

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
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July 2, 2013

NOTICE TO ALL OWNERS OF NEARBY LANDS AND INTERESTED PARTIES:

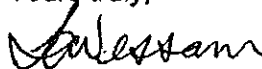
Enclosed is a Notice of Hearing for an appeal before the Environmental Review Tribunal. You are being notified of this hearing because you are an owner of land near the approved renewable energy project or a person who may have an interest in this hearing. For more information, a map of the site(s) is also available on the website of the Approval Holder, Dufferin Wind Power Inc. which can be found at <http://www.dufferinwindpower.ca/Portals/23/Downloads/DWP%20-%20Notice%20of%20Project%20Change%20-%20April%209%202013-%20final.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.
2. You may request the hearing panel to 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.

Should you wish to participate in this hearing, you should immediately write, fax or email the Case Coordinator to indicate your intention. 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 relevant Guide. The Tribunal's website is located at www.elto.gov.on.ca. If you do not have Internet access, a copy of the Rules of Practice and Practice Directions and the relevant Guide will be mailed upon request.

Yours truly,


Donna Symonds
Deputy Registrar

Administration Department
Received

JUL - 8 2013

For Information:

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Case Nos.: 13-069 to 13-075

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

NOTICE OF PRELIMINARY HEARING AND HEARING

In the matter of appeals by William S. Crysedale filed June 24, 2013, by D&C Vander Zaag Farms Ltd. on June 25, 2013, by Conserve Our Rural Environment on June 25, 2013, by Dennis Sanford on June 25, 2013, by Roselyn Bovaird on June 25, 2013, by John Maguire on June 25, 2013, and by Kathleen Kurtin on June 25, 2013 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 Number 5460-98BPH8 issued by the Director, Ministry of the Environment, on June 10, 2013 to Dufferin Wind Power Inc. under section 47.5 of the *Environmental Protection Act*, regarding the construction, installation, operation, use and retiring of a Class 4 wind facility with a total name plate capacity of 99.1 megawatts at a location described in the Renewable Energy Approval as Dufferin Wind Power Project, SWTS as in MEL3218, Lot 270, Concession 1, and described in the Application for Approval of a Renewable Energy Project as bound by the following roads: the Melancthon-Osprey Townline to the north, the Melancthon-Mulmur Townline to the east, Sideroad 15 in Melancthon to the south and 5th Line/6th Line northeast/ Sideroad 240/ County Road 2 to the west, in the Township of Melancthon, County of Dufferin, 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: **Monday, July 22, 2013**

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

Location: **Grace Tipling Hall, Theatre
203 Main Street East
Shelburne, 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 July 18, 2013** stating what status they are seeking; their interest in the proceeding; a statement of the issues, facts and submissions relevant to the appeal that they wish to present; and 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. 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: **Tuesday, August 20, 2013**

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

Location: **Grace Tipling Hall, Theatre
203 Main Street East
Shelburne, Ontario**

and will continue, if necessary, on dates to be finalized 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.elfo.gov.on.ca.

DATED at TORONTO, this 2nd day of July, 2013.


for: Donna Symonds
Deputy Registrar

Information Contact:

Tracee Wessam
Case Coordinator
Environmental Review Tribunal
655 Bay Street, Suite 1500
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Case Coordinator's email: tracee.wessam@ontario.ca
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**Schedule of Events for Appeal Numbers 13-069/13-070/13-071/13-072/13-073/13-074/13-075
Crysdale v. MOE**

June 10, 2013	June 25, 2013		July 3, 2013	July 9, 2013	July 16, 2013	July 18, 2013
	15 days after notice of decision		Within 8 days after Appeal expiry date	Within 14 days after Director receives Appeal Notice	Within 3 weeks after Appeal expiry date	At least 4 days before the Preliminary Hearing
Notice of decision on renewable energy project posted on Environmental Registry	Appeal expiry date		Notice Issued: Preliminary Hearing, Continuation of Preliminary Hearing and Hearing dates	Initial Disclosure: Director gives to Appellant and files with Tribunal material relevant to the statutory test from public consultation on renewable energy approval application	Disclosure: Exchange among Parties of relevant existing documents within Parties' possession, control or power (except privileged documents), and exchange, and filing of existing lists of witnesses, summary of intended evidence relevant to the subject matter of the appeal and a statement of the issues and material facts to be relied on by the Parties in responding to Appellant's issues	Request for Status: Written request to Tribunal to be added as Party, Participant and Presenter (must set out status sought, how test is met and statement of the issues and material facts) The Tribunal will subsequently forward the request to the Parties or direct the requestor to do so.

July 19, 2013	July 22, 2013	July 30, 2013	Aug 2, 2013	Aug 13, 2013	Aug 16, 2013	Aug 20, 2013	December 24, 2013
At least 1 day before the Preliminary Hearing	4 weeks After Appeal expiry date	Within 5 weeks after Appeal expiry date	Within 5.5 Weeks after Appeal expiry Date	At least 7 days Before the Hearing	At least 4 days before the Hearing	8 weeks after Appeal expiry date	Within 6 months after Tribunal receives Appeal Notice
Response to status request: By Appellant, Director and Approval holder	Preliminary Hearing to: Determine Party, Participant, Presenter Status, define issues, hear preliminary motions	Mediation (if applicable)	Additional Disclosure: Exchange among Parties and filing of additional documents, lists of additional intended witnesses, witness statements for all witnesses and resumes of expert witnesses, to be relied on at the Hearing. If any Party wishes to file reply witness statements, they must exchange and file them by: August 9, 2013.	Issues and facts still in dispute: Filing by Parties of material, list of facts and issues still in dispute	Continuation of the Preliminary Hearing: To finalize issues and witness lists; issue further directions, if appropriate	Date of Hearing	Release of Tribunal's Decision (as required by the <i>Environmental Protection Act</i>)