

ENBRIDGE PIPELINES INC.

NOTICE PURSUANT TO SECTION 87(1) OF THE
NATIONAL ENERGY BOARD ACT

TO: Landowner Name

being the registered owner(s) (the “Owner”) of the lands described as follows (the “Land”):

(For details on land description, see Schedule "A" attached to and forming part of this Notice)

AND TO:

being other persons, as far as can be ascertained, interested in the said Land

ENBRIDGE PIPELINES INC., (“Enbridge”) hereby gives notice of the following:

1. **Description of Lands Required for Pipeline** (See attached Property Sketch)

To accommodate the construction and installation of the [check one] ☐ pipeline ☐ pipelines through your above described property, Enbridge requires a [check one]:

- ☐ Permanent Easement and Temporary Working Space adjacent to the Permanent Easement.
- ☐ Consent under the existing Permanent Easement and Temporary Working Space adjacent to the existing Permanent Easement.

The location of the Permanent Easement and Temporary Working Space is shown on the attached Property Sketch.

2. **Details of Compensation Offered**

In consideration of granting the aforesaid [check if applicable]:

- ☐ Permanent Easement to Enbridge, Enbridge shall offer to pay to the Owner a lump sum of _____ (\$_____), which sum is inclusive of the market value of the portion of the Land which comprises the Permanent Easement as set out in Paragraph 3 hereof. The proposed Permanent Easement Agreement will provide that, as an alternative to the lump sum payment, the Owner has the option of requiring the compensation to be paid by annual or periodic payments of equal or different amounts over a period of time.
- ☐ Consent under the existing Permanent Easement to Enbridge, Enbridge shall offer to pay to the Owner a lump sum of ONE Dollar (\$1.00), which sum is inclusive of the market value of the consent under the existing Permanent Easement as set out in Paragraph 3 hereof.
- ☐ Temporary Working Space to Enbridge, Enbridge shall offer to pay to the Owner a lump sum of _____ (\$_____), plus Goods and Services Tax or Harmonized Sales Tax, as applicable, which sum is inclusive of the market value of the portion of the Land which comprises the Temporary Working Space as set out in Paragraph 3 hereof.

3. **Detailed Statement of Value of Lands Required**

After having considered the current use of the Land and neighbouring lands, any probable change in use of the Land and neighbouring lands in light of current zoning laws and economic considerations, recent sales of similar lands in the vicinity of the Land and other relevant factors, Enbridge has determined that present market value of the [check if applicable]:

- ☐ Permanent Easement, ignoring any residual value to the Owner, is \$_____ per hectare (\$_____ per acre).
- ☐ Consent under the existing Permanent Easement is nominal.
- ☐ Temporary Working Space, accounting for an approximation of the reversionary value to the Owner, is \$_____ per hectare (\$_____ per acre), plus Goods and Services Tax or Harmonized Sales Tax, as applicable.

Enbridge will require only the limited rights as described in the Permanent Easement Agreement and Temporary Working Space Agreement, and the Owner will continue to be able to use the Permanent Easement area and Temporary Working Space subject to the conditions set out in the Agreements.

Sections 34 through 39, inclusive, of the *National Energy Board Act* (the “Act”) establish a procedure for approval of the detailed route of a pipeline.

Those sections provide that after a pipeline company has submitted to the National Energy Board (the “Board”) a plan showing the proposed route of a pipeline, the company must serve a notice on owners of lands proposed to be acquired and publish notices which describe the proposed detailed route of the pipeline and the location of the offices of the Board. Within thirty (30) days of service or last publication of such notice, an owner or person who anticipates that their land may be adversely affected by the proposed detailed route may oppose the detailed route by filing with the Board a written statement setting forth the nature of their interest in the land and the grounds for their opposition to that detailed route.

Where a written statement opposing the route is filed within the time limit noted above, the Board must, subject to certain exceptions, forthwith order that a public hearing be conducted within the area in which the lands to which the written statement relates are situated with respect to any grounds of opposition set out in such statement. At such hearing each person who properly filed a written statement will be allowed to make representations and the Board may allow any other interested person to make such representations as the Board deems proper. Following a hearing and after consideration of all representations made, the Board may either approve or refuse to approve the plan showing the proposed detailed route of the pipeline as filed by the pipeline company and in granting any approval the Board may impose such terms and conditions as it considers proper. The Board may not give its approval to a plan unless it has taken into account all written statements properly filed with it and all representations made to it at a public hearing in order to determine the best possible route of the pipeline and the most appropriate methods and timing of constructing the pipeline.

In certain circumstances the procedure outlined above will not be applicable. Section 58 and subsection 45(3) of the Act empower the Board to exempt a pipeline company from certain provisions of the Act, including those provisions requiring the filing with the Board of a plan showing the proposed route of a pipeline. Exemption from this requirement would result in the above-described procedure for approval of the detailed route of a pipeline no longer being applicable. The circumstances in which such exemptions are available generally involve repairs and replacements of, and additions to, existing pipelines or circumstances where the pipeline expansion does not exceed 40 km in length.

For the complete text of the provisions relating to the procedure for determination and approval of a pipeline route and the provisions that result in exemption from such procedures, reference should be made to those sections of the Act referenced in this Notice. The description of sections of the Act referenced in this Notice is subject to the express provisions of the Act.

5. **Description of Procedure Available for Negotiation and Arbitration of Compensation Payable**

Sections 88 through 103, inclusive, of the Act establish a procedure for negotiation and arbitration in the event that an owner of land and a pipeline company are unable to agree on any matter respecting the amount of compensation payable under the Act for the acquisition of lands, or for damages suffered as a result of the operations of the pipeline company or on any issue related to such compensation.

These sections provide, in effect, that if the pipeline company and an owner of lands have not agreed on any such issue either of them may serve notice of negotiation on the other and on the appropriate Federal Minister requesting that the matter be negotiated. Following service of such notice, the Minister must appoint a negotiator who must meet with the parties and, without prejudice to any subsequent proceedings, proceed to attempt to negotiate a settlement of the matter. Within sixty days after commencing the negotiation proceedings, the negotiator must report to the Minister the success or failure of the negotiations and submit a copy of his report to both parties.

If either an owner of the land or the pipeline company wishes to dispense with the negotiation proceedings or if the negotiation proceedings have not resulted in settlement of any compensation matter, either the pipeline company or the owner may serve notice of arbitration on the other and on the Minister requesting that the matter be determined by arbitration. Forthwith thereafter the Minister must, subject to certain exceptions, refer the matter to an Arbitration Committee consisting of not less than three members appointed by the Minister, none of whom will be a member, officer or employee of the Board. The Arbitration Committee must then fix a suitable time and place for a hearing in order to determine all compensation matters referred to in the notice and serve notice of the hearing on the parties. Following such hearing, the Arbitration Committee will determine all compensation matters referred to it and in doing so must consider a number of factors set out in section 97 of the Act, where applicable.

For the complete text of the provisions relating to the procedure for negotiation and arbitration of compensation, reference should be made to those sections of the Act referenced in this Notice. The description of sections of the Act referenced in this Notice is subject to the express provisions of the Act.

6. **Further Communications**

This Notice is not an offer and does not obligate either the Owner or Enbridge to enter into an Agreement.

If you have any questions, please contact Enbridge Pipelines Inc., Eastern Region, PO Box 128, Sarnia, Ontario, N7T 7H8. The address of the National Energy Board is 517 – Tenth Avenue S.W., Calgary, Alberta, T2R 0A8.

ENBRIDGE PIPELINES INC.
By its agent CanACRE Ltd.

Per: _____