

Enbridge Gas Inc.

**Application for authority to expropriate interests
in certain lands in the City of Toronto**

PROCEDURAL ORDER NO. 1

April 4, 2019

On November 29, 2018, the Ontario Energy Board (OEB) granted Enbridge Gas Inc. (formerly operating as Enbridge Gas Distribution Inc.) (Enbridge Gas) permission under sections 90 and 97 of the *Ontario Energy Board Act, 1998* (OEB Act) to replace approximately 350 meters of NPS 30 inch extra-high pressure steel natural gas pipeline that crosses the Don River in the City of Toronto (Pipeline).¹

On January 25, 2019, Enbridge Gas applied to the OEB under section 99(5) of the OEB Act for authority to expropriate interests in certain lands in the City of Toronto in order to construct and operate the Pipeline. Enbridge Gas' application states that it has secured all of the permanent and temporary easements required for the pipeline on a voluntary basis through negotiations with the affected landowners with the exception of permanent easements over a total of 10.8 square metres of land and temporary easements over 130.5 square metres of land. The easements are located on a single property owned by Talisker (Sunlight) GP Inc. (Talisker).

The OEB issued a Notice of Hearing on February 21, 2019. Talisker and jointly BMW Canada Inc. and BMW Experience Centre Inc. (Tenants) and 2232556 Ontario Inc. Thomas Regis Quinn and Stephen Joseph Quinn applied for intervenor status. The Tenants lease the property from Taliskar.² The Tenants sublease the property to 2232556 Ontario Inc. Thomas Regis Quinn and Stephen Joseph Quinn (Subtenants). Taliskar and jointly the Tenants and the Subtenants have applied for cost eligibility.

No objection was received from Enbridge Gas.

Talisker and jointly the Tenants and the Subtenants are approved as intervenors. As parties with an interest in the land that is the subject of the expropriation, the OEB is satisfied that Taliskar and jointly the Tenants and Subtenants have a "substantial

¹ Pursuant to the OEB's Decision and Order in EB-2018-0108

² MW Canada Inc. assigned the lease to BMW Experience Centre

interest” in the proceeding within the meaning of *Rule 22.03 of the Rules of Practice and Procedure*. Further, as parties with interest in the land, Talisker and jointly the Tenants and the Subtenants are eligible to apply for cost awards pursuant to section 3.03(c) of the *Practice Direction on Cost Awards* (Practice Direction) and subject to the considerations set out in section 5 of the Practice Direction.

In making its decision on cost awards, the OEB will consider whether intervenors participated responsibly, made reasonable efforts to focus their participation on material issues and minimized repetition and duplication. It is the OEB’s practice to require intervenors with similar interests to combine their intervention. The Tenants and the Subtenants have intervened jointly. The OEB expects that Talisker and the Tenants and Subtenants will coordinate their participation as far as their common interests are concerned to avoid unnecessary duplication and overlap in the production of any evidence, the conducting of discovery and the filing of argument in this proceeding. Parties are reminded that regardless of their cost eligibility status, the OEB will not award costs for issues that are outside the scope of the proceeding. Parties should carefully review the Practice Direction for information about the types of costs and disbursements that may be claimed.

Parties should consult sections 26 and 27 of the OEB’s Rules of Practice and Procedure regarding required naming and numbering conventions and other matters related to interrogatories.

The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

It is necessary to make provision for the following matters related to this proceeding. The OEB may issue further procedural orders from time to time.

IT IS THEREFORE ORDERED THAT:

1. Intervenors and OEB staff shall request any information and material from Enbridge Gas that is in addition to Enbridge Gas’ evidence and that is relevant to the hearing by written interrogatories filed with the OEB and served to Enbridge Gas by **April 12, 2019**.
2. Enbridge Gas shall file with the OEB complete written responses to all interrogatories and serve them to all intervenors by **April 23, 2019**.
3. Enbridge Gas shall file its Argument-in-Chief with the OEB and serve it to all intervenors on or before **May 2, 2019**.
4. Unless the OEB orders otherwise, intervenors and OEB staff may file a written submission with the OEB and serve it to Enbridge Gas by **May 13, 2019**.

5. Unless the OEB orders otherwise, Enbridge Gas may file a written reply submission with the OEB and serve it to all intervenors by **May 22, 2019**.

All filings to the Board must quote the file number, EB-2019-0078 and be made electronically in searchable / unrestricted PDF format through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. Two paper copies must also be filed. Filings must clearly state the sender's name, postal address and telephone number, fax number and e-mail address. Parties must use the document naming conventions and document submission standards outlined in the RESS Document Guideline found at <https://www.oeb.ca/industry>. If the web portal is not available parties may email their documents to the address below. Those who do not have internet access are required to submit all filings on a USB Flash drive in PDF format, along with two paper copies. Those who do not have computer access are required to file 7 paper copies.

All communications should be directed to the attention of the Registrar at the address below, and be received no later than 4:45 p.m. on the required date.

ADDRESS

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

Email: boardsec@oeb.ca
Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656

DATED at Toronto, **April 4, 2019**

ONTARIO ENERGY BOARD

By delegation, before: Christine E. Long

Original signed by

Christine E. Long
Registrar

Schedule A

Procedural Order No. 1

Enbridge Gas Inc.

EB-2019-0078

Applicant and List of Intervenors

April 4, 2019

Enbridge Gas Inc.
EB-2019-0078
Application for authority to expropriate interests
In certain lands in the City of Toronto

APPLICANT & LIST OF INTERVENORS

April 4, 2019

APPLICANT

Rep. and Address for Service

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INTERVENORS

Rep. and Address for Service

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BMW Experience Centre Inc.**
(BMW Experience)

(Tenants)

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Talisker (Sunlight) GP Inc.

(Talisker)

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