



**The Joint Board**  
**THE CONSOLIDATED**  
**HEARINGS ACT, 1981**

5th Floor,  
1 St. Clair Avenue West,  
TORONTO, Ontario  
M4V 1K7

ONTARIO HYDRO  
EASTERN ONTARIO  
TRANSMISSION SYSTEM EXPANSION

DECISION

ROUTE STAGE (WEST SECTION)

Before: D.S. Colbourne  
B.E. Smith  
D.H. McRobb

November 4, 1985

IN THE MATTER OF Sections 2 and 3 of  
the Consolidated Hearings Act, 1981  
c.20.

- and -

IN THE MATTER OF Section 12(2) and (3)  
of the Environmental Assessment Act  
(R.S.O. 1980, c.140)

- and -

IN THE MATTER OF Sections 6, 7 and 8 of  
the Expropriations Act (R.S.O. 1980,  
c.148)

- and -

IN THE MATTER OF an undertaking of  
Ontario Hydro consisting of the  
planning of, selection of locations  
for, acquisition of property rights  
for, and the design, construction,  
operation and maintenance of additional  
bulk electricity system facilities in  
eastern Ontario consisting of switching  
and transformer stations, communi-  
cations and control facilities, trans-  
mission lines and related facilities

PARTIES:

Bruce Campbell and Laura Formusa	- for Ontario Hydro
John Tidball	- for the Minister of the Environment
Janet Pounder	- for the Ministry of Energy
Barbara McIsaac	- for the Attorney General of Canada and Her Majesty the Queen in Right of Canada
E. MacArthur	- for the Regional Municipality of Ottawa- Carleton
Dr. Lois Smith	- Agent, on her own behalf

Pursuant to the Reasons for Decision delivered in connection with this matter, the decision of the Joint Board is as follows:

### DECISION

The Joint Board accepts the environmental assessment submitted by Ontario Hydro as the proponent, finds that the taking of lands is fair, sound and reasonably necessary to enable the undertaking to proceed, and grants approval to the proponent to acquire land for the undertaking by expropriation or otherwise and to proceed with the undertaking in accordance with the terms and conditions of approval set out in this decision.

### TERMS AND CONDITIONS OF APPROVAL

1. This acceptance and approval does not extend either to the acceptance of the environmental assessment for the location of the east section facilities between Hawthorne Transformer Station (TS) and St. Lawrence TS, or to approval of the location for those facilities, which matters are the subject of the continuation of the hearing before this Joint Board.

2. The centre line of the right-of-way for the two west section 500 KV transmission lines from Lennox Generating

Station (GS) to Hawthorne TS shall be located along the recommended route identified as the Yellow Route, as amended by this decision. Specifically:

a) Between Lennox GS and Point A near Cataragui TS, the right-of-way for the transmission lines included in the undertaking shall be located entirely within the boundaries of the existing right-of-way.

b) Between Point A near Cataragui TS, and Point A9 in Goulbourn Township, the centre line of the right-of-way shall be located within the boundaries shown on Exhibit 285 for the recommended route except that, as also shown on Exhibit 285, in the vicinity of Loughborough Lake, Alternative Route 1 shall be followed; in the vicinity of the South Elmsley/Kitley Township boundary the Shevchenko Alternative shall be followed, and the recommended southern boundary shown to the west of Smiths Falls TS shall be realigned along the line shown as the Arden Hunter alternative.

c) Between Point A9 and Point All near the Kanata/Nepean boundary, the route shall be located along the "McCoy" alternative shown on Exhibit 230 as running from Points A9 to A5 to A10, then along the recommended route to Alternative 3A shown on Exhibit 227, then along Alternative 3A to join the existing Ontario Hydro 230 KV right of way south of the Canadian Pacific Railway right-of-way, then along that existing 230 KV right-of-way to Point All. For greater certainty, a map

at 1:4000 scale and similar to Exhibit 285 has been prepared by Ontario Hydro and certified by affidavit of Mr. Grisdale, Supervising Project Engineer for Ontario Hydro, as showing the location of the approved route between Point A9 and Point All. Between Point A9 and Point All, the centre line of the right-of-way shall be located within the boundaries shown on this map filed with the Joint Board, and entered as Exhibit 326.

d) Between Point All and Hawthorne TS the transmission lines shall be located within lands presently owned by the proponent, on lands presently owned by the Government of Canada and on the lands agreed to for the purpose by Mr. George McFarlane and shown on the last page of Exhibit 159, being a sketch map attached to a letter to Mr. McFarlane from Ontario Hydro and dated December 19, 1984.

For illustration purposes only, the location of the approved route is shown on the map appended hereto as Appendix "A".

3. i) If the proponent concludes that the centre line of the right-of-way ought to be located beyond the boundaries specified herein, it may file with this Joint Board the consent of each landowner on whose land the right-of-way is proposed to be located (referred to herein as a "directly affected landowner"), and the consent of any additional landowner whose lands are located within 120 metres of the amended right-of-way location (referred to herein as an "abutting landowner"), in

which case the amended right-of-way location shall be deemed to have been determined by this decision.

ii) When requesting the consent of any abutting landowners to an amended right-of-way location, the proponent shall advise such abutting landowners:

- a) that they have the option of either consenting to that realignment or, if they oppose the realignment, to have a Joint Board hearing convened to determine the final location of the right-of-way;
- b) that their right to a hearing before a Joint Board expires unless the Hearings Registrar receives their request for a hearing by a specified date (which date shall be specified as the 21st day following the mailing of the request for consent); and
- c) that if they do nothing, and the directly affected landowners consent to the realignment, then the realignment will be used for the right-of-way location.

If the abutting landowners consent to the amended right-of way or do not request a hearing, and if the directly affected landowners consent to the amended location, then the amended right-of-way location shall be deemed to have been determined by this decision.

iii) In the event:

- a) that consents from all directly affected landowners are not received by the proponent within 21 days of the date of mailing of the requests for such consents; or
  
- b) that a request for a hearing is received by the Hearings Registrar from an abutting landowner within 21 days of the date of the mailing by the proponent of the request for consent to that abutting landowner;

and the proponent wishes to seek the realignment, then on the motion of the proponent to the Hearings Registrar, a Joint Board shall be convened and shall provide an opportunity for all directly affected landowners, including those landowners located within the original boundaries specified herein, abutting landowners if any, and Ontario Hydro, to make representations as to the appropriate location for the right-of-way, the final location to be determined by a further Joint Board decision. The Joint Board hereby defers to itself, or such other Joint Board as may be constituted for the purpose by the Chairman of the Environmental Assessment Board and the Chairman of the Ontario Municipal Board, that part of this matter relating to any further decision required by this term and condition.



4. Except as provided by subsequent terms and conditions herein, the proponent shall comply with all of the filing, survey, construction, mitigation and related obligations set out in the environmental assessment document prepared by it. The staging of the construction of the facilities shall be at the discretion of the proponent.

5. With respect to the crossing of the Rideau Canal between Sand Lake and Jones Falls, the proponent shall:

- i) where possible, plant a vegetative screen across the right-of-way in the vicinity of the crossing;
- ii) for a distance of one and one-half span lengths each side of the crossing, carry out its vegetation cutting on a two-year cycle so as to permit the maximum height for vegetative screening consistent with safe operation of the line;
- iii) construct the special towers on each side of the crossing for both transmission lines at the time of construction of the first line;
- iv) have the option of either using the special tower design shown on Exhibit 196 and presently proposed for the towers in the vicinity of the crossing, or alternatively, a tower design amended by Ontario Hydro if such amended tower design is satisfactory to Parks Canada; and

v) carry out a survey of the area of the right-of-way within one and one-half span lengths north of the crossing to identify sites of heritage resources. if any, on the right-of-way and, in the event that any such sites are located, the proponent shall prepare a report which assesses the significance of the sites, potential impacts and outlines mitigation measures, and submit the report to Parks Canada and the Ministry of Citizenship and Culture. Any such mitigation measures agreed to by both the proponent and Parks Canada shall be deemed to have been authorized by this decision.

The proponent is authorized by this decision to undertake such further or other mitigating measures as may be agreed to by Parks Canada.

6. With respect to the use of the existing right-of-way through the Bridlewood community, the proponent shall enter into an agreement with the City of Kanata to study and implement appropriate mitigation measures, including appropriate landscaping, secondary uses and the use of steel poles on the approaches to, and through, the Bridlewood community. The cost of this study and implementation is to be borne by Ontario Hydro up to a total of \$700,000. The Joint Board hereby defers to itself that part of this matter relating to any further decision which may be required in the event that Ontario Hydro and the City of Kanata are unable to reach the

agreement required by this condition. Any such mitigation measures agreed to by both the proponent and the City of Kanata shall be deemed to have been authorized by this decision.

7. The proponent shall review the design of the transmission line with the AM broadcasters appearing in these proceedings, shall conduct a re-radiation analysis in relation to the design of the line, and shall apply such reasonable remedial measures to the line as may be appropriate in light of the analysis conducted.

8. With respect to the approved transmission line right-of-way, the property rights to be acquired by the proponent shall be the easement rights set out in Appendix "B" hereto, save and except that in any location where buildings or other structures are required to be removed from the right-of-way, the proponent may acquire by expropriation the fee simple (full ownership) rights for the area of land bounded by a line drawn around and at a distance of 15 metres from such buildings or structures. Following the removal of such buildings or structures, the proponent is authorized hereby to dispose of all rights within such area other than the said easement rights on the right-of-way.

9. With respect to the microwave facilities included in the undertaking, this approval extends only to those microwave facilities to be constructed at existing Ontario Hydro stations and to those facilities to be constructed at Sites W2 and M3,

as shown on Figures 11.1 and 11.2 in the Environmental Assessment (Exhibit 138), and the proponent is hereby authorized, pursuant to this decision, to acquire by expropriation, or otherwise, the fee simple (full ownership) rights to the lands comprising Sites W2 and M3.

10. For the purposes of the Expropriations Act, in respect of each affected property, this decision shall be deemed to have been received by the approving authority as of the receipt by the Joint Board of an expropriation plan in registrable form relating to that property. Also for expropriation purposes, the decision of the approving authority for each affected property shall be deemed to be made as of the execution by the Joint Board of the certificate of approval on an expropriation plan in registrable form relating to that property. Although issuing this decision for all other purposes, the Joint Board by this term and condition hereby defers the exercise of its jurisdiction both as the inquiry officer when delivering the report to the approving authority, and as the approving authority when granting approval for the expropriations required for this undertaking. This deferral is required in order to ensure that the three-month period set out in Section 9(1) of the Expropriations Act, a section outside the scope of the Consolidated Hearings Act, 1981, does not commence to run before the proponent has had sufficient time to complete the survey of the final right-of-way alignment and to prepare expropriation plans in registrable form.

11. In all cases where easement rights are required by the proponent for this undertaking, the proponent shall have the further right to acquire fee simple (full ownership) rights should the owner of the land in question wish to convey such rights to the proponent, provided that any resulting severance would not contravene local planning policies applicable to such severances.

12. The layout and design of the additional facilities required for this undertaking at the various existing station locations shall be as determined by the proponent and the proponent is authorized to acquire such additional lands around Hawthorne TS as may be required to achieve a satisfactory station layout.

13. The tower types and right-of-way widths shall be as specified herein or on Exhibit 196, save and except that:

- i) the upper half of the consolidating tower, set out as Figure 7.4 in Exhibit 138, may be redesigned by the proponent to more closely match the appearance of the tower shown in Figure 7.1 of Exhibit 138;
- ii) on the right-of-way between the west end of the Shevchenko alternative and Smiths Falls TS, the proponent shall have the option of using the above-mentioned redesigned consolidating tower for one of the two tower lines, and is further

authorized in that event to remove the 115 KV transmission line from the existing right-of-way in that vicinity, to install replacement 115 KV conductors on the consolidating towers on the 500 KV right-of-way, and to dispose of the existing 115 KV right-of-way by sale or otherwise; and

iii) on the right-of-way between Point All and Hawthorne TS, the proponent shall utilize consolidating structures of the general types shown as Figures 7.4 or 7.5 of Exhibit 138 (Volume II of the Environmental Assessment) or such other design as the proponent may determine best suits the specific requirements for that section of the right-of-way.

14. This approval extends to the modification and relocation of existing facilities, but only to the degree necessary for the construction, operation and maintenance of the undertaking.

**THE FOREGOING IS THE DECISION** of the Joint Board, delivered on the 4th day of **NOVEMBER**, 1985.

D.S. COLBOURNE  
Chairman

B.E. SMITH  
Vice-Chairman

D.H. MCROBB  
Member



For Illustration Purposes Only  
 Appendix A  
 Eastern Ontario Transmission System Expansion  
 Route Stage - West Section  
 Approved Route Location

Scale 1:100,000

DEFINITION OF ESTATE, RIGHT OR INTEREST REQUIRED

A limited estate, right or interest is required in the land (herein called "the strip") namely, the right, privilege and easement in perpetuity:

1. To construct, repair, rebuild, replace, maintain and operate electrical and communications transmission line or lines (herein called "the lines") including all necessary or convenient towers, poles, guys, anchors, wires, cross-arms, apparatus, accessories and appurtenances belonging thereto, in, over, along and upon the strip.
2. To cut and prune selectively trees and shrubs on the strip and to keep it clear of all trees, shrubs and brush which may interfere with the safe operation and maintenance of the lines.
3. To clear the strip and keep it clear of all buildings, structures or other obstructions of any nature whatever, including removal of any materials which in the opinion of Ontario Hydro are hazardous to the line. Notwithstanding the foregoing, in all cases where in the sole discretion of Ontario Hydro the safe operation and maintenance of the lines is not endangered or interfered with, the landowner from time to time or the person or persons entitled thereto may, with prior written approval of Ontario Hydro, at his or their own expense construct and maintain roads, lanes, walks, drains, sewers, water pipes, oil and gas pipelines, and fences on or under the strip or any portion thereof, provided that prior to commencing any such installation the landowner shall give to Ontario Hydro 30 days' notice in writing so as to enable Ontario Hydro to have a representative inspect the site and be present during the performance of the work and that the landowner complies with any instructions that may be given by any such representative in order that such work may be carried out in such a manner as not to endanger, damage or interfere with the lines.
4. To erect, maintain and use bridges and such gates in all fences which are now or may hereafter be on the strip as Ontario Hydro may from time to time consider necessary.
5. To install below the surface of the strip, at a sufficient depth so as not to interfere with any agricultural operation, and maintain and use an underground conductor or conductors for ground purposes, with necessary grounding electrodes, when and where required within the strip.
6. To enter on and to pass and repass at any and all times in, over, and along and upon the strip for the servants, agents, contractors and sub-contractors of Ontario Hydro with or without vehicles, supplies, machinery and equipment for all purposes necessary or convenient to the exercise and enjoyment of the right, privilege and easement hereby expropriated subject to payment by Ontario Hydro of compensation for any crop or other damage to the person entitled thereto caused by the exercise of this right of entry and passageway.