



Municipality of  
**Leamington**  
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Sent via email – [registrat@oeb.ca](mailto:registrat@oeb.ca)

November 29, 2022

Ontario Energy Board  
2300 Young Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
Attn: Nancy Marconi, Registrar

Dear Ms. Marconi:

Re: Enbridge Gas Inc. ("Enbridge")  
Application for Renewal of Franchise Agreement  
The Corporation of the Municipality of Leamington ("Leamington")  
**Ontario Energy Board File No. EB-2022-0201**

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I enclose herein:

- 1) Response to questions from Enbridge re: Evidence; and
- 2) Letter to Enbridge serving Response.

The Evidence is being filed in accordance with Procedural Order 1 and 2.

Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

*Matthew Todd*

**Matthew Todd, LL.B.**  
Lawyer  
Legal Services

T: 519-326-5761 ext. 1105  
E: [mtodd@leamington.ca](mailto:mtodd@leamington.ca)

cc. Patrick McMahon – [patrick.mcmahon@enbridge.com](mailto:patrick.mcmahon@enbridge.com)  
Ruth Orton – Director, Legal & Legislative Services  
Brenda Percy - Clerk

RE: ENBRIDGE GAS INC.

APPLICATION FOR RENEWAL OF FRANCHISE AGREEMENT WITH THE CORPORATION OF THE  
MUNICIPALITY OF LEAMINGTON

ONTARIO ENERGY BOARD FILE NO. **EB-2022-0201**

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**RESPONSE OF THE MUNICIPALITY OF LEAMINGTON (“Leamington”) TO ENBRIDGE GAS INC.  
 (“Enbridge”) RE: EVIDENCE**

1. With respect to request 1 in reference to paragraphs 5, 6 and 7, part (a) please see attached mapping

<https://essexregionconservation.ca/map-your-property/>



If should be noted that, while not shown on the attached mapping, Leamington also drains into the Lower Thames Valley Conservation Authority. The only other municipality in Essex County to do so is the Town of Lakeshore.

Further, Leamington states that it is not the responsibility of Leamington to establish the topography of other municipalities. Leamington has provided sworn evidence from Ms. Marentette to support its position and at this point Enbridge has provided no evidence to the contrary.

Part (b) – Once again, Leamington responds by stating that this is Enbridge’s application. If it wishes to provide evidence to respond to Leamington’s assertion that it is in a unique position

from a drainage perspective, Enbridge is free to do so. It is not incumbent upon Leamington to provide evidence with respect to 300 other municipalities.

Further, Leamington is not suggesting that other municipalities in Ontario aren't required to address drainage issues. What Leamington has stated is that Leamington is unique because of its flat topography. This means that drainage solutions require significantly more in the way of engineering. There is limited ability to rely upon natural relief in the land.

Part c – Leamington is aware other municipalities having drainage systems in the right away.

Part d – When a drainage system is designed, the engineer takes all reasonable steps to avoid conflict with utilities. That applies to new drains. That said there are numerous historical drains where there are conflicts with utilities. It is not realistic to provide a complete history of the conflicts. For example, Leamington can point to Mersea Road 7 – the road crossing was completely rotted with the only assistance in holding it up being the gas main, which was drilled through it. A further example, corner of Point Pelee Drive and Ellis – gas main was hidden within the gabion stone wall of a culvert.

2. With respect to request 2 in respect to paragraph 9, Leamington provides the following excerpt from Zuzek Inc., Southeast Leamington Graduated Risk Floodplain Mapping Project, November 23, 2020:

- **Dyke Upgrades:** Portions of the dyke along the park boundary, near the intersection between East Beach Road and Marentette Beach and at the north end of East Beach are presently below the 100-year flood elevation and must be raised. Moreover, nearly all dykes protecting the interior drainage schemes are below the Scenario B flood level (+176.5 m IGLD85'). If the region is to be adequately protected from flooding all dykes would need to be raised and reinforced to some degree, in the event that the primary shore protection along Marentette and East Beach were to fail and the dyke were to become exposed to lake waves.