

Environmental Review Tribunal
Tribunal de l'environnement



ISSUE DATE: September 03, 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

Counsel

Corporation of the City of Guelph	Peter Pickfield
Director, Ministry of the Environment, Conservation and Parks	No one appeared
River Valley Developments Inc.	Jonathan W. Kahn

HEARD: August 27, 2020 by telephone conference call
ADJUDICATOR(S): 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.

Proposed Settlement

[7] The parties have reached a proposed settlement in this matter that does not require any changes to the PTTW under appeal. The parties advised earlier that City Council has approved the settlement; however, approval was required by the Township.

[8] As part of the agreement, once the settlement is finalized, the City will withdraw its appeal pursuant to Rule 199 of the *Tribunal's Rules of Practice* ("Rules"). 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 advised 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 August 27, 2020

[9] At the teleconference on August 27, 2020, counsel for the City and RVD advised that the Township has approved the settlement in principle; however, the County must now provide their approval, which is anticipated to be provided at the next County Council meeting on September 24, 2020. The County Council did not meet during August because of the COVID-19 situation. Counsel jointly indicated that they anticipate eight weeks would be sufficient to finalize the settlement and for the City to withdraw its appeal.

[10] Rather than adjourn *sine die* with the anticipation of the withdrawal of the appeal, the Tribunal scheduled a further teleconference for October 30, 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 **Friday, October 30, 2020 at 9 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,
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Environmental Review Tribunal

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