



INSPECTION OFFICER ORDER NO. – DAC- 001 - 2026

IN THE MATTER OF THE CANADIAN ENERGY REGULATOR ACT, AN ORDER UNDER SECTION 109

██████████ owns personal property and also owns and operates Jovak Landscape and Design **(the Business)**, both of which are at or near 43760 Keith Wilson Road, Chilliwack, British Columbia, V2R 4B5 **(the Site)**. Two federally regulated pipelines owned and operated by Trans Mountain Pipeline ULC **(Trans Mountain)** cross the Site.

On 23 May 2026, Trans Mountain reported an alleged contravention of the Damage Prevention Regulations (DPR2026-098). The undersigned Canada Energy Regulator **(CER)** Inspection Officer **(IO)** assessed this report and found that ██████████ directed staff from the Business to plant seedlings in the prescribed area of the Trans Mountain pipelines, without prior authorization, in violation of the *Canadian Energy Regulator Act* and the *Canadian Energy Regulator Pipeline Damage Prevention Regulations - Authorizations*.

The CER IO has determined that additional measures are required to ensure the safety of persons and to prevent damage to property and the environment. Based on the above, the CER IO issues this Order to ██████████.

RELEVANT FACTS

The following are the relevant facts relating to the issuance of this Order:

1. On May 23, 2026, Trans Mountain reported alleged unauthorized vehicle crossings and ground disturbance activity at the Site to the CER (DPR2026-098).
2. According to the final report, Trans Mountain aerial patrol observed heavy equipment crossing over its lines 1 and 2.
3. According to Trans Mountain, the work was conducted with a tracked skid steer with an auger attachment for the purpose of planting trees. Patrol noted approximately 400 holes within the pipeline right-of-way (ROW) and the Prescribed Area.
4. At the time of discovery, no locate request had been made to BC One Call for this work and the work was not authorized by Trans Mountain.
5. A Trans Mountain inspector attended the site on the same day and:
 - issued a verbal stop work order to workers;
 - directed removal of equipment; and

- initiated investigation and measurements.
6. The work was confirmed to have occurred within the 18.3 m Right-of-Way (**ROW**), affecting both the 610 mm and the 914 mm pipelines.
 7. Auger holes were characterized as follows:
 - depth ranging from 29 to 41 cm;
 - residual separation from the pipeline of approximately 15 cm at the closest point;
 - estimated 200 to 400 holes; and
 - holes were located within 7.5 m of the pipeline, including some directly above the pipe.
 8. Trans Mountain confirmed that:
 - both pipes showed no signs of contact or coating damage; and
 - separation between the bottom of the holes and the top of the pipes was approximately 15 cm.
 9. Trans Mountain observed additional augering activity within the 30 m prescribed area but outside the ROW.
 10. Trans Mountain noted that [REDACTED] had prior One-Call and permit requests for other activities. Also, [REDACTED] had previously received awareness materials from Trans Mountain outlining the safety measures and regulatory requirements to be followed when working near Trans Mountain facilities.
 11. On 10 June, CER IOs called [REDACTED]. During the call, he confirmed that he had directed staff of the Business to auger the holes for the purpose of planting seedlings.
 12. He also admitted to CER IOs that he had ignored the stop work order given by Trans Mountain and continued to plant the seedlings without written consent.
 13. On 11 and 12 June, CER Inspection Officers conducted a site visit and meetings with [REDACTED] [REDACTED] associate and a Business representative.

The following provisions of the Act and/or Regulations are alleged to have been contravened:

Authorization – Ground Disturbance

Canadian Energy Regulator Act (CER Act)

335(1) It is prohibited for 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 or required by the orders made under subsection (3) or (4) or regulations made under subsections (5) or (6) and done in accordance with them.

Duty to Inform

Canadian Energy Regulator Pipeline Damage Prevention Regulations – Authorizations (DPR-A).

4. Any person that intends to construct a facility across, on, along or under a pipeline, engage in an activity that would cause a ground disturbance within a prescribed area or operate a vehicle or mobile equipment across a pipeline must, before the construction, activity or operation is to start, inform all persons working on their behalf, including employees, contractors and subcontractors, of their obligations under these Regulations

Construction of a Facility

DPR-A

7(1) For the purposes of subsection 335(1) of the Act, the construction of a facility — in an area other than an offshore area — across, on, along or under a pipeline, other than the construction of an overhead line referred to in section 9, is authorized if the person that intends to construct the facility

- (a) obtains the pipeline company's written consent;
- (b) makes a locate request in accordance with section 3; and
- (c) obtains from the pipeline company the information that is referred to in paragraphs 6(1)(a) and (c) of the [*Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*](#).

Authorization – ground disturbance activity

DPR-A

10(1) For the purposes of subsection 335(1) of the Act, any activity — in an area other than an offshore area — that would cause a ground disturbance within the prescribed area, other than an activity referred to in section 11, is authorized if the person that intends to engage in the activity

- (a) obtains the pipeline company's written consent;
- (b) makes a locate request in accordance with section 3; and
- (c) obtains from the pipeline company the information that is referred to in paragraphs 6(1)(a) and (c) of the [*Canadian Energy Regulator Pipeline Damage Prevention Regulations – Obligations of Pipeline Companies*](#).

Authorization – operation across pipeline

Section 12 Subject to section 13 and for the purposes of paragraph 335(2)(a) of the Act, the operation of a vehicle or mobile equipment across a pipeline is authorized if the person that intends to operate the vehicle or mobile equipment across the pipeline obtains the pipeline company's written consent.

MEASURES TO BE TAKEN

Based on the facts referenced herein, where the Inspection Officer has reasonable grounds to believe that there is or is likely to be a contravention of Parts 2 to 5 or section 335 of the CER Act, or for a purpose referred to in subsection 102(2) CER Act, the Inspection Officer may, by Order, direct a person to

- a. stop doing something that is in contravention of Parts 2 to 5 or section 335 or cause it to be stopped;*
- b. take any measure that is necessary in order to comply with Parts 2 to 5 or section 335 or mitigate the effects of non-compliance;*

- c. stop doing something that may cause a hazard to the safety or security of persons, or damage to property or the environment or cause it to be stopped; or*
- d. take any measure that is necessary to prevent or mitigate the hazard to the safety or security of persons or damage to property or the environment.*

██████████ is ORDERED pursuant to subsections 109(1) and 109(2) of the CER Act to:

- ☒ Take measures specified below under Specified Measures as per paragraphs (b) and (d) above
- ☐ Stop doing something as specified below under Specified Measures as per paragraphs (a) and (c) above
- ☐ Suspend work associated with a facility, including a regulated facility, abandoned facility or ground disturbance, until the hazardous or detrimental situation has been remedied to the satisfaction of an Inspection Officer or until this order is stayed or rescinded.

SPECIFIED MEASURES

1. ██████████ (the Recipient) must develop and implement a written safety procedure and ensure all current and future personnel and contractors are informed of and abide by the CER regulations when conducting work on the Site and when working near federally regulated pipelines. This includes the planting and harvesting of trees.

2. The safety procedure shall be implemented to ensure that staff and contractors working near federally regulated pipelines are aware of their obligations under the CER regulations including the requirements to:

a) Make a locate request at least three working days before the day on which the construction or activity is to start:

i. to a one-call centre if the intended construction or activity is within an area where a one-call centre exists; or

ii. to the pipeline company directly if the intended construction or activity is not within an area where a one-call centre exists.

b) Obtain written safety information from the company including an explanation of locate markings as per section 10(1)(c) and communicate the information as per section 4 of the DPR-A;

c) Obtain the pipeline company's written consent before commencing work as per DPR-A section 7 (construction of facilities); DPR-A section 10 (ground disturbance); and DPR-A section 12 (vehicle crossings);

d) Ensure that the pipeline company representative is on-site when required by the conditions of the consent;

e) Ensure any person working on your behalf, including staff and contractors, understand and comply with the conditions set out in the consent.

3. ██████████ must submit a written description to the CER of how he will ensure that the procedure is fully implemented within its operations, including the timeline and method for its communication and training of staff and contractors on this procedure.

4. ██████████ shall provide the above safety procedure and written implementation plan to the CER on or before **12 August 2026**.

EFFECTIVE DATE OF THE ORDER

This Inspection Officer Order takes effect immediately on 03 July 2026 at the time of delivery of this Order to the person to whom it is directed. Nothing in this Order shall be construed as reducing, increasing, or otherwise affecting what may be required of the person to whom it is directed to comply with all applicable legislative or legal requirements.

COMPLIANCE WITH THIS INSPECTION OFFICER ORDER IS MANDATORY

Failure to comply with an Inspection Officer Order issued under section 109 of the CER Act is an offence under section 112 of the CER Act that reads, in part (1) Every person who contravenes subsection 103(4) or fails to comply with an order under section 109 is guilty of an offence and is liable

- a. on conviction on indictment, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than five years or to both; or
- b. on summary conviction, to a fine of not more than \$100,000 or to imprisonment for a term of not more than one year or to both.

Inspection Officer	03 July 2026	
	Date	
	IO Designation Number	Signature
	210-517 10 Ave SW, Calgary AB T2R 0A8	

Please note that:

1. *In compliance with the CER's Enforcement Policy, this Order will be posted on the CER's website.*
2. *All submissions to the CER in response to the Order are to be provided within the CER Operations Regulatory Compliance Application (ORCA) quoting the associated CVA #, Inspection Officer Order #, and any specific measure with which the submission is associated. In addition, the Company is requested to send a copy of any response provided in the ORCA to the Inspection Officer via email.*