

PROPERTY TRESPAS 2:00PM  
TO OBTAIN INFORMATION FOR  
THIS STOP WORK ORDER SERVED 2:15PM.

S.I.N.

The Aggregate Resources Act  
Loi sur les ressources en agregats

5	09	2002
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Licensee/Permittee / Titulaire du permis/de licence <b>NICHOLS GRAVEL LIMITED</b>		Type of Operation / Type d'exploitation <b>Illegal Quarry</b>
Address <b>P.O. Box 172, DELHI, ONTARIO N4B 2W9</b>		
Property Description (Lot, Concession, Municipality) / Description de la propriété (lot, concession, municipalité) <b>14 LOTS 10-12, CONC. 12, CITY OF NANTICOKE</b>		
Property Owner and Address / Nom et adresse du (de la) propriétaire		Extraction Agreement Valid? / L'entente d'extraction est-elle valide? <input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non <input type="checkbox"/> N/A / S/O
Accompanied by / Accompagne(e) par		

Take notice that you are required to immediately comply with the following instructions regarding the operation of your Pit or Quarry. Prenez note que vous devez vous conformer aux directives suivantes pour l'exploitation de votre puits de extraction ou carrière.

Immediately cease the operation of an illegal quarry which is contravention of Section 7.(1) of the Aggregate Resources Act which states that no person shall operate a pit or quarry except under the authority of and in accordance with a licence.

Under Section 57.(1) of the Aggregate Resources Act, every person who operates a pit or quarry except under the authority of a licence or permit is guilty of an offence.

Under Section 58.(1) of the Aggregate Resources Act, every person who commits an offence under Section 57 is liable on conviction to a fine of not less than \$500 and not more than \$30,000 for each day on which the offence occurs or continues.

Report presented to (Name and Title) / Rapport soumis a (nom et fonction) <b>GARY NICHOLS</b>	Inspector's Name & Address Page of/de <b>Steve Lamb 519-773-4716</b> <b>Paul Cutmore (MNR, Aylmer) 519-773-4747</b>
Signature of Recipient/Signature de la personne qui a reçu le rapport	Signature of Inspector / Signature de l'inspecteur (trice) 

**Nichols Gravel Limited**

P.O. Box 172

DELHI, On. N4B 2W9

Phone: 519-582-3354

Fax: 519-582-2143

September 20, 2002

OMB Planning  
c/o Mr. Andy Dawang for O.M.B. Chairman Mr. Gary Harron  
655 Bay Street  
Toronto, On. M5G 1E6

Dear Sir:

**Re: NICHOLS GRAVEL LIMITED  
Quarry – Lot 10-12 Concession 12, Former City of Nanticoke**

I acknowledge receipt of your letter faxed to me on September 11, 2002. See copy #1

Respectfully, please advise the authority relied on for the Board to revisit the matter. My lawyer, who represented me at the Board hearing, confirmed to me last year that the Board's decision is final. Further to that I was advised by my solicitor that the aggregate act did not allow a review on a final O.M.B. decision order. **See letter dated May 11, 2001 and copy of Bill 52 Aggregate Act. #2**

Further, I am perplexed that the Board has to resolve any further issues. In my opinion all issues have been resolved, which has taken over four years to complete at a cost to our company of over \$250,000.00 for the cost of the hearing alone as well as the loss of last year's extraction sales of approximately \$800,000.00 gross and loss of sales to date this year. The Board's order is very clear to me.

The problem is that the M.N.R. and the M.O.E. will not issue the licenses which the Board has directed them to do, we have applied for the processing permits and licenses and completed everything of which we was obligated to do. Over one year later, we have still not received our licenses and no explanation is forthcoming. I would like to know what our rights are with respect to the default of the two Ministries in not complying with the Board's Order.

We should not have to spend any more time and incur any more cost with respect to this matter. There would be no concerns whatsoever if the two Ministries would simply comply with the Board's Order so that we may proceed with our business without the harassment received as a result of these delays.

My reference is to the recent complaints by lawyer Duxbury on behalf of the residents, and that of Haldimand County, in respect to the recent trespass on our property September 5<sup>th</sup>, 2002, 2 p.m. by M.N.R. Inspectors Steven Lamb and Paul Cutmore in order to gain information and deliver a stop work order 2:15 p.m. for operation of an illegal quarry. See Copy #3. We have not stopped producing aggregate and are now selling products produced on this property. If in fact there is an illegal quarry operation 1 year and 2 months after the clear and explicit O.M.B. direction order, we have to conclude that the root cause of any problem all relates directly back to the non compliance to the Board direction order to M.N.R. and M.O.E.. Yet now we have the enforcers out to our property from M.N.R. to attempt to continue to keep our business shut down. See July 25, 2001 O.M.B. Direction Order #4. There is something seriously wrong with this picture, and I have to wonder if the M.O.E. and M.N.R. have become parties to the conspiracy to bankrupt our business by officials of the previous Haldimand-Norfolk government as well as Ministry of Transportation Ontario. When I review the events of what has caused the most controversy and problems to our application and O.M.B. hearings, the Ministry of Environment comes up as number 1 in respect to:

1. M.O.E. Junior Hydrogeologist, Simon Gautrey's uncomplimentary and inflammatory review of our Hydrogeological investigation and report on the property prior to the hearing which was not reviewed by a Senior Hydrogeologist at M.O.E.
2. The October 20, 2001 letter from M.O.E. Barbara Ryter stating the M.O.E. would prefer that the Permit to take Water be issued prior to issuance of the aggregate license which in fact is a contravention to the Aggregate Act prescribed conditions.
3. The extended delay in issuance of the M.O.E. Permit to take Water applied for March 12<sup>th</sup>, 2002 and still not received 6 ½ months later when in fact I was informed by Paul Odum of M.O.E. May 2001 that it takes 3 months to process the application to issue a permit. We now have to try to determine or pinpoint why we have received this extended delay and spinning process from M.O.E..

The only thing that comes to mind is a possible payback from M.O.E. for embarrassment caused when in August of 2000, then Haldimand-Norfolk Regional Councillor Gary Nichols made public through an anonymous letter the cover-up investigation by M.O.E. and Regional Staff of illegal dumping at the Tom Howe Regional Landfill site. Councillor Nichols requested that O.P.P. investigate possible municipal corruption which of course as usual the O.P.P. declined to investigate. Councillor Nichols then conducted his own investigation which included appeals for documentations to the Freedom of Information and Privacy Commission who directed M.O.E. to release the documentation. However, critical documentation which would have confirmed a forged and falsified document produced by Commissioner of Engineering Eric D'hond't and Regional Chairman John Harrison was not released as directed. A further appeal to the F.O.I. Commissioner (2 occasions) received no

further response. Now we have to ask who is interfering with the Freedom of Information and Privacy Commission, and why did M.O.E. F.O.I. Co-ordinator Cathy Clarke not follow the direction order. **See letter December 6, 2001. #5**

It is interesting to note that the H-N Transition board appointed by the Province hired Mr. D'hond't as Commissioner of Engineering for Norfolk County even before the M.O.E. investigation cover-up concluded. This served to place Mr. D'hond't in a position where he has continued to conspire with others to bankrupt Nichols Gravel Limited. It should be further noted that it was Mr. D'hond't, Mr. Lambert and Mr. Anderson that directed our company down this path of establishing a quarry relative to their discriminatory Tender specifications of 100% crushed aggregate which cannot be produced in gravel pits, but only in quarries which served to eliminate our company from the competition to supply aggregate to the H-N Region.

Regardless of whether or not the M.O.E. or M.N.R. have become a party to this conspiracy, the failure to issue the necessary permits have delayed and prevented development to this point so that in fact if we continue to carry this huge debt burden without return cash flow, this will serve to bankrupt this company which in fact in any event supports the purpose of the existing conspiracy.

This conspiracy has also been supported by the Police and the Ontario Court of Justice with the latest obstruction of Justice out of Divisional Court Hamilton for the third time from Justice of the Peace Mitchell Baker regarding 16 private informations filed for Criminal charges. **See Letter #6.** I suggest that the Attorney General should direct and appoint someone with the experience and integrity to review this information as her worship Justice of the Peace Madam General Lickers.

However, since there was a non response to my Private Informations, we are proceeding as stated in my covering letter information #1 of March 15, 2002 to make all information now public. **See letter #7.**

As for the M.O.E. performance, the letter May 23, 2002 acknowledging our application for Permit to take Water 3 months after the fact with the Fairy Tale about the backlog and that it could take several months to process was in fact quite ridiculous in respect to the fact that at approximately the same time our M.P.P. Toby Barrett arranged for M.O.E. staff to come down to Delhi to hold an "open house" where farmers went in and filled out applications for Permits to take Water and had them processed on the spot. Quite amazing how things work in the Province of Ontario when you consider that the same member of parliament who we supported in 2 provincial elections did not have the courtesy to respond to my letter of inquiry of March 6, 2002 as to the status of our M.N.R. license. Do we also detect some political indifference or manipulation as well? I am certain that our heavy weight competition Lafarge, Cayuga-Dufferin and Trent Valley Sand and Stone would be pleased if this quarry was never approved and productive. They don't need the competition, and have enjoyed a patronage preference for years.

It is also interesting to note that Marlene Phibbs the main driving force for the opposition to our quarry, rents land from Dufferin Aggregates.

At this point I believe that the conspiracy, discrimination and spin jobs to this company have gone quite far enough. We have had our O.M.B. hearing. A final decision order was issued July 25, 2001. The public planning process has been concluded, it is over, it is done, and we have complied to the letter of the law.

My comment in conclusion is that this extended stress since 1994 has had a severe impact on the health of members of this family, brought about by the defamation and trade libel of our company's products as well as the reflection on the honesty and integrity of this family who operate this business.

My wife required both a bowel and 2 breast cancer operations last year, and most recently our youngest son who has turned into a mental basket case from this prolonged stress, has informed us that he must leave our company in order to preserve his sanity.

I can truthfully state that in my entire 42 years in business, that I have never been involved in such an absolutely perverted fiasco, whereby **no one is accountable for anything**.

Ripley's "Believe it or Not" most likely would not accept our story, as no one would believe that one family could encounter this degree of deception, discrimination, conspiracy and corruption living in "Canada, the best country in the world."

In the experience of this company and this family, we conclude the following:

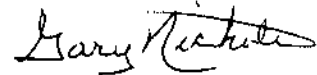
1. That our O.P.P. Law enforcement does **not** work.
2. The Ontario Court of Justice and the Supreme Court of Canada have not provided administration of Justice, but in fact **obstruction** of Justice.
3. And with the O.M.B. hearing fiasco, it now appears that the Public Planning process in Ontario does not work either.

In respect to the fact that a stop work order was issued September 5, 2002 by M.N.R., our lawyer has advised against having any further discussion after the fact with M.N.R., M.O.E, or the O.M.B., as this could compromise our position should this matter come before the courts.

The simple and logical solution at this point would appear to be for the O.M.B. to simply issue a directive to the M.N.R. and M.O.E. to comply with the Board order of July 25, 2001. End of story.

We thank the O.M.B. for your consideration in this matter.

Yours sincerely,



Gary Nichols

Additional Documentation:

1. Letter dated August 14, 2001 to O.M.B. Caseworker Mr. Andy Dawang. #8
2. Information Faxed 7:05 September 6, 2002 to M.N.R. Inspector Mr. Paul Cutmore. #9
3. June 6, 2002 response to letter March 6, 2002 to M.P.P. Toby Barrett. #10

c.c. Premier of Ontario  
c.c. Attorney General of Ontario  
c.c. Minister of Natural Resources Ontario  
c.c. Minister of the Environment of Ontario  
c.c. The news media

Ontario  
Municipal  
Board

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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

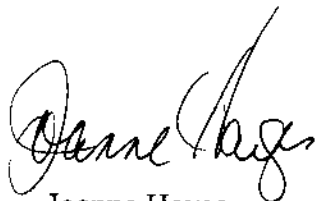
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Thank you for your letter of September 20, 2002 noting your concerns about the issuance of a license under the *Aggregate Resources Act*.

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