of its "approving authority" intends to use at the hearing. (the Minister of Energy and Without that approval it could by the inquiry officer who the inquiry. not expropriate. Upon apply- shall inquire into whether the ing for approval Hydro was taking of the lands or any part obliged to give notice to of the lands of an owner or of to be expropriated. Those same lands is fair, sound and request a hearing. Where a achievement of the objectives a party to the inquiry; request for hearing is made an of the expropriating authority. inquiry officer must be ap-

before the date fixed for the therefor. hearing, the expropriating authority shall serve upon combine two or more related the presence of the parties.

parties:

(5) The hearing shall be by

inquiry officer was to fix a inquiry officer's findings of counselor agent; time and place and notify the' fact, and his opinion on the 7. (4) At least five days approval with his reasons dence; and

each party to the inquiry a inquiries and conduct them in enabled Hydro to use the notice indicating the grounds all respects and for all pur-

available for inspection by the authority, each owner who Sections 4, 5 and 6 of The parties any documents, in- notifies the approving author-Expropriations Act required cluding maps and plans, that ity that he desires a hearing in ing authority may in its dis-Hydro to obtain the approval the expropriating authority respect of the lands intended to be expropriated and any owner added as a party by the Resources Management), means of an inquiry conducted inquiry officer are parties to

(9) The inquiry officer, (a) may add any owner whose land would be affected registered owners of the lands more than one owner of the by the expropriation of the lands concerned in the inquiry approve the proposed exproowners were given the right to reasonably necessary in the or any modification thereof as

(6) The inquiry officer shall the inquiry an opportunity to approval with modifications pointed (s. 7, ss. 1, 2 and 3), report to the approving present evidence and argu- shall not affect the lands of a The procedure for the hearing authority a summary of the ment and to examine and registered owner who is not or was set out in s. 7, as follows, evidence and arguments cross-examine witnesses, after providing that the advanced by the parties, the either personally or by his the hearing.

> (d) may inspect the lands (7) The inquiry officer may concerned either alone or in

recommend to the approving received by the approving authority that a party to the authority. inquiry be paid a fixed amount for his costs of the inquiry not to exceed \$200 and the approvcretion order the expropriat- Q.C., was appointed as the in-

Section 8 is also relevant: 8. (1) The approving authority shall consider the report of the inquiry officer and shall approve or not approve the proposed expropriation or priation with such modifications as the approving author-(b) shall give every party to ity considers proper, but an has not been made a party to

(2) The approving authority (c) is not bound by the shall give written reasons for merits of the application for technical or legal rules of evi- its decision and shall cause its decision and the reasons therefor to be served upon all the parties within ninety days after the date upon which the

(10) The inquiry officer may report of the inquiry officer is (See Mr. Meyrick's reasons),

(3) The approving authority shall certify its approval in the prescribed form.

Mr. Donald F. Meyrick, ing authority to pay such costs quiry officer and, pursuant to notices that he caused to be published, the hearing into the expropriation of the subject lands commenced on November 22, 1976.

It should be observed that this hearing did not encompass the entirety of the lands covered by the Order-in-Council. It dealt with only a part; we are told a fourteen mile stretch in the area of Limehouse, Ontario, to the north and west of Metropolitan Toronto.

The hearing that was commenced on Monday, November 22, 1976, continued on a daily basis until Thursday, November 25, 1976, when it was adjourned "to April 4th. 1977, or earlier by either party giving fifteen days' notice".

As required by The Expropriations Act, Hydro served upon the property owners a notice of grounds. This was a lengthy document, some fifteen pages, that contained a lengthy statement entitled "The Objective of the Expropriating Authority". In the

notice of grounds the following

which construction is proceeding linking the Bruce Nuclear

Generating Station near

Douglas Point on Lake Huron)

to the Milton Transformer Sta-

tion (a location near the Town

The purpose and objective of the proposed expropriation is the acquiring of sufficient land or interests therein for a right of way for an electrical transmission line (part) extending from Bradley Junetion, a defined location in the northern portion of Greenock Township in the County of Bruce (which is connected by a right of way already acquired and in respect of

sion's Report.

of Milton) which location is

the following occurs:

also fixed.

The Acton Free Press, Wednesday, March 9 1977 7

In a statement of "objec- for a ruling. They desired to No evidence should be led or tives", included in the notice, know whether the inquiry adduced through crossofficer would permit cross- examination on the initiative This objective (linking of examination and hear evi- of the respondent owners and the Bruce Generation with the dence about alternate routes other interested parties in major transmission facilities for the transmission lines, opposition which would into the south via a transformer After hearing argument, the volve an inquiry into the station at Milton) must be inquiry officer reserved his relative merits of alternative accepted for the purposes of ruling.

these hearings. This involves The hearing thereupon proa direct linkage of Bruce with ceeded. Mr. Arthur Mosher, Milton generally through was Hydro's first witness. He Bruce, Grey, Dufferin, was the manager of the Land Wellington and Halton Use and Environmental Plan-Counties. This aspect of the ning Department, route and system design was accepted site selection division of by Dr. Solandt in the course of Ontario Hydro, and had been the extensive inquiries con- the project planner responducted by him between sible for the planning of the September 13, 1972 and route from Nanticoke Gener-March, 1974. This accepted ating station to Pickering and recommended design has Generating station. He gave a been approved by the Govern- general history leading up to ment of Ontario and is beyond the selection of the recomconsideration in these hear- mended route.

At the conclusion of his testi-A list of documents, maps mony in-chief, the crossand plans intended to be used examination began. During at the hearing was included in the cross-examination, Mr. the notice of grounds. These Meyrick announced that he included the Solandt Commis- was prepared to make a ruling on the question that he had Before the first witness was previously reserved. After called by the Hydro, counsel further argument by counsel, for the property owners asked Mr. Meyrick ruled that:

routes for the desired power

Mr. Meyrick said also: It is clear, however, that important public interests emerge on both sides of the equation, none of which is served by delay. I accordingly recommend that matters be precipitated and that the appropriate officials within the public sector (Hydro and the Province) be authorized and directed to forthwith enter into dialogue with counsel and agents representing the private sector for the purpose of a joint application to Court for an abridgment of time and an early disposition of the

ensuing legal contest. It is the "ruling" that is the subject of this application. I am unaware of any decision that governs or substantially relates to this question.

(Continued on page 13)

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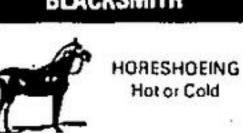
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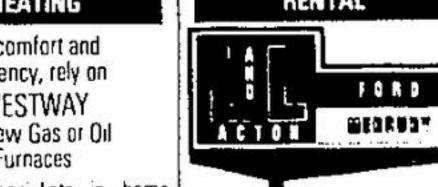
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