

# Accused in tree-cutting case lacks credibility, says Crown

By **STEPHANIE THIESSEN**  
*The Champion*

The accused in a highly-publicized tree-cutting case lacks credibility and his testimony contradicts those of witnesses for both the Crown and the defence, a Milton court heard Friday.

"You can't rely on anything Mr. (George) Vastis says," said Crown attorney John Olah during submissions at Ontario Provincial Offences Court. "He's likely to say something quite untruthful."

The Burlington resident faces a slew of charges and up to almost \$1 million in fines for cutting activity on his Fourth Line property — which straddles the Milton/Oakville border — in April and July 2003.

"Mr. Vastis' evidence is simply unreliable," Mr. Olah told the court before launching into a dozen examples of how his testimony contradicted what others — or he himself — said.

In one example, Mr. Olah reminded the court of Mr. Vastis' testimony that he didn't know there was a Managed Forest Tax Incentive Program (MFTIP) on the land when he bought it several years ago. Mr. Vastis had testified he thought cutting for more farmland would lower his taxes, Mr. Olah said, since he was unaware of the MFTIP program.

But Mr. Olah suggested to

Justice of the Peace J. Woloschuk that Mr. Vastis knew about the program. The reason Mr. Vastis cleared the land, he said, wasn't to lower his taxes because he wasn't aware of the MFTIP, but to build a golf course.

More than 20 acres of trees were cleared in long swathes on Mr. Vastis' property.

Mr. Vastis and his company are facing up to \$840,000 in fines for 44 counts against him and his 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.

Defence lawyer David Crocker argued Mr. Vastis did all that would be reasonably expected to find out if a permit was required to cut trees on his property.

Mr. Vastis testified he was told at the Town of Milton's planning department that he didn't need a permit if he was clearing for commercial farm purposes, so he went ahead with his plans, cutting down 25 acres of trees before being stopped by Conservation Halton officials.

This, court heard, was the defence of officially induced error.

If Mr. Vastis had received the correct information, he wouldn't

have done the cutting, Mr. Crocker said.

The Crown denied Mr. Vastis was ever told he didn't need a permit.

Mr. Vastis' actions also fell under an exemption to the Region's tree-cutting bylaw, Mr. Crocker told the court.

The bylaw, he said, states trees can be cut in a woodlot if they're for the landowner's own use. And since Mr. Vastis testified the trees were being cut for mulch as a soil conditioner for use on his land, he falls under that exemption, court heard.

Mr. Crocker also argued that evidence obtained on a couple of April 2003 visits to the property by Conservation Halton officials should be thrown out since there were no search warrants.

It was an unreasonable search and seizure, court heard, and a violation of the Canadian Charter of Rights and Freedoms. The Crown relied on this evidence to prove the forested area in which the cutting took place was a woodlot.

Mr. Olah said he would respond at the next court appearance to Mr. Crocker's arguments that the charter was violated.

The trial will continue December 15 in Milton.

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

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