



**EB-2014-0335**

**IN THE MATTER OF** the *Ontario Energy Board Act* 1998, S.O.1998, c.15, (Schedule B);

**AND IN THE MATTER OF** an application by Union Gas Limited for an Order pursuant to section 99(5) of the *Ontario Energy Board Act, 1998* granting authority to expropriate certain interests in one property for the purposes of constructing, operating and maintaining a natural gas pipeline between Union's existing Brantford Valve Site and the Kirkwall Custody Transfer Station.

**PROCEDURAL ORDER NO. 2**  
**January 14, 2015**

Union Gas Limited ("Union") filed an application dated October 27, 2014, pursuant to Section 99(1) of the *Ontario Energy Board Act, 1998* (the "Act"), for an order or orders under Section 99(5) of the Act granting Union authority to expropriate certain interests in land in the City of Hamilton for the purposes of constructing, operating and maintaining a natural gas pipeline as part of Union's Brantford-Kirkwall / Parkway D Project.

Union was granted permission to construct the new natural gas pipeline on January 30, 2014 pursuant to the Board's Decision and Order in EB-2013-0074.

Union requires permanent easements over a total of 36.18 hectares of land and temporary easements over 25.58 hectares of land (for construction and top soil storage purposes) for the Brantford-Kirkwall pipeline. Union has secured all of the permanent and temporary easements required for the pipeline on a voluntary basis through negotiations with the affected landowners with the exception of a permanent easement over 1.2 hectares and a temporary easement over 0.43 hectares. The easements that Union still requires are located on a single property.

The Board issued a Notice of Application (the "Notice") concerning this expropriation proceeding on November 10, 2014.

In Procedural Order No. 1, dated December 18, 2014, the Board granted intervenor status to the landowner of the unsecured easements. In addition, the Board set out the process for the filing of interrogatories and submissions.

The Board received a late intervention request from the Civil Remedies for Illicit Activities Office of the Ministry of the Attorney General (“MAG”) on January 9, 2015. The MAG stated that the basis for its intervention request in this proceeding is that it has commenced and maintains a proceeding pursuant to the *Civil Remedies Act, 2001* wherein the Attorney General seeks to obtain a forfeiture order with respect to certain assets of the landowner. The MAG also filed interrogatories with its intervention request.

The Board has decided that it will grant intervenor status to the MAG in this proceeding. However, the Board notes that the issues raised by the MAG in its intervention request and its interrogatories seem to be largely related to compensation. The Board reiterates that compensation issues do not fall within the Board’s jurisdiction under Section 99 of the Act. To the extent that the parties are unable to agree on the appropriate amount of compensation, or the appropriate disposition method for the compensation, these issues will ultimately be resolved by the Ontario Municipal Board.

The Board considers it necessary to make provisions for the following matters related to this proceeding. The Board may issue further procedural orders from time to time.

#### **THE BOARD ORDERS THAT:**

1. The Civil Remedies for Illicit Activities Office of the Ministry of the Attorney General is granted intervenor status in this proceeding.
2. The timeline for the filing of interrogatory responses and submissions remains unchanged from Procedural Order No. 1.

All filings to the Board must quote file number **EB-2014-0335** be made electronically through the Board’s web portal at [www.pes.ontarioenergyboard.ca/eservice](http://www.pes.ontarioenergyboard.ca/eservice) in searchable / unrestricted PDF format. Two paper copies must also be filed at the Board’s address provided below. Filings must clearly state the sender’s name, postal address, telephone number, fax number and e-mail address.

All filings shall use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at [www.ontarioenergyboard.ca/OEB/Industry](http://www.ontarioenergyboard.ca/OEB/Industry). If the web portal is not available, parties may email their documents to the address below.

For all electronic correspondence and materials related to this proceeding, parties must include in their distribution lists the Case Manager, Lawrie Gluck at [Lawrie.Gluck@ontarioenergyboard.ca](mailto:Lawrie.Gluck@ontarioenergyboard.ca) and Senior Legal Counsel, Michael Millar at [Michael.Millar@ontarioenergyboard.ca](mailto:Michael.Millar@ontarioenergyboard.ca).

All communications should be directed to the attention of the Board Secretary and be received no later than 4:45 p.m. on the required date.

**ADDRESS**

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Attention: Board Secretary

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**DATED** at Toronto, January 14, 2015

**ONTARIO ENERGY BOARD**

*Original Signed By*

Kirsten Walli  
Board Secretary