

August 31, 2015

**RESS, EMAIL & 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 (EB-2015-0230) - Affidavit of Service**

We are counsel to Union Gas Limited ("Union") in respect of its 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, the City of Burlington and the Town of Milton (the "Application"). Further to the Letter of Direction issued by the Board on August 18, 2015, please find enclosed the Affidavit of Service.

Please note that the Affidavit of Service contains personal information, consisting of the names and addresses for individuals that have been served. As such, in accordance with Rule 9A of the Board's Rules of Practice and Procedure, a non-confidential version of the Affidavit of Service is being filed on RESS and both non-confidential and confidential versions are being filed by courier with the Board in accordance with its established procedures. Exhibit 'B' of the Affidavit, which contains the names and addresses of individuals that have been served will therefore be excluded in its entirety from the non-confidential version in order to protect the personal information of those individuals that have been served.

Yours truly,



Jonathan Myers

Tel 416.865.7532  
[jmyers@torys.com](mailto: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);

**AND IN THE MATTER OF** an application by Union Gas Limited 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.

### AFFIDAVIT OF SERVICE

I, Jonathan Myers, of the City of Vaughan, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I am Counsel at Torys LLP and am counsel of record to Union Gas Limited (“Union”) in respect of its application to the Ontario Energy Board (the “Board”) for authority to expropriate certain interests in 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 (EB-2015-0230). In this capacity, I have been responsible for overseeing service and publication of the Notice of Application that was issued on August 18, 2015 by the Board (the “Notice”) and, as such, have personal knowledge of the matters herein deposed.
2. Further to Section 1 of the Board’s Letter of Direction dated August 18, 2015 (the “Letter”), I can confirm that on August 24, 2015 searches of title were carried out by Torys LLP to confirm the current registered property owners and encumbrancers with lands or interests in lands directly affected by the expropriation application.
3. Further to each of the sections marked as Section 2 in the Letter (note there was a numbering error in the Letter), I can confirm that on August 24, 2015 the date “September 8, 2015” was inserted into the relevant places of the Notice and a copy of the Dated Notice was filed with the Board.
4. Further to Section 3 of the Letter, I oversaw and arranged for the Dated Notice (a copy of which is included as **Exhibit ‘A’** hereto), together with the corresponding application, evidence, property descriptions, aerial maps and survey plans showing the details of the proposed expropriations (as filed with the Board on July 20, 2015) to be served by courier or registered mail on all parties identified in Appendix C of the application (as amended by correspondence filed on behalf of Union dated July 24, 2015, August 6,

5. Further to Section 4 of the Letter, I can confirm that Union has made copies of the Dated Notice, as well as the non-confidential version of the application and evidence, available for public review at its offices and in a prominent place on its website as of August 27, 2015.

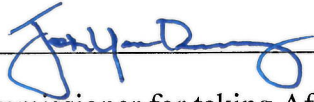
Jonathan Myers

**Exhibit "A"**

***Dated Notice of Application***

***Union Gas Limited***

This Exhibit "A" referred to in the affidavit of Jonathan Myers sworn before me this 31<sup>st</sup> day of August, 2015.

A handwritten signature in blue ink, appearing to read "Jonathan Myers", is written over a horizontal line.

A Commissioner for taking Affidavits

## ONTARIO ENERGY BOARD NOTICE

**Union Gas Limited has applied for approval to expropriate certain interests in lands in the City of Hamilton, the City of Burlington and the Town of Milton**

**Learn more. Have your say.**

Union Gas Limited has asked the Ontario Energy Board for approval to expropriate certain interests in lands for the construction, operation and maintenance of a natural gas pipeline and related facilities in the Cities of Hamilton and Burlington and the Town of Milton.

Union Gas Limited has identified you as someone that owns or has an interest in part of the lands that Union wants to expropriate. A copy of the property description, survey, and aerial maps showing the lands that Union Gas Limited is asking to expropriate is attached to this notice.

Union Gas Limited's application to the Ontario Energy Board is about the expropriation of certain specific lands only. The Ontario Energy Board's hearing will not address issues related to compensation.

### THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider the application filed by Union. During the hearing, we will question Union on the case. We will also hear questions and arguments from individuals, municipalities and others whose interests would be affected. At the end of this hearing, the OEB will decide whether to approve the application.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

### BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process.

- You can review the application filed by Union on the OEB's website now.
- You can file a letter with your comments, which will be considered during the hearing.
- You can become an active participant (called an intervenor). Apply by **September 8, 2015** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- At the end of the process, you can review the OEB's decision and its reasons on our website.

### LEARN MORE

Our file number for this case is **EB-2015-0230**. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case, please select the file number **EB-2015-0230** from the list on the OEB website: <http://www.ontarioenergyboard.ca/noticelc>. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

### ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings – oral and written. Union has applied for a written hearing. The OEB is considering this request. If you think an oral hearing is needed, you can write to the OEB to explain why by **September 8, 2015**.

### PRIVACY

*If you write a letter of comment, your name and the content of your letter will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.*

*This hearing will be held under section 99(5) of the Ontario Energy Board Act, 1998, S.O. 1998 c.15 (Schedule B).*



**Exhibit "B"**

***Post Office Registration and Courier Confirmation Receipts***

***Union Gas Limited***

This Exhibit "C" referred to in the affidavit of Jonathan Myers sworn before me this 31<sup>st</sup> day of August, 2015.

A handwritten signature in blue ink, appearing to read "Jonathan Myers", is written over a horizontal line.

A Commissioner for taking Affidavits

**[INTENTIONALLY DELETED - FILED IN ACCORDANCE WITH THE ONTARIO  
ENERGY BOARD'S *PRACTICE DIRECTIONS ON CONFIDENTIAL FILINGS*]**