



Nichols Gravel Limited
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October 24, 2006

Ombudsman of Ontario
Bell Trinity Square
483 Bay St., 10th Floor, South Tower
TORONTO, ON. M5G 2C9

ATTENTION: Mr. André Marin

Dear Mr. Marin:

I am writing to appeal to your office to investigate a matter concerning the Ontario Ministry of Natural Resources and the Ministry of the Environment, to the M.N.R. issuance of Pit Licence 103717, April 1, 2003 to Nichols Gravel Limited along with a letter dated March 31, 2003 which illegally imposed "23 Specific Pre Operating Conditions" not so directed under O.M.B. Decision/Order 1194 or on the licence as signed by the Minister March 25, 2003, and further a Ministry of Environment Permit to Take Water hand delivered June 20, 2003 imposing "24 Pre Dewatering Conditions", which I consider to be a Fraud as neither the pit licence or the Permit to Take Water permitted anything, and in turn prevented the operation of our Quarry. My research indicates that this was exceptional treatment directed to Nichols Gravel Limited as there is no record of any previous Pit Licence or Permit to Take Water having been issued with "Pre Conditions" and "Pre Dewatering Conditions".

This family has to date experienced 3 years and 7 months of harassment and hell through this illegal unlegislated enforcement of Pre Conditions by M.N.R. with the Company and its Officers charged under ARA legislation in and out of court and finally after 2 years and 9 months all charged were dropped. Finally June 15, 2006 under Judicial Review Justice D. Reilly declared that the March 31, 2003 letter and the Pre operating conditions did not form part of the licence. The M.N.R. did not appeal or acknowledge this decision, but continued to push for an O.M.B. hearing on the Ministers Revoke Licence Order issued September 30, 2004. We appeared before Justice Marshall in August, 2006 under Judicial Review Application to quash the revoke of licence order. Justice Marshall at that time was under extreme pressure concerning the Caledonia problem and did not have 2 consecutive days to hear our motions and as a result we were deferred to a later date.

After the O.M.B. refused our motion to adjourn hearing dates to allow the Judicial Review to be heard as ordered, August 9, 2005 Decision Order 2072 by Chairman J.A.

Smout. On September 5th - 8th 2006 we appeared before Chairman M.C. Denhez for the O.M.B. Hearing to either confirm or rescind the Revoke of Licence Order.

At the beginning of the Hearing our lawyer Mr. Osier made a motion that the Revoke Order be rescinded in reference to the June 15, 2006 decision of Honourable Justice D. Reilly who declared under Judicial Review that the March 31, 2003 letter imposing 23 Specific Pre operating Conditions did not form part of the licence. This decision is directly relative to the fact that the April 14, 2003 Suspension Order was based on non completion of these Pre Operating Conditions, the October 1, 2003 Revised Suspension Order was based on non completion of 14 Pre Operating Conditions and the September 30, 2004 Revoke Order was based on non completion of 7 uncompleted Pre operating Conditions. Chairman Denhez declined to rule on this motion, and continued to review everything back to 2002 over a 5 day period of hearings. On one occasion the Chairman questioned Marlene Phibbs as to whether or not her evidence was provided at the previous hearing. When Mrs. Phibbs answered "yes" the Chairman proceeded to accept and review this evidence contrary to Aggregate Act Legislation Section 11, Subsection 15. "no petition or review".

In my opinion there was further abuse of process to procedural rules when Chairman Denhez overrode previous decisions/orders of Chairman J.A. Smout who ordered that the O.M.B. would not look or review behind the licence, and further ordered that all court proceedings be completed **before** the matter was brought back before the O.M.B. for hearing. This was **not** done as our Judicial Review date was deferred in August 2006 and has not yet been heard. Chairman Granger also overrode Chairman Smout's order when he declined to approve our motion to adjourn for the Judicial Review first.

See Chairman Smout's order August 9, 2005 Decision/Order 2072, Page 2, 3rd Paragraph.

Chairman Denhez also disregarded Decision/Order 1008 of April 4, 2006 of Chairman Granger upon awarding the Residents Party Status, Page 2, 5th paragraph quote: "The residents understand their obligation to address the matter of the licence revocation and that the hearing will not be an opportunity to revisit the previous decision of the Board, otherwise constituted, to permit a quarry operation at this location." unquote. But that is exactly what happened and this hearing became a manipulated farce. I also question how Chairman Smout became **unseized** of this case and why did it take in total 3 different Chairmen to hear our appeal?

It is my opinion that there has been serious manipulation of the O.M.B. motivated by M.N.R. and the Crown Law Office as procedural rules and Decision/Orders have not been complied with, resulting in Abuse of Process, Bias and Negligent misrepresentation in order to confirm the Revoke of Licence Order.

Should your office investigate, and your conclusions confirm our conclusions concerning the O.M.B. Decision/Order 2729, I respectfully request that a motion from your office be directed to the Provincial Cabinet for an Order in Council directing the Commissioner of the Ontario Municipal Board to censure Chairman M.C. Denhez for abuse of process and

negligent misrepresentation with an order to withdraw and stricken this decision from the record.

The M.N.R. has acted quickly upon this manipulated O.M.B. Decision and have applied for a court injunction for November 7, 2006 hearing in order to shut our business down and get us off the property. I note that their factum for the injunction makes no mention of Justice Reilly's decision. Since there is a 2 million dollar lawsuit filed to M.N.R. I am certain the game plan now is to bankrupt this 63 year old family operated business so the lawsuit will disappear which is exactly what will happen if they succeed in their infringement to Charter Rights through their illegal legislation. This discriminatory legislation infringes Charter Rights Sections 6 (2) (b), 7 (d), 12, 15 (1) and is something that needs to be investigated and addressed in the Public Interest not only for our company, but for all other Aggregate operations in this province controlled by this A.R.A. legislation. We have never refused to comply in almost 30 years to legitimate A.R.A. legislation, however, we will not accept selective discrimination and illegal enforcement of unlegislated conditions not so imposed on other operators by the Ministry of Natural Resources or the Ministry of the Environment or so directed in O.M.B. Decision/Order 1194.

At no time has the M.N.R. complied as required by O.M.B. Decision/Order 1194.

1. M.N.R. issued the licence 18 months **after** the O.M.B. direction.
2. M.N.R. have to date at **no** time complied with the Dispute Resolution Protocol as approved in O.M.B. Decision/Order 1194, or in fact M.N.R. own Dispute Resolution Protocol. Every time there was a complaint regarding the Quarry, there was an M.N.R. official on the property advising that we could not operate. In over 3 years of harassment we have not receive one direct legitimate complaint from any resident. Our complaint log book has **no** entries or record of any complaint, and when we request of M.N.R. who is the complainant the M.N.R. refuses to release that information.
3. M.N.R. on April 1, 2003 when the licence was finally hand delivered, it included the March 31, 2003 letter which **prevented** the Quarry from operating under the advisement that the "23 Specific Pre Operating Conditions" must be completed **before** removal of any aggregate from the Quarry.

There was no such direction in the final O.M.B. Decision/Order July 25, 2001.

We have a court date for November 1, 2006 before Justice Marshall for appeal to stay the O.M.B. Order and quash the Revoke of Licence Order, but I expect the government will manage to spin this off so that the November 7, 2006 injunction hearing will be heard first.

In my opinion you are an honourable man who works hard to protect the best interest of the people, I request that you review our documentation and please bring this matter before the cabinet for a decision and direction in order to stop this abuse of

process to governmental insanity and misappropriation of public funds to the enforcement of the unenforceable.

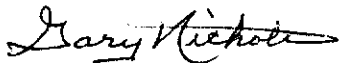
Licensed aggregate reserves in this province are being depleted twice as fast as new reserves are being licensed. In that respect O.M.B. Chairman M.C. Denhez failed to clarify in his decision how it in fact serves the Public Interest to terminate this quarry operation and business as well as the employment of workmen on this property.

At 69 years of age and in business for 45 years, this has been my most disgusting experience in our futile and fruitless attempt to be part of our free enterprise system, due to the manipulation of law, the courts, and the justice system by beauracratc government in the Province of Ontario.

Documentation relevant to this case on our website: www.injusticecanada.com

Thank you for your consideration of this matter.

Yours sincerely,



Gary Nichols

Documentation Enclosed:

1. O.M.B. Decision/Order 1194
2. March 31, 2003 letter and Licence #103717
3. Letter April 2, 03 to the Minister
4. Decision J.P.W. Casey on M.N.R. charges
5. July 14, 2004 letter to Mr. Ramsay
6. Judge Zivolak Appeal Decision
7. P. Osier March 22, 2006, letter to M.N.R.
8. Decision June 15, 2006 Justice D.Reilly
9. August 28, 2006 letter Osier to Nichols
10. O.M.B. Decision Order 2072
11. O.M.B. Decision Order 1008
12. O.M.B. Decision 2729 M.C. Denhez
13. Judicial Review Application to Quash Revoke of Licence Order.

NO RESPONSE TO THIS DATE DEC 7/06.