

**Environment and Land Tribunals
Ontario**

Environmental Review Tribunal

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

Tribunal de l'environnement



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Case No.: 14-096

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

NOTICE OF PRELIMINARY HEARING AND HEARING

In the matter of an appeal by Mothers Against Wind Turbines Inc., filed November 21, 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. 4353-9HMP2R issued by the Director, Ministry of the Environment, on November 6, 2014 to Niagara Region Wind Corporation under section 47.5 of the *Environmental Protection Act*, regarding a Class 4 wind facility consisting of 77 wind turbine generators, overhead and/or below ground collector lines and 44 kilometre 115 kV transmission line with a total name plate capacity of 230 megawatts (MW) located in the Townships of West Lincoln, Wainfleet, and the Town of Lincoln within the Region of Niagara and Haldimand County, 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: Friday, December 19, 2014

Time: 10:00 a.m.

**Location: Wellandport Community Centre,
5042 Canborough Road (RR#63),**

Wellandport, 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/Planner by **4:00 p.m. no later than December 15, 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: **Monday, January 19, 2015**

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

Location: **Wellandport Community Centre,
5042 Canborough Road (RR#63)
Wellandport, Ontario**

and will continue, if necessary, on **dates to be confirmed** at a later date.

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 27 day of November, 2014.

"Joanne Hayes"

Joanne Hayes
Registrar

Information Contact:

Eva Pietrzyk

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