

**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.: 12-049/12-052/12-053/12-055/12-056/12-057/12-058/12-059/12-060/12-061/
12-062/12-063/12-064/12-065/12-066/12-067/12-068/12-069/12-070/12-071/12-076**

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

NOTICE OF PRELIMINARY HEARING AND HEARING

In the matter of appeals by Dan and Adrienne O'Neill, Chris and Ruth Ball, Brian and Dianne Flook, Doug and Marilyn Flook, Rosemary Harwood, John and Loretta Hendrie, Neal Hendrie, John and Barbara Jordan, Joseph, Larry and Robert Litschko, Andrea and Paul Rhodes and William Scaman filed on June 28, 2012 and in the matter of an appeal by Chatham Kent Wind Action Incorporated filed on July 3, 2012 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 Number 2871-8UKGPC issued by the Director, Ministry of the Environment, on June 15, 2012 to South Kent Wind LP under section 47 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 270 megawatts located at 57 Talbot Street West 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 **Friday, August 10, 2012 at 10:00 a.m.** in the **Council Chambers of the Municipal Building, located at 315 King Street West in Chatham-Kent, 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 **Tuesday, August 7, 2012** 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 **Tuesday August 28, 2012 at 10:00 a.m.** in, **Council Chambers of the Municipal Building, located at 315 King Street West in Chatham-Kent, Ontario, and will continue if necessary for the next two weeks.**

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 the Hearing to be translated into French, please advise the Case Manager as soon as you receive this notice.

Si vous avez besoin de services en français, veuillez appeler le Tribunal de l'environnement au 416-314-4600 (sans frais 1-866-448-2248).

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.

Please note that any information or documents you provide to the Tribunal in relation to this case become part of a public record which is open to inspection by any person, unless a document is marked "confidential" by order of the Tribunal. For more information, please consult Rules 210 and 211 of the Tribunal's Rules of Practice.

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.

DATED at **TORONTO**, this 11th day of **July, 2012**.



Donna Symonds
Deputy Registrar

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