

July 21, 2020

VIA ELECTRONIC FILING
ORIGINAL BY COURIER

Canada Energy Regulator
Suite 210, 517 – 10th Avenue SW
Calgary, AB T2R 0A8

Attention: Mr. Jean-Denis Charlebois, Secretary of the Commission

Dear Mr. Charlebois:

**Re: Trans Mountain Pipeline ULC (“Trans Mountain”)
Trans Mountain Expansion Project (“Project”) and Westridge Delivery Line Relocation
Section 324 Application for Right of Entry (“Application”)
OF-Fac-Oil-T260-2013-03 63 and OF-Fac-Oil-T260-2013-03 61
City of Burnaby (“Owner”)
Short Legal: 003-211-649 / PC7887 (“Lands of the Owner”)**

Please find attached an Application pursuant to section 324 of the *Canadian Energy Regulator Act* (“**Act**”) requesting an order for Right of Entry for a subsurface portion of the above-referenced Lands of the Owner in the City of Burnaby, British Columbia. The identified subsurface portion of the Lands is necessary for the construction and operation of those portions of the Project and the Westridge Delivery Line (“**WDL**”) to be located within the Burnaby Mountain Tunnel.

The Burnaby Mountain Tunnel is approximately 2.6 kilometres in length and will be located between the Burnaby Terminal and the Westridge Marine Terminal. As described in National Energy Board Decisions OH-001-2014 and MH-052-2018 and the Commission of the Canada Energy Regulator (“**Commission**”) Decision MH-048-2018 ([C06322-1](#)), the Burnaby Mountain Tunnel will, among other benefits, reduce construction-related disruption for local communities and minimize operational risks associated with the Project and the WDL.

The Commission has jurisdiction to issue an order for Right of Entry relative to subsurface portions of the Lands of the Owner having regard to the broad definition of “lands” in the Act and the Supreme Court of Canada’s determination that a right to take interests or rights in, to, on, under, over or in respect of lands includes the right to take a tunnel or volumetric easement through those lands.¹

Please direct all communications related to this Application to:

Alain Parisé
Director, Land
Trans Mountain Canada Inc.
Suite 2700, 300 – 5th Avenue S.W.
Calgary, AB T2P 5J2
Tel: 403-514-6700
Email: TMEP_Land@transmountain.com

and to: Lars Olthafer
Blake, Cassels & Graydon, LLP
Suite 3500, 855 – 2nd Street SW
Calgary, AB T2P 4J8
Tel: (403) 260-9633
Fax: (403) 260-9700
Email: lars.olthafer@blakes.com

¹ *Kolodzi v Detroit and Windsor Subway Co.*, [1931] SCR 523.

In accordance with its records, Trans Mountain understands that communications to the Owner may be directed to the address set out in the attached notice served on the Owner pursuant to subsection 324(2) of the Act ("**Notice**"). The Notice is set out in Exhibit "A" of the Application.

Trans Mountain wishes to draw the Commission's attention to Exhibit "B" of the Application, which is proof of service ("**Proof of Service**") of the Notice served on the Owner in accordance with subsection 8(8) of the Rules. The original Proof of Service attaches the Notice; however, the attached Notice has been removed from the Proof of Service in the Application to reduce the volume of duplicative materials. Trans Mountain would be pleased to provide to the Commission Proof of Service attaching the Notice upon request.

For ease of reference, Trans Mountain has prepared a list of all of the lands located along the Burnaby Mountain Tunnel section of the Project and the WDL that are the subject of right of entry (**ROE**) applications pursuant to s. 324 of the Act. Attached hereto as Schedule A to this letter is the list of the Burnaby Mountain Tunnel section lands, by tract number, that are the subject of concurrently filed ROE applications.

Additionally, Trans Mountain has prepared a list of those roads and underground utilities located along the Burnaby Mountain Tunnel section of the Project and the WDL that are the subject of utility crossing applications ("**Crossing Applications**") pursuant to s. 217 of the Act. Attached hereto as Schedule B to this letter is the list of roads and underground utilities that are the subject of concurrently filed Crossing Applications.

Should the Commission require any additional information, please do not hesitate to contact the undersigned.

Regards,



Alain Parisé, Director, Land

Encl.

cc. May Leung, City of Burnaby

Schedule A

List of Burnaby Mountain Tunnel Tracts – CER Act s. 324 Right of Entry

Tract Number	Short Legal Description
PC 7887	LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081 SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082 THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083 FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518 DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213 AND 214 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774
PC 7888	LOT 1 DISTRICT LOT 138 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP24406
PC 7890.01	LOT 26 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7890.02	LOT 25 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7890.09	SOUTH HALF LOT 2 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7890.11	NORTH HALF LOT 2 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7890.12	SOUTH HALF LOT 3 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
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PC 7890.15	LOT 5 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7890.16	LOT 6 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7890.17	LOT 7 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7890.18	LOT 8 BLOCK 8 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891	LOT 1 DISTRICT LOT 207 AND 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP24405
PC 7891.04	NORTH HALF LOT 5 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.28	LOT 4 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.031	LOT 3 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.032	SOUTH HALF LOT 5 BLOCK 22 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.35	LOT 19 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.36	SOUTH HALF LOT 18 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.37	NORTH HALF LOT 18 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501

Tract Number	Short Legal Description
PC 7891.38	LOT 17 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
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PC 7891.411	SOUTH HALF LOT 14 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.412	NORTH HALF LOT 14 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.413	SOUTH HALF LOT 13 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.51	NORTH HALF LOT 11 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.52	SOUTH HALF LOT 12 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7891.53	NORTH HALF LOT 12 BLOCK 21 DISTRICT LOT 208 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 2501
PC 7980	PORTIONS OF BLOCK 2 EXCEPT, FIRSTLY: PARCEL "J" (EXPLANATORY PLAN 11574) SECONDLY: PART IN PLAN 11548 THIRDLY: PARCEL "G" (REFERENCE PLAN 12015) FOURTHLY: PART IN PLAN 13382 FIFTHLY: PARCEL "J" (REFERENCE PLAN 14305) SIXTHLY: PART IN PLAN 28637 SEVENTHLY: PART IN PLAN 38021 EIGHTLY: PART IN PLAN LMP18313 NINETHLY: PART (2.673 ACRES) SRW PLAN 15900 DISTRICT LOT 216 NEW WESTMINSTER DISTRICT PLAN 3083
PC 8193	LOT 1 DISTRICT LOTS 215 AND 216 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP45892
PC 8195	PARCEL "J" (EXPLANATORY PLAN 11574) BLOCK 2 EXCEPT: FIRSTLY: PART SUBDIVIDED BY PLAN 11055 SECONDLY: PART ON STATUTORY RIGHT OF WAY PLAN 15900 THIRDLY: PART IN PLAN LMP18313 DISTRICT LOT 216 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 3083
PC 8196	PARCEL "B" (PLAN WITH BYLAW FILED 12386) LOT 1 DISTRICT LOT 215 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 3575

Schedule B

List of Burnaby Mountain Tunnel Utility Crossings – CER Act s. 217 Right to Cross Utilities

The municipal roads and underground utilities located along the Burnaby Mountain Tunnel section of the Project (including the Westridge Delivery Line) that Trans Mountain proposes to cross are listed below by reference to the plan and profile drawing in which they appear. Alternating shaded and unshaded sets of rows reflect groupings of crossings shown in the same drawing. Each drawing (of which there are 7) will be the subject of a single crossing application pursuant to s. 217 of the Act.

Drawing No(s).	Crossing ID	Description	Location (Crossing Area Centreline)
M002- XH12650/01	T12319.0	Burnaby Mountain Parkway	Between: Rem Lot 145 Plan 27774 [PID: 003-211-649 / Tract: 7887] & Lot 1 Plan LMP24406 [PID: 023-189-045 / Tract: 7888]
M002- XH12650/01 & M002- XH12650/02	U5554.0	Water Main	Between: Rem Lot 145 Plan 27774 [PID: 003-211-649 / Tract: 7887] & Lot 1 Plan LMP24406 [PID: 023-189-045 / Tract: 7888]
M002- XH12651/01	T4854.0	Burnaby Undeveloped Road Allowance (Curtis Street)	Between: Lot 1 Plan LMP24406 [PID: 023-189-045 / Tract: 7888] & Lot 26 Plan 2501 [PID: 012-753-611 / Tract: 7890.01]
M002- XH12651/01	T4855.0	Burnaby Road Right of Way (Unopened Lane 2)	Between: Lot 26 Plan 2501 [PID: 012-753-611 / Tract: 7890.01] & Lot 2 Plan 2501 [PID: 012-800-643 / Tract 7890.11]
M002- XH12653/01	T4856.0	Burnaby Undeveloped Road Allowance (Hoover Avenue)	Between: Lot 4 Plan 2501 [PID: 012-796-875 / Tract: 7891.28] & Lot 18 Plan 2501 [PID: 012-782-777 / Tract: 7891.36]
M002- XH12655/01	T12332.0	Centennial Way	Between: Lot 7 Plan 2501 [PID: 012-787-680 / Tract: 7890.17] & Lot 1 Plan LMP24405 [PID: 023-188-804 / Tract: 7891]
M002- XH12655/01 &	U5555.0	Water Main	Between: Lot 6 Plan 2501 [PID: 012-767-026 / Tract: 7890.16]

M002- XH12655/02			& Lot 1 Plan LMP24405 [PID: 023-188-804 / Tract: 7891]
M002- XH12660/01	T12324.0	Hastings Street	Between: Lot 1 Plan LMP24405 [PID: 023-188-804 / Tract: 7891] & Lot 4 Plan 2501 [PID: 012-796-875 / Tract: 7891.28]
M002- XH12665/01	T4857.0	Burnaby Road Right of Way (Unopened Lane)	Between: Lot 14 Plan 2501 [PID: 012-796-859 / Tract: 7891.412] & Lot 12 Plan 2501 [PID: 012-782-483 / Tract: 7891.52]
M002- XH12665/01	T12337.0	Pandora Street	Between: Lot 12 Plan 2501 [PID: 012-796-727 / Tract: 7891.53] & Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193]
M002- XH12665/01 & M002- XH12665/02	U12333.0	Sanitary Pipe	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]
M002- XH12670/01 & M002- XH12670/02	U12311.0	Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]
M002- XH12670/01 & M002- XH12670/02	U5556.0	Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]
M002- XH12670/01	T12310.1	Barnet Road	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]
M002- XH12670/01 & M002- XH12670/02	U12308.1	Storm Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw

			Filed 12386 [PID: 017-847-745 / Tract: 8196]
M002- XH12670/01 & M002- XH12670/02	U12338.1	Storm Water Main	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]
M002- XH12670/01	T12307.1	Inlet Drive	Between: Lot 1 Plan LMP45892 [PID: 024-775-436 / Tract: 8193] & Parcel B: Plan with Bylaw Filed 12386 [PID: 017-847-745 / Tract: 8196]
M002- XH12670/01	T5078.0	Burnaby Undeveloped Road Allowance (Phillips Avenue)	Between: Parcel B: Plan with Bylaw Filed 12386) [PID: 017-847-745 / Tract: 8196] & Parcel J: Explanatory Plan 11574 [PID: 010-844-848 / Tract: 8195]

CANADA ENERGY REGULATOR

IN THE MATTER OF the *Canadian Energy Regulator Act*, SC 2019, c 28, s 10 (Canada), ("**Act**") and the regulations made thereunder;

AND IN THE MATTER OF Certificate OC-065, as amended, authorizing the construction and operation of the Trans Mountain Expansion Project ("**Project**");

AND IN THE MATTER OF Decision MH-048-2018 authorizing the relocation of the Westridge Delivery Line ("**WDL**");

AND IN THE MATTER OF an Application by Trans Mountain Pipeline ULC ("**Trans Mountain**") pursuant to subsection 324(1) of the Act and section 55 of the *National Energy Board Rules of Practice and Procedure, 1995, SOR/95-208* ("**Rules**") for an Order granting Trans Mountain an immediate right to enter certain lands as described herein.

TRANS MOUNTAIN PIPELINE ULC

APPLICATION FOR RIGHT OF ENTRY

July 21, 2020

To: Secretary of the Commission
Canada Energy Regulator
Suite 210, 517 - 10th Avenue SW
Calgary, Alberta T2R 0A8

And to: City of Burnaby OR Corporation
4949 Canada Way
Burnaby, British Columbia V5G1M2
("**Owner**")

Right of Entry Application Pursuant to Subsection 324(1) of the Act

1. Trans Mountain hereby applies to the Canada Energy Regulator (“**Regulator**” or “**CER**”) pursuant to subsection 324(1) of the Act and section 55 of the Rules for an order (“**Right of Entry Order**”) granting Trans Mountain an immediate right to enter those subsurface portions of the Lands of the Owner shown as Pipeline Volumetric ROW in the Schedule attached as Exhibit “C” to this Application and proposed to be made part of the Right of Entry Order.
2. Subsurface portions of the Lands of the Owner are required to construct that portion of the Project referred to as the Burnaby Mountain Tunnel, a tunnel approximately 2.6 kilometres in length located between the Burnaby Terminal and the Westridge Marine Terminal. As described in National Energy Board Decisions OH-001-2014 and MH-052-2018, and the Commission of the Canada Energy Regulator (“**Commission**”) Decision MH-048-2018, the Burnaby Mountain Tunnel will, among other benefits, reduce construction-related disruption for local communities and minimize operational risks relative to the Project and the WDL.
3. The Commission has jurisdiction to issue a Right of Entry Order relative to subsurface portions of the Lands of the Owner having regard to the broad definition of “lands” in the Act and the Supreme Court of Canada’s determination that a right to take interests or rights in, to, on, under, over or in respect of lands includes the right to take a tunnel or volumetric easement through those lands.¹
4. On June 21, 2019, the Regulator issued Certificate OC-065 authorizing Trans Mountain to construct and operate the Project.
5. On August 22, 2019, Trans Mountain served notice on the Owner pursuant to section 34 of the *National Energy Board Act* (**Section 34 Notice**) in relation to the detailed route of the Project.
6. On June 10, 2020, the Owner was served anew by Trans Mountain with a notice pursuant to subsection 322(1) of the Act (**Section 322 Notice**) in relation to the lands required for the Project.
7. The Commission has issued an Order approving the Plan, Profile and Book of Reference for the Lands of the Owner.
8. On May 15, 2020, the Regulator issued Letter Decision MH-048-2018 authorizing Trans Mountain to construct and operate the WDL within the Burnaby Mountain Tunnel. Pursuant to Letter Decision MH-048-2018, approval of a Plan, Profile and Book of Reference is not required for the WDL.
9. On June 17, 2020, Trans Mountain served notice on the Owner pursuant to subsection 324(2) of the Act (“**Notice**”) in relation to right of entry.
10. Trans Mountain requires the rights, titles and interests in the Pipeline Volumetric ROW for the purposes and pursuant to the rights, obligations and restrictions described in Exhibit “C”. The

¹ *Kolodzi v Detroit and Windsor Subway Co.*, [1931] SCR 523.

form of Exhibit "C" is proposed to be made a part of the Right of Entry Order sought by this Application.

11. As summarized in Exhibit "F" to this Application, Trans Mountain has attempted in good faith to negotiate an agreement with the Owner for the necessary rights to enter the Pipeline Volumetric ROW and has been unsuccessful to date. The issues that Trans Mountain believes remain outstanding which form the basis for the inability to reach a voluntary agreement with the Owner are also described in Exhibit "F".
12. Trans Mountain requires immediate right of entry to the Pipeline Volumetric ROW in order to commence construction of the Project and the WDL. Construction is anticipated to commence on the Lands of the Owner on or about August 14, 2020.
13. In support of this Application, and in accordance with the requirements of the Act and the Rules, the following Exhibits are attached to and form part of this Application:

- Exhibit "A"** Copy of the Notice served pursuant to subsection 324(2) of the Act;
- Exhibit "B"** Proof of service of the Notice set out in Exhibit "A" in accordance with subsection 8(8) of the Rules;
- Exhibit "C"** Schedule describing the Lands of the Owner and the Pipeline Volumetric ROW; the rights, titles and interests applied for in respect of the Lands of the Owner and the Pipeline Volumetric ROW; and the rights, obligations and restrictions proposed to be made part of the Right of Entry Order;
- Exhibit "D"** Copy of the Certificate of Title for the Lands of the Owner described in Exhibit "C";
- Exhibit "E"** Copy of section 56 of the Rules; and
- Exhibit "F"** Summary of the land negotiation process, outstanding issues and reasons a voluntary agreement could not be reached;
- Exhibit "G"** CER Template for Objection to Application for Right of Entry; and
- Exhibit "H"** Completed CER Filing Inventory.

Relief Sought

1. Trans Mountain requests that the Commission:
 - a. grant Trans Mountain an order for immediate right of entry to the Pipeline Volumetric ROW, being subsurface portions of the Lands of the Owner, pursuant to subsection 324(1) of the Act; and
 - b. grant such further and other relief as Trans Mountain may request and the Commission may consider appropriate.

Dated at Calgary, Alberta, this 21st day of July, 2020.

Trans Mountain Pipeline ULC

By its counsel
Blake, Cassels & Graydon, LLP

Per: 

Lars Olthafer

Please direct all communications regarding this Application to:

Alain Parisé
Director, Land
Trans Mountain Canada Inc.
Suite 2700, 300 – 5th Avenue S.W.
Calgary, AB T2P 5J2
Tel: 403-514-6700
Email: TMEP_Land@transmountain.com

and to: Lars Olthafer
Blake, Cassels & Graydon, LLP
855 – 2nd Street SW
Suite 3500, Bankers Hall East Tower
Calgary, AB T2P 4J8
Tel: (403) 260-9633
Fax: (403) 260-9700
Email: lars.olthafer@blakes.com

Exhibit "A"

Copy of the Notice served pursuant to subsection 324(2) of the Act

VIA EMAIL

June 17, 2020

City of Burnaby
4949 Canada Way
Burnaby, British Columbia
V5G 1M2

Attention: May Leung, City Solicitor

Dear Ms. Leung:

**Re: Trans Mountain Pipeline ULC (“Trans Mountain”)
Trans Mountain Expansion Project (“Project”)
OF-Fac-Oil-T260-2013-03 63
Notices of Application for Right of Entry
Tract Numbers PC 7887 +33 (“Lands”)**

Trans Mountain has been in consultation with the City of Burnaby (“**Burnaby**”) with respect to, among other things, the acquisition of land rights for that portion of the proposed Project route referred to as the Burnaby Mountain Tunnel. The Burnaby Mountain Tunnel portion of the Project is, as you know, approximately 2.6 kilometres in length, located between the Burnaby Terminal and Westridge Marine Terminal and will house not just the Project pipeline, but also a replacement section of the existing Trans Mountain pipeline, i.e., the Westridge Delivery Line, which is currently routed through Burnaby.

As previously discussed and as more particularly described in National Energy Board Reports OH-001-2014, MH-048-2018, and MH-052-2018, use of the Burnaby Mountain Tunnel for the Project and the Westridge Delivery Line will, among other benefits, reduce construction-related disruption for local communities and minimize operational risks relative to following the existing Trans Mountain pipeline alignment.

It has been and remains Trans Mountain’s preference to complete a negotiated agreement for the land rights necessary to construct, operate and maintain the Project, including those portions of the Project and the Westridge Delivery Line located within the Burnaby Mountain Tunnel. However, to this point, Burnaby has not agreed to Trans Mountain accessing those Lands required for construction of the Burnaby Mountain Tunnel.

To ensure that Trans Mountain has timely access to the Lands for construction and to meet its customer commitments, it is necessary for Trans Mountain to initiate the right of entry process under the *Canadian Energy Regulator Act (CER Act)* by serving Burnaby with notices of application for immediate right of entry pursuant to subsection 324(2) of the CER Act (**Notices**). Please find the Notices enclosed with this letter.

The Notices collectively identify all those lands, with the exception of developed and undeveloped road crossings, required for construction of the Burnaby Mountain Tunnel. The developed and undeveloped road crossings will be the subject of separate utility crossing applications to the Canada Energy Regulator (**CER**). The tract number and corresponding short legal description of the Lands to which the Notices relate are set out in the following table:

Tract Number	Short Legal Description
PC 7887	LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081 SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082 THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083 FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518 DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213 AND 214 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774
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PC 8196	PARCEL "B" (PLAN WITH BYLAW FILED 12386) LOT 1 DISTRICT LOT 215 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 3575

The Notices each attach a schedule that is proposed to be made part of the right of entry order to be applied for and which describes: (i) the lands in respect of which the order is sought; (ii) the rights, titles or interests applied for in respect of the lands; and (iii) the rights, obligations, restrictions and terms and conditions that are proposed to attach to the rights, titles or interests applied for in respect of the lands. Trans Mountain is applying for a volumetric right-of-way ("**ROW**"), however, it also

requires limited rights over the remaining lands, including the surface, so that it may, in the course of the operational life of the Project and the Westridge Delivery Line, undertake any required surveys or examinations (e.g. as might be required as a result of third party excavations or construction over the volumetric ROW), patrols (e.g., to monitor for third party activities) and the placement of required pipeline markers.¹

Trans Mountain is satisfied that the Commission of the CER ("**Commission**") has jurisdiction to issue a right of entry order for a volumetric ROW through the subsurface portions of the Lands having regard to the broad definition of "lands" in the CER Act and the Supreme Court of Canada's determination that a right to take interests in, to, on, under, over or in respect of lands includes the right to take a tunnel or volumetric easement.²

If Burnaby and Trans Mountain are unable to come to an agreement on compensation, the Commission may, on application, determine the compensation payable for the rights acquired through right of entry, if granted, as well as any damages arising from the construction of the Project in accordance with the factors prescribed by the CER Act.

Trans Mountain intends to file the right of entry applications and access the Lands for construction in accordance with the timelines set out in the enclosed Notices.

In the meantime, should you have any further questions, please do not hesitate to contact the undersigned at TMEP_Land@transmountain.com.

Yours truly,



Alain Parisé
Director, Land
Trans Mountain Pipeline ULC

cc. Lars Olthafer, Blake, Cassels & Graydon LLP
Joey Andries, Progress Land Services Ltd.

¹ For context, Trans Mountain may need to survey and examine the surface in order to locate the tunnel for a third party in connection with a "One-Call" request, periodically patrol the surface to confirm there is no activity above the tunnel that would pose a risk to the tunnel (i.e. an incompatible use), or install markers to identify the location of the tunnel as required by applicable regulations. Additional details in this regard are set out in the Notices attached to this letter.

² *Kolodzi v Detroit and Windsor Subway Co.*, [1931] SCR 523.

IN THE MATTER OF the *Canadian Energy Regulator Act*, SC 2019, c 28, s 10 (the "**Act**"); and

IN THE MATTER OF Trans Mountain Pipeline ULC, and its application for a Right of Entry pursuant to the Act.

NOTICE PURSUANT TO SUBSECTION 324(2) OF THE ACT

TRANS MOUNTAIN PIPELINE ULC, (**Trans Mountain**" or "**Applicant**") a corporation incorporated under the laws of Alberta, in its capacity as the applicant of the Trans Mountain Expansion Project (**Project**) and the relocation of a portion of the Westridge Delivery Line (**WDL**), having its registered office at the City of Calgary, in the Province of Alberta,

HEREBY GIVES NOTICE:

TO: City of Burnaby

being the registered owner (**Owner**) of the lands described in paragraph 1 of the Schedule attached to and forming part of this notice ("**Lands of the Owner**").

1. Take notice that the Applicant intends to make an application to the Canada Energy Regulator ("**Regulator**") on July 17, 2020, or as soon thereafter as the Regulator may allow and the Act will permit, for an order of the Commission of the Regulator (**Commission**) pursuant to Subsection 324 (1) of the Act ("**Right of Entry Order**") granting it an immediate right to enter those portions of the Lands of the Owner shown as Pipeline Volumetric ROW in the Schedule attached as Exhibit "A" to this Notice and proposed to be made part of the Right of Entry Order and which is required by the Applicant for the construction, operation and maintenance of that section of the Project, including a tunnel through the Burnaby Mountain ("**Burnaby Mountain Tunnel**"), and the relocated portion of the WDL.
2. Pending approval of the Right of Entry Order application by the Commission, the Applicant intends to enter the Lands of the Owner on August 14, 2020 or as soon thereafter as the Commission may allow and the Act will permit, and intends to access the Lands of the Owner intermittently thereafter for the construction of the Project and the WDL over a period of approximately three (3) years.
3. Any objection that the Owner might wish to make concerning the issuance of the Right of Entry Order must, in accordance with Section 56 of the *National Energy Board Rules of Practice and Procedure, 1995*, SOR/95-208 (the "**Rules**") and, subject to any other regulations made by the Regulator in accordance with the Act, be in writing and filed with the Regulator and concurrently served on the Applicant no later than ten (10) days after the date the application for the Right of Entry Order is served on the Owner. In accordance with Sections 8 and 9 of the Rules, any objection in writing may be filed with the Regulator and served on the Applicant by hand delivery, mail,

Tract: PC7887
PID: 003-211-649
Owner: City of Burnaby

courier, telex, facsimile or other means of written or electronic communication, if the Regulator or the Applicant has the facilities for receiving a document in such a manner.

The addresses of the Regulator for filing, and of the Applicant for service, of any objection in writing are set out below:

Canada Energy Regulator
Suite 210, 517 Tenth Avenue SW
Calgary, AB T2R 0A8
Attention: Jean-Denis Charlebois,
Secretary of the Commission
Toll Free Fax: 1-877-288-8803
Email: secretary@cer-rec.gc.ca

and to: **Trans Mountain Pipeline ULC**
Suite 2700, 300 -5th Avenue S.W.
Calgary, AB T2P 5J2
Attention: Alain Parisé, Director, Land
Tel: 1-866-514-6700
Email: TMEP_Land@transmountain.com

and:

Blake, Cassels & Graydon LLP
3500 Bankers Hall East
855 Second Street S.W.
Calgary, Alberta T2P 4J8
Attention: Lars Olthafer
Facsimile: (403) 260-9700
Email: lars.olthafer@blakes.com

4. If the Commission grants to the Applicant an immediate right to enter the Lands of the Owner pursuant to Subsection 324(1) of the Act, the Owner will be entitled to receive from the Applicant pursuant to Section 325 of the Act an amount as an advance of the compensation to be determined by the Commission pursuant to Subsection 327(1) of the Act. The Applicant is prepared to advance the Owner the total sum of \$2,100.00 in respect of the Pipeline Volumetric ROW as described in paragraph one (1) hereof and the Schedule attached as Exhibit "A" hereto, as an advance of the compensation referred to in Subsection 327(1) of the Act.
5. Attached as Exhibit "B" to this Notice is the Information Letter of the Regulator dated November 18, 2019 regarding the right of entry application process.

DATED at the City of Calgary, in the Province of Alberta, this 17th day of June, 2020.

Trans Mountain Pipeline ULC

By its counsel
Blake, Cassels & Graydon, LLP

Per:



Lars Olthafer

Exhibit "A"

SCHEDULE

1. LANDS IN RESPECT OF WHICH ORDER IS SOUGHT

LEGAL DESCRIPTION

LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081
SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082
THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083
FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518
DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213 AND 214
GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774

(the "**Lands of the Owner**")

That subsurface portion of the Lands of the Owner having a plan view area of 0.084 hectares / 0.21 acres and occupying 8438.8 cubic metres, more or less, shown as New Volumetric Right of Way on the individual ownership plan attached as Appendix "A" and forming part of this Schedule.

(the "**Pipeline Volumetric ROW**")

2. DEFINED TERMS

The words and phrases defined in Appendix "B" hereto shall have the respective meanings set out in Appendix "B" when used in this Schedule.

3. RIGHTS OR INTERESTS APPLIED FOR IN RESPECT OF LANDS OF THE OWNER AND THE PIPELINE VOLUMETRIC ROW

Trans Mountain requires the following rights, titles or interests in respect of the Pipeline Volumetric ROW:

- (a) the right and interest in, along and through the Pipeline Volumetric ROW to:
 - (i) survey and carry out tests and examinations for, lay down, construct, operate, maintain, inspect, patrol, alter, remove, replace, reconstruct and repair the Pipeline; and
 - (ii) generally to do all things necessary for or incidental to the exercise of the foregoing rights and interests;

(referred to herein as the "**Pipeline Volumetric ROW Rights**");

- (b) the right and interest in, on, over, upon, across and through the remainder of the Lands of the Owner to install markers and signage pertaining to the Pipeline Volumetric ROW in accordance with applicable regulations, and to survey and carry out examinations and patrols (including aerial patrols) for the purposes of granting Approvals, monitoring for the

presence or installation of an Incompatible Use and all other purposes necessary or incidental to the exercise of the Pipeline Volumetric ROW Rights

(the rights and interests referred to above being collectively referred to herein as the “**Easement Rights**”)

for Trans Mountain, its successors and assigns, and its and their respective employees, agents, contractors, and subcontractors, on foot and/or with vehicles, supplies, machinery and equipment at any and all times, by day and by night, for so long as Trans Mountain may desire to exercise them.

4. **RIGHTS, OBLIGATIONS AND RESTRICTIONS**

- (a) **Use of the Lands of the Owner:** Trans Mountain’s use of the Lands of the Owner pursuant to the Easement Rights shall be restricted to use in connection with the Pipeline.
- (b) **Compensate Owner:** Trans Mountain shall compensate the Owner for all damages caused by the operations, Pipeline or abandoned Pipeline of Trans Mountain to the extent contemplated by the provisions of the CER Act governing compensation including: (i) any restrictions on use of the Pipeline Volumetric ROW by operation of s. 335 of the CER Act; and (ii) any adverse effect on the remaining Lands of the Owner, including restrictions on the use of the remaining Lands of the Owner by operation of s. 335 of the CER Act.
- (c) **Indemnify Owner:** Trans Mountain shall indemnify the Owner from all liabilities, damages, claims, suits and actions resulting from the operations, Pipeline or abandoned Pipeline of Trans Mountain, other than liabilities, damages, claims, suits and actions resulting from the gross negligence or willful misconduct of the Owner.
- (d) **Rights of the Owner:** The Owner shall not make, do, install or construct, or permit or suffer to be made, done, installed or constructed, any Incompatible Use within, above or below the Pipeline Volumetric ROW. Subject to the foregoing and to the provisions of the CER Act and any regulations or orders made thereunder (including, but not limited to, those governing ground disturbances, construction and vehicle crossings relative to pipelines), the Owner shall have the right to use and enjoy the Lands of the Owner.
- (e) **Ownership of Pipeline:** Notwithstanding any rule of law or equity, the Pipeline shall at all times remain the property of Trans Mountain notwithstanding that it may be annexed or affixed to the Lands of the Owner and shall at any time and from time to time be removable in whole or in part by Trans Mountain.
- (f) **Quiet Enjoyment:** Trans Mountain, in performing and observing the covenants and conditions on its part to be observed and performed, shall and may peaceably hold and enjoy the Easement Rights hereby granted without hindrance, molestation or interruption on the part of the Owner or of any person, firm or corporation claiming by, through, under or in trust for the Owner.
- (g) **Other Rights Preserved:** Nothing contained herein shall affect or prejudice any right, present or future, which Trans Mountain may have under the provisions of the CER Act or

otherwise to acquire, use or occupy the Pipeline Volumetric ROW or any other portions of or any right or interest registered against the title to the Lands of the Owner.

- (h) **Successors and Assigns:** The Easement Rights are and shall be of the same force and effect as a covenant that runs with the Lands of the Owner. The Easement Rights and all rights, obligations and restrictions set forth in this Schedule shall extend to, be binding upon, and enure to the benefit of the heirs, executors, administrators, successors and assigns of the Owner and Trans Mountain, respectively.
- (i) **Interpretation:** Wherever the singular or masculine or neuter gender is used in this Schedule, it shall be construed as if the plural or other appropriate gender, as the case may be, had been used where the context so requires. If the Owner is comprised of more than one person, the obligations and liabilities of the persons included in the Owner hereunder shall be joint and several.
- (j) **Notices:** Any notice or other communication or delivery required or permitted to be given by one party to the other shall be in writing and may be given by either:
 - (i) delivery by hand, in which case it shall be deemed to have been received on delivery; or
 - (ii) sent by prepaid registered post mailed at a post office in Canada, in which case it shall be deemed to have been received on the third (3rd) business day following the day of mailing;

provided that any notice delivered by hand that is delivered after 4:00 p.m. local time at the address of the addressee on a business day shall be deemed to be received on the next following business day.

The address of Trans Mountain for such purpose shall be

Trans Mountain Pipeline ULC
Suite 2700, Stock Exchange Tower
300 – 5th Avenue S.W.,
Calgary, Alberta, T2P 5J2
Attention: Land Department

The address of the Owner for such purpose shall be the address that appears on the certificate of title for the Lands of the Owner maintained by the LTO at the time the notice is given.

A party may from time to time notify the other party of a change of address to another address inside Canada.

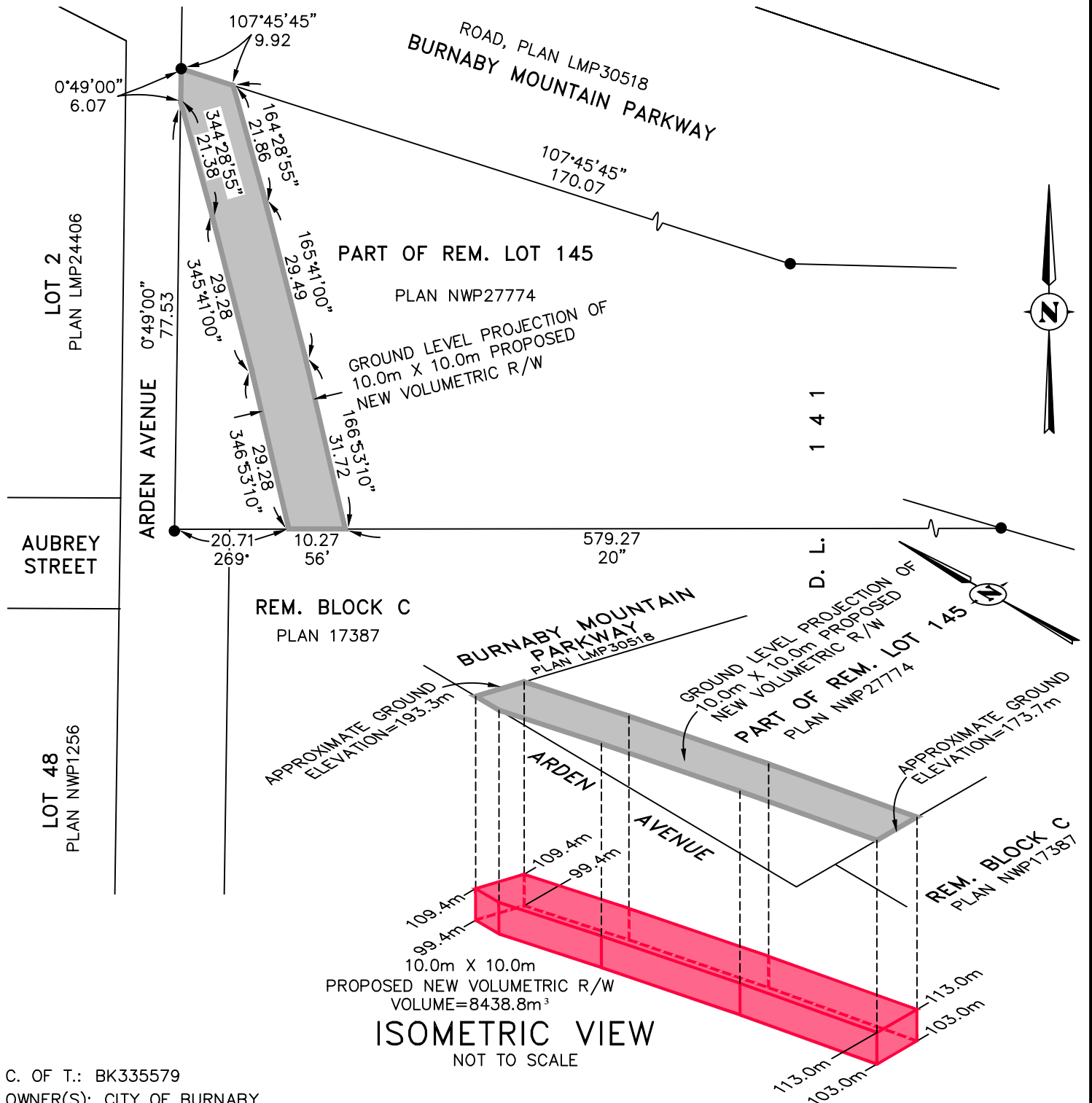
Notwithstanding anything contained herein to the contrary, if a strike, lockout or other labour disruption involving postal employees is in effect or generally known to be impending, every notice or other communication or delivery given under this provision must be given by personal delivery.

Tract: PC7887
PID: 003-211-649
Owner: City of Burnaby

APPENDIX A

INDIVIDUAL OWNERSHIP PLAN SHOWING PROPOSED PIPELINE VOLUMETRIC ROW

INDIVIDUAL OWNERSHIP PLAN



C. OF T.: BK335579
 OWNER(S): CITY OF BURNABY

AREA OF NEW VOLUMETRIC R/W
 PROJECTED TO GROUND LEVEL: 0.084 ha (0.21 Ac.)
 VOLUME REQUIRED FOR NEW VOLUMETRIC R/W: 8438.8m³ (298013.41 ft³)

STANDARD IRON POST FOUND SHOWN ●
 DISTANCES ARE IN METRES
 GROUND LEVEL PROJECTION OF NEW
 VOLUMETRIC R/W IS OUTLINED THUS:
 NEW VOLUMETRIC R/W IS OUTLINED THUS:
 THIS PLAN CERTIFIED CORRECT THIS
 28th DAY OF MAY, 2020.

PID: 003-211-649
 TRACT NUMBER: PC 7887

Colin Atkinson
 COLIN ATKINSON, BCLS

TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING
 PROPOSED VOLUMETRIC PIPELINE RIGHT-OF-WAY
 WITHIN
 LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081
 SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082
 THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083
 FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518
 DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213
 AND 214 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774
 CITY OF BURNABY – METRO VANCOUVER REGIONAL DISTRICT – BRITISH COLUMBIA

REVISION: C



WSP Surveys (BC)
 Limited Partnership
 Fort St John BC
 (250) 787 0300

TMC No.: 01-13283-M002-PP-B0085-RC

DWG: 38290-SRB-92G7D-RC

SCALE: 1:1000

DWG BY: JKE

FILE No.: S-38290

DATE: MAY 28, 2020

CKD BY: RR

APPENDIX B

DEFINED TERMS

“Approval” means an approval in writing by Trans Mountain pursuant to this Schedule or otherwise, including any conditions of approval.

“CER Act” means the *Canadian Energy Regulator Act* (Canada), and regulations thereunder, all as amended or replaced from time to time.

“Improvement” means a building, structure, erection, pipe, pole, fence, tower, road, pavement, foundation, improvement or thing of any kind or nature constructed or installed on or within land.

“including” means including without limitation.

“Incompatible Use” means any use, activity or thing within, above or below the Pipeline Volumetric ROW that would materially interfere with, disrupt or delay the exercise of the Easement Rights, or that imperils the safety or security of the Pipeline or any person or property associated therewith, and includes the use of any part of the Lands of the Owner within, above or below the Pipeline Volumetric ROW for any Improvement that is not a Permitted Improvement.

“LTO” means the land registry or land titles office in which land transactions affecting the Lands of the Owner may be deposited, registered, recorded or filed.

“Owner” means the registered owner or occupant or other person interested in the Lands of the Owner, or all of them, where the context so requires.

“Permitted Improvement” means an Improvement within, above or below the Pipeline Volumetric ROW for which there is an Approval and for which there has been compliance with any conditions that are part of that Approval.

“Pipeline” means the pipelines for which Trans Mountain has approval under the CER Act for the transportation, storage and handling of oil, other liquid or gaseous hydrocarbons, and any products or by-products thereof together with all tunnel infrastructure, installations, equipment, fittings and facilities included in, associated with, appurtenant, affixed or incidental thereto, including all such pipes, drips, valves, fittings, connections, meters and cathodic protection equipment, and telecommunication and electrical facilities used or required for or in the operation and maintenance of the pipelines, whether below or above ground.

“Trans Mountain” means Trans Mountain Pipeline ULC.

Tract: PC7887
PID: 003-211-649
Owner: City of Burnaby

Exhibit "B"

CANADA ENERGY REGULATOR INFORMATION LETTER (November 18, 2019)

**Trans Mountain Pipeline ULC (Trans Mountain)
Trans Mountain Expansion Project (TMEP)
Notice of Trans Mountain's Application for Right of Entry
Canada Energy Regulator Information Letter**

On 19 May 2016, the National Energy Board (NEB or Board) issued its OH-001-2014 Report recommending that the Governor in Council (GIC) approve the TMEP, subject to 157 conditions ([A77045](#)).

On 29 November 2016, the GIC directed the Board to issue Certificate of Public Convenience and Necessity OC-064 ([A80871](#)), the effect of which was to approve the TMEP, including the 150 metre wide corridor.

On 18 June 2019 the GIC issued the Order in Council approving the Board's MH-052-2018 Reconsideration Report ([A98021](#)).

On 28 August 2019, pursuant to the Canadian Energy Regulator Act, the National Energy Board (NEB) was replaced with the Canada Energy Regulator (CER). The NEB's adjudicative work has been transferred to the Commission of the Canada Energy Regulator.

The CER has directed Trans Mountain to provide this information letter with all notices of application for right of entry.

For any questions, please contact a CER Process Advisor by phone at 1-800-899-1265 (toll-free), or by email at TMX.ProcessHelp@cer-rec.gc.ca.

Right of Entry

If a company requires the use of private lands for its CER-regulated project, it must first acquire the necessary land rights through a land acquisition agreement. If the company and a landowner are unable to finalize a land acquisition agreement, the company can file with the CER a right of entry application for an order to enable the company to enter the lands.

The process to be followed for right of entry applications is summarized in the attachment to this letter. The Commission expects that the company and the landowner have made every reasonable attempt to finalize a land acquisition agreement.

The Commission wishes to highlight to landowners the following resources¹ that are available to landowners regarding the right of entry application process:

- section 324-326 of the CER Act <https://laws-lois.justice.gc.ca/eng/acts/C-15.1/page-39.html#docCont>;
- section 55 of the *National Energy Board Rules of Practice and Procedure, 1995* (<http://laws-lois.justice.gc.ca/eng/regulations/SOR-95-208/page-6.html#h-45>);

¹ Some publications are currently in the process of being updated from the NEB to the CER.

- Guide V of the CER Filing Manual (<https://www.neb-one.gc.ca/bts/ctrg/gnnb/flngmnl/fmgdv-eng.html>);
- Landowner Guide (<https://www.neb-one.gc.ca/prtcptn/lndwnrgd/index-eng.html>); and
- Right of Entry Snapshot (<http://www.neb-one.gc.ca/bts/nws/rgltrsnpshts/2018/01rgltrsnpsht-eng.html>).

Objection to an Application for Right of Entry

The CER has created a template for landowners to complete in the event that they wish to file an objection to a right of entry application. The written objection template can be found on the CER's website at: <https://www.neb-one.gc.ca/prtcptn/frm/bjctnpplctnrghtry-eng.pdf>.

Note that a landowner's written objection to a right of entry application must be filed with the CER within **10 calendar days of the landowner's receipt of the right of entry application**.

Process Advisors and Alternative Dispute Resolution Services

The CER has Process Advisors in place to respond to your questions about the right of entry process. You can reach them by email at TMX.ProcessHelp@cer-rec.gc.ca or you can call 1-800-899-1265 (toll free).

The Commission's alternative dispute resolution (ADR) services are available to assist parties to reach resolution of outstanding issues outside of the regulatory process. ADR processes are uniquely tailored to individual needs and could take the form, for example, of a meeting between landowners and Trans Mountain. To take advantage of ADR, both the landowner and Trans Mountain must agree to take part. This process is voluntary and facilitated by trained Board staff, or by another neutral third party. If interested in using the Commission's ADR services or learning more information about ADR options, please email ADR-MRD@neb-one.gc.ca or call 1-800-899-1265 (toll free).

Compensation Related Matters

Under Part 6 of the CER Act, parties may apply to the Commission to determine compensation disputes in relation to land matters. The CER's [*Guidance on Land Related Compensation Disputes*](#) provides further information about when compensation may be available.

If parties are unable to resolve a compensation dispute through their own negotiation efforts, the CER can support the resolution of the dispute in two ways: ADR or adjudication (hearing and decision). Interested parties may submit a complaint or application to the CER to commence either or both of these compensation dispute proceedings.

In line with the principles of natural justice, compensation dispute proceedings will be dealt with independently from the right of entry process. Detailed route hearing processes will proceed along their normal course regardless of whether parties are also participating in a compensation dispute proceeding.

**Canada Energy Regulator (CER)
Right of Entry Application Process**

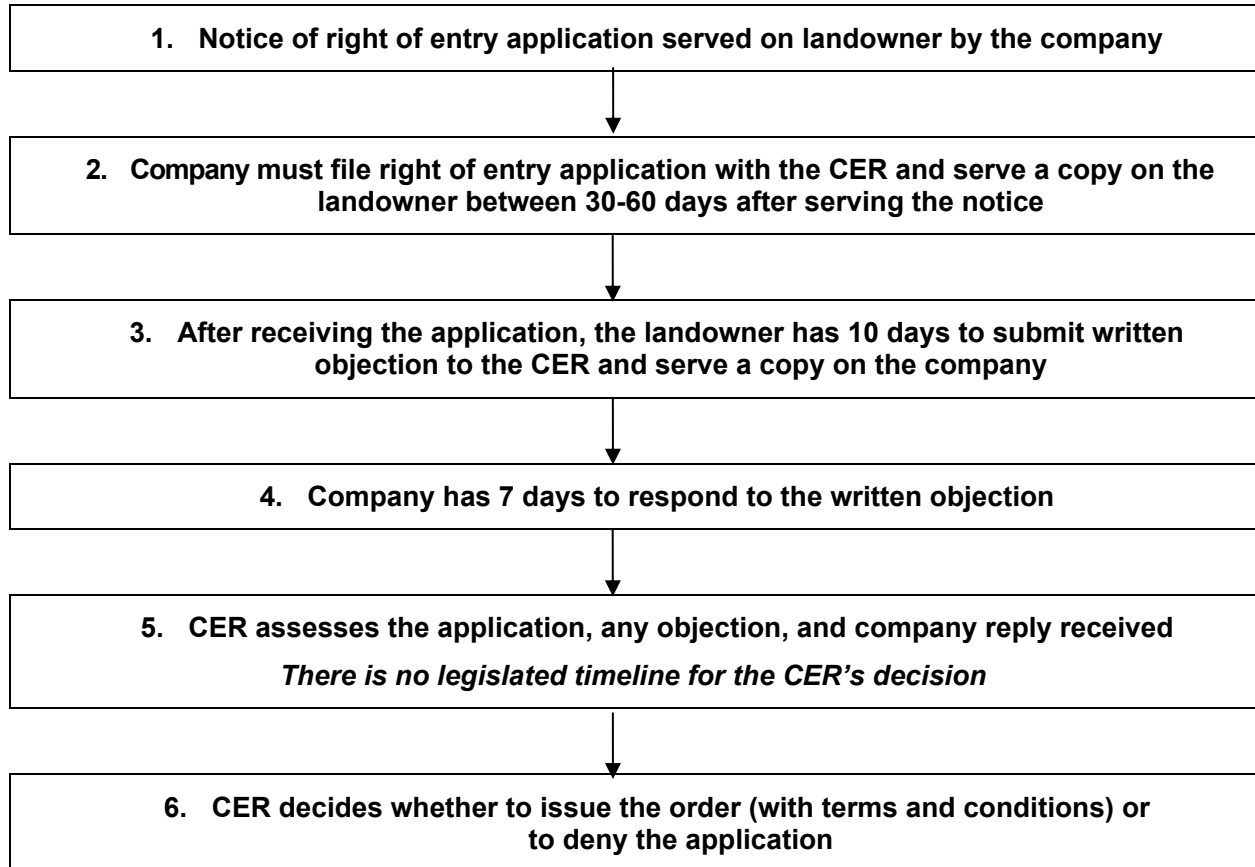


Exhibit "B"

**Proof of Service in accordance with subsection 8(8) of the Rules of the Notice set out in
Exhibit "A"**

CANADA ENERGY REGULATOR

IN THE MATTER OF the *Canadian Energy Regulator Act*, SC 2019, c 28, s 10 (Canada), (the “**Act**”) and the regulations made thereunder;

AND IN THE MATTER OF Certificate OC-065, as amended, authorizing the construction and operation of the Trans Mountain Expansion Project;

AND IN THE MATTER OF Decision MH-048-2018 authorizing the relocation of the Westridge Delivery Line;

AND IN THE MATTER OF a Notice of Application for immediate right of entry (“**Notice**”) pursuant to subsection 324(2) of the Act by Trans Mountain Pipeline ULC (“**Trans Mountain**”)

SOLICITOR’S CERTIFICATE OF SERVICE

I, Lars Olthafer, Solicitor, certify that I caused the City of Burnaby, being the registered owner (the “**Owner**”) of the lands described as 003-211-649 (the “**Lands**”), to be duly served with the Notice by causing same to be delivered on June 17, 2020, on consent, by email transmission to the attention of May Leung, (May.Leung@burnaby.ca), City Solicitor for the City of Burnaby.



LARS OLTHAFER

July 21, 2020

BLAKE, CASSELS & GRAYDON LLP

Barristers & Solicitors
3500 Bankers Hall East
855 Second Street S.W.
Calgary, Alberta T2P 4J8
Tel: (403) 260-9600
Fax: (403) 260-9700

Solicitors for Trans Mountain

Exhibit "C"

Schedule describing the Lands of the Owner and the Pipeline Volumetric ROW; the rights, titles and interests applied for in respect of the Lands of the Owner and the Pipeline Volumetric ROW; and the rights, obligations and restrictions proposed to be made part of the Right of Entry Order

SCHEDULE

1. LANDS IN RESPECT OF WHICH ORDER IS SOUGHT

LEGAL DESCRIPTION

LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081
SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082
THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083
FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518
DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213 AND 214
GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774

(the "**Lands of the Owner**")

That subsurface portion of the Lands of the Owner having a plan view area of 0.084 hectares / 0.21 acres and occupying 8438.8 cubic metres, more or less, shown as New Volumetric Right of Way on the individual ownership plan attached as Appendix "A" and forming part of this Schedule.

(the "**Pipeline Volumetric ROW**")

2. DEFINED TERMS

The words and phrases defined in Appendix "B" hereto shall have the respective meanings set out in Appendix "B" when used in this Schedule.

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Trans Mountain requires the following rights, titles or interests in respect of the Pipeline Volumetric ROW:

- (a) the right and interest in, along and through the Pipeline Volumetric ROW to:
 - (i) survey and carry out tests and examinations for, lay down, construct, operate, maintain, inspect, patrol, alter, remove, replace, reconstruct and repair the Pipeline; and
 - (ii) generally to do all things necessary for or incidental to the exercise of the foregoing rights and interests;

(referred to herein as the "**Pipeline Volumetric ROW Rights**");

- (b) the right and interest in, on, over, upon, across and through the remainder of the Lands of the Owner to install markers and signage pertaining to the Pipeline Volumetric ROW in accordance with applicable regulations, and to survey and carry out examinations and patrols (including aerial patrols) for the purposes of granting Approvals, monitoring for the

presence or installation of an Incompatible Use and all other purposes necessary or incidental to the exercise of the Pipeline Volumetric ROW Rights

(the rights and interests referred to above being collectively referred to herein as the
“Easement Rights”)

for Trans Mountain, its successors and assigns, and its and their respective employees, agents, contractors, and subcontractors, on foot and/or with vehicles, supplies, machinery and equipment at any and all times, by day and by night, for so long as Trans Mountain may desire to exercise them.

4. RIGHTS, OBLIGATIONS AND RESTRICTIONS

- (a) **Use of the Lands of the Owner:** Trans Mountain’s use of the Lands of the Owner pursuant to the Easement Rights shall be restricted to use in connection with the Pipeline.
- (b) **Compensate Owner:** Trans Mountain shall compensate the Owner for all damages caused by the operations, Pipeline or abandoned Pipeline of Trans Mountain to the extent contemplated by the provisions of the CER Act governing compensation including: (i) any restrictions on use of the Pipeline Volumetric ROW by operation of s. 335 of the CER Act; and (ii) any adverse effect on the remaining Lands of the Owner, including restrictions on the use of the remaining Lands of the Owner by operation of s. 335 of the CER Act.
- (c) **Indemnify Owner:** Trans Mountain shall indemnify the Owner from all liabilities, damages, claims, suits and actions resulting from the operations, Pipeline or abandoned Pipeline of Trans Mountain, other than liabilities, damages, claims, suits and actions resulting from the gross negligence or willful misconduct of the Owner.
- (d) **Rights of the Owner:** The Owner shall not make, do, install or construct, or permit or suffer to be made, done, installed or constructed, any Incompatible Use within, above or below the Pipeline Volumetric ROW. Subject to the foregoing and to the provisions of the CER Act and any regulations or orders made thereunder (including, but not limited to, those governing ground disturbances, construction and vehicle crossings relative to pipelines), the Owner shall have the right to use and enjoy the Lands of the Owner.
- (e) **Ownership of Pipeline:** Notwithstanding any rule of law or equity, the Pipeline shall at all times remain the property of Trans Mountain notwithstanding that it may be annexed or affixed to the Lands of the Owner and shall at any time and from time to time be removable in whole or in part by Trans Mountain.
- (f) **Quiet Enjoyment:** Trans Mountain, in performing and observing the covenants and conditions on its part to be observed and performed, shall and may peaceably hold and enjoy the Easement Rights hereby granted without hindrance, molestation or interruption on the part of the Owner or of any person, firm or corporation claiming by, through, under or in trust for the Owner.
- (g) **Other Rights Preserved:** Nothing contained herein shall affect or prejudice any right, present or future, which Trans Mountain may have under the provisions of the CER Act or

otherwise to acquire, use or occupy the Pipeline Volumetric ROW or any other portions of or any right or interest registered against the title to the Lands of the Owner.

- (h) **Successors and Assigns:** The Easement Rights are and shall be of the same force and effect as a covenant that runs with the Lands of the Owner. The Easement Rights and all rights, obligations and restrictions set forth in this Schedule shall extend to, be binding upon, and enure to the benefit of the heirs, executors, administrators, successors and assigns of the Owner and Trans Mountain, respectively.
- (i) **Interpretation:** Wherever the singular or masculine or neuter gender is used in this Schedule, it shall be construed as if the plural or other appropriate gender, as the case may be, had been used where the context so requires. If the Owner is comprised of more than one person, the obligations and liabilities of the persons included in the Owner hereunder shall be joint and several.
- (j) **Notices:** Any notice or other communication or delivery required or permitted to be given by one party to the other shall be in writing and may be given by either:
 - (i) delivery by hand, in which case it shall be deemed to have been received on delivery; or
 - (ii) sent by prepaid registered post mailed at a post office in Canada, in which case it shall be deemed to have been received on the third (3rd) business day following the day of mailing;

provided that any notice delivered by hand that is delivered after 4:00 p.m. local time at the address of the addressee on a business day shall be deemed to be received on the next following business day.

The address of Trans Mountain for such purpose shall be

Trans Mountain Pipeline ULC
Suite 2700, Stock Exchange Tower
300 – 5th Avenue S.W.,
Calgary, Alberta, T2P 5J2
Attention: Land Department

The address of the Owner for such purpose shall be the address that appears on the certificate of title for the Lands of the Owner maintained by the LTO at the time the notice is given.

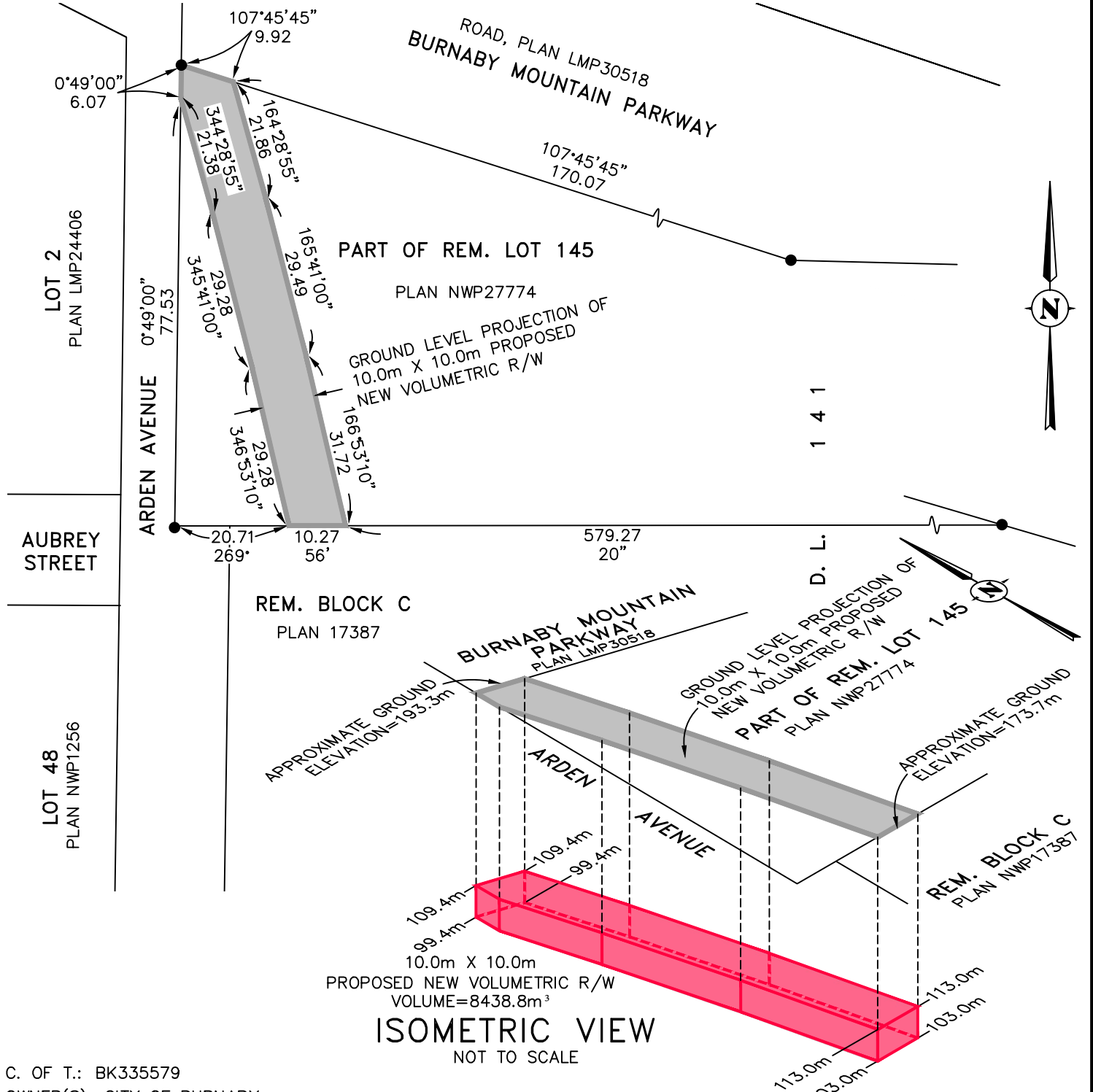
A party may from time to time notify the other party of a change of address to another address inside Canada.

Notwithstanding anything contained herein to the contrary, if a strike, lockout or other labour disruption involving postal employees is in effect or generally known to be impending, every notice or other communication or delivery given under this provision must be given by personal delivery.

APPENDIX A

INDIVIDUAL OWNERSHIP PLAN SHOWING PROPOSED PIPELINE VOLUMETRIC ROW

INDIVIDUAL OWNERSHIP PLAN



C. OF T.: BK335579
 OWNER(S): CITY OF BURNABY

AREA OF NEW VOLUMETRIC R/W
 PROJECTED TO GROUND LEVEL: 0.084 ha (0.21 Ac.)
 VOLUME REQUIRED FOR NEW VOLUMETRIC R/W: 8438.8m³ (298013.41 ft³)

STANDARD IRON POST FOUND SHOWN ●
 DISTANCES ARE IN METRES
 GROUND LEVEL PROJECTION OF NEW
 VOLUMETRIC R/W IS OUTLINED THUS:
 NEW VOLUMETRIC R/W IS OUTLINED THUS:

THIS PLAN CERTIFIED CORRECT THIS
 28th DAY OF MAY, 2020.

PID: 003-211-649
 TRACT NUMBER: PC 7887

Colin Atkinson
 COLIN ATKINSON, BCLS

TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING
 PROPOSED VOLUMETRIC PIPELINE RIGHT-OF-WAY
 WITHIN
 LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081
 SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082
 THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083
 FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518
 DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213
 AND 214 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774
 CITY OF BURNABY – METRO VANCOUVER REGIONAL DISTRICT – BRITISH COLUMBIA

REVISION: C



WSP Surveys (BC)
 Limited Partnership
 Fort St John BC
 (250) 787 0300

TMC No.: 01-13283-M002-PP-B0085-RC

DWG: 38290-SRB-92G7D-RC

SCALE: 1:1000

DWG BY: JKE

FILE No.: S-38290

DATE: MAY 28, 2020

CKD BY: RR

APPENDIX B

DEFINED TERMS

“Approval” means an approval in writing by Trans Mountain pursuant to this Schedule or otherwise, including any conditions of approval.

“CER Act” means the *Canadian Energy Regulator Act* (Canada), and regulations thereunder, all as amended or replaced from time to time.

“Improvement” means a building, structure, erection, pipe, pole, fence, tower, road, pavement, foundation, improvement or thing of any kind or nature constructed or installed on or within land.

“including” means including without limitation.

“Incompatible Use” means any use, activity or thing within, above or below the Pipeline Volumetric ROW that would materially interfere with, disrupt or delay the exercise of the Easement Rights, or that imperils the safety or security of the Pipeline or any person or property associated therewith, and includes the use of any part of the Lands of the Owner within, above or below the Pipeline Volumetric ROW for any Improvement that is not a Permitted Improvement.

“LTO” means the land registry or land titles office in which land transactions affecting the Lands of the Owner may be deposited, registered, recorded or filed.

“Owner” means the registered owner or occupant or other person interested in the Lands of the Owner, or all of them, where the context so requires.

“Permitted Improvement” means an Improvement within, above or below the Pipeline Volumetric ROW for which there is an Approval and for which there has been compliance with any conditions that are part of that Approval.

“Pipeline” means the pipelines for which Trans Mountain has approval under the CER Act for the transportation, storage and handling of oil, other liquid or gaseous hydrocarbons, and any products or by-products thereof together with all tunnel infrastructure, installations, equipment, fittings and facilities included in, associated with, appurtenant, affixed or incidental thereto, including all such pipes, drips, valves, fittings, connections, meters and cathodic protection equipment, and telecommunication and electrical facilities used or required for or in the operation and maintenance of the pipelines, whether below or above ground.

“Trans Mountain” means Trans Mountain Pipeline ULC.

Exhibit "D"

Copy of the Current Certificate of Title for the Lands of the Owner

TITLE SEARCH PRINT

2020-07-17, 11:07:57

File Reference: 87442/58

Requestor: Diana Tan

Declared Value \$ 10000000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District NEW WESTMINSTER
Land Title Office NEW WESTMINSTER

Title Number BK335579
From Title Number BK339812

Application Received 1996-10-23

Application Entered 1996-11-13

Registered Owner in Fee Simple
Registered Owner/Mailing Address: CITY OF BURNABY
4949 CANADA WAY
BURNABY, BC
V5G 1M2

Taxation Authority Burnaby, City of

Description of Land
Parcel Identifier: 003-211-649
Legal Description:
LOT 145 EXCEPT: FIRSTLY: PART DEDICATED ROAD ON PLAN LMP18081
SECONDLY; PART DEDICATED ROAD ON PLAN LMP18082
THIRDLY; PART DEDICATED ROAD ON PLAN LMP18083
FOURTHLY; PART SUBDIVIDED BY PLAN LMP30518
DISTRICT LOTS 31, 101, 102, 144, 147, 209, 210, 211, 212, 213 AND 214
GROUP 1 NEW WESTMINSTER DISTRICT PLAN 27774

Legal Notations
HERETO IS ANNEXED EASEMENT BK121488 OVER PART PLAN LMP25947 OF
LEASE BK143825

PARK DEDICATION BYLAW, SEE BK414082

Charges, Liens and Interests
Nature: STATUTORY RIGHT OF WAY
Registration Number: 85814C
Registration Date and Time: 1942-05-05 13:45
Registered Owner: BRITISH COLUMBIA TELEPHONE COMPANY
Remarks: REFERENCE PLAN 8666 AND SEE D.F. 35618

TITLE SEARCH PRINT

2020-07-17, 11:07:57

File Reference: 87442/58

Requestor: Diana Tan

Declared Value \$ 10000000

Nature: STATUTORY RIGHT OF WAY
Registration Number: 113504C
Registration Date and Time: 1948-03-10 12:35
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: REFERENCE PLAN 10893
ANCILLARY RIGHTS

Nature: STATUTORY RIGHT-OF-WAY
Registration Number: 150547C
Registration Date and Time: 1952-08-26 01:41
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA
PLAN 12829 ANCILLARY RIGHTS
PART FORMERLY LOT 9 PLAN 3080
LOT 11 PLAN 3081 AND LOT 102 PLAN 3065

Nature: STATUTORY RIGHT OF WAY
Registration Number: 152011C
Registration Date and Time: 1952-10-10 15:00
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA
PLAN 12829 ANCILLARY RIGHTS
PART FORMERLY LOT 101 PLAN 12929
AND BLOCK "G" PLAN 12930

Nature: STATUTORY RIGHT-OF-WAY
Registration Number: 157955C
Registration Date and Time: 1953-05-06 11:50
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA
PLAN 13356 ANCILLARY RIGHTS
PART FORMERLY IN LOT 11 PLAN 3081,
LOT 101 PLAN 12929 AND BLOCK "G"
PLAN 12930)

Nature: STATUTORY RIGHT OF WAY
Registration Number: 159905C
Registration Date and Time: 1953-07-04 10:40
Registered Owner: IMPERIAL OIL LIMITED
Remarks: INTER ALIA
PLAN 13451
ANCILLARY RIGHTS

TITLE SEARCH PRINT

2020-07-17, 11:07:57

File Reference: 87442/58

Requestor: Diana Tan

Declared Value \$ 10000000

Nature: STATUTORY RIGHT OF WAY
Registration Number: 162580C
Registration Date and Time: 1953-09-24 11:00
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA
PLAN 13356 ANCILLARY RIGHTS
PART FORMERLY LOT 102 PLAN 3065

Nature: STATUTORY RIGHT OF WAY
Registration Number: 232685C
Registration Date and Time: 1958-03-07 13:50
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA
REFERENCE PLAN 15825 ANCILLARY RIGHTS
PART FORMERLY LOT 102 PLAN 3065

Nature: STATUTORY RIGHT OF WAY
Registration Number: C42554
Registration Date and Time: 1967-07-25 11:19
Registered Owner: GREATER VANCOUVER WATER DISTRICT
Remarks: PLAN 29250

Nature: STATUTORY RIGHT OF WAY
Registration Number: E33548
Registration Date and Time: 1969-05-27 15:09
Registered Owner: DISTRICT OF BURNABY
Remarks: INTER ALIA
PLAN 29593
ANCILLARY RIGHTS

Nature: MORTGAGE
Registration Number: G99272
Registration Date and Time: 1971-11-15 12:16
Registered Owner: MONTREAL TRUST COMPANY
Remarks: "IN TRUST" SEE 99804C AND G99272
INTER ALIA
OF 85814C SUPPLEMENTAL TO 99804C,

Nature: STATUTORY RIGHT OF WAY
Registration Number: H29265
Registration Date and Time: 1972-03-29 14:36
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA
PLAN 30839
ANCILLARY RIGHTS

TITLE SEARCH PRINT

2020-07-17, 11:07:57

File Reference: 87442/58

Requestor: Diana Tan

Declared Value \$ 10000000

Nature: STATUTORY RIGHT OF WAY
Registration Number: H31807
Registration Date and Time: 1972-04-07 12:22
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: REFERENCE PLAN 10893

Nature: STATUTORY RIGHT OF WAY
Registration Number: BY126850
Registration Date and Time: 1980-02-06 11:42
Registered Owner: DISTRICT OF BURNABY
Remarks: INTER ALIA
PLAN 56963
ANCILLARY RIGHTS

Nature: STATUTORY RIGHT OF WAY
Registration Number: X60276
Registration Date and Time: 1984-06-05 10:25
Registered Owner: CITY OF PORT MOODY
Remarks: PLAN 67994

Nature: STATUTORY RIGHT OF WAY
Registration Number: AE41801
Registration Date and Time: 1991-03-20 08:44
Registered Owner: BRITISH COLUMBIA TELEPHONE COMPANY
Remarks: INTER ALIA
PLAN 28688

Nature: STATUTORY RIGHT OF WAY
Registration Number: BG320526
Registration Date and Time: 1993-09-03 12:34
Registered Owner: TRANS MOUNTAIN PIPELINE INC.
INCORPORATION NO. A70893
Transfer Number: BB391277
Remarks: PLAN LMP12297

Nature: EASEMENT
Registration Number: BK335581
Registration Date and Time: 1996-10-23 10:43
Remarks: PLAN LMP30524
APPURTENANT TO LOT 1 PLAN LMP30518

Nature: COVENANT
Registration Number: BK335582
Registration Date and Time: 1996-10-23 10:43
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks: L.T.A. SECTION 215

TITLE SEARCH PRINT

2020-07-17, 11:07:57

File Reference: 87442/58

Requestor: Diana Tan

Declared Value \$ 10000000

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BR28153
Registration Date and Time:	2001-02-05 13:17
Registered Owner:	PETRO-CANADA INCORPORATION NO. 32939A
Remarks:	PLAN LMP48734

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	BA336303
Registration Date and Time:	2006-11-14 12:27
Registered Owner:	CITY OF BURNABY

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

Exhibit "E"

Copy of section 56 of the Rules

National Energy Board Rules of Practice and Procedure, 1995, SOR/95-2008

Section 56

Written Objection

56. (1) An owner of lands for which a right of entry order is sought who wishes to object to the application shall file the objection with the Board no later than ten days after the date that the application is served on the owner by the company.
- (2) Where an owner of lands files an objection in accordance with subsection (1), the owner shall, on the same day that the objection is filed with the Board, serve the objection on the company at the address shown in the notice served on the owner by the company.
- (3) A company that receives an objection under subsection (2) shall file with the Board a reply to the objection, or a statement that it does not wish to respond to the objection, within seven days after the date that the objection is served on the company by the owner of the lands.
- (4) Where a company files a reply to an objection, the company shall serve the reply on the owner of the lands on the same day that the reply is filed with the Board.

SOR/2001-30, s. 1.

Exhibit "F"

SUMMARY OF THE LAND NEGOTIATION PROCESS

Owner:	City of Burnaby (the "Owner")
Tract Number and Legal Description:	PC7887 , 003-211-649 (the "Lands")
Section 322 Notice:	June 10, 2020
Section 34 Notice:	August 22, 2019
Subsection 324(2) Notice:	June 17, 2020

Summary of Consultation and Outstanding Issues

Trans Mountain and its agents began engaging with the Owner regarding the subsurface portions of the Lands that would be required to construct that portion of the Project referred to as the Burnaby Mountain Tunnel and the relocation of the WDL when focused routing engagement began in or about April 2013.

As part of this ongoing engagement, Trans Mountain and the Owner convened a Technical Working Group (**TWG**) in 2016 comprised of Trans Mountain technical teams, the Owner and its subject matter experts. Through the TWG and other engagement activities, Trans Mountain and the Owner consulted directly about the Project and the Burnaby Mountain Tunnel, including tunnel design and related concerns and issues raised by the Owner.¹

The Owner stopped participating in regular TWG meetings in December 2017. Despite numerous engagement opportunities presented by Trans Mountain since that time, there have been only sporadic discussions between Trans Mountain and the Owner relative to the Project, the relocation of the WDL and the Burnaby Mountain Tunnel.²

Trans Mountain has provided the Owner with detailed drawings of the Burnaby Mountain Tunnel and the proposed Volumetric ROW and a variety of issues have been discussed. Where practical and reasonable, Trans Mountain has incorporated input from the Owner into the tunnel design, including the use of a trenchless construction technique utilizing a tunnel boring machine to minimize or eliminate tree clearing within the Burnaby Mountain Conservation Area and potential surface impacts.

Trans Mountain has been diligent in its attempts to reach a voluntary agreement with the Owner in respect of the Volumetric ROW and has made multiple offers of compensation in respect of the same.

¹ Trans Mountain has filed various reports describing the activities undertaken by the TWGs, including the Terms of Reference dated February 16, 2017 ([A81760-2](#)) and subsequent reports dated April 13, 2017 ([A82625-2](#)), October 13, 2017 ([A86895-2](#)), April 13, 2018 ([A91269-2](#)), October 12, 2018 ([A94775-1](#)), April 12, 2019 ([A98818-1](#)), October 15, 2019 ([A6Y7Q7](#)) and April 14, 2020 ([C05717-1](#)) ("**TWG Reports**"). The TWG Reports specify the dates of TWG activities and meetings and provide a summary of issues raised during the TWG activities, a description of Trans Mountain's response and/or the outcome, and a description of any unresolved issues or concerns and how they will be addressed.

² As noted in the National Energy Board ("**NEB**" or "**Board**") Decision for Detailed Route Hearing MH-033-2017 – Tunnel Section ([A90020-1](#)) dated February 15, 2018 ("**Detailed Route Decision**"): "Burnaby chose not to take full advantage of numerous opportunities offered by Trans Mountain. Outside of the limited pre-TWG process (sometimes referred to as the TWG process), and filings through counsel, Burnaby stopped its limited consultation with Trans Mountain around the point it filed its detailed route objection." (p. 11)

To date, the Owner has refused to grant Trans Mountain the right to enter those portions of the Lands required for the construction, operation and maintenance of the Project, the WDL and Burnaby Mountain Tunnel.

Trans Mountain submits that the only issue that remains outstanding in relation to its acquisition of the proposed Volumetric ROW for the purposes of the Project and the relocation of the WDL is that of compensation.

Trans Mountain submits that the issue of compensation is properly dealt with according to the scheme provided for the resolution of such matters under the Act, whether by alternative dispute resolution or by determination of the Commission.

Exhibit "G"

CER Template for Objection to Application for Right of Entry



Objection to an Application for Right of Entry

Your objection must be filed with the Canada Energy Regulator (CER) within 10 calendar days of your receipt of the right of entry application

This completed form and any attachments you provide the CER must also be sent to the company at the address provided in the right of entry application.

You can complete this form online, save it on your computer, and e-file it through the CER's Regulatory Documents link on the CER website (www.cer-rec.gc.ca). In the alternative, you can print this form and mail or fax it to:

**Canada Energy Regulator
Suite 210, 517 Tenth Avenue SW
Calgary, AB T2R 0A8**

**Facsimile: 403-292-5503
Toll Free Facsimile: 1-877-288-8803**

If you have process questions, contact the CER toll free at 1-800-899-1265 and ask to speak to somebody about your objection to an application for a right of entry.

Alternative Dispute Resolution

Alternative Dispute Resolution (ADR) services such as facilitation and mediation are available from the CER at any time to help parties resolve disputes outside the CER's regulatory processes. To seek additional information, please contact the CER's ADR staff at 1-800-899-1265 or ADR-MRD@cer-rec.gc.ca.

The form starts on the next page



Project Information

Company Name:	Project Name (if known):
Company Representative and Title (if known):	

Land Information

Legal description of lands this objection pertains to:
Are you a registered landowner? Yes No
If not, please describe your interest in the lands (e.g., tenant, lease holder, occupier, other):

The form continues on the next page



Your Contact Information

Name:	Title:
Residential Address:	
City:	Province:
Postal Code:	Facsimile:
Telephone 1:	Telephone 2:
Email:	
Mailing or Personal/Courier Service Address (if different from above)	
Address:	
Telephone:	

Authorized Representative Contact Information

If you do not have an authorized representative, please leave blank

Name:	Title:
Organization:	Address:
City:	Province:
Postal Code:	Facsimile:
Telephone:	Email:
Mailing or Personal/Courier Service Address (if different from above)	
Address:	
Telephone:	



Details of your Objection

Please describe your reason(s) for objecting to the right of entry application and provide supporting documents where possible. You can attach additional pages to this form.

You may provide comments on the order terms and conditions that the company proposed, or submit your own proposed terms or conditions to be included in the order, should the CER decide to grant the company's right of entry application.

Print Name:
Signature:
Date of this Objection (DD MM YYYY):

The company has up to 7 calendar days to reply to your written objection. The company must file its response to your objection with the CER and provide you with a copy.

Exhibit "H"

Canada Energy Regulator Filing Inventory

**Trans Mountain Expansion Project
 Right of Entry Application
 Filing Inventory**

1. Land Description

	Application PDF Page No.
a. Landowner(s): City of Burnaby	Various
b. Land Description (short form): PID 003-211-649	Various
c. Description (including area) of permanent and temporary workspace as applicable: New Volumetric Right of Way Projected to Ground Level: 0.084 Ha / 0.21 Ac Volume Required for New Volumetric Right of Way: 8438.8 m ³ / 298013.41 ft ³	Various

2. Application pursuant to subsection 324(1) of the CER Act (Application)

Legislation	Filing Requirement		
		In Application? References (Application PDF Page No.)	Not in Application? (Explanation)
The Rules 55(3)	a. Confirm the Application includes:		
The Rules 55(3)(a)	i) Copy of the s.324(2) Notice(s)	13-28	
The Rules 55(3)(b)(i)	ii) Evidence that s.324(2) Notice was served on landowner not less than 30 days and not more than 60 days prior to filing the application with the Commission	30	
The Rules 55(3)(b)(ii)	iii) Evidence that s.324(2) Notice was served on landowner in accordance with subsection 8(8) of the Rules or in any manner ordered by the Commission under the <i>NEB Substituted Service Regulations</i>	30	
	<ul style="list-style-type: none"> • Provide REGDOC link to Substituted Service Order • Provide date substituted service was effected • Identify which other notices, if any, were served using substituted service (e.g., s. 201(1)(a), s. 322(1) of CER Act) 		
The Rules 55(3)(c)	A schedule that contains a description of:		
The Rules 55(3)(c)(i)	a) Lands in respect of which the order is sought	32-37	
The Rules 55(3)(c)(ii)	b) Rights, titles or interests applied for in respect of the lands	32-37	
The Rules 55(3)(c)(iii)	c) Any rights, obligations, restrictions or terms and conditions that are proposed to attach to:	32-37	
The Rules 55(3)(c)(iii)(A)	<ul style="list-style-type: none"> • Rights, titles, or interests applied for in respect of the lands 		

Legislation	Filing Requirement		
The Rules 55(3)(c)(iii)(B)	<ul style="list-style-type: none"> Any remaining interest(s) 		
The Rules 55(3)(c)(iii)(C)	<ul style="list-style-type: none"> Any adjacent lands of the landowner 		
The Rules 55(3)(d)	iv) Current abstract of title to the lands, a certified copy of the certificate of title to the lands or a certified statement of rights registered in the land registers for the lands	39-43	
The Rules 55(3)(e)	v) Copy of section 56 of the <i>NEB Rules of Practice and Procedure</i>	44	
The Rules 55(3)(f)	Confirm that Trans Mountain has served the application, including the information set out in section 55 of the Rules, on the landowner	Trans Mountain will serve this application on the landowner after it has made this application to the Regulator. Trans Mountain will file proof of service of this application as soon as possible after service is effected on the landowner.	
	Indicate the requested number of certified copies of the right of entry order, should the application be approved:		3

3. Right of entry notice pursuant to subsection 324(2) of the CER Act [s.324(2) Notice]

Legislation	Filing Requirement		
The Rules 55(3)(a)	a. Date(s) s.324(2) Notice was served on landowner(s):	June 17, 2020	
CER Act s.324(2)	b. Confirm that each s.324(2) Notice included:	Yes/No	Application PDF Page No.
CER Act s.324(2)(a)	i) The purpose of the right of entry	Yes	17
CER Act s.324(2)(b)	ii) Date the company intends to make its application to the Commission pursuant to subsection 324(1) of the CER Act	Yes	17
CER Act s.324(2)(c)	iii) Date the company wishes to enter the lands and period during which the company intends to have access to the lands	Yes	17
CER Act s.324(2)(d)	iv) Address of the CER for any objection	Yes	18
CER Act s.324(2)(e)	v) Description of landowner's right to advance of compensation, and the amount of the advance of compensation the company is prepared to make	Yes	18

4. Notice of proposed acquisition or lease of lands pursuant to subsection 322(1) of the CER Act or subsection 87(1) of the NEB Act [s.322(1) Notice]

Guidance	Filing Requirement	
CER Filing Manual Guide V	a. Date(s) the s. 322(1) Notice was served on Landowner(s):	June 10, 2020
	b. Confirm that the location, dimension, and nature of the land rights (permanent and temporary) described in this Notice are identical to what was served in the s.322(1) Notice	Yes.

5. Notice pursuant to paragraph 201(1)(a) of the CER Act or paragraph 34(1)(a) of the NEB Act [s.201 Notice]

Guidance	Filing Requirement	
	a. PPBoR Sheet Number:	M002-PM03028-006 R1
	b. PPBoR REGDOC Link:	C00965-8
CER Filing Manual Guide V	c. Date(s) of service of s.201 Notice on landowner(s)	August 22, 2019
	d. Confirm whether a written statement of opposition was filed. If yes, enter REGDOCS Link and filing date	Yes C01670-2 September 16, 2019

6. Land Negotiation Process Conducted with Landowner

Guidance	Filing Requirement	Yes/No	Application PDF Page No.
CER Filing Manual and Interim Guidance, Guide V	a. Summary of land negotiation process, including dates of meetings with the landowner(s)	Yes	45-46

Guidance	Filing Requirement	Yes/No	Application PDF Page No.
CER Filing Manual and Interim Guidance, Guide V	b. Discussion of outstanding issues and the reason(s) that a voluntary agreement could not be reached	Yes	45-46