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BY EMAIL

July 30, 2025

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4
Registrar@oeb.ca

Dear Ritchie Murray:

**Re: Ontario Energy Board (OEB) Staff Submission
Hydro One Networks Inc.
Waasigan Project Phase 2 Expropriation Application
OEB File Number: EB-2025-0130**

Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No. 1.

Yours truly,

Katherine Wang
Generation & Transmission



ONTARIO ENERGY BOARD

OEB Staff Submission

Hydro One Networks Inc.

Waasigan Project Phase 2 Expropriation Application

EB-2025-0130

July 30, 2025

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1. Background and Overview

1.1 Overview of Staff Submission

For the reasons set out below, OEB staff submits that the requested authority to expropriate interests in the subject lands is in the public interest and should be granted by the OEB.

This submission begins with a background on the application and proceeding to date, the scope of the OEB's jurisdiction in an expropriation application, and is followed by OEB staff's submissions on each of the issues approved in the Decision on Issues List.¹ OEB staff has also proposed draft conditions in Appendix A which, if accepted by the OEB, should be attached to its approval of authority to expropriate.

1.2 Background and Overview of the Application

In April 2024, the OEB granted Hydro One Networks Inc. (Hydro One) leave to construct, pursuant to section 92 of the *Ontario Energy Board Act, 1998* (OEB Act), approximately 360 kilometres (km) of electricity transmission line and associated station facilities in the northwest Ontario in the regions of Thunder Bay, Rainy River and Kenora (Waasigan Project or the Project).² The Project comprises two phases. Phase 1 consists of constructing a new 230 kV double-circuit transmission line that spans approximately 190 km to connect the existing Lakehead Transmission Station (TS) with the existing Mackenzie TS. Phase 2 consists of constructing a new 230 kV single-circuit transmission line spanning approximately 170 km from the existing Mackenzie TS to the existing Dryden TS.

The OEB granted Hydro One authority to expropriate permanent corridor easements on 13 parcels of land related to Phase 1 of the Project.³

On April 24, 2025, Hydro One applied to the OEB under section 99 of the OEB Act for an order granting authority to expropriate permanent easements over 16 privately held properties so that it may construct and operate Phase 2 of the Project (current application).⁴

On May 22, 2025, Hydro One filed an updated application which was limited to removing four properties over which Hydro One no longer requires expropriation relief due to the signing of voluntary agreements since the original application was filed.⁵ On

¹ EB-2025-0130, [Decision on Issues List](#), July 4, 2025

² EB-2023-0198, [Decision and Order](#), April 16, 2024

³ EB-2024-0319, [Decision and Order](#), June 10, 2025

⁴ This current application for expropriation pertains only to Phase 2 of the Project.

⁵ EB-2025-0130, Updated Application, May 22, 2025

June 5, 2025, in its letter filed with the OEB, Hydro One noted that it continued to prioritize voluntary land acquisition and had reached agreements with two additional landowners.⁶ In the cover letter dated July 16, 2025 to its response to OEB staff interrogatories, Hydro One advised that it had further reached a voluntary agreement with one more landowner and would not seeking expropriation authority over the corresponding property.⁷ Therefore, as per the evidence filed on this proceeding to date, the number of properties that Hydro One still seeks expropriation authority over has been reduced to nine.

In order to facilitate project timelines, Hydro One requested expedited consideration of this application, with a decision prior to September 2025.⁸

Leave to Construct – Hydro One’s Waasigan Project Approval

Hydro One applied on July 31, 2023, under section 92 of the OEB Act for leave to construct the Waasigan Project. Hydro One also applied under section 97 for approval of the forms of land use agreements offered or to be offered to affected landowners.

In support of the need for the Waasigan Project, Hydro One filed an Order in Council and Ministry of Energy Directive that was issued on December 11, 2013 under section 28.6 of the OEB Act. The Order in Council and Directive required the OEB to amend Hydro One’s electricity transmission license to add a requirement for Hydro One to develop and seek approvals for the Waasigan Project.⁹ Hydro One also noted that the Waasigan Project (previously known as the “Northwest Bulk Transmission Line”) was identified in the Ontario Government’s 2013 and 2017 Long Term Energy Plans to increase electricity supply to the region west of Thunder Bay, provide a means for new customers and growing loads to be served with clean and renewable sources that comprise Ontario’s supply mix, and enhance the potential for development and connection of renewable energy facilities.¹⁰

On April 16, 2024, the OEB issued its decision on the leave to construct application as follows:

- The OEB granted leave to construct approval to Hydro One for the Waasigan Project. The OEB found that the Waasigan Project is in the public interest with respect to prices and the reliability and quality of electricity service.
- The OEB approved the form of land use agreements that have been or will be

⁶ EB-2025-0130, [Hydro One’s letter to the OEB](#), June 5, 2025

⁷ EB-2025-0130, [Hydro One’s Response to OEB Staff Interrogatories](#), July 16, 2025

⁸ EB-2025-0130, Updated Application, May 22, 2025 / Exhibit A Tab 1 Schedule 1 page 6

⁹ EB-2023-0198, [Application](#) Updated August 29, 2023, Exhibit B-03-01-01

¹⁰ EB-2023-0198, [Application](#) Updated August 29, 2023, Exhibit B-03-01 page 1

offered by Hydro One to directly affected landowners for the purposes of section 97 of the OEB Act.

1.3 Process to Date

The OEB issued its Notice of Hearing (Notice) for this expropriation application on May 20, 2025, and directed Hydro One to serve the Notice, the application and relevant evidence on current registered property owners, encumbrancers and those with any interest in the lands directly affected by the expropriation application. The OEB did not receive any intervention requests.

The OEB issued Procedural Order No. 1 (PO1) on June 24, 2025, establishing the procedural steps for the Issues List, written interrogatories and submission.

The OEB issues its Decision on Issues List on July 4, 2025.

OEB staff filed interrogatories on July 10, 2025. Hydro One filed its responses to the interrogatories on July 16, 2025.

1.4 OEB's Jurisdiction in Expropriation Applications

The OEB's power to grant an applicant authority to expropriate land is derived from section 99 of the OEB Act and set out in Appendix B to this submission. Under section 99, any person who has been granted leave by the OEB to construct certain 'works' under section 90 (relating to natural gas) or section 92 (relating to electricity) of the OEB Act may apply for authority to expropriate land for such works.¹¹

Subsection 99(5) of the OEB Act establishes the test for approving an application under section 99 and states that, if the OEB 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".

Compensation issues do not fall within the OEB's jurisdiction under section 99 of the OEB Act and are addressed in accordance with the *Expropriations Act, R.S.O. 1990. C. E 26* (Expropriations Act)¹² and, if required, are resolved by the Ontario Land Tribunal.¹³ If the OEB grants authorization to expropriate land, and Hydro One is not able to reach an agreement with any landowner, the landowner would have to follow the process set out in the Expropriations Act to determine the amount of compensation to be paid.

¹¹ Section 99 of the OEB Act falls under Part VI of the Act and sets out the requirements for leave to construct, expropriation and related matters. A "work" is defined in this part of the OEB Act as a hydrocarbon line, electricity distribution line, electricity transmission line, interconnection or station.

¹² [Expropriations Act, R.S.O. 1990, c. E.26](#), s. 13

¹³ This was formerly the role of the Board of Negotiation, which has since been continued (as of 2021) as the Ontario Land Tribunal under section 2 of the [Ontario Land Tribunal Act, 2021](#).

2. OEB Staff Submission

OEB staff makes the following submissions on the three issues approved for this proceeding.

Issue 1: Is the proposed expropriation in the public interest?

The Waasigan Project is in the public interest

In its leave to construct decision for the Waasigan Project, the OEB determined that the project is in the public interest. Under section 96(2) of the OEB Act, before granting approval for leave to construct, the OEB determines whether a project is in the public interest by considering the interests of consumers with respect to prices and the reliability and quality of electricity service. These public interest considerations were examined during the Waasigan Project's leave to construct process. In addition, OEB staff notes that in accordance with the ministerial Directive and the OEB's associated amendment of Hydro One's electricity transmission licence, Hydro One is required to develop and seek approvals for the Waasigan Project.¹⁴

OEB staff also notes that the Waasigan Project was identified in the Ontario Government's Long Term Energy Plans to increase electricity supply to the region west of Thunder Bay and enhance the potential for development and connection of renewable energy facilities.

The lands requested for expropriation in this application are required for the Waasigan Project

In this application, Hydro One requested expropriation authorization limited to the remaining on-corridor land interests required to construct and operate Phase 2 of the Project, stating that the land interests are "an integral part of the completion of the Project."¹⁵

As part of the application, Hydro One provided the aerial route map for Phase 2 of the Project as well as reference plans showing the lands over which expropriation authority is being requested.¹⁶ highlighting the transmission line route and proposed expropriations.¹⁷ The aerial map and reference plans show that each of the proposed parcels is within the 46-meter right-of-way of the transmission line route approved in the Waasigan Project leave to construct decision. Given the alignment of these parcels with the Project right-of-way, OEB staff believes that the land interests requested are

¹⁴ Hydro One Networks Inc. [Electricity Transmission Licence](#) s.19.6

¹⁵ EB-2025-0130, Updated Application, May 22, 2025 / Exhibit A Tab 1 Schedule 1 pages 3 and 5

¹⁶ EB-2025-0130, Updated Application, May 22, 2025 / Appendix 2 and Appendix 5

¹⁷ EB-2024-0319, [Application](#) Amended December 5, 2024 / Appendix 5

required to complete the Waasigan Project.

Expropriation is necessary to acquire the necessary lands

In this application, Hydro One stated that it had engaged in good faith discussion with all landowners affected by Phase 2 of the Project.¹⁸ Hydro One also confirmed that each landowner affected by this application was offered the applicable OEB-approved standard form of agreement¹⁹ included in the Project's leave to construct approval.²⁰ Hydro One also provided two redacted attachments in its responses to OEB staff interrogatories: a high-level update to the status of negotiations for each subject property, and a document titled "Records of Consultation", which details Hydro One's communications with each of the landowners.²¹ The first attachment lists the negotiation status of each of the nine properties currently affected in this application under the following three categories:

- 1) Negotiations are ongoing, but a settlement has not been reached. (seven properties)
- 2) Negotiations have reached an impasse. (one property)
- 3) Owner deceased. Hydro One is working with purported inheritor. Settlement pending confirmation of ownership. (one property)

OEB staff reviewed Hydro One's Records of Consultation and believes that Hydro One has engaged (or has attempted to engage) in negotiations with each of the impacted property owners (and the purported inheritor). As discussed below, OEB staff is of the view that expropriation under all three categories is necessary to complete the Waasigan Project.

For properties under category 1 where negotiations are ongoing but a settlement has not been reached, Hydro One's Records of Consultation shows that negotiations between Hydro One and the landowners have continued for more than two years. OEB staff acknowledges the possibility that Hydro One and some landowners could sign voluntary agreements given more time to negotiate. Hydro One noted the Independent Electricity System Operator (IESO)'s recommendation that Phase 2 of the Project be completed and in-service by December 2027. Hydro One also provided its high-level schedule for Phase 2 construction activities.²² OEB staff is of the view that the expected in-service timeline and construction schedule do not allow for a further extended period

¹⁸ EB-2025-0319, Updated Application, May 22, 2025 / Exhibit A Tab 1 Schedule 1 page 5

¹⁹ EB-2023-0198, Waasigan Project Leave to Construct Application, July 31, 2023 / Exhibit E Tab 1 Schedule 1 Attachments 1 to 9

²⁰ EB-2025-0319, Updated Application, May 22, 2025 / Exhibit A Tab 1 Schedule 1 page 4

²¹ EB-2025-0319, Interrogatory Response to Staff-02 a); The redactions in these attachments are the names of the persons that are registered property owners or have other registered interests on title to the property.

²² EB-2025-0319, Interrogatory Response to Staff-01 b) and c)

of negotiations with the landowners, thus expropriation is necessary.

For the property under category 2, based on the evidence that Hydro One provided in the application and Records of Consultation, OEB staff believes that Hydro One has attempted to engage in negotiations with the landowner, but is unable to reach an agreement and expropriation of this property is necessary.

For the property under category 3, Hydro One indicated that it has been working with the purported inheritor of the property, but the documentation confirming chain of title (ownership) for the property is outstanding. Based on review of the evidence in Hydro One's Records of Consultation, given the uncertainty of when the documentation confirming ownership can be obtained, OEB staff believes that expropriation is necessary considering the expected Phase 2 in-service timeline and construction schedule.

Conclusion of OEB Staff Submission on Issue 1

To summarize the discussions above, OEB staff submits that the requested expropriations are in the public interest for the following reasons:

- In the leave to construct decision, the Waasigan Project was found to be in the public interest, in terms of price, reliability and quality of electricity service and the forms of landowner agreements were approved by the OEB in that decision.
- The Waasigan Project has been identified in the Ontario Government's Long Term Energy plans as necessary to increase electricity capacity in the northwest Ontario region.
- The lands proposed for expropriation are required for the Waasigan Project's transmission line route approved in the OEB's leave to construct decision.
- Hydro One has made diligent efforts to negotiate with the affected landowners but has not reached voluntary agreements with the subject landowners identified in this application. Therefore, expropriation is necessary for Hydro One to obtain the land rights required for the Waasigan Project.

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?

Has Hydro One requested the minimum amount of land needed for the Project?

In its decision granting leave to construct the Waasigan Project, the OEB approved Hydro One's proposed route which included a 46-meter-wide right-of-way (ROW).

According to Hydro One's application, the width of each of the subject parcels is less than or equal to 46 metres along the Project corridor, and each parcel is within the approved Waasigan Project route.²³

In its interrogatory responses, Hydro One stated that for all subject properties, the 46-metre-wide ROW was determined to be necessary and appropriate based on voltage, local design constraints and consideration of the project-situated terrain and natural features. Hydro one further stated that the calculation of the ROW width complies with "Canadian Standards Association CSA 22.3 No. 1 Overhead Systems, Canadian Standards Association CSA 22.3 No. 60826 (IEC 60826) Transmission Lines – Design Criteria, Electrical Power Research Institute – EPRI AC Transmission Line Reference Book – 200 kV and Above, and North American Electric Reliability Corporation NERC FAC-003 Transmission Vegetation Management".²⁴

Hydro One further noted that its "Environmental Assessment process undertook an extensive routing assessment to optimize the location of the transmission line, ancillary components and total footprint as to minimize land rights necessary" while balancing other factors.²⁵ As provided in Hydro One's interrogatory responses, the Environmental Assessment has been approved by the Ministry of Environment, Conservation and Parks.²⁶

Based on the evidence provided by Hydro One, OEB staff submits that Hydro One has requested the minimum amount of land needed for the Waasigan Project.

Has Hydro One requested the minimum legal interest required for the land?

Hydro One has requested permanent easement interests in each of the subject properties in this application and advised that these easements are required for the construction and ongoing operation of Phase 2 of the Waasigan Project. Hydro One also noted that the expropriation authorization sought in this application is intended to provide Hydro One with similar, if not identical land interests that it has required across other part of the Project and that have been acquired through voluntary agreements.²⁷

OEB staff understands that transmission lines are typically long-lived assets and the subject easements in this application will be required by Hydro One throughout the life of the transmission line to perform operation and maintenance activities. Therefore, OEB staff submits that the Hydro One's request for permanent on-corridor easements is

²³ EB-2025-0130, Updated Application, May 22, 2025 / Appendix 2 and Appendix 5

²⁴ EB-2025-0130, Interrogatory Response to Staff-03 a)

²⁵ EB-2025-0130, Interrogatory Response to Staff-03 b)

²⁶ EB-2025-0130, Interrogatory Response to Staff-01 a)

²⁷ EB-2025-0130, Updated Application, May 22, 2025 / Exhibit A Tab 1 Schedule 1 page 3

reasonable and necessary.

Issue 3: What conditions, if any, should be attached to the OEB's Order in this proceeding?

Section 23 of the OEB Act permits the OEB, when making an order, to “impose such conditions as it considers proper.”

In its interrogatories, OEB staff proposed to adopt the same Conditions of Approval that were established by the OEB in the Decision and Order for the Waasigan Phase 1 Expropriation application²⁸ and provided the draft conditions of approval accordingly. OEB staff asked Hydro One to review and provide any proposed revisions with explanations.²⁹ Hydro One accepted draft conditions 3, 4, 5, 7 and 8 that OEB staff proposed with no amendments, and recommended minor changes to draft conditions 1 and 2 as well as deletion of draft condition 6.³⁰

The draft conditions, Hydro One's proposed revisions (denoted by underlined or crossed-out text) with explanations, and OEB staff's opinions are summarized below:

Draft Conditions of Approval

1. *Hydro One shall notify the OEB in writing in the event that, after this Decision and Order has been issued, a negotiated settlement is reached and expropriation is no longer necessary. This notice shall be filed with the OEB within ten days of the ~~settlement~~ sought land rights being registered on title.*

Hydro One suggested that the notification to the OEB be made only after the land rights sought have been officially registered to avoid any potential impediment to the registration of the right that would otherwise necessitate exercising expropriation authorization.

OEB staff does not oppose Hydro One's proposed revision as it avoids premature notice before settlement terms are finalized through registration.

2. *Hydro One shall use all reasonable efforts to provide oral and/or written notice to the landowners a minimum of 48 hours prior to the initial entry onto the land.*

Hydro One proposed the above change to accommodate landowner preferences for communication to allow for either oral and/or written notice.

OEB staff does not support the substitution of oral notice in place of written notice.

²⁸ EB-2024-0319, Decision and Order, June 10, 2025

²⁹ EB-2025-0130, OEB Staff Interrogatory 04

³⁰ EB-2025-0130, Interrogatory Response to Staff-04 b)

While oral notice may be a helpful supplement, it does not create an easily traceable record of communication which limits the ability to demonstrate that reasonable efforts were made to notify landowners of initial entry onto the land. Furthermore, this condition is consistent with a previous OEB expropriation decision in the Waasigan Phase 1 Expropriation proceeding and OEB staff submit that Hydro One has not adequately demonstrated why a departure from this practice is necessary.

3. *Hydro One will reasonably attempt to accommodate landowner or tenant property operations when Project construction activities take place, subject to the Project's health, safety and security policies and procedures and the Occupational Health and Safety Act.*

Hydro One accepted this draft condition with no amendments.

4. *Hydro One or its agents will consult with the landowner in advance of entry as to the manner in which existing gates / fences / entryways are to be managed while entering property. In the event the landowner cannot be contacted, Hydro One shall ensure that gates / fences / entryways used by Hydro One personnel or its agents are left as found.*

Hydro One accepted this draft condition with no amendments.

5. *Upon providing Hydro One with reasonable prior notice, the landowner(s) and tenant(s) can be present to observe the transmission facilities' construction and associated activities subject to the Project's health, safety and security policies and procedures and the Occupational Health and Safety Act.*

Hydro One accepted this draft condition with no amendments.

6. *No later than [14 days after the issuance of this Decision and Order], Hydro One shall file a summary of the general record keeping requirements it will implement for all project lands, ensuring that the requirements are consistent for land interests acquired through both voluntary agreements and expropriation, excluding any special record keeping requirements that may have been agreed to in an individual agreement.*

As required in condition 6 of the Conditions of Approval that were established by the OEB in the Decision and Order for the Waasigan Phase 1 Expropriation application,³¹ Hydro One filed a summary of general record keeping requirements for

³¹ EB-2024-0319, Decision and Order, June 10, 2025

project lands on June 27, 2025.³² Hydro One confirmed that the general record keeping requirements for the Waasigan Phase 2 lands are the same as those provided in the Waasigan Phase 1 Expropriation proceeding.³³ Therefore, Hydro One proposed to remove draft condition 6.

OEB staff agrees that this draft condition can be removed given that Hydro One has confirmed that the general record keeping requirements provided for the Waasigan Phase 1 Expropriation application is applicable for Phase 2 lands.

7. *Hydro One shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to the landowners and tenants, and shall ensure that this information is clearly posted on Hydro One's construction site office. The project manager will be responsible for the fulfillment of the conditions of approval on the site.*

Hydro One accepted this draft condition with no amendments.

8. *Hydro One shall furnish the OEB's designated representative with all reasonable assistance for ascertaining whether Hydro One has complied with these conditions of approval.*

Hydro One accepted this draft condition with no amendments.

~All of which is respectfully submitted~

³² EB-2024-0319, [Hydro One's Summary of General Record Keeping for Project Lands](#), June 27, 2025

³³ EB-2025-0130, Interrogatory Response to Staff-4 a)

APPENDIX A – Proposed Conditions of Approval

Hydro One Networks Inc.

Waasigan Project Phase 2 Expropriation Application

EB-2025-0130

Hydro One Networks Inc.
Waasigan Project Phase 2 Expropriation Application
Proposed Conditions of Approval³⁴

1. Hydro One shall notify the OEB in writing in the event that, after this Decision and Order has been issued, a negotiated settlement is reached and expropriation is no longer necessary. This notice shall be filed with the OEB within ten days of the sought land rights being registered on site.
2. Hydro One shall use all reasonable efforts to provide oral and written notice to the landowners a minimum of 48 hours prior to the initial entry onto the land.
3. Hydro One will reasonably attempt to accommodate landowner or tenant property operations when Project construction activities take place, subject to the Project's health, safety and security policies and procedures and the *Occupational Health and Safety Act*.
4. Hydro One or its agents will consult with the landowner in advance of entry as to the manner in which existing gates / fences / entryways are to be managed while entering property. In the event the landowner cannot be contacted, Hydro One shall ensure that gates / fences / entryways used by Hydro One personnel or its agents are left as found.
5. Upon providing Hydro One with reasonable prior notice, the landowner(s) and tenant(s) can be present to observe the transmission facilities' construction and associated activities subject to the Project's health, safety and security policies and procedures and the *Occupational Health and Safety Act*.
6. Hydro One shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to the landowners and tenants, and shall ensure that this information is clearly posted on Hydro One's construction site office. The project manager will be responsible for the fulfillment of the conditions of approval on the site.
7. Hydro One shall furnish the OEB's designated representative with all reasonable assistance for ascertaining whether Hydro One has complied with these conditions of approval.

³⁴ With those revisions requested by Hydro One and accepted by OEB staff.

APPENDIX B – Provisions Governing Expropriation (OEB Act, Section 99-100)

**Hydro One Networks Inc.
Waasigan Project Phase 2 Expropriation Application
EB-2025-0130**

ONTARIO ENERGY BOARD ACT, 1998, SECTIONS 99 AND 100**Expropriation**

99 (1) The following persons may apply to the Board for authority to expropriate land for a work:

1. Any person who has leave under this Part or a predecessor of this Part.
2. Any person who intends to construct, expand or reinforce an electricity transmission line or an electricity distribution line or make an interconnection and who is exempted under this Act from the requirement to obtain leave 1998, c. 15, Sched. B, s. 99 (1).

Hearing

(2) The Board shall set a date for the hearing of the application, but the date shall not be earlier than 14 days after the date of the application. 1998, c. 15, Sched. B, s. 99 (2).

Information to be filed

(3) The applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. 1998, c. 15, Sched. B, s. 99 (3).

(4) Repealed: 2003, c. 3, s. 67.

Power to make order

(5) 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. 1998, c. 15, Sched. B, s. 99 (5).

Determination of compensation

100 If compensation for damages is provided for in this Part and is not agreed on, the compensation shall be determined by the Ontario Land Tribunal under the *Expropriations Act* and, for the purpose, sections 26 and 29 of that Act apply with necessary modifications. 2021, c. 4, Sched. 6, s. 73 (2).