

Memorandum to the City of Markham Committee of Adjustment

October 22, 2025

File: A/114/25
Address: 41 Laureleaf Road, Thornhill
Agent: Bijan Homes Limited (Bijan (M.A.) Jamali)
Hearing Date: Wednesday, October 29, 2025

The following comments are provided on behalf of the West Team:

The applicant is requesting relief from the following requirements of By-law 2024-19, Residential - Established Neighbourhood Low Rise (RES-ENLR), as amended, to permit:

- a) **By-law 2024-19, Special Standard (xiv):**
a maximum combined main building coverage of 569.12 m², whereas the by-law permits a maximum combined main building coverage of 500 m²;
- b) **By-law 2024-19, Section 6.3.2.2 f):**
a minimum front yard setback of 15.2 m, whereas the by-law requires a minimum front yard setback of 19.68 m;
- c) **By-law 2024-19, Section 6.3.2.2 c):**
a maximum main building coverage of 20.38% (3,063 ft²) for the second storey, whereas the by-law permits a maximum main building coverage of 20% (3000 ft²) of the lot area for any storey above the first;
- d) **By-law 2024-19, Section 6.3.2.2 J):**
a maximum outside wall height of 7.16 m, whereas the by-law permits a maximum outside wall height of 7 m;
- e) **By-law 2024-19, Section 6.3.2.2 I):**
a minimum combined interior side yard setback on both side of 7.4 m, whereas the by-law requires a minimum 1.8 m setback and a combined interior side yard setback on both sides of 7.62 m;
- f) **By-law 2024-19, Section 4.8.10.2d(iv):**
stairs used to access a porch to project 0.6 m beyond a permitted porch encroachment, whereas the by-law permits stairs used to access a porch to project 0.45 m beyond a permitted porch encroachment;

as it relates to a proposed two-storey residential dwelling.

BACKGROUND

Property Description

The 1,393.54 m² (15,000 ft²) subject property is located on the east side of Laureleaf Road, north of Steeles Avenue and east of Bayview Avenue. The property is located within an established residential neighbourhood comprised of a mix of one and two-storey detached dwellings. The surrounding area is undergoing a transition with newer dwellings being developed as infill developments. Mature vegetation exists across the property.

Proposal

The applicant is proposing to demolish the existing dwelling and sheds to construct a two-storey residential dwelling. The new dwelling includes a 3-car garage, deck and walk out to the rear of the property.

Official Plan and Zoning

Official Plan 2014 (partially approved on November 24/17, and updated on July 17/24)

The Official Plan designates the subject property “Residential Low Rise”, which provides for a range of lower-scale residential buildings in established neighbourhoods, including single detached dwellings.

Area Specific Policy 9.18.5 also applies to the Subject Property and intends to provide a set of development standards in the zoning by-law that limits the size and massing of new dwellings or additions, ensuring infill development respects the existing pattern and character of adjacent development. This includes development standards for lot coverage, building depth, floor area ratios, height, number of storeys, garage projections, and garage widths.

Zoning By-Law 2024-19

The subject property is zoned “Residential – Established Neighbourhood Low Rise” (RES-ENLR) under By-law 2024-19, which permits detached dwellings. The proposal does not comply with respect to the combined main building coverage, front yard setback, second storey main building coverage, outside wall height, side yard setback and stair encroachment. Further details on the variances are provided in the comment section below.

Applicant’s Stated Reason(s) for Not Complying with Zoning

According to the information provided by the applicant, the reason for not complying with Zoning is, “...*Side set backs as per Zoning are 2.4m @ 18m but as combined setback, I have to consider 7.62m vs 4.2m...*”.

Zoning Preliminary Review (ZPR) Undertaken

The owner has completed a Zoning Preliminary Review (ZPR) on August 1, 2025 to confirm the variances required for the proposed development.

COMMENTS

The Planning Act states that four tests must be met in order for a variance to be granted by the Committee of Adjustment:

- a) The variance must be minor in nature;
- b) The variance must be desirable, in the opinion of the Committee of Adjustment, for the appropriate development or use of land, building or structure;
- c) The general intent and purpose of the Zoning By-law must be maintained;
- d) The general intent and purpose of the Official Plan must be maintained.

Combined Main Building Coverage Area Variance

The Owner is requesting to permit a maximum combined main building coverage of 569.12 m², whereas By-law 2024-19 permits a maximum combined main building coverage of 500 m².

The intent of the maximum permitted building coverage provision in the By-law includes, but is not limited to, ensuring appropriate proportions of the dwelling to coverages, and that the proposed building fits within the context of the surrounding neighbourhood.

Given that the proposed building coverage maintains appropriate setbacks, and does not exceed the permitted lot coverage, the proposed increase will not significantly add to the scale of the existing streetscape. The bulk of the increased building will be located at the rear portion of the dwelling, which will minimize any potential impacts the new dwelling would have on neighbourhood character. Staff have reviewed the requested variance and are of the opinion that the proposed increase will not adversely impact the character of the neighborhood or adjacent properties, and is at a suitable scale with adjacent properties.

Front Yard Setback Reduction Variance

The Owner is requesting to permit a minimum front yard setback of 15.2 m, whereas a minimum front yard setback of 19.68 m is required.

The requested variance is to permit the existing front yard setback, which the new dwelling will maintain. This will not change the existing building line or the front wall of the property, keeping it consistent with the established neighbourhood front yard pattern. Staff are of the opinion that the requested variance will not significantly alter the existing streetscape and therefore, have no objections.

Increase in Main Building Coverage Variance

The Owner is requesting to permit a main building coverage of 20.38% for the second storey, whereas the by-law permits a maximum main building coverage of 20%. The intent of the maximum building coverage requirements includes, but are not limited to, ensuring that appropriate angular planes are provided and that the built form and character of the neighbourhood is maintained.

The proposed dwelling will provide appropriate setbacks that are compliant and consistent with adjacent properties and will maintain the intent of the By-law to regulate massing along the neighbourhood streetscape. The majority of the increase in massing will be concentrated to the rear portion of the new dwelling. Tree Preservation Staff has reviewed the application and have commented that any impacts regarding mature trees on site will be implemented during the Residential Infill Grading and Servicing (RGS) process. Staff are of the opinion that the proposed second-storey relief for building coverage will not significantly alter the character of the neighbourhood, and have no concerns.

Maximum Outside Wall Height Variance

The applicant is requesting to permit a maximum outside wall height of 7.16 m, whereas the by-law permits a maximum outside wall height of 7.0 m.

The By-law calculates building height using the vertical distance of a building or structure measured from established grade to the highest top plate of the outside wall of the uppermost floor or storey.

The proposed massing for the dwelling is articulated by the shape of the second storey and roof, providing appropriate relief. Staff are of the opinion that the proposed maximum outside wall height will not adversely impact the character of the surrounding area and that the requested variance is minor in nature.

Reduced Side Yard Setback Variance

The Owner is requesting to permit a minimum combined interior side yard setback on both sides of 7.4 m, whereas the bylaw requires a minimum side yard setback of 1.8 m and a minimum combined interior side yard setback on both sides of 7.62 m for the two-storey portion of the dwelling.

The proposed combined side yard setback represents a reduction of 0.22 m from the required setback of 7.62 m, or a 2.8% decrease. The increase is needed to facilitate the addition of the proposed garage on the first storey and the roof projection on the second storey

The proposed interior side yards are approximate to the dimensions of the existing building footprint. The side yards will continue to maintain appropriate space between properties, emergency access for fire safety and soft landscaping drainage swales between adjacent properties. As such, Staff have no concerns with the requested variance, as it is minor in nature.

As an advisory comment, Engineering Staff note that the site is located in the Thornhill area, which is known as a local flood prone area. The proposed redevelopment will require Stormwater Control for a complete Residential Infill Grading and Servicing (RGS) application, showing the control of 100-year post-development flows to 2-year cycles.

Stair Encroachment Variance

The applicant is requesting to permit stairs used to access a porch to project 0.6 m beyond a permitted porch encroachment, whereas the by-law permits stairs used to access a porch to project 0.45 m beyond a permitted porch encroachment. The relief is needed to access the first floor of the subject property. Staff are of the opinion that the requested variance is minor in nature and is consistent with the massing of the surrounding properties, and have no concerns.

EXTERNAL AGENCIES

Metrolinx Comments

The subject property is located within 300 m of Metrolinx's Bala Subdivision which carries Metrolinx's Stouffville GO Train service. Metrolinx provided comments on this application on September 18, 2025 (Appendix "C"), requiring the Owner grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact Jenna.Auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).

The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each unit:

Warning: The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its

assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Staff recommend that the proposed development is subject to the associated condition of Approval regarding the environmental easement and warning clause provided in Appendix "A". Further comments on the proposal are provided in Appendix "C".

PUBLIC INPUT SUMMARY

No written submissions were received as of October 22, 2025. It is noted that additional information may be received after the writing of the report, and the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

Planning Staff have reviewed the application with respect to Section 45(1) of The Planning Act, R.S.O. 1990, c. P.13, as amended, and are of the opinion that the variance request meets the four tests of the Planning Act and have no objection. Staff recommend that the Committee consider public input in reaching a decision.

The onus is ultimately on the applicant to demonstrate why they should be granted relief from the requirements of the zoning by-law, and how they satisfy the tests of the Planning Act required for the granting of minor variances.

Please refer to Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Theo Ako-Manieson, Planner I, West District

REVIEWED BY:



Rick Cefaratti, MCIP, RPP, Acting-Development Manager, West District

File Path: Amanda\File\ 25 133663 \Documents\District Team Comments Memo

APPENDIX “A”

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF FILE A/114/25

1. The variances apply only to the proposed development as long as it remains;
2. That the variances apply only to the subject development, in substantial conformity with the plan(s) attached as ‘Appendix B’ to this Staff Report, and that the Secretary Treasurer receive written confirmation from the Supervisor of the Committee of Adjustment or designate that this condition has been fulfilled to their satisfaction;
3. Submission of a Tree Assessment and Preservation Plan, prepared by a Qualified Tree Expert in accordance with the City’s Tree Assessment and Preservation Plan (TAPP) Requirements (2024) as amended, to be reviewed and approved by the City, and that the Secretary-Treasurer receive written confirmation from the Tree Preservation By-law Administrator that this condition has been fulfilled to his/her satisfaction, and that any detailed Siting, Lot Grading and Servicing Plan required as a condition of approval reflects the Tree Assessment and Preservation Plan.
4. That prior to the commencement of construction or demolition, tree protection be erected and maintained around all trees on site, neighbouring properties, and street trees, in accordance with the City’s Streetscape Manual (2009) as amended, and inspected by City Staff to the satisfaction of the Tree Preservation By-law Administrator.
5. If required as per Tree Preservation review, tree securities and/or tree fees be paid to the City and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of the Tree Preservation By-law Administrator.
6. That the applicant satisfies the requirements of Metrolinx, financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix C to this Staff Report, to the satisfaction of Metrolinx, and that the Secretary Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of Metrolinx.

CONDITIONS PREPARED BY:



Theo Ako-Manieson, Planner I, West District

Appendix B

File: 25.13063.000.00.000

Date: 10/23/2025

MM/DD/YYYY

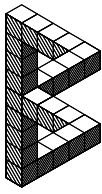
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DRAWINGS ARE NOT TO BE SCALED

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No.	DESCRIPTION	DATE	CHD

 **Bijan HOMES** Ltd.

506 Blythwood Road
Toronto, ON, M4N 1B2
Phone : (416) 627- 6175
Fax : (416) 485- 2109
Email : bj4mj@yahoo.com

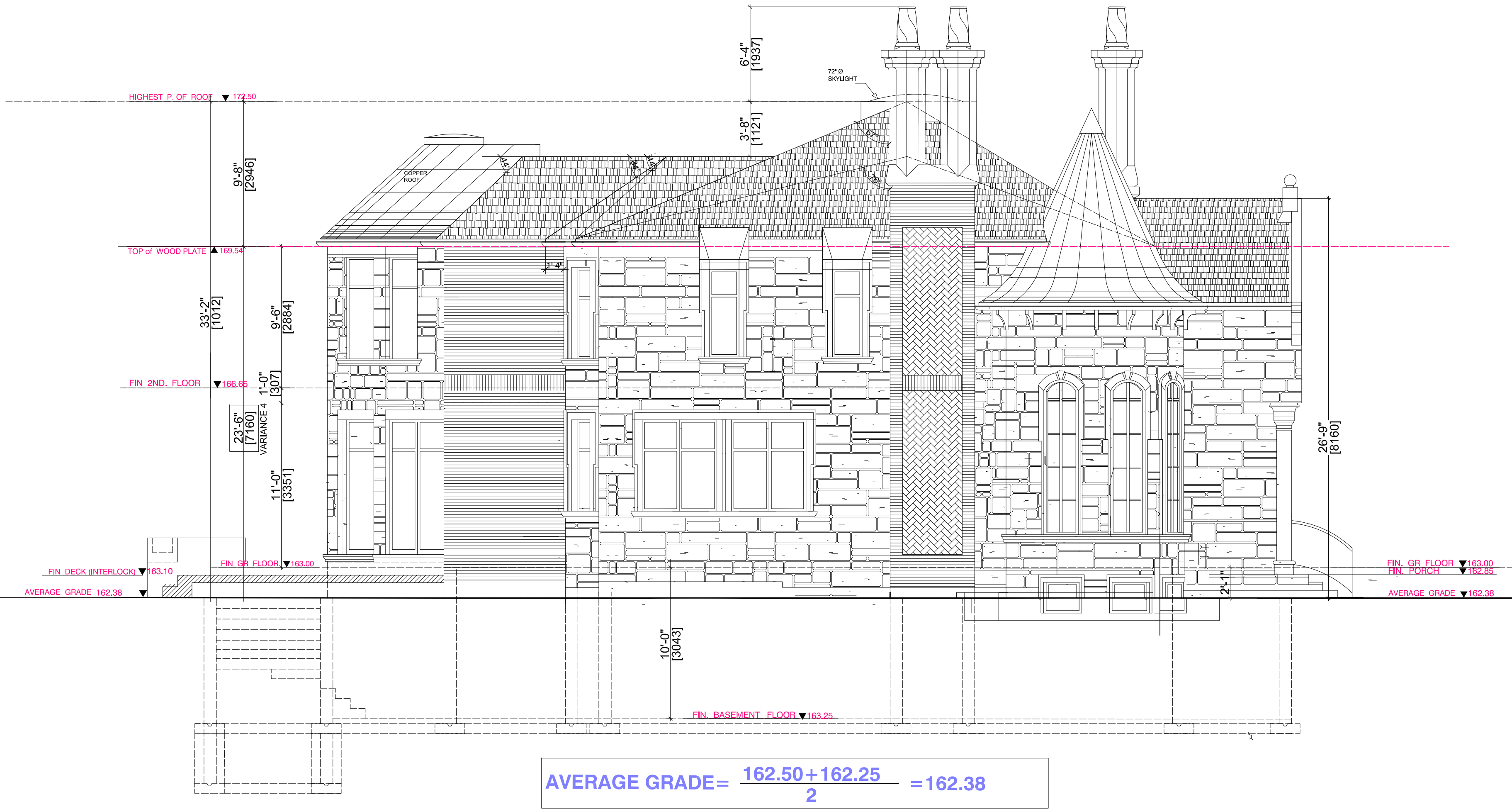
PROJECT TITLE

41 LAURELEAF RD.
CITY OF MARKHAM

DWG. TITLE

NORTH ELEVATION
(BOBBCOMBE DRIVE VIEW)
(EXTERIOR SIDE)

DESIGN	B.J.	
DRAWN	M.C.	
DATE	JULY 2025	
CHECKED	B.J.	
SCALE	3/16" =1'-0"	DWG. NO.
PROJ. NO.	1083-BH159	A201-Elev.N



Appendix B

File: 25.13063.000.00.000

Date: 10/23/2025

MM/DD/YYYY

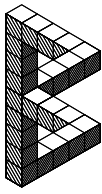
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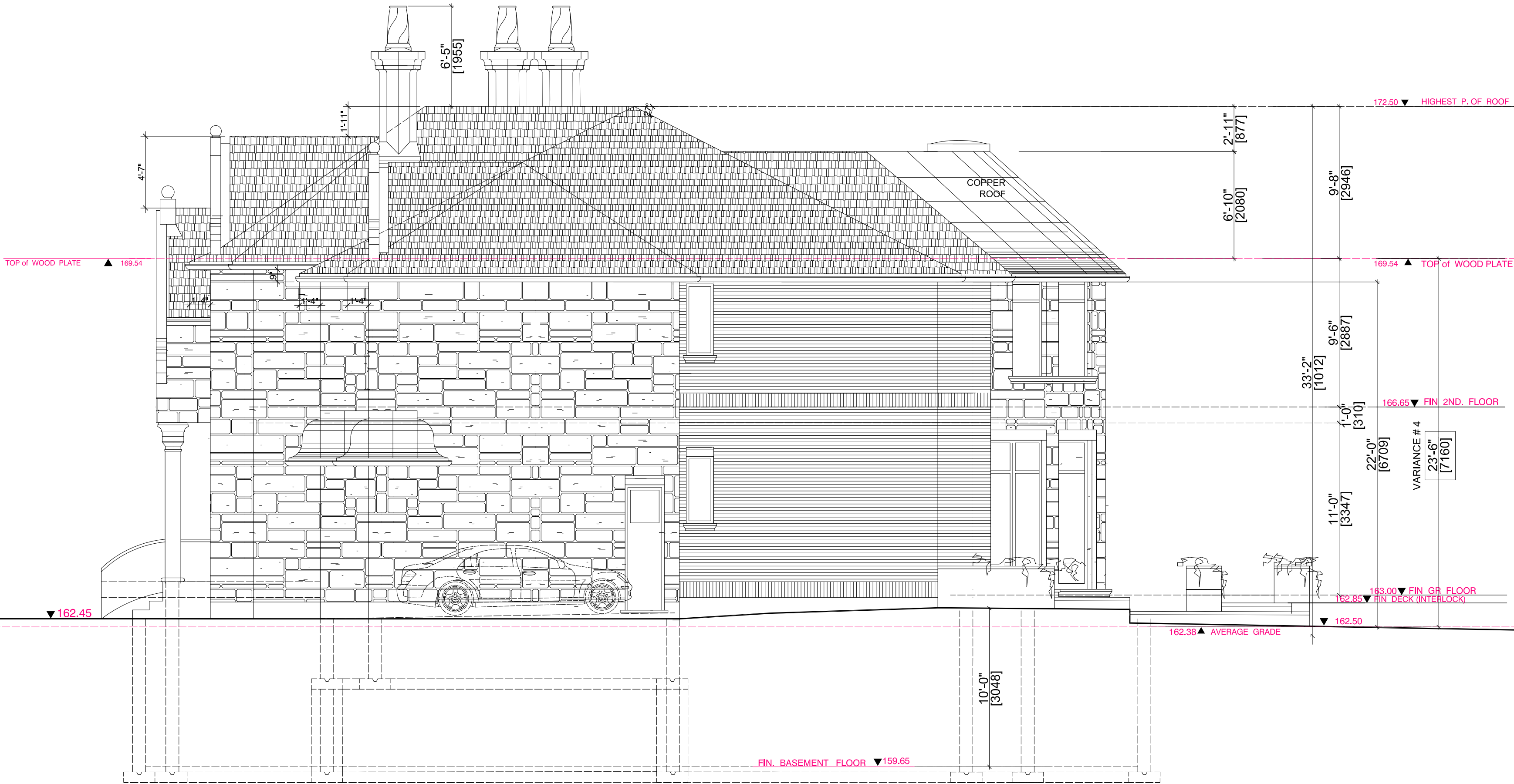
PROJECT TITLE

41 LAURELEAF RD.
CITY OF MARKHAM

DWG. TITLE

SOUTH ELEVATION
(INTERIOR SIDE VIEW)

DESIGN	B.J.	
DRAWN	M.C.	
DATE	JULY 2025	
CHECKED	B.J.	
SCALE	3/16" = 1'-0"	DWG. NO.
PROJ. NO.	1083-BH159	A201-Elev.S



AVERAGE GRADE= $\frac{162.50+162.25}{2}$ =162.38

Appendix B

File: 25.13063.000.00.000

Date: 10/23/2025

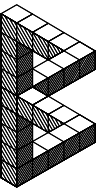
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Email : bj4mj@yahoo.com

PROJECT TITLE

41 LAURELEAF RD.
CITY OF MARKHAM

DWG. TITLE

EAST ELEVATION
(BACKYARD VIEW)

DESIGN	B.J.	DWG. NO. A201-Rear Elev
DRAWN	M.C.	
DATE	JULY 2025	
CHECKED	B.J.	
SCALE	3/16" =1'-0"	
PROJ. NO.	1083-BH159	



AVERAGE GRADE= $\frac{162.50+162.25}{2}$ =162.38

Appendix B

File: 25.13063.000.00.000

Date: 10/23/2025

MM/DD/YYYY

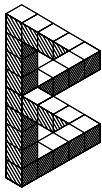
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Toronto, ON, M4N 1B2
Phone : (416) 627- 6175
Fax : (416) 485- 2109
Email : bj4mj@yahoo.com

PROJECT TITLE

41 LAURELEAF RD.
CITY OF MARKHAM

DWG. TITLE

MAIN ELEVATION
(LAURELEAF RD. VIEW)

DESIGN	B.J.	
DRAWN	M.C.	
DATE	JULY 2025	
CHECKED	B.J.	
SCALE	3/16" = 1'-0"	DWG. NO.
PROJ. NO.	1083-BH159	A201-Front Elev



AVERAGE GRADE= $\frac{162.50+162.25}{2}$ = 162.38

10/23/2025
MM/DD/YYYY

Date: 10/23/2025
MM/DD/YYYY

MM/DD/YYYY

DRAWINGS ARE NOT TO BE SCALED

No.	DESCRIPTION	DATE	CHD
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41 LAURELEAF RD.
CITY OF MARKHAM

PROPOSED SITE PLAN

DESIGN	B.J.	
DRAWN	M.C.	
DATE	JUNE 2025	
CHECKED	B.J.	
SCALE	1/16" = 1'-0"	DWG. NO.
PROJ. NO.	1083-BH159	A201-Site-Plan

TO: Shawna Houser, Secretary-Treasurer, Committee of Adjustment, City of Markham

DATE: September 18, 2025

RE: Adjacent Development Review: A/114/25
41 Laureleaf Road, Markham, ON
Minor Variance

Dear Committee of Adjustment,

Metrolinx is in receipt of the Minor Variance application for 41 Laureleaf Road, Markham, to request relief from the requirements of By-Law 2024-19, as amended, as it relates to a new two-storey dwelling. This item was circulated on September 18th, 2025, and to be heard by the Committee as early as October 15th, 2025. Metrolinx's comments on the subject application are noted below:

- The subject property is located adjacent of Metrolinx's Bala Subdivision which carries Metrolinx's Richmond Hill GO Train service.

GO/HEAVY-RAIL - CONDITIONS OF APPROVAL

- As per section 3.9 of the Federation of Canadian Municipalities and Railway Association of Canada's Guidelines for New Development in Proximity to Railway Operations, the Owner shall grant Metrolinx an environmental easement for operational emissions. The environmental easement provides clear notification to those who may acquire an interest in the subject property and reduces the potential for future land use conflicts. The environmental easement shall be registered on title of the subject property. A copy of the form of easement is included for the Owner's information. The applicant may contact jenna.auger@metrolinx.com with questions and to initiate the registration process. (It should be noted that the registration process can take up to 6 weeks).
- The Proponent shall provide confirmation to Metrolinx, that the following warning clause has been inserted into all Development Agreements, Offers to Purchase, and Agreements of Purchase and Sale or Lease of each dwelling unit within 300 metres of the Railway Corridor:
 - **Warning:** The Applicant is advised that the subject land is located within Metrolinx's 300 metres railway corridor zone of influence and as such is advised that Metrolinx and its assigns and successors in interest has or have a right-of-way within 300 metres from the subject land. The Applicant is further advised that there may be alterations to or expansions of the rail or other transit facilities on such right-of-way in the future including the possibility that Metrolinx or any railway entering into an agreement with Metrolinx to use the right-of-way or their assigns or successors as aforesaid may expand or alter their operations, which expansion or alteration may affect the environment of the occupants in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual lots, blocks or units.

Should you have any questions or concerns, please contact jenna.auger@metrolinx.com.

Best Regards,

Jenna Auger

Adjacent Construction Review (ACR), Formerly Third-Party Projects Review (TPPR)

Metrolinx | 10 Bay Street | Toronto | Ontario | M5J 2S3

T: (416)-881-0579

Form of Easement

WHEREAS the Transferor is the owner of those lands legally described in the Properties section of the Transfer Easement to which this Schedule is attached (the “**Easement Lands**”).

IN CONSIDERATION OF the sum of TWO DOLLARS (\$2.00) and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the Transferor, the Transferor transfers to the Transferee, and its successors and assigns, a permanent and perpetual non-exclusive easement or right and interest in the nature of a permanent and perpetual non-exclusive easement over, under, along and upon the whole of the Easement Lands and every part thereof for the purposes of discharging, emitting, releasing or venting thereon or otherwise affecting the Easement Lands at any time during the day or night (provided that doing so is not contrary to law applicable to Metrolinx) with noise, vibration and other sounds and emissions of every nature and kind whatsoever, including fumes, odours, dust, smoke, gaseous and particulate matter, electromagnetic interference and stray current but excluding spills, arising from or out of, or in connection with, any and all present and future railway or other transit facilities and operations upon the lands of the Transferee and including, without limitation, all such facilities and operations presently existing and all future renovations, additions, expansions and other changes to such facilities and all future expansions, extensions, increases, enlargement and other changes to such operations.

THIS Easement and all rights and obligations arising from the above easement shall extend to, be binding upon and enure to the benefit of the parties hereto and their respective officers, directors, shareholders, agents, employees, tenants, sub-tenants, customers, licensees and other operators, occupants and invitees and each of its or their respective heirs, executors, legal personal representatives, successors and assigns. The covenants and obligations of a party hereto, if such party comprises more than one person, shall be joint and several.

Easement in gross.