

Ontario
Municipal
Board

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Commission des
affaires municipales
de l'Ontario

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#18
SUPP.#1

October 10, 2002

Mr. Gary Nichols
Nichols Gravel Limited
P.O. Box 172
DELHI, On N4B 2W9

Dear Mr. Nichols:

Re: OMB Case No.: PL990656
OMB File No(s): Z990094 and M000002
Former City of Nanticoke

Thank you for your letter of September 20, 2002 noting your concerns about the issuance of a license under the *Aggregate Resources Act*.

The Board's Decision on this matter was issued on April 3, 2001. The Board's final Order issued July 25, 2001 amending Zoning By-law 1-NA86 and directing the Minister to issue a Class 'A' license subject to certain conditions noted in the Order. The Ministry of Natural Resources is responsible for the issuance of the license in compliance with, and/or fulfillment of the conditions imposed by the Board.

The *Aggregate Resources Act*, subsection 11(15) provides that a decision or order of the Board cannot be reviewed under the Board's powers under section 43 of the *Ontario Municipal Board Act* or section 21.2 of the *Statutory Powers Procedure Act*. The Board is therefore unable to intervene further in this matter.

Yours truly,

Joanne Hayes
Senior Case Manager

cc: The Hon. Ernie Eves, Premier of Ontario
The Hon. David Young, Attorney General
Ministry of Natural Resources, Paul Cutmore
Ministry of the Environment, Paul Odom, Supervisor, Water Resources, West Central Region