

EB-2008-0288

**APPLICATION BY UNION GAS LIMITED FOR
AUTHORITY TO EXPROPRIATE INTEREST IN CERTAIN LANDS**

NOTICE OF APPLICATION

Union Gas Limited ("Union") has filed an application dated August 25, 2008, with the Ontario Energy Board (the 'Board') under section 99 of the *Ontario Energy Board Act 1998*, S.O. 1998, c. 15 (Schedule B) (the 'Act') for approval to expropriate lands for the purpose of the construction of 4.5 kilometres of 20 inch natural gas pipeline and ancillary facilities in the Town of Halton Hills and the Town of Milton (the "Pipeline"). The Pipeline is needed to supply natural gas to the Halton Hills Generating Station.

Union was granted leave to construct the Pipeline by Board Decision and Order EB-2008-0024 dated June 16, 2008.

Union has been unable to secure the necessary easement rights for the Pipeline on the two properties listed below and seeks the approval of the Board to expropriate lands within the two properties, and obtain permanent and temporary working easement rights for the Pipeline.

Property 1

Horticultural Trades Association Inc.
Part Lot 15, Concession 6, Geographic Township of Trafalgar, New Survey,
Town of Halton Hills, PIN Parcel 25073-0027(LT)

Property 2

Triple Whiskey Farms Limited
Part Lot 12, Concession 5, Geographic Township of Trafalgar, New Survey,
Town of Milton, PIN Parcel 25075-0033(LT)

If the Board is of the opinion that it is in the public interest to do so, it may make an order under subsection 99(5) of the *Act* authorizing Union to expropriate the land. However, **the Board does not have the authority to determine the amount of compensation payable.** If the authority to expropriate is granted and the parties do not agree upon compensation, section 100 of the *Act* requires the compensation to be determined under the *Expropriations Act* or by the Ontario Municipal Board.

Copies of the application and of the evidence filed in support of the application are attached to this Notice at Appendix A.

The Board has assigned File No. EB-2008-0288 to this application.

How to Participate

If you wish to actively participate in the proceeding, you may request intervenor status. Your request must be made by letter of intervention received no later than **10 days** from the date of receipt of this notice. Your letter of intervention must include a description of how you are, or may be, affected by the proceeding; and if you represent a group, a description of the group and its membership. The Board may choose to hold either a written or an oral hearing. Your letter of intervention should indicate your preference for a written or oral hearing, and the reasons for that preference. The Board may order costs in this proceeding. You must indicate in your letter of intervention whether you expect to seek costs from the applicant and the grounds for your eligibility for costs. You must provide a copy of your letter of intervention to the Applicant.

You must file two paper copies and an electronic copy of your intervention request with the Board. If you already have a user ID, please submit the electronic copy of your intervention request through the Board's web portal at www.errr.oeb.gov.on.ca. If you do not have a user ID, please visit the "e-Filing Services" page on the Board's website at www.oeb.gov.on.ca and fill out a user ID password request. For instructions on how to submit and naming conventions please refer to the RESS Document Guidelines also found on the "e-Filing Services" webpage. If the Board's web portal is not available, the electronic copy of your intervention request may be submitted by e-mail at the address below. Those who do not have internet access are required to submit the electronic copy of their intervention request on a CD or diskette in pdf format.

Need More Information?

Further information on how to participate may be obtained by visiting the Board's Web site at www.oeb.gov.on.ca or by calling our Consumer Relations Centre at 1-877-632-2727.

How to Contact Us

In responding to this notice please reference Board file number EB-2008-0288. It is also important that you provide your name, postal address, telephone number and, if available, an e-mail address and fax number. All communications should be directed to the attention of the Board Secretary at the address below, and be received no later than 4:45 p.m. on the required date.

Letters of intervention must be sent to the Board by regular mail to the address below. Please remember that you must send a copy of your request for intervention to the applicant at the address listed below.

ADDRESSES

Ontario Energy Board

P.O. Box 2319
2300 Yonge Street
27th Floor
Toronto, Ontario M4P 1E4

Attention: Kirsten Walli
Board Secretary

Tel: 1-888-632-6273 (Toll free)
Fax: 416-440-7656
E-mail boardsec@oeb.gov.on.ca

Applicant

Union Gas Limited
50 Keil Drive North
Chatham, Ontario N7M 5M1

Attn: Mr. Mark Murray
Manager, Regulatory Projects

Tel: 519-436-5325
Fax: 519-436-4641
E-mail: mmurray@uniongas.com

Counsel for the Applicant

Blake, Cassels & Graydon LLP
199 Bay Street
Suite 2800, Commerce Court West
Toronto, Ontario M5L 1A9

Attention: Gerald S. Swinkin

Tel: 416-863-5845
Fax: 416-863-2653
E-mail gerald.swinkin@blakes.com

DATED at Toronto, September 9, 2008

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary

APPENDIX "A"

EB-2008-0288

Copy of Union's Application and Supporting Evidence



Blake, Cassels & Graydon LLP
Barristers & Solicitors
Patent & Trade-mark Agents
199 Bay Street
Suite 2800, Commerce Court West
Toronto ON M5L 1A9 Canada
Tel: 416-863-2400 Fax: 416-863-2653

Gerald S. Swinkin
Partner

Dir: 416-863-5845
gerald.swinkin@blakes.com

August 21, 2008

VIA COURIER

Reference: 9483/3643

Board Secretary
Ontario Energy Board
27th Floor, 2300 Yonge Street
Toronto, ON M4P 1E4

Re: Union Gas Limited and
Re: Pipeline to Supply Natural Gas to Halton Hills Generating Station,
Town of Halton Hills, Regional Municipality of Halton and
Re: **Application for Approval to Expropriate Land**
Section 99 Ontario Energy Board Act, 1998

Dear Sir:

We have been retained as counsel to Union Gas in connection with the above-referenced project and are filing the within application on behalf of our client, Union Gas Limited.

The Project

The project is to construct approximately 4.5 kilometres of Nominal Pipe Size 20 natural gas pipeline and ancillary facilities in the Town of Halton Hills and the Town of Milton for the purpose of supplying natural gas to the Halton Hills Generating Station currently being construct by TransCanada Energy Limited near the south-west corner of Steeles Avenue and the 6th Line in the Town of Halton Hills. Under OEB File Reference EB-2008-0024, Union Gas by way of the Order of the Board dated June 16, 2008 obtained leave under Subsection 90(1) of the *Ontario Energy Board Act, 1998* to construct the project.

Property Acquisition to Implement the Project

As part of its June 16, 2008 Order, the Board found that Union Gas properly followed OEB Guidelines in selecting the proposed route and that the location of the propose route as described in the Order is acceptable from both the environmental and socio-economic perspectives provided that Union Gas observes the recommendations contained in the EA Report prepared by Stantec Consulting Limited as filed with the Board. Although much of the pipeline will be constructed within public road allowances that are subject to franchise agreements with the respective municipalities, the project will require the acquisition of permanent and temporary easement rights from a number of landowners. Union Gas has succeeded in entering into agreements with a number of the owners to acquire the necessary permanent and temporary easement rights but has been unable to negotiate agreements for acquisition of these rights with, at the time of this application, two landowners.

Application for Approval to Expropriate

On the basis of the inability of Union Gas to negotiate and voluntarily secure from the individual landowners the necessary easement rights, we would ask that you treat this letter as the initiation of an application to the Board for approval to expropriate permanent and temporary working easements through the lands of the persons listed below, for each one of which a Schedule is appended hereto with particulars as to the current registered owner, a short description of the property and its PIN Parcel reference in the Land Registry Office at Milton. Each Schedule will identify those persons who are presently reflected on the parcel register as having an interest in the property in the form of an encumbrance or other property interest. Each Schedule will also be accompanied by a draft Reference Plan of Survey which sets forth as Parts designated thereon the lands through which permanent easement rights are sought and those lands through which temporary working easements are sought, which parts are identified on the Schedule. The draft reference plans contain the complete text of the easement rights sought to be expropriated. The properties are as follows, with the numbering corresponding to the attached Schedules:

1. Horticultural Trades Association Inc.
Part Lot 15, Concession 6, Geographic Township of Trafalgar, New Survey, Town of Halton Hills
PIN Parcel 25073-0027(LT)
2. Triple Whisky Farms Limited
Part Lot 12, Concession 5, Geographic Township of Trafalgar, New Survey, Town of Milton
PIN Parcel 25075-0033(LT)

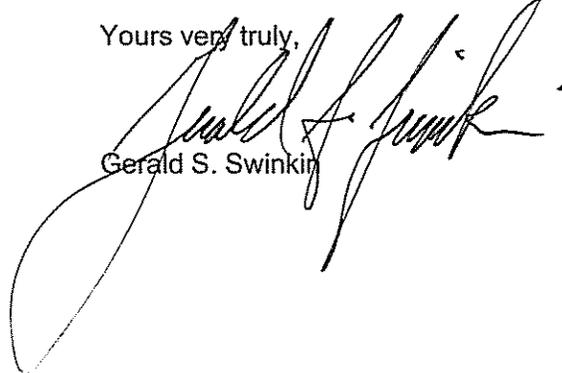
Request for Hearing

In accordance with the provisions of Section 99 of the *Ontario Energy Board Act, 1998*, we request on behalf of Union Gas that the Board fix a date for the hearing of these applications and provide its directions with respect to the giving of notice for the purpose of this hearing. Although there are a number of distinct properties covered by this application, as this is a linear project, the logic of the location of which has already been comprehensively canvassed through the environmental assessment, we anticipate that there would be a single hearing with respect to the application relating to all of these properties.

In accordance with the provisions of Section 99 of the *Ontario Energy Board Act, 1998*, the purpose of this hearing is strictly to authorize the expropriation of the particular rights in the locations designated on the reference plans of survey, the matter of compensation to be determined through a separate process under the *Expropriations Act*.

Should the Board require any further or other information for the purpose of dealing with this request, please do not hesitate to contact us. We will advise you to the extent that Union Gas negotiates voluntary acquisition of any of these interests and revise our application accordingly.

Yours very truly,



Gerald S. Swinkin

GSS/ml
encls.

c: M. Murray
B. Wachsmith
B. Wilton
(e-mailed only)

21789229.1

Schedule 1

Owner

Horticultural Trades Association Inc.
Part Lot 15, Concession 6, Geographic Township of Trafalgar, New Survey, Town of Halton
Hills, Regional Municipality of Halton

Easement Rights Required by Expropriation

Permanent Easement rights required through Parts
Cunningham McConnell Limited Plan File No.

Temporary Easement Rights required through Parts
Cunningham McConnell Limited Plan File No.

Land Registry Office Parcel Reference

PIN Parcel 25073-0027(LT)

Encumbrances

Landscape Ontario Horticultural Trades Foundation
Charge by Instrument No. H33232

Address for Service: 7856 Fifth Line South, Station Main, Rural Route No. 4, Milton, ON L9T
2X8

Schedule 2

Owner

Triple Whisky Farms Limited
Part Lot 12, Concession 5, Geographic Township of Trafalgar, New Survey, Town of Milton,
Regional Municipality of Halton

Easement Rights Required by Expropriation

Temporary Easement Rights required through Parts
Cunningham McConnell Limited Plan File No.

Land Registry Office Parcel Reference

PIN Parcel 25075-0033(LT)

Encumbrances

Nil

