

Environmental Review Tribunal
Tribunal de l'environnement



ISSUE DATE: August 21, 2019

CASE NO:

19-013

PROCEEDING COMMENCED UNDER section 100(4) of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended

Appellant: Morriston Park Nursing Home Inc.
Respondent: Director, Ministry of the Environment,
Conservation and Parks
Subject of appeal: Order to perform work in regards to the on-site
septic system
Reference No.: 7040-B9JQUB-1
Property Address/Description: 7363 Calfass Road
Municipality: Township of Puslinch
Upper Tier: County of Wellington
ERT Case No.: 19-013
ERT Case Name: Morriston Park Nursing Home Inc. v. Ontario
(Environment, Conservation and Parks)

Heard: June 26, 2019 in Puslinch, Ontario

APPEARANCES:

Parties

Counsel

Morriston Park Nursing Home Inc.

Alex Ciccone

Director, Ministry of the
Environment, Conservation and
Parks

Andrea Huckins

ORDER DELIVERED BY HUGH S. WILKINS

REASONS

Background

[1] Morriston Park Nursing Home Inc. (“Appellant”) operates a nursing home near the Village of Morriston (“Site”). On February 19, 2019, Michael Hindriks, a Senior Environmental Officer with the Ministry of the Environment, Conservation and Parks (“MECP”), issued Provincial Officer’s Order No. 7040-B9JQUB (“P.O. Order”) pursuant to s. 16.1 of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40 (“OWRA”). The P.O. Order requires that the Appellant, by February 26, 2019, retain a qualified person to carry out required work at the Site and, by March 8, 2019, cease discharging raw sewage from its septic tanks into the leaching bed on the Site, retain a licensed waste hauler to empty the septic tanks and pumping chamber on a regular basis and dispose of the sewage at an approved waste disposal site, visually inspect the septic tanks and pumping chamber daily, and retain all receipts and records.

[2] The Appellant requested a review of the P.O. Order. On February 28, 2019, Amy Shaw, Director, MECP, issued Director’s Order No. 7040-B9JQUB-1 (“Director’s Order”), varying the compliance date for the Appellant to retain a qualified person and confirming the remainder of the P.O. Order. The Appellant appealed the Director’s Order to the Environmental Review Tribunal (“Tribunal”) under s. 100(4) of the OWRA.

[3] On May 17, 2019, the Tribunal dismissed a motion brought by the Appellant for a stay of the Director’s Order.

[4] On June 26, 2019, the Tribunal held a prehearing conference (“PHC”) in this proceeding. At the PHC, the Parties requested Tribunal-assisted mediation to try to resolve the issues under appeal. There were no requests for status made at the PHC and the Parties submitted that other procedural matters would be better addressed after mediation efforts are made and the issues are possibly narrowed or resolved.

[5] The Tribunal agreed with the Parties’ request and directed that Tribunal-assisted mediation be held.

ORDER

[6] The Tribunal directs that the Parties attend a mediation session on **Thursday, September 26, 2019 commencing at 10 a.m.** at:

Ministry of the Environment, Conservation and Parks
1 Stone Road West
Guelph, ON N1G 4Y2

[7] One day has been set aside for the mediation session.

[8] If the mediation is not successful, a further PHC will be scheduled for the Tribunal to provide procedural directions in preparation for a hearing.

Mediation Scheduled

“Hugh S. Wilkins”

HUGH S. WILKINS
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Environmental Review Tribunal

A constituent tribunal of Tribunals Ontario - Environment and Land Division
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