

From: [BoardSec](#)
To: [Janet Sakauye](#)
Subject: FW: EB-2014-0351 -- Decision and Order Follow up
Date: November-06-15 8:58:19 AM

From: lbabirad@cogeco.ca [mailto:lbabirad@cogeco.ca]
Sent: November 6, 2015 8:56 AM
To: BoardSec
Cc: Edith Chin; Zora Crnojacki; Laurie Babirad
Subject: Fw: EB-2014-0351 -- Decision and Order Follow up

Hello Everyone,

Is it possible for the Board to confirm receipt of the attached email sent on Monday November 2?

Also can the Board provide an indication to the Applicant whether it intends to address the outstanding issues mentioned in the email with another Decision and Order for EB-2014-0351?

It is not our intent to try and expedite the process.

However, section 38(4) of the OEB Act allows for an appeal of an order of the Board to the Divisional Court, in accordance with the *Expropriations Act*, R.S.O. 1990, c E.26, s.31. It is our understanding that the Applicant has 30 days to appeal a decision from the date an order was given.

If the Board does not intend to provide any further orders then the Applicant would have 30 days from Thursday October 29th to exercise its right to an appeal.

Should we assume that is the case unless told otherwise by the Board ?

Thank you for your time.

Kind regards,
Paul Babirad

From: [lbabirad@cogeco.ca](#)
Sent: Monday, November 02, 2015 10:35 AM
To: [Board Secretary](#)
Cc: [Edith Chin](#) ; [Zora Crnojacki](#)
Subject: EB-2014-0351 -- Decision and Order Follow up

Hello Everyone,

We are respectfully requesting that the Board clarify several issues from its recent Decision and Order for EB-2014-0351.

1.

One of the key points that the Applicant was seeking from EB-2014-0351 was the Board's determination of who owned the storage rights to Mr Babirad's property from 1965 to 2015. Both Enbridge and the Applicant recognized in their submissions to the Board that this question was one of the fundamental issues of the Application. It is the Applicant's understanding that the determination of who owned the storage rights to Mr Babirad's property from 1965 to 2015 falls under the jurisdiction of the Board.

The Applicant respectfully requests that the Board provide its determination on the fundamental question of who owned the storage rights to Mr Babirad's property from 1965 to 2015.

2.

If it is the Board's determination that Mr Babirad owned the storage rights to his property from 1965 –2015,
then the Applicant respectfully requests that the Board provide its determination of the storage rights compensation payable to the Applicant from Enbridge for the years 1965 – 2014. The Applicant respectfully requests that the Board recognize that it is standard procedure within the financial community to roll forward past cashflows to the present by use of the one year Treasury rate plus a corporate credit spread.

3.

Section 3.08 of the "Practice Direction on Cost Awards" states,

"The Board may, in appropriate circumstances, award an honorarium in such amount as the Board determines appropriate recognizing individual efforts in preparing and presenting an intervention, submission or written comments."

Throughout the written hearing process, Mr Paul Babirad was representing the interests of Mr Jim Babirad, Derek and Daryl Terelly, and all the landowners of the Crowland Pool. Mr Paul Babirad was not the Applicant and represented Mr Jim Babirad not because he was his son but because Mr Jim Babirad was certain that Mr Paul Babirad, having grown up on the property, would do a more effective, passionate and comprehensive job of presenting

his case and the case of all the Crowland Pool landowners than a lawyer. Mr Paul Babirad would be happy to provide a resume to compare his credentials with consultants or experts that are acting on behalf of another party.

Does the Board have a policy of limiting the honorarium to \$1,000? Or was it the determination of the Board that the value of Mr Paul Babirad's contribution to this written hearing was \$1000? If an arbitrary lawyer had produced the exact same material for this written hearing as Mr Paul Babirad, would the Board award him/her a cost award of \$1000?

We are respectfully requesting that the Board address these outstanding issues related to EB-2014-0351.

If possible, the Applicant would prefer to have a person to person meeting with the appropriate member of the Board to go over these issues at the Board's convenience.

Thank you for your time.

Kind regards,
Paul Babirad