

**Ministry of Agriculture,  
Food and Rural Affairs**

Office of the Minister

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**Ministère de l'Agriculture, de  
l'Alimentation et des Affaires rurales**

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Ontario

December 23, 2021

Jean-Jacques Ruest  
President and CEO  
CN Rail  
[jeanjacques.ruest@cn.ca](mailto:jeanjacques.ruest@cn.ca)

Dear Mr. Ruest:

I am writing to you with regards to drainage in Ontario.

Drainage infrastructure is critical to support agriculture and food production in rural Ontario. Ontario's Drainage Act is a very important piece of legislation to meet the drainage needs of a variety of stakeholders including individual farmers, landowners, municipalities and, of course, railways. As resolving drainage issues can be complex and represent a significant financial impact for ratepayers, the Drainage Act was enacted to promote a fair and efficient process.

Historically, there has been infrequent and minimal conflict between municipalities and the railways around drainage. Railways have generally complied with their obligations under the Drainage Act. However, recently I have received a significant amount of correspondence from stakeholders and municipalities in Ontario – including by delegations at both the Rural Ontario Municipal Association and the Association of Municipalities of Ontario conferences – expressing concerns about difficulties they are having in their dealings with CN Rail on drainage issues and projects under the Drainage Act. It appears that CN Rail is now of the view that, as it is federally regulated, it is not required to comply with this provincial legislation.

Consequently, a variety of issues have emerged, including:

- non-payment by CN Rail of statutory cost assessments and/or advising municipalities that all costs are the responsibility of the municipality;
- project delays related to administrative barriers created by CN;
- insistence that the municipalities enter into crossing agreements that shift costs to the municipalities, contrary to the provisions of Ontario's Drainage Act.

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To give you an indication of the severity of the issue at hand, there are at least 55 municipal drain projects currently being impacted by CN Rail's actions with more anticipated. If these works do not proceed and CN Rail uses the municipalities to carry its costs, it will take an unnecessary and unfair toll on those communities. This is a concern to our government as landowners within these drain watersheds count on a reliable, functional drainage system to support their businesses and agricultural operations thereby supporting their families, neighbours, and thriving communities.

Given that federally regulated railways are indeed subject to the Drainage Act, we expect CN Rail to pay its costs as assessed under the Drainage Act and not to hinder the progress of these projects or others in the future. To that end, I have recently written to my federal colleagues, the Honourable Omar Alghabra, Minister of Transport and the Honourable Marie-Claude Bibeau, Minister of Agriculture and Agri-food about the issue and I have asked for their support to resolve this issue.

I am sure that you would agree with me that having a multitude of projects brought forward for adjudication does not represent an effective use of CN time or money. I welcome an opportunity to meet with you to discuss this matter further as finding a resolution is critical.

I look forward to your response.

Sincerely,



Lisa M. Thompson  
Minister of Agriculture, Food and Rural Affairs

c: Mayor Jamie McGarvey, AMO President, Mayor of the Town of Bracebridge  
Mayor Robin Jones, ROMA Chair, Village of Westport  
Fiona Murray, CN, Vice-President, Public and Government Affairs  
Daniel Salvatore, CN, Manager Public Affairs Ontario  
Hon. Omar Alghabra, Minister of Transport  
Hon. Marie-Claude Bibeau, Minister of Agriculture and Agri-Food Canada  
Hon. Caroline Mulroney, Minister of Transportation  
Hon. Steve Clark, Minister of Municipal Affairs and Housing

#### **COVID-19 Reminders**

- For vaccination booking details visit: <https://covid-19.ontario.ca/book-vaccine/>
- Follow your local public health/safety measures: <https://covid-19.ontario.ca/zones-and-restrictions>
- Practice physical distancing – stay 2 metres away from others in public  
Get the facts - [www.ontario.ca/page/covid-19-stop-spread](http://www.ontario.ca/page/covid-19-stop-spread)