# Environmental Review Tribunal
Tribunal de l'environnement

**ISSUE DATE:** July 05, 2019 **CASE NO:** 19-012

**PROCEEDING COMMENCED UNDER** section 140(1) of the *Environmental Protection Act,* R.S.O. 1990, c. E.19, as amended

| | |
|---|---|
| Appellant: | ArcelorMittal Dofasco MP Inc. (File No. 19-011) |
| Appellant: | ArcelorMittal Canada Inc. (File No. 19-012) |
| Respondent: | Director, Ministry of the Environment, Conservation and Parks |
| Subject to appeal: | Order to provide supporting information related to two discharges |
| Reference No.: | 6051-B9TJYF |
| Property Address/Description: | 1495 Burlington Street East, Dofasco Bayfront Plant Gate 10 Lot 2 Concession Broken Front |
| Municipality: | City of Hamilton |
| ERT Case No.: | 19-012 |
| ERT Case Name: | ArcelorMittal Canada Inc. v. Ontario (Environment, Conservation and Parks) |

**Heard:** March 21, 2019 by telephone conference call and in writing

**APPEARANCES:**

| **Parties** | **Counsel** |
|---|---|
| ArcelorMittal Dofasco MP Inc. and ArcelorMittal Canada Inc., operating as ArcelorMittal Dofasco G.P. | Rosalind Cooper |
| Director, Ministry of the Environment, Conservation and Parks | Nadine Harris |

**DECISION DELIVERED BY MARLENE CASHIN AND JUSTIN DUNCAN**

**REASONS**

**Background**

[1] These are the reasons of the Environmental Review Tribunal ("Tribunal") for its Order dated May 1, 2019, dismissing a motion by ArcelorMittal Dofasco MP Inc. and ArcelorMittal Canada Inc., operating as ArcelorMittal Dofasco G.P. ("Appellants") for a stay of the decision of the Director of the Ministry of the Environment, Conservation and Parks ("MECP") to issue Order No. 6051-B9TJYF, dated March 8, 2019 ("Director's Order"). This decision also, at the request of the Appellants and with no objection from the Director, dismisses appeals 19-011 and 19-012.

[2] The Appellants own and operate a steel mill located at 1495 Burlington Street East, in Hamilton, Ontario ("Site"). Operations at the Site include the production of molten iron by using blast furnaces. Blast furnaces are equipped with "bleeders", which are pressure relief valves designed to open when excess pressure occurs in a blast furnace. When a bleeder opening takes place, it results in a spill to air of untreated or partially treated blast furnace gas.

[3] The Director's Order, which confirms the March 5, 2019, Provincial Officer's Order of Officer Adrienne Clark, requires that the Appellants provide certain information to the MECP in respect of two bleeder openings from #4 blast furnace, which occurred on February 1, 2019 and February 25, 2019, including the following:

- A report on the blast furnace bleeder openings detailing the time, location, processes and tasks involved;
- Development of a root cause map revealing the cause of the bleeder openings;

- Preparation of a response plan containing recommendations to prevent or mitigate bleeder openings and a timeline for the implementation of such measures;
- Provide staff shift comments and logs kept leading up to and following bleeder openings;
- Provide a list of staff present during bleeder openings, including their names, titles and responsibilities;
- Provide any environmental camera footage of the bleeder openings.

[4] The Director's Order contains a compliance date of March 15, 2019 for the Appellants to provide the above information to the MECP.

[5] In response to the Provincial Officer's Order, the Appellants had provided some of the information requested but refused to provide the root cause analysis specifically on the basis of privilege.

[6] A third spill to air from a blast furnace at the Site occurred subsequent to the Director's Order, in March 2019, but is not the subject of the Director's Order before the Tribunal in this proceeding.

[7] On March 21, 2019, the Tribunal held a telephone conference call, at which time the Tribunal, on consent of the parties, issued an oral order granting an Interim Stay of the Director's Order until April 30, 2019. The Interim Stay allowed the Parties time to file submissions on a motion to be filed by the Appellants requesting a stay of the Director's Order pending the outcome of the appeals.

[8] Motion materials were subsequently filed by the Parties and considered by the Tribunal.

[9] By Order dated May 1, 2019, the Tribunal refused the Appellants' request for a stay of the Director's Order and dismissed the motion. These are the reasons for that Order.

[10] As noted above, this decision also dismisses the appeals at the request of the Appellants.

**Issues**

[11] The issues are:

1. whether s. 143(3) of the *Environmental Protection Act* ("*EPA*") prevents the Tribunal from issuing a stay in this case;
2. whether the Tribunal should grant a stay of the Director's Order pending the resolution of the appeals; and
3. whether the Tribunal should dismiss the proceedings.

**Relevant Legislation and Rules**

[12] The relevant legislation and rules are:

*Environmental Protection Act*

> 143(3) The Tribunal shall not stay the operation of a decision or order if doing so would result in,
>
> (a) danger to the health or safety or any person;
>
> (b) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it; or
>
> (c) injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

Tribunal *Rules of Practice and Practice Directions* ("*Rules*")

> 110. The Party shall provide evidence and submissions in support of its motion respecting:
>
> (a) how the relevant statutory tests that are applicable to the granting or removal of a stay are met;
>
> (b) whether there is a serious issue to be decided by the Tribunal;
>
> (c) whether irreparable harm will ensue if the relief is not granted; and
>
> (d) whether the balance of convenience, including effects on the public interest, favours granting the relief requested.

> 199. Where there has been a proposed withdrawal of an appeal agreed to by all Parties and the decision under appeal is not altered by a settlement agreement, a proposed withdrawal of an application, or a proposed revocation of an order made under section 74 of the *Ontario Water Resources Act*, the Tribunal shall issue a decision dismissing the proceeding.

**Discussion, Analysis and Findings**

[13] The Director relies on the evidence contained in the affidavit of Provincial Officer, Ms. Clark, who issued the Provincial Officer's Order that is the subject of this proceeding, sworn April 16, 2019 ("Clark Affidavit"), which includes:

- Provincial Officer's Order and Provincial Officer's Report Number 6051-B9TJYF dated March 5, 2019;
- Photograph Log of February 25, 2019 Event;
- Hamilton Spectator Newspaper Article re February 25, 2019 Event;
- Director's Order Number 6051-B9TJYF dated March 8, 2019;
- Detailed Root Cause Analysis Report for March 23, 2017 Event;
- C & I Environmental Incident Reporting CIM-7294-0060 – June 27, 2018;
- Reaction to Pollution Changes IM-7294-0230 - February 15, 2017;
- Photograph Log of March 29, 2019 Event; and
- Information Provided by Appellant for March 29, 2019 Event.

[14] In support of their submissions that a stay should be granted, the Appellants rely on the affidavit of John Lundrigan, General Manager – Environment at ArcelorMittal Dofasco G.P., sworn April 2, 2019 ("Lundrigan Affidavit 1") which includes:

- an excel spreadsheet containing information on the event that occurred on February 1, 2019;
- an excel spreadsheet file containing information on the event that occurred on February 25, 2019; and
- samples of notifications sent to local residents and the MECP.

[15] The Appellants also rely on the affidavit of John Lundrigan sworn April 24, 2019 ("Lundrigan Affidavit 2") and the affidavit of Neil Turchyn, Senior Counsel with ArcelorMittal Dofasco G.P., sworn April 24, 2019 ("Turchyn Affidavit").

**Issue 1: Whether s. 143(3) of the *EPA* prevents the Tribunal from issuing a stay in this case**

[16] The Tribunal has the jurisdiction to stay the operation of certain decisions and orders; however, s. 143(3) of the *EPA* prohibits the Tribunal from staying the operation of an order if doing so would result in: danger to the health or safety of any person; impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it; or injury or damage or serious risk of injury or damage to any property or to any plant or animal life.

[17] Both the Director and the Appellants take the position that s. 143(3) of the *EPA* does not prevent the Tribunal from issuing a stay of the Director's Order in this situation.

[18] The Appellants submit in this regard:

> Specifically, there is no indication that failure to complete the items in the Order would result in (a) danger to the health or safety of any person; (b) impairment or serious risk of impairment of the quality of the natural environment for any use that can be made of it; or (c) injury or damage

> or serious risk of injury or damage to any property or to any plant or animal life.

[19] The Director notes that while there is concern about delay in obtaining the information required by the Director's Order, "especially in light of the third spill to air from the blast furnaces which occurred in March 2019", based on current information, s. 143(3) of the *EPA* does not bar the Tribunal from granting a stay.

[20] Having considered the Parties' evidence and submissions on this point, the Tribunal finds that it is not precluded under s. 143(3) of the *EPA* from issuing a stay of the Director's Order in this situation.

[21] The Tribunal now moves to an examination of the elements listed in Rule 110 relating to evidence and submissions in support of a motion for a stay.

**Issue 2: Whether the Tribunal should grant a stay of the Director's Order pending the resolution of the appeal**

[22] The onus is on the party requesting the stay, in this case the Appellants, to establish that the granting of a stay is warranted. The test for a stay of an order that is not subject to a statutory bar, is set out in Rule 110(b) to (d), which mirrors the three-part test for a stay established by the Supreme Court of Canada in *RJR MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311 *(*"*RJR MacDonald*").

[23] In order to be granted a stay, the Appellants must show that: (a) there is a serious issue to be decided; (b) irreparable harm will occur if the relief is not granted; and (c) the balance of convenience, including effects on the public interest, favours granting the relief requested.

[24] The Appellants submit that they have met their onus to show that a stay is justified, as there is no urgency or need for the MECP to obtain the information being sought pending a hearing of the appeals, and note that "bleeder openings have occurred since the first blast furnaces were installed at the Facility in the 1950s and there is nothing pressing or unusual about the Events" that are the subject of these appeals.

[25] The Director concedes that there is a serious issue to be tried but submits that the Appellants have presented insufficient evidence to show that any irreparable harm would result from denying the stay, and that even if the Appellants were to establish irreparable harm, the public interest greatly outweighs any harm to the Appellants, such that the balance of convenience is in favour of denying the stay. The Director takes the position that the Appellants have not met their onus under Rule 110 to show that a stay is justified. The Director requests that the motion be dismissed as a result.

*Serious Issue*

[26] On the first part of the three-part test, the Appellants submit that there is a serious issue to be decided. The Director concedes that the Appellants' appeals raise a serious issue to be decided by the Tribunal. Both Parties cite *Limoges v. Ontario (Ministry of the Environment)*, [2007] O.E.R.T.D. No. 14 *("Limoges")* for the submission that, at this stage of the test, there is a low threshold intended only to rule out claims that are frivolous or vexatious.

[27] The Tribunal agrees with the Parties that the Appellants have raised serious issues to be tried in their Notice of Appeal.

*Irreparable Harm*

[28] On the second prong of the three-part test, the Appellants submit that they will suffer irreparable harm if they are required to comply with the Director's Order while the

appeals progress. If required to produce the information that is being sought by the MECP, the Appellants say, it could lead to "incorrect conclusions" about the bleeder openings, and could result in future enforcement action including the laying of charges, and that once the Appellant discloses the information sought, the appeals will be rendered moot.

[29] The Appellants also say that they will be prejudiced because some of the information sought is subject to a claim of legal privilege, that disclosure of the information would mean that the legal privilege would be lost without the benefit of a hearing, and that the "prejudice cannot be undone" even if the Appellants are successful on their appeal. Specifically, the Appellants say, a "root cause analysis" sought by the Director was prepared under privilege, and such investigation reports contain speculation and hypotheticals not intended for third party review.

[30] The Appellants further submit that they will be prejudiced if required to produce the information sought, because the information would be subject to public access to information, which could provide the Appellants' competitors with sensitive and confidential information regarding the Appellants' operations. The Appellants submit that there is no means of undoing this harm if they are later successful on their appeal, and no means for them to be compensated for the loss.

[31] In response, the Director submits that the Appellants have failed to substantiate any of the claims of prejudice with evidence beyond the "bald assertions in the affidavit of Mr. Lundrigan", and that the specific examples of prejudice raised by the Appellants do not amount to irreparable harm, if the Director's Order is not stayed. Specifically, the Director says:

> The possibility that the Appellant's appeal might be rendered moot does not amount to irreparable harm. The Tribunal has held that under the *EPA*, appellants are not entitled to have their appeal determined before they are required to comply with the requirements of an order.
>
> The alleged prejudice to the Appellant that "incorrect conclusions" could be drawn from the required information resulting in future abatement or

> enforcement action does not amount to irreparable harm. There are sufficient legal safeguards available to the Appellant to challenge any such potential action including an appeal to the Tribunal and challenges to the admissibility of evidence in a hypothetical future prosecution.
>
> The assertion by the Appellant that some of the information required by the Director's Order is protected by privilege is not supported by any evidence and does not discharge the Appellant's burden to prove irreparable harm. Furthermore, the reports and information required by the Director's Order cannot be privileged, based on their nature and the circumstances of their creation.
>
> Finally, the assertion that information provided to the Ministry cannot be protected from further disclosure to third parties, including the Appellant's competitors, is incorrect and cannot ground a claim of irreparable harm. The *Freedom of Information and Protection of Privacy Act* ("FIPPA") protects certain third-party information supplied to the Ministry in confidence from release to the public.

[32] The Director further submits that, although the Appellants' submissions assert that "substantial prejudice" to the Appellant will occur if the stay is not granted, an appellant is required to put forward specific evidence of irreparable harm, and it is not sufficient to merely suggest that a *risk* of irreparable harm is possible. To support that submission, the Director cites *Baker v. Ontario (Ministry of the Environment),* [2013] O.E.R.T.D. No. 21 ("*Baker*") at para. 81 where the Tribunal said:

> The Tribunal has consistently held in previous cases that appellants must demonstrate that irreparable harm would in fact occur if a stay is not granted. In other words, an unsubstantiated claim or proof of a risk of irreparable harm is not sufficient to meet this part of the test for a stay.

[33] The Appellants, in reply to the responding evidence and submissions of the Director, say that concern regarding future enforcement action by the MECP "is a real and substantial concern, not merely a hypothetical, as evidenced from the number of charges laid and the penalties imposed against AMD". They rely on the evidence contained in the Turchyn Affidavit to reiterate that the ability to appeal future orders does not address the concern that once information requested by the MECP is provided, it is very difficult for the Appellants to challenge or control the use of the information. The Appellants submit that the ability to challenge the admissibility of evidence in prosecutions is "greatly constrained, if not unavailable".

[34] The Appellants also rely on the Turchyn Affidavit to dispute the Director's assertion that there can be no irreparable harm because the report requested is not a privileged document, and say there is no evidence, as suggested by the Director, that the Appellants are attempting to shield documents "because an internal investigation was commenced" and "a lawyer might have been involved". The Appellants say that evidence in Lundrigan Affidavit 2 confirms that the document over which privilege is claimed was not created routinely in this case, and that the Appellants' policy related to the conducting of investigations has changed. They submit that because similar information was generated in the past for other purposes does not mean that the Appellants are obliged to continue to generate such information, or to produce that information in the format formerly received by the MECP.

*Findings on Irreparable harm*

[35] The Appellants raise various arguments under this part of the test.

[36] First, the Appellants have submitted that if required to produce the information being sought by the MECP, it could lead to "incorrect conclusions" about the bleeder openings and could result in future enforcement action including the laying of charges. However, the Appellants have provided no evidence regarding reasons for, or likelihood of, "incorrect conclusions" being drawn if the information being sought by the MECP is divulged. The Tribunal notes that although Mr. Turchyn says that "in the past 6 years charges have been laid against AMD in connection with various environmental matters", this is not evidence that a prosecution will take place in this instance, and does not amount to evidence of irreparable harm in any case. The Tribunal finds that the spectre of law enforcement is a matter separate from this proceeding and cannot amount to irreparable harm in this context.

[37] Second, the Appellants submit that once they disclose the information sought, the appeals will be rendered moot. The Director argues that the Appellants are not entitled to have their appeals decided before they are required to comply with the requirements of the Director's Order. The Tribunal finds that the mootness of the Appellants' appeals is a valid concern and rises to the level of harm that can be qualified as irreparable. Not all cases where an order deadline falls before the hearing date will automatically qualify as showing irreparable harm based on mootness. However, in this situation, where the document production order deadline for compliance falls before the date of a hearing deciding if and which documents ought to be produced, mootness equates to irreparable harm. Tribunal will be able to hold and determine the hearing on its merits.

[38] Third, the Appellants claim that privilege will be violated if they are required to provide a root cause map analysis to the Director. The Tribunal finds that the evidence and submissions on the privilege claimed is thin. Lundrigan Affidavit 1 refers to the document as follows: "[O]ne of the documents that the Ministry was seeking from AMD and which AMD refused to produce was a root cause analysis which was prepared under privilege." Mr. Lundrigan does not specify if the privilege being claimed is "solicitor-client privilege", "litigation privilege" or another form of privilege protected at law. The other very brief references to the document in Lundrigan Affidavit 1 relate to Mr. Lundrigan's opinion on the prejudice that would result if the document were to be divulged, but no further detail was included on the production of the document, or how the process of creating the document has changed, as is alleged by the Appellants.

[39] In the Reply materials submitted by the Appellants, two further Affidavits, which referenced the document over which privilege is claimed, were produced (Lundrigan Affidavit 2 and the Turchyn Affidavit). In Lundrigan Affidavit 2, the entirety of the information regarding the document over which privilege is claimed is as follows:

> While it is correct that, in the past, AMD completed certain investigations and studies in connection with bleeder openings, that practice has since changed. In particular, legal counsel is involved in directing and

> requesting information. AMD no longer conducts such investigations and studies as a routine matter.

[40] In the Turchyn Affidavit, the entirety of the evidence regarding the document over which privilege is claimed is as follows:

> AMD is claiming both solicitor-client privilege and litigation privilege over certain information. I specifically requested that an investigation be conducted to determine the causes of certain events and that a report be prepared to enable me to provide AMD with legal advice in relation to numerous matters, including the potential for regulatory charges, as well as potential civil actions and other legal proceedings in relation to the incidents that occurred.

[41] While not questioning the veracity of the evidence contained in either of the Affidavits of Mr. Lundrigan or Mr. Turchyn on this matter, the Tribunal notes that neither affidavit contains a date upon which the change of process regarding the production of "root cause analysis reports" took place or how or why this change took place. The Tribunal finds that insufficient specificity has been provided to ground a claim of privilege that is protected at law and no submissions have been made that reveal how a claim of privilege has been met in this case or how such privilege amounts to irreparable harm.

[42] In summary, the Appellants have demonstrated that irreparable harm will result in the specific circumstances of this case should the Director's Order not be stayed.

*Balance of Convenience*

[43] The third prong of the Rule 110 test involves an examination of "whether the balance of convenience, including effects on the public interest, favours granting the relief requested." This requires a consideration and weighing of the respective harms that will be suffered by the Parties.

[44] The Appellants submit on the balance of convenience, in part, that:

> There is no urgency or need for the Ministry to obtain the information being sought pending a hearing of the appeal. The Ministry has been provided with information by AMD in relation to the Events and that information is sufficient to understand the Events.
>
> The Events are not new or unprecedented occurrences in respect of which information is unknown by the Ministry. Bleeder openings have occurred since the first blast furnaces were installed at the Facility in the 1950s and there is nothing pressing or unusual about the Events.
>
> The reaction from the community and the complaints received in relation to the Events are no different than other bleeder openings and, in fact, less than some other bleeder openings that have occurred in the past.
>
> Given that there is no imminent risk to human health or the environment that the Order seeks to or can remedy, and the clear prejudice and irreparable harm to AMD, the balance of convenience favours a granting of the stay.

[45] The Director, on the other hand, submits that the Appellants have reported nine bleeder openings since 2015 caused by excess pressure build-up in the blast furnace and that comparable facilities in Ontario have not reported any bleeder openings for excess pressure in that same time period. The Director submits that three bleeder openings in February and March 2019 suggests that there is an urgency in obtaining the information contained in the Director's Order in order to determine whether measures can be taken to reduce the frequency of openings and resulting spills to air. The Director submits that the public interest consideration at this step of the Tribunal's analysis weighs in favour of refusing to grant a stay in this matter as a result.

[46] The Director cites *Baker*, for the proposition that a significant factor that the Tribunal must consider in weighing the balance of convenience is the harm to the public interest. The Director notes that the Tribunal in *Baker* also cited the language of the *RJR MacDonald* case regarding the public interest as follows, "[i]n the case of a public authority, the onus of demonstrating irreparable harm to the public interest is less than that of a private applicant".

[47] The Director also submits that:

> Granting the stay in this case would substantially harm the public interest by delaying the Ministry's ability to collect the information necessary to determine what caused the spills to air in February 2019 and whether the Appellant has taken sufficient steps to minimize the likelihood of reoccurrence. It would also delay any further abatement action that might be required to protect the environment.
>
> These incidents result in the discharge of untreated or partially treated blast furnace gas to the environment. The untreated gas contains products of incomplete combustion and particulate which may be made up of materials charged into the furnace, namely iron oxide, coke, coal and limestone. The release of this gas and particulate to the environment may cause an adverse effect such as particulate fallout to property. It is therefore critical that the Ministry get this information as soon as possible to be able to review, assess, and determine the appropriate courses of action based upon that information.
>
> The urgency of obtaining this information is further heightened given the occurrence of a third incident on March 29, 2019. This underlines the public interest in ensuring that the Ministry has the information it requires to protect the environment and the community.
>
> The public interest in addressing these spills is further highlighted by the public attention that these events have attracted. Members of the local community have contacted the Ministry to voice their concerns related to the visible plume of emissions that resulted from one of the spills. The incident was sufficiently serious to warrant attention by local news media.

[48] The Tribunal finds that the balance of convenience is not in the Appellants' favour on this motion. While the Appellants seek to minimize the fact that there were two spills to air from the same blast furnace in the month of February 2019, and that a third spill at the Site occurred subsequently in March 2019, by arguing that bleeder openings are a fairly regular occurrence at blast furnaces, the Tribunal finds that the evidence is that although bleeder openings occur at blast furnaces, the frequency of occurrence at the Appellants' site appears to be greater than with other similar facilities in the Province and that there appears to have been a spike in such openings in February and March of 2019. The Appellants submitted that periodic bleeder openings are part of normal operations and acknowledge that two incidents in a month is unusual. Three such incidents in the span of two months is more unusual still and cannot be characterized as "periodic".

[49] The Tribunal also finds that the information required by the Director's Order will assist the MECP and the Appellants in determining whether measures can be implemented to reduce the specific number of such incidents, and to determine if there were any factors that contributed to the spike in recent incidents which can be addressed in future.

[50] The recent spike in incidents suggests that there is a level of urgency to having such the documents required by the Director's Order provided to the Director to allow for an assessment as to whether incidents can be managed or prevented in future.

[51] Although the Tribunal has already determined that the level of risk associated with the Appellants' bleeder openings does not rise to the level that s. 143(3) of the *EPA* would operate to prevent the Tribunal from issuing a stay of the Director's Order, the Tribunal finds that weighing the public interest in having the Appellants provide the information as required by the Director's Order against the potential for mootness of the Appellants' appeal, the balance of convenience favours the Director in this case. In making this finding the Tribunal has considered the purpose of the *EPA* as a whole and which is set out explicitly in s. 3 of the Act which states that the purpose of the Act is to provide for the protection and conservation of the natural environment.

[52] Therefore, the Tribunal finds that, with regard to the third branch of the Rule 110 test, the balance of convenience is in the Director's favour.

**Conclusions on Motion for Stay**

[53] The Tribunal finds that it is not precluded under s. 143(3) of the *EPA* from issuing a stay of the Director's Order in this situation. The Tribunal finds as well that, although there is a serious issue to be decided and the Appellants have shown that irreparable harm will result if the stay is not granted, the balance of convenience, including effects on the public interest, does not favour granting the relief requested by the Appellants.

**Issue 3: Dismissal of the Proceeding**

[54] By letter to the Tribunal, dated May 29, 2019, Counsel for the Appellants, Rosalind Cooper, conveyed the Appellants' intention to withdraw the appeals of the Director's Order, and advised that the Director had no objection to the withdrawal of the appeals.

[55] Counsel for the Director, Nadine Harris, confirmed by email message to the Tribunal, dated May 30, 2019, that the withdrawal was agreed to by the Director, and that the withdrawal would take place pursuant to Tribunal Rule 199, as the Director's Order under appeal would not be altered by a settlement agreement.

[56] As the Director's Order is not altered by the Appellants' withdrawal of the appeals and the withdrawal of the appeals is agreed to by all parties, the Tribunal finds that that in accordance with Rule 199, the proceedings should be dismissed.

**DECISION**

[57] The Tribunal refuses the Appellants' request for a stay of the Director's Order. The motion is dismissed.

[58] The Tribunal accepts the withdrawal of the appeals and the proceedings are dismissed.

*Stay Refused*
*Motion Dismissed*
*Appeals Withdrawn*
*Proceedings Dismissed*

*"Marlene Cashin"*

MARLENE CASHIN
MEMBER

*"Justin Duncan"*

JUSTIN DUNCAN
VICE-CHAIR

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.