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Jan 25 2013

Environment and Land Tribunals
Ontario
Environmental Review Tribunal

Tribunaux de l'environnement et de
l'aménagement du territoire Ontario
Tribunal de l'environnement



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Case No.: 12-131

NOTICE OF PRELIMINARY HEARING

In the matter of an appeal by Nestlé Canada Inc. filed October 11, 2012 for a Hearing before the Environmental Review Tribunal pursuant to section 100 of the *Ontario Water Resources Act*, R.S.O. 1990, c. O.40, as amended, with respect to Permit to Take Water No. 3716-8UZMCU issued by the Director, Ministry of the Environment, on September 28, 2012 under section 34 of the *Ontario Water Resources Act*, for the water taking from one bedrock drilled well (TW1-88) MOE Well Tag No.: A095193 located at Lot 24, Concession 7, Geographic Township of Erin, County of Wellington.

The purpose of the Hearing is to enable the Tribunal to determine whether it shall confirm, alter or revoke the Decision that is the subject matter of the Hearing, and direct the Director to take such action as the Tribunal considers appropriate. The Tribunal may substitute its opinion for that of the Director.

DATE AND TIME OF PRELIMINARY HEARING:

The Environmental Review Tribunal will be conducting a Preliminary Hearing on/at:

Date: Thursday, February 21, 2013

Time: 10:00 a.m.

Location: George Root Conference Room, 5684 Trafalgar Road, Hillsburgh, Ontario

Information about the Preliminary Hearing

The purpose of the Preliminary Hearing will be to receive submissions from groups and individuals who are seeking Party, Participant or Presenter status and to rule thereon; to identify the preliminary issues to be considered at the main Hearing; to establish the pre-Hearing process (information and document exchange, meetings of Parties and their legal and technical representatives, scoping of issues, and planning of the main Hearing), to deal with any other preliminary matters that may be raised by Parties, Participants or Presenters; establish dates for the main Hearing and to finalize and issue procedural orders.

Groups or individuals interested in participating in the Hearing may express either their private concerns or their concerns regarding the public interest. They may participate as a Presenter, Participant or Party.

TAKE NOTICE that the Preliminary Hearing date is **peremptory** to all Parties. If you do not attend and identify yourself to the Tribunal, the Environmental Review Tribunal may proceed in your absence and you may 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.

Requirements for Participating in the Preliminary Hearing

The Tribunal will consider requests for Party, Participant, or Presenter status at the Preliminary Hearing. Anyone who wishes to request that the Tribunal grant them Party, Participant or Presenter status should notify the Case Coordinator in writing (or electronically) **by 4:00 p.m. on February 14, 2013**. Please contact the Case Coordinator for further details.

A request for status may also be made at the Hearing provided that the proceeding has not terminated in the interim (whether due to a settlement, withdrawal by the Appellant or revocation of the decision that is the subject of the proceeding).

Accessing Hearing Services

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 service in French, please advise the Tribunal as soon as you receive this letter. Si vous avez besoin de services en français, veuillez contacter le Tribunal de l'environnement quand vous recevrez cette lettre.

Public Access to Documents and the Tribunal Record

Please note that any information or documents you provide to the Tribunal in relation to this case has 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 210 of the Tribunals Rules of Practice.

For more information, please review the appropriate legislation, the Rules of Practice and Practice Directions of the Environmental Review Tribunal, and "A Guide to Appeals under the *Clean Water Act, 2006, Environmental Protection Act, the Nutrient Management Act, 2002, the Ontario Water Resources Act, the Pesticides Act, and the Safe Drinking Water Act, 2002*", all of which are available on the Tribunal's website at www.elto.gov.on.ca.

DATED at **TORONTO**, this **23rd** day of **January, 2013**.



Donna Symonds
Deputy Registrar

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