



**EB-2006-0249**

**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 R. M. Gerhold and C. M. Kohlsmith. Union is now seeking the approval of the Board to expropriate permanent and temporary working easement rights on the land of R. M. Gerhold and C. M. Kohlsmith 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-2006-0249**

**Application and Survey**

## **Schedule 2**

### **Owner**

Raymond Mathew Gerhold and Catherine Marie Kohlsmith, as joint tenants

Part Lot 12, 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-5527-8(E)

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

PIN Parcel 08529-0092 and 08529-0093

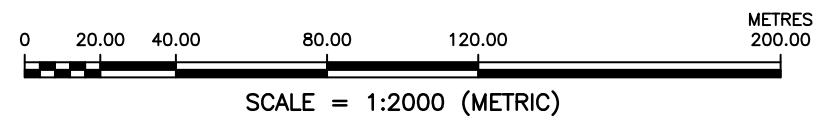
### **Encumbrances**

St. Willibrord Community Credit Union Ltd.  
Charge by Instrument No. LT408897

Address for Service: 167 Central Avenue, London, Ontario N6A 1M6

Plan of Survey of:

PART OF LOT 12  
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  
01019920501 (N 4761394.258, E 456970.367)  
00819680215 (N 4761049.546, E 461390.810)  
BASED ON THE ONTARIO 6" 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:**

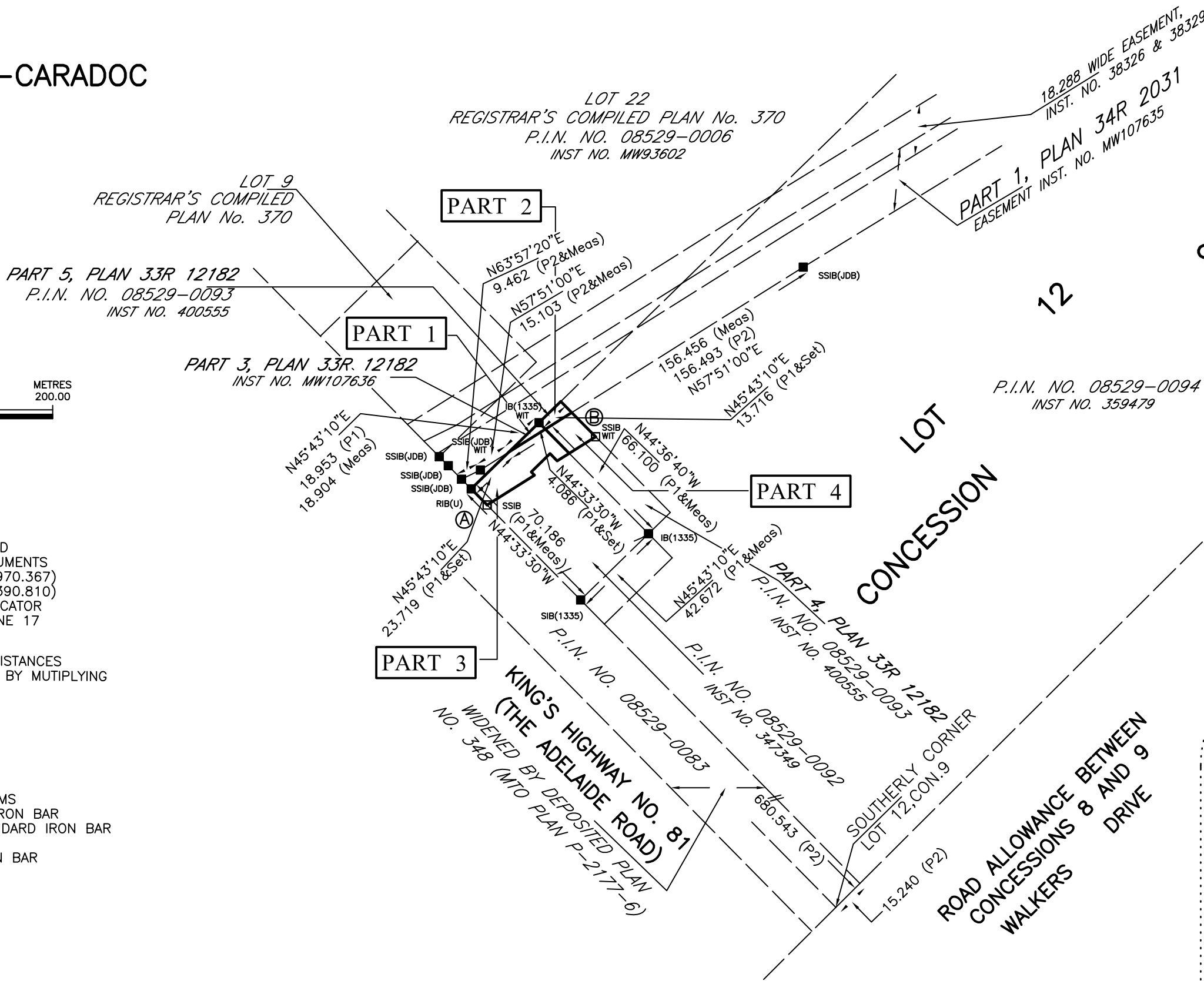
- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET AND MARKED MS
- SIB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
- SSIB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
- IB DENOTES 16mm X 16mm X 0.61m IRON BAR
- IB # DENOTES 19mm diameter X 0.61m ROUND IRON BAR
- WIT DENOTES WITNESS
- (MS) DENOTES MONTEITH & SUTHERLAND LTD., O.L.S.
- (AGM) DENOTES ARCHIBALD, GRAY & MCKAY, O.L.S.
- (1335) DENOTES I. C. MCLAREN, O.L.S.
- (409) DENOTES J. D. BARNES LTD., O.L.S.
- P1 DENOTES PLAN 33R 12182.
- P2 DENOTES EXPROPRIATION PLAN NO. 853
- (1217) DENOTES H.PILLER, O.L.S.

**Surveyor's Certificate**

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY'S 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

TOWNSHIP OF STRATHROY – CARADOC



Co-ordinate Schedule:		
POINT	NORTHING	EASTING
A	4754545.241	450585.400
B	4754575.934	450634.232

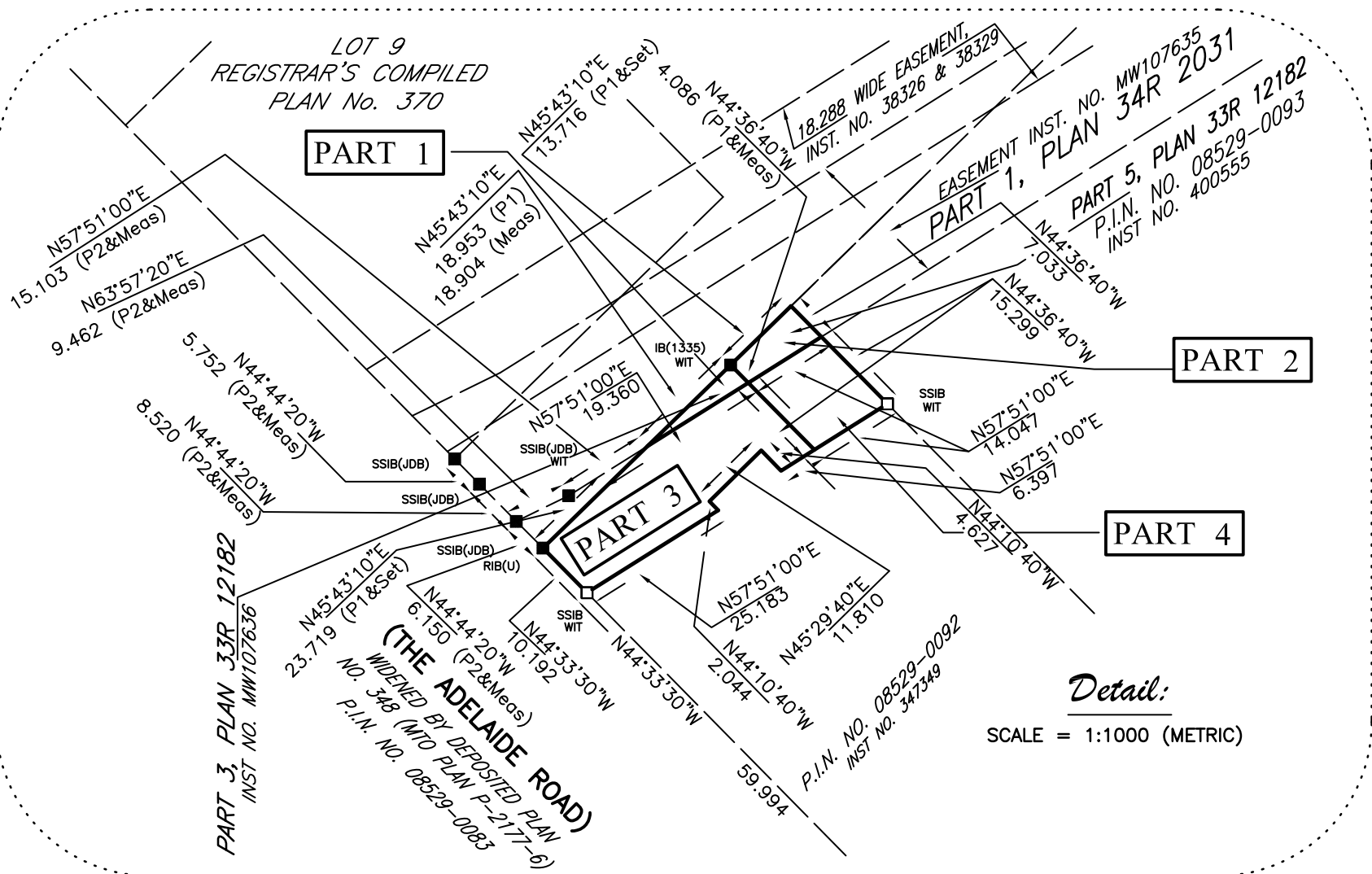
DEFINITION OF LIMITED ESTATE RIGHT OR INTEREST TAKEN

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. OR 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, INSPECTING, 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 CATHODIC PROTECTION WHICH THE COMPANY MAY DEEM NECESSARY OR CONVENIENT THERETO) INCLUDING THE RIGHT ALONG SUCH LAND TO LEAVE EXPOSED ANY PIPELINE WITH ITS SAID APPURTENANCES IN CROSSING A DITCH, STREAM, GORGE OR SIMILAR OBJECT WHERE APPROVAL THERETO HAS BEEN OBTAINED FROM THE APPROPRIATE PROVINCIAL AUTHORITY HAVING JURISDICTION IN SUCH MATTERS AND INCLUDING THE RIGHT TO MAKE TEMPORARY OPENINGS IN ANY FENCE OR TILE DRAIN ALONG OR ACROSS SUCH LAND FOR THE PURPOSES AFORESAID, AND THE RIGHT TO REMOVE ANY OTHER OBJECT AT ANY TIME IN OR ON SUCH LAND WHICH MIGHT INTERFERE WITH THE FREE AND FULL ENJOYMENT OF THE 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 OR PERSONS ENTITLED THERETO, 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 THEREIN OR THEREON OF ANY PIT, WELL, FOUNDATION, PAVEMENT, BUILDING OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING LANES, ROADS, DRIVEWAYS, PATHWAYS, WALKS, FARM 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.15 PURSUANT TO ORDER OF THE ONTARIO ENERGY BOARD No. \_\_\_\_\_ DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2006, AND THE EXPROPRIATIONS ACT, R.S.O. 1990, c.E.26, 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.I.N. NO.	INST. NO.	AREA
1	PART OF 12	9	08529-0092	LT347349	0.0039 ha
2	PART OF 12	9	08529-0093	LT400555	0.0076 ha
3	PART OF 12	9	08529-0092	LT347349	0.0552 ha
3	PART OF 12	9	08529-0093	LT400555	0.0210 ha

- \* PARTS 1 AND 2 COMPRISE PART OF P.I.N. NO. 08529-0092
- \* PARTS 3 AND 4 COMPRISE PART OF P.I.N. NO. 08529-0093
- \* PART 1 SUBJECT TO EASEMENT, INST. NO. MW107636
- \* PART 2 SUBJECT TO EASEMENT, INST. NO. MW107635

**Metric** 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.mssurvey.com

Ontario Land Surveyors • Professional Engineers • Aerial Surveying • Mapping

DRAWN BY: L.M.W./E.A.G.

FILE NO.: MI-99

CHECKED BY: M.R.E.

CAD DATE: 12/OCT/2006 10:24AM

PLAN FILE NO.: F-5527-8(E)

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