

**City Council****Motion without Notice**

MM7.17	ACTION			Ward: All
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**Imperial Oil Application to the Ontario Energy Board for the Waterdown to Finch Project - Authority for City Intervention - by Councillor Anthony Perruzza, seconded by Councillor Mike Layton**

*\* This Motion has been deemed urgent by the Chair.*

*\* This Motion is not subject to a vote to waive referral. This Motion has been added to the agenda and is before Council for debate.*

**Confidential Attachment - Litigation or potential litigation that affects the City of Toronto and advice or communications that are subject to solicitor-client privilege.**

**Recommendations**

Councillor Anthony Perruzza, seconded by Councillor Mike Layton, recommends that:

1. City Council adopt the following recommendations in the report (May 10, 2019) from the City Solicitor and the General Manager of Toronto Water:
  1. City Council direct City staff to continue to review the Imperial Oil application and any further supporting material, and consult with Imperial Oil, in an effort to resolve any concerns.
  2. City Council authorize the City Solicitor to proceed with the City's application to participate in the Ontario Energy Board proceedings as an intervenor in relation to any unresolved concerns.
  3. City Council authorize funds, as outlined in Confidential Attachment 1 to the report (May 10, 2019) from the City Solicitor and the General Manager, Toronto Water, be made available to obtain such assistance as necessary in the opinion of the City Solicitor, in consultation with the General Manager of Toronto Water, to represent the City's interests at the Ontario Energy Board.
  4. City Council authorize staff to liaise with other affected municipalities and Conservation Authorities to discuss coordination of responses to Imperial Oil's application.
  5. If the City's application for intervention is granted, City Council authorize the City Solicitor to subsequently withdraw the City's participation as an intervenor once all issues of concern to the City have been resolved to the satisfaction of the City Solicitor, in

consultation with the General Manager, Toronto Water.

6. City Council adopt the confidential instructions to staff in Confidential Attachment 1 to the report (May 10, 2019) from the City Solicitor and the General Manager, Toronto Water.

7. City Council direct that the confidential information contained in Confidential Attachment 1 to the report (May 10, 2019) from the City Solicitor and the General Manager, Toronto Water remain confidential until the release of the final decision of the Ontario Energy Board including any appeals or judicial review.

## **Summary**

Imperial Oil Limited ("Imperial Oil") has applied to the Ontario Energy Board for leave to construct a pipeline that would replace an existing pipe carrying refined oil products between Imperial Oil's Waterdown Pump Station in the City of Hamilton and its Finch Terminal in North York.

If the Ontario Energy Board accepts the City's application as an intervenor, then the City has the right to participate in the proceedings which usually involve very tight time frames. Authority to proceed with the intervention is therefore required to permit City staff to take the necessary steps within the currently anticipated tight timelines, including retention of any outside legal counsel or technical experts to assist preparing submissions and assessing potential impacts and risks.

## **Background Information (City Council)**

Member Motion MM7.17

(May 10, 2019) Report from the City Solicitor and the General Manager, Toronto Water on Imperial Oil Application to the Ontario Energy Board for the Waterdown to Finch Project - Authority for City Intervention

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-133137.pdf>)

Public Appendix 1 - Imperial Waterdown to Finch Project Location

(<http://www.toronto.ca/legdocs/mmis/2019/mm/bgrd/backgroundfile-133138.pdf>)

Confidential Attachment 1