

September 25, 2020

Our File No. 157191

BY EMAIL, COURIER and RESS

Christine E. Long
Registrar and Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor
Toronto, ON
M4P 1E4

Dear Ms. Long:

**Re: Imperial Oil Limited
Waterdown to Finch Project
OEB File No. EB-2020-0219**

We are counsel for 1112308 Ontario Inc. and 2394561 Ontario Inc. Please find attached our Request for Intervenor Status.

Please do not hesitate to contact our office if you have any questions.

Yours truly,

AIRD & BERLIS LLP



Ajay Gajaria
For: Christopher J. Williams
CJW/tp

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ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*,
S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF an application by Imperial Oil for
an Order or Orders pursuant to section 90(1) of the *Ontario
Energy Board Act, 1998* for leave to construct 63 kilometers
of 12-inch diameter pipeline for transportation of refined
petroleum products and from its facility in the City of Hamilton
to its facility in the City of Toronto and permission for an
adjustment of the route of the pipeline

1112308 ONTARIO INC. and 2394561 ONTARIO INC. NOTICE OF APPLICATION FOR INTERVENOR STATUS

1. 112308 Ontario Inc. and 2394561 Ontario Inc. (together, “**Abell**”) hereby apply for intervenor status in this proceeding.
2. Abell is the owner of the lands described as: Part of Lot 20, Concession 3, FTH Etobicoke, as in CA 339394; Toronto (Etobicoke) PIN# 07424-0190 municipally known as 7 Meridan Drive, Etobicoke in the City of Toronto; and, Part of Lot 20, Concession 3, FTH Etobicoke as in TB875256, Subject to EB324828; Toronto (Etobicoke) PIN# 07424-0121, municipally known as, 151 Skyway Drive, Etobicoke in the City of Toronto (collectively the “**Abell Properties**”).

Overview

3. Abell reserves its full rights to file evidence, cross-examine witnesses, make submissions and otherwise fully participate in this proceeding.
4. Abell intends to seek a costs award in accordance with Rules 39.01 and 39.02 of the *Ontario Energy Board Rules of Practice and Procedure*. Abell is eligible for costs as it has

an interest in land that is affected by the process in accordance with the applicable *Practice Direction*.

Background and Issues to be Raised by the Intervenor

5. The route of the subject pipeline realignment will bring the pipeline and related above ground infrastructure, including valves, onto the Abell Properties and in closer proximity to the building and structures on the Abell Properties. The realignment and modification will require the expropriation of property interests from Abell Properties. As a result, Abell is directly affected by the route alignment and the OEB's determination.
6. Abell operates a business and has tenants that operate businesses at the Abell Properties that will be impacted by the relocation of the subject pipeline and related infrastructure.
7. Specifically, Abell and its tenants operate businesses at the Abell Properties that have significant hazardous chemical storage, use and/or processing related to pesticides and other chemicals. The applicable fire safety plan, emergency response plan, Ministry of Environment guidance and industry best practices allow for and recommend a 'let burn'/'controlled burn' approach to fire suppression of pesticide fires. The location and structure of the pipeline infrastructure may create an increased fire risk related to the land uses at the Abell properties. The result of a fire incident related to a relocated pipeline and related infrastructure could pose significant risk to the environment and human health.
8. Equally, a fire incident at the Abell Properties, due to the applicable fire control and suppression approaches, including 'let burn'/'controlled burn', may adversely impact pipeline and related infrastructure which may pose a significant risk to environmental and human health.

9. Abell will seek appropriate conditions to be imposed on the project, if the realignment is approved, in the public interest to mitigate the risk to human health and environmental damage.

Communications

All communications in respect of this proceeding should be in English and copied, in electronic form, to:

1112308 Ontario Inc.
2394561 Ontario Inc.
c/o John Abell
Abell Pest Control
246 Attwell Drive
Etobicoke, ON
M9W 5B4

Tel: (416) 675-1635
Fax: (416) 675-6727
Email: jabell@abellgroup.com

Christopher Williams (LSUC #19748D)
Ajay Gajaria (LSUC #63660C)
Aird & Berlis LLP
Barristers and Solicitors
Brookfield Place
181 Bay Street, Suite 1800
Toronto, ON
M5J 2T9

Tel: (416) 865-7745
Tel: (416) 865-3065
Fax: (416) 863-1515
Email: cwilliams@airdberlis.com
Email: agajaria@airdberlis.com

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated: September 25, 2020

AIRD & BERLIS LLP



Ajay Gajaria – LSUC No. 63660C
For: Christopher Williams - LSUC No.
19748D

*(Counsel for 1112308 Ontario Inc. and
2394561 Ontario Inc.)*

TO: **Ontario Energy Board**
Board Secretary
2300 Yonge Street
27th Floor, P.O. Box 2319
Toronto, ON M4P 1E4
Email: boardsec@ontarioenergyboard.ca

AND TO: **Osler, Hoskin & Harcourt LLP**
Barristers & Solicitors
1 First Canadian Place, Suite 6300
Toronto, ON M5X 1B8

Patrick Welsh
Tel: (416) 862-5951
Email: pwelsh@osler.com

(Counsel for Imperial Oil)

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