

STEPHEN THOM, BARRISTER AND SOLICITOR
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October 15, 2013

By email to boardsec@ontarioenergyboard.ca and by regular mail

Ms. Kirsten Walli
Board Secretary
Ontario Energy Board
2300 Yonge Street
27th Floor. Box 2329
Toronto, Ontario M4P 1E4

Dear Ms. Walli,

Re: Notice of Application for Intervention
James Daniel Black and Marian Arlene Black
File no. EB-2013-0268

I act for James Daniel Black and Marian Arlene Black in this matter and am sending a copy of their Notice of Application for Intervention by email with two hard copies to follow by regular mail

Yours very truly,


Stephen Thom

/tm
Encl.

cc. Jonathan Myers, Torys LLP, Applicant's Counsel
jmyers@torys.com

Scott Stoll, Counsel for the County of Dufferin
sstoll@airdberlis.com

Ontario Energy Board

IN THE MATTER OF the *Ontario Energy Board Act, 1998, S.O. 1998, c. 15 (Sched. B)* as amended (the "Act")

AND IN THE MATTER OF an application by Dufferin Wind Power Inc. ("DWPI") for an Order pursuant to Section 99(5) of the Act granting authority to expropriate land for the purpose of constructing, operating and maintaining transmission and distribution facilities that will connect DWPI's planned Dufferin Wind Farm to the IESO-controlled grid

NOTICE OF APPLICATION FOR INTERVENTION

1. James Daniel Black and Marian Arlene Black (the "Blacks") hereby apply for intervenor status.
2. The Blacks own certain lands, including Lot 22, Concession 3, Old Survey (P.I.N. 33141-0028 (LT)) and Lot 23, Concession 2, Old Survey (P.I.N. 33141-0048 (LT)), that are impacted but this Application.
3. The Blacks reserve their full rights to participate in this proceeding.
4. DWPI has received a Renewable Energy Approval from the Ministry of the Environment for the Dufferin Wind Farm that is currently the subject of an appeal before the Environmental Appeal Tribunal.
5. The Blacks and DWPI are currently engaged in an arbitration proceeding that is scheduled to be heard commencing on November 11, 2013 pursuant to the arbitration provisions of two Leases dated April 15, 2011 between the Blacks and Farm Owned Power (Melancthon) Ltd. that have been assigned to DWPI in which issues include the right of the DWPI to locate Turbines and Facilities on the lands referred to in paragraph 2 including the location of the Buried Electrical Cables on the said lands which are in the same location as the proposed distribution easements referred to in the within expropriation proceedings.
6. Given the arbitration proceedings that were initiated by DWPI by the issuance of a Notice of Arbitration dated July 5, 2013 the Blacks request an order or

directions on the preliminary issue of whether a stay of the the DWPI Application should be granted.

7. As landowners the Blacks seek costs for their participation in this proceeding and request that the Board confirm their eligibility for costs.
8. We request a hard copy of the Application be provided by the Applicant to the Blacks and their legal counsel at the addresses below.
9. The Blacks otherwise and as applicable adopt the positions being taken by the County of Dufferin in its notice dated September 23, 2013.
10. All communications in this proceeding should be copied to:


James and Marian Black
518156 County Road 124
Melancthon, Ontario L9V 1V0

Stephen Thom
Barrister and Solicitor
300-19 Yorkville Avenue
Toronto, Ontario M4W 1L1
Telephone: 416 364-3371

All of which is respectfully submitted.

Dated: October 15, 2013

Stephen Thom
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300-19 Yorkville Avenue
Toronto, Ontario M4W 1L1
Telephone: 416 364-3371
Email: thomsd@sympatico.ca
Counsel for James Daniel Black
and Marian Arlene Black



(Stephen Thom)

To: Board Secretary, Ontario Energy Board
boardsec@ontarioenergyboard.ca

And to: Jonathan Myers, Torys LLP. Applicant's Counsel
jmyers@torys.com

And to: Scott Stoll, Counsel for the County of Dufferin
sstoll@airdberlis.com