

ONTARIO ENERGY BOARD

EB-2025-0307

Waubuno Gathering System and Compressor Replacement Project

Final Argument of Donald Kabbes

Intervenor

Filed: April 28, 2026

1. Overview

Donald Kabbes is a directly affected landowner whose residence is located along Telfer Sideroad and Oil Springs Line, where the proposed Enbridge Gas pipeline is planned to be constructed within the municipal road allowance directly in front of his home.

This submission does not oppose the project itself.

Rather, it addresses whether the proposed routing represents the lowest impact and most appropriate alignment, particularly where residential properties are directly affected.

The evidence demonstrates that:

- the pipeline will be located approximately 62 feet from Mr. Kabbes' residence
- several nearby homes are similarly affected
- an alternative routing across agricultural land appears to exist
- it is unclear whether that alternative was fully evaluated
- directly affected residents were not meaningfully consulted

2. Proximity to Residential Properties

The proposed routing places a high-pressure natural gas pipeline (approximately 9,308 kPa / 1350 psi) within approximately 62 feet of Mr. Kabbes' home.

As illustrated in the photographs and diagrams previously filed as part of Mr. Kabbes' evidence (March 17, 2026), the proposed alignment runs directly along the road frontage immediately adjacent to the residence.

This is not a remote rural alignment.

It places industrial infrastructure directly within the immediate residential setting of an occupied home.

The routing also affects multiple neighbouring residential properties, placing the pipeline directly in front of several homes along Telfer Sideroad and Oil Springs Line.

The proximity of high-pressure infrastructure to residential dwellings raises concerns related to:

- compatibility with residential land use
- safety perception
- long-term presence of industrial infrastructure near homes

3. Impacts to Residential Frontage

Routing the pipeline within the municipal road allowance directly in front of homes introduces impacts that would not occur if the pipeline were located across agricultural land.

These impacts, as illustrated in the previously filed photographic evidence, include:

- construction disturbance in front of residences
- potential impacts to landscaping and mature trees
- disruption to residential access and frontage
- long-term constraints associated with pipeline presence

Even where mitigation is proposed, the impact to established residential frontage areas cannot be fully avoided.

4. Lack of Meaningful Consultation

Enbridge Gas has indicated that consultation was conducted through general notices, mailings, and a virtual information session.

However, the evidence shows that:

- Mr. Kabbes did not receive or does not recall receiving direct notice of the project

- he was not directly contacted regarding the routing of the pipeline in front of his home
- he did not participate in the virtual information session
- nearby residents were not meaningfully engaged on route selection

Given that there are only a small number of directly affected residential landowners, it would have been reasonable for Enbridge Gas to undertake direct engagement with these individuals, particularly where the proposed routing places infrastructure directly in front of their homes.

Mr. Kabbes notes that Enbridge Gas conducted direct, in-person engagement with Indigenous communities located at a significant distance from the project area, including meetings and site visits.

While such consultation is important and appropriate, it highlights that a higher level of direct engagement was undertaken with communities located further from the project than with the immediately affected residential landowners along the proposed route.

In this context, reliance on general mailings and passive consultation methods does not ensure that those most directly impacted were aware of, or able to meaningfully participate in, decisions regarding pipeline routing.

5. Availability of a Reasonable Alternative Route

The evidence indicates that an alternative routing option exists across adjacent agricultural lands, including Mr. Kabbes' property and neighbouring lands.

As described in Mr. Kabbes' evidence, this alternative route would:

- avoid placement of the pipeline directly in front of residences
- reduce construction disturbance in residential areas
- eliminate impacts to residential landscaping and trees
- place the pipeline in land commonly used for pipeline infrastructure

Agricultural land is generally more compatible with pipeline routing than residential frontage areas.

Mr. Kabbes has indicated a willingness to work cooperatively with Enbridge Gas to explore such an alternative.

6. Evaluation of Routing Alternatives

Enbridge Gas states that routing analysis was conducted to select the preferred route.

However, based on the evidence filed, it remains unclear whether a detailed evaluation of an agricultural land route was undertaken or directly compared with the proposed road allowance alignment.

The preferred route appears to follow the municipal road allowance for its entire length.

This raises the question of whether the road allowance was selected primarily due to ease of access or existing rights, rather than because it represents the lowest impact routing option.

7. Least Impact Routing Principle

In reviewing applications for leave to construct pipelines, the Ontario Energy Board considers whether the proposed route represents an appropriate balance between:

- technical feasibility
- environmental considerations
- project costs
- impacts on landowners and communities

The Board has consistently considered whether a proposed route represents the least impact alternative available, particularly where residential properties are affected.

In this case:

- the proposed route places high-pressure infrastructure directly adjacent to homes
- the proximity to Mr. Kabbes' residence is approximately 62 feet
- an alternative route across agricultural land appears feasible
- the alternative route would reduce impacts on residential properties

Where a feasible route exists that avoids direct impacts to residences, it is appropriate for the Board to consider whether that route represents the lower-impact option.

8. Community Perspective

Mr. Kabbes' evidence reflects direct discussions with neighbouring residents and landowners whose properties are located along the proposed pipeline route and would be similarly affected by the proposed alignment.

These individuals represent the small number of residential landowners directly impacted by the placement of the pipeline along Telfer Sideroad and Oil Springs Line.

Through these discussions, these residents have expressed:

- concerns regarding the proximity of a high-pressure natural gas pipeline to their homes
- concerns regarding construction impacts within their residential frontage
- a preference for routing the pipeline across agricultural land rather than directly in front of residences

While these views were shared through informal discussions and are not presented as formal evidence from those individuals, they reflect a consistent and common concern among the directly affected residential landowners.

Importantly, no directly affected residential landowners have been identified as supporting the placement of the pipeline within the road allowance directly in front of their homes.

In this context, the available evidence suggests that the proposed routing does not reflect the preferences of those most directly impacted, and that an alternative alignment across agricultural land may better align with the objective of minimizing impacts on affected landowners.

9. Conclusion

The proposed routing of the pipeline places high-pressure natural gas infrastructure approximately 62 feet from an occupied residence and directly in front of multiple homes.

This routing introduces:

- avoidable impacts to residential frontage
- proximity of high-pressure infrastructure to homes
- disruption during construction
- long-term presence of industrial infrastructure in a residential setting

At the same time, the evidence indicates that a feasible alternative route across agricultural land exists, which would reduce or avoid these impacts while still allowing the project to proceed.

The evidence also indicates that:

- directly affected landowners were not meaningfully consulted on routing
- it remains unclear whether the agricultural alternative was fully evaluated
- the proposed route does not reflect the expressed concerns of those most directly impacted

In these circumstances, the proposed routing does not demonstrate that it represents the lowest impact option available.

10. Request to the Board

Mr. Kabbes respectfully submits that where a feasible alternative exists that would materially reduce impacts on residential properties, the Board should require clear justification before approving a routing that places high-pressure infrastructure directly adjacent to homes.

Accordingly, Mr. Kabbes requests that the Ontario Energy Board:

1. Require Enbridge Gas to provide clear and complete evidence demonstrating whether an agricultural land routing alternative was fully evaluated and the specific reasons it was not selected;
2. Determine whether the proposed road allowance route represents the lowest impact alternative, particularly given its proximity to multiple residences;
3. Consider whether routing the pipeline across agricultural land would better achieve the objective of minimizing impacts on affected landowners; and
4. Where the current record does not demonstrate that the proposed route is the lowest impact option, decline to approve the proposed alignment unless and until further assessment of a lower-impact alternative is completed.

Where the evidence does not demonstrate that the proposed route is the lowest impact option, approval of that route would be premature.

Certification

I confirm that this submission reflects my position in this proceeding.

Donald Kabbes

Intervenor – EB-2025-0307

Generative Artificial Intelligence Disclosure

Portions of this document were prepared with the assistance of generative artificial intelligence.

The content has been reviewed and verified by the author prior to filing.