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NEWS

New courthouse needed in Halton region now

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are ongoing facility challenges in the Halton region, and this remains a priority for the ministry.”

The need for a new, consolidated courthouse is “desperate,” said Paul Stunt, a long-time criminal lawyer in Halton who served as head Crown attorney in Milton in the early ‘90s before opening a defence practice.

“The building in Milton is disastrous, it’s awful,” said Stunt who began lobbying the province for a new courthouse in 2012. “It is jammed full and it is inadequate.”

He reels off a litany of problems, from the lack of confidential spaces for lawyers and mental health workers to speak with clients to overcrowded holding cells, security concerns for judges who need to walk through public corridors to get to courtrooms and woefully inadequate technological capabilities.

The only other court serving the area after the Oakville courthouse closed in 2009 is in Burlington and is just as bad, Stunt says.

And, as Cooper notes in his ruling, much time is wasted transferring cases between Milton and Burlington if court space does become available.

Some cases are transferred to Guelph or Brampton creating a serious access to justice issue for litigants using public transit, says Laura Oliver, a family lawyer and president of the Halton County Law Association.

“It’s the same pool of judges dealing with the ever increasing workload,” she adds of Halton Region. “And even if the judicial complement were to increase, there is no space to put new judges.”

Like Stunt, Halton County Law Association has been advocating for a consolidated courthouse able to accommodate the population growth in Milton (the fastest-growing municipality in Canada according to the 2011 Census), Burlington, Oakville and Halton Hills.

Oliver says court staff have had to come in on weekends to process orders because it’s so busy.

“If you file for an uncontested divorce in Toronto, you’ll probably get it back in a couple of weeks. In Milton it’s five or six months. And that’s just an uncontested divorce,” she says.

Trial dates for simple criminal cases are currently being set 11 months in the future on lists that are double or triple-booked, lawyers say.

They say this is dangerously close to the point where the constitutional right of an accused per-

son to a timely trial may be violated.

“I do know that in this region that if we are not at the point where cases are going to routinely be thrown out, we’re certainly bumping up against it,” Stunt says.

“We are very close to the guidelines (set out by the Supreme Court of Canada) especially on youth matters which are supposed to go a lot quicker,” says defence lawyer Brendan Neil, who has been practising in Halton since 2005.

A 2012 decision dismissing a case for unreasonable delay from Ontario Court Justice Stephen Brown who also presides in Halton Region, sounds an alarm on the consequences of cases being tossed out due to delay.

“This crisis has been increasing in my experience since my appointment to this region in 2006. It will not go away. It will only worsen,” he wrote. “This is inevitable considering the explosive population growth of Halton Region. Let the ministries that fund and operate the various arms of our court system be forewarned.”

A 2014 report from Halton Court Services found that the provincial offences courts (dealing with minor, non-criminal matters like traffic tickets or bylaw infractions) are stretched beyond capacity. More seri-

ous offences took an average of 405 days to reach trial in 2013, well over the provincial average of 309 days, according to the report.

Oliver says the Halton County Law Association has made several attempts to drive home the need for a new courthouse to the province. They have scouted out possible locations, offered to reach out to developers to put together a business plan and convened a town hall meeting attended by judges, local politicians and representatives from the ministry, she says.

But despite being told by the ministry they are “close to the top of the list,” a courthouse for Halton has not yet been approved, says Oliver. By the time one is, it could be 10 years before it is built, she says.

The recent announcement by the province that the Brampton courthouse is getting a six-floor renovation came as surprise and has prompted another letter, she says.

Oliver says she has been told a Halton courthouse is a hard political sell because the region is perceived as rich.

“Unless and until there are some really significant stories about how the courthouse impacts access to justice,” she adds.

MILTON VERSUS BRAMPTON

Milton courthouse

- Size: 34,360 square feet
- Built: 1960s with an addition in 1979 to serve a population of 190,230
- Current population: 550,000.
- Projected population of Halton Region in 2031: 780,000
- Number of cases received in 2014: 13,637

Brampton courthouse (now being expanded with an additional six floors):

- Size: 380,000 square feet
- Built: 2000 with population of 1 million
- Current population: 1.4 million
- Projected population of Peel Region in 2031: 1.64 million
- Number of cases received a year: About 40,000