

**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

**KRP ENTERPRISES INC. and
1543078 ONTARIO INC.**

Plaintiffs

- and -

**THE CORPORATION OF HALDIMAND COUNTY,
ONTARIO PROVINCIAL POLICE COMMISSIONER
GWEN M. BONIFACE, ONTARIO PROVINCIAL
POLICE INSPECTOR BRIAN HAGGITH and
HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO**

Defendants

SUPPLEMENTARY MOTION RECORD

June 19, 2007

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Defendants

**NOTICE OF MOTION
(Returnable June 20, 2007)**

I N D E X

The Corporation of Haldimand County
 Council in Committee Closed Session Minutes 1
 Answers to Undertaking of William Pearce from cross-examination of
 Wednesday, June 13, 2007



THE CORPORATION OF
HALDIMAND COUNTY

**COUNCIL IN COMMITTEE
CLOSED SESSION MINUTES**

DATE: May 23, 2006

TIME: 9:34 a.m.

PLACE: Cayuga Municipal Administration Building, Council Chambers

PRESENT:

Council	M. Trainer C. Ashbaugh L. Boyko J. Cole T. Dalimonte T. Patterson B. Sloat	Mayor Councillor Councillor Councillor Councillor Councillor Councillor
SMT	B. Pearce K. General B. Matthews-Malone H. Hanly S. Miazga	Chief Administrative Officer General Manager, Corporate Services General Manager, Physical Services General Manager, Community Services General Manager, Planning and Economic Development
Staff	T. Haedrich E. Vanderwindt J. Lankester	Acting General Manager, Physical Services Acting General Manager, Planning and Economic Development Clerk
Other	S. Beatty Insp. J. Periversoff D. Peterson	Senior Emergency Management Officer Emergency Measures Ontario Acting Detachment Commander, OPP Haldimand Special Envoy for Premier

DECLARATION OF PECUNIARY INTEREST

N/A

LITIGATION / POTENTIAL LITIGATION

Native Occupation of Douglas Creek Estates

Due to the unsuccessful removal of the Argyle Street barricades, the ensuing damage to the hydro transformer and resulting blackout, Council expressed their growing concern with the ability of the Provincial and Federal Governments to reach a peaceful resolution to this occupation.

Discussion took place regarding the action required to ensure the safety of the community in view of the escalating violence and tension.

It was noted that both the Caledonia Alliance Community Group and the Hagersville Chamber of Commerce supported a request for military intervention as it was felt that the actions of the protesters were a threat to the residents.

With respect to the damage to the transformers, it was clarified that on May 22, 2006 Hydro One workers did go to the site for a quick assessment. These workers have since asked for a police escort to initiate the repairs on site.

Council discussed the need for military intervention or the assurance that the OPP had both the equipment and manpower to handle the situation.

Mr. Steve Beatty, Senior Emergency Management Officer, Emergency Measures Ontario joined the meeting at this time at the request of Council.

Mr. Beatty advised that if Council was considering asking the Province for military intervention, they must clarify exactly what they wanted the army to do and on what basis this request was being made.

With respect to the process and timing of such a request, Mr. Beatty advised that the Province would ask the Federal Government, who in turn would respond within hours. It was noted that the Province would pay the costs.

Council sited the need to restore law and security and remove the barricades. In view of the moratorium, it was felt that the protesters should be removed from the land.

It was noted that as a result of the escalating violence and hydro outage, some residents were moving their families out of the area for their safety, while others were afraid to leave their homes.

Mr. Beatty was advised of the impact of the continuing blockade on the Highway 6 By-pass and the rail line. It was noted that the line is used for shipping and receiving raw materials at the Nanticoke Industrial Park. In particular as chlorine is normally received by rail to treat the water, there were now both environmental and safety issues arising. The five accidents on McKenzie Road were noted.

Concern was expressed with the OPP's role and actions to date and position that they would not go onto the site again to remove the protesters.

Mr. Beatty left the meeting at this time.