

SUPREME COURT OF ONTARIO
(COURT OF APPEAL)

B E T W E E N:

THE JOINT BOARD

Applicant

- and -

ONTARIO HYDRO, HER MAJESTY THE QUEEN
IN RIGHT OF ONTARIO AS REPRESENTED BY
THE MINISTRY OF THE ENVIRONMENT, THE
REGIONAL MUNICIPALITY OF OTTAWA-CARLETON,
NO TOWERS FEDERATION, HYDRO CONSUMERS
ASSOCIATION, ENERGY PROBE, AND DR. LOIS
SMITH,

Respondents

NOTICE OF MOTION

THE Joint Board 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 to the Court of Appeal from the Order by the Divisional Court dated February 22nd, 1985.

THE GROUNDS FOR THE MOTION ARE:

- (a) the Court erred in holding that the undertaking described by the proponent Ontario Hydro could not consti-

tute an "enterprise or activity" or "a proposal plan or programme in respect of an enterprise or activity" within the meaning of s. 1(j) of the Consolidated Hearings Act;

(b) the Court erred in concluding that the Joint Board was acting without jurisdiction and in quashing the Notice of the Plan Stage hearing and the proceedings of the Plan Stage hearing;

(c) the Court erred in failing to answer questions 4 and 6 of the Stated Case;

(d) such further and other grounds as counsel may advise and this Honourable Court permit.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

(a) the decision of the Divisional Court dated February 22nd, 1985;

(b) the Record filed in the proceedings before the Divisional Court;

- 3 -

(c) such further and other material as counsel may advise
and this Honourable Court permit.

March 6, 1985.

IAN G. SCOTT, Q.C.
GOWLING & HENDERSON
Barristers & Solicitors
2 First Canadian Place
Suite 2400, Exchange Tower
TORONTO, Ontario
M5X 1A4

862-8484

Solicitors for the Applicant

TO: CASSELS, BROCK & BLACKWELL
Barristers & Solicitors
Suite 2300, 130 Adelaide Street West
TORONTO, Ontario
M5H 3C2

Attention: B.B. Campbell
Solicitors for the Respondent, Ontario Hydro

AND TO: THE MINISTRY OF THE ENVIRONMENT
135 St. Clair Avenue East
TORONTO, Ontario
M4V 1P5

Attention: D.I. Crocker

AND TO: THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON
222 Queen Street
OTTAWA, Ontario
K1P 5Z3

Attention: E.L. McArthur

AND TO: NO TOWERS FEDERATION
and HYDRO CONSUMERS ASSOCIATION
c/o S. Shrybman
5th Floor,
8 York Street,
TORONTO, Ontario
M5J 1R2

AND TO: ENERGY PROBE
100 College Street
TORONTO, Ontario
M5G 1L5

Attention: David Poch

AND TO: DR. LOIS SMITH
P.O. Box 3395
Postal Station "C"
OTTAWA, Ontario

5

THE JOINT BOARD VS. ONTARIO HYDRO, ET AL.

SUPREME COURT OF ONTARIO
(COURT OF APPEAL)

NOTICE OF MOTION

IAN G. SCOTT, Q.C.
GOWLING & HENDERSON
Barristers & Solicitors
2 First Canadian Place
Suite 2400, Exchange Tower
TORONTO, Ontario
M5X 1A4

862-8484

Solicitor for the Applicant

