

SUPREME COURT OF ONTARIO

(COURT OF APPEAL)

B E T W E E N:

ONTARIO HYDRO

Applicant

- and -

THE JOINT BOARD, 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 FOR LEAVE TO APPEAL

THE APPLICANT, Ontario Hydro, will make a motion to the Court of Appeal, on a date to be fixed by the Registrar, at Osgoode Hall, 130 Queen Street West, Toronto.

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 that the Divisional Court erred in:

1. finding that an undertaking within the terms of Section 1(j) or The Consolidated Hearings Act, 1981, was not specified by Ontario Hydro;
2. finding that the joint board was acting without jurisdiction, and concluding that a further appointment of a joint board is required in order for the hearings on the undertaking to proceed pursuant to The Consolidated Hearings Act, 1981;
3. quashing the notice of Plan Stage hearing and proceedings at that hearing; and in
4. failing to answer questions #4 and #6 of the Stated Case.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing:

1. the decision of the Divisional Court dated February 22, 1985,
2. the documentary evidence included in the Record filed by the Joint Board on the Stated Case to the Divisional Court.

March 8, 1985

Bruce B. Campbell and Laura I. Formosa
of Counsel to Ontario Hydro.

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AND TO: NO TOWERS FEDERATION
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ONTARIO HYDRO

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- and -

THE JOINT BOARD, et al

Respondents

Service Admitted
Mar 8 1985
G. H. [unclear]

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