

Environmental Review Tribunal

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Tribunal de l'environnement

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**RECEIVED**

DEC 11 2009

Case No.: 09-143

CITY OF TORONTO
CITY OF TORONTO**NOTICE OF PRELIMINARY HEARING AND HEARING**

In the matter of an appeal by the City of Toronto filed November 13, 2009, for a Hearing before the Environmental Review Tribunal pursuant to section 139 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended, as a result of a Decision of the Environmental Review Tribunal, dated November 2, 2009, granting Leave to Appeal to the Corporation of the City of Toronto under section 41 of the *Environmental Bill of Rights, 1993*, S.O. 1993, c. 28, as amended, with respect to Certificate of Approval (Air) Number 9858-7SER38 issued by the Director, Ministry of the Environment, on August 4, 2009, under section 9 of the *Environmental Protection Act*, regarding the approval of a concrete batching facility located at 32 Caledonia Road in the City of Toronto, Ontario.

The purpose of the Hearing is to enable the Tribunal to determine whether it shall confirm, alter or revoke the Director's 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.

Preliminary Hearing:

A Preliminary Hearing will be conducted by the Hearing Panel on **Wednesday, February 3, 2010 at 10:00 a.m. in Hearing Room 3, 16th Floor, Environmental Review Tribunal, 655 Bay Street, Toronto, Ontario.** 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 and Presenters; and to finalize and issue procedural orders.

How to Participate:

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.

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 Manager in writing (or electronically) by **4:00 p.m. on Wednesday, January 27, 2010.** Please contact the Case Manager 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).

Main Hearing:

The hearing of evidence in this appeal will commence on **Wednesday, April 14, 2010, at 10:00 a.m. in Hearing Room 3, 16th Floor, Environmental Review Tribunal, 655 Bay Street, Toronto, Ontario**, and will continue, if necessary, on **April 15 and 16, 2010**, at the same location.

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.

If you require the Hearing to be translated into French, or if you have special needs that must be accommodated, please advise the Case Manager as soon as you receive this notice. Collect calls are accepted.

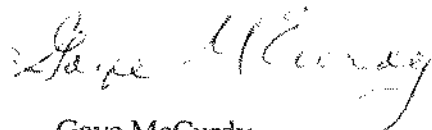
Si vous avez besoin de services en français, veuillez appeler le Tribunal de l'environnement au 416-314-4600. Les appels à frais virés sont acceptés.

TAKE NOTICE that the Preliminary Hearing and Hearing dates are **peremptory** to all Parties and Participants. 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.

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 202 and 203 of the Tribunal's 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 *Clean Water Act, 2006*, 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.ert.gov.on.ca.

DATED at TORONTO, this 8th day of December, 2009.



Gaye McCurdy
Tribunal Secretary

Information Contact:

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Environmental Review Tribunal

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