

December 2, 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)  
Section 324 Application for Right of Entry (Application)  
OF-Fac-Oil-T260-2013-03 63  
7969511 Canada Inc., Trustee for 2725321 Canada Inc. (Registered Owner)  
Short Legal: 004-683-676 / Tract: PC 8112 (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 the above-referenced Lands of the Owner necessary for the construction and operation of the Project.

Subsection 55(2) of the *National Energy Board Rules of Practice and Procedure, 1995, SOR/95-208 (Rules)*, requires that the Application be served on the Registered Owner and on other persons, insofar as they can be ascertained, interested in the Lands of the Owner (said Registered Owner and other persons hereafter referred to collectively as the **Owner**) on the same day that the Application is filed with the Canada Energy Regulator (**Regulator**). Trans Mountain does not believe that it is reasonably possible or practical to effect same day service and, therefore, seeks relief from this requirement in accordance with the broad discretion conferred upon the Commission of the Regulator (**Commission**) under section 4 of the Rules. In that regard, under subsection 56(1) of the Rules, the ten (10) day timeline within which the Registered Owner must file any objection to the Application runs from the date that the Application is served. There will, therefore, be no prejudice to the Registered Owner arising from the relief sought. Trans Mountain will attempt to serve the Registered Owner and will file proof of service of the Application as soon as possible after service is effected on the Registered Owner.

Please direct all communications related to this Application to:

Alain Parisé  
Director, Land  
Trans Mountain Canada Inc.  
Suite 2700, 300 – 5<sup>th</sup> 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 – 2<sup>nd</sup> Street SW  
Calgary, AB T2P 4J8  
Tel: (403) 260-9633  
Fax: (403) 260-9700  
Email: lars.olthafer@blakes.com

In accordance with its records, Trans Mountain understands that communications to the Registered Owner may be directed to the address set out in the attached 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 pursuant to subsection 324(2) of the Act (**Notice**), provided in accordance with subsection 8(8) of the Rules. The Notice is set out in Exhibit "A" of the Application. The original Proof of Service attaches the Notice; however, the attached Notice has been removed from the Proof of Service in the Application in order to reduce the volume of duplicative materials filed with the Regulator. Trans Mountain would be pleased to provide to the Commission Proof of Service attaching the Notice upon request.

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

Regards,



Alain Parisé, Director, Land

Encl.

cc. Registered Owner  
2725321 Canada Inc.

**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 (the "**Project**");

**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 (the "**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**

---

December 2 2020

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

And to: 7969511 Canada Inc., Trustee for 2725321 Canada Inc.  
c/o QuadReal Property Group Limited Partnership  
#800, 666 Burrard Street  
Vancouver, British Columbia, Canada V6C 2X8

(the "**Registered Owner**")

And to: 2725321 Canada Inc.  
#800, 666 Burrard Street  
Vancouver, British Columbia, Canada V6C 2X8  
(being other persons, insofar as they can be ascertained, interested in the Lands)

(said Registered Owner and other persons hereinafter referred to collectively as "**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 portions of the Lands of the Owner shown as Temporary Workspace Area in the Schedule attached as Exhibit "C" to this Application and proposed to be made part of the Right of Entry Order.
2. On February 12, 2015, Trans Mountain served notice on the Registered Owner pursuant to subsection 87(1) of the *National Energy Board Act* ("**NEB Act**") ("**Section 87 Notice**") in relation to the lands required for the Project. On October 30, 2020 and November 2, 2020, Trans Mountain served notice on the Owner pursuant to subsection 322(1) of the Act ("**Section 322 Notice**") in relation to the lands required for the Project.
3. On June 21, 2019, the National Energy Board issued Certificate OC-065 authorizing Trans Mountain to construct and operate the Project.
4. On August 27, 2019, Trans Mountain served notice on the Registered Owner pursuant to section 34 of the NEB Act ("**Section 34 Notice**") in relation to the detailed route of the Project.
5. On October 30, 2020 and November 2, 2020, Trans Mountain served notice on the Owner pursuant to subsection 324(2) of the Act ("**Notice**") in relation to right of entry.
6. The Commission of the Regulator ("**Commission**") has issued an Order approving the Plan, Profile and Book of Reference relevant to the Lands of the Owner.
7. Trans Mountain requires the rights, titles and interests in the Lands of the Owner for the purposes and pursuant to the rights, obligations, restrictions and terms and conditions described in Exhibit "C". The form of Exhibit "C" is proposed to be made a part of the Right of Entry Order sought by this Application.
8. 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 Lands of the Owner 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".
9. Trans Mountain requires immediate right of entry to the Lands of the Owner in order to commence construction of the Project. Construction is anticipated to commence on the Lands of the Owner on or about January 1, 2021.
10. 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 Temporary Workspace Area; the rights, titles and interests applied for in respect of the Lands of the Owner and the Temporary Workspace Area; and the rights, obligations,

restrictions, terms and conditions proposed to be made part of the Right of Entry Order;

- Exhibit "D"** Copy of the current Certificate of Title for the Lands of the Owner described in Exhibit "C";
- Exhibit "E"** Copy of section 56 of the Rules;
- 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 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 2<sup>nd</sup> day of December, 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 – 5<sup>th</sup> 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 – 2<sup>nd</sup> 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**

**PERSONAL DELIVERY**

October 26, 2020

7969511 Canada Inc., Trustee for 2725321  
Canada Inc.  
c/o QuadReal Property Group Limited  
Partnership  
Attention: Craig Dailly, Vice President  
Suite 800, 666 Burrard Street  
Vancouver, BC V6C 2X8

To: 7969511 Canada Inc.

**Re: Trans Mountain Pipeline ULC ("Trans Mountain")  
Trans Mountain Expansion Project ("Project")  
OF-Fac-Oil-T260-2013-03 63  
Notice of application for right of entry  
Short Legal: 004-683-676 / Tract: PC 8112 ("Lands")**

As you know, Trans Mountain has been in consultation with you with respect to the portion of the Project route that will cross your Lands.

In particular, Trans Mountain has:

- provided you with an offer to acquire lands for the Project; and
- served you with a notice in relation to the lands proposed to be acquired for the Project pursuant to subsection 87(1) of the *National Energy Board Act* ("**NEB Act**") ("**Section 87 Notice**") on February 12, 2015.

It is Trans Mountain's preference to complete a negotiated agreement for the land rights necessary to construct, operate and maintain the Project. However, through its engagement program, Trans Mountain understands that you have not accepted the current offer of compensation.

To ensure that Trans Mountain has access to land for construction and meets its customer commitments, it is necessary for Trans Mountain to initiate the right of entry process by serving you with a Notice of Application for immediate right of entry ("**Notice**") pursuant to subsection 324(2) of the CER Act. Please find the Notice attached to this letter.

The Commission of the Canada Energy Regulator ("**Commission**") may, if you and Trans Mountain do not come to an agreement, on application, determine compensation associated with the rights acquired through right of entry, if granted, in accordance with the limited factors prescribed by the CER Act.

If this matter proceeds to right of entry, the determination of compensation payable will be based on the right to use any areas required. The bonus payment currently offered would not be part of Trans Mountain's compensation position before the Commission and any damages caused by construction activities will be compensated separately.

Please take note that because of ongoing construction planning, since service of the NEB Act Section 87 Notice, Trans Mountain has made changes to the area of temporary workspace, including temporary access road, required for the Project. The areas for which access will be sought by right of

entry order, namely areas of temporary access road, are identified in the Individual Ownership Plan attached to the Notice of Application for right of entry.

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

In the meantime, should you have any further questions, please do not hesitate to contact the undersigned at [TMEP\\_Land@transmountain.com](mailto:TMEP_Land@transmountain.com) or your designated Project Land Representative.

Yours truly,



Alain Parisé  
Director, Land  
Trans Mountain Pipeline ULC

cc. 2725321 Canada Inc.  
Lars Olthafer, Blake, Cassels & Graydon LLP  
Joey Andries, Progress Land Services Ltd.



**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 the "**Applicant**") a corporation incorporated under the laws of Alberta, in its capacity as the applicant of the Trans Mountain Expansion Project (the "**Project**"), having its registered office at the City of Calgary, in the Province of Alberta,

**HEREBY GIVES NOTICE:**

**TO:**               **7969511 Canada Inc.**

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

**AND TO:**       **2725321 Canada Inc.**

being other persons, insofar as they can be ascertained, interested in the Lands (said Registered Owner and other persons being hereinafter sometimes referred to collectively as the "**Owner**").

1. Take notice that the Applicant intends to make an application to the Canada Energy Regulator (the "**Regulator**") on November 23, 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 defined as Temporary Workspace Area in the Schedule attached as Exhibit "A" to this Notice and proposed to be made part of the Right of Entry Order and which are required by the Applicant for the construction, operation and maintenance of a section or part of the Project.
2. Pending approval of the Right of Entry Order application by the Commission, the Applicant intends to enter the Lands of the Owner on January 1, 2021, 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 a section or part of the Project 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: PC 8112  
PID: 004-683-676  
7969511 Canada Inc.

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, Alberta T2R 0A8**  
**Attention: Jean-Denis Charlebois,**  
**Secretary of the Commission**  
**Toll Free Fax: 1-877-288-8803**  
**Email: [secretary@cer-rec.gc.ca](mailto: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](mailto: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](mailto:lars.olthafer@blakes.com)**

4. If the Commission grants to the Applicant an immediate right to enter the Lands of the Owner under Subsection 324(1) of the Act, the Registered Owner will be entitled to receive from the Applicant pursuant to Section 325 of the Act an amount as an advance of the compensation referred to in Subsection 327(1) of the Act. The Applicant is prepared to advance the Registered Owner the sum of \$102,336.00 in respect of the Temporary Workspace Area 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 26<sup>th</sup> day of October, 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**

004-683-676

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

That portion of the Lands of the Owner containing 0.209 Ha / 0.52 Ac, more or less, shown as Temporary Workspace, including any lands depicted as Temporary Access Roads, attached as Appendix "A" and forming part of this Schedule.

(the "**Temporary Workspace Area**")

**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 TEMPORARY WORKSPACE AREA**

Trans Mountain requires the following rights, titles or interests in respect of the Lands of the Owner:

(a) the right and interest in, on, over, upon, across, along, under and through the Temporary Workspace Area to carry out any activities necessary for or incidental to the Pipeline Construction, including the improvement or construction of an access road and the right of access and egress from and to neighbouring lands (including public roads), and, for such purposes, remove from the Temporary Workspace Area any Incompatible Use, including any Improvement, Soil, Placed Soil or Vegetation that is an Incompatible Use;

(referred to herein as the "**Temporary Workspace Area Rights**")

for so long as required to complete the Pipeline Construction and the related Temporary Workspace Area Restoration, at which time the Temporary Workspace Area Rights shall lapse and be of no further force or effect;

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.

**4. RIGHTS, OBLIGATIONS, RESTRICTIONS AND TERMS**

- (a) **Use of the Lands of the Owner:** Trans Mountain's use of the Lands of the Owner pursuant to the Temporary Workspace Area Rights shall be restricted to use in connection with the Pipeline.
- (b) **Restoration:** Trans Mountain shall, upon completion of the Pipeline Construction and following any other exercise of the Temporary Workspace Area Rights thereafter, as soon as weather and soil conditions permit, and to the extent it is practicable to do so, complete the related Temporary Workspace Area Restoration except as otherwise agreed to by the Owner.
- (c) **Compensate Owner:** Trans Mountain shall compensate the Owner for all damages caused by the operations of Trans Mountain to the extent contemplated by the provisions of the CER Act governing compensation.
- (d) **Indemnify Owner:** Trans Mountain shall indemnify the Owner from all liabilities, damages, claims, suits and actions resulting from the operations of Trans Mountain, other than liabilities, damages, claims, suits and actions resulting from the gross negligence or willful misconduct of the Owner.
- (e) **Incompatible Use:** The Owner shall not make, do, install or construct, or permit or suffer to be made, done, installed or constructed, any Incompatible Use, prior to the lapse of the Temporary Workspace Area Rights as described in subclause 3(a), within the Temporary Workspace Area. Subject to the foregoing and to the provisions of the CER Act and any regulations or orders made thereunder, the Owner shall have the right to use and enjoy the Temporary Workspace Area.
- (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 Temporary Workspace Area 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 Temporary Workspace Area 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 Temporary Workspace Area Rights are and shall be of the same force and effect as a covenant that runs with the Lands of the Owner. The Temporary Workspace Area Rights and all rights, obligations, restrictions, terms and conditions 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 (3<sup>rd</sup>) 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: PC 8112  
PID: 004-683-676  
7969511 Canada Inc.

**APPENDIX A**

**INDIVIDUAL OWNERSHIP PLAN OF THE LANDS OF THE OWNER**

# INDIVIDUAL OWNERSHIP PLAN

Rem LOT 81  
DL 10 & 56  
PLAN 34201

Ex PLAN  
82939

90°24'32"  
169.58

## GROUP 1

Rem LOT A  
DL 10  
PLAN 72477

Rem LOT 81  
PLAN 34201

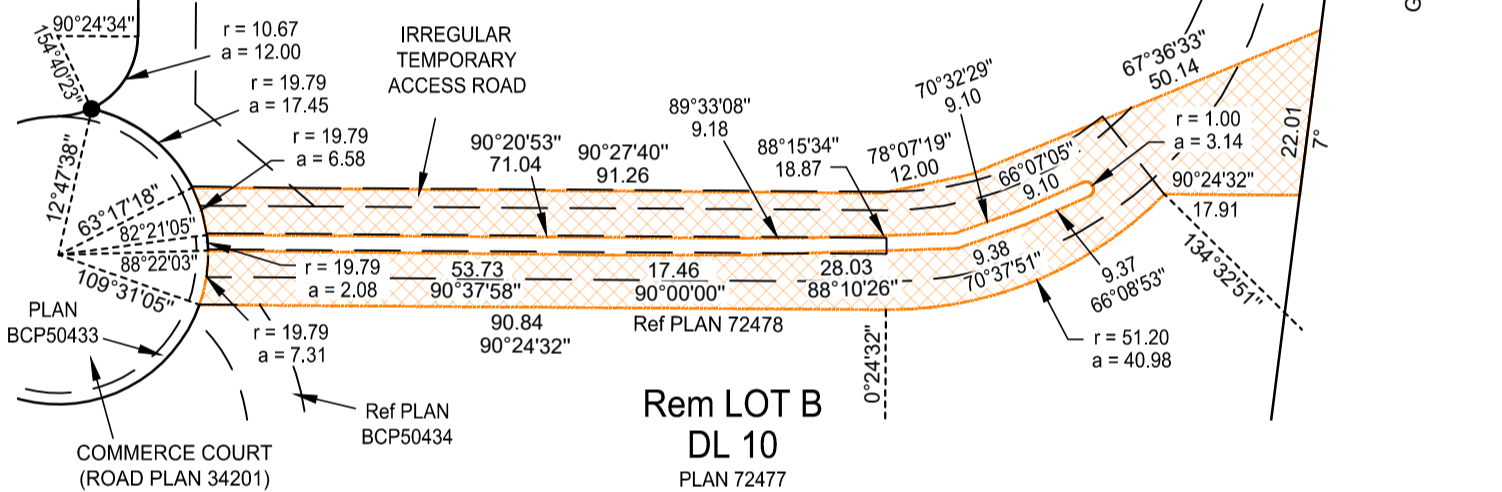
0°24'32"  
110.87  
Ref PLAN 72479

Ref PLAN 72479

109.69

15'

GAGLARDI WAY



TITLE NO.: BB2017817  
OWNER(S): 7969511 CANADA INC.,  
INC.NO. A0084584

STANDARD IRON POST FOUND SHOWN . . . . . ●

AREA REQUIRED FOR TEMPORARY  
ACCESS ROAD:

0.209 ha (0.52 Ac.)

TEMPORARY ACCESS ROAD IS  
OUTLINED THUS:



THIS PLAN CERTIFIED CORRECT THIS  
5th DAY OF MAY, 2020.

*Jason A Walker*  
JASON WALKER, BCLS

PID: 004-683-676  
TRACT NUMBER: PC 8112  
FOOTPRINT VERSION: SSEID005.27

ALL DIMENSIONS ARE IN METRES

## TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING  
TEMPORARY ACCESS ROAD  
WITHIN  
LOT "A" DISTRICT LOT 10 GROUP 1  
NEW WESTMINSTER DISTRICT – BRITISH COLUMBIA  
PLAN 72477  
EXCEPT PLAN BCP50433

REVISION: 4



**McElhanney Associates Land  
Surveying Ltd.**  
200-858 Beatty Street, Vancouver,  
BC V6B 1C1 Phone: (604) 683 8521

TMC No.: 01-13283-M002-PP11435

DWG: 19731-505-GNW-11435

FILE No.: 02637-05-PC8112-IOP

SCALE: 1:1000

DATE: MAY 5, 2020

PGE: 1 OF 1

DWG BY: AJ

CKD BY: CG

## APPENDIX B

### DEFINED TERMS

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

“**including**” means including without limitation.

“**Incompatible Use**” means: any use, activity or thing within the Temporary Workspace Area that would materially interfere with, disrupt or delay the exercise of the Temporary Workspace Area Rights, or that imperils the safety or security of the Pipeline or any person or property associated therewith.

“**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.

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

“**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.

“**Pipeline**” means a pipeline 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 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 for or in the operation and maintenance of the pipeline.

“**Pipeline Construction**” means the initial construction and installation of the Pipeline

“**Placed Soil**” means Soil that has been deposited, dumped or placed on land.

“**Registered Owner**” means the owner of the fee simple estate in the Lands of the Owner.

“**Soil**” means soil, fill, earth, sand, gravel, and other material of any kind or nature of which land is composed.

“**Temporary Workspace Area Restoration**” means the restoration of any part of the Temporary Workspace Area or anything on it disturbed by the exercise of the Temporary Workspace Area Rights in accordance with the following, if and to the extent reasonably practicable:

- (a) cause all construction debris to be removed from the Temporary Workspace Area;
- (b) replace all topsoil removed from, grade and contour and otherwise restore the Temporary Workspace Area so it is suitable for any prior use thereof; and
- (c) restore pre-existing Improvements within the Temporary Workspace Area.

“**Trans Mountain**” means Trans Mountain Pipeline ULC.

“**Vegetation**” means trees, shrubs, nursery stock and other vegetation and includes the limbs or growth of any Vegetation.

“**within**” means across, over, under, in, through and on.



**Exhibit "B"**

**CANADA ENERGY REGULATOR INFORMATION LETTER (November 18, 2019)**



Canada Energy  
Regulator

Régie de l'énergie  
du Canada

Suite 210  
517 Tenth Avenue SW  
Calgary, Alberta  
T2R 0A8

517, Dixième Avenue S.-O.  
bureau 210  
Calgary (Alberta)  
T2R 0A8

File OF-Fac-Oil-T260-2013-03 63  
18 November 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](mailto: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 resources<sup>1</sup> 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-32.html>)
- 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>);
- Guide V of the CER Filing Manual  
(<https://www.cer-rec.gc.ca/bts/ctrg/gnnb/flngmnl/fmgdv-eng.html>);
- Land Matters Guide including Right of Entry Orders  
(<https://www.cer-rec.gc.ca/prtcptn/Indwnrgd/index-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.cer-rec.gc.ca/en/consultation-engagement/form/bjctnpplctnrghtryc19-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](mailto: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@cer-rec.gc.ca](mailto:ADR-MRD@cer-rec.gc.ca) or call 1-800-899-1265 (toll free).

---

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

### **Compensation Related Matters**

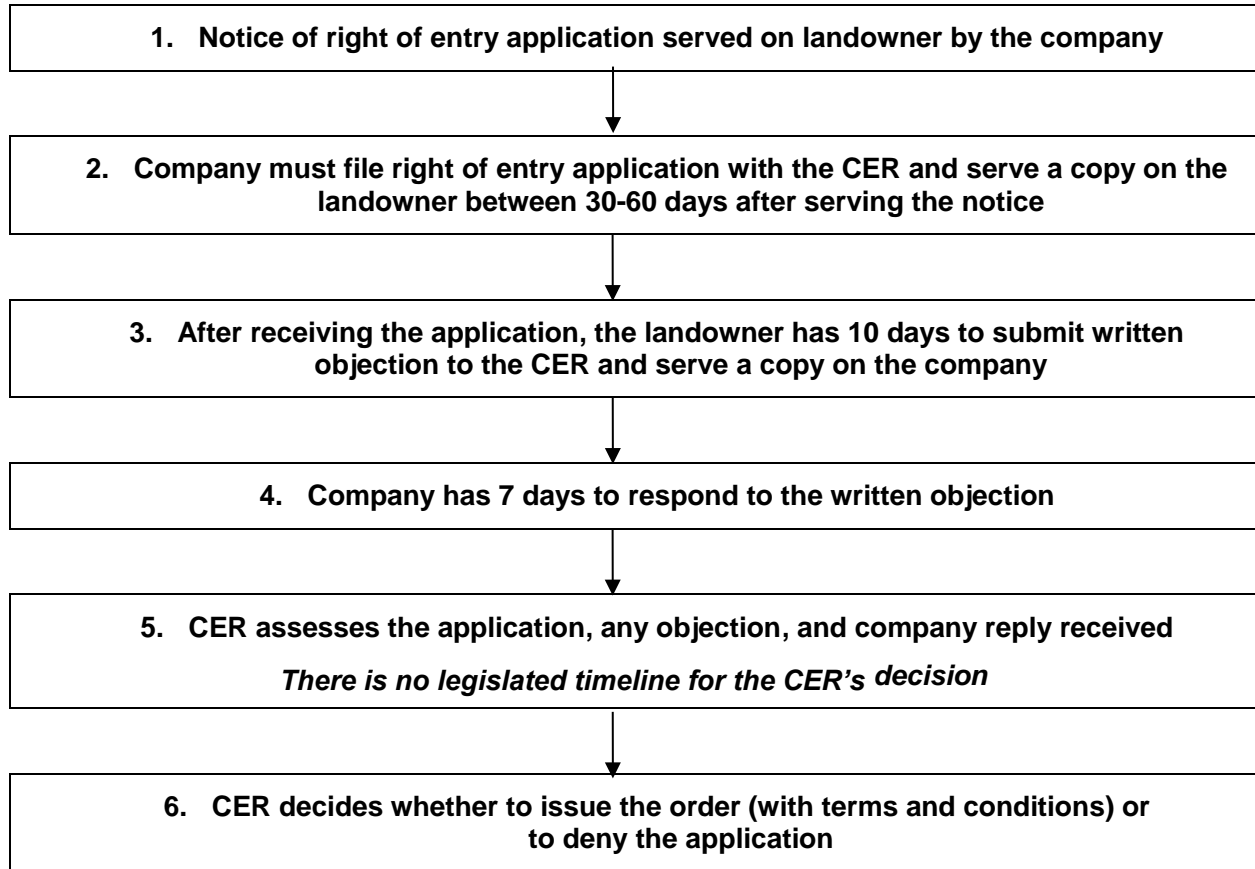
Under Part 6 of the CER Act, parties may apply to the Commission to determine compensation disputes in relation to land matters. The CER's [Guidance on Land Related Compensation Disputes](#), provides further information about when compensation may be available.

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. Right of entry processes will proceed along their normal course regardless of whether parties are also participating in a compensation dispute proceeding.

Attachment

**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"**

**CANADIAN ENERGY REGULATOR ACT**

**ACKNOWLEDGEMENT OF RECEIPT**

The undersigned, being registered owner or other person having an interest in the lands referred to in the attached Notice pursuant to section 324(2) of the *Canadian Energy Regulator Act*, hereby acknowledges receipt from Trans Mountain Pipeline ULC, a corporation incorporated under the laws of Alberta (the "Company"), of a copy of the said Notice on the date and at the place shown opposite his or her signature.

Date	Place	Witness	Signature
_____	_____	_____	Authorized Corporate Signatory Name: Title:
_____	_____	_____	Authorized Corporate Signatory Name: Title:

**AFFIDAVIT OF SERVICE - CORPORATION**

I, Phil McKenzie of the City of COQUITIM  
(name of person who performed service) (city, town, municipality) (name of city or town)

in the Province of bc, MAKE OATH AND SAY:

THAT I did on the 30<sup>th</sup> day of OCTOBER, 2020, serve 796 9511 CANADA INC. with a notice from the Company pursuant to section 324(2) of the *Canadian Energy Regulator Act*, a copy of which is attached hereto, by:

- delivering the notice to and leaving same with \_\_\_\_\_, being an officer or director of the corporation, or a person employed by the corporation as legal counsel (name of person served)
- leaving the notice with CRAIG DAILLY being a manager or person who appears to be in charge of the corporation (not a receptionist). (name of person served)
- sending the notice to the corporation's lawyer via email or fax or mail (select one).
- sending the notice to the corporation's registered mailing address as shown in the corporate register by registered mail (attach signed postal receipt).
- Substituted service as approved by Order \_\_\_\_\_

Phil McKenzie  
Signature

Sworn before me at the City of VANCOUVER in the Province of bc this 30<sup>th</sup> day of OCTOBER 2020

**Peter C. McLeod**  
My Commission Expires Jur-  
Appointee No: 2020-

\_\_\_\_\_  
Commissioner of Oaths in and for the Province of bc

**CANADIAN ENERGY REGULATOR ACT**

**ACKNOWLEDGEMENT OF RECEIPT**

The undersigned, being registered owner or other person having an interest in the lands referred to in the attached Notice pursuant to section 324(2) of the *Canadian Energy Regulator Act*, hereby acknowledges receipt from Trans Mountain Pipeline ULC, a corporation incorporated under the laws of Alberta (the "Company"), of a copy of the said Notice on the date and at the place shown opposite his or her signature.

Date	Place	Witness	Signature
_____	_____	_____	Authorized Corporate Signatory Name: Title:
_____	_____	_____	Authorized Corporate Signatory Name: Title:

**AFFIDAVIT OF SERVICE - CORPORATION**

I, Kirsten Nowak of the City of St. Albert  
(name of person who performed service) (city, town, municipality) (name of city or town)

in the Province of Alberta, MAKE OATH AND SAY:

THAT I did on the 2 day of November, 2020, serve 2725321 Canada Inc. with a notice from the Company pursuant to section 324(2) of the *Canadian Energy Regulator Act*, a copy of which is attached hereto, by:

- delivering the notice to and leaving same with \_\_\_\_\_, being an officer or director of the corporation, or a person employed by the corporation as legal counsel (name of person served)
- leaving the notice with \_\_\_\_\_ being a manager or person who appears to be in charge of the corporation (not a receptionist). (name of person served)
- sending the notice to the corporation's lawyer via email or fax or mail (select one).
- sending the notice to the corporation's registered mailing address as shown in the corporate register by registered mail (attach signed postal receipt).
- Substituted service as approved by Order \_\_\_\_\_.

K. Nowak  
Signature Kirsten Nowak

Sworn before me at the City of Edmonton in the Province of Alberta this 3 day of November 2020

J Bourdage  
Commissioner of Oaths in and for the Province of Alberta





**REGISTERED  
DOMESTIC**  
CUSTOMER RECEIPT

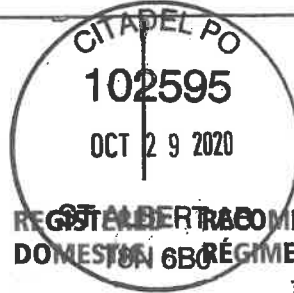
**RECOMMANDÉ  
RÉGIME INTÉRIEUR**  
REÇU DU CLIENT



**OCT 29 2020**

**Registered Mail Receipt (Bulk)**

This receipt is necessary if an enquiry is desired. Fragile and perishable articles are not indemnified against damage. Indemnity and fees information is required from your Postal Outlet.



**REGISTERED  
DOMESTIC**



2725321 Canada Inc.  
Suite 800, 666 Burrard Street  
Vancouver, BC V6C 2X8

L-12012



Declared Value  
Value déclarée

\$ *12.82*

CPC Tracking Number Numéro de repérage de la SCP

**RN 475 313 958 CA**

33-086-584 (17-12)

**Tracking number**

RN475313958CA

**Delivered****Shipping service:** Registered Mail**Delivery standard:** Nov. 5**Reason for delivery standard date change:** Item was received by Canada Post after cut-off time.**Delivery progress**

Date	Time	Location	Progress	Post office
Nov. 2	10:04 am	VANCOUVER, BC	Delivered to your community mailbox, parcel locker or apt./condo mailbox	
Nov. 2	9:18 am	VANCOUVER, BC	Item out for delivery	
Nov. 2	5:12 am	VANCOUVER, BC	Item processed	
Nov. 1	3:02 pm	RICHMOND, BC	Item processed	
Oct. 29	6:17 pm	ST ALBERT, AB	Item accepted at the Post Office	

**Features and options**

Signature Required



Date: 2020/11/03

Dear Sir or Madam

Please find below the scanned delivery date and signature of the recipient of the item identified below:

Item Number RN475313958CA

Product Name Registered Mail

Reference Number 1 Not Applicable

Reference Number 2 Not Applicable

Delivery Date (yyyy/mm/dd) 2020-11-02

Signatory Name

Signature unavailable or not requested.

Signature

---

Yours sincerely,

Customer Relationship Network

1-888-550-6333.

(From outside Canada 1 416 979-3033)

*This copy confirms to the delivery date and signature of the individual who accepted and signed for the item in question. This information has been extracted from the Canadapost data warehouse*

**Exhibit "C"**

**Schedule describing the Lands of the Owner and the Temporary Workspace Area; the rights, titles and interests applied for in respect of the Lands of the Owner and the Temporary Workspace Area; and the rights, obligations, restrictions, terms and conditions proposed to be made part of the Right of Entry Order**

## SCHEDULE

### 1. LANDS IN RESPECT OF WHICH ORDER IS SOUGHT

#### LEGAL DESCRIPTION

004-683-676

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

That portion of the Lands of the Owner containing 0.209 Ha / 0.52 Ac, more or less, shown as Temporary Workspace, including any lands depicted as Temporary Access Roads, attached as Appendix "A" and forming part of this Schedule.

(the "**Temporary Workspace Area**")

### 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 TEMPORARY WORKSPACE AREA

Trans Mountain requires the following rights, titles or interests in respect of the Lands of the Owner:

(a) the right and interest in, on, over, upon, across, along, under and through the Temporary Workspace Area to carry out any activities necessary for or incidental to the Pipeline Construction, including the improvement or construction of an access road and the right of access and egress from and to neighbouring lands (including public roads), and, for such purposes, remove from the Temporary Workspace Area any Incompatible Use, including any Improvement, Soil, Placed Soil or Vegetation that is an Incompatible Use;

(referred to herein as the "**Temporary Workspace Area Rights**")

for so long as required to complete the Pipeline Construction and the related Temporary Workspace Area Restoration, at which time the Temporary Workspace Area Rights shall lapse and be of no further force or effect;

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.

### 4. RIGHTS, OBLIGATIONS, RESTRICTIONS AND TERMS

(a) **Use of the Lands of the Owner:** Trans Mountain's use of the Lands of the Owner pursuant to the Temporary Workspace Area Rights shall be restricted to use in connection with the Pipeline.

- (b) **Restoration:** Trans Mountain shall, upon completion of the Pipeline Construction and following any other exercise of the Temporary Workspace Area Rights thereafter, as soon as weather and soil conditions permit, and to the extent it is practicable to do so, complete the related Temporary Workspace Area Restoration except as otherwise agreed to by the Owner.
- (c) **Compensate Owner:** Trans Mountain shall compensate the Owner for all damages caused by the operations of Trans Mountain to the extent contemplated by the provisions of the CER Act governing compensation.
- (d) **Indemnify Owner:** Trans Mountain shall indemnify the Owner from all liabilities, damages, claims, suits and actions resulting from the operations of Trans Mountain, other than liabilities, damages, claims, suits and actions resulting from the gross negligence or willful misconduct of the Owner.
- (e) **Incompatible Use:** The Owner shall not make, do, install or construct, or permit or suffer to be made, done, installed or constructed, any Incompatible Use, prior to the lapse of the Temporary Workspace Area Rights as described in subclause 3(a), within the Temporary Workspace Area. Subject to the foregoing and to the provisions of the CER Act and any regulations or orders made thereunder, the Owner shall have the right to use and enjoy the Temporary Workspace Area.
- (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 Temporary Workspace Area 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 Temporary Workspace Area 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 Temporary Workspace Area Rights are and shall be of the same force and effect as a covenant that runs with the Lands of the Owner. The Temporary Workspace Area Rights and all rights, obligations, restrictions, terms and conditions 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 (3<sup>rd</sup>) 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**

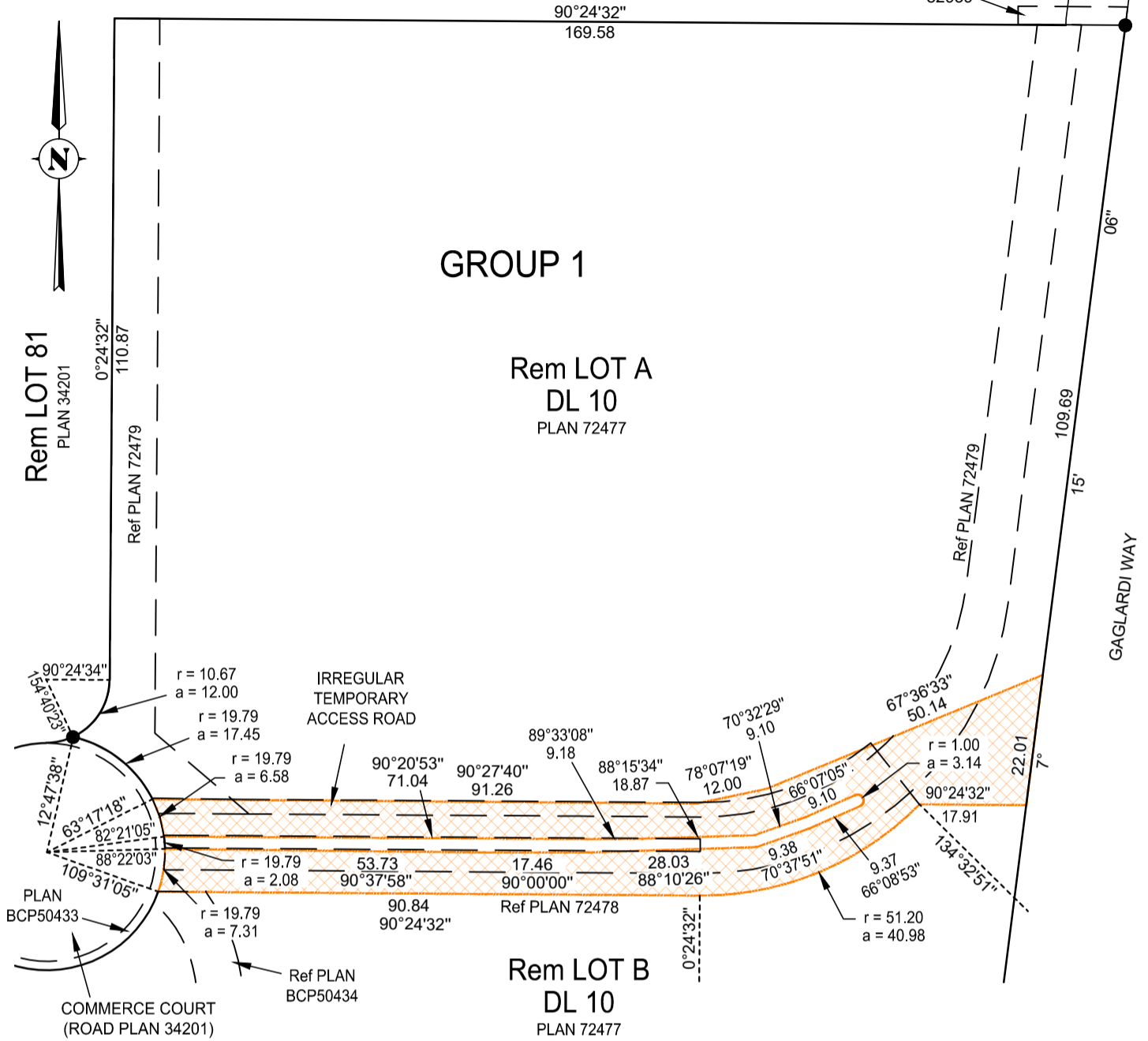
**INDIVIDUAL OWNERSHIP PLAN OF THE LANDS OF THE OWNER**



# INDIVIDUAL OWNERSHIP PLAN

Rem LOT 81  
DL 10 & 56  
PLAN 34201

Ex PLAN  
82939



TITLE NO.: BB2017817  
OWNER(S): 7969511 CANADA INC.,  
INC.NO. A0084584

STANDARD IRON POST FOUND SHOWN . . . . . ●

AREA REQUIRED FOR TEMPORARY  
ACCESS ROAD:

0.209 ha (0.52 Ac.)

TEMPORARY ACCESS ROAD IS  
OUTLINED THUS:

THIS PLAN CERTIFIED CORRECT THIS  
5th DAY OF MAY, 2020.

PID: 004-683-676  
TRACT NUMBER: PC 8112  
FOOTPRINT VERSION: SSEID005.27

*Jason A Walker*  
\_\_\_\_\_  
JASON WALKER, BCLS  
ALL DIMENSIONS ARE IN METRES

## TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING  
TEMPORARY ACCESS ROAD  
WITHIN  
LOT "A" DISTRICT LOT 10 GROUP 1  
NEW WESTMINSTER DISTRICT – BRITISH COLUMBIA  
PLAN 72477  
EXCEPT PLAN BCP50433

REVISION: 4



**McElhanney Associates Land  
Surveying Ltd.**  
200-858 Beatty Street, Vancouver,  
BC V6B 1C1 Phone: (604) 683 8521

TMC No.: 01-13283-M002-PP11435

DWG: 19731-505-GNW-11435

FILE No.: 02637-05-PC8112-IOP

SCALE: 1:1000

DATE: MAY 5, 2020

PGE: 1 OF 1

DWG BY: AJ

CKD BY: CG

## APPENDIX B

### DEFINED TERMS

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

“**including**” means including without limitation.

“**Incompatible Use**” means: any use, activity or thing within the Temporary Workspace Area that would materially interfere with, disrupt or delay the exercise of the Temporary Workspace Area Rights, or that imperils the safety or security of the Pipeline or any person or property associated therewith.

“**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.

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

“**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.

“**Pipeline**” means a pipeline 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 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 for or in the operation and maintenance of the pipeline.

“**Pipeline Construction**” means the initial construction and installation of the Pipeline

“**Placed Soil**” means Soil that has been deposited, dumped or placed on land.

“**Registered Owner**” means the owner of the fee simple estate in the Lands of the Owner.

“**Soil**” means soil, fill, earth, sand, gravel, and other material of any kind or nature of which land is composed.

“**Temporary Workspace Area Restoration**” means the restoration of any part of the Temporary Workspace Area or anything on it disturbed by the exercise of the Temporary Workspace Area Rights in accordance with the following, if and to the extent reasonably practicable:

- (a) cause all construction debris to be removed from the Temporary Workspace Area;
- (b) replace all topsoil removed from, grade and contour and otherwise restore the Temporary Workspace Area so it is suitable for any prior use thereof; and
- (c) restore pre-existing Improvements within the Temporary Workspace Area.

“**Trans Mountain**” means Trans Mountain Pipeline ULC.

“**Vegetation**” means trees, shrubs, nursery stock and other vegetation and includes the limbs or growth of any Vegetation.

“**within**” means across, over, under, in, through and on.

**Exhibit "D"**

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

**TITLE SEARCH PRINT**

2020-11-25, 15:40:32

File Reference: 12012

Requestor: Kirsten Nowak

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

**Title Issued Under** SECTION 189 LAND TITLE ACT

**Land Title District** NEW WESTMINSTER  
Land Title Office NEW WESTMINSTER

**Title Number** BB2017817  
From Title Number CA2273412

**Application Received** 2012-03-30

**Application Entered** 2012-03-30

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address: 7969511 CANADA INC., INC.NO. A0084584  
1800 - 1055 DUNSMUIR STREET  
VANCOUVER, BC  
V7X 1C4  
IN TRUST SEE BF404085 AND CA2273412

**Taxation Authority** Burnaby, City of

**Description of Land**  
Parcel Identifier: 004-683-676  
Legal Description: LOT "A" DISTRICT LOT 10 GROUP 1 NEW WESTMINSTER DISTRICT PLAN 72477 EXCEPT PLAN BCP50433

**Legal Notations**  
HERETO IS ANNEXED EASEMENT BB1486421 OVER LOT B PLAN 72477 EXCEPT PLAN BCP50433

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE CA2273689  
FILED 2011-11-16

HERETO IS ANNEXED EASEMENT AC231290 OVER PART (PLAN 82939)  
OF LOT 81 EXCEPT: PART SUBDIVIDED BY PLAN 72477; PLAN 34201

**TITLE SEARCH PRINT**

File Reference: 12012

2020-11-25, 15:40:32  
Requestor: Kirsten Nowak

**Charges, Liens and Interests**

Nature: RESTRICTIVE COVENANT  
Registration Number: C63595  
Registration Date and Time: 1967-10-13 15:05  
Remarks: INTER ALIA  
APPURTENANT TO LOT 1 PLAN 21900 PART FORMERLY  
LOT 73 PLAN 31942

Nature: RESTRICTIVE COVENANT  
Registration Number: D69145  
Registration Date and Time: 1968-10-22 11:30  
Remarks: INTER ALIA  
APPURTENANT TO LOT 1 PLAN 21900 PART FORMERLY  
LOT 74 PLAN 31942

Nature: COVENANT  
Registration Number: Z151354  
Registration Date and Time: 1986-08-13 14:01  
Registered Owner: DISTRICT OF BURNABY  
Remarks: INTER ALIA  
L.T.A. SECTION 215

Nature: EASEMENT  
Registration Number: Z151358  
Registration Date and Time: 1986-08-13 14:05  
Remarks: PLAN 72479  
APPURTENANT TO LOT 81  
EXCEPT PART SUBDIVIDED BY  
PLAN 72477, PLAN 34201  
(AREA .1981 HA.)

Nature: EASEMENT  
Registration Number: Z151360  
Registration Date and Time: 1986-08-13 14:09  
Remarks: PART HATCHED ON  
PLAN 72479 APPURTENANT  
TO LOT 81 EXCEPT PART SUBDIVIDED BY  
PLAN 72477, PLAN 34201

Nature: EASEMENT  
Registration Number: Z151361  
Registration Date and Time: 1986-08-13 14:09  
Remarks: PART HATCHED ON PLAN 72478  
APPURTENANT TO LOT B PLAN 72477

**TITLE SEARCH PRINT**

2020-11-25, 15:40:32  
Requestor: Kirsten Nowak

File Reference: 12012

Nature: EASEMENT  
Registration Number: Z151362  
Registration Date and Time: 1986-08-13 14:09  
Remarks: 1842 SQUARE METERS  
PLAN 72478 APPURTENANT  
TO LOT B PLAN 72477

Nature: COVENANT  
Registration Number: BB1486417  
Registration Date and Time: 2012-03-22 11:16  
Registered Owner: CITY OF BURNABY  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: BB1486418  
Registration Date and Time: 2012-03-22 11:16  
Registered Owner: CITY OF BURNABY  
Remarks: INTER ALIA

Nature: COVENANT  
Registration Number: BB1486419  
Registration Date and Time: 2012-03-22 11:17  
Registered Owner: CITY OF BURNABY  
Remarks: INTER ALIA

**Duplicate Infeasible 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

Registered Owner:	7969511 Canada Inc., Trustee for 2725321 Canada Inc. (the "Registered Owner")
Beneficial Owner:	2725321 Canada Inc.
Tract Number and Legal Description:	Tract: PC 8112, 004-683-676 (the "Lands")
Section 87 Notice:	February 12, 2015
Section 322 Notice:	October 30, 2020 November 2, 2020
Section 34 Notice:	August 27, 2019
Subsection 324(2) Notice:	October 30, 2020 November 2, 2020

### Summary of Consultations

Trans Mountain or its agent, Progress Land Services Ltd. ("Progress"), has engaged with the Registered Owner on an ongoing basis. Over this time, a variety of issues were discussed.

Trans Mountain submits that the only issue that remains outstanding in relation to its acquisition of an interest in the Lands of the Owner for the purposes of its pipeline 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.

The following table provides an overview (not necessarily exhaustive) of the communications between the responsible land agent and other Project representatives on behalf of Trans Mountain, and the Owner:

Date	Summary of Discussions
June 22/13	R. Dalpre, Land Agent, met with A. Evers, Registered Owner representative, to discuss the Project and arrange a meeting.
June 22/13	M. McDougall, Registered Owner representative, called R. Dalpre; left message. M. McDougall emailed R. Dalpre to discuss the Project.
June 26/13	R. Dalpre called M. McDougall to arrange a meeting. R. Dalpre met with M. McDougall to discuss the Project.
Jan 21/15	P. McKenzie, Land Agent, called J. Montgomery, Registered Owner representative; left message.
Jan 23/15	P. McKenzie called J. Montgomery to discuss the Project and compensation.
Feb 4/15	P. McKenzie emailed J. Montgomery to arrange a meeting.
Feb 5/15	J. Montgomery and P. McKenzie exchanged emails to arrange a meeting.
Feb 12/15	P. McKenzie met with J. Montgomery to discuss the Project and serve the Section 87 Notice.
Feb 18/15	P. McKenzie and J. Montgomery exchanged emails to discuss the Project.
Feb 19/15	P. McKenzie and J. Montgomery exchanged emails to discuss the Project.

Date	Summary of Discussions
July 27/15	P. McKenzie called D. Haugen, Registered Owner representative; left message. P. McKenzie emailed D. Haugen to discuss the Project and compensation.
July 28/15	B. Tam, Registered Owner representative, emailed P. McKenzie to discuss the Project and compensation. P. McKenzie called B. Tam to discuss the Project and compensation.
May 6/16	P. McKenzie emailed B. Tam to discuss the Project and compensation.
May 12/16	B. Tam and P. McKenzie exchanged emails to discuss the Project and compensation.
June 6/16	P. McKenzie called B. Tam to discuss the Project.
June 13/16	P. McKenzie and J. Lingham, Project representative, met with J. Montgomery and B. Tam to discuss the Project.
June 14/16	P. McKenzie emailed B. Tam to discuss the Project and compensation.
Apr 13/17	P. McKenzie met with C. Stokes, Registered Owner representative. P. McKenzie served a notice pursuant to section 34 of the NEB Act.
Apr 13/17	C. Stokes emailed P. McKenzie to discuss the Project and compensation.
May 26/17	P. McKenzie and C. Stokes exchanged emails to discuss the Project.
June 13/17	P. McKenzie and C. Stokes exchanged emails to discuss the Project and compensation.
July 10/17	P. McKenzie and C. Stokes exchanged emails to discuss the Project and compensation.
July 25/17	C. Stokes and P. McKenzie exchanged emails to discuss the Project and compensation.
July 27/17	P. McKenzie and C. Stokes exchanged emails to discuss compensation.
July 31/17	P. McKenzie and C. Stokes exchanged emails to discuss compensation.
July 8/19	P. McKenzie emailed C. Stokes to discuss the Project and compensation.
July 17/19	P. McKenzie emailed C. Stokes to discuss the Project.
July 22/19	C. Stokes emailed P. McKenzie to discuss the Project.
Aug 12/19	P. McKenzie emailed C. Stokes to discuss the Project.
Aug 30/19	C. Stokes emailed P. McKenzie to discuss the Project.
Aug 27/19	P. McKenzie met with C. Stokes. P. McKenzie served the Section 34 Notice.
Sept 24/19	P. McKenzie emailed C. Stokes to discuss the Project and arrange a meeting
Sept 25/19	P. McKenzie met with C. Stokes to discuss the Project.
Nov 1/19	P. McKenzie called C. Stokes; left message.
Nov 4/19	C. Stokes and P. McKenzie, exchanged emails to discuss compensation.
Nov 6/19	C. Stokes emailed P. McKenzie to discuss compensation.
Dec 2/19	C. Stokes emailed P. McKenzie to discuss compensation.
Feb 24/20	C. Stokes emailed P. McKenzie to discuss compensation.
Feb 26/20	P. McKenzie called A. Cheng, Registered Owner representative, to discuss the Project.
July 15/20	P. McKenzie emailed A. Cheng to discuss the Project and compensation.
July 22/20	A. Cheng and P. McKenzie exchanged emails to discuss the Project and compensation.
July 28/20	A. Cheng emailed P. McKenzie and C. Dailly, Registered Owner representative, to discuss the Project and compensation.
July 29/19	P. McKenzie emailed A. Cheng to discuss the Project and compensation.
July 30/20	P. McKenzie emailed A. Cheng to discuss the Project and compensation, and arrange a meeting.
Oct 9/20	C. Dailly and P. McKenzie exchanged emails to discuss compensation.

<b>Date</b>	<b>Summary of Discussions</b>
Oct 29/20	K. Nowak, Land Administrator, mailed the Subsection 324(2) Notice and the Section 322 Notice to 2725321 Canada Inc. via registered mail.
Oct 30/20	P. McKenzie met with C. Dailly. P. McKenzie served the Subsection 324(2) Notice and the Section 322 Notice.
Nov 2/20	2725321 Canada Inc. received the Subsection 324(2) Notice and the Section 322 Notice.
Nov 20/20	P. McKenzie met with C. Dailly, A. Cheng, and W. Connacher, Registered Owner representative, to discuss the Project and compensation.

**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**

You can complete this form online, save it on your computer, and e-file (along with any attachments) through the CER's Regulatory Documents e-filing tool (<http://www.cer-rec.gc.ca/pplctnflng/sbmt/index-eng.html>) on the CER website ([www.cer-rec.gc.ca](http://www.cer-rec.gc.ca)). Step-by-step instructions are provided. If unable to e-file a document, it may be filed by email to [Secretary@cer-rec.gc.ca](mailto:Secretary@cer-rec.gc.ca). You must also copy the company in your e-filing/email using the email address provided in the right-of-entry application.

During the pandemic, CER staff are not in the office to process filings received by mail or fax.

The requirement to file a hard copy within three business days is postponed until further notice. Hard copies should be prepared, along with a signed receipt, and provided to the CER at a later date.

More information about the CER's response to the COVID-19 pandemic is available in its March 16 update (<http://www.cer-rec.gc.ca/bts/nws/whtnw/2020/2020-03-16-eng.html>).

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](mailto:ADR-MRD@cer-rec.gc.ca).

**The Form starts on the next page**



### Project Information

<b>Company Name:</b>	<b>Project Name (if known):</b>
<b>Company Representative and Title (if known):</b>	

### Land Information

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

The form continues on the next page



### Your Contact Information

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

### Authorized Representative Contact Information

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

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



## 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.
<b>a.</b> Landowner(s): <b>7969511 Canada Inc., Trustee for 2725321 Canada Inc.</b>	Various
<b>b.</b> Land Description (short form): <b>004-683-676</b>	Various
<b>c.</b> Description (including area) of permanent and temporary workspace as applicable: <b>Temporary Workspace:</b> 0.209 Ha / 0.52 Ac	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)	9-21	
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	9-21	
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>	9-21	
	<ul style="list-style-type: none"> <li>• Provide REGDOC link to Substituted Service Order</li> <li>• Provide date substituted service was effected</li> </ul>		
	<ul style="list-style-type: none"> <li>• Identify which other notices, if any, were served using substituted service (e.g., s. 201(1)(a), s. 322(1) of CER Act)</li> </ul>		
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	29-34	
The Rules 55(3)(c)(ii)	b) Rights, titles or interests applied for in respect of the lands	29-34	
The Rules 55(3)(c)(iii)	c) Any rights, obligations, restrictions or terms and conditions that are proposed to attach to:	29-34	
The Rules 55(3)(c)(iii)(A)	<ul style="list-style-type: none"> <li>• Rights, titles, or interests applied for in respect of the lands</li> </ul>		
The Rules 55(3)(c)(iii)(B)	<ul style="list-style-type: none"> <li>• Any remaining interest(s)</li> </ul>		

Legislation	Filing Requirement		
The Rules 55(3)(c)(iii)(C)	<ul style="list-style-type: none"> <li>Any adjacent lands of the landowner</li> </ul>		
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	36-38	
The Rules 55(3)(e)	v) Copy of section 56 of the <i>NEB Rules of Practice and Procedure</i>	40	
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):	October 30, 2020 November 2, 2020	
CER Act s.324(2)	b. Confirm that each s.324(2) Notice included:	<b>Yes/No</b>	<b>Application PDF Page No.</b>
CER Act s.324(2)(a)	i) The purpose of the right of entry	Yes	9
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	9
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	9
CER Act s.324(2)(d)	iv) Address of the CER for any objection	Yes	10
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	10

**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):	February 12, 2015 October 30, 2020 November 2, 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	No, the location, dimension, and nature of the land rights described are not identical but nor are they material different. The s.322(1) Notice attaches an Individual Ownership Sketch ("IOS"), whereas the s.324(2) Notice attaches an Individual Ownership Plan ("IOP"). The IOS is a sketch that is not confirmed by survey, whereas the IOP is. The transition from IOS to IOP may result in measurement differences. Further, Trans Mountain notes that the IOP attached to the s.324(2) Notice identifies for the Owner the areas of the Lands of the Owner for which Trans Mountain will be seeking right of entry. The IOS attached to the earlier s.322(1) Notice is provided to indicate to the Owner those portions of the Lands of the Owner that may be required for the purposes of the Project, as understood at the time. Additionally, as a result of ongoing construction planning since service of the first s.322(1) Notice, Trans Mountain has made changes to the area of temporary workspace required for the Project.

**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:	
	b. PPBoR REGDOC Link:	
CER Filing Manual Guide V	c. Date(s) of service of s.201 Notice on landowner(s)	August 27, 2019
	d. Confirm whether a written statement of opposition was filed. If yes, enter REGDOCS Link and filing date	No

**6. Land Negotiation Process Conducted with Landowner**

<b>Guidance</b>	<b>Filing Requirement</b>	<b>Yes/No</b>	<b>Application PDF Page No.</b>
CER Filing Manual and Interim Guidance, Guide V	a. Summary of land negotiation process, including dates of meetings with the landowner(s)	Yes	41-43
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	41-43