

# Is there a Remedy for People Suffering, Health Issues, Financially, etc. from Industrial Wind Turbines in Ontario – approximately 7700 planned for Ontario

“Congratulations to Trish and Shawn Drennan!”

The Goderich Superior Court Room was filled to capacity when Shawn and Trish Drennan went to Court on January 19<sup>th</sup> to reverse the negative impact that the 140 Industrial Wind Turbine Project (K2), two transformer stations and several transmission lines have on their family, home and their Heritage Farm operation.

They put a compelling and sensible case together and spoke with passion and the strength of truth behind their words. One comment was that some felt they were witnessing an important step in this fight. I heard, from a lawyer, “that a lawyer could not have done a better job in arguing the case”. Most felt the judge *really* got it and it was in no small part because of the time, work, expense and personal sacrifice they both have given to their case to put the facts on the table.

Shawn, “presented himself”, and told the court that the government has created an impossible barrier when he has to prove “Serious Harm to human health” at an Environmental Review Tribunal (ERT), when the turbines have not been installed or in operation yet. The ERT appeals and Divisional Court Hearings occur prior to the IWTs becoming operational. The Divisional Court also confirmed that the ERT’s lack the jurisdiction to determine the validity of section 47.5 of the Environmental Protection Act (EPA) and its constitutionality. In addition, to date, there appears to be no definition for the term “Serious Harm” even after all the ERT’s, Judicial Reviews and Divisional Court cases here in Ontario.

Shawn declared that the many witnesses who have come forward to testify that they have been harmed by turbines all over this province have not been given the gravity and respect they deserve for putting their testimony forward. Shawn told the hearing that the government and K2 knew the turbines will harm people even before wind project proposals and permits went ahead. The Canadian Wind Energy Association (CanWEA) lobbied the government to remove Infra and Low Frequency Sound regulations and testing when the Green Energy Act was written and this requirement was subsequently removed. If Judge Raikes had asked, at least half or more of the people in the court room that day could have stood up and said, “*I am the evidence of harm from Industrial Wind Turbines (IWTs).*”

Shawn told the hearing that the difference between then, (ERT Hearings prior to operation) and now (May 29 2015), is that now the switch has been turned on, and the IWT’s are operational and we are being harmed.

Judge Raikes challenged K2 and the MOE to tell him what remedy the Drennans have besides more time in court. We all watched them try to answer to no avail, because as was pointed out the only remedy right now is to move away. “Most people do not want to move away to begin with but do so to regain health. They are often penalized yet again when they have to lower the sales price to even get the home sold.

When Judge Raikes looked at the K2 lawyer, Mr Bredt, the judge tried to paraphrase what the lawyer had just said to him, “ So, the Drennans went to the ERT and Divisional Court, have complained to MOE, and still have no remedy, so it’s tough luck for them? Bredt replied, “Yes.” which drew gasps of disbelief from the full gallery of people who attended.

When it came time to argue about who should be named as defendants in the Charter Challenge; K2 and /or govt., it was interesting to watch the judge see both parties try to **throw each other under the bus**.

Those in attendance are waiting to hear Judge Raikes’ decision and keep their fingers crossed that Shawn and Trish can move forward in finding a remedy for the harm they have experienced. This hearing has implications for property owners and people living within at least a 10 km radius of a turbine project here in Ontario.

**Thank you, on behalf of a whole lot of us in Ontario.**

*Dave Hemingway, Reporter, The Landowner with files from Lorrie Gillis*