

**Environment and Land Tribunals  
Ontario**

Environmental Review Tribunal

**Tribunaux de l'environnement et de  
l'aménagement du territoire Ontario**

Tribunal de l'environnement



655 Bay Street, Suite 1500  
Toronto ON M5G 1E5  
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**July 15, 2014**

**NOTICE TO ALL OWNERS OF NEARBY LANDS AND INTERESTED PARTIES:**

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Enclosed is a Notice of Preliminary Hearing and Hearing (Notice) for an appeal currently before the Environmental Review Tribunal. The Approval Holder was required by the Tribunal to provide Notice to owners of land near the approved renewable energy project or anyone the Director, Ministry of Environment (MOE) deemed to have an interest in this project. MOE may include those that gave comments to MOE directly as well as those who provided comments on-line through the Environmental Registry. For more information, a map of the site(s) is also available on the website of the Approval Holder, Vineland Power Inc. /HAF Wind Energy which can be found at:

[http://www.wainfleetwindenergy.ca/hafwindenergy.ca/PDF/2014/HAF\\_Landuse\\_Site\\_Plan\\_2012\\_Update2014.pdf](http://www.wainfleetwindenergy.ca/hafwindenergy.ca/PDF/2014/HAF_Landuse_Site_Plan_2012_Update2014.pdf)

Owners of nearby lands and interested parties may seek the opportunity to participate at the Hearing. **You are not required to attend the hearing**, but if you do wish to be involved, there are four ways in which you may do so. They are as follows:

1. You may attend the hearing and observe the proceedings, but not actively participate. You do not need to notify the Tribunal of your intention in this circumstance.
2. You may request the Tribunal grant you **presenter** status at the hearing. If granted presenter status, you will be able to provide your testimony under oath or solemn affirmation on a given day at the hearing, and be cross-examined by all parties. You may also file written material in addition to your oral presentation.
3. You may request that the Tribunal grant you **participant** status at the hearing. If granted participant status, you will be able to provide your testimony under oath or solemn affirmation on a given day at the hearing, and be cross-examined by all parties. You may also file written material in addition to your oral presentation and make submissions at the beginning and end of the hearing.
4. You may request that the Tribunal grant you **party** status. If granted party status, you will be able to present evidence through witnesses, cross-examine witnesses and make submissions at the beginning and end of the hearing. Parties are often represented by legal counsel. Parties are expected to attend all hearing days. Parties are also subject to the Tribunal's costs rules.

Please note the *Environmental Protection Act*, requires the Tribunal to issue a decision no later than six months (with limited exceptions) from the day that notice of the appeal is served on the Tribunal (in

this case, that date is **January 3, 2015**). As a result, the hearing process for renewable energy approval appeals will be expedited and requires all parties to exchange documents, file submissions and serve document statements within strict timelines.

To participate in this hearing, you should notify the Case Coordinator in writing (by fax/email) of your intention to seek status. Please refer to the Notice for further information. If you request status, the Tribunal will forward your request to the Appellant, Director and approval holder by email/fax. The Appellant, Director and approval holder will be required to provide their responses to your request for status no later than one day before the Preliminary Hearing.

**Please note that the Tribunal cannot accept written filings or comments where status has not been granted.**

Further, you should visit the Tribunal's website to obtain a copy of the Rules of Practice and Practice Directions of the Environmental Review Tribunal and the Guide to Appeals by Members of the Public regarding Renewable Energy Approvals under section 142.1 of the *Environmental Protection Act*. The Tribunal's website is located at [www.ert.gov.on.ca](http://www.ert.gov.on.ca).

Yours truly,

*"Joanne Hayes"*

Joanne Hayes  
Registrar

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**Case No.: 14-048**

**Under Rules 130 and 131 of its Rules of Practice, the Environmental Review Tribunal has directed the Approval Holder, Vineland Power Inc., to give this Notice of Preliminary Hearing and Hearing.**

**NOTICE OF PRELIMINARY HEARING AND HEARING**

In the matter of an appeal by Anne Fairfield filed July 3, 2014 for a Hearing before the Environmental Review Tribunal pursuant to section 142.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, with respect to Amended Renewable Energy Approval No. 1590979LNP issued by the Director, Ministry of the Environment, on June 20, 2014 to Vineland Power Inc., under section 47.5 of the *Environmental Protection Act*, regarding a class 4 wind facility with a total expected generation capacity of 9 megawatts (MW), known as the HAF Wind Energy Project located at 9556 Sixteen Road Lot 20, Concession 6 in the Township of West Lincoln, Regional Municipality of Niagara, Ontario;

The purpose of the Hearing is for the Tribunal to review the Director's decision and consider only whether engaging in the renewable energy project in accordance with the Renewable Energy Approval will cause serious harm to human health or serious and irreversible harm to plant life, animal life or the natural environment. If the Tribunal determines that such harm will be caused, the Tribunal may revoke the Director's decision; by order, direct the Director to take such action as the Tribunal considers appropriate; or alter the Director's decision, for which purpose the Tribunal may substitute its own opinion. If the Tribunal determines that such harm will not be caused, the Tribunal shall confirm the Director's decision.

**Preliminary Hearing:**

A Preliminary Hearing will be conducted by the Hearing Panel on:

Date: **Wednesday August 6, 2014**

Time: **10:00 a.m.**

Location: **Ramada Jordan Beacon Harbourside Hotel & Suites  
Grandview Room  
2793 Beacon Blvd., P.O. Box 70  
Jordan, Ontario**

The purpose of the Preliminary Hearing will be to rule on requests from groups and individuals for Party, Participant or Presenter status, to identify the issues to be considered at the main Hearing and to deal with any preliminary matters that may be raised by Parties, Participants and Presenters.

### **How to Participate:**

Any person who wishes to participate in this Hearing as a Party, Participant or Presenter should provide their request in writing (preferably by email) to the Case Coordinator by **4:00 p.m. no later than \*[four days prior to the Preliminary Hearing date]** stating:

- whether the person is seeking Party, Participant or Presenter status
- a statement of the issues, facts and submissions relevant to the appeal that they wish to present
- whether their participation is likely to make a relevant contribution to the Tribunal's determination of whether engaging in the renewable energy project in accordance with the approval will cause serious harm to human health or serious and irreversible harm to plant life, animal life or the natural environment
- whether the person's interests may be directly and substantially affected by the Hearing or its result, and
- whether the person has a genuine interest, whether public or private in subject matter of the proceeding.

Requests must also include contact information including **telephone, email and fax contact information (if available) to ensure a timely response to your request and ongoing exchange of important hearing information**

If a written request is not received by the required deadline, the Tribunal may refuse the request.

### **Main Hearing:**

The hearing of evidence in this appeal will commence on:

Date: **Wednesday, September 3, 2014**

Time: **10:00 a.m.**

Location: **Ramada Jordan Beacon Harbourside Hotel & Suites  
Grandview Room  
2793 Beacon Blvd., P.O. Box 70  
Jordon, Ontario**

and will continue, if necessary, on dates to be determined at the Preliminary Hearing.

**TAKE NOTICE that the Preliminary Hearing and Hearing dates are peremptory to all Parties, Participants and Presenters. If you do not attend at the Preliminary Hearing and identify yourself to the Tribunal, the Environmental Review Tribunal may proceed in your**

**absence and you will not receive any further notice in these proceedings. The Tribunal may make orders with respect to the conduct of the proceeding which will be binding on all present and future Parties, Participants and Presenters.**

### **Tribunal Services**

There will be no reporting services provided by the Environmental Review Tribunal for the Hearing. If Parties consider that they require a transcript of the proceedings they may obtain such service at their own expense.

We are committed to providing the highest quality of service to the public. This includes a commitment to providing an inclusive and accessible environment in which all members of the public have equal access to its services and are treated with dignity and respect. If you have any needs with respect to accessing the Tribunal's services, please contact us as soon as possible.

If you require service in French, please advise the Tribunal as soon as you receive this letter.  
Si vous avez besoin de services en français, veuillez contacter le Tribunal de l'environnement quand vous recevrez cette lettre.

For more information, please review the *Environmental Protection Act*, the Rules of Practice and Practice Directions of the Environmental Review Tribunal, and "A Guide to Appeals under section 142.1 of the *Environmental Protection Act*", which are available on the Tribunal's website at [www.ert.gov.on.ca](http://www.ert.gov.on.ca).

**DATED at TORONTO, this 15<sup>th</sup> day of July, 2014.**

*"Joanne Hayes"*

Joanne Hayes  
Registrar

### **Information Contact:**

Eva Pietrzyk  
Case Coordinator/Planner  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario M5G 1E5  
Case Manager's email: [eva.pietrzyk@ontario.ca](mailto:eva.pietrzyk@ontario.ca)  
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