

# Decision may affect fight against corridor

Contrary to the urgings of its staff, the town planning board has endorsed a precedent-setting ruling by the Halton Land Division Committee (LDC) involving the right-of-way for Ontario Hydro's 500,000-volt transmission corridor.

Deputy planning director Brian Kropf had strenuously advised the board to launch an appeal against the LDC's June 19 ruling which grants two severances from the property of Casey and Jacoba Boss on Lot 23, Concession 5.

Strong arguments from Mr. Boss' lawyer Dick Howitt, and from councillors Russ Miller and Roy Booth swayed the board decision, however, and the proposed appeal was vetoed.

For the first time in 13 cases related to the hydro corridor, Mr. Kropf pointed out at last week's board meeting, the LDC approved the severances without adding a condition tying the approval to the outcome of the town's continuing legal battle over the corridor.

## CREATE LOTS

If the courts rule in the town's favor and deny hydro permission to build the corridor through Halton Hills' Fifth Concession, Mr. Kropf explained, the conveyance of the

Boss Lands would "create two perpetual lots for a use that is not permitted."

"The first parcel would be land-locked and, if the hydro corridor is re-routed, the second would remain a legal building lot which was not the intention of the planner said."

In 13 previous instances, including two applications considered the same night as the Boss's, the LDC's conditional approval will render the severances automatically null and void in the event that the town is successful in its battle against the corridor, Mr. Kropf reported.

"On the other hand, if the question should eventually be resolved in hydro's favor, then the severances, which would be needed in any case, will automatically take effect," he said.

A second precedent to the LDC's ruling, Mr. Kropf added, is its approval of an application in which hydro would build its towers in a line across the Boss property, creating two lots 50 acres and eight acres in size. The 37 applications already considered by the LDC have seen towers the corridor follow rear lot lines of properties, Mr. Kropf said.

"Despite the fact that the owner may have every intention of continuing to farm the eight-acre parcel," he said, "it remains that he or any successive owner is free to develop it as a separate parcel at any time without having to apply for a severance."

The planner contended that the LDC could have "easily resolved" the problem of "fragmenting a viable farm unit and creating an additional non-farm lot," had it accepted the town's advice to grant one of the severances for easement purposes rather than an outright conveyance.

Mr. Howitt pointed out, though, that hydro's decision to purchase the property outright rather than just rent an easement was part of "the best possible deal I could work out for Casey."

"I hope you won't disrupt it now," he told the board. Mr. Howitt described his client as a long-time opponent of the hydro corridor who has been repeatedly frustrated in

his attempts to get a fair deal in negotiations for his farm. Although a supporter of the Interested Citizens Group, which continues to oppose the corridor before the courts, Mr. Boss presented an individual case for alterations to the line while attending expropriation hearings in 1977, the lawyer said. His request to have the line built along his farm's rear lot line was denied by both the expropriation officer and the ministry of energy, Mr. Howitt explained.

**DONE OUR BEST**  
"We haven't asked for this line," he commented. "We've done our best to get it onto the rear lot line so it doesn't create any severances, but the moment the (Ontario Municipal Board) said the zoning bylaw had to be changed, that meant the line was going through."

Mr. Howitt contended that any condition the LDC attaches to its severance approvals is irrelevant because of the OMB ruling. The hydro tower is

already standing on Mr. Boss' land, he said.

The lawyer suggested that the town and ICG may be in a no-win situation as they continue to challenge the OMB's jurisdiction in the corridor dispute before the courts.

If the Supreme Court of Ontario decides that the OMB has jurisdiction to consider the corridor application, as it did favorably earlier this year, the corridor will be built in accordance with the OMB's ruling, Mr. Howitt said. If the court denies the OMB's right to consider the matter, however, the province's Power Corporations Act takes immediate precedence and the corridor can still be constructed.

"I'd just like to thank you for making it clear why we're wasting our money trying to prove a point," Coun. Booth said to Mr. Howitt.

**COURT CONFRONTATION**  
Mr. Kropf argued that the ongoing court confrontation could still provide the corridor opponents with a victory of

sorts if the OMB's jurisdiction is successfully challenged. The provincial government will then be forced to justify the Power Corporations Act's precedence over the Ontario Municipal Act, he explained, a task which could have some serious implications for the province's municipalities.

Coun. Miller argued against appealing the LDC decision on somewhat different grounds, noting that Mr. Boss has been farming the property in question for more than 20 years and has never sought a severance "simply because he's an exceptional farmer."

Mr. Boss does not wish to work beneath the high-voltage lines which would bisect his farm, Coun. Miller explained, and has thus sold some swampland at the rear of his property in order to create a new lot line along the corridor's path.

Mr. Boss now hopes to retire on the eight-acre parcel being separated, Coun. Miller said, and "do a little bit of

farming"  
"If we appeal this, we'd be doing a big injustice to the little man and letting the big corporation off the hook," he commented. "I think we owe (Mr. Boss) this much."

"He's got to be compensated for at least some of the money he's spent fighting these guys," Mayor Pete Pomeroy agreed. "I think that's a sound moral decision as far as this council's concerned."

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## Board reopens 'Glove' case

The Ontario Labor Relations Board (OLRB) has set dates for hearing an application for automatic union, Canadian Union of Brewery, Flour, Cereal, Soft Drink and Distillery Workers on behalf of Acton's Superior Glove employees.

The board will hear an application for automatic certification under section 7A of the Ontario Labor Relations Act on September 11 and 12, union representatives Bill Rannachan told The Herald.

An OLRB majority decision handed down a month ago rejected the union's submission that Superior Glove manager and co-owner Frank Geng laid off employees in an effort to interfere with their efforts to form a local of the union.

**REVIEW EVIDENCE**  
The new board selected for

this hearing will review evidence given at the hearing in the spring, Mr. Rannachan said, and also hear evidence of further anti-union incidents which have occurred since the first hearing. Should they wish to do so, the union still has the option of appealing the board's earlier decision, he said.

Super Glove Works Ltd., one of the largest Canadian manufacturers of industrial gloves employs about 80 people, most of them women. At the same time workers began trying to organize a local of the Brewery Workers' union in January the company began laying off employees. The company said the move resulted from economic pressures. The OLRB majority decision last month upheld this claim but noted the company anti-union bias.



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