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March 27th, 2013

VIA EMAIL (boardsec@ontarioenergyboard.ca)

Kristen Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M5P 1E4

Dear Ms. Walli;

RE: Ritzema Evidence in EB-2012-0442

Further to the Applicant's responses to the interrogatories, our clients have an ongoing concern with the proposed route for the transmission lines as it will directly affect property owned by them, despite the Applicant's assertion that the Ritzema property will not be implicated.

To review, on the final page of its responses, the Applicant answers the Ritzema's only interrogatory which relates to whether or not their land will be directly affected by infrastructure or the necessity for easements. The applicant states:

(a) The highlighted property in the map is not directly affected by this project.

Attached as **Exhibit 1**, is the map referred to in the interrogatory with the subject property highlighted in pink and the proposed route along Centennial Rd highlighted in green.

Attached as **Exhibit 2**, is a second map provided by the Applicant. In this exhibit, the subject property is highlighted in pink, Centennial Rd. is highlighted in green and Division Line which runs along the westerly boundary of the subject property is bolded in black.

From these two Exhibits, it appears that Centennial Rd. perfectly intersects Division Line. However, examination of more detailed map data reveals that Centennial Rd. does not intersect and continue through Division Line uninterrupted.

Attached as **Exhibit 3** is a Google Earth screen shot of how the roads meet in relation to the subject property. Again, the property is highlighted in pink, Centennial Rd. in green and Division Line in Black.

From **Exhibit 3**, it is evident that Centennial Rd. and Division Line do not perfectly intersect as depicted in Exhibits 1 and 2 provided by the Applicant.

Attached as **Exhibit 4** is a Google Map image depicting how Centennial Rd. lies in relation to Division Line and the subject property. Centennial Rd. and Division Line are labelled and the subject property is highlighted in pink.

With a view to **Exhibit 4**, the Ritzema's claim ownership of the pie-shaped plot of land to the south of the existing Centennial Rd (portion east of Division) to where the westerly side of Centennial meets Division. This is cross hatched in pink on Exhibit 4.

In summary, the Ritzema's claim that the southern boundary of their property is not the easterly stretch of the travelled portion of Centennial Rd, but rather, where the westerly stretch of Centennial Rd. would continue through Division Line.

Exhibit 5 is map taken from the Applicant's Stage 2 Archaeological Assessment Report. It is without highlights as to not impair the view of how Centennial Rd. continues east of Division Line. The black dotted line represents the proposed transmission line route. The traveled portion of Centennial Rd. east of Division Line can be seen as a faint line that stretches from Division on a south-easterly angle until it meets up with the proposed transmission line route. From this view, it is evident that the most south-westerly point of the Ritzema property is where Division Line and the proposed transmission line route intersect and not where Division Line and the travelled portion of Centennial Rd. meet.

It has come to the Ritzema's attention that a pole map exists which pinpoints proposed pole placements. This map is not available to the public. However, said map indicates that pole # 135 will be located at P1 13146.99 3 degrees 13 minutes 50 seconds. From this, the Ritzema's understand that pole #135 will be located in the area of the black circle indicated on **Exhibit 4** near the intersection of where Division Line meets the travelled portion of Centennial Rd.

With the knowledge that such a map exists detailing the placements of transmission poles, the Ritzema's request that said document be made available to the Board so that it might be reviewed and evaluated as evidence which potentially will affect these property owners and others along the proposed route.

In conclusion, we recall the statement made by the Applicant at *Exhibit F/Tab 1/Schedule 1/Paragraph 29*:

"The Applicant has acquired land rights to private lands needed for the Transmission Line."

This is not true. The geographic features in the map data tendered as evidence clearly show that the Ritzema property extends south of the travelled portion of Centennial Rd. on the east of Division Line. No land rights to this private land have been acquired.

We also recall the Applicant's statement made at *Exhibit F/Tab 1/Schedule 1/Paragraph 31*:

"The Applicant has had extensive discussions regarding the Transmission Line on the Transmission Easement with all of the landowners along the Corridor, including Adjacent Landowners."

This is not true. Recognizing the Ritzema's ownership interest in the plot of land south of the travelled portion of Centennial Rd., the Applicant has approached the Ritzema's seeking permission to utilise same. Permission has not been granted by execution of any related documentation or agreement.

Given the enclosed map data and the information on pole placement which is not available to the public, the Ritzema's respectfully request that any required infrastructure be routed to avoid their primary property which lies north of Centennial Rd. as well as the pie-shaped portion that lies south of the travelled portion of Centennial Rd. cross hatched in pink on **Exhibit 4**.

Yours very truly,

COHEN HIGHLEY LLP



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Enclosure

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EXHIBIT 1

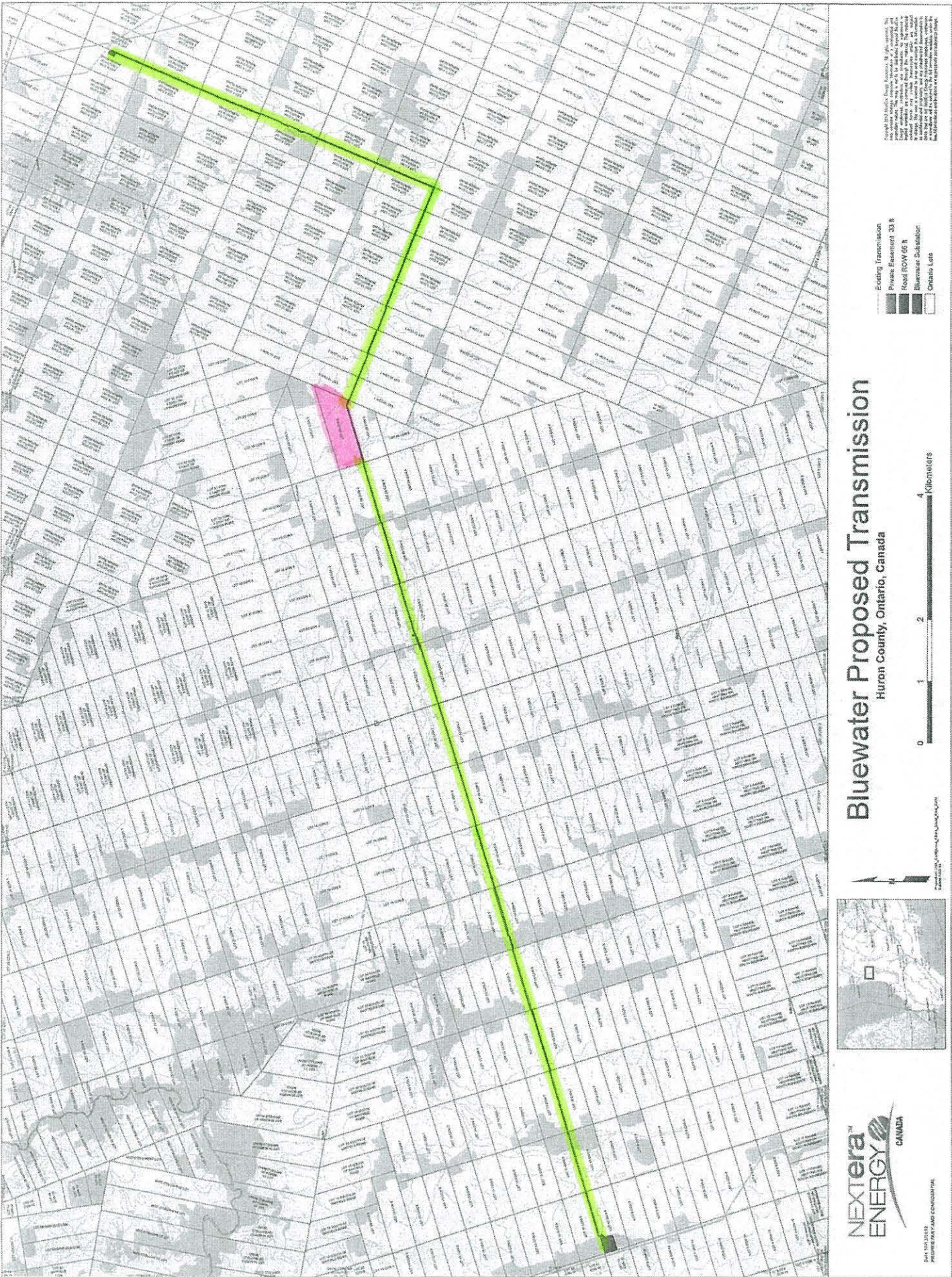


EXHIBIT 2

Figure 1



EXHIBIT 3



Google earth

feet
meters

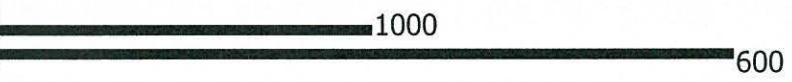


EXHIBIT 4

Google

To see all the details that are visible on the screen, use the Print link next to the map.



