

From: Welsh, Patrick <PWelsh@osler.com>
Sent: Thursday, August 5, 2021 1:24 PM
To: Zora Crnojacki (She/Her) <Zora.Crnojacki@oeb.ca>; Crew, Isabelle <ICrew@osler.com>; Tam, Iris <itam@osler.com>
Cc: Michael Millar <Michael.Millar@oeb.ca>; Scelsa, Vanessa <VScelsa@osler.com>; 'zahra.allidina@esso.ca'; John Pickernell <John.Pickernell@oeb.ca>
Subject: RE: Clarification and correction needed - Imperial Final Expropriation Plans EB-2021-0096

Dear Zora,

Thank you for your question below regarding the added parts for the stormwater sewer easements. To clarify, the added parts are identical in size (i.e., Parts 1, 2, 5 and 6 are identical to the original Parts 1 and 2 and Parts 3 and 4 are identical to the original Part 3, such that no additional land is being taken) and, in fact, by citing that the added parts (4, 5, and 6) are "subject to" the City's easement, it means that Imperial will not be taking out the City's existing easement. Imperial is not seeking or taking greater or additional rights in respect of the City's existing stormwater easement, all of which is consistent with the OEB's original order. These additional Parts, and the notation on the Plan, make this distinction clearer (and is arguably more protective of the City's interest). Attached is a (hopefully helpful) diagram illustrating how the parts are ultimately all the same size.

Regarding the plans, please find attached revised plans for your review and approval. Please note that we changed the Registrar's signature line and have removed reference to the "June 3, 2021" date in favour of a blank date that can be written in by the OEB when executing the plan. For the 5-year temporary easement, the duration would be the 5 year term less one day (previously June 3, 2021 to June 2, 2026, so the new date would have to be revised accordingly, e.g., August 9, 2021 to August 8, 2026).

Thank you for your attention to this matter and please do not hesitate to contact me if you have further questions.

Yours truly,

Pat

Patrick G. Welsh (He/Him/His)
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From: Zora Crnojacki <Zora.Crnojacki@oeb.ca>
Sent: Tuesday, August 03, 2021 4:03 PM
To: Welsh, Patrick <PWelsh@osler.com>; Crew, Isabelle <ICrew@osler.com>; Tam, Iris <itam@osler.com>
Cc: Michael Millar <Michael.Millar@oeb.ca>; Scelsa, Vanessa <VScelsa@osler.com>; 'zahra.allidina@esso.ca'; John Pickernell <John.Pickernell@oeb.ca>
Subject: RE: Clarification and correction needed - Imperial Final Expropriation Plans EB-2021-0096

Good Afternoon Pat.

Thank you for the prompt reply.

First, we need some clarification about added parts for Stormwater sewer easements (page 3, item # 4 in your letter).

The added expropriation rights /interest parts were not identified prior to the survey. As such these expropriation rights/interests are added to the “Legal Description of Interest to be Expropriated” and to the “Expropriation Plan”. Please elaborate to further clarify why these changes are “...administrative in nature” and “...not change in substance of the OEB’s approval in the Order.”

In addition to this question please see our comments in blue.

Best Regards,

Zora

From: Welsh, Patrick <PWelsh@osler.com>

Sent: Wednesday, July 28, 2021 3:58 PM

To: Zora Crnojacki <Zora.Crnojacki@oeb.ca>; Crew, Isabelle <ICrew@osler.com>; Tam, Iris <itam@osler.com>

Cc: Michael Millar <Michael.Millar@oeb.ca>; Scelsa, Vanessa <VScelsa@osler.com>;

'zahra.allidina@esso.ca'; John Pickernell <John.Pickernell@oeb.ca>

Subject: RE: Clarification and correction needed - Imperial Final Expropriation Plans EB-2021-0096

Dear Zora,

Thank you for your email and for Staff’s prompt attention to Imperial’s request. Please see my brief comments in red, below.

Yours truly,

Pat

Patrick G. Welsh (He/Him/His)

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From: Zora Crnojacki <Zora.Crnojacki@oeb.ca>

Sent: Wednesday, July 28, 2021 3:38 PM

To: Welsh, Patrick <PWelsh@osler.com>; Crew, Isabelle <ICrew@osler.com>; Tam, Iris <itam@osler.com>

Cc: Michael Millar <Michael.Millar@oeb.ca>; Scelsa, Vanessa <VScelsa@osler.com>;

'zahra.allidina@esso.ca'; John Pickernell <John.Pickernell@oeb.ca>

Subject: Clarification and correction needed - Imperial Final Expropriation Plans EB-2021-0096

Good Afternoon:

Thank you for submitting the Final Expropriation Plans for endorsement and for the request for several corrections to the order EB-2021-0096. OEB staff has reviewed the filing and is actively working on expeditiously processing your request.

1. We have a clarification question regarding “Temporary Easement” and “Temporary Workspace Easement” nomenclature in the documents you submitted for inclusion in the revised order.

- Appendix C – Description of Rights Sought refers to “Temporary Workspace Easements”
- Appendices D-2 and D-3 in tables “Owner of the Parcel” row “Nature of the Right Sought” refer to “Temporary Easement...”

lease clarify if Appendix C need to be corrected for consistency with D-2 and D-3? [The main concern from the Land Registry Office was the lack of “easement” verbiage in the plans. However, for simplicity, changing Appendix C in the revised order to state “Temporary Easement” only rather than “Temporary Workspace Easement” would work well. Please advise if you would like me to send a copy of Appendix C in word format for convenience.] Thanks, please send the word format for our convenience. We would consider changing to “Temporary Easement” for consistency.

2. Correction is needed to the Expropriation Plans in D-2 and D-3 to the text “Certificate of Approval” to delete the title of Board Secretary so that it reads:

Christine E. Long

Registrar, the Ontario Energy Board [Understood – To clarify, does the OEB require revised versions of the Certificates of Approval within the two proposed Expropriation Plans (i.e., revised plans)? That should not be an issue, but please confirm and we will ask Stantec to make those revisions. Additionally, will the OEB be issuing its corrected order with a new date? If so, the Certificate of Approval does refer to the approval given on the “3rd day of June 2021”. In requesting the removal of the “Board Secretary” title, we could also ask Stantec to revise the date to be consistent with the OEB’s practice or approach (for example, it could say “as revised on July/August __, 2021” or something to that effect). Please advise.] Yes, please remove the reference to “Board Secretary”. The OEB will issue a Revised Order with the date of revision. The original date of the order will also be shown on the cover page of the revised decision and order. It seems administratively neat to have the dates match to Revised Decision and order date? What is your preference and rationale for it?

Regards,

Zora

Zora Crnojacki
Project Advisor
| Applications | Natural Gas Applications|