



Canadian National

**Darren Reynolds**  
Project Director

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July 18, 2019

Lesley Griffiths  
Review Panel Chair  
160 Elgin St.  
Ottawa, ON K1A 0H3

By email

Dear Ms. Griffiths:

**RE: Response to new evidence included in Halton Region closing remarks**

I am writing in reference to the written closing submissions of the Halton Municipalities filed yesterday afternoon. In particular, I am writing with respect to appendices A and B, each of which contains substantive new technical and opinion evidence from Halton witnesses (dated July 16 and 17 respectively) that was not made available for CN to consider and address as part of its Written Closing Submission. As a practical matter, this new evidence has also come too late for CN to consult with experts, obtain written responses, and then address it as part of tomorrow's oral closing submission.

We had understood the Panel Chair's instruction on Friday July 12 was that 8:00 p.m. on that day was the firm cut-off for filing evidence with the Review Panel. When Mr. Gross asked late that day for some indulgence on that requirement, the Review Panel considered it and decided that respecting the deadline was very important given the schedule for closing submissions and remarks. Mr. Gross recorded his objection to that direction but nevertheless indicated that Halton Municipalities would respect it.

Filing new evidence after the written closing submissions of the other parties have been filed is contrary to the Review Panel's direction. We would therefore respectfully request that Appendices A and B be removed from the Halton Municipalities materials, and not accepted as part of the record

Sincerely,  
<Original signed by>

Darren Reynolds  
Project Director

Cc:  
William G. McMurray, Review Panel Member (by email)  
Isobel Heathcote, Review Panel Member (by email)  
Joseph Ronzio, Review Panel Manager (by email)  
Mark Lerner, CN Vice President  
Luanne Patterson, CN Senior Systems Manager – Environmental Assessment