

**BISCEGLIA & ASSOCIATES**  
**PROFESSIONAL CORPORATION**

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BARRISTERS - AT - LAW

April 27, 2017

**VIA EMAIL: boardsec@oeb.ca**

Ontario Energy Board  
P.O. Box 2319  
2300 Yonge Street  
27<sup>th</sup> Floor  
Toronto, ON  
M4P 1E4

Attention: Kirsten Walli, Board Secretary

**RE: Henvey Inlet - Application for Leave to Construct Transmission Facilities  
(EB-2016-0310) - Submissions of Jeffrey Hull Relevant to the Proceeding  
in accordance with Decision and Procedural Order No.3 dated 2017-04-26**

We are counsel for Jeffrey Todd Hull ("Mr. Hull").

We write in respect of the above-referenced proceeding and in accordance with paragraph 1 (page 5) of the Decision and Procedural Order No.3 dated 2017-04-26 of the Ontario Energy Board (the "Board") in this matter requiring that Mr. Hull file his "final submissions" relevant to this proceeding by April 27<sup>th</sup>, 2017.

**Promotion of the Use of Renewable Energy Sources Must Be Consistent with the Policies of the Government of Ontario**

The Application is not consistent with the Ontario Government's policies on the conservation of biodiversity in the Province of Ontario. These policies and targets are as outlined in a report released by the Ontario Government titled: "Biodiversity: It's in our Nature - Ontario Government Plan to Conserve Biodiversity 2012-2020" (the "Biodiversity Report") which recognizes the role and responsibility of all areas of the Ontario government to implement plans and policies towards the conservation of biodiversity in the Province of Ontario. As cited on page 6 of the Biodiversity Report, *"...the long-term vision and mission...is the maintenance of healthy, resilient ecosystems"*.

As stated in the website of the Province of Ontario (Ontario.ca), the purpose of the Biodiversity Report is to provide *"A 10-year plan to conserve our province's plant and animal species, land, lakes and rivers, forests, and other ecosystems"*. Furthermore, the Application is contrary to the 15 targets and of the Ontario Biodiversity Council

which was created as a result of the Biodiversity Report and as outlined on the Council's website found at: [ontariobiodiversitycouncil.ca](http://ontariobiodiversitycouncil.ca).

With respect to the above-noted Application, the proposed transmission lines will cut through our client's property that is home to various systems that fall within the ecological classification of land and, further, is inhabited by numerous species: plant, fish, bird, and wildlife. The transmission line would place these ecological systems and species at risk as it would permanently alter, however large or small, their habitat and state.

In addition, the presence of the proposed transmission lines could pose health and safety risks to humans who occupy the affected property. These risks include but are not limited to stray voltage, noise, ice falling from transmission lines, and electrical fields proven to cause health issues.

The Applicant has not accessed Mr. Hull's property and, therefore, has not conducted an environmental assessment of the impact of the proposed transmission lines to the ecological systems, plants, fish, birds, wildlife or humans in the affected area. These considerations are significant and ought not to be ignored as this property is steeped in nature and wildlife. They are the very basis of the Ontario Government's Biodiversity Report and the purpose of the creation of Biodiversity Council. The Biodiversity Report makes it clear that the role and responsibility to preserve and protect biodiversity in our Province belongs to all bodies, sectors, and ministries of the Ontario Government.

The Application ought not to be permitted absent a full and complete environmental assessment showing unequivocally that the environment will not be negatively impacted.

### **No Form of Agreement Offered by Applicant to Mr. Hull as Affected Landowner**

It is clear that the proposed transmission lines and associated structures will have an aesthetic/visual impact on Mr. Hull's property. Poles, structures and multiple transmission lines will cross Mr. Hull's property. This property, in addition to typical zoning, also has an area that is commercially zoned and includes an environmentally protected area. The transmission lines will interfere with the potential uses of the property as it will be aesthetically unpleasing and could potentially interfere with any future intentions of our client. As a result, the property will be devalued. Furthermore, since the property was purchased for its pristine state, the Application would detrimentally affect our client's enjoyment of it.

To-date, Mr. Hull has received no Form of Agreement from the Applicant to address the issues he will encounter as an affected landowner. In fact, it was not until very recently that the Applicant even acknowledged that Mr. Hull is clearly an affected landowner. This serves to further emphasize the haphazard nature in which the Applicant proceeds with this Application. As a result, Mr. Hull cannot provide complete submissions until

such Form of Agreement has been provided and an opportunity has been provided to him to review it.

Accordingly, based on the above, Mr. Hull reserves his right to make further submissions on the Application once the Applicant has provided Mr. Hull with a Form of Agreement as an Affected Landowner to the above-noted Application.

Yours very truly,



**EMILIO BISCEGLIA**

EB/st

c.c. Michael Lesychyn via email: [Michael.lesychyn@oeb.ca](mailto:Michael.lesychyn@oeb.ca)