



EB-2006-0248

**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 Mostrey Farms Limited. Union is now seeking the approval of the Board to expropriate permanent and temporary working easement rights on the land of Mostrey Farms Limited 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 or from the frequently asked questions (FAQ) section of the Board's web site at 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

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

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

DATED at Toronto, November 2, 2006

ONTARIO ENERGY BOARD

Original signed by

Peter O'Dell
Assistant Board Secretary

Appendix “A”

EB-2006-0248

Application and Survey

Schedule 1

Owner

Mostrey Farms Limited
Part Lot 26, Registrar's Compiled Plan No. 389, Geographic Township of Caradoc
Township of Strathroy-Caradoc, County of Middlesex

Easement Rights Required by Expropriation

Permanent Easement rights required through Parts 1, 2 and 22
Monteith and Sutherland Plan File No. F-5527-3(E)

Temporary Easement rights required through Parts 3 to 21, both inclusive and 23 to 30, both
inclusive
Monteith and Sutherland Plan File No. F-5527-3(E)

Land Registry Office Parcel Reference

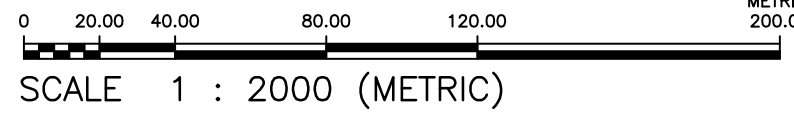
PIN Parcel 08530-0121(LT)

Encumbrances

Nil

Plan of Survey of:

PART OF LOT 26
REGISTRAR'S COMPILED PLAN No. 389
GEOGRAPHIC TOWNSHIP OF CARADOC
TOWNSHIP OF STRATHROY-CARADOC
COUNTY OF MIDDLESEX
MONTEITH & SUTHERLAND LIMITED



Bearing Reference:

BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM MINISTRY OF NATURAL RESOURCES CONTROL MONUMENTS (0101802001) (N 4761394.256 E 456970.307) (0818882015 (N 4761049.546 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 0.99995.

Notes

- SB DENOTES 1" x 1" x 4'-0" STANDARD IRON BAR
- SMB DENOTES 1" x 1" x 2'-0" SHORT STANDARD IRON BAR
- SB DENOTES 5/8" x 5/8" x 2'-0" IRON BAR
- SB DENOTES 3/4" diameter x 2'-0" ROUND IRON BAR
- SB DENOTES SURVEY MONUMENT FOUND
- SB DENOTES SURVEY MONUMENT SET AND MARKED MS
- SB DENOTES WITNESS
- (SB) DENOTES J.D. BARNES LTD., O.L.S.
- (SB) DENOTES ORIGIN UNKNOWN
- (SB) DENOTES PLAN 348 2016
- (SB) DENOTES PLAN 338 12114

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

Co-ordinate Schedule:

POINT	NORTHING	EASTING
A	4754171.627	449639.035
B	4754505.642	450502.398

Metric

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

REGISTRAR'S COMPILED PLAN NO. 389
TOWNSHIP OF STRATHROY-CARADOC

Detail 'D':

SCALE 1 : 1000 (METRIC)

DEFINITION OF LIMITED ESTATE RIGHT OR INTEREST TAKEN

RIGHT, LIBERTY AND EASEMENT IN PERPETUITY ON, OVER, ALONG, IN, UNDER AND THROUGH LAND SHOWN AS PARTS 1, 2 AND 22 ON THE COPY OF A PLAN DATED THE 5th 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 CATHODIC PROTECTION WHICH THE COMPANY MAY DEEM NECESSARY OR CONVENIENT THEREFOR INCLUDING THE RIGHT ALONG SUCH LAND TO LEAVE EXPOSED ANY PIPELINE WITH ITS SAID APPURTENANCES IN CROSSING A FENCE, STREAM, CREEK OR SIMILAR OBSTACLE WHERE APPROVAL THEREOF 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 FENCE ALONG OR OBJECT AT ANY TIME AND IN ANY MANNER WHICH MIGHT INTERFERE WITH THE FREE AND FULL EXERCISE 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 ABOVE 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 THEREON OR THEREOF OF ANY PIT, WELL, FOUNDATION, STRUCTURE, BUILDING OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING LINES, ROADS, OPENWAYS, PATHWAYS, WINDS, FARM OR DOMESTIC, TILE DRAINS, DOMESTIC SEWER PIPES, DOMESTIC WATER PIPES AND DOMESTIC UTILITY PIPES AND TRENCHES IN AND ON SUCH LAND, WITHOUT INTERFERING WITH THE SAID PURPOSES, 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 BEING DONE AS TO ENABLE THE COMPANY TO HAVE A REPRESENTATIVE INSPECT THE SITE AND/OR BE PRESENT AS TO ENABLE THE COMPANY TO HAVE A REPRESENTATIVE INSPECT 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 AND 22 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 IN DATED THE 5th DAY OF 2006 AND THE EXPROPRIATIONS ACT, R.S.O. 1990, c.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

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, IN, UNDER AND THROUGH LAND SHOWN AS PARTS 3 TO 21 AND 23 TO 27 ON THE COPY OF A PLAN DATED THE 5th 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 CATHODIC PROTECTION WHICH THE COMPANY MAY DEEM NECESSARY OR CONVENIENT THEREFOR INCLUDING THE RIGHT ALONG SUCH LAND TO LEAVE EXPOSED ANY PIPELINE WITH ITS SAID APPURTENANCES IN CROSSING A FENCE, STREAM, CREEK OR SIMILAR OBSTACLE WHERE APPROVAL THEREOF 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 FENCE ALONG OR OBJECT AT ANY TIME AND IN ANY MANNER WHICH MIGHT INTERFERE WITH THE FREE AND FULL EXERCISE 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 ABOVE 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 THEREON OR THEREOF OF ANY PIT, WELL, FOUNDATION, STRUCTURE, BUILDING OR OTHER STRUCTURE OR INSTALLATION APART FROM INSTALLING, CONSTRUCTING, REPAIRING, KEEPING, USING AND OPERATING FARM OR DOMESTIC, TILE DRAINS, DOMESTIC SEWER PIPES, DOMESTIC WATER PIPES AND DOMESTIC UTILITY PIPES AND TRENCHES IN AND ON SUCH LAND, WITHOUT INTERFERING WITH THE SAID PURPOSES, 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 BEING DONE AS TO ENABLE THE COMPANY TO HAVE A REPRESENTATIVE INSPECT THE SITE AND/OR BE PRESENT AS TO ENABLE THE COMPANY TO HAVE A REPRESENTATIVE INSPECT 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 3 TO 21 AND 23 TO 27 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 IN DATED THE 5th DAY OF 2006 AND THE EXPROPRIATIONS ACT, R.S.O. 1990, c.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	R.C.P.	P.L.N. NO.	INST. NO.	AREA
1	PART OF 26	389	08530-0121	W033155	0.5601 Ha
2	PART OF 26	389	08530-0121	W033155	1.6676 Ha
3	PART OF 26	389	08530-0121	W050912	0.2920 Ha
4	PART OF 26	389	08530-0121	W050912	0.3000 Ha
5	PART OF 26	389	08530-0121	W033155	0.1752 Ha
6	PART OF 26	389	08530-0121	W033155	0.0533 Ha
7	PART OF 26	389	08530-0121	W033155	0.0245 Ha
8	PART OF 26	389	08530-0121	W033155	0.0416 Ha
9	PART OF 26	389	08530-0121	W033155	0.1636 Ha
10	PART OF 26	389	08530-0121	W033155	0.0179 Ha
11	PART OF 26	389	08530-0121	W050912	0.0126 Ha
12	PART OF 26	389	08530-0121	W050912	0.0623 Ha
13	PART OF 26	389	08530-0121	W050912	0.0210 Ha
14	PART OF 26	389	08530-0121	W050912	0.0152 Ha
15	PART OF 26	389	08530-0121	W050912	0.0121 Ha
16	PART OF 26	389	08530-0121	W050912	0.0029 Ha
17	PART OF 26	389	08530-0121	W050912	0.0236 Ha
18	PART OF 26	389	08530-0121	W050912	0.0002 Ha
19	PART OF 26	389	08530-0121	W050912	0.0127 Ha
20	PART OF 26	389	08530-0121	W050912	0.1209 Ha
21	PART OF 26	389	08530-0121	W050912	0.0742 Ha
22	PART OF 26	389	08530-0121	W050912	0.0777 Ha
23	PART OF 26	389	08530-0121	W050912	0.1017 Ha
24	PART OF 26	389	08530-0121	W050912	0.0467 Ha
25	PART OF 26	389	08530-0121	W050912	0.0053 Ha
26	PART OF 26	389	08530-0121	W050912	0.0685 Ha
27	PART OF 26	389	08530-0121	W050912	0.0550 Ha
28	PART OF 26	389	08530-0121	W050912	0.0041 Ha
29	PART OF 26	389	08530-0121	W033155	0.0184 Ha
30	PART OF 26	389	08530-0121	W033155	0.1200 Ha

- PARTS 1 TO 30 COMPRISE PART OF P.L.N. NO. 08530-0121
- PARTS 1, 5, 6, 9, 12 TO 15, 20, 21, 22, 26, 27 AND 29 ARE SUBJECT TO EASEMENT, INST. NO. W0107305
- PARTS 6 TO 9, 14 TO 17, 19, 20, 23 TO 26, 28 AND 29 ARE SUBJECT TO EASEMENT, INST. NO. W003528

Monteith & Sutherland LIMITED

Ontario Land Surveyors • Professional Engineers • Aerial Surveying • Mapping

DRAWN BY: L.M.E. CHECKED BY: M.E.E. FILE NO: MI-99(A) PLAN FILE NO: F-5627-3(E) CAD DATE: 12/07/2006 1:00PM CAD FILE NO: F:\2006\DRAWING\MIDDLESEX\W-389A\F-5627-3(E).DWG

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