



ONTARIO JUDICIAL COUNCIL  
CONSEIL DE LA MAGISTRATURE DE L'ONTARIO

**PRIVATE & CONFIDENTIAL**

April 17, 2015

Mr. Gary Nichols  
Nichols Gravel Limited  
P.O. Box 172  
Delhi, Ontario  
N4B 2W9

Dear Mr. Nichols:

**Re: Your Complaint about the Honourable Justice David Harris**

Further to your letter, dated January 6, 2015, and the additional materials which you submitted, the Ontario Judicial Council has reviewed and considered your allegations about the Honourable Justice David Harris and has instructed me to communicate its disposition to you.

A subcommittee of the Judicial Council, made up of a provincially-appointed judge and a community member, conducted the investigation into your complaint and submitted its report to a review panel of the Judicial Council. The review panel was made up of two provincially-appointed judges, one lawyer and one community member. None of the members of the review panel had any prior knowledge of the complaint or was informed of the names of those involved. In total, your complaint was reviewed by six different members of the Council, including two community members.

The complaints subcommittee reviewed your letter and supporting materials, including His Honour's Reasons for Judgment, the decision of the Superior Court of Justice, dated November 22, 2013, and the decision of the Court of Appeal for Ontario, heard on June 12, 2014. After they concluded their investigation, the subcommittee prepared a report to a review panel.

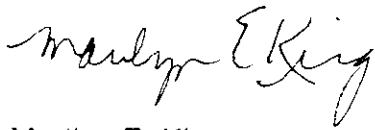
The review panel reviewed the subcommittee's report, the letter of complaint, excerpts of materials provided by the complainant, the Justice Harris' Reasons for Judgment, the Divisional Court decision and the Court of Appeal for Ontario's decision refusing you leave to appeal.

The review panel concluded that your allegations relate to your disagreement with His Honour's view of the evidence, and his determination of the issues, his

interpretation and application of the law, and his decisions to uphold the convictions and reduce the fines. The panel found that the allegations related to decisions made in the course of a judge's duties, not allegations of conduct, and they were outside of the jurisdiction of the Council. The Council has no discretion to act on complaints that do not fall within its jurisdiction. The *Courts of Justice Act* states that the Council must dismiss a complaint without further investigation if it falls outside of the Judicial Council's jurisdiction.

The panel found no evidence of judicial misconduct and dismissed the complaint on the basis that it was outside of the jurisdiction of the Council and closed the file.

Yours truly,

A handwritten signature in cursive script that reads "Marilyn E. King".

Marilyn E. King  
Registrar

For: ONTARIO JUDICIAL COUNCIL

C: The Honourable Justice David Harris