



Enbridge Gas Inc.
50 Keil Drive North
Chatham, Ontario, Canada
N7M 5M1

February 1, 2024

Ms. Nancy Marconi
Registrar
Ontario Energy Board
2300 Yonge Street, 27th Floor
Toronto, ON M4P 1E4

Dear Ms. Marconi:

**Re: Enbridge Gas Inc.
Application for Certificate of Public Convenience and Necessity
Town of Smiths Falls**

Attached is an application by Enbridge Gas Inc. for Orders of the Ontario Energy Board with respect to a Certificate of Public Convenience and Necessity for the Town of Smiths Falls.

Should you have any questions on this application, please do not hesitate to contact me. I look forward to the receipt of your instructions.

Yours truly,

**Patrick
McMahon** Digitally signed by
Patrick McMahon
Date: 2024.02.01
08:08:37 -05'00'

Patrick McMahon
Technical Manager
Regulatory Research and Records
patrick.mcmahon@enbridge.com
(519) 436-5325

Encl.

ONTARIO ENERGY BOARD

IN THE MATTER OF the *Municipal Franchises Act*, R.S.O. 1990, c.M.55, as amended;

AND IN THE MATTER OF an Application by Enbridge Gas Inc. for an Order cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas Inc. for the Town of Smiths Falls and replacing it with a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the current Town of Smiths Falls.

APPLICATION

1. Enbridge Gas Inc. (Enbridge Gas), a regulated public utility, is a corporation incorporated under the laws of the Province of Ontario, with its offices in the City of Toronto and the Municipality of Chatham-Kent.
2. The Corporation of the Town of Smiths Falls is a single-tier municipal corporation under the laws of the Province of Ontario and, while physically contained within the boundaries of the County of Lanark, it is independent of the county government.
3. Enbridge Gas has a franchise agreement (EB-2018-0121) with and CPCN (FBC 130 dated December 9, 1957 attached as Schedule A) for the Town of Smiths Falls. Attached hereto and marked as Schedule B is a map showing the geographical location of the Town of Smiths Falls and a customer density representation of Enbridge Gas' current service area. Enbridge Gas has been providing access to gas distribution services within the Town of Smiths Falls since approximately 1957.
4. The Natural Gas Facilities Handbook (issued March 31, 2022) states the following:

3.6.2 Municipal Changes that do not affect another Person's Certificate Rights

If the boundaries of a person's existing certificate are affected by a municipal amalgamation or annexation, and no other person holds a certificate for any part of the newly amalgamated or annexed municipal territories, then the person should notify the OEB within 90 days of the date that the change takes effect to have the certificate amended to reflect the change. The OEB will not as a matter of course amend the territory covered by the person's existing certificate to include any additional service area that was added to the municipality through the amalgamation or annexation. The certificate would be amended to include the metes and bounds of the person's existing certificate. However, the certificate holder could also apply for a new certificate that would include any additional service area within the newly amalgamated territories.

5. After reviewing the Ontario Gazette in preparation for the proposed Natural Gas Expansion Program project in the Village of Merrickville-Wolford and the neighbouring Township of Montague, Enbridge Gas became aware of the following municipal boundary changes impacting the Town of Smiths Falls (attached as Schedules C(1) and C(2)):

Schedule C(1) - O.Reg. 769/91 (January 1, 1992)

A portion of the Township of Montague was annexed to the Town of Smiths Falls.

Schedule C(2) - Ontario Gazette Volume 143-1 (January 2, 2010)

A portion of the Township of Montague was annexed to the Town of Smiths Falls.

6. Given that Enbridge Gas already holds the CPCN rights for all the annexed lands to and from the Township of Montague (through our existing CPCNs for the Township of Montague and the Town of Smiths Falls), there is no change to overall existing CPCN rights held by Enbridge Gas in this area. No other person holds a CPCN for any part of the newly amalgamated or annexed municipal territories. An application (EB-2024-0068) is currently before the OEB with respect to the CPCN for the Township of Montague.
7. Enbridge Gas currently has franchise agreements with and CPCNs that cover all areas of all of the other municipalities within the County of Lanark except for the Township of Lanark Highlands - the Township of Beckwith, the Town of Carleton Place, the Township of Drummond / North Elmsley, the Town of Mississippi Mills, the Town of Perth and the Township of Tay Valley.
8. The address for Enbridge Gas' regional operations office is:

Enbridge Gas Inc.
400 Coventry Road
Ottawa, ON K1K 2C7
Attention: Nicole Lehto, Director, Eastern and Northern Operations
Email: nicole.lehto@enbridge.com
9. Enbridge Gas now applies to the Ontario Energy Board for an Order pursuant to s.8 of the *Municipal Franchises Act* cancelling and superseding the existing Certificate of Public Convenience and Necessity held by Enbridge Gas Inc. for the Town of Smiths Falls and replacing it with a Certificate of Public Convenience and Necessity to construct works to supply natural gas in the current Town of Smiths Falls.

DATED at the Municipality of Chatham-Kent, in the Province of Ontario this 1st day of February, 2024.

ENBRIDGE GAS INC.

**Patrick
McMahon** Digitally signed by
Patrick McMahon
Date: 2024.02.01
08:07:45 -05'00'

Patrick McMahon
Technical Manager
Regulatory Research and Records

Comments respecting this Application should be directed to:

Mr. Patrick McMahon
Technical Manager, Regulatory Research and Records
Enbridge Gas Inc.
50 Keil Drive North
Chatham, ON N7M 5M1
patrick.mcmahon@enbridge.com
Telephone: (519) 436-5325

FBC 130

IN THE MATTER OF The Municipal Franchises Act, R. S. O. 1950 Chapter 249 and amendments thereto;

AND IN THE MATTER OF an application by The Consumers' Gas Company of Toronto for a Certificate of Public Convenience and Necessity to construct works and to supply natural gas to the Town of Smiths Falls in the County of Lanark

B E F O R E:

A. R. Crozier, Chairman } Tuesday, the 12th day
W. R. Howard, Commissioner } of November, 1957.

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

UPON THE APPLICATION of The Consumers' Gas Company of Toronto (hereinafter called the Applicant) for a certificate pursuant to the provisions of The Municipal Franchises Act, R.S.O. 1950 Chapter 249 and amendments thereto and upon the hearing of such application by the Board at the City of Toronto on the 12th day of November, 1957 after due notice had been given as directed by the Board in the presence of Counsel for the Applicant and Counsel for Guardian Gas Limited, no one else appearing the Board being pleased to adjourn the said application until November 22nd, 1957 and the same coming on that day in the presence of Counsel for the applicant no one else appearing, upon consideration of the evidence and exhibits produced at the hearing and upon hearing what was alleged by Counsel for the Applicant,

1. THIS BOARD DOETH ORDER THAT a Certificate of Public Convenience and Necessity be and the same is hereby granted to The Consumers' Gas Company of Toronto for the supply of natural gas to the inhabitants of the Town of Smiths Falls and for the construction of the works necessary therefor,

2. The Board fixes the costs of this Application at \$10.00 payable forthwith by the Applicant.

DATED at Toronto this 9th day of December 1957.

ONTARIO FUEL BOARD

[Signature]
.....
Chairman

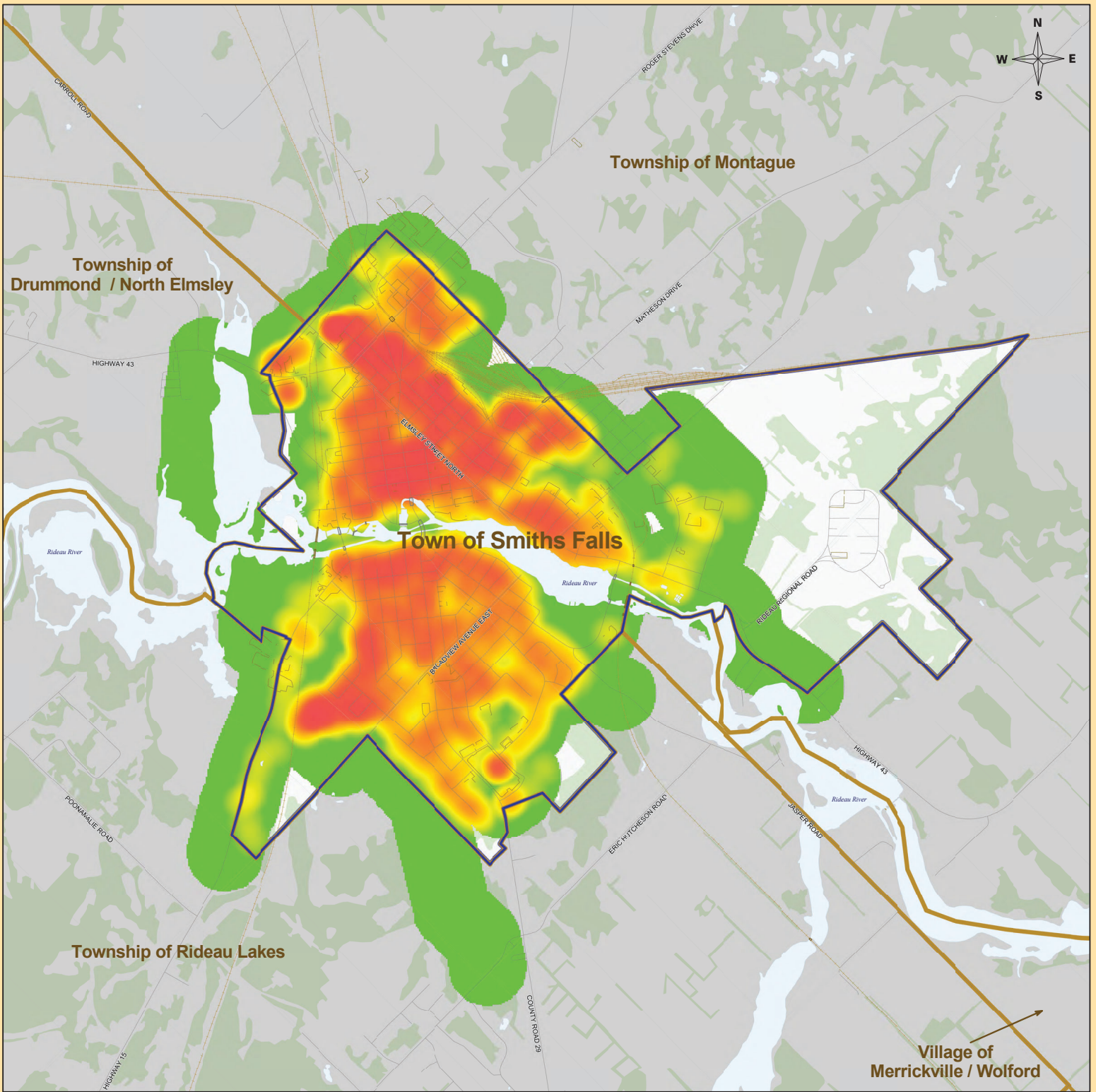
[Signature]
.....
Commissioner

**IN THE MATTER OF The Municipal
Franchises Act, R. S. O. 1950
Chapter 249 and amendments thereto;**

**AND IN THE MATTER OF an application
by The Consumers' Gas Company of
Toronto for a Certificate of Public
Convenience and Necessity to construct
works and to supply natural gas to the
Town of Smiths Falls in the County
of Lanark**

**CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY**

**ZISSERMAN, HAYWOOD & TORVILLE
111 Richmond Street West,
TORONTO, Ontario.**

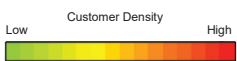


Town of Smiths Falls



Legend

- Enbridge Gas Pipeline Coverage Area
- Town of Smiths Falls
- Roads
- Railways
- Municipal and Township Boundaries
- First Nation Boundaries



Disclaimer:
 The map is provided with no warranty express or implied and is subject to change at any time. Any Person using the Density Map shall do so at its own Risk and the Density Map is not intended in any way As a tool to locate underground infrastructure for the purposes of excavation



Location map

DEVELOPMENT CORPORATIONS ACT

O. Reg. 768/91.

Ontario International Corporation.

Made—December 19th, 1991.

Filed—December 20th, 1991.

REGULATION TO AMEND
REGULATION 241 OF REVISED REGULATIONS
OF ONTARIO, 1980
MADE UNDER THE
DEVELOPMENT CORPORATIONS ACT

1. Section 18 of Regulation 241 of Revised Regulations of Ontario, 1980, as remade by section 1 of Ontario Regulation 703/89, is revoked and the following substituted:

18. The Ontario International Corporation terminates on the 31st day of December, 1993. O. Reg. 768/91, s. 1.

2/92

MUNICIPAL BOUNDARY NEGOTIATIONS ACT, 1981

O. Reg. 769/91.

Town of Smiths Falls, Township of Montague Boundary.

Made—December 19th, 1991.

Filed—December 20th, 1991.

ORDER IN COUNCIL

R.O.C. 608/91

1. On the 1st day of January, 1992, the portion of the Township of Montague described in the Schedule is annexed to the Town of Smiths Falls.

2. All real property of The Corporation of the Township of Montague situate in the annexed area vests in The Corporation of the Town of Smiths Falls on the 1st day of January, 1992.

3. On the 1st day of January, 1992, the by-laws of The Corporation of the Town of Smiths Falls extend to the annexed area and the by-laws of The Corporation of the Township of Montague cease to apply to such area, except

- (a) by-laws of The Corporation of the Township of Montague,
- (i) that were passed under section 34 or 41 of the *Planning Act, 1983* or a predecessor of that section,
 - (ii) that were kept in force by subsection 13 (3) of *The Municipal Amendment Act, 1941*, or
 - (iii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the Town of Smiths Falls; and

- (b) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Township of Montague.

4. The clerk of The Corporation of the Township of Montague shall promptly prepare and furnish to the clerk of The Corporation of the Town of Smiths Falls a special collector's roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to and including the 31st day of December, 1991 and the persons assessed therefor.

5.—(1) All real property and business taxes levied under any general or special Act and uncollected in the annexed area that are due and unpaid on the 31st day of December, 1991 shall be deemed on the 1st day of January, 1992 to be taxes due and payable to The Corporation of the Town of Smiths Falls and may be collected by The Corporation of the Town of Smiths Falls.

(2) On or before the 1st day of April, 1992, The Corporation of the Town of Smiths Falls shall pay to The Corporation of the Township of Montague an amount equal to the amount of all deemed taxes that The Corporation of the Town of Smiths Falls is entitled to collect in the annexed area under subsection (1), that were due but unpaid on the 31st day of December, 1991.

6. For the purposes of the assessment roll to be prepared for the Town of Smiths Falls under subsection 13 (1) of the *Assessment Act* for the 1992 taxation year, the annexed area shall be deemed to be a part of the Town of Smiths Falls.

7.—(1) The Corporation of the Town of Smiths Falls shall pay to The Corporation of the Township of Montague \$63,500 of which,

- (a) \$7,500 is payable on or before the 1st day of January, 1992;
- (b) \$12,000 is payable on or before the 1st day of July in each of 1992, 1993 and 1994; and
- (c) \$10,000 is payable on or before the 1st day of July in each of 1995 and 1996.

(2) The matters referred to in subsection (1) shall be deemed to be matters within the meaning of subsection 149 (2) of the *Municipal Act*.

8. The land described in the Schedule is established as a special area for municipal tax purposes and for properties in that area the following apply:

1. In the year 1992, the amount of taxes on each property shall be calculated by multiplying the 1992 total mill rate for the Town of Smiths Falls for all purposes by the assessment on that property, as shown on the assessment roll for the Town of Smiths Falls for the 1992 tax year, and subtracting from it 100 per cent of the tax differential established under section 9.
2. In the year 1993, the amount of taxes on each property shall be calculated by multiplying the 1993 total mill rate for the Town of Smiths Falls for all purposes by the assessment on that property, as shown on the last revised assessment roll for the Town of Smiths Falls for the 1993 tax year, and subtracting from it 80 per cent of the tax differential established under section 9.
3. In the year 1994, the amount of taxes on each property shall be calculated by multiplying the 1994 total mill rate for the Town of Smiths Falls for all purposes by the assessment on that property, as shown on the last revised assessment roll for the Town of Smiths Falls for the 1994 tax year, and subtracting from it 60 per cent of the tax differential established under section 9.
4. In the year 1995, the amount of taxes on each property shall be calculated by multiplying the 1995 total mill rate for the Town of Smiths Falls for all purposes by the assessment on that property, as shown on the last revised assessment roll for the Town of Smiths Falls for the 1995 tax year, and subtracting from it 40 per cent of the tax differential established under section 9.

In the year 1996, the amount of taxes on each property shall be calculated by multiplying the 1996 total mill rate for the Town of Smiths Falls for all purposes by the assessment on that property, as shown on the last revised assessment roll for the Town of Smiths Falls for the 1996 tax year, and subtracting from it 20 per cent of the tax differential established under section 9.

9. In the year 1992, the treasurer of The Corporation of the Town of Smiths Falls shall establish a tax differential for each property in the annexed area by calculating the product of the 1992 mill rate for the Town of Smiths Falls for all purposes and the Town of Smiths Falls assessment for that property, as shown on the last revised assessment roll for the 1992 tax year, and subtracting from it the product of the 1992 mill rate for the Township of Montague for all purposes and the Township of Montague assessment on that property as shown on the last revised assessment roll for the 1991 tax year.

10.—(1) In this section, "phase-in period" means the years 1992, 1993, 1994, 1995 and 1996, inclusive.

(2) If a change of use or character of a property in the annexed area occurs during the phase-in period, the tax differential established under section 9 shall be cancelled as of the date of that change of use or character and the taxes on that property shall immediately become payable as if that property had not been subject to the tax differential.

(3) In subsection (2), "change of use or character of a property" means,

- (a) the re-assessment of a property from one assessment class to another; or
- (b) the erection or enlargement of a building or structure on a property that has the effect of increasing the assessment on that property by at least 25 per cent.

(4) If a building on a property in the annexed area is demolished during the phase-in period, the treasurer shall recalculate the tax differential established under section 9 to reflect the new assessed value of the property, and the taxes on the property shall be adjusted to reflect the new tax differential as of the day the demolition of the building was completed.

11. The agreement between The Corporation of the Town of Smiths Falls and The Corporation of the Township of Montague entered into on the 3rd day of September, 1991, except those provisions which are now frustrated by the passage of time, is hereby given effect. O. Reg. 769/91.

Schedule

PORTION OF THE TOWNSHIP OF MONTAGUE TO BE ANNEXED TO THE TOWN OF SMITHS FALLS

Beginning at the southeasterly angle of the Town of Smiths Falls being at a point distant 8.162 metres measured south 27°37'25" west from the southeasterly angle of Part 8 as shown on a Plan deposited in the Land Registry Office for the Registry Division of Lanark South (No. 27) as Number 27 R 1461;

Thence south 27°36'25" west along the southerly prolongation of the easterly limit of Part 8, 25 metres to the northeasterly high water mark of the Rideau River;

Thence south 27°36'25" west into the Rideau River to the boundary between the townships of Montague and Wolford;

Thence northwesterly along the boundary between those townships to the easterly boundary of the Town being the easterly limit of the right-of-way of the Canadian Pacific Railway;

Thence northerly, easterly and southeasterly following the boundaries

between the Town of Smiths Falls and the Township of Montague to the place of beginning. O. Reg. 769/91, Sched.

Recommended

DAVE COOKE
Minister of Municipal
Affairs

Concurred

FRANCES LANKIN
Chair

Approved and Ordered, December 19th, 1991.

HENRY N.R. JACKMAN
Lieutenant Governor

2/92

MUNICIPAL BOUNDARY NEGOTIATIONS ACT, 1981

O. Reg. 770/91.

Town of Perth, Township of Bathurst Boundary.

Made—December 19th, 1991.

Filed—December 20th, 1991.

ORDER IN COUNCIL

R.O.C. 609/91

WHEREAS The Corporation of the Town of Perth and The Corporation of the Township of Bathurst have entered into an agreement dated the 11th day of June, 1991 for the resolution of certain boundary issues;

AND WHEREAS public notice was given by the Clerk of the Executive Council under subsection 17 (1) of the *Municipal Boundary Negotiations Act, 1981* of the intention to make an Order implementing the inter-municipal agreement;

AND WHEREAS no objections to the proposed issuance of the Order were filed with the Clerk of the Executive Council within the filing period;

NOW THEREFORE, on the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and concurrence of the Executive Council, orders under section 14 of the *Municipal Boundary Negotiations Act, 1981* that,

1. On the 1st day of January, 1992, the portion of the Township of Bathurst described in the Schedule is annexed to the Town of Perth.

2. All real property of The Corporation of the Township of Bathurst situate in the annexed area vests in The Corporation of the Town of Perth on the 1st day of January, 1992.

3. On the 1st day of January, 1992, the by-laws of The Corporation of the Town of Perth extend to the annexed area and the by-laws of The Corporation of the Township of Bathurst cease to apply to such area, except,

- (a) by-laws of The Corporation of the Township of Bathurst,
 - (i) that were passed under section 34 or 41 of the *Planning Act, 1983* or a predecessor of those sections,
 - (ii) that were kept in force by subsection 13 (3) of *The Municipal Amendment Act, 1941*, or
 - (iii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by



The Ontario Gazette

La Gazette de l'Ontario

Vol. 143-1
Saturday, 2 January 2010

Toronto

ISSN 0030-2937
Le samedi 2 janvier 2010

Proclamation

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

PROCLAMATION

GOOD GOVERNMENT ACT, 2009

We, by and with the advice of the Executive Council of Ontario, name January 1, 2010 as the day on which subsections 8 (1) to (44) and (46) to (69) of Schedule 21 to the *Good Government Act, 2009*, c. 33, which amend the *Municipal Elections Act, 1996* come into force.

WITNESS:

THE HONOURABLE
DAVID C. ONLEY

LIEUTENANT GOVERNOR OF OUR PROVINCE OF ONTARIO

GIVEN at Toronto, Ontario, on December 16, 2009.

BY COMMAND

Harinder Jeet Singh Takhar
Minister of Government Services

ELIZABETH DEUX, par la grâce de Dieu, Reine du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

PROCLAMATION

LOI DE 2009 SUR LA SAINTE GESTION PUBLIQUE

Sur l'avis du Conseil exécutif de l'Ontario, nous désignons le 1^{er} janvier 2010 comme le jour où entrent en vigueur les paragraphes 8 (1) à (44) et (46) à (69) de l'annexe 21 de la *Loi de 2009 sur la saine gestion publique*, chap. 33, qui modifie la *Loi de 1996 sur les élections municipales*:

TÉMOIN:

L'HONORABLE
DAVID C. ONLEY

LIEUTENANT-GOUVERNEUR DE NOTRE PROVINCE DE L'ONTARIO

FAIT à Toronto (Ontario) le 16 décembre 2009.

PAR ORDRE

(143-G001)

Harinder Jeet Singh Takhar
ministre des Services gouvernementaux

Ontario Highway Transport Board

Periodically, temporary applications are filed with the Board. Details of these applications can be made available at anytime to any interested parties by calling (416) 326-6732.

The following are applications for extra-provincial and public vehicle operating licenses filed under the Motor Vehicle Transport Act, 1987, and the Public Vehicles Act. All information pertaining to the applicant i.e. business plan, supporting evidence, etc. is on file at the Board and is available upon request.

Any interested person who has an economic interest in the outcome of these applications may serve and file an objection within 29 days of this publication. The objector shall:

1. complete a Notice of Objection Form,
2. serve the applicant with the objection,
3. file a copy of the objection and provide proof of service of the objection on the applicant with the Board,

4. pay the appropriate fee.

Serving and filing an objection may be effected by hand delivery, mail, courier or facsimile. Serving means the date received by a party and filing means the date received by the Board.

LES LIBELLÉS DÉS DEMANDES PUBLIÉES CI-DESSOUS SONT AUSSI DISPONIBLES EN FRANÇAIS SUR DEMANDE.

Pour obtenir de l'information en français, veuillez communiquer avec la Commission des transports routiers au 416-326-6732

1725720 Ontario Inc. **47232**
o/a "Paris Transportation Services"
Mailing address: Franklin RPO, P. O. Box 3081
Cambridge, ON N1R 8R8

Applies for a public vehicle operating licence as follows:

For the transportation of passengers on a scheduled service between the City of Brantford and the County of Brant.

PROVIDED THAT the licensee be restricted to the use of Class "D" public vehicles as defined in paragraph (a) (iv) of subsection 1 of Section 7 of



Name of Corporation: Dénomination sociale de la société	Ontario Corporation Number Numéro de la société en Ontario
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CASBAH PRODUCTIONS INC.	000407091
F&S HOMEBUILDERS INC.	001682276
FOX-YANG IMPORTS LTD.	000869085
KHALSA TRANSIT LIMITED	000371417
KRYSTALREDEY KLEAR FINDINGS LTD.	001110375
QUANTARA INVESTMENTS LIMITED	000215665
TAO TECHNOLOGY FUNDING INC.	000943036
TRALALA ENTERPRISES LTD.	001193434
1202062 ONTARIO LTD.	001202062
1383512 ONTARIO LIMITED	001383512
1597610 ONTARIO INC.	001597610
1627098 ONTARIO INC.	001627098
2070134 ONTARIO INC.	002070134
2009-12-17	
DIXON'S OTHER SERVICES INC.	000879649
DJP FOODS INC.	001355408
MCPHEE NURSING PROFESSIONAL CORPORATION	001698095
MISTER BEER U BREW (KEELE) INC.	000994987
NORTHWOOD TECHNOLOGIES INC.	001457976
RERAISE GAMING INC.	001659654
TRICKLE LTD.	002200145
1129086 ONTARIO LIMITED	001129086
1610675 ONTARIO INC.	001610675
733659 ONTARIO INC.	000733659

KATHERINE M. MURRAY
Director, Ministry of Government Services
Directrice, Ministère des Services
gouvernementaux

(143-G005)

ORDER MADE UNDER THE MUNICIPAL ACT, 2001, S.O. 2001, c. 25

COUNTY OF LANARK

TOWN OF SMITHS FALLS

TOWNSHIP OF MONTAGUE

DEFINITIONS

1. In this Order,

"annexed area" means the area comprised of the lands described in the Schedule to this Order;

"Town" means The Corporation of the Town of Smiths Falls;

"County" means The Corporation of the County of Lanark; and

"Township" means The Corporation of the Township of Montague.

ANNEXATION

2.

- (1) On January 1, 2010, the portion of the Township described in the Schedule is annexed to the Town.
- (2) All real property including any highway, street fixture, waterline, easement and restrictive covenant running with the land, of the Township located in the annexed area vests in the Town on January 1, 2010.
- (3) Assets and liabilities of the Township or the County that are located in the annexed area remain the assets or liabilities of the Township

or the County, as the case may be.

BY-LAWS

3.

- (1) On January 1, 2010, the by-laws of the Town extend to the annexed area and the by-laws of the Township cease to apply to such area except,
 - (a) by-laws of the Township,
 - (i) that were passed under section 34 or 41 of the *Planning Act* or a predecessor of those sections; and
 - (ii) that were passed under the *Highway Traffic Act* or the *Municipal Act, 2001* or a predecessor of those Acts that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until amended to provide otherwise or repealed by the council of the Town;
 - (b) by-laws of the Township passed under sections 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections;
 - (c) by-laws of the Township passed under section 10 of the *Weed Control Act*; and
 - (d) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of the Township.

- 2) If the Township has commenced procedures to enact a by-law under any Act or to adopt an official plan or an amendment thereto under the *Planning Act*, and that by-law, official plan or amendment applies to the annexed area and is not in force on January 1, 2010, the council of the Town may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to the annexed area.

DISPUTE RESOLUTION

4.

- 1) If a dispute arises with respect to any issue arising out of the interpretation of this Order, any of the municipalities may refer the matter in dispute for resolution through mediation.
- 2) If the dispute is not resolved through mediation or the parties cannot agree upon the selection of a mediator, then the matter may be referred to arbitration, to be conducted in accordance with the provisions of the *Arbitration Act, 1991* except as provided herein.
- 3) Where a dispute is referred to arbitration under clause 2)(a), the decision of the arbitrator shall be final.
- 4) If two municipalities that are subject to this Order are parties to the mediation under subsection (1) or the arbitration under subsection (2), the costs associated with the mediation or arbitration proceedings shall be shared equally between the two municipalities.
- 5) If the three municipalities that are subject to this Order are parties to the mediation under subsection (1) or the arbitration under subsection (2), the costs associated with the mediation or arbitration proceedings shall be shared one half by the Town and the remaining half equally between the Township and the County.

SCHEDULE

Part of Lots 27, 28 and 29, Concession 2, Part of Lots 27, 28, 29 and 30, Concession 3, Montague, Part of Road Allowance between Concessions 2 and 3, Township of Montague, County of Lanark, more particularly described

as Parts 1, 2, 3, 4, 5 and 6 on Reference Plan 27R-9498; Part 1 on Reference Plan 27R-9609 and Parts 1, 2 and 3 on Reference Plan 27R-9630.

Dated on December 17, 2009

(143-G006) JIM WATSON
Minister of Municipal Affairs and Housing

THE REGIONAL MUNICIPALITY OF PEEL

THE REGIONAL MUNICIPALITY OF HALTON

THE CORPORATION OF THE CITY OF MISSISSAUGA

THE CORPORATION OF THE TOWN OF MILTON

DEFINITIONS

1. In this Order,

“annexed area” means the area comprised of the lands described in Schedule “A” to this Order;

“Peel” shall mean The Regional Municipality of Peel;

“Halton” shall mean The Regional Municipality of Halton;

“Mississauga” shall mean The Corporation of the City of Mississauga; and

“Milton” shall mean The Corporation of the Town of Milton.

ANNEXATION

2.

(1) On January 1, 2010 the portion of The Corporation of the Town of Milton and The Regional Municipality of Halton described in Schedule “A” is annexed to The Corporation of the City of Mississauga and The Regional Municipality of Peel.

(2) All real property, including any highway, fixture, easement or restrictive covenant running with the land, of Milton located in the annexed area vests in Mississauga on January 1, 2010.

(3) All real property, including any highway, fixture, easement or restrictive covenant running with the land, of Halton located in the annexed area vests in Peel on January 1, 2010.

(4) All assets and liabilities of Milton acquired or arising on or before December 31, 2009 with respect to the annexed area are transferred to Mississauga on January 1, 2010.

(5) All assets and liabilities of Halton acquired or arising on or before December 31, 2009 with respect to the annexed area are transferred to Peel on January 1, 2010.

(6) Despite subsections (2), (3) (4) and (5), any litigation commenced prior to January 1, 2010, or commenced after January 1, 2010 but with respect to matters that occurred prior to that date, with respect to the annexed area, remains the obligation of Milton and Halton, as the case may be.

(7) Despite subsections (2), (3), (4) and (5), the portion of the Ninth Line that is located within the annexed area is transferred from Halton to Mississauga on January 1, 2010.

WARDS

3. On January 1, 2010 the annexed area shall be removed from Ward 1 in

Milton and form part of Wards 8, 9 and 10 in Mississauga, as described in Schedule “B”.

COMPENSATION

4.

(1) On January 4, 2010, the following payments to Halton shall be made:

- (a) \$2,060,000.00 from Peel; and
- (b) \$1,230,000.00 from Mississauga.

(2) Of the funds received under subsection (1), Halton shall provide \$2,000,000.00 to Milton on or before January 5, 2010.

ASSESSMENT

5. For the purpose of the assessment roll to be prepared for Mississauga for the 2010 taxation year, the annexed area shall be deemed to be part of Mississauga and the annexed area shall be assessed on the same basis that the assessment roll for Mississauga is prepared.

BY-LAWS

6.

(1) On January 1, 2010, the by-laws of Peel and Mississauga extend to the annexed area and the by-laws of Halton and Milton cease to apply to such area except,

(a) by-laws that were passed under section 34 or 41 of the *Planning Act* or a predecessor of those sections;

(b) by-laws that were passed under the *Development Charges Act, 1997*;

(c) by-laws that were passed under the *Highway Traffic Act* or the *Municipal Act, 2001* or a predecessor of those Acts that regulate the use of highways by vehicles or pedestrians and the encroachment or projection of buildings, or any portion thereof upon or over highways;

(d) by-laws passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections;

(e) by-laws passed under section 10 of the *Weed Control Act*; and

(f) by-laws of Milton passed under section 29 of the *Ontario Heritage Act*,

which shall remain in force until amended to provide otherwise or repealed by the council of Mississauga or Peel, as the case may be; and

(h) any by-law conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of Halton or Milton.

(2) The official plan of Milton, as it applies to the annexed area, and approved under the *Planning Act* or a predecessor of that Act, becomes an official plan of Mississauga and shall remain in force until amended or repealed.

(3) The official plan of Halton, as it applies to the annexed area, and approved under the *Planning Act* or a predecessor of that Act, becomes an official plan of Peel and shall remain in force until amended or repealed.

(4) If Milton has commenced procedures to enact a by-law under any Act or to adopt an official plan or an amendment thereto under the *Planning Act*, and that by-law, official plan or amendment applies to the annexed area and is not in force on January 1, 2010, the council of Mississauga may continue the procedures to enact the by-law or adopt the official plan or amendment to the extent that it applies to