

Two centre reps may not have been in charge

Charges against Yugoslavians dropped

By ANI FEDERIAN
Herald Staff Writer

Charges of violating a Halton Hills bylaw last July 5 and 12 were dropped against two leaders of the Yugoslavian recreation centre on Highway 25 Thursday in Milton criminal court.

Charges against Nick Cajic and Nedjelko Orbovic were dismissed by Justice of the Peace B.P. McDermott, who said there was insufficient evidence to prove they had "permitted" the noise or been in charge of the centre at the time. He also said there was no evidence of either defendant being on the property July 5 or 12 when the bylaw infractions occurred.

Another charge against Mr. Cajic for breaching the noise bylaw Aug. 9 was dismissed because Judge McDermott said the town's solicitor hadn't followed proper procedure.

The charge had been re-laid against Mr. Cajic in January after a judge dismissed it in late November stating that the town had failed to prove Mr. Cajic was present and in control of activities at the Yugoslavian centre when the noise violations occurred.

"If new evidence comes forward, certainly the town has the right to re-lay the charges," the justice said.

"There really isn't new evidence," town solicitor Tom Anderson was forced to admit.

The judge said the town should have asked for a stay of proceedings in November which would have allowed reopening of the case within one year. However, withdrawing the charges as the town did, then re-laying them is an abuse of the criminal process, Judge McDermott said.

"Unless there's new evidence that has changed the facts or situation from last time," bylaw enforcement officer Jack Lusty testified he had received complaints about noise from Third Line residents prior to July 5 when the first of four charges were laid.

The centre officially opened July 2.

Mr. Cajic pleaded not guilty to violating the town's noise bylaw July 5 and Mr. Orbovic pleaded not guilty for the same charge laid July 12.

About ten residents of Third Line filed the court's benches Thursday as witnesses ready to complain about the noises which disturbed them last summer.

"You can see from the number of witnesses in court today that it's a concern of a number of citizens and it isn't a charge that is being laid in any way to be damaging or confusing," solicitor Anderson said.

"Normally I only get Sunday and Saturday off with the children and on that particular day (July 5) we had to stay indoors most of the day because the noise was really annoying us," Samuel Ng, a general practitioner in Acton testified. He said the same noise problem occurred July 12.

"We had to go inside," Jerry Brockelby, an Inco Ltd. employee, said from the witness stand. "It was so loud we could barely hear the TV. It was a nice day (July 5) and we would ordinarily have been outside."

Toni Court, also a Third Line resident agreed, saying the noise was very disturbing. Defence attorney Jack

Wallings of Georgetown asked that the charges be dismissed, stating there was no evidence that Mr. Orbovic or Mr. Cajic permitted or caused the noise, although there was evidence of the noise. The bylaw's first paragraph refers to the person charged as being responsible for "causing or permitting" noises.

"There was evidence that Mr. Cajic was there, but also evidence that he had no control over the equipment. He would turn it down and someone else would turn it back up again," Mr. Wallings said.

Town solicitor Anderson disagreed, saying that Mr. Cajic had been identified to investigating police as the person in charge and as someone who would take steps to correct the problem.

"He is one of the owners of the property and would have all the rights of an owner," Mr. Anderson charged. The deed for the Yugoslavian centre bears six names as guarantors in trust, among them Mr. Cajic and Mr. Orbovic.

"Mr. Cajic indicated a willingness to try to correct the problem," Mr. Lusty said. "He indicated he was one person in an organization who was having great difficulty in controlling the members of the organization." Mr. Lusty said he had discussed the noise problem on several occasions with Mr. Cajic.

The centre is about a five-minute drive from homes on Third Line. The prevailing westerly wind, mentioned by several witnesses, aggravates

the noise problem. Halton regional police testified they had suggested loudspeakers be turned away from the direction of the Third Line homes.

"There was noise, there's just no evidence to prove these gentlemen caused or permitted it," Judge McDermott said. "I hope that as mortgage holders (the accused) make some efforts to make these people (the witnesses) happy."

"If they keep laying charges, they're going to get it right one time and if they do, you're going to be faced with a problem. Try to keep the people happy. They're there and they have a right to be there."

Calling the judge fair, Third Line residents nevertheless

were concerned about future problems with the centre.

"They can continue to disturb our lifestyle all summer and there's nothing we can do," Gwyn Johnson said.

"I think it made sense, but I feel the people are responsible for what goes on there," Mrs. Court commented. "Like the judge said, we'll get it right in the end."

She said she's thought of moving out very seriously.

"I don't want to listen to them on the few days I have to relax. That's why I live out there."

This year more than 74,000 Canadians will be struck by cancer. The Canadian Cancer Society is trying to find the answers to cancer through research and by educating the public about the need for early diagnosis and prompt treatment.

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KART SEASON

Fred Kurpewit (left) and his son Ken standing beside him visited both the Georgetown and the Acton branches of the Halton Hills public library Saturday, talking about their favorite hobby, go-kart racing. With a go-kart close at hand, Mr. Kurpewit told youngsters and parents some of the "dos and don'ts" of the sport, and advised them to think about safety first by racing only under supervision. Ken has been racing out of the North Halton Kart Club in Limehouse for two years and his competitive edge in races across North America have won him a shell full of trophies. (Herald photo)

About the Hills

Still more petitions

Georgetown church-goers are still upset about a local restaurant's plans to bring in exotic dancers as part of its nightly entertainment. Petitions were accepted by town council Monday night from parishioners at St. George's Anglican Church and the Halton Gospel Temple who are upset that the town may consider granting the Rib Cage restaurant an "adult entertainment" licence. Three weeks ago, Holy Cross Church parishioners filed a similar petition with the town's bylaw enforcement officer. Adult entertainment licences in Halton Hills cost \$2,500 per year and aren't as a rule reviewed by council.

Happy birthday, Bert!

Bert Palmer of Georgetown celebrates his 80th birthday with an open house April 11 from 2 to 4 p.m. His family invites all Bert's friends to join the celebration at 8, Durham St. in the Common Room. Best wishes only, please.

CORRECTION

A staff comment by Herald reporter Ani Federian last Wednesday incorrectly stated that the Halton board of education had granted its French language advisory committee \$2,800. The budget draft had granted that amount but it was actually pared to \$1,000 in the final budget. The same comment suggested the board has given its program superintendent "carte blanche" to allocate tax dollars. Despite the superintendent's indications to the contrary, trustees insist he has no such authority. The Herald regrets its factual error as well as any mistaken impression taken.

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Georgetown Doctors Reject Government's Imposed Fee Schedule

- We feel the imposition is GROSSLY UNFAIR.
- We feel the OHIP System has served the people of Ontario well, but it is rapidly deteriorating due to under-funding.
- We feel the people of Ontario want a good health system, not just the cheapest.
- The following action is being taken by the Georgetown Doctors to protest against the Health Ministry, not our patients.
- Doctors' offices will not be open on April 12 & 13 and April 21, 22 & 23 the following week. Doctors will be available for urgent cases.
- Free advice and prescription renewals will not be handled by telephone, except for those disabled.
- We feel these actions have to be taken to protect our rights, and your health system.
- These sanctions will be increased until the government takes corrective action.
- We hope you will let the Minister of Health, Mr. Grossman, know your feelings at Queen's Park, Toronto M7A 1R3.

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