

# Towns, conservation authority probe tree-cutting



This aerial shot taken by Oakville Councillor Allan Elgar shows a pattern in tree cutting.

By **JASON MISNER**  
*The Champion*

Halton Region's top lawyer says he could know in two or three weeks whether charges will be laid against a company that cut down trees in an environmentally-sensitive woodlot bordering Milton and Oakville.

Dave Meneray said the Region, the towns of Milton and Oakville and Conservation Halton are working together to find out if a crime was committed and if so, what the charges will be.

"We're taking this very seriously," Mr. Meneray told councillors at the Region's planning and public works committee meeting Wednesday.

"We believe we have a very good legal foundation for pursuing this. Staff is giving this top priority."

He also said regional staff are consulting with lawyers from Newmarket — who last month laid 332 charges against a company for allegedly clearing trees.

Last month it was discovered that the woodlot bordering Sixteen Mile Creek had about 40 acres of trees torn down by excavators, destroying valuable bird habitat in the process. A majority of the area in question falls on Milton property.

The property is registered to a numbered company, which lists George and Helen Vastis of Burlington as directors. The couple has refused to comment.

The area has been regionally designated as an Environmentally Sensitive Area (ESA) and an Area of Natural and Scientific Interest (ANSI). But it's zoned agricultural. That means a land owner whose property is zoned agricultural can legally alter their property if it's for the purposes of farming. That's why a pivotal part of the investigation in the next couple of weeks will be trying to determine what the intent of the cutting was.

Town of Oakville lawyer Doug Gates said earlier this week the trees look to have been knocked down to make way for a golf course. But no permit for construction of any sort was applied for or granted for this property, known as 4237 Fourth Line.

Charges could be laid by the Region and Oakville under their tree-cutting bylaws. Under the Oakville bylaw, the fine is a maximum of \$10,000; under the Region's it's \$5,000.

Milton doesn't have a tree-cutting bylaw. But Mr. Meneray said Milton, if it chooses, could pursue charges under its site alteration bylaw, which looks at things like the disruption of drainage. The maximum fine is \$5,000.

Also, Mr. Meneray said he's considering pursuing fines under Ontario law, which are more stiff than those at the municipal or regional level. The Region is considering laying charges under Ontario's Forestry Act, which carries a maximum fine of \$20,000, he said. "We want to make a strong statement, if there's a basis to lay charges."

Oakville Councillor Allan Elgar rented a plane last week to take aerial photos of the site to get a better idea of what happened.

He said what's critical this summer is getting a Regional Official Plan — the blueprint for growth in a municipality — revised and passed that will better protect environmentally-sensitive woodlots in the future.

As part of the review, thousands of acres of agricultural lands in Halton could be reclassified as greenlands, giving those areas stronger environmental protection, he said. "We have to have this put in and we want to have it put in now," Mr. Elgar said.

The new Official Plan could be passed by the end of June.

Ward 1 Milton Councillor Brian Penman and past chair of Conservation Halton said the entire situation is sickening.

"This isn't just any forest, it's an environmentally-sensitive area and an area of natural and scientific interest."

-- With files from Kim Arnott, special to *The Champion* and Stephanie Thiessen, *The Champion*.

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