



CRC Newsletter

November 3, 2015

HIGH IMPORTANCE!

**CRC Heads to the OMB Pre-Hearing Conference
with Legal Counsel!**

Supporters please attend! And participate!

**OMB Pre-Hearing Conference
on the Hidden Quarry application
next Monday, November 9
Rockmosa Community Centre
10:30 am**

At our CRC Board meeting last night, we agreed that:

- The CRC will be taking part officially as a “party” in the OMB process, representing all our supporters.
- Our position will be that we are opposed, with no provisos, to the application.
- We will request to be a party at the hearing, giving CRC the right to present evidence, question witnesses and make final arguments.
- We have retained the services of lawyer Chris Barnett of DLA Piper in Toronto to represent CRC. Chris Barnett is regarded as a highly competent lawyer in the municipal and environmental fields, with key experience in aggregate cases and OMB hearings. Of particular interest to CRC: Chris represented the Town of Caledon in the defeat of JDCL’s Rockfort Quarry application at the OMB! (Short bio is included below.)

What is the OMB Pre-hearing Conference?

At the OMB Pre-hearing Conference the priority will be the identification of ‘parties’ and ‘participants’. There may also be discussion of issues to be considered, hearing schedules and other practical matters. This may be the first of two or more pre-hearings as this is a complex case. This first Pre-hearing Conference is scheduled for one day beginning at 10:30, but we cannot know how many hours it will take that day.

**This will be your only opportunity to sign up to participate
as an individual in the OMB Hearing.**

See next page: “What is your role at the OMB Pre-hearing Conference?”

Other organizations which will likely be parties at the hearing will include James Dick Construction Limited, Guelph Eramosa Township, and Halton Region. The CRC and CRC lawyer will communicate with each of the municipal governments opposing the application in order to assess issues of common interest, and coordinate, where possible, arguments to be presented to the OMB. (As you know, Milton, Halton Hills, Halton Region and Guelph Eramosa Township Councils all voted unanimously to oppose the Hidden Quarry application.)

What is your role at the OMB Pre-hearing Conference?

There are two ways in which CRC supporters and other individuals or organizations can take part in the OMB pre-hearing and hearing:

1. You can attend any or all sessions of the OMB hearing.

In fact, it is to our advantage to have a strong and concerned community presence at every session, including this first Pre-hearing Conference. Please attend on November 9 to show the OMB we take this very seriously!

2. You can be a “participant” at the hearings.

Participants can make a statement on issues of particular concern to them during the OMB hearings, without the onus of specific expertise, legal representation or required presence throughout the hearing.

Anyone or any organization can be a participant as long as they put their name on the record at this first Pre-hearing Conference on November 9. You do not have to have been recognized as an ‘official objector’ to the JDCL application to MNR. You do not have to speak at the Pre-hearing Conference. You will simply be asked to submit your name and contact details.

Participants should normally be in attendance for this pre-hearing conference. If you cannot be there in person for any reason, you must authorize, in writing, an “agent” to represent you. An agent can be a friend or neighbour or CRC contact or anyone you name. (See sample letter attached.)

The advantage of a large number of residents signing up to be participants is that it underlines the keen interest in the community to have the application turned down. (Participants can withdraw from the process at any time.)

How do CRC and participants inter-relate?

If you sign up as a participant at this Pre-hearing Conference, the CRC is prepared to work with you on your statement and/or to coordinate participants’ statements. When the hearing actually takes place in 6 months or a year (hard to predict at this time), it will be possible to assess the number and content of personal statements which will bolster the CRC case without being repetitive.

Please contact Linda Sword who is the CRC contact for residents looking for information on the OMB hearings or wishing to be contacted about their role as a participant. 519-853-1896 or lsword@crcrockwood.org.

Who is CRC's Legal Counsel?

CRC is very happy to introduce our lawyer, Chris Barnett, to you. We feel that we could not be in better hands, and look forward to this collaboration. Legal Counsel is essential to making a professional case at the OMB. The brief bio below includes many indications that Mr. Barnett's expertise and experience will serve us well as we build the case that will defeat the Hidden Quarry application. DLA Piper Associate, Laura Bisset, who has significant aggregate experience, will work with Mr. Barnett.

Excellent legal counsel comes with a significant cost.

Thanks to your donations, membership payments and participation in fund-raising events CRC has sufficient funds in hand to begin the work, including having legal counsel representing us at the November 9 Pre-hearing Conference and doing the preliminary analysis;

HOWEVER, CRC does not yet have the funds required to retain Counsel and engage necessary expert witnesses throughout the OMB hearing.

We will soon provide you with the financial projections and schedules. AND we will ask you to contribute generously if you wish the CRC to present a strong case to STOP THE HIDDEN QUARRY.

Chris Barnett Short Bio



Chris Barnett is a partner at the firm and practises in the areas of administrative and regulatory law, with a focus on municipal and planning advice and environmental approvals. He is the Chair of the Municipal Law Section Executive of the Ontario Bar Association.

He specializes in providing clients in both the public and private sectors with strategic advice on co-ordinating and addressing the various levels of approvals required for complex projects.

Mr. Barnett advises public sector and community group clients on a broad range of matters, including growth management issues, cultural heritage, parkland dedication/valuations, employment land and aggregate resource policies, as well as ward boundary reviews.

He also advises large landowner groups on Development Charges and cost sharing matters, environmental assessment processes and approvals and the implications of provincial policies and initiatives.

Chris Barnett has been legal counsel for opponents to two high profile quarry proposals which were defeated at the OMB. He acted for the Town of Caledon in the case of the Rockfort Quarry proposal by JDCL and for Citizens' Alliance United for a Sustainable Environment in the case of the "Mega-Quarry" Melancthon proposal.

He has been selected as the 2015 Municipal Law Best Lawyer of the Year (Toronto) by the *Best Lawyers in Canada*, and is "Repeatedly Recommended" in *The Canadian Legal Expert Directory* for Property Development.

Chris appears regularly before the Ontario Municipal Board and municipal councils, and has appeared before Environmental Review Tribunal and all levels of courts in Ontario.