

## **ONTARIO ENERGY BOARD**

**IN THE MATTER OF** an application by Enbridge Gas Distribution Inc. for: an order or orders granting leave to construct a natural gas pipeline and ancillary facilities in the Town of Milton, City of Markham, Town of Richmond Hill, City of Brampton, City of Toronto, City of Vaughan and the Region of Halton, the Region of Peel and the Region of York; and an order or orders approving the methodology to establish a rate for transportation services for TransCanada Pipelines Limited;

**AND IN THE MATTER OF** an application by Union Gas Limited for: an order or orders for pre-approval of recovery of the cost consequences of all facilities associated with the development of the proposed Parkway West site; an order or orders granting leave to construct natural gas pipelines and ancillary facilities in the Town of Milton; an order or orders for pre-approval of recovery of the cost consequences of all facilities associated with the development of the proposed Brantford-Kirkwall/Parkway D Compressor Station project; an order or orders for pre-approval of the cost consequences of two long term short haul transportation contracts; and an order or orders granting leave to construct natural gas pipelines and ancillary facilities in the City of Cambridge and City of Hamilton.

### **MARKHAM GATEWAY INC. SUBMISSIONS ON ENBRIDGE GAS DISTRIBUTION INC. (EB-2012-0451)**

#### **Background**

1. Markham Gateway Inc. (“MG”) is the owner of lands in the City of Markham which lie south of Highway 407, east of Yonge Street, North of Holy Cross Cemetery and west of the CNR tracks (“the MG Lands”);
2. The MG Lands have been designated as part of an Urban Growth Centre in the Growth Plan for the Greater Golden Horseshoe, which designation has been implemented in the Official Plans of the Region of York and the City of Markham. These approved Plans designate the MG Lands for high density mixed use development;

3. The preferred route identified by Enbridge Gas Distribution Inc. ("Enbridge") in this matter for the proposed GTA Project traverses the MG Lands;
4. MG and the City of Markham expressed concerns that locating the GTA Project on the MG Lands could impact the ability to develop those lands in accordance with the approved Plans and designations;
5. In an effort to resolve the concerns, Enbridge and MG entered into Minutes of Settlement. The Minutes of Settlement have been filed with the Board in confidence as Appendix D, Tab 1, Schedule 2, Attachment 7 to Enbridge's application.

**Issue D2: Are there any outstanding landowner matters for the proposed facilities' routing and construction? For greater clarity, landowners include parties from whom permits, crossing agreements and other approvals are required.**

6. MG requests that the Board grant leave to construct the GTA Project subject to a condition requiring compliance with the terms of the Minutes of Settlement between Enbridge and MG.
7. MG does not object to the approval of the form of agreement at Exhibit D, Tab 1, Schedule 2, Attachment 7, pages 5 to 15 of Enbridge's materials, on the understanding that such form of agreement represents a starting point, and that any agreement between Enbridge and MG shall reflect the Minutes of Settlement between those parties.

All of which is respectfully submitted this 13<sup>th</sup> day of November, 2013



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**David N. Germain**



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**Roger T. Beaman**

Thomson, Rogers  
Barristers and Solicitors  
Solicitors for **Markham Gateway Inc.**