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RESS & EMAIL

June 17, 2026

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

Attention: Ritchie Murray, Acting Registrar

Dear Mr. Murray:

Re: EB-2025-0286 – North Star Forestry Ltd. response to Cost Claim Objection from Impala Canada Ltd.

We are counsel to North Star Forestry Ltd. (“North Star”), intervenor in the above-referenced proceeding. This is North Star’s response to the Cost Claim Objection filed by Impala.

Background

On May 21, 2026, the Ontario Energy Board (“OEB”) issued its Decision and Order in this matter, denying Impala’s request for authority to expropriate lands owned by North Star.

In accordance with the Decision and Order, and the OEB’s *Practice Direction on Cost Awards*, North Star filed its Cost Claim via the OEB’s electronic Cost Claim Filing Portal on June 4, 2026. Impala filed a Cost Claim Objection on June 11, 2026.

Response to Impala Objections

Having had its application denied, Impala now argues that North Star’s cost claim should be reduced by 50% as a result of North Star not serving its Cost Claim directly on Impala and to reflect what Impala claims is “the appropriate number of hours that should have been spent by an intervenor”.

The OEB should approve North Star’s costs claim in full. Neither of Impala’s arguments are persuasive.

Service on Impala Irrelevant to Quantum of Costs

The OEB's requirement that cost claims be prepared and submitted using an online cost claim filing system is relatively recent and unfamiliar to the intervenor. North Star reviewed the OEB's guidelines and entered the claim information into the filing system. The system automatically generated the document that Impala found on the OEB's website. North Star assumed, incorrectly it turns out, that the system would provide a copy to the applicant.

North Star regrets this inadvertent oversight. But it has no bearing on the quantum of costs North Star is entitled to, which are intended to indemnify North Star for a portion of the significant costs it was forced to incur opposing an application that was determined to be without merit.

Had Impala required additional time to prepare its Cost Claim Objection, North Star would have consented to such a request. Having independently located the cost claim, Impala made no such request and filed its Objection in accordance with the timeline directed by the OEB.

Impala identifies no prejudice whatsoever in its Objection and, in particular, no prejudice relevant to assessing the appropriate quantum of costs. In the circumstances, it would be disproportionate and unfair for the OEB to sanction North Star by reducing the quantum of costs ordered.

North Star's Costs are Reasonable

Impala's bald and self-serving assertion that North Star's costs do not reflect an appropriate number of hours for an intervenor is equally without merit. Impala offered no support for its assertion whatsoever. The time incurred to respond to the application is commensurate with the scope and complexity of the issues raised.

First, the application raised novel issues about the expropriation of a perpetual easement for an existing transmission line for which no leave to construct approval or exemption applied. Significant time was required to research and carefully analyze the legislative frameworks – both current and historical – to properly respond to the application.

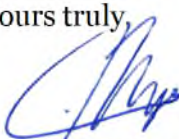
Second, the Decision and Order reflects that North Star's legislative analysis was central to the OEB's analysis. Impala did not put that legislative history before the OEB. But for the costs incurred by North Star, it would not have been before the Board.

Third, Impala filed extensive evidence, interrogatories on North Star's evidence, and responses to interrogatories from OEB staff and North Star, all of which required careful analysis and consideration from commercial, regulatory and real estate perspectives.

Fourth, there were no other intervening parties to share the workload with as North Star was the only party whose lands were at risk of being expropriated. North Star did not intervene voluntarily, as a public interest intervenor would. Rather, it was forced to intervene because of the nature of the application. It was particularly appropriate for North Star to diligently consider and address the issues raised in the application given the potentially significant consequence for North Star if the application were granted.

Fifth, Impala has not disclosed its costs of the application. Having elected not to do so, it does not lie with Impala to claim that the costs incurred by North Star are disproportionate or unreasonable.

Yours truly,



Jonathan Myers

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Michael Millar, OEB Counsel
Tim Hill, Impala Canada (Applicant)
Raivo Uukkivi, Applicant's Counsel
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