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OSLER

Toronto

February 23, 2021

Montréal

Patrick Welsh
Direct Dial: 416.862.5951
PWelsh@osler.com
Our Matter Number: 1184765

Calgary

Sent By RESS and Electronic Mail

Ottawa

Christine Long
Board Secretary and Registrar
Ontario Energy Board
27th Floor, 2300 Yonge Street
Toronto, Ontario M4P 1E4

Vancouver

New York

Dear Ms. Long:

**EB-2021-____ - Imperial Oil Limited Waterdown to Finch Replacement Project -
Expropriation Application**

We are counsel to Imperial Oil Limited (“**Imperial**”) in the above noted matter. Please find enclosed the application and evidence filed by Imperial for an Order or Orders from the Ontario Energy Board (the “**Board**”) granting authority to expropriate land for the purpose of constructing and operating a hydrocarbon distribution pipeline and ancillary facilities to serve the Greater Toronto and Hamilton Area.

Imperial filed a previous application on July 23, 2020, to which the Board assigned file number EB-2020-0191 and which was placed in abeyance on August 7, 2020. Imperial wishes to formally withdraw this previous application.

Please feel free to contact our office should you have any questions.

Sincerely,



Patrick G. Welsh

c: Michael Millar, Ontario Energy Board
Zahra Allidina, Imperial Oil Limited
Richard King, Osler, Hoskin & Harcourt LLP
Isabelle Crew, Osler, Hoskin & Harcourt LLP

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Ontario Energy Board Act, 1998*, S.O. 1998 (the “**Act**”);

AND IN THE MATTER OF section 99(1) of the Act;

AND IN THE MATTER OF an application by Imperial Oil Limited for an Order or Orders granting authority to expropriate land for the purpose of constructing and operating a hydrocarbon distribution pipeline and ancillary facilities to serve the Greater Toronto and Hamilton Area.

EB-2021-_____

APPLICATION FOR EXPROPRIATION

February 23, 2021

I. OVERVIEW

1. The Applicant, Imperial Oil Limited (“**Imperial**”), obtained leave to construct approximately 63 kilometres of pipeline and associated infrastructure to transport refined fuel products from its facility in the City of Hamilton to its facility in the City of Toronto (the “**Project**”) from the Ontario Energy Board on March 12, 2020, with subsequent modifications to the Project route approved on December 17, 2020.
2. The Project will traverse 319 directly affected parcels representing 71 privately-owned lands and 248 agency-owned lands and will require a combination of new and existing easements, including permanent and temporary land rights. To date, Imperial has entered into 71 agreements with 95 landowners.
3. Despite Imperial’s ongoing efforts to reach voluntary settlements with all directly affected landowners, the schedule and in-service date for the Project requires that Imperial proceed with this application for authority to expropriate the remaining property interests.

II. BACKGROUND

4. Imperial is a body corporate duly formed pursuant to the laws of Canada having an office in the City of Calgary. Imperial is an integrated energy company that explores for, produces, refines and markets products essential to society. At every link in the energy chain, Imperial seeks to advance innovation and technology to deliver energy Canadians need—with a commitment to high standards. Imperial was founded in Ontario in 1880 and, after more than a century, Imperial continues to be part of the community and economy.
5. On February 25, 2019, Imperial applied to the Ontario Energy Board (the “**OEB**” or the “**Board**”) pursuant to sections 90 and 97 of the Act for an order granting leave to construct

the Project and an order approving the forms of land access agreements related to the construction of the Project (the “**Leave to Construct Application**”).¹

6. The Project is a proactive replacement of an important segment of Imperial’s Sarnia Products Pipeline (the “**SPPL**”). Operating safely for many decades, the SPPL is crucial infrastructure that provides refined fuel products (i.e., gasoline, diesel, and jet fuel) used by households and businesses across the Greater Toronto and Hamilton Area. To support continued safe, reliable, and environmentally responsible transportation of these products, the Project will replace the transportation capabilities of an existing SPPL segment between rural Hamilton and North York.
7. On March 12, 2020, the Board issued its Decision and Order granting leave to Imperial pursuant to section 90(1) of the Act to construct the Project and approving the proposed forms of land access agreements that Imperial had or would offer to each owner of land affected by the approved pipeline route for the Project (the “**Leave to Construct Decision**”).²
8. On June 30, 2020 Imperial filed a request (the “**Change Request**”) for an approval of three changes to the Project route as approved in the Leave to Construct Decision (the “**Original Route**”).³ The review of the Change Request was undertaken by an OEB staff member delegated authority by the OEB (the “**Delegated Authority**”), who, on August 19, 2020 concluded that two of the proposed changes were not material and approved those changes, but that the third change (the “**Realignment**”) appeared to be a material change and that the Delegated Authority, therefore, did not have the authority to approve the Realignment.⁴

¹ EB-2019-0007, [Application and Evidence of Imperial Oil Limited for Leave to Construct](#) (29 May 2019) [LTC Application].

² EB-2019-0007, [Decision and Order](#) (12 March 2020) at p. 31.

³ EB-2019-0007, [Notification of Updates to Project Routing](#), dated June 30, 2020.

⁴ EB-2019-0007, [Request for Changes of Project Routing Decision](#), dated August 19, 2020 at pp 5, 9, 11.

9. On September 2, 2020 the OEB commenced a proceeding for a motion to review and vary the Leave to Construct Decision, specifically to vary the Original Route to reflect the Realignment.⁵
10. On December 17, 2020, the Board issued a Decision and Order approving the Realignment on the same terms and conditions contained in the Leave to Construct Decision (the “**Realignment Decision**”).⁶
11. Imperial hereby applies to the Board pursuant to section 99 of the Act for an order or orders granting authority to expropriate certain interests in land, as more particularly described herein. Imperial requires authority to expropriate such interests in land in order to construct and operate the Project as approved by the OEB in the Leave to Construct Decision and the Realignment Decision.

III. LAND RIGHTS

12. The Project will traverse 319 directly affected parcels representing 71 privately-owned lands and 248 agency-owned lands and will require a combination of new and existing easements, including permanent and temporary land rights. The pipeline and associated infrastructure is located in the City of Hamilton, the City of Burlington, the Town of Milton, the Town of Oakville, the City of Mississauga, and the City of Toronto.
13. Imperial’s preferred approach to acquiring land rights for the Project has been through negotiation of mutually acceptable agreements with landowners. Imperial’s agents have been working in the area of the Project since Summer 2018. Since February 2019, Imperial and its agents have been working directly with the affected landowners to obtain land rights for a limited number of additional easements as well as temporary workspace agreements for the purposes of the Project.

⁵ EB-2020-0219, [Notice and Procedural Order No. 1](#), dated September 2, 2020.

⁶ EB-2020-0219, [Decision and Order](#), dated December 17, 2020.

14. To date, Imperial has entered into 71 agreements with 95 landowners. Land acquisition has been executed in an open and respectful manner, with a commitment to timely, meaningful, and transparent dialogue.
15. All landowners have been presented with the appropriate land access agreements in the form approved by the OEB in the Leave to Construct Decision. Landowners have also been provided with proposed compensation amounts and individual ownership plans showing the areas of the proposed taking. Imperial and its agents have met with landowners, and tenants as applicable, on site to review requirements.
16. To support and facilitate timely resolution of negotiations and fair settlements with landowners, Imperial established and applied a set of consistent compensation principles. The calculated compensation amount is based upon the Fair Market Value for each property, as calculated by external appraisers. In addition to the standard compensation principles, parcel-specific damages were also contemplated and negotiated on a case-by-case basis.
17. Communication between Imperial representatives and landowners has been ongoing, with Imperial and its agents reaching out to landowners with whom negotiations have not been finalized on a week-to-week basis. Each such landowner has been notified of this application and has been assigned a dedicated land agent who is and will be continuing negotiations throughout the application process.
18. Despite Imperial's ongoing efforts to reach voluntary settlements with all directly affected landowners, the schedule and in-service date for the Project as approved by the OEB in the Leave to Construct Decision requires that Imperial proceed with this application for authority to expropriate the remaining property interests.
19. The property interests that Imperial seeks authority to expropriate for the Project are as follows:

- (a) **New Permanent Easements:** The Project will use a portion of the existing easement to minimize the total new permanent easements required. New permanent easements are required in addition to the existing easement in certain locations on fee simple lands. The new permanent easements needed are generally 0.3 m to 10 m wide. Variations in the width may occur due to location of existing lines within the existing easement and as required by engineering standards for separation between pipelines. Owners of land over which new permanent easements are required have been presented the Grant of Easement Agreement as approved by the OEB in the Leave to Construct Decision.⁷
- (b) **Temporary Workspaces:** Temporary workspaces (“TWS”) are required adjacent to the new and existing easements and will be used to store material, string and weld segments of pipe and as workspace to install the pipeline. Trenchless drilling rigs will also be set up within the TWS. The TWS are adjacent to the new and existing easements and are typically 10 m wide (depending on the location). Owners of land over which TWS are required have been presented the Temporary Workspace Lease Agreement as approved by the OEB in the Leave to Construct Decision.⁸
20. The authority to expropriate requested in this application is in the public interest as it is required to allow Imperial to construct and operate the Project to support continued safe, reliable, and environmentally responsible transportation of products between Imperial’s Waterdown Station to Finch Terminal of the SPPL for decades to come. Imperial has taken reasonable steps to minimize the impact of the proposed expropriations on the subject properties and has taken appropriate steps to minimize the disruption to landowners and

⁷ EB-2019-0007, [Argument in Chief](#) (10 January 2020), Appendix B, pp. 33–45.

⁸ EB-2019-0007, [Argument in Chief](#) (10 January 2020), Appendix B, pp. 46–62.

interest holders by requesting property interests that are no larger and no more extensive than necessary.

21. The following Appendixes attached to this application describe the Project, as well as the land interests that are proposed to be expropriated:
 - (a) a map of the entire project route is provided in Appendix “A”;
 - (b) a general description of the rights sought by Imperial for the New Permanent Easements is provided in Appendix “B”; and
 - (c) a general description of the rights sought by Imperial for Temporary Workspaces is provided in Appendix “C”.
22. Imperial seeks authority to expropriate a total of 4 parcels of land representing 4 landowners. At Appendices **D-1** to **D-4** of this application, Imperial has provided specific information and documents relating to each of the parcels of land that are subject to this application. Specifically, Appendices D-1 to D-4 set out the following information and documents for each parcel:
 - (a) the name and address of the owner(s) of the parcel of land (with personal information redacted in accordance with the Board’s policies);
 - (b) the names, addresses and interests held by any other person(s) with apparent interests in the particular parcel of land (with personal information redacted in accordance with the Board’s policies);
 - (c) the nature of the property interest that Imperial seeks to expropriate (new permanent easement and/or TWS);
 - (d) the legal description of the parcel in respect of which Imperial seeks authority to expropriate; and

- (e) reference plans to be filed in the applicable land registry office following OEB approval and endorsement of the final expropriation plans.
23. Imperial is engaged in ongoing negotiations with landowners. In the event that successful negotiations with landowners result in additional agreements, Imperial will update Appendix D to reflect the reduced number of lands in respect of which authority to expropriate is needed.

III. ORDER REQUESTED

24. Imperial therefore respectfully requests that the Board make the following orders:
- (a) an order granting the authority to expropriate interests in land, the particulars of which are provided in Appendices D-1 to D-4 of the application, subject to any revision to these Appendices that may be provided by Imperial if it reaches additional agreements with landowners;
 - (b) such further and other orders as are needed for the notice, conducting and consideration of this application; and
 - (c) such further or other interim or final orders as Imperial may request and the Board may deem appropriate to allow Imperial to construct, operate and maintain the Project in the public interest.
25. Imperial has made every effort to obtain the land rights required for commencement of construction via landowner negotiation prior to seeking authority to expropriation by way of this application and will continue to engage in landowner negotiations in order to obtain the land rights required.
26. However, Imperial understands that such negotiations may not be successful, and as such requests a decision from the Board on this application at its earliest opportunity and no later than **June 1, 2021** so as to reduce any further delay to the completion of the Project.

IV. CONTACT INFORMATION

27. Imperial requests that a copy of all documents filed with or issued by the Board in connection with this application be served on its counsel, as follows:

The Applicant: Imperial Oil Limited
505 Quarry Park Blvd. SE
Calgary, AB T2C 5N1
Zahra Allidina
Tel: 587.476.1393
Email: zahra.allidina@esso.ca

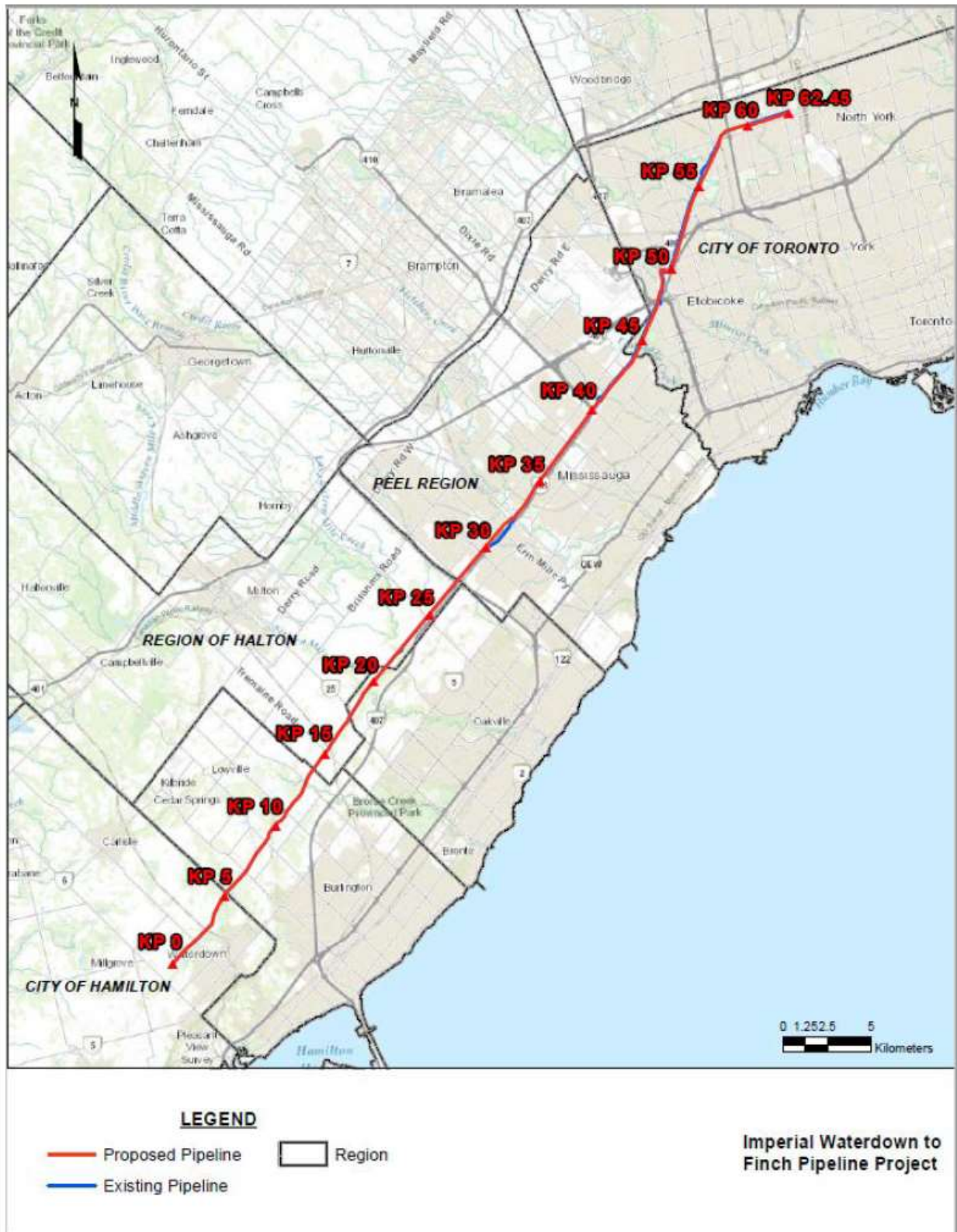
The Applicant's Counsel: Patrick G. Welsh and Isabelle Crew
Osler, Hoskin & Harcourt LLP
100 King Street West
1 First Canadian Place
Suite 6200, P.O. Box 50
Toronto, ON M5X 1B8

Tel: 416.862.5951
Email: pwelsh@osler.com
icrew@osler.com

ALL OF WHICH IS RESPECTFULLY SUBMITTED,
this 23rd day of February, 2021



OSLER, HOSKIN & HARCOURT LLP,
Counsel for Imperial Oil Limited



DESCRIPTION OF RIGHTS SOUGHT – NEW PERMANENT EASEMENTS

In respect of the lands and premises legally described in Appendices D-1, D-2, D-3, D-4, D-5, D-6 and D-8 (the “**Lands**”), the rights sought for the new permanent easements are:

- a) the exclusive right, licence, liberty, privilege, easement and right-of-way on, over, upon, across, along, in, under and through the Lands (“**Easement**”), together with the right, licence, privilege and easement of ingress and egress over the remainder of the Lands, to and from the Easement, to sample soil, survey lands and to lay down, construct, operate, maintain, inspect, patrol (including aerial patrol), alter, relocate, remove, replace, reconstruct and repair one or more line(s) of pipe together with all facilities, appurtenances or works of Imperial and its and its directors, officers, agents, employees, contractors, subcontractors and invitees (the “**Transferees**”) useful in connection with or incidental to the Project, including, but without limiting the generality of the foregoing, all such pipes, drips, valves, fittings, connections, meters, markers, corrosion control equipment, cathodic protection equipment and other equipment and appurtenances, whether or not similar to the foregoing, as may be useful or convenient in connection therewith or incidental thereto for the carriage, transmission, conveyance, transportation and handling of oil, diluent, refined products, natural and artificial gas and other gaseous or liquid hydrocarbons and any product or by-product thereof;
- b) the full and free right, licence, liberty, privilege and easement of ingress and egress at any and all times over, along, across and upon the Easement;
- c) the right at any time and from time to time to remove any boulder or rock and to sever, fell, remove or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the Lands;
- d) the right for the Transferees to exercise such rights as described above on foot and/or with vehicles, together with materials, machinery and equipment for all purposes useful or convenient in connection with or incidental to the exercise and enjoyment of the rights described above; and
- e) the owner of the Lands shall not excavate, construct, drill, install, erect or permit to be excavated, constructed, drilled, installed or erected on, over or under any part of the Easement any pipe, pit, well, foundation, building or other structure, installation or improvement, or do or permit to be done any mining, quarrying, land levelling, landscaping or other work or activity of any like or similar nature on, in or under the Easement; alter the grade of the Easement; add any paving or other material to the Easement; use the Easement for any other purpose which could compromise the integrity of the Pipeline; or

- f) take any action which restricts or limits the exercise by the Transferees of any of the rights described above.

DESCRIPTION OF RIGHTS SOUGHT – TEMPORARY WORKSPACES

In respect of the lands and premises legally described in Appendices D-2 and D-3 (the “**Lands**”), the rights sought for the temporary workspaces are:

- a) a rental hereinafter set forth, to Imperial all and singular those parts or portions of the Lands, to be held by Imperial as tenant for the term of five (5) years (the “**Term**”) for the purpose of providing a temporary workspace to Imperial, its employees, agents and contractors, with respect to the Project, including the right to enter and use the Lands with vehicles, materials, machinery, supplies and equipment, together with the right of ingress and egress over the remainder of the Lands to and from the Lands, and to sample soil, survey lands and to lay down, construct, maintain, inspect, alter, remove, replace, reconstruct and repair one or more line(s) of pipe within an easement, together with the right at any time and from time to time during the Term to remove any boulder or rock and to sever, fell, remove or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the Lands, and the right to remove buildings or other improvements from the Lands and to install temporary gates and fences and stockpiling of construction spoil, materials and equipment as required by Imperial. During the Term, the landowner shall not use the Lands for any purpose that would interfere with or detrimentally affect Imperial’s use of the Lands;
- b) the right to peaceably possess and enjoy the Lands and the rights described herein without any interruption or disturbance from or by the landowner or any other persons claiming by, through or under the landowner; and
- c) the right to remove or cause to be removed from the Lands all buildings, structures, fixtures, casing in wells, pipelines, material and equipment of whatsoever nature or kind, which Imperial may have placed on or in the Lands or on or in any area to be surrendered.

APPENDIX D-1

Owner of the Parcel

Identifier	WTFN3071
Name	THE CORPORATION OF THE CITY OF MISSISSAUGA
Address	300 City Centre Drive Mississauga ON L5B 3C1
Nature of the Property Interest	Registered Owner
Legal Description of Parcel	PT ORIG RDAL BTN RANGES 4 AND 5 NORTH OF DUNDAS ST TORONTO TWP , (AKA MCCONNELL RD), CLOSED BY BYLAW RO874782, PTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15, 43R16766, AND PT 1, 43R18648 ; S/T RO509335,RO919204,TT153990 MISSISSAUGA
Nature of the Right Sought	Authority to construct upon, under or over the CP Rail lands
Legal Description of Interest to be Expropriated	Permanent Easement: Part of PT ORIG RDAL BTN RANGES 4 AND 5 NORTH OF DUNDAS ST TORONTO TWP , (AKA MCCONNELL RD), CLOSED BY BYLAW RO874782, PTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, AND 15, 43R16766, AND PT 1, 43R18648 ; S/T RO509335,RO919204,TT153990 MISSISSAUGA designated as Parts 1 Plan 43R- [REDACTED] being part of PIN 13376-0406 (LT), as depicted by Parts 1 on the draft expropriation plan dated [REDACTED], attached.

Interested Persons

Person 1	
Name	IMPERIAL OIL LIMITED
Address	IMPERIAL OIL LIMITED LAW DEPARTMENT 111 ST. CLAIR AVENUE WEST TORONTO, ON M5W 1K3
Alternate Address	IMPERIAL OIL LIMITED 505 QUARRY PARK BOULEVARD SE CALGARY, AB T2C 5N1

Nature of the Property Interest	RO885469; NOTICE TT68994; AGREEMENT
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Person 2	
Name	DEPARTMENT OF TRANSPORT
Address	HER MAJESTY THE QUEEN IN RIGHT OF THE DEPARTMENT OF TRANSPORT CANADA C/O DEPARTMENT OF TRANSPORT AIR NAVIGATION REQUIREMENTS BRANCH 4900 YONGE STREET, SUITE 300 WILLOWDALE, ON M2N 6A5
Alternate Address	TRANSPORT CANADA 4900 YONGE STREET NORTH YORK, ON M2N 6A5
Nature of the Property Interest	TT120053; NOTICE TT144298; NOTICE

Person 3	
Name	SUN-CANADIAN PIPE LINE CO. LTD.
Address	SUN-CANADIAN PIPE LINE CO. LTD. C/O J. BRUCE O'BRIEN 50 KING STREET WEST TORONTO, ON M5X 1B8
Alternate Address	SUN-CANADIAN PIPE LINE COMPANY LIMITED 830 HIGHWAY #6 NORTH FLAMBOROUGH, ON L0R 2H0
Nature of the Property Interest	TT153990; NOTICE RO509335; AGREEMENT

Person 4	
Name	ONTARIO HYDRO

Address	ONTARIO HYDRO 700 UNIVERSITY AVENUE TORONTO, ON M5G 1X6
Alternate Address	HYDRO ONE NETWORKS INC. 483 BAY STREET, SOUTH TOWER, 8TH FLOOR TORONTO, ON M5G 2P5
Nature of the Property Interest	RO919204; TRANSFER EASEMENT

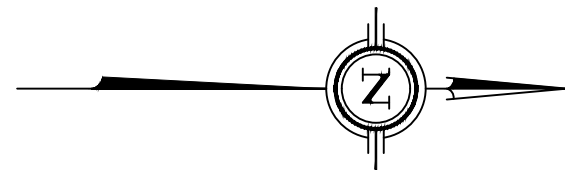
APPENDIX D-2

Owner of the Parcel

Identifier	WTFN4076
Name	2394561 ONTARIO INC.
Address	246 Attwell Drive Etobicoke, ON M9W 5B4
Nature of the Property Interest	Registered Owner
Legal Description of Parcel	PT LT 20 CON 3 FTH ETOBICOKE AS IN TB875256; S/T EB324828; TORONTO (ETOBICOKE) ; CITY OF TORONTO
Nature of the Right Sought	Temporary Workspace by way of a lease for a term of 5 years Permanent Easement
Legal Description of Interest to be Expropriated	Temporary Workspace: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN TB875256; S/T EB324828; TORONTO (ETOBICOKE) ; CITY OF TORONTO designated as Parts 1 & 2 Plan 66R- [REDACTED] being part of PIN 07424-0121 (LT), as depicted by Parts 1 & 2 on the draft expropriation plan dated [REDACTED], attached. Permanent Easement: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN TB875256; S/T EB324828; TORONTO (ETOBICOKE) ; CITY OF TORONTO designated as Parts 3 Plan 66R- [REDACTED] being part of PIN 07424-0121 (LT), as depicted by Parts 3 on the draft expropriation plan dated [REDACTED], attached.

Interested Persons

Person 1	
Name	THE CORPORATION OF THE BOROUGH OF ETOBICOKE
Address	MCMASTER, MONTGOMERY & CO 133 RICHMOND ST. WEST TORONTO 1, ONTARIO M5H 2L3
Alternate Address	CITY OF TORONTO 55 JOHN STEET METRO HALL 26TH FLOOR TORONTO, ONTARIO M5V 3C6
Nature of the Property Interest	EB463521; AGREEMENT EB281418; AGREEMENT EB324828; TRANSFER EASEMENT
Person 2	
Name	DANTE A. SARACINI and ALBERT SARACINI, carrying on business in partnership as SARACINI CONSTRUCTION COMPANY
Address	WILLIS, DINGWALL AND NEWELL BARRISTERS & SOLICITORS SUITE 1400 4 KING STREET WEST TORONTO 1, ONTARIO
Nature of the Property Interest	EB280968Z; REST COV APL ANNEX
Person 3	
Name	THE TORONTO-DOMINION BANK
Address	2038 KIPLING AVENUE REXDALE, ONTARIO M9W 4K1
Nature of the Property Interest	AT3633663; CHARGE AT3633664; NO ASSGN RENT GEN



THE ONTARIO ENERGY BOARD HEREBY CERTIFIES THAT APPROVAL WAS GIVEN TO
IMPERIAL OIL LIMITED ON THE _____ DAY OF _____, 20____,
TO EXPROPRIATE THE LANDS SHOWN DESIGNATED AS PARTS 1, 2 AND 3 ON THIS PLAN.

CHRISTINE E. LONG
REGISTRAR AND BOARD SECRETARY, THE ONTARIO ENERGY BOARD
DATED AT _____ THIS _____ DAY OF _____ 20____

Imperial Oil Limited under and by virtue of the Ontario Energy Board Act, 1998, S.O. 1998 Chapter 15, Schedule B, and in accordance with the Expropriations Act, R.S.O. 1990 (pursuant to Order of the Ontario Energy Board No. EB-_____ dated _____, 20__) hereby takes and expropriates the following:

[illegible]

Secondly, a temporary workspace over Parts 1 and 2 for a period lasting from 2021 to 2022, (five years) in favour of Imperial Oil Limited; a) a rental hereinafter set forth, to Imperial Oil Limited and/or singular those parties or portions of the lands, to be held by Imperial Oil Limited as lessee for the term of five (5) years, commencing on 2021, to 2022, (five years) in favour of Imperial Oil Limited. Imperial Oil Limited, its employees, agents and contractors, with respect to the project, including the right to enter and use the land with vehicles, materials, machinery, supplies and equipment, together with the right of ingress and egress over the remainder of the lands to and from the lands, and to sample soil, survey lands and to lay down, construct, maintain, inspect, alter, remove, replace, reconstruct and repair one or more line(s) of pipe within an easement, together with the right of any time and from time to time during the term to remove, replace, reconstruct and repair one or more line(s) of pipe within an easement, trees, brush or other vegetation in/on, above, or under the lands, and the right to remove buildings or other improvements from the lands and to install temporary gates and fences and stockpiling of construction soil, materials and equipment as required by Imperial Oil Limited. During the term, the landowner shall not use the lands for any purpose that would interfere with or detrimentally affect Imperial Oil Limited's use of the land; b) the right to peaceably possess and enjoy the land and the rights described herein without any interruption or disturbance from or by the landowner or any other persons claiming by, through, under, or in aid of the landowner; c) the right to remove any and to be removed from the lands of buildings, structures, fixtures, casing in wells, pipeline, material and equipment of whatsoever nature or kind, which Imperial Oil Limited may have placed on or in the lands or on or in any area to be surrendered.

RON TOURIGNY
SENIOR LANDMAN

DATED AT _____ THIS _____ DAY OF _____
IMPERIAL OIL LIMITED
I HAVE THE AUTHORITY TO BIND THE CORPORATION

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE
FOR THE LAND TITLES DIVISION OF TORONTO (No. 66)
AT _____ O'CLOCK ON THE _____ DAY OF _____, 20____
AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER
_____.

REPRESENTATIVE FOR THE LAND REGISTRAR FOR
THE LAND TITLES DIVISION OF TORONTO (66).

PARTS 3 ENUMERATED HEREUNDER REFER TO LANDS IN WHICH A PERMANENT EASEMENT IS EXPROPRIATED BY IMPERIAL OIL LIMITED AND PARTS 1 AND 2 ENUMERATED HEREUNDER REFER TO LANDS IN WHICH A TEMPORARY WORKSPACE IS EXPROPRIATED BY IMPERIAL OIL LIMITED

PART	LOT	CONCESSION	PIN	AREA
1	PART OF 20	3, FRONTING THE HUMBER	PART OF 07424-0121(LT)	319.6 m
2	PART OF 20	3, FRONTING THE HUMBER	PART OF 07424-0121(LT)	387.1 m
3	PART OF 20	3, FRONTING THE HUMBER	PART OF 07424-0121(LT)	123.3 m

PARTS 1, 2 AND 3 COMPRISE PART OF PIN 07424-0121 (LT)

PLAN OF SURVEY OF

CITY OF TORONTO

Scale 1:500



0 10 20 30 METRES

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

□	DENOTES	FOUND MONUMENTS
■	"	SET MONUMENTS
IB	"	IRON BAR
SIB	"	STANDARD IRON BAR
WIT	"	WITNESS
PI#	"	PROPERTY IDENTIFICATION NUMBER
M	"	MEASURED
S	"	SET
OU	"	ORIGIN UNKNOWN
STANTEC	"	STANTEC GEOMATICS LTD.
GV	"	GEOVERRA (ON) LTD.
P1	"	PLAN 646-9425
P2	"	PLAN 646-4011
P3	"	PLAN 668-31624
D1	"	INSTRUMENT NUMBER T8875256
D2	"	INSTRUMENT NUMBER C53939394

DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99970.

BEARINGS ARE UTM GRID IN WGS 1984, DERIVED FROM G.P.S. OBSERVATIONS AND THE CAN-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17.

P1 AND P2 - COMPARISONS SHOWN ARE WITH ASTRONOMIC BEARINGS ON UNDERLYING PLANS

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING
THE CAN-NET VIRTUAL REFERENCE STATION NETWORK:
UTM ZONE 17, WGS84
COORDINATES TO URBAN ACCURACY PER SEC 1412) OF O.REG. 216/10

POINT ID	NORTHING	EASTING
(A)	4837343.794	614496.559
(B)	4837626.150	614418.968

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS
OR BOUNDARIES SHOWN ON THIS PLAN.

I CERTIFY THAT :

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF OCTOBER, 2020.

DATE _____ JEREMY C.E. MATTHEWS
ONTARIO LAND SURVEYOR



DRAWN: JB	CHECKED: JM	DATE: AUGUST 27 2020	PROJECT No.: 156660015
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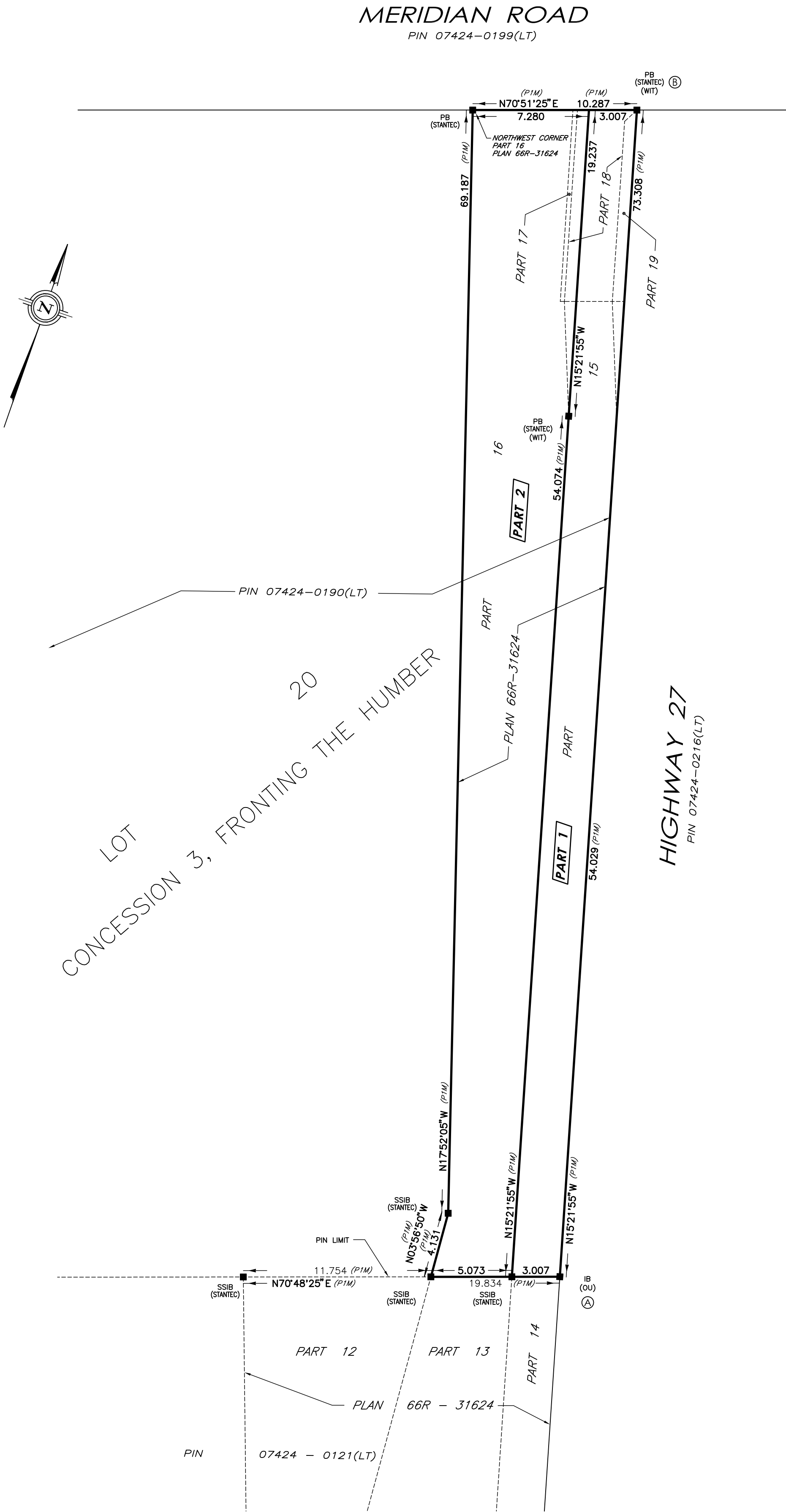
APPENDIX D-3

Owner of the Parcel

Identifier	WTFN4077
Name	1112308 ONTARIO INC.
Address	246 Attwell Drive Etobicoke, ON M9W 5B4
Nature of the Property Interest	Registered Owner
Legal Description of Parcel	PT LT 20 CON 3 FTH ETOBICOKE AS IN CA339394; TORONTO (ETOBICOKE)
Nature of the Right Sought	Temporary Workspace by way of a lease for a term of 5 years Permanent Easement
Legal Description of Interest to be Expropriated	Temporary Workspace: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN CA339394; TORONTO (ETOBICOKE) designated as Part 2 Plan 66R- [REDACTED] being part of PIN 07424-0190 (LT), as depicted by Parts 2 on the draft expropriation plan dated [REDACTED], attached. Permanent Easement: Part of PT LT 20 CON 3 FTH ETOBICOKE AS IN CA339394; TORONTO (ETOBICOKE) designated as Parts 1 Plan 66R- [REDACTED] being part of PIN 07424-0190 (LT), as depicted by Parts 1 on the draft expropriation plan dated [REDACTED], attached.

Interested Persons

Person 1	
Name	THE TORONTO-DOMINION BANK
Address	2038 KIPLING AVENUE REXDALE, ONTARIO M9W 4K1
Nature of the Property Interest	AT3633716; CHARGE AT3633717; NO ASSGN RENT GEN



CERTIFICATE OF APPROVAL
THE ONTARIO ENERGY BOARD HEREBY CERTIFIES THAT APPROVAL WAS GIVEN TO
IMPERIAL OIL LIMITED ON THE _____ DAY OF _____, 20____,
TO EXPROPRIATE THE LANDS SHOWN DESIGNATED AS PARTS 1 AND 2 ON THIS PLAN.

CHRISTINE E. LONG
REGISTRAR AND BOARD SECRETARY, THE ONTARIO ENERGY BOARD
DATED AT _____ THIS _____ DAY OF _____, 20____.

EXPROPRIATION CERTIFICATE
Imperial Oil Limited under and by virtue of the Ontario Energy Board Act, 1998, S.O. 1998, Chapter 15, Schedule B, and in accordance with the Expropriations Act, R.S.O. 1990 (pursuant to Order of the Ontario Energy Board No. EB-____ dated _____, 20____) hereby takes and expropriates the following:
Firstly, a permanent easement over Part 1 in perpetuity in favour of Imperial Oil Limited;
a) The exclusive right, licence, liberty, privilege, easement and right-of-way on, over, upon, across, along, in, under and through the lands ("Easement"), together with the right, licence, privilege and easement of ingress and egress over the remainder of the lands, to and from the easement, to sample soil, survey lands and to lay down, construct, operate, maintain, inspect, patrol (including aerial patrol), alter, relocate, remove, replace, reconstruct and repair one or more line(s) of pipe together with all facilities, appurtenances, or works of Imperial Oil Limited and its directors, officers, agents, employees, contractors, subcontractors, and invitees (the "Transferees") useful in connection with or incidental to the project, including but without limiting the generality of the foregoing, all such pipes, drips, valves, fittings, connections, meters, markers, corrosion control equipment, cathodic protection equipment and other equipment and appurtenances, whether or not similar to the foregoing, as may be useful or convenient in connection therewith or incidental thereto for the carriage, transmission, conveyance, transportation and handling of oil, diluent, refined products, natural and artificial gas and other gaseous or liquid hydrocarbons and any product or by-product thereof; b) the full and free right, licence, liberty, privilege and easement of ingress and egress at any and all times over, along, across and upon the Easement; c) the right at any time and from time to time to remove any boulder or rock and to sever, fell, remove, or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the lands; d) the right for the Transferees to exercise such rights as described above on foot and/or with vehicles, together with materials, machinery and equipment for all purposes useful or convenient in connection with or incidental to the exercise and enjoyment of the rights described above; and e) the owner of the lands shall not excavate, construct, drill, install, erect or permit to be excavated, constructed, drilled, installed or erected on, over or under any part of the Easement any pipe, pit, well, foundation, building or other structure, installation or improvement, or do or permit to be done any mining, quarrying, land levelling, landscaping or other work or activity of any like or similar nature on, in, or under the Easement; alter the grade of the Easement; add any paving or other material to the Easement; use the Easement for any other purpose which could compromise the integrity of the pipeline; or take any action which restricts or limits the exercise by the Transferees of any of the rights described above.
Secondly, a temporary workspace over Part 2 for a period starting _____, 202____, to _____, 202____ (five years) in favour of Imperial Oil Limited:
a) a rental hereinafter set forth, to Imperial Oil Limited all and singular those parts or portions of the lands, to be held by Imperial Oil Limited as tenant for the term of five (5) years (the "term") for the purpose of providing a temporary workspace to Imperial Oil Limited, its employees, agents and contractors, with respect to the project, including the right to enter and use the land with vehicles, materials, machinery, supplies and equipment, together with the right of ingress and egress over the remainder of the lands to and from the lands, and to sample soil, survey lands and to lay down, construct, maintain, inspect, alter, remove, replace, reconstruct and repair one or more line(s) of pipe within an easement, together with the right at any time and from time to time during the term to remove any boulder or rock and to sever, fell, remove or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the lands, and the right to remove buildings or other improvements from the lands and to install temporary gates and fences and stockpiling of construction spoil, materials and equipment as required by Imperial Oil Limited. During the term, the landowner shall not use the lands for any purpose that would interfere with or detrimentally affect Imperial Oil Limited's use of the land; b) the right to peaceably possess and enjoy the land and the rights described herein without any interruption or disturbance from or by the landowner or any other persons claiming by, through or under the landowner; and c) the right to remove or cause to be removed from the lands all buildings, structures, fixtures, casing in wells, pipelines, material and equipment of whatsoever nature or kind, which Imperial Oil Limited may have placed on or in the lands or on or in any area to be surrendered.

RON TOURIGNY
SENIOR LANDMAN
DATED AT _____ THIS _____ DAY OF _____, 202____.
IMPERIAL OIL LIMITED
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

CERTIFICATE OF REGISTRATION				
PLAN _____				
I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF TORONTO (No. 66) AT _____ O'CLOCK ON THE _____ DAY OF _____, 20____ AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER PIN 07424-0190(LT).				
REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF TORONTO (66).				
SCHEDULE				
PARTS 1 ENUMERATED HEREUNDER REFER TO LANDS IN WHICH A PERMANENT EASEMENT IS EXPROPRIATED BY IMPERIAL OIL LIMITED AND PARTS 2 ENUMERATED HEREUNDER REFER TO LANDS IN WHICH A TEMPORARY WORKSPACE IS EXPROPRIATED BY IMPERIAL OIL LIMITED				
PART	LOT	CONCESSION	PIN	AREA
1	PART OF 20	3, FRONTING THE HUMBER	PART OF 07424-0190(LT)	220.0 m²
2	PART OF 20	3, FRONTING THE HUMBER	PART OF 07424-0190(LT)	417.4 m²

PARTS 1 AND 2 COMPRISE PART OF PIN 07424-0190(LT).

EXPROPRIATIONS ACT
PLAN OF SURVEY OF
PART OF LOT 20
CONCESSION 3, FRONTING THE HUMBER
(GEOGRAPHIC TOWNSHIP OF ETOBICOKE)
CITY OF TORONTO

Scale 1:200
5 0 5 10 METRES

Stantec Geomatics Ltd.

METRIC CONVERSION
DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND		
■	DENOTES	FOUND MONUMENTS
□	"	SET MONUMENTS
IB	"	IRON BAR
SIB	"	STANDARD IRON BAR
SSIB	"	SHORT STANDARD IRON BAR
WIT	"	WITNESS
PIN	"	PROPERTY IDENTIFICATION NUMBER
M	"	MEASURED
S	"	SET
STANTEC	"	STANTEC GEOMATICS LTD.
O/U	"	ORIGIN UNKNOWN
P1	"	PLAN 64R-31624

GRID SCALE CONVERSION
DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99970.

BEARING NOTE
BEARINGS ARE UTM GRID, DERIVED FROM G.P.S. OBSERVATIONS AND THE CAN-NET BASE STATION NETWORK AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00' WEST LONGITUDE, ZONE 17 NAD83 (CSRS)(2010.0).

OBSERVED REFERENCE POINTS DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET VIRTUAL REFERENCE STATION NETWORK: UTM ZONE 17, NAD83 (CSRS) (2010.0) COORDINATES TO URBAN ACCURACY PER SEC 14(2) OF O.REG. 216/10		
POINT ID	NORTHING	EASTING
Ⓐ	4837555.483	614438.387
Ⓑ	4837626.150	614418.968
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

SURVEYOR'S CERTIFICATE
I CERTIFY THAT :
1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 9th DAY OF OCTOBER, 2020.

DRAFT
DATE _____

DRAFT
JEREMY C.E. MATTHEWS
ONTARIO LAND SURVEYOR



Stantec Geomatics Ltd.
CANADA LANDS SURVEYORS
ONTARIO LAND SURVEYORS
171 QUEENS AVENUE, SUITE 600
LONDON, ONTARIO, N6A 5J7
TEL: 519.645.2007
stantec.com

DRAWN: DL	CHECKED: JM	DATE: JAN 21 2021	PROJECT No.: 156660015
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APPENDIX D-4

Owner of the Parcel

Identifier	WTFN5290
Name	CANADIAN PACIFIC RAILWAY COMPANY
Address	7550 Ogden Dale Rd. SE Calgary, AB, T2C 4X9
Nature of the Property Interest	Registered Owner
Legal Description of Parcel	PT W1/2 LT 16 CON 5 WYS TWP OF YORK AS IN CY45315, NY127059; PT LT 17-20 CON 5 WYS TWP OF YORK AS IN CY45218, CY1197, CY6065, CY61225, CY59198, EXCEPT CY61222; PT LT 3, 5-6 PL 3521 NORTH YORK AS IN NY123218, NY123216, NY123217; PT LT 2, 5-6 PL 3474 NORTH YORK AS IN NY119453; TORONTO (N YORK) , CITY OF TORONTO
Nature of the Right Sought	Authority to construct upon, under or over the CP Rail lands
Legal Description of Interest to be Expropriated	Permanent Easement: Part of PT W1/2 LT 16 CON 5 WYS TWP OF YORK AS IN CY45315, NY127059; PT LT 17-20 CON 5 WYS TWP OF YORK AS IN CY45218, CY1197, CY6065, CY61225, CY59198, EXCEPT CY61222; PT LT 3, 5-6 PL 3521 NORTH YORK AS IN NY123218, NY123216, NY123217; PT LT 2, 5-6 PL 3474 NORTH YORK AS IN NY119453; TORONTO (N YORK) , CITY OF TORONTO designated as Parts 1 Plan 66R- [REDACTED] being part of PIN 10293-0087 (LT), as depicted by Parts 1 on the draft expropriation plan dated [REDACTED], attached.

Interested Persons

None.

EXPROPRIATION CERTIFICATE

Imperial Oil Limited under and by virtue of the Ontario Energy Board Act, 1998, S.O. 1998, Chapter 15, Schedule B, and in accordance with the Expropriations Act, R.S.O. 1990 (pursuant to Order of the Ontario Energy Board No. EB-_____ dated _____, 20____) hereby takes and expropriates the following:

Firstly, a permanent easement over Part 1 in perpetuity in favour of Imperial Oil Limited:

a) The exclusive right, licence, liberty, privilege, easement and right-of-way on, over, upon, across, along, in, under and through the lands ("Easement"), together with the right, licence, privilege and easement of ingress and egress over the remainder of the lands to and from the easement, to sample soil, survey lands and to lay down, construct, operate, maintain, inspect, patrol (including aerial patrol), alter, relocate, remove, replace, reconstruct and repair one or more line(s) of pipe together with all facilities, appurtenances, or works of Imperial Oil Limited and its directors, officers, agents, employees, contractors, subcontractors, and invitees (the "Transferees") useful in connection with or incidental to the project, including but without limiting the generality of the foregoing, all such pipes, dips, valves, fittings, connections, meters, markers, corrosion control equipment, cathodic protection equipment and other equipment and appurtenances, whether or not similar to the foregoing, as may be useful or convenient in connection therewith or incidental thereto for the carriage, transmission, conveyance, transportation and handling of oil, diluent, refined products, natural and artificial gas and other gaseous or liquid hydrocarbons and any product or by-product thereof; b) the full and free right, licence, liberty, privilege and easement of ingress and egress at any and all times over, along, across and upon the Easement; c) the right at any time and from time to time to remove any boulder or rock and to sever, fell, remove, or control the growth of any roots, trees, stumps, brush or other vegetation in, on, above, or under the lands; d) the right for the Transferees to exercise such rights as described above on foot and/or with vehicles, together with materials, machinery and equipment for all purposes useful or convenient in connection with or incidental to the exercise and enjoyment of the rights described above; and e) the owner of the lands shall not excavate, construct, drill, install, erect or permit to be excavated, constructed, drilled, installed or erected on, over or under any part of the Easement any pipe, pit, well, foundation, building or other structure, installation or improvement, or do or permit to be done any mining, quarrying, land levelling, landscaping or other work or activity of any like or similar nature on, in, or under the Easement; alter the grade of the Easement; add any paving or other material to the Easement; use the Easement for any other purpose which could compromise the integrity of the pipeline; or take any action which restricts or limits the exercise by the Transferees of any of the rights described above.

RON TOURIGNY
SENIOR LANDMAN

DATED AT _____ THIS _____ DAY OF _____, 202____,
IMPERIAL OIL LIMITED
"I HAVE THE AUTHORITY TO BIND THE CORPORATION"

