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November 24, 2011

NOTICE TO ALL OWNERS OF NEARBY LANDS AND INTERESTED PARTIES:

Enclosed is a Notice of Hearing for an appeal before the Environmental Review Tribunal. You are being notified of this hearing because you are an owner of land near the approved renewable energy project or a person who may have an interest in this hearing.

Owners of nearby lands and interested parties may seek the opportunity to participate at the Hearing. **You are not required to attend the hearing**, but if you do wish to be involved, there are four ways in which you may do so. They are as follows:

1. You may attend the hearing and observe the proceedings, but not actively participate.
2. You may request the hearing panel to grant you **presenter** status at the hearing. If granted presenter status, you will be able to provide your testimony under oath or solemn affirmation on a given day at the hearing, and be cross-examined by all parties. You may also file written material in addition to your oral presentation.
3. You may request that the Tribunal grant you **participant** status at the hearing. If granted participant status, you will be able to provide your testimony under oath or solemn affirmation on a given day at the hearing, and be cross-examined by all parties. You may also file written material in addition to your oral presentation and make submissions at the beginning and end of the hearing.
4. You may request that the Tribunal grant you **party** status. If granted party status, you will be able to present evidence through witnesses, cross-examine witnesses and make submissions at the beginning and end of the hearing. Parties are often represented by legal counsel. Parties are expected to attend all hearing days. Parties are also subject to the Tribunal's costs rules.

Should you wish to participate in this hearing, you should immediately write, fax or email the Case Coordinator to indicate your intention. You should visit the Tribunal's website to obtain a copy of the Rules of Practice and Practice Directions of the Environmental Review Tribunal and the relevant Guide. The Tribunal's website is located at www.elto.gov.on.ca. If you do not have Internet access, a copy of the Rules of Practice and Practice Directions and the relevant Guide will be mailed upon request.

Yours truly,

A handwritten signature in black ink, appearing to read "D. Symonds".

Donna Symonds
Deputy Registrar



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Case No.: 11-208

NOTICE OF PRELIMINARY HEARING AND HEARING

In the matter of an appeal by Middlesex-Lambton Wind Action Group Inc. filed November 15, 2011 for a Hearing before the Environmental Review Tribunal (Tribunal) pursuant to section 142.1 of the *Environmental Protection Act*, R.S.O. 1990, c. E.19, as amended with respect to a Renewable Energy Approval issued by the Director, Ministry of the Environment, on November 1, 2011 to Zephyr Farms Limited under 47.5 of the *Environmental Protection Act*, regarding a Class 4 Wind facility consisting of the construction, installation, operation, use and retiring of four (4) wind turbine generators located at Ebenzer Road and Churchill Line on Concession 14 South Part Lot 13 South ½ Lot 13, Concession 14 South Part Lot 14 and Concession 14 North Part Lot 15 pt West ¾ and North ¾ of Lot 15, in the Municipality of Brooke-Alvinston, in the County of Lambton, Ontario.

The purpose of the Hearing is for the Tribunal to review the Director's decision and consider only whether engaging in the renewable energy project in accordance with the Renewable Energy Approval will cause serious harm to human health or serious and irreversible harm to plant life, animal life or the natural environment. If the Tribunal determines that such harm will be caused, the Tribunal may revoke the Director's decision; by order, direct the Director to take such action as the Tribunal considers appropriate; or alter the Director's decision, for which purpose the Tribunal may substitute its own opinion. If the Tribunal determines that such harm will not be caused, the Tribunal shall confirm the Director's decision.

Preliminary Hearing:

A Preliminary Hearing will be conducted by the Hearing Panel on **December 15, 2011 at 10:00 a.m.** in the **Council Chambers, County of Lambton, 789 Broadway Street, Wyoming, Ontario** and to continued by teleconference on **January 6, 2011 at 10:00 a.m.** The purpose of the Preliminary Hearing will be to rule on requests from groups and individuals for Party, Participant or Presenter status, to identify the issues to be considered at the main Hearing and to deal with any preliminary matters that may be raised by Parties, Participants and Presenters.

How to Participate:

Any person who wishes to participate in this Hearing as a Party, Participant or Presenter should provide their request in writing (preferably by email) to the Case Manager by 4:00 p.m. no later

than **December 12, 2011** stating what status they are seeking; their interest in the proceeding; a statement of the issues, facts and submissions relevant to the appeal that they wish to present; and whether their participation is likely to make a relevant contribution to the Tribunal's determination of whether engaging in the renewable energy project in accordance with the approval will cause serious harm to human health or serious and irreversible harm to plant life, animal life or the natural environment. If a written request is not received by the required deadline, the Tribunal may refuse the request.

Main Hearing

The hearing of evidence in this appeal will commence on **January 11, 2012, at 10:00 a.m.** in, **Council Chambers, County of Lambton, 789 Broadway Street, Wyoming, Ontario**, and will continue, if necessary at the same location.

There will be no reporting services provided by the Environmental Review Tribunal for the Hearing. If Parties consider that they require a transcript of the proceedings they may obtain such service at their own expense.

We are committed to providing the highest quality of service to the public. This includes a commitment to providing an inclusive and accessible environment in which all members of the public have equal access to its services and are treated with dignity and respect. If you have any needs with respect to accessing the Tribunal's services, please contact us as soon as possible.

If you require the Hearing to be translated into French, please advise the Case Manager as soon as you receive this notice.

Si vous avez besoin de services en français, veuillez appeler le Tribunal de l'environnement au 416-314-4600 (sans frais 1-866-448-2248).

TAKE NOTICE that the Preliminary Hearing and Hearing dates are **peremptory** to all Parties, Participants and Presenters. If you do not attend at the Preliminary Hearing and identify yourself to the Tribunal, the Environmental Review Tribunal may proceed in your absence and you will not receive any further notice in these proceedings. The Tribunal may make orders with respect to the conduct of the proceeding which will be binding on all present and future Parties, Participants and Presenters.

Please note that any information or documents you provide to the Tribunal 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 Tribunal. For more information, please consult Rules 210 and 211 of the Tribunal's Rules of Practice.

For more information, please review the *Environmental Protection Act*, the Rules of Practice and Practice Directions of the Environmental Review Tribunal, and "A Guide to Appeals under section 142.1 of the *Environmental Protection Act*", which are available on the Tribunal's website at www.elto.gov.on.ca.

DATED at TORONTO, this 24 day of November, 2011.



Donna Symonds
Deputy Registrar

Information Contact:

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Case Coordinator - Planner
Environmental Review Tribunal
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