

Jonathan Myers  
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P. 416.865.7532

October 27, 2014

**COURIER**

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

Attention: Ms. K. Walli, Board Secretary

Dear Ms. Walli:

**Re: Union Gas Limited - Application for Authority to Expropriate**

We are counsel to Union Gas Limited ("Union"). On behalf of Union, we are hereby filing an application, pursuant to section 99 of the *Ontario Energy Board Act*, for authority to expropriate certain interests in lands required for the construction of a natural gas pipeline in the City of Hamilton, Ontario (the "Application").

We have enclosed two copies of the public version of the Application, together with a CD-ROM containing a copy of the complete public version of the Application. The public version of the Application has been redacted in accordance with the Board's *Practice Direction on Confidential Filings* due to the presence in the Application of personal information relating to persons who are not parties to the proceeding. We have also enclosed in a sealed envelope two copies of the non-redacted, confidential page from the Application, together with a CD-ROM containing a copy of the complete confidential version of the Application.

Yours truly,



Jonathan Myers

Tel 416.865.7532  
jmyers@torys.com

cc: Mr. M. Murray, Union Gas  
Mr. C. Smith, Torys LLP

**ONTARIO ENERGY BOARD**

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B) as amended (the “**Act**”);

**AND IN THE MATTER OF** an application by Union Gas Limited (“**Union**”) for an Order pursuant to section 99(5) of the Act granting authority to expropriate certain interests in one property for the purposes of constructing, operating and maintaining a natural gas pipeline between Union’s existing Brantford Valve Site and the Kirkwall Custody Transfer Station.

**APPLICATION**

**UNION GAS LIMITED**

October 27, 2014

## ONTARIO ENERGY BOARD

**IN THE MATTER OF** the *Ontario Energy Board Act, 1998*, S.O. 1998, c. 15 (Sched. B) as amended (the “**Act**”);

**AND IN THE MATTER OF** and application by Union Gas Limited (“**Union**”) for an Order pursuant to section 99(5) of the Act granting authority to expropriate certain interests in one property for the purposes of constructing, operating and maintaining a natural gas pipeline between Union’s existing Brantford Valve Site and the Kirkwall Custody Transfer Station.

### APPLICATION

1. Union Gas Limited (“**Union**”) is incorporated under the laws of the Province of Ontario and has its head office in the Municipality of Chatham-Kent. Union carries out both an integrated natural gas utility business that combines the operations of distributing, transmitting and storing natural gas, and a non-utility storage business.
2. Union hereby applies to the Ontario Energy Board (the “**Board**”) pursuant to Section 99(1) of the *Ontario Energy Board Act, 1998* (the “**Act**”) for an order or orders under Section 99(5) of the Act granting authority to expropriate certain interests in land in the City of Hamilton, as more particularly described herein, for the purposes of constructing, operating and maintaining a natural gas pipeline as part of Union’s Brantford-Kirkwall/Parkway D Project.
3. The Brantford-Kirkwall/Parkway D Project includes the construction of 13.9 km of nominal pipe size (“**NPS**”) 48 pipeline to enhance capacity between the existing Brantford Valve Site and the Kirkwall Custody Transfer Station (the “**B-K Pipeline**”). The project will provide greater reliability of supply and allow for more gas to flow through Union’s main transmission system that feeds the Greater Toronto Area. The project also facilitates access to gas supplies from eastern U.S. sources so as to increase security and diversity of supply for Union’s in-franchise customers.

4. On April 2, 2013 Union applied to the Board, under section 90(1) of the Act, for leave to construct the Brantford-Kirkwall/Parkway D Project (EB-2013-0074). In its January 30, 2014 Decision and Order (the “**LTC Decision**”), the Board found the Brantford-Kirkwall/Parkway D Project, including in particular the B-K Pipeline, to be in the public interest. On this basis, the Board granted Union leave to construct the B-K Pipeline pursuant to sections 90 and 96(1) of the Act, subject to the conditions set out in Appendix E of the LTC Decision.
5. As explained in its leave to construct application, Union requires a total of approximately 36.18 hectares (89.40 acres) of permanent easements for the B-K Pipeline and approximately 25.58 hectares (63.21 acres) of temporary easements for construction and top soil storage purposes. Union’s preference is to acquire the necessary easements on a voluntary basis through negotiations with affected landowners. Through its efforts to date, Union has been successful in securing all of the permanent and temporary easements needed for the B-K Pipeline with the exception of a 1.2 hectare (2.97 acre) permanent easement and a 0.43 hectare (1.06 acre) temporary easement, both of which are situated on one property along the approved pipeline route.
6. Therefore, to enable Union to construct, operate and maintain the B-K Pipeline, Union requests that the Board make an order granting Union authority to expropriate (a) a permanent easement that is 28 meters wide and 428 meters long, and (b) a temporary easement that is 10 meters wide and 428 meters long, across a portion of one property in the City of Hamilton. The temporary easement would be situated immediately to the south of and along the length of the permanent easement and is required for construction related activities, including post-construction clean-up, over a period extending until December 31, 2017.
7. Union requests that copies of all documents filed with or issued by the Board in connection with this Application be served on the Applicant and its counsel, as follows:

(a) The Applicant:

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

Attention: Mr. Mark Murray  
Tel: 519-436-4601  
Fax: 519-436-4641  
Email: [mmurray@spectraenergy.com](mailto:mmurray@spectraenergy.com)

(b) The Applicant's Counsel:

Torys LLP  
Suite 3000, 79 Wellington St. W.  
Box 270, TD Centre  
Toronto, ON M5K 1N2

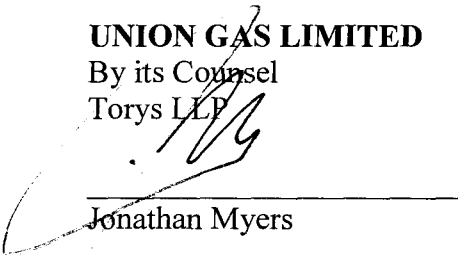
Attention: Mr. Jonathan Myers  
Tel: 416-865-7532  
Fax: 416-865-7380  
Email: [jmyers@torys.com](mailto:jmyers@torys.com)

Mr. Crawford Smith  
Tel: 416-865-8209  
Fax: 416-865-7380  
Email: [csmith@torys.com](mailto:csmith@torys.com)

8. The Applicant requests that the Board proceed by way of written hearing, pursuant to Section 34.01 of the Board's *Rules of Practice and Procedure*.

Dated at Toronto, Ontario, this 27th day of October, 2014.

**UNION GAS LIMITED**  
By its Counsel  
Torys LLP



Jonathan Myers

**PRE-FILED EVIDENCE**

**A. BACKGROUND**

**1. *Union Gas***

Union Gas Limited (“**Union**”) is incorporated under the laws of the Province of Ontario and has its head office in the Municipality of Chatham-Kent. Union carries out both an integrated natural gas utility business that combines the operations of distributing, transmitting and storing natural gas, and a non-utility storage business.

Union serves approximately 1.4 million customers in northern, eastern and southern Ontario through an integrated network of over 67,000 kilometres of natural gas pipelines. Union operates storage and transmission assets, including underground natural gas storage at the Dawn Hub and the Dawn-Parkway System, which connects the Dawn Hub to consuming markets in Ontario, Québec and the U.S. Northeast.

**2. *Union Gas’ System***

To provide context for this Application, it is helpful to understand where the property that is the subject of the proposed taking, and the works that are to be constructed on the subject property, fit into Union’s system.

Union divides its service territory into areas it refers to as Union North and Union South. A map of Union’s service territory and districts, as well as the Dawn-Parkway System is provided in **Appendix ‘A’**. Union South includes customers located west of Mississauga and south of Georgian Bay (Windsor/Chatham, London/Sarnia, Waterloo/Brantford and Hamilton/Halton Districts). The property in respect of which Union seeks authority to expropriate is situated in Union South, in the City of Hamilton.

In Union South, Union operates the Dawn-Parkway System, which is an integral part of the natural gas delivery system for Ontario, Québec and U.S. Northeast residents, businesses and industry. The Dawn-Parkway System transports natural gas between the Dawn Compressor

Station near Sarnia at the west end of Union South (“**Dawn**”) and the Parkway Compressor Station in Mississauga at the east end of Union South (“**Parkway**”).

The Dawn-Parkway System connects with other pipeline systems at three locations, including at Parkway, Dawn and the Kirkwall Custody Transfer Station. The Kirkwall Custody Transfer Station, which is located near Hamilton, connects to the TCPL Mainline, which in turn connects to two import/export points at the Ontario/New York border.

The proposed expropriation relates to lands that are needed for construction of a 13.9 km NPS 48 pipeline that runs west from the Kirkwall Custody Transfer Station to the Brantford Valve Site. This pipeline is the primary component of Union’s Brantford-Kirkwall/Parkway D Project.

## **B. The Brantford-Kirkwall/Parkway D Project**

### ***1. Purpose and Components***

As explained in its application for leave to construct the Brantford-Kirkwall/Parkway D Project, Union became aware in 2011 of interest in incremental demand for Dawn-Parkway transportation capacity and for transportation capacity downstream of Parkway for eastern markets to support:

- increased access to the liquid market, diverse natural gas supplies and premium storage facilities at the Dawn Hub;
- the continued shift from long haul transportation to short haul transportation; and
- growing demand in central, eastern and northern Ontario as well as Québec and the U.S. Northeast.

To meet this incremental demand, Union proposed to construct:

- 13.9 km of NPS 48 pipeline and associated valving facilities along the Brantford-Kirkwall section of the Dawn-Parkway System between the Brantford Valve Site and the

Kirkwall Custody Transfer Station (the “**B-K Pipeline**”), the route for which is shown in **Appendix ‘B’**<sup>1</sup>; and

- a new compressor and associated facilities at the proposed Parkway West Compressor Station (the “**Parkway D Compressor**”).

## **2. *The Leave to Construct Proceeding***

Union applied to the Board on April 2, 2013 for leave to construct the Brantford-Kirkwall Parkway D Project, including the B-K Pipeline pursuant to section 90(1) of the Act and the Parkway D Compressor pursuant to section 91 of the Act (EB-2013-0074).

In its January 30, 2014 Decision and Order in EB-2013-0074 (the “**LTC Decision**”),<sup>2</sup> the Board found the Brantford-Kirkwall/Parkway D Project, including the B-K Pipeline, to be in the public interest. On this basis, the Board granted Union leave to construct the Brantford-Kirkwall/Parkway D Project, including the B-K Pipeline and the Parkway West Compressor, pursuant to sections 90 and 96(1) of the Act, subject to the conditions set out in Appendix E of the LTC Decision.

Although the landowners that are the subject of the present application were served with notice of the leave to construct application in accordance with the Board’s requirements in EB-2013-0074, they did not participate or file any materials in the leave to construct proceeding.

## **D. PROJECT LAND REQUIREMENTS**

As explained in the Application at Exhibit A, Tab 1, Schedule 1, Union requires a total of approximately 36.18 hectares (89.40 acres) of permanent easements and approximately 25.58 hectares (63.21 acres) of temporary easements, for construction, clean-up and top soil storage purposes, for the B-K Pipeline.

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<sup>1</sup> The subject property can be found on page 9 of 10 in Appendix ‘B’. The top of the page is numbered “N061-F09”.

<sup>2</sup> The LTC Decision is available on the OEB Website at the following link:

[http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/424172/view/dec\\_order\\_Enbridge\\_Union\\_GTA-Parkway\\_20140130.PDF](http://www.rds.ontarioenergyboard.ca/webdrawer/webdrawer.dll/webdrawer/rec/424172/view/dec_order_Enbridge_Union_GTA-Parkway_20140130.PDF). Of particular relevance is Part 3 of the LTC Decision, beginning on p. 20.



To acquire the necessary permanent and temporary easements for the B-K Pipeline, Union's preference is to do so on a voluntary basis through negotiations with affected landowners. The starting point for those negotiations is Union's form of easement, which was approved by the Board in the LTC Decision pursuant to section 97 of the Act. Union commenced its easement negotiations with individual landowners in the spring of 2013. Through its efforts to date, Union has been successful in securing all of the permanent and temporary easements needed for the B-K Pipeline with the exception of those needed on the one property that is the subject of this Application.

With respect to the subject property, a Union representative first met with the landowners in mid-June 2013 to discuss Union's request for an easement. In advance of the meeting, through a search of title, Union became aware of several encumbrances on the property including a "No Dealings" Restriction Order from the Ontario Superior Court of Justice. In response to Union's inquiry as to how the restriction was to be handled, the landowners referred Union to their lawyer. Union's efforts to speak with the landowners' lawyer have been unsuccessful.

#### **E. LAND INTERESTS TO BE EXPROPRIATED**

A legal description of the land for which Union seeks authority to expropriate is provided in **Appendix 'C'**. The Applicant has conducted a search of title so as to accurately identify the current registered property owners and those parties who hold encumbrances on the property. The names of these persons and the nature of their interests are included in Appendix 'C'. A draft plan of expropriation for the subject property is provided in **Appendix 'D'**. In addition, an ortho-rectified aerial plan showing the subject property and the extent of the lands over which authority to expropriate the permanent and temporary easements is sought is provided in **Appendix 'E'**.

The interests in land for which Union seeks authority to expropriate consist of a 1.2 hectare (2.97 acre) permanent easement and a 0.43 hectare (1.06 acre) temporary easement on the subject property, which is situated along the approved pipeline route. The requested permanent easement is 28 meters wide and 428 meters long, and the requested temporary easement is 10

meters wide and 428 meters long. The temporary easement would be situated immediately to the south of, and along the entire length of the permanent easement and is necessary to allow for construction related activities over a period extending until December 31, 2017.

Notably, Union has two existing easements on the property. One of these easements has been in place since 1966 and supports Union's NPS 34 Trafalgar Line that traverses the property. The second easement has been in place since 1988 and supports Union's NPS 42 Trafalgar Line that traverses the property. The two existing easements and their corresponding pipelines run parallel to one another along a single infrastructure corridor across the property. The permanent easement that is now being requested, and the planned NPS 48 Trafalgar Line, will run alongside and to the immediate north of this existing infrastructure corridor. The requested temporary easement will be in the same location as the existing easements to allow for construction of the planned B-K Pipeline parallel to the existing pipelines.

#### **F. PUBLIC INTEREST**

In the LTC Decision, the Board concludes that Union's application for leave to construct the Brantford-Kirkwall/Parkway D Project, including the B-K Pipeline, is in the public interest.<sup>3</sup> The Board found that the project is part of a group of projects that will facilitate greater flows of mid-continent natural gas into Dawn for transportation to downstream markets and that the projected benefits of the projects stem from an enhanced diversity of supply, gas cost savings and enhanced liquidity at Dawn.<sup>4</sup>

Given that (a) the Brantford-Kirkwall/Parkway D Project is in the public interest pursuant to section 96(1) of the Act, (b) the benefits of the Brantford-Kirkwall/Parkway D Project cannot be realized unless the B-K Pipeline is completed and put into service, and (c) the B-K Pipeline cannot be completed or put into service without Union acquiring the necessary permanent and temporary easements on the subject property so as to permit construction and operation of the

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<sup>3</sup> LTC Decision, p. 1.

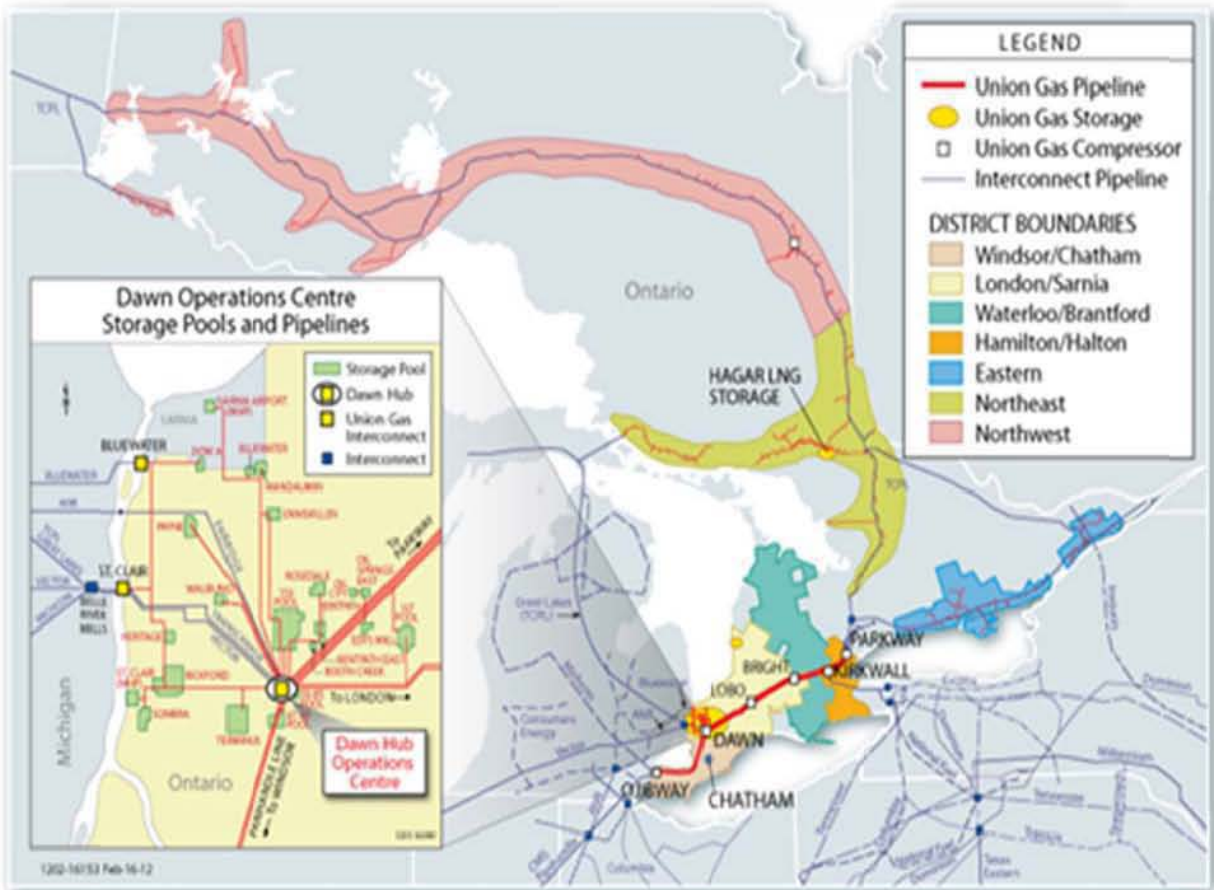
<sup>4</sup> LTC Decision, p. 22.

pipeline through that property that lies along the approved pipeline route, the proposed expropriations are in the public interest.

Moreover, the proposed expropriations would permit Union to install the B-K Pipeline alongside and immediately next to the two existing pipelines that traverse the subject property. The placement of the pipeline on this portion of the subject property, generally within and along the same infrastructure corridor as already exists on the site, is intended to minimize potential impacts on the landowner and the property. The proposed takings support and permit the broad public interest benefits of the Brantford-Kirkwall/Parkway D Project to be realized, while causing only minimal impacts to the property. Based on the foregoing, expropriation of the interests in land that are being requested by the Applicant is consistent with the public interest.

**APPENDIX 'A'**

**Map of Union's Service Territory and Districts**



**APPENDIX 'B'**

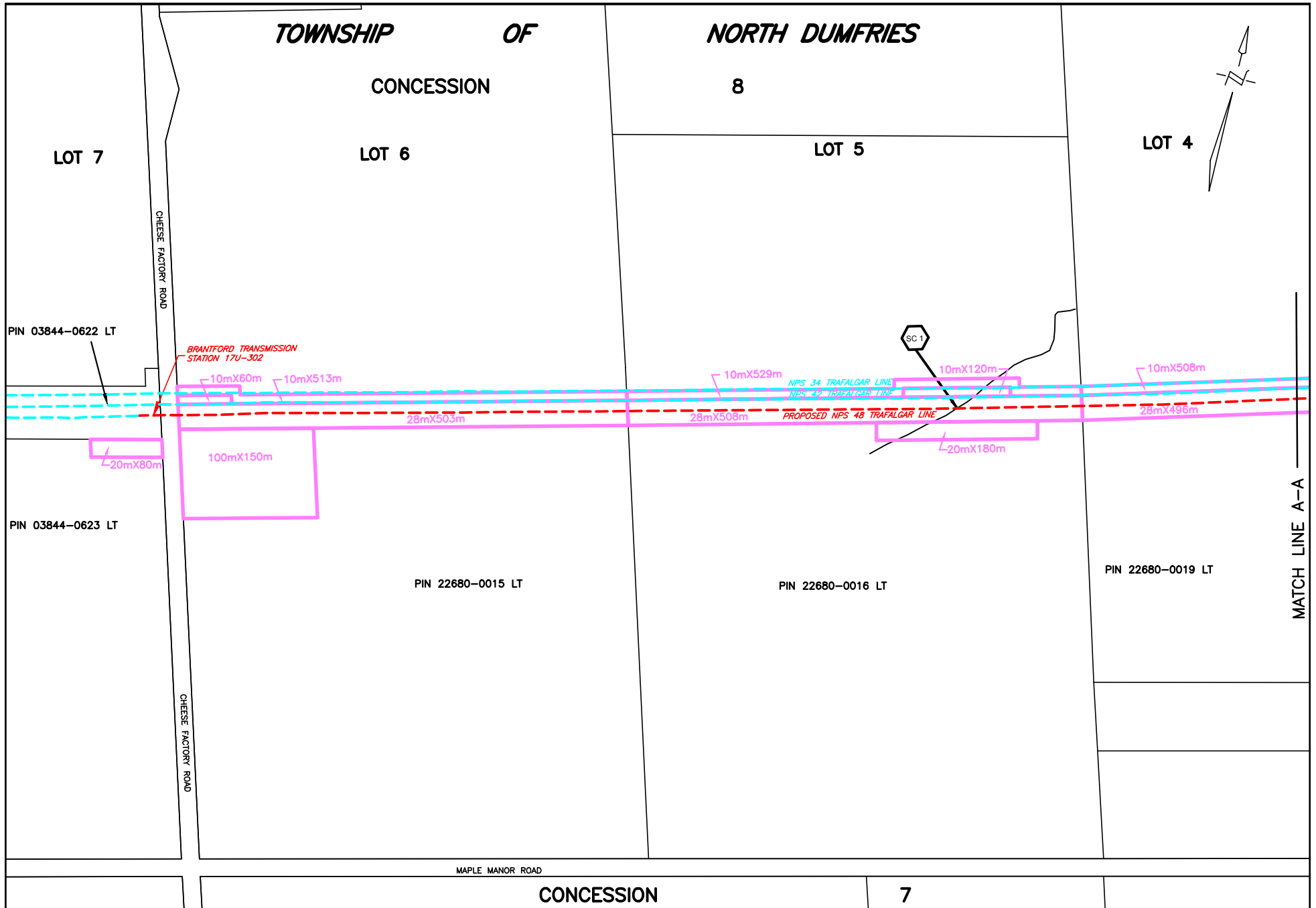
**Map of B-K Pipeline Route**



**uniongas**

A Spectra Energy Company

**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F01**

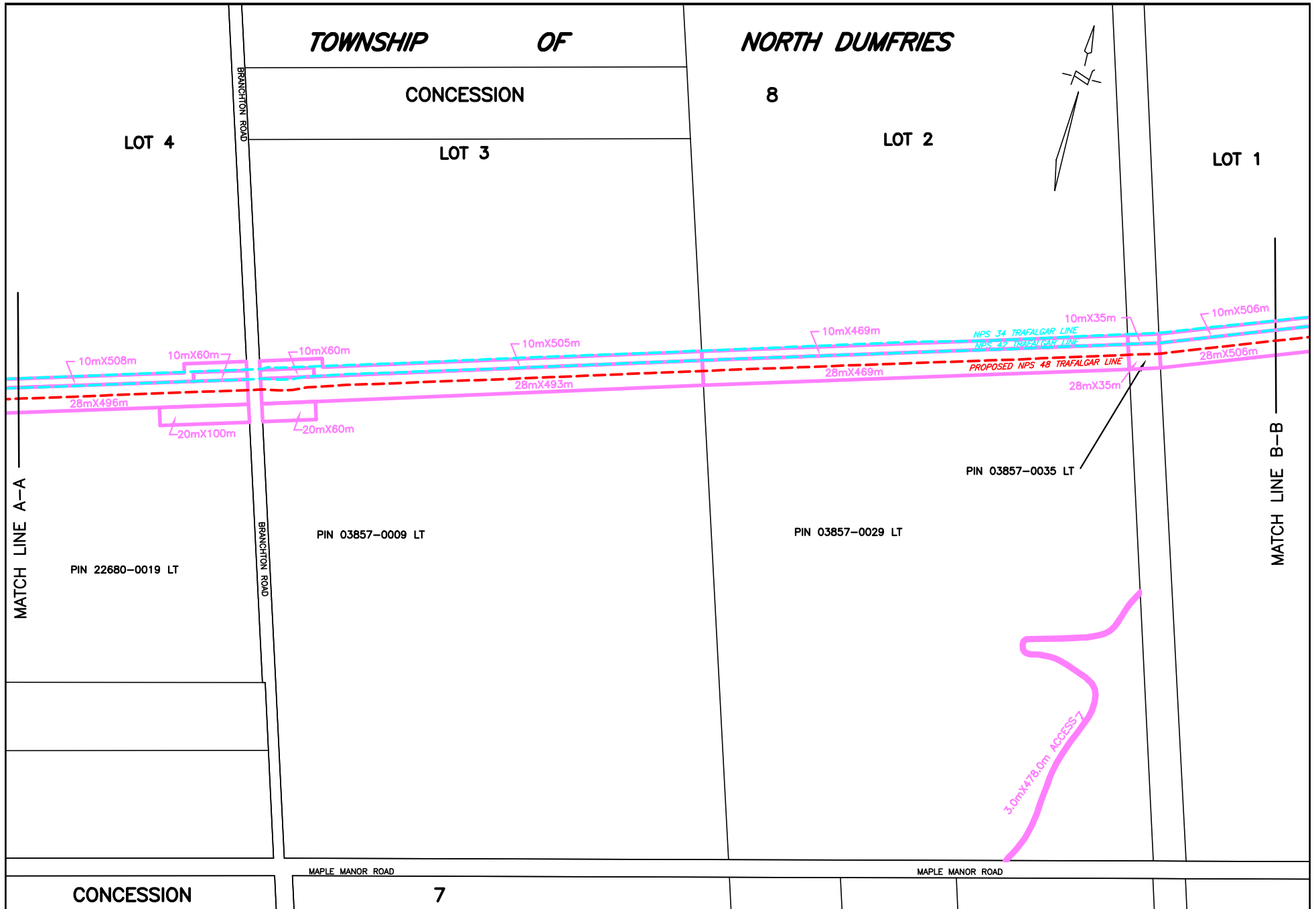




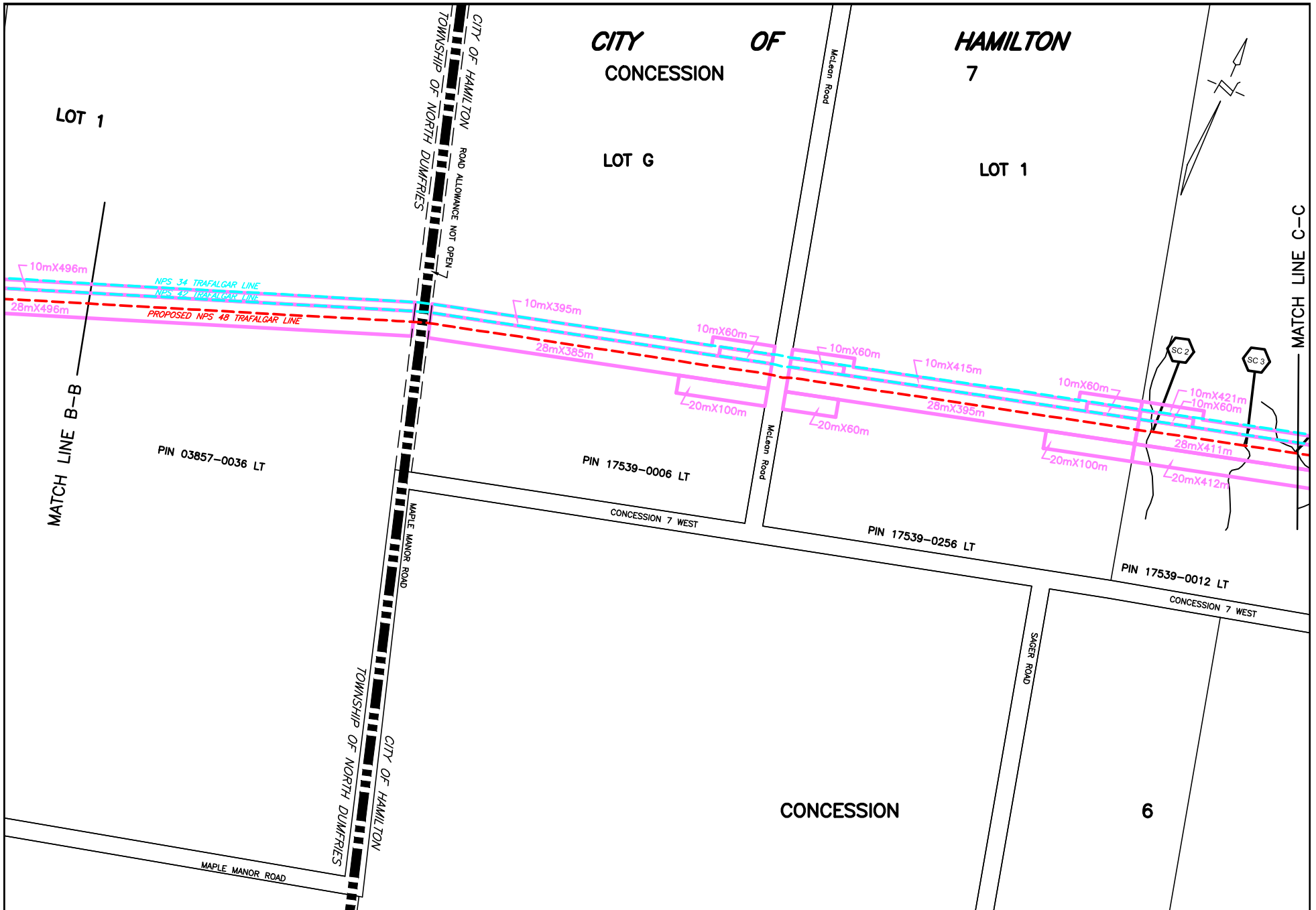
**uniongas**

A Spectra Energy Company

**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F02**





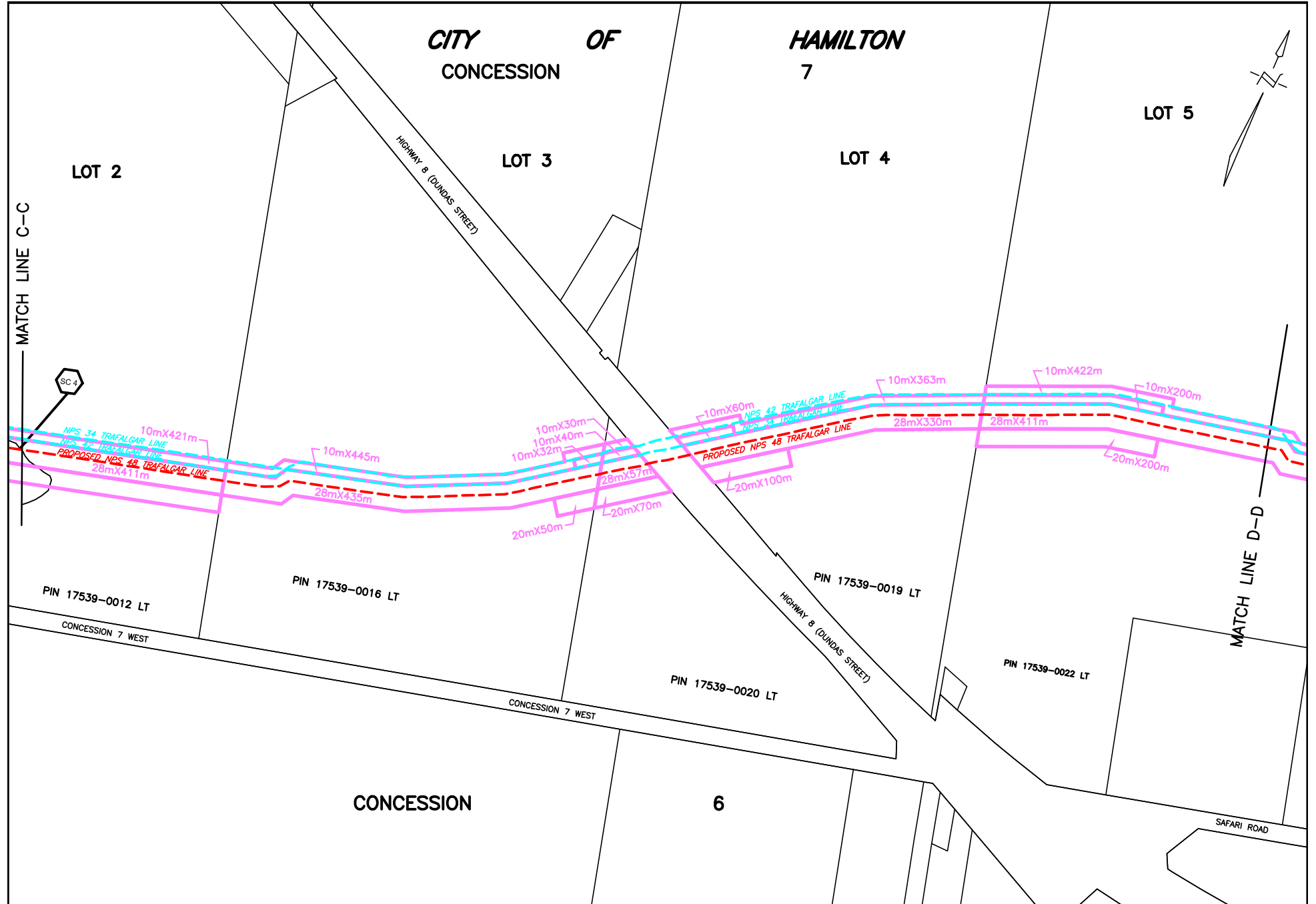




**uniongas**

A Spectra Energy Company

**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F04**

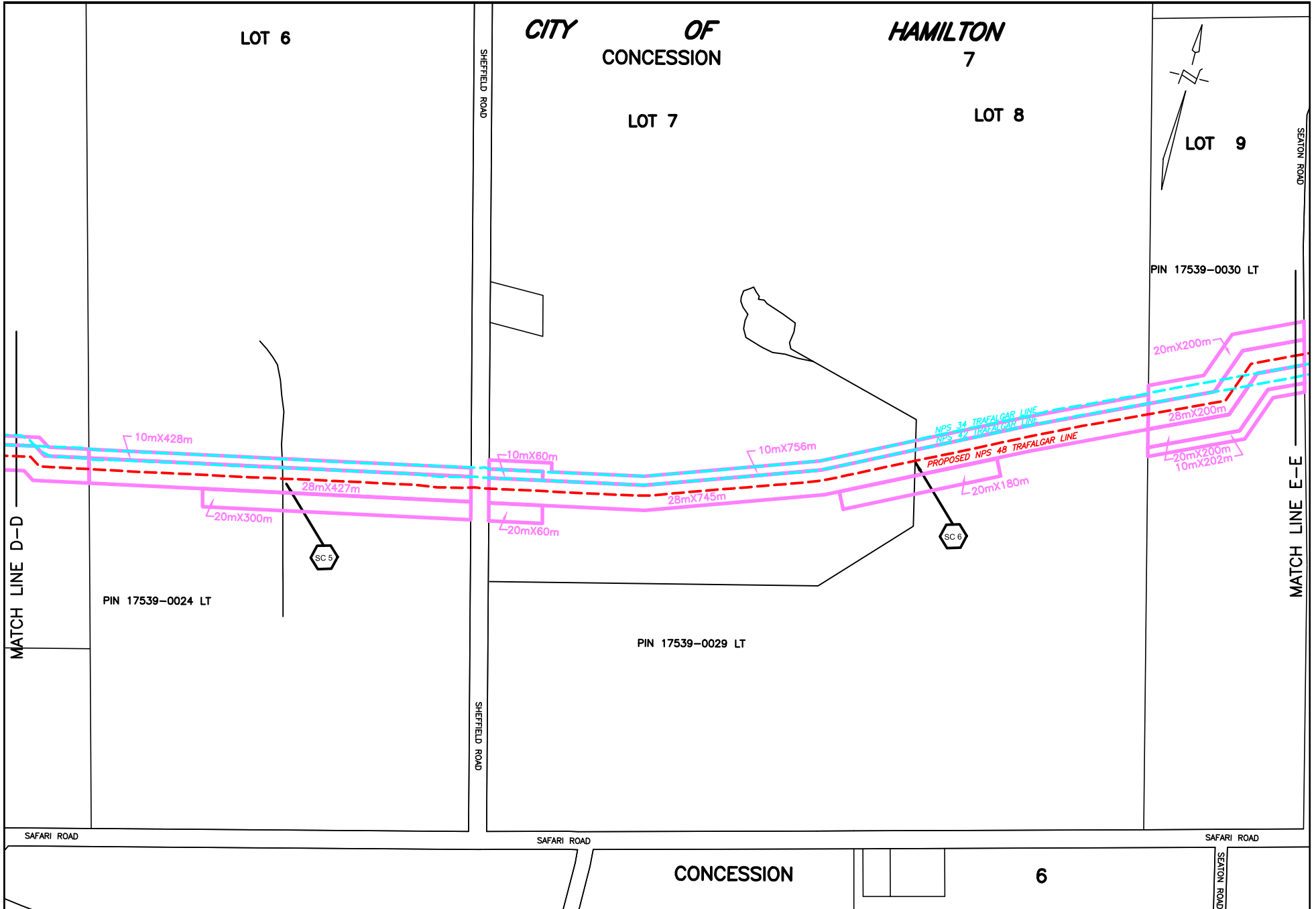




**uniongas**

A Spectra Energy Company

**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F05**



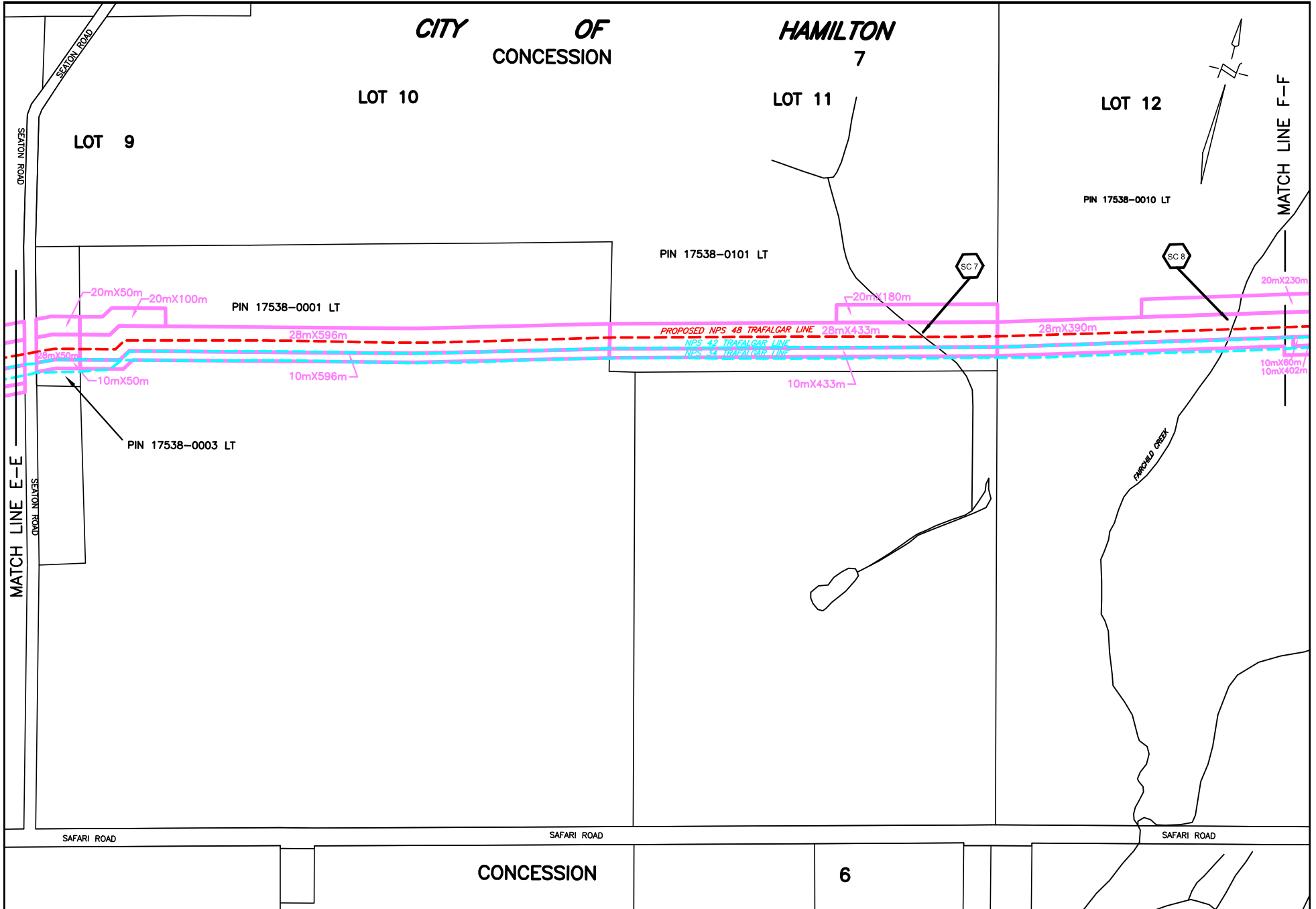


**uniongas**

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**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F06**

**CITY OF HAMILTON  
CONCESSION 7**



**CONCESSION**

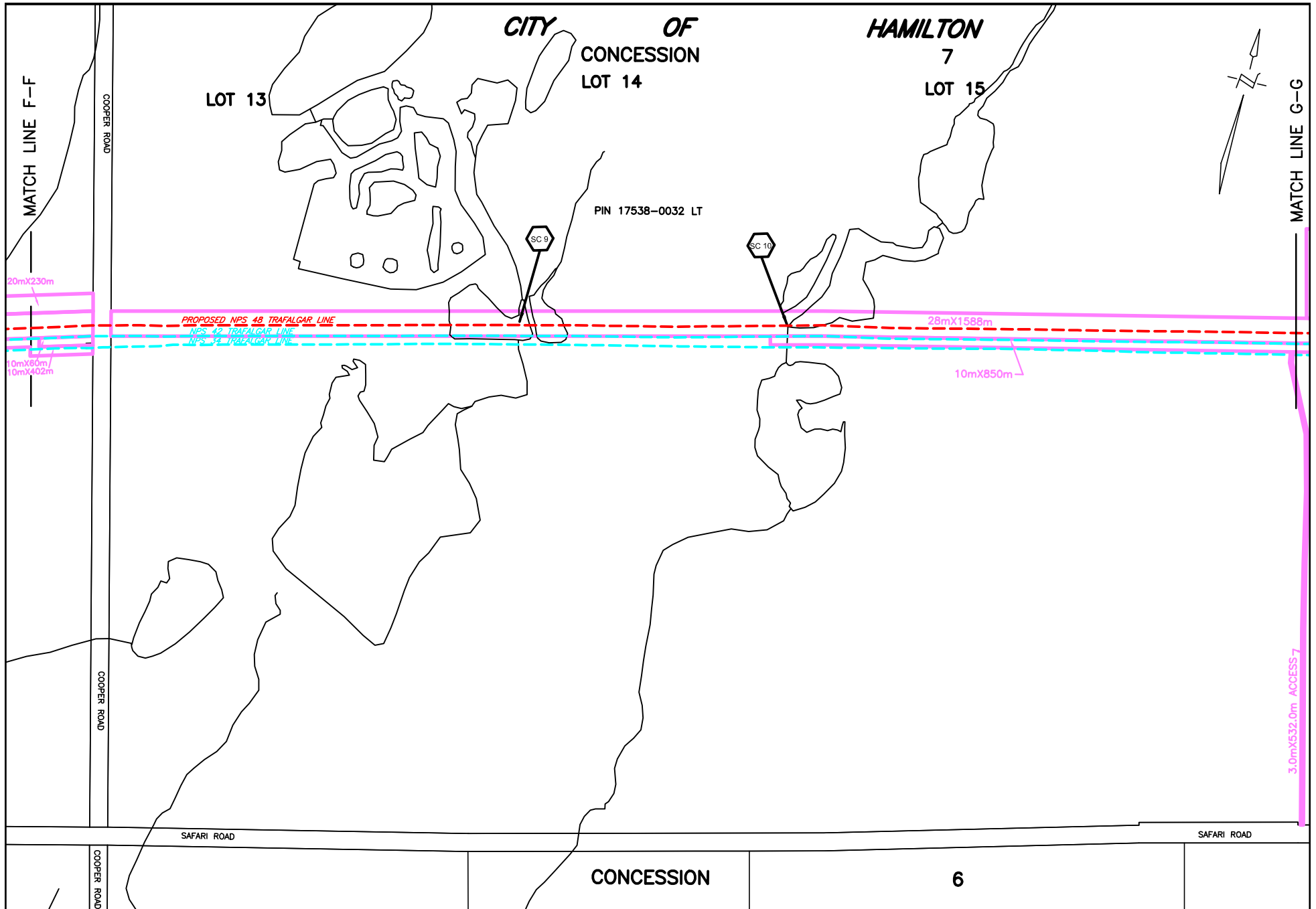
**6**

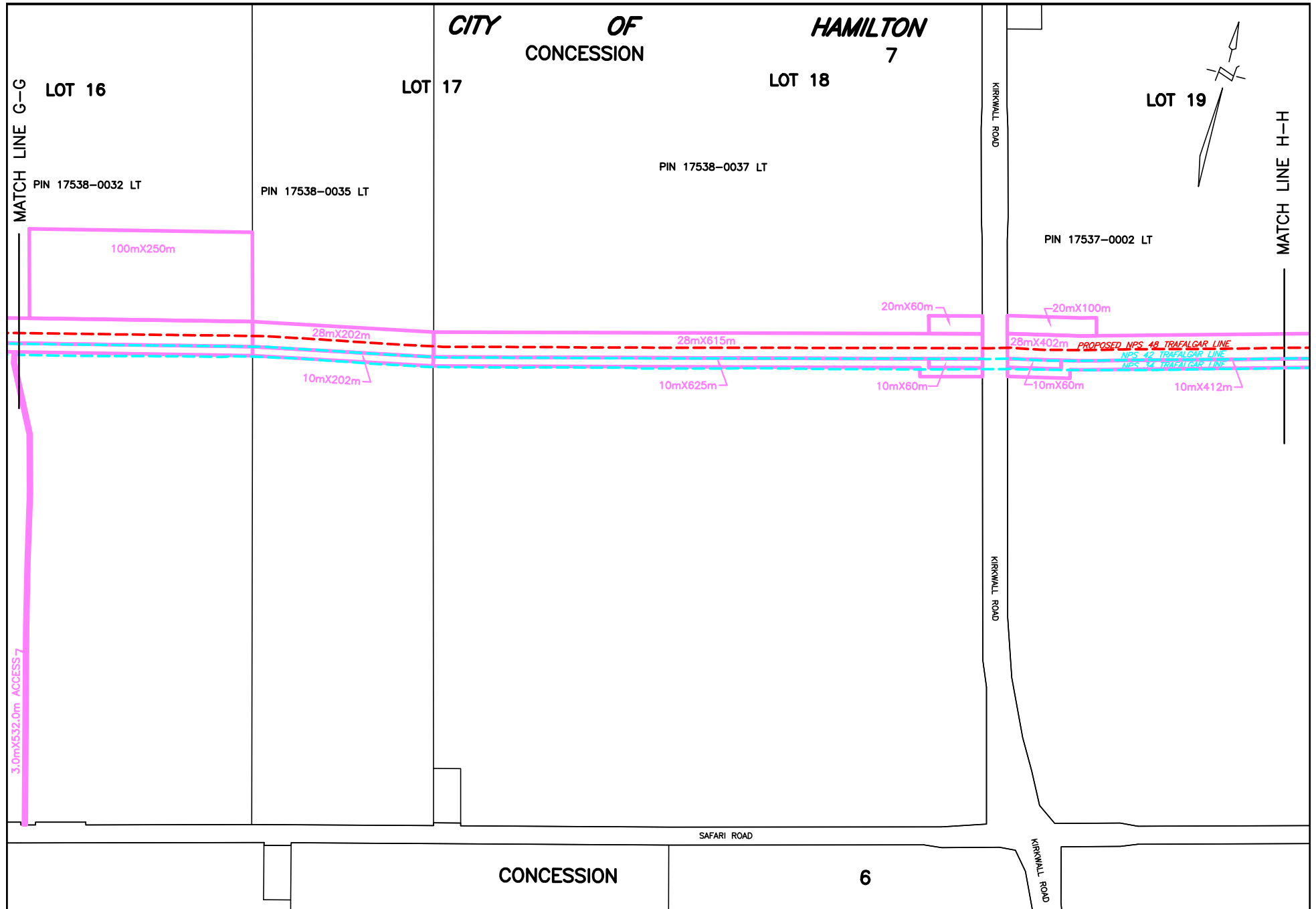


**uniongas**

A Spectra Energy Company

**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F07**



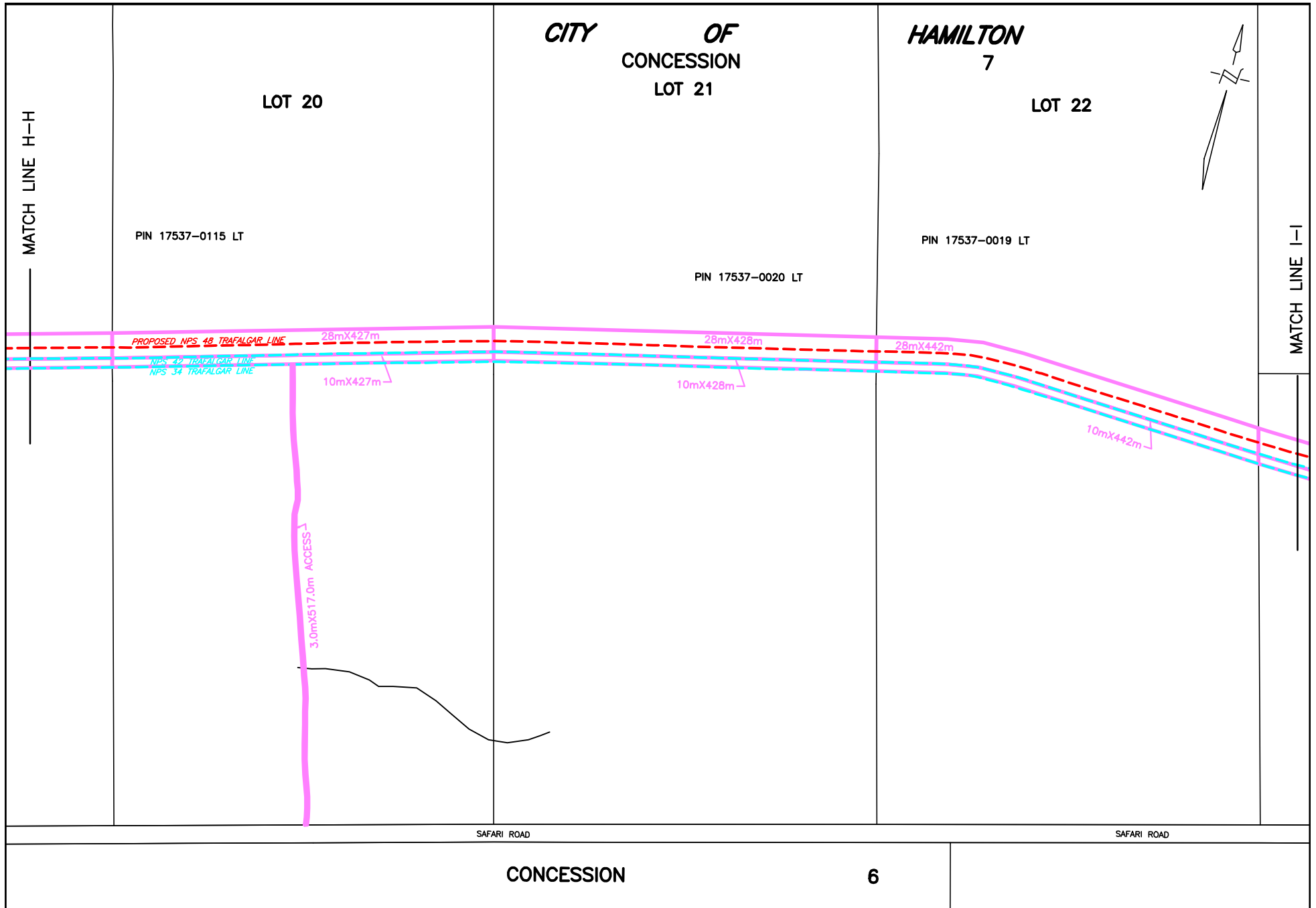




**uniongas**

A Spectra Energy Company

**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F09**

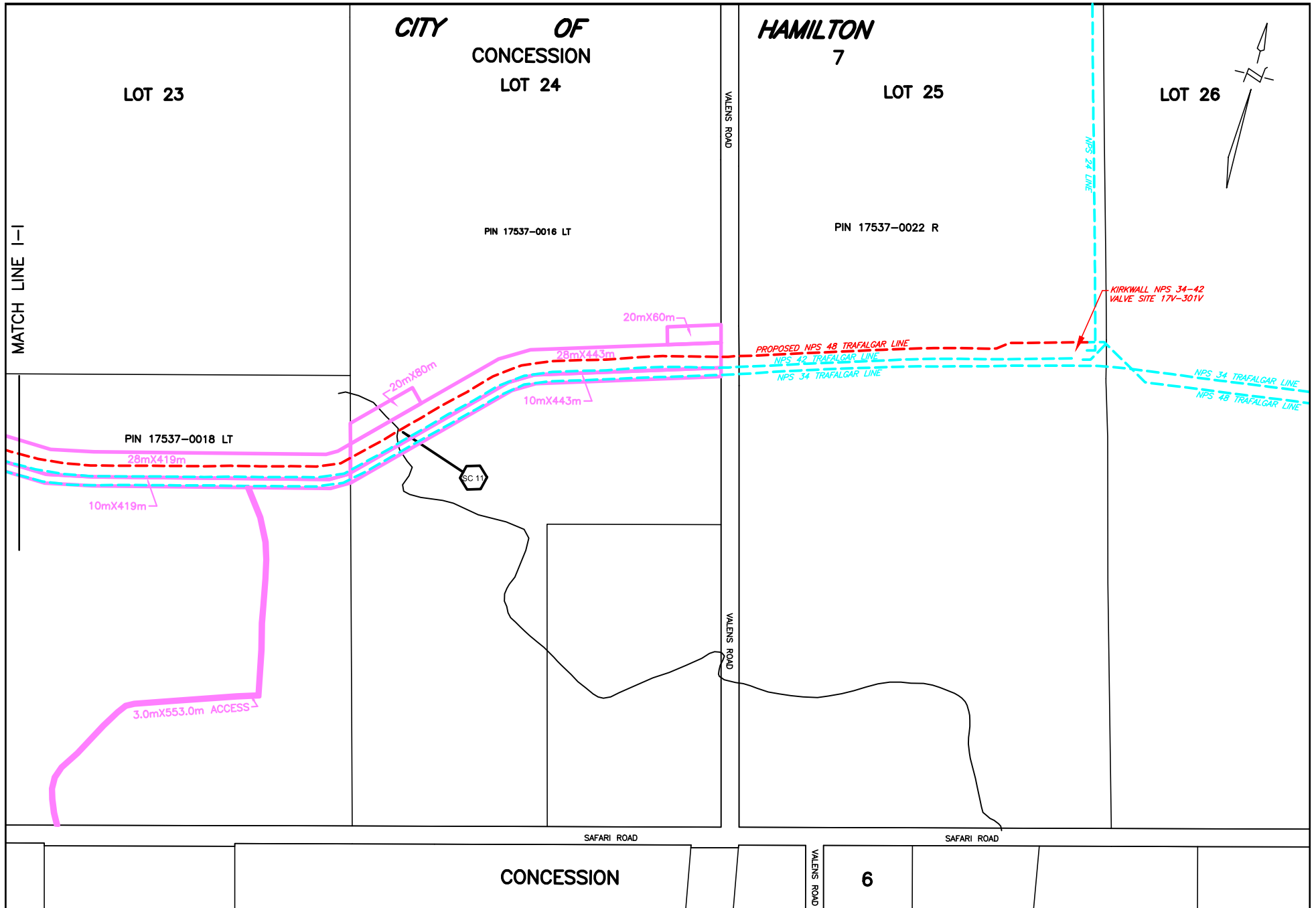




**uniongas**

A Spectra Energy Company

**TRAFALGAR LINE – NPS 48  
BRANTFORD TO KIRKWALL SECTION  
N061–F10**





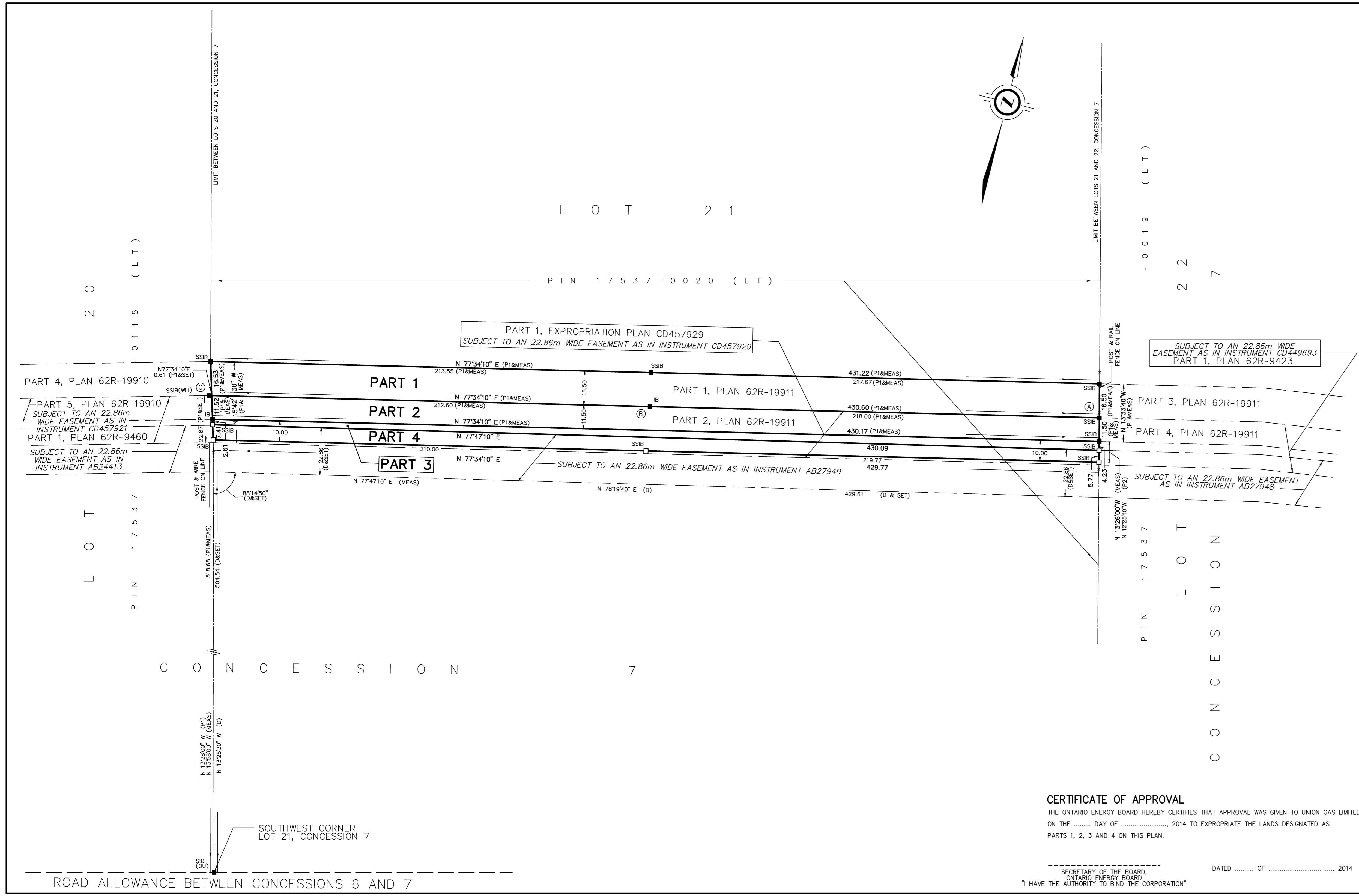
**APPENDIX 'C'**

**Legal Description of Lands to be Expropriated**

PIN	LEGAL DESCRIPTION	REGISTERED OWNER	REQUIRED INTEREST	AFFECTED ENCUMBRANCERS
17537-0020 (LT)	PT LT 21, CON 7 BEVERLY, AS IN CD424161, EXCEPT VM72061 (SECONDLY); S/T AB27949, CD457929 FLAMBOROUGH CITY OF HAMILTON	[REDACTED]	Permanent Easement  428 m x 28 m (1.2 ha)  Pts 1 and 2 on Draft Plan of Expropriation (Appendix 'D')	[REDACTED]
17537-0020 (LT)	PT LT 21, CON 7 BEVERLY, AS IN CD424161, EXCEPT VM72061 (SECONDLY); S/T AB27949, CD457929 FLAMBOROUGH CITY OF HAMILTON	[REDACTED]	Temporary Easement  428 m x 10 m (0.43 ha)  Pts 3 and 4 on Draft Plan of Expropriation (Appendix 'D')	[REDACTED]

**APPENDIX 'D'**

**Draft Plan of Expropriation**



SCHEDULE				
PART	PART OF LOT	CONCESSION	PART OF PIN	AREA (sq.m.)
1				7110
2	21	7	17537-0020 (LT)	4949
3				1470
4				2830

**PLAN**

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62) AT \_\_\_\_\_ O'CLOCK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER NUMBER 17537-0020 (LT).

PARTS 2, 3 AND 4 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT CD457929  
 PART 4 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT AB27949  
 PARTS 1, 2, 3 AND 4 - COMPRISES PART OF PIN 17537-0020 (LT)

REPRESENTATIVE FOR LAND REGISTRAR

"THE EXPROPRIATIONS ACT"  
 PLAN OF EXPROPRIATION FOR  
**PART OF LOT 21  
 CONCESSION 7**  
 (GEOGRAPHIC TOWNSHIP OF BEVERLY)  
 CITY OF HAMILTON

J.D. BARNES LIMITED  
 SCALE 1 : 1000

**METRIC** DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**NOTES**  
 BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, UTM ZONE 17, NAD83 (ORIGINAL).

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999620.

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (ORIGINAL).

COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

POINT ID	EASTING	NORTHING
ORP (A)	569 804.97	4 799 796.70
ORP (B)	569 592.16	4 799 749.79
ORP (C)	569 384.03	4 799 703.92

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

**LEGEND**

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SSIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- IB DENOTES WITNESS
- WT DENOTES WITNESS
- MEAS DENOTES MEASURED
- JDB DENOTES J.D. BARNES LIMITED, O.L.S.
- OU DENOTES ORIGIN UNKNOWN
- D DENOTES INSTRUMENT AB27949
- P1 DENOTES PLAN 62R-19911
- P2 DENOTES EXPROPRIATION PLAN CD457929

MONUMENTS FOUND WERE JDB UNLESS NOTED OTHERWISE.

ALL SET SSIB MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

**SURVEYOR'S CERTIFICATE**  
 I CERTIFY THAT:  
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE EXPROPRIATIONS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.  
 2. THE SURVEY WAS COMPLETED ON \_\_\_\_\_, 2014.

**PRELIMINARY**

DATE \_\_\_\_\_ JAYSON LADINES  
 ONTARIO LAND SURVEYOR

DRAWN BY: TCS CHECKED BY: JFL REFERENCE NO.: 14-23-231-00 PLAN 15A\_EX  
 FILE: K:\14-23-231\00\Drawing\LEGAL\231\_LEGAL - PLAN\_15A\_EX.dgn DATED: 10/10/14  
 PLOTTED: 10/21/2014

**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 AND 2 ON THE COPY OF A PLAN DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, SIGNED BY \_\_\_\_\_ 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, 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 INTERFERRED 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 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 LINES, 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 AND 2 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 \_\_\_\_\_, 2014, 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 WENTWORTH (No. 62) 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

PER: \_\_\_\_\_ PER: \_\_\_\_\_  
 TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

**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 3 AND 4 ON THE COPY OF A PLAN DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014, SIGNED BY \_\_\_\_\_ 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 USING AND OCCUPYING SUCH LAND FOR SURVEYING AND FOR THE PLACING, STORAGE AND REMOVAL, AGAIN OF EARTH, DIRT, FILL, STONE, DEBRIS OF ALL KINDS, PIPE, SUPPLIES, EQUIPMENT, VEHICLES AND MACHINERY AND OF MOVEMENT OF VEHICLES MACHINERY AND EQUIPMENT OF ALL KINDS, ALL AS NECESSARY OR INCIDENTAL TO THE 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 ANY FENCE ALONG OR ACROSS SUCH LAND AND OTHERWISE TO REMOVE ANY OBJECT THEREIN 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 INTERFERRED 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 FARM 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. THE RIGHT, LIBERTY AND EASEMENT DESCRIBED HEREIN SHALL TERMINATE ON DECEMBER 31, 2017, WHICH SHALL BE EVIDENCED BY THE EXECUTION AND REGISTRATION OF THE RELEASE OF THIS TEMPORARY EASEMENT.

PARTS 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 \_\_\_\_\_, 2014, 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 WENTWORTH (No. 62) 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

PER: \_\_\_\_\_ PER: \_\_\_\_\_  
 TITLE: \_\_\_\_\_ TITLE: \_\_\_\_\_

**CERTIFICATE OF APPROVAL**  
 THE ONTARIO ENERGY BOARD HEREBY CERTIFIES THAT APPROVAL WAS GIVEN TO UNION GAS LIMITED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2014 TO EXPROPRIATE THE LANDS DESIGNATED AS PARTS 1, 2, 3 AND 4 ON THIS PLAN.


SECRETARY OF THE BOARD, ONTARIO ENERGY BOARD  
 I HAVE THE AUTHORITY TO BIND THE CORPORATION"  
 DATED \_\_\_\_\_ OF \_\_\_\_\_, 2014

**APPENDIX 'E'**

**Ortho-Rectified Aerial Plan**



REVISIONS				
NO.	DATE	BY	APP'D	REMARKS



**uniongas**  
A Spectra Energy Company

**PART OF LOT 21, CONCESSION 7  
CITY OF HAMILTON  
(GEOGRAPHIC TOWNSHIP OF BEVERLY)**

DRAWN BY	GARY HANUSZAK	DATE	2015	SCALE	1=6000	PLOT SPEC.	1/6
CHECKED BY		DATE		AC/DRAW CODE			
APPROVED BY		DATE		JOB NO.			
SIZE	L	DRAWER	N/A	SHEET	1 of 1	DRAWING NO.	17537-0020