



Development Services
180 Kent Street West
Lindsay ON K9V 2Y6
Tel: (705) 324-9411 Ext. 1239
Fax: (705) 324-4027
e-mail: rtaylor@city.kawarthalakes.on.ca
website: www.city.kawarthalakes.on.ca

February 24, 2015

Via email boardsec@ontarioenergyboard.ca

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

Attention: Board Secretary

Dear Ms. Walli:

Re: Sumac Ridge Wind Project (wpd Canada Corporation), City of Kawartha Lakes
EB-2013-0442 for Determination of Location of Distribution Facilities within Road
Allowances owned by the City of Kawartha Lakes – Response to Interrogatories

The City has reviewed the correspondence from the Board, dated February 4, 2015, which requests additional information from the Intervenor, Dr. E. Salmon. Specifically, Interrogatory No. 3 – Question:

- a. On what evidentiary basis are you relying on in stating that the municipality of the City of Kawartha Lakes wants to keep the road allowance, specifically on Gray Road, as a recreational trail and does not want it widened and opened to vehicular traffic?

Please be aware that on July 9, 2013, Council passed the following resolution:

RESOLVED THAT the memorandum from the Director of Development Services regarding the application from wpd Canada Corporation for permits relating to Gray Road and Wild Turkey Road, in the Former Geographic Township of Manvers, now in the City of Kawartha Lakes, dated July 9, 2013, be received;

THAT Council confirms the applications from wpd Canada Corporation for permits relating to Gray Road and Wild Turkey Road, in the Former Geographic Township of Manvers, now in the City of Kawartha Lakes are premature and directs the City's legal counsel to advise the applicant accordingly; and

THAT staff be directed to advise wpd Canada Corporation that any action not authorized by the municipality on Gray Road and Wild Turkey Road shall be seen as trespassing under the Trespass to Property Act and authorities will be contacted to enforce.

CARRIED CR2013-644

It is acknowledged by City staff that wpd Canada is considered an "electricity distributor" under the Electric Act, 1998 (Ontario), s. 41(1). This identification granted under the Act allows wpd to install their transmission infrastructure within the City's road allowances.. However, under Ontario Municipal Act 2001 s. 30 "A highway is owned by the municipality that has jurisdiction over it subject to any rights reserved by a person who dedicated the highway or any interest in the land held by any other person".

As Gray Road is a public road allowance, only the Municipality has the right to open and assume these roads. Further only Council can grant approval to open a road by resolution and bylaw. The Electric Act, 1998 does not grant permission to a "distributor" to open a Municipal Public Highway. Typically, the City will only assume an unopened road allowance that meets City standards and enhances the overall planned road network. Road assumption requests are considered only as budget allows (as the City is then responsible for the long term maintenance and servicing costs). Gray Road is a local rural road that is unopened and is not maintained. The road allowance is currently used as a recreational trail and is unsuitable to support heavy traffic and disruption. The City will continue to accommodate placement of distribution infrastructure within Gray Road, but is not contemplating upgrading and opening the road allowance for vehicular traffic. The design and installation of distribution infrastructure should be implemented in a manner complimentary to the use and condition of Gray Road.

Should the Board have any questions, please contact me directly.

Yours truly,



Ron Taylor
Director of Development Services

RT/lr

C.C.: Robyn Carlson, City Solicitor

Juan Rojas, Manager of Engineering
Diane McFarlane, Land Management Co-ordinator
wpd Canada Corporation
Harry Dahme, Gowlings