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**LOOKING BACK:** Second World War veteran Frank Sonoski holds up a photo of himself with his flight crew. On the table are photos taken in 1942 when he was 19, and at age 22. In the foreground is a group photo of squadron 78 taken in 1945 in front of a Halifax 3 aircraft, which is what he flew in as a gunner and wireless operator. See story on page A15.

GRAHAM PAINE / CANADIAN CHAMPION

## OMB throws out bid to dismiss case

### Subdivision hearing will continue in Jan.

By Melanie Hennessey  
CANADIAN CHAMPION STAFF

An Ontario Municipal Board (OMB) hearing into a controversial subdivision proposed for land near the Niagara Escarpment will soon continue now that a motion to dismiss the case has been thrown out.

The verdict that was recently delivered by hearing officer Norman Jackson calls for the Central Milton Holdings Ltd. (CMHL) hearing to reconvene at the end of January next year.

The company, which has been periodically before the joint OMB board since 2000, is proposing to build almost 300 homes in the shadow of the Niagara Escarpment, west of Bronte Street and north of Main Street.

The Town, Region and Niagara Escarpment Commission (NEC) argued this summer that CMHL had failed to comply with previous board orders, such as by not delivering evidence or certain studies on time or at all — something they said was grounds for dismissal.

#### Dismissal unwarranted: OMB

While Jackson's decision says that "some success has been achieved on this motion in proving non-compliance," it also states, "The joint board is not convinced that sufficient prejudice has resulted from the actions of CMHL that a fair hearing cannot result."

It goes on to say, "The joint board finds that the appropriate remedy for the non-compliance in this case rests with a claim for costs, not dismissal."

This means the Town, Region and NEC can bring forward a motion to seek financial compensation from CMHL to cover any costs resulting from its non-compliance.

Town solicitor Hal Watson said the decision is positive in a sense that now the three parties have more time to properly respond to CMHL's documents that were filed late.

"It was a motion that had to be brought to ensure procedural fairness," Watson said.

Local resident Colin Best, who has participant status in the hearing, said he was disappointed with the hearing officer's decision, but noted he understands the perspective of having all the facts on the table before making a decision.

At press time, calls made by The Champion to CMHL lawyer Bert Arnold hadn't been returned.

The hearing will reconvene January 22 at 10 a.m. in Milton Council Chambers, 43 Brown St., and continue until January 31.

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