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CH-86-02(F)

ENVIRONMENTAL ASSESSMENT BOARD

IN THE MATTER OF Sections 2 and 3 and
6(3) of the Consolidated Hearings Act,
1981, S.O. 1981, c.20;

- and -

IN THE MATTER OF Section 12(2) of the
Environmental Assessment Act, R.S.O.
1980, c.140;

- and -

IN THE MATTER OF Sections 30, 35 and 38
of the Environmental Protection Act,
R.S.O. 1980, c.141, as amended;

- and -

IN THE MATTER OF Sections 24 and 61(2)
of the Ontario Water Resources Act,
R.S.O. 1980, c.361, as amended;

- and -

IN THE MATTER OF Section 28(3) of, and
Regulation 164 under, the Conservation
Authorities Act, R.S.O. 1980, c.85, as
amended;

- and -

IN THE MATTER OF Sections 22, 34(11),
and 40(12) of the Planning Act, S.O.
1983, c.1, as amended;

- and -

IN THE MATTER OF Sections 62, 64 and 66
of the Ontario Municipal Board Act,
R.S.O. 1980, c.347, as amended;

- and -

IN THE MATTER OF Section 193(5) and Paragraph 84 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, as amended;

- and -

IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act, R.S.O. 1980, c.148;

- and -

IN THE MATTER OF an undertaking of the Regional Municipality of Halton to provide facilities for the purpose of receiving, dumping and disposing of waste as required by section 137 of the REGIONAL MUNICIPALITY OF HALTON ACT, R.S.O. 1980, c.436, as amended, by acquiring the land for, constructing, operating and maintaining a landfill to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton

- and -

IN THE MATTER OF Order-in-Council O.C. 322/87 authorizing a funding panel established by the Environmental Assessment Board to distribute certain funds among eligible citizen group intervenors to the hearing with respect to the landfill site proposed by the Regional Municipality of Halton

BEFORE:

Richard A. Pharand, Q.C.	)	MONDAY, THE 23RD
Chairman	)	DAY OF FEBRUARY, 1987

ORDER

WHEREAS the Environmental Assessment Board (hereinafter called the "Board") under the provisions of Order in Council O.C. 322/87 is authorized to provide funding up to a total of \$30,000.00 in connection with the Environmental

Assessment hearing relative to the Regional Municipality of Halton's undertaking described in the style of cause herein;

AND WHEREAS the Board may distribute and divide said funds among eligible citizens' group intervenors in accordance with the terms and conditions set out in Appendix "A" to the said Order-in-Council (O.C. 322/87);

AND WHEREAS pursuant to a Notice of Hearing dated the 10th day of February, 1987, a hearing to consider requests for intervenor funding was held on the 23rd day of February, 1987;

AND WHEREAS a panel of the Board consisting of Richard A. Pharand, Q.C., heard submissions made by the Milton Area Citizen's Coalition represented by their counsel, Stephen Garrod, Esq., the West Burlington Citizens Group represented by their counsel, Ms. Toby Vigod, and the Advocacy Group for the Environmentally Sensitive represented by Dr. P. Boldrini.

AND HAVING been satisfied that the Milton Area Citizen's Coalition and the West Burlington Citizens Group had met the criteria set out in the said Order in Council and Appendix "A" thereto.

NOW THEREFORE, it is hereby ordered that:

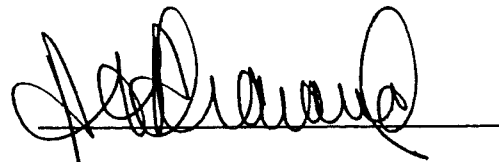
1. An amount up to \$15,000.00 shall be made available to the Milton Area Citizen's Coalition and an amount up to \$15,000.00 shall be made available to the West Burlington Citizens Group, to cover disbursements which are incurred specifically for the purpose of, retaining expert witnesses to prepare reports and give evidence at the hearing on the following terms and conditions:

- i) That the Milton Area Citizen's Coalition shall apply the funds for the purpose of retaining the expert witnesses that they refer to in Exhibit "4" filed at the funding hearing;
- ii) That the West Burlington Citizens Group shall apply the funds for the purpose of retaining the expert witnesses that they refer to in Exhibit "5" filed at the funding hearing;
- iii) Prior to the Milton Area Citizen's Coalition and the West Burlington Citizens Group becoming entitled to receive the funds referred to herein, evidence shall be submitted by both parties to the funding panel confirming that at least \$10,000.00 has been expended by both parties from their own resources for the purposes set out in paragraph 1 (i) and paragraph 1 (ii);

- iv) The funding herein shall not exceed 60% of the disbursements incurred for purposes of retaining the expert witnesses referred to in paragraph 1 (i) and paragraph 1 (ii);
- v) The funding awarded herein is conditional upon the solicitors acting on behalf of both parties rendering their accounts to their clients as if they were retained pursuant to the Legal Aid Act of Ontario;
- vi) The funds payable under this Order shall be payable to the solicitors acting on behalf of both parties in trust;
- vii) Before funding is released, counsel for the Milton Area Citizen's Coalition and the West Burlington Citizens Group shall provide a written undertaking on behalf of their clients to seek costs at the Hearing and apply any amount received towards repayment to the Crown of the monies advanced herein;
- viii) Both parties in consultation with their counsel shall prepare detailed financial plans concerning the conduct of the case. Said plans shall be filed with this funding panel for approval before any funds allocated herein are disbursed;

- ix) At the conclusion of the disbursement of the total monies allocated pursuant to this award, both parties namely the Milton Area Citizen's Coalition and the West Burlington Citizens Group shall submit a report in writing certified to be true and correct to this funding panel setting out the details of said disbursements and supported by copies of all invoices and other documentation relative to the above.

DATED AT TORONTO THIS 23RD DAY OF FEBRUARY, 1987



Richard A. Pharand, Q.C.