

**ONTARIO ENERGY BOARD (BOARD STAFF) - INTERROGATORY #23**

**Interrogatory**

**References**

EB-2013-0040 Exh B-1-4 (evidence update filed September 18, 2013)

**Preamble**

The Applicant has made minor modifications to the routing of the proposed transmission line, and states that it has all necessary land rights it requires to construct the proposed transmission facilities. At page 2 it states, “.. for a part of the road the Applicant, as agreed with the County, will make efforts to locate on private easements adjacent to the road where necessary land rights have been secured.”

**Questions / Requests**

Did the Applicant make provision for independent legal advice for all parties who have entered into or will enter into a land use agreement?

**Response**

Yes. All parties who have entered into a land use agreement have been provided with an opportunity to obtain independent legal advice. As indicated previously in response to Intervenor Group Interrogatory #1(a), section 2.3 of the Applicants' form of Transmission Easement Option Agreement, which is filed at Exhibit F, Tab 2, Schedule 1, Appendix 'B' in EB-2013-0040 and EB-2013-0041, includes an acknowledgement from the relevant landowner of having received such opportunity to obtain independent legal advice and it is the practice of the Applicant's land agents to bring this provision to the attention of landowners prior to entering into the agreement with the Applicant. Although the Applicants have secured all necessary land rights, were the Applicants to require any further land rights, the form of agreement that would be offered would include this provision and the land agents would follow a similar protocol.

The Applicants would also like to clarify their responses to Board Staff Interrogatory #18 and Intervenor Group Interrogatory #1 with respect to the provision of compensation for landowners that have sought independent legal advice in connection with land agreements offered by the Applicants. In these responses, the Applicants indicated that their policy is to offer to pay the costs of landowners in such circumstances.

As noted above, the Applicants confirm that all landowners who have entered into land agreements were advised of their right to obtain independent legal advice. The Applicants also confirm that any such landowner who requested reimbursement for costs incurred in obtaining independent legal advice has been reimbursed. However, in consulting further with their land

agents, the Applicants determined that offers to reimburse landowners were typically made upon the request of landowners and were not always made in the first instance at the time the landowners were advised of their right to obtain independent legal advice.

It continues to be the Applicants' practice to reimburse landowners for their reasonable costs of obtaining independent legal advice in connection with the offer of a land agreement. It is the Applicants' intention that, going forward, the policy of offering to pay landowner costs for independent legal advice will be communicated explicitly and consistently by land agents in respect of an offer from the Applicants for the acquisition of land rights.

**ONTARIO ENERGY BOARD (BOARD STAFF) - INTERROGATORY #24**

**Interrogatory**

**References**

EB-2013-0041 Exh B-1-4 (evidence update filed September 18, 2013)

**Preamble**

At page 1, it states, "The Applicant's transmission line will be in the municipal road ROW except for the portion of the route running north of the Ausable River, which will be on private lands adjacent to the road allowance and for which legal rights have already been secured."

**Questions / Requests**

Did the Applicant make provision for independent legal advice for all parties who have entered into or will enter into a land use agreement?

**Response**

See response to Board Staff Interrogatory #23, above.