

Special Edition Stepping Stones



THE DUNTROON QUARRY EXPANSION NEWSLETTER

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Court Dismisses Review of Duntroon Quarry Expansion Decision

A The Duntroon Quarry expansion is going ahead. The expansion process cleared a major legal hurdle today after the Ontario Superior Court of Justice dismissed an application for a judicial review of an earlier decision giving conditional approval to the quarry expansion.

In June of last year, the Consolidated Hearings Board approved Walker Aggregates' application to expand its Duntroon Quarry, but ordered some changes to the proposal the company had submitted.

One of the three members of the board wrote a dissenting opinion to the majority decision, prompting the Niagara Escarpment Commission (NEC) and the Clearview Community Coalition (CCC) to request a judicial review. The NEC and the CCC supported the dissenting opinion and argued points in favour of this opinion in their application for a judicial review.

The application was heard before three judges of the superior court on April 25, 2013.

In issuing the decision to dismiss the judicial review application, the court concluded, "The decision of the majority Joint Board reveals no legal error and is reasonable, given the governing legislation and policies, and evidence before it." The court also noted that the board "reached a decision within the range of reasonable outcomes," and further went on to state,

"The problem with the NEC's approach to the majority decision is that it carves out passages from the majority reasons and urges the Court to view them in isolation. That is not a proper approach to view a tribunal's decision. Rather, the reasons must be read as a whole and in the context of the record."

The court has directed the NEC to pay legal costs to Walker Aggregates of \$15,000, and jointly to the County of Simcoe and Clearview Township of \$5,000.

"This is a great day for us, especially for the Duntroon Quarry employees and for the many individuals and businesses that will be supported economically by the quarry expansion," says Walker Aggregates' vice-president Ken Lucyshyn. "We are very grateful for the support we've received during the long legal process to get the expansion approval – from our employees, Clearview Township, Simcoe County, our neighbours, customers and suppliers, local businesses, the Ministry of Natural Resources, Ministry of the Environment, and many, many others."

Lucyshyn says there is still plenty of work to be done before the quarry expansion can go ahead, including obtaining permits, finalizing a financial security arrangement with Clearview Township, and finalizing the Adaptive Management Plan for the quarry expansion.



The Duntroon Quarry is operated by Walker Aggregates Inc., a division of Walker Industries.

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