



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

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

**DECISION ON MOTION AND PROCEDURAL ORDER NO. 4  
April 16, 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). Grant Lake Forest Resources Ltd. and Josephine Forest Resources Ltd. (Grant Lake) is a landowner and sole intervenor in this proceeding.

On March 10, 2026, Grant Lake filed a letter to the OEB requesting that the OEB reconsider the procedural directions in Procedural Order No. 2 and indicated its intent to file a motion (Motion) with the OEB for further and better responses to certain interrogatory responses from the Applicant.

In Procedural Order No. 3, issued on March 13, 2026, the OEB made process provisions for submissions on the Motions.

**Grant Lake's Notice of Motion**

On March 18, 2026, Grant Lake filed its Notice of Motion with the OEB for an order requiring better responses to the following interrogatory responses provided by the Applicant:

- a) **1.Grant Lake.1, part d, paragraph (ii):** Grant Lake is seeking the production of the Limited Partnership Agreement between Alamos Gold Inc. (Alamos) and Batchewana First Nation (BFN) to determine whether the project serves the public interest or serves only private commercial interests.

- b) **1. Grant Lake.2, part d:** Production of the Transmission Services Agreement (or term sheet) between the Applicant and Alamos to determine who benefits from the transmission line and how.
- c) **1. Grant Lake.6, parts d & e:** Production of communications between the Applicant and Grant Lake related to compensation and to show whether the Applicant has exercised its best efforts in negotiating in good faith before seeking expropriation.
- d) **2. Grant Lake.8, part c:** Production of agreements entered into by the Applicant for other land rights acquired for the subject transmission line to assess fairness and consistency by the Applicant when considering deals offered to Grant Lake and others.

Grant Lake submitted that the requested information is necessary to test assertions put forward by the Applicant in support of its application for expropriation authority, particularly the determination that the expropriation is in the public interest.

### **1. Grant Lake.1 part d., paragraph (ii) and 1 Grant Lake.2 part d**

Grant Lake makes similar arguments in support of its request for a copy of the limited partnership agreement between Alamos and BFN, and for a copy of the transmission services agreement between the Applicant and Alamos. Grant Lake states that it intends to argue in its final submissions in this proceeding that the expropriation either cannot, or should not, be granted because it supports purely private and commercial interests and therefore cannot be said to be in the public interest. Grant Lake argues that it requires the limited partnership agreement to assess whether BFN's interest is a purely private, commercial interest (it submits that it is already clear that Alamos' interest is purely commercial). Grant Lake argues that the transmission services agreement is relevant to the nature of the interests of the parties to the proposed transmission project.

The Applicant disputes what it describes as Grant Lake's narrow view of the public interest test. However, irrespective of the scope of the test, the Applicant argues that no further information is required regarding the parties to the project as it does not dispute that the project is being privately funded and is supplying (at least initially) a single industrial customer.

The Applicant argues that it is not a party to the limited partnership agreement, and that it has no relevance to the proceeding. The Applicant states that the limited partnership governs who is responsible for contributing funds for the construction of the project, and has no relevance to the issue of whether the requested expropriation is in the public interest.

The Applicant further argues that the transmission services agreement is still being negotiated, but in any event has no relevance to the question of the public interest. The Applicant does not dispute that Alamos is the customer that will be receiving the electricity and will be one of the parties that benefits from the project, and argues that no further information is needed. The Applicant also notes that both documents are commercially sensitive and should not be publicly disclosed.

In its reply, Grant Lake argues that it was the Applicant who put the nature of BFN's interest in the project at issue by stating that benefits to BFN support the case that the project is in the public interest.

## Findings

The OEB denies the request for an order requiring the Applicant to produce the limited partnership agreement and the transmission services agreement.

Details of these agreements are private and are not considered to be germane to determining the public interest of proposed expropriations in support of a proposed transmission project, one that the OEB notes, all parties support including Grant Lake.<sup>1</sup>

The parties to the limited partnership agreement are known, and specific details of who contributes what amounts to the transmission line are not necessary for the OEB to assess the extent to which the expropriations are in the public interest. Similarly, the OEB finds that the specific details of the transmission services agreement are not needed to assess the public interest of the proposed expropriations, and could risk exposing competitively sensitive information that has no bearing on the regulatory questions at issue.

### 1. Grant Lake. 6, parts d and e

Grant Lake seeks production of communications between the Applicant and Grant Lake related to compensation, which it argues is relevant to show whether the Applicant has exercised its best efforts in negotiating in good faith prior to seeking expropriation. Grant Lake argues that through the Filing Requirements the OEB requires applicants in expropriation applications to “demonstrate due diligence in negotiating settlements with impacted land owners ... including a list of issues and explanation(s) of how each issue was resolved or proposed to be resolved.” Grant Lake further relies on the OEB's Decision on Issues List in this proceeding, where it stated: “Regarding Grant Lake's request to add an issue to determine if the applicant demonstrated due diligence, and

---

<sup>1</sup> EB-2025-314, Appendix H

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.”

Although Grant Lake accepts that it is in possession of those communications, it argues that it is the responsibility of the Applicant to provide all relevant documents, including those requested through the interrogatory.

The Applicant argues that Grant Lake is already in possession of all of the documents it seeks, and that the motion appears to be either (i) an attempt at a make-work project to create administrative burden for the Applicant and to further delay the OEB process and/or (ii) an attempt to surreptitiously place compensation issues on the evidentiary record by placing exclusively compensation-focused communications before the OEB for its review and consideration.

In its reply Grant Lake disputes the suggestion that it is attempting to make the amount of compensation to be paid an issue in this proceeding, but maintains its argument that negotiations related to compensation are relevant to the question of whether the Applicant has demonstrated that it undertook due diligence in its attempts to negotiate an agreement with Grant Lake.

## Findings

The OEB denies the request for production of the communications between the Applicant and Grant Lake related to compensation. The Applicants have already filed certain details related to their discussions with Grant Lake (and its agents) in Appendix I of the application. If Grant Lake believes that further details regarding the discussions between the parties is relevant to the issues in this proceeding it may file those communications, as provided for below. The OEB cautions, however, that it will not be setting compensation amounts in this proceeding, and details of specific compensation proposals and counterproposals are unlikely to assist the OEB in determining whether the proposed expropriation is in the public interest.

### 2. Grant Lake.8, part c

Grant Lake seeks production of copies of agreements entered into by the Applicant for other land rights acquired for the transmission line. Grant Lake argues that it is “entitled to information in respect of those terms and conditions [i.e. those offered to other landowners], in order to assess whether its interests merit such terms, or any alternative

or additional terms, imposed by way of conditions of approval should the OEB be persuaded to grant to the Applicant the relief which it seeks.”<sup>2</sup>

The Applicant notes that in a previous decision the OEB determined that an expropriation proceeding should not be used to perform a general review of landowner agreements.<sup>3</sup> The Applicant further argues that agreements with other landowners are not relevant, and notes that such agreements may be negotiated under different contexts and for different parcels of land.

In its reply argument Grant Lake maintained the documents were relevant to allow the OEB to determine whether Grant Lake has been treated fairly.

## Findings

The OEB denies the request for further information related to agreements entered into by the Applicant and other landowners for other land rights acquired for the transmission line. Any issue of due diligence in this proceeding relates to the interactions between the Applicant and Grant Lake, not with other landowners. The OEB does not accept that the details of negotiated settlements with other landowners are sufficiently relevant to this proceeding to require filing on the record.

The OEB accepts the Applicant’s submission that agreements with other landowners may arise from different circumstances, reflect parcel-specific considerations and are not indicative of standard or required terms.

## Grant Lake’s Request to File Evidence

In accordance with Procedural Order No. 3, Grant Lake filed a letter with the OEB on March 19, 2026<sup>4</sup> providing a summary of potential evidence. Additionally, in its reply submission on the Motion submitted on April 1, 2026, Grant Lake further outlined potential evidence it could file, specifically:

- Evidence related to the degree the Applicant made diligent efforts to resolve compensation and other issues for the requested land rights from Grant Lake
- Evidence related to the Applicant’s claim that it sought to deal fairly with Grant Lake, and

---

<sup>2</sup> Notice of Motion, paragraph 28

<sup>3</sup> EB 2006-0352

<sup>4</sup> [Grant Lake Potential Evidence Summary](#), March 19, 2026

- Evidence related to the basis for any particular conditions that would be appropriate considering the essentially fresh ingress to Grant Lake's lands that the proposed route for the transmission line would take.

The OEB grants Grant Lake's request to file evidence regarding the negotiation process relevant to this proceeding, but notes that details of specific compensation offers are not likely to assist the OEB in determining whether the proposed expropriations are in the public interest.

### **Written Submissions**

The OEB acknowledges Grant Lake's request, in its letter dated March 19, 2026, to make submissions on whether an oral hearing is required following the filing of interrogatory responses on its evidence.

After reviewing the issues raised and the nature of the evidence that has been (and may still be) filed, the OEB finds that a written hearing is sufficient and that an oral hearing would not provide additional value in this proceeding as the matters at issue are narrow and primarily documentary in nature.

The record can be adequately developed through written interrogatories and submissions.

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. Grant Lake shall file any evidence relevant to the proceeding that it intends to submit by **April 24, 2026**.
2. OEB staff and the Applicant shall request any relevant information and documentation from Grant Lake that is in addition to the evidence filed, by written interrogatories filed with the OEB and served on all parties by **May 1, 2026**.
3. Grant Lake shall file with the OEB complete written responses to all interrogatories and serve them on all parties by **May 8, 2026**.
4. The Applicant shall file a written argument-in-chief with the OEB and serve it on all intervenors by **May 20, 2026**.
5. Any written submissions by Grant Lake shall be filed with the OEB and served on all other parties by **Jun 1, 2026**.

6. Any reply submissions by the Applicant, shall be filed with the OEB and served on all other parties by **June 11, 2026**.

### Direction for preparing materials

- 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](#).
- Filings should clearly state the filing date and the sender's name, postal address, telephone number and e-mail address.
- Other than for applications or as otherwise required or directed by the OEB, parties are not required to submit a cover letter for materials that are self-evident (e.g., interrogatories, submissions) unless the cover letter includes a request or additional information not included in the materials themselves.
- Parties are strongly encouraged to use bookmarks in their filings to aid in navigation.
- Parties should not append to their evidence entire OEB documents (e.g., decisions, policy documents, guidelines). Rather, parties should provide citations to the documents and a clear and concise summary of the relevant part(s) of the document. Parties are encouraged to use hyperlinks for complete, permanent, and publicly available versions of the documents, when possible.
- Parties should refrain from quoting material from documents unless it is essential to support their interrogatories or arguments.
- Parties are not required to provide a summary of the procedural history of a proceeding but may refer to that history where and to the extent needed for context to orient an issue or discussion.
- Parties must: (a) disclose where generative artificial intelligence was used to generate content included in a filing and (b) confirm that the accuracy of the portion of the filing generated by generative artificial intelligence has been verified by the party or its representative without the assistance of generative artificial intelligence.

## How to file documents with the OEB

- Parties are required to quote file number (i.e., **EB-2025-0314**) for all materials filed and submit them in **searchable/unrestricted PDF format** (i.e., no printing or copying restrictions) with a digital signature through the [OEB's online filing portal](#).
- Parties should 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](mailto:registrar@oeb.ca) for assistance.
- Cost claims are filed through the OEB's online filing portal. Parties are encouraged to visit the [File documents online page](#) of the OEB's website for more information. Parties that are eligible for a cost award and that do not currently have an account in the cost claim portal should create an account as soon as their cost award eligibility has been confirmed by the OEB. All parties shall download a copy of their submitted cost claim for the purposes of service on the party(ies) paying cost awards as per the [Practice Direction on Cost Awards](#).
- All communications should be directed to the attention of the Registrar 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](mailto:Muhammad.Yunus@oeb.ca) and OEB Counsel, Michael Millar, at [Michael.Millar@oeb.ca](mailto:Michael.Millar@oeb.ca).

Email: [registrar@oeb.ca](mailto:registrar@oeb.ca)

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

**DATED** at Toronto, **April 16, 2026**

**ONTARIO ENERGY BOARD**

Ritchie Murray  
Registrar