



Ontario | Commission
Energy | de l'énergie
Board | de l'Ontario

DECISION AND ORDER

EB-2025-0073

ENBRIDGE GAS INC.

**Application for leave to construct a natural gas pipeline in the
Town of Oakville and the City of Mississauga**

BEFORE: Robert Dodds (Dissenting in Part)
Presiding Commissioner

Patrick Moran
Commissioner

Anthony Zlahtic
Commissioner

February 19, 2026



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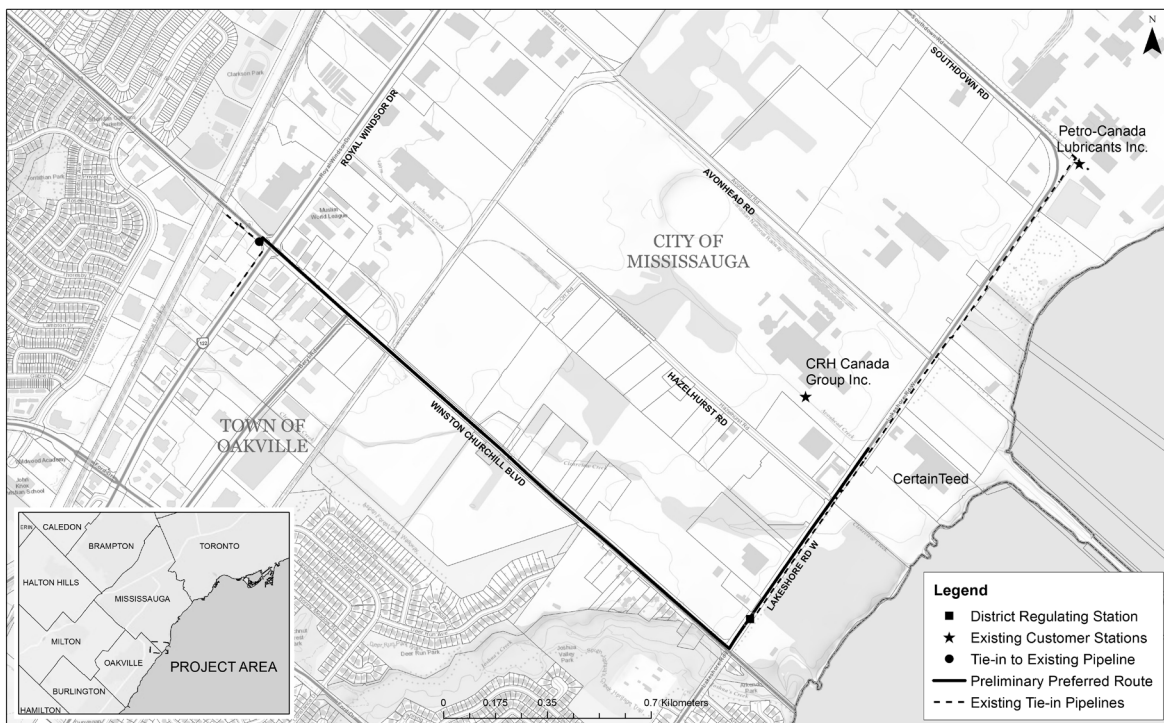
1 OVERVIEW

On May 9, 2025, Enbridge Gas Inc. filed an application with the Ontario Energy Board (OEB) under section 90(1) of the *Ontario Energy Board Act, 1998*, (OEB Act), for an order granting leave to construct approximately 3.1 kilometres of natural gas pipeline in the Town of Oakville and the City of Mississauga. Enbridge Gas also plans to construct ancillary facilities for which OEB approval is not sought. The proposed pipeline and ancillary facilities comprise the Project. Enbridge Gas also applied to the OEB under section 97 of the OEB Act for approval of the form of land-use agreements it offers to landowners affected by the routing or location of the Project.

The Project is proposed to meet the requests of existing customers, Petro-Canada Lubricants Inc., CRH Canada Group Inc., and CertainTeed Canada Inc. (the Customers) for incremental natural gas service.

A general location of the Project is shown on the map below:

Mississauga Reinforcement Project



The OEB approves Enbridge Gas's leave to construct application, subject to the conditions of approval in Schedule A of this Decision and Order.

2 THE PROCESS

The OEB issued a Notice of Hearing on June 2, 2025.

Environmental Defence, Federation of Rental-housing Providers of Ontario (FRPO) and Industrial Gas Users Association (IGUA) applied for intervenor status and cost eligibility. In response to Enbridge Gas's objection to FRPO's request for intervenor status, FRPO advised the OEB that it was withdrawing its request for intervention. Environmental Defence and IGUA were approved as intervenors.

As part of its application, Enbridge Gas requested confidential treatment for certain information relating to load profiles and energy usage contained in the long-term service contracts that Enbridge Gas has executed with the Customers on the grounds that the information is presumptive confidential information.

In Procedural Order No. 1, the OEB provided for the filing of submissions on Enbridge Gas's confidentiality request. OEB staff and IGUA filed submissions confirming that they had no objections to the request. On August 14, 2025, the OEB issued a letter confirming confidential treatment of the information.

Procedural Order No. 1 also provided for the filing of interrogatories and responses, and for the filing of submissions and reply submissions. OEB staff and intervenors filed interrogatories on August 7, 2025, and Enbridge Gas filed its interrogatory responses on August 21, 2025. OEB staff and intervenors filed their submissions by September 4, 2025, and Enbridge Gas filed its reply submission on September 18, 2025.

On November 10, 2025, the OEB issued a letter placing the proceeding in abeyance. That was done because as of that date, Enbridge Gas had not filed with the OEB a letter of opinion from the Ministry of Energy and Mines regarding the adequacy of the Indigenous consultation undertaken by Enbridge Gas (the Letter of Opinion), as contemplated by the letter of direction issued by the Ministry. The OEB advised that it would resume processing the application upon receipt of the Ministry's Letter of Opinion.

On December 2, 2025, Enbridge Gas filed an update to its application that included the Letter of Opinion. The matter of Indigenous consultation is discussed further in section 3.6, below. The OEB resumed the processing of the application.

3 DECISION

The OEB's decision is structured to address the following issues:

1. Need for the Project
2. Project Alternatives
3. Project Cost and Economics
4. Environmental Matters
5. Land Matters
6. Indigenous Consultation
7. Conditions of Approval

3.1 Need for the Project

The three Customers have existing large volume distribution contract rate natural gas services from Enbridge Gas supporting their facility operations, which involve the production of lubricants, cement and building materials. The Customers have requested incremental firm natural gas service to support the transition of segments of their operations from coal and heavy fuel oil to natural gas.

The Project is required to meet the incremental firm natural gas service request of 25,902 m³/hour, with service starting December 1, 2026.

The Project was identified in the Enbridge Gas Asset Management Plan 2025-2034¹ filed with the OEB on November 8, 2024. The Project is designed to meet the needs of the Customers and is not dependent on any future or previously filed leave to construct application by Enbridge Gas.

OEB staff submitted that Enbridge Gas has established the need for the Project.

IGUA acknowledged that Enbridge Gas established the need for the Project and highlighted the environmental benefits of Petro-Canada Lubricants Inc. switching to natural gas to comply with pending SO² emission limits and to reduce greenhouse gas (GHG) and particulate emissions.²

¹ Evidence, Exhibit B, Tab1, Sch 1, p.4

² IGUA Submission, September 4, 2025, p. 1

Findings

The OEB finds that Enbridge Gas has demonstrated the need for the Project. The record confirms that the Project is required to deliver incremental gas services requested by existing customers.

The OEB notes:

- a) the Project will allow the partial conversion of the Customers' energy usage from coal to natural gas which is anticipated to help reduce and manage greenhouse gas emissions.
- b) The Project is supported by multiple municipalities and various local associations.

3.2 Project Alternatives

Enbridge Gas stated that it considered the following facility and route alternatives, in addition to the Project.

Alternative Route 1 consisted of an 8-inch diameter distribution pipeline and involved a rebuild of the existing Enbridge Gas distribution station located at the northeast quadrant of the Winston Churchill Boulevard and Royal Windsor Drive intersection. The length of the pipeline was estimated at approximately 0.35 km as it was dependent on the location where a new natural gas distribution station could be constructed.

Alternative Route 1 required the purchase of private land. This alternative was not feasible as adjacent landowners were unwilling to sell Enbridge Gas the property required to accommodate the station rebuild.

Alternative Route 2 required the installation of a 12-inch diameter distribution pipeline and a rebuild of the existing station at the above-mentioned intersection. The length of the pipeline was estimated at 1.45 km, dependent on the location where a new natural gas distribution station could be constructed. However, Alternative Route 2 also faced the same challenge as Alternative Route 1 regarding the availability of purchasable land for a new distribution station.

Alternative Route 3 was initially considered as it was unknown if the CRH Canada Group Inc. customer station could be rebuilt within its existing footprint and therefore a new customer station location was considered on Hazelhurst Drive. This station location required installation of a 6-inch diameter natural gas distribution pipeline. However, further evaluation during the development of the Environmental Report determined that the CRH Canada Group Inc. customer station could be rebuilt within its existing footprint and therefore Alternative Route 3 was not subject to further evaluation.

Enbridge Gas stated that the Project is the optimal solution to meeting the identified customer need as the preferred route which consists of approximately 3.0 kilometers of 6-inch diameter natural gas pipeline provides the most direct route within the municipal right-of-way from the tie-in point to the CRH Canada Group Inc. property and does not require the purchase of private property for a new distribution station.

Enbridge Gas considered the need to assess the viability of Integrated Resource Planning (IRP) alternatives to providing built capacity to deliver gas. Enbridge Gas applied the Binary Screening Criteria and determined that the Project falls under the definition of “customer-specific builds” in the IRP Framework approved by the OEB:

Customer-Specific Builds – If an identified system need has been underpinned by a specific customer’s (or group of customers’) clear request for a facility project and either the choice to pay a Contribution in Aid of Construction or to contract for long-term firm services delivered by such facilities, then an IRP evaluation is not required.³

Enbridge Gas concluded that the need for the Project does not warrant further IRP consideration based on application of the customer-specific build criteria, where the need for the Project is driven by the Customers who have executed long-term firm service contracts to fully fund the cost of the Project.

OEB staff submitted that the Project is the best alternative to meet the stated need and that the proposed route is acceptable.

Environmental Defence’s submissions on project alternatives focused on two issues. The first is whether IRP alternatives could have achieved ratepayer savings through downsizing or deferral.⁴

Environmental Defence submitted that there may be lost benefits where a pipeline is underpinned by incremental revenue from long-term contracts, but costs could be reduced through an IRP alternative that allows the pipeline to be downsized or deferred, such that fewer costs enter rate base, to the benefit of existing customers. In its submissions, Environmental Defence clarified that it was not asking that the OEB order Enbridge Gas to conduct an IRP assessment for the Project at this stage, stating that it is too late. However, Environmental Defence asked that the OEB’s decision not

³ EB-2020-0091, Decision and Order, July 22, 2021, Appendix A

⁴ Environmental Defence Submissions, September 3, 2025, p. 1

explicitly approve a practice of declining to conduct an IRP assessment whenever the project economics are underpinned by long-term contracts.⁵

The second issue raised by Environmental Defence concerned the use of pipelines that are compatible with 100% hydrogen where the project serves hard-to-decarbonize industrial customers. Environmental Defence submitted that in approving the pipeline, the OEB should not explicitly condone Enbridge Gas declining to examine whether pipes that are compatible with 100% hydrogen should be utilized where the project serves hard-to-decarbonize industrial customers.⁶

IGUA, in its submissions, noted that the Project will be fully paid for by the customers who have requested it, on the basis of their own economic assessments of such costs and alternatives thereto for meeting their emissions compliance obligations and aspirations.⁷ Regarding the use of hydrogen compatible pipeline to accommodate the future use of hydrogen, IGUA supported Enbridge Gas's position, as noted in its interrogatory responses, that such considerations in this application are premature, given the ongoing Hydrogen Blending Study directed by the OEB in the Phase 1 rebasing decision. IGUA also agreed with Enbridge Gas that the availability and affordability of hydrogen remain practical impediments to hydrogen fuel or process input adoption.⁸

In its reply, Enbridge Gas submitted that the OEB should disregard Environmental Defence's submission that the OEB, in approving the Project, not expressly condone Enbridge Gas declining to explore issues related to whether IRP alternatives could have achieved ratepayer savings through downsizing or deferral. Enbridge Gas argued that Environmental Defence's submission seeks to impose an IRP assessment obligation whenever the project economics are underpinned by long-term contracts, and that that approach conflicts with the IRP Framework. Enbridge Gas asserted that the IRP Framework makes clear that projects such as this are excluded from IRP evaluation particularly in the case of customer-specific builds where customers fully pay for the incremental infrastructure costs associated with a facility project through either the choice to pay a contribution in aid of construction or to contract for long-term firm services delivered by such facilities. Enbridge Gas also submitted that Environmental Defence's suggestion that there may be lost benefits are without merit as there are no

⁵ Environmental Defence Submissions, September 3, 2025, p. 2

⁶ Environmental Defence Submissions, September 3, 2025, p. 2

⁷ IGUA Submission, September 4, 2025, p. 2.

⁸ IGUA submissions, September 4, p.2; Exhibit I. ED-3

hypothetical lost benefits of reducing the costs added to rate base as projects underpinned by long-term contracts will have no cost impact on existing ratepayers.⁹

Enbridge Gas submitted that Environmental Defence's request that the OEB not explicitly condone Enbridge Gas declining to examine whether pipes that are compatible with 100% hydrogen should be utilized where a project serves hard-to-decarbonize industrial customers is out of scope and should be disregarded. Enbridge Gas noted that in its responses to Environmental Defence's interrogatories¹⁰, it provided a detailed explanation regarding its selection of pipeline materials and why other pipeline materials, including those capable of carrying 100% hydrogen, were not feasible and not relevant to this proceeding. Enbridge Gas also submitted that "...the OEB currently has no jurisdiction to regulate 100% hydrogen pipelines".¹¹ Enbridge Gas noted that its ongoing Hydrogen Blending Grid Study will evaluate and inform Enbridge Gas on the approximate cost implications for projects with future hydrogen readiness provision.

Findings

The OEB finds that the Project is the best alternative to meet the stated need and that the proposed route is acceptable.

The OEB is satisfied that Enbridge Gas sufficiently evaluated alternative facilities and routes based on established assessment criteria with consideration of:

- economic feasibility;
- timing;
- safety and reliability;
- risk management; and
- environmental and socio-economic impact.

The alternate routes were rejected on the bases of differing pipe sizes, need for new station construction or rebuilds and additional lands, all of which represented delays and additional costs; however, it needs to be noted that the costs are to the account of the identified customers and not to the general ratepayers.¹²

Although Environmental Defence acknowledged that the proposed Project best addressed the Project need, they did raise concerns that are addressed here.

⁹ Reply submission, pp.9,10

¹⁰ Exhibit I.ED-3

¹¹ Enbridge Gas Inc. Reply Submission, September 18, 2025, para. 31, p. 11

¹² Exhibit H, Tab 1, Schedule 1, Attachment 2, Pg 3

One of the concerns was that there was not sufficient time to explore Integrated Resource Planning Alternatives (IRPA). The OEB finds that Enbridge Gas properly applied the Binary Screening Criteria and determined that the Project falls under the definition of “customer-specific builds” in the IRP Framework approved by the OEB. Therefore, an IRP evaluation was not required.

3.3 Project Cost and Economics

Enbridge Gas estimated the total cost of the Project to be \$18.97 million. The itemized estimate of the Project costs is set out in Table 1 below.

Table 1: Estimated Project Costs (\$CAD)

<u>Item No.</u>	<u>Description</u>	<u>Pipeline Costs</u>	<u>Ancillary Costs¹</u>	<u>Total Costs</u>
1	Material Costs	174,215	731,129	905,344
2	Contractor Labour Costs	5,366,310	2,110,338	7,476,648
3	Internal Labour	149,100	49,700	198,800
4	Outside Services	1,054,681	50,214	1,104,895
5	External Permitting & Land	1,830,308	96,332	1,926,640
6	Contingency Costs	2,141,441	758,691	2,900,132
7	Direct Capital Cost	10,716,055	3,796,404	14,512,459
8	Indirect Overheads	3,047,616	1,015,872	4,063,488
9	Interest During Construction	192,889	68,335	261,224
10	Loadings	62,921	20,973	83,894
11	Dismantlement	0	45,000	45,000
12	Total Project Costs	14,019,481	4,946,584	18,966,065

Enbridge Gas included a 25% contingency applied to all direct capital costs and stated that the contingency amounts are consistent with similar projects approved by the OEB.¹³

Enbridge Gas and the Customers have executed long-term contracts, which include a provision for the payment for the full amount of the Project construction cost.

OEB staff submitted it has no concerns with the recovery of the Project costs based on Enbridge Gas’s evidence that it has executed long-term firm service contracts with the

¹³ Evidence, Exhibit E, Tab 1, Schedule 1, p.1, Watford Pipeline Project (EB-2023-0175) and the Ontario LINE - Overlea Station Relocation Project (EB-2024-0250).

customers to fully fund the Project and that there will be no cost impact on existing ratepayers.

IGUA supported the Project and observed that it was fully funded by the three customers.

Environmental Defence submitted that the project economics meet the OEB's economic test outlined in EBO 188. Environmental Defence submitted that EBO 188 was issued over 27 years ago and that regulatory changes, such as Incentive Regulatory Mechanism (IRM), that have not been considered in EBO 188, warrant a generic review. In its submissions, Environmental Defence acknowledged that a panel in this proceeding did not have the authority to order a generic hearing on EBO 188.

Enbridge Gas acknowledged Environmental Defence's comment on the OEB's limited authority to order a generic hearing on EBO 188. Enbridge Gas submitted that the Project costs are reasonable and are fully funded by customers and will not result in additional cost to existing rate payers.

Findings

The OEB considers the estimated project cost to be reasonable and has no concerns with the economics of the Project as it is fully funded by the Customers through executed long-term contracts which will not result in additional costs to be borne by other ratepayers.

3.4 Environmental Matters

Enbridge Gas retained Stantec Consulting Ltd. to complete an Environmental Report. The Environmental Report and the consultation process were conducted in accordance with the OEB's Environmental Guidelines. The Environmental Report assessed the existing bio-physical and socio-economic environment in the study area, the alternative routes, the preferred route, conducted public consultation, conducted impacts assessment and proposed mitigation measures to minimize the impacts.

Enbridge Gas stated that the Environmental Report was circulated to the Ontario Pipeline Coordinating Committee (OPCC), Indigenous communities, municipalities and conservation authorities and Enbridge Gas filed the comments received as part of its evidence.¹⁴

¹⁴ Application, Exhibit F, Environmental Report, Appendix A.6

Enbridge Gas stated that using the mitigation measures and monitoring and contingency plans found within the Environmental Report and additional mitigation measures provided by regulatory agencies through the permitting and approval process, construction of this Project will have negligible impacts on the environment.¹⁵

Enbridge Gas stated that it has completed a Stage 1 Archaeological Assessment which was submitted to the Ministry of Citizenship and Multiculturalism (MCM) on December 5, 2024. The MCM identified gaps in the Stage 1 Archaeological Assessment and additional areas that require further review. The Stage 1 Archaeological Assessment has been revised to identify and describe these areas and will be re-submitted following internal review. A Stage 2 Archaeological Assessment is recommended and will be completed once project design has been finalized. A *Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment* is in progress and is expected to be submitted to the MCM for review prior to construction.¹⁶

The application identified potential environmental and land permits and approvals from federal, provincial and municipal agencies that Enbridge Gas requires to construct the Project.

OEB staff expressed no concerns regarding the environmental aspects of the Project, based on Enbridge Gas's commitment to implement the mitigation measures set out in the Environmental Report prior to the start of construction. OEB staff submitted that Enbridge Gas's compliance with the OEB's standard conditions of approval will ensure that impacts of pipeline construction are mitigated and monitored. OEB staff noted that the conditions of approval also require Enbridge Gas to obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the Project.

Findings

The OEB is satisfied that Enbridge Gas has completed the Environmental Report in accordance with the OEB's *Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario 8th Edition* (Environmental Guidelines).

¹⁵ Application, Exhibit F, Tab 1, Schedule 1, p.5

¹⁶ Interrogatory Responses, Exhibit I, STAFF-9, Attachment 1

Further, the OEB has no concerns about the environmental aspects of the Project, based on Enbridge Gas's commitment to implement the mitigation measures set out in the Environmental Report. The archaeological aspects of the Project are further addressed in the Indigenous Consultation section below.

The OEB notes that Enbridge Gas's compliance with the OEB's standard conditions of approval for natural gas leave to construct projects will ensure that impacts of pipeline construction are mitigated and monitored. The OEB further notes that the conditions of approval require Enbridge Gas to obtain all necessary approvals, permits, licences, and certificates needed to construct, operate and maintain the Project.

3.5 Land Matters

Enbridge Gas stated that the Project will be largely located in the public road allowance. Temporary working areas may be required along the preferred route where the road allowance is too narrow or confined to facilitate construction.

Enbridge Gas filed the forms of temporary land use agreement (for temporary working space requirements) and easement agreement that it intends to provide to affected landowners. Enbridge Gas stated that these agreements are the same as those approved for use in Enbridge Gas's Enbridge Gas's Ridge Landfill RNG Project.¹⁷

OEB staff submitted that the OEB should approve the proposed forms of easement agreement and temporary working area agreement as both were previously approved by the OEB.

Findings

The OEB approves the proposed forms of easement agreement and temporary working area agreement for the following reasons:

- both were previously approved by the OEB.
- the Project is planned to be constructed largely within the municipal right-of-way, similar to the Ridge Landfill RNG Project.

3.6 Indigenous Consultation

In accordance with the Environmental Guidelines, Enbridge Gas contacted the Ministry in respect of the Crown's duty to consult related to the Project. The Ministry, by way of a letter, delegated the procedural aspects of the Crown's duty to consult for the Project to

¹⁷ Application, Exhibit G, Tab 1, Schedule 1, p.3 - Enbridge Gas Ridge Landfill RNG Project (EB-2022-0203)

Enbridge Gas (Delegation Letter). In the Delegation Letter, the Ministry identified the following Indigenous communities that Enbridge Gas should consult with respect to the Project:

- Huron-Wendat Nation
- Mississaugas of the Credit First Nation
- Six Nations of the Grand River (Elected Council)
- Haudenosaunee Confederacy Chiefs Council

Direct notice of the application was provided by Enbridge Gas to all the above-noted Indigenous communities, and none of them sought to intervene or otherwise participate directly in the hearing.

As part of its application, Enbridge Gas filed an Indigenous Consultation Report containing information on its Indigenous consultation activities. As part of its interrogatory responses, Enbridge Gas provided an updated Indigenous Consultation Report incorporating comments it received from Mississaugas of the Credit First Nation, Six Nations, and Huron-Wendat Nation regarding environmental matters and associated mitigation related to the Project.

Mississaugas of the Credit First Nation's comments included questions on removal of phragmites around Clearview Creek; informing Mississaugas of the Credit First Nation of any spills; and being a part of the post construction monitoring. Enbridge Gas advised that the project work would occur in the road allowance and should not interfere with phragmites and if construction does come into proximity of features with phragmites, equipment will be cleaned prior to leaving the site to avoid the spread of soil containing phragmites. Enbridge Gas agreed to provide information on reportable spills and invite Mississaugas of the Credit First Nation to a post construction walk-through of site conditions.

Six Nations raised concerns relating to environmental studies on the project, plants and animals of importance to Six Nations, and concerns about tree removal and routing, among other concerns. Enbridge Gas stated that it provided information to address these concerns and met with Six Nations to discuss the environmental studies and process for the Project. Enbridge Gas offered Six Nations capacity funding for the project and Six Nations returned a signed capacity funding letter.

Huron-Wendat Nation raised concerns over the timing of a Stage 2 Archaeological Assessment. Enbridge Gas provided information on how it conducts the Archaeological Assessment process as outlined in the MCM guidelines, explaining that a Stage 2

Archaeological Assessment is conducted once the preliminary preferred route has been chosen. Enbridge Gas provided a capacity funding agreement to Huron-Wendat Nation.

With respect to Haudenosaunee Confederacy Chiefs Council, represented by Haudenosaunee Development Institute (HDI),¹⁸ Enbridge Gas commented that HDI responded to the draft Environmental Report that was circulated, stating it will not be commenting on or reviewing any documents provided by Enbridge Gas, including the Environmental Report, until there is a signed overarching agreement in place. Enbridge Gas stated that it would continue to try to engage with HDI in relation to the Project noting that the overarching agreement referenced by HDI is not specific to the Project.

Enbridge Gas stated that as of August 11, 2025, HDI had not identified any rights-based concerns about the Project and that it will continue to work with HDI should they express any rights-based concerns on the Project.¹⁹

Enbridge Gas stated that the Ministry would determine whether consultation undertaken by Enbridge Gas was satisfactory by providing the Letter of Opinion to Enbridge Gas. Enbridge Gas stated that upon receipt of the Ministry's Letter of Opinion regarding the sufficiency of Indigenous consultation on the Project, it would file the Letter of Opinion with the OEB.

Enbridge Gas also stated that it would continue to engage with these communities throughout the life of the Project to ensure potential impacts on Aboriginal or treaty rights are addressed, as appropriate.²⁰

OEB staff submitted that Enbridge Gas appears to have made efforts to engage with the potentially affected Indigenous groups identified by the Ministry. In its submissions, OEB staff recommended that the OEB should wait to make a final decision on the application until the Letter of Opinion is received from the Ministry and that in case the Letter of Opinion is not received prior to the close of the record, the OEB may consider placing the proceeding in abeyance until such time that the Letter of Opinion is filed.

In its reply submission filed on September 18, 2025, Enbridge Gas stated that it is of the view that abeyance should not be necessary. Enbridge Gas noted that while it had not yet received the Letter of Opinion from the Ministry confirming sufficiency of Indigenous consultation activities for the Project, given the consultation undertaken, its commitment to ongoing engagement, the minimal anticipated impact of the Project (located within a municipal road allowance and on existing customer's sites), and mitigation measures it

¹⁸ <https://www.haudenosauneeconfederacy.com/departments/haudenosaunee-development-institute/>

¹⁹ Exhibit I, STAFF-10, Attachment 1, p.1

²⁰ Application, Exhibit H, Tab 1, Schedule 1, p.4

had committed to implement, there is no reason the Ministry should not issue the Letter of Opinion confirming sufficiency in short order.

On November 10, 2025, the OEB issued a letter placing the proceeding in abeyance pending the filing of the Letter of Opinion and noting that the OEB would resume processing the application upon receipt of the Letter of Opinion.

On December 2, 2025, Enbridge Gas filed an update to its application that included the Ministry's Letter of Opinion, in which the Ministry of Energy and Mines expressed its opinion that the procedural aspects of the consultation undertaken by Enbridge Gas to date for the Project were satisfactory.²¹

Findings

The OEB finds that Enbridge Gas has, to date, satisfactorily carried out the procedural aspects of the Crown's duty to consult for this Project that were delegated to Enbridge Gas by the Ministry. This finding is supported by evidence on the record of the proceeding, as well as the Ministry's Letter of Opinion, dated December 1, 2025, stating that it was satisfied that Enbridge Gas's efforts to carry out the procedural aspects of the Crown's duty to consult were satisfactory.

Based on the consultation records filed, there are prospective matters to be considered. Huron-Wendat Nation raised concerns over the timing of a Stage 2 Archaeological Assessment. The Huron-Wendat Nation representative advised that the Stage 2 Archaeological Assessment is a valuable source of information that would help Huron-Wendat Nation assess whether the Project risks impacting Huron-Wendat Nation rights and heritage. Huron-Wendat Nation advised that having access to the Stage 2 Archaeological Assessment prior to approval would help Huron-Wendat Nation flag any concerns Huron-Wendat Nation may have with the project and would work with Enbridge Gas to address those concerns.²² Enbridge Gas provided information on how it conducts the Archaeological Assessment process as outlined in the MCM guidelines, explaining that a Stage 2 Archaeological Assessment is conducted once the preliminary preferred route has been chosen. Enbridge Gas entered into a capacity funding agreement with Huron-Wendat Nation.

The OEB recognizes that Enbridge Gas will continue to carry out project assessment activities after leave to construct has been granted. The OEB expects that Enbridge Gas will meet its stated commitment to continue its consultation activities with all affected Indigenous communities throughout the life of the Project. Consistent with that

²¹ Updated application, Exhibit H, Tab 1, Schedule 1, Attachment 4

²² Updated application, Exhibit H, Tab 1, Schedule 1, Attachment 7, p.19 and p.153

expectation, the OEB requires Enbridge Gas to provide to Huron-Wendat Nation, Mississaugas of the Credit First Nation, Six Nations of the Grand River (Elected Council), and the Haudenosaunee Confederacy Chiefs Council or their respective representatives a copy of the Stage 2 Archaeological Assessment, and the *Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment*, when they are completed, for review and comment before submitting them to MCM. These documents are examples of the information Indigenous communities should receive to support their understanding of a project and its potential impacts, consistent with the expectations established by the courts in relation to the duty to consult.²³ This is also consistent with previous OEB decisions that considered information that is created post-approval.²⁴

3.7 Conditions of Approval

The OEB has established standard conditions of approval that are typically imposed in leave to construct approvals.²⁵ In its application, Enbridge Gas stated that it agrees with all of the standard conditions and has not identified any additional or revised conditions that it wishes to propose for the Project.²⁶

OEB staff submitted that the OEB should approve the Project subject to the OEB's standard conditions of approval.

Findings

The OEB approves the Project subject to Enbridge Gas's compliance with the conditions of approval attached as Schedule A to this Decision. The approved conditions include a new Condition 5 related to the provision of copies of the Stage 2 Archaeological Assessment, and the *Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment*, when they are completed, to the Indigenous communities and entities referred to in the condition for review and comment before submitting them to MCM, as discussed in the findings on Indigenous consultation in section 3.6 of this Decision and Order.

²³ See for example: *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69 (CanLII), [2005] 3 SCR 388,

²⁴ EB-2023-0175, EB-2017-0261

²⁵ Natural Gas Facilities Handbook, Appendix D

²⁶ Application, Exhibit I, Tab 1, Sch 1, p.1

4 ORDER

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas Inc. is granted leave, pursuant to section 90(1) of the OEB Act, to construct the proposed natural gas pipeline in the Town of Oakville and the City of Mississauga as described in its application.
2. Pursuant to section 97 of the OEB Act, the OEB approves the form of Easement Agreement and Form of Temporary Land Use Agreement that Enbridge Gas Inc. has offered or will offer to each owner of land affected by the Project.
3. Leave to construct is subject to Enbridge Gas Inc. complying with the Conditions of Approval set out in Schedule A.
4. Parties in receipt of confidential information shall either return the subject information to the Registrar and communicate to Enbridge Gas Inc. that they have done so; or destroy and/or expunge the information and execute a Certificate of Destruction, following the end of this proceeding, in accordance with the OEB's *Practice Direction on Confidential Filings*. The Certificate must be filed with the Registrar and a copy sent to Enbridge Gas Inc.
5. Eligible intervenors shall file with the OEB and forward to Enbridge Gas Inc. their respective cost claims in accordance with the OEB's *Practice Direction on Cost Awards* on or before **March 5, 2026**.
6. Enbridge Gas Inc. shall file with the OEB and forward to intervenors any objections to the claimed costs of the intervenors on or before **March 19, 2026**.
7. If Enbridge Gas Inc. objects to any intervenor costs, those intervenors shall file with the OEB and forward to Enbridge Gas Inc. their responses, if any, to the objections to cost claims on or before **April 2, 2026**.
8. Enbridge Gas Inc. shall pay the OEB's costs of and incidental to this proceeding upon receipt of the OEB's invoice.

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-2025-0073** 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 and be received by end of business, 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, Arturo Lau at Arturo.Lau@oeb.ca and OEB Counsel, James Sidlofsky at James.Sidlofsky@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto February 19, 2026

ONTARIO ENERGY BOARD



Robert Dodds
Presiding Commissioner (Dissenting in Part)

Patrick Moran
Commissioner



Anthony Zlatic
Commissioner

5 DISSENT IN PART ON INDIGENOUS CONSULTATION (COMMISSIONER DODDS)

I agree with the approval of the Project. I also share the majority's expectation that Enbridge Gas will meet its commitment to continue its consultation activities with all affected Indigenous communities throughout the life of the Project.

This dissenting opinion pertains to the following findings of the majority of the panel (Commissioners Patrick Moran and Anthony Zlahtic) in Section 3.6 of the Decision:

The OEB recognizes that Enbridge Gas will continue to carry out Project assessment activities after leave to construct has been granted. The OEB expects that Enbridge Gas will meet its stated commitment to continue its consultation activities with all affected Indigenous communities throughout the life of the Project. Consistent with that expectation, the OEB requires Enbridge Gas to provide to Huron-Wendat Nation, Mississaugas of the Credit First Nation, Six Nations of the Grand River (Elected Council), and the Haudenosaunee Confederacy Chiefs Council or their respective representatives a copy of the Stage 2 Archaeological Assessment, and the Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment, when they are completed, for review and comment before submitting them to MCM. These documents are examples of the information Indigenous communities should receive to support their understanding of a project and its potential impacts, consistent with the expectations established by the courts in relation to the duty to consult. This is also consistent with previous OEB decisions that considered information that is created post-approval.

and Condition 5 of the Conditions of Approval:

5. Enbridge Gas shall provide to Huron-Wendat Nation, Mississaugas of the Credit First Nation, Six Nations of the Grand River (Elected Council), and the Haudenosaunee Confederacy Chiefs Council the Stage 2 Archaeological Assessment, and the Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment, when they are completed, for review and comment before submitting them to the Ministry of Citizenship and Multiculturalism. Enbridge Gas shall provide a reasonable amount of time for the review and comment period.

These are referred to collectively in this dissenting opinion as "the Condition".

I do not support the majority's decision to impose the Condition which requires Enbridge Gas to submit to the First Nations copies of the Stage 2 Archaeological Assessment, and the *Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment*, when they are completed, for review and comment before submitting them to the Ministry of Citizenship and Multiculturalism.

There is no evidence to justify this Condition. At no point in the proceeding did the First Nations request that Stage 2 Archaeological Assessment reports be provided to the First Nations before they are submitted to the Ministry of Citizenship and Multiculturalism. The Condition places an unrequested and unexpected obligation on Enbridge Gas and the First Nations. Moreover, the condition provides no timelines for review or response and offers no clear mechanism for resolving potential disagreements, which in turn introduce uncertainty as to when the Project may proceed.

Regulatory decisions should provide clarity and certainty for the parties and the public. Introducing a new, unexpected condition – one not requested by the First Nations, creates unnecessary uncertainty for a project that the OEB has already determined to be needed and in the public interest, and in respect of which both the OEB and the Ministry of Energy and Mines have found that Enbridge Gas has satisfactorily carried out the procedural aspects of the Crown's duty to consult for this Project that were delegated to Enbridge Gas by the Ministry of Energy and Mines. It is noted that in recent comparable decisions involving Archaeological Assessments²⁷ any Stage 2 Archaeological Assessment reports were not required to be reviewed before submission to Ministry of Citizenship and Multiculturalism and decisions were issued without this added condition.

While it is entirely reasonable to expect Enbridge to offer the First Nations an opportunity to comment on the reports, making their input (if any) a mandatory prerequisite (condition) before the Stage 2 Archaeological Assessment and the *Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment* can be submitted to the Ministry of Citizenship and Multiculturalism imposes an unwarranted layer of uncertainty on when the Project may proceed.

For these reasons, I would not have made the finding in section 3.6 of the Decision that Enbridge Gas be required to provide to Huron-Wendat Nation, Mississaugas of the Credit First Nation, Six Nations of the Grand River (Elected Council), and the

²⁷ EB-2022-0111, EB-2024-0084, and EB-2024-0303

Haudenosaunee Confederacy Chiefs Council or their respective representatives a copy of the Stage 2 Archaeological Assessment and the *Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment* when they are completed for review and comment before submitting them to Ministry of Citizenship and Multiculturalism. Similarly, I would not have included Condition 5 in the conditions of approval.

The OEB may wish to consider the appropriateness of a condition of this kind as part of any future review of the standard conditions.



Robert Dodds
Presiding Commissioner

SCHEDULE A
DECISION AND ORDER
ENBRIDGE GAS INC.
EB-2025-0073
FEBRUARY 19, 2026

**Leave to Construct Application under
Section 90(1) of the OEB Act**

**Enbridge Gas Inc.
EB-2025-0073**

Conditions of Approval

1. Enbridge Gas Inc. shall construct the facilities and restore the land in accordance with the OEB's Decision and Order in EB-2025-0073 and these Conditions of Approval.
2. (a) Authorization for leave to construct shall terminate 12 months after the decision is issued unless construction has commenced prior to that date.

(b) Enbridge Gas Inc. shall give the OEB notice in writing:
 - i. of the commencement of construction, at least 10 days prior to the date construction commences
 - ii. of the planned in-service start date, at least 10 days prior to the date the facilities begin to go into service
 - iii. of the date on which construction was completed, no later than 10 days following the completion of construction
 - iv. of the full project in-service date, no later than 10 days after all the facilities go into service
3. Enbridge Gas Inc. shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
4. Enbridge Gas Inc. shall implement all the recommendations of the Environmental Report filed in the proceeding, and all the recommendations and directives identified by the Ontario Pipeline Coordinating Committee review.
5. Enbridge Gas shall provide to Huron-Wendat Nation, Mississaugas of the Credit First Nation, Six Nations of the Grand River (Elected Council), and the Haudenosaunee Confederacy Chiefs Council the Stage 2 Archaeological Assessment, and the *Cultural Heritage Assessment Report: Existing Conditions and Preliminary Impact Assessment*, when they are completed, for review and comment before submitting them to the Ministry of Citizenship and Multiculturalism. Enbridge Gas shall provide a reasonable amount of time for the review and comment period.

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6. Enbridge Gas Inc. shall advise the OEB of any proposed change to OEB-approved construction or restoration procedures. Except in an emergency, Enbridge Gas Inc. shall not make any such change without prior notice to and written approval of the OEB. In the event of an emergency, the OEB shall be informed immediately after the fact.
 7. Concurrent with the final monitoring report referred to in Condition 7(b), Enbridge Gas shall file a Post Construction Financial Report, which shall provide a variance analysis of project cost, schedule and scope compared to the estimates filed in this proceeding, including the extent to which the project contingency was utilized. Enbridge Gas shall also file a copy of the Post Construction Financial Report in the proceeding where the actual capital costs of the project are proposed to be included in rate base or any proceeding where Enbridge Gas proposes to start collecting revenues associated with the Project, whichever is earlier.
 8. Both during and after construction, Enbridge Gas Inc. shall monitor the impacts of construction, and shall file with the OEB one electronic (searchable PDF) version of each of the following reports:
 - (a) A post construction report, within three months of the full project in-service date, which shall:
 - i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 1
 - ii. describe any impacts and outstanding concerns identified during construction
 - iii. describe the actions taken or planned to be taken to prevent or mitigate any identified impacts of construction
 - iv. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received, a description of the complaint, any actions taken to address the complaint, the rationale for taking such actions
 - v. provide a certification, by a senior executive of the company, that the company has obtained all other approvals, permits, licenses, and certificates required to construct, operate, and maintain the proposed project
 - (b) A final monitoring report, no later than fifteen months after the full project in-service date, or, where the deadline falls between December 1 and May 31, the following June 1, which shall:
 - i. provide a certification, by a senior executive of the company, of Enbridge Gas Inc.'s adherence to Condition 4
 - ii. describe the condition of any rehabilitated land
 - iii. describe the effectiveness of any actions taken to prevent or mitigate

- any identified impacts of construction
 - iv. include the results of analyses and monitoring programs and any recommendations arising therefrom
 - v. include a log of all complaints received by Enbridge Gas Inc., including the date/time the complaint was received; a description of the complaint; any actions taken to address the complaint; and the rationale for taking such actions
9. Enbridge Gas Inc. shall designate one of their employees as project manager who will be the point of contact for these conditions, and shall provide the employee's name and contact information to the OEB and to all affected landowners, and shall clearly post the project manager's contact information in a prominent place at the construction site.