
16 appropriate materials. This will create a record of
17 the shed and its preferred approach to mitigating the
18 effects on this structure.

19 The remaining cultural heritage
20 resources will be retained, secured and inspected as
21 part of property maintenance to confirm that
22 mitigation is functioning as intended.

23 Thank you.

24 THE CHAIRPERSON: Thank you very much,
25 Ms. Patterson. I will ask for other questions.

1 Does Huron-Wendat Nation have any
2 questions for Halton Municipalities? I gather not.

3 Ministry of Tourism, Culture and
4 Sport, do you have any questions?

5 MR. MINKIN: No questions. Thank you.

6 THE CHAIRPERSON: No questions?

7 Okay. We'll go to the Panel.

8 MEMBER HEATHCOTE: So our Chair is
9 suggesting that perhaps I might follow up on my
10 earlier questions to MTCS.

11 So perhaps you could describe for us
12 the process that Milton, for example, uses to
13 designate heritage properties.

14 MR. WONG: Yes. The town is obliged
15 to maintain a heritage register. The heritage
16 register is a record of all our designated and listed
17 building.

18 Designation can be proposed by an
19 owner, and when a property is -- needs to be
20 registered, it will go through our application process
21 and the council through a by-law will enact that
22 designation.

23 MEMBER HEATHCOTE: And does the town
24 have a heritage advisory committee? I'm not sure if
25 that's the right word.

1 MR. WONG: We do have a Heritage
2 Milton, which is now a working group instead of a
3 heritage committee.

4 MEMBER HEATHCOTE: Thank you.

5 I'm actually going to shift gears a
6 little bit to the questions that I was going to answer
7 before that suggestion, and we may come back to some
8 aspects of this process.

9 So we've heard in earlier
10 presentations that the current designation of this
11 parcel of land is ultimately for prestige industrial
12 use, right. So my question is -- and this can't be
13 the first time that the Town of Milton or the region
14 has had to contend with heritage properties, old farm
15 properties, for example.

16 How would the town or the region go
17 about protecting these heritage structures on this
18 parcel if alternate development were to proceed?

19 MR. WONG: When a development affects
20 a property that is on heritage register, the town
21 would normally ask for a heritage impact assessment,
22 which is typically a report from a qualified heritage
23 consultant. The information would then be brought
24 back to staff and Heritage Milton for evaluation.
25 Then a recommendation would be made to accept the

1 recommendation or to discuss about what is the best
2 heritage conservation method for that particular
3 property

4 MEMBER HEATHCOTE: So as we drive
5 around Milton, we see lots of development. So could
6 you give me an example, then, of some recent
7 development that has had an impact on heritage
8 property?

9 MR. WONG: Yes, we -- it's true that
10 we have many inquiries on the request for demolition
11 for heritage properties. They would have to submit a
12 demolition clearance form which will then undergo the
13 same process I discuss, and we will look at the
14 proposal in terms of its context.

15 So our mandate, obviously, is to
16 protect as many of the most significant heritage
17 property as we possibly can. So we rely a lot on the
18 HIA, and the HIA is our primary document that we
19 depend on to determine if the proper mitigation for
20 conservation is the right -- is the appropriate
21 approach.

22 MEMBER HEATHCOTE: I know that you
23 said quite articulate -- you made some quite
24 articulate comments about the value, the importance of
25 conserving and occupying a structure rather than

1 mothballing it or demolishing it, but I think that
2 must be much more difficult for structures like barns
3 and outbuildings as compared to houses. So how does
4 that work?

5 MR. WONG: What I'm hearing in this
6 presentation is that the barn swallow have more
7 ability to -- yes.

8 I would say that a fair process would
9 be to really look at the criteria that's set out by
10 the Ministry in terms to help us evaluate the heritage
11 attributes and value. And through the -- the decision
12 to deal with a heritage property is not made by
13 individual. It's made by a group of people, so in our
14 heritage -- Heritage Milton we do have people who
15 specialize in the history of the place because
16 sometimes it's not about the look of the building,
17 it's about how the historical or cultural history of
18 the particular project may need to be preserved.

19 So it's not the individual process.
20 It's a process that is done through a group of people.
21 And the guidelines are all spelled out through the
22 guidelines provided by the Ministry.

23 MEMBER HEATHCOTE: I understand.

24 One last question, then. I think it
25 would be fair to say that the Town of Milton, the

1 region, has preserved intact certain heritage
2 structures.

3 MR. WONG: Yes.

4 MEMBER HEATHCOTE: Are -- and some of
5 them are mothballed. Would that be fair to say?

6 MR. WONG: We have currently 32
7 designated properties. We have -- in the slide I have
8 shown one designated property, 94 Peru, that has
9 undergone to mothball procedure, but as I mentioned,
10 it is not very successful.

11 MEMBER HEATHCOTE: So are the other 31
12 all occupied?

13 MR. WONG: No. Some are in the -- is
14 owned by the city and if it's in possession of the
15 city you can be assured that we will be more active in
16 finding a use to activate the building rather than to
17 deactivate it.

18 MEMBER HEATHCOTE: So all those 31,
19 then, are either currently occupied or intended to be
20 occupied?

21 MR. WONG: Yes, that's correct.

22 MEMBER HEATHCOTE: Okay.

23 MR. WONG: Most of them are occupied,
24 in use.

25 MEMBER HEATHCOTE: Most of them are

1 occupied.

2 And so my question was going to be
3 what role the town or the region has in overseeing
4 property standards and ensuring maintenance of those
5 properties. So how does that work?

6 MR. WONG: The -- obviously, you have
7 the process that is implemented through the *Heritage*
8 *Act*, but if a building is abandoned or vandalized, our
9 property standard will kick in in terms of safety and
10 health concern.

11 MEMBER HEATHCOTE: And how does that
12 manifest itself?

13 MR. WONG: Through the properties and
14 an officer will be sent out to investigate the
15 property and if the -- if any laws are violated, a
16 penalty and a mitigation strategy will be imposed.

17 MEMBER HEATHCOTE: I think I'll leave
18 it at that. Thank you.

19 MEMBER McMURRAY: Thank you. And good
20 afternoon, Mr. Wong.

21 At your slide 11 you refer to, among
22 other things, to section 27.3 of the *Ontario Heritage*
23 *Act*. I used to be a lawyer. I used to read stuff
24 like this.

25 Section 27.3 refers to, among other

1 things, the 60-day notice period in writing. So what
2 happens on day 61?

3 MR. WONG: If the -- if, obviously,
4 there's a violation, so when there's a violation
5 then --

6 MEMBER McMURRAY: No, no, I'm not --
7 well, there may or may not be a violation. But
8 someone gives their 60-day notice in writing of their
9 intention to demolish and does that -- is there a
10 corollary obligation on the town or whoever to make a
11 decision within the 60 days or to issue a permit or to
12 deny a permit within 60 days?

13 MR. WONG: Yes, that's the intention
14 of this clause. This -- municipality, you have 60
15 days to make the decision. If a decision is not made,
16 it would probably be deemed as no decision.

17 MEMBER McMURRAY: And what happens
18 then?

19 MR. WONG: I would defer that to my
20 legal counsel to --

21 MEMBER McMURRAY: Fair enough.

22 MR. WONG: -- answer because I'm
23 not --

24 MEMBER McMURRAY: Fair enough.
25 But you're saying the intention is

1 that a decision would be made one way or the other
2 within the 60 days.

3 MR. WONG: Yes.

4 MEMBER McMURRAY: Thank you.

5 And sometimes rules are -- there's an
6 exception to every rule, isn't there?

7 MR. WONG: I'm sorry. I don't think
8 I'm the right person to answer.

9 MEMBER McMURRAY: Fair enough. Well
10 said. Well said.

11 And then there's been a lot of
12 discussion of mothballing. You had -- in your
13 previous submissions, Halton -- in your written
14 submissions prior to today, you put particular
15 emphasis on ongoing maintenance to avoid
16 deterioration, to avoid overgrowth and the need for
17 fencing, security lighting and heating.

18 So how, on a practical level, does one
19 deal with the problems of overgrowth?

20 MR. WONG: So if you have a -- our
21 mothballing plan will detail all this requirement.
22 And in certain instance we would have a heritage
23 easement agreement to implement -- a security is
24 usually collected, so there's a default. Then we will
25 activate the securities.

1 MEMBER McMURRAY: But I'm looking at a
2 much more micro level. What sort of things does the
3 town expect in a heritage easement agreement or
4 otherwise to deal with overgrowth or prevent
5 overgrowth?

6 MR. WONG: If there's a violation to
7 the instances, a property standard enforcement officer
8 will be sent out and then a notice will be given to
9 the offender to comply.

10 MEMBER McMURRAY: I see. Okay.

11 And slide 13. I'm kind of reluctant
12 to go there, but I have a 30-metre buffer question.

13 Slide 13, your next to last bullet
14 indicates that it is not certain whether the 50-metre
15 buffer zone for vibration would be sufficient.

16 Why, from your -- from the perspective
17 of the town or the Halton Municipalities is it
18 uncertain?

19 MR. WONG: Well, to qualify that,
20 first of all, I am not an acoustic vibrations
21 specialist. I'm just taking that number -- and I have
22 not seen any information in the submission to kind of
23 convince us that that's the right number. I think
24 that number is still under debate, and I think that's
25 why there's a lot of questions being asked to verify

1 the validity of the number and the thing. So that's
2 why this statement is written that way.

3 MEMBER McMURRAY: And is one of the
4 reasons for uncertainty that the 50-metre buffer is
5 not commonly used in applications that you see?

6 MR. WONG: Personally, I think this is
7 the first time this question has been asked to the
8 town to determine the standard, but I have done other
9 projects where usually before a project starts, you
10 would do what you call a pre-condition study of the
11 existing facility, first of all, to make sure that
12 whatever is there is recorded so that if any vibration
13 costs the results from the construction can be
14 compared with because without a baseline it's kind of
15 hard to determine what has gone wrong.

16 MEMBER McMURRAY: And do those
17 pre-condition studies, do they look, among other
18 things, at the -- I'm going to get the words wrong.
19 Do they look at the soil? Do they look at the nature
20 of the soil, the conductivity of the soil?

21 MR. WONG: You basically make a
22 photographic record of the building structure. In
23 particular, in many places the basement, for example,
24 is one area where most of these defects would occur
25 because, you know, if you have a piling effect, the

1 foundation is the one that usually goes. And when the
2 foundation goes, parts of the building will show signs
3 of this.

4 MEMBER McMURRAY: But that's something
5 else. That's to compare the condition of the building
6 before any potential vibration effect --

7 MR. WONG: Yes.

8 MEMBER McMURRAY: -- happens; yes?

9 MR. WONG: Yes, correct.

10 MEMBER McMURRAY: Does any part of
11 that, then, involve a study of the soil and the nature
12 or the conductivity of the soil, to your knowledge?

13 MR. WONG: Personally, I have not
14 dealt with that.

15 MEMBER McMURRAY: That's fine. Thank
16 you very much, Mr. Wong. Those are my questions.

17 THE CHAIRPERSON: Mr. Wong, I want to
18 be absolutely clear. So when we're talking about
19 responsibilities here, unless the town decides -- so
20 there's a private owner of a designated building and
21 they apply to demolish or maybe they don't apply to
22 demolish, but it's in bad repair, they can't afford to
23 do anything. Unless the town steps up to purchase the
24 building and then, as you said, it would be looked
25 after, basically, the responsibility is all on the

1 owner. Is that right?

2 So the responsibility for -- I know
3 you say mothballing plans are not successful, and I
4 can quite believe that, but nonetheless, it's the
5 owner's responsibility to mothball the building if
6 they feel they have to walk away.

7 It's the owner's responsibility to do
8 any necessary repairs. It's the owner's
9 responsibility to look for some kind of adaptive reuse
10 or to stay there when they don't want to stay there.
11 So it's all on the private owner. Yes?

12 MR. WONG: Generally, that is true,
13 but I think the Ministry do have grants or the town or
14 the city could implement incentive programs to help
15 the designated property owner to elevate this very
16 real problem that many people are experiencing.

17 THE CHAIRPERSON: Yes. Just a quick
18 question to CN.

19 So you made it clear yesterday that --
20 we were talking in terms of participating receptors
21 yesterday -- that you've told us these hazards will
22 all be vacated. So first of all, would you explain
23 why they need to be vacated? Would you then explain
24 why there is apparently no possibility that after the
25 construction is over and the project is proceeding

1 there would be no potential, I assume you are saying
2 this, for anyone to move into those buildings and use
3 them?

4 MR. REYNOLDS: Sure. And I think if
5 you maybe pull up the map on slide 5, it would help
6 this discussion on this presentation.

7 So of the different houses that are
8 identified on here, there's the two on the left, CHR-5
9 and CHR-4, that are within the PDA. So the two other
10 ones will continue to be inhabited, as they are.
11 They're leased out by CN and will be maintained. It's
12 the responsibility of CN to maintain those buildings
13 as the landlord to those properties. So that will
14 continue.

15 For the two that will be vacated,
16 they're being vacated because of the sort of effect of
17 the project on those properties, and so they're being
18 vacated for that purpose.

19 CN has committed to the securing of
20 those properties and, in particular, the cultural
21 heritage resources for the long term as readaptive
22 strategies or uses are investigated. And as we
23 pointed out earlier, we're willing to work with the
24 town to find a readaptive use for those properties.

25 THE CHAIRPERSON: I'm sorry. Oh,

1 dear, I must have got confused somewhere along the
2 line.

3 So say that again slowly. Which ones
4 will remain occupied, which ones will be vacated?

5 MR. REYNOLDS: Those that are within
6 the PDA will not be occupied, so the two on the left,
7 CHR-4 and CHR5.

8 THE CHAIRPERSON: But 3 and 1 --

9 MR. REYNOLDS: Will remain occupied.

10 THE CHAIRPERSON: Throughout.

11 MR. REYNOLDS: Yes, they're not within
12 the PDA.

13 THE CHAIRPERSON: So they are not
14 considered to be participating receptors because I
15 thought we had --

16 MR. REYNOLDS: No, they are
17 participating receptors. They're outside the PDA.

18 THE CHAIRPERSON: I must have
19 misunderstood when I asked -- we asked the question, I
20 think, yesterday whether all participating
21 receptors -- I thought all participating receptors
22 were going to be vacated.

23 So two will remain occupied and -- so
24 we're talking about those two houses that are so close
25 to the PDA that will be vacated and they're the ones -

1 - so you're saying there is no possibility in the
2 future that they could, in fact, be --

3 MR. REYNOLDS: Yeah. So --

4 THE CHAIRPERSON: -- have residents.

5 MR. REYNOLDS: So the ones that are
6 within the PDA, so inside the PDA, are the ones that
7 will be vacated. So the two --

8 THE CHAIRPERSON: Permanently vacated.
9 So adaptive reuse could never involve anyone living
10 there.

11 MR. REYNOLDS: Yes. Correct.

12 THE CHAIRPERSON: All right. Okay. I
13 think that's all. Thank you.

14 So Mr. Wong, thank you very much.
15 That concludes our questions. Thank you for your
16 presentation.

17 It is now 25 minutes to 1:00. We will
18 take our lunch break and we will come back at 1:30.

19 --- Upon recessing at 12:37 p.m. /

20 Suspension à 12 h 37

21 --- Upon resuming at 1:31 p.m. /

22 Reprise à 13 h 31

23 THE CHAIRPERSON: We will now resume
24 the afternoon session. As you know, we are switching
25 topics. We are now addressing community services and

1 infrastructure, including financing. This was a
2 session that had to be moved from June the 26th.

3 Before we proceed with the
4 presentation by CN, I'm afraid I've got to clear up a
5 little confusion. So it's a question for CN, and it's
6 regarding participating receptors.

7 So I'd ask the secretariat if you
8 could bring up the relevant figure. So yesterday --
9 and I think you'll have to make it larger so we can
10 read the numbers.

11 So yesterday, Mr. Reynolds, I think,
12 you said that within the PDA, all properties would be
13 vacated. I believe I'm quoting you correctly.

14 MR. REYNOLDS: Yes.

15 THE CHAIRPERSON: And so the question
16 is, if you could talk to this figure and could you
17 explain -- unfortunately, now we can't see the legend
18 for the colours -- but could you go through -- so if
19 you could have a look at the legend in which you talk
20 about receptors.

21 So those doubling numbers and
22 e-numbers are receptors. And could you explain for
23 the properties within the PDA and outside of the PDA,
24 could you tell us -- so that would be properties
25 within the PDA but -- outside the PDA but on CN lands,

1 can you just clarify for us number by number, if
2 necessary, which of those properties will be vacated.

3 MR. REYNOLDS: Yes. So the PDA is the
4 orange line. So the properties effectively within the
5 PDA would be those to be vacated, so within that
6 orange line.

7 THE CHAIRPERSON: W5, W11, W12, W13,
8 W17.

9 MR. REYNOLDS: Correct, yes.

10 THE CHAIRPERSON: And the other
11 properties that are outside of that yellow line?

12 MR. REYNOLDS: E20 and E19, which are
13 on the right and are outside of the PDA, will have to
14 be vacated as well.

15 THE CHAIRPERSON: They will be
16 permanently vacated. However, W18, W19 --

17 MR. REYNOLDS: Ten (10) and 9.

18 THE CHAIRPERSON: -- 10 and 9 will
19 not be vacated.

20 MR. REYNOLDS: Correct.

21 THE CHAIRPERSON: And then finally,
22 all of those numbers that are not going to be vacated,
23 they are still -- they are considered to be -- you're
24 considering them as participating receptors. Is that
25 correct?

1 MR. REYNOLDS: Sorry. Could you
2 repeat? All of the...?

3 THE CHAIRPERSON: So the properties
4 that are on CN land but are not being vacated --

5 MR. REYNOLDS: Correct.

6 THE CHAIRPERSON: -- are participating
7 receptors.

8 MR. REYNOLDS: Yes.

9 THE CHAIRPERSON: Okay. So I think --
10 we won't do it now, we'll proceed with the topic at
11 hand, but it's possible that we may need to come back
12 with some questions with respect to effects on
13 participating receptors.

14 Perhaps I could just clarify, what is
15 your understanding of what a participating receptor is
16 and how you treat participating receptors with respect
17 to assessment of effects?

18 MR. REYNOLDS: Sure. So the
19 participating receptors are those that would be -- and
20 it varies by subject in terms of how the participating
21 receptors are assessed, so depending on what topic
22 we're speaking of. And you know, I would provide each
23 expert to talk to how the participating receptors are
24 considered. But that's effectively the ones that are
25 outside the PDA have been considered within each of

1 the respective assessments.

2 THE CHAIRPERSON: So the effects on
3 participating receptors are considered; they're not --

4 MR. REYNOLDS: Yes, yes.

5 THE CHAIRPERSON: Yes, all right.
6 Okay, thank you. We may have some questions that we
7 need to come back to.

8 You have a follow-up?

9 THE CHAIRPERSON: Oh, yes. This is
10 just for the transcript. So we are looking at Figure
11 number IR 87-4 CN project overpass. Good.

12 Thank you for that.

13 So now we begin with CN's
14 presentation.

15 **PRESENTATION**

16 MR. LERNER: Thank you, Madam Chair.
17 So this afternoon we will be discussing community
18 services and infrastructure, including financing, and
19 Mr. Reynolds will begin the overview. Thank you.

20 MR. REYNOLDS: Thank you, Mark, and
21 thank you, Madam Chair.

22 So today we will be discussing the
23 final presentation of the socio-economic grouping, and
24 in particular, the community services and
25 infrastructure. more specifically.

1 So in the first section of the
2 presentation, we will provide a summary of the
3 rationale for planned employment lands and planned
4 road infrastructure. As these two elements are key
5 and they feed into the consideration of development
6 charges and property taxation.

7 In the second half of the
8 presentation, or the second section, if you will, we
9 will outline the consideration of those two topics,
10 that being development charges and property taxation.

11 To help us walk through those two
12 different elements I'm joined here today by two
13 experts, Ms. Jeannette Gillezeau and also Ms. Jacob.
14 Ms. Gillezeau is with Altus and Ms. Jacob with IBI
15 group, and their bios can be found on CEAA Registry
16 number 851. With that, I'll pass it on to Ms.
17 Gillezeau.

18 MS. GILLEZEAU: Good afternoon. My
19 name is Jeannette Gillezeau, and I'll spell it,
20 J-E-A-N-N-E-T-T-E G-I-L-L-E-Z-E-A-U. I'm a Senior
21 Director at Altus Group. I have an undergraduate
22 degree in Urban and Regional Plannin from the
23 University of Waterloo, and a Master's degree in
24 Economics from York University.

25 For the last 30 years, I've undertaken

1 research and analysis regarding economic and municipal
2 finance issues that are related to land use planning
3 and land development. I have worked for a wide range
4 of private and public sector clients, including many
5 clients who operate in Halton region.

6 Today I'll be talking about the
7 relationship between municipal finance and the
8 sustainable Halton process, the Best Planning
9 Estimates, and infrastructure planning. All of these
10 things are related.

11 Halton region takes an integrated
12 approach to planning, and this is relevant because it
13 means that planning for community services and
14 infrastructure is integrated with land use planning,
15 and that's integrated with municipal finance.

16 The planned employment area in which
17 most of the planned logistics hub is located was
18 included in the planned urban area through Regional
19 Official Plan Amendment 38, and that was adopted by
20 Halton Council in 2009, and approved by the OMB later
21 over the 2012 to 2015 period.

22 As the Panel has already heard, The
23 Best Planning Estimates are used by Halton
24 Municipalities where working numbers are needed for
25 future population and employment. The Best Planning

1 Estimates is a research paper that's produced by
2 Halton region's planning department, it sets out
3 estimates of population, housing, and employment, by
4 traffic zone for the 2011 to 2031 period.

5 A traffic zone is smaller than a
6 municipality. Milton, for example, includes about 100
7 traffic zones. But it's also significantly larger
8 than an individual development. The traffic zone,
9 which includes the proposed logistics hub, is
10 substantially larger than the proposed logistics hub
11 itself.

12 So The Best Planning Estimates were
13 prepared by Halton region in 2011, taking into account
14 ROPA 38 and other updates to the Halton region
15 official plan as a result of the Sustainable Halton
16 process.

17 The employment estimates were prepared
18 on a best-efforts basis by regional and local
19 municipal staff based on their collective
20 understanding and knowledge of demographic and
21 economic trends in Halton. Municipal staff assessed
22 all areas within the planned urban area, in terms of
23 their suitability for different types of housing in
24 the case of residential areas, and industrial,
25 commercial, or institutional uses in the case of

1 employment areas.

2 The Best Planning Estimates reflect
3 the latest trends and information sources available to
4 municipal staff at the time they were produced. That
5 is, in the case of the Best Planning Estimates we're
6 talking about today, that is as of 2011, not today.
7 By definition, they're estimates, not policy numbers
8 committed to by regional and local councils.

9 The population employment numbers from
10 the Best Planning Estimates were used in
11 transportation modelling for the Transportation Master
12 Plan.

13 One of the municipal finance matters
14 raised regarding the logistics hub is the impact on
15 road costs. The municipal finance complications for
16 roads should be assessed in the context of the
17 Transportation Master Plans, the planned function of
18 those roads, and the traffic analysis that's been
19 prepared for this specific project. So Halton has a
20 Transportation Master Plan, and part of that
21 Transportation Master Plan is the Goods Movement
22 Appendix.

23 The introduction to the Goods Movement
24 Appendix says that:

25 "This Technical Reference

1 outlines the key directions for
2 goods movement within and through
3 Halton Region. The Technical
4 Reference will act as a resource
5 for the Region, local
6 municipalities and employers in
7 supporting the efficient movement
8 of goods. It documents the major
9 issues associated with goods
10 movement in the region, building
11 on the Regional Official
12 Plan...which includes...ROPA 38),
13 and forms part of the
14 Transportation Master Plan."

15 The Goods Movement Appendix is part of
16 the Transportation Master Plan. There are some other
17 sections of the Goods Movement Appendix that are
18 relevant to the cost and financing of municipal
19 services. The appendix says that:

20 "Based on ROPA 38, the plan
21 designates Future Strategic
22 Employment Areas...with a purpose
23 to protect lands that are
24 strategically located with
25 respect to major provincial and

1 regional transportation
2 facilities. This includes
3 protection from incompatible
4 uses."

5 You will recall from the planning
6 presentations, that lands east of the project are
7 identified as future strategic employment area in the
8 Regional Official Plan and lands to the west are
9 designated employment area and are available for
10 development.

11 Going back to this theme of integrated
12 planning and municipal finance, the Goods Movement
13 Appendix to the Master Plan concluded that:

14 "Goods movement would benefit
15 from improved integration of
16 planning for all modes of
17 transportation, working toward an
18 efficient, multi-modal integrated
19 network for moving people and
20 goods. Planning should be
21 undertaken to optimize the use of
22 each transportation mode for
23 people and goods movement,
24 including planning for
25 inter-modal facilities and

1 multi-modal connections."

2 A number of technical reports were
3 prepared for the Sustainable Halton planning process,
4 which are listed in Attachment 3 to Halton region's
5 planning submission. These technical reports provide
6 us with an understanding of why Halton region decided
7 to designate a new employment area in South Milton,
8 and I think that -- I believe that this helps to set
9 the context for understanding the municipal finance
10 implications of the project.

11 The report from Urban Strategies,
12 working paper number 2, "Concepts for addressing
13 Halton region's land needs to 2031," was released in
14 2009, and it explains:

15 "An additional 200 gross hectares
16 of employment land are located
17 around the rail line along
18 Tremaine Road in south Milton, to
19 take advantage of opportunities
20 for rail-oriented goods
21 movement."

22 This slide is from the same report.
23 It shows the then proposed 200-hectare employment area
24 in blue, extending from the southeast corner of the
25 existing planned Milton residential area. It has a

1 circle around it that we added.

2 This working paper was prepared in
3 2009. After 2008, when CN provided Halton region with
4 the plan for a potential rail-serviced industrial park
5 and before the transportation master plan and Best
6 Planning Estimates were released in 2011.

7 From the perspective of municipal
8 finance, having reviewed the Sustainable Halton
9 reports and the Goods Movement Appendix to the
10 Transportation Master Plan, it is clear that at the
11 time Halton was preparing the 2011 Best Planning
12 Estimates, the expectation of Halton planners was that
13 a CN Rail facility would be built in South Milton to
14 take advantage of opportunities for rail-oriented
15 goods movement.

16 In this context, CN's decision to move
17 forward with a rail facility in South Milton is
18 consistent with the town or the region's ability to
19 achieve their planned employment targets and
20 infrastructure planning flowing from the Sustainable
21 Halton planning process. Municipal finance is linked
22 to employment growth and infrastructure planning and
23 financing, and you will hear more of this from Ms.
24 Jacob.

25 Now I'd like to move on to the

1 implications of trucks for the cost of building and
2 maintaining municipal roads. This should be assessed
3 in the context of the planned function of the roads to
4 be used by trucks travelling to and from the proposed
5 logistics hub and the region's plans for improving
6 those roads.

7 I understand that trucks travelling to
8 and from the proposed rail facility would primarily
9 use major arterial roads. Britannia, for example, is
10 a major arterial road.

11 The Halton Region Official Plan
12 includes a map that identifies major transportation
13 facilities, including major arterial roads. The
14 Regional Official Plan also includes a table, Table 3,
15 that sets out the function of major transportation
16 facilities. This slide shows the function of major
17 arterials, according to the Regional Official Plan,
18 and that includes, serve mainly interregional -- oh,
19 sorry. I missed this. Sorry. There we go.

20 This slide shows you the function of
21 the arterial roads, the planned function, according to
22 the official plan.

23 The first function is to serve mainly
24 interregional and regional travel demands, may serve
25 as an intensification corridor, accommodate all truck

1 traffic, accommodate higher-order transit services and
2 high-occupancy vehicle lanes, carry high volumes of
3 traffic, distribute traffic to and from provincial
4 freeways and highways, and accommodate active
5 transportation.

6 You will note that among the planned
7 functions of major arterial roads is to accommodate
8 all truck traffic, carry high volumes of traffic, and
9 to serve interregional, as well as regional travel
10 demands.

11 Next slide, which you have seen
12 before, shows near term arterial road improvements
13 planned by Halton region. And you'll see the
14 improvements to the plan for Britannia Road.

15 The next slide shows longer-term
16 arterial road improvements planned for the area, and
17 you've seen this slide as well.

18 And then the next slide show longer
19 term arterial road improvements planned for the area.
20 And you've see this slid as well.

21 Then the next slide -- thank you,
22 Dave. Thank you. CN has agreed to pay for the cost
23 of the roadway impact mitigation measures that will be
24 required for the proposed logistics hub. CN will
25 cover the cost of constructing the identified

1 measures, including the turning lanes and traffic
2 signal control modifications required at the truck
3 entrance to Britannia Road, the Lower Base Line grade
4 separation, the southbound left-turn lane at the
5 employee entrance driveway on Tremaine. No other
6 changes or upgrades to roadway infrastructure have
7 been identified.

8 The proposed CN logistics hub will
9 result in no unexpected operating or maintenance cost
10 for roads over and above what would be reasonably
11 expected, because the planned function of Halton's
12 major arterial roads is to accommodate all truck
13 traffic and to carry high volumes of traffic.

14 The capital and operational costs for
15 roads anticipated by the region in 2011 would have
16 been the same, regardless of the type of rail facility
17 located on the CN lands. The rail-serviced industrial
18 park proposed by CN in 2008 would not have generated
19 less truck traffic than the currently proposed
20 logistics hub. This is documented in Undertaking
21 Number 15, that is a 2008 BA report.

22 And now I'll pass this over to Ms.
23 Jacob.

24 MS. JACOB: Good afternoon, Madam
25 Chair, and Members of the Panel. My name is Audrey

1 Jacob. I had the pleasure of being before you on June
2 26th as part of the land use presentation on behalf of
3 CN. I would like to provide you with a short overview
4 of my qualifications and experience.

5 I am a Professional Land Economist as
6 well as a Registered Professional Planner. I'm a
7 Director of IBI Group, responsible for the real
8 estate, economics, and planning practice, focused on
9 the GTA. I have more than 35 years of experience
10 focused on municipal finance, growth management,
11 development economics, and strategic planning.

12 With respect to municipal finance, I
13 have extensive experience in the area of development
14 charges across the Greater Toronto Area, including
15 Halton Region and the town of Milton. I have actively
16 participated in the reviews of the municipal financial
17 impact assessments prepared for the town and/or the
18 region related to Sustainable Halton, the Boyne,
19 Sherwood, and Bristol communities referenced in the
20 Halton Municipalities' May 19 brief in their
21 appendices.

22 My presentation to the Panel today
23 will focus on development charges, municipal budgets,
24 and property taxation as it relates to the proposed CN
25 intermodal project.

1 With respect to development charge
2 by-laws, as I had indicated in my June 26th
3 presentation, not all new projects are required to pay
4 development charges under the Halton and Milton
5 by-laws. The Panel may recall that both Mr. Johnston
6 and I used a graphic in our land use presentation.
7 The graphic of the land use planning components, which
8 comprise our communities, including residential,
9 non-residential, public service facilities, and
10 infrastructure. You will recall what I had advised
11 the Panel was that not all aspects of our communities
12 make DC contributions, despite the fact that they may
13 generate demands on infrastructure.

14 Specifically, I noted public service
15 facilities, such as schools, fire stations, and
16 hospitals do not pay DCs or property taxes.
17 Similarly, infrastructure, such as transportation
18 systems, waste management facilities, and other
19 infrastructure, similarly do not pay DCs or property
20 taxes. Further, there are exemptions under the
21 Development Charges Act, and additionally, Halton and
22 Milton councils provide exemptions. Examples include
23 expansion of existing industrial buildings, municipal
24 public works facilities, and hospitals.

25 The Halton Municipalities have

1 referenced specific financial policy provisions in the
2 Halton Region Official Plan. Specifically, they have
3 referenced policy 77(15), and reading from the slide:

4 "It is the policy of the Region
5 to 'require the development
6 industry to absorb its share of
7 the cost of the provision of
8 infrastructure and human services
9 as permitted by the applicable
10 legislation...'"

11 Further, they have referenced policy
12 77(17 a):

13 "Approval by Region Council of a
14 financial and implementation
15 plan, including financial
16 commitment by the private
17 development sector to absorb its
18 share of the cost of the
19 provision of the necessary
20 infrastructure and human services
21 as permitted by applicable
22 legislation."

23 These policies indicate, in my view,
24 that not every project pays, rather that the focus is
25 on commitments by the development industry to cover

1 their share of costs. The policies do not say that
2 each individual development or project is required to
3 absorb its share of costs. It refers to the
4 development industry.

5 Further, it speaks to applicable
6 legislation. The *Assessment Act* is an example of
7 applicable legislation. It not only sets the rules
8 for rail uses, it sets the rules under which property
9 taxes are set for all property types.

10 Further, there is reference to the
11 financial plan and the Halton Municipalities have
12 indicated that CN has not submitted such a financial
13 plan. My experience with Halton region is that the
14 region prepares the financial plan and council adopts
15 the plan.

16 I would now like to discuss the
17 planned development charge revenues.

18 The *Development Charges Act* requires
19 background studies with forecasts and calculations.
20 Key building blocks in the determination of a
21 development charge include two fundamental components.
22 A forecast of anticipated growth and estimated costs
23 for growth-related infrastructure. I will discuss
24 each of these briefly, focusing on the non-residential
25 or employment DC.

1 With respect to the forecast of
2 anticipated growth, Halton Region's DC employment
3 forecast is derived from the 2011 Best Planning
4 Estimates and used at the aggregated level. In her
5 presentation, Ms. Gillezeau has provided some
6 background on the Best Planning Estimates and their
7 intended purpose.

8 For development charge purposes, the
9 region further breaks down the employment forecast
10 into industrial, commercial, and institutional
11 sectors. The region also identifies a floor space per
12 employee metric for each sector. By applying the
13 floor space per worker to the job forecast by sector,
14 a total floor area by sector is estimated.

15 On the cost side, the master plans
16 prepared using the Best Planning Estimates identify
17 the growth-related infrastructure requirements and
18 provide estimates of these costs for investments.

19 Taking the costs and dividing by the
20 growth forecast results in a development charge
21 calculation. In the case of non-residential
22 development, the DC is expressed on a per square foot
23 or per square metre basis.

24 Halton Region's development charges
25 background study does not plan for development charges

1 to be paid by individual properties or projects. As I
2 have just described, development charges are built
3 upon forecasted growth and the infrastructure required
4 by this growth across a municipality or region.

5 In the case of Halton Region, the 2011
6 Best Planning Estimates provides inputs to the DC
7 calculations. The DC rate per square foot determined
8 in the background study is not built up on the basis
9 of individual properties or projects but, rather, it
10 is a generic calculation based on the forecasts.

11 The actual development charge payment
12 is determined at the time of building permit issuance.
13 This is the only time a municipality has certainty
14 regarding the DC quantum arising from development.

15 The Halton Municipality position that
16 \$49.9 million in DCs arising from the CN lands was
17 planned, and is now lost, is incorrect.

18 With respect to Milton, Milton has not
19 updated its development charges to include new lands
20 added through ROPA 38, including the subject CN lands;
21 therefore, it is difficult to understand how the Town
22 of Milton has planned for and lost the planned DC
23 revenue when it is not even included in their DC
24 background study.

25 Moving on, I'd like to take the Panel

1 through three calculations to put the DC potential
2 revenue into context.

3 First, the Panel heard through the
4 Halton Municipalities' land use presentation through
5 their analysis of the Best Planning Estimates traffic
6 zone data the site would generate some 1,500 jobs by
7 2031. The region's background -- DC background study
8 uses a floor space per worker metric of 1,468 square
9 feet per industrial job.

10 Using the 1,500 jobs and multiplying
11 by the 1,468 square feet, the total floor area would
12 be 2.2 million square feet. The development charges
13 associated with this level of development could be \$21
14 million.

15 The second calculation is based on CN
16 estimates that the intermodal project is anticipated
17 to generate a range of jobs, from a low estimate of
18 1,000 to a high estimate of 2,500 jobs.

19 CN's intermodal project in Milton is a
20 key piece of infrastructure and will provide a
21 catalyst for employment growth in the town and the
22 region. On the basis of the 1,000 to 2,500 jobs and
23 applying the industrial floor space per worker metric
24 of 1,468 square feet, development arising from these
25 jobs could generate between \$14 million and \$35

1 million in development charges. Using the midpoint of
2 this range, development could generate \$24.5 million
3 in DC revenues.

4 The third calculation is more focused
5 on the inputs used by Halton Municipalities in their
6 determination of the \$49.9 million lost DC revenue.

7 The Halton Municipalities estimated
8 this on the basis of 5.2 million square feet of space
9 on the 400-acre CN site. The Halton Municipalities'
10 space calculation is based on a gross land area. This
11 is not appropriate.

12 The gross land area needs to be
13 reduced to reflect a net developable area. This is a
14 routine step in determining potential development
15 floor area.

16 Key land deductions to take gross land
17 area down to net developable area include deduction
18 for natural heritage, setbacks associated with natural
19 heritage, rail tracks, setbacks from the rail tracks,
20 internal roads, stormwater management ponds, and a
21 provision for land vacancy for undevelopable parcels.

22 Based on these deductions, the 400
23 gross areas is reduced to just over 150 net
24 developable acres. Using a 30 percent coverage factor
25 similar to what the Halton Municipalities have done,

1 the net developable area of land would convert to just
2 under 2 million square feet of space.

3 This contrasts with the region's --
4 the Halton Municipalities' estimates of 5.2 million
5 square feet. Applying the same DC rates as done by
6 the Halton Municipalities yields an estimate of 19.1
7 million in DC revenues.

8 To recap, the DC estimates I have
9 taken you through include \$21 million based on the
10 region's estimated jobs based on Best Planning
11 Estimates, \$24.5 million based on the midpoint range
12 of CN's estimated jobs generated, 19.1 million based
13 on a recalculation of the Halton Municipalities'
14 estimate using a net developable area rather than a
15 gross land area. These three estimates are well below
16 the \$49.9 million estimated by the Halton
17 Municipalities.

18 Notwithstanding the calculations, the
19 Halton Municipalities have not lost these DCs. The
20 Halton Municipalities would never have calculated this
21 quantum in any context until they have a building
22 permit. This is the only time that DC fees are
23 calculated. There is no lost opportunity cost as
24 suggested by the Halton Municipalities.

25 Moving to budgets. In my June 26th

1 presentation, I did reference municipal budgets, and
2 I'd like to reiterate some points here today as they
3 relate to municipal finance.

4 Municipalities must prepare annual
5 budgets and they also prepare multi-year forecasts.
6 The more detailed budgets are prepared annually. The
7 multi-year forecasts provide a look ahead. They are,
8 of necessity, less certain.

9 The *Municipal Act* in Ontario sets out
10 the framework for municipal budgets. The budget
11 process includes preliminary estimates and forecasts,
12 detailed budget preparation, council discussion of the
13 budget, and council approval of the budget.

14 Capital budgets associated with a
15 municipal budget change over time. Each year
16 municipalities review capital projects to ascertain
17 timing or need. Through the budgeting process,
18 municipalities can reprioritize projects, delay or
19 advance projects and, in some cases, change
20 specifications or requirements of specific projects.

21 Similar to DCs, municipal budgeting
22 forecasts are done on a broad basis. Property taxes
23 coming in are not estimated on a
24 development-by-development basis.

25 In terms of property taxation,

1 Milton's property tax budget forecast is done with a
2 two-year horizon. The town's most recent budget
3 forecast, 2020-2021, has no forecast of assessment
4 growth from CN lands.

5 Halton Region's property tax budget
6 forecast has a 10-year horizon and, within that
7 forecast, the region has assumed taxable assessment
8 base will grow at 1.5 percent per year. Halton budget
9 did not budget for tax growth from individual
10 properties and has not planned for property taxes
11 specifically from the CN lands.

12 As I had indicated in my previous
13 presentation to the Panel on June 26th, it is
14 estimated that CN has contributed some \$6.5 million in
15 property tax revenue to the Halton Municipalities over
16 the past 20 years, with much of that representing a
17 surplus, meaning the CN activities have not made use
18 of Halton Municipalities' services. On a go-forward
19 basis, as I had indicated on June 26th, CN will
20 contribute some \$1 million annually in property taxes
21 once the intermodal facility is operational.

22 The CN intermodal project will use
23 limited municipal services and infrastructure, and
24 this has been indicated to the Panel in previous
25 presentations.

1 In terms of water and wastewater,
2 there is no existing municipal water service to the
3 project development area. CN has advised that potable
4 water is to be delivered and stored on the site, and
5 non-potable water through rainwater collection and
6 recycling.

7 In terms of sewage, there will be
8 private wastewater treatment system on site, and in
9 terms of waste management, there will be a private
10 waste management contractor.

11 There has been some discussion around
12 police and emergency response services, and it has
13 been indicated that CN is responsible for emergency
14 response within the terminal. In terms of -- CN also
15 provides police service, and this dates back to the
16 19th century. First response through CN employees and
17 contractors is provided.

18 Further, CN works with local EMS
19 training and equipment and, in the event that local
20 EMS is required, CN is committed to cover these costs
21 as they do across their entire network.

22 I'd like to pass it back to Mr.
23 Reynolds.

24 MR. REYNOLDS: Thank you, Ms.
25 Gillezeau, and thank you, Ms. Jacob, for your

1 presentation.

2 Just to quickly summarize for you,
3 Madam Chair. Through their documentation, it is clear
4 that the region intends to leverage the opportunities
5 of rail-oriented goods movement. They have a major
6 arterial road network that's either in place or
7 planned to be in place to serve such goods movement
8 and take advantage of these intermodal opportunities.
9 Where additional needs are required, i.e. the
10 entrance, CN is committed to pay for the upgrades
11 required to have that to be a properly and safely
12 functioning intersection.

13 There are, and as you had just heard,
14 there are no planned development charge revenue from
15 CN's property at this point or any additional tax
16 revenue beyond that that's being paid to this point.
17 And CN will continue to pay the property taxes that it
18 does and that will be generated out of the facility.

19 So on that, I will turn it over to
20 you, Madam Chair, for any further questions that you
21 may have for myself or the experts with me here today.

22 THE CHAIRPERSON: Thank you, Mr.
23 Reynolds. Thank you, Ms. Gillezeau, and thank you,
24 Ms. Jacobs, for your presentation.

25 So we will now go to questions, and

1 I'll first ask for questions from Halton
2 Municipalities.

3 MR. NORTHEY: Good afternoon, Madam
4 Chair. Rod Northey for Halton Municipalities.

5 I'm going to start with a different
6 exhibit, Madam Chair, just because in relation to the
7 questions this morning there was some in the early
8 slides, and I guess I'll reference the slides I'm
9 talking about in a general way, which start at slides
10 4 to 11 and 12. And these were the slides we thought
11 had covered ground from before.

12 So I have a general question, Madam
13 Chair, that arises from something that Milton Says No
14 provided a week ago to the Panel, and I'm going to
15 give the specific reference. It is from Exhibit 9.
16 And it's a 180-page exhibit, but it's pages 179 and
17 180, Madam Chair, that are an excerpt from an article
18 to the Burlington Post at the time and has a quote
19 from CN, Madam Chair.

20 And I wanted to just ask, when we have
21 it up, if there's any dispute that quote is accurate.

22 I'm sorry for the delay, but I just
23 want to start there and then I'll move to some
24 questions that are very specific to the slides.

25 So Madam Chair, just to elaborate, you

1 can see in the second paragraph to this, it says, "At
2 last week's regional council meeting" -- this is a
3 news item from June 25, 2008 in Burlington -- "Richard
4 Paton of CN informed councillors", and he's referring
5 to a regional council meeting, "that 'our intention is
6 not to build an intermodal terminal'" on its property,
7 and then, "We would like to develop this land into an
8 industrial park that's rail-served."

9 And so my question is simply, Madam
10 Chair, these are quotes, and I'm just asking, does CN
11 dispute the quotes that are in this article? Because
12 I think this is relevant to what you were just given
13 information on.

14 MR. LERNER: Madam Chair, I'm
15 obviously not familiar with this article. I know Mr.
16 Paton. I would have to ask him. I don't know
17 anything about this article, what he said at the time
18 and what context it was in.

19 MR. NORTHEY: So can I get an
20 undertaking they will inquire whether, in fact, this
21 is accurate, Madam Chair?

22 We have other documents if we need to
23 go there, Madam Chair, but honestly, this comes from
24 CN's own personnel. It would be helpful if we could
25 get a yes or a no within a reasonable time.

1 I think it's quite informative to
2 everybody, Madam Chair. This was relied on by the
3 region.

4 THE CHAIRPERSON: And it's
5 specifically this quotation in this article that
6 you're saying the region was relying on. Is that
7 right?

8 MR. NORTHEY: Yes, that's correct.

9 THE CHAIRPERSON: No other --

10 MR. NORTHEY: There are other matters,
11 Madam Chair, but --

12 THE CHAIRPERSON: -- other
13 communications that you --

14 MR. NORTHEY: There are. We could put
15 in the Bousfield Report from 2008, but what I'm trying
16 to do is, this is very explicit, and I'm just trying
17 to simplify this.

18 And I would say this. The context,
19 Madam Chair, is we had said and we've been saying
20 throughout this hearing that the Halton Municipalities
21 believe the intermodal was no longer proposed on this
22 site, and instead we are going to have a rail-based
23 industrial development. That's been our position.

24 And what we have in the slides that
25 you just received is a suggestion that Halton knew

1 there was intermodal coming all along and referenced a
2 chronology of events. So what I'd just like to just
3 understand is, really, is that where we are? And I'd
4 like to understand if this was correct.

5 THE CHAIRPERSON: Mr. Lerner.

6 MR. LERNER: I mean, I know who he is.
7 I could -- he still works at CN, so I could reach out
8 and understand what was the nature of this article and
9 what he said.

10 THE CHAIRPERSON: Yes. I think my
11 hesitation is the -- I understand what you're trying
12 to get at. I do understand that. But whether it's
13 particularly helpful to be pursuing someone to verify
14 a quotation made in 2008 to a journalist, a paper, I
15 wonder if there's another way to get the point that
16 you are trying to make rather than take this route,
17 which I can see may have some problems.

18 MR. NORTHEY: We will file documents
19 filed by CN and we will do that at the earliest
20 opportunity, then, in 2008, that make this point.

21 But anyway -- okay. We'll go there.
22 Okay.

23 All right. So turning to slide 4.
24 And again, this is with the heading "Best Planning
25 Estimates" and I've just got some questions about

1 this.

2 So there were a few points made, and I
3 guess I'll start with the summary provided in the
4 slides.

5 So these are planning estimates, Ms.
6 Gillezeau. And I'm just -- the first question is, are
7 you questioning -- you're providing some context for
8 this. Are you questioning what happened in the Best
9 Planning Estimates, or are you just stating as a fact
10 these were done?

11 MR. LERNER: If we could just have a
12 moment, please.

13 MR. NORTHEY: Yeah.

14 -- Pause

15 MR. LERNER: Thank you. Ms. Gillezeau
16 will respond.

17 MR. NORTHEY: Thank you.

18 MS. GILLEZEAU: What I have tried to
19 do is to summarize what is actually found in the Best
20 Planning Estimates report itself.

21 MR. NORTHEY: So you're agreeing with
22 what they are saying. You're not saying they were
23 wrong.

24 Sorry, Madam Chair, I'm looking at
25 the -- through you, Madam Chair.

1 MS. GILLEZEAU: I'm not saying that
2 they're wrong.

3 MR. NORTHEY: So the other aspect of
4 this, I just want to make sure that you understand
5 when you say in your second bullet, they're estimates,
6 not policy committed to by regional local councils,
7 again, a simple question, Madam Chair. Are you aware
8 that the regional council did -- in fact, through
9 their ROPA, has to approve them and did approve these?

10 MR. LERNER: Sorry, if we could have a
11 moment, please. Thank you.

12 --- Pause

13 MS. GILLEZEAU: Regional council
14 approves the Best Planning Estimates report. The
15 report itself says that the estimates themselves are
16 not policy numbers.

17 MR. NORTHEY: Fair enough. But
18 they're -- okay. Thank you, Madam Chair.

19 So the other thing that you reference,
20 Ms. Gillezeau, was -- your statement was that there
21 are a number of districts, I think you said 100, and
22 there are traffic zones inside Milton and suggested
23 that they're much larger than the CN site. And I'm
24 wondering, you didn't reference that the region also
25 has something underneath Best Planning Estimates in

1 these zones in particular, something -- a unit called
2 an SGU. Do you know what an SGU is?

3 MS. GILLEZEAU: I don't know what the
4 letters stand for, but I understand that what it is
5 is -- they don't show up themselves in the Best
6 Planning Estimates report that's available to the
7 public.

8 My understanding is that Halton
9 planning staff would put together the Best Planning
10 Estimates, would have a spreadsheet that they would
11 have access to -- I wouldn't have access to it as an
12 outside consultant. So they would have access to it,
13 and the SGUs are smaller than the traffic zones.

14 MR. NORTHEY: And that's what they
15 stand for, small or group units? Is that what you're
16 aware? Yes?

17 MS. GILLEZEAU: I am now.
18 --- Laughter / Rires

19 MR. NORTHEY: All right. So I thought
20 the point you were making is that these were -- even
21 as they were applied, they were larger than the site
22 and so not necessarily so accurate for the site.
23 That's why I asked you if you were aware there was yet
24 another unit used by the region below those traffic
25 zones. You are aware.

1 Okay. Now, just dealing, then, with
2 what happens, I'm trying to understand the point of
3 the various slides. They start at slides 4 and move
4 through a number of events, and we get to some slides
5 at 7, 8 or 9.

6 And here's my question as a general
7 question. The planning estimates, as you say, at the
8 bottom of slide 4, are used to then inform things such
9 as master plans. Is that right?

10 MS. GILLEZEAU: Yes.

11 MR. NORTHEY: All right. And so if
12 the planning estimates need to be changed, would you
13 agree that you need to be guided by -- then there
14 would need to be above a planning estimate, a change
15 in the planning approach of the region because they're
16 supposed to implement the planning approach of the
17 region?

18 MR. LERNER: Sorry. Could you just
19 say that one more time?

20 MR. NORTHEY: I probably stated it the
21 wrong way.

22 MR. LERNER: Thank you.

23 MR. NORTHEY: I'll put the question
24 somewhat differently.

25 The planning estimates are designed to

1 implement the region's official plan and so if you are
2 going to change those planning estimates, you would
3 need to start by changing the official plan.

4 MR. LERNER: Okay, yeah. If we could
5 just have a moment, please, Madam Chair.

6 --- Pause

7 MR. LERNER: Thank you for the time.
8 Just organizing here. We're almost ready to respond.
9 Thank you.

10 --- Pause

11 MS. GILLEZEAU: An update to the Best
12 Planning Estimates would not require a change to an
13 official plan, although you might update it because of
14 the change to the official plan.

15 MR. NORTHEY: All right.

16 MS. GILLEZEAU: For example, the Best
17 Planning Estimates might be updated to reflect
18 up-to-date information like the 2011 census or the
19 2016 census. Those are reasons why a municipality
20 might want to update their forecasts, including the
21 Best Planning Estimates.

22 MR. NORTHEY: All right. Let me
23 clarify the -- if -- we've had a big discussion so
24 far, Madam Chair, about the employment targets that
25 were -- the region had for these lands.

1 So if those employment targets were to
2 change, would you agree that might need a change to
3 the official plan or would need a change to the
4 official plan?

5 MR. REYNOLDS: Can you just repeat
6 that question?

7 MR. NORTHEY: Yes. I'm trying to deal
8 with the question of employment targets which are set
9 out in the region official plan and they get allocated
10 down to the Town of Milton. And if those targets need
11 to change in the -- need to change, do you need to
12 change the official plan to accommodate those changes?

13 MR. REYNOLDS: So you're wondering, if
14 I can paraphrase your question so I understand it, if
15 the employment targets change, do we need to change
16 the official plan, is what you're --

17 MR. NORTHEY: Yes. Does the region
18 need to, not to you.

19 MR. REYNOLDS: Right. So generally,
20 if the employment targets change, does the official
21 plan need to change.

22 MR. NORTHEY: Need to change.

23 MR. REYNOLDS: Okay. So if we could
24 just have a moment to confer.

25 THE CHAIRPERSON: I'm a little

1 puzzled, Mr. Northey, because you appear to be asking
2 questions that I presume Halton knows the answer to.

3 MR. NORTHEY: Oh, well, I can stop
4 this question. I'm --

5 THE CHAIRPERSON: Are you asking the
6 questions because you're trying to find out whether CN
7 knows the answers to some questions that are totally
8 within the control of Halton? You know the answers
9 about planning, do you not?

10 MR. NORTHEY: Fair enough. The
11 sequence of the slides, Madam Chair, is a bit out of
12 chronological order. I was trying to understanding
13 what the point was of what we received.

14 I appreciate what you've just asked
15 me, and the answer is you are correct. The Halton
16 Municipalities will speak to what the order is and how
17 this is affected.

18 THE CHAIRPERSON: It might be a little
19 less painful, I think is what I'm suggesting, than
20 this particular questioning by --

21 MR. NORTHEY: That's a fair comment,
22 Madam Chair. And I -- let's see where we are. You
23 may -- well, let's see where we are, and then I --

24 THE CHAIRPERSON: Okay, thank you.

25 MR. NORTHEY: -- heard you.

1 MR. LERNER: So we should answer this
2 question?

3 THE CHAIRPERSON: Yes. Have a go, Mr.
4 Lerner.

5 MR. LERNER: We'll give it a shot.
6 Thank you.

7 MS. GILLEZEAU: The official plans of
8 Milton and Halton Region include employment forecasts
9 for 2031 for both the town and the region. They don't
10 include employment targets for the traffic zones or
11 for individual properties.

12 To change those employment forecasts,
13 those employment targets that are in the regional
14 official plan, you would, of course, have to amend the
15 official plan, both the region's official plan and the
16 municipal official plan.

17 MR. NORTHEY: All right. Madam Chair,
18 I guess I'll leave -- I'm at slide 9 and if we could
19 just turn that up from this presenter.

20 The question is this, Madam Chair,
21 very simply. It appears in bullet 1 that the
22 presenter is speaking as if they are inside Halton
23 because they're speaking of the expectation of the
24 planners inside. And what I was trying to understand
25 is, is there some insight that CN or this presenter

1 has.

2 And my question is, very simply, you
3 are limited to what CN has read. You do not have any
4 inside understanding or knowledge of what the
5 expectation was of planners in Halton, or do you?

6 MR. LERNER: If we could just have a
7 moment, please.

8 --- Pause

9 MR. LERNER: Ms. Gillezeau will
10 respond to the question.

11 MS. GILLEZEAU: My understanding of
12 what Halton staff might have expected is based on my
13 reading of the documentation that was available at the
14 time. And the Panel will recall that one of my slides
15 included a quote from one of the Sustainable Halton
16 technical reports from 2009 that said that the reason
17 for this new employment area in south Milton was to
18 take advantage of opportunities for rail-oriented
19 goods movement.

20 MR. NORTHEY: Okay. I will cease this
21 line of questioning, Madam Chair.

22 So slide 10. According to the Halton
23 Region Official Plan -- and again, you don't provide
24 the reference, but you provide reference to seven
25 functions. Would you agree that the Official Plan

1 actually lists 12 and you have only selected 7?

2 --- Pause

3 MR. NORTHEY: And I'll provide the
4 reference, Madam Chair.

5 This is in Policy 173(1), refers to a
6 Table 3, and this is an excerpt from Table 3 in the
7 Regional Official Plan.

8 MS. GILLEZEAU: I don't recall there
9 being additional functions in that table. I recall a
10 different column. There were two columns on the
11 function table and I pulled all the bullet points, or
12 thought I did, from the column about the function and
13 there was a second column, and I forget what it was
14 titled.

15 And I didn't pick up the three bullet
16 points from the second column.

17 MR. NORTHEY: All right, Madam Chair.
18 I guess we'll put this in. One of the functions
19 that's missing is a statement, "High degree of access
20 control is one of the functions of a regional road".

21 It's an unfortunate coincidence we
22 don't have that mentioned here and not given to the
23 Panel. But we'll give you the full policy context.

24 There are others that are missing and
25 -- so were you aware -- are you aware now that I've

1 reminded that there is a high degree of access control
2 in the policy framework?

3 MR. LERNER: Is it possible we could
4 just see it and not guess?

5 MR. NORTHEY: Okay. Well, we'll do
6 that, Madam Chair. It's easier than asking these
7 witnesses.

8 THE CHAIRPERSON: I think it -- yes,
9 exactly.

10 MR. NORTHEY: All right. So now I'm
11 looking at slide 11. And I think it's fair to note
12 that this is identical to a slide that the Panel has
13 already seen. It's in CEAR 846 at slide 6. And same
14 with slide 12, which is in slide 8 to the same
15 presentation.

16 So the point of this -- I am lost,
17 with due respect. What is the point of providing the
18 Panel with slides they've already received, Ms.
19 Gillezeau or CN?

20 MR. LERNER: So Madam Chair, I
21 explained that at the beginning of the presentation
22 the first set of slides were intended to lay the
23 framework for the second half of the presentation. So
24 it's important to understand what the best planning
25 estimates look like because they inform the road

1 network and all of that informs DCs and taxation. So
2 they're all inter-related. That's why.

3 MR. NORTHEY: All right. So what I'm
4 just going to remind to pull the pieces together is
5 the planning estimates that you've talked about
6 provide targets for employment and they provide
7 targets for residents and they provide phasing
8 numbers.

9 And you were provided and the Panel
10 was provided in an earlier presentation from the
11 Halton Municipalities very specific information on the
12 phasing of Britannia Road which you have neglected to
13 put in here.

14 Are you aware that there are three
15 phases to Britannia Road's improvements?

16 MR. REYNOLDS: Yes.

17 MR. NORTHEY: All right. But you
18 chose not to provide that to the Panel today?

19 MR. REYNOLDS: The Panel was already
20 aware of all that information. It had already been
21 discussed quite extensively.

22 MR. NORTHEY: All right. And so the
23 information of six lanes and the omission of the HOV
24 lanes, that, too, you think is already in front of the
25 Panel so they didn't need to be reminded of it.

1 MR. LERNER: We -- again, I'm -- this
2 is just a depiction of where we see the growth.

3 MR. NORTHEY: I see.

4 MR. LERNER: We just didn't want to go
5 -- we could go through many layers of detail. For
6 simplicity, this is what was provided. They have the
7 information on the phasing.

8 MR. NORTHEY: All right.

9 Madam Chair, I'm sorry. Here is how
10 it ties together, though. If one is going to talk
11 about financing plan, the financing is tied to
12 phasing. The phasing is part of the Regional Plan.
13 The region has provided this Panel with information on
14 how the phasing works or doesn't work. So what I'm
15 just saying is this appears to me, neglectful of the
16 main mandate of this information to you, because
17 phasing is not part of what CN is advising you on.
18 And that's where I'll leave that.

19 And similarly, then, on slide 12, you
20 have and are aware of CN, just to confirm, there are
21 very different phasing plans for all of these things
22 highlighted in purple.

23 MR. LERNER: Yes, we are aware there
24 is a construction plan for them.

25 MR. NORTHEY: All right. Now, final

1 slide, Madam Chair, before I turn it over to a
2 colleague, slide 13 on roadway impact mitigation. And
3 I just want to make sure I understand what you are
4 talking about, if I can.

5 So, we have three bullets. So one of
6 them is the turning lanes and traffic signal control.
7 So this is the truck entrance, and the Lower Base Line
8 is the second bullet, and then you have the employment
9 entrance on Tremaine. And you are calling all of this
10 mitigation.

11 And so my first question of you is,
12 what is the alternative without mitigation? This
13 would seem to be essential to your project design, not
14 its mitigation?

15 MR. REYNOLDS: I think in terms of the
16 gate intersections what we're talking about in terms
17 of mitigation, we could provide, for example an
18 intersection with no turning lanes, but instead we
19 have designed the intersections to include turning
20 lanes, bike lanes for active transportation.

21 With respect to Lower Base Line, it
22 prevents the interaction between vehicles and trains.
23 So again a mitigation measure to improve the safety at
24 that location.

25 MR. NORTHEY: And just to deal with

1 the first one, Mr. Reynolds -- sorry, Madam Chair.
2 The first point -- CN is aware that Halton doesn't
3 believe that access to the regional road is as of
4 right, so it's not mitigating something that Halton
5 Region accepts to begin with.

6 So my question is, sir, how does that,
7 CN covering the cost of something it wants to do,
8 constitute cost of paying for mitigation? I'm a bit
9 lost how that's a cost of mitigation? Since this
10 isn't what the region proposes you should do at all?

11 MR. LERNER: Is there a question?

12 MR. NORTHEY: Yes, there is. How is
13 this -- you call this CN cost of constructing
14 identified mitigation. How is this mitigation and why
15 is that cost something anyone other than CN should
16 pay?

17 MR. REYNOLDS: I think the principle
18 here was that CN was looking to cover the expense
19 associated with areas where this is an impact. And so
20 there is an impact at this already planned
21 intersection so it's a three-leg intersection at this
22 location. We were going to cover the cost of creating
23 a four-leg instead of a three-leg intersection here
24 and that was the basic principle.

25 MR. NORTHEY: Let me single out, sir,

1 the second one, Lower Base Line grade separation. Is
2 this a measure that the town or the region has
3 required the separation, or is this proposal originate
4 with CN? Do you need the baseline grade separation or
5 does the town requested it?

6 MR. REYNOLDS: This is a proposal for
7 CN as a mitigation measure, as I said to improve the
8 safety at this crossing. We have been in discussions
9 with the town, with respect to this particular
10 location.

11 MR. NORTHEY: But can the project
12 proceed without this? Is that up for discussion?

13 MR. REYNOLDS: I don't know if that's
14 up for discussion or not. I believe yes, the project
15 could proceed without it. We're proposing a grade
16 separation and that is what is entailed in the
17 project. We believe it's a key mitigation measure to
18 improve safety at the road crossing.

19 MR. NORTHEY: Similarly, the left turn
20 lane at Tremaine being another controlled access
21 route. Was this something where this is mitigation or
22 was this just part of what your original proposal was?

23 MR. REYNOLDS: The original proposal
24 was to have accesses at these two locations, I think
25 through the interaction we have had with the region

1 and looking through the documentation, we prepared and
2 presented several designs which include mitigation in
3 those designs to facilitate movements, and facilitate
4 active transportation.

5 MR. NORTHEY: Okay. Thank you, Madam
6 Chair, I'm going to turn this over to my colleague.
7 Thank you.

8 THE CHAIRPERSON: Thank you, Mr.
9 Northey.

10 MR. GROSS: Good afternoon, Madam
11 Chair panel members for the record my name is Peter
12 P-E-T-E-R, Gross G-R-O-S-S. I just have a few
13 questions. I'll try to be very brief this afternoon.

14 In the EIS CN stated that municipal
15 water and wastewater services were not available to
16 the project development area and I think they restated
17 that today at slide 20. The EIS also stated that if
18 municipal water service was extended to the project
19 location, CN would explore connecting to that system.
20 It's my understanding through this Panel hearing that
21 CN's position is now that regardless of availability
22 it does not intend to connect. Is that correct?

23 MR. REYNOLDS: I think as the
24 development progresses and to becomes available we
25 would consider it and hold some discussions with the

1 Halton Region. But at this point, moving forward,
2 we're preparing to not use it, yes.

3 MR. GROSS: And how did you conclude
4 that water and wastewater service is not available to
5 the project development area?

6 MR. LERNER: If we could just have one
7 moment, please.

8 --- Pause

9 MR. LERNER: This is what we were told
10 by Halton Region in our meetings in 2015, before
11 submitting the EIS.

12 MR. GROSS: So you didn't do any
13 independent investigation, or Stantec, your experts
14 that prepared the EIS, they did no independent
15 investigation to check the water mapping or the
16 wastewater mapping available to the public; is that
17 correct?

18 MR. REYNOLDS: Well, maybe just give
19 me a moment to --

20 --- Pause

21 MR. REYNOLDS: For the EIS, no. We
22 relied on the fact that the region told us that it
23 wasn't available as a reliable source and we proceeded
24 on that basis.

25 MR. GROSS: And as I understand the

1 slides today, CN's position continues to be that
2 wastewater and water service is not available at the
3 PDA. Can you confirm that for me? It's slide 20, if
4 you want to see.

5 MR. REYNOLDS: Sure, if you want to
6 turn to it. So I think what we were suggesting is
7 that we are -- we don't require the use of it. I'm
8 not aware of whether it's available or not. The
9 region hasn't provided any further information to us
10 as to whether it is or it isn't over the course of
11 this process. So we went on the information provided
12 to us by the region, which was that it wasn't
13 available.

14 Mr. GROSS: Ms. Jacob, did you or did
15 you not say that water and wastewater service are not
16 available, to the Panel?

17 MR. LERNER: Just, if we could have --

18 MR. GROSS: I just want to know what
19 was said.

20 MR. LERNER: Which we will respond, if
21 we can just have a minute.

22 --- Pause

23 THE CHAIRPERSON: Meanwhile, I'm going
24 to ask this question. Is Halton Municipalities in
25 their presentation going to tell us?

1 MR. NORTHEY: Yes, I am.

2 MR. GROSS: I will -- yes, thank you.

3 Thank you. In fact, CN's response to IR-711 says
4 "water and sanitary systems have been installed along
5 Britannia between Tremaine Road and Regional Road 25.
6 So in fact, CN knows very well that there is water and
7 wastewater at the PDA. My point of that is, that you
8 have just told us that if they were available, you
9 would consider connecting to them.

10 MR. REYNOLDS: So there was no
11 indication as to whether or not those water mains were
12 for servicing south. And we would consider it. I
13 think the point is that as proposed, the project as
14 proposed, is not requiring a connection to the
15 municipal water services or wastewater services. And
16 that's more the point we were trying to get at, at
17 that point, is that the project as proposed does not
18 require those services.

19 THE CHAIRPERSON: I'm wondering if it
20 might be more efficient if we wait -- unless you want
21 to do it now, Mr. Gross -- but we wait for Halton
22 Municipalities to tell the Panel what the situation
23 is -- what the current situation is with respect to
24 the availability. And then maybe the Panel will turn
25 to CN and ask CN some questions with respect to that.

1 I think that might.

2 MR. GROSS: Fair enough.

3 As you know this is the first time I'm
4 appearing before the Panel, so I appreciate the
5 direction.

6 THE CHAIRPERSON: Yes, no problem, Mr.
7 Gross. As you will find out, we prefer the most
8 direct route.

9 MR. GROSS: I will move along as fast
10 as I can.

11 THE CHAIRPERSON: Right. Thank you.

12 MR. GROSS: Okay. So I understand
13 that CN's position is that the potable wastewater --
14 the potable water needs for the site are 11,500 litres
15 per day based on 100 users of the facilities within
16 the terminal. That's what's in the EIS. And what I'm
17 curious about is that there is 130 full-time
18 employees. And in a subsequent IR, CN has taken the
19 position that 30 of these full-time employees will not
20 have access to the facilities. I find that odd. Can
21 you explain that?

22 MR. REYNOLDS: I think actually what's
23 probably more relevant is there is shift work involved
24 with the facility. So all the employees aren't all
25 working at the same time. So in fact, having

1 servicing for 100 would likely be suitable. And the
2 other 30, to your point, are contractor services. So
3 I believe it's -- when it comes to some maintenance
4 and some activities, there is some third parties that
5 do work for CN.

6 MR. GROSS: And so the third parties
7 even -- they are in your full time count of employees.
8 They count as part of your 130, according to the EIS?
9 Your head count is 130, 100 full time -- 130 full-time
10 with 100 employees and 30 contract. I'm just
11 curious -- this is a daily flow rate. So the shift
12 work shouldn't figure into it because it's a 24 hour
13 daily requirement. But beyond that, I'm just curious
14 why there is no provision for these 30 full-time
15 employees to come in and use the facilities?

16 MR. REYNOLDS: I believe this was
17 clarified in an IR. If you would just give me a
18 moment I'll confer to figure out where this -- which
19 IR this was clarified under.

20 MR. GROSS: It's not a question we can
21 answer otherwise I would move along.

22 MR. REYNOLDS: You refer to the EIS.
23 Could you provide me with the reference that you are
24 talking about and I can maybe better answer? I can
25 refer you.

1 MR. GROSS: I can refer to you the IR
2 where it states that the 30 contract employees that
3 are full time won't have access. It's IR-2.40.

4 MR. REYNOLDS: Okay I'll just pull it
5 up so I have context then.

6 MR. GROSS: Absolutely.

7 THE CHAIRPERSON: Mr. Gross, how does
8 this pertain to the matter in hand? Its -- I presume
9 you are not exploring environmental effects of -- or
10 are you? Of whether they are accommodating the
11 correct number of employees, because that sort of
12 relates to a different topic session.

13 MR. GROSS: Thank you, Madam Chair.
14 No. The way to relates is today we're talking about
15 community servicing required for infrastructure.

16 THE CHAIRPERSON: Yes.

17 MR. GROSS: Sanitary and water
18 services are part of infrastructure. They are
19 proposing notwithstanding, that Halton's position is
20 that there is in fact water and wastewater services to
21 use what we consider to be an inferior system. If you
22 miscalculated by a large number of people, I know
23 there will be 800 truckers visiting there a day, they
24 will need facilities. If you've miscalculated on your
25 water budget to a huge degree, it increases the risk

1 of spills. That would be a significant adverse
2 environmental effect related to infrastructure, in my
3 view. That's what I'm trying to get at.

4 MR. REYNOLDS: Yes, I can confirm in
5 that particular IR, the stated 100 jobs and the 30
6 contract services in the footnote, that would be
7 entering and exiting that facility as I said. So they
8 wouldn't necessarily be using the facilities in the
9 same capacity. They have -- they're offsite, you
10 know, as a -- coming and going from the site as a
11 contractor, not as a full-time employee at the site.

12 MR. GROSS: I take it that's the same
13 for the 800 truckers, they wouldn't have access
14 either.

15 MR. REYNOLDS: No, the truckers
16 typically don't have access to the main administration
17 building.

18 MR. GROSS: Okay I have a couple more
19 questions and I will be brief. Ms. Jacob, you told us
20 today and you told us previously, that you expect
21 there will be approximately \$1 million annually paid
22 in property taxes by CN once the property -- or the
23 project is built; is that correct?

24 MS. JACOB: Yes, that's correct.

25 MR. GROSS: And can you explain how

1 you come to the -- I realize it's an approximation,
2 but we have tried to come to that same number and we
3 are not able to so we're wondering -- I presume you
4 are under section 30 of the *Assessment Act* which is
5 the railway section. Because it's taxed -- you have
6 told us it's taxed that way. We would just like to
7 know how you calculated that number?

8 MR. LERNER: Sure, if you just give us
9 a moment, we'll show you how we calculated it.

10 --- Pause

11 MS. JACOB: In order to determine the
12 \$1 million property tax revenue generation annually,
13 it included looking at the Brampton Intermodal as a
14 comparable, using some of the data from that source,
15 applied to the Milton circumstance. And then there
16 was a separate land value calculation that was based
17 on Milton land sales to provide the land component.

18 And then -- so that -- those two
19 combined represented roughly \$650,000 of the estimate.
20 And the balance is the existing properties today that
21 generate property taxes for Milton and the region.

22 MR. GROSS: Thank you. I appreciate
23 the clarification. Those are my questions, Madam
24 Chair. Thank you very much.

25 THE CHAIRPERSON: Thank you, Mr.

1 Gross.

2 Are there any other registered
3 participants here who have questions before we ask
4 Panel questions? No.

5 MEMBER HEATHCOTE: I just have one
6 question for Ms. Jacob.

7 I thought I was paying attention, but
8 on your slide, when you were showing your slide 17,
9 you took us through a series of calculations,
10 different calculations around development charges.
11 The elevator message, the take away message for the
12 Panel is not captured on that slide. So could you
13 tell me in a sentence or two what those calculations
14 were intended to tell us?

15 MS. JACOB: The calculations were
16 intended to indicate that the \$49.9 million in DC lost
17 revenues that the Halton Municipalities were
18 identifying were overly exaggerated. That was one.
19 And that there certainly is the potential for DC
20 revenue arising from employment growth generated,
21 attributed to the CN project.

22 MEMBER HEATHCOTE: I see. Not the
23 project itself, but induced --

24 MS. JACOB: Indirect.

25 MEMBER HEATHCOTE: Indirect, thank

1 you. That's clear.

2 MEMBER McMURRAY: Good afternoon.
3 There's been discussion today of the grade separations
4 that the project envisages. More specifically, the
5 grade separation at the crossing of the Lower Base
6 Line.

7 I'm wondering, CN Panel, if you recall
8 the concerns expressed in this hearing by Transport
9 Canada over the existing level crossings on Tremaine,
10 in the event the project were constructed and
11 operated. Do you recall those concerns?

12 MR. REYNOLDS: I do, yes.

13 MEMBER McMURRAY: Okay. Do you wish
14 to comment on them in the context of the sufficiency
15 of the level crossing on Tremaine Road, if the project
16 were approved and constructed?

17 MR. REYNOLDS: Yes, I can, yes. I can
18 provide some background on that. So, with the
19 addition of the project we don't anticipate any
20 incremental change in the number of trains that are be
21 going south of the terminal, so going over the
22 Tremaine level crossing. So typically, they're
23 evaluated on, sort of a cross section basis, the
24 number of trains and the number of vehicles. So that,
25 on the train side, won't be increasing so we don't

1 anticipate that to be problematic.

2 In terms of the condition --

3 MEMBER McMURRAY: I'm sorry, Mr.
4 Reynolds, I'm going to interrupt you there.

5 MR. REYNOLDS: Sure.

6 MEMBER McMURRAY: I thought the
7 prospect was adding four new intermodal trains?

8 MR. REYNOLDS: Correct.

9 MEMBER McMURRAY: How do they not
10 cross the level crossing at Tremaine Road?

11 MR. REYNOLDS: I can appreciate that.
12 So we have an existing train that runs today through
13 Brampton and continues south to Chicago. If you
14 remember in the overview presentation the Halton sub
15 runs, and that's our key corridor that goes to
16 Chicago, so it's running over that crossing today.

17 MEMBER McMURRAY: Down through -- not
18 Doncaster. What are the two --

19 MR. REYNOLDS: Bayview Junction.

20 MEMBER McMURRAY: Yes.

21 MR. REYNOLDS: So it heads to Bayview
22 Junction, yes. And so it will continue to go over
23 that level crossing once the project is in place, as
24 it does today. The other train -- well, all other
25 trains that would be coming to the GTHA would

1 terminate at Brampton and would be approaching from
2 the north. They would terminate and they would depart
3 to the north so they wouldn't actually increase the
4 frequency -- oh sorry, Milton, yes, sorry. They would
5 -- they would.

6 MEMBER McMURRAY: Brampton is already
7 built and operating.

8 MR. REYNOLDS: Apologies, I meant
9 Milton. They would enter Milton from the north and go
10 back out from the north, so they wouldn't actually
11 increase the frequency over Tremaine Road.

12 MEMBER McMURRAY: Okay. Is that
13 something new or have I just missed that in all the
14 millions of pages I have been reading?

15 MR. REYNOLDS: I don't believe that's
16 new, no. That's --

17 MEMBER McMURRAY: Okay. Transport
18 Canada's concern or potential concern was that the
19 trains -- if the project were to be approved and
20 built, the trains approaching the project from the
21 south would travel at a slower speed and, therefore,
22 they would occupy the crossing at grade for a longer
23 period of time. I believe Transport Canada held out
24 the estimate of 10 minutes to clear the crossing.

25 Do you have any comments on that?

1 MR. REYNOLDS: Yeah. So I think that
2 was based on the maximum length of train that might
3 depart the facility. So I would -- that was a
4 14,000-foot train.

5 So generally, the train size coming
6 out of the facility will be smaller than that. So in
7 terms of timing it would be smaller.

8 What I would point out, though, is
9 that the situation in this area will be likely better,
10 generally.

11 So that movement over that crossing
12 today has some trains that are moving north that have
13 to stop before they get to the Tremaine crossing. And
14 this is because -- this is where we go from two tracks
15 to one track. And so sometimes they have to stop to
16 do what we call "make a meet".

17 By extending the second track north
18 into -- all the way up to Derry Road, it allows us to
19 do what we call either a running meet, so the trains
20 don't actually have to stop, or they can stop clear of
21 Tremaine.

22 So we would expect that, on the
23 balance, that the situation at Tremaine would likely
24 improve as a result of this project. And the fact
25 that there would be some slow-moving trains over that

1 crossing is something that, in fact, occurs today and
2 so it wouldn't be out of what's existing. If that all
3 made sense.

4 MEMBER McMURRAY: So part of what you
5 told me is the proposal -- the section of the PDA
6 north of Britannia Road would result in less occupancy
7 of the Tremaine Road level crossing. Is that what you
8 said?

9 MR. REYNOLDS: Yeah, we would expect
10 that to be the case because we'd have a longer stretch
11 of double track so it would be less likely for trains
12 to be either stopping or slowing down before they hit
13 the Tremaine Road crossing. And -- yeah.

14 MEMBER McMURRAY: And you mentioned
15 the 14,000-foot train length which, to your credit, my
16 notes also say that's what Transport Canada estimated.
17 The knowledge I have about train lengths is now a
18 decade or so old, but it used to be car lengths. So
19 what car lengths correspond to 14,000 feet?

20 MR. REYNOLDS: You're referring to
21 like the well cars?

22 MEMBER McMURRAY: No. It used to
23 be -- and this is not related to intermodal, but it
24 used to be that if somebody built a big high
25 throughput concrete grain elevator in the prairies,

1 all of a sudden, the railways could deliver a 120-car
2 train.

3 MR. REYNOLDS: Yes, okay.

4 MEMBER McMURRAY: That's what I mean.
5 So how long is an intermodal train, on average?

6 MR. REYNOLDS: I guess it depends on
7 the corridor. Yeah, about 10,000 feet would be -- I'm
8 giving you a real average here.

9 MEMBER McMURRAY: Okay. But -- and
10 I'm getting a little away from today's topic, but
11 there were -- in the IRs there were very -- there were
12 various estimates made. Perhaps I'm thinking of
13 worst-case scenarios. But there were estimates that
14 went to trains that were longer than 10,000 feet;
15 correct?

16 MR. REYNOLDS: Yeah, the IR is
17 probably 2.29 I think you're referring to where we
18 talk about some of the operational parameters.

19 And I think we provided a range there
20 and that was to reflect also the worst-case scenarios.
21 The high end of the range would be the longest
22 feasible on the network.

23 MEMBER McMURRAY: Thank you very much.

24 MEMBER HEATHCOTE: So just a quick
25 question I had meant to ask earlier. I apologize for

1 waiting until now. Maybe for Mr. Reynolds.

2 Halton Municipalities has raised a
3 question or a concern about the facility not having
4 sufficient water supply for fire protection. I'm just
5 interested in your comments on that.

6 MR. REYNOLDS: So the -- based on the
7 activities and the building size and the footprint, we
8 feel that the proposal has a sufficient amount of
9 water for fire protection. Certainly this is an area
10 we will, with others, reviewed to ensure through
11 detailed design that that is the case and, if not, the
12 tank will be made appropriate size.

13 MEMBER HEATHCOTE: And that water will
14 be provided from rooftop collection and supplied by an
15 outside contractor, or only supplied?

16 MR. REYNOLDS: A combination of both.
17 So it would be the non-potable water collected by the
18 rainwater collection facilities and then it would be
19 supplemented by potable water brought in by a
20 third-party contractor or licensed contractor, yes.

21 MEMBER HEATHCOTE: Thank you.

22 THE CHAIRPERSON: When you say that
23 you're going to pay for the costs of constructing the
24 intersection at the main truck access to the facility,
25 could you just explain to me what that -- what you

1 expect that process to look like in terms of how it
2 gets designed, who does the design, who does the
3 construction, who does -- and then how is the payment
4 negotiated?

5 MR. REYNOLDS: We haven't gone through
6 the details of how the full process would work. I
7 believe we've submitted to the Review Panel and to all
8 a proposed design based on the Halton Region
9 standards.

10 So moving forward, we would look at
11 the differential between the intersection that's
12 currently proposed at that location and what we are
13 proposing for the additional leg, look at the
14 difference in cost that there might be there, and fund
15 that portion of the intersection or the change to what
16 was already planned.

17 THE CHAIRPERSON: So Halton would
18 contract the work out and then you would provide the
19 funding for whatever portion you negotiated.

20 MR. REYNOLDS: Correct, yes. Similar
21 to other infrastructure that we would work on together
22 in other parts of Halton.

23 THE CHAIRPERSON: It said on the
24 slide, I'm not sure what slide it was, and you also
25 referred to it, I think, very quickly in a previous

1 session that if there is some form of accident that
2 does require participation by local or regional first
3 responders or emergency responders that CN pays --
4 reimburses those costs.

5 Can you just explain to me, is that
6 something that you negotiate in advance? Do you have
7 an agreement in advance with the local provider or do
8 you do it on a one-off basis when the event happens?

9 MR. REYNOLDS: It's typically for
10 events that would happen on the facility, and given
11 the rarity of these events it's usually dealt with on
12 a one-off basis.

13 THE CHAIRPERSON: But you have fairly
14 standard procedures for that? Because you said you do
15 it right across the network.

16 MR. REYNOLDS: Yes. I mean, I'm not
17 intimately familiar with the procedures themselves,
18 but we do have procedures in place.

19 THE CHAIRPERSON: I think that
20 concludes Panel questions. And I think we could have
21 another break before we come back for the Halton
22 Municipalities presentation and the questions.

23 So 10 past 3:00. We'll come back at
24 25 minutes past 3:00.

25 --- Upon recessing at 3:10 p.m. /

1 Suspension à 15 h 10

2 --- Upon resuming at 3:26 p.m. /

3 Reprise à 15 h 26

4 THE CHAIRPERSON: Our next
5 presentation is by Halton Municipalities.

6 **PRESENTATION**

7 MS. De ANGELIS: Thank you, Madam
8 Chair. Good afternoon, Madam Chair and Panel members.
9 I'm Lisa De Angelis, as you know, from Halton Region.
10 I am joined by Chris Hamel and Gary Scandlan.
11 Spelling of our names are on the slide.

12 And we will be presenting the
13 technical session on community services and
14 infrastructure including financing, on behalf of the
15 Halton Municipalities. We have with us today
16 additional members of our expert team, namely,
17 anti-inflammatory Alvaro Almuina, Transportation
18 Planner from EllSo. Who as you know, authored the
19 Halton's last three transportation master plans.
20 Matthew Buist, Halton Region's Director of Capital and
21 Development Financing and Acting Deputy Treasurer.
22 Melissa Green-Battiston, Halton Region's Manager of
23 Infrastructure Planning. And Glen Cowan the Town of
24 Milton's Treasurer and Chief Financial Officer.

25 As I said, I am Lisa De Angelis,

1 Director of Infrastructure Planning at Halton Region.
2 I'm not going to go through our team's bios today, but
3 just to explain why our expertise is relevant to this
4 topic. I was part of the consulting team who prepared
5 the water/wastewater servicing Master Plan in support
6 of the Halton Urban Structure Plan in 1994. As well
7 as the implementation strategy for the preferred
8 servicing scenario. These documents laid the
9 groundwork for the extension of lake based water and
10 wastewater servicing that Ms. Koopmans referred to in
11 her opening remarks that facilitated the rapid growth
12 in the Town of Milton from 31,000 people pre-2000 to a
13 population over 110 according to the 2016 census, more
14 than tripling the population of Milton in less than 20
15 years.

16 I am joined today by Mr. Chris Hamel.
17 Mr. Hamel authored Halton Region's last three
18 Water/wastewater Master Servicing Plans and the last
19 four Water/wastewater Development Charges Technical
20 Background Studies.

21 Also presenting today will be Mr. Gary
22 Scandlan. Mr. Scandlan and his firm have led most of
23 Halton Region's, as well as local municipalities'
24 development charges processes and associated financial
25 analysis, dating back to the 1980s. These experts

1 have extensive knowledge in Halton Region's
2 infrastructure, how it is planned and how it is
3 financed.

4 This slide provides an overview of
5 today's presentation. I'll provide a brief summary of
6 how Halton Region's Regional Infrastructure Plan is
7 financed. Mr. Hamel will provide the results of the
8 analysis related to water/wastewater servicing, and
9 Mr. Scandlan's analysis will follow on the financial
10 impacts.

11 Madam Chair and Members of the Panel,
12 this illustration is likely familiar to you. I spoke
13 to a similar exhibit during the traffic and road
14 safety technical session two weeks ago when the topic
15 was planning for a regional road network.

16 By way of an introduction to the
17 problem, this exhibit provides a high-level overview
18 of the rigorous process for planning regional
19 infrastructure in general, and as I stated previously,
20 it starts with the region's adoption of the Regional
21 Official Plan. The best planning estimates or BPEs,
22 which are approved by council, assign growth in terms
23 of people and jobs to the various areas identified to
24 receive growth.

25 We have separate models for potable

1 water, water/wastewater and travel demand model for
2 our regional road network. This is the critical
3 public works infrastructure under the jurisdiction of
4 Halton Region.

5 The infrastructure master plans are
6 developed to address the need for water, wastewater
7 and regional infrastructure to address growth, and
8 it's based on the analysis utilizing our models.

9 As well there are development charges
10 background studies for water/wastewater transportation
11 and infrastructure outlining the share of cost that a
12 project -- the cost of a project that is attributed to
13 growth. This informs the charges that developers pay,
14 and when they develop the property, as Mr. Scandlan
15 will speak to today.

16 Again, this outlines a huge body of
17 work that's undertaken over many years through a
18 public engagement process in which agencies,
19 stakeholders and residents are consulted. The entire
20 process aligns with and provides a line of sight to
21 the Region's Official Plan from planning through
22 financing, to construction and infrastructure,
23 ensuring the entire program like pieces of a puzzle is
24 fully integrated.

25 Halton Region has a long-standing

1 council directive which Mr. Penton spoke about in his
2 opening remarks at the general session, whereby growth
3 pays for growth, to the greatest extent possible.

4 Dating back to the 1980s, Halton has had allocation
5 programs. This program is unique to Halton where by
6 Greenfield residential developers prepay their share
7 of levies or charges in order to finance critical
8 infrastructure. This is how Halton Region ensures
9 growth is consistent with the Best Planning Estimates,
10 that the infrastructure we deliver is in the right
11 place, at the right size, and the right time. Ensures
12 that Halton Region maintains a strong financial
13 position, even though it's a rapidly growing
14 community.

15 Our strong financial management is why
16 Halton Region has maintained a triple A credit rating
17 for over 30 years. And as part of its credit rating
18 rational S&P cited Halton's well-documented and
19 documented financial plan. The strategic business
20 plan for this term of Halton Region Council was passed
21 and approved by council this morning. It renews
22 council's commitment to maintaining that triple A
23 credit rating, while ensuring the necessary
24 infrastructure and services are in place to maintain
25 the high quality of life for everyone in Halton.

1 This graphic is what we used to
2 explain the process for financing growth
3 infrastructure in Halton. It is often seen in reports
4 and presentations to council and the community. Think
5 of the boxes as links in a chain. Each progressive
6 step depends on the one before. In the lower left
7 corner is the provincial planning context we must
8 conform to. It informs the Region Official Plan, the
9 Best Planning Estimates which form the basis of our
10 Master Plans.

11 The contribution that development
12 community pays to infrastructure to support it is
13 calculated through the development charges and the
14 associated by-law. The first four boxes are common
15 across most municipalities in Ontario. The remaining
16 three steps is unique to Halton. The infrastructure
17 staging plan outlines the individual projects needed
18 to support the next phase of growth, and identifies
19 the estimated cost of construction.

20 The financing plan outlines the
21 mechanism to finance the infrastructure and identifies
22 a quantum of Greenfield residential growth in the next
23 phase. And to aligns with the best planning estimates
24 and the regional share of costs. It is the regional
25 share of those cost that is is prepaid. The remainder

1 of the cost, the non-residential or employment growth,
2 needs to interim finance, and council needs to be
3 certain that there is a financial capacity and a
4 mechanism for repayment.

5 Ultimately, the Greenfield Residential
6 Development reserve allocation and it's this
7 reservation that triggers the planning approvals
8 process for the new community.

9 All these steps are public facing,
10 there are reports and approval from council at
11 required key milestones.

12 The objective is to minimize the risk
13 of growth on our existing residents and businesses
14 within Halton. And I recognize there is a lot of
15 jargon and a lot of terms that may be unfamiliar to
16 the Panel, but I sum this up like this, this is like a
17 chain reaction and each link of the chain critical to
18 the delivery of what is needed to support this rapidly
19 growing community. Mr. Hamel and Mr. Scandlan will
20 speak in greater detail about the implications of
21 breaking the chains in this growth management --
22 breaking the links in this growth management chain.

23 I will end my introductory remarks
24 with this. Within the chain, the CN lands were
25 planned based on the Bousfield Report from 2008. And

1 as noted, CN required a municipally sponsored official
2 plan amendment to move their lands south of Britannia
3 Road into the urban area and designate as employment
4 lands. A portion of the lands shall west of the
5 railway, were brought into the urban area.

6 As an industrial park these lands
7 would have been subject to a rigorous comprehensive
8 secondary planning process, led by the Land Use
9 Authority, which is the Town of Milton. The process
10 would have been guided, overseen, and adopted by the
11 town's elected council, with engagement from
12 stakeholders, including the community. It would have
13 been reviewed for conformity and approved by the
14 region in accordance with the Region's Official Plan.

15 It would have been informed by a
16 comprehensive sub watershed plan developed in
17 collaboration with the conservation authority. It
18 would have been accompanied by a transportation impact
19 study and an area servicing plan to refine the
20 servicing and infrastructure requirements to plan and
21 support this plan, in conformity with the Region's
22 Official Plan.

23 However, instead on January 8, 2015,
24 CN met with regional staff to consult on the project
25 and to inform the region that their plans for these

1 lands had changed.

2 And with that, I will hand the gavel
3 off to Mr. Hamel.

4 MR. HAMEL: Thank you. Good
5 afternoon. My name is Chris Hamel, H-A-M-E-L, and I
6 appreciate Ms. De Angelis, sort of, planting the seeds
7 regarding the planning process and how it does relate
8 to infrastructure planning and infrastructure
9 financing. What I hope to do is provide a bit more
10 clarity around water and wastewater servicing. In the
11 upcoming slides I will show the maps that will show
12 the existing servicing in the area, as well as it will
13 show the planned infrastructure for the area. And
14 what's important to note is that the water mains, the
15 sewers and the planned water mains and sewers are
16 adjacent to the proposed CN site.

17 What's also important to note and what
18 I want to discuss today is the impact of potentially
19 connecting, or not connecting, to this service and how
20 it relates to the chain in the process that Ms. De
21 Angelis just spoke to.

22

23 So here is the map of the wastewater system. What
24 this shows are the existing sewers in the Milton area.
25 The dark red lines represent the existing sewers. The

1 lighter red lines reflect the proposed or pending
2 sewers in the area. So you can see just north of the
3 shaded purple area, the existing trunk sewer that runs
4 along Britannia Road. So that is bordering the
5 northern limits of the proposed CN site.

6
7 So the dark pipes represent the conveyance system and
8 how that ultimately takes the wastewater flows down to
9 the treatment plant. And then what you can also see
10 on this map is the lighter red lines, which really
11 represents the local servicing or the sewers that
12 either are or will be installed along the local roads
13 in the areas.

14 Similarly, for the water system, you
15 can see the dark blue lines represent the existing
16 water mains in the area. The lighter blue which is a
17 little more difficult to see on this map, also
18 representing the local servicing along the local
19 roads. So again, we have an existing sub trunk water
20 main that runs along Britannia Road on the north side
21 of the CN site.

22 So this provides some clarity on the
23 questions asked earlier, is there existing
24 infrastructure in the area? And the answer is yes,
25 there is existing infrastructure in the area.

1
2 What's also important to note is what's being planned
3 in the area. So these are actually two maps on top of
4 each other. The top left map representing the planned
5 wastewater infrastructure, the bottom right map
6 representing the planned water infrastructure. If you
7 can see, there's a number of colours and lines I would
8 like to explain here. The area around Britannia Road
9 and Tremaine Road -- and it's been shown on a number
10 of different planning maps through the process -- is
11 represented generally by that yellow boundary that you
12 can see there.

13 What you will see within that yellow
14 boundary, the top left map, is the green line that is
15 going down Tremaine Road with the green triangle, the
16 dotted lines that leave the green triangle and then
17 the green line that works its way to the right over to
18 the red lines. What that represents is the planned
19 wastewater infrastructure for the area.

20 So Lisa, or Ms. De Angelis was
21 highlighting the process that goes into the Master
22 Plans. This is the mapping resulting from that master
23 planning work and what that represents a trunk sewer
24 going down Tremaine, which enters into a pumping
25 station, the green triangle. Then those are forced

1 mains. So if the lay of the land is too low, we have
2 to bring the wastewater up to grade and then it
3 conveys the flows over to the existing trunk sewer
4 going down to the Boyne and ultimately, the mid Halton
5 wastewater treatment plant.

6 And what you see there is through the
7 planning process we use the BPEs, we use the planning
8 information, and we assume that all those areas within
9 the yellow boundary are going to be connecting to
10 municipal water and wastewater systems. And what we
11 also do is we consider the broader service area and
12 how -- and what is the most efficient way to service
13 these areas and it was determined through the master
14 planning exercise, that bringing that down Tremaine to
15 the trunk sewer was not only the best servicing
16 strategy for the area south of Britannia, but linked
17 into other areas of Milton.

18 Similarly, on the bottom right map see
19 the blue line that extends down Tremaine Road and also
20 extends to the left. That represents the extension of
21 the water network to support, again, all the servicing
22 of the lands within those yellow areas. And this is
23 significant because the blue line on the water side
24 represents \$4 million of infrastructure, and the
25 series of green lines, the triangle, the pumping

1 station, forced main, those sewers represents \$32
2 million of infrastructure.

3 So to service this general area, we're
4 dealing with \$36 million worth of infrastructure and
5 it's really based on all of the land inside that urban
6 boundary being serviced on municipal water and
7 wastewater services. So our concern in the planning
8 process is if we have areas that might connect or
9 don't connect, then the risk is that that
10 infrastructure could either be undersized or
11 oversized, or potentially that strategy might not be
12 the best and most efficient strategy for the area.

13 And undersizing and oversizing and
14 changing the strategy not just -- has not just an
15 impact on the capital cost, but it can also impact the
16 operation of the system.

17 So if a pipe is too big on the water
18 side and we don't have the flows going through the
19 water, we have water quality issues. And it can also
20 generate additional operational needs, where you have
21 to flush the system more regularly. On the sewer
22 side, if it's not the right size you can have more
23 stagnant flows through those pipes and you have
24 corrosion or odour.

25 So this is an important issue as it

1 relates to not just capital but operation costs as
2 well.

3 Excuse me. I went too fast there.

4 So, the three principal items that I'm
5 going to speak to for the significant adverse
6 environmental effects, are the insufficient water
7 supply for fire protection, the inefficient municipal
8 water and wastewater infrastructure planning and the
9 ineffectiveness of water and wastewater infrastructure
10 financing. So the three separate topics.

11 So specifically related to fire
12 protection, as you can appreciate, water and
13 wastewater servicing is very important for any
14 development site. Water, in particular, is there for
15 not just potable uses, but it's very important with
16 respect to fire protection. It can also be used for
17 processes on the site or equipment and those types of
18 things. So this is a number of different ranges of
19 use for water on a site. And the CN proposal has
20 highlighted different means of using potable and
21 non-potable water to achieve those.

22 But in particular, we want to talk to
23 the fire protection needs. And as can you see, the
24 region has established a standard for employment areas
25 across the region. This is for all lands within the

1 urban boundary. And we looked to provide 250 litres
2 per second or 15,000 litres per minute for three
3 hours. And that's a standard that's been developed
4 over a number of years to ensure that we have
5 protection for not just the sites themselves, but the
6 neighbouring properties.

7 What you can see is that the proposal
8 from CN highlighted 3,600 litres per minute or 60
9 litres per second for 30 minutes. So we are concerned
10 that that is a very low level of fire flow standard.
11 The concern with respect to that is that we're not
12 providing sufficient fire protection for not just the
13 people that are working on the site, but protecting
14 the facilities themselves, protecting the contents of
15 containers or other elements on the site. You then
16 start to risk the protection to the environment on the
17 site itself, and then the risk of how are we
18 sufficiently protecting the land uses neighbouring to
19 those sites?

20 The provincial policy statements
21 relates to not just infrastructure planning, but the
22 fire flow itself. So, again, I was highlighting that
23 through our infrastructure planning process, we
24 utilize these provincial policy statements that talk
25 to ensuring that municipal services are provided to

1 all areas within the urban boundary. And the reason
2 this has been established is for good reason.

3 If we go back to private systems, the
4 private systems place the responsibility on the
5 property owners to adequately maintain these systems.
6 There is potential for risk of failure, whether due to
7 age or insufficient maintenance. So on private
8 systems you are relying not just on either the
9 property owners, but you are relying on third party
10 contractors like water haulers, or sewage disposal
11 companies to support the systems.

12 So when that's in an urban boundary
13 there is concern that we don't have sufficient
14 reliability and security on the systems, and this is
15 why these provincial policies are in place. Through
16 municipal systems you bring the level of service, you
17 bring security of supply, and you bring reliability to
18 that service.

19 And especially when you're in an urban
20 boundary and you can have a larger impact to a greater
21 number of neighbours and possibly a larger area of
22 natural and social environments. So these policies
23 bring opportunity to ensure the planning of
24 infrastructure is done efficiently and with all lands
25 participating bringing economies of scale. So it's

1 not just for the safety of the properties themselves,
2 but it talks to the broader issue of an integrated
3 planning process, master planning process and ensure
4 we can consider all areas when developing an
5 infrastructure plan.

6 Specifically, with respect to fire
7 protection, again, we have concern that there isn't
8 sufficient fire flow and with only 30 minutes, how
9 will CN mitigate the larger fire? So the project
10 facilities as proposed really lack the required
11 capacity to respond to large fires and rendering their
12 emergency response plan inadequate.

13 Specifically, with respect to the
14 reference criteria, the magnitude is a high impact,
15 obviously the larger the fire the greater impact and
16 risk to not just property damage but potential for
17 lost life. The geographic extent and impact from the
18 fire while primely on site and the property itself, it
19 could also impact off site properties, residents and
20 employees.

21 The duration, it's been identified as
22 short-term, representing the length of time of the
23 fire itself; however, the recovery and damage could
24 extend beyond the fire duration.

25 Frequency is based on the likelihood

1 that there would be at least one fire in the lifespan
2 of the facility. And damage related to fire in the
3 case of property damage is reversible. However, of
4 course, loss of life is not.

5 And from an ecological and social
6 context, the project is near and adjacent to
7 residential properties and they would, of course,
8 consider that sensitive.

9 So again, I spoke to this slightly
10 earlier, but with respect to significant environmental
11 effects, there's inefficiency to water and wastewater
12 infrastructure planning. And really, this talks to
13 that chain or the process that Ms. De Angelis
14 highlighted before.

15 This land was considered as part of
16 the master planning exercise, so we considered the
17 growth in this area, we considered the employees, and
18 that led to the \$36 million strategy for water and
19 wastewater in the area. Those costs were then fed
20 into the development charge process.

21 So any change to this proposal,
22 whether it be not connecting or potentially
23 connecting, does impact the efficiency gained through
24 that proper infrastructure planning process that's
25 already been undertaken.

1 So I'll just talk to the undersized
2 infrastructure again. Again, there's risk that should
3 CN wish to connect in the future, as they have now
4 highlighted even this morning, depending on the size
5 of the project itself, depending on the size of the
6 peripheral development that could happen in the area,
7 if we move forward with our sizing based on historical
8 information, we may be undersizing that equipment --
9 or the infrastructure, excuse me.

10 And to come back through after the
11 fact with undersized infrastructure is very difficult.
12 It's not easy to just upsize a buried pipe. We'd then
13 be reconstructing again to make sure we're either
14 twinning or upsizing that infrastructure. But even
15 with CN not connecting, the discussion around the
16 peripheral growth could also impact undersizing that
17 infrastructure.

18 On the other side, with CN not
19 connecting, there's risk that if that plan were to
20 move forward and installed with the size that it sits,
21 we've now oversized the infrastructure. And as I
22 highlight, that comes with not only spending too much
23 money, but operational and long-term maintenance
24 impacts and, really, stranded investment or stranded
25 capacity in the infrastructure. And that's a large

1 concern for the region.

2 And lastly, there could require
3 revision of the strategy. So really, if they are not
4 connecting, whether it's the right idea is to bring
5 those sewers down Tremaine Road, we would need to go
6 back through the process.

7 And I think what's important to
8 understand under the master planning process is it has
9 been undertaken in the class environmental assessment
10 methodology. So we follow the full phases of the
11 class EA process. We have public meetings. It is
12 vetted through the residents, the employers, the
13 developers of the area, so it's a rigorous process to
14 ensure that there's feedback to derive those preferred
15 strategies.

16 So really, a revision of the strategy
17 is going back to the drawing board with respect to
18 that.

19 So really, at the end of the day, we
20 need to ensure that the capital costs are appropriate
21 and that they're captured and that they feed into the
22 infrastructure planning process. And really, this is
23 a further demonstration of the linkage to not just
24 understanding the planning information, but how
25 important the process is, how it impacts the cost and,

1 ultimately, will impact the cost to other developments
2 in the region.

3 With respect to the significant
4 adverse environmental effect of ineffective municipal
5 infrastructure financing, this again also relates back
6 to the process in the chain.

7 Again, the lands were planned and
8 developed to serve -- they were planned to be
9 developed and serviced. The wastewater strategy in
10 the specific projects were flagged and the costs
11 related to those projects were put through the
12 development charges process, and ultimately those
13 costs are apportioned between residential employment
14 growth. And Mr. Scandlan will elaborate further
15 during his presentation.

16 So by not participating in the process
17 or determining whether the connection is there or not
18 there, they are not cost sharing appropriately in the
19 capital impact of the overall financial recovery plan.

20 So really, it's not affecting just CN,
21 but it's also affecting the other residential
22 employment uses that are sharing in the overall
23 infrastructure costs.

24 So ultimately, our concern is a break
25 in this chain. And the break in the chain is even

1 further augmented through this increase in container
2 throughput.

3 So our concern is also with respect to
4 fire protection and the impact on infrastructure
5 planning and the impact on infrastructure financing if
6 the magnitude of the water and wastewater servicing
7 needs are increased through container throughput.

8 So more container throughput could
9 result in more employees, more facilities, more
10 containers that require support from water and
11 wastewater services, so this places a greater need on
12 fire protection and could have a greater need should
13 municipal services be required.

14 So thank you for that time, and I will
15 pass it on to Mr. Scandlan to elaborate on the
16 financing.

17 MR. SCANDLAN: Thank you. Pleasure to
18 be before you.

19 As noted by Ms. De Angelis, Halton and
20 Milton undertake financial planning process. That's
21 slide 8. And we'll keep referring to that because
22 it's very important when we're taking a look at the
23 planning for the infrastructure and the planning for
24 growth.

25 For both Milton and for the region,

1 the financial evaluation is undertaken twice in that
2 chain. The undertaking at the time of the official
3 plan evaluation, so ROPA 38, they evaluate it and then
4 they evaluate it subsequent to that. The region take
5 a look at it prior to the allocation program stage,
6 and for the town, they take a look at it at the
7 secondary plan stage as those developments proceed.

8 These evaluations consider the growth,
9 the servicing needs to accommodate the growth, and
10 ultimately the financing and the impact on the
11 taxpayers.

12 One thing I would note just for
13 clarity is that going back to the late eighties I've
14 done all of the evaluations for Milton, and I have
15 either authored or participated in all of the Halton
16 Region evaluations.

17 I just clarify this because I wasn't
18 quite sure when Ms. Jacobs was speaking when she said
19 she's been involved in all of them, I think she was
20 peer reviewing. I was the author of those documents.

21 At the end, when we take a look at
22 those, the outcome of those analyses, depending on the
23 financial impact of the residential and
24 non-residential growth, it's important to understand
25 that growth may be delayed or slowed as a result. So

1 if it's not financially feasible, it's something where
2 we would turn around and either phase it or slow down
3 the pace of the development.

4 The slide that is before you just
5 summarizes the significant adverse effects from the
6 financial perspective. And I will go over those in
7 more detail.

8 Just to note that the numbers that
9 I'll provide in the evaluation don't include the water
10 and the wastewater information that Mr. Hamel has
11 presented.

12 When property taxes are calculated
13 annually at both the -- for the local municipalities
14 and for recovering the region, they take a look at the
15 full operating costs that are needed and they divide
16 it by the full property assessment. Therefore,
17 everybody contributes towards all services they
18 receive both at the region and at the town level.

19 The information provided with the CN
20 application, no direct revenues were identified, only
21 revenues to be generated by induced development. That
22 being if the CN facility is constructed, it will
23 induce a development of complementary types of
24 companies and employment.

25 If we go back to the growth management

1 chain on slide 8, any significant changes to land use
2 which creates a significant loss of property tax
3 revenue will also have an impact on regional and town
4 taxpayers.

5 The detailed financial report which
6 was prepared for CN has not been provided to us. As
7 noted, the only numbers that we actually have seen is
8 the induced property taxes.

9 I think CN have identified within
10 their presentation that there will be property taxes
11 that will be paid; however, the amount actually is not
12 clear. The lands will not generate the same taxes as
13 what we have planned for in both the region and the
14 town evaluations as part of the growth management
15 chain.

16 To assess the impacts that I've
17 provided, I have spoken with the individual at Peele
18 Region, obviously in Peele within Brampton. That's
19 where the intermodal facility is. So I took the
20 proposed plan and had a discussion with that
21 individual. From the information that was available
22 through their plans, we identified two components that
23 CN would pay for.

24 Number one, the buildings. There's
25 about 39,000 square feet of buildings. They would be

1 assessed as -- they would have an assessed value, and
2 they would pay based on a commercial tax rate.

3 And then the residual lands would pay
4 under the provincial *Land Tax Act*, and they pay at a
5 rate of 71 cents per acre. Now, that's 2018 dollars.

6 If we combine those calculations,
7 that's where I arrived at my \$54,000 as the revenue
8 that would be generated annually.

9 I would acknowledge that there may be
10 some slight variations in that impact, which is the
11 Municipal Property Assessment Corporation. They come
12 in and do the valuation. Depending on how they view
13 the site and individual activities on that, there may
14 be some refinement of that.

15 There appears to be no mitigation
16 proposed for the loss of property tax revenue. The
17 financial benefit that has been advanced, once again,
18 is the induced development, but I want to point out
19 that that development has always -- already been
20 planned for through ROPA 38, hence, cannot be taken
21 credit for, and allocated against this development.

22 If we did that, then it would be
23 counted twice in the analysis. As I say, that growth
24 management chain, we're already evaluating all of the
25 development within the town and within the region, so

1 allocating it again would just be a double count.

2 The lower induced employment that's
3 anticipated as a result of the types of employment
4 lands which generate less employment and less property
5 taxes due to lower assessed value would basically be a
6 loss of potential revenue for the region and the town.

7 The impacts are summarized here. And
8 there's three taxation figures that I wanted to
9 clarify.

10 There's the -- the first one is the
11 figures that I've calculated. As I've noted, 39,000
12 square feet of buildings would pay taxes assessment --
13 based on assessment, and then 400 acres based on that
14 per acre rate. That's about \$54,000.

15 I also calculated
16 if the lands were developed as planned. There was
17 some discussion by Ms. Jacobs.

18 We've looked at the land. I've talked
19 with the planners, looked at the layout of the land as
20 it stands today and the potential for its development.
21 And from a gross developable to a net developable, we
22 would only lose about 15 percent. That's kind of the
23 norm in the analysis that we do. And I used a 30
24 percent abounded building on those lands on the gross,
25 translates into 35 on the net.

1 Once again, these are common standards
2 that we use.

3 So I've calculated the 5.2 million
4 square feet of buildings and, from that, \$8 million in
5 property tax revenue.

6 One extra thing I would clarify is
7 that the numbers that I'm presenting represent the
8 numbers -- the taxes for town and the region. I
9 believe that the other numbers that are calculated
10 also include school boards. That goes to the
11 province. So that represents roughly about 24 percent
12 of the taxes, so we need to be common because the town
13 and region don't receive that money.

14 The other figure that's noted here is
15 the induced, and that came from the -- from the CN
16 report. It was \$12 to \$15 million in induced
17 development revenue.

18 Once again, I'm not clear on how
19 they've calculated it. I think I've understood
20 another range of numbers, but I haven't seen either
21 these -- this analysis or the other analysis to
22 understand how they've been calculated.

23 To summarize the impacts from
24 geographic extent, there would be impacts on the
25 budgets at both the town level and the region wide.

1 The loss of taxes is permanent. So for each year that
2 we don't receive the taxes on those lands, it's a lost
3 revenue for both municipalities. The frequency would
4 be annual given that the taxes are paid on an annual
5 basis.

6 And it's not -- it's irreversible. If
7 we lose those taxes, then they won't be recouped at
8 any point in the future. They are just -- on a
9 year-to-year basis, they're lost.

10 From an ecological and social
11 perspective, it's not resilient. As noted, the region
12 and the town undertake a detailed approach to
13 financial planning. This is done at various stages in
14 the growth management chain and as presented on page 8
15 of Ms. DeAngelis' presentation.

16 Significant loss of taxation revenue
17 is not easily absorbed by other taxpayers. The region
18 is a little bit bigger. Their losses are spread
19 across four municipalities. The town, their amount of
20 loss is focused on their levels.

21 And if I provide the amount of loss
22 for the town, it's about \$3.8 million. If you take a
23 look at the tax levy for this year, it's just under
24 \$70 million, so that's -- comparatively, that's a
25 significant amount of revenue compared to their tax

1 recoveries today.

2 So once again, the figures that are
3 being discussed from -- with respect to development
4 charge -- I won't spend a lot of time on this going
5 through the page-by-page calculations. I've just
6 summarized the losses for the development charges.

7 But the loss, if CN were to pay on
8 those 39,000 square feet, there'd be about \$380,000,
9 but we won't receive that. And based on that 30
10 percent coverage that we calculated, we would have
11 expected about \$49 million in revenue at both the
12 region and the town level. So that's a sizeable
13 amount of revenue that's not being recovered to build
14 that infrastructure that will be used by these lands.

15 I would note that if we included water
16 and wastewater, which I haven't, it would be, for this
17 particular development, about 273,000 and water and
18 wastewater loss if it was the original development
19 would be about \$36 million.

20 So if we had developed it at the
21 employment land level, we would have expected to
22 recover about \$36 million against the water and the
23 wastewater.

24 One additional thing I might add with
25 development charges, just to be clear, is that in the

1 *Development Charges Act*, costs are basically broken
2 into two components. One is called local service and
3 the other is what we include in the development
4 charge.

5 So as a local service, the Act says
6 tjat we can define what the developing landowners must
7 pay for specific to their development. So that could
8 be road improvements, could be sidewalks, could be
9 extension of water and sewer, could be many different
10 things.

11 In the mitigation for roads
12 infrastructure, they talked about turning lanes,
13 intersection improvements and entranceway, and the
14 bridge and underpass. This -- these lands they've
15 proposed to pay for it, but if it was being developed
16 as employment lands by a private developer, we would
17 expect that private developer would have paid the
18 exact same costs. So there would have been direct
19 impacts as a result of the development of that land.
20 Whether it's CN or whether it's a developer of those
21 lands, they would both have paid for those costs.

22 So they're local service. They would
23 have paid for them regardless.

24 With respect to the impacts on the
25 road infrastructure maintenance operating costs

1 associated with the roads, we've spoken with the
2 transportation experts, both the consulting staff
3 along with the operations staff at the region, to
4 assess the potential impacts associated with the
5 increase in this type of traffic. Note once again
6 that any costs that I put forward don't include the
7 water and the wastewater costs.

8 As I understand, the roads when they
9 do the planning for the arterial roads and such, they
10 are designed for truck traffic representing up to five
11 percent of the total traffic moving along those roads.

12 It's been identified that the
13 development of this site, as proposed, would increase
14 that percentage to 10 percent truck traffic. That
15 then has subsequent impacts that I'll go through, but
16 they haven't been identified as yet.

17 The heavy truck traffic, looking to
18 the bullet points, will lead to more rapid
19 deterioration of the roads. There will be increased
20 asset management burden for the town and the region
21 and, as a result, all of the costs will have to be
22 subsequently taken on by the existing taxpayers.

23 Now, I won't spend much time on this,
24 but this is just, I believe, the presentation of the
25 potential routes that could be taken by the various

1 vehicles. As I understand in the early stages, before
2 the Tremaine interchange is built, then the primary
3 routes would be east-west, probably along Britannia,
4 and then north and south along James Snow Parkway and
5 Trafalgar road. And then subsequent to that, Tremaine
6 may be the primary area.

7 When we've looked at this and because
8 the routing hasn't been specifically defined or it may
9 change over time, I haven't done a specific
10 calculation for individual road segments, but what
11 I've done is I've presented you information on a cost
12 per road kilometre basis. And that's on the -- be on
13 one of my subsequent slides.

14 I just wanted to note, and I think
15 you've seen these standards that have been set out,
16 that the standards are basically addressing the cost
17 of infrastructure and identifying that it's very
18 expensive and that the developments, as they proceed,
19 should pay for their fair share of the costs.

20 I'd note that we look at all of these,
21 we look at the costs at both stages in that growth
22 management chain, and it's very important that if
23 certain developments aren't paying their way, there is
24 an impact.

25 And I'd point out that for ROPA 38,

1 Sustainable Halton, as it's called, that these
2 evaluations have been taken at the regional level as
3 well as the town level. And I just point out that we
4 recently completed the town financial evaluation of
5 the Sustainable Halton lands and they included these
6 lands, but they included them as employment lands.

7 And that it was observed that the
8 Sustainable Halton would be -- if the town -- at the
9 town level, they would be facing significant annual
10 taxation increases and increased at capacity. So the
11 magnitude of the developments for the next stage, the
12 Sustainable Halton lands, are very significant.

13 If there is a loss of the revenue that
14 we're speaking of, the property taxes and the
15 development charge associated with this, we would have
16 to go back and re-evaluate. But I'd say if we just
17 continued on it would even enhance the impacts onto
18 the taxpayer more significantly as a result.

19 That may translate, then, into
20 different decisions that the town would ultimately
21 make.

22 Just noting the standards, that the --
23 the -- CN doesn't comply with these various standards.
24 If we go back to the growth management chain once
25 again, you can see that for Sustainable Halton these

1 lands have been planned and there will be a
2 significant cost increase and a loss of revenue as a
3 result. And this has not been planned for.

4 There's proposed mitigation. Just
5 identifying there was comments with respect to
6 emergency response plan, that CN doesn't see impacts
7 arising from the development because they have their
8 own police service and they will be first response
9 through the -- through CN employees or contractors.

10 But if we look at the broader impacts
11 of the development, I mean, if there's any type of
12 significant call that happens, there might be certain
13 types of accidents or whatever, vandalism, crime, the
14 police will be called in.

15 There could be impacts off site.
16 Maybe the roads -- the vehicles turning onto the
17 roads, an accident. The police will be called in.
18 Similarly, the ambulance, similarly, fire. The fire
19 departments are always first response to all of these
20 different calls.

21 I've spoken with the fire department.
22 They've identified that there could be significant
23 events that occur. They will have to respond and even
24 if there is an accident involving bodily harm, there's
25 a good chance that they would be called in.

1 Lastly, there's a potential increase
2 for training, increased costs associated with training
3 that the town would have to incur in order to, I
4 guess, address any of the types of chemicals or any of
5 the types of movements that go through this property.

6 So looking at -- from the road costs,
7 we would perceive that there's significant costs
8 associated with the roads that haven't been identified
9 at this particular point. I've noted them here and
10 I'll just quickly go through and identify the nature
11 of them.

12 The first one talks about the
13 shortened infrastructure plan. All municipalities now
14 -- and this is through legislation imposed by the
15 province, are moving towards full blown asset
16 management plans. So they have to be looking at how
17 to address the replacement of their assets currently.
18 With the plans that the region has in place, they are
19 either replacing infrastructure, or contributing money
20 towards reserve funds.

21 From the impacts that we talked about,
22 the increased traffic, it's been identified that we
23 would lose approximately two years useful life out of
24 these roads, and that loss of two years life would
25 mean that the region would have to contribute an extra

1 \$11,000 per kilometre of road, as a result.

2 So right now, it's normally spread
3 over about a 45-year planning horizon. So for those
4 45 years we have lost a couple of years and at \$1.8
5 million reconstruction, you do the math. \$11,000 per
6 kilometre per year would be the additional cost that
7 the burden that the region would have to assume.

8 Similarly --

9 MEMBER McMURRAY: Mr. Scandlan, sorry
10 to interrupt but this would be a timely interruption.
11 Your traffic people are giving you numbers. What
12 volume of heavy truck traffic are you assuming in
13 support of your \$11,000 per kilometre roadway cost?

14 MR. SCANDLAN: That -- I mentioned a
15 couple of slides back, that normally the regional
16 roads are planned to have up to 5 percent of the
17 overall traffic along those roads, being the heavier
18 truck traffic. And from the information that I
19 understand has been provided, that will go up to 10
20 percent.

21 MEMBER McMURRAY: But what number of
22 trucks does that represent, approximately?

23 MR. SCANDLAN: The 1,600 trucks
24 arising from this.

25 MEMBER McMURRAY: The 800 in and 800

1 out?

2 MR. SCANDLAN: That's correct.

3 MEMBER McMURRAY: Okay. Thank you.

4 MR. SCANDLAN: So on that basis that's
5 the loss of useful life. Similarly, that's the road
6 base, that's the heavy bottom part of the road. There
7 is the asphalt that's on the top. Normally that gets
8 replaced on a 15-year basis. They would observe
9 probably a one-year loss and that would translate into
10 roughly about 8,000 per kilometre of road.

11 If we need to accelerate the timing of
12 the roads in order to accomodate the increased
13 traffic, if we increased that, there is an operating
14 cost to maintain the roads for winter maintenance et
15 cetera, and that's \$7,800 per lane kilometre. So if
16 we add two additional lanes that's \$15,000 per year,
17 per kilometre, as a result of accelerating the timing
18 of the construction of that work.

19 It was noted the bridge and underpass
20 for the town, that probably would once they -- even
21 though they may not pay for it up front, they then
22 have to assume it from an asset management
23 perspective, that would cost them about \$300,000 a
24 year to start setting aside the money to replace that.

25 There are additional minor costs that

1 we haven't identified, but obviously, monitoring
2 complaint response, et cetera, these are different
3 impacts that we would perceive.

4 The increased operating costs will
5 have effects both region and town wide. The extent of
6 it is region wide or town wide. The impact will span
7 on all of the regional and town roads within this
8 area. There would be a permanent impact because the
9 operational demands on the infrastructure. The
10 frequency will be a regular event during the annual
11 maintenance and the annual budgeting as a result.
12 It's irreversible once the capital assets are acquired
13 then that adds to the operating costs for the town and
14 the region.

15 And then from an ecological and social
16 perspective, not resilient. Once again, the region
17 and the town have undertaken, you know, extensive
18 financial planning and they have planned for these --
19 the costs, as have been the lands being developed as
20 employment lands. So a loss of revenue, significant
21 increase of cost will have impacts on the taxpayers.

22 As noted by Mr. Hamel, there are
23 impacts related to water and wastewater. I won't be
24 talking about that, but for the capital cost, once
25 again, it will be significant effects for capital

1 costs. There is additional lanes to be constructed
2 and potentially increased depth to roadways to handle
3 the additional truck traffic. There is potential for
4 emergency services that the Milton Fire Department and
5 the -- and the regions emergency response would have
6 to provide. So we foresee additional capital
7 infrastructure that needs to be acquired as a result.

8 There is a number of areas. There is
9 -- that we haven't received sufficient information
10 from CN. We would perceive a financial gap as
11 proposed in this development between the revenue and
12 the expenditures that will have to be put on to the
13 residents to finance. It's not been assessed as to
14 the intensity of the road traffic, so its effects have
15 not been communicated as we have tried to portray in
16 my presentation.

17 They haven't identified or haven't
18 acknowledged that the induced development has already
19 been planned for, so we have a double count on the
20 impacts. And as I've noted the details of the Cushman
21 and Wakefield Report, which is the foundation of the
22 findings, we have never received so it's difficult to
23 get clarity on their approach to this information.

24 The last slide just talks to if there
25 is increased throughput with the containers. We don't

1 perceive an impact on effect 1, 2, loss of DC revenue
2 or annual taxation, if there is no additional
3 buildings that are being constructed. If there are,
4 then there would be subsequent impacts. But we do see
5 that if there is increased container movement through
6 this site, you will have impacts on the capital cost
7 as once again increased operational costs for
8 infrastructure and maintenance.

9 I will now turn my presentation back
10 to Ms. De Angelis to conclude.

11 MS. De ANGELIS: Mr. Hamel, it goes
12 back to slide 8.

13 Madam Chair, members of the Panel, I
14 will conclude our remarks by going back through the
15 growth management chain, as all this needs to change
16 as a result of the project. The official plan needs
17 to change. Why? The project is projecting
18 significantly less job creation than what was planned.
19 We may need to find another block of land, potentially
20 agricultural land, to convert and bring you into the
21 urban area for employment purposes to make up for this
22 shortfall.

23 And now, that our planning context has
24 changed, we will need to revisit our master plans and
25 revisit the locations and size of our infrastructure.

1 We will need to update and reallocate the cost for
2 growth, and then update the development charge by-law.
3 As we have noted, this is a multiyear process for the
4 region and then the Town of Milton will need to follow
5 that same process themselves. This is a long and
6 expensive process all triggered by the change in CN's
7 plan.

8 So, Madam Chair, and Members of the
9 Panel, this concludes our remarks related to community
10 servicing and infrastructure, including finance. On
11 behalf of the entire team we thank you for the
12 opportunity to present this material and welcome your
13 questions at this time.

14 THE CHAIRPERSON: Ms. De Angelis, Mr.
15 Hamel, Mr. Scandlan, thank you very much for your
16 presentation. So, I will now turn to CN to ask if
17 they have either questions or brief comments on your
18 presentation.

19 MR. LERNER: Yes, Madam Chair, we have
20 several comments to make. Mr. Reynolds will deliver
21 them.

22 MR. REYNOLDS: Thank you to the Halton
23 Municipalities for your presentation and for your
24 participation in this process.

25 Madam Chair, you've of course already

1 heard that we respectfully disagree with a lot of what
2 we heard from the Halton Municipalities in their
3 presentation. I will only highlight a few points and
4 the points that I do not touch on do not necessarily
5 signal our agreement.

6 You heard that the proposed -- the
7 purpose -- you heard that for the purposes of this
8 hearing the Halton Municipalities have estimated \$49
9 million in lost development charges. You heard from
10 the experts retained by CN why that number is not
11 reliable. You've also heard that several hundred
12 million dollars -- that the several hundred Milton
13 Logistics Hub will attract development and development
14 charges that are in the same range as a rail-served
15 industrial park.

16 To be clear, Ms. Jacobs calculated --
17 three calculations showed that whether the same land
18 is used as a rail served industrial park, or the
19 Milton Logistics Hub, the development charges flowing
20 would be about the same. The point is there is no
21 development charge lost in this case.

22 The presentation also raises the
23 matter of water supply as to relates to fire
24 protection. The fire protection system on site is
25 sized in accordance with the Ontario Building Code.

1 This information can be found in IR-2.38 and 2.41.
2 You also heard earlier about our emergency response
3 planning for the site during our accidents and
4 malfunctions presentations.

5 The Halton Municipalities also assert
6 that the project will not cover its fair share of
7 costs. That's simply not correct. You heard CN paid
8 \$6.5 million in property tax since the purchase of the
9 lands. And because we have used virtually no
10 municipal services that would be surplus to the
11 municipalities. And CN will continue to pay \$1
12 million a year in property taxes going forward. Yet
13 CN's future demand for municipal services has been and
14 will continue to be minimal.

15 On slides 30 and 38 of the
16 presentation, the Halton Municipalities note, planned
17 road infrastructure is not sufficient to accommodate
18 project related traffic and the concern regarding
19 additional wear and tear on the regional roads. You
20 heard in the previous presentation that Halton Region
21 plans and designs all their roadways to accommodate
22 the full range of vehicles, heavy trucks, pedestrians
23 and bicyclists.

24 The expected frequency, type and
25 distribution of project-related trucks across a number

1 of regional roads would not require any changes to the
2 planning or design of these roadways. As you heard in
3 Mr. McBride's presentation last week, the terminal
4 would generated up to 90 total trucks in a.m./p.m.
5 peak hours. Based on a comprehensive technical
6 analysis that was summarized by Mr. McBride's
7 presentation and is thoroughly documented, the
8 region's road network is capable of handling the
9 project trucks. And as you heard from Mr. McBride's
10 presentation this proposal is a low-traffic generator
11 compared to other employment land uses.

12 Further, you heard there is no need
13 for an additional travel lanes or intersection
14 controls beyond what is planned or proposed by the
15 project to accommodate the project-related traffic.
16 The Halton Municipalities have not produced any
17 analysis to support the view that the project-related
18 truck traffic volumes would be beyond the assumptions
19 already inherent in their transportation planning
20 process. That transportation planning process
21 resulted in plans for two six-lane arterial roads
22 running north-south between Britannia and the 401, and
23 east west between Tremaine and the 407.

24 To the point about phasing we heard
25 the other day based on publicly available information

1 issued by the Halton Municipalities, all three phases
2 of construction of Britannia Road are expected to be
3 completed in 2022.

4 I also want to take a moment to return
5 to Mr. Northey's point raised earlier. He referred to
6 Table 3 of the Halton Official Plan Policy 173, which
7 pertains to the function of major arterial roads. We
8 have reviewed the table and note that we omitted only
9 one function, that function is to connect urban areas
10 in different municipalities. A high degree of access
11 control is not one of the functions of a major
12 arterial road identified in that table. That table
13 also lists general design criteria of which that is
14 one.

15 Finally, with respect to Halton
16 Municipalities suggestion of increased container
17 throughput I will simply reiterate, there is no
18 forecast demand on CN's network to warrant increased
19 throughput and we certainly have no plans to do so.
20 So on that I thank you, Madam Chair, for the
21 opportunity for comments.

22 THE CHAIRPERSON: Thank you, Ms.
23 DeAngelis, do you wish to comment on any of those
24 remarks made by CN before we move on to Panel
25 questions?

1 MS. De ANGELIS: Move on to questions,
2 Madam Chair.

3 THE CHAIRPERSON: All right. Thank
4 you.

5 MEMBER McMURRAY: Good afternoon. I
6 don't anticipate many questions. Slide 24 caught my
7 eye.

8 The first bullet says, "CN's initial
9 position was that it does not intend to pay property
10 taxes on what?"

11 MR. SCANDLAN: In the initial
12 submission there was no discussion on what these lands
13 would pay. There was only commentary on induced
14 development. So, to -- that's why we asked for more
15 details because any contribution was omitted in their
16 information. So it's with respect to this particular
17 development and the revenues generated from that.

18 MEMBER McMURRAY: And what is your
19 understanding of CN's position today on those same
20 lands?

21 MR. SCANDLAN: Well, I haven't seen
22 the detailed calculations. I have heard the figures.
23 But once again --

24 MEMBER McMURRAY: You heard them
25 today.

1 MR. SCANDLAN: Yes, I heard them today
2 and I understood that they were based on a comparator
3 extended from the Brampton Intermodal. I know that
4 I've spoken through Peele Region and their information
5 and looked at this development relative to what's
6 planned here, relative to what they would see, and
7 that's where I come with my calculations.

8 MEMBER McMURRAY: Slide 24 also makes
9 reference to the *Assessment Act* and revised Statutes
10 of Ontario. I don't purport to be familiar with the
11 *Assessment Act*. But CN doesn't decide whether it pays
12 property taxes or not, correct?

13 MR. SCANDLAN: No, that's correct.

14 MEMBER McMURRAY: That would be a
15 decision -- a determination made according to the
16 *Assessment Act* which is a Statute of the province.

17 MR. SCANDLAN: That's correct.

18 MEMBER McMURRAY: Okay. The other
19 slide that caught my attention was slide 30. We have
20 already had some discussion. People have told you,
21 sir, that the percentage for terminal generated heavy
22 trucks will be 10 percent of the arterial road
23 capacity. Which includes the existing heavy trucks,
24 correct?

25 MR. SCANDLAN: Correct.

1 MEMBER McMURRAY: Okay. Did they give
2 you a horizon forecast year for that?

3 MR. SCANDLAN: I understood that that
4 was generally in the nearer term. I don't have the
5 specifics but I -- in speaking, I understood that over
6 the longer term it could be 10 -- 15 to 20 percent.
7 I'm not -- my figures are based on the 10 percent.

8 MEMBER McMURRAY: I've had a good
9 education on the planning process and the chain in
10 slide 4, I have forgotten what the chain is called.
11 The chain is called the growth management chain. And
12 do I take it by near-term you mean 2031?

13 MR. SCANDLAN: Yes. I believe that's
14 it.

15 MEMBER HEATHCOTE: If you.

16 MS. De ANGELIS: If you recall in the
17 traffic and road safety there was a big green arrow
18 where we layered on top of the existing background
19 truck traffic mix that we had through traffic counts.

20 MEMBER McMURRAY: The arrow-gram.

21 MS. De ANGELIS: The big arrow.

22 MEMBER McMURRAY: Yes.

23 MS. De ANGELIS: If we layer on those
24 1,600 truck trips that's where Mr. Scandlan is getting
25 his numbers from.

1 MEMBER McMURRAY: Is the near term to
2 2031?

3 MS. De ANGELIS: That's the near term.
4 That's based on our existing truck traffic on the
5 roads and then layering on top of that the 1,600 truck
6 trips the project would generate.

7 MEMBER McMURRAY: So then slide 35 was
8 of interest to me because, if I understood it -- oh
9 yes. This is where you made reference to a full-blown
10 Asset Management Plan. So to the extent I understand
11 that and given the examples here, the town or the
12 region, for example, you want to set aside -- I'm
13 looking at bullet number 4, which speaks to
14 approximately 300,000 a year towards the replacement
15 of the underpass. So that would be the grade
16 separation at Lower Base Line; is that correct?

17 MR. SCANDLAN: Correct.

18 MEMBER McMURRAY: Okay. So you're --
19 as part of the full-blown asset management plan, you
20 are notionally going to set aside money every year for
21 the time when that structure needs to be replaced. Is
22 that the idea?

23 MR. SCANDLAN: Correct.

24 MEMBER McMURRAY: Okay. And why do
25 you assume that the region or the town would be

1 responsible for the cost of the replacement of that
2 infrastructure?

3 MR. SCANDLAN: It was assumed that the
4 underpass would be maintained by the town. It would
5 be dedicated.

6 MEMBER McMURRAY: So is \$300,000 a
7 year maintenance cost or replacement cost?

8 MR. SCANDLAN: Replacement cost. So
9 setting aside the money in a reserve to that when it
10 needs to be replaced they can draw that money and
11 reconstruct it.

12 MEMBER McMURRAY: Okay. And is an
13 element of that maintenance cost or is maintenance
14 cost a separate ledger item?

15 MR. SCANDLAN: It would be a separate
16 ledger item.

17 MEMBER McMURRAY: Okay.

18 MR. SCANDLAN: Operational costs would
19 be probably in the same order of magnitude, \$7,800,
20 because the Town of Milton provides operations for
21 both the town and the region.

22 MEMBER McMURRAY: Now items 1 and 2,
23 still on slide 35, are the cost of eventually
24 replacing the arterial roads themselves, as well as
25 the asphalt that's on them; correct?

1 MR. SCANDLAN: Correct.

2 MEMBER McMURRAY: So where does
3 that -- how do the truckers who today use the arterial
4 roads in the Town of Milton, how do they contribute to
5 those costs?

6 MR. SCANDLAN: The industries that
7 they are serving would be paying for those costs
8 through their property taxes.

9 MEMBER McMURRAY: Okay. So they are
10 not recovered from the truckers?

11 MR. SCANDLAN: No, but the trucks are
12 moving the goods for the individual businesses.

13 MEMBER McMURRAY: Okay. But the
14 trucks -- presumably the trucks that operate on the
15 arterial roads of Milton on any given day, they could
16 conceivably come from any of the 10 provinces of
17 Canada and a number of the States of the United
18 States; correct?

19 MR. SCANDLAN: Without being -- I'm
20 not a transportation expert, but you know, it depends
21 on like, the primary is going to be utilizing the
22 highway network for the movement. So if I'm you know,
23 going from Detroit to Toronto, most likely I would
24 stay on the highway system. I probably wouldn't be
25 transversing through the middle of the town.

1 So, there may be aspects of it, but I
2 would consider it a nominal.

3 MEMBER McMURRAY: The trucks that are
4 making local deliveries or pickups could well come
5 from outside of the town and outside of the region?

6 MR. SCANDLAN: Correct. But if they
7 are coming to a business, then that's to the benefit
8 of the business, so they are contributing towards
9 receiving the materials or goods or whatever. Or if
10 they are manufacturing and they are distributing, then
11 those vehicles are leaving. So they are making a
12 contribution to the vehicles coming in to their
13 property and leaving their property.

14 MEMBER McMURRAY: Okay. I had
15 initially understood when hearing the presentation on
16 slide 35, that truckers were somehow going to be
17 responsible now for the costs of the roadway. I
18 assumed that incorrectly and you've cleared that up
19 for me.

20 MR. SCANDLAN: It's the businesses
21 that use that trucker for the movement of their goods.

22 MEMBER McMURRAY: CN has told us on
23 several occasions orally and in writing, I believe
24 they are citing the Transportation Master Plan, and if
25 I have it correctly the quotation is that the function

1 of Major arterial roads is among other things, to
2 accommodate all truck traffic. Do they have that
3 right?

4 MR. SCANDLAN: I would believe so.

5 MEMBER McMURRAY: Okay. Between the
6 town and the region, it depends, they serve different
7 functions between arterials and collectors, that's
8 correct.

9 MEMBER McMURRAY: So the slide keeps
10 reoccurring. The slides with the arterial roads on
11 it -- a lot of slides here -- thank you. What slide
12 number is that? Thirty-one (31), thank you.

13 So this slide keeps popping up. I've
14 seen it many times and you're going to have to help me
15 because I'm getting the impression on the one hand
16 that Halton and -- designs the arterial roads to
17 accommodate truck traffic, but every time I see this
18 this slide, this map, I'm sensing the underlying
19 message is that Halton doesn't want trucks to use the
20 arterial roadway.

21 So can you help me with what seems to
22 me to be an apparent contradiction?

23 MS De ANGELIS: Through you, Madam
24 Chair, to Mr. McMurray.

25 The function of the regional roads is

1 to serve all road users, so yes, trucks, but also as
2 we outlined through some exhibits I provided to the
3 Panel, also to accommodate transit as well as active
4 transportation.

5 So when we planned the network, as
6 we've said, we planned the network based on the Best
7 Planning Estimates, based on what is in those Best
8 Planning Estimates in terms of what the mix of traffic
9 will be and then that is what informs our master plan.

10 MEMBER McMURRAY: And we've heard some
11 discussion today and yesterday in the context of
12 Undertaking 15, the 2008 BA Report on the then planned
13 rail -- what was it called in 2008? Rail serviced
14 lands.

15 Haven't read the 2008 BA report yet,
16 but there seems to be an allegation that it supports a
17 greater number of trucks in and out per year than the
18 current project. Do you have a view on that?

19 MS. De ANGELIS: So with respect to
20 the 2008 report, the comparison that CN has made makes
21 the reader believe that there's -- a straight
22 comparison of passenger car units is appropriate.

23 And with respect to the industrial
24 park, we would expect that some of those trips that
25 would have been generated from the industrial park for

1 the employees would be taken through alternative modes
2 of transportation.

3 So as I said, we are investing in
4 active transportation infrastructure. We have a plan
5 to have more advanced transit on Britannia Road by
6 2031. That some of those trips that would have been
7 generated from the industrial park would have been
8 through alternate modes of transportation when those
9 facilities are in place.

10 MEMBER McMURRAY: Okay. And planners
11 all across Canada, one of their goals seems to be to
12 heighten or increase the percentage use of public
13 transit; correct?

14 MS. De ANGELIS: Through you, Madam
15 Chair. That's correct, Mr. McMurray.

16 We want to see people utilizing
17 transit. We want to make it a more desirable mode of
18 transportation, and that's one of the reasons why
19 we're looking at providing a priority for transit on
20 our curbed lanes both east and west direction on
21 Britannia Road.

22 MEMBER McMURRAY: But I gather that
23 was not the case with respect to Britannia Road in
24 2015. There was no Halton proposal in 2015 to put
25 high occupancy vehicle lanes on Britannia Road. My

1 understanding may be incorrect.

2 MS. De ANGELIS: There was. There was
3 a plan through the transportation master plan to
4 provide HOV and BRT, potentially BRT, on Britannia
5 Road when we move to six lanes that provide that
6 opportunity, and we made provisions for that.

7 We refined that plan through 2015 and
8 we further refined the timing through our mobility
9 management strategy, which was endorsed by council in
10 2017. And then are defining major transit
11 requirements, which I mentioned on the 26th when I was
12 here. That was recently endorsed by council.

13 MEMBER McMURRAY: And remind me -- I
14 have a lot of acronyms in my head. BRT is not one of
15 them.

16 MS. De ANGELIS: Bus rapid transit,
17 sir.

18 MEMBER McMURRAY: Going back to the
19 other day and the high occupancy vehicles, I've been
20 in some places -- some towns, some cities both in
21 Canada and the U.S. that have 24-hour a day high
22 occupancy vehicle lanes and others that have peak hour
23 high occupancy vehicle lanes. What is the current
24 proposal for the Britannia Road corridor?

25 MS. De ANGELIS: So through you, Madam

1 Chair. Mr. McMurray, we plan to refine what the level
2 of service is going to be with respect to HOV through
3 our upcoming master plan -- multimodal transportation
4 master plan update, and that's where we will be
5 working with our local municipal partners, who are
6 transit operators, as well as looking at the
7 appropriateness of when we would have the HOV in place
8 in terms of the time of day.

9 MEMBER McMURRAY: In other words, that
10 decision hasn't been made yet.

11 MS. De ANGELIS: That decision has not
12 been made.

13 MEMBER McMURRAY: Okay. Thank you.
14 Thank you. Those are my questions.

15 THE CHAIRPERSON: So water and
16 wastewater. So I guess I would like to know, you
17 provided us with information that there is -- there is
18 infrastructure in place. There is framework, can I
19 call it that, infrastructure in place. There are
20 water mains and there are wastewater mains bounding
21 the area in which the project would be located if it
22 proceeded. That's what you said. Or if it's not all
23 there, it's mostly there.

24 MR. HAMEL: Correct. The water and
25 sewer infrastructure is along Britannia Road. That is

1 currently there. The other lines that I showed along
2 Tremaine are planned.

3 THE CHAIRPERSON: And those lines have
4 capacity to serve some type of use on the project
5 lands. That's why you planned them.

6 MR. HAMEL: That is correct.

7 MEMBER HEATHCOTE: The planned
8 infrastructure, planned for what date?

9 MR. HAMEL: I'd have to check the
10 development charges specifically, but it's in -- if I
11 could confer?

12 Twenty twenty-five (2025) and 2026.

13 MEMBER HEATHCOTE: Thank you.

14 THE CHAIRPERSON: So the question
15 is -- so at what point -- is that the date at which it
16 would be possible for a land use in the area of the
17 project to connect? Is that the date, around 2026,
18 and not before?

19 MR. HAMEL: For the planned
20 infrastructure along Tremaine Road, you are correct,
21 that once it is in service, which is at those dates of
22 '25-26, that's when it would be available for
23 connection.

24 THE CHAIRPERSON: So I'm unclear from
25 what was said. I got -- you explained that depending

1 on what happens, there could be problems with
2 under-used or over-used facilities -- services.

3 So were the project to be built, were
4 the project to ask to connect, were that approval to
5 be given, given that we've heard the capacity needed
6 is something in the order of 100, 130, whatever, 150
7 even, would that -- I assume that would not lead to a
8 problem of the services being over-stressed. You
9 would have capacity for that.

10 Would there be a problem with that
11 area of land -- that that size of development, using -
12 - would you feel the services were being under used?

13 MR. HAMEL: Madam Chair, there's two
14 issues in particular with the site.

15 One is the statement of we won't
16 connect versus we may connect --

17 THE CHAIRPERSON: Let's -- can we
18 leave "we won't/we may" aside for a second and just
19 let's be hypothetical --

20 MR. HAMEL: Okay.

21 THE CHAIRPERSON: -- and say that they
22 say please, we'd like to connect.

23 MR. HAMEL: Yes.

24 THE CHAIRPERSON: Hypothetically.

25 MR. HAMEL: We would need a

1 confirmation of what that water use would be. So
2 using the details of their plan, there was some
3 suggestion around parts of their facility may use
4 recycled water. There could be -- so it would be a
5 function of confirming what potable water they would
6 like to use and for what extent. So at this point in
7 time, there's a strong chance that the sizing may be
8 accurate, but there could be a requirement to change
9 the sizing and capacity of that infrastructure.

10 THE CHAIRPERSON: Yet were you not
11 telling us that your planning had been done on the
12 basis of assuming that it was going to be a much more
13 dense development eventually in those lands? So --
14 that's why I'm asking the question.

15 If you were expecting there to be
16 prestige industrial there, denser, more jobs per
17 hectare, et cetera, which I thought was the case,
18 presumably you sized the mains to serve many, many
19 people rather than a smaller number. So that's why
20 I'm asking you.

21 Concerned -- the hypothetical
22 situation, would you be concerned that you would then
23 have a problem of oversized?

24 MR. HAMEL: That would be correct.
25 There would be a concern of potential of oversizing.

1 We would need to confirm that.

2 THE CHAIRPERSON: All right, then. My
3 next question, to get a little further away from the
4 hypothetical, is, is Halton Municipalities telling the
5 Panel that in 2026, were the project to go ahead, that
6 you would actually want CN to connect to your services
7 and use your services?

8 MR. HAMEL: That was the plan
9 originally. Absolutely. We've put a strategy in
10 place where we are expecting the properties within the
11 urban boundary to connect. So the answer is yes, we
12 would want them to connect and participate in the cost
13 sharing of the infrastructure.

14 THE CHAIRPERSON: So if I can turn to
15 CN. Obviously with the timing of 2026 for your
16 project to go ahead, you would still have to install
17 the other facilities to tide you over till 2026.

18 What do you -- and I think you told us
19 that it was your understanding, however this came
20 about, that's fine, that the services would not be
21 available, that you would not be able to use municipal
22 services.

23 So is that correct, that is what you
24 said earlier this afternoon, that was your
25 understanding.

1 MR. REYNOLDS: That's still my
2 understanding, yes.

3 THE CHAIRPERSON: That's still your
4 understanding. You've now heard something perhaps
5 different.

6 MR. REYNOLDS I understand that
7 services would be available based on that discussion
8 by 2026 potentially. That's what I understood.

9 THE CHAIRPERSON: Yes. Are you in a
10 position to -- and I guess I heard you say a little
11 earlier you'd say, "Well, we'd consider it".

12 MR. REYNOLDS: We --

13 THE CHAIRPERSON: I mean, in
14 principle, are you -- do you think that you would make
15 that switch? Are there advantages to you or
16 disadvantages to you to being on a municipal system?

17 MR. REYNOLDS: I think we'd have it
18 look at that in more detail as that time approached.
19 Certainly we would consider it, if it was made
20 available by the region, yeah. We would consider
21 that.

22 THE CHAIRPERSON: Is there some
23 reason --

24 MR. REYNOLDS: But I couldn't say
25 today yes or no.

1 THE CHAIRPERSON: Okay. Is there --
2 do you see some positive advantage to going it alone
3 with your independent system? What are the pros and
4 cons of both systems, operationally, for you or
5 cost-wise?

6 MR. REYNOLDS: I think I'd need a bit
7 more time and probably to speak with our facilities
8 management team and experts on the pros and cons. If
9 you'd like us to endeavor it -- to do that.

10 THE CHAIRPERSON: You've got a few
11 days. You've got a few days.

12 MR. REYNOLDS: Let me confer for one
13 second.

14 THE CHAIRPERSON: Okay.

15 MR. HAMEL: Madam Chair, may I add a
16 point of clarification to that discussion?

17 THE CHAIRPERSON: Yes, but they should
18 probably have a chance to hear the clarification.

19 Are you ready, Mr. Reynolds? May I
20 ask for --

21 MR. REYNOLDS: Maybe just continue.

22 I think there's an IR on this, so let
23 us evaluate whether we can see if that information is
24 already on the record and we'll come back to this and
25 you can continue with your questioning while we do

1 that. Does that work?

2 THE CHAIRPERSON: Yes. But let's --
3 Mr. Hamel would like to put a clarification forward.

4 MR. REYNOLDS: Okay.

5 MR. HAMEL: So two pieces of
6 clarification. One, we're referring to the Tremaine
7 Road plan 2025-2026 timeframe, but let's not forget
8 that there is existing infrastructure along Britannia
9 Road available today. So a conversation could
10 similarly be had if connecting to the municipal system
11 to Britannia, so that's something we could work
12 through.

13 And I think one of the things I wanted
14 to highlight around the discussion and the potential
15 of connection is, is we're not waiting till 2026 to
16 decide. It's a planning process to confirm that
17 before we tender the projects, before we build the
18 infrastructure, which is years in advance and is
19 actually really only a few years away to start design,
20 that's when we would be looking for that confirmation.

21 THE CHAIRPERSON: So you're saying
22 there is a connection possible now from Britannia that
23 could service an approximately sized facility
24 operation that we're talking about.

25 MR. HAMEL: With the existing

1 infrastructure, there's opportunity to discuss how
2 that could be connected, yes.

3 THE CHAIRPERSON: Okay. So yes, carry
4 on, Mr. Reynolds.

5 MR. REYNOLDS: We haven't found the IR
6 yet. I think, as we've said, it's certainly something
7 we could consider up to this point, that in
8 indications to us and in conversations we've
9 understood that it's not been available. So certainly
10 we'd be open to that discussion and -- similar to the
11 discussions we had in early 2015 on it.

12 THE CHAIRPERSON: Okay. Yes, Ms.
13 Côté.

14 MS. CÔTÉ: May I just jump in? I can
15 give you the reference to the IR and the response that
16 was provided.

17 So it's IR-7.11 and it was response to
18 part B. And it's where the Panel had asked if these
19 services became available prior to project
20 construction, describe whether CN's preferred
21 alternative for potable water supply and wastewater
22 management would be to remain as proposed in the EIS
23 or whether it would prefer to connect to municipal
24 services.

25 And CN responded that CN has no plans

1 to connect to these utilities.

2 There's a paragraph there, but that's
3 the gist of the response. Thank you.

4 THE CHAIRPERSON: Thank you, Ms. Côté.

5 I will go back to CN and what is it
6 that you were looking for. Was that it or --

7 MR. REYNOLDS: No, I don't know that
8 that was what I was looking to use to respond to your
9 question. So I appreciate that, but I think I'll
10 leave it to the team to find the answer that we're
11 looking to provide to you.

12 THE CHAIRPERSON: Well, it appears
13 that some new information that may be useful to CN has
14 come forward and I'm offering you a chance to reflect
15 and come back to the Panel if there's anything you
16 would like to say about it at some point.

17 MR. LERNER: Thank you.

18 And regardless of what IRs were used,
19 I hear what you're saying. This is new to us and it's
20 something that we would definitely consider. And we
21 just need a little bit of time just to evaluate what
22 that means.

23 THE CHAIRPERSON: Just to be -- shall
24 we make this an undertaking? Is that all right?
25 Because then you can come back tomorrow. You don't

1 have to do it --

2 MR. LERNER: Tomorrow.

3 Well, I have to speak to the experts
4 that are looking at this, so I -- and I don't know who
5 they are at this minute.

6 So in terms of when we'd be able to
7 get back to you, tomorrow might be a little tight.

8 THE CHAIRPERSON: Well, let's just say
9 Friday and if you come back with nothing, that's an
10 answer, you know.

11 MR. LERNER: Understood. Thank you.

12 THE CHAIRPERSON: Something would be
13 nice.

14 MR. LERNER: But I get -- I definitely
15 understand what you're saying and it's definitely an
16 option and it's something that we should look at.

17 THE CHAIRPERSON: Thank you.

18 So I'm -- I've forgotten the numbers.
19 Undertaking -- sorry? That would be Undertaking 34.

20 **UNDERTAKING**

21 THE CHAIRPERSON: Thank you very much,
22 Mr. Lerner. Thank you.

23 I -- yes, Mr. Northey, you have some
24 question about that?

25 MR. NORTHEY: No, no. We're having

1 some difficulty just logistically, Madam Chair.

2 I just want to make sure -- if you
3 could give us a moment, there's been information at
4 the front that's not -- and so if I could just ask for
5 a moment's pause to make sure we get the team to
6 confer. We've been doing our own trying to get this
7 to work and it hasn't been very smooth.

8 I just want to make sure before the
9 day concludes that some information gets discussed if
10 I could just ask for that minute. I apologize.

11 THE CHAIRPERSON: A minutes or a
12 couple of minutes?

13 MR. NORTHEY: A couple of minutes
14 would be fine. We just seem to have a lot of info
15 flying around.

16 THE CHAIRPERSON: Okay. We'll take a
17 two-minute break.

18 --- Upon recessing at 4:55 p.m. /

19 Suspension à 16 h 55

20 --- Upon resuming at 4:58 p.m. /

21 Reprise à 16 h 58

22 THE CHAIRPERSON: We're all good?

23 MS. De ANGELIS: We're all good, Madam
24 Chair. I apologize, thank you.

25 THE CHAIRPERSON: Oh no, that's all

1 right. You have a large team there.

2 MS. De ANGELIS: We certainly do.

3 THE CHAIRPERSON: I have a -- oh, did
4 you want to say something about the matter we're
5 talking about?

6 MS. De ANGELIS: Sure, I wanted to
7 clarify a couple of, perhaps misnomers about the
8 status of our infrastructure.

9 First of all, Map 5 in our Regional
10 Official Plan speaks to regional phasing, and these
11 lands that are part of the project are intended to
12 come into the urban area in post 2021. So in terms of
13 their timing for a connection to regional services, I
14 just want to point out that that would come after
15 2021, according to our official plan policies.

16 Secondly, in IR-711, which we
17 referenced earlier, it indicates that they're aware
18 that the servicing is on Britannia Road, but they are
19 choosing not to connect.

20 And the last point I wanted to make,
21 again this relates to Britannia Road and it was a
22 statement that Mr. Reynolds said earlier. He said
23 that Britannia Road, the three phases of construction,
24 are to be completed by 2022. We had this brought up
25 at the presentation on the 26th of June. And as I

1 pointed out to the Panel in the exhibit that Mr.
2 Reynolds referencing, and Mr. Lerner was referencing
3 on the 26th, it clearly states again -- and we talked
4 about it today -- that all projects, construction
5 projects, are subject to funding and a financing plan.
6 So again, I just wanted to put that forward as well.

7 THE CHAIRPERSON: Okay. Thank you. I
8 just have one quick question which is a question of
9 clarification, then Dr. Heathcote has some questions.

10 Slide 39, point 3. So this point 3
11 reads that:

12 "CN does not acknowledge that the
13 intermodal-oriented development
14 it takes credit for has already
15 been planned for and induced by
16 the town and region."

17 So I don't think I understand the
18 words that this intermodal-oriented development has
19 already been planned for and induced by the town and
20 region. Could you explain that for me, please?

21 MR. SCANDLAN: Well, part of why we
22 were asking for more details was to get all the
23 assumptions that were included in the Cushman
24 Wakefield. We don't have that document, but we have
25 the summaries. And what is identified is if this

1 development occurs, there will be all of this
2 development. But I have -- the lands are all planned
3 for. Unless they're saying in addition to what you've
4 planned for, we're going to see all of this additional
5 development. If the development is going to occur on
6 the lands we've already planned for, then we've
7 already said, "Here's the revenues coming from the
8 development, here's the cost." So we've already
9 planned.

10 In their development -- in their
11 report they seem to say, this will come -- and I'm not
12 quite sure whether it's in addition to or they're just
13 saying, "Oh, yeah, we acknowledge this is going to be
14 located on those lands." Part of the reasons why
15 we're looking for background, because I'm unsure if
16 I've understood them correctly or not. But I believe
17 that they've just said, "Here's a calculation. Look
18 at all the lands -- or look at all the development to
19 come because we're in town." And I believe we've
20 already planned for all the lands where, potentially,
21 those developments would occur anyways.

22 THE CHAIRPERSON: You planned for it.
23 But what do you mean by "and induced"? You've induced
24 that development already? But the development hasn't
25 occurred.

1 MR. SCANDLAN: Well, we've planned for
2 all the development, all the lands, and we've planned
3 for the revenue. We've planned for it. We're looking
4 at the level of building activity. You can see that
5 Milton is a very favourable location to place your
6 business. So we've continued to provide lands for all
7 these different developments.

8 THE CHAIRPERSON: So what you're
9 saying is without the CN project you are confident
10 that all the lands you planned will get filled up by
11 other development?

12 MR. SCANDLAN: Yes, yes.

13 THE CHAIRPERSON: You're not dependent
14 on something being induced by this --

15 MR. SCANDLAN: No. Absolutely.
16 Because we've planned for it without the thought that
17 these lands would develop in that manner.

18 THE CHAIRPERSON: Right. I get it.
19 Thank you very much.

20 MEMBER HEATHCOTE: It's getting late
21 in the day and I hope my questions are getting a
22 little simpler. I hope.

23 Now, I didn't write down who had made
24 this comment, I think it was you, Ms. De Angelis, but
25 it might have been Mr. Hamel. Someone said that, that

1 is not at all what the Halton Municipalities would
2 suggest in terms of mitigation. So there was a
3 comment earlier. Do either of you remember making
4 that comment? So my question was going to be, what
5 would you suggest in terms of mitigation?

6 MR. HAMEL: If we could just confer?

7 MEMBER HEATHCOTE: And I should have
8 taken better notes.

9 --- Pause

10 MR. HAMEL: I believe, Dr. Heathcote,
11 I believe it's slide 34 and it was Mr. Scandlan.

12 MR. SCANDLAN: There were two areas of
13 mitigation we talked about. One was emergency
14 response. And my comment -- well, what I observed was
15 that they said that they will take care of things,
16 because they have a police service and they have --
17 they will provide first response. And the discussion
18 we had is, regardless of what happens on their
19 property, it doesn't mitigate that police might have
20 to show up and the fire department has to show up. So
21 to say, "Well, we're there, don't worry about it."
22 You can't stop the police from not entering the
23 property. So there are still implications that
24 haven't been acknowledged.

25 And there's further with the fire

1 department, you know, depending upon the situation,
2 they may need additional equipment, they may need
3 additional training. As soon as you get off the site
4 and you're onto the roadways, let's say Tremaine and
5 there's traffic moving from that site onto Tremaine,
6 there's the potential for additional accidents,
7 additional emergency needs. That hasn't been
8 acknowledged in this particular case.

9 MEMBER HEATHCOTE: So the -- I'll just
10 say that the physical location of my own note suggests
11 that it was an earlier part of the presentation
12 doesn't matter. I did actually have a question about
13 the point you've just made, so let me turn to that
14 now.

15 You mentioned that a potential cost
16 for the region, or the town, or perhaps both, would be
17 additional training that would be required to handle
18 potential accidents, malfunctions with CN.

19 So my question for you is, the railway
20 has been running through this region for many years.
21 What does the region or the town currently offer in
22 support of those rail activities?

23 MR. SCANDLAN: Well, I think at this
24 particular point, I mean, there's an acknowledgment by
25 the fire department, they have to be prepared. As I

1 understand, there's supposed to be a manifest of the
2 different types of chemicals and stuff that may be
3 moving through the municipality, but for the most
4 part, it enters at one point and leaves -- and
5 continues.

6 In this particular case, it's going to
7 enter and it's going to focus on to a site and then
8 those goods are going to be transported off of a train
9 and then put onto trucks, which will then meander
10 through the road system. So it's a different -- it's
11 different that in one case, if it's just moving,
12 transcending from one end to the other, it's in the
13 municipality for a very short amount of time. On the
14 other case, it's in the municipality for a long period
15 of time and it's not on the trains anymore, it's being
16 shipped into -- through vehicle traffic.

17 MEMBER HEATHCOTE: So I understand the
18 point that goods will be entering and perhaps leaving
19 the facility in different directions then at present,
20 but I don't understand how the nature of the training
21 would be different.

22 MR. SCANDLAN: I think that's part of
23 the -- at this particular point, it's unclear on what
24 is the implications or the potential implications, and
25 until, you know, more information is provided. What

1 types of, you know, chemicals or goods are going to be
2 handled through this facility? It's unclear to the
3 operations individual at the fire department exactly
4 how -- what they would need and what they would do.

5 MEMBER HEATHCOTE: All right, thank
6 you. I will just observe that I don't believe,
7 correct me if I'm wrong, I don't believe that we've
8 heard that the mix or the nature of materials that
9 would be moving through the terminal would be
10 different than at current. Is that correct, CN?
11 Correct, yeah. Yes, Mr. --

12 MR. HAMEL: Dr. Heathcote, I may have
13 found the reference regarding mitigation earlier.

14 MEMBER HEATHCOTE: Thank you.

15 MR. HAMEL: So I did make a comment
16 with respect to the supply for fire protection, and my
17 concern was that having an emergency response plan in
18 terms of ensuring that their tanks, et cetera, were
19 sufficient and in good working order isn't really a
20 mitigation. Because if the fire needs more than 30
21 minutes' worth of water to fight it, you're not
22 mitigating that issue by simply having your tanks in
23 good order. You are short of water.

24 MEMBER HEATHCOTE: Fine, thank you. I
25 do understand that point. Okay.

1 Let me move on to my last question
2 which, again, I hope is a simple one.

3 Ms. De Angelis, just towards the end
4 of your comments you made the point that the Master
5 Plan -- Master Plans, I suppose, will be updated soon.
6 So what is the timing for that?

7 MS De ANGELIS: Thank you for the
8 question. Through you, Madam Chair. We're currently
9 going through an integrated growth management strategy
10 for planning our community to the year 2041. That's
11 based on the province's growth management plan, to
12 conform with it. Once the integrated growth
13 management strategy is complete, our planning partners
14 at the region will be undertaking an update to our
15 Regional Official Plan. Then we carry on with our
16 best planning estimates. We go back to the chain.

17 So we are looking at starting an
18 update to our Master Plans in and about the year 2020
19 to 2021, and it's all contingent on completing that
20 planning context up front.

21 MEMBER HEATHCOTE: Thank you very
22 much. That's all my questions.

23 MS De ANGELIS: You're welcome.

24 THE CHAIRPERSON: That completes the
25 Panel questions. I'd like to thank the presenters

1 from Halton Municipalities for your presentation and
2 for answering the questions.

3 We have one more thing to do this
4 afternoon, and that is CN gives a brief summary of
5 what they've heard today. Mr. Lerner?

6 **CLOSING REMARKS**

7 MR. LERNER: We'll be brief. Thank
8 you, Madam Chair.

9 I would like to start by thanking all
10 parties who came to take part in today's session
11 dealing with archaeology and community services. In
12 particular, I would like to thank representatives of
13 the Mississaugas of the Credit First Nation, the Six
14 Nations of the Grand River, and the Huron-Wendat
15 Nation for their participation in this ongoing
16 process, and for their continued engagement with CN.
17 We value our relationship with them, their involvement
18 in this project, and we look forward to continuing to
19 build on our mutually beneficial, respectful
20 relationship.

21 In today's session, we heard from
22 representatives of the Huron-Wendat Nation and their
23 interests related to archeological aspects of the
24 proposed project. We take the concerns raised very
25 seriously, and we appreciate the Huron-Wendat for

1 being here to discuss them. As you heard in our
2 presentation, we are committed to working with
3 Huron-Wendat and other Aboriginal groups during
4 construction to ensure that issues related to
5 ossuaries are meaningfully addressed.

6 Madam Chair, this afternoon there was
7 a lot of discussion related to the Halton
8 Municipalities' assertion that there is a deficit of
9 development charges related to this project. You
10 heard our experts explain why this is not the case.

11 With that, I'd like to thank you for
12 the opportunity for making these closing remarks and
13 we look forward to resuming this process tomorrow.
14 Thank you.

15 THE CHAIRPERSON: Thank you, Mr.
16 Lerner. I have one very important notice which is to
17 tell you all not to come here tomorrow morning.
18 --- Laughter / Rires

19 THE CHAIRPERSON: Because we do not
20 resume until 1:00 p.m. It's an afternoon session and
21 an evening session. So don't want to see you -- I
22 won't be here tomorrow morning.
23 --- Laughter / Rires

24 THE CHAIRPERSON: Anyway, thank you
25 all for your participation. Mr. Northey?

1 MR. NORTHEY: Madam Chair, I had
2 promised an undertaking dealing with the question
3 yesterday on subdivisions and separation distances and
4 it's in preparation. And I just wanted to say I did
5 promise it today. I think you will see it tomorrow
6 morning. I just wanted to clarify.

7 THE CHAIRPERSON: Tomorrow morning?
8 Not me.

9 --- Laughter / Rires

10 THE CHAIRPERSON: Well, I mean --

11 MR. NORTHEY: Madam Chair, the wheels
12 may turn even without your attention to it.

13 THE CHAIRPERSON: Oh, my goodness.
14 That's disappointing.

15 MR. NORTHEY: But I am going to try --
16 I'm going to plan to provide it to the Secretariat
17 tomorrow morning. It was supposed to be provided
18 today. That is all I'm clarifying, Madam Chair.

19 THE CHAIRPERSON: Thank you for that
20 clarification. Thank you. So thank you all.

21 --- Whereupon the hearing adjourned at 5:12 p.m., to
22 resume on Thursday, July 11, 2019 at 1:00 p.m. /
23 L'audience est ajournée à 17 h 12 pour reprendre
24 le jeudi 11 juillet 2019 à 13 h 00
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CERTIFICATION

WE HEREBY CERTIFY that the foregoing has been reported
and transcribed to the best of our skill and ability

Kristin Johansson

Jackie Clark

Brian Denton

Deana Johansson