



Imperial Oil Limited
Waterdown to Finch Project
Motion to Review and Vary Decision

PROCEDURAL ORDER NO. 2
October 9, 2020

Imperial Oil Limited (Imperial Oil) was granted a leave to construct approval for a petroleum products pipeline (Pipeline) in a decision of the Ontario Energy Board (OEB) dated March 12, 2020.¹ Imperial Oil is seeking permission from the OEB to make an adjustment to the route of the Pipeline. If approved, this route adjustment will impact several properties and landowners that were not on the original route of the Pipeline.

On June 30, 2020 Imperial Oil filed a request for an approval of three changes to the OEB-approved route (Request for Changes). The review of the Request for Changes was undertaken by an OEB staff member delegated by the OEB to make these determinations (Delegated Authority, or DA)². On August 19, 2020 the DA found that two of the proposed changes were not material and approved those two changes. A third change to the OEB-approved route was found by the DA to be a material change and was not approved (Route Realignment). Based on the review of the information Imperial Oil provided in the Request for Changes, the DA was not satisfied that the Route Realignment was immaterial and stated that the OEB would treat this change request as a Motion to Review and Vary the original Decision (Imperial Oil's Motion).³

¹ Decision and Order (EB-2019-0007), dated March 12, 2020, including Conditions of Approval as Schedule "B".

² The authority of the OEB to determine whether proposed changes will result in material changes to a project for which a leave to construct was granted and the authority to approve any changes that they concluded are not material has been delegated to a Manager, Generation and Transmission Applications, under section 6 of the *Ontario Energy Board Act, 1998*.

³ OEB Letter-Decision on Imperial Oil Limited Request for Changes of Project Routing (EB-2019-0007), August 19, 2020, page 9.

On September 2, 2020 the OEB commenced the Imperial Oil's Motion proceeding by issuing a Notice and Procedural Order No. 1 (Notice and PO No. 1). The OEB directed Imperial Oil to serve Notice and PO No. 1 in its exact form on landowners directly affected by the Route Realignment, Huron Wendat Nation and the City of Toronto. On September 14, 2020, Imperial Oil filed an affidavit with the OEB confirming service of the Notice and PO No. 1.

Each of the City of Toronto and 112308 Ontario Inc. and 2394561 Ontario Inc. (Abell Properties) applied for intervenor status. Abell Properties also applied for cost eligibility and indicated that it may wish to file intervenor evidence.

No objection to the requests for intervenor status or costs eligibility was received from Imperial Oil.

The City of Toronto and Abell Properties are approved as intervenors. A list of parties in this proceeding is attached as Schedule A to this Procedural Order. Abell Properties is eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of an OEB order at the end of a hearing.

The OEB has decided to proceed by way of a written hearing.

Parties participating in the hearing should focus on the issues within the scope set by the OEB in the Notice and PO No. 1:

- The need for the Route Realignment and alternatives to the proposal
- Environmental matters related to the Route Realignment
- Land related matters related to the Route Realignment
- Indigenous consultation matters related to the Route Realignment

The OEB notes that the scope of the proceeding does not include determining financial compensation from Imperial Oil to the landowners directly impacted by the Route Realignment ⁴.

⁴ To the extent that the OEB approves the Route Realignment and the parties cannot agree on appropriate compensation, compensation is ultimately determined by the Local Planning Appeal Tribunal pursuant to the *Expropriations Act*.

On September 25, 2020 Imperial Oil filed additional evidence.

To access Imperial Oil's Motion and evidence, please select the file number **EB-2020-0219** from the list on the OEB website: www.oeb.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

The OEB would be assisted by a better understanding of the areas that Abell Properties is interested in covering through intervenor evidence. Abell Properties is directed to file a letter with the OEB which sets out whether it intends to file evidence, what areas that evidence will cover (including an explanation of how it is relevant to the proceeding), and the proposed timeline for filing evidence. Abell Properties is also encouraged to work with Imperial Oil to determine if there are other ways to bring any relevant evidence onto the record of this proceeding (for example, through the interrogatory responses that will be filed by Imperial Oil).

The OEB is making provision for the following procedural steps in the order below.

IT IS THEREFORE ORDERED THAT:

1. Abell Properties shall file a letter detailing its request to file evidence by **October 15, 2020**.
2. OEB staff and intervenors shall request any relevant information and documentation from Imperial Oil that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **October 20, 2020**.
2. Imperial Oil shall file with the OEB complete written responses to all interrogatories and serve them on intervenors by **October 27, 2020**

Further Procedural Orders will follow.

All filings to the OEB must quote the file number, **EB-2020-0219**, and be submitted in a searchable/unrestricted PDF format with a digital signature through the OEB's web portal at <https://pes.ontarioenergyboard.ca/eservice/>. 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 www.oeb.ca/industry. If the web portal is not available parties may email their documents to boardsec@oeb.ca.

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. With respect to

distribution lists for all electronic correspondence and materials related to this proceeding, parties must include Zora Crnojacki at Zora.Crnojacki@oeb.ca and OEB Counsel, Michael Millar at Michael.Millar@oeb.ca.

Email: boardsec@oeb.ca

Tel: 1-888-632-6273 (Toll free)

Fax: 416-440-7656

DATED at Toronto, **October 9, 2020**

ONTARIO ENERGY BOARD

Original Signed By

Christine E. Long
Registrar

Schedule "A"
Procedural Order No. 2
EB-2020-0219
October 9, 2020
List of Parties

Imperial Oil Limited – Motion to Vary
EB-2020-0219

APPLICANT & LIST OF INTERVENORS

October 09, 2020

APPLICANT

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**Imperial Oil Limited – Motion to Vary
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October 09, 2020

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