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Town Council surrenders to Supreme Court dump decision

By ROB KELLY

Town council made it official Monday night; they will not further appeal the decision to put Halton Region's 4-million tonne landfill in rural south Milton.

By stretching its legal protests almost to the limit Milton had fended off the dump for more than a year after being chosen by a hearing board as host municipality for the 20-year landfill. All told, it marks the formal end of more than a decade of fighting for Milton, and an expense to taxpayers across Halton Region of millions of dollars.

Following a 40-minute in-camera session council announced a four-point resolution: That Milton not pursue further appeals; that the Town open discussions with Halton Region regarding ways to get the landfill project moving;

that Milton pay a Burlington citizens group the damages assessed after the dump hearing; that Town officials assist Milton ratepayers who opposed the dump in getting damages from Burlington.

The swapping of damages between the citizens groups is expected to be a formality. The residents of both Burlington and Milton, equally determined to prevent the landfill from coming to their respective communities, were awarded offsetting damages by the hearing board on February 24, 1989. Burlington and Milton officials have simply withheld the payments pending appeals.

With interest, the Milton Area Citizen's Coalition is expected to get approximately \$58,000, said Milton administrator Roy Main. The West Burlington Citizen's Group will receive approximately \$48,700 from Milton.

On March 27 the Supreme Court of Ontario ruled that the decision to put the dump in Milton rather than Burlington was sound. It closed off the last truly viable appeal route for Milton. Previously Milton lost an appeal to the Ontario Cabinet (July 11, 1989).

Although those opposed to the unanimous ruling of the three Supreme Court Judges (Donald Steele, John Holland, Jean Sirois) can appeal the matter within 30 days of the decision, such appeals grow increasingly unlikely given the apparent crumbling of the

wall of protest surrounding the Milton choice.

The fact that Milton has formally accepted the court's decision means the major political force battling the landfill has surrendered.

National Sewer Pipe Investments Ltd., a company which owns the land at the dismissed candidate site in Burlington and wanted the dump there, is also reluctant to pursue the matter further. Company president Roger "Bud" Christensen said "it just wasn't in the cards" following the Supreme Court announcement.

Protests on the part of the Milton citizens who will lose their homes to the dump centred largely on expropriation procedures at the Supreme Court, and the Court dismissed those protests, saying the expropriation was in order.

"Common sense has to prevail," said Milton Mayor Gord Krantz following Monday's in-camera session. "It's not a defeatist attitude but I guess you also have to deal with reality."

Mr. Krantz was a man facing an increasingly narrow list of legal options, and he knew it Monday night. In order to even launch an appeal of the Supreme Court decision, parties must show cause, and he said there was little to find in the ruling the three Judges handed down.

"There were very few, if any, chinks in the armor. It didn't take a rocket scientist or a brain surgeon to interpret what the Supreme Court Judges were saying."

Mr. Krantz stressed that he and municipal council must now work to ensure the landfill is operated under the safest and least disruptive conditions possible.

The landfill site is between Lower Base Line and Britannia Road off Highway 25 and occupies 246 acres of what is at this point still agricultural land.



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