



Ontario | Commission  
Energy | de l'énergie  
Board | de l'Ontario

**BY EMAIL**

March 28, 2025

Ms. Nancy Marconi  
Registrar  
Ontario Energy Board  
2300 Yonge Street, 27<sup>th</sup> Floor  
Toronto, ON M4P 1E4  
[Registrar@oeb.ca](mailto:Registrar@oeb.ca)

Dear Nancy Marconi:

**Re: Ontario Energy Board (OEB) Staff Submission  
Hydro One Networks, Inc.  
Waasigan Project Expropriation Application  
OEB File Number: EB-2024-0319**

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Please find attached OEB staff's submission in the above referenced proceeding, pursuant to Procedural Order No. 3.

Yours truly,

*Original Signed By*

Jeffrey Sauer  
Generation and Transmission Applications

Encl.

cc: All parties in EB-2024-0319



# **ONTARIO ENERGY BOARD**

## **OEB Staff Submission**

**Hydro One Networks, Inc.**

**Waasigan Project Expropriation Application**

**EB-2024-0319**

**March 28, 2025**

## Overview of Staff Submission

For the reasons set out below, OEB staff submits that the requested authority to expropriate interests in the subject lands is in the public interest and should be granted by the OEB.

This submission begins with a background on the application and proceeding to date, the scope of the OEB's jurisdiction in an expropriation application, and is followed by OEB staff's submissions on each of the issues approved in Procedural Order No. 2. OEB staff has also proposed draft conditions in Appendix A which, if accepted by the OEB, should be attached to its approval of authority to expropriate.

## Background

On November 8, 2024, Hydro One Networks, Inc. (Hydro One) applied to the Ontario Energy Board (OEB) under s. 99 of the *Ontario Energy Board Act, 1998* (OEB Act) for an order granting authority to expropriate permanent corridor easements in 31 parcels of land to construct a 190-kilometer 230 kV transmission line in northwestern Ontario. The construction of the line is the first phase of a two-phase project (Waasigan Project). This application for expropriation pertains only to Phase 1.

Construction of the Waasigan Project was approved by the OEB on April 16, 2024 pursuant to section 92 of the OEB Act in a leave to construct proceeding.<sup>1</sup>

In the cover letter to its response to OEB staff interrogatories, Hydro One advised that it had reached voluntary land acquisition agreements with the owners of 12 of the properties and would no longer be seeking expropriation authorization over those properties. Hydro One also stated that it is still seeking expropriation authority for the remaining 19 properties while continuing its efforts to seek voluntary agreements with the owners.<sup>2</sup>

Hydro One requested a decision on its application by early March 2025 to allow for major construction on the expropriated lands to commence immediately thereafter.

### Leave to Construct – Hydro One's Waasigan Project Approval

Hydro One applied on July 31, 2023, under section 92 of the OEB Act for leave to construct the Waasigan Project. Hydro One also applied under section 97 for approval of the forms of land use agreements offered or to be offered to affected landowners.

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<sup>1</sup> EB-2023-0198 [Decision and Order](#) April 16, 2024

<sup>2</sup> EB-2024-0319 [Applicant Response to Interrogatories](#) Cover letter March 5, 2025

In support of the need for the Waasigan Project, Hydro One filed an Order in Council and Ministry of Energy Directive that was issued on December 11, 2013 under section 28.6 of the OEB Act. The Order in Council and Directive required the OEB to amend Hydro One’s electricity transmission license to add a requirement for Hydro One to develop and seek approvals for the Waasigan Project.<sup>3</sup> Hydro One also noted that the Waasigan Project (previously known as the “Northwest Bulk Transmission Line”) was identified in the Ontario Government’s 2013 and 2017 Long Term Energy Plans to increase electricity supply to the region west of Thunder Bay, provide a means for new customers and growing loads to be served with clean and renewable sources that comprise Ontario’s supply mix, and enhance the potential for development and connection of renewable energy facilities.<sup>4</sup>

As part of its leave to construct application, Hydro One also submitted a report from the Independent Electricity System Operator recommending that Phase 1 of the Waasigan Project be in-service “as close to the end of 2025 as possible”.<sup>5</sup>

On April 16, 2024, the OEB issued its decision on the leave to construct application as follows:

- The OEB granted leave to construct approval to Hydro One for the Waasigan Project. The OEB found that the Waasigan Project is in the public interest with respect to prices and the reliability and quality of electricity service.
- The OEB approved the form of land easement agreements that have been or will be offered by Hydro One to directly affected landowners for the purposes of section 97 of the OEB Act.

## Process to Date

The OEB issued its Notice of Hearing (Notice) for this expropriation application on December 2, 2024, and directed Hydro One to serve the Notice, the application and relevant evidence on current registered property owners, encumbrancers and those with any interest in the lands directly affected by the expropriation application.

By letter dated December 16, 2024, the OEB notified all parties that were intervenors in the leave to construct application and all First Nation and Métis communities that were consulted in relation to the Waasigan Project of the filing of the expropriation application.

The only person that requested to participate as an intervenor in this proceeding was

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<sup>3</sup> EB-2023-0198 [Application](#) Updated August 29, 2023 / Ex. B-03-01-01

<sup>4</sup> EB-2023-0198 [Application](#) Updated August 29, 2023 / Ex. B-03-01 page 1

<sup>5</sup> EB-2023-0198 [Application](#) Updated August 29, 2023 / Ex. B-03-01-08

Kurt Krause. Mr. Krause was approved as an intervenor and is eligible for a cost award. No party requested an oral hearing.

By letter dated January 30, 2025, Hydro One filed its Proof of Delivery and advised the OEB that it had served owners or interest holders of all but three properties it requires for the Waasigan Project.<sup>6</sup> In its response to interrogatories, Hydro One submitted that its efforts to serve the owners or interest holders of the three remaining properties should be considered satisfactory, because two of the unserved owners or interest holders are deceased, and the other (Kurt Krause) demonstrated his knowledge of the application by applying to intervene.<sup>7</sup>

The OEB issued Procedural Order No. 1 (PO1), on January 30, 2025, setting the schedule for written discovery through interrogatories and for submissions.

The OEB issued Procedural Order No. 2 on February 21, 2025, approving Kurt Krause's intervention request and setting the issues list for the proceeding. OEB staff submitted interrogatories on February 24, 2025, the deadline set out in PO1. Hydro One filed its responses to interrogatories on March 5, 2025.

On March 10, 2025, the OEB received a letter of comment<sup>8</sup> from the owners of two properties identified in the application. In the letter, the landowners raised two concerns regarding Hydro One's January 30, 2025 Proof of Delivery letter. On March 13, 2025, the OEB received a second letter of comment from the same landowners.<sup>9</sup> The second letter raised two additional concerns. On March 17, 2025, Hydro One submitted a letter addressing the landowners' March 10, 2025 and March 13, 2025 letters.<sup>10</sup>

On March 11, 2025, Mr. Krause filed interrogatories to Hydro One. Hydro One submitted responses to Mr. Krause's interrogatories on March 14, 2025.

On March 17, 2025, Mr. Krause submitted a second set of interrogatories to Hydro One. In Procedural Order No. 3 (PO3), issued on March 20, 2025<sup>11</sup>, the OEB ordered that Hydro One was not required to respond to Mr. Krause's March 17, 2025 interrogatories.

On March 24, 2025, the OEB received a letter from Mr. Krause, in which he submitted a motion requesting that the OEB remove his properties from Hydro One's expropriation application.<sup>12</sup> On March 27, 2025, the OEB responded to Mr. Krause's request and stated that arguments regarding the expropriation approval of properties subject to the

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<sup>6</sup> EB-2024-0319 [Proof of Delivery Letter](#) January 30, 2025

<sup>7</sup> Interrogatory Response Staff-03a)

<sup>8</sup> EB-2024-0319 [Letter of Comment](#) March 10, 2025

<sup>9</sup> EB-2024-0319 [Letter of Comment](#) March 13, 2025

<sup>10</sup> EB-2024-0319 [Letter](#) March 17, 2025

<sup>11</sup> EB-2024-0319 [Procedural Order 3](#) March 20, 2025

<sup>12</sup> EB-2024-0319 [Letter from Kurt Krause](#) March 24, 2025

application will be considered by the OEB in its final decision in this proceeding. The OEB dismissed Mr. Krause’s motion without prejudice to his ability to make any submissions he may wish to make in his final argument.<sup>13</sup>

## **OEB’s Jurisdiction in Expropriation Applications**

The OEB’s power to grant an applicant authority to expropriate land is derived from section 99 of the OEB Act and set out in Appendix B to this submission. Under section 99, any person who has been granted leave by the OEB to construct certain ‘works’ under section 90 (relating to natural gas) or section 92 (relating to electricity) of the OEB Act may apply for authority to expropriate land for such works.<sup>14</sup>

Subsection 99(5) of the OEB Act establishes the test for approving an application under section 99 and states that, if the OEB is “of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land”.

Compensation issues do not fall within the OEB’s jurisdiction under section 99 of the OEB Act and are addressed in accordance with the *Expropriations Act, R.S.O. 1990. C. E 26* (Expropriations Act)<sup>15</sup> and, if required, are resolved by the Ontario Land Tribunal.<sup>16</sup> If the OEB grants authorization to expropriate land, and Hydro One is not able to reach an agreement with any landowner, the landowner would have to follow the process set out in the Expropriations Act to determine the amount of compensation to be paid.

## **OEB Staff Submission**

OEB staff makes the following submissions on the issues:

### **Issue 1: is the proposed expropriation in the public interest?**

#### The Waasigan Project is in the public interest

In its leave to construct decision for the Waasigan Project, the OEB determined that the project is in the public interest. Under section 96(2) of the OEB Act, before granting approval for leave to construct, the OEB determines whether a project is in the public interest by considering the interests of consumers with respect to prices and the reliability and quality of electricity service. These public interest considerations were

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<sup>13</sup> EB-2024-0319 [Letter to Kurt Krause](#) March 26, 2025

<sup>14</sup> Section 99 of the OEB Act falls under Part VI of the Act and sets out the requirements for leave to construct, expropriation and related matters. A “work” is defined in this part of the OEB Act as a hydrocarbon line, electricity distribution line, electricity transmission line, interconnection or station

<sup>15</sup> [Expropriations Act, R.S.O. 1990, c. E.26](#), s. 13.

<sup>16</sup> This was formerly the role of the Board of Negotiation, which has since been continued (as of 2021) as the Ontario Land Tribunal under section 2 of the [Ontario Land Tribunal Act, 2021](#).

examined during the Waasigan Project's leave to construct process. In addition, OEB staff notes that in accordance with the ministerial Directive and the OEB's associated amendment of Hydro One's electricity transmission licence, Hydro One is required to develop and seek approvals for the Waasigan Project.<sup>17</sup>

OEB staff also notes that the Waasigan Project was identified in the Ontario Government's Long Term Energy Plans to increase electricity supply to the region west of Thunder Bay and enhance the potential for development and connection of renewable energy facilities.

### The land interests requested in the application are needed to complete the Waasigan Project

In its application, Hydro One requested expropriation of permanent on-corridor easements, stating that the land interests are "an integral part of the completion of the Project."<sup>18</sup>

In its application, Hydro One provided aerial maps highlighting the transmission line route and proposed expropriations.<sup>19</sup> The maps highlight each of the proposed parcels as within the 46-meter right-of-way of the transmission line route approved in the Waasigan Project leave to construct decision. Given the direct alignment of these parcels with the Project right-of-way, OEB staff believes that the land interests requested are needed to complete the Waasigan Project.

### Expropriation is necessary to acquire the necessary land interests

Hydro One confirmed that it had presented each landowner affected by the expropriation application with one of the forms of agreement approved in the OEB's leave to construct decision.<sup>20</sup> Hydro One also provided two redacted attachments: a high-level update to the status of negotiations for each subject property, and a document titled Records of Consultation, which details Hydro One's communications with each of the landowners.<sup>21</sup> The first attachment lists the negotiation status of each property under one of five categories:

- 1) Owner refuses to negotiate (one property).
- 2) Owner is deceased and next of kin refuses to enter into negotiations. According to Hydro One, the property is eligible for forfeiture to the Crown (one property).
- 3) Negotiations have reached an impasse (two properties).

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<sup>17</sup> Hydro One Networks, Inc. [Electricity Transmission Licence](#) s.19.6

<sup>18</sup> EB-2024-0319 [Application](#) Amended December 5, 2024 / Exhibit A-01-01 page 5

<sup>19</sup> EB-2024-0319 [Application](#) Amended December 5, 2024 / Appendix 5

<sup>20</sup> Interrogatory Response Staff-02d)

<sup>21</sup> Interrogatory Response Staff-02a). The redactions in these attachments are the names of the persons that are registered property owners or have other registered interests on title to the property.

- 4) Voluntary settlement agreements signed but not closed (six properties).
- 5) Negotiations are ongoing but have not reached an agreement (nine properties).

OEB staff reviewed Hydro One's Records of Consultation and believes that Hydro One has engaged (or has attempted to engage) in negotiations with each of the impacted property owners. The paragraphs below outline staff's views on the necessity of expropriation for the five categories noted above.

For properties whose negotiations fall under categories 1, 2, and 3, based on the evidence filed in the application and interrogatory responses, OEB staff believes that Hydro One has attempted to engage in negotiations with the landowners, but is unable to reach an agreement with some landowners and expropriation of these properties is necessary to complete the Waasigan Project.

For properties where Hydro One and the landowner have signed but not closed agreements (category 4), Hydro One advised that it continues to seek authority to expropriate "so that in the unlikely event the transaction closing cannot occur in a timely manner, it will facilitate the registration of Hydro One's permanent land rights agreement."<sup>22</sup> OEB staff notes that, under the Expropriations Act, landowners would continue to have the right to negotiate compensation with Hydro One even after the expropriation is granted.<sup>23</sup> Given the fact that each of these landowners has already signed voluntary agreements with Hydro One, OEB staff believes that the request to expropriate is appropriate, even if expropriation is ultimately not necessary.

Finally, for properties where negotiations are ongoing but have not reached settlement

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<sup>22</sup> Interrogatory Response Staff-02a)

<sup>23</sup> Section 25 of the Expropriations Act states:

**25** (1) Where no agreement as to compensation has been made with the owner, the expropriating authority shall, within three months after the registration of a plan under section 9 and before taking possession of the land,

- (a) serve upon the registered owner,
  - (i) an offer of an amount in full compensation for the registered owner's interest, and
  - (ii) where the registered owner is not a tenant, a statement of the total compensation being offered for all interests in the land,

excepting compensation for business loss for which the determination is postponed under subsection 19 (1); and

- (b) offer the registered owner immediate payment of 100 per cent of the amount of the market value of the owner's land as estimated by the expropriating authority, and the payment and receipt of that sum is without prejudice to the rights conferred by this Act in respect of the determination of compensation and is subject to adjustment in accordance with any compensation that may subsequently be determined in accordance with this Act or agreed upon

(emphasis added)



(category 5), OEB staff believes that expropriation is necessary. Based on Hydro One's Records of Consultation, negotiations between Hydro One and the landowners have continued for more than a year. OEB staff acknowledges the possibility that Hydro One and some landowners could sign voluntary agreements given more time to negotiate. However, OEB staff notes that the timing required by the IESO for Phase 1 of the Waasigan Project to be completed and in-service does not allow for a further extended period of negotiations.<sup>24</sup>

OEB staff further notes that there is no requirement in the expropriation provisions in the OEB Act (s. 99) or in the OEB's Filing Requirements<sup>25</sup> that an applicant must exhaust all attempts at negotiated solutions before commencing the expropriation process. As discussed above and affirmed in PO3, landowners will continue to have the right to negotiate compensation with Hydro One after a decision authorizing expropriation is issued by the OEB in this proceeding. OEB staff is mindful that any negotiations continuing after a decision is issued will be subject to Hydro One's flexibility to meet the project in-service timelines required by the IESO as well as the requirements of section 25 of the Expropriation Act referenced above.

#### Conclusion on Issue 1

OEB staff submits that the requested expropriations are in the public interest for the following reasons (which were discussed in detail above):

- In the leave to construct decision, the Waasigan Project was found to be in the public interest, in terms of price, reliability and quality of electricity service and the forms of landowner agreements were approved by the OEB in that decision.
- The Waasigan Project has been identified in the Ontario Government's Long Term Energy plans as necessary to increase electricity capacity in the northwest Ontario region.
- The properties proposed for expropriation are required for the Waasigan Project transmission line route which was approved in the OEB's leave to construct decision.
- Hydro One has made diligent efforts to identify affected landowners and negotiate with them but has not yet reached voluntary agreements with some landowners.
- Expropriation is necessary for Hydro One to obtain the land rights required for the Waasigan Project.
- Hydro One and expropriated landowners have the right to continue

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<sup>24</sup> EB-2023-0198 [Application](#) Updated August 29, 2023 / Ex. B-03-01-08

<sup>25</sup> [Filing Requirements for Electricity Transmission Applications Chapter 4](#)

negotiating agreements and, if unable to reach an agreement, the parties have remedies under the Expropriation Act which would be determined by the Ontario Land Tribunal.

## **Issue 2: has Hydro One requested expropriation of the minimum amount of land needed for the project, and the minimum legal interest required for the land?**

### Whether Hydro One has requested the minimum **amount of land** needed for the Project

In its decision granting leave to construct the Waasigan Project, the OEB approved Hydro One's proposed route which included a 46-meter right-of-way. According to Hydro One's application, the width of each of the subject parcels is less than or equal to 46 m along the Project corridor.<sup>26</sup> Each parcel is within the approved Waasigan Project route.

Additionally, Hydro One stated that the size of each expropriated parcel was calculated based on physical constraints of each site and complies with "Canadian Standards Association CSA 22.3 No. 1 Overhead Systems, Canadian Standards Association CSA 22.3 No. 60826 (IEC 60826) Transmission Lines – Design Criteria, Electrical Power Research Institute – EPRI AC Transmission Line Reference Book – 200 kV and Above, and North American Electric Reliability Corporation NERC FAC-003 Transmission Vegetation Management".<sup>27</sup>

Finally, Hydro One stated that its Environmental Assessment process optimizes "total footprint as to minimize land rights necessary".<sup>28</sup> Hydro One stated that the Environmental Assessment has been approved by the Ministry of Environment, Conservation and Parks.<sup>29</sup>

Based on the foregoing evidence provided by Hydro One, OEB staff submits that Hydro One has requested the minimum amount of land needed for the Waasigan Project

### Whether Hydro One has requested the minimum **legal interest** required for the land

Hydro One has requested permanent easements in each of the properties that are the subject of this application and advised that these easements are necessary for the construction and ongoing operation of the Waasigan transmission line.<sup>30</sup> Because the requested interests are within the transmission line right-of-way, it is reasonable to

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<sup>26</sup> EB-2024-0319 [Application](#) Amended December 5, 2024 / Appendix 5

<sup>27</sup> Interrogatory response Staff-04a)

<sup>28</sup> Interrogatory response Staff-04b)

<sup>29</sup> Interrogatory response Staff-01a)

<sup>30</sup> EB-2024-0319 [Application](#) Amended December 5, 2024 / Exhibit A-01-01 page 3

expect that Hydro One will require the easements throughout the life of the transmission line to perform maintenance activities.

Because transmission lines are typically long-lived assets, OEB staff submits that the request for permanent easements is reasonable.

### **Issue 3: what conditions, if any, should be attached to the OEB’s Order in this proceeding?**

Section 23 of the OEB Act permits the OEB, when making an order, to “impose such conditions as it considers proper.” In its interrogatories, OEB staff included a proposed list of conditions and asked whether Hydro One objected to any of the conditions or would like to propose additional conditions. OEB staff’s proposed list was based on conditions proposed in previous expropriation cases.<sup>31</sup> The conditions, Hydro One’s proposed revisions (denoted by underlined or crossed-out text), and OEB staff’s opinion are summarized below:

#### Draft Condition 1 – Hydro One accepted with no amendments

1. Hydro One shall notify the OEB in writing in the event that, after this Decision and Order has been issued, a negotiated settlement is reached and expropriation is no longer necessary. This notice shall be filed with the OEB within ten days of the settlement.

OEB staff submits that this condition is necessary to maintain transparency regarding the negotiations over subject properties where landowners have signed agreements with Hydro One or continue to negotiate.

#### Draft Condition 2 – Hydro One proposed amendments

2. Hydro One shall use all reasonable efforts to provide oral and written notice to the landowners a minimum of 48 hours prior to the initial entry onto the land.

Hydro One did not provide an explanation for its proposed revision. OEB staff understands that Hydro One will likely require access to the expropriated lands on several occasions and that it may not be reasonable for Hydro One to provide the required notice for every entry onto land after the first, initial entry. OEB staff believes it would be helpful for Hydro One to provide further rationale in its reply submission as to why it should only be required to give 48 hours’ notice of an initial entry onto land and not subsequent visits.

#### Draft Condition 3 – Hydro One proposed amendments

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<sup>31</sup> For example, EB-2019-0127 Nextbridge East West Tie Expropriation

3. Hydro One will reasonably attempts to accommodate shall be made in Hydro One's schedule for landowner requests/concerns to ensure that transmission facilities' construction and associated activities do not interfere with landowner or tenant property operations. when Project construction activities take place, subject to the Project's health, safety and security policies and procedures and the Occupational Health and Safety Act.

OEB staff has no objection to Hydro One's proposed minor revisions to Condition 3.

Draft Condition 4 – Hydro One accepted with no amendments

4. Hydro One or its agents will consult with the landowner in advance of entry as to the manner in which existing gates / fences / entryways are to be managed while entering property. In the event the landowner cannot be contacted, Hydro One shall ensure that gates / fences / entryways used by Hydro One personnel or its agents are left as found.

Draft Condition 5 – Hydro One proposed amendments

5. Upon providing Hydro One with reasonable prior notice, the landowner(s) and tenant(s) can be present to observe the transmission facilities' construction and associated activities subject to Hydro One's the Project's health, safety and security policies and procedures and the Occupational Health and Safety Act.

OEB staff has no objection to Hydro One's proposed revision to Condition 5. OEB staff agrees that landowners and tenants should provide reasonable prior notice of any requests to observe the construction and associated activities and that health and safety policies and procedures must be followed.

Draft Condition 6 – Hydro One proposed deletion

- ~~6. Hydro One shall keep records of the personnel attending and entering on lands, the time in which entry occurred, and the locations entered.~~

Hydro One proposed deleting this condition on the grounds that there is no such requirement for any of the other properties needed for the Waasigan Project and should not be required for the properties that are subject to expropriation. Hydro One suggested that requiring records of personnel attendance is a substantial administrative burden, and that there is no public interest benefit of requiring differential treatment for the 19 properties subject to this application.

OEB staff acknowledges that Condition 6 introduces an administrative burden for Hydro One. However, this condition has been approved in previous OEB decisions authorizing

expropriation.<sup>32</sup> OEB staff disagrees with Hydro One's suggestion that there is no public interest benefit from requiring differential treatment of the 19 subject properties. Should Hydro One's application be successful, these properties will be expropriated from their owners, whereas the rest of the properties will have been voluntarily ceded to Hydro One. Given these circumstances, OEB staff submits that differential treatment is warranted, and recordkeeping requirements are a reasonable condition to approval.

#### Draft Condition 7 – Hydro One proposed amendments

7. Hydro One shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to the landowners and tenants, and shall ensure that this information is clearly posted on ~~the~~ Hydro One's construction site office. The project manager will be responsible for the fulfillment of the conditions of approval on the site.

OEB staff has no objection to Hydro One's proposed minor revisions to Condition 7.

#### Draft Condition 8 – Hydro One accepted with no amendments

8. Hydro One shall furnish the OEB's designated representative with all reasonable assistance for ascertaining whether Hydro One has complied with these conditions of approval.

~All of which is respectfully submitted~

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<sup>32</sup> EB-2019-0127 [Decision and Order](#) / Schedule C / September 12, 2019.

**APPENDIX A**

**Hydro One Networks, Inc.**

**Waasigan Project – Expropriation Application**

**EB-2024-0319**

**Hydro One Networks, Inc.**  
**Waasigan Project – Expropriation Application**  
**Conditions<sup>33</sup>**

1. Hydro One shall notify the OEB in writing in the event that, after this Decision and Order has been issued, a negotiated settlement is reached and expropriation is no longer necessary. This notice shall be filed with the OEB within ten days of the settlement.
2. Hydro One shall use all reasonable efforts to provide oral and written notice to the landowners a minimum of 48 hours prior to the initial entry onto the land.
3. Hydro One will reasonably attempt to accommodate landowner or tenant property operations when Project construction activities take place, subject to the Project's health, safety and security policies and procedures and the *Occupational Health and Safety Act*.
4. Hydro One or its agents will consult with the landowner in advance of entry as to the manner in which existing gates / fences / entryways are to be managed while entering property. In the event the landowner cannot be contacted, Hydro One shall ensure that gates / fences / entryways used by Hydro One personnel or its agents are left as found.
5. Upon providing Hydro One with reasonable prior notice, the landowner(s) and tenant(s) can be present to observe the transmission facilities' construction and associated activities subject to the Project's health, safety and security policies and procedures and the Occupational Health and Safety Act.
6. Hydro One shall keep records of the personnel attending and entering on lands, the time in which entry occurred, and the locations entered.
7. Hydro One shall designate one of its employees as project manager who will be responsible for the fulfillment of these conditions, and shall provide the employee's name and contact information to the OEB and to the landowners and tenants, and shall ensure that this information is clearly posted on Hydro One's construction site office. The project manager will be responsible for the fulfillment of the conditions of approval on the site.
8. Hydro One shall furnish the OEB's designated representative with all reasonable assistance for ascertaining whether Hydro One has complied with these conditions of approval.

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<sup>33</sup> With those revisions requested by Hydro One and accepted OEB staff's submission.

**APPENDIX B**

**Hydro One Networks, Inc.  
Waasigan Project – Expropriation Application  
EB-2024-0319**



**ONTARIO ENERGY BOARD ACT, 1998, SECTIONS 99 AND 100****Expropriation**

**99** (1) The following persons may apply to the Board for authority to expropriate land for a work:

1. Any person who has leave under this Part or a predecessor of this Part.
2. Any person who intends to construct, expand or reinforce an electricity transmission line or an electricity distribution line or make an interconnection and who is exempted under this Act from the requirement to obtain leave 1998, c. 15, Sched. B, s. 99 (1).

**Hearing**

(2) The Board shall set a date for the hearing of the application, but the date shall not be earlier than 14 days after the date of the application. 1998, c. 15, Sched. B, s. 99 (2).

**Information to be filed**

(3) The applicant shall file with the Board a plan and description of the land required, together with the names of all persons having an apparent interest in the land. 1998, c. 15, Sched. B, s. 99 (3).

(4) Repealed: 2003, c. 3, s. 67.

**Power to make order**

(5) If after the hearing the Board is of the opinion that the expropriation of the land is in the public interest, it may make an order authorizing the applicant to expropriate the land. 1998, c. 15, Sched. B, s. 99 (5).

**Determination of compensation**

**100** If compensation for damages is provided for in this Part and is not agreed on, the compensation shall be determined by the Ontario Land Tribunal under the *Expropriations Act* and, for the purpose, sections 26 and 29 of that Act apply with necessary modifications. 2021, c. 4, Sched. 6, s. 73 (2).