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Jonathan Myers jmyers@torys.com P. 416.865.7532

July 20, 2015

### 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 and ancillary facilities in the City of Hamilton, City of Burlington and Town of Milton, 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 land for the purposes of constructing, operating and maintaining a natural gas pipeline and ancillary facilities in the City of Hamilton, the City of Burlington, and the Town of Milton.

### **APPLICATION**

**UNION GAS LIMITED** 

July 20, 2015

### 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 and ancillary facilities in the City of Hamilton, the City of Burlington, and the Town of Milton.

### **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, the City of Burlington and the Town of Milton, as more particularly described herein, for the purposes of constructing, operating and maintaining a natural gas pipeline as part of Union's Dawn Parkway 2016 Expansion Project.
- 3. On September 11, 2014 Union applied to the Board, under Section 90(1) of the *Act*, for leave to construct the Dawn Parkway 2016 Expansion Project (EB-2014-0261). The Dawn Parkway 2016 Expansion Project includes the construction of 20 km of pipeline and associated facilities between Union's Hamilton Valve Site and Milton Valve Site. The proposed facilities will provide incremental capacity of 442,770 GJ/d on Union's Dawn Parkway pipeline system. The expansion is needed to respond to requests for

- additional transportation services on the Dawn Parkway pipeline system as a result of changing North American gas supply dynamics.
- 4. In its April 30, 2015 Decision and Order in EB-2014-0261 (the "LTC Decision"), the Board found the Dawn Parkway 2016 Expansion Project, including the Hamilton-Milton Pipeline project, to be in the public interest. On this basis, the Board granted Union leave to construct the Hamilton-Milton Pipeline pursuant to sections 90 and 96(1) of the *Act*, subject to the conditions set out in Appendix D of the LTC Decision.
- As explained in its leave to construct application, Union requires a total of approximately 39 hectares (96.4 acres) of permanent easements for the Hamilton-Milton Pipeline and approximately 31 hectares (76.6 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 approximately 36.89 hectares (91.16 acres) of permanent easements and approximately 26.58 hectares (65.68 acres) of temporary easements for the Hamilton-Milton pipeline. The remaining easement requirements for the project are 2.11 hectares (5.21 acres) of permanent easements and 4.42 hectares (10.92 acres) of temporary easements situated on a total of 8 properties, none of which have common ownership, along the approved pipeline route.
- 6. Therefore, to enable Union to construct, operate and maintain the Hamilton-Milton pipeline, Union requests that the Board make an order granting Union authority to expropriate a total of (a) four permanent easements on four properties, owned by four distinct landowners, with a total area of 2.11 hectares (5.21 acres), and (b) seven temporary easements on seven properties (three of which are the same as those requiring permanent easements), owned by seven distinct landowners, with a total area of 4.42 hectares (10.92 acres) in the City of Hamilton, City of Burlington and Town of Milton, as more particularly described herein. The temporary easements would be required for top soil storage and 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

(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

Mr. Crawford Smith

Tel:

416-865-8209 416-865-7380

Fax:

Email: 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 20th day of July, 2015.

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 how the properties that are the subject of the proposed takings, and the works that are to be constructed on the subject properties, relate to 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 properties in respect of which Union seeks authority to expropriate are situated in Union South, in the City of Hamilton, the City of Burlington and the Town of Milton.

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. Additional capacity provided by the proposed project, along with previously approved expansion projects, is instrumental in meeting demand in the markets of Ontario, Quebec and the Northeastern United States by increasing the liquidity and diversity at the Dawn Hub, the flexible storage services available at the Dawn Hub, and the diversity and security of new, cost competitive supply from the nearby Marcellus and Utica shale formations.

The proposed expropriations relate to lands that are needed for construction of approximately 20 km of NPS 48 pipeline that runs from the Hamilton Valve Site to the Milton Valve Site. This pipeline is the primary component of Union's Dawn Parkway 2016 Expansion Project.

### B. The Dawn Parkway 2016 Expansion Project

### 1. Purpose and Components

As explained in its application for leave to construct the Dawn Parkway 2016 Expansion Project (EB-2014-0261), in response to requests for additional transportation services on the Dawn Parkway System as a result of changing North American gas supply dynamics, Union plans to build an additional section of NPS 48 pipeline and an additional compressor and associated facilities at its Lobo Compressor Station. Union became aware of interest in incremental demand for Dawn Parkway transportation capacity through a binding open season that was announced in November 2013. Union awarded 483 TJ/d of incremental Dawn Parkway transportation capacity and 36 TJ/d of Kirkwall to Parkway transportation capacity bringing the total new Dawn Parkway System demands to 519 TJ/d. Generally, the project will 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:

- approximately 20 km of NPS 48 pipeline and associated valving facilities between the Hamilton Valve Site and the Milton Valve Site (the "Hamilton-Milton Pipeline"), the approved route for which is shown in **Appendix B**; and
- a new compressor and associated facilities at the Lobo C Compressor Station (the "Lobo C Compressor").

### 2. The Leave to Construct Proceeding

Union applied to the Board on September 11, 2014 for leave to construct the Dawn Parkway 2016 Expansion Project, including the Hamilton-Milton Pipeline, pursuant to Section 90 of the *Act* and the Lobo C Compressor pursuant to section 91 of the *Act* (EB-2014-0261).

In its April 30, 2015 Decision and Order in EB-2014-0261 (the "LTC Decision"), the Board found the Dawn Parkway 2016 Expansion Project, including the Hamilton-Milton Pipeline, to be in the public interest. On this basis, the Board granted Union leave to construct the Dawn Parkway 2016 Expansion Project, including the Hamilton-Milton Pipeline and the Lobo C Compressor, pursuant to Sections 90, 91 and 96(1) of the *Act*, subject to the conditions set out in Appendix D 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-2014-0261, they did not choose to directly participate or file any materials in the leave to construct proceeding.

### D. PROJECT LAND REQUIREMENTS

As explained in the Application at Exhibit A, Union requires a total of approximately 39 hectares (96.4 acres) of permanent easements and approximately 31 hectares (76 acres) of temporary easements, for construction, clean-up and top soil storage purposes, for the Hamilton-Milton Pipeline. To acquire the necessary permanent and temporary easements for the Hamilton-Milton Pipeline, Union's preference has been to do so on a voluntary basis through negotiations with affected landowners.

Union filed a form of easement as part of its application in EB-2014-0261 for purposes of obtaining Board approval under Section 97 of the *Act*. In its Decision and Order in that proceeding, the Board required Union to file an amended form of easement agreement that reflected the Board's findings concerning abandonment. Union filed the amended form of easement agreement on May 7, 2015. Although Union commenced its easement negotiations with individual landowners in November 2014, it has since offered the amended form of easement to the landowners that are the subject of this application. For those landowners that have already signed an easement with Union in connection with the Hamilton-Milton Pipeline, Union will be offering to amend existing easements so as to include the provisions regarding abandonment that were added to the amended form of agreement.

Through its efforts to date, Union has been successful in securing land rights to approximately 36.89 hectares (91.16 acres) of the required permanent easements and to approximately 26.58 hectares (65.68 acres) of the required temporary easements. However, land rights are still required for 2.11 hectares (5.21 acres) of the permanent easements and for 4.42 hectares (10.92 acres) of the temporary easements, on a total of 8 properties owned by 8 distinct landowners.

### E. LAND INTERESTS TO BE EXPROPRIATED

Legal descriptions of the lands for which Union seeks authority to expropriate, along with property-specific descriptions of the required easements, are provided in **Appendix C**. The Applicant has conducted searches of title so as to accurately identify the current registered property owners and those parties who hold encumbrances on the properties. The names of these persons and the nature of their interests are included in **Appendix 'C'**. Draft plans of

expropriation for the subject properties are provided in **Appendix 'D'**. In addition, orthorectified aerial plans showing the subject properties, and the extent of the lands over which authority to expropriate is sought, are provided in **Appendix 'E'**.

Notably, Union has three existing easements on each of the affected properties. The first easements are in place to support Union's NPS 26, which was constructed in 1957. The second easements are in place to support Union's NPS 34, which was constructed in 1970. The third easements are in place to support Union's NPS 48, which was constructed in 2006. The three existing easements, and their corresponding pipelines, are considered to be a single infrastructure corridor across each of the affected properties. The permanent easements that are now being requested, for purposes of the planned NPS 48 Hamilton-Milton Pipeline, will become part of this infrastructure corridor. The temporary easements that are now being requested will allow for construction of the planned Hamilton-Milton Pipeline within this corridor, as well as in designated locations for purposes of soil management.

### F. PUBLIC INTEREST

In the LTC Decision, the Board accepted that the project is in the public interest, subject to certain conditions as set out in the Board's Order.<sup>1</sup>

Given that (a) the Dawn Parkway 2016 Expansion Project is in the public interest pursuant to Section 96(1) of the *Act*, (b) the benefits of the Dawn Parkway 2016 Expansion Project cannot be realized unless the Hamilton-Milton Pipeline is completed and put into service, and (c) the Hamilton-Milton Pipeline cannot be completed or put into service without Union acquiring the necessary permanent and temporary easements on the subject properties so as to permit construction and operation of the pipeline through these properties that lie along the approved pipeline route, the proposed expropriations are in the public interest.

Moreover, the proposed expropriations would permit Union to install the Hamilton-Milton Pipeline alongside and immediately adjacent to the three existing pipelines that traverse the

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<sup>&</sup>lt;sup>1</sup> LTC Decision, p. 4.

subject properties. The placement of the new pipeline on this portion of each of the subject properties, generally within and along the same infrastructure corridor as already exists on the sites, is intended to minimize potential impacts on the landowners and the properties. The proposed takings support and permit the broad public interest benefits of the Dawn Parkway 2016 Expansion Project to be realized, while causing only minimal impacts to the individual properties. Based on the foregoing, expropriation of the interests in land that are being requested by the Applicant is consistent with the public interest.

Exhibit B Tab 1 Schedule 1 Appendix A

### APPENDIX 'A'

Map of Union's Service Territory and Districts

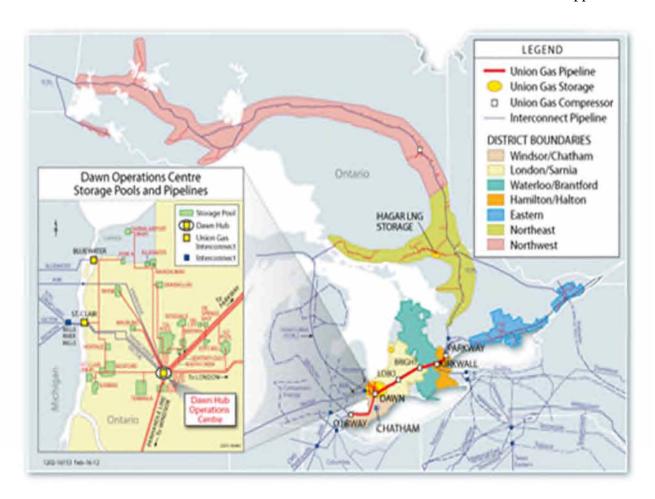
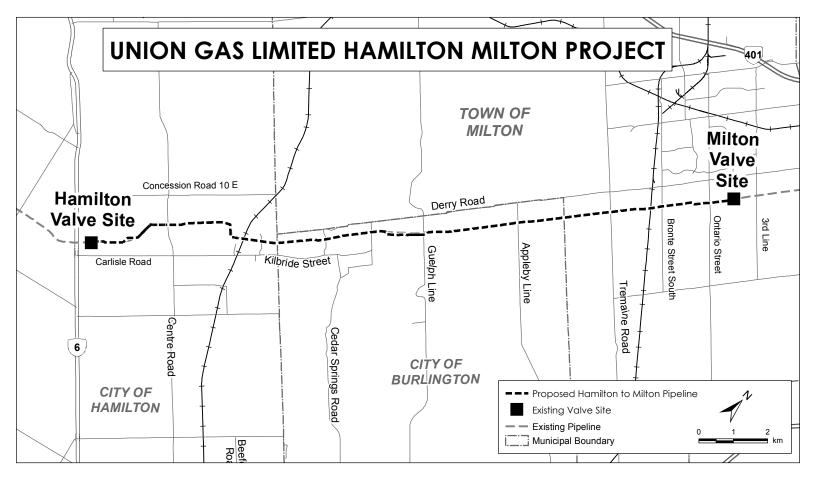
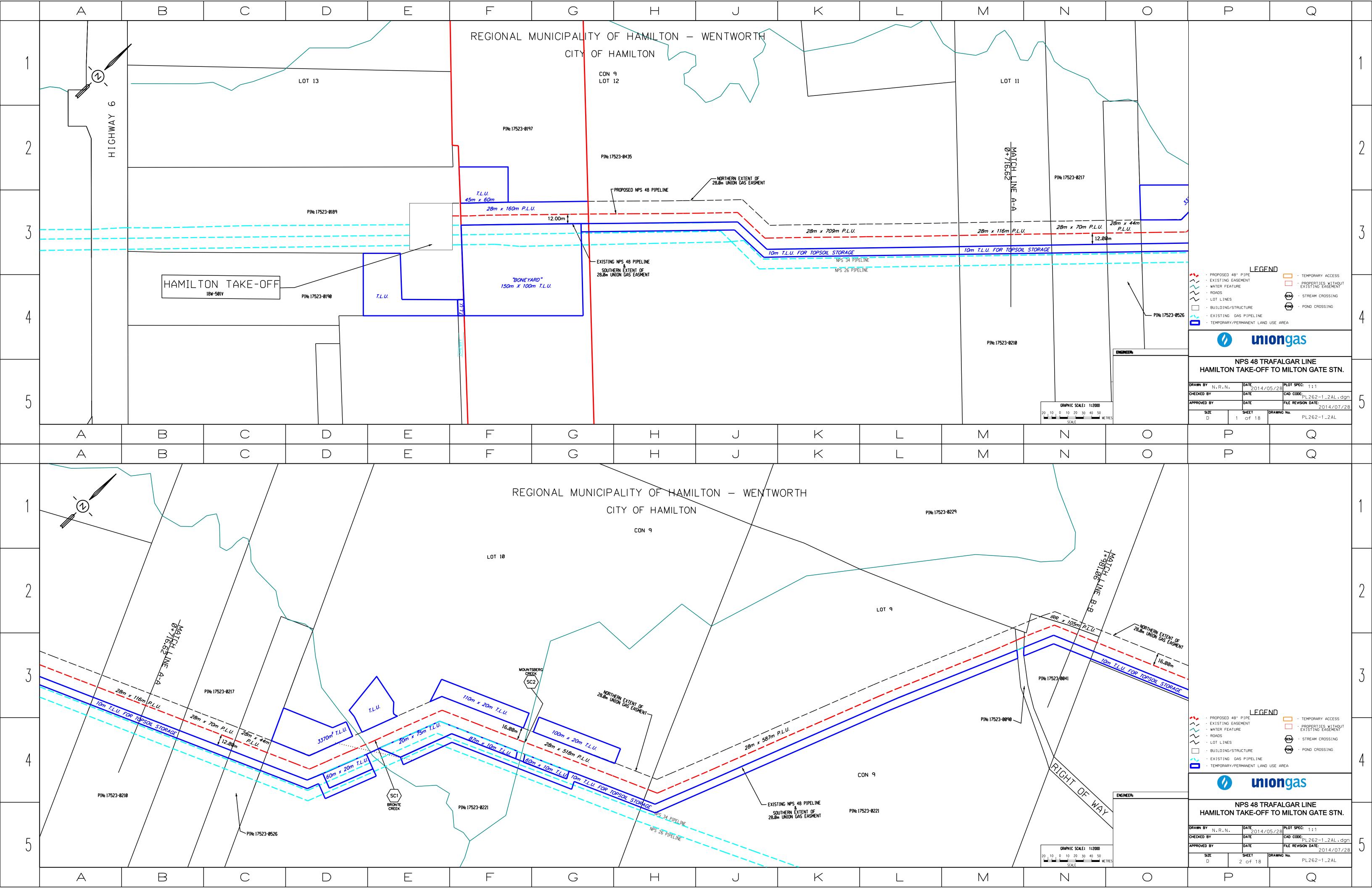


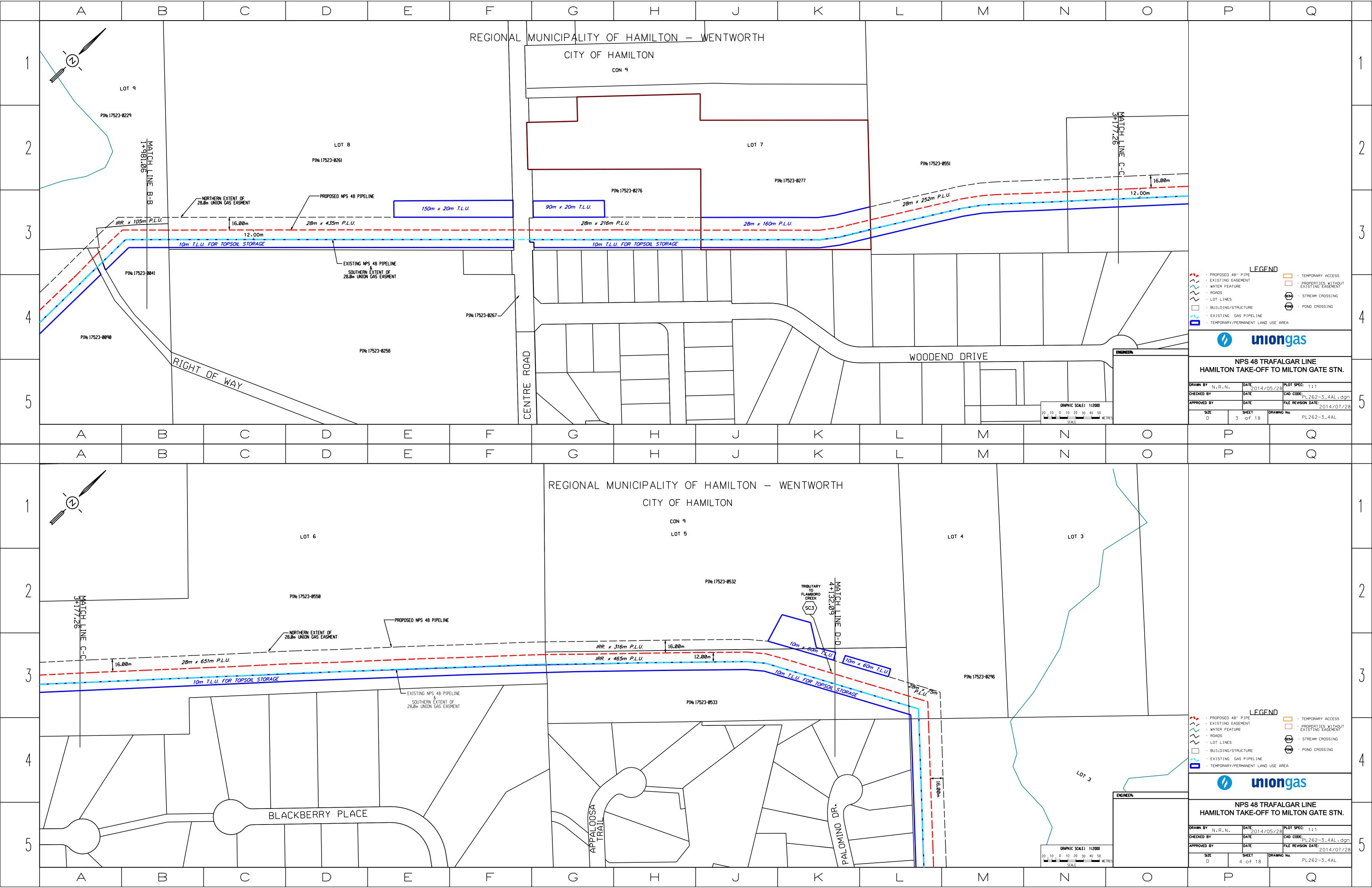
Exhibit B Tab 1 Schedule 1 Appendix B

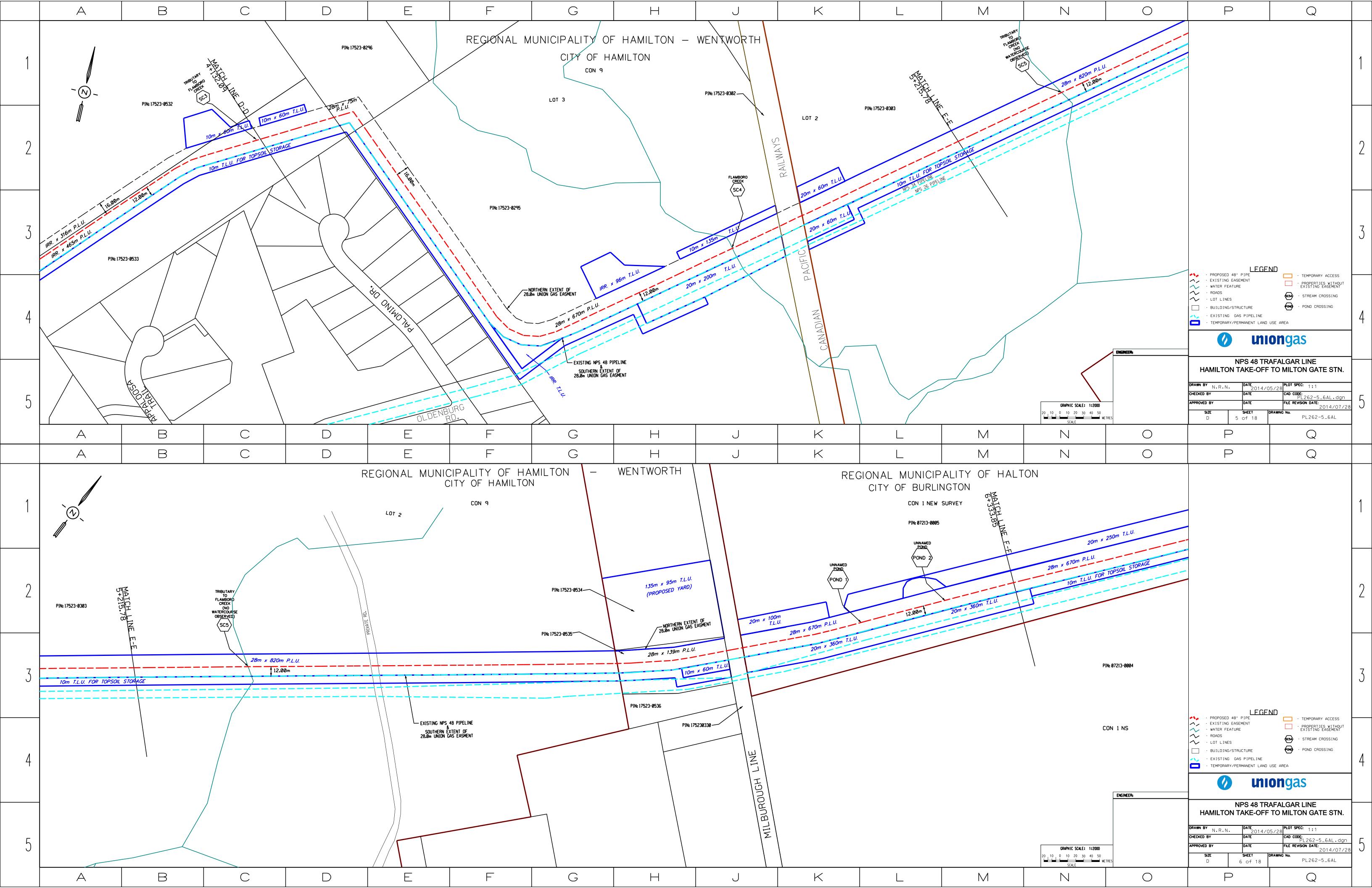
### APPENDIX 'B'

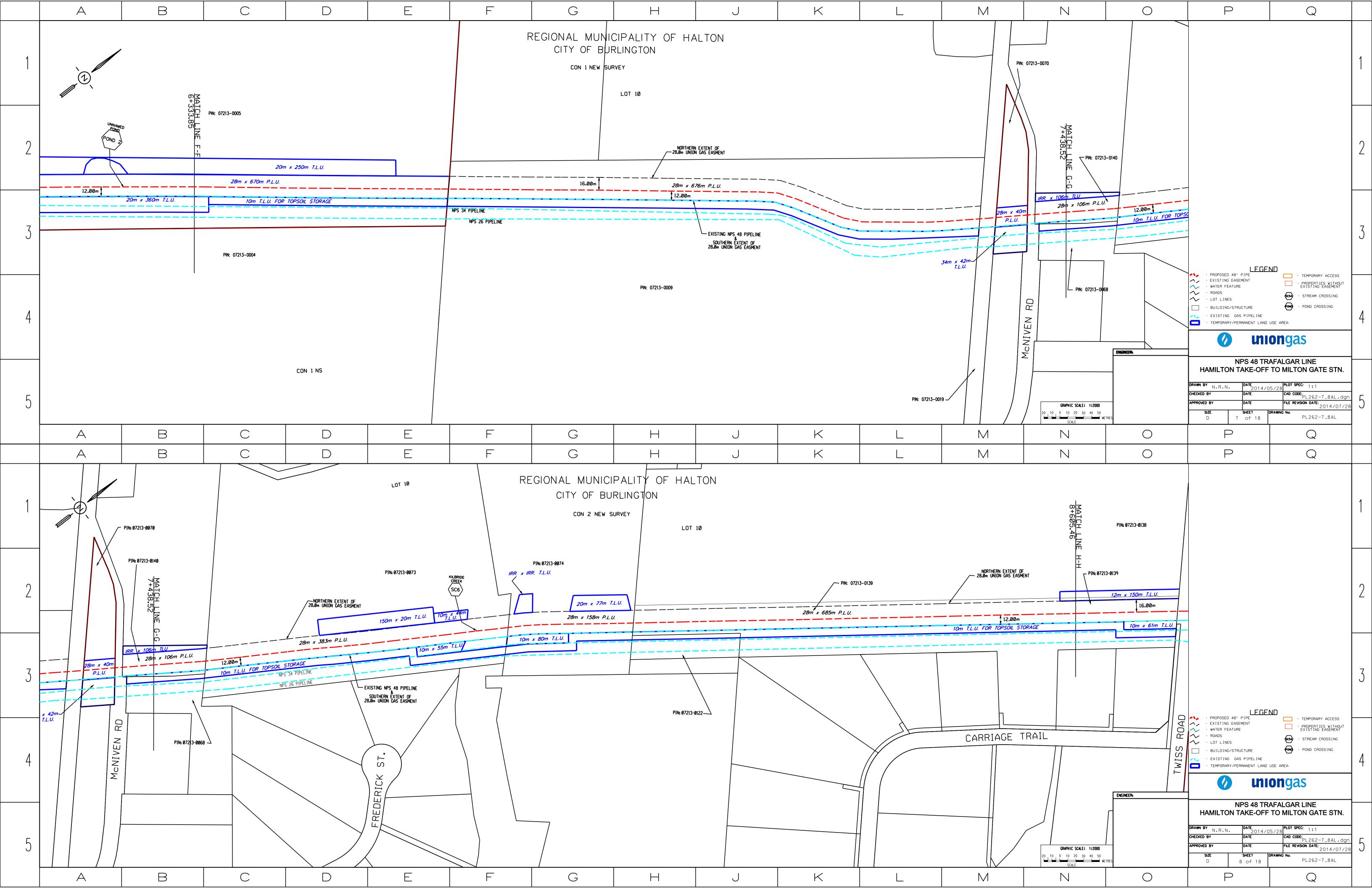
**Map of Hamilton-Milton Pipeline Route** 

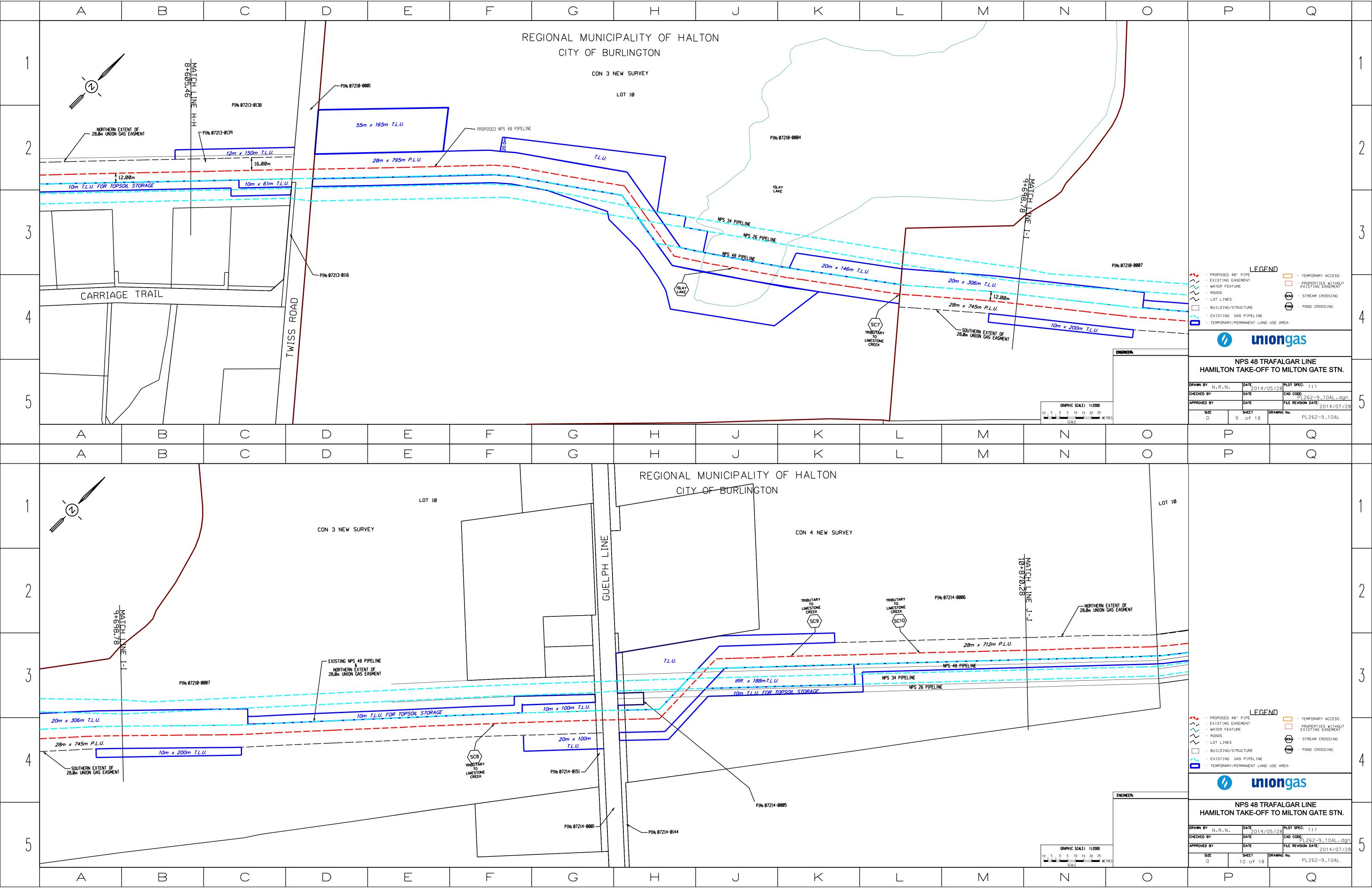


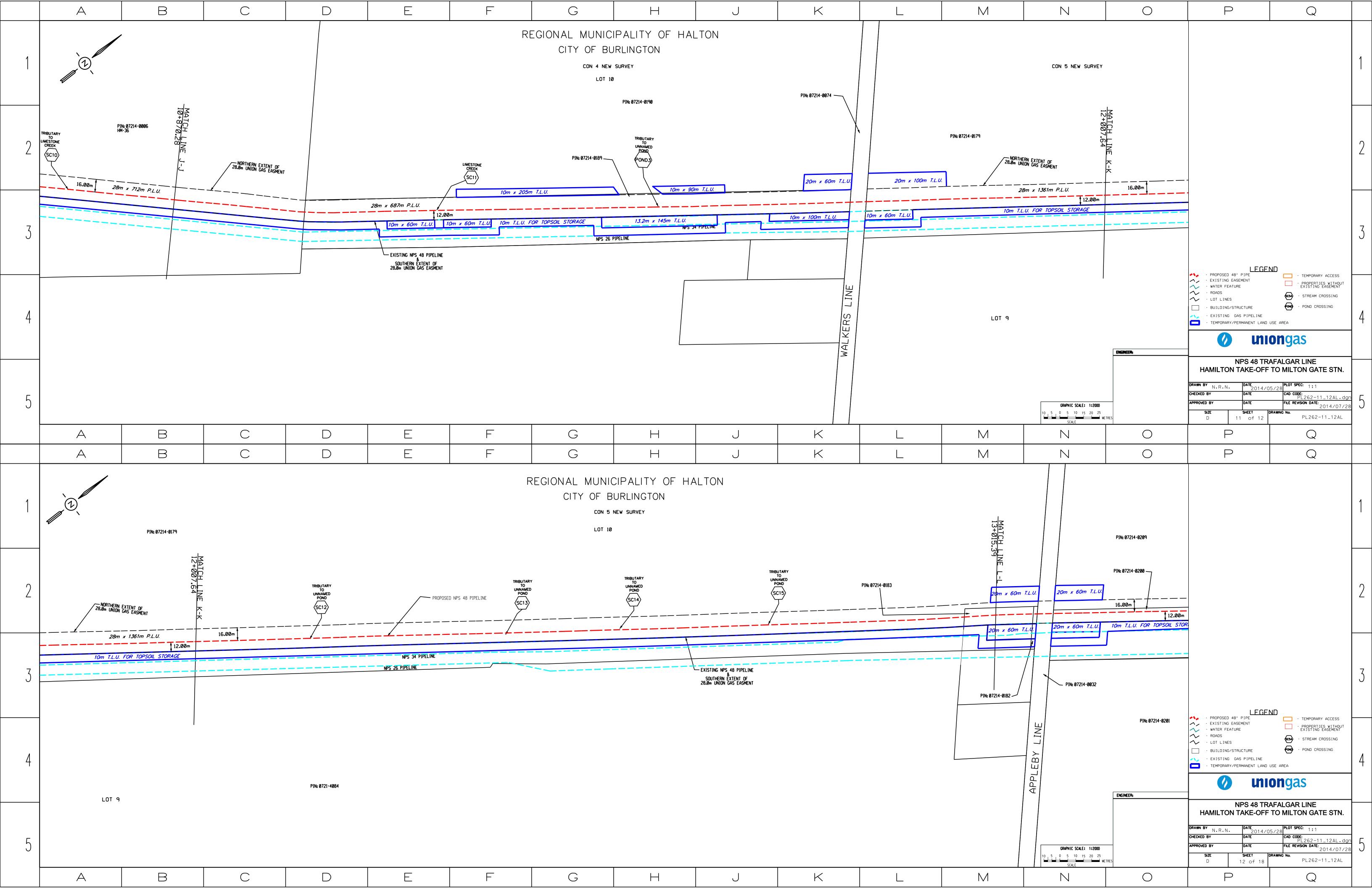


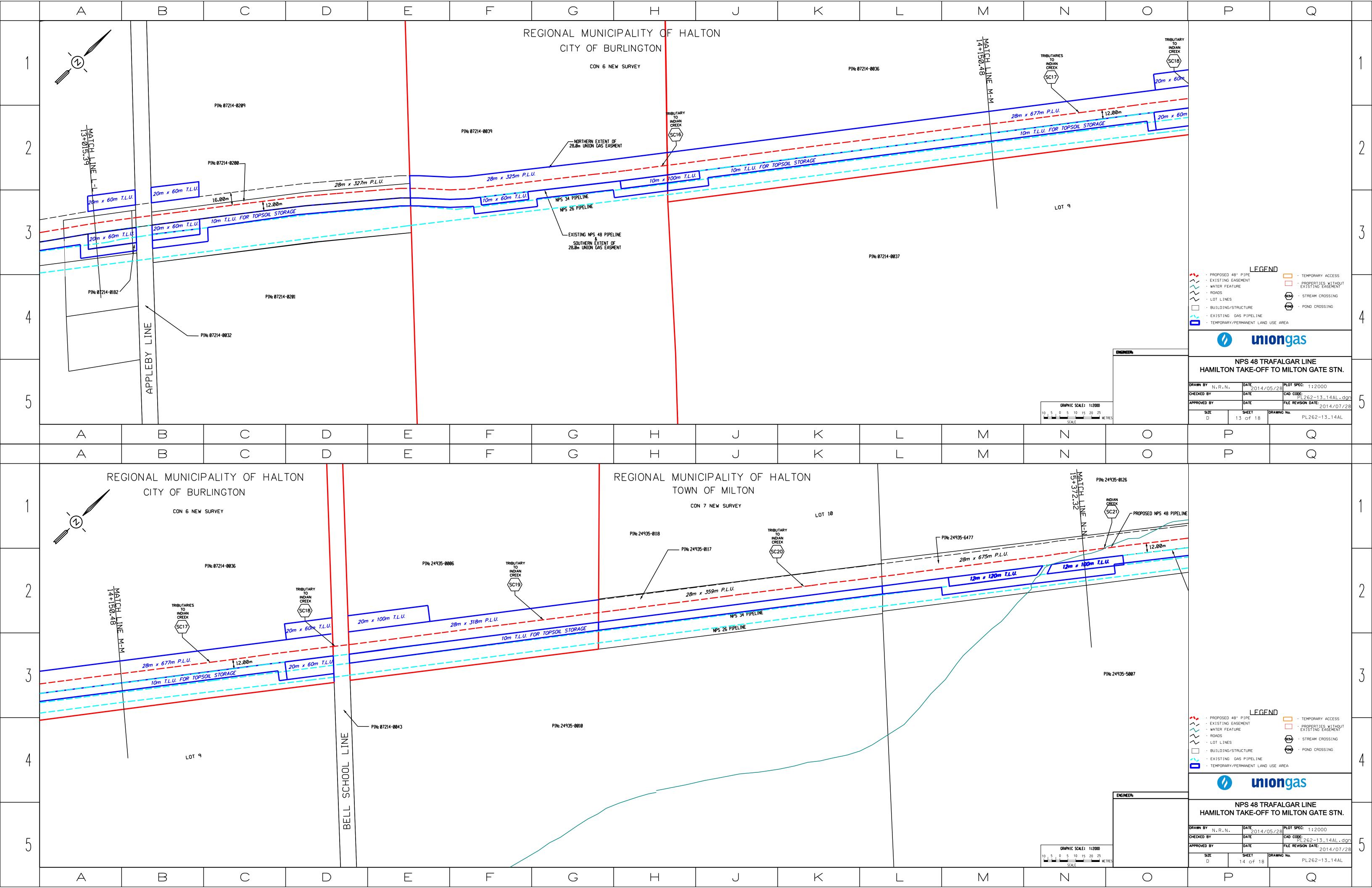


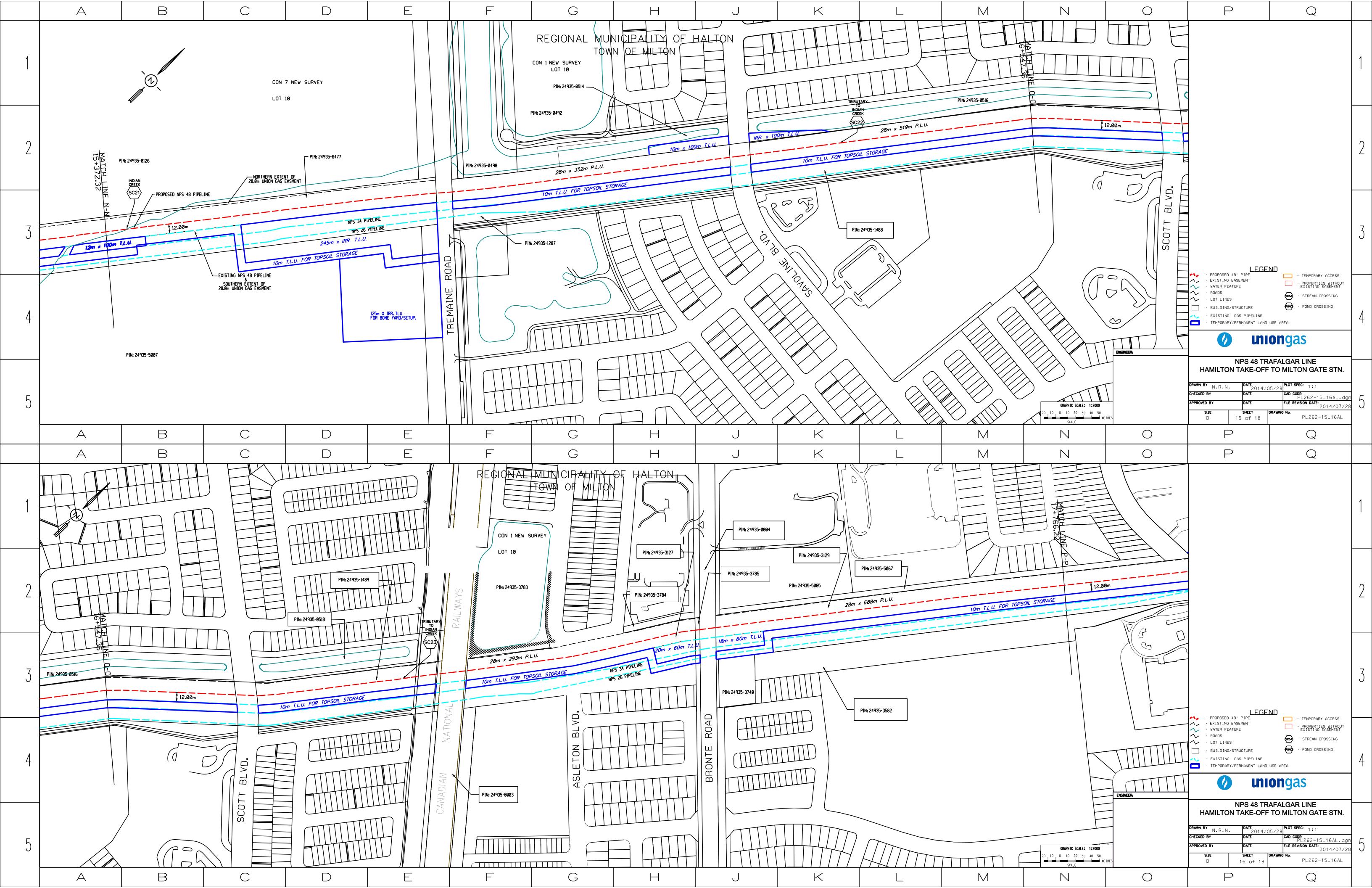












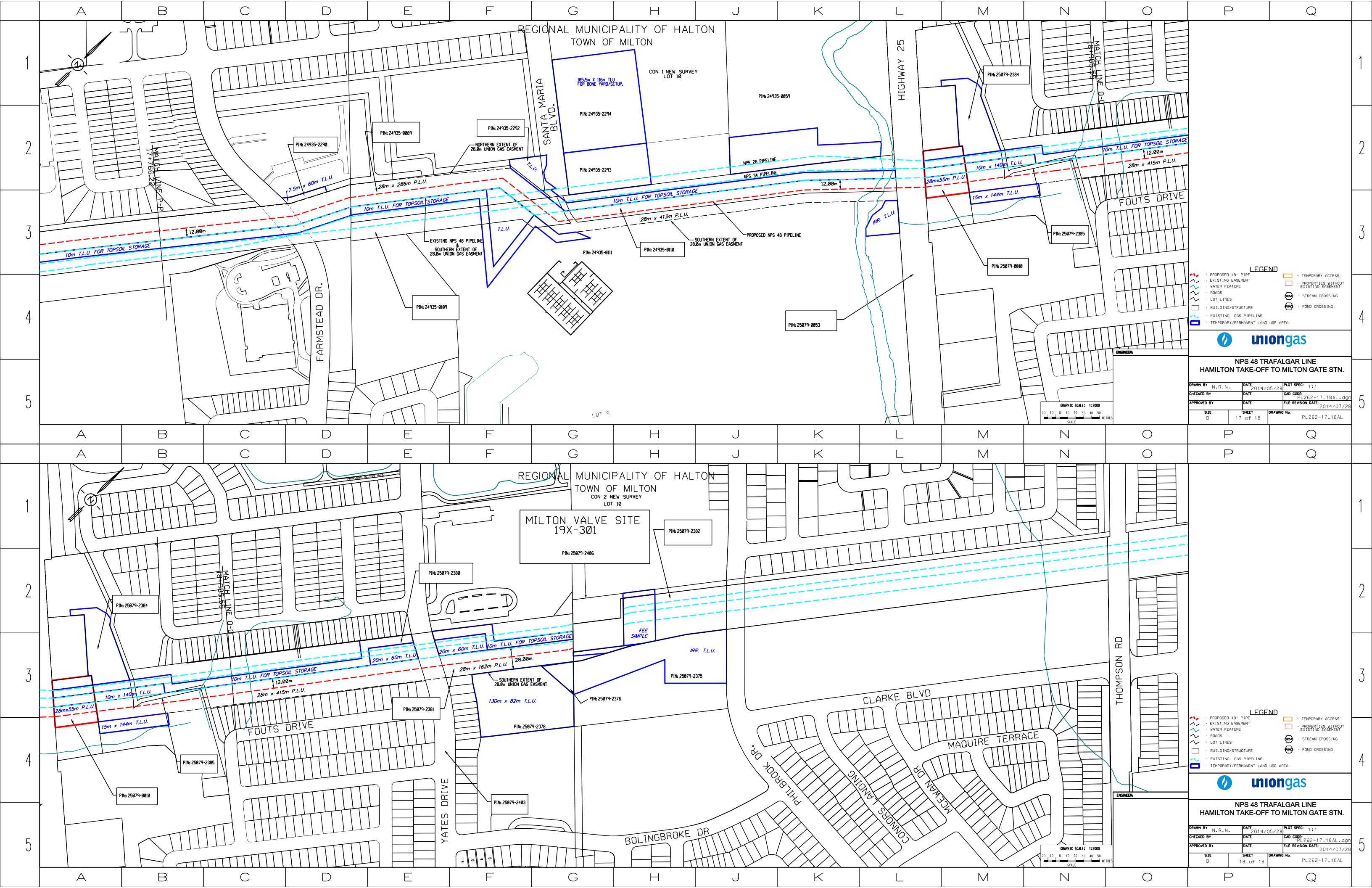


Exhibit B Tab 1 Schedule 1 Appendix C

### APPENDIX 'C'

**Legal Description of Lands to be Expropriated** 

PIN	LEGAL	REGISTERED	REQUIRED	AFFECTED
,	DESCRIPTION	OWNER	INTEREST	ENCUMBRANCERS
17523- 0435	Pt Lts 11 & 12 Con 9 East Flamborough, As In AB155972" Except Pts 1 & 2 On 62R-932, Pt 5 On 62R-11377, Pt 1 On 62R-13526, Pt 4 On 62R-11377; Flamborough, S/T Interest, If Any, In HL21428; S/T AB166558, EF20212, HL47489, VM20689, VM206896, VM206897, VM206898, City Of Hamilton		Temporary Easement area of 0.48 ha (480 x 10 m)	
17523- 0229	Pt Lt 9, Con 9 East Flamborough, As In Ab201969; S/T The Rights Of Owners Of Adjoining Parcels, If Any, Under Cd35102; Flamborough City Of Hamilton		Permanent Easement areas of 0.01 and 0.07 ha (irregular)	
17523- 0550	Pt Lt 5, Con 9 East Flam, Being Parts 24 To 28 Both Incl Pl 62R17626; S/T Easement In Gross WE348311 And WE348316; S/T Ease In Gross Over Pt 24 62R17626 As In WE430092; S/T Easement In Gross As In WE430093; T/W Row Over Pt Lt 7, Con 9, Pt 3 62R17626 Except Pt 3 62R17646		Temporary Easement area of 0.65 ha (653 x 10 m)	

Exhibit B
Tab 1
Schedule 1
Appendix C
Page 2 of 4

	As In WE449183; T/W Row Over Pt Lt 6, Con 9, Pt 6 & 16 62R17626 As In WE452969; Pt Lt 6, Con 9 Pts 19 To 23 62R17626; T/W Row Over Pt Lt 6 & 7 Con 9, Parts 3,6,16 62R17626 Except Pt 3 62R17646; As In WE449185; S/T Ease In Gross Over Pt Of Pts 1,2 62R17207 As In WE348238, S/T Ease In Gross Over Pt Of Pts 2,3 62R17207 As In WE348245; S/T Ease In Gross As In WE430093; Flamborough, City Of Hamilton		
07214- 0006	Pt Lt 10, Con 4 NS, As In 792743, Except Pts 1 & 2, R106, T/W 792743; S/T 296130,69525. S/T Easement In Gross As In HR455513 Over Pts 1 To 4, 6, 8, 10, 11, 13, 14 & 16 To 22, 20R16312. S/T Easement In Gross As In HR455517 Over Pts 3 To 9, 11, 12, 15, 16 & 19 To 22, 20R16312. City Of Burlington	Temporary Easement areas of 0.84 ha (irregular), 0.44 ha (188 m x irregular), 0.72 ha (720 x 10 m)	

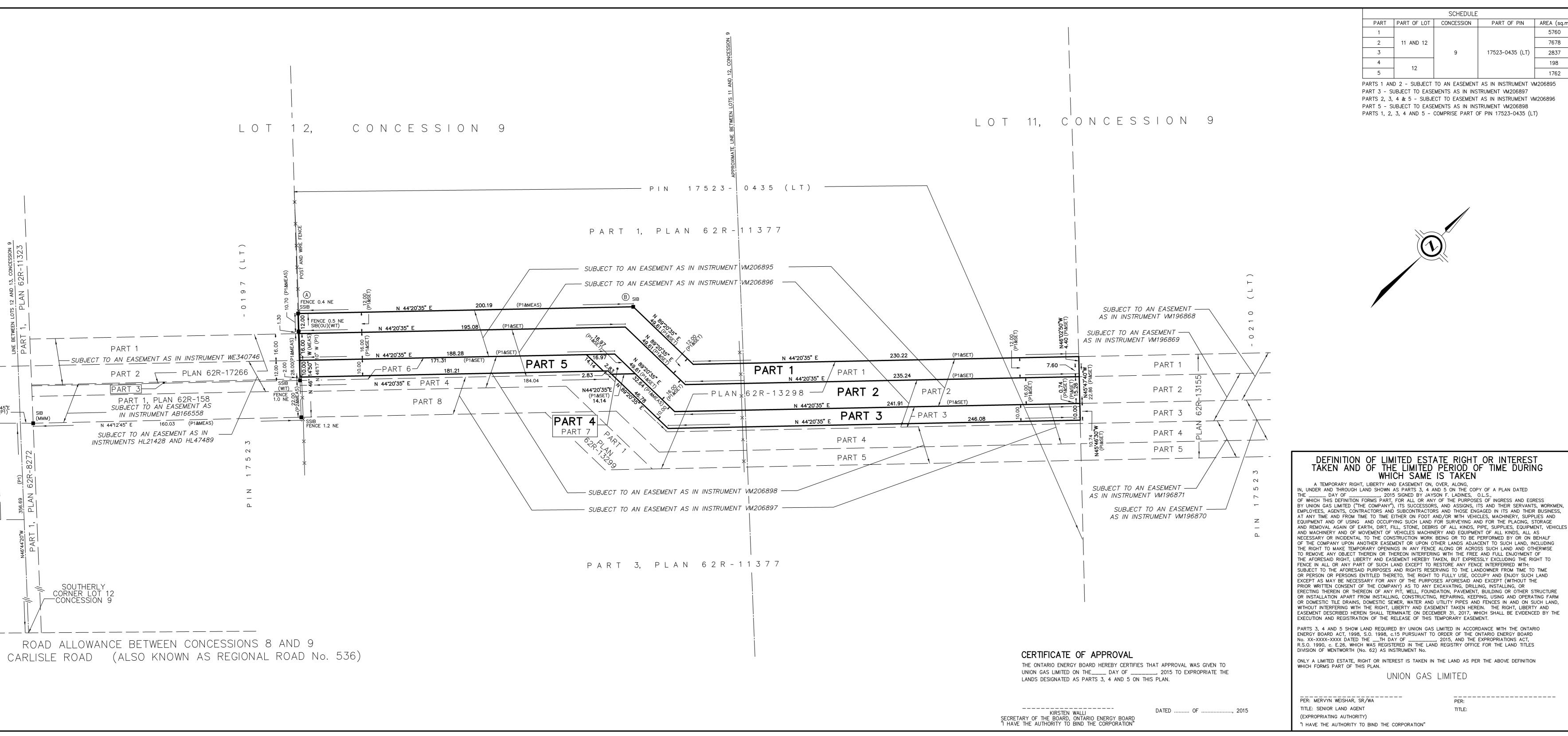
07214-	Pt Lt 10, Con 6 NS, Pt	Temporary	
0209	1, 20R17548, S&E Pts 1, 2 & 3, 20R18290. City Of Burlington	Easement area of 0.12 ha (60 x 20 m)	
07214- 0039	Pt Lts 9 & 10, Con 6 NS, As In 668387, Except Pt 12, 20R4392; S/T 99674,70631 Burlington/Nelson Twp. S/T Easement In Gross Over Pts 1, 2 & 3 PL 20R16165	Permanent Easement area of 0.91 ha (326 28 m) Temporary Easement area of 0.48 ha (irregular)	
24935- 0006	Pt Lt 10, Con 7 NNS, As In 119411, Except 322100 & 322344; S/T 296129,85629	Permanent Easement area of 0.97 ha	

	Milton. S/T Easement In Gross Over Pts 1 To 3, 20R16410 As In HR460883.	(342 x 28 m)  Temporary Easement areas of 0.17 ha (83 x 20 m), 0.34 ha (342 x 10 m)	
25079- 0010	Pt Lt 9, Con 3 Trafalgar New Survey, As In TW25179, Except Portions A&B, PL851, S/T 53599 Partially Released By 289724; S/T 290328, 70629, 71598, 762144, TW17147 Milton/Trafalgar	Permanent Easement area of 0.15 ha (55 x 28 m) Temporary Easement areas of 0.05 ha (54 x 10 m), 0.08 ha (56 x 15 m), 0.05 ha (53 x 10 m)	

Exhibit B Tab 1 Schedule 1 Appendix D

### APPENDIX 'D'

**Draft Plans of Expropriation** 



PART PART OF LOT CONCESSION PART OF PIN AREA (sq.n 2 | 11 AND 12 OFFICE FOR THE LAND TITLES DIVISION OF WENTWORTH (No. 62) 17523-0435 (LT)

PARTS 1 AND 2 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT VM206895 PART 3 - SUBJECT TO EASEMENTS AS IN INSTRUMENT VM206897 PARTS 2, 3, 4 & 5 - SUBJECT TO EASEMENT AS IN INSTRUMENT VM206896 PART 5 - SUBJECT TO EASEMENTS AS IN INSTRUMENT VM206898 PARTS 1, 2, 3, 4 AND 5 - COMPRISE PART OF PIN 17523-0435 (LT)

UNION GAS LIMITED

TITLE:

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\_\_\_\_\_ O'CLOCK ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER NUMBER 17523-0435 (LT).

CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY

REPRESENTATIVE FOR LAND REGISTRAR

THE EXPROPRIATIONS ACT" PLAN OF EXPROPRIATION OF

## PART OF LOTS 11 AND 12 CONCESSION 9

(GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH) CITY OF HAMILTON

J.D. BARNES LIMITED

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

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 0.999656.

### INTEGRATION DATA

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (ORIGINAL). COORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

NORTHING

580 691.89 4 803 846.13 580 831.76 4 803 989.25 COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

SURVEY MONUMENT FOUND SURVEY MONUMENT SET STANDARD IRON BAR SHORT STANDARD IRON BAR ORIGIN UNKNOWN
J.D. BARNES LIMITED, O.L.S.
MARTINUS VORSTEVELD, O.L.S. PLAN 62R-13298

PLAN 62R-17266

PLAN 62R-8272

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

MONUMENTS FOUND WERE JDB UNLESS NOTED OTHERWISE.

### SURVEYOR'S CERTIFICATE CERTIFY THAT:

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. THE SURVEY WAS COMPLETED ON

----JANDRAGITES-

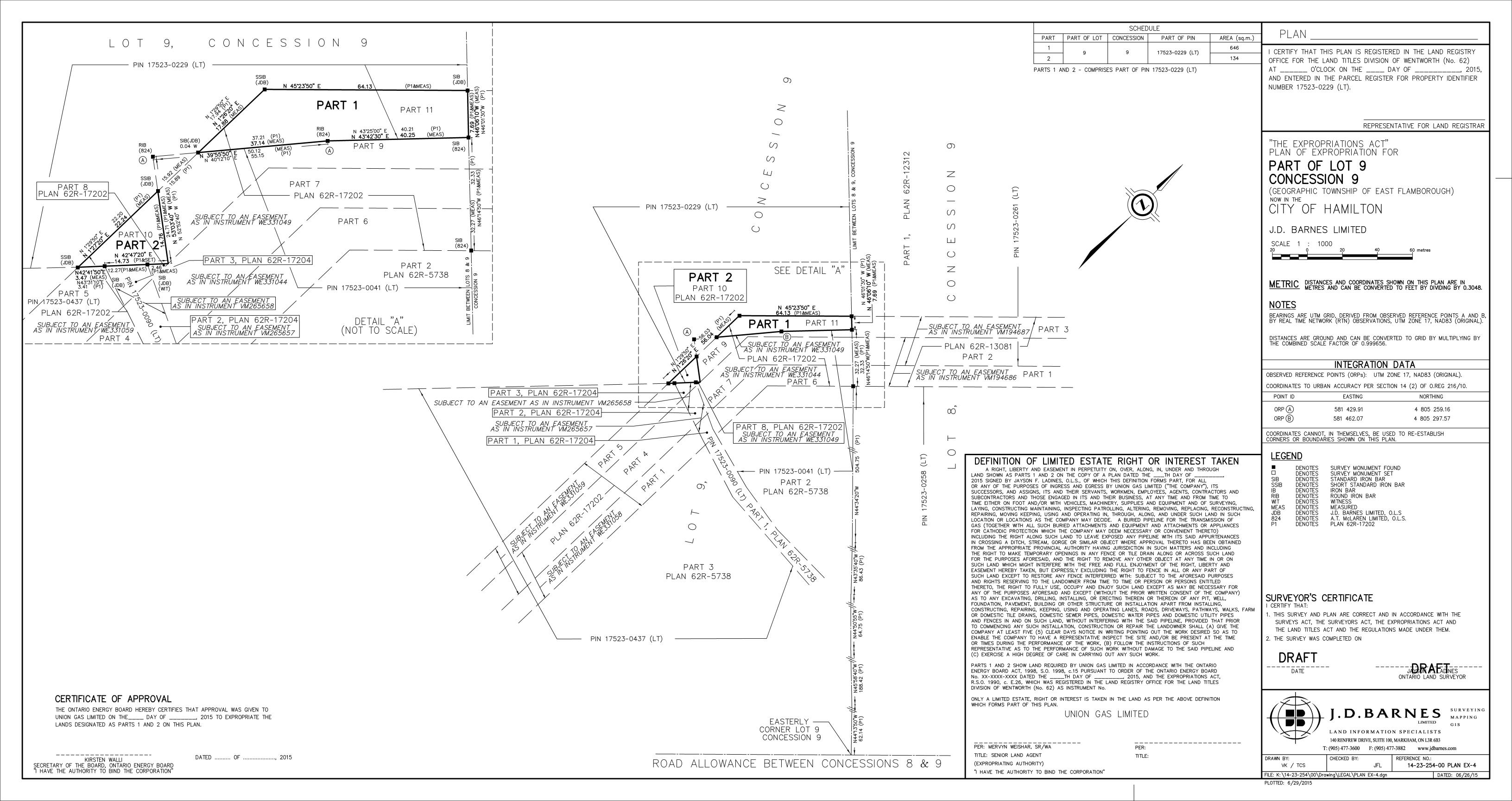


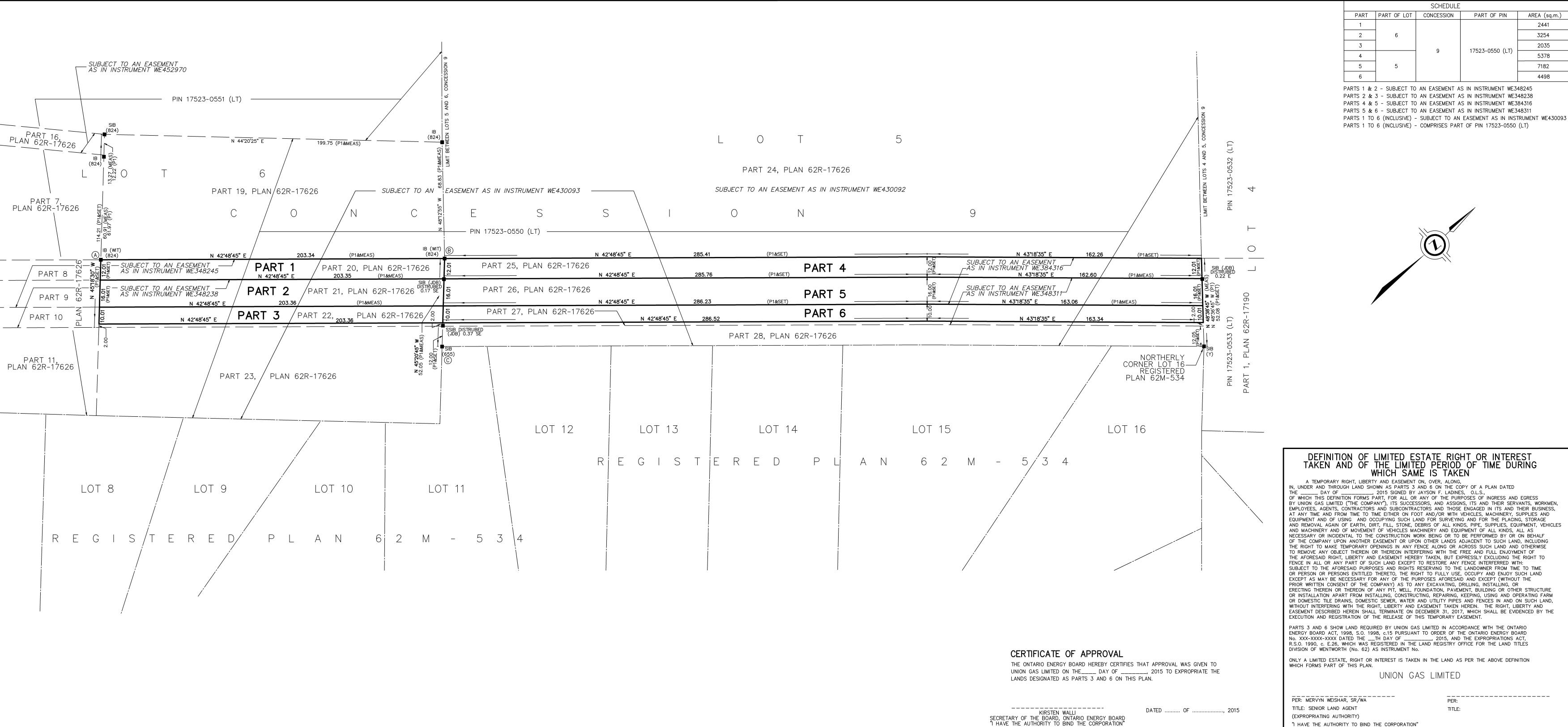
I.D.BARNES SURVEYING MAPPING LIMITED

LAND INFORMATION SPECIALISTS 140 RENFREW DRIVE, SUITE 100, MARKHAM, ON L3R 6B3 T: (905) 477-3600 F: (905) 477-3882 www.jdbarnes.com

JFL 14-23-254-00 PLAN EX-2

E: K: \14-23-254\00\Drawing\LEGAL\PLAN EX-2.dgn





PART PART OF LOT CONCESSION PART OF PIN AREA (sg.m.) 2441 3254 3 17523-0550 (LT) 5378 7182 5 6 4498

PARTS 1 & 2 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT WE348245 PARTS 2 & 3 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT WE348238 PARTS 4 & 5 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT WE384316 PARTS 5 & 6 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT WE348311 PARTS 1 TO 6 (INCLUSIVE) - SUBJECT TO AN EASEMENT AS IN INSTRUMENT WE430093 PARTS 1 TO 6 (INCLUSIVE) - COMPRISES PART OF PIN 17523-0550 (LT)

UNION GAS LIMITED

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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 \_\_\_\_, 2015, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER NUMBER 17523-0550 (LT).

REPRESENTATIVE FOR LAND REGISTRAR

'THE EXPROPRIATIONS ACT" PLAN OF EXPROPRIATION OF

## PART OF LOT 5 AND 6 CONCESSION 9

(GEOGRAPHIC TOWNSHIP OF EAST FLAMBOROUGH) NOW IN THE CITY OF HAMILTON

J.D. BARNES LIMITED



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

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 0.999656.

FOR BEARING COMPARISONS, A ROTATION OF 0°39'30" COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON PLAN 62R-17626 (P1).

## 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)	582 250.79	4 806 160.40
ORP (B)	582 388.95	4 806 309.52
ORP (C)	582 425.95	4 806 272.97

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

SURVEY MONUMENT FOUND SURVEY MONUMENT SET STANDARD IRON BAR SHORT STANDARD IRON BAR IRON BAR SIB SSIB MEAS WIT MEASURED J.D. BARNES LIMITED, O.L.S.
YATES AND YATES LIMITED, O.L.S.
J.T. PETERS, O.L.S. 655 824 P1 A.T. McLAREN LIMITED, O.L.S.

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.

PLAN 62R-17626

## SURVEYOR'S CERTIFICATE

THE SURVEY WAS COMPLETED ON

CERTIFY THAT: . 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.

-----JADRAFATES--

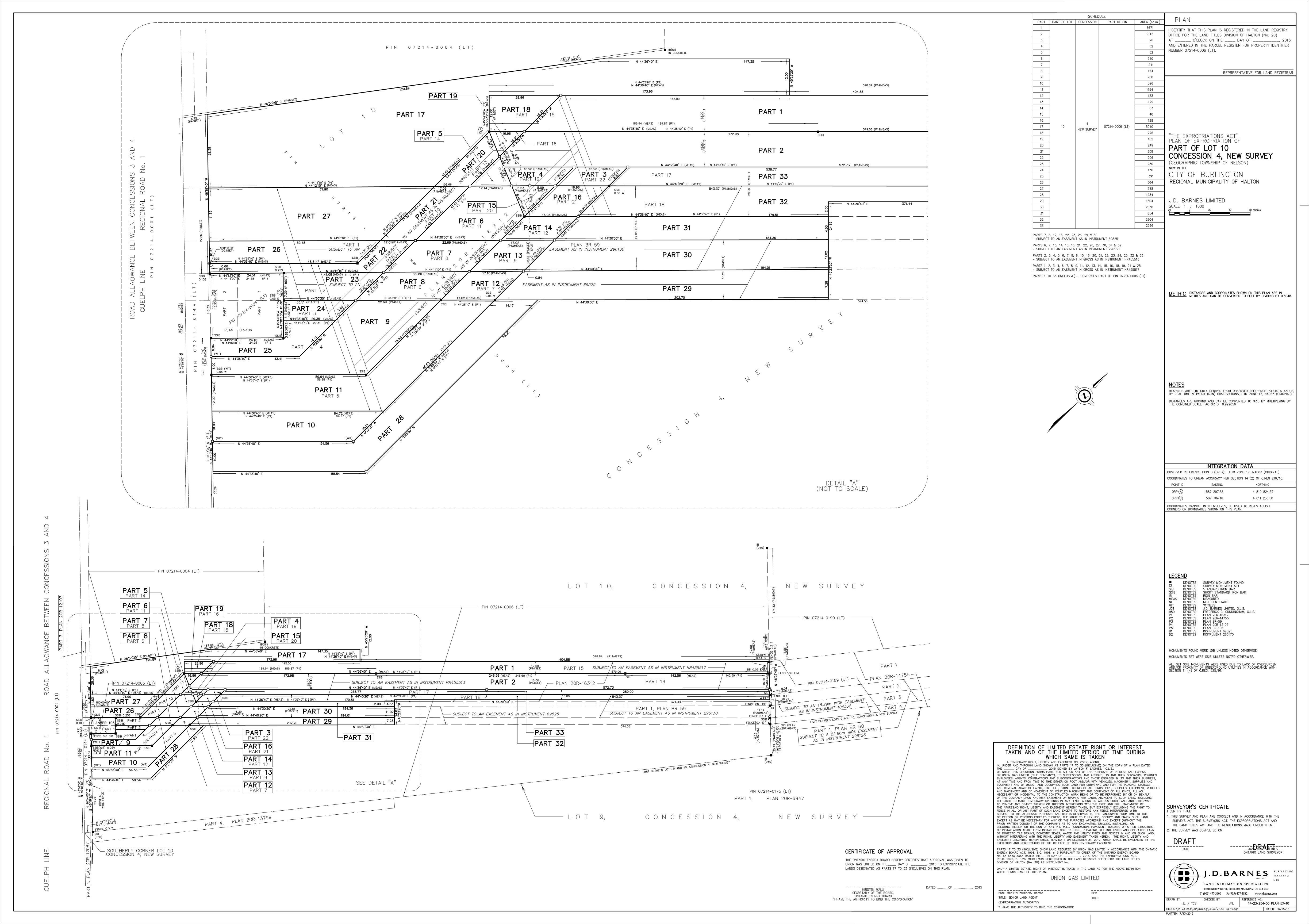


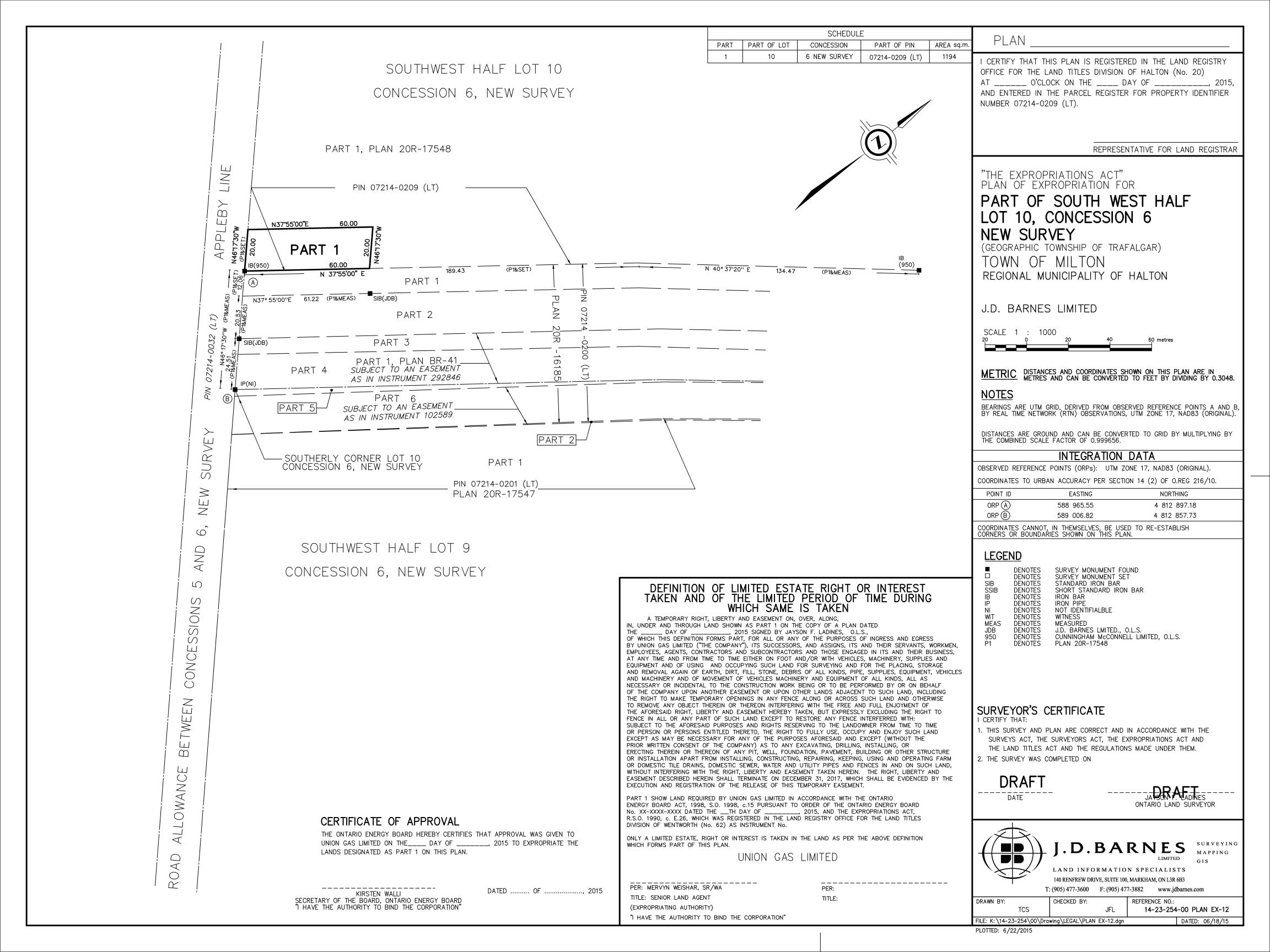
.D.BARNES SURVEYING MAPPING LIMITED G I S LAND INFORMATION SPECIALISTS 140 RENFREW DRIVE, SUITE 100, MARKHAM, ON L3R 6B3

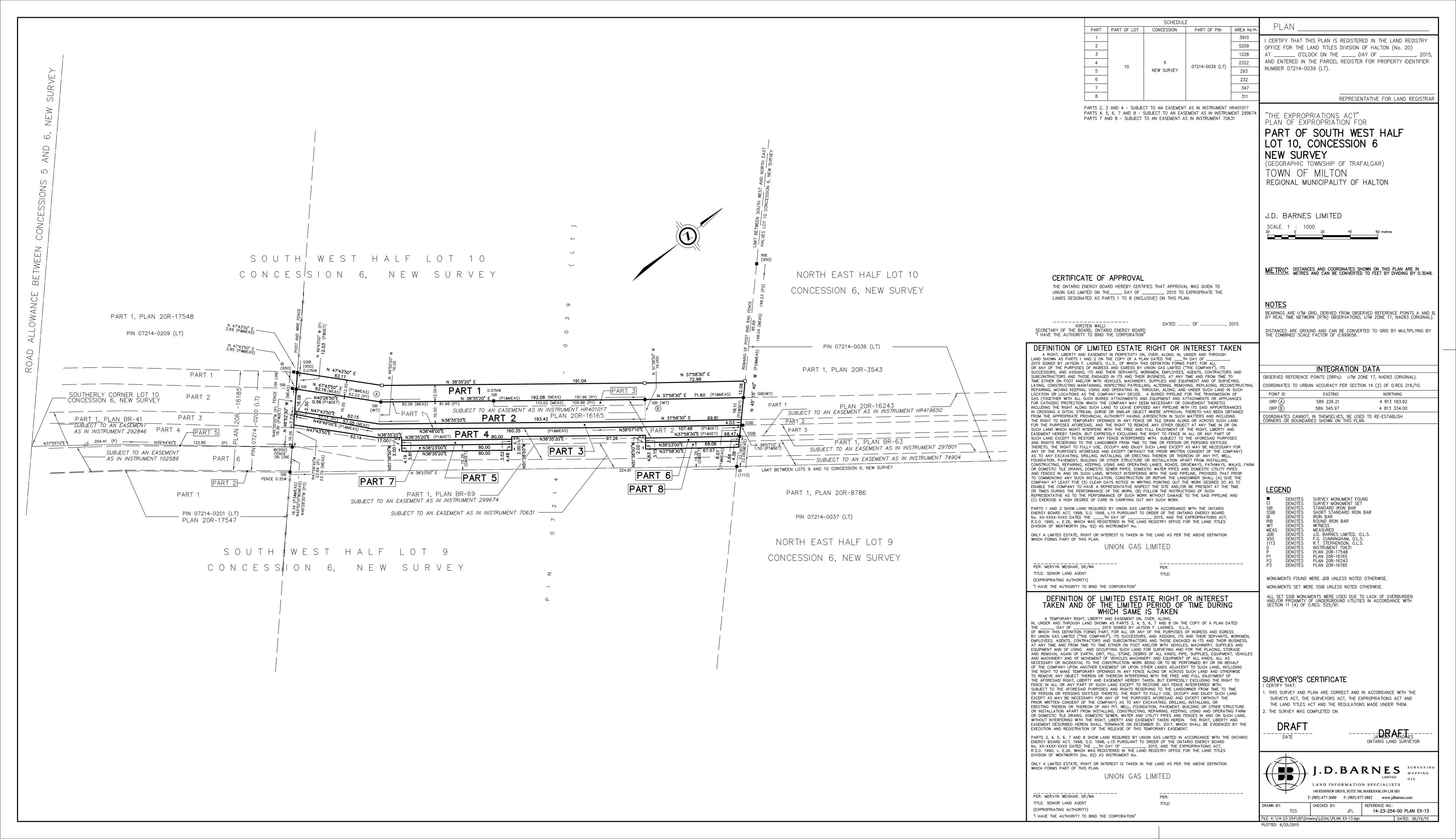
T: (905) 477-3600 F: (905) 477-3882 www.jdbarnes.com REFERENCE NO.: JFL 14-23-254-00 PLAN EX-5

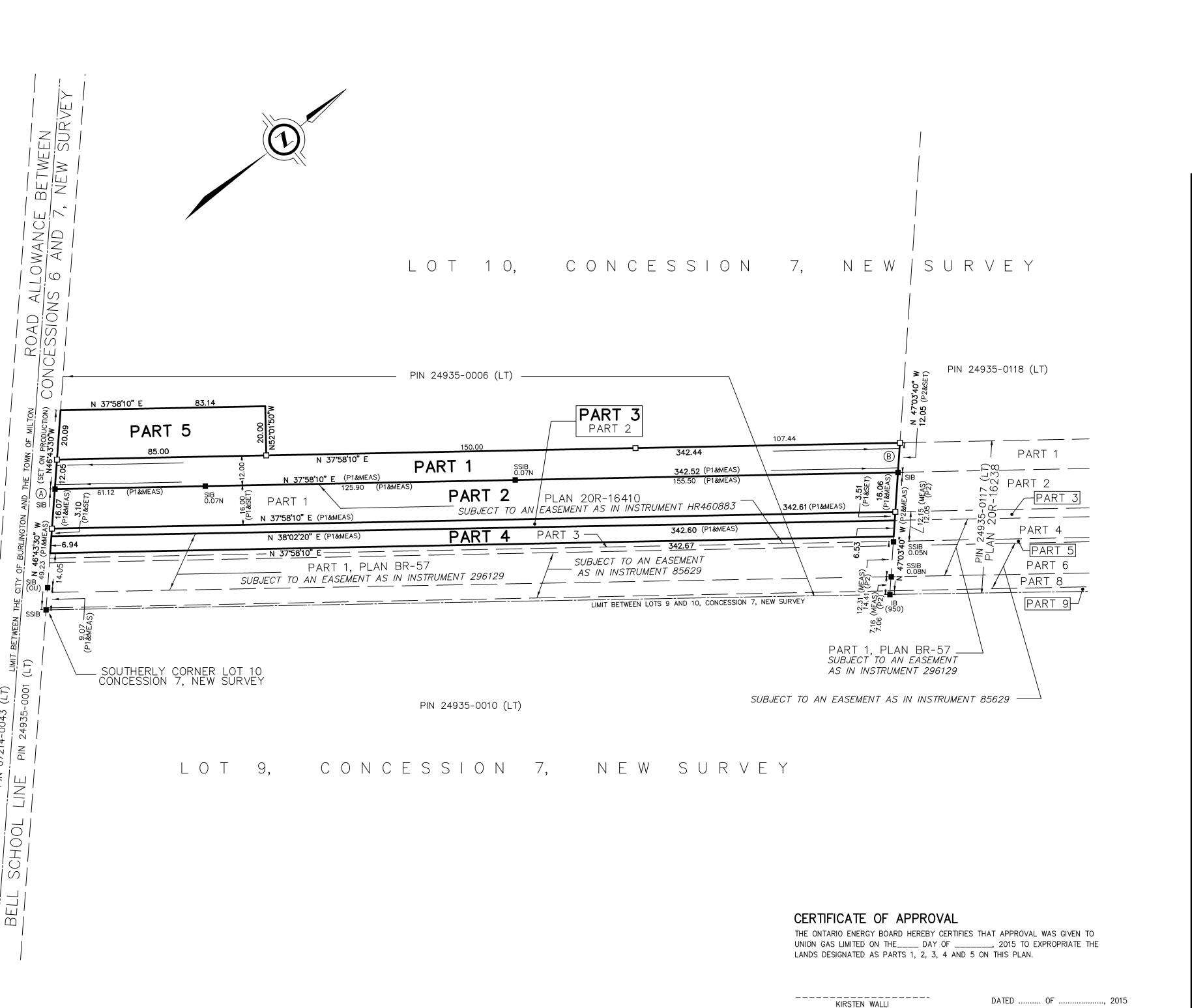
TLE: K:\14-23-254\00\Drawing\LEGAL\PLAN EX-5.dgn

PLOTTED: 7/13/2015









SECRETARY OF THE BOARD, ONTARIO ENERGY BOARD

'I HAVE THE AUTHORITY TO BIND THE CORPORATION"

SCHEDULE PART PART OF LOT CONCESSION PART OF PIN AREA (sq.m.) 1128 3 24935-0006 (LT) NEW SURVEY

PARTS 2, 3 AND 4 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT HR460883 PART 4 - SUBJECT TO AN EASEMENT AS IN INSTRUMENT 296129 PARTS 1, 2, 3, 4 AND 5 - COMPRISES PART OF PIN 24935-0006 (LT)

DEFINITION OF LIMITED ESTATE RIGHT OR INTEREST TAKEN

A RIGHT, LIBERTY AND EASEMENT IN PERPETUITY ON, OVER, ALONG, IN, UNDER AND THROUGH

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

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

ANY OF THE PURPOSES AFORESAID AND EXCEPT (WITHOUT THE PRIOR WRITTEN CONSENT OF THE COMPANY)

AND FENCES IN AND ON SUCH LAND, WITHOUT INTERFERING WITH THE SAID PIPELINE, PROVIDED THAT PRIOR

ENABLE THE COMPANY TO`HAVE A REPRESENTATIVE INSPECT THE SITE AND/OR BE PRESENT AT THE TIME

REPRESENTATIVE AS TO THE PERFORMANCE OF SUCH WORK WITHOUT DAMAGE TO THE SAID PIPELINE AND

OR TIMES DURING THE PERFORMANCE OF THE WORK, (B) FOLLOW THE INSTRUCTIONS OF SUCH

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. XX-XXXX-XXXX DATED THE \_\_\_\_TH DAY OF \_\_\_\_\_, 2015, AND THE EXPROPRIATIONS ACT, R.S.O. 1990, c. E.26, WHICH WAS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES

ONLY A LIMITED ESTATE, RIGHT OR INTEREST IS TAKEN IN THE LAND AS PER THE ABOVE DEFINITION

UNION GAS LIMITED

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

WHICH SAME IS TAKEN

\_\_\_\_\_, 2015 SIGNED BY JAYSON F. LADINES, O.L.S.,

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

N, UNDER AND THROUGH LAND SHOWN AS PARTS 3, 4, AND 5 ON THE COPY OF A PLAN DATED

OF WHICH THIS DEFINITION FORMS PART, FOR ALL OR ANY OF THE PURPOSES OF INGRESS AND EGRESS

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

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

PRIOR WRITTEN CONSENT OF THE COMPANY) AS TO ANY EXCAVATING, DRILLING, INSTALLING, OR

THE AFORESAID RIGHT, LIBERTY AND EASEMENT HEREBY TAKEN, BUT EXPRESSLY EXCLUDING THE RIGHT TO

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

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.

TITLE:

(C) EXERCISE A HIGH DEGREE OF CARE IN CARRYING OUT ANY SUCH WORK.

A TEMPORARY RIGHT, LIBERTY AND EASEMENT ON, OVER, ALONG,

DIVISION OF WENTWORTH (No. 62) AS INSTRUMENT No.

"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

WHICH FORMS PART OF THIS PLAN.

TITLE: SENIOR LAND AGENT

(EXPROPRIATING AUTHORITY)

WHICH FORMS PART OF THIS PLAN.

(EXPROPRIATING AUTHORITY)

PER: MERVYN WEISHAR, SR/WA

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

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

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,

LAYING, CONSTRUCTING MAINTAINING, INSPECTING PATROLLING, ALTERING, REMOVING, REPLACING, RECONSTRUCTING, REPAIRING, MOVING KEEPING, USING AND OPERATING IN, THROUGH, ALONG, AND UNDER SUCH LAND IN SUCH

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

LAND SHOWN AS PARTS 1 AND 2 ON THE COPY OF A PLAN DATED THE \_\_\_TH DAY OF \_

2015 SIGNED BY JAYSON F. LADINES, O.L.S., OF WHICH THIS DEFINITION FORMS PART, FOR ALL

PLAN CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF HALTON (No. 20)

AT \_\_\_\_\_, O'CLOCK ON THE \_\_\_\_, DAY OF \_\_\_\_\_, 2015, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER NUMBER 24935-0006 (LT).

REPRESENTATIVE FOR LAND REGISTRAF

"THE EXPROPRIATIONS ACT" PLAN OF EXPROPRIATION OF

## PART OF LOT 10 CONCESSION 7, NEW SURVEY

(GEOGRAPHIC TOWNSHIP OF NELSON)

NOW IN THE

TOWN OF MILTON REGIONAL MUNICIPALITY OF HALTON

J.D. BARNES LIMITED



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

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 0.999656.

### INTEGRATION DATA

DBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17, NAD83 (ORIGINAL). OORDINATES TO URBAN ACCURACY PER SECTION 14 (2) OF O.REG 216/10.

4 813 939.80 589 818.93 590 029.59 4 814 209.70

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

## <u>LEGEND</u>

SURVEY MONUMENT SET STANDARD IRON BAR SIB SSIB DENOTES SHORT STANDARD IRON BAR IRON BAR DENOTES MEAS MEASURED ORIGIN UNKNOWN J.D. BARNES LIMITED, O.L.S. F.G. CUNNINGHAM, O.L.S. DENOTES PLAN 20R-16410 PLAN 20R-16238 BY UNION GAS LIMITED ("THE COMPANY"), ITS SUCCESSORS, AND ASSIGNS, ITS AND THEIR SERVANTS, WORKMEN,

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

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.

. THE SURVEY WAS COMPLETED ON

**DRAF**1 DATE



14-23-254-00 PLAN EX-14

DATED: 07/07/15



.D.BARNES SURVEYING LIMITED

LAND INFORMATION SPECIALISTS 140 RENFREW DRIVE, SUITE 100, MARKHAM, ON L3R 6B3

T: (905) 477-3600 F: (905) 477-3882 www.jdbarnes.com

JFL

TILE: K:\14-23-254\00\Drawing\LEGAL\PLAN EX-14.dgn

TCS

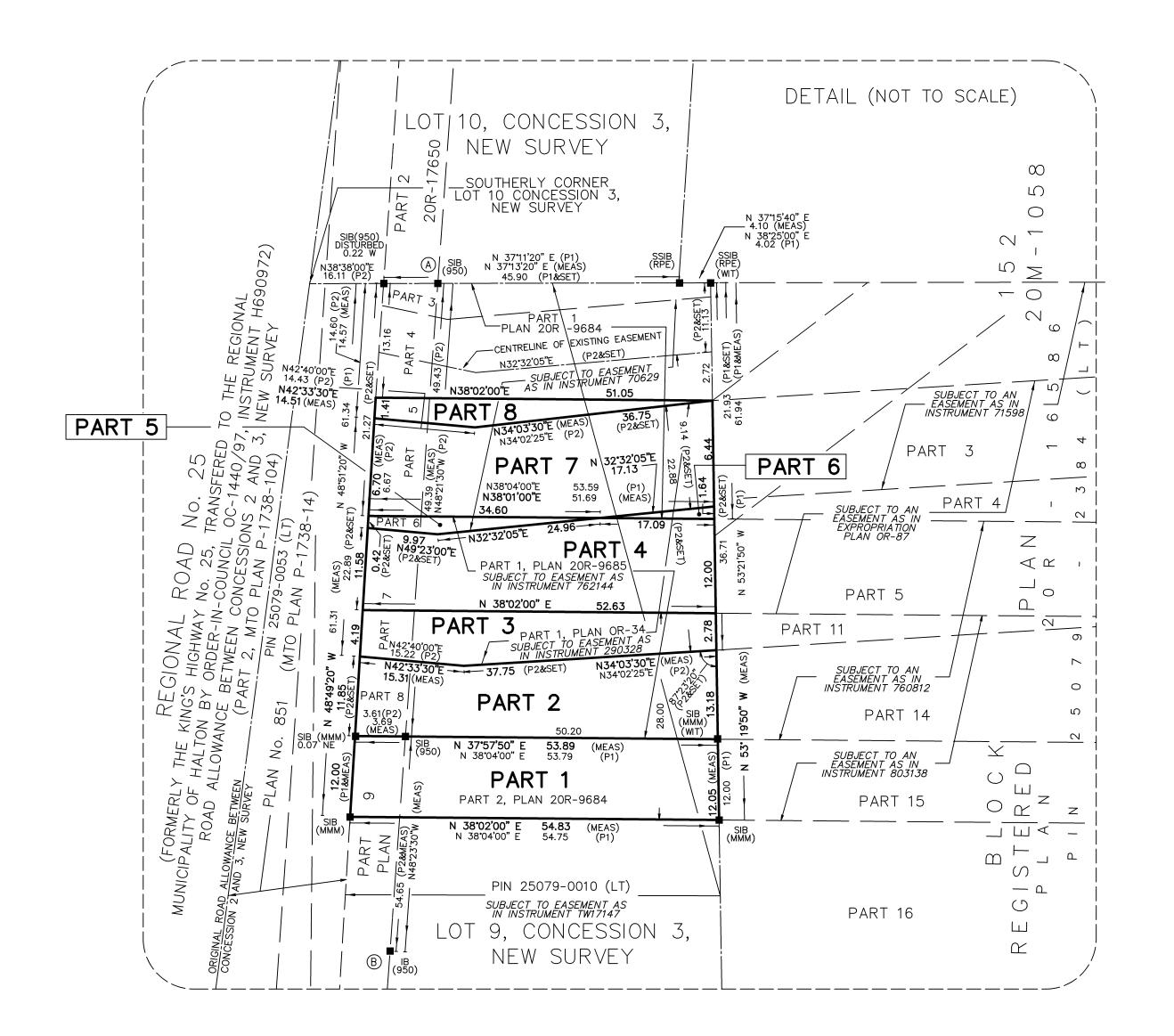
TITLE: I HAVE THE AUTHORITY TO BIND THE CORPORATION"

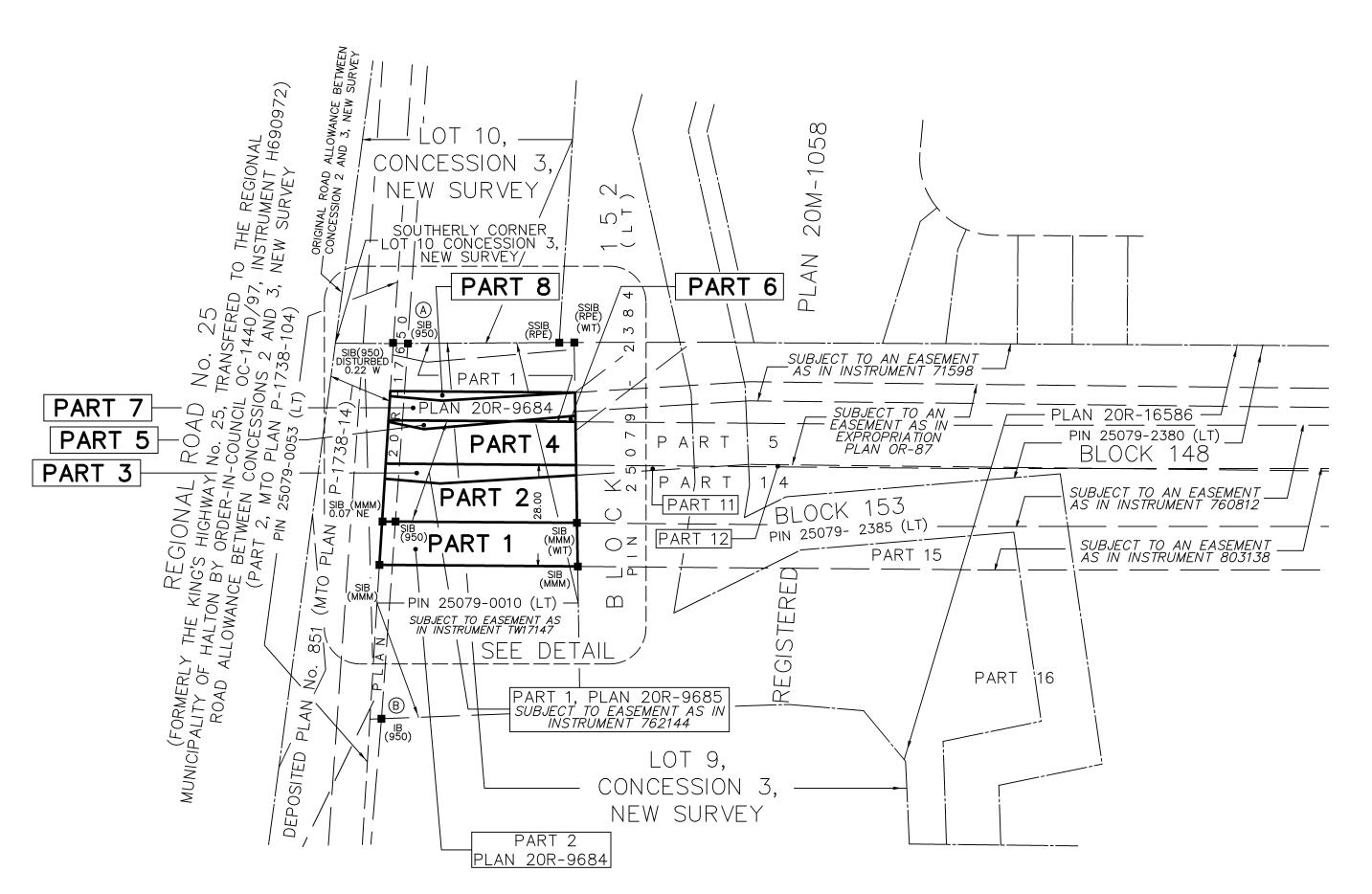
WITHOUT INTERFERING WITH THE RIGHT, LIBERTY AND EASEMENT TAKEN HEREIN. THE RIGHT, LIBERTY AND EASEMENT DESCRIBED HEREIN SHALL TERMINATE ON DECEMBER 31, 2017, WHICH SHALL BE EVIDENCED BY THE EXECUTION AND REGISTRATION OF THE RELEASE OF THIS TEMPORARY EASEMENT. PARTS 3, 4, AND 5 SHOW LAND REQUIRED BY UNION 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. XX-XXXX-XXXX DATED THE \_\_TH DAY OF \_\_\_\_\_\_, 2015, 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

UNION GAS LIMITED

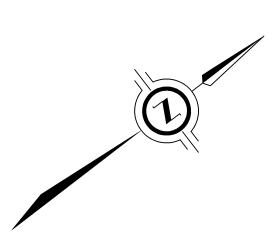
PER: MERVYN WEISHAR, SR/WA \_\_\_\_\_ TITLE: SENIOR LAND AGENT





SCHEDULE PART | PART OF LOT | CONCESSION PART OF PIN AREA sq.m 625 3 226 25079-0010 (LT) **NEW SURVEY** 5 43 14 326 75

PARTS 3, 4, 5, 6 AND 7 - SUBJECT TO EASEMENT AS IN INSTRUMENT 290328 PARTS 2, 3, 4 AND 5 - SUBJECT TO EASEMENT AS IN INSTRUMENT 762144 PARTS 5, 7 AND 8 - SUBJECT TO EASEMENT AS IN INSTRUMENT 70629 PARTS 1 TO 8 (INCLUSIVE) - SUBJECT TO EASEMENT AS IN INSTRUMENT TW17147 PARTS 1 TO 8 (INCLUSIVE) - COMPRISE PART OF PIN 25079-0010 (LT)



### CERTIFICATE OF APPROVAL

"I HAVE THE AUTHORITY TO BIND THE CORPORATION

THE ONTARIO ENERGY BOARD HEREBY CERTIFIES THAT APPROVAL WAS GIVEN TO UNION GAS LIMITED ON THE\_\_\_\_ DAY OF \_\_\_\_\_, 2015 TO EXPROPRIATE THE LANDS DESIGNATED AS PARTS 1 TO 8 (INCLUSIVE) ON THIS PLAN.

DATED ...... 0F ....., 2015 KIRSTEN WALLI SECRETARY OF THE BOARD, ONTARIO ENERGY BOARD

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 AND 3 ON THE COPY OF A PLAN DATED THE \_\_\_\_TH DAY OF 2015 SIGNED BY JAYSON F. LADINES, 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 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 AND 3 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 \_\_\_, 2015, AND THE EXPROPRIATIONS ACT, No. XX-XXXX-XXXX DATED THE \_\_\_\_TH DAY OF \_\_\_\_\_ 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

TITLE:

PER: MERVYN WEISHAR, SR/WA

(EXPROPRIATING AUTHORITY) "I HAVE THE AUTHORITY TO BIND THE CORPORATION"

TITLE: SENIOR LAND AGENT

# 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 ON, OVER, ALONG, N, UNDER AND THROUGH LAND SHOWN AS PARTS 4, 5, 6, 7 AND 8 ON THE COPY OF A PLAN DATED \_\_, 2015 SIGNED BY JAYSON F. LADINES, 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 4, 5, 6, 7 AND 8 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. XX-XXXX-XXXX DATED THE \_\_TH DAY OF \_\_\_\_\_\_, 2015, 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: MERVYN WEISHAR, SR/WA TITLE: SENIOR LAND AGENT TITLE: (EXPROPRIATING AUTHORITY)

"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

\_\_\_\_\_\_

CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF HALTON (No. 20) AT \_\_\_\_\_, O'CLOCK ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2015, AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER NUMBER 25079-0010 (LT).

REPRESENTATIVE FOR LAND REGISTRAR

THE EXPROPRIATIONS ACT" PLAN OF EXPROPRIATION FOR

PART OF LOT 9 CONCESSION 3, NEW SURVEY

(GEOGRAPHIC TOWNSHIP OF TRAFALGAR) TOWN OF MILTON REGIONAL MUNICIPALITY OF HALTON

J.D. BARNES LIMITED



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

BEARINGS ARE UTM GRID, DERIVED FROM OBSERVED REFERENCE POINTS A AND E 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 0.999656.

### 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 NORTHING EASTING 592 495.50 4 817 281.71 592 573.27 4 817 212.65

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

## **LEGEND**

DENOTES
DENOTES SURVEY MONUMENT FOUND SURVEY MONUMENT SET STANDARD IRON BAR SIB SSIB SHORT STANDARD IRON BAR IRON BAR WIT MEAS MMM RPE 950 WITNESS MEASURED
MARSHALL MACKLIN MONAGHAN LTD., O.L.S.
RADY-PENTEK & EDWARD SURVEYING LTD., O.L.S.
CUNNINGHAM McCONNELL LIMITED, O.L.S. PLAN 20R-9684 PLAN 20R-17650

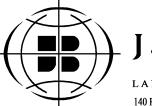
## SURVEYOR'S CERTIFICATE

. 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. . THE SURVEY WAS COMPLETED ON

## DRAFT

I CERTIFY THAT:

ONTARIO LAND SURVEYOR



D.BARNES LAND INFORMATION SPECIALISTS 140 RENFREW DRIVE, SUITE 100, MARKHAM, ON L3R 6B3

JFL

T: (905) 477-3600 F: (905) 477-3882 www.jdbarnes.com

FILE: K: \14-23-254\00\Drawing\LEGAL\PLAN EX-15.dgn

14-23-254-00 PLAN EX-15 DATED: 06/15/15

PLOTTED: 6/25/2015

DRAWN BY:

TCS

Exhibit B Tab 1 Schedule 1 Appendix E

### **APPENDIX 'E'**

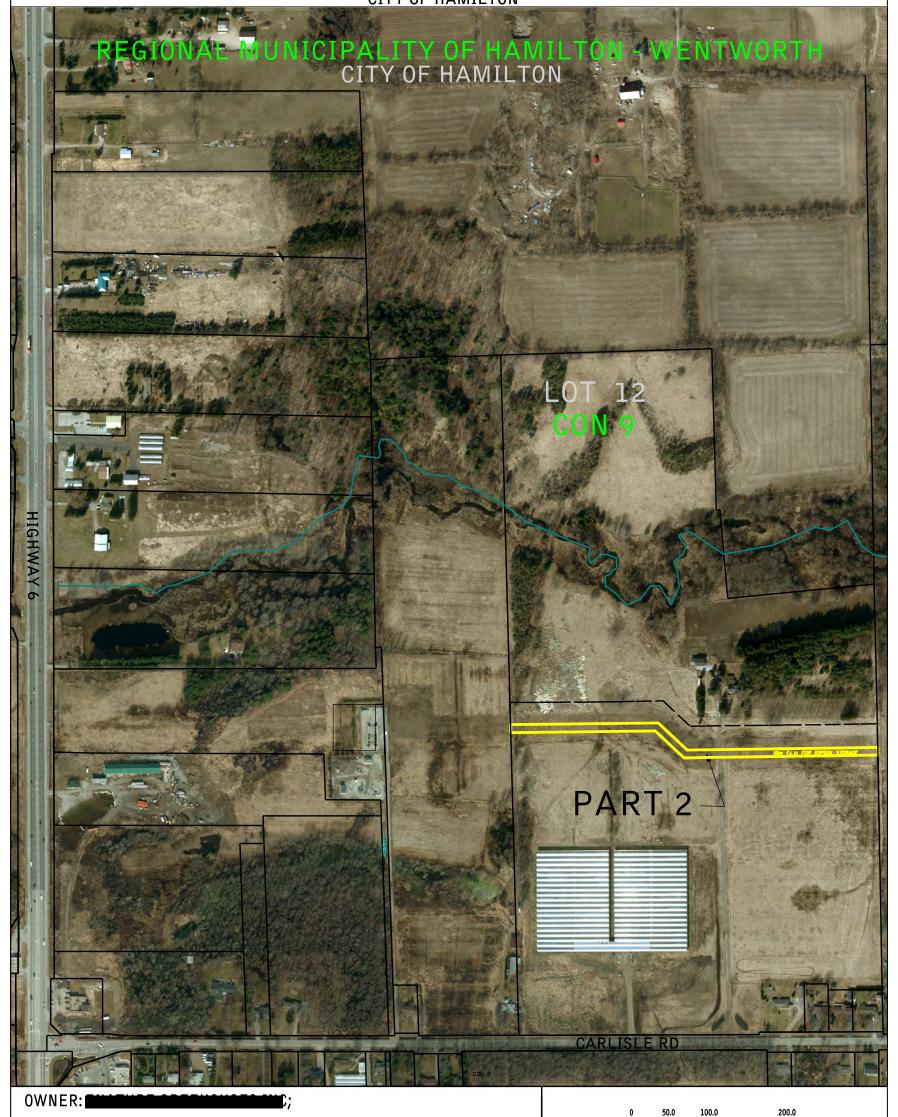
**Ortho-Rectified Aerial Plans** 

**Property Sketch** 

**Showing Approximate Location of** 

Proposed Temporary Pipeline Easement within

PT LTS 11 & 12 CON 9 EAST FLAMBOROUGH, AS IN AB155972 EXCEPT
PTS 1 & 20N 62R-932, PT 5 ON 62R-11377,
PT 1 ON 62R-13526, PT 4 ON 62R-11377; FLAMBOROUGH,
S/T INTEREST, IF ANY, IN HL21428; S/T AB166558,EF20212,HL47489,VM206895,
VM206896,VM206897,VM206898
CITY OF HAMILTON



							met SCALE			
	APPROX. SIZE	(metres)	APPR0X	. AREA		APPROX. SIZE (	(metres)	APPR0X	. AREA	
PART	(width)	(length)	(hectares)	(acres)	PART	(width)	(length)	(hectares)	(acres)	
1 (TEMP)	10.0	480.0	0.479	1.185						
					_					

SCALE: 1:6000 **DATE: JULY 13, 2015** PIN: 17523-0435 \*ALL DISTANCES ARE APPROXIMATE.

Property Sketch
Showing Approximate Location of
Proposed Permanent Pipeline Easement within

Proposed Permanent Pipeline Easement within
PT LT 9, CON 9 EAST FLAMBOROUGH , AS IN AB201969 ; S/T THE RIGHTS OF OWNERS OF ADJOINING PARCELS, IF ANY, UNDER CD35102 ; FLAMBOROUGH CITY OF HAMILTON



								metres E 1:5000	
	APPROX. SIZE (metres)		APPRO)	X. AREA		APPROX. SIZE (metres)		APPROX. AREA	
PART	(width)	(length)	(hectares)	(acres)	PART	(width)	(length)	(hectares)	(acres)
1 (PERM)	IRR.	IRR.	0.01	0.03					
2 (PERM)	IRR.	IRR.	0.07	0.16					

PIN: 17523-0229 SCALE: 1:5000 \*ALL DISTANCES ARE APPROXIMATE. DATE: JUNE 04, 2014

Property Sketch
Showing Approximate Location of

Proposed Temporary Pipeline Easement within

PT LT 5, CON 9 EAST FLAM, BEING PARTS 24 TO 28 BOTH INCL PL 62R17626;

S/T EASMENT IN GROSS WE348311 AND WE348316; S/T EASE IN GROSS OVER PT 24 62R17626 AS IN WE430092;

S/T EASEMENT IN GROSS AS IN WE430093; T/W ROW OVER PT LT 7, CON 9, PT 3 62R17626 EXCEPT PT 3 62R17646;

AS IN WE449183; T/W ROW OVER PT LT 6, CON 9, PT 6 & 16 62R17626; AS IN WE452969;

PT LT 6, CON 9 PTS 19 TO 23 62R17626; T/W ROW OVER PT LT 6 & 7 CON 9, PARTS 3,6,16 62R17626

EXCEPT PT 3 62R17646; AS IN WE449185; S/T EASE IN GROSS OVER PT OF PTS 1,2 62R17207

AS IN WE348238, S/T EASE IN GROSS OVER PT OF PTS 2,3 62R17207 AS IN WE348245;

S/T EASE IN GROSS AS IN WE430093; FLAMBOROUGH,

CITY OF HAMILTON;



APPROX. SIZE	(metres)	APPROX	. AREA		APPROX. SIZE	(metres)	APPRO	X. AREA
(width)	(length)	(hectares)	(acres)	PART	(width)	(length)	(hectares)	(acres)
10.0	653.22	Ø <b>.</b> 65	1.61					
	(width)		(width) (length) (hectares)	(width) (length) (hectares) (acres)	(width) (length) (hectares) (acres)	(width) (length) (hectares) (acres) PART (width)	APPROX. SIZE (metres)  APPROX. AREA (width)  (length)  (hectares)  (acres)  APPROX. SIZE (metres)  (width)  (length)  (length)	APPROX. SIZE (metres) APPROX. AREA (width) (length) (hectares) (acres) APPROX. SIZE (metres) APPROX. SIZE (metres) APPROX. SIZE (metres) APPROX. SIZE (metres) (width) (length) (hectares)

100.0

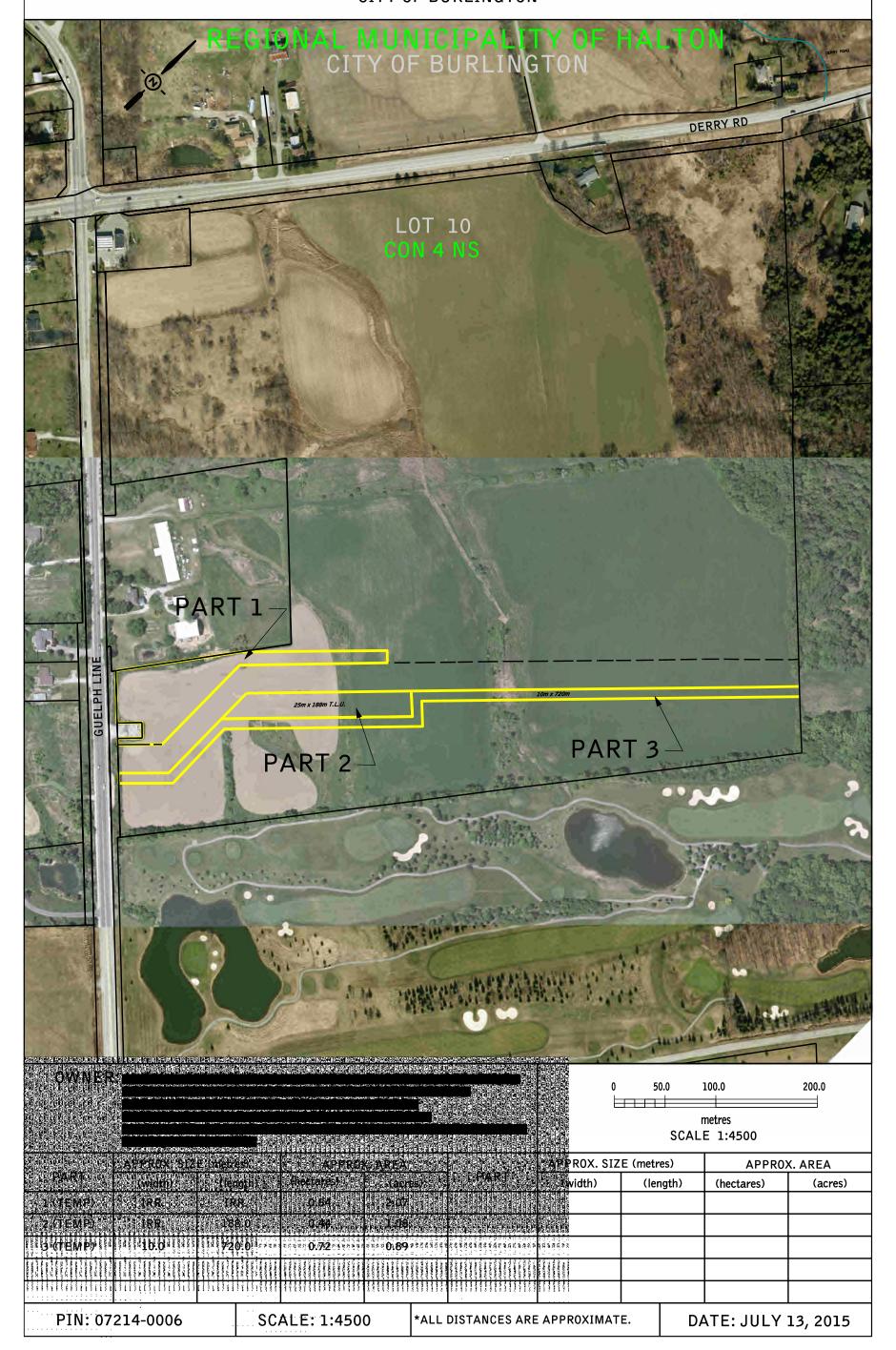
50.0

200.0

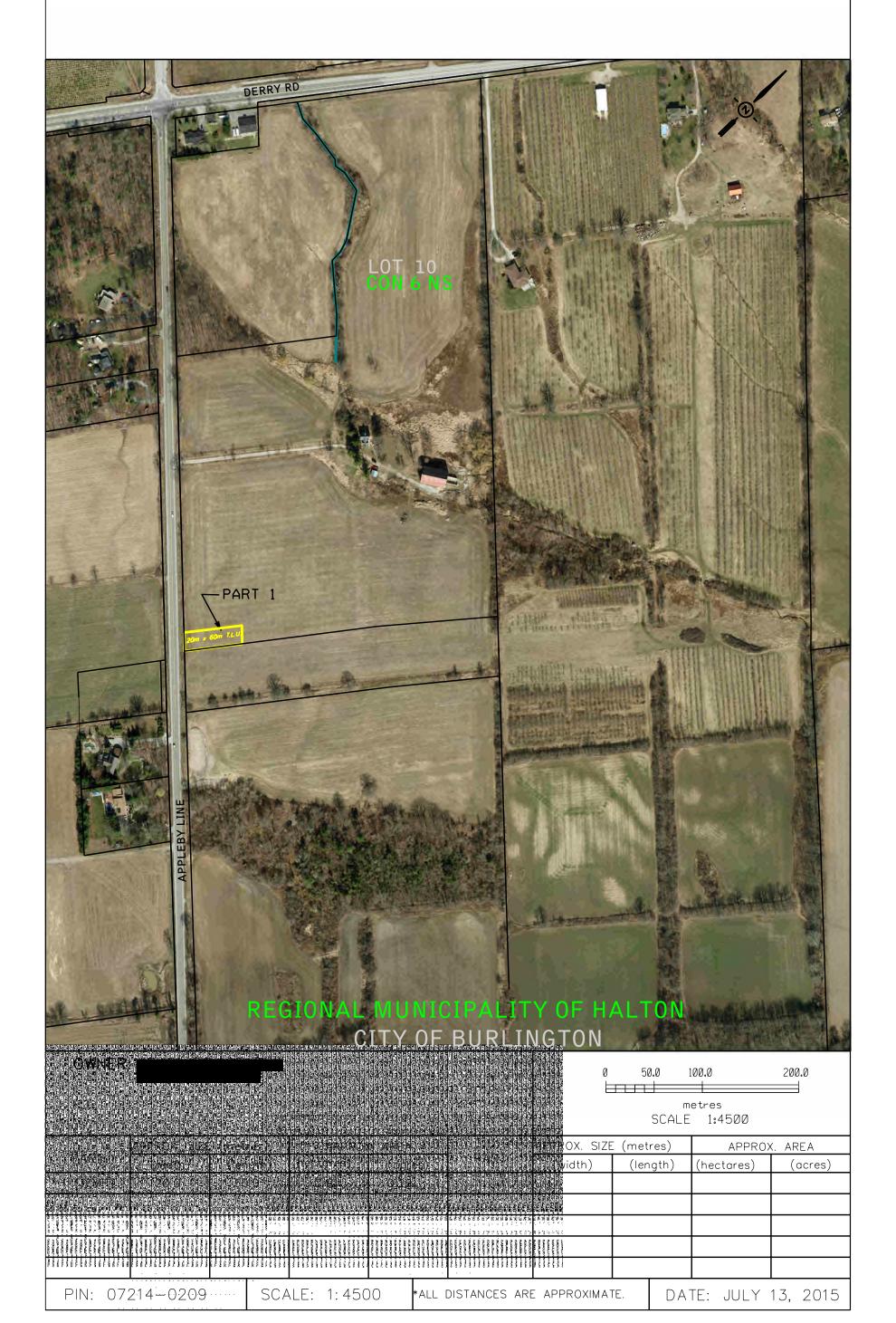
PIN: 17523-0550 | SCALE: 1:6000 | \*ALL DISTANCES ARE APPROXIMATE. | DATE: JULY 13, 2015

Property Sketch
Showing Approximate Location of
Proposed Temporary Pipeline Easement within

PT LT 10, CON 4 NS, AS IN 792743, EXCEPT PTS 1 & 2, R106, T/W 792743; S/T 296130,69525. S/T EASEMENT IN GROSS AS IN HR455513 OVER PTS 1 TO 4, 6, 8, 10, 11, 13, 14 & 16 TO 22, 20R16312. S/T EASEMENT IN GROSS AS IN HR455517 OVER PTS 3 TO 9, 11, 12, 15, 16 & 19 TO 22, 20R16312. CITY OF BURLINGTON

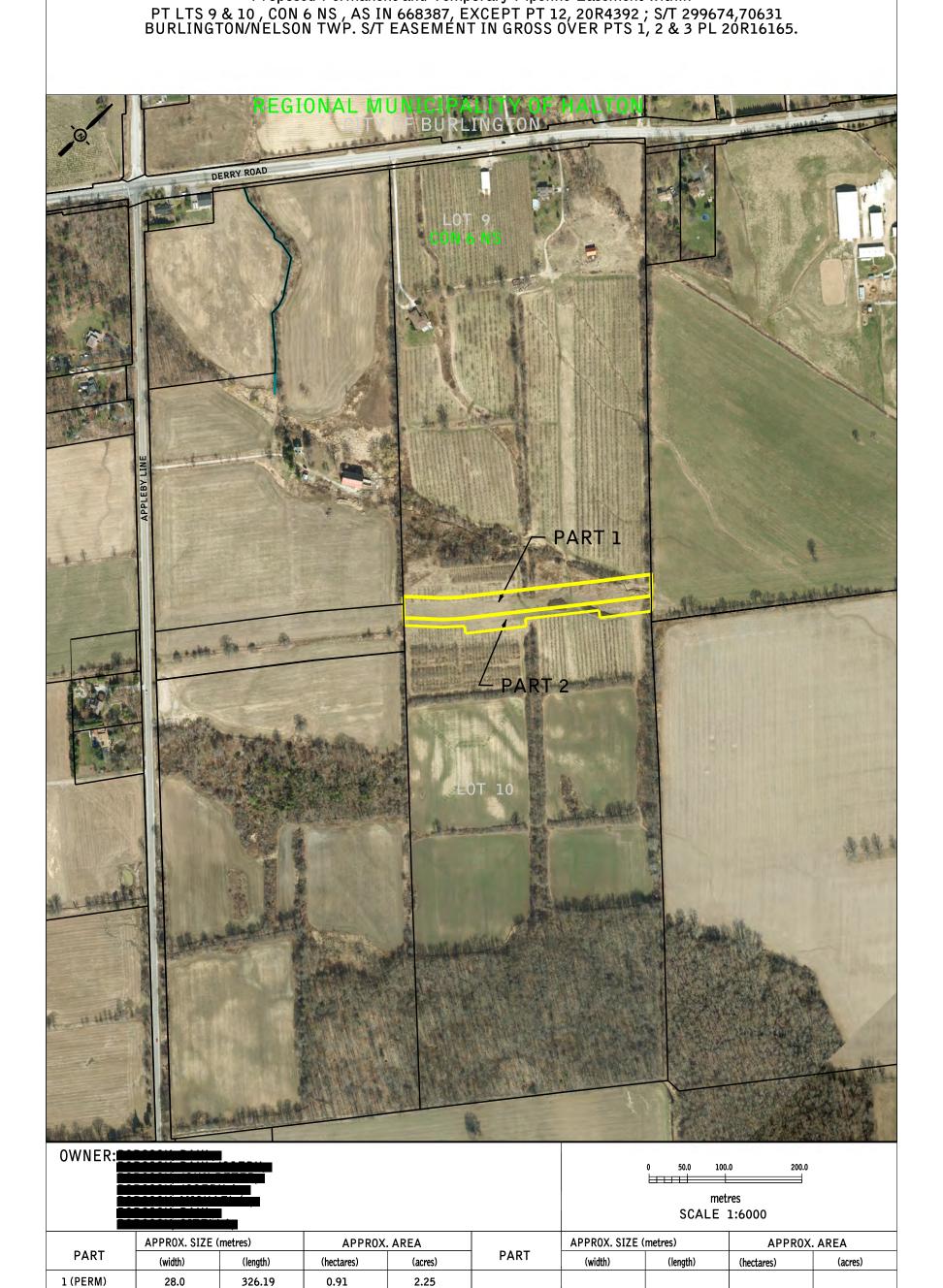


Property Sketch
Showing Approximate Location of
Proposed Temporary Pipeline Easement within
PT LT 10, CON 6 NS, PT 1, 20R17548, S&E PTS 1, 2 & 3, 20R18290.
CITY OF BURLINGTON



Property Sketch

Showing Approximate Location of
Proposed Permanent and Temporary Pipeline Easement within
CON 6 NS AS IN 668387 EXCEPT PT 12 20R4392 • S/T 299674 706



2 (TEMP)

IRR.

PIN: 07214-0039

IRR.

0.48

SCALE: 1:6000

1.2

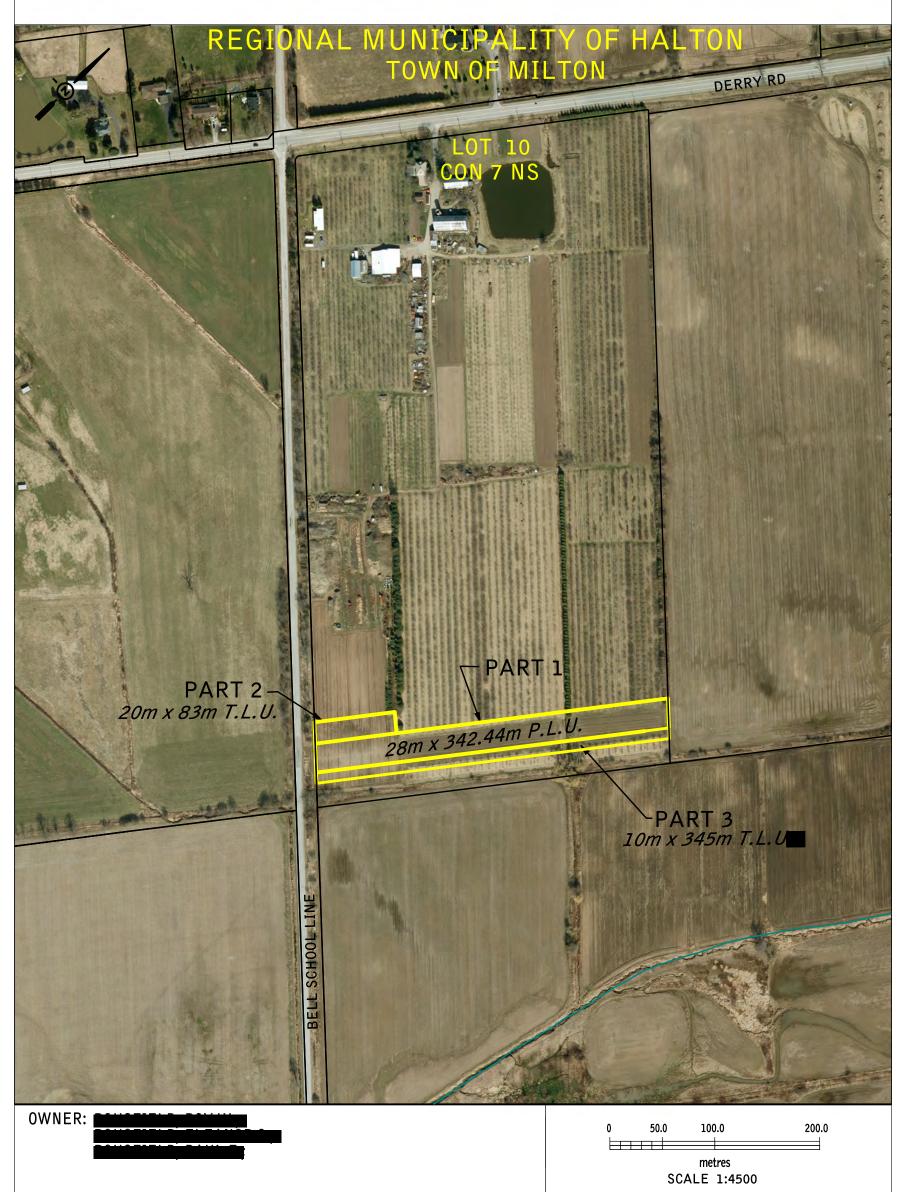
\*ALL DISTANCES ARE APPROXIMATE.

**DATE: JULY 13, 2015** 

Property Sketch

Showing Approximate Location of

Proposed Permanent and Temporary Pipeline Easement within
PT LT 10, CON 7 NNS, AS IN 119411, EXCEPT 322100 & 322344; S/T 296129,85629 MILTON.
S/T EASEMENT IN GROSS OVER PTS 1 TO 3, 20R16410 AS IN HR460883.



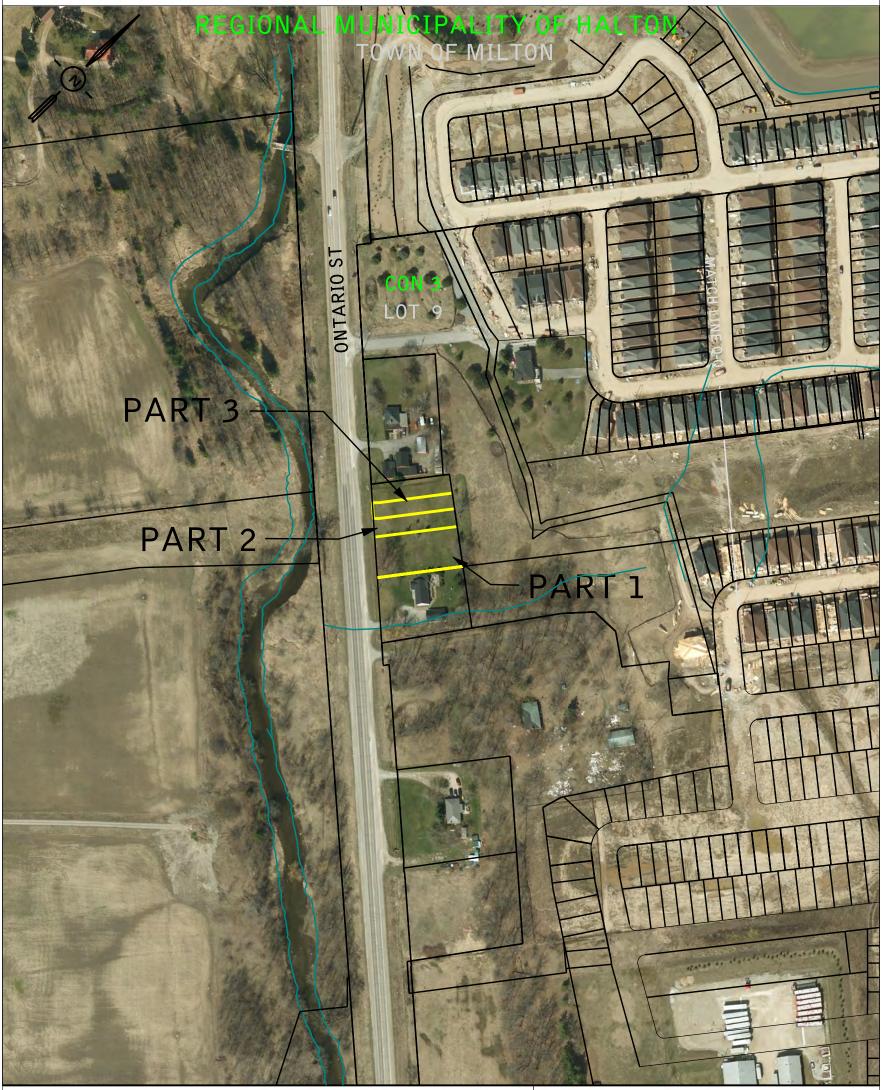
	APPROX. SIZE (metres)		APPROX. AREA			APPROX. SIZE (metres)		APPROX. AREA	
PART	(width)	(length)	(hectares)	(acres)	PART	(width)	(length)	(hectares)	(acres)
1 (PERM)	28.0	342.44	0.97	2.37					
2 (TEMP)	20.0	83.0	0.17	0.41					
3 (TEMP)	10.0	342.44	0.34	0.85					

PIN: 24935-0006 SCALE: 1:4500 \*ALL DISTANCES ARE APPROXIMATE. DATE: JULY 13, 2015

**Property Sketch** 

**Showing Approximate Location of** 

Proposed Permanent and Temporary Pipeline Easement within
PT LT 9, CON 3 TRAFALGAR NEW SURVEY , AS IN TW25179, EXCEPT PORTIONS A& B, PL851,
S/T 53599 PARTIALLY RELEASED BY 289724 ; S/T 290328,70629,71598,
762144,TW17147 MILTON/TRAFALGAR



SCALE 1:3000

	APPROX. SIZE (metres)		APPROX. AREA			APPROX. SIZE (metres)		APPROX. AREA	
PART	(width)	(length)	(hectares)	(acres)	PART	(width)	(length)	(hectares)	(acres)
1 (PERM)	28.0	55.0	0.15	0.38					
2 (TEMP)	10.0	54.0	0.05	0.13					
3 (TEMP)	10.0	53.0	0.05	0.13					
	•		•		•	•			•

PIN: 25079-0010 SCALE: 1:3000 \*ALL DISTANCES ARE APPROXIMATE. DATE: JULY 13, 2015