

Town staff say they never told accused he could clear trees

By **STEPHANIE THIESSEN**

The Champion

Two Town of Milton employees have denied telling George Vastis he didn't need a permit to clear trees for farming purposes.

Testifying yesterday at Ontario Provincial Offences Court in Burlington, Barb Koopmans, a planner with the Town, and Linda Stockley, a customer service representative, said they both spoke with the Burlington resident when he visited the planning department to ask some questions.

But they didn't tell him to go ahead with the tree cutting on his land, court heard.

"I don't have the authority to say that," Ms Koopmans testified.

Earlier this year, Mr. Vastis had testified that he'd gone to the planning department to find out if he needed any permits to cut trees on his land. He said he was told by someone at the department that he didn't need a permit if the cutting was for commercial farming purposes, so he went ahead with the job.

After the first set of charges were laid for the cutting, he said he returned to the department to find out if he needed a permit to clear from his land what he'd already cut and to see if he could obtain the necessary cutting permit after the fact.

In total, 20 acres of trees were cleared in long swathes on Mr. Vastis' Fourth Line property in April and July of 2003.

Mr. Vastis and his company are facing up to \$840,000 in fines for 44 counts against him and the numbered company for cutting trees in a woodlot and in an Environmentally Sensitive Area (ESA). This is contrary to the Region of Halton's tree-cutting bylaw and the Forestry Act.

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.

Ms Stockley confirmed in her testimony for the Crown that there were two visits by Mr. Vastis to the Town's planning department pertaining to tree clearing.

Crown attorney John Olah asked her if she told Mr. Vastis he wouldn't need a permit if it he was clearing for commercial farm purposes. "I would not say something like that because it's not my position and not my expertise," court heard.

Ms Koopmans, a senior planner with the Town for about eight years, testified Mr. Vastis came in with some questions about cutting for farming in May 2003 — after the cutting had already taken place. She said she spoke with him only on that one occasion.

She said she showed him a copy of Milton's Official Plan to show him the designations that applied to his Fourth Line property and told him Halton's tree bylaw would apply. She said she also told him he might need permission from the conservation authority, as well as a possible site alteration permit from the Town.

In his cross-examination of Ms Koopmans, defence lawyer David Crocker asked whether she thought it odd Mr. Vastis was asking these questions after the trees were already cleared. She said she did.

"Do you remember speaking with Mr. Vastis prior to the matters coming up in the papers and prior to the tree cutting?" he asked. She said she didn't.

The last Crown witness for the day was Don Lobb, a farmer for 35 years, who said the manner in which Mr. Vastis had the land cleared — in narrow swathes — "isn't consistent with erosion control." Earlier in the trial, Mr. Vastis had said he left the strips of trees between the swathes to control erosion.

Mr. Lobb said the clearings don't lend themselves to field efficiency. "It's not consistent with normal farming practices."

The trial continues today in Milton.

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