

February 1, 2023

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Mississauga, ON  
L5B 3C1

Sent via email to: [shelby.clements@mississauga.ca](mailto:shelby.clements@mississauga.ca)

**ATTN: Shelby Clements**

**RE: Minor Variance – 601 Bob-O-Link Rd**

**Your File #: A716.22**

**Our Reference #: ENB\_R230104-002ON\_MississaugaBobOLink**

Thank you for sending Enbridge notice of this project.

We request that this response package is provided in full to the landowner / applicant as it contains useful and important information, including certain requirements that must be followed, in respect of development in proximity of pipelines.

### **Description of Application**

We understand that this application is for a minor variance from existing by-laws.

As demonstrated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**, the proposed minor variance is located within 220 meters of existing Enbridge infrastructure.

### **Assessment**

Based on a review of the project materials provided, the proposed minor variance is not proposing any new crossings or ground disturbance within the prescribed area. Therefore, **Enbridge has expressed no objections to this project as proposed.**

Although Enbridge has expressed no objections to the proposed minor variance at this time, the pipeline is located within 200 meters of existing Enbridge infrastructure and therefore, all the requirements detailed below and within **Attachment 02 | Enbridge Development Requirements** must be adhered to for all future development.

### **Requirements**

- 1) **Obtain a Locate Request:** To identify the precise alignment of the pipeline on the subject lands, a Locate Request must be made prior to any ground disturbance taking place.
- 2) **No development is permitted within the Enbridge right-of-way** without Enbridge's written consent and without the presence of an Enbridge representative on site.

- 3) **Notifications of additional development for Class monitoring:** As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**.

The above requirements are those identified as relevant based on the application materials provided. Additional detail on these requirements and other general development requirements are included in **Attachment 02 | Enbridge Development Requirements**. For additional resources on safe development in proximity of Enbridge's pipeline network please view [Enbridge's Public Awareness Brochures](#) or visit the [Land Use Planning and Development website](#).

Please continue to keep us informed about the outcome of the project and any future policy, land use, subdivision, and development activities in proximity to Enbridge's pipelines and facilities. All future project notifications should be sent to [notifications@enbridge.com](mailto:notifications@enbridge.com), while questions about the details of this letter may be sent to the contact listed below. Thanks again for providing us with the opportunity to provide comments on this project and we look forward to working with you in the future.

Sincerely,

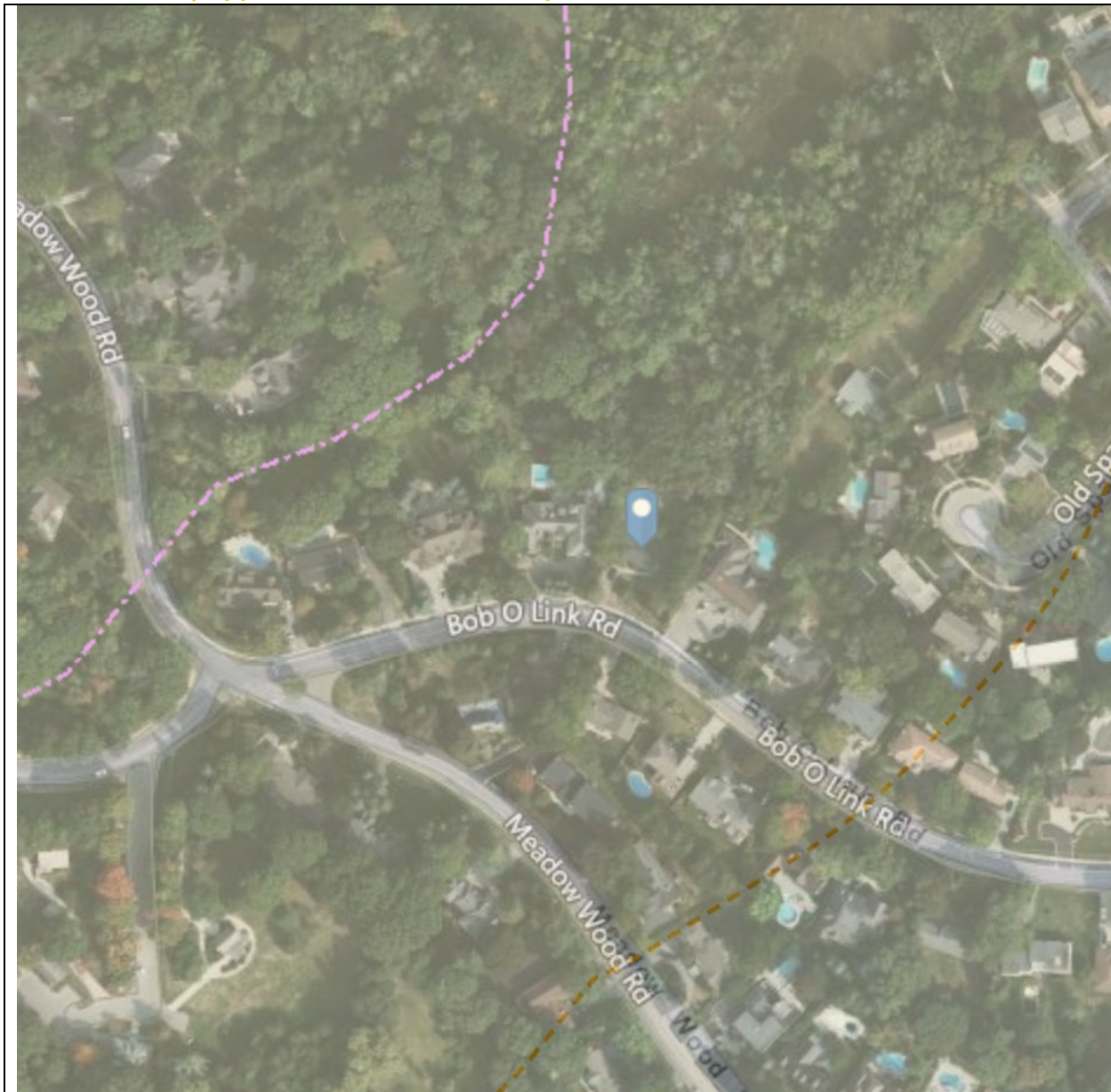
**Damage Prevention Program**  
Enbridge Liquids Pipeline (LP) Damage Prevention




—  
ENBRIDGE  
[Notifications@enbridge.com](mailto:Notifications@enbridge.com)  
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**Attachment 01 | Approximate Location of Pipeline Infrastructure**  
**Attachment 02 | Enbridge Development Requirements**

### Attachment 01 | Approximate Location of Pipeline Infrastructure



|  |  |   |
|--|--|---|
|  Lot location |  Pipeline assessment area |  Enbridge infrastructure |
|--|--|---|

# Attachment 02 | Enbridge Development Requirements

## Definitions

- A **Right-of-Way (ROW)** is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it.
- The **Prescribed Area** is an area of 30 m (100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a “controlled area” or “safety zone”.
- The **Pipeline Assessment Area** identifies lands on either side of a pipeline in which new development must be monitored by the pipeline operator. The requirement for and scope of this monitoring is governed by the Canada Energy Regulator (CER) and CSA Z662:19. Depending on the pipeline location, operator, and regulator this may also be known as the “notification zone”, “referral area” or “class location assessment area”.

## Locating the Pipeline | Click Before You Dig

Any person planning to construct a facility across, on, along or under a pipeline (including the right-of-way), conduct a ground disturbance activity within 30 metres of the centreline of a pipe, or operate a vehicle or mobile equipment across a right-of-way, must first request a locate service. To identify the precise alignment of the pipeline on the subject lands, Locate Requests can be made online, via mobile apps, or via phone (see table below),

The locate request must be made a minimum of three (3) business days in advance of the construction, ground disturbance, or vehicle or mobile equipment crossing. The One-Call Centre will notify Enbridge to send a representative to mark the facilities, explain the significance of the markings and provide you with a copy of the locate report. Enbridge requests a minimum of five (5) business days’ notice for any work involving explosives.

| Canadian One-Call Centres  |  |                             |                 |
|--|--|-----------------------------|-----------------|
| Province   | Phone  | Website                     | Mobile App      |
| British Columbia   | 1.800.474.6886                               | www.bc1c.ca                 |                 |
| Alberta  | 1.800.242.3447                               | www.albertaonecall.com      | Dig Info AB     |
| Saskatchewan   | 1.866.828.4888                               | www.sask1stcall.com         | Sask1st Call    |
| Manitoba   | 1.800.940.3447                               | www.clickbeforeyoudigmb.com |                 |
| Ontario  | 1.800.400.2255                               | www.on1call.com             |                 |
| Quebec   | 1.800.663.9228                               | www.info-ex.com             | Info-Excavation |
| Nova Scotia & New Brunswick  | 1.800.344.5463                               | www.info-ex.com             | Info-Excavation |
| Northwest Territories  | Contact pipeline and facility owner directly |                             |                 |
| <a href="http://www.clickbeforeyoudig.com">www.clickbeforeyoudig.com</a> |  |                             |                 |

## **Right-of-way**

A right-of-way is a strip of land where property rights have been acquired for pipeline systems by the pipeline company. It is a surveyed area of a specific width which grants legal rights of access to operate and maintain the infrastructure within it:

- No permanent structures are permitted within the pipeline right-of-way area without Enbridge's prior written consent.
- Enbridge must have the ability to access Enbridge's pipeline right-of-way at all times for construction, maintenance, operation, inspection, patrol, repair, replacement and alteration of the pipeline(s). Therefore, the Enbridge pipeline right-of-way shall be maintained as green space, park belt or open space.
- No work shall take place on Enbridge's pipeline right-of-way without the presence of an Enbridge representative.
- Storage of materials and/or equipment, grading or placing fill on Enbridge's pipeline right-of-way is not permitted without prior written consent from Enbridge.

## **Written Consent**

Any proposed crossings of the pipeline right-of-way or ground disturbance within the Prescribed Area or pipeline right-of-way are subject to Enbridge's written consent in accordance with the Canadian Energy Regulator Act and regulations including the Canadian Energy Regulator Pipeline Damage Prevention Regulations as amended or replaced from time to time (or for pipelines contained within Alberta, the Pipeline Act (Alberta) and Pipeline Rules as amended or replaced from time to time).

The applicant will require Enbridge's written consent or a crossing agreement prior to undertaking the following activities:

- Constructing or installing a facility across, on, along or under an Enbridge pipeline right-of-way;
- Conducting any activity that would cause ground disturbance (excavation or digging) on an Enbridge's pipeline right-of-way or within 30m perpendicularly on each side from the centerline of Enbridge's pipe (the "Prescribed Area");
- The operation of a vehicle, mobile equipment or machinery across an Enbridge pipeline right-of-way; outside of the travelled portion of a highway or public road;
- Using any explosives within 300m of Enbridge's pipeline right-of-way.

For more information about when written consent is required and how to submit an application, please see [Attachment 03 | Enbridge Pipeline Crossing Guidelines](#).

## **Prescribed Area**

The Prescribed Area is an area of 30 m (approximately 100 ft) perpendicularly on each side from the centreline of a pipeline. Excavation or ground disturbance within this zone requires written consent from the pipeline company pursuant to the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations). Depending on the pipeline location and regulator this may also be known as a "controlled area" or "safety zone".

For pipelines crossing provincial boundaries, Enbridge is regulated by the Canada Energy Regulator and is subject to the Canadian Energy Regulator Act and its regulations as amended or replaced from time to time.

- Section 335(1) of the Canadian Energy Regulator Act prohibits any person to construct a facility across, on, along or under a pipeline or engage in an activity that causes a ground disturbance within the Prescribed Area unless the construction or activity is authorized by the pipeline company.
- Section 335(2) of the Canadian Energy Regulator Act prohibits any person to operate a vehicle or mobile equipment across a pipeline unless the vehicle or equipment is operated within the travelled portion of a highway or public road or such operation is authorized under section 13(1) of the Canadian Energy Regulator Pipeline Damage Prevention Regulations (Authorizations).

For pipelines contained within Alberta, Enbridge is regulated by the Alberta Energy Regulator and is subject to the Pipeline Act and Pipeline Rules as amended or replaced from time to time.

- As per the Alberta Energy Regulator, any person who plans to engage in an activity that causes a ground disturbance within the pipeline right-of-way must obtain the written consent of the pipeline company.

### Crossings

- Written consent from Enbridge is required for all crossings of the pipeline.
- The written authorization request must include:
  - Drawings with cross sections of the proposed new road and road widening to verify the depth of cover from both sides of the road.
  - Drawings should include any new utilities that will cross the ROW.
- No vehicles or mobile equipment, including heavy machinery, will be permitted to cross Enbridge's pipeline right-of-way without the prior written consent of Enbridge. Please complete Enbridge's Equipment Specification and Data Sheet(s) to make an application for temporary equipment crossing including timeframe, type and weight of equipment per axle together with the name of the applicant, address, contact name and phone number/email.
- Where future development such as a roadway or a parking area is proposed over the pipeline right-of-way, Enbridge may be required to carry out pipeline inspection and recoating of the existing pipeline(s) prior to the start of the development. **The costs of Enbridge's design, inspection, recoating work and any other pipeline alteration as a result of the crossing will be borne by the Developer.**

### Ongoing Activities

- Written consent must be obtained from Enbridge for ongoing activities such as mowing or maintenance of the pipeline right-of-way on public lands.



## **Class Monitoring in the Pipeline Assessment Area**

As per Federal and Provincial Regulatory Requirements and Standards, pipeline operators are required to monitor all new development in the vicinity of their pipelines that results in an increase in population or employment. Therefore, please keep us informed of any additional development being proposed within the Pipeline Assessment Area indicated in **Attachment 01 | Approximate Location of Pipeline Infrastructure**.

- If a pipe replacement is necessary because of the proposed development, temporary workspace shall be granted to Enbridge on terms and conditions to be (or as) negotiated. This workspace will be adjacent to the existing pipeline right-of-way and may be up to a maximum of 15m wide on either or both sides. Grading or landscaping of the workspace is not permitted until the replacement has been completed.

## **Subdivisions**

- Lot lines are not to be incorporated over Enbridge's pipeline right-of-way. If lot lines are incorporated over Enbridge's pipeline right-of-way, the owner agrees, in writing to include the following warning clause in all offers of sale and purpose and/or lease:  
*"Future residents are advised that Enbridge owns and operates \_\_\_\_\_ pipeline(s) within an \_\_\_\_\_ m pipeline right-of-way on the property. As a result, there are conditions that apply to various activities over the pipeline right-of-way that must be approved by Enbridge."*
- All display plans in the lot/home sales office shall identify the Enbridge pipeline right-of-way-corridor within the proposed linear park block(s).

## **Structures and Setbacks**

Development setbacks from pipelines and rights-of-way are recommended in support of damage prevention and to allow both pipeline operators and developers buffer lands for operations and maintenance purposes.

- No permanent structures are permitted within the pipeline right-of-way area without Enbridge's prior written consent.

## **Other Development**

### **Wells / Septic Systems**

Wells or septic systems shall not be located on Enbridge's pipeline right-of-way. Construction of any septic system within 30m of the pipeline right-of-way requires prior written notification to Enbridge to ensure the septic bed will not adversely impact the integrity of the pipeline and pipeline right-of-way. Written consent from Enbridge must be received prior to the start of any work.

### **Aerial Power Lines**

Aerial power lines crossing the pipeline right-of-way require aerial warning devices installed and properly maintained. No poles, pylons, towers, guys, anchors or supporting structures of any kind are permitted on the pipeline right-of-way.

## **Pathways, Fencing & Landscaping**

### **Fencing Along ROW**

- For development along an Enbridge right-of-way, permanent fencing shall be erected and maintained by the Developer at the Developer's cost along the limits of Enbridge's pipeline right-of-way. The fence erected must meet Enbridge's and the governing municipality's specifications concerning type, location and height. Any excavations for fence posts on, or within 30m of the pipeline must be done by hand or hydrovac. There shall be no augers operated on the pipeline right-of-way. The Developer shall notify Enbridge three business (3) days prior to any excavation for fence posts located on or within 30m of the pipeline.
- Limits of the pipeline right-of-way parallel to the pipeline shall be delineated with permanent fencing to prevent gradual encroachment by adjacent landowners. Suitable barriers shall be installed at all road accesses to prevent unauthorized motor vehicles from entering Enbridge's pipeline right-of-way.
- Enbridge's written consent must be obtained and One Call notifications must be completed prior to any fence installations.

### **Landscaping**

No landscaping shall take place on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted such landscaping must be performed in accordance with Enbridge's Pipeline Crossing Guidelines, as follows:

- The landowner / developer shall ensure a 5m continuous access way in the pipeline right-of-way is provided for the Enbridge repair crews.

In order to maintain a clear view of the pipeline for the purposes of right-of-way monitoring, which is required by federal regulation, trees and shrubbery planted in proximity to the pipeline must meet the following criteria:

- Enbridge permits the following vegetation within the pipeline right-of-way: Flowerbeds, vegetable gardens, lawns and low shrubbery (under 1 m in height), and
- The mature growth height of vegetation does not exceed 1.5 m (5 ft) at maturity and must maintain a minimum distance of 3 m (10 ft) from the nearest pipeline.

### **Pathways / Trails**

No pathways shall be installed on Enbridge's pipeline right-of-way without Enbridge's prior written consent and where consent is granted pathways must be designed in accordance with Enbridge's requirements:

- A pathway crossing Enbridge's pipeline right-of-way shall be installed as close as possible to a ninety (90) degree angle to the Enbridge pipeline(s).
- The width of the pathway shall not exceed 3m.
- A parallel pathway within Enbridge pipeline right-of-way shall maintain a minimum 5m separation from the edge of the Enbridge pipeline(s).
- Enbridge's pipeline(s) must be positively identified at certain intervals as directed by Enbridge's representative for parallel installation.
- Enbridge shall install pipeline markers at all road, pathway and other crossings throughout the development area at Developer's cost.



## **Drainage and Erosion**

- The Developer shall ensure drainage is directed away from the pipeline right-of-way so that erosion will not adversely affect the depth of cover over the pipeline(s).
- Any large-scale excavation adjacent to the pipeline right-of-way, which is deeper than the bottom of the pipe, must maintain a slope of 3:1 away from the edge of the pipeline right-of-way.
- Depth of cover over Enbridge pipeline(s) shall not be compromised over the life of the Developer's facility due to rutting, erosion or other means.

## **Construction**

- During construction of the site, temporary fencing must be erected and maintained along the limits of the pipeline right-of-way by the Developer to prevent unauthorized access by heavy machinery. The fence erected must meet Enbridge's specifications concerning type, height and location. The Developer is responsible for ensuring proper maintenance of the temporary fencing for the duration of construction. The Developer is responsible for the cost of material, installation and removal.
- Original depth of cover over the pipeline(s) within Enbridge's pipeline right-of-way shall be restored after construction. This depth of cover over the pipeline(s) shall not be compromised over the life of the Developer's facility due to rutting, erosion or other means.
- In the event Enbridge's pipeline(s) suffer contact damage or other damage as a result of construction, work shall stop immediately and Enbridge to be immediately notified.

## **Liability**

In no event shall Enbridge be liable to the developer and/or landowner(s) for any losses, costs, proceedings, claims, actions, expenses or damages (collectively "Claims") the Developer and/or landowner(s) may suffer or incur as a result of or arising out of the presence of Enbridge pipeline(s) and/or operations on the pipeline right-of-way. The Developer and/or landowner(s) shall be responsible for all costs and expenses incurred to install, repair, replace, maintain or remove the Developer's and/or landowner(s) installations on or near the pipeline right-of-way and shall indemnify and save harmless Enbridge from all Claims brought against, suffered or incurred by Enbridge arising out of the activities of the Developer and/or landowner(s) in respect of the development or arising out of the presence, operation or removal of the Developer's and/or landowner(s) installations on or near Enbridge's pipeline right-of-way.