



Hamilton

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Sent Via Email: tim@gilbertslaw.ca

September 29, 2022

Gilbert's LLP
Waterfront Innovation Centre
125 Queens Quay East
8th Floor
Toronto, Ontario
M5A 0Z6

Attention: Tim Gilbert

Dear Mr. Gilbert:

Re: Chedoke Creek Remediation and Council Meeting No. 22-071

Thank you for your letter of September 22, 2022.

Unfortunately, we are not in a position to agree with the discussion in your most recent letter. The City remains willing to proceed in accordance with the recommendations approved by Council further to Report PW19008(r), and it would be appreciated if you could clarify for me whether you are handling the negotiations for a possible monitoring agreement and other items approved under the Report, or if these matters are being handled separately. When Mr. Detlor attended the meeting of the Public Works Committee, he also identified himself as "a lawyer working with the HCCC", and it would be very helpful if you could clarify who is acting as a lawyer and who is acting as a principal, and on which matters.

In the meantime there are new issues that we wish to bring to your attention:

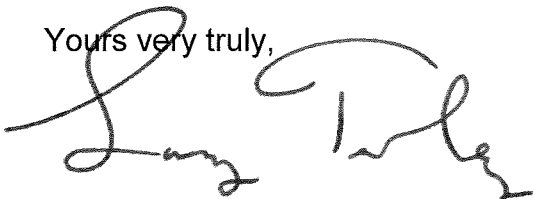
1. Mr. Winters advises that he is being contacted on a continuing basis by Mr. Detlor by emails in which it is alleged that Mr. Winters has acknowledged the existence of rights and claims asserted by the HDI in relation to this matter. While Mr. Winters indicates that these purported acknowledgements are not accurate, and that he is misquoted in the communications from Mr. Detlor, I do not propose to argue about these communications other than to say that Mr. Winters does not have the authority to provide any acknowledgements or recognition on behalf of

the City in relation to any aboriginal or treaty rights asserted by the HDI. We would therefore request that further communications of this nature be discontinued. In addition, we wish to make it clear that your client is only to rely on explicit statements made by the City and that it is not acceptable to rely on silence or any failure to respond as evidence of agreement with any particular proposition or position. Also, with respect to legal representation generally, I wish to confirm my expectation that communications from legal counsel for HDI will be solely directed to the City's legal counsel, and this expectation has an obvious tie-in with the clarification requested in the opening paragraph of this letter.

2. Your letter of September 22, 2022 indicated very clearly that the position of your client is that it will not "block access to the site, prevent any dredging work, or cause a work stoppage." In light of this statement, we wish to bring to your attention certain actions that are occurring on the work site by HDI members that are in fact preventing work from occurring. HDI members attend at the dredging site in watercraft, in some cases even tying their vessels to the dredging equipment, positioning these vessels in ways that make it impossible to commence or continuing work without endangering their personal safety. In addition, the HDI members attending on site refuse to wear the appropriate personal protective equipment required under the Occupational Health and Safety Act, and this too makes it impossible to proceed with work without endangering their personal safety. Representative photographs are attached. Please be advised that these actions are having the effect of preventing dredging work from occurring, and generally are impeding the environmental cleanup that has been ordered by the Ministry. Kindly request that your clients cease and desist from these and any similar actions that are in direct violation of the stated position of your client noted above.

Thank you for attending to these matters.

Yours very truly,

A handwritten signature in black ink, appearing to read "Larry Tansley". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

Larry G. Tansley
Solicitor

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Encls.