



Hydro One Networks Inc.

**Application for approval to expropriate interests in lands
in St. Clair Township and the Municipality of Chatham-
Kent in Ontario**

DECISION ON ISSUES LIST

June 16, 2025

BEFORE: David Sword
Presiding Commissioner

Robert Dodds
Commissioner

Anthony Zlatic
Commissioner

On April 4, 2025, Hydro One Networks Inc. (Hydro One) applied to the Ontario Energy Board (OEB) under section 99 of the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15, (Schedule B)* (OEB Act), for an order granting approval to expropriate certain interests in lands in St. Clair Township and the Municipality of Chatham-Kent. Hydro One stated that the authorization is needed to facilitate the construction and operation of a new 230-kilovolt double-circuit electricity transmission line (Project). The OEB granted Hydro One leave to construct the Project in an earlier proceeding.¹ The anticipated in-service date for the Project is December 2028.

On May 29, 2025, the OEB issued Procedural Order No. 1² (PO1) which, among other things, provided for the development of a proposed Issues List by OEB staff and the parties for the OEB's consideration. If the parties could not reach consensus on the draft Issues List and any proposed revisions, OEB staff were to advise the OEB accordingly in writing. PO1 also granted intervenor status to the Siskinds Firm Group (a group of landowners represented by the law firm of Siskinds LLP) that applied for intervenor status.

¹ EB-2024-0155 Decision and Order issued (December 10, 2024)

² EB-2025-0093 [Procedural Order No. 1](#)

On June 3, 2025, OEB staff advised the OEB that the parties have been unable to reach agreement on a draft Issues List.

On June 10, 2025, the OEB issued Procedural Order No. 2³ which invited Hydro One and the Siskinds Firm Group to file written submissions on the draft Issues List prepared by OEB staff, with any proposed additions, removals or changes clearly justified and submitted by no later than June 13, 2025.

Hydro One Submission

On June 12, 2025, counsel for Hydro One filed a submission in which it agreed with OEB staff's proposed draft Issues List without additions or changes. Hydro One submitted that OEB staff's draft Issues List is consistent with the Issues List in the OEB's recent decision in the Waasigan Phase 1 expropriation proceeding⁴, which involved similar relief. Hydro One submitted that OEB staff's draft Issues List appropriately reflects the narrow scope of public interest considerations relevant to an application under section 99 of the OEB Act.

The Siskinds Firm Group Submission

On June 13, 2025, the Siskinds Firm Group filed a submission on the draft Issues List in which it stated that the issues list should be expanded to more fully reflect the public interest considerations under section 99 of the OEB Act. The Siskinds Firm Group supports the three issues on OEB staff's draft Issues List and proposes the following two additional issues:

- (1) Has the Applicant taken reasonable steps to minimize the impact of the proposed expropriation on the subject properties?
- (2) Are the specific interests in the lands requested for expropriation appropriate?

The Siskinds Firm Group submitted that the additional issues are necessary to assess whether Hydro One has taken reasonable steps to minimize the impact of the proposed expropriation and whether the specific land interests sought are appropriate.

The Siskinds Firm Group noted that the OEB-approved Issues List in the Waasigan Phase 1 expropriation case took into consideration whether Hydro One had taken reasonable steps to minimize the impact of the proposed expropriation on the properties

³ EB-2025-0093 [Procedural Order No. 2](#)

⁴ EB-2024-0319, [Decision and Order](#), June 10, 2025

in question. The Siskinds Firm Group submitted that it is also appropriate to incorporate such an issue in this proceeding.

The Siskinds Firm Group submitted that the placement of multiple towers on a landowners single farmed parcel would significantly disrupt crop production and drainage systems, and that these localized impacts warrant consideration under section 99(5) of the OEB Act.

Both Hydro One and the Siskinds Firm Group agreed that issues related to compensation are beyond the scope of an expropriation proceeding before the OEB and that matters related to compensation are determined by the Ontario Land Tribunal.

Findings

The OEB approves of the following three issues for the Issues List, as proposed by OEB staff and as agreed to by the parties:

1. Is the proposed expropriation in the public interest?
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?
3. What conditions, if any, should be attached to the OEB's Order in this proceeding?

The OEB finds these issues appropriately reflect the scope of public interest considerations relevant to an application under section 99 of the OEB Act.

The Siskinds Firm Group has proposed two additional issues for consideration, as follows:

- Has the Applicant taken reasonable steps to minimize the impact of the proposed expropriation on the subject properties?
- Are the specific interests in the lands requested for expropriation appropriate?

The OEB does not approve adding these two issues to the Issues List, as they are subsumed in Issues 1 and 2.

The OEB reminds parties that revisiting matters pertaining to project environmental, or route approvals heard and decided in the leave to construct proceeding or captured in the environmental assessment fall outside the scope of this proceeding.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The Issues List attached as Schedule A is approved.

DATED at Toronto, **June 16, 2025**

ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar

SCHEDULE A

ISSUES LIST

HYDRO ONE NETWORKS, INC.

EB-2025-0093

DATED: June 16, 2025

Hydro One Networks, Inc.

EB-2025-0093

ISSUES LIST

1. *Is the proposed expropriation in the public interest?*
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?*
3. *What conditions, if any, should be attached to the OEB's Order in this proceeding?*