

**Environment and Land Tribunals
Ontario**

Environmental Review Tribunal

655 Bay Street, Suite 1500
Toronto ON M5G 1E5
Telephone: (416) 212-6349
Toll Free: 1-866-448-2248
Fax: (416) 326-5370
Website: www.elto.gov.on.ca

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

Tribunal de l'environnement

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July 15, 2016

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Jonathan Kahn and
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199 Bay Street, Suite 4000
Toronto ON M5L 1A9

Dear Counsel:

**Re: Concerned Citizens of Brant v. Director, Ministry of the Environment and
Climate Change**
Case Nos.: 16-048/049/052/053

Further to the Notices of Appeal filed on April 14 and 15, respectively, the Tribunal has scheduled the Preliminary Hearing of this matter. You will find enclosed a copy of the Notice of Preliminary Hearing that is being sent to all Parties or their representatives, and to all owners of nearby lands, and other individuals or organizations who have been identified as having an interest in this matter. You should note that the list of interested persons/organizations is not finite, and others may be added should they be identified in future.

I have also enclosed a copy of the "Notice To Owners of Nearby Lands", for your information.

Mediation is a voluntary process. If the parties would like the Tribunal to assist them by providing mediation services at any time throughout the hearing process, please contact me at (416) 314-4681. The Tribunal offers its mediation services after the Preliminary Hearing and at least 15 days prior to the Hearing. The Tribunal is strongly committed to the principles of Alternative Dispute Resolution and has found that settlement discussion can often lead to the resolution of some or all of the issues in hearings.

The Tribunal requests that, if an appeal is to be withdrawn, or a Director's Decision that is the subject matter of the appeal is to be revoked, that this be done at least ten days before the Hearing date. Last-minute withdrawals cause unnecessary expenditures of public funds.

Any preliminary motions, such as motions for adjournment, must be made in writing, and must be supported by affidavit materials setting out the basis for the requested order, including all pertinent facts relevant to the motion. For example, in circumstances where an adjournment is sought because expert testing of the subject lands is still pending, affidavit evidence as to the nature of the testing, the scheduling of the testing, interim reports already filed, etc., should all be appended to the motion materials filed with the Tribunal. You should also refer to the Rules of Practice and Practice Directions of the Environmental Review Tribunal. The Tribunal may determine that some such motions are appropriately dealt with in writing or by conference call, without the need for an in-person hearing of the motion.

Thank you for your anticipated co-operation.

Yours truly,



Tracee Wessam
Case Coordinator

Encls.

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Case Nos.: 16-048/049/052/053

NOTICE OF PRELIMINARY HEARING

PROCEEDING COMMENCED UNDER section 41 of the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28, as amended,

Appellant:	Concerned Citizens of Brant (File No. 16-048)
Appellant:	The Corporation of the County of Brant (File No. 16-049)
Instrument Holder:	CRH Canada Group Inc.
Respondent:	Director, Ministry of the Environment and Climate Change
Subject of appeal:	Permit to Take Water from Paris Pit issued under section 34.1 of the <i>Ontario Water Resources Act</i> , R.S.O. 1990, c. O.40, as amended
Reference No.:	7115-9VVLJW
Property Address/Description:	Lot 27, Concession 2
Municipality:	Township of South Dumfries
Upper Tier:	County of Brant
ERT Case No.:	16-048
ERT Case Name:	Concerned Citizens of Brant v. Ontario (Environment and Climate Change)

PROCEEDING COMMENCED UNDER section 41 of the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28, as amended,

Appellant: Concerned Citizens of Brant (File No. 16-052)
Appellant: The Corporation of the County of Brant (File No. 16-053)
Instrument Holder: CRH Canada Group Inc.
Respondent: Director, Ministry of the Environment and Climate Change
Subject of appeal: Environmental Compliance Approval issued under section 20.3 of Part II.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E. 19 for the establishment, use and operation of sewage works for the collection, transmission, treatment and reuse of wash water effluent from an aggregate washing operation
Reference No.: 1400-9VNPVY
Property Address/Description: Lot 26, 27, 1, 2 & 3, Concession 3, 2, WGR
Municipality: Township of South Dumfries
Upper Tier: County of Brant
ERT Case No.: 16-052
ERT Case Name: Concerned Citizens of Brant v. Ontario (Environment and Climate Change)

The purpose of the Hearing is to enable the Tribunal to determine whether it shall confirm, alter or revoke the Decision that is the subject matter of the Hearing, and direct the Director to take such action as the Tribunal considers appropriate. The Tribunal may substitute its opinion for that of the Director.

DATE AND TIME OF PRELIMINARY HEARING:

The Environmental Review Tribunal will be conducting a Preliminary Hearing on/at:

Date: Thursday, September 22, 2016

Time: 10:00 a.m.

Location: Council Chambers, 7 Broadway Street W., Paris, Ontario

Information about the Preliminary Hearing

The purpose of the Preliminary Hearing will be to receive submissions from groups and individuals who are seeking Party, Participant or Presenter status and to rule thereon; to identify the preliminary issues to be considered at the main Hearing; to establish the pre-Hearing process (information and document exchange, meetings of Parties and their legal and technical representatives, scoping of issues, and planning of the main Hearing), to deal with any other

preliminary matters that may be raised by Parties, Participants or Presenters; establish dates for the main Hearing and to finalize and issue procedural orders.

Groups or individuals interested in participating in the Hearing may express either their private concerns or their concerns regarding the public interest. They may participate as a Presenter, Participant or Party.

TAKE NOTICE that the Preliminary Hearing date is **peremptory** to all Parties. If you do not attend and identify yourself to the Tribunal, the Environmental Review Tribunal may proceed in your absence and you may 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.

Requirements for Participating in the Preliminary Hearing

The Tribunal will consider requests for Party, Participant, or Presenter status at the Preliminary Hearing. Anyone who wishes to request that the Tribunal grant them Party, Participant or Presenter status should notify the Case Coordinator in writing (or electronically) **by 4 p.m. on September 15, 2016**. Please contact the Case Coordinator for further details.

A request for status may also be made at the Hearing provided that the proceeding has not terminated in the interim (whether due to a settlement, withdrawal by the Appellant or revocation of the decision that is the subject of the proceeding).

Accessing Hearing 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 accessible services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator as soon as possible. If you require documents in formats other than conventional print, or if you have specific accommodation needs, please let us know so we can make arrangements in advance. Please also identify any assistance you may require in the event of an emergency evacuation.

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.

Public Access to Documents and the Tribunal Record

Please note that any information or documents you provide to the Tribunal in relation to this case has 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 Tribunals Rules of Practice.

For more information, please review the appropriate legislation, the Rules of Practice and Practice Directions of the Environmental Review Tribunal, and “A Guide to Appeals under the *Environmental Protection Act*, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, and the *Safe Drinking Water Act, 2002*”, all of which are available on the Tribunal’s website at www.erto.gov.on.ca.

DATED at **TORONTO**, this **15th** day of **July, 2016**.

Mary Ann Hunwicks
Secretary

ERT Case Management Contact:

Tracee Wessam
Case Coordinator
Phone: 416-314-4681
Fax: (416) 326-5370

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July 15, 2016

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 facility or property in question or a person who may have an interest in this hearing.

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 participate, 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. As a presenter, you will be able to provide your testimony under oath or solemn affirmation 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. As a participant, you will be able to provide your testimony under oath or solemn affirmation at the hearing, and be cross-examined by all parties. You may also file written material in addition to your oral presentation. Participants, however, are expected to attend each day of the hearing so that any submissions made to the Tribunal will reflect the evidence given by all the parties, and others, during the course of the entire hearing.
4. You may request that the Tribunal grant you **party** status. This means that you have the right to present evidence through witnesses, cross-examine witnesses and make submissions. Parties are often represented by legal counsel. Parties are expected to attend all hearing days, including days allocated to final argument.

Should you wish to participate in these proceedings, you should immediately write, fax or email the Case Manager 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. The Tribunal's website is located at www.ert.gov.on.ca. If you do not have Internet access, a copy of the Rules of Practice and Practice Directions will be mailed upon request.

Yours truly,

Mary Ann Hunwicks
Secretary

HEARING DISTRIBUTION LIST

Appellant: 16-048/052 - Concerned Citizens of Brant

Counsel for Appellant: **Joseph Castrilli**
Canadian Environmental Law Association
55 University Avenue, Suite 1500
Toronto, ON M5J 2H7

Ramani Nadarajah
Co-Counsel

Appellant: 16-049/053 – Corporation of the County of Brant

Counsel for Appellant: **Paula Lombardi**
Siskinds LLP
680 Waterloo Street
London, ON N6A 3V8

Directors: **Belinda Koblik**
Director, Section 34.1
Ontario Water Resources Act

Fariha Pannu
Director, Part II.1
Environmental Protection Act

Counsel for Directors: **Isabelle O'Connor**
Ministry of the Attorney General
Legal Services Branch, Environment
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Toronto ON M4V 1P5

Nicholas Adamson
Co-Counsel

Instrument Holder: **CRH Canada Group Inc.**

Counsel for Instrument Holder: **Jonathan W. Kahn**
Blake, Cassels & Graydon LLP
199 Bay Street, Suite 4000
Toronto, ON M5L 1A9

Ravi Amarnath
Co-Counsel

Owners of Nearby Lands and Others:

See attached lists

Municipal Clerk:

Paul Emerson
County of Brant
26 Park Avenue, P.O. Box 160
Burford, ON N0E 1A0

Hearing Accommodation:
Tel.: 519-442-6324

Mandy Garabedian

Prepared: July 15, 2016 TW

WILLSON ROBERT LESLIE
WILLSON MARY ELLEN
124 WEST RIVER RD
RR 2 STN LCD
PARIS ON
N3L 3E2
Re: 124 WEST RIVER ROAD

BUDAY JAMES
44 JAMES ST
RR 2
BURFORD ON
NOE 1A0
Re: 699 PARIS PLAINS CHURCH ROAD

BUDAY JAMES
44 JAMES ST
RR 2
BURFORD ON
NOE 1A0
Re: Roll No. 2921001601023100

SOUTH DUMFRIES CEMETERY
TRUSTEES
C/O COUNTY OF BRANT
26 PARK AVE
PO BOX 249
BURFORD ON
NOE 1A0
Re: 705 PARIS PLAINS CHURCH ROAD

JOBE LANA
RYCROFT DALE
757 WATTS POND RD
RR 2
PARIS ON
N3L 3E2
Re: 757 WATT'S POND ROAD

ST LAWRENCE CEMENT INC
C/O DUFFERIN AGGREGATES
2300 STEELES AVE W SUITE 400
CONCORD ON
L4K 5X6
Re: 708 WATT'S POND ROAD

ST LAWRENCE CEMENT INC
C/O DUFFERIN AGGREGATES
2300 STEELES AVE W SUITE 400
CONCORD ON
L4K 5X6
Re: GRAND RIVER STREET NORTH

ST LAWRENCE CEMENT INC
C/O DUFFERIN AGGREGATES
2300 STEELES AVE W SUITE 400
CONCORD ON
L4K 5X6
Re: Roll No. 292001601024000

ST LAWRENCE CEMENT INC
C/O DUFFERIN AGGREGATES
2300 STEELES AVE W UNIT 400
CONCORD ON
L4K 5X6
Re: 684 PARIS PLAINS CHURCH ROAD

WEATHERSTON DERYK PHILIP
WEATHERSTON DONALD RALPH
686 WATTS POND RD
RR 2
PARIS ON
N3L 3E2
Re: 686 WATT'S POND ROAD

759401 ONTARIO LIMITED
C/O DONALD WEATHERSTON
RR 2
PARIS ON
N3L 3E2
Re: 255 WEST RIVER ROAD

MCALLISTER SHIRLEY MAY
655 WATT'S POND RD
RR 2
PARIS ON
N3L 3E2
Re: 655 WATT'S POND ROAD

ATKINSON ANTHONY ALAN
STN LCD
630 WATTS POND RD
RR 2
PARIS ON
N3L 3E2
Re: 630 WATT'S POND ROAD

DINSMORE GREGORY ARTHUR
DINSMORE SUSAN ELLEN
125-129 WEST RIVER RD
RR 2 STN LCD
PARIS ON
N3L 3E2
Re: 125 WEST RIVER ROAD

DINSMORE GREGORY ARTHUR
DINSMORE SUSAN ELLEN
125-129 WEST RIVER RD
RR 2 STN LCD
PARIS ON
N3L 3E2
Re: 129 WEST RIVER ROAD

MACPHERSON JOHN PAUL
MACPHERSON RUTH ANN
115 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 115 WEST RIVER ROAD

MACPHERSON JOHN PAUL
MACPHERSON RUTH ANN
115 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 95 WEST RIVER ROAD

BEAL SHARON LORRAINE
BEAL SHAWN DANIEL
BEAL ANITA ELENE
142 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 142 WEST RIVER ROAD

HAMILTON JOHN DOUGLAS
HAMILTON BETTY DIANNE
719 WATT'S POND RD
RR 2 STN LCD
PARIS ON
N3L 3E2
Re: 719 WATT'S POND ROAD

EMMOTT HARRY ERNEST
EMMOTT NANCY CATHERINE
764 BRANT WATERLOO RD
RR 3
AYR ON
NOB 1E0
Re: 724 PARIS PLAINS CHURCH ROAD

KAUFMAN ROBERT MALCOLM
135 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 135 WEST RIVER ROAD

KAUFMAN ROBERT MALCOLM
KAUFMAN LINDA SUZANNE
135 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: Roll No. 292001601033680

CORDON DAVID HOWARD
CORDON KAREN ELIZABETH
869 PARIS PLAINS RD
RR 2 STN LCD
PARIS ON
N3L 3E2
Re: 184 PINEHURST ROAD

MACKAY JEFFREY JOHN
MACKAY MICHELLE ELIZABETH
123 WEST RIVER RD
LCD STN
RR 2
PARIS ON
N3L 3E2
Re: 123 WEST RIVER ROAD

PARIS GRAND GOLF CLUB LIMITED
400 GOLF COURSE RD
CONESTOGO ON
NOB 1N0
Re: 160 PARIS LINKS ROAD

BUDAY JAMES JR
HORVATH JULIA
BUDAY HELEN
336 PLEASANT RIDGE RD
RR 3
BRANTFORD ON
N3T 5L5
Re: Roll No. 292001601024400

DODD LILLIAN VERA
117 WEST RIVER RD
RR 2 STN LCD
PARIS ON
N3L 3E2
Re: 117 WEST RIVER ROAD

COUNTY OF BRANT
26 PARK AVE
PO BOX 249
BURFORD ON
NOE 1A0
Re: 166 WEST RIVER ROAD

GIRL GUIDES OF CANADA
TRUSTEE
50 MERTON ST
TORONTO ON
M4S 1A3
Re: 243 GRAND RIVER STREET NORTH

PARIS PLAINS CHURCH
HISTORICAL SOCIETY
C/O BILL & NORMA MARY MAUS
50 ST GEORGE ST
PARIS ON
N3L 2W7
709 PARIS PLAINS CHURCH ROAD

PERRIN ROBERT MORTON
PERRIN SHELLEY LEANNE
194 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 194 WEST RIVER ROAD

TELFER DAVID BRUCE
647 WATT'S POND RD
RR 2
PARIS ON
N3L 3E2
Re: 647 WATT'S POND ROAD

COUNTY OF BRANT
26 PARK AVE
PO BOX 249
BURFORD ON
NOE 1A0
Re: SCOTT AVENUE

PARSONS CYRIL CARTER
STN LCD
119 WEST RIVER RD
RR 2
PARIS ON N3L 3E2
Re: 119 WEST RIVER ROAD

GAMBLE BRADLEY MARK
GAMBLE JULIA TERESA
STN LCD
197 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 197 WEST RIVER ROAD

GAMBLE BRADLEY MARK
GAMBLE JULIA TERESA
STN LCD
197 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 620 WATT'S POND ROAD

MACPHERSON IAN MITCHELL
MACPHERSON KAITLYN MARIE
103 WEST RIVER RD
RR 2
PARIS ON
N3L 3E2
Re: 103 WEST RIVER ROAD

HAMILTON HELEN RUTH
STN LCD
732 WATTS POND RD
RR 2
PARIS ON
N3L 3E2
Re: 732 WATT'S POND ROAD

HUTTY DONALD GORDON
HUTTY LORRAINE GAIL
699 WATTS POND RD
RR 2 STN LCD
PARIS ON
N3L 3E2
Re: 699 WATT'S POND ROAD

MILLER MARK ANDREW
MILLER SANDRA ANN
STN LCD
716 WATTS POND RD
RR 2
PARIS ON
N3L 3E2
Re: 716 WATT'S POND ROAD

LIST OF OTHERS

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N3L 3E2

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N3L 3S1

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N0E 1N0

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N3L 1N2

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Paris, ON
N3L 3E2

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N3L 3E2

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N3L 1N1

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N3L 3E2

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N3L 0A6

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