



Impala Canada Ltd.

**Application for approval to expropriate interests in two
parcels of lands in the District of Thunder Bay in Ontario**

**PROCEDURAL ORDER NO. 1
December 8, 2025**

On October 3, 2025, Impala Canada Ltd. (Impala) 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 two parcels of lands in the District of Thunder Bay in Ontario. Impala stated it requires expropriation of a permanent easement over the two parcels on which the Impala Line is currently located to ensure the safe and productive operations and potential closure of the Lac des Iles Mine.

The application will be heard by commissioners: Shahrzad Rahbar (presiding), Damien A. Côté, and Robert Dodds.

A Notice of Hearing was issued on October 27, 2025. North Star Forestry Ltd. (North Star) applied for intervenor status and eligibility for an award of costs.

No objection was received from Impala.

Regulatory Framework

Section 99 of the OEB Act states:

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.

If at the conclusion of the hearing 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.

The OEB does not determine any compensation owed for an expropriation.

Section 100 of the OEB Act provides that, if the applicant and affected landowners cannot agree on compensation for expropriation, the compensation is determined by the Ontario Land Tribunal under the *Expropriations Act*.

North Star's Intervention Request

In its intervention request, North Star stated it is a timberland property ownership company affiliated with Wagner Forest Management, Ltd. It is the registered owner of both of the parcels of land from which Impala seeks to expropriate the easements.

North Star is approved as an intervenor and is eligible to apply for an award of costs under the OEB's [Practice Direction on Cost Awards](#). The list of parties in this proceeding is attached as Schedule A to this Procedural Order.

In making its decision on cost awards, the OEB will consider whether North Star made reasonable efforts to ensure that its participation in the hearing was focused on material issues. North Star should be aware that the OEB will not generally allow the recovery of costs for the attendance of more than one representative of any party at any in-person or virtual session unless a compelling reason is provided when cost claims are filed. Being eligible to apply for recovery of costs is not a guarantee of recovery of any costs claimed. Cost awards are made by way of OEB order at the end of a hearing.

Issues List

OEB staff will develop a draft Issues List and circulate to the parties for comment.

OEB staff will file the draft Issues List and comments from parties with the OEB for decision. The OEB will decide a final Issues List prior to the filing of interrogatories.

North Star's Request to File Evidence

In its intervention request, North Star indicated that it would seek to file evidence related to the following:

- Specific interests in the lands requested for expropriation
- Negotiations with Impala to date
- Impacts of the proposed taking on North Star

- Circumstances related to the Impala Line
- Need for a decommissioning and abandonment plan for the Impala Line
- OEB's jurisdiction to consider the Application and grant the requested relief

The OEB grants North Star's request to file evidence that is relevant to this proceeding. North Star should take note of the final Issues List prior to finalizing and filing their evidence to ensure its relevance.

Interrogatories and Submissions

Impala and North Star have both requested a written hearing. The OEB will proceed with a written hearing. To the extent that circumstances later warrant, the OEB may also later include an oral element to the hearing.

Provision is being made for the filing of intervenor evidence, written interrogatories, and submissions. Parties should not engage in detailed exploration of items that do not appear to be material to the proceeding. In making its decision on cost awards, the OEB will consider whether intervenors made reasonable efforts to ensure that their participation in the hearing was focused on material issues.

Parties should consult sections 26 and 27 of the OEB's [Rules of Practice and Procedure](#) regarding required naming and numbering conventions and other matters related to interrogatories.

It is necessary to make provision for the following matters related to this proceeding. Further procedural orders may be issued by the OEB.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. OEB staff shall file the draft Issues List and comments from parties with the OEB for decision. The OEB will decide a final Issues List prior to the filing of interrogatories **December 17, 2025**.
2. North Star shall file any evidence it intends to submit by **January 8, 2026**.
3. OEB staff and North Star shall request any relevant information and documentation from Impala that is in addition to the evidence already filed, by written interrogatories filed with the OEB and served on all parties by **January 22, 2026**.
4. OEB staff and Impala shall request any relevant information and documentation from North Star that is in addition to the evidence filed, by written interrogatories filed with the OEB and served on all parties by **January 29, 2026**.

5. Impala shall file with the OEB complete written responses to all interrogatories and serve them on OEB staff and North Star by **February 5, 2026**.
6. North Star shall file with the OEB complete written responses to all interrogatories and serve them on Impala by **February 12, 2026**.
7. Impala shall file a written argument-in-chief with the OEB and serve it on all parties by **February 23, 2026**
8. Any written final submissions from North Star shall be filed with the OEB and served on all parties by **March 5, 2026**.
9. Any written reply submissions from Impala shall be filed with the OEB and served on intervenors by **March 16, 2026**.

Parties are responsible for ensuring that any documents they file with the OEB, such as applicant and intervenor evidence, interrogatories and responses to interrogatories or any other type of document, **do not include personal information** (as that phrase is defined in the *Freedom of Information and Protection of Privacy Act*), unless filed in accordance with rule 9A of the OEB's [Rules of Practice and Procedure](#).

Please quote file number, **EB-2025-0286** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please use the document naming conventions and document submission standards outlined in the [Regulatory Electronic Submission System \(RESS\) Document Guidelines](#) found at the [File documents online page](#) on the OEB's website.
- Parties are encouraged to use RESS. Those who have not yet [set up an account](#), or require assistance using the online filing portal can contact registrar@oeb.ca for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar at the address below and be received by 4:45 p.m., on the required date.

With respect to distribution lists for all electronic correspondence and materials related to this proceeding, parties must include the Case Manager, Muhammad Yunus at muhammad.yunus@oeb.ca and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: registrar@oeb.ca

Tel: 1-877-632-2727 (Toll free)

DATED at Toronto, **December 8, 2025**

ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar

SCHEDULE A
LIST OF APPLICANT AND INTERVENORS
IMPALA CANADA LTD.
EB-2025-0286
DECEMBER 8, 2025

APPLICANT & LIST OF INTERVENORS

December 8, 2025

APPLICANT	Rep. and Contact Information for Service
Impala Canada Ltd.	Tim Hill Chief Executive Officer Impala Canada Ltd. Tel: 416-360-7590 info@impalacanada.com
APPLICANT COUNSEL	Jeremy Barretto Counsel Cassels Brock & Blackwell LLP Tel: 403-351-3825 jbarretto@cassels.com
INTERVENORS	Rep. and Contact Information for Service
North Star Forestry Ltd	Jonathan Myers Torys LLP Tel: 416-865-7532 jmyers@torys.com
	Chris Hunter Torys LLP Tel: 416).865.7331 ckhunter@torys.com