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BY EMAIL

July 7, 2026

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**Ontario Energy Board (OEB) Staff Summary of Oral Submission
Enbridge Gas Inc. – Cedar Springs Community Expansion Project
Application for Exemption from Leave-to-Construct (LTC) Requirement
OEB File Number: EB-2025-0313**

Dear Mr. Murray:

Pursuant to the directions in the OEB's letter dated July 2, 2026 in respect of the upcoming transcribed oral argument day on July 9, 2026, please find attached a summary of OEB staff's oral submission and a list of case law to which OEB staff may refer.

Natalya Plummer
Advisor, Natural Gas

Encl.

c: All parties



ONTARIO ENERGY BOARD

Summary of OEB Staff Oral Submission

Enbridge Gas Inc.

**Cedar Springs Community Expansion Project
Application for Exemption from Leave-to-Construct
Requirement**

EB-2025-0313

Submitted July 7, 2026

For Transcribed Oral Argument Day July 9, 2026

OVERVIEW

In this proceeding regarding an application by Enbridge Gas Inc. for an order granting an exemption from the requirement to obtain leave to construct pipeline and ancillary facilities in the Cedar Springs community (Project), the central issue for the OEB to consider is whether the Crown's duty to consult has been adequately discharged.

OEB staff submits that based on the record of proceeding to date, including the recent updated ICR filed by Enbridge Gas on June 26, 2026 (June Updated ICR), it appears that the duty to consult has been adequately discharged, subject to consideration of any additional issues raised in the oral submissions from the parties, and the Letter of Opinion from the Ministry of Energy and Mines (MEM), which are forthcoming.

DUTY TO CONSULT & THE OEB'S PROCESS

The Supreme Court of Canada summarized the duty to consult as follows in *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*:

The duty to consult is triggered when the Crown has actual or constructive knowledge of a potential Aboriginal claim or Aboriginal or treaty rights that might be adversely affected by Crown conduct (*Haida*, at para. 35; *Carrier Sekani*, at para. 31). Crown conduct which would trigger the duty is not restricted to the exercise by or on behalf of the Crown of statutory powers or of the royal prerogative, nor is it limited to decisions that have an immediate impact on lands and resources. The concern is for adverse impacts, however made, upon Aboriginal and treaty rights and, indeed, a goal of consultation is to identify, minimize and address adverse impacts where possible (*Carrier Sekani*, at paras. 45-46).¹

The scope of the consultation required depends on the strength of the Aboriginal claim, and the seriousness of the potential impact on the right.²

In order to ensure that the OEB has all the information it requires to make a determination on the duty to consult, the OEB has developed a process to ensure that all relevant concerns and evidence can be placed before it through the hearing process, set out in the OEB's *Environmental Guidelines for Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario* (Environmental Guidelines)³, and also through the procedural steps established by the OEB in this proceeding.

¹ *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, [2017 SCC 40 \(CanLII\)](#) at para 25. See also the OEB's decisions in [EB-2025-0301](#) at p. 23 and [EB-2022-0012](#) at pp. 14-15 for relevant principles.

² *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, [2017 SCC 41 \(CanLII\)](#) at para 38; *Haida Nation v. British Columbia (Minister of Forests)*, [2004 SCC 73 \(CanLII\)](#) at paras 39 and 43-45. See also the OEB's decision in [EB-2025-0301](#) at pp. 23-25 regarding depth of consultation.

³ OEB [Environmental Guidelines for the Location, Construction and Operation of Hydrocarbon Pipelines and Facilities in Ontario](#) [Environmental Guidelines], 3.2 Indigenous Consultation, pp. 16-18.

CONSULTATION PROCESS UNDERTAKEN BY ENBRIDGE GAS

MEM issued a Delegation Letter to Enbridge Gas dated October 19, 2021 in which it formally assigned responsibility for implementation of procedural aspects of consultation to Enbridge Gas and identified Mississaugas of the Credit First Nation (MCFN), Six Nations of the Grand River (Six Nations), and Haudenosaunee Confederacy Chiefs Council (HCCC) through the Haudenosaunee Development Institute (HDI), as communities to be consulted.

OEB staff observes that Enbridge Gas generally followed the current protocol for Indigenous consultation set in the OEB Environmental Guidelines. The June Updated ICR reflects that Enbridge Gas' consultation has been ongoing up to June 2026. The June Updated ICR indicates that for the three communities to be consulted, Enbridge Gas has provided information including, in summary, notices of the Project, maps, the Environmental Report, and Information on the Stage 1-2 AA fieldwork, and has requested community feedback.⁴

With respect to consultation with HDI, the June Updated ICR indicates that Enbridge Gas and HDI have had discussions regarding a proposed standard monitoring agreement, separate from capacity funding which has also been offered. HDI and Enbridge Gas have also had discussions around HDI's requests aimed at establishing a new broader engagement framework between HDI and Enbridge Gas to avoid a project-by-project approach. The June Updated ICR states further that as of June 26, 2026, engagement with HDI has been focused on improving processes for future engagement and Enbridge Gas is not aware of specific concerns related to potential impacts from the Project.⁵

With respect to consultation with MCFN, the June Updated ICR states that Enbridge Gas and Stantec met with MCFN to discuss the Project, and then MCFN provided written questions regarding the Project to which Enbridge Gas responded. The June Updated ICR states that as of June 26, 2026, MCFN has not identified any outstanding concerns. Capacity funding has been provided to MCFN.⁶

With respect to consultation with Six Nations, OEB staff notes that in this proceeding, Six Nations have raised a number of concerns with the consultation process, including Enbridge Gas failing to deliver key documents before the draft Environmental Report, failing to hold an introductory meeting regarding the Project and generally proceeding on a

⁴ Excerpt - Indigenous Consultation Report: Summary Tables as of June 26, 2026 at pp. 1-4 of 8, Compendium of OEB Staff at Tab 1, also at Attachment 2 of the June Updated ICR. See also the full June Updated ICR for further information.

⁵ Excerpt - Indigenous Consultation Report: Summary Tables as of June 26, 2026 at pp. 1-2 of 8, Compendium of OEB Staff at Tab 1, also at Attachment 2 of the June Updated ICR. See also the full June Updated ICR for further information.

⁶ Excerpt - ICR Summary Tables as of June 26, 2026 at pp. 3-4 of 8, Compendium of OEB Staff at Tab 1, also at Attachment 2 of the June Updated ICR. See also the full June Updated ICR for further information.

timeline that did not provide for meaningful consultation, within a context where Six Nations had concerns about Enbridge Gas' consultation on other projects.⁷ OEB staff notes that time has passed since Six Nations raised these concerns, and Six Nations will have an opportunity to update the OEB in oral submissions as to its current position regarding Enbridge Gas' consultation process.

Based on the record of proceeding to date and particularly on the June Updated ICR, OEB staff submits that it appears that the consultation process between Enbridge Gas and Six Nations has been ongoing and that Enbridge Gas has addressed a number of questions and concerns raised by Six Nations.

OEB staff notes in particular that the June Updated ICR contains notes and summaries for two recent meetings between Enbridge Gas, Stantec and Six Nations, one on April 21, 2026 and the other on May 26, 2026.⁸ At the May 26, 2026 meeting in particular, Six Nations asked and Enbridge Gas answered numerous questions about the Project.⁹ Subsequent to the May 26, 2026 meeting and Six Nations' participation in an ecological field survey on May 28, 2026, Enbridge Gas provided follow-up information including additional mapping.¹⁰ Enbridge Gas also specifically confirmed to Six Nations by email that it follows Stantec's recommendations for mitigation measures.¹¹

CONCLUSION

OEB staff submits that based on the record of proceeding to date, including the June Updated ICR, the duty to consult has been adequately discharged. In stating this, OEB staff also notes that Enbridge Gas has committed to continuing to engage throughout the life of the Project to ensure that any impacts on Aboriginal or treaty rights and interests are addressed, as appropriate.¹²

OEB staff notes that under the Environmental Guidelines, prior to the leave to construct record being closed by the OEB, MEM will provide a Letter of Opinion expressing its view on the adequacy of Indigenous consultation based on the materials provided to MEM.¹³

⁷ See generally, Affidavit of Peter Graham dated March 18, 2026.

⁸ Excerpt – ICR updated as of June 26, 2026, line-item attachment 3.121, pp. 326-331 of 343, Compendium of OEB Staff at Tab 2, also at Attachment 1 of June ICR; Excerpt – ICR as of June 26, 2026, line-item attachment 3.128, pp. 339-342 of 343, Compendium of OEB Staff at Tab 5, also at Attachment 1 of the June Updated ICR; Excerpt – ICR Summary Tables as of June 26, 2026 at pp. 7-8 of 8, Compendium of OEB Staff at Tab 1, also at Attachment 2 of the June Updated ICR.

⁹ Excerpt – ICR Summary Tables as of June 26, 2026 at p. 8 of 8, Compendium of OEB Staff at Tab 1, also at Attachment 2 of the June Updated ICR.

¹⁰ Excerpt – ICR as of June 26, 2026, line-item attachment 3.123, pp. 332-334 of 343, and line-item attachment 3.124, p. 335 of 343, Compendium of OEB Staff at Tabs 3-4, also at Attachment 1 of the June Updated ICR.

¹¹ Excerpt – ICR as of June 26, 2026, line-item attachment 3.128, p. 339 of 343, Compendium of OEB Staff at Tab 5, also at Attachment 1 of the June Updated ICR.

¹² Excerpt from Exhibit H, Tab 1, Schedule 1, p. 4 of 4, para 11, Compendium of OEB Staff at Tab 6.

¹³ [Environmental Guidelines](#), p. 18.

OEB staff submits that if necessary, this application could be placed in abeyance after the conclusion of the transcribed oral hearing date in order to provide more time for the Letter of Opinion to be placed on the record by Enbridge Gas. If any new information arises as a result of the filing of the Letter of Opinion or other addition to the record, OEB staff may file additional correspondence with its view on the appropriate steps.

OEB staff submits that, if the OEB determines that Crown's duty to consult has been adequately discharged and the OEB grants an order under subsection 95(2) of the OEB Act the exemption should be granted subject to the conditions proposed by Enbridge Gas in its application,¹⁴ which are the same conditions of approval the OEB has imposed in other recent applications.¹⁵

~All of which is respectfully submitted~

List of Case Law

1. *Clyde River (Hamlet) v. Petroleum Geo-Services Inc.*, [2017 SCC 40 \(CanLII\)](#)
2. *Chippewas of the Thames First Nation v. Enbridge Pipelines Inc.*, [2017 SCC 41 \(CanLII\)](#)
3. *Haida Nation v. British Columbia (Minister of Forests)*, [2004 SCC 73 \(CanLII\)](#)
4. OEB Decision and Order, [EB-2025-0301](#), June 30, 2026
5. OEB Decision and Order, [EB-2022-0012](#), July 12, 2022
6. OEB Decision and Order, [EB-2025-0303](#), August 12, 2025
7. OEB Decision and Order, [EB-2024-0084](#), May 15, 2025

¹⁴ Excerpt from Exhibit I, Tab 1, Schedule 1, p. 1, Conditions of Approval, Compendium of OEB Staff at Tab 7.

¹⁵ See the OEB's decisions in [EB-2025-0301](#), [EB-2024-0303](#) and [EB-2024-0084](#).