



DECISION AND ORDER

EB-2025-0270

ENBRIDGE GAS INC.

**Application for an Order granting an exemption from leave to
construct natural gas pipeline and associated facilities in the
Town of Caledon**

BEFORE: David Sword
Presiding Commissioner

August 25, 2026



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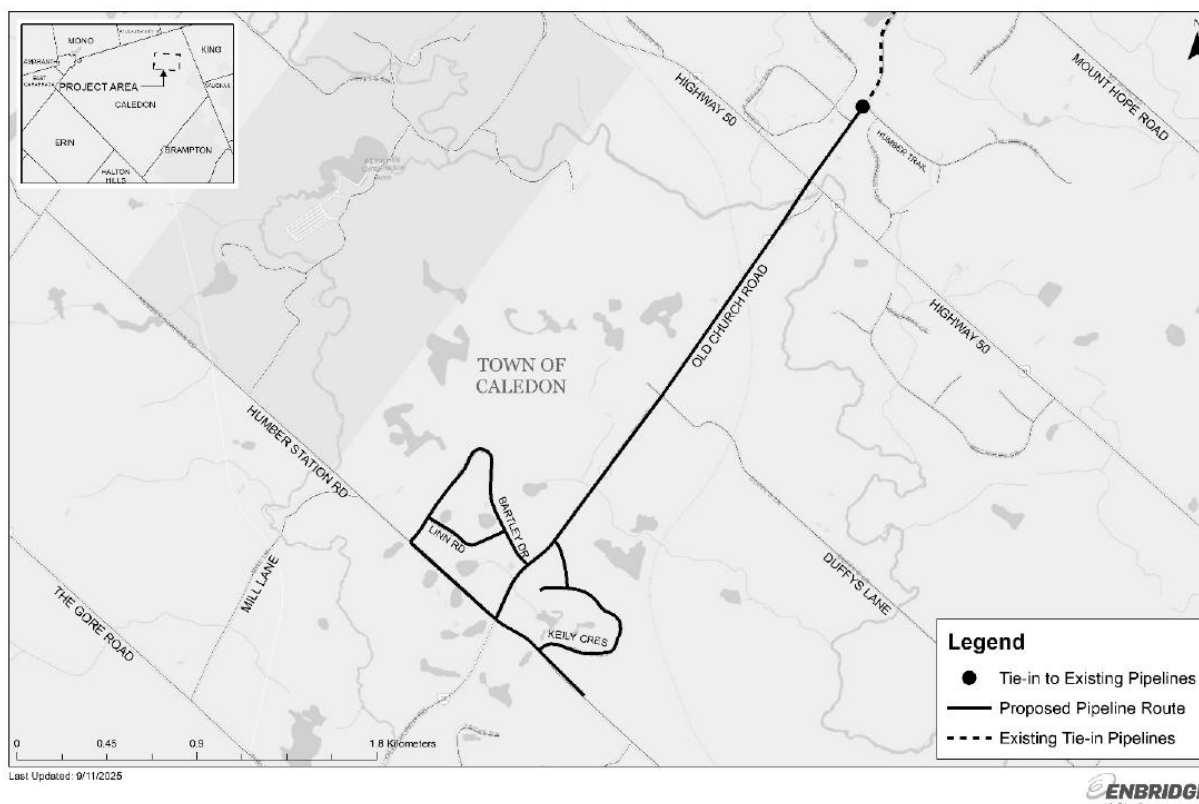
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1 OVERVIEW

On September 29, 2025, Enbridge Gas Inc. (Enbridge Gas) applied to the Ontario Energy Board under section 95(2) of the *Ontario Energy Board Act, 1998* (OEB Act) for an order granting an exemption from the requirement to obtain leave to construct natural gas pipelines and facilities to serve approximately 62 customers in the Town of Caledon (Project).

The general location of the Project is shown on the map below:

Caledon - Humber Station Community Expansion Project



Enbridge Gas's application to the Ontario Energy Board for an exemption from the requirement to obtain a leave to construct approval for a natural gas pipeline and associated facilities to serve 62 new customers in the Town of Caledon is approved.

For the reasons set out below, the OEB grants an order under section 95(2) of the OEB Act, exempting Enbridge Gas from the requirement to obtain leave to construct the Project, subject to the conditions attached as Schedule A to this Decision and Order.

2 APPLICATION SUMMARY AND PROCESS

2.1 Application Summary

The Project consists of the construction of approximately 3 kilometres of Nominal Pipe Size (NPS) 4 polyethylene (PE) natural gas distribution pipeline and 5 km of NPS 2 PE natural gas distribution pipeline. The total estimated Project cost is \$6 million (\$5.3 million total pipeline costs and \$0.7 million total ancillary costs).

Section 90(1) of the OEB Act sets out the circumstances where an order granting leave to construct for a hydrocarbon pipeline is required:

90 (1) No person shall construct a hydrocarbon line without first obtaining from the Board an order granting leave to construct the hydrocarbon line if,

- (a) the proposed hydrocarbon line is more than 20 kilometres in length;
- (b) the proposed hydrocarbon line is projected to cost more than the amount prescribed by the regulations;
- (c) any part of the proposed hydrocarbon line,
 - (i) uses pipe that has a nominal pipe size of 12 inches or more, and
 - (ii) has an operating pressure of 2,000 kilopascals or more; or
- (d) criteria prescribed by the regulations are met.

Section 95(2) of the OEB Act states: “The Board shall, with or without a hearing, make an order exempting a person from the requirements of subsection 90 (1) or 92 (1) if the Board is satisfied that the circumstances prescribed by the regulations have been met.”

Section 3.0.1(1) of O. Reg. 328/03 authorizes the OEB to make an order under subsection 95 (2) of the OEB Act exempting a person from the requirement to obtain leave from the OEB under subsection 90(1) if:

- a) Leave is required only by virtue of clause 90(1)(b) of the OEB Act
- b) The proposed hydrocarbon line is projected to cost more than the amount specified in section 3 [i.e. \$2 million] for the purposes of that clause but not more than \$10 million, and
- c) The OEB makes a determination that the Crown’s duty to consult, if it applies in respect of the application, has been adequately discharged.

Enbridge Gas submitted that the Project should be granted an exemption under subsection 95(2) from the requirement to obtain leave to construct as it meets the exemption criteria:

- The Project is less than 20 km in length and uses pipe sizes less than 12 inches and has an operating pressure of less than 2,000 kilopascals. As a result, Enbridge Gas states that leave is only required for the Project because of clause 90(1)(b) of the OEB Act.
- The Project cost is \$6 million, which is less than the \$10 million prescribed in the regulation.
- Enbridge Gas was delegated the procedural aspects of Indigenous consultation by the Ministry of Energy and Mines¹ (Ministry) and has carried out consultation and continues to carry out consultation with the identified Indigenous communities, and through these efforts the duty to consult has been adequately discharged.

In this application, the central issue for the OEB to consider is whether the Crown's duty to consult has been discharged.

2.2 Process

The OEB issued a Notice of Hearing on October 24, 2025, to the following Indigenous communities identified in the Delegation Letter that was issued by the Ministry on March 6, 2025:

- Alderville First Nation
- Beausoleil First Nation
- Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nation
- Curve Lake First Nation
- Hiawatha First Nation
- Wendat Nation (formerly Huron-Wendat Nation)
- Kawartha Nishnawbe First Nation
- Mississaugas of the Credit First Nation
- Mississaugas of Scugog Island First Nation

The Notice of Hearing provided information on how the notified communities could participate in the proceeding, including by becoming intervenors.

No one requested intervenor status in the proceeding.

¹ Formerly Ministry of Energy and Electrification

The OEB issued Procedural Order No. 1 on December 18, 2025. Enbridge Gas was directed to file an updated Indigenous Consultation Report and any correspondence from the Ministry on Enbridge Gas's consultation activities. Enbridge Gas filed the updated Indigenous Consultation Report on January 16, 2026. No additional correspondence from the Ministry was filed by Enbridge Gas.

Procedural Order No.1 set the schedule for written discovery on Enbridge Gas's evidence. OEB staff filed interrogatories on January 30, 2026, and Enbridge Gas filed interrogatory responses on February 13, 2026.

The OEB issued Procedural Order No. 2 on February 25, 2026, which set the dates for the filing of written submissions from OEB staff and any reply submissions from Enbridge Gas.

On March 12, 2026, OEB staff filed a letter requesting the Application be placed into abeyance until the Ministry's Letter of Opinion was filed.

On March 13, 2026, the OEB issued a letter placing the Application into abeyance until the earlier of April 27, 2026 or when the Ministry's Letter of Opinion was filed with the OEB. On April 28, 2026, the OEB issued a letter extending the abeyance until May 27, 2026.

On May 28, 2026, the OEB issued Procedural Order No. 3 taking the Application out of abeyance and setting procedural steps for submissions by OEB staff and reply submissions by Enbridge Gas.

On May 29, 2026, Enbridge Gas updated the Application to include the Ministry's Letter of Opinion.

OEB staff filed a submission on June 18, 2026, and Enbridge Gas filed its reply submission on July 3, 2026.

3 DECISION

3.1 Exemption Request

On March 6, 2025, the Ministry delegated the procedural aspects of the Crown's duty to consult to Enbridge Gas and identified ten Indigenous communities to be consulted. Pursuant to the OEB's Environmental Guidelines, Enbridge Gas filed an Indigenous Consultation Report with its application describing the consultation activities it has undertaken.² During the course of this proceeding, Enbridge Gas provided updates to the Indigenous Consultation Report in response to the OEB's procedural order.³

Enbridge Gas stated that it developed a consultation program to receive input from interested and potentially affected parties including Indigenous communities⁴ and that it offers capacity funding to assist Indigenous communities to meaningfully participate in engagement activities such as timely reviews of technical documents and participation in field work associated with the proposed Project. The evidence and submissions filed by Enbridge Gas indicate that it has provided the ten potentially impacted Indigenous communities with the following information:

- The Notification Letter provided an overview of the proposed Project, a list of potential authorizations required, and contact information for the Ministry of Energy and Mines.
- Notice of Upcoming Project
- Maps of the Project location.
- Notice of Study Commencement Letter, and open house and Virtual Open House information for the Project.
- The Environmental Report providing information about the potential effects of the Project on the environment.
- Draft Stage 1 Archaeological Assessment

The Environmental Report was circulated to Indigenous communities on July 7, 2025, and comments were requested by August 29, 2025.⁵

On May 29, 2026, Enbridge Gas filed an updated application which included the Letter of Opinion it received from the Ministry. The Letter of Opinion noted that the Ministry had completed its review of the consultation undertaken by Enbridge Gas with

² Application and Evidence, Exhibit H, Tab 1, Schedule 1

³ Updated Application dated January 16, 2026, Exhibit H-1-1, Attachment 7 & 8

⁴ Application and Evidence, Exhibit F, Tab 1, Schedule 1, page 1, paragraph 1

⁵ Application, Exhibit F, Tab 1, Schedule 1, page 4, paragraph 9

Indigenous communities for the Project, including the information provided by Enbridge Gas and materials filed in the proceeding. The Letter of Opinion further stated that the Ministry has also communicated directly with Indigenous communities to understand any potential impacts to Aboriginal and/or treaty rights from the Project as well as community feedback about satisfaction with Enbridge Gas's response or proposed mitigation, where appropriate. The Ministry stated that based on its review of materials and its outreach to Indigenous communities, it was of the opinion that the procedural aspects of the consultation undertaken by Enbridge Gas for the Project are satisfactory.

Indigenous Communities Comments and Enbridge Gas's Response and Commitments

Curve Lake First Nations (CLFN)

As noted in the Ingenious Consultation Log, on December 4, 2025, CLFN submitted comments to Enbridge Gas on the Environmental Report and the Project.⁶ Comments included the need for wildlife noise monitoring in certain circumstances, revised Indigenous Land and Resource Use rating, notifications of open-cut methodologies, comprehensive watercourse assessments, expanded assessment buffer, stronger wildlife protection measures, involvement in restoration planning, mapping of laydown areas, integration of wildlife connectivity assessments, support for native seed mixes previously recommended, and requests for additional emissions information.

Enbridge Gas stated that it responded to CLFN comments on February 6, 2026. Enbridge Gas agreed to several requests made by CLFN and offered additional details to clarify planned mitigation measures and will continue to engage with CLFN.

Mississaugas of the Credit First Nation (MCFN)

On August 5, 2025, MCFN submitted comments and questions to Enbridge Gas related to tree compensation, habitat restoration, watercourse and wetland interactions, trenchless crossing methods, sediment control, and monitoring of wetland function and aquatic connectivity.⁷ MCFN also requested copies of environmental training materials for construction contractors, access to the final post-construction monitoring report, and requested that they would be notified in the event of any reportable spills.

Enbridge Gas responded to MCFN's questions. Enbridge Gas committed to sharing environmental training materials developed for contractors on the Project and post-

⁶ Application, Exhibit H, Tab 1, Schedule 1, Page 22

⁷ Application, Exhibit H, Tab 1, Schedule 1, Page 55

construction monitoring results with MCFN and contacting MCFN in the event of a reportable incident.

Enbridge Gas stated that MCFN has no outstanding concerns following its responses and subsequent engagements.

Wendat Nation

On August 22, 2025, the Wendat Nation requested, in an email to Enbridge Gas, to participate in all Stage 2 archaeological fieldwork and to receive copies of the draft reports for review and comment. Enbridge Gas provided an invitation to the Wendat Nation for Stage 2 Archaeological Assessment (AA) fieldwork.⁸

On November 19, 2025, the Wendat Nation advised that they would not be able to send a field liaison to participate in the Stage 2 AA fieldwork for the Project but requested that they be kept informed of any findings.

On December 15, 2025, the Wendat Nation filed comments with the OEB requesting the following:

- That stages 2, 3 & 4 Archaeological Assessments be carried out in due form if they are recommended in the archaeological reports;
- That the Wendat Nation be promptly informed of project developments so that it can assess potential adverse impacts on its rights and determine its participation in the planned archaeological assessments including deployment of Field Liaison Representatives;
- The exemption from the requirement to obtain leave to construct does not in any way preclude accommodations or modifications requested by the Wendat Nation in the event of archaeological discoveries.

Furthermore, the Wendat Nation requested to receive Stage 2 AA reports during the draft ER review and to be provided with a minimum 30-day review period, with the possibility of an extension.

On February 13, 2026, Enbridge Gas confirmed its intention to complete additional AAs as required, and to inform and offer opportunities to the Wendat Nation to participate in AA-related field activities. Enbridge Gas further confirmed that an exemption from the

⁸ Application, Exhibit H, Tab 1, Schedule 1, Page 40-41

requirement to obtain LTC does not diminish Enbridge Gas's obligations in relation to AAs.

Additionally, Enbridge Gas also commented that Stage 1 AA is completed within the OEB's Environmental Guidelines and Ministry of Citizenship and Multiculturalism's Standards and Guidelines for Consultant Archaeologists and, if a combined Stage 1 AA and Stage 2 AA is not feasible, Stage 2 AA be completed as early as possible.

Enbridge Gas acknowledged the Wendat Nation's request to review the Stage 2 AA reports for a minimum of 30-days, with the possibility of an extension. However, Enbridge Gas explained that completing Stage 2 AA prior to the completion of the ER when the final preferred route has not been determined can result in unnecessary or premature ground disturbance. Furthermore, an additional 30-day review period could impose unnecessary constraints on the project schedule. Enbridge Gas stated that it does not believe these steps to be necessary or preferred.

Submissions

OEB staff submitted based on the available evidence, Enbridge Gas's consultation, to date, is generally consistent with the requirements outlined by the Ministry's Duty to Consult Delegation Letter and is also supported by the Ministry's Letter of Opinion, stating that the Ministry is satisfied with the procedural aspects of the Crown's duty to consult delegated and undertaken by Enbridge Gas to date.

OEB staff also requested that Enbridge Gas provide a timeline of when the draft Stage 2 AA report is expected so Indigenous communities have resources to review and provide comments.

In its reply submission, Enbridge Gas also stated additional Stage 2 AA fieldwork was identified and completed June 8-9, 2026, which the Wendat Nation representatives attended. Enbridge Gas confirmed that it will share a copy of the Stage 2 AA report with Indigenous communities for review and comment the week of July 27, 2026, will consider the comments received and will continue to engage with Indigenous communities.

Enbridge Gas further submitted that the OEB should grant the requested exemption from the requirement to obtain LTC with the same Conditions of Approval as ordered in recent similar exemption applications.⁹

Findings

The exemption requested by Enbridge Gas is granted.

The central question in this exemption application is whether the Crown's Duty to Consult has been adequately discharged.

The OEB finds that the Duty to Consult has been adequately discharged from a procedural standpoint.

The OEB grants the requested exemption from the requirement to obtain leave-to-construct for the project, on the basis that the exemption criteria in Ontario Regulation 328/03 are met for this project, as follows:

- The Project requires leave only by virtue of section 90(1)(b) of the OEB Act (i.e. it exceeds the cost threshold of \$2 million as prescribed by regulation)
- The Project is projected to cost \$6 million, which is more than \$2 million but not more than \$10 million.
- The OEB is satisfied that, as it applies in respect of this application, the Crown's Duty to Consult, has been adequately discharged.

The OEB's decision is informed by:

- Enbridge Gas's consultation record, follow-up and the Indigenous Consultation Report filed in support of the application, and Enbridge Gas' responses to related interrogatories.
- The OEB's staff submission noting that no evidence was presented on the record identifying unresolved project specific concerns that would preclude granting an exemption.
- The Ministry's Letter of Opinion indicating that it is satisfied with the procedural aspects of consultation undertaken by Enbridge Gas.

⁹ For example, EB-2024-0303 Tweed Community Expansion and EB-2025-0325 Glendale Community Expansion.

Community-specific consultation issues:

Curve Lake First Nation:

In its communications with Enbridge Gas, Curve Lake First Nation raised issues related to the following, among other matters:

- Wildlife noise monitoring in certain circumstances
- Notifications of open-cut methodologies
- Comprehensive watercourse assessments
- Expanded CEA buffer and wildlife protection measures
- Involvement in restoration planning
- Mitigation measures

Enbridge Gas agreed to several requests and provided additional details clarifying planned mitigation measures and committed to engaging with Curve Lake First Nation. The record shows their concerns were received and addressed through responses and mitigation/clarification commitments and remained subject to ongoing engagement.

The OEB finds that, based on the record evidence of Curve Lake First Nation's input and Enbridge Gas's responses and commitments (and supported by the Ministry's Letter of Opinion), the duty-to-consult requirements applicable to Curve Lake First Nation's have been adequately met for the purpose of the section 95(2) exemption.

Mississaugas of the Credit First Nation:

The Mississaugas of the Credit First Nation submitted comments and questions to Enbridge Gas including:

- Tree compensation
- Habitat restoration
- Trenchless crossing methods
- Watercourse and wetland interactions
- Sediment control
- Monitoring of wetland function and aquatic connectivity.

- And also requests copies of the environmental training materials for construction contractors, access to the final postconstruction monitoring and notification in the event of any reportable spills.

Enbridge Gas responded to the Mississaugas of the Credit First Nation's questions and committed to sharing environmental training materials, providing post-construction monitoring results and contacting them in the event of a reportable incident.

The Mississaugas of the Credit First Nation raised no further concerns following Enbridge Gas's responses and subsequent engagements.

The OEB finds that on the record, the Mississaugas of the Credit First Nation's consultation issues were addressed through Enbridge Gas's responses and commitments and that they indicated no outstanding concerns thereafter. Supported by the Ministry's Letter of Opinion, this is sufficient to conclude that the delegated procedural duty to consult has been adequately discharged for the Mississaugas of the Credit First Nation for the purposes of section 95(2).

Wendat Nation:

In a letter of comment to the OEB, the Wendat Nation requested participation in all Stage 2 archaeological fieldwork, and copies of draft reports for review and comment.

While the Wendat Nation advised that it could not send a field liaison for Stage 2 fieldwork, they requested to be kept informed of findings and in comments requested prompt information on project developments so they can assess potential adverse impacts on rights and determine participation and that the exemption application not preclude accommodations/modifications requested in the event of archeological discoveries.

The Wendat Nation also requested receipt of Stage 2 Archeological Assessments reports during the draft Environmental Report review and a minimum of 30-day review period with a potential extension if requested.

The OEB finds that Wendat Nation's consultation interests were addressed through invitations and opportunities to participate, with assurances that information sharing commitments and subsequent engagement would continue.

The OEB has considered the Wendat Nation's request for a minimum 30-day review period (with a possible extension if requested) and also considered Enbridge Gas's concerns about timely construction activities.

The OEB accepts the Wendat Nation request for a 30-day review period for review of any Stage 2 Archeological Assessments and will afford such opportunity to all First Nation communities who have participated in the consultation process, including Curve Lake First Nation and the Mississaugas of the Credit River.

Supported by the Ministry's Letter of Opinion, the OEB finds this is sufficient to conclude that the delegated procedural duty to consult has been adequately discharged for the Wendat Nation for the purposes of this application.

Conclusion:

For the reasons set out above, and on the basis that the conditions for the exemption have been met, including the Duty to Consult, the OEB approves Enbridge Gas's request and grants an order exempting Enbridge Gas from the requirement to obtain leave to construct for the Project under section 95(2) of the OEB Act, subject to the conditions set out in Schedule A.

3.2 Conditions of Approval

Section 23 of the OEB Act permits the OEB, when making an order, to impose conditions as it considers appropriate. In its reply submissions, Enbridge Gas requested that, should the OEB approve the LTC exemption, the OEB include the same conditions of approval on the Glendale LTC Exemption and Tweed LTC Exemption applications.¹⁰

Findings

The OEB grants an order under section 95(2) of the OEB Act, exempting Enbridge Gas from the requirement to obtain leave to construct the Project, subject to the conditions attached as Schedule A to this Decision and Order.

¹⁰ EB-2024-0303 Decision and Order, EGI LTC Tweed Exemption Application

4 ORDER

THE ONTARIO ENERGY BOARD ORDERS THAT:

1. Enbridge Gas Inc. is granted an exemption under section 95(2) of the OEB Act from the requirement to obtain leave to construct under section 90(1) of the OEB Act, to construct the Project in the Town of Caledon near the intersection of Humber Station Road and Old Church Road, Ontario as described in its application, subject to the Conditions of Approval attached as Schedule A to this Decision and Order.
2. Enbridge Gas Inc. shall pay the OEB's costs of and incidental to this proceeding upon receipt of the OEB's invoice.

DATED at Toronto August 25, 2026

ONTARIO ENERGY BOARD

Ritch Murray
Registrar

SCHEDULE A
DECISION AND ORDER
ENBRIDGE GAS INC.
EB-2025-0270
AUGUST 25, 2026

Application under Section 95(2) of the OEB Act
CONDITIONS OF APPROVAL

1. Enbridge Gas shall construct the facilities and restore the land in accordance with its application and the evidence filed in EB-2025-0270 and these Conditions of Approval.
2. Unless otherwise ordered by the OEB, exemption from the requirement to obtain leave to construct shall terminate 12 months from the date of the OEB's approval of the exemption application, unless construction has commenced prior to that date.
3. Enbridge Gas shall give the OEB notice in writing:
 - i. of the commencement of construction, at least 10 days prior to the date construction commences.
 - ii. of the full project in-service date, no later than 10 days after all the facilities go into service.
4. Enbridge Gas shall obtain all necessary approvals, permits, licences, certificates, agreements and rights required to construct, operate and maintain the Project.
5. Enbridge Gas shall implement all the recommendations of the Environmental Report filed in the proceeding, and shall provide the First Nation communities who have participated in the consultation process with a 30-day opportunity to comment on any Stage 2 Archeological Assessment.
6. Enbridge Gas shall designate one of their employees as project manager who will be the point of contact for these conditions and shall provide the employee's name and contact information to the OEB and to all affected landowners and shall clearly post the project manager's contact information in a prominent place at the construction site.