

Legal war

# Corridor opponents say next step may shake government

By PAUL DORSEY  
Herald staff writer

The immense legal war surrounding Ontario Hydro's application for permission to build a section of the Bruce to Milton transmission corridor through Halton Hills is expected to take on even more serious implications with the ruling of a divisional court this spring, the weight of which, according to corridor opponents, could possibly lead to the collapse of Ontario's Progressive Conservative government.

The town of Halton Hills and the Interested Citizens Group (ICG) have filed application for a hearing before the divisional court that is expected to take place in late March or early April. There, the right of the Ontario Municipal Board (OMB) to take any stand on the corridor issue will be chal-

lenged. The two parties, which jointly oppose Hydro's request for planning amendments that would authorize construction of a 12-mile section of the corridor through Halton Hills, contend that the OMB has no jurisdiction over the matter in view of the authority already granted Hydro by the provincial government to proceed with the line.

**HYDRO HEARINGS**

During his summation before the OMB at hearings held in Georgetown two weeks ago, Hydro lawyer John Parkinson expressed doubt that the ICG and Halton Hills sincerely intend to follow up their stated proposal to bring a motion of prohibition before the courts that would preclude the OMB from participating in the controversy.

Their notice of motion, he

contended, is simply another delaying tactic aimed at keeping the 500,000-volt corridor out of Halton Hills a little longer.

ICG spokesmen John Schneider and John Minns told The Herald following the hearing, however, that the motion for prohibition is already filed with the divisional court and the ICG has every intention of following through with its challenge.

At stake in the court hearing, the two spokesmen explained, is the question of which provincial legislation takes precedence in the corridor controversy: the Power Corporations Act, by which Hydro could have constructed the Bruce to Milton corridor at the outset without having to apply for municipal permission, or the Ontario Municipal and Planning Acts, upon which Halton Hills is replying to enforce its official

plan clause that requires council approval for amendments before major utilities such as the corridor can be built.

**CORRIDOR OPPONENTS**

Mr. Parkinson based his allegations last week on the presumption that the corridor opponents cannot win their battle, regardless of the court's eventual decision, if they do challenge the OMB's jurisdiction.

Interpreting the issues at stake before the court, he conceded that it is a legal question whether or not Hydro must follow normal municipal planning procedures in view of the fact that the Power Corporations Act supercedes both municipal rights and the authority of the OMB.

Nevertheless, Mr. Parkinson said, Hydro has chosen to follow planning procedures

and "submit to public scrutiny," rather than rely on the over-riding authority of existing provincial legislation and the support already granted it by the Ontario Cabinet.

However, he claimed, if the divisional court rules that the OMB has no jurisdiction in the corridor affair, the Power Corporations Act takes immediate precedence and the construction of the line through Halton Hills can proceed.

If, on the other hand, the motion for prohibition is denied in court, the decision of the OMB will stand, and that decision Mr. Parkinson argued must fall in Hydro's favor since established government policy cannot be questioned.

"We'll all have a marvelous debate on the constitutionality of the whole affair," he told the OMB, "but the line will be built."

The reasons for taking the matter before the courts were quite different as explained by the ICG, however.

**WINNING, LOSING**

"The whole controversy never has been a matter of winning or losing," Mr. Schneider claimed. "It's a matter of demonstrating to the people of Ontario the number of back-up steps the government has taken to create the illusion that its decision (on the corridor route) was not arbitrary."

Mr. Schneider said that the corridor issue is one of many civil rights problems that are symptomatic of an historical trend that has seen more and more civil freedoms yielded to "democratic" governments. Increasingly, he said, the government becomes arbitrary in its decisions and ceases to be responsive to the wishes of the people.

Initially, Mr. Schneider recalled, Halton Hills lawyer Fred Helson sought a court injunction that would prevent Hydro from undertaking any line construction work in the municipality until a final decision had been made. There was some evidence that preliminary work was taking place, the corridor opponents noted.

Mr. Helson and the ICG soon learned that such injunctions were precluded by the Power Corporations Act, however, which thus lent further support to the authority already granted Hydro by the Ontario Cabinet to proceed with the line.

If the authority to build the corridor from Bruce to Milton had already been granted, Mr. Schneider contended, then public meetings and hearings

conducted with regard to the corridor, including the recent OMB sessions, have been a "farce" that will ultimately have no bearing on the final decision.

**POLITICAL RIGHT**

At the outset, the government had the political right to authorize the construction of the corridor along any route it chose, Mr. Schneider said, and, despite the "poor" decision which corridor opponents feel the government made, the political nature of the decision was at least adequate justification in itself. The ICG is incensed, though, over the government's subsequent decision to try and make its corridor route choice seem to comply with "the law of the land," he explained.

The ICG maintains that the corridor route cannot be justified in terms of technical and environmental standards and any approval granted the line's construction would circumvent the law, Mr. Schneider said.

Mr. Schneider and Mr. Minns acknowledged that if the court rules that Ontario's Planning and Municipal Acts take precedence over the Power Corporations Act, the corri-

dor cannot be built since Halton Hills will rightfully uphold its previous decision to keep the line out.

If, however, the court decides that the Power Corporations Act carries more weight, as is generally expected, they pointed out, then the ICG's claim that public participation in the corridor planning has been a sham will be proven correct: the corridor can thus be built on the basis of the government's original political decision.

If this does happen, Mr. Minns predicted, the ICG has new grounds to appeal decisions by which the corridor

route was selected and endorsed.

What is more important, the government's attempts to underplay its political authority in selecting the corridor route by holding public hearings can be challenged in the legislature, he said. A "showdown" at Queen's Park between the Conservative's minority government and the two opposition parties, Mr. Minns speculated, could leave the Tories on "dangerous ground" as they are forced to explain the inconsistencies in their initial approach to the public's involvement in the matter.

## Balanced police budget predicted by commission

The Halton Regional Police force will come in within the 1978 budget when the final accounts for the year come in, accounts supervisor E.A. Patterson told the police commission last Thursday.

Mr. Patterson said there are a few invoices yet to come in, but they should be in by the end of the month. At that time, total expenditures for the year

will be known, but Mrs. Patterson said she expects the figures will reveal the force came in "well within" the budget.

"In spite of all the gnashing and a few extras we hadn't figured on, we came in within budget, and I think that's commendable," Oakville mayor Harry Barrett, chairman of the commission, said.

## 'Taylor supports us' says ICG

By BOB RUTTER  
Herald special

When citizens opposing the Bradley-to-Milton 500KV corridor came before the legislature's select committee on Ontario Hydro affairs they will have moral support from a former Ontario cabinet minister.

Interested Citizens Group (ICG) officials have confirmed that some of the information to be presented to committee comes from discussions held with former Ontario Energy Minister James Taylor.

Mr. Taylor, who resigned the portfolio about one year ago, has claimed in several interviews that Ontario Hydro is out of control.

John Minns, vice-chairman of the group representing about 2,500 land owners along the 109-mile corridor route, said that Mr. Taylor provided information for use before an Ontario Municipal Board (OMB) hearing held this month into Hydro efficient plans and zoning amendment applications in Halton Hills.

Mr. Taylor couldn't be contacted Sunday for comment.

**FORMER MINISTER**

Mr. Minns said the former minister will be viewed in history as an honest man who recognized some problems, a position not taken by his successors.

Mr. Taylor received an ICG

presentation in December 1977 and presented his views to cabinet, but, said Mr. Minns, the former minister didn't feel cabinet shared his knowledge or his sense of urgency over the issue.

Among the evidence to be presented before the committee is the group's attempt to show "how Ontario Hydro circumvented the law."

East Garafraxa township's attempts to stop construction of the corridor since 1974 have been ignored although the township's Official Plan — like that of Halton Hills — does not permit power corridor land use.

Towers have been constructed in the township although no attempts have been made to change the township's official plan.

Halton Hills has stalled the utility from constructing the corridor until the OMB rules on the Official Plan and zoning bylaw changes.

The nine days of testimony at OMB hearings in Halton Hills also demonstrated very clearly that Ontario Hydro has done a number of things that were not within the spirit or letter of the law, Mr. Minns said.

He said the OMB will be "hard-pressed" to make a decision against the wishes of Halton Region which comprises a population of 302,000.



SNOW SCOUTS

With all that snow around the site of the North Halton District Scout winter camporee Saturday and Sunday, it was inevitable that some of it would find its way into snowballs in the hands of some of the scouts. Craig Lucas and Greg Barrett weren't the only combatants, by a long shot, but they were firmly enough entrenched that they stayed put long enough for The Herald's photographer to capture them on film.

(Herald photo)

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**POOL NEWS**

The Halton Hills Recreation Department is offering yearly membership passes for our Recreational swimming program. These passes will allow an individual or family to use our pool facilities for one year at a very reasonable rate. These memberships can be purchased at the pool facilities during the regular program hours and are good for 365 days.

The membership rates are as follows:

|                                      |   |
|--------------------------------------|---|
| <b>Single pass</b><br>\$18.00 - year | <b>Single pass with sauna</b><br>\$30.00 - year |
| <b>Family pass</b><br>\$60.00 - year | <b>Family pass with sauna</b><br>\$70.00 - year |

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