



**EB-2006-0251**

**APPLICATION BY UNION GAS LIMITED FOR  
AUTHORITY TO EXPROPRIATE CERTAIN LAND RIGHTS FOR THE PURPOSE OF  
CONSTRUCTING A PIPELINE FOR THE TRANSMISSION OF NATURAL GAS**

**NOTICE OF APPLICATION**

Union Gas Limited ("Union" or the "Applicant") has filed an application, dated October 19, 2006, with the Ontario Energy Board (the "Board") under section 99 of the *Ontario Energy Board Act*, 1998, for approval to expropriate lands. On June 12, 2005 Union was granted an order of the Board (file number EB-2005-0550) for leave to construct a natural gas pipeline along with associated facilities. The pipeline consists of the construction of 18.1 kilometres of 48 inch diameter steel natural gas pipeline within the County of Middlesex. The construction of the proposed pipeline will allow Union to increase the capacity of the Trafalgar gas transmission system to meet the increasing gas requirements for current and future customers.

The approved pipeline will proceed from the existing Strathroy Gate Station, located in Lot 9, Concession IX, Township of Strathroy-Caradoc to the existing Lobo Station, located in Lot 14, Concession VII, Township of Middlesex Centre, all in the County of Middlesex. At the time of filing this application Union has been unable to acquire the necessary easement rights on lands owned by Caradoc Sands Golf Course Ltd. Union is now seeking the approval of the Board to expropriate permanent and temporary working easement rights on the land of Caradoc Sands Golf Course Ltd. in the Township of Strathroy-Caradoc, County of Middlesex. A description of the lands and a reference plan of survey which identifies the lands are attached to Union's application and attached as Appendix "A".

This is an application for an authority to expropriate land for the purpose of a natural gas pipeline, not an application dealing with compensation. The Board may, if it is of the opinion that it is in the public interest, grant the authority to expropriate the land.

**However, the Board does not have the authority to determine the amount of compensation payable. If the authority to expropriate is granted and the parties do not agree upon compensation, the amount shall be determined under the *Expropriations Act*.**

### **How to Participate**

If you have an interest in any of the lands which are the subject matter of this application you may become intervenor in this proceeding. If you wish to participate in this proceeding you must send a letter of intervention to the Board Secretary within **10 calendar days** of the receipt of this Notice. Information on how to participate may be obtained by calling the Board's Customer Service Centre toll free at 1-877-632-2727, by email to [Boardsec@oeb.gov.on.ca](mailto:Boardsec@oeb.gov.on.ca) or from the frequently asked questions (FAQ) section of the Board's web site at [www.oeb.gov.on.ca](http://www.oeb.gov.on.ca). A copy of your submission must also be sent to the applicant.

The Board may proceed in this matter by way of written hearing or oral hearing. However, the Board will not hold a written hearing if a party satisfies the Board that there is a good reason to hold an oral hearing. If you wish to make a submission regarding whether the hearing should be oral or written, you must make this submission to the Board Secretary within **10 calendar days** of the receipt of this notice or as part of your letter of intervention.

Procedural orders as to how the matter will proceed may be issued by the Board from time to time, and copies of any procedural orders will be sent to Union and all the intervenors and observers in the proceeding.

### **ADDRESSES**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27th Floor  
Toronto ON M4P 1E4

Attention: Kirsten Walli  
Board Secretary

Tel: 1-888-632-6273  
Fax: 416-440-7656  
Email: [BoardSec@oeb.gov.on.ca](mailto:BoardSec@oeb.gov.on.ca)

Counsel for the Applicant  
Blake, Cassels & Graydon LLP  
Box 25, Commerce Court West  
199 Bay Street  
Toronto ON M5L 1A9

Attention: Gerald S. Swinkin

Tel: 416-863-5845  
Fax: 416-863-2653  
Email: [Gerald.swinkin@blakes.com](mailto:Gerald.swinkin@blakes.com)

Union Gas Limited  
50 Keil Drive North  
Chatham ON N7M 5M1

Attention: William T. Wachsmuth  
Administrator Regulatory Projects

Tel: 519-436-5457  
Fax: 519-436-4641  
Email: [bwachsmuth@duke-energy.com](mailto:bwachsmuth@duke-energy.com)

DATED at Toronto, November 2, 2006

ONTARIO ENERGY BOARD

*Original signed by*

Peter O'Dell  
Assistant Board Secretary

**Appendix “A”**

**EB-2006-0251**

**Application and Survey**

## **Schedule 4**

### **Owner**

Caradoc Sands Golf Course Ltd.

Part Lots 13 and 14, Concession 9, Geographic Township of Caradoc  
Township of Strathroy-Caradoc, County of Middlesex

### **Easement Rights Required by Expropriation**

Permanent Easement rights required through Parts 1, 2, 3 and 4  
Monteith and Sutherland Plan File No. F-5527-12(E)

Temporary Easement rights required through Parts 5 to 16, both inclusive  
Monteith and Sutherland Plan File No. F-5527-12(E)

### **Land Registry Office Parcel Reference**

PIN Parcels 08529-0104 and 08529-0106

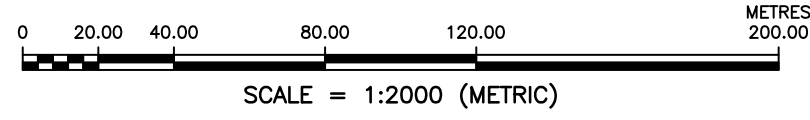
### **Encumbrances**

Business Development Bank of Canada  
Charges by Instrument Nos. ER137803, ER, 222603 and ER255050 (amending ER222603)

Address for Service: 380 Wellington Street, London, ON N6A 5B5

Plan of Survey of:

PART OF LOTS 13 AND 14  
CONCESSION 9  
GEOGRAPHIC TOWNSHIP OF CARADOC  
TOWNSHIP OF STRATHROY-CARADOC  
COUNTY OF MIDDLESEX  
MONTEITH & SUTHERLAND LIMITED



Bearing Note:

BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM MINISTRY OF NATURAL RESOURCES CONTROL MONUMENTS 01019820501 (N 4761334.258 E 458970.367) 00819860215 (N 4761048.546 E 461390.810) BASED ON THE ONTARIO UNIVERSAL TRANSVERSE MERCATOR COORDINATE SYSTEM (NAD83 ADJUSTMENT BEING IN ZONE 17 AND HAVING A CENTRAL MERIDIAN OF 81° WEST DISTANCES SHOWN ON THIS PLAN ARE GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID LEVEL DISTANCES BY MULTIPLYING BY A COMBINED SCALE FACTOR OF 0.99959.

Notes:

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET AND MARKED MS
- 58 DENOTES 25mm x 25mm x 1.22m STANDARD IRON BAR
- 58B DENOTES 25mm x 25mm x 0.61m SHORT STANDARD IRON BAR
- # DENOTES 16mm x 16mm x 0.61m IRON BAR
- # DENOTES 19mm diameter x 0.61m ROUND IRON BAR
- WT DENOTES WITNESS
- (MS) DENOTES MONTEITH & SUTHERLAND LTD., O.L.S.
- (LMS) DENOTES ARCHIBOLD, GRAY & MCKAY, O.L.S.
- (338) DENOTES J. C. MCLEAREN, O.L.S.
- (1217) DENOTES H. PULLER, O.L.S.
- P1 DENOTES PLAN 34R 1979
- P2 DENOTES PLAN 34R 2133
- P3 DENOTES PLAN 34R 2028
- P4 DENOTES PLAN 34R 2088

Co-ordinate Schedule:			
POINT	NORTHING	EASTING	
A	4754872.479	451112.131	
B	4755322.110	451851.834	

Surveyor's Certificate

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
  - THIS SURVEY WAS COMPLETED ON THE 5th DAY OF JUNE, 2006.

DATE \_\_\_\_\_  
MALCOLM R. ELMS  
ONTARIO LAND SURVEYOR  
MONTEITH & SUTHERLAND LIMITED



DEFINITION OF LIMITED ESTATE RIGHT OR INTEREST TAKEN

A RIGHT, LIBERTY AND EASEMENT IN PERPETUITY ON, OVER, ALONG, IN, UNDER AND THROUGH LAND SHOWN AS PARTS 1, 2, 3 AND 4 ON THE COPY OF A PLAN DATED THE \_\_\_\_ DAY OF \_\_\_\_ 2006 SIGNED BY MALCOLM R. ELMS, O.L.S. OF WHICH THIS DEFINITION FORMS PART, FOR ALL OR ANY OF THE PURPOSES OF INGRESS AND EGRESS BY UNION GAS LIMITED ("THE COMPANY"), ITS SUCCESSORS, AND ASSIGNS, ITS AND THEIR SERVANTS, WORKMEN, EMPLOYEES, AGENTS, CONTRACTORS AND SUBCONTRACTORS AND THOSE ENGAGED IN ITS AND THEIR BUSINESS, AT ANY TIME AND FROM TIME TO TIME EITHER ON FOOT AND/OR WITH VEHICLES, MACHINERY, SUPPLIES AND EQUIPMENT AND OF SURVEYING, LAYING, CONSTRUCTING, MAINTAINING, REPAIRING, PATROLLING, ALTERING, REMOVING, REPLACING, RECONSTRUCTING, REPAIRING, MOVING, KEEPING, USING AND OPERATING IN, THROUGH, ALONG AND UNDER SUCH LAND IN SUCH LOCATION OR LOCATIONS AS THE COMPANY MAY DECIDE. A BURIED PIPELINE FOR THE TRANSMISSION OF GAS TOGETHER WITH ALL SUCH BURIED ATTACHMENTS AND EQUIPMENT AND ATTACHMENTS OR APPLIANCES FOR PROTECTING SUCH LAND EXCEPT AS MAY BE NECESSARY FOR ANY OF THE PURPOSES AFORESAID AND EXCEPT (WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMPANY) AS TO ANY EXCAVATING, DRILLING, INSTALLING OR ERECTING THEREON OR THEREON INTERFERING WITH THE RIGHT, LIBERTY AND EASEMENT OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING LINES, DRAINS, DRAINAGE, RAINWATER, WATERS, PANS OR DOMESTIC, TILE DRAINS, DOMESTIC SEWER PIPES, DOMESTIC WATER PIPES AND DOMESTIC UTILITY PIPES AND FENCES IN AND ON SUCH LAND, WITHOUT INTERFERING WITH THE SAID PIPELINE, PROVIDED THAT PRIOR TO COMMENCING ANY SUCH INSTALLATION, CONSTRUCTION OR REPAIR, THE LANDOWNER SHALL (a) GIVE THE COMPANY AT LEAST FIVE (5) CLEAR DAYS NOTICE IN WRITING POINTING OUT THE WORK DESIRED SO AS TO ENABLE THE COMPANY TO HAVE A REPRESENTATIVE INSPECT THE SITE AND/OR BE PRESENT AT THE TIME OR TIMES DURING THE PERFORMANCE OF THE WORK, (b) FOLLOW THE INSTRUCTIONS OF SUCH REPRESENTATIVE AS TO THE PERFORMANCE OF SUCH WORK WITHOUT DAMAGE TO THE SAID PIPELINE AND (c) EXERCISE A HIGH DEGREE OF CARE IN CARRYING OUT ANY SUCH WORK.

PARTS 1, 2, 3 AND 4 SHOW LAND REQUIRED BY UNION GAS LIMITED IN ACCORDANCE WITH THE ONTARIO ENERGY BOARD ACT, 1998, S.O. 1998, c.19 PURSUANT TO ORDER OF THE ONTARIO ENERGY BOARD NO. R.S.O. 1990, c.28, WHICH WAS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF MIDDLESEX (No. 33) AS INSTRUMENT NO. \_\_\_\_.

ONLY A LIMITED ESTATE RIGHT OR INTEREST IS TAKEN IN THE LAND AS PER THE ABOVE DEFINITION WHICH FORMS PART OF THIS PLAN.

UNION GAS LIMITED

DEFINITION OF LIMITED ESTATE RIGHT OR INTEREST TAKEN AND OF THE LIMITED PERIOD OF TIME DURING WHICH SAME IS TAKEN

A TEMPORARY RIGHT, LIBERTY AND EASEMENT TO, ON, OVER, ALONG, IN, UNDER AND THROUGH LAND SHOWN AS PARTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 16 ON THE COPY OF A PLAN DATED THE \_\_\_\_ DAY OF \_\_\_\_ 2006, SIGNED BY MALCOLM R. ELMS, O.L.S. OF WHICH THIS DEFINITION FORMS PART, FOR ALL OR ANY OF THE PURPOSES OF INGRESS AND EGRESS BY UNION GAS LIMITED ("THE COMPANY"), ITS SUCCESSORS, AND ASSIGNS, ITS AND THEIR SERVANTS, WORKMEN, EMPLOYEES, AGENTS, CONTRACTORS AND SUBCONTRACTORS AND THOSE ENGAGED IN ITS AND THEIR BUSINESS, AT ANY TIME AND FROM TIME TO TIME EITHER ON FOOT AND/OR WITH VEHICLES, MACHINERY, SUPPLIES AND EQUIPMENT AND OF SURVEYING AND OCCUPYING SUCH LAND FOR SURVEYING AND FOR THE PLACING, STORAGE AND REMOVAL OF EARTH, DIRT, FILL, STONE, COBBLES, OF ALL KINDS, PIPE, SUPPLIES, EQUIPMENT, VEHICLES AND MACHINERY AND OF MOVEMENT OF VEHICLES, MACHINERY AND EQUIPMENT OF ALL KINDS, AS NECESSARY OR INDICATED BY THE COMPANY FOR CONSTRUCTION WORK BEING OR TO BE PERFORMED BY OR ON BEHALF OF THE COMPANY UPON ANOTHER EASEMENT OR UPON OTHER LANDS ADJACENT TO SUCH LAND, INCLUDING THE RIGHT TO MAKE TEMPORARY OPENINGS IN OR THROUGH SUCH LAND AND OTHERWISE TO REMOVE ANY OBJECT THEREON OR THEREON INTERFERING WITH THE FREE AND FULL ENJOYMENT OF THE AFORESAID RIGHT, LIBERTY AND EASEMENT HEREBY TAKEN, BUT EXPRESSLY EXCLUDING THE RIGHT TO FENCE IN ALL OR ANY PART OF SUCH LAND EXCEPT TO RESTORE ANY FENCE INTERFERED WITH SUBJECT TO THE AFORESAID PURPOSES AND RIGHTS RESERVING TO THE LANDOWNER FROM TIME TO TIME OR PERSON TO PERSONS ENTITLED THEREO, THE RIGHT TO FULLY USE, OCCUPY AND ENJOY SUCH LAND EXCEPT AS MAY BE NECESSARY FOR ANY OF THE PURPOSES AFORESAID AND EXCEPT (WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMPANY) AS TO ANY EXCAVATING, DRILLING, INSTALLING, OR ERECTING THEREON OR THEREON OF ANY PIT, WELL, FOUNDATION, PAVEMENT, BUILDING OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING PANS OR DOMESTIC TILE DRAINS, DOMESTIC SEWER, WATER AND UTILITY PIPES AND FENCES IN AND ON SUCH LAND, WITHOUT INTERFERING WITH THE RIGHT, LIBERTY AND EASEMENT TAKEN HEREIN.

PARTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 AND 16 SHOWS LAND REQUIRED BY UNION GAS LIMITED IN ACCORDANCE WITH THE ONTARIO ENERGY BOARD ACT, 1998, S.O. 1998, c.19 PURSUANT TO ORDER OF THE ONTARIO ENERGY BOARD NO. R.S.O. 1990, c.28, WHICH WAS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF MIDDLESEX (No. 33) AS INSTRUMENT NO. \_\_\_\_.

ONLY A LIMITED ESTATE RIGHT OR INTEREST IS TAKEN IN THE LAND AS PER THE ABOVE DEFINITION WHICH FORMS PART OF THIS PLAN.

UNION GAS LIMITED

PLAN

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF MIDDLESEX (No.33) AT \_\_\_\_ O'CLOCK ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2006, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER NUMBER \_\_\_\_\_.

LAND REGISTRAR

Parts Schedule					
PART	LOT	CONCESSION	P.L.N.	INST. NO.	AREA
1	PART OF 13	9	08529-0104	ER136926	0.2998 ha
2	PART OF 13	9	08529-0104	ER136926	0.1769 ha
3	PART OF 13 & 14	9	08529-0106	ER136927	1.1408 ha
4	PART OF 13 & 14	9	08529-0106	ER136927	0.9880 ha
5	PART OF 13	9	08529-0104	ER136926	0.0288 ha
6	PART OF 13	9	08529-0104	ER136926	0.0039 ha
7	PART OF 13	9	08529-0104	ER136926	0.0204 ha
8	PART OF 13	9	08529-0104	ER136926	0.0069 ha
9	PART OF 13	9	08529-0104	ER136926	0.0323 ha
10	PART OF 13	9	08529-0104	ER136926	0.0014 ha
11	PART OF 13	9	08529-0104	ER136926	0.0255 ha
12	PART OF 13	9	08529-0104	ER136926	0.1484 ha
13	PART OF 13	9	08529-0104	ER136926	0.0518 ha
14	PART OF 13 & 14	9	08529-0106	ER136927	0.0694 ha
15	PART OF 13 & 14	9	08529-0106	ER136927	0.5269 ha
16	PART OF 13 & 14	9	08529-0106	ER136927	0.1642 ha

- \* PARTS 1, 2, 5, 6, 7, 8, 9, 10, 11, 12 AND 13 COMPRISE PART OF P.L.N. NO. 08529-0104
- \* PARTS 3, 4, 14, 15, AND 16 COMPRISE PART OF P.L.N. NO. 08529-0106
- \* PARTS 1, 2, 5, 6, 7, 11, 12, 13, 14 AND 15 SUBJECT TO EASEMENT, INST. NO. MW10685
- \* PARTS 7, 8, 9, 12, 13, 15 AND 16 SUBJECT TO EASEMENT, INST. NO. 36326, 36327, 36328

Distances shown on this plan are in metres and can be converted to feet by dividing by 0.3048.

**Monteith & Sutherland LIMITED**

453 N. Christina Street  
Sarnia, Ontario N7T 5W3  
Tel: (519) 336-1071  
Fax: (519) 336-6539  
Web Site: www.msurvey.com

OWNED BY: M.R.E. FILE NO.: M-59  
CHECKED BY: M.R.E. PLAN FILE NO.: E-5527-12(E)  
DATE: 2006/06/05  
DATE: 2006/06/05