

Mayer

CONSOLIDATED HEARINGS BOARD

IN THE MATTER OF Sections 2 and 3 and 6(3) of the Consolidated Hearings Act, 1981, S.O. 1981, c.20;

- And -

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

- And -

IN THE MATTER OF Sections 30, 35 and 38 of the Environmental Protection Act, R.S.O. 1980, c.141, as amended;

- And -

IN THE MATTER OF Sections 24 and 61(2) of the Ontario Water Resources Act, R.S.O. 1980, c.361 as amended;

- And -

IN THE MATTER OF Section 28(3) of, and Regulation 164, under, the Conservation Authorities Act, R.S.O. 1980, c.85, as amended;

- And -

IN THE MATTER OF Section 40(12) of the Planning Act, S.O. 1983, c. 1, as amended, in connection with site plan control of the sanitary landfill site;

- And -

IN THE MATTER OF Section 22(1) of the Planning Act, 1983 in connection with a referral to this Board by the Honourable Bernard Grandmaitre, Minister of Municipal Affairs, on a request by the Regional Municipality of Halton to amend the Official Plan for the Town of Milton to re-designate a parcel of land comprising Part Lots 3 and 4, Concession 2 N.S., in the Town of Milton from "Agriculture" and "Conservation and Hazard Lands" to permit the construction, operation and maintenance of a landfill site, Minister's File No. 24 OP-0208-A01;

- And -

IN THE MATTER OF Section 34(11) of the Planning Act, 1983 in connection with an appeal to this Board by the Regional Municipality of Halton for an Order directing an amendment to By-law 61-85 of the Town of Milton to rezone the lands situated at Lot 3 and Part of Lot 4, Concession 2 N.S., in the Town of Milton from "Agriculture" to permit a regional sanitary landfill site and ancillary uses;

- And -

IN THE MATTER OF Section 15(1) of the Planning Act, R.S.O. 1980, ch.379, in connection with a referral by the Honourable Claude F. Bennett, Minister of Housing on a request by Tremaine Britannia Citizen's

Group for consideration of Part of the Official Plan for the Halton Planning Area with respect to Sections 1 to 5 inclusive, 7, 9 and 10 of Part III D.3 Solid Waste Management, Minister's File No. OPC-0026;

- And -

IN THE MATTER OF Section 64 of the Ontario Municipal Board Act, R.S.O. 1980, c. 347 as amended in connection with an application by the Regional Municipality of Halton for an order approving :

- a) the acquisition of land for the construction, operation and maintenance of a sanitary landfill site to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton and to do so by one of two alternative methods as follows:

- (i) landfilling at the site referred to in Halton's Environmental Assessment as Site F in the City of Burlington;
- (ii) landfilling at the site commonly referred to in Halton's Environmental Assessment as Site D in the Town of Milton

at an estimated cost of \$12,775,000.00 and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and;

- b) the issuance of necessary debentures to a maximum of \$12,775,000.00 for a term not to exceed fifteen years;

- And -

IN THE MATTER OF Section 193(5) and Paragraph 84 of Section 210 of the Municipal Act. R.S.O. 1980, c.302, as amended;

- And -

IN THE MATTER OF Section 6, 7 and 8 of the Expropriations Act, R.S.O. 1980, c.148;

- And -

IN THE MATTER OF the undertaking of the Regional Municipality of Halton to provide facilities for the purposes of receiving, dumping and disposing of waste as required by Section 137 of the REGIONAL MUNICIPALITY OF HALTON ACT, R.S.O. 1980, c. 436, as amended by acquiring the land for, construction, operating and maintaining a landfill to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton;

- AND -

IN THE MATTER OF an application by the Town of Milton for an order allowing the Town of Milton to call further evidence immediately following the application relative to observations in a test pit at proposed Site "D", Milton, by Nicholas Eyles, Ph.D., a Quaternary geologist.

NOTICE OF MOTION

1. The Town of Milton will make a motion to the Board on Tuesday, the 11th day of October, 1988, at 9:30 o'clock a.m. or at such earlier time as the Board may direct on such shorter notice as the Board may direct at the Hearing Office, in the Town of Oakville.
2. The motion is for an order:
 - (a) granting leave to the Town of Milton to call the evidence of Nicholas Eyles, Ph.D, a Quaternary geologist, as to observations in a test pit at proposed Site "D", Milton, as same relate to the hypothesis advanced by Stan Feenstra in the case before the Board;
 - (b) requiring the evidence to be called forthwith after the order of the Board;
 - (c) such further and other order as counsel may advise and the Board may deem appropriate.
3. THE GROUNDS FOR THE MOTION are that the hypothesis placed before the Board by Stan Feenstra, as expert witness for the proponent, is supported by the evidence of Nicholas Eyles,

Ph.D. The applicant will rely upon Section 7(2) and (3) of the Consolidated Hearings Act, 1981, S.O. c. 20 as amended.

4. The applicant will rely upon the evidence of Stan Feenstra to date and will request leave of the Board to file the witness statement of Nicholas Eyles and the photograph attached thereto.



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