

January 4, 2021

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
City of Surrey (Owner)
Short Legal: 023-073-209 / Tract: PC 7602.002 (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 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 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 Owner arising from the relief sought. Trans Mountain will attempt to serve the Owner and will file proof of service of the Application as soon as possible after service is effected on the Owner.

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

In accordance with its records, Trans Mountain understands that communications to the 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.

In addition, the Owner and the Corporation of the District of Surrey (collectively **Surrey**) are the registered owners of several parcels of land for which Trans Mountain has filed concurrent right of entry (**ROE**) applications pursuant to s. 324 of the Act. For ease of reference, Trans Mountain has prepared a list of Surrey's lands which are subject to those concurrently filed ROE applications. That list is attached hereto as Schedule A.

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

Regards,



Alain Parisé, Director, Land

Encl.

cc. Owner

SCHEDULE A

LIST OF LANDS OWNED BY THE CITY OF SURREY AND THE CORPORATION OF THE DISTRICT OF SURREY TO BE ACCESSED BY TRANS MOUNTAIN

| Tract | Registered Owner(s) | Parcel Identifier | Title Number | Legal Description |
|------------|---------------------------------------|-------------------|--------------|---|
| PC7483 | City of Surrey | 024-842-907 | CA5129357 | LOT 10 SECTION 7 TOWNSHIP 9 NEW WESTMINSTER DISTRICT PLAN LMP47179 EXCEPT PLAN EPP1705 |
| PC7555.01 | Corporation of the District of Surrey | 017-164-176 | 513870E | ALL THAT PART PARCEL "E" (PLAN WITH FEE DEPOSITED NO. 21160E) OF DISTRICT LOT 387A GROUP 2 AS SHOWN OUTLINED RED ON PLAN WITH BYLAW FILED 60589 NEW WESTMINSTER DISTRICT |
| PC7564.01 | Corporation of the District of Surrey | 013-036-459 | 127492E | EAST 33 FEET DISTRICT LOT 388A GROUP 2 EXCEPT: PART CONVEYED TO THE CANADIAN NORTHERN PACIFIC RAILWAY COMPANY AS SHOWN RED ON REFERENCE PLAN 1751, NEW WESTMINSTER DISTRICT |
| PC7568 | City of Surrey | 012-881-660 | BB2012659 | PARCEL "F" (REFERENCE PLAN 6142) DISTRICT LOT 99 GROUP 2 NEW WESTMINSTER DISTRICT EXCEPT PLAN BCP50168 |
| PC7602.001 | City of Surrey | 018-622-917 | BH145157 | LOT 86 SECTIONS 12 AND 13 BLOCK 5 NORTH RANGE 1 WEST NEW WESTMINSTER DISTRICT PLAN LMP14438 |
| PC7602.002 | City of Surrey | 023-073-209 | BJ118090 | LOT 46 SECTIONS 11 AND 12 BLOCK 5 NORTH RANGE 1 WEST NEW WESTMINSTER DISTRICT PLAN LMP22740 |
| PC7605.001 | City of Surrey | 029-928-532 | CA5403629 | LOT A SECTIONS 9 AND 10 BLOCK 5 NORTH RANGE 1 WEST NEW WESTMINSTER DISTRICT PLAN EPP53581 |

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

January 4, 2021

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

And to: City of Surrey
13450 - 104 Avenue
Surrey, British Columbia, Canada V3T 1V8

(the "**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 December 23, 2019, 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 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.
5. On November 16, 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 15, 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 4th day of January, 2021.

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

PERSONAL DELIVERY

November 13, 2020

City of Surrey
Attention: Allan Wu, Assistant City Solicitor
Legal Services Division
13450 - 104 Avenue,
Surrey, British Columbia, Canada V3T 1V8

To: Corporation of the District of Surrey

**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: 023-073-209 / Tract: PC 7602.002 ("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 322(1) of the *Canadian Energy Regulator Act* ("**CER Act**")

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.

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 or your designated Project Land Representative.

Yours truly,



Alain Parisé
Director, Land
Trans Mountain Pipeline ULC

cc. 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: **Corporation of the District of Surrey**

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

1. Take notice that the Applicant intends to make an application to the Canada Energy Regulator (the "**Regulator**") on December 14, 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 15, 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, 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

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 under 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 referred to in Subsection 327(1) of the Act. The Applicant is prepared to advance the Owner the sum of \$47,610.00 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 13th day of November, 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

023-073-209

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

That portion of the Lands of the Owner containing 0.264 Ha / 0.65 Ac, more or less, shown as Temporary Workspace, including any lands depicted as Temporary Access Roads, on the Individual Ownership Plan 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 to survey and carry out tests and examinations for the Pipeline 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; and

- (b) the right of access to and egress from the Temporary Workspace Area on, over, upon, across and through the remainder of the Lands of the Owner, from and to neighbouring lands (including public roads), for all purposes necessary or incidental to the exercise and enjoyment of the Temporary Workspace Area Rights; provided, however, that Trans Mountain shall not use or exercise such right of access or egress for the purpose of Pipeline Construction;

(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, and, subject to subclause (b) above, for so long as Trans Mountain may desire to exercise them.

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 Easement 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 Easement 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, Pipeline or abandoned Pipeline of Trans Mountain to the extent contemplated by the provisions of the CER Act governing compensation, including any restrictions on use of the Lands of the Owner by operation of s. 335 of the CER Act.
- (d) **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.
- (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) **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.
- (g) **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.
- (h) **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.

- (i) **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, 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.
- (j) **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.
- (k) **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.

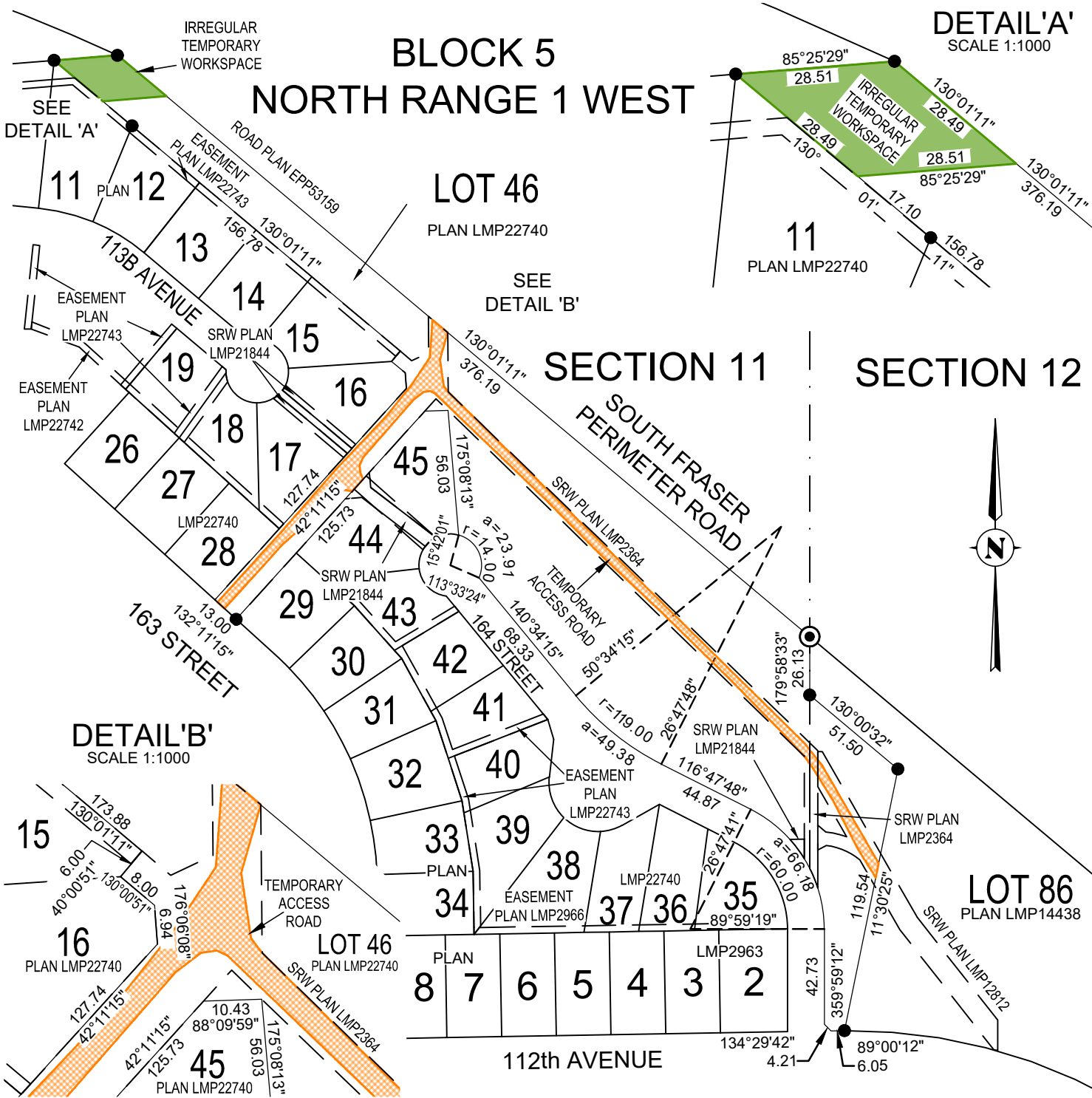
A party may from time to time notify the other party of a change of address to another address inside Canada. Notwithstanding anything contained herein to the contrary, if a strike, lockout or other labour disruption involving postal employees is in effect or generally known to be impending, every notice or other communication or delivery given under this provision must be given by personal delivery.

Tract: PC 7602.002
PID: 023-073-209
Corporation of the District of Surrey

APPENDIX A

INDIVIDUAL OWNERSHIP PLAN OF THE LANDS OF THE OWNER

INDIVIDUAL OWNERSHIP PLAN



TITLE NO.: BJ118090
OWNER(S): CITY OF SURREY

STANDARD CONCRETE POST FOUND SHOWN
STANDARD IRON POST FOUND SHOWN

AREA REQUIRED FOR TEMPORARY ACCESS ROAD: 0.207 ha (0.51 Ac.)
AREA REQUIRED FOR TEMPORARY WORKSPACE: 0.057 ha (0.14 Ac.)

TEMPORARY ACCESS ROAD IS
OUTLINED THUS:
TEMPORARY WORKSPACE IS
OUTLINED THUS:



PID: 023-073-209
TRACT NUMBER: PC 7602.002

THIS PLAN CERTIFIED CORRECT THIS
6th DAY OF OCTOBER, 2020.

Jason A Walker
JASON WALKER, BCLS

ALL DIMENSIONS ARE IN METRES

TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING
TEMPORARY ACCESS ROAD
AND TEMPORARY WORKSPACE WITHIN
LOT 46 SECTIONS 11 AND 12 BLOCK 5
NORTH RANGE 1
PLAN LMP22740
NEW WESTMINSTER DISTRICT – BRITISH COLUMBIA



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

TMC No.: 01-13283-M002-PP11305

DWG: 19731-505-GNW-11305

FILE No.: 02637-05-PC7602.002-IOP

SCALE: 1:2500

DATE: OCT 6, 2020

REVISION: 4

PGE: 1 OF 1

DWG BY: KA

CKD BY: JW

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 Easement 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.

"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 within the area identified in the Individual Ownership Plan attached as Appendix "A" as "Area to be used for TMEP within Existing TMPL R/W".

"Placed Soil" means Soil that has been deposited, dumped or placed on land.

"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.

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-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 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 or call 1-800-899-1265 (toll free).

¹ 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**

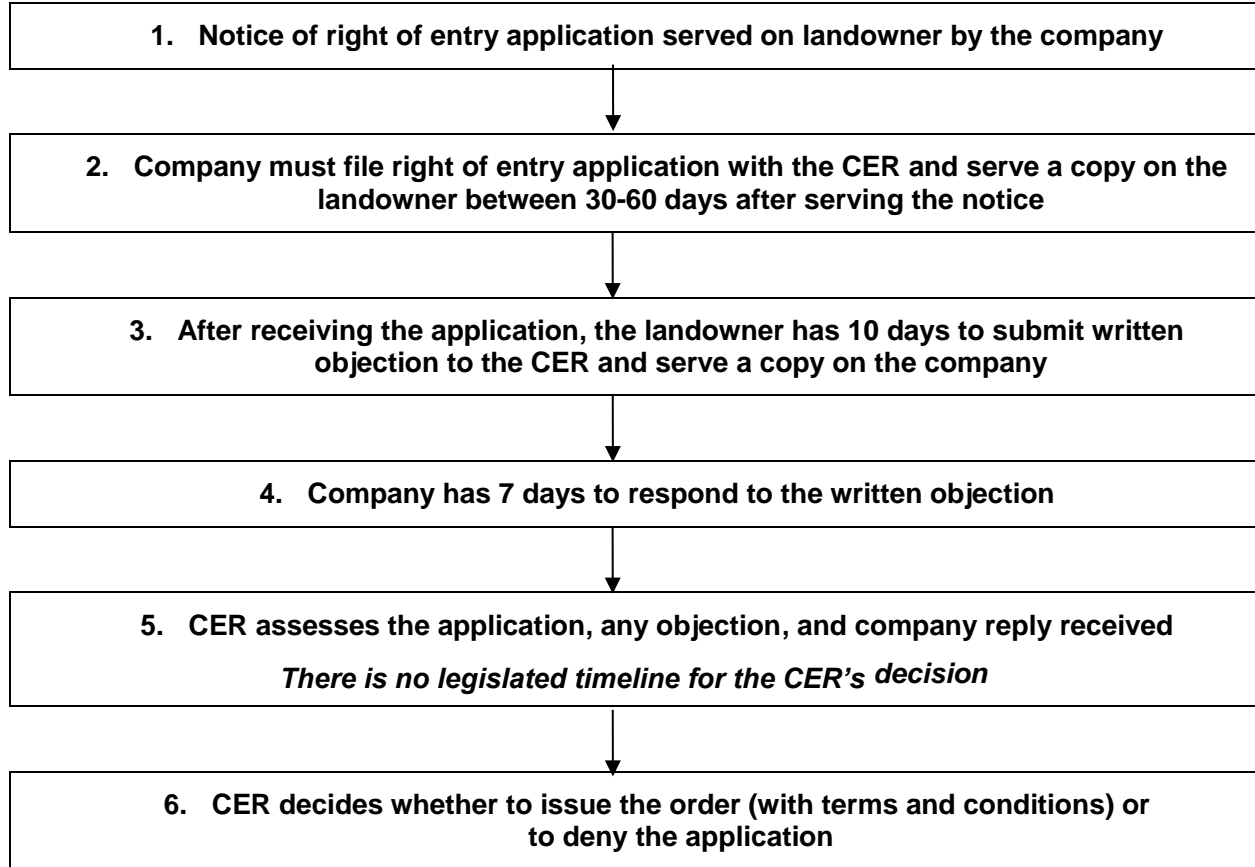


Exhibit "B"

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

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 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, Scott Birse, Solicitor, certify that I caused City of Surrey, being the registered owner (the “**Owner**”) of the lands described as 023-073-209 (the “**Lands**”), to be duly served with the Notice by causing same to be delivered on November 16, 2020, on consent, by email transmission and electronic file share to the attention of Allan Wu (Allan.Wu@surrey.ca), of the City of Surrey, Solicitor for the Owner.



Scott Birse

December 3, 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 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

LOT 46 SECTIONS 11 AND 12 BLOCK 5 NORTH RANGE 1 WEST NEW WESTMINSTER
DISTRICT PLAN LMP22740

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

That portion of the Lands of the Owner containing 0.264 Ha / 0.65 Ac, more or less, shown as Temporary Workspace, including any lands depicted as Temporary Access Roads, on the Individual Ownership Plan 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 to survey and carry out tests and examinations for the Pipeline 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; and

- (b) the right of access to and egress from the Temporary Workspace Area on, over, upon, across and through the remainder of the Lands of the Owner, from and to neighbouring lands (including public roads), for all purposes necessary or incidental to the exercise and enjoyment of the Temporary Workspace Area Rights; provided, however, that Trans Mountain shall not use or exercise such right of access or egress for the purpose of Pipeline Construction;

(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, and, subject to subclause (b) above, for so long as Trans Mountain may desire to exercise them.

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 Easement 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 Easement 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, Pipeline or abandoned Pipeline of Trans Mountain to the extent contemplated by the provisions of the CER Act governing compensation, including any restrictions on use of the Lands of the Owner by operation of s. 335 of the CER Act.
- (d) **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.
- (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) **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.
- (g) **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.
- (h) **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.
- (i) **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, 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.

- (j) **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.
- (k) **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

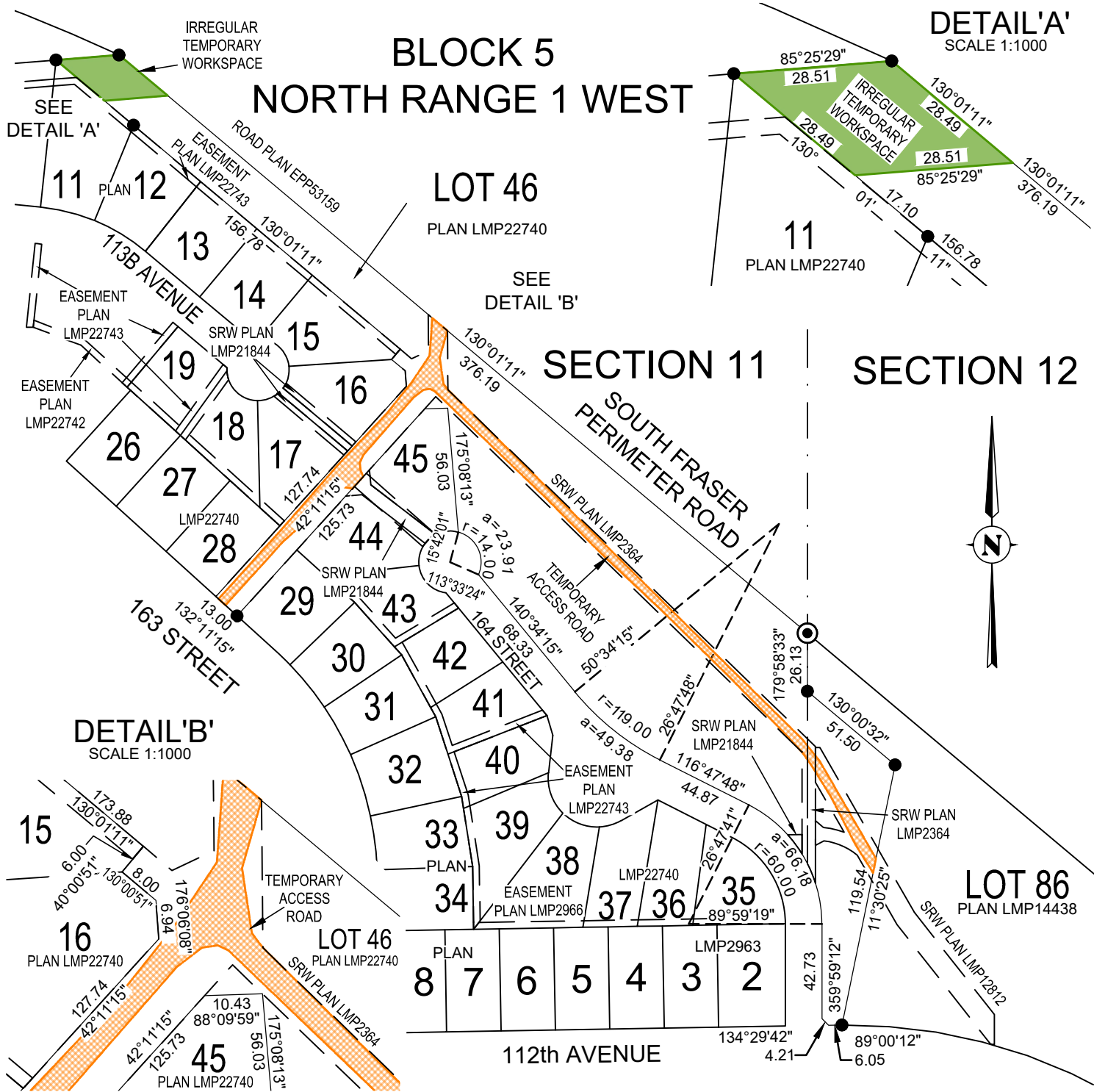
INDIVIDUAL OWNERSHIP PLAN OF THE LANDS OF THE OWNER

INDIVIDUAL OWNERSHIP PLAN

RY
CE

BLOCK 5

NORTH RANGE 1 WEST



TITLE NO.: BJ118090
OWNER(S): CITY OF SURREY

STANDARD CONCRETE POST FOUND SHOWN 
STANDARD IRON POST FOUND SHOWN

AREA REQUIRED FOR TEMPORARY ACCESS ROAD: 0.207 ha (0.51 Ac.)
AREA REQUIRED FOR TEMPORARY WORKSPACE: 0.057 ha (0.14 Ac.)

TEMPORARY ACCESS ROAD IS
OUTLINED THUS:
TEMPORARY WORKSPACE IS
OUTLINED THUS:

PID: 023-073-209
TRACT NUMBER: PC 7602.002

THIS PLAN CERTIFIED CORRECT THIS
6th DAY OF OCTOBER, 2020.

Jason A Walker
JASON WALKER, BCLS

ALL DIMENSIONS ARE IN METRES

TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING
TEMPORARY ACCESS ROAD
AND TEMPORARY WORKSPACE WITHIN
LOT 46 SECTIONS 11 AND 12 BLOCK 5
NORTH RANGE 1
PLAN LMP22740
NEW WESTMINSTER DISTRICT — BRITISH COLUMBIA

| |
|-------------|
| REVISION: 4 |
| PGE: 1 OF 1 |
| DWG BY: KA |
| CKD BY: JW |



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

TMC No.: 01-13283-M002-PP11305

DWG: 19731-505-GNW-11305

FILE No.: 02637-05-PC7602.002-IOP

SCALE: 1:2500

DATE: OCT 6, 2020

DWG BY: KA

| |
|------------|
| CKD BY: JW |
|------------|

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 Easement 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.

"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 within the area identified in the Individual Ownership Plan attached as Appendix "A" as "Area to be used for TMEP within Existing TMPL R/W".

"Placed Soil" means Soil that has been deposited, dumped or placed on land.

"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

File Reference: 12012
Declared Value \$ 200000

2020-12-30, 08:33:31
Requestor: Kirsten Nowak

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

Land Title District NEW WESTMINSTER
Land Title Office NEW WESTMINSTER

Title Number BJ118090
From Title Number BJ118086

Application Received 1995-04-21

Application Entered 1995-06-01

Registered Owner in Fee Simple
Registered Owner/Mailing Address: CITY OF SURREY
14245-56TH AVENUE
SURREY, BC
V3X 3A2

Taxation Authority Surrey, City of

Description of Land
Parcel Identifier: 023-073-209
Legal Description:
LOT 46 SECTIONS 11 AND 12 BLOCK 5 NORTH RANGE 1 WEST NEW WESTMINSTER
DISTRICT PLAN LMP22740

Legal Notations
ZONING REGULATION AND PLAN UNDER
THE AERONAUTICS ACT (CANADA)
FILED 22.8.1977 UNDER NO. N86369
PLAN NO. 53110

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29 OF
THE MUNICIPAL ACT (SEE DF BG260830)

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29 OF
THE MUNICIPAL ACT (SEE DF BG260830)

HERETO IS ANNEXED EASEMENT BG372656 OVER (PLAN LMP12912) OF
LOT 8 PLAN LMP2963

TITLE SEARCH PRINT

File Reference: 12012

Declared Value \$ 200000

2020-12-30, 08:33:31

Requestor: Kirsten Nowak

HERETO IS ANNEXED EASEMENT BG372657 (SEE BG372656) OVER PLAN LMP12912
OF LOT 9 PLAN LMP2963

HERETO IS ANNEXED EASEMENT BG372658 (SEE BG372656) OVER PLAN LMP12912
OF LOT 17 PLAN LMP2963

HERETO IS ANNEXED EASEMENT BG372659 (SEE BG372656) OVER PLAN LMP12912
OF LOT 18 PLAN LMP2963

THIS TITLE MAY BE AFFECTED BY A PERMIT
UNDER PART 29 OF THE MUNICIPAL ACT.
SEE D.F. BH417158 (EXPIRES ON N/A)

Charges, Liens and Interests

| | |
|-----------------------------|--|
| Nature: | STATUTORY RIGHT OF WAY |
| Registration Number: | 295811C |
| Registration Date and Time: | 1961-01-03 16:19 |
| Registered Owner: | BRITISH COLUMBIA HYDRO AND POWER AUTHORITY |
| Remarks: | INTER ALIA ASSIGNMENT OF 273897C PART ANCILLARY RIGHTS MODIFIED BY BT344758 MODIFIED BY BT344757 |

| | |
|-----------------------------|------------------------|
| Nature: | STATUTORY RIGHT OF WAY |
| Registration Number: | BE357048 |
| Registration Date and Time: | 1991-12-20 13:20 |
| Registered Owner: | DISTRICT OF SURREY |
| Remarks: | PLAN LMP2364 |

| | |
|-----------------------------|------------------------|
| Nature: | STATUTORY RIGHT OF WAY |
| Registration Number: | BE357051 |
| Registration Date and Time: | 1991-12-20 13:22 |
| Registered Owner: | DISTRICT OF SURREY |
| Remarks: | PLAN LMP2364 |

| | |
|-----------------------------|------------------------|
| Nature: | STATUTORY RIGHT OF WAY |
| Registration Number: | BJ118034 |
| Registration Date and Time: | 1995-04-21 11:02 |
| Registered Owner: | CITY OF SURREY |
| Remarks: | 26.1M2 PLAN LMP21844 |

TITLE SEARCH PRINT

File Reference: 12012

Declared Value \$ 200000

2020-12-30, 08:33:31

Requestor: Kirsten Nowak

| | |
|-----------------------------|----------------------------------|
| Nature: | COVENANT |
| Registration Number: | BJ118089 |
| Registration Date and Time: | 1995-04-21 11:06 |
| Registered Owner: | CITY OF SURREY |
| Remarks: | INTER ALIA SECTION 215 L.T.A. |

| | |
|-------------------------------------|------------------|
| 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

| | |
|-------------------------------------|---|
| Registered Owner: | City of Surrey (the "Owner") |
| Tract Number and Legal Description: | Tract: PC 7602.002, 023-073-209 (the "Lands") |
| Section 322 Notice: | December 13, 2019 |
| Section 34 Notice: | August 22, 2019 |
| Subsection 324(2) Notice: | November 16, 2020 |

Summary of Consultations

Trans Mountain or its agent, Progress Land Services Ltd. ("Progress"), has engaged with the 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, on behalf of Trans Mountain, and the Owner:

| Date | Summary of Discussions |
|-------------|---|
| Feb 26/15 | D. Wood, Land Agent called K. Woodward, Owner representative to discuss the Project. |
| Mar 6/15 | D. Wood met with K. Woodward to discuss the Project; D. Wood emailed K. Woodward regarding the Project. |
| Apr 21/16 | D. Wood called K. Woodward to discuss the Project. |
| Apr 22/16 | D. Wood emailed K. Woodward regarding the Project. |
| Apr 25/16 | K. Woodward and D. Wood exchanged emails regarding the Project. |
| Apr 26/16 | D. Wood emailed K. Woodward regarding the Project. |
| Apr 28/16 | D. Wood emailed K. Woodward regarding the Project. |
| June 10/16 | D. Wood called K. Woodward; left a message. |
| June 14/16 | D. Wood met with S. Hayer, Owner representative and served the Section 87 Notice. |
| Apr 12/17 | D. Wood met with J. Sullivan, Owner representative. D. Wood served the Section 34 Notice. |
| Oct 15/18 | D. Wood emailed K. Woodward regarding the Project. |

| Date | Summary of Discussions |
|-------------|---|
| Aug 22/19 | D. Wood met with N. Samut, Owner representative and served the Section 34(1) Notice and the Section 87 Notice. |
| Sept 24/19 | H. Badial, Owner's legal counsel called J. Andries, Project representative to discuss the Project. |
| Sept 25/19 | H. Badial and J. Andries exchanged emails regarding the Project. |
| Sept 30/19 | J. Andries emailed H. Badial regarding the Project. |
| Oct 1/19 | H. Badial emailed J. Andries regarding the Project. |
| Oct 23/19 | J. Andries emailed H. Badial regarding the Project. |
| Oct 25/19 | H. Badial emailed J. Andries regarding the Project. |
| Dec 13/19 | M. Harding, Land Administrator, sent the Section 322 Notice to the Owner via registered mail. |
| Dec 23/19 | Owner received the Section 322 Notice via registered mail. |
| Feb 15/20 | C. Miller, Project representative emailed K. Woodward regarding the Project. |
| Feb 18/20 | K. Woodward and C. Miller exchanged emails regarding the Project. |
| Feb 25/20 | K. Woodward and C. Miller exchanged emails regarding the Project. |
| Mar 3/20 | C. Miller and K. Woodward exchanged emails regarding the Project. |
| Apr 2/20 | J. Andries, A. Parise and W. Mayhew, Project representatives had a conference call with B. Lee, Owner representative to discuss the Project. |
| Apr 3/20 | D. Wood emailed K. Woodward regarding the Project. |
| Apr 9/20 | J. Andries emailed B. Lee regarding the Project. |
| Apr 27/20 | D. Wood emailed K. Woodward regarding the Project. |
| Apr 29/20 | K. Woodward emailed D. Wood regarding the Project. |
| May 1/20 | K. Woodward emailed D. Wood regarding the Project. |
| May 6/20 | B. Lee and J. Andries exchanged emails regarding the Project. |
| May 26/20 | B. Lee emailed J. Andries regarding the Project. |
| June 3/20 | A. Parise and B. Lee exchanged emails regarding the Project. |
| June 8/20 | J. DiPlacito, Project representative emailed B. Lee regarding the Project. |
| June 9/20 | B. Lee emailed J. DiPlacito, regarding the Project. |
| July 27/20 | A. Parise, O. Moin, Project representative and J. DiPlacito, met with H. Badial, J. Kenney, N. Rawcliffe, B. Lee, A. Wu, J. Woodward and N. Aven, Owner representatives to discuss the Project. |

| Date | Summary of Discussions |
|-----------|--|
| Aug 6/20 | B. Lee emailed J. Merrick, legal counsel for the Project regarding the Project. |
| Oct 15/20 | Owner representatives and Project representatives met to discuss the Project and compensation. |
| Nov 2/20 | O. Moin emailed B. Lee regarding the Project. |
| Nov 16/20 | Project legal counsel emailed Owner representative the Section 324 Notice. |
| Dec 8/20 | O. Moin, N. Rawcliffe and B. Hooker, Owner representative met 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). 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. 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.

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 Surrey | Various |
| b. Land Description (short form): 023-073-209 | Various |
| c. Description (including area) of permanent and temporary workspace as applicable: Temporary Workspace: 0.264 Ha / 0.65 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) | 8-22 | |
| 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 | 24 | |
| 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> | 24 | |
| | • 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 | 26-32 | |
| The Rules 55(3)(c)(ii) | b) Rights, titles or interests applied for in respect of the lands | 26-32 | |
| The Rules 55(3)(c)(iii) | c) Any rights, obligations, restrictions or terms and conditions that are proposed to attach to: | 26-32 | |
| The Rules 55(3)(c)(iii)(A) | • Rights, titles, or interests applied for in respect of the lands | | |
| The Rules 55(3)(c)(iii)(B) | • Any remaining interest(s) | | |
| The Rules 55(3)(c)(iii)(C) | • Any adjacent lands of the landowner | | |

| Legislation | Filing Requirement | | |
|--------------------|---|--|---|
| 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 | 33-35 | |
| The Rules 55(3)(e) | v) Copy of section 56 of the <i>NEB Rules of Practice and Procedure</i> | 37 | |
| 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): | November 16, 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 | 10 |
| 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 | 10 |
| 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 | 10 |
| CER Act s.324(2)(d) | iv) Address of the CER for any objection | Yes | 11 |
| 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 | 11 |

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): | December 23, 2019 |

| Guidance | Filing Requirement | |
|----------|---|---|
| | 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 materially 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. |

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 22, 2019 |

| Guidance | Filing Requirement | | |
|----------|--|----|--|
| | d. Confirm whether a written statement of opposition was filed. If yes, enter REGDOCS Link and filing date | No | Note: A written statement of opposition was not filed relative to the Lands. However, written statements of opposition relative to other Project lands were filed by the Owner on May 6, 2017 (A83229) and August 9, 2017 (A85381) (" SOOs "). The SOOs were withdrawn by the Owner on March 12, 2018 (A90544-1). |

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 | 38-40 |
| 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 | 38-40 |