

August 12, 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
Costco Wholesale Canada Ltd. ("Owner")
Short Legal: 023-738-073 / Tract: PC 7537.01 ("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.

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

Regards,



Alain Parisé, Director, Land

Encl.

cc. Owner

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

August 12, 2021

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

And to: Costco Wholesale Canada Ltd.
999 Lake Drive
Issaquah, Washington, USA 98027

(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 July 13, 2021, 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 July 13, 2021, Trans Mountain served notice on the Owner pursuant to subsection 324(2) of the Act ("**Notice**") in relation to right of entry.
5. 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.
6. 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.
7. 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".
8. 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 September 15, 2021.
9. 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 12th day of August, 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

July 5, 2021

Costco Wholesale Canada Ltd.
Attention: Rick Jerabek, Corporate Counsel
999 Lake Drive
Issaquah, Washington, USA 98027

To: Costco Wholesale Canada Ltd.

**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: 023-738-073 / Tract: PC 7537.01 ("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
- concurrently 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 as Attachment B.

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.

Attached hereto as Attachment A to this letter is the Canada Energy Regulator Information Letter dated December 16, 2020 regarding the right of entry application process ("**Information Letter**").

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.

Attachment A

CANADA ENERGY REGULATOR INFORMATION LETTER (December 16, 2020)



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
16 December 2020

**Trans Mountain Pipeline ULC (Trans Mountain)
Trans Mountain Expansion Project (TMEP)
Notice of Trans Mountain's Application pursuant to
Section 324 of the Canadian Energy Regulator Act (CER Act)
Right of Entry**

Canada Energy Regulator Information Letter

Purpose

You are receiving this letter from the Canada Energy Regulator because Trans Mountain has served you with a **notice** of Trans Mountain's intention to file an application for a right of entry order in the future. This notice includes information from Trans Mountain regarding the date on which the company intends to make its *application* for right of entry. If and when Trans Mountain files a right of entry application, you will be served with the application and you will have certain rights to participate in the application process.

The Canada Energy Regulator is providing you this letter in order to provide you information to familiarize yourself with the right of entry process.

Background Materials

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 Commission expects that the company and the landowner have made every reasonable attempt to finalize a land acquisition agreement.

The process to be followed for right of entry applications is summarized in the diagram attached to this letter.

Objection to an Application for Right of Entry

If you are served with an application for a right of entry order *after you receive this notice*, you have a right to file a written objection to the application. Objections must be filed with the CER and served on Trans Mountain, within **10 calendar days of the landowner's receipt of the application**.

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/objection-right-entry-covid.pdf>

Further information regarding an objection to a right of entry application:

Timing

Section 56 of the *National Energy Board Rules of Practice and Procedure, 1995*, governs the process for objections and replies to objections. Please note the objection period begins after an *application* is filed; no filings are required where Trans Mountain has provided *notice* of a future application. See the Additional Resources at the end of this letter for more information.

After the application is filed, a landowner may file an objection, and the company may file a reply. Steps 3 and 4 of the attached diagram outline the objection and reply process.

Additional objection or reply submissions filed by either party after this process shall be disregarded and will not form part of the record, unless prior leave was granted by the Commission. Requests for leave to file additional materials may be made in writing to the Commission, copying Trans Mountain. The request must include an explanation or reasons justifying the requested relief. Such relief will only be granted in exceptional circumstances.

Content

The Commission reminds landowners that the right of entry process is not intended to consider impacts of the TMEP that have been, or could have been, reviewed in previous regulatory processes (see Background Materials above).

The Commission encourages landowners to provide comments regarding whether the right of entry application is appropriate as applied for, and comments regarding the particular terms and conditions of the right of entry.

The Commission reminds landowners that certain information may be privileged and confidential, such as the content and form of settlement negotiations between you and Trans Mountain. This information should not be included in the objection, unless both parties agree to waive any privilege.

Finally, the Commission advises landowners that landowners are entitled to compensation for the acquisition of lands, however, **disputes regarding compensation are not considered in the Commission's assessment of a right of entry application.** Further information regarding compensation disputes is provided below.

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.

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).

Additional Resources

The following additional resources¹ are available 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>)
- Guide V of the CER Filing Manual
(<https://www.cer-rec.gc.ca/en/applications-hearings/submit-applications-documents/filing-manuals/filing-manual/filing-manual-guide-v-right-entry-application-cer-act-s-324.html>)
- Land Matters Guide including Right of Entry Orders
(<https://www.cer-rec.gc.ca/en/consultation-engagement/land-matters-guide/right-entry-orders.html>)
- section 55 of the National Energy Board Rules of Practice and Procedure, 1995
(<https://laws-lois.justice.gc.ca/eng/regulations/SOR-95-208/page-6.html#h-45>)
- section 56 of the *National Energy Board Rules of Practice and Procedure, 1995*
(<https://laws-lois.justice.gc.ca/eng/regulations/SOR-95-208/page-6.html#h-45>)

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.

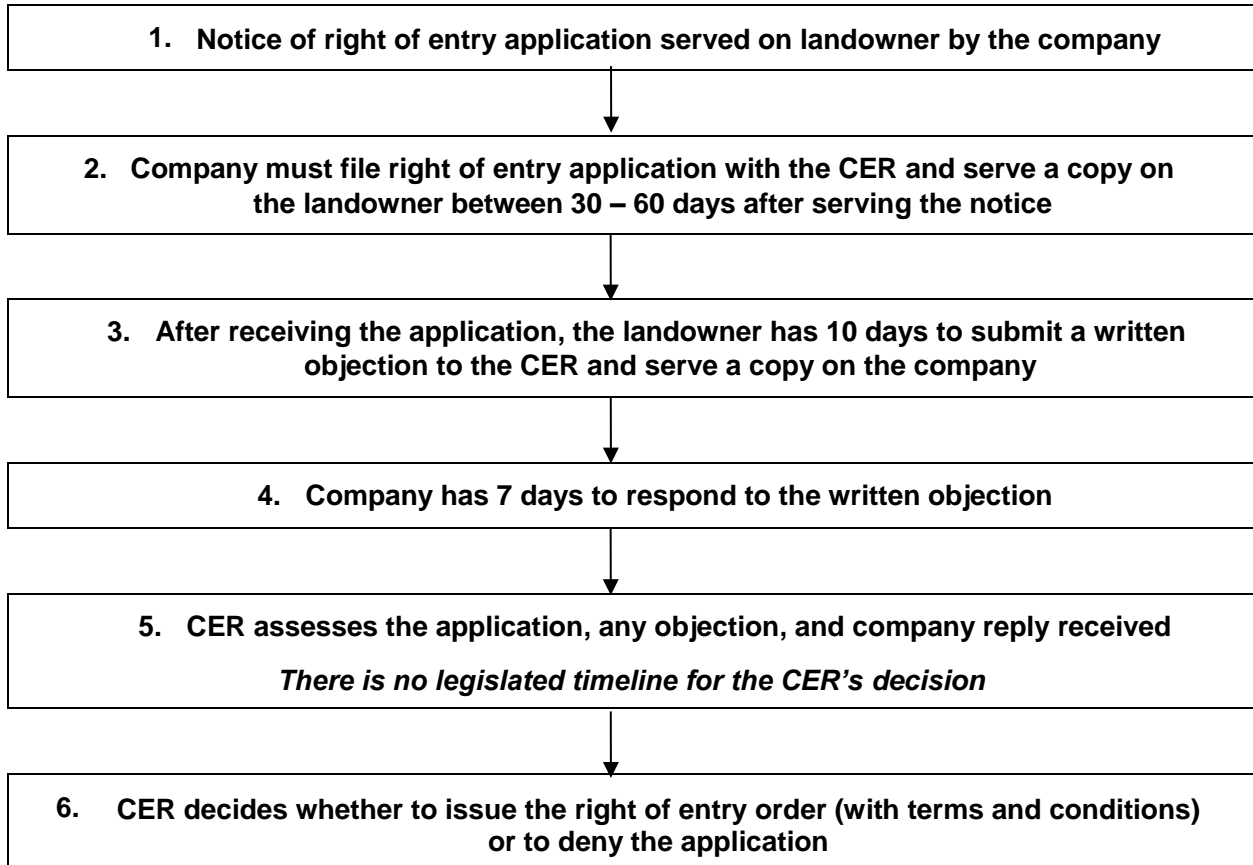
(3) A company that receives an objection under subsection (2) shall file with the Board a reply to the objection, or a statement that it does not wish to respond to the objection, within seven days after the date that the objection is served on the company by the owner of the lands.

(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.

Attachment

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

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



Attachment B

CER ACT SUBSECTION 324(2) NOTICE

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: Costco Wholesale Canada Ltd.

being the registered owners (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 August 4, 2021, 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 September 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.

Tract: PC 7537.01
PID: 023-738-073
Costco Wholesale Canada Ltd.

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 \$43,520.00 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.

DATED at the City of Calgary, in the Province of Alberta, this 5th day of July, 2021.

Trans Mountain Pipeline ULC

By its counsel
Blake, Cassels & Graydon, LLP

Per: 

Lars Olthafer

Exhibit "A"

SCHEDULE

1. LANDS IN RESPECT OF WHICH ORDER IS SOUGHT

LEGAL DESCRIPTION

LOT 2 DISTRICT LOT 124 GROUP 2 NEW WESTMINSTER DISTRICT PLAN LMP32823

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

That portion of the Lands of the Owner containing 0.070 Ha / 0.17 Ac, more or less, shown as Temporary Access Road 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.

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) **Quiet Enjoyment:** Trans Mountain, in performing and observing the covenants and conditions on its part to be observed and performed, shall and may peaceably hold and enjoy the Easement Rights hereby granted without hindrance, molestation or interruption on the part of the Owner or of any person, firm or corporation claiming by, through, under or in trust for the Owner.
- (g) **Other Rights Preserved:** Nothing contained herein shall affect or prejudice any right, present or future, which Trans Mountain may have under the provisions of the CER Act or otherwise to acquire, use or occupy the 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 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.

- (i) **Interpretation:** Wherever the singular or masculine or neuter gender is used in this Schedule, it shall be construed as if the plural or other appropriate gender, as the case may be, had been used where the context so requires. If the Owner is comprised of more than one person, the obligations and liabilities of the persons included in the Owner hereunder shall be joint and several.
- (j) **Notices:** Any notice or other communication or delivery required or permitted to be given by one party to the other shall be in writing and may be given by either:
 - (i) delivery by hand, in which case it shall be deemed to have been received on delivery; or
 - (ii) sent by prepaid registered post mailed at a post office in Canada, in which case it shall be deemed to have been received on the third (3rd) business day following the day of mailing;

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

The address of Trans Mountain for such purpose shall be

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

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

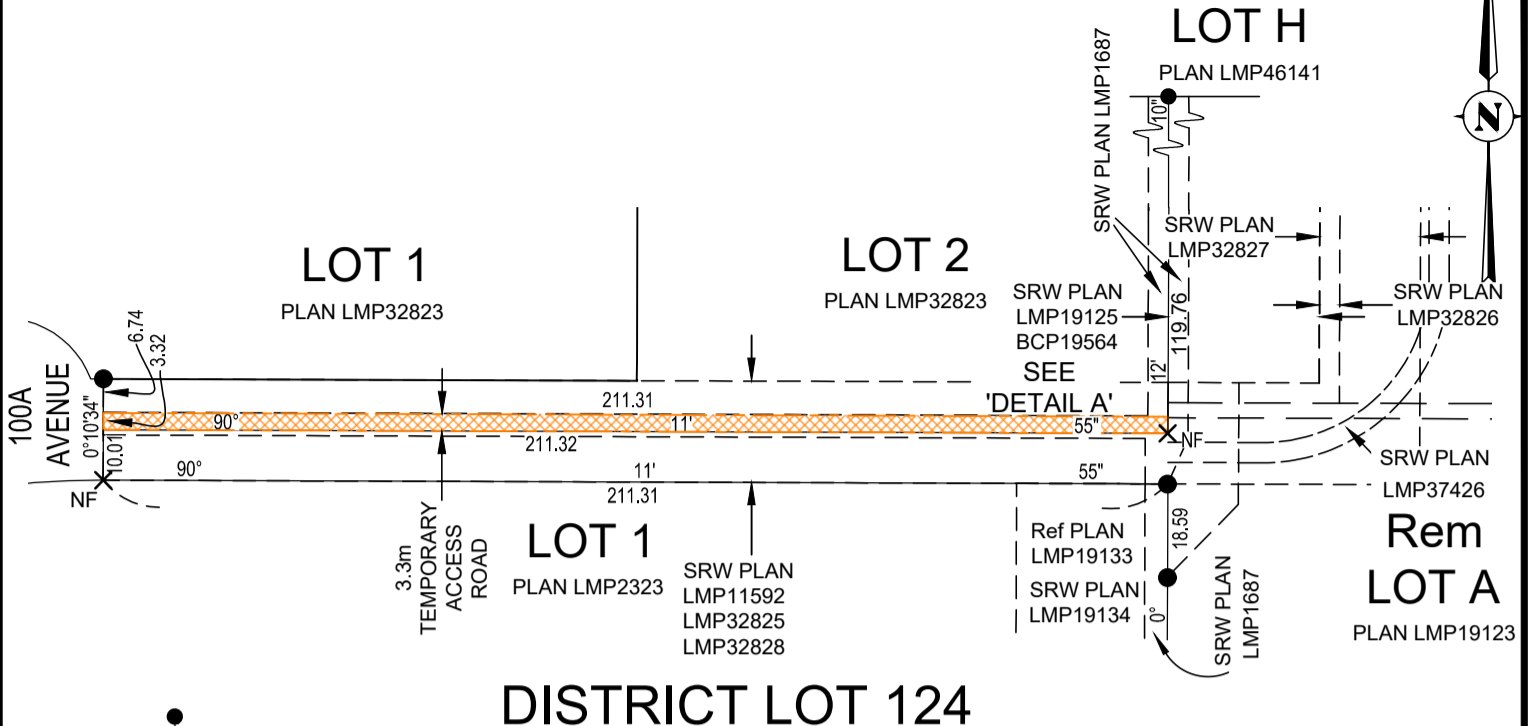
A party may from time to time notify the other party of a change of address to another address inside Canada. Notwithstanding anything contained herein to the contrary, if a strike, lockout or other labour disruption involving postal employees is in effect or generally known to be impending, every notice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

Tract: PC 7537.01
PID: 023-738-073
Costco Wholesale Canada Ltd.

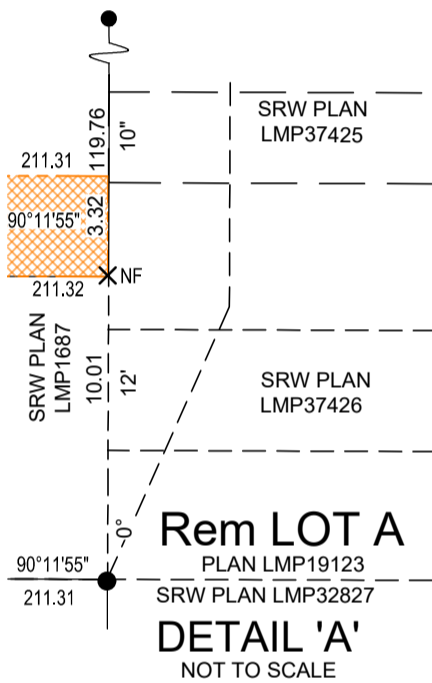
APPENDIX A

INDIVIDUAL OWNERSHIP PLAN OF THE LANDS OF THE OWNER

INDIVIDUAL OWNERSHIP PLAN



DISTRICT LOT 124



TITLE NO.: CA8889686
 OWNER(S): COSTCO WHOLESALE CANADA LTD., INC.NO. A0093498

NOTHING FOUND SHOWN XNF
 STANDARD IRON POST FOUND SHOWN ●

AREA REQUIRED FOR TEMPORARY ACCESS ROAD:

0.070 ha (0.17 Ac.)

TEMPORARY ACCESS ROAD IS OUTLINED THUS:



THIS PLAN CERTIFIED CORRECT THIS 10th DAY OF MAY, 2021.

William Oleksuk

WILLIAM OLEKSUIK, BCLS

ALL DISTANCES ARE IN METRES

PID: 023-738-073
 TRACT NUMBER: PC 7537.01

TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING
 PROPOSED TEMPORARY ACCESS ROAD
 WITHIN
 LOT 2 DISTRICT LOT 124 GROUP 2
 NEW WESTMINSTER DISTRICT PLAN LMP32823
 METRO VANCOUVER REGIONAL DISTRICT – BRITISH COLUMBIA

REVISION: 0

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.

“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 within 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"

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

Tract: 7537
7537.01

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, April McKee of the CITY of COQUITLAM
(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 13 day of July, 2021, serve COSTCO WHOLESALE CANADA LTD 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 ELIZABETH KHEAN 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 _____

April McKee
Signature

Sworn before me at the CITY of COQUITLAM in the Province of BC this 14 day of July 2021

Peter C. McLeod
My Commission Expires June 30, 2023
Appointee No: 2020-0779

Commissioner of Oaths in and for the Province of BC

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 2 DISTRICT LOT 124 GROUP 2 NEW WESTMINSTER DISTRICT PLAN LMP32823

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

That portion of the Lands of the Owner containing 0.070 Ha / 0.17 Ac, more or less, shown as Temporary Access Road 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.

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) **Quiet Enjoyment:** Trans Mountain, in performing and observing the covenants and conditions on its part to be observed and performed, shall and may peaceably hold and enjoy the Easement Rights hereby granted without hindrance, molestation or interruption on the part of the Owner or of any person, firm or corporation claiming by, through, under or in trust for the Owner.
- (g) **Other Rights Preserved:** Nothing contained herein shall affect or prejudice any right, present or future, which Trans Mountain may have under the provisions of the CER Act or otherwise to acquire, use or occupy the 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 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.
- (i) **Interpretation:** Wherever the singular or masculine or neuter gender is used in this Schedule, it shall be construed as if the plural or other appropriate gender, as the case may be, had been used

where the context so requires. If the Owner is comprised of more than one person, the obligations and liabilities of the persons included in the Owner hereunder shall be joint and several.

(j) **Notices:** Any notice or other communication or delivery required or permitted to be given by one party to the other shall be in writing and may be given by either:

- (i) delivery by hand, in which case it shall be deemed to have been received on delivery; or
- (ii) sent by prepaid registered post mailed at a post office in Canada, in which case it shall be deemed to have been received on the third (3rd) business day following the day of mailing;

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

The address of Trans Mountain for such purpose shall be

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

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

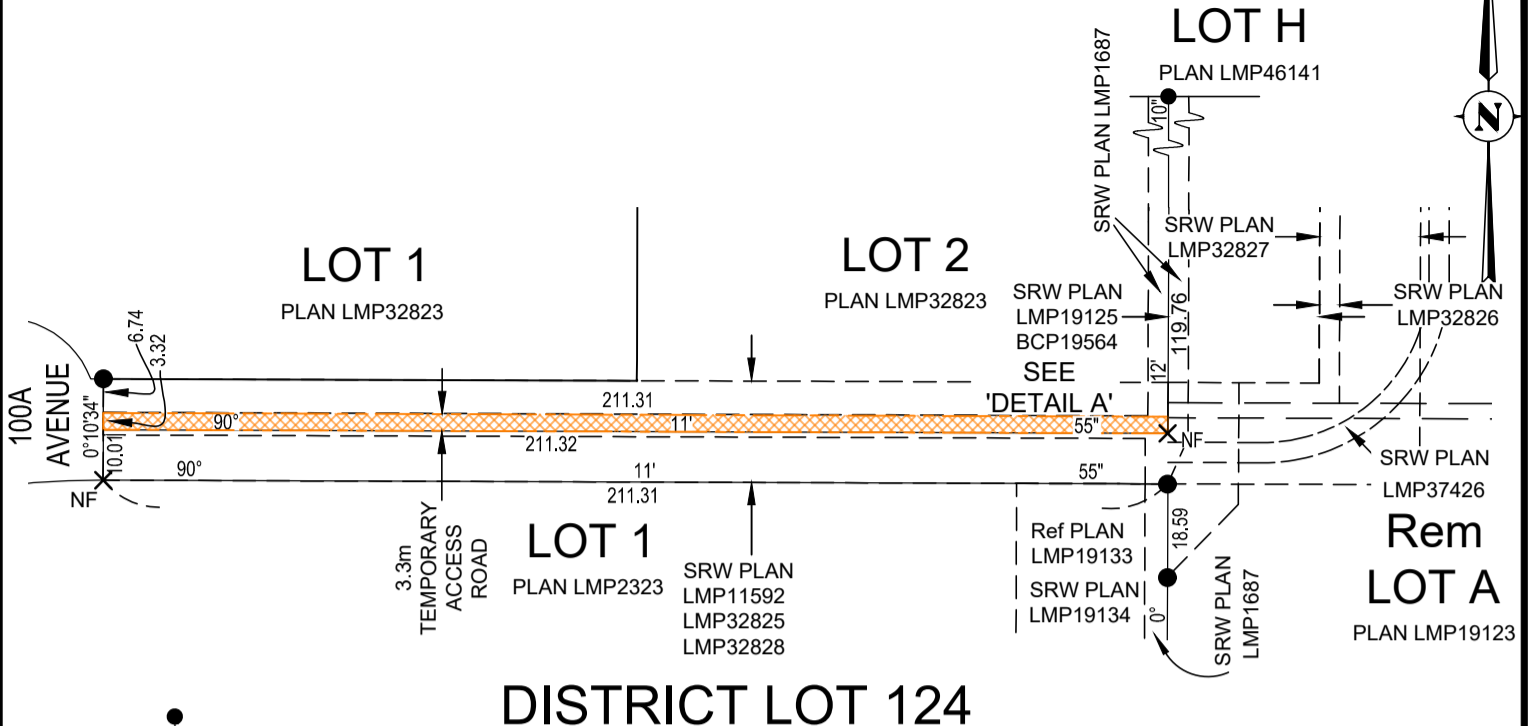
A party may from time to time notify the other party of a change of address to another address inside Canada. Notwithstanding anything contained herein to the contrary, if a strike, lockout or other labour disruption involving postal employees is in effect or generally known to be impending, every notice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

Tract: PC 7537.01
PID: 023-738-073
Costco Wholesale Canada Ltd.

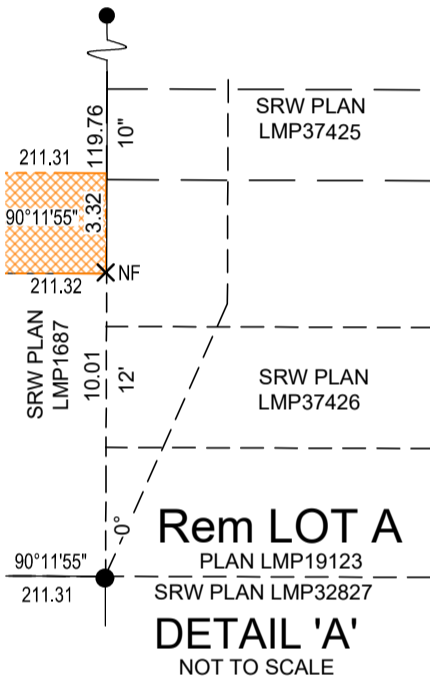
APPENDIX A

INDIVIDUAL OWNERSHIP PLAN OF THE LANDS OF THE OWNER

INDIVIDUAL OWNERSHIP PLAN



DISTRICT LOT 124



TITLE NO.: CA8889686

OWNER(S): COSTCO WHOLESALE CANADA LTD., INC.NO. A0093498

NOTHING FOUND SHOWN XNF
STANDARD IRON POST FOUND SHOWN ●

AREA REQUIRED FOR TEMPORARY ACCESS ROAD:

0.070 ha (0.17 Ac.)

TEMPORARY ACCESS ROAD IS OUTLINED THUS:



THIS PLAN CERTIFIED CORRECT THIS 10th DAY OF MAY, 2021.

WILLIAM OLEKSUK, BCLS

ALL DISTANCES ARE IN METRES

PID: 023-738-073

TRACT NUMBER: PC 7537.01

TRANS MOUNTAIN PIPELINE ULC

INDIVIDUAL OWNERSHIP PLAN SHOWING
PROPOSED TEMPORARY ACCESS ROAD
WITHIN
LOT 2 DISTRICT LOT 124 GROUP 2
NEW WESTMINSTER DISTRICT PLAN LMP32823
METRO VANCOUVER REGIONAL DISTRICT – BRITISH COLUMBIA

REVISION: 0

SHEET:1 OF 1



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

TMC No.:01-13283-M002-PP11500

DWG:19731-505-GNW-11500

FILE No.:02637-05-PC7537.01-I0P

SCALE: 1:1500

DATE: MAY 10th, 2021

DWG BY: AJ

CKD BY: WO

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.

“**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 within 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

2021-08-06, 14:44:19

File Reference: 12012

Requestor: Kirsten Nowak

Declared Value \$25000000

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

Land Title District NEW WESTMINSTER
Land Title Office NEW WESTMINSTER

Title Number CA8889686
From Title Number BL158717

Application Received 2021-04-01

Application Entered 2021-04-14

Registered Owner in Fee Simple
Registered Owner/Mailing Address: COSTCO WHOLESALE CANADA LTD., INC.NO. A0093498
415 WEST HUNT CLUB ROAD
OTTAWA, ON
K2E 1C5

Taxation Authority Langley, The Corporation of the Township of

Description of Land
Parcel Identifier: 023-738-073
Legal Description:
LOT 2 DISTRICT LOT 124 GROUP 2 NEW WESTMINSTER DISTRICT PLAN LMP32823

Legal Notations
HERETO IS ANNEXED EASEMENT BL138542 OVER (PLAN LMP32828)
LOT A EXCEPT: PART SUBDIVIDED BY PLAN LMP32823, PLAN LMP19123
MODIFIED BY BM83520

NOTICE OF INTEREST, BUILDERS LIEN ACT (S.3(2)), SEE CA8889687
FILED 2021-04-01

TO PART FORMERLY THE PORTION OF LOT 1 PLAN 1115
LYING NORTH OF REFERENCE PLAN 269 IS ANNEXED
EASEMENT J77619 OVER PART PLAN 42668 OF REFERENCE PLAN 269
OF LOT 1 PLAN 1115

TITLE SEARCH PRINT

2021-08-06, 14:44:19

File Reference: 12012

Requestor: Kirsten Nowak

Declared Value \$25000000

Charges, Liens and Interests

Nature: UNDERSURFACE RIGHTS
Registration Number: 85588C
Registration Date and Time: 1942-03-31 11:02
Remarks: INTER ALIA
SEE 149774E
AS TO PART FORMERLY LOT A PLAN 3228

Nature: COVENANT
Registration Number: Z93204
Registration Date and Time: 1986-05-21 13:38
Registered Owner: TOWNSHIP OF LANGLEY
HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
Remarks: INTER ALIA
L.T.A. SECTION 215

Nature: STATUTORY RIGHT OF WAY
Registration Number: BE236781
Registration Date and Time: 1991-09-18 15:12
Registered Owner: TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
PLAN LMP1687
MODIFIED BY BM83528

Nature: COVENANT
Registration Number: BG258249
Registration Date and Time: 1993-07-21 14:56
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
L.T.A. SECTION 215

Nature: COVENANT
Registration Number: BG258251
Registration Date and Time: 1993-07-21 14:56
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
L.T.A. SECTION 215

Nature: STATUTORY RIGHT OF WAY
Registration Number: BG258254
Registration Date and Time: 1993-07-21 15:01
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
PLAN LMP11592

TITLE SEARCH PRINT

2021-08-06, 14:44:19

File Reference: 12012

Requestor: Kirsten Nowak

Declared Value \$25000000

Nature: STATUTORY RIGHT OF WAY
Registration Number: BG258255
Registration Date and Time: 1993-07-21 15:01
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
PLAN LMP11592
SEE BG258254

Nature: COVENANT
Registration Number: BH344957
Registration Date and Time: 1994-09-22 10:20
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: L.T.A. SECTION 215
AS TO PART FORMERLY LOT A PLAN LMP19123

Nature: COVENANT
Registration Number: BH344965
Registration Date and Time: 1994-09-22 10:22
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF
BRITISH COLUMBIA
Remarks: L.T.A. SECTION 215
AS TO PART FORMERLY LOT A PLAN LMP19123

Nature: STATUTORY RIGHT OF WAY
Registration Number: BH344969
Registration Date and Time: 1994-09-22 10:23
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: PLAN LMP19127

Nature: COVENANT
Registration Number: BH344973
Registration Date and Time: 1994-09-22 10:24
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
L.T.A. SECTION 215
AS TO PART FORMERLY LOT B PLAN LMP19123

Nature: STATUTORY RIGHT OF WAY
Registration Number: BH344976
Registration Date and Time: 1994-09-22 10:24
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
AS TO PART FOERMERLY LOT A PLAN LMP19123

TITLE SEARCH PRINT

2021-08-06, 14:44:19

File Reference: 12012

Requestor: Kirsten Nowak

Declared Value \$25000000

Nature: COVENANT
Registration Number: BL138527
Registration Date and Time: 1997-04-22 15:00
Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks: INTER ALIA

Nature: EASEMENT
Registration Number: BL138530
Registration Date and Time: 1997-04-22 15:01
Remarks: PLAN LMP32824
APPURTENANT TO LOT 1 PLAN LMP32823

Nature: EASEMENT
Registration Number: BL138544
Registration Date and Time: 1997-04-22 15:03
Remarks: PLAN LMP32828
APPURTENANT TO LOT A EXCEPT: PART SUBDIVIDED
BY PLAN LMP32823, PLAN LMP19123
MODIFIED BY BM83522

Nature: EASEMENT
Registration Number: BL138545
Registration Date and Time: 1997-04-22 15:03
Remarks: PLAN LMP32828
APPURTENANT TO LOT 1 PLAN LMP32823
MODIFIED BY BM83523

Nature: STATUTORY RIGHT OF WAY
Registration Number: BL200585
Registration Date and Time: 1997-06-06 11:53
Registered Owner: BC GAS UTILITY LTD.
INCORPORATION NO. 368681
Remarks: PLAN LMP32828

Nature: STATUTORY RIGHT OF WAY
Registration Number: BL349488
Registration Date and Time: 1997-10-14 12:43
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY

Nature: STATUTORY RIGHT OF WAY
Registration Number: BL349489
Registration Date and Time: 1997-10-14 12:43
Registered Owner: BC TEL
INCORPORATION NO. 1801A

TITLE SEARCH PRINT

2021-08-06, 14:44:19
Requestor: Kirsten Nowak

File Reference: 12012
Declared Value \$25000000

Nature: EASEMENT
Registration Number: BM83522
Registration Date and Time: 1998-03-20 11:07
Remarks: MODIFICATION OF BL138544

Nature: EASEMENT
Registration Number: BM83523
Registration Date and Time: 1998-03-20 11:07
Remarks: MODIFICATION OF BL138545

Nature: STATUTORY RIGHT OF WAY
Registration Number: BT130462
Registration Date and Time: 2002-04-22 10:45
Registered Owner: THE CORPORATION OF THE TOWNSHIP OF LANGLEY
Remarks: INTER ALIA
PLAN LMP32825

Nature: PRIORITY AGREEMENT
Registration Number: BT130463
Registration Date and Time: 2002-04-22 10:45
Remarks: GRANTING STATUTORY RIGHT OF WAY BT130462
PRIORITY OVER MORTGAGE BL158718 AND
ASSIGNMENT OF RENTS BL158719

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: Costco Wholesale Canada Ltd. (the "Owner")
Tract Number and Legal Description: Tract: PC 7537.01, 023-738-073 (the "Lands")
Section 322 Notice: July 13, 2021
Subsection 324(2) Notice: July 13, 2021

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 10/21	R. Jerabek emailed P. McKenzie regarding the Project.
Feb 23/21	P. McKenzie emailed R. Jerabek regarding the Project.
Mar 1/21	R. Jerabek and P. McKenzie exchanged emails regarding the Project and arranging a meeting.
Mar 5/21	P. McKenzie emailed R. Jerabek regarding the Project and arranging a meeting.
Mar 23/21	P. McKenzie emailed R. Jerabek regarding the Project.
Mar 24/21	P. McKenzie emailed R. Jerabek regarding the Project.
Mar 25/21	R. Jerabek emailed P. McKenzie regarding the Project.
Mar 29/21	B. Kustra, Project legal counsel, called R. Jerabek to discuss the Project.
Apr 14/21	Title to the Lands changed to the Owner.
May 26/21	B. Kustra emailed R. Jerabek regarding the Project.
May 27/21	R. Jerabek emailed B. Kustra regarding the Project.
July 5/21	B. Kustra emailed R. Jerabek regarding the Project.
July 5/21	T. Lucas, Land Manager, emailed R. Jerabek, the Section 322 Notice and the Section 324 Notice.
July 6/21	R. Jerabek emailed B. Kustra regarding the Project.
July 7/21	B. Kustra emailed R. Jerabek regarding the Project.
July 8/21	T. Lucas emailed R. Jerabek regarding the Section 322 Notice and the Section 324 Notice.
July 12/21	T. Lucas emailed R. Jerabek regarding the Section 322 Notice and the Section 324 Notice.
July 13/21	T. Lucas called R. Jerabek; left message.
July 13/21	P. McKenzie met with E. Khean, Owner legal counsel, to serve the Section 322 Notice and the Section 324 Notice.

Date	Summary of Discussions
July 28/21	B. Kustra emailed R. Jerabek, regarding the Project.
July 30/21	R. Jerabek emailed B. Kustra regarding the Project.
Aug 2/21	B. Kustra emailed R. Jerabek regarding the Project.
Aug 4/21	B. Kustra, J. Andries, Land Manager, and P. McKenzie called R. Jerabek to discuss the Project and compensation.
Aug 4/21	R. Jerabek emailed B. Kustra regarding the Project.

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): Costco Wholesale Canada Ltd.	Various
b. Land Description (short form): 023-738-073	Various
c. Description (including area) of permanent and temporary workspace as applicable: Temporary Workspace: 0.07 Ha / 0.17 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)	7-24	
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	26	
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>	26	
	<ul style="list-style-type: none"> Provide REGDOC link to Substituted Service Order 		
	<ul style="list-style-type: none"> Provide date substituted service was effected 		
	<ul style="list-style-type: none"> 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	28-33	
The Rules 55(3)(c)(ii)	b) Rights, titles or interests applied for in respect of the lands	28-33	
The Rules 55(3)(c)(iii)	c) Any rights, obligations, restrictions or terms and conditions that are proposed to attach to:	28-33	
The Rules 55(3)(c)(iii)(A)	<ul style="list-style-type: none"> Rights, titles, or interests applied for in respect of the lands 		
The Rules 55(3)(c)(iii)(B)	<ul style="list-style-type: none"> Any remaining interest(s) 		
The Rules 55(3)(c)(iii)(C)	<ul style="list-style-type: none"> Any adjacent lands of the landowner 		

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	35-39	
The Rules 55(3)(e)	v) Copy of section 56 of the <i>NEB Rules of Practice and Procedure</i>	41	
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):	July 13, 2021	
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	16
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	16
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	16
CER Act s.324(2)(d)	iv) Address of the CER for any objection	Yes	17
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	17

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):	July 13, 2021

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:	Adjacent to PC7537 M002-PM03021-010	
	b. PPBoR REGDOC Link:	C00974-9	
CER Filing Manual Guide V	c. Date(s) of service of s.201 Notice on landowner(s)	N/A	
	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

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	42-43
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	42-43