



MILLER THOMSON LLP

100 King Street West, Suite 1400

Toronto, Ontario M5X 1C5

TEL: 416.593.3289

FAX: 416.593.3289

www.millerthomson.com

139905.0001

2016.08.31

August 31, 2016

Delivered Via Email: [cgammie@rogers.com](mailto:cgammie@rogers.com)

Craig Gammie  
3489 Gallager Drive  
Mississauga ON L5C 2N2

Steven J. O'Melia  
LSUC Certified Specialist (Municipal Law)  
Direct Line: 519.593.3289  
Toronto Line: 416.595.8500  
[somelia@millerthomson.com](mailto:somelia@millerthomson.com)

File: 139905.0001

Dear Mr. Gammie:

**Re: Ontario Municipal Board Appeal  
600 Mallory Beach Road  
OMB Case No. PL160476**

As you know, we are the solicitors for the Town of South Bruce Peninsula. We are writing to you in connection with what we understand was your representation of the Appellants at the above-noted Ontario Municipal Board hearing on August 12, 2016.

You should be aware that section 26.1 of the *Law Society Act* (the "Act") provides that no person, other than a licensee in good standing, may provide legal services in Ontario. Subsection 1(6) of the Act contains a broad definition of legal services which includes, among other matters, providing advice to or representing a person in a proceeding before an adjudicative body, which would include the Ontario Municipal Board. The Act provides that any person contravening that provision is guilty of an offence and is liable to a fine of up to \$25,000 for a first offence, and \$50,000 for each subsequent offence.

We believe that you have contravened the above provision and feel that it is important to advise you of that fact. Given that your appearance involved a Town Committee, we are also concerned about the appearance of potential impropriety given that you may have, or be perceived to have, information that could assist a private participant in a legal proceeding. In order to address those concerns, we ask that you provide us with the following information:

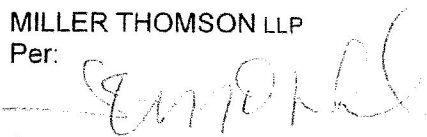
1. Can you please confirm the date on which you were approached by the Appellants (or on which you approached them) in relation to the above hearing and the basis for that contact?
2. Can you please confirm, in full detail, the nature of the advice and services you provided to the Appellants?
3. Can you please confirm whether or not the Appellants are related to you in any manner?
4. Can you please advise whether or not you were compensated in any fashion for the services that you provided to the Appellants?

Thank you in advance for your cooperation, and we look forward to your reply.

Yours truly,

MILLER THOMSON LLP

Per:

  
Steven J. O'Melia  
SJO/dms

c. Janice Jackson, Mayor, Town of South Bruce Peninsula (via email: [mayorjanicejackson@gmail.com](mailto:mayorjanicejackson@gmail.com))

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## ATTACHMENT 2

Note: Attachment 2 was a copy of a Warton Echo Article. The author, Zoe Kessler, has complained that I infringed on her copywrite privileges by putting the article on my blog as attachment 2 to commentary 7-10. So without admitting that I did breach copywrite law, which I believe I did not, I have removed it.

Readers can see the Echo article at:

<http://www.wartonecho.com/2016/09/26/accusations-ft-at-shp-council-meeting>

May 3, 2017

To Alan Grant, LSUC

[agm01@lsuc.on.ca](mailto:agm01@lsuc.on.ca)

Dear Mr. Grant:

I received your letter of April 18, 2017 re case 2016-197885.

I deny the allegations made against me by Steven O'Melia.

I submit that the allegations are frivolous and vexatious, and completely without merit.

I do not feel that the LSUC has any authority to investigate me or any unlicensed person. But I do not wish the matter to go to court so I will cooperate with your investigation.

The address you sent your April 18 letter to is not my main address. I just receive your letter on May 2<sup>nd</sup>. I present my initial thoughts here, but I may need more time to fully respond.

You say that May 2007 amendments to the Act gave the Law Society to authority to "regulate the provision of all legal services", implying that you can take "appropriate action under the act".

Please provide the sections that give the Law society the authority to regulate non-members.

Please provide the sections which list and authorize "appropriate action under the act". . (I am aware only of section 26.3 (1)).

In the O'Melia complaint there was no allegation of "holding out" contrary to section 26.1 (2). In Ms. Dubiansky's November 24, 2016 letter to me there was no allegation of "holding out" contrary to section 26.1 (2). Please indicate why you have brought section 26.1 (2) into your investigation.

Mr. O'Melia, Ms. Dubiansky, and you have all misrepresented section 26.1 (1).

All of you represented section 26.1 (1) as:

26.1 (1) ..... no person, other than a licensee whose licence is not suspended, shall practise law in Ontario or provide legal services in Ontario.

The section actually says:

26.1 (1) ***Subject to subsection (5)***, no person, other than a licensee whose licence is not suspended, shall practise law in Ontario or provide legal services in Ontario. [*emphasis added by CG*]

Subsection 5 reads:

***Exception, non-licensee practising law or providing legal services***

26.1 (5) A person who is not a licensee may practise law or provide legal services in Ontario if and to the extent permitted by the by-laws.

LSUC Bylaw 4 section 30 sub 4. reads:

***Providing Class P1 legal services without a licence***

30. The following may, without a licence, provide legal services in Ontario that a licensee who holds a Class P1 licence is authorized to provide:

.....

***Acting for friend or neighbour***

4. An individual,

i. whose profession or occupation is not and does not include the provision of legal services or the practice of law,

ii. who provides the legal services only for and on behalf of a friend or a neighbour,

iii. who provides the legal services in respect of not more than three matters per year, and

iv. who does not expect and does not receive any compensation, including a fee, gain or reward, direct or indirect, for the provision of the legal services.

By-law 4 section 6. (1) indicates the scope of what a "friend" can do.

Also of interest is Act section 1 (8) :

***Not practising law or providing legal services***

1 (8) For the purposes of this Act, the following persons shall be deemed not to be practising law or providing legal services:

...

5. A person or a member of a class of persons prescribed by the by-laws, in the circumstances prescribed by the by-laws. 2006, c. 21, Sched. C, s. 2 (10).

Given the proper presentation of section 26.1 (1) and the context of sections 26.1 (5) and 1 (8) of the act and bylaw 4 section 30 sub 4 and section 6. (1), and the fact that I acted for a friend, would you please reconsider the allegation of breach of section 26.1 (1).

ONTARIO MUNICIPAL BOARD RULES OF PRACTICE AND PROCEDURE section 8 reads:

#### **REPRESENTATIVES**

**8. Appearance in Person or by Authorized Representative** A party or participant may attend a proceeding in person or with their representative. Representatives who are not legal counsel must file a written confirmation of authorization to act for the party or participant. If authorization changes, the person or the representative shall immediately notify the Board and the other parties.

The OMB appeal form part 4 includes this instruction:

*Please note: If you are representing the appellant and are NOT a solicitor, please confirm that you have written authorization, as required by the Board's Rules of Practice and Procedure, to act on behalf of the appellant. Please confirm this by checking the box below.*

I certify that I have written authorization from the appellant to act as a representative with respect to this appeal on his or her behalf and I understand that I may be asked to produce this authorization at any time.

These both indicate that representatives who are not solicitors are permitted.

An email to Sam xxxxx (husband of appellant in OMB case) to OMB case coordinator Julie Nolan is below:

From: Nolan, Julie (MAG) [mailto:Julie.Nolan@ontario.ca]  
Sent: August 9, 2016 3:24 PM  
To: Sam xxxxxx  
Subject: RE: OMB Appeal PL160476 (nnnnn/xxxxxx) Aug 12/16

Good afternoon,

You can have Mr. Gammie act in an informal capacity as a support person or an advisor. As long as he does not plan on giving any evidence or acting as a witness to your case. He may also be an agent and speak on your behalf, but you will need to decide this before the hearing commences. What the Board will likely not allow is if you start representing yourself and half way through the hearing have Mr. Gammie speak on your behalf. If you start the hearing representing yourself, you will need to continue to do so. He may give you advice or help you through the hearing, but you will want to inform the Board member at the beginning of the hearing as to what capacity Mr. Gammie will be acting.

Hope this helps.

Sincerely,

Julie Nolan  
Case Coordinator/Planner  
Ontario Municipal Board  
416 326 6782

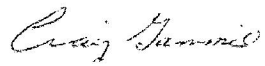
This letter reinforced my belief that I was acting in accordance with the rules.

Complaints about unlicensed people are usually made by the people that the unlicensed person provided or offered services to, and are usually made because the person who received or was offered the service feels harmed by the provision or offer.

This case is different. I assisted the xxxxx - as a friend. They knew I was not a lawyer. They were assured by OMB's Nolan that I could represent them. It was not decided until after the hearing had begun that I would speak on their behalf. They do not feel harmed or aggrieved by my actions. They did not file a complaint. This situation is unique.

The complaint was filed by the town, which I did not offer or provide services to. I submit that the complaint was filed for a purpose that had nothing to do with the purposes of the act, and is thus vexatious.

I would be pleased to discuss this with you.

A handwritten signature in cursive script that reads "Craig Gammie".

Craig Gammie

[cammie@rogers.com](mailto:cammie@rogers.com)

3489 Gallager Dr.  
Mississauga On  
L5C 2N2





The Law Society of  
Upper Canada

Barreau  
du Haut-Canada

Osgoode Hall  
130 Queen Street West  
Toronto, Ontario  
M5H 2N6

Tel: (416) 947-3300  
Ext: 2071  
Fax: (416) 947-3990  
Email: [agrant@lsuc.on.ca](mailto:agrant@lsuc.on.ca)

Enforcement Department  
Professional Regulation

August 31, 2017

**PRIVATE AND CONFIDENTIAL**

Craig Gammie  
3489 Gallager Dr.  
Mississauga On  
L5C 2N2

Dear Mr. Gammie:

**Re: Subject: Craig Gammie**  
**Complainant: The Corporation of the Town of South Bruce Peninsula**  
**Case No: 2016-197885**

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I am writing to confirm that I have completed my investigation of the complaint made by The Corporation of the Town of South Bruce Peninsula who alleged that Craig Gammie:

1. Engaged in the unauthorized provision of legal services; and/or
2. Improperly held yourself out to be an individual who is authorized to provide legal services in Ontario.

**I. Investigation**

The scope of my investigation included:

- Review of all correspondence and other information obtained from the Complainant.
- Review of your response to the complaint.
- Interview of relevant witnesses and examination of relevant documents.

**II. Investigative Findings**

The investigation revealed insufficient evidence to support the allegation that Craig Gammie breached the *Law Society Act* ("the Act"). Therefore, no further investigation is warranted and I have closed our file.

Thank you for your co-operation during the course of our investigation. Please do not hesitate to call me should you have any questions regarding the above.

Yours truly,

A handwritten signature in dark ink, appearing to read 'A. R. Grant', with a stylized flourish at the end.

Alan R. Grant  
Investigator