

June 13, 2025

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Ontario Energy Board
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Attention: Nancy Marconi, Registrar, Ontario Energy Board

**Re: Hydro One Networks Inc. ("Hydro One")
St. Clair Transmission Project – Section 99 Expropriation Authorization Application
OEB File Number: EB-2025-0093**

We are legal counsel to Peter, Graham, Brenda and Patricia Glasgow who have been granted intervenor status in the above noted matter and are landowners significantly impacted by the St. Clair Transmission Project (the "**Impacted Landowners**"). The Impacted Landowners are referred to as the Siskinds Firm Group.

The Siskinds Firm Group provides the following submissions with respect to the draft issues listed attached to Procedural Order No. 2 dated June 10, 2025 as Schedule "A."

The Siskinds Firm Group recommends the inclusion of additional issues on OEB Staff's proposed Issues List to ensure that the purpose of [section 99](#) of the [Ontario Energy Board Act](#) (the "**Act**") has been met. Under the provisions of [section 99](#) of the [Act](#), the Ontario Energy Board (the "**OEB**") has the authority to authorize the expropriation of land if it is in the public interest. When determining the public interest, the OEB takes into account the purpose and objectives of the *Act*, the broad public interest and the interest of each of the parties to the proceeding which, in this case, includes the interests of the Siskinds Firm Group. The ultimate determination of the OEB as to whether to approve an expropriation is based on whether the expropriation is deemed to be beneficial for the public good.

The Supreme Court has confirmed that the exercise of an expropriation right is an extraordinary power stating in [Dell Holdings Ltd. v Toronto Transit Operating Authority](#) at paragraph 20:

The expropriation of property is one of the ultimate exercises of governmental authority. To take all or part of a person's property constitutes a severe loss and a very significant interference with a citizen's private property rights. It follows that the power of an expropriating authority should be strictly construed in favour of those whose rights have been affected.

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The test applied in determining whether to approve an expropriation is set out in [section 99\(5\)](#) of the [Act](#) as follows: “*If after the hearing the Board 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.*” We note that the individual and parcel specific project requirements were not considered within the scope of the section 92 application under the *Act* as it relates to the above noted project.

The Siskinds Firm Group is not seeking the introduction of any issues that relate to the determination of compensation, the principles that are applied to the determination of compensation, or the reasonableness of the compensation offers as such matters are appropriately determined, should the parties be unable to agree, by the Ontario Land Tribunal. The issue

Hydro One was advised of and provided a copy of the Siskinds Firm Group’s proposed issues list proposing six additional issues relating to whether the proposed expropriation of the land is in the public interest. It is important to note that there are approximately seven (7) towers being proposed on a particular parcel of land currently owned and being farmed by the Impacted Landowners.

The construction of this number of towers on one property will result in the Impacted Landowners being unable to harvest their longstanding sugar beet crops, and numerous other crops on the fields, directly as a result of the location of the towers on the property. The Impacted Properties are also subject to an extensive pumping and drainage system that is significantly impacted by the location of the towers on the Property. These are just a couple of the concerns associated with the proposed expropriation and whether reasonable steps have been taken by Hydro One to minimize the impact of the proposed expropriation on the Impacted Properties.

It is imperative that the issues be appropriately drafted taking into account the statutory limitations set out in section 99 of the *Act*. We note that the issues list as set out in the Waasigan Transmission Project EB-2024-0319 appropriately took into consideration whether Hydro One has taken reasonable steps to minimize the impact of the proposed expropriation on the properties in question. Such issue is also appropriately incorporated into this hearing.

We would recommend that the issues list be consistent with those as set out by the OEB Staff in addition to those confirmed in the Waasigan Transmission Project.

The Siskinds Firm Group’s proposes the following issues that retains those issues drafted by the OEB Staff and incorporates the additional issues raised by the Siskinds Firm Group that are consistent with what the OEB confirmed to be appropriate in the Waasigan Transmission Project hearing:

Issues List – EB-2025-0093

1. Is the proposed expropriation in the public interest? *OEB Staff’s proposed issue.*

2. Has Hydro One requested expropriation of the minimum amount of land needed for the project, and the minimum legal interest required for that land? *OEB Staff's proposed issue*
3. What conditions, if any, should be attached to the OEB's Order in this proceeding? *OEB Staff's proposed issue*
4. Has the Applicant taken reasonable steps to minimize the impact of the proposed expropriation on the subject properties?
5. Are the specific interests in the lands requested for expropriation appropriate?

The proposed Issues List set out above is consistent with and reflects the matters that are appropriately left to the OEB to determine applying the statutory test as set out in [section 99\(5\)](#) of the [Act](#).

It is respectfully submitted that the five issues above are appropriate and necessary in determining whether the expropriation being proposed is in the public interest.

Yours truly,

Siskinds LLP



e-signature

Per:

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