



Ontario  
Energy  
Board | Commission  
de l'énergie  
de l'Ontario

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# **DECISION AND ORDER**

**EB-2021-0096**

## **IMPERIAL OIL LIMITED**

### **Waterdown to Finch Project-Expropriation Application**

**BEFORE:** **Emad Elsayed**  
Presiding Commissioner

**Robert Dodds**  
Commissioner

**Michael Janigan**  
Commissioner

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**June 3, 2021**

**TABLE OF CONTENTS**

**1 OVERVIEW..... 1**

**2 BACKGROUND ..... 3**

**3 THE PROCESS ..... 4**

**4 DECISION AND FINDINGS ..... 5**

**5 ORDER..... 9**

**SCHEDULE A**

**SCHEDULE B**

## 1 OVERVIEW

On February 23, 2021, Imperial Oil Limited (Imperial Oil) applied to the Ontario Energy Board (OEB) under section 99 of the *Ontario Energy Board Act, 1998* (OEB Act) for an order granting approval to expropriate interests in certain lands along a Waterdown to Finch Project pipeline route in the City of Mississauga and the City of Toronto<sup>1</sup>. The following two properties are the subject to the application:

- A property owned by 2394561 Ontario Inc. located in Etobicoke, City of Toronto. Imperial Oil seeks approval for temporary workspace and permanent easements for this property.
- A property owned by 1112308 Ontario Inc. located in Etobicoke, City of Toronto. Imperial Oil seeks approval for temporary workspace and permanent easements for this property.

The properties that are subject to the application are located at the northeast part of the pipeline route<sup>2</sup>. Construction in this area is planned for the summer of 2021<sup>3</sup>. Imperial Oil estimates that the construction affecting the two properties will last five non-consecutive months<sup>4</sup>.

Imperial Oil seeks the authority to expropriate two types of interests in each of the affected lands<sup>5</sup>:

- Permanent Easements - required for construction and ongoing operation and maintenance of the Waterdown to Finch Project.
- Temporary Workspace Easements— located adjacent to the new and existing easements and will be used to store material, string and weld segments of pipe and as workspace to install the pipeline, and for access during construction of

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<sup>1</sup> The application originally asked for authority to expropriate interests in four properties. Imperial Oil reached agreements with the landowners of two of the four properties and withdrew the Application with respect to those two properties on April 19, 2021.

<sup>2</sup> Imperial Oil's response to OEB staff interrogatory no. 2 a) Figure 1, map of the project route shows kilometer posts (KP) and location of the properties subject to this application.

<sup>3</sup> Imperial Oil response to OEB staff interrogatory no. 5. Construction started at the southwest end of the OEB-approved Route in the City of Hamilton at Waterdown Station at zero to 11<sup>th</sup> kilometer segment. The properties that are subject to this application are located at the northeast part of the route between KP 45 and KP 50 (45<sup>th</sup> and 50<sup>th</sup> kilometer) in the City of Toronto.

<sup>4</sup> Imperial Oil response to OEB staff interrogatory no. 5 a)

<sup>5</sup> Imperial Oil Application (EB-2021-0096) paragraph 19, pages 4 and 5

the Waterdown to Finch Project. The term of the Temporary Workspace Easements is five years.

The OEB finds that the requested expropriation is in the public interest and grants to Imperial Oil the authority to expropriate the interests in land described in Schedule A of this Decision and Order.

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## 2 BACKGROUND

Under a separate Decision and Order dated March 12, 2020<sup>6</sup>, Imperial Oil received OEB's approval to construct the Waterdown to Finch Project pursuant to section 90 of the OEB Act (Leave to Construct Decision). The Leave to Construct Decision found that the Waterdown to Finch Project is in the public interest.

The Waterdown to Finch Project consists of approximately 63 kilometers of pipeline and associated facilities to transport refined fuel products from Imperial Oil's facility in the City of Hamilton to its facility at Finch Avenue in the City of Toronto. In the Leave to Construct Decision, the OEB approved, among other things, a route for the project and on December 17, 2020, the OEB approved a modification of the route (OEB-approved Route). The properties subject to this application are located within the OEB-approved Route. The OEB-approved Route is mostly parallel and adjacent to the existing Imperial Oil pipeline, which will be decommissioned and replaced by the Waterdown to Finch Project. The existing pipeline is not located on the two properties that are the subject of the application<sup>7</sup>.

As part of the Leave to Construct proceeding, Imperial Oil received OEB approval, under section 97 of the OEB Act, of the forms of land easement agreements that have been or will be offered by Imperial Oil to all the directly affected landowners<sup>8</sup>. Imperial Oil stated that it has offered the agreements in the forms approved by the OEB to the registered landowners whose properties are the subject to this expropriation application<sup>9</sup>.

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<sup>6</sup> Decision and Order, EB-2019-0007, March 12, 2020

<sup>7</sup> Imperial Oil's response to OEB staff interrogatory no. 4, May 5, 2021

<sup>8</sup> Decision and Order, EB-2019-0007, March 12, 2020

<sup>9</sup> Imperial Oil Application, EB-2021-0096, paragraph 15, page 4

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### 3 THE PROCESS

The OEB issued its Notice of Hearing on March 11, 2021, and directed Imperial Oil to serve the notice, the application and relevant evidence on current registered property owners, encumbrancers and those with any interest in the lands directly affected by the expropriation application. The service was completed as directed. The City of Mississauga applied for and was granted intervenor status. None of the other impacted property owners intervened (or have otherwise participated) in the proceeding.

On April 7, 2021, the OEB issued Procedural Order No. 1, setting the procedural schedule for written interrogatories and written submissions. The interrogatory stage was completed by Imperial Oil filing responses to OEB staff interrogatories on May 5, 2021.

On April 19, 2021, Imperial Oil requested to withdraw the portions of its application to expropriate certain land rights owned by the City of Mississauga and by the Canadian Pacific Railway Company. Imperial Oil advised that it wished to withdraw these portions of the application because resolutions had been reached with the City of Mississauga and the Canadian Pacific Railway Company.

On April 21, 2021, the OEB accepted Imperial Oil's request to withdraw the specified portions of the application. On April 21, 2021, the City of Mississauga also modified its status to monitor rather than intervene in the proceeding. Given that Imperial Oil had been able to resolve some of the issues with some of the affected landowners and that there were no intervenors remaining in the proceeding, the OEB issued Procedural Order No. 2 on May 10, 2021 to advance the original procedural schedule. OEB staff filed its submission on May 13, 2021. Imperial Oil filed a reply to the OEB staff submission on May 20, 2021.

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## 4 DECISION AND FINDINGS

### Section 99 of the OEB Act

The OEB's power to grant an applicant authority to expropriate land is derived from section 99 of the OEB Act. Under this section, any person who has been granted leave by the OEB to construct certain works under section 90 (hydrocarbon pipelines) or section 92 (electricity transmission lines) of the OEB Act may apply for authority to expropriate land for such works.

Subsection 99(5) of the OEB Act establishes the test for approving an application brought under subsection 99(1) and states that, if the OEB is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land.

Compensation issues do not fall within the OEB's jurisdiction under the OEB Act and are addressed in accordance with the *Expropriations Act, R.S.O. 1990. C. E 26* (Expropriations Act) and, if required, are resolved by the Board of Negotiations<sup>10</sup>. If the OEB grants authority to expropriate land, absent a settlement with the property owners, Imperial Oil would follow the process set out in the Expropriations Act to determine the amount of compensation to be paid.

### Public Interest Considerations

It should be noted that the OEB has already found that the Waterdown to Finch Project itself is in the public interest in the Leave to Construct Decision. The issue in this proceeding, therefore, is not whether the project as a whole is in the public interest, but rather whether the specific expropriations requested in the application are in the public interest. The OEB is not revisiting the issues that were already determined in the Leave to Construct Decision.

In assessing whether the proposed expropriations are in the public interest, the OEB considered the following issues<sup>11</sup>:

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<sup>10</sup> The Board of Negotiations is an informal tribunal that mediates settlements for compensation when property is expropriated. The Board of Negotiation is part of Environment and Land Tribunals Ontario (ELTO).

<sup>11</sup> The OEB considered similar issues, in a recent proceeding (EB-2019-0127) related to NextBridge Infrastructure LP's application for authority to expropriate certain interests in land required to construct the East West Tie Project.

1. Are the specific interests in the lands requested for expropriation appropriate and has Imperial Oil taken reasonable steps to minimize the impact of the proposed expropriation on the subject properties?
2. What conditions, if any, should be attached to the OEB's Order?

**4.1 Are the specific interests in the lands requested for expropriation appropriate and has Imperial Oil taken reasonable steps to minimize the impact of the proposed expropriation on the subject properties?**

The Permanent Easements and Temporary Workspace Easements subject to the application are located within the OEB-approved Route<sup>12</sup>.

The width of the requested new permanent easements is 3 metres<sup>13</sup>. Imperial Oil determined the dimensions of permanent easements based on the requirements for safe access to maintain and inspect the pipeline during the pipeline operation. Imperial Oil stated that the dimensions of the Temporary Workspace Easements were determined based on the construction methodology and the minimum space required for safe equipment operation during construction.<sup>14</sup> Imperial Oil indicated that the width of the Temporary Workspace Easement is typically 10 metres, depending on the location<sup>15</sup>. The dimensions of Temporary Workspace Easements, subject to the application, are presented in the Plans of Survey Certificates of Registration that Imperial Oil filed with the application<sup>16</sup>.

Imperial Oil requested a five-year term for the Temporary Workspace Easements and explained that the five-year term is appropriate for conducting post-construction seasonal land restoration activities and monitoring reporting required by the OEB in the Leave to Construct Decision.

Imperial Oil identified the steps it has taken and is committed to take to minimize the impacts of the expropriations on the two affected properties<sup>17</sup>.

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<sup>12</sup> Imperial Oil's response to OEB staff interrogatories, May 5, 2021, Figure 2: Subject Lands and Project Workspace Requirements

<sup>13</sup> Imperial Oil's Reply Submission, May 20, 2021, page 7, paragraph 25 a)

<sup>14</sup> Imperial Oil's response to OEB staff interrogatory no. 3 d), May 5, 2021

<sup>15</sup> Imperial Oil's Application, page 5, paragraph 19 b)

<sup>16</sup> Imperial Oil's Application, Appendix D-2, Appendix D-3

<sup>17</sup> Imperial Oil's response to OEB staff interrogatory no. 3, May 5, 2021



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Imperial Oil has been directly negotiating with the affected landowners and tenants since February 2019<sup>18</sup>. The communications and discussions with the representatives of landowners and tenants involved Imperial Oil's land agent, right-of-way and claims negotiator and Imperial Oil's construction teams.

The record of the communications<sup>19</sup> indicate that the following concerns were being addressed with the mitigation measures: route alignment and future development, compensation for easements and damages and appraisals<sup>20</sup>, impacts on tenant operations, duration of construction and safety in relation to risk of operating the pipeline. Imperial Oil provided a description of mitigation plans for each of the concerns raised by the landowners and tenants. Imperial Oil further stated that the permanent easements will be accessed for visual inspection and monitoring in accordance with Imperial Oil's maintenance program.

Imperial Oil indicated that its access after the pipeline construction and during operation and maintenance of the pipeline would be limited and along the permanent easements. Imperial Oil agreed with the conditions of approval proposed by OEB staff including the condition that the landowners and tenants be provided with oral and written notice a minimum of 48 hours prior to entry onto the land where Temporary Workspace Easements and Permanent Easements are located <sup>21</sup>.

In its Reply Submission Imperial Oil confirmed its commitment to take reasonable and appropriate steps to minimize the impact of the proposed expropriation on the properties, the landowners, and the tenants <sup>22</sup>.

None of the impacted property owners intervened or otherwise participated in the proceeding.

## Findings

The OEB finds that the requested permanent and temporary easement area dimensions and locations are appropriate in the circumstances. The OEB finds that Imperial Oil has determined the size of the requested easements following the applicable standards and

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<sup>18</sup> Imperial Oil's response to OEB staff interrogatory no. 7, May 5, 2021, Appendix 1: Updated Record of Communication

<sup>19</sup> Imperial Oil's response to OEB staff interrogatory no. 1, May 5, 2021, Table OEB-1: Landowner and Tenant Concerns and Responding Mitigation Measures

<sup>20</sup> Compensation matters are not within the scope of the OEB's authority under section 99 of the OEB Act.

<sup>21</sup> OEB Staff Submission, Appendix A, Condition No. 2

<sup>22</sup> Imperial Oil's Reply Submission, May 20, 2021, paragraph 36, page 10

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guidance in order to reduce the impact on the affected properties. The OEB also finds that the proposed five-year term of the Temporary Workspace Easements is appropriate as it allows for a sufficient time to use the required area during construction as well as for post-construction restoration activities and for Imperial Oil's monitoring of the results of land restoration and mitigation of impacts. Neither of the directly impacted landowners intervened in this proceeding or otherwise made submissions to the OEB regarding the appropriateness of the proposed expropriations.

The OEB notes that Imperial Oil has committed to implement mitigation strategies outlined in the Project's Environmental Assessment Report to minimize environmental impacts on the affected properties. The OEB also expects that Imperial Oil will adhere to its commitment to address the landowners' concerns and minimize impacts of the expropriation on the properties, the landowners and tenants.

#### **4.2 What conditions, if any, should be attached to the OEB's Order?**

In the interrogatory process, OEB staff presented seven draft conditions of approval<sup>23</sup> to Imperial Oil for comment. Imperial Oil reviewed the draft conditions and supported the conditions<sup>24</sup>.

#### **Findings**

The OEB approves the wording of the draft conditions in the OEB staff submission and orders that these conditions be adhered to by Imperial Oil. These conditions should serve to further mitigate any impacts from the expropriations on the affected landowners. The OEB's conditions of approval are attached in Schedule B to this Decision and Order.

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<sup>23</sup> The proposed conditions are largely the same as the conditions that the OEB attached to its approval of NextBridge's expropriation application related to the East West Tie Project (EB-2019-0127).

<sup>24</sup> Imperial Oil response to OEB staff interrogatory no. 6 and Imperial Oil's Reply Submission, May 20, 2021

## 5 ORDER

### THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Imperial Oil is hereby authorized to expropriate the interests sought in the lands listed in Schedule A to this Decision and Order.
2. Imperial Oil shall file, with the OEB, a final expropriation plan for OEB approval and endorsement as soon as practical.
3. The authorization granted to Imperial Oil is subject to conditions attached in Schedule B to this Decision and Order.
4. Imperial Oil shall pay the OEB's costs incidental to this proceeding upon receipt of the OEB's invoice.

**DATED** at Toronto June 3, 2021

### ONTARIO ENERGY BOARD

*Original Signed By*

Christine E. Long  
Registrar

**SCHEDULE A**  
**DECISION AND ORDER**  
**IMPERIAL OIL LIMITED**  
**EB-2021-0096**  
**JUNE 3, 2021**

**Description of lands and interest**

## APPENDIX D-2

### Owner of the Parcel

<b>Identifier</b>	WTFN4076
<b>Name</b>	2394561 ONTARIO INC.
<b>Address</b>	246 Attwell Drive Etobicoke, ON M9W 5B4
<b>Nature of the Property Interest</b>	Registered Owner
<b>Legal Description of Parcel</b>	PT LT 20 CON 3 FTH ETOBICOKE AS IN TB875256; S/T EB324828; TORONTO (ETOBICOKE) ; CITY OF TORONTO
<b>Nature of the Right Sought</b>	Temporary Workspace by way of a lease for a term of 5 years Permanent Easement
<b>Legal Description of Interest to be Expropriated</b>	<p>Temporary Workspace: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN TB875256; S/T EB324828; TORONTO (ETOBICOKE) ; CITY OF TORONTO designated as Parts 1 &amp; 2 Plan 66R- [REDACTED] being part of PIN 07424-0121 (LT), as depicted by Parts 1 &amp; 2 on the draft expropriation plan dated [REDACTED], attached.</p> <p>Permanent Easement: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN TB875256; S/T EB324828; TORONTO (ETOBICOKE) ; CITY OF TORONTO designated as Parts 3 Plan 66R- [REDACTED] being part of PIN 07424-0121 (LT), as depicted by Parts 3 on the draft expropriation plan dated [REDACTED], attached.</p>

## Interested Persons

Person 1	
<b>Name</b>	THE CORPORATION OF THE BOROUGH OF ETOBICOKE
<b>Address</b>	MCMASTER, MONTGOMERY & CO 133 RICHMOND ST. WEST TORONTO 1, ONTARIO M5H 2L3
<b>Alternate Address</b>	CITY OF TORONTO 55 JOHN STEET METRO HALL 26TH FLOOR TORONTO, ONTARIO M5V 3C6
<b>Nature of the Property Interest</b>	EB463521; AGREEMENT  EB281418; AGREEMENT  EB324828; TRANSFER EASEMENT
Person 2	
<b>Name</b>	DANTE A. SARACINI and ALBERT SARACINI, carrying on business in partnership as SARACINI CONSTRUCTION COMPANY
<b>Address</b>	WILLIS, DINGWALL AND NEWELL BARRISTERS & SOLICITORS SUITE 1400 4 KING STREET WEST TORONTO 1, ONTARIO
<b>Nature of the Property Interest</b>	EB280968Z; REST COV APL ANNEX
Person 3	
<b>Name</b>	THE TORONTO-DOMINION BANK
<b>Address</b>	2038 KIPLING AVENUE REXDALE, ONTARIO M9W 4K1
<b>Nature of the Property Interest</b>	AT3633663; CHARGE  AT3633664; NO ASSGN RENT GEN



### APPENDIX D-3

#### Owner of the Parcel

<b>Identifier</b>	WTFN4077
<b>Name</b>	1112308 ONTARIO INC.
<b>Address</b>	246 Attwell Drive Etobicoke, ON M9W 5B4
<b>Nature of the Property Interest</b>	Registered Owner
<b>Legal Description of Parcel</b>	PT LT 20 CON 3 FTH ETOBICOKE AS IN CA339394; TORONTO (ETOBICOKE)
<b>Nature of the Right Sought</b>	Temporary Workspace by way of a lease for a term of 5 years Permanent Easement
<b>Legal Description of Interest to be Expropriated</b>	<p>Temporary Workspace: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN CA339394; TORONTO (ETOBICOKE) designated as Part 2 Plan 66R- [REDACTED] being part of PIN 07424-0190 (LT), as depicted by Parts 2 on the draft expropriation plan dated [REDACTED], attached.</p> <p>Permanent Easement: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN CA339394; TORONTO (ETOBICOKE) designated as Parts 1 Plan 66R- [REDACTED] being part of PIN 07424-0190 (LT), as depicted by Parts 1 on the draft expropriation plan dated [REDACTED], attached.</p>

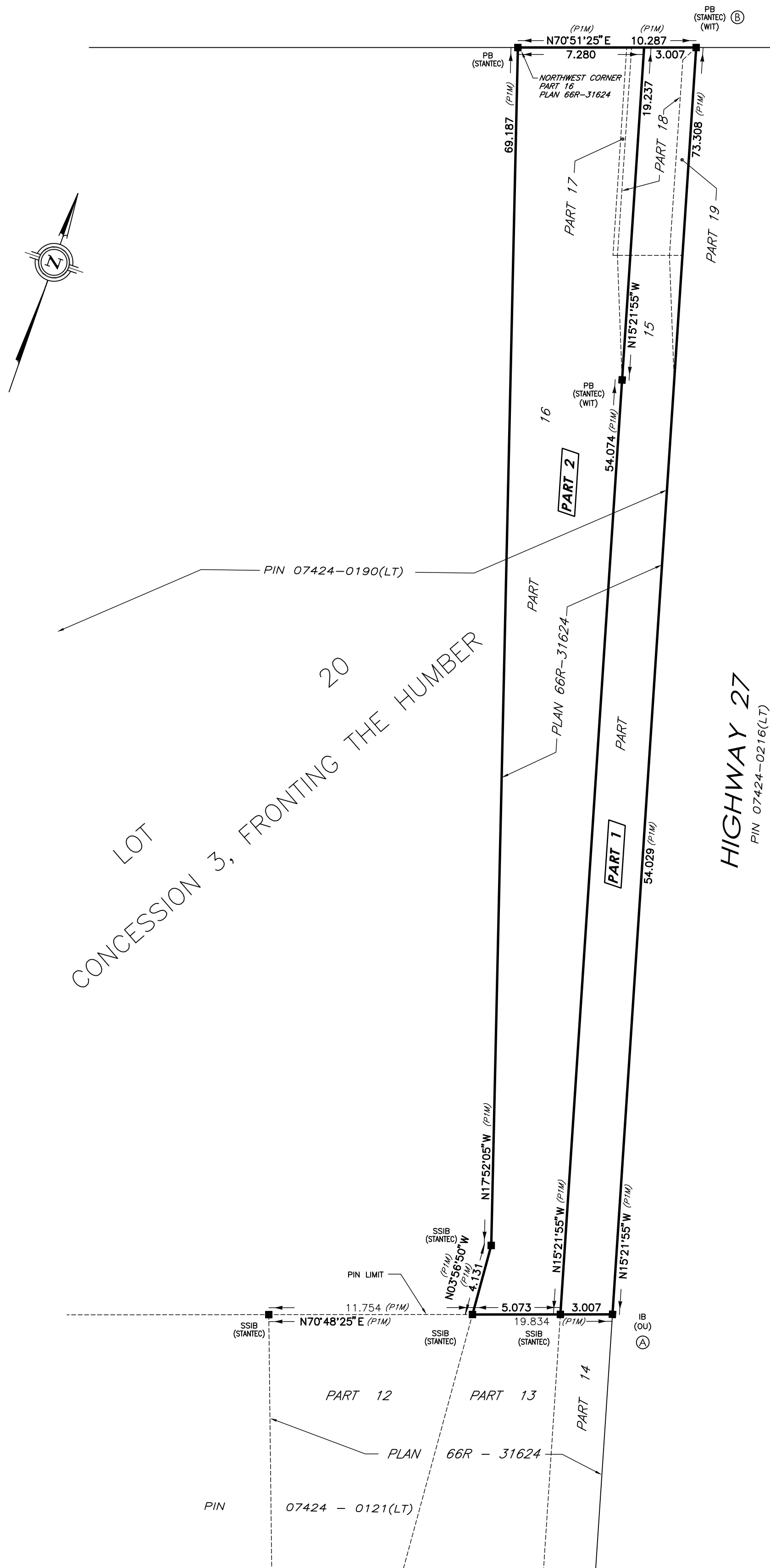
#### Interested Persons

Person 1	
<b>Name</b>	THE TORONTO-DOMINION BANK
<b>Address</b>	2038 KIPLING AVENUE REXDALE, ONTARIO M9W 4K1
<b>Nature of the Property Interest</b>	AT3633716; CHARGE AT3633717; NO ASSGN RENT GEN



# MERIDIAN ROAD

PIN 07424-0199(LT)



### CERTIFICATE OF APPROVAL

THE ONTARIO ENERGY BOARD HEREBY CERTIFIES THAT APPROVAL WAS GIVEN TO IMPERIAL OIL LIMITED ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, TO EXPROPRIATE THE LANDS SHOWN DESIGNATED AS PARTS 1 AND 2 ON THIS PLAN.

CHRISTINE E. LONG  
REGISTRAR AND BOARD SECRETARY, THE ONTARIO ENERGY BOARD  
DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

### EXPROPRIATION CERTIFICATE

Imperial Oil Limited under and by virtue of the Ontario Energy Board Act, 1998, S.O. 1998, Chapter 15, Schedule B, and in accordance with the Expropriations Act, R.S.O. 1990 (pursuant to Order of the Ontario Energy Board No. EB-\_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_) hereby takes and expropriates the following:

Firstly, a permanent easement over Part 1 in perpetuity in favour of Imperial Oil Limited;

a) The exclusive right, licence, liberty, privilege, easement and right-of-way on, over, upon, across, along, in, under and through the lands ("Easement"), together with the right, licence, privilege and easement of ingress and egress over the remainder of the lands, to and from the easement, to sample soil, survey lands and to lay down, construct, operate, maintain, inspect, patrol (including aerial patrol), alter, relocate, remove, replace, reconstruct and repair one or more line(s) of pipe together with all facilities, appurtenances, or works of Imperial Oil Limited and its directors, officers, agents, employees, contractors, subcontractors, and invitees (the "Transferees") useful in connection with or incidental to the project, including but without limiting the generality of the foregoing, all such pipes, drips, valves, fittings, connections, meters, markers, corrosion control equipment, cathodic protection equipment and other equipment and appurtenances, whether or not similar to the foregoing, as may be useful or convenient in connection therewith or incidental thereto for the carriage, transmission, conveyance, transportation and handling of oil, effluent, refined products, natural and artificial gas and other gaseous or liquid hydrocarbons and any product or by-product thereof; b) the full and free right, licence, liberty, privilege and easement of ingress and egress at any and all times over, along, across and upon the Easement; c) the right at any time and from time to time to remove any boulder or rock and to sever, fell, remove, or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the lands; d) the right for the Transferees to exercise such rights as described above on foot and/or with vehicles, together with materials, machinery and equipment for all purposes useful or convenient in connection with or incidental to the exercise and enjoyment of the rights described above; and e) the owner of the lands shall not excavate, construct, drill, install, erect or permit to be excavated, constructed, drilled, installed or erected on, over or under any part of the Easement any pipe, pit, well, foundation, building or other structure, installation or improvement, or do or permit to be done any mining, quarrying, land levelling, landscaping or other work or activity of any like or similar nature on, in, or under the Easement; alter the grade of the Easement; add any paving or other material to the Easement; use the Easement for any other purpose which could compromise the integrity of the pipeline; or take any action which restricts or limits the exercise by the Transferees of any of the rights described above.

Secondly, a temporary workspace over Part 2 for a period starting \_\_\_\_\_, 202\_\_\_\_, to \_\_\_\_\_, 202\_\_\_\_ (five years) in favour of Imperial Oil Limited;

a) a rental hereinafter set forth, to Imperial Oil Limited all and singular those parts or portions of the lands, to be held by Imperial Oil Limited as tenant for the term of five (5) years (the "term") for the purpose of providing a temporary workspace to Imperial Oil Limited, its employees, agents and contractors, with respect to the project, including the right to enter and use the land with vehicles, materials, machinery, supplies and equipment, together with the right of ingress and egress over the remainder of the lands to and from the lands, and to sample soil, survey lands and to lay down, construct, maintain, inspect, alter, remove, replace, reconstruct and repair one or more line(s) of pipe within an easement, together with the right at any time and from time to time during the term to remove any boulder or rock and to sever, fell, remove or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the lands, and the right to remove buildings or other improvements from the lands and to install temporary gates and fences and stockpiling of construction spoil, materials and equipment as required by Imperial Oil Limited. During the term, the landowner shall not use the lands for any purpose that would interfere with or detrimentally affect Imperial Oil Limited's use of the land; b) the right to peaceably possess and enjoy the land and the rights described herein without any interruption or disturbance from or by the landowner or any other persons claiming by, through or under the landowner; and c) the right to remove or cause to be removed from the lands all buildings, structures, fixtures, casing in wells, pipelines, material and equipment of whatsoever nature or kind, which Imperial Oil Limited may have placed on or in the lands or on or in any area to be surrendered.

RON TOURIGNY  
SENIOR LANDMAN

DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 202\_\_\_\_.  
IMPERIAL OIL LIMITED  
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

### CERTIFICATE OF REGISTRATION

### PLAN \_\_\_\_\_

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF TORONTO (No. 66) AT \_\_\_\_\_ O'CLOCK ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER PIN 07424-0190(LT).

REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF TORONTO (66).

### SCHEDULE

PARTS 1 ENUMERATED HEREUNDER REFER TO LANDS IN WHICH A PERMANENT EASEMENT IS EXPROPRIATED BY IMPERIAL OIL LIMITED AND PARTS 2 ENUMERATED HEREUNDER REFER TO LANDS IN WHICH A TEMPORARY WORKSPACE IS EXPROPRIATED BY IMPERIAL OIL LIMITED

PART	LOT	CONCESSION	PIN	AREA
1	PART OF 20	3, FRONTING THE HUMBER	PART OF 07424-0190(LT)	220.0 m <sup>2</sup>
2	PART OF 20	3, FRONTING THE HUMBER	PART OF 07424-0190(LT)	417.4 m <sup>2</sup>

PARTS 1 AND 2 COMPRISE PART OF PIN 07424-0190(LT).

## EXPROPRIATIONS ACT

### PLAN OF SURVEY OF

## PART OF LOT 20 CONCESSION 3, FRONTING THE HUMBER (GEOGRAPHIC TOWNSHIP OF ETOBICOKE)

## CITY OF TORONTO



Stantec Geomatics Ltd.

### METRIC CONVERSION

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

### LEGEND

SYMBOL	DENOTES	FOUND MONUMENTS
■	"	SET MONUMENTS
IB	"	IRON BAR
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
WIT	"	WITNESS
PIN	"	PROPERTY IDENTIFICATION NUMBER
M	"	MEASURED
S	"	SET
STANTEC	"	STANTEC GEOMATICS LTD.
OU	"	ORIGIN UNKNOWN
PI	"	PLAN 64R-31624

### GRID SCALE CONVERSION

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99970.

### BEARING NOTE

BEARINGS ARE UTM GRID, DERIVED FROM G.P.S. OBSERVATIONS AND THE CAN-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17 NAD83 (CSRS) (2010.0).

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET VIRTUAL REFERENCE STATION NETWORK:  
UTM ZONE 17, NAD83 (CSRS) (2010.0)  
COORDINATES TO URBAN ACCURACY PER SEC 14(2) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
Ⓐ	4837555.483	614438.387
Ⓑ	4837626.150	614418.968

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

### SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 9th DAY OF OCTOBER, 2020.

DRAFT

DATE

DRAFT

JEREMY C.E. MATTHEWS  
ONTARIO LAND SURVEYOR



### Stantec Geomatics Ltd.

CANADA LANDS SURVEYORS  
ONTARIO LAND SURVEYORS  
171 QUEENS AVENUE, SUITE 600  
LONDON, ONTARIO, N6A 5J7  
TEL. 519.645.2007  
stantec.com

DRAWN: DL | CHECKED: JM | DATE: JAN 21 2021 | PROJECT No.: 156660015

**SCHEDULE B**  
**DECISION AND ORDER**  
**IMPERIAL OIL LIMITED**  
**EB-2021-0096**  
**JUNE 3, 2021**

**Imperial Oil Limited, Expropriation Application  
Waterdown to Finch Project  
Section 99 Order Granting Authority to  
Expropriate Interests in Certain Lands**

**CONDITIONS OF APPROVAL**

1. Imperial Oil shall notify the OEB in writing in the event that, after this Decision and Order has been issued, a negotiated settlement is reached and expropriation is no longer necessary. This notice shall be filed with the OEB within ten days of the settlement.
2. Imperial Oil shall use all reasonable efforts to provide oral and written notice to the landowners a minimum of 48 hours prior to entry onto the land.
3. Reasonable accommodation shall be made in Imperial Oil's schedule for landowner requests/concerns to ensure that pipeline facilities' construction and associated activities do not interfere with landowner operations.
4. Imperial Oil or its agents will consult with the landowner in advance of entry as to the manner in which existing gates / fences / entryways are to be managed while entering property. In the event the landowner cannot be contacted, Imperial Oil shall ensure that gates / fences / entryways used by Imperial Oil personnel or its agents are left as found.
5. The landowners and tenants can be present to observe the pipeline facilities' construction and associated activities subject to Imperial Oil's safety policies and procedures and the Occupational Health and Safety Act.
6. Imperial Oil shall keep records of the personnel attending and entering on lands, the time in which entry occurred and the locations entered.
7. Imperial Oil shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions and shall provide the employee's name and contact information to the OEB and to the landowners and tenants as well clearly posted on the construction site. The project manager will be responsible for the fulfilment of the conditions of approval on the site.