

MARGARET R. MACDONALD
466 Barron Canyon Road
Pembroke, ON K8A 6W7

January 3, 2012

Melinda Reith
Clerk of the United Townships of Head, Clara and Maria

Dear Ms Reith

Further to our conversation via telephone on December 30th, ^{and today, Jan 3, 2012} please find attached a copy of the transcript from May 13, 2011.

I had previously advised you that I was unable to forward this transcript by fax. As it is only four pages I will send to you via fax and I will waive the cost (4 pages at 0.55 per page = \$2.20).

If you have any further questions or need to speak to me, please do not hesitate to do so.

Sincerely



Margaret Macdonald
Court Reporter
279 Pembroke Street East
Pembroke, Ontario
613-732-8581
Margaret.R.Macdonald@ontario.ca

Court File No. 11-0453

SUPERIOR COURT OF JUSTICE

BETWEEN :

JIM GIBSON and ED AISTON

Plaintiffs

- and -

THE CORPORATION OF THE UNITED TOWNSHIPS OF
HEAD, CLARA & MARIA and MELINDA REITH

Defendants

PROCEEDINGS

BEFORE THE HONOURABLE JUSTICE T. RAY
on May 13, 2011 at PEMBROKE, Ontario

APPEARANCES:

R. Sheppard Counsel for the Plaintiffs

The Corporation of the United Townships
Of Head, Clara & Maria Self-represented Defendant
Melinda Reith Self-represented Defendant

Jim Gibson and Ed Aiston v. The Corporation of the United Townships of Head, Clara & Maria

FRIDAY, MAY 13, 2011

5 THE COURT: Good morning everyone. I can see that none of you have any effectuation at all at the fact that this is Friday the 13th. You are totally uninfluenced by that fact. We have a very busy list; long list today, and as a consequence I am going to hold people strictly to time limits that have been indicated on the confirmation forms and when the time is up, that is it and the motion will have to be adjourned to another date, and you will have to start over again in front of another judge. It is just too long of a list to entertain anything other than that and the expectation of the court is that when counsel give time limits, that those are accurate time limits. I am going to start off with - first of all are there any, in light of that comment about time limits, are there any adjournments or consent orders?

15 MR. SHEPPARD: Your Honour, I think number three.

THE COURT: Yes, I was going to call number three. I have read it and....

20 MR. SHEPPARD: There's nobody here.

THE COURT: Yes, I understand that and I will deal with that first. Do you have a draft order Mr...

MR. SHEPPARD: Yes I do Your Honour.

THE COURT: ...Sheppard?

30 MR. SHEPPARD: And Your Honour I can advise that I do have a copy of - Justice Quigley did a

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similar order in Athens - Athens Township just recently. Mr. O'Shaunessey was kind enough to send me a copy of his order as well so I have that if you'd like to - I sort of mirrored my order off of Justice Quigley's order. It's the same factual situation that occurred there. The same election. The only thing I added, Your Honour, was I put a line in for costs; he did not in his. He did not in his order address that issue, so I don't know what you want to do about that?

THE COURT: Well, what is the argument in favour of making an award of costs?

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MR. SHEPPARD: Well, the Township court cannot provide a notice as required by the Act so we'd ask for costs against the Township. Justice Quigley did not make any orders.

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THE COURT: Yes, I mean the councillors have got some responsibilities too. I mean it is a public statute. I am not prepared to do that.

MR. SHEPPARD: Yes Your Honour.

THE COURT: I mean she did notify the councillors at the council meeting...

MR. SHEPPARD: Yes.

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THE COURT: ...and apparently they - you know, everybody has got to accept some responsibilities.

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MR. SHEPPARD: I appreciate that Your Honour, yes. I do have a letter from a clerk - the clerk faxed me a letter last night - just a letter that she sent to me. It doesn't add anything to what you're doing, but if you want me to file it I

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can. They are short of doing nothing up there because of this issue.

5 THE COURT: Well, they have a quorum; I am not sure why that would be freezing their activities, but, again, I am taking that the draft order is satisfactory to you.

MR. SHEPPARD: I sent - the Township Solicitor Bill Instance was provided all my material, Your Honour.

10 THE COURT: Yes, all right.

MR. SHEPPARD: But he had no instructions.

15 THE COURT: The only thing that occurred to me was that I guess initially my concern was that the application should have been served on the Ministry of Municipal Affairs since the Township is a creature of the Ministry and it is the Ministry who administers the penalty sections and so on and so forth, but having reviewed the material, I am satisfied that the order - anyway
20 the order is signed. Thank you Mr. Sheppard.

MR. SHEPPARD: There was a rate(ph) payer here. I don't know if you wanted to say anything.

THE COURT: The order has been signed.

MR. SHEPPARD: Okay. Thank you Your Honour.

25 THE COURT: Thank you.

FORM 2

CERTIFICATE OF TRANSCRIPT (SUBSECTION 5 (2))

Evidence Act

I, we Margaret Macdonald, certify that this document
(Please print name of authorized person (s))

is a true and accurate transcript of the recordings of

Jim Gibson and Ed Aiston v. The Corporation of the
United Townships of Head, Clara & Maria and Melinda Reith
(Case name)

in the Superior Court of Justice held at
(Name of Court)

297 Pembroke Street East, Pembroke ON taken from

Recording No. 29, which has been certified in Form 1.

November 12, 2011
(Date)

Margaret Macdonald
(Signature of authorized person(s))
MARGARET MACDONALD

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THEY BEAR IN BLUE INK, THE
ORIGINAL SIGNATURE OF MARGARET MACDONALD,
AND ACCORDINGLY ARE IN
THE DIRECT VIOLATION OF ONTARIO
REGULATION 587/91 COURTS OF
JUSTICE ACT, JANUARY 1, 1990.

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