

Court file no. 215/2004

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN**

**NICHOLS GRAVEL**

**Applicant**

- and -

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO,  
It's servants or agents including ALEC DENYS and PAUL CUTMORE**

**Respondents**

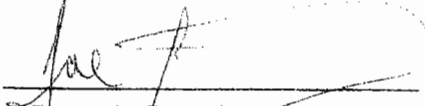
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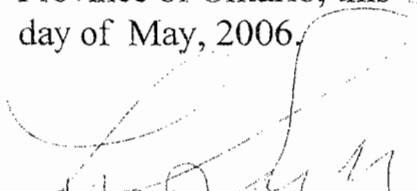
I, JOSEPH STRACHAN, of the Town of Simcoe, in the Norfolk County, retired aggregate inspector **MAKE OATH AND SAY** as follows:

1. I was the acting inspector in charge of the application for a category 2 Class A Quarry extraction licence from Nichols Gravel Limited in 1999.
2. Upon receiving the O.M.B. Summary decision/order 0485 of April 3, 2001 directing that MNR issue the licence subject to the 55 conditions proposed by Nichols Gravel Limited, there were discussions with Mr. Nichols and his consultant Bernie Janssens to determine which conditions would be placed on the site plan for Ministry of Natural Resources enforcement purposes.

- \* 3. At no time was there any discussion about "pre operating conditions." The O.M.B. conditions placed on the site plan were accepted by myself on behalf of the Ministry as operating conditions to be implemented along with the ongoing development of the quarry.
- 4. ~~The amendments to conditions of the site plan were completed by May 25, 2001.~~ AD T5.
- \* 5. In my 25 years of experience as an inspector I am not aware of any licence issued accompanied by specific pre-operating conditions. (ie.) Conditions not on the approved site plan and/or licence.
- \* 6. During my tenure as an aggregate inspector, I viewed Nichols Gravel Limited as responsible and reputable aggregate operators.

**SWORN BEFORE ME** at        )  
 Norfolk County, in the        )  
 Province of Ontario, this 3<sup>rd</sup>    )  
 day of May, 2006.                )

  
 \_\_\_\_\_  
 Joseph Strachan

  
 A Commissioner, etc.

TINA LYNN MARIE SMITH, a Commissioner, etc.,  
 Norfolk and Halton Hills Counties, for  
 Strachan Law Office, Barristers and Solicitors.  
 Expires July 1, 2006