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## Area had evidence of heavy logging by previous owners

• from JUDGE on page A1  
his pain is due to degenerative disc disease, Justice Woloschuk told the court.

"Most of his health issues are pre-existing and have little to do with the trial and the length of it," he concluded, and once again the trial resumed.

In April and July of 2003, 20 acres of trees were cleared in long swathes on Mr. Vastis's Fourth Line property, violating Halton's tree-cutting bylaw and the Forestry Act.

Mr. Vastis and his company are facing up to \$840,000 in fines for cutting trees in a woodlot and in an Environmentally Sensitive Area (ESA).

He pleaded not guilty to the charges last year.

The property is located south of Britannia Road and north of Hwy. 407, between Regional Road 25 and Trafalgar Road.

Later in the day, defence witness David Charleton, an expert in forestry management and ESAs, was cross-examined by Crown attorney John Olah.

Mr. Charleton told court there had been "evidence of heavy logging" in areas not cut by Mr. Vastis from the previous owners.

Professional planner Robert Dragicevic took the stand next, also testifying for the defence. Discussing policy structure and the various planning legislations that encompass the subject land, Mr. Dragicevic said clearing for agricultural uses on the subject land is permitted under the various applicable legislations, including Halton's Official Plan and Milton's zoning bylaw.

He said development for agricultural purposes is viewed differently than other types of development under planning policy, and in many cases is exempted from prohibi-

tions. He referred to "the consistency of documents in terms of allowances of agricultural use and the creation of fields" in planning legislation.

When cross-examined by Mr. Olah, Mr. Dragicevic admitted that planning policies don't "stand in isolation." Mr. Olah stated they need to be reviewed together with applicable bylaws, referring in this case to Halton's tree-cutting bylaw.

"If you have a licence to drive a car, that doesn't mean you can speed, because the Highway Traffic Act applies and regulates speeding. They sit side-by-side, just like the Planning Act and (the Region's tree-cutting bylaw)," Mr. Olah said.


The case will continue October 26 in Burlington.

Stephanie Thiessen can be reached at [sthiessen@miltoncanadianchampion.com](mailto:sthiessen@miltoncanadianchampion.com).

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