

**Environment and Land Tribunals
Ontario**

Niagara Escarpment Hearing Office

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**Tribunaux de l'environnement et de
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Case Nos.: **15-176/15-177/15-179/15-181/15-182/15-183/15-184**

Notice of Pre-Hearing Conference and Hearing

A Hearing Officer will conduct a Pre-Hearing Conference and Hearing to consider the following matter:

PROCEEDING COMMENCED UNDER section 25(8) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2, as amended

| | |
|-------------------------------|---|
| Appellant: | See Appendix 1 – Appellant List |
| Respondent: | Niagara Escarpment Commission |
| Subject of appeal: | Refusal of a Development Permit Application to reconstruct 26/27 Sideroad from seasonal to year round open road |
| Reference No.: | S/T/2013-2014/9152 |
| Property Address/Description: | Lots 25 to 31, Concession 10 & 11 |
| Municipality: | Township of Clearview |
| Upper Tier: | County of Simcoe |
| NEHO Case No.: | 15-0176 |
| NEHO Case Name: | Urbaniak v. Ontario (Niagara Escarpment Commission) |

DATE and TIME of PRE-HEARING CONFERENCE:

The Niagara Escarpment Hearing Office (NEHO) will be conducting a Pre-Hearing Conference by telephone on:

Date: **Friday, March 11, 2016**

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

Location: **Township of Clearview
Administrative Building
217 Gideon Street
Stayner, Ontario**

Information about the Pre-Hearing Conference

During this teleconference, the Parties, Participants and Presenters are identified, preliminary motions may be heard, procedural issues may be addressed, issues are identified, witnesses are identified, facts or evidence that may be agreed upon are established, and dates that the documents to be tendered and exchanged are established. As well, the date and duration of the main Hearing will be determined and the Hearing Officer will consider requests at the Pre-Hearing Conference from groups or individuals who wish to participate in the Hearing as a Party, Participant, or Presenter and rule on them.

Groups or individuals interested in participating in the Hearing may express either their private concerns or their concerns regarding the public interest. They may make a request to participate as a Presenter, Participant or Party. A Presenter may make a statement to the Hearing Officer, either orally or in writing, be questioned by the Hearing Officer and the Parties, receive a copy of documents exchanged by the Parties that are relevant to his or her interests, and attend site visits where a request to attend is made to the Hearing Officer and the Hearing Officer grants the request. A Participant may make a statement to the Hearing Officer, either orally or in writing, be questioned by the Hearing Officer and the Parties, receive copies of all documents exchanged by the Parties that are relevant to his or her interests, and attend site visits. Normally a Participant is expected to attend every day of the Hearing. A Party assumes the rights and responsibilities of this fullest form of involvement in the Hearing process. Parties are often represented at the Hearing by legal counsel or a representative in accordance with Law Society regulations.

For more information regarding the three levels of participation, please refer to the Rules of Practice and Practice Directions of the Environmental Review Tribunal and "A Guide to Development Permit Appeal Hearings and Niagara Escarpment Plan Amendment Hearings under the *Niagara Escarpment Planning and Development Act*" (see website address below)

Requirements for Participating in the Pre-Hearing Teleconference

Please contact the Niagara Escarpment Hearing Office by telephone at **416-314-4712** or by email at ERTTribunalSecretary@ontario.ca no later than **Tuesday, March 1, 2016** to confirm your participation in the Pre-Hearing Conference. Once confirmation has been received, you will be provided with the teleconference number and entry codes by email. Please ensure you provide an email address when you confirm your participation or alternatively provide your telephone contact information.

If you do not notify the Hearing Office of your interest to participate prior to the scheduled teleconference, the Pre-Hearing Conference will proceed in your absence.

DATE, TIME and LOCATION of HEARING

The Hearing will be held on:

Date: **Monday, May 2, 2016**

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

Location: **Township of Clearview
Administrative Building
217 Gideon Street
Stayner, Ontario**

Statutory Authority

This hearing is scheduled pursuant to Section 25(8) of the *Niagara Escarpment Planning and Development Act*, R.S.O. 1990, c. N.2, as amended which requires the Minister of Natural Resources to appoint a Hearing Officer for the purpose of conducting a Hearing at which representations may be made respecting the decision.

This date is **peremptory** to all Parties, Participants and Presenters. If you do not attend and identify yourself to the Hearing Officer, the Niagara Escarpment Hearing Office may proceed in your absence and you may not receive any further notice in these proceedings. The Niagara Escarpment Hearing Office may make orders with respect to the conduct of the proceeding which will be binding on all present and future Parties.

Accessing Hearing Services

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.

Si vous avez besoin de services en français, veuillez contacter le Bureau des audiences sur l'escarpement du Niagara quand vous recevrez cette lettre.

Public Access to Documents and the Tribunal Record

Please note that any information or documents you provide to the Niagara Escarpment Hearing Office 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 NEHO. For more information, please consult Rules 210 and 211 of the Environmental Review Tribunal’s Rules of Practice.

For further information, please review the appropriate legislation, “A Guide to Development Permit Appeal Hearings and Niagara Escarpment Plan Amendment Hearings under the *Niagara Escarpment Planning and Development Act*” and the Rules of Practice and Practice Directions of the Environmental Review Tribunal, all of which are available at www.elto.gov.on.ca.

DATED at TORONTO this, 20th day of January, 2016



Joanne Hayes
Secretary

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Appendix 1 – Appellant List

| Appellant Name | File No. |
|------------------------|-----------------|
| Urbaniak | 15-176 |
| Urbaniak | 15-177 |
| Young | 15-179 |
| Melksham Holdings Ltd. | 15-181 |
| Allan Fisher | 15-182 |
| Walker Aggregates Inc. | 15-183 |
| Township of Clearview | 15-184 |

