



EB-2025-0314

**BFN Transmission GP Holding Company Inc., on behalf
of 1000757443 Ontario LP**

**Application for authority to expropriate certain interests in
land**

DECISION ON ISSUES LIST

February 3, 2026

On November 17, 2025, BFN Transmission GP Holding Company Inc., on behalf of 1000757443 Ontario LP, (the Applicant) 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 authority to expropriate certain land interests in the form of a permanent easement. The Applicant states that the expropriation is needed to facilitate the construction of a new 45-kilometer 115 kV transmission line which will extend from a new switching station near the Hydro One Hollingsworth Transmission Station and will terminate at a new sub-station being constructed at the Island Gold Mine located in Finan Township, in the Algoma District (the Project)

The application is being heard by commissioners: David Sword (presiding), Robert Dodds, and Shahrzad Rahbar.

On January 19, 2026, the OEB issued Procedural Order No. 1 which, among other things, provided for the parties to provide comments on the proposed Issues List for the OEB's consideration and approved Grant Lake Forest Resources Ltd. and Josephine Forest Resources Ltd. (Grant Lake) as an intervenor.

On January 26, 2026, comments on the Issues List were received from the Applicant and Grant Lake.

In its submission, the Applicant requested that Issue 1 be revised to state: "Is the proposed expropriation in the public interest, including with respect to the principles of Indigenous reconciliation?" Additionally, the Applicant requested the opportunity to respond to comments on the Issues List by Grant Lake.

Grant Lake requested the addition of the following two additional issues to the Issues List:

- a) Has the applicant demonstrated due diligence, and made best efforts, in negotiating settlements with impacted landowners?
- b) Has the applicant made efforts to minimize the disruption to the impacted landowners?

On January 28, 2026, the Applicant filed a response to Grant Lake's comments on the Issues List in which they disagreed with Grant Lake's request to include the two additional issues.¹ The Applicant stated that "There is no OEB precedent that requires an applicant to exhaust all efforts to reach a voluntary agreement with a landowner before seeking authorization expropriation relief from the OEB" as a reason for disagreement with the addition of issue (a), and that issue (b) could be handled through Issues 2 and 3 of the proposed Issues List.

On January 29, 2026, Grant Lake filed a response to the Applicant's disagreement to the addition of the two issues proposed by Grant Lake.² In the response, Grant Lake stated that its proposed issue (a) is relevant as the evidence of the Applicant making sufficient efforts to reach an agreement has not been tested through the proceeding at this stage and that the wording for proposed issue (b) was taken from the OEB's filing requirements and can therefore not be outside of the scope of the proceeding.

On January 30, 2026, the Applicant file a sur-reply stating that they believe the addition of issue (a) is a means of litigating the issue of compensation and that issue (b) was not taken directly from the filing requirements which refer to minimizing "impact" rather than "disruption" to landowners and that issue (b) is represented in Issues 2 and 3 of the proposed Issues List.³

Findings

The OEB has reviewed the comments on the Issues List received from the Applicant and Grant Lake and has determined that the current Issues List is sufficient and approves it for the purposes of this proceeding.

Regarding the Applicant's request to revise Issue 1, the OEB notes that the test as set out in section 99(5) of the OEB Act is the broad "public interest". The OEB finds that it is not necessary through an issues list to further refine the scope of the public interest under Issue 1.

¹ [Applicant Response to Grant Lake Comments on Issues List, January 28, 2026](#)

² [Grant Lake Response to Applicant's Letter, January 29, 2026](#)

³ [Applicant Sur-Reply to Grant Lake Comments on Issues List, January 30, 2026](#)

Regarding Grant Lake's request to add an issue to determine if the applicant demonstrated due diligence, and made best efforts, in negotiating settlements with impacted landowners (proposed issue a), the OEB finds that the Issues List as currently drafted, and in particular Issue 1, provides adequate scope to consider the efforts of the Applicant to negotiate an agreement with Grant Lake. This matter can appropriately be addressed within the broader 'public interest' framework during the proceeding.

Regarding Grant Lake's request to add an issue to determine if the applicant made efforts to minimize the disruption to the impacted landowners (proposed issue b), the OEB finds that Issue Number 1 and Issue Number 2 on the Issues List adequately captures this issue.

The OEB may update the Issues List as necessary to further define the scope of the proceeding.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. The Issues List attached as Schedule A is approved

DATED at Toronto, **February 3, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Acting Registrar

SCHEDULE A

**BFN TRANSMISSION GP HOLDING COMPANY
INC., ON BEHALF OF 1000757443 ONTARIO LP**

ISSUES LIST

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ISSUES LIST

EB-2025-0314 BFN TRANSMISSION GP HOLDING COMPANY INC., ON BEHALF OF 1000757443 ONTARIO LP

Introduction

The Ontario Energy Board's (OEB) legislative authority with respect to applications seeking approval to expropriate land for a work is set out in section 99 of the Ontario Energy Board Act, 1998 (OEB Act).

A person that has received leave to construct from the OEB or who is exempt from obtaining leave under section 95 or by regulation, may apply for expropriation where they have been unable to reach an agreement with an affected landowner. The OEB may make an order authorizing the expropriation if it determines that the expropriation is in the public interest. Applicants are expected to make best efforts to negotiate an agreement with landowners before resorting to an expropriation application.

The main issue in an expropriation proceeding is not whether the project itself is in the public interest (as this will already have been determined in the leave to construct decision), but rather whether the specific expropriations requested are in the public interest.

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, R.S.O. 1990, c. E.26.

The standard issues list below is intended to capture the issues that are within the scope of a typical expropriation application under section 99 of the OEB Act.

Section 99 Expropriation Issues List

1. Is the proposed expropriation in the public interest?
2. Has the applicant 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?