

E F

[Redacted]

From: Quinn Ross <qmross@rossfirm.com>
Sent: Tuesday, April 28, 2026 12:00 PM
To: Barz, Evan <EBarz@osler.com>; Office of the Registrar <Registrar@oeb.ca>
Cc: Laura Brazil <laura.brazil@hydroone.com>; Pasquale Catalano <pasquale.catalano@hydroone.com>; King, Richard <rking@osler.com>; Paula Lombardi <paula.lombardi@siskinds.com>
Subject: RE: EB-2026-0083 - Response to Intervenor Requests of Hydro One Networks Inc.

Ritchie Murray
Acting Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
P.O. Box 2319
Toronto, ON M4P 1E4

Dear Mr. Murray:

Re: EB-2026-0083 – Hydro One Networks Inc. – St. Thomas Transmission Line Project – Expropriation Application – Reply of The Ross Firm Group to Hydro One’s Response to Intervention Request Overview

We write on behalf of The Ross Firm Group, also referred to as RFG, in reply to Hydro One Networks Inc.’s April 28, 2026 response to RFG’s intervention request. Hydro One objects to RFG’s request for intervenor status on the basis that RFG members have entered into voluntary settlement agreements or option arrangements. Respectfully, that objection should be rejected.

The existence of voluntary arrangements does not eliminate RFG’s material interest in this proceeding. Those arrangements were entered into in the context of the Project and on the basis that Hydro One remained required to satisfy the statutory tests applicable to any request for section 99 expropriation authority. They were not admissions by RFG members that those tests have been met. They were not a waiver of RFG’s right to participate in the OEB process. They also do not answer the issues of public interest, minimum land, minimum legal interest, or conditions.

RFG is not seeking to broaden this proceeding. RFG seeks to participate responsibly in the written hearing process on the standard section 99 issues: whether the proposed

expropriation is in the public interest; whether Hydro One seeks the minimum amount of land and minimum legal interest required; and what conditions should be attached to any OEB order.

The Voluntary Agreements Do Not Eliminate RFG's Substantial Interest

Rule 22.02 of the OEB's Rules of Practice and Procedure requires a proposed intervenor to satisfy the OEB that it has a substantial interest and intends to participate responsibly. A substantial interest includes a material interest within the scope of the proceeding, including an interest in land that may be affected by the outcome of the proceeding.

That test is met here. RFG members own or have legal interests in lands along the Project corridor. Hydro One's application concerns the acquisition, use, and conditions attached to land rights required for the Project. The fact that voluntary arrangements have been entered into does not mean RFG members no longer have lands or legal interests that may be affected by the outcome of this proceeding.

Hydro One's position also overlooks its own evidence. Hydro One's application states that the expropriation authorization relief sought is intended to maintain consistent terms and conditions irrespective of whether lands are acquired by voluntary agreement or by expropriation authorization. That evidence confirms RFG's interest in the proceeding. If the Board's order may shape the terms and conditions applicable to Project land rights generally, including rights acquired voluntarily, directly affected landowners whose lands are subject to those rights have a legitimate and material interest in participating.

The Agreements Were Not Concessions That the Section 99 Tests Are Met

The voluntary arrangements were entered into against the backdrop of Hydro One's statutory obligations and the OEB's section 99 process. RFG members did not concede that the proposed acquisition of land rights is in the public interest. They did not concede that Hydro One has requested only the minimum amount of land required. They did not concede that Hydro One has requested only the minimum legal interest required. They did not concede that no conditions are required.

The section 99 tests remain for the OEB to determine. RFG's participation is warranted because its members are directly affected by those tests and by any conditions attached to an order.

Hydro One should not be permitted to rely on voluntary arrangements to exclude directly affected landowners from the proceeding while also maintaining a request for section 99 relief and conditions that may affect the rights, obligations, use, and burdening of lands along the same Project corridor.

The Proper Course Is Amendment or Confirmation, Not Denial of Intervenor Status

If Hydro One's position is that it no longer seeks, and will not rely on, any section 99 authority in respect of RFG lands, the appropriate course is for Hydro One to amend its application record, update any applicable property schedules, plans, and appendices, and expressly confirm that no section 99 authority is sought or will be used in respect of those lands.

Until that occurs, RFG members remain persons whose lands and legal interests may be affected by the outcome of the proceeding.

An option or voluntary agreement is not the same as a completed and registered acquisition of all Project land rights. If Hydro One says that subsequent events have removed RFG lands from the scope of the application, those events should be placed on the evidentiary record through an amendment or update. They should not be used through counsel's submission as the basis to deny directly affected landowners the ability to participate.

The OEB's recent treatment of Hydro One's Waasigan expropriation proceedings is instructive. In EB-2024-0319, the OEB granted intervenor status and cost eligibility to a directly affected property owner notwithstanding that Hydro One had reached an agreement pending closing. The OEB noted that expropriation was authorized only in the event the agreement failed to close. In EB-2025-0130, the OEB varied its order to delete properties only after Hydro One advised that expropriation of those interests was no longer required. That approach recognizes the practical distinction between a pending voluntary arrangement and final removal of lands from an expropriation process.

Procedural Fairness Supports RFG's Participation

The Supreme Court of Canada has repeatedly confirmed that administrative decision-makers owe procedural fairness where decisions affect rights, privileges, or interests. In *Cardinal v. Director of Kent Institution*, [1985] 2 S.C.R. 643, the Court confirmed that procedural fairness applies where a public authority makes an administrative decision affecting individual rights, privileges, or interests. In *Baker v. Canada (Minister of Citizenship and Immigration)*, [1999] 2 S.C.R. 817, the Court explained that participatory rights are intended to ensure that affected persons have an opportunity to put their views and evidence before the decision-maker and have those views and evidence considered.

This proceeding concerns the authorization of compulsory land rights for a public utility project. The importance of that decision to affected landowners weighs in favour of participation, not exclusion. RFG's requested participation is proportionate. It accepts a written hearing process and seeks to participate on the standard section 99 issues.

Expropriation law also recognizes the seriousness of compulsory acquisition. In *Toronto Area Transit Operating Authority v. Dell Holdings Ltd.*, [1997] 1 S.C.R. 32, and *Smith v. Alliance Pipeline Ltd.*, 2011 SCC 7, the Supreme Court of Canada recognized the owner-protective and remedial nature of expropriation law. Those principles support, rather than undermine, the participation of directly affected landowners in a proceeding where the OEB is asked to authorize land rights for a transmission project.

RFG's Participation Will Assist the Board and Promote Efficiency

RFG's intervention is not duplicative. It is a coordinated group intervention by directly affected landowners who have retained common counsel. That structure is intended to avoid multiple individual interventions, reduce duplication, and allow common landowner issues to be addressed efficiently.

RFG does not ask the OEB to determine compensation. RFG does not require an oral hearing. RFG is prepared to participate in a written hearing and to confine its participation to matters relevant and material to the standard section 99 issues.

Hydro One's comments concerning oral hearings and the general efficiency of written hearings do not respond to RFG's request. RFG has already confirmed that it does not require an oral hearing.

Cost Eligibility

RFG also maintains its request for cost award eligibility.

Section 3.03(c) of the OEB's Practice Direction on Cost Awards applies because RFG represents persons and entities with interests in land affected by this proceeding. The fact that affected landowners have arranged common representation supports efficiency and is consistent with the OEB's recognition of group interventions.

RFG intends to participate responsibly, avoid duplication, coordinate where appropriate with similarly interested intervenors, and focus on issues that are relevant and material to the OEB's section 99 determination.

Relief Requested

RFG respectfully requests that the OEB:

1. dismiss Hydro One's objection to RFG's intervention request;
2. grant RFG intervenor status;
3. confirm RFG's eligibility to apply for an award of costs;
4. permit RFG to participate in the written hearing process on the standard section 99 issues; and
5. in the alternative, if Hydro One maintains that no section 99 relief is sought or will be relied upon in respect of RFG lands, direct Hydro One to file an amended application record identifying the lands removed from the application and confirming that no section 99 authority is sought or will be used in respect of those lands.

Yours very truly,

THE ROSS FIRM PROFESSIONAL CORPORATION

Per:

Quinn M. Ross


cc: Evan J. Barz, Osler, Hoskin & Harcourt LLP
Paula Lombardi, Siskinds LLP
Hydro One Networks Inc.


Our Goderich Office is now located at 106 Courthouse Square.

Would you like to book an appointment with me? Head here to select a time that works for you: [Book With Me](#)




QUINN ROSS (He/Him)
Lawyer

 888-567-4917 ext.245

 519-525-3570

 qmross@rossfirm.com

 rossfirm.com

CONFIDENTIALITY NOTICE:

This email and any attachments are intended solely for the use of the individual or entity to whom they are addressed and may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately, delete this message, and do not read, copy, distribute, or disclose its contents.

From: Barz, Evan <EBarz@osler.com>

Sent: Tuesday, April 28, 2026 10:18 AM

To: Office of the Registrar <registrar@oeb.ca>

Cc: Laura Brazil <laura.brazil@hydroone.com>; Pasquale Catalano <pasquale.catalano@hydroone.com>; King, Richard <rking@osler.com>; Paula Lombardi <paula.lombardi@siskinds.com>; Quinn Ross <qmross@rossfirm.com>

Subject: EB-2026-0083 - Response to Intervenor Requests of Hydro One Networks Inc.

This is the first email you've received from this external sender.

Do not click links or open attachments unless it is an email you expected to receive.

Good morning –

Attached please find Hydro One Networks Inc.'s response to the intervenor requests filed by Siskinds LLP and The Ross Firm.

Thank you,

Evan

OSLER

Evan J. Barz

Partner

416.862.4209 | ebarz@osler.com

Osler, Hoskin & Harcourt LLP | osler.com

