



BY EMAIL

August 13, 2021

To: All Parties, EB-2021-0096

**Re: Imperial Oil Limited - Waterdown to Finch Project Expropriation Application
Board File Number: EB-2021-0096
Revised Decision and Order**

On June 3, 2021, the Ontario Energy Board (OEB), issued a decision and order approving expropriations by Imperial Oil Limited (Imperial Oil) of certain interests in lands (original Decision and Order). On July 27, 2021, by way of a letter (Letter), Imperial Oil submitted final expropriation plans for OEB approval and endorsement. The Letter also requested that the OEB make four corrections to portions of Schedule A of the original Decision and Order pursuant to its powers under Rule 41.02 of the *Rules of Practice and Procedure* (Rules). Rule 41.02 provides that the OEB may at any time, without notice or a hearing of any kind, correct a typographical error, error of calculation or similar error made in its orders or decisions. Schedule A contains several documents which provide a description of the lands and interests that were approved for expropriation.

Imperial Oil provided proposed corrected versions of the relevant portions of Schedule A, including the addition of two appendices that provide further descriptions of the permanent rights and temporary easement rights granted.

Imperial Oil stated that the corrections are primarily due to requests made by the Land Registry Office¹ and due to results of an additional land survey related to storm sewer easement that was conducted subsequent to the issuance of the original Decision and Order.

Imperial Oil stated in the Letter and responses² to OEB staff questions that the revisions to the original Decision and Order are not substantial and are of an administrative and technical nature.

¹ Ministry of Government and Consumer Services, Regulatory Services Branch, Client Guide 2021-01, March 19, 2021, Expropriation Plans

² E-mail correspondence between Imperial Oil and OEB staff dated August 4 and August 5, 2021

The following is a summary of the corrections and modifications proposed by Imperial Oil and reflected in Schedule A of the revised Decision and Order.

Corrections Requested by Imperial Oil

1. Inclusion of correct version of the Expropriation Plan for WTFN4076 in Appendix D-2 of Schedule A to the Decision and Order.

The original Decision and Order inadvertently included an older version of the Expropriation Plan for WTFN4076, which was updated and re-filed by Imperial Oil prior to the issuance of the original Decision and Order. Imperial Oil requested that the OEB amend the Decision and Order to include the correct version of the Expropriation Plan filed by Imperial Oil on March 17, 2021³.

2. Addition of Appendices B and C to Schedule A, and modification of certain text in Appendices C, D-2 and D-3.

- Imperial Oil requested that two new appendices be added to Schedule A:
 - Appendix B - description of permanent rights sought⁴
 - Appendix C - description of temporary easement rights sought⁵

Imperial Oil explained that the text in the Expropriation Certificate on the draft Expropriation Plans in the original Decision and Order included information on the land rights granted through the Decision and Order. As a result of direction from the Land Registry Office, this text needs to be revised and simplified by removing the text description of rights sought. However, the Land Registry Office advised Imperial Oil that the description of the rights sought is still needed in the Decision and Order. Imperial Oil proposed that this description be separated in two new appendices (Appendix B and Appendix C) to Schedule A. These descriptions were already provided in the evidence of the original proceeding and were reviewed by the OEB⁶.

This change amounts to moving the description of expropriation rights granted from the Expropriation Certificate to two appendices in the revised Decision and Order. The rights granted themselves are not changed.

- Modification of terminology “Temporary Workspace” to “Temporary Easement” in Appendix C and Appendices D-2 and D-3.

³ Imperial Oil Letter, July 27, 2021, Correction Requested # 1, page 1

⁴ Imperial Oil Letter, July 27, 2021, Correction Requested # 2, page 1

⁵ Imperial Oil Letter, July 27, 2021, Correction Requested # 2, page 1

⁶ Imperial Oil Limited, Waterdown to Finch Project - Expropriation Application, EB-2021-0096, February 23, 2021, Appendix B and Appendix C

The Land Registry Office advised Imperial Oil that, for registration purposes, the term “Temporary Easement” is preferred to the term “Temporary Workspace”⁷. Imperial Oil proposed to replace all references in Schedule A according to this advice.

Modifications to Expropriation Plans

According to Imperial Oil’s Letter, final versions of Expropriation Plans for OEB approval and endorsement need modifications to: (i) adhere to the Land Registry Office’s guidance for simplified text in the Expropriation Certificates in Appendices D-2 and D-3 and (ii) to accurately describe storm sewer easement in Appendix D-2 as determined by a survey.

The modifications are as follows:

3. Simplification of Expropriation Certificate text on Expropriation Plans in Appendix D-2 and Appendix D-3.
 - Replace the Expropriation Certificate wording with simplified wording in each of the two Expropriation Plans

Imperial Oil modified/simplified wording to adhere to the *Client Guide under Land Titles, Registry Act, Expropriation Act*, dated March 19, 2021.⁸ As discussed above, Imperial Oil proposed that the detailed wording that is removed from the Expropriation Plans be instead included in two new appendices (B and C) to Schedule A of the Decision and Order.

4. Modification of the Expropriation Plan for WTFN4076 in Appendix D-2.
 - The original Decision and Order had three Parts: Part 1 and 2 (temporary easement) and Part 3 (permanent easement). Subsequent to the original Decision and Order, Imperial Oil’s surveyor added parts to the Expropriation Plan to show an existing stormwater easement in favor of the Borough of Etobicoke (now City of Toronto). Imperial Oil’s Letter noted that “...this change is administrative in nature and does not change the substance of the OEB’s approval in the Order.”⁹

Imperial Oil has provided to the OEB revised final Expropriation Plans and Appendices to be added to Schedule A. These updated documents reflect all of the above described corrections and modifications.

⁷ Imperial Oil Letter, July 27, 2021, Correction Requested # 2, paragraph 2, page 2

⁸ Imperial Oil Letter, July 27, 2021, Attachment: Ministry of Government and Consumer Services, Regulatory Services Branch, Client Guide 2021-01, page 6; and Correction Requested # 3, page 2

⁹ Imperial Oil Letter, July 27, 2021, Correction Requested # 4, page 3

The OEB has examined this material and is satisfied that the proposed changes are either administrative in nature and at the request of the Land Registry Office or simple corrections, and do not result in any substantive changes to the original Decision and Order. The OEB will therefore make the changes as requested pursuant to its powers under Rule 41.02 of the Rules which states that the OEB may at any time, without notice or a hearing of any kind, correct a typographical error, error of calculation or similar error made in its orders or decisions.

The OEB has amended the original Decision and Order to reflect the correct final expropriation plans and verbal descriptions of expropriation rights, which are all included in Schedule A of the revised Decision and Order. The revised Decision Order is attached. This revised Decision and Order supersedes and replaces the previously issued Decision and Order. The revised Decision and Order does not change the OEB's findings on EB-2021-0096 Imperial Oil Waterdown to Finch Project – Expropriation Application.

Yours truly,

Original Signed By

Christine E. Long
Registrar