

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): 13-124/13-125

Under Rules 130 and 131 of its Rules of Practice, the Environmental Review Tribunal has directed the Approval Holder, SP Armow Wind Ontario GP Inc., as a general partner for and on behalf of SP Armow Wind Ontario LP to give this Notice of Preliminary Hearing and Hearing.

NOTICE OF PRELIMINARY HEARING AND HEARING

In the matter of appeals by Kenneth George Kroeplin and Sharon Anne Kroeplin filed October 23, 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 October 9, 2013 to SP Armow Wind Ontario GP Inc., as a general partner for and on behalf of SP Armow Wind Ontario LP under section 47.5 of the *Environmental Protection Act*, regarding the construction, installation, operation, use and retiring of a Class 4 wind facility consisting of ninety-two (92) turbines with a total name plate capacity of 180 mw in the Municipality of Kincardine, County of Bruce.

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: **November 21, 2013**

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

Location: **The Best Western Plus Governor's Inn**

**791 Durham Street,
Kincardine, 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 November 15, 2013** 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: **December 19, 2013**

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

Location: **The Best Western Plus Governor's Inn
791 Durham Street,
Kincardine, Ontario**

and will continue, if necessary, on dates to be confirmed at the Preliminary Hearing.

TAKE NOTICE that the Preliminary Hearing and Hearing dates are preemptory 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 1 day of November, 2013.



Donna Symmonds
Deputy Registrar

Information Contact:

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