

JOINT BOARD  
THE CONSOLIDATED HEARINGS ACT, 1981  
(S.O. 1981, c.20)

IN THE MATTER OF sections 2 and 3 of The Consolidated Hearings Act, 1981,

- and -

IN THE MATTER OF section 12(2) and (3) of the Environmental Assessment Act, (R.S.O. 1980, c.140),

- and -

IN THE MATTER OF sections 13, 14, 15, 17, 29, 39, 40 and 49 of the Planning Act, (R.S.O. 1980, c.379),

- 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 Ontario Hydro consisting of the planning of, selection of locations for, acquisition of property rights for, and the design, construction, operation and maintenance of additional bulk electricity system facilities in Eastern Ontario consisting of switching and transformer stations, communication and control facilities, transmission lines and related facilities.

C O U N S E L :

Bruce Campbell and Gordon Wilcox	- for Ontario Hydro
D. Crocker	- for Minister of the Environment
J.D. Cameron	- Regional Municipality of Ottawa- Carleton
S. Shrybman	- Michael Nault et al (Hydro Consumers Association)

REASONS FOR ORDER

At the preliminary hearing held in Ottawa commencing November 10, 1981, Mr. S. Shrybman, on behalf of his clients, applied to the joint board for an order for costs to be made prior to the commencement of the hearing. This application was supported by other parties and participants who all indicated that it was necessary to obtain such funds in order to prepare properly for the hearing.

Without commenting on the power of the joint board to award costs of the proceedings in advance of the hearing in favour of one party to be paid by another party under the provisions of section 7 of The Consolidated Hearings Act, it is our opinion that before the joint board takes such an unusual step there must be some special or unique circumstance present. The submissions presented before this joint board did not identify the kind of uniqueness necessary for it to consider issuing such an order.

Therefore, the application for costs in advance is denied without prejudice to any party making further submissions regarding costs later in these proceedings.

Counsel on behalf of Ontario Hydro made application supported by a draft order under Section 5(3) of The Consolidated Hearings Act for an order deferring to a later date to this joint board those aspects of the undertaking other than the approval of an electrical transmission system expansion program for eastern Ontario.

It is our conclusion from the submissions presented that the only reasonable way to proceed with this undertaking is by a phased hearing. ~~The legitimate concerns expressed by these parties and participants opposing such an order can be accommodated by appropriate terms and conditions.~~

Therefore, an order for deferral in accordance with the terms of the draft order as amended is granted.

The joint board at the preliminary hearing received a supplementary notice to the Hearings Registrar dated November 10, 1981 for the addition of section 40 of the Planning Act as part of the consideration on this undertaking. This addition is, in our view, of a minor nature and the style and cause is amended accordingly.

Dated at Toronto  
this 25 th day of  
November, 1981

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B.E. Smith, Chairman

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D.S. Colbourne, Vice-Chairman

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W.E. Dyer, Q.C., Member