

# Trial to continue Thurs.

• from TREES on page 1

destroying trees in a woodlot, contrary to the Region's tree conservation bylaw.

Two more tree-cutting charges were added in July of last year.

It's alleged Mr. Vastis was responsible for destroying trees from April 4 to 11, 2003 and again July 14 and 15, 2003.

He could be fined up to \$840,000.

Mr. Vastis pleaded not guilty to the charges in June.

Ms DeLoyde testified that Mr. Vastis's property — located on Fourth Line, south of Britannia Road and north of Hwy. 407 between Regional Road 25 and Trafalgar Road — meets Halton Region's definition of an Environmentally Sensitive Area (ESA) set out in its Official Plan.

"My conclusion was the cutting took place within ESA 16 and our bylaw clearly states there should be no cutting in an ESA," she said.

When she returned to the property July 28, Ms DeLoyde said she saw trees being trucked off the property. That, she said, seemed to rule out the possibility the trees were being used for Mr. Vastis's own use, a tree-cutting exception in the bylaw.

In his cross examination of Ms DeLoyde, defence lawyer David Crocker asked if Mr. Vastis could've been using the trees to create mulch for his proposed farming operations — thus falling under the bylaw's "own use" exception. She said she didn't know.

He then asked about other exceptions when cutting can take place in an ESA, using Hwy. 407 — which cuts through ESA 16 — as an example.

Ms DeLoyde didn't provide a clear answer, and instead re-read aloud the bylaw.

Mr. Crocker asked why other landowners who had violated the tree conservation bylaw hadn't gone to court.

Once again, Ms DeLoyde didn't directly answer the question.

Earlier in the day, Mr. Crocker had cross examined John McNeil, manager of forestry services for the Town of Oakville.

Pointing to a photograph of tree regeneration on Mr. Vastis's property, Mr. Crocker charged it would be difficult to differentiate regeneration from weeds.

He was referring to the July charges that Mr. Vastis allegedly destroyed seedlings.

"I suggest that to the average person, it's not clear. I suggest no one would treat that growth as trees versus something else like weeds or grass," Mr. Crocker said.

Mr. McNeil adamantly denied the statement, saying the leaves of a young Oak tree have the same characteristics as those of a fully-grown Oak tree.

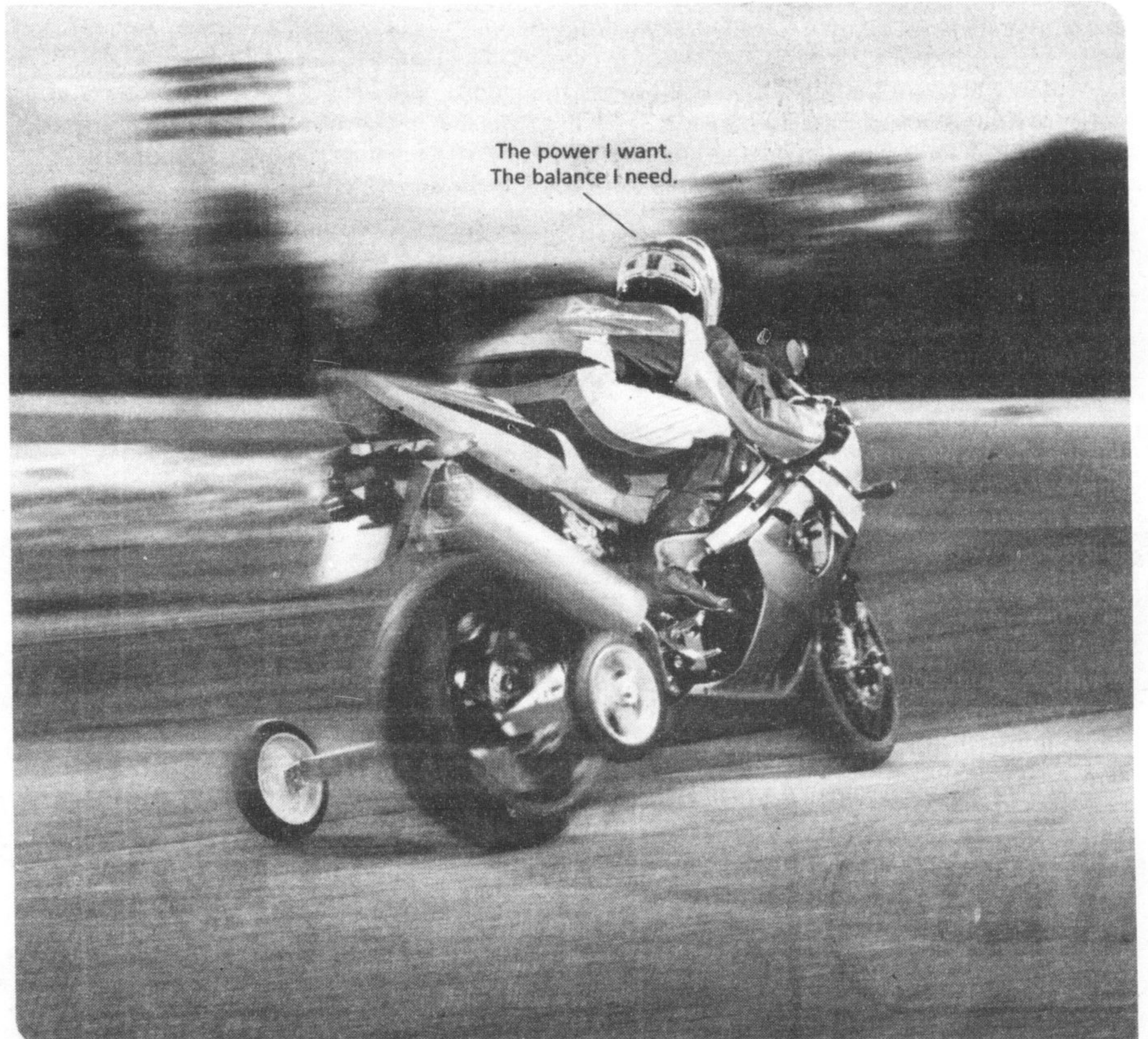
"I'm confident the average person can distinguish a tree from a weed," he said.

The proceedings will continue Thursday.

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