

Environmental Review Tribunal
Tribunal de l'environnement



ISSUE DATE: June 16, 2020

CASE NO.:

14-040

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

Appellant:	Corporation of the City of Guelph
Instrument Holder:	River Valley Developments Inc.
Respondent:	Director, Ministry of the Environment, Conservation and Parks
Subject of appeal:	Decision to issue an Amended Permit to Take Water under section 34 of the <i>Ontario Water Resources Act</i> for operations at the Guelph Dolime Quarry
Reference No.:	5080-8TAKK2
Property Address/Description:	Lot 3, Concession 5, Division G
Municipality:	Township of Guelph-Eramosa
Upper Tier:	County of Wellington
ERT Case No.:	14-040
ERT Case Name:	Guelph (City) v. Ontario (Environment, Conservation and Parks)

Parties

Corporation of the City of Guelph

Director, Ministry of the
Environment, Conservation and
Parks

River Valley
Developments Inc.

Counsel

Peter Pickfield

Isabelle O'Connor

Jonathan W. Kahn

HEARD:
ADJUDICATOR(S):

April 21 and June 10, 2020 by teleconference
Helen Jackson, Member

PROCEDURAL ORDER

BACKGROUND

[1] This matter concerns an appeal by the City of Guelph (the “City”) regarding a permit to take water issued by the Ministry of the Environment, now the Ministry of the Environment, Conservation and Parks (“MECP”) to River Valley Developments Inc. (“RVD”) for water taking related to quarry operations.

[2] On August 10, 2011, RVD applied to the MECP to renew and amend an existing permit to take water, applicable to dewatering operations at the Guelph Dolime Quarry located in the Township of Guelph-Eramosa (“Township”). RVD’s permit to take water at the quarry was initially issued in 1993. In 2004, it was amended and reissued with an expiry date of December 31, 2014.

[3] On January 25, 2013, Carl Slater, Director, MECP granted RVD’s application to renew and amend RVD’s permit by issuing Amended Permit to Take Water No. 5080-8TAKK2 (the “PTTW”), pursuant to s. 34 of the *Ontario Water Resources Act*.

[4] On February 11, 2013, the City filed an application with the Tribunal seeking leave to appeal the Director’s decision to issue the PTTW.

[5] Following adjournments granted by the Tribunal and a motion regarding the City’s reply materials, the Tribunal granted the City leave to appeal the PTTW on May 2, 2014. The City filed its notice of appeal on May 16, 2014.

[6] The matter was adjourned to further teleconference status calls where the parties reported to the Tribunal the progress of settlement discussions.

Teleconference of October 23, 2019

[7] Before a differently constituted panel of the Tribunal, the parties reported that they had reached a proposed settlement in this matter and the City was engaging in public consultations regarding the proposed settlement. The parties indicated that the proposed settlement did not require any changes to the PTTW under appeal. As part of the agreement, once the settlement was finalized, the City would withdraw its appeal pursuant to Rule 199 of the *Tribunal's Rules of Practice* ("Rules").

[8] Rule 199 sets out that if a settlement results in a withdrawal of an appeal without any changes to the instrument under appeal, then the Tribunal must dismiss the proceeding. The parties advise the Tribunal that they anticipate that when the settlement is finalized, the City will withdraw the appeal thereby allowing the proceeding to be dismissed.

Teleconference of April 21, 2020 and June 10, 2020

[9] Further teleconferences were held on April 21, 2020 and June 10, 2020 for updates on the status of the appeal. The parties advised that the settlement had been approved by City Council, but that further approval of the settlement was required by the Township, which was anticipated to be provided over the next few weeks following the June 10, 2020 teleconference.

[10] The parties requested the Tribunal set a further teleconference to report on the status of the settlement agreement with respect to the Township's position. The Tribunal set a further teleconference for August 27, 2020 for the parties to report on the finalization of the settlement agreement, and the proposed withdrawal of the appeal.

ORDER

[11] The Tribunal orders a further teleconference for August 27, 2020 at 10 a.m. Call-in details will be provided in advance of the scheduled call.

Status Update Teleconference Scheduled

"Helen Jackson"

HELEN JACKSON
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

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