

Environmental Review Tribunal
Tribunal de l'environnement



ISSUE DATE: December 10, 2020

CASE NO(S): 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)

APPEARANCES:

Parties

Counsel

Corporation of the City of Guelph

Peter Pickfield

Director, Ministry of the
Environment, Conservation and Parks

Isabelle O'Connor

River Valley
Developments Inc.

Jonathan W. Kahn

HEARD: In Writing
ADJUDICATOR(S): Helen Jackson, Member

DECISION

[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.

Settlement

[7] By letter to the Tribunal dated November 26, 2020, the parties advised that they have reached a settlement in this matter that does not require any changes to the PTTW under appeal. As part of the agreement, the City will withdraw its appeal.

[8] Rule 199 of the *Tribunal's Rules of Practice and Practice Directions* ("Rules") sets out that if a settlement results in a proposed withdrawal of an appeal agreed to by all parties without any changes to the instrument under appeal, then the Tribunal must dismiss the proceeding.

[9] Rule 199 states:

Where there has been a proposed withdrawal of an appeal agreed to by all Parties and the decision under appeal is not altered by a settlement agreement, a proposed withdrawal of an application, or a proposed revocation of an order made under section 74 of the *Ontario Water Resources Act*, the Tribunal shall issue a decision dismissing the proceeding

[10] The parties state that the City's appeal in the matter is being withdrawn as agreed to by all parties, and the decision under appeal is not altered by this settlement agreement. On that basis, the parties requested that the Tribunal issue a decision dismissing the proceeding for this matter.

[11] In accordance with Rule 199 of the Tribunal's Rules, since the withdrawal of the appeal was agreed to by all parties and the decision under appeal is not altered, the Tribunal dismisses the proceeding.

DECISION

[12] The Tribunal orders that the proceeding is dismissed.

Appeal Withdrawn
Appeal Dismissed

"Helen Jackson"

HELEN JACKSON
MEMBER

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Environmental Review Tribunal

A constituent tribunal of Ontario Land Tribunals

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