

'Without prejudice' or, the case of the missing heater

Regional solicitors are expected to handle legal matters but at Halton Region, they have to become private eyes too. Such was the case when Dennis Perlin was called upon to locate a missing heater.

Installed in the former Halton County garage on Main St. in Milton by Union Gas in 1971, the heater had become lost in the shuffle of owners.

When the gas company came looking for it, the region was unable to account for it.

Mr. Perlin was called out to solve the mystery. Starting at the beginning, Mr. Perlin outlined the story in his report to the regional public works committee Jan. 2.

"In January of 1946 the Corporation of the Town of Milton conveyed to the County of Halton lands on Main St. in the Town of Milton for the purposes of a county garage."

"As time went on," Mr. Perlin said, "the lands were leased to Trafalgar Motors for use in connection with their automo-

bile business in Milton."

"In 1971 at the request of the county, Union Gas Limited installed a rental conversion burner in the former county garage and rent was continuously paid on that burner until February of 1975."

"In July of 1974 regional council approved a recommendation of the public works committee of the time that the county garage and yard facilities to be sold to the Town of Milton for the sum of \$60,000 and this sale and conveyance was

finalized on Mar. 4, 1975."

Mr. Perlin said he "received the correspondence respecting the transaction between the region and the town and the actual transaction was handled by the legal department of the region for both the region and the town and nowhere on the record was there any mention of the conversion burner."

"The Town of Milton took the property subject to the lease agreement with Trafalgar Motors."

He said, "Apparently, the conversion burner was disconnected at some point in 1975 and at that time Union Gas simply 'froze' the outstanding amounts which would be picked up at some point in the future when the conversion burner was either hooked up again or replaced by another burner."

"However, after the Town of Milton sold the property to Trafalgar Motors, the conversion burner was completely removed from the build-

ing and scrapped and replaced by another burner."

Mr. Perlin said, "This removal and replacement was done by persons other than Union Gas Limited so the persons concerned were not aware that the burner did not belong to Trafalgar Motors but rather was a rental burner still belonging to Union Gas."

"Since the region did not inform the Town of Milton that the burner was a rental unit, of

course, did not inform Trafalgar Motors and, thus, the town and Trafalgar Motors claim that they thought that the burner was a 'bought' unit and thus was part of the premises which were sold to the town and then sold by the town to Trafalgar Motors."

Mr. Perlin said he received a letter from Union Gas February 1978 under the title of "Without prejudice".

The letter informed him the burner was a rental.

Thus, the company wanted compensation. "Union Gas Limited indicated that with interest they felt that the payout amount which the region should pay to Union Gas for the loss of their investment should be \$1,815.40 but that they would take off the 'interest' portion and simply charge the region the remainder—\$1,291.06."

Mr. Perlin said he enquired whether the town or Trafalgar Motors would pay the company's bill.

He discovered, "neither the town nor Trafalgar Motors ever paid any rental to Union Gas directly on the unit and that the burner when it was scrapped, was not scrapped by Union Gas people themselves."

He said, "The town has taken the position that it was not informed that the conversion burner was a rental unit and that since it did not get charged for nor pay any rent that it could not pay the bill and that therefore, it

should not have to pay anything with respect to the outstanding claim of Union Gas."

"As there is no proof available that either the town or Trafalgar Motors were informed of the rental status of the conversion burner, then I believe that the region should take responsibility with respect to the unauthorized premature scrapping of the conversion burner," Mr. Perlin said.

The public works committee approved payment.

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