

**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
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 314-4506
Website: www.elto.gov.on.ca

655 rue Bay, suite 1500
Toronto ON M5G 1E5
Téléphone: (416) 212-6349
Sans Frais: 1-866-448-2248
Télécopieur: (416) 314-4506
Site Web: www.elto.gov.on.ca

Case No(s): 14-063/14-064

Under Rules 130 and 131 of its Rules of Practice, the Environmental Review Tribunal has directed the Approval Holder, 8437084 Canada Inc., operating as Port Ryerse Wind Farm Limited Partnership to give this Notice of Preliminary Hearing and Hearing.

NOTICE OF PRELIMINARY HEARING AND HEARING

In the matter of appeals by Scott Biddle and William Irvin filed September 4, 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 Renewable Energy Approval No. 6498-9HKHN3 issued by the Director, Ministry of the Environment, on August 20, 2014 to 8437084 Canada Inc., operating as Port Ryerse Wind Farm Limited Partnership under section 47.5 of the *Environmental Protection Act*, regarding a Class 4 Wind facility consisting of the construction, installation, operation, use and retiring of a wind facility with a total nameplate capacity of up to 10 megawatts (MW) located at Parts of Lots 3-5 in Norfolk County

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: **Monday, October 6, 2014**

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

Location: **Council Chambers
Norfolk County Administration Building**

**50 Colborne Street South,
Simcoe, 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. on October 1, 2014** 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: **Thursday, October 30, 2014**

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

Location: **Council Chambers
Norfolk County Administration Building
50 Colborne Street South,
Simcoe, Ontario**

and will continue, if necessary, on dates to be discussed 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.

DATED at TORONTO, this 15 day of September, 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
Tel: (416) 314-4712
Toll Free: 1-866-448-2248
Fax: (416) 314-4506
Tribunal website: www.ert.gov.on.ca