

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(s): 13-096

**Under Rules 130 and 131 of its Rules of Practice, the Environmental Review Tribunal has directed the Approval Holder, South Kent Wind GP to give this Notice of Preliminary Hearing and Hearing.**

### **NOTICE OF PRELIMINARY HEARING AND HEARING**

In the matter of an appeal by Platinum Produce Company filed July 26, 2013 for a Hearing before the Environmental Review Tribunal (Tribunal) pursuant to section 142.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended with respect to a Renewable Energy Approval issued by the Director, Ministry of the Environment, on July 11, 2013 to South Kent Wind GP under section 142 of the *Environmental Protection Act*, regarding an amendment to existing Renewable Energy Approval No. 2871-8UKGPC for changes in the location of three wind turbines, all within the existing approved project location, and a decrease in sound power level for another turbine located in the Municipality of Chatham-Kent.

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: **September 5, 2013**

Time: **11:00 a.m.**

Location: **St. Mary's Hall  
94 George Street  
Blenheim, 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 Manager by 4:00 p.m. no later than **August 30, 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: **September 26, 2013**

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

Location: **St. Mary's Hall  
94 George Street  
Blenheim, Ontario**

and will continue at the same location, if necessary, on dates to be confirmed 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.elto.gov.on.ca](http://www.elto.gov.on.ca).

**DATED at TORONTO, this 2 day of August, 2013.**



Joanne Hayes  
Registrar

**Information Contact:**

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