



Impala Canada Ltd.

**MOTION TO REVIEW AND VARY DECISION AND ORDER
IN EB-2025-0286**

**NOTICE OF HEARING AND PROCEDURAL ORDER NO. 1
July 13, 2026**

On June 10, 2026, Impala Canada Ltd filed a Notice of Motion to Review and Vary the Ontario Energy Board's (OEB) May 21, 2026, Decision and Order denying its application to expropriate interests in two parcels of land.

This Motion will be heard by Commissioners Julia McNally (presiding), Damien A. Côté, and James Sidlofsky.

Background

Impala owns and operates a transmission line that exclusively serves the Lac des Iles mine, located approximately 130 km northwest of Thunder Bay. Impala applied under section 99 of the Ontario Energy Board Act for an order granting approval to expropriate interests in two parcels of land over which its line runs. The rationale for the expropriation is to ensure the safe and productive operation, and potential closure, of the Lac des Iles Mine.

North Star Forestry Ltd., the landowner, was the sole intervenor in the proceeding.

On May 21, 2026, the OEB issued a Decision and Order denying Impala's request for authority to expropriate, finding that Impala did not satisfy the requirements of section 99(1)1 and 99(1)2 of the Act and was therefore ineligible to apply for expropriation.

Issues Addressed in this Procedural Order

This Procedural Order deals with 5 issues: the threshold question; scope of the motion; type of hearing; request for a stay; and intervention.

1) Threshold question

The OEB has determined that it will not hear the threshold question and will proceed directly to consideration of the merits.

Under Rule 43 of the OEB's *Rules of Practice and Procedure*, the OEB may consider, with or without a hearing, a threshold question of whether the motion raises relevant issues material enough to warrant a review on the merits.

This review raises a narrow issue related to jurisdiction. It may be difficult under these circumstances to delineate questions that are related to the threshold question from those related to the merits.

2) Scope of Motion

In this motion, the OEB will consider arguments related to the OEB's decision on jurisdiction (section 99(1)), as well as arguments related to public interest (section 99(5)).

Only evidence included in the expropriation proceeding (EB-2025-0286) should be used by parties in making their arguments in this proceeding.

3) Oral hearing

Impala has expressed a preference for an oral hearing on the merits. The OEB will receive written submissions on the merits but will reserve time for a live (in-person or hybrid) session, should it have questions for the Parties following its review of the written submissions. The following dates are available:

- August 18, 2026
- August 19, 2026
- August 24, 2026

Parties are asked to respond with their preferred date(s) by **July 16, 2026**.

4) Stay

Impala has requested a stay of the May 21, 2026 decision. The OEB denies this request.

To consider this request, as a matter of procedural fairness, the OEB would first seek submissions from both parties. This would add additional time and process.

As the OEB has chosen to proceed directly to the merits in this case, the procedural timeline is such that any decision on the stay would likely be issued on the same schedule as its decision on the merits. Addressing the stay separately would therefore introduce unnecessary steps and delays into the process.

5) Intervenors

North Star is approved as an intervenor in this proceeding.¹ This Notice of Hearing and Procedural Order No. 1 will be sent to Impala and North Star.

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Impala and North Star shall file letters with the OEB by **July 16, 2026**, that ranks the following dates in order of preference for an oral argument day. The OEB is planning for one day only of oral hearing if necessary. If any of the dates below are unworkable, please also include this in the letter.
 - a) August 18, 2026
 - b) August 19, 2026
 - c) August 24, 2026
2. Impala may file a written argument-in-chief and serve it on North Star by **July 20, 2026**.
3. Any written submissions from North Star shall be filed and served on Impala by **July 27, 2026**.
4. Any written reply submissions from Impala shall be filed and served on Impala by **August 4, 2026**.

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](#).

Please quote file number, **EB-2026-0178** for all materials filed and submit them in searchable/unrestricted PDF format with a digital signature through the [OEB's online filing portal](#).

- Filings should clearly state the sender's name, postal address, telephone number and e-mail address.
- Please 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.

¹ EB-2025-0286

- 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 for assistance.
- Cost claims are filed through the OEB's online filing portal. Please visit the [File documents online page](#) of the OEB's website for more information. All participants shall download a copy of their submitted cost claim and serve it on all required parties as per the [Practice Direction on Cost Awards](#).

All communications should be directed to the attention of the Registrar at the address below 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 and OEB Counsel, Michael Millar at michael.millar@oeb.ca.

Email: registrar@oeb.ca

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

DATED at Toronto, **July 13, 2026**

ONTARIO ENERGY BOARD

Ritchie Murray
Registrar