

IN THE SUPREME COURT OF ONTARIO
COURT OF APPEAL

B E T W E E N :

HER MAJESTY THE QUEEN IN RIGHT
OF ONTARIO AS REPRESENTED BY THE
MINISTER OF THE ENVIRONMENT

- and -

THE JOINT BOARD, ONTARIO HYDRO,
THE REGIONAL MUNICIPALITY OF
OTTAWA-CARLETON, NO TOWERS
FEDERATION, HYDRO CONSUMERS
ASSOCIATION, ENERGY PROBE, AND
DR. LOIS SMITH

NOTICE OF MOTION

HER MAJESTY THE QUEEN in right of Ontario as represented by the Minister of the Environment will make a motion to the Court of Appeal on a date to be fixed by the Court at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

THE MOTION IS FOR leave to appeal from the decision of the Divisional Court dated Friday, February 22, 1985, pursuant to Section 17(1) (a) of the Courts of Justice Act, 1984.

THE GROUNDS FOR THE MOTION ARE as follows:

1. The Divisional Court erred in law in finding that an undertaking within the meaning of the

Consolidated Hearings Act was not specified by Ontario Hydro and, consequently, the Joint Board was acting without jurisdiction at the Plan Stage hearing.

- 2. The Divisional Court erred in finding that the latitude given to the proponent to define his undertaking does not enable him to describe the undertaking without including a geographical location and, therefore, in the case of an undertaking which will ultimately have a geographic location, to postpone the actual selection of a geographic location for the undertaking until an opportunity is given to the public to participate in the decision at a public hearing.

- 3. In the alternative, if the Court were correct in finding that an undertaking was not specified in that the undertaking lacked a geographic location, the Divisional Court erred in not limiting that finding to an undertaking governed by the Consolidated Hearings Act in which one of the Acts consolidated was the Expropriations Act.

- 4. The Divisional Court exceeded its jurisdiction in quashing the Plan Stage Notice and Hearing and

thereby failed to answer questions 4 and 6 in the application by the Joint Board for a stated case.

5. Such further and other grounds as Counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing:

1. The decision of the Divisional Court dated February 22, 1985,
2. The Record filed in the proceedings before the Divisional Court,
3. Such further and other material as counsel may advise and this Honourable Court permit.

March 7, 1985.

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HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO
AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT and THE JOINT BOARD, ET AL.

SUPREME COURT OF ONTARIO
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NOTICE OF MOTION

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