



THE 1977 EXECUTIVE of Acton Junior Farmers, installed at the annual banquet and dance Saturday in Sacre Coeur hall, are from left, John Reid, press reporter; Annette Reid, treasurer; Mary Brooks, secretary; Beryl Coles, vice-president; and Bev Leitch president.



THE NEW EXECUTIVE of the Halton County Junior Farmers installed at a banquet and dance Saturday night in Georgetown, are from left, Norman Anderson, vice president; Frances McLean, provincial director; Ed Bird, president; Janet Swackhamer, newsletter; Rick Isnor, sec-treasurer; and Cecil Patterson, alternate director.



INCOMING PRESIDENT Bev. Leitch, presents past president Janet Swackhamer with the president's pin at Acton Junior Farmers annual banquet and dance Saturday.

Court decides . . .

(Continued from page 7)
Mr. Meyrick observed a substantial consensus among commentators on the newly-introduced Expropriations Act. This was that the consideration of alternate sites was a proper function of an inquiry officer.

I agree with that view. The duty of an inquiry officer is to consider whether the taking of lands is "fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority". It is difficult to invest that language with any real meaning if he does not inquire whether alternative sites (or routes) were considered, or whether they were or were not, should be. It appears to me that if an inquiry officer concludes that alternatives were not considered by the applicant, or not adequately considered, or, whether they were or not, a preferable alternative exists that could reasonably achieve the objectives of the expropriating authority, this should be reflected in the opinion he must ultimately give.

How this issue should be handled will depend on the circumstances of each case. Some cases may require lengthy investigation, in others the questions of fairness, soundness, and reasonable necessity might be answered with only little effort. How much or how little inquiry is necessary is, in the first instance, for an inquiry officer to decide. It is a matter of discretion.

Here, the inquiry officer has decided not to allow inquiry into alternatives. Usually, in my opinion, that would be a wrong decision, for it would prevent him from making the kind of inquiry that his mandate requires, and would result in an error of jurisdiction. But this is not a "usual" type of case. Indeed, it is an extraordinary case. Here, the question of alternative routes, from Nanticoke to Pickering (and elsewhere) has been investigated at length and in detail, by a Commission especially selected for the purpose. That aspect of the issue before the inquiry officer has thus been dealt with in an exhaustive manner. For the inquiry officer to do this all over again, without the resources of the Solandt Commission would be a great waste of time and money.

In my opinion, in these circumstances, it was open to the inquiry officer to accept the report of the Solandt Commission as settling the question of generally alternate routes. This appears to be the effect of his ruling. His ruling does not prevent or avoid consideration of alternatives to the route in the locale of the recommended route. Rather, it was obviously intended to preserve that prospect. At a later point in his reasons, Mr. Meyrick said:

The strict application of my ruling although disappointing to the majority of respondents who obviously had come to the hearing prepared to attack the whole process of route studies and selection, would still allow considerable latitude for attack through cross-examination and evidence on the general scheme which could be related to the particular section of the transmission line corridor, Limehouse to Milton which is the subject for detailed examination in this inquiry. Thus it could be demonstrated that the land was not needed in whole or part or that modification was possible. To this I stated that the ruling would not be narrowly construed.

In this interpretation of his own ruling, I think Mr. Meyrick was right as well.

It remains to deal with the Minister's objection to the jurisdiction of the court. The function of the inquiry officer is said not to be quasi-judicial, in that he issues a report and

not a decision. The Minister therefore argues that his ruling is not subject to certiorari. I find this a curious position to take when it was apparent to all, and virtually conceded by counsel for the Minister that the question before us was novel, was of general significance to the operation of The Expropriations Act, that it dealt with an area of now long-standing controversy, and it was highly desirable that it be set at rest.

However, the objection having been raised, and dealt with at some length in written submissions, we are bound to deal with it. This is an application for judicial review, not merely certiorari. It could be seen as an application for mandamus, a remedy subsumed by The Judicial Review Procedure Act. In that case, the grant of a remedy would not depend upon the existence of quasi-judicial functions. The remedy would lie if the inquiry officer simply failed to do his statutory duty. Seen in this light, there can be no objection to jurisdiction on the ground taken.

Similarly, on an application for judicial review, the court's power to make a declaration becomes operative. I know of no law that confines the power to make a declaration of rights to the exercise of quasi-judicial functions.

The application should be dismissed, but in the circumstances without costs.

Justice Reid
Justice Rutherford
Krever, J.

I have had the benefit of reading Mr. Justice Reid's reasons. I agree with him that the inquiry officer's ruling is subject to judicial review in the circumstances of this case. I also agree with his conclusion that the consideration of alternate sites is a proper function of an inquiry officer who, under s. 7 (5) of The Expropriations Act, R.S.O. 1970, c. 154, must look into the question whether the proposed taking of lands "is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority". I regret, however, that I am unable to share his opinion that because of the history of this matter, particularly the prior investigation of the question of alternative routes by the Solandt Commission, the decision not to allow inquiry into the alternatives in a hearing under s. 7 (5) of the Act (which, in Reid, J.'s language, would "usually... be a wrong decision") was right. I fail to see why the history of a particular expropriation proceeding should be held to affect the correct interpretation of The Expropriations Act which is a statute of general application to all expropriations. Like Mr.

Justice Reid, I agree with the consensus among commentators that the consideration of alternate routes is one which is relevant to the principal issue whether the taking of the proposed lands is fair, sound and reasonably necessary. In my appreciation of s. 7 (5) of the Act, how The Expropriations Act came to be invoked is of no consequence. Given the application of the Act, it must be interpreted correctly, and in the same way, according to its terms in all cases to which it applies. Whether or not it would be a great waste of time and money for the inquiry officer to do what he must do in the absence of any antecedent special inquiry is not, in my opinion, a material consideration when construing s. 7 (5) of the Act which, as I have said, is to be interpreted in the same way in all expropriations.

For these brief reasons, it is my conclusion that Mr. Meyrick was in error in the ruling which the applicant seeks to have judicially reviewed. Accordingly, I would grant the application with costs and declare that every party to the inquiry is permitted to present evidence and argument, to examine and cross-examine witnesses as to the alternate routes as part of the inquiry into the question whether the proposed taking of lands is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.



ON DUTY with St. John but without any cases, George Hargrave entered Sunday's Skatathon.

Eramosa

Form committee to follow Board of Ed.

Eramosa councillors Monday recommended the formation of a committee to look into the recent moves by the Wellington County Board of Education involving the

School board boundary vote

A motion to abolish school boundaries in Wellington county was defeated at the last meeting of the separate school board.

The motion was raised by Richard Gazzola during the discussion of nine requests submitted by area parents.

Most of the requests concern children who will be starting kindergarten next year and whose parents want them to attend school outside of their regular areas because of baby-sitting or transportation problems.

elimination of boundaries in school districts.

The board's action could force Eramosa students to be bussed to schools in Fergus or Guelph.

The bussing was instituted to try to ease the load on the southern schools in anticipation of an influx of people into the bottom of Wellington County, according to the board. Deputy Reeve Holman feels that the move is being made to benefit Guelph Schools only, and pointing out the number of Guelph representatives on the board he said "I begin to wonder if it's not the City of Guelph Board of Education."

Allen Lumsden said "We are going to be moved north. We may get away next year. But we will be moved."

Peter Southwell, who brought the situation to the attention of Council, suggested that a permanent

committee of council be formed to "keep a finger on developments in this area." Council, however, felt that since the Board of Education is not required to answer to any municipal council, and to give the committee some permanence, the committee should be formed through an existing avenue, such as the Home and School Association.

Shuffled John McLeod pointed out that the Region needs 90 per cent occupancy of all schools before it can get a grant for other high schools, and said that rural students were being shuffled around to

Executive elected at GRCA

The annual meeting of the Grand River Conservation Authority was held on February 23 at the Administration Centre in Cambridge.

J. Bauer and R. Clark were returned as chairman and vice-chairman respectively, while the Executive for 1977 are Messrs. Beattie, Bradley, Cooper, Graham, Gregg, Haworth, Heeg, Jones, Pequegnat and Mrs. Poll.

Three projects were adopted at the annual meeting as projects of the Conservation Authority. These are channel and dyke works in the City of Guelph along the Eramosa River, a new dam to replace the existing one at Caledonia, as well as dyking and riverbank improvements along the river, also in the town of Caledonia.

In 1977, the G.R.C.A. has 11 new members, out of the total of 44.



BEV LEITCH, president of Acton Junior Farmers, helps Earl McLean hold his awards, at the Acton Junior Farmer annual banquet and dance Saturday in Sacre Coeur hall. He was chosen outstanding member, and was presented with the Halton County past president's shield.

DANCING

Every Saturday
9 p.m. to 1 a.m.
at the
Acton Legion

MAR. 12 - 'LYBRA'

Mar. 19 - The Irish Rebels	Apr. 2 - Mystics
(St. Pat's Dance)	9 - Camilla Show Band
28 - Wheels	16 - B. J. Wright
	23 - Country D's
	30 - Guardsmen

Admission: \$4.00 per couple

Don't forget to get your tickets for the special St. Patrick's Dance on March 19 - \$8.00 per couple.

ENTERTAINMENT IN LOUNGE
EVERY FRIDAY NIGHT
9 P.M. - 1 A.M.

consumer information

"MAKE LIFE EASIER" this Spring, Union Gas offers this delightful booklet, full of information concerning the purchase of gas appliances, the use and care of these appliances for maximum efficiency.

Our CONSUMER SERVICES REPRESENTATIVES provide a phone in service to answer your Consumer and Household questions and to answer literature requests - all available at NO CHARGE.

Phone us from Monday to Friday.

PHONE: 526-2474

TOLL FREE: 1-800-263-6965

CONSUMER SERVICES MAKES LIFE EASIER!

UNION GAS

ACCENTER

TELL YOUR FRIENDS SALE

Let's get acquainted with a fun hobby!

ALL WHITEWARE LESS 10%

It could be the start of something exciting

— WE START IT YOU FINISH IT AND HAVE THE FUN!

Guelphview Square
877-5000

Firestone

OIL CHANGE and LUBRICATION

\$ 8.88 Filter Included

Oil, Oil Filter, Grease and Labour Included.

FOR MOST AMERICAN CARS

TUNE-UP

6 months or 6,000 mile prorated guarantee

4 Cylinder	6 Cylinder	8 Cylinder
\$24.85	\$29.85	\$34.85

Includes: New plugs, new points, new condenser, new rotor adjust timing and carburetor. Lubricate heat riser valve. Check distributor cap, cooling system hoses, spark plug wires, coil, PCV valve, air filter and gas line filter. Special prices for cars with electronic ignition.

Parts & Labour Included
Light Trucks and Imported Cars - Same Price

Firestone Stores

MOORE PARK PLAZA

GEORGETOWN

877-5119

USE OUR Firestone CREDIT PLAN OR...