

## Couple in court for Imagine Adoption charges

Fraud, breach of trust alleged at bankrupt agency

Dianne Wood, Record staff

**KITCHENER** — It's been three years since hundreds of families across Canada — including many in Waterloo Region — were left devastated by the collapse of Imagine Adoption.

On Monday, the estranged couple who ran the Cambridge-based international adoption agency will be in court to face allegations they used corporate funds for personal use.

Susan Hayhow, the agency's executive director, and Rick Hayhow, its chief financial officer, will have a preliminary hearing in Kitchener's Ontario Court on numerous counts of fraud and breach of trust.

A preliminary hearing is held to determine if there is enough evidence to go to trial. Three days have been scheduled — Aug. 20, 22 and 24.

Earlier this year, there were talks between Rick Hayhow's lawyer and the Crown about a possible guilty plea. But federal prosecutor David Foulds said Thursday that Rick Hayhow has decided to have a trial.

The couple was jointly charged in 2009 with breach of trust, six counts of fraud over \$5,000 and three counts of fraud under \$5,000. Each was also individually charged with one count of fraud over \$5,000.

The charges followed an investigation by Waterloo Regional Police into allegations the Hayhows charged more than \$300,000 to agency credit cards for personal purchases before the agency went bankrupt in July 2009.

The couple drove leased luxury vehicles and paid themselves a combined income of \$320,000 a year.

Families who hoped to adopt children overseas were left in shock by the agency's collapse. Many paid up to \$15,000 to adopt a child. Creditors initially filed claims as part of the bankruptcy process. But they decided to pay an extra \$4,000 each to cover the cost of restructuring the agency under new management and continue with adoptions.

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## Lydia's road to recovery



DAVID BEBEE, RECORD STAFF

Lydia Herrle smiles with her mother Michelle during an outing in the gardens of Holland Bloorview Kids Rehabilitation Hospital in Toronto.

## Empty land full of mystery

Property along planned rail line appears to have been forgotten

Jeff Outhit, Record staff

**KITCHENER** — Ruth Norton, widow of a soda merchant, died in 1944 and left a mystery behind.

She's the last registered owner of a weedy strip of vacant land beside a planned rail transit line on Charles Street East. Taxpayers require less than one square metre of it to help make way for street-level trains.

The property seems to have been forgotten. It has had no legal dealings in 68 years. Regional government is searching for an heir who might assert ownership. By law, abutting landowners may have acquired the right to control it.

Politicians may have to ask a judge to help conclude expropriation. "This is a rare situation," said Debra Arnold, regional solicitor.

The mystery will not delay the \$818-million rail transit



PETER LEE, RECORD STAFF

Rail transit planners have discovered a vacant strip owned by no one on Charles Street East in Kitchener. Ruth Norton was the last registered owner. She died in 1944.

project. What it has done is open a fascinating connection between where Kitchener is going and where it has been.

The narrow strip between Borden Avenue and King Street seems no prize today. It's at the heart of a partly derelict block. It does not have its own address, sitting between 530 and 534 Charles St. E. Shuttered businesses, boarded homes and for sale signs abound.

A century ago, it was a far

more productive site, home to the small but recognized Norton Drinx soda business, a peer to prominent local industries.

Ruth Norton was born Ruth Tompkins in Listowel some time between 1859 and 1863, research indicates. She was among 18 children of George Tompkins and Isabella (born Howson). Her parents were both born in England.

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13-year-old hit by truck on May 17 steadily improving through intense therapy, makes weekend visits home

Linda Givetash, Record staff

**TORONTO** — Lydia Herrle is taking it one day at a time.

Sitting up on her bed at Holland Bloorview Kids Rehabilitation Hospital in Toronto, the 13-year-old has come a long way since the May 17 accident that left her in a coma. Now she is wide-eyed and alert. Her family is grateful for every small step she has made toward recovery.

"It's been forward progress and we're thankful for that," said Michelle Herrle, Lydia's mother.

Although Lydia still spends the bulk of the week at the rehabilitation hospital, her improved condition allowed her to come home for the first time last weekend and she will now go home every weekend.

Her family celebrates every improvement.

For Michelle and husband James, it's a relief to have Lydia and their two sons all under one roof again.

"As soon as the door of the wheelchair transport van rolled open and James said, 'Lydia, you're home,' she had a huge smile on her face and her eyes were wide," said Michelle.

But Lydia still has a long way to go.

Waking up from a coma does not mean a return to her full self prior to the accident. Lydia is instead moving through cognitive levels between an unresponsive coma (level one) and complete functioning (level eight).

Just as some victims of brain injuries never progress past level one, not all recover to level eight.

The brain injuries Lydia sustained, after being hit by a truck as she stepped off a school bus in front of her Erb's Road home, currently have her at level four — she gestures and smiles, but does not fully understand what is happening around her.

"Sometimes she even heads towards (level) five in terms of her awareness," Michelle noted.

This is big improvement from a few weeks ago when she was still wavering between levels three and four with limited awareness or response to her surroundings.

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## Police find head and foot in Mississauga-area river

News services

**MISSISSAUGA** — Police spent Thursday scouring the area near a river west of Toronto after the discovery of a severed right foot and head.

Officers used old hockey sticks with the blades cut off to sift through tall grass and bushes after the gruesome discovery at Hewick Meadow Park, in Mississauga.

Ontario Provincial Police helicopters were dispatched, in addition to the marine unit. Cadaver dogs were used to search the river and surround-

ing parkland. A half-dozen police cruisers blocked the entrance to the normally busy park while the search was underway. Called off Thursday evening, the search was to resume early today.

The body parts appear to belong to a female, as the toenails were painted yellow. Until pathology tests are done, investigators cannot say if both are from the same person.

"We'll be looking for the entire victim," acting Insp. Randy Cowan said.

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# 'It's changed us in many ways.'

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For the first time, Michelle said she feels that Lydia is truly out of the coma.

"(Wednesday) felt like a turning point for us ... It really was like the haze had lifted and she was bright and clear."

When James left the rehabilitation centre for Waterloo on Thursday morning, Michelle said Lydia showed a true emotional response for the first time.

"There were great big tears," she said. "It was heartbreaking and it was beautiful."

As her brain heals, Lydia is also relearning basic functions from swallowing to pointing at what she wants.

To promote her recovery, Lydia receives intensive physical and cognitive therapy at Holland Bloorview every day with an occupational therapist, physiotherapist and speech language pathologist. Communication therapy started this week.

"On her wheelchair tray top, there's a yes card and a no card and you can ask her questions of yes or no. Just yesterday it started that she would point to what she felt," Michelle said.

"That's been a real joy to see that because you long for a daughter you can interact with," she said, adding that Lydia picked out her own outfit for the day.

Being able to communicate through pointing has been a big step because Lydia is still unable to speak.

"We're just going to wait for that part, right Lydia? When you're ready, you'll talk," Michelle said, brushing hair away from her daughter's face.

The physical improvements have been huge as well. Although a tube is still used to feed fluids directly into Lydia's stomach, she has begun eating puréed foods for all her meals and even has the strength to feed herself.

Fractures to her ribs, collarbone, skull and sternum are close to without casts or surgery.

But as Lydia faces months to years of rehabilitation to regain her mobility, speech and cognition, with no certainty that she will ever be her former self again, Michelle said she is taking time to appreciate the small victories.

"It's changed us in many ways. You celebrate more of the little things and everything isn't set in stone as I thought maybe our plans and our hopes and our dreams for the future were," she said.

Through all the hardships in the last three months, the family continues to find strength in their faith.

"It's a faith journey for us, just the trust and the hope and the



DAVID BEBEE, RECORD STAFF

Lydia Herrle gives her mother Michelle Herrle a high five. Lydia recently relearned to high five along with other communication skills as she continues with intense rehabilitation in a Toronto centre.



DAVID BEBEE, RECORD STAFF

A handmade card hangs in Lydia Herrle's room. Lydia has been making encouraging progress since waking up from a coma.

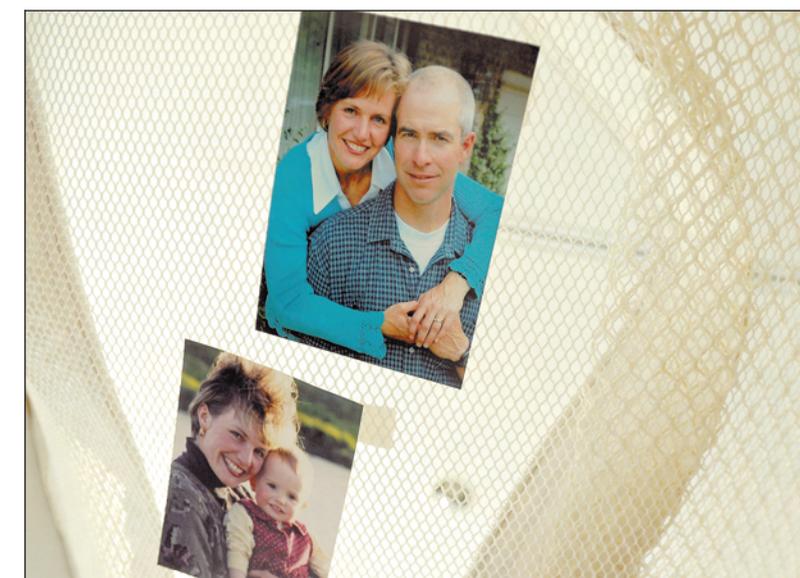
belief that we are held by God and there's nothing that happens that's outside of his sovereign care for us," Michelle said.

The overwhelming community support from prayers to fundraisers has been heartening for the

family as well.

"It's a gift really to have so many people care about how she's doing and cheering her on," Michelle said.

While there is no guarantee how far Lydia will go in recover-



DAVID BEBEE, RECORD STAFF

Family pictures hang above Lydia's bed at the rehabilitation centre, one of her parents and another of her mother holding her as a child.

ing from the brain injury, faith and community has encouraged the family to remain optimistic.

"The fact that Waterloo Oxford still says, 'Lydia Herrle, We believe, Class of 2017,' it's beautiful and as she gets better I actually

start to believe that she could go to high school," Michelle said.

"I don't know if she will, but at least it's not a dream. It's a potential possibility now."

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