

# Peat moss business wins appeal over town

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Is it a peat moss extraction/triple mix business or a waste disposal/transfer site?

For two years, the Town of Whitchurch-Stouffville and resident Paul Bolender have been having this argument in court.

Bolender contends his business on Hwy. 48, just north of Vandorf Road – Bolender Excavating and Garden Supplies – is a peat moss extraction/triple mix site. The town believes it is an illegal waste disposal/transfer site.

Bolender, 89, was somewhat victorious recently when the Ontario Court of Appeal ruled the initial lower court judgement, which was in favour of the town, was wrong and ordered the matter to trial.

The municipality also had to pay Bolender \$20,000 for legal fees. However, because Bolender had money owing to the town, he received only a portion of the settlement, according to Marc Pourvahidi, CAO for the Town of Whitchurch-Stouffville.

“It certainly and should be considered a success. I don’t want to say it’s a victory for the little guy,” Bolender’s lawyer Al Burton of the Toronto law firm Thomson, Rogers told The Sun-Tribune.

The original judge ruled the Hwy. 48 business was a waste disposal site and against the municipal zoning bylaw.

*‘I just don’t view it as an appropriate use of taxpayer dollars. There are other ways they could resolve this matter, if they would just come to their senses.’*

However, Bolender’s appeal was successful because the evidence before the lower court judge could have been interpreted either way, according to Burton.

The original case was made with affidavits; there were no live witnesses. However, the lower court judge needed live witnesses and cross-examinations in order to render the decision he made, according to Burton.

Burton did not represent Bolender in the lower court proceedings.

The decision as to where to go next is up to the town. “Yes, we are contemplating pursuing it,” Pourvahidi said earlier this year.

“We’ve had discussions and an action plan is pending,” he said, but because it is a legal matter, the CAO would not provide details.

Contacted yesterday, he said he could not comment. “I certainly think it’s unfortunate taxpayer dollars are being used battling a 40-year-old business,” Burton said. “Litigation may not end in their favour.”

“I just don’t view it as an appropriate use of taxpayer dollars. There are other ways they could resolve this matter, if they would just come to their senses,” he said.

The business has been operating while the court proceedings have been going on.

“It’s certainly cast a pall over this business. To be blunt, it’s severely impacted the business,” Burton said.

The issue of whether it was a peat moss extraction/triple mix site or waste disposal/transfer site came to the town’s attention via complaints of a composting odour, trucks travelling and dumping materials, as well as the discharge of effluent from Hydrovac trucks, according to the written court of appeal decision.

Municipal bylaw officers attended the site and concluded there was no evidence of a triple mix business, according to the written decision.

There is no timetable for when this matter will go to trial.

## RAMP MAKER HONOURED

A former Stouffville resident is this year’s recipient of the Everyday Political Citizen award in the 30-plus age category.

Luke Anderson, creator of StopGap, those colourful ramps you see outside of Main Street businesses, received the award from Samara Canada, a charity dedicated to connecting citizens with politics.

“To me, winning this award reinforces how a simply painted ramp, made out of four pieces of wood can change the way that we think about our communities and can provoke or stimulate change. It requires a lot of people, too. I’m accepting this award on behalf of everyone we’ve inspired and changed the mindset of,” Anderson said.

“Politics is about solving problems together and I think Luke sees a problem with accessibility at the street level and he began to solve that problem,” said Kendall Anderson of Samara Canada.

The jury included Rick Mercer, Shad and Peter Milliken, a former speaker for the House of Commons.

Earlier this year, nine Whitchurch-Stouffville artists, along with a handful of other artists, utilized StopGap ramps as their canvas to create original pieces of art that were auctioned off for the StopGap Foundation’s fundraiser Ramp it Up.

Anderson, a Toronto resident, is confined to a wheelchair following a mountain biking accident more than 10 years ago. A structural engineer, he founded StopGap four years ago and started making the colourful, single-step ramps as a way for businesses to become more accessible.

With files from Torstar News Service



Town of  
**WHITCHURCH-STOUFFVILLE**

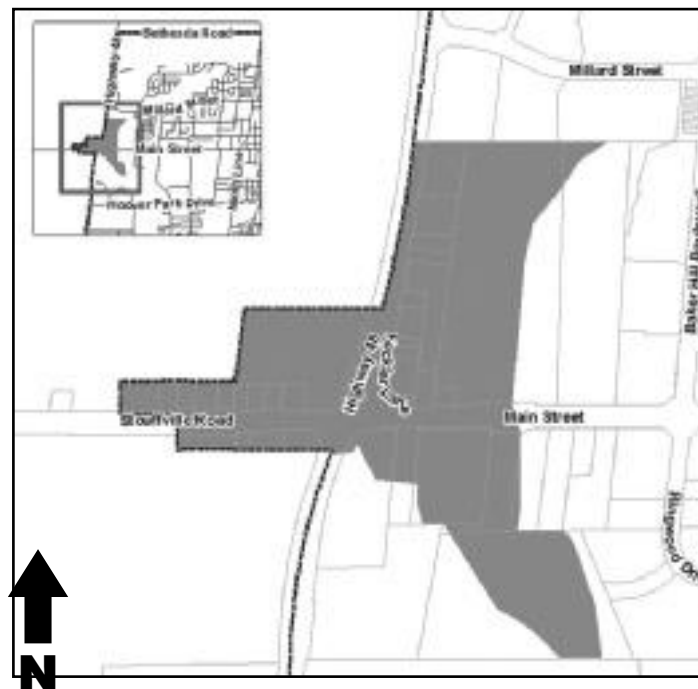
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## Study Initiation Notice GATEWAY MIXED USE AREA/WESTERN APPROACH LAND USE PLANNING STUDY

### STUDY PURPOSE

The Town of Whitchurch-Stouffville is undertaking a land use planning study for the lands at the intersection of Highway 48 and Main Street which are designated as “Gateway Mixed Use Area” in the Community of Stouffville Secondary Plan. The study will also address lands to the immediate east along Main Street in the “Western Approach Area”, which extends east to the Ninth Line, and related urban design considerations. The Study will examine the full range of policy, servicing, transportation, and environmental issues necessary to prepare a detailed development concept plan for the Study Area and related amendments to the Secondary Plan. A detailed implementation strategy will also be developed to advance the preferred land use and urban design concept plan.

### STUDY AREA



### BACKGROUND

The Community of Stouffville is the focus for development in the Town of Whitchurch-Stouffville and, in turn, Main Street is the focus for the Community’s unique small town character. The intersection of Highway 48 and Main Street – the main “gateway” to the Community of Stouffville – does not currently provide the distinctive entrance which is required to welcome residents and visitors to the Community, and to link the area to the “Western Approach”.

This situation reflects a number of constraints to development in this area including the character of the roads, the extensive floodplain, significant natural heritage features and the need to address the provision of services to the area. However, the limited development in the area also provides opportunities for the creation of a distinctive Gateway Mixed Use Area and this also applies to the adjacent portions of the Western Approach.

The Community of Stouffville Secondary Plan establishes that the Town may prepare a detailed precinct plan, including a concept plan, which will address not only design issues, but will provide a specific strategy to address and resolve constraints to development in this area. The current study will result in the development of the required plan and strategy with the intent of “kick starting” development of this key gateway to the Community of Stouffville.

### STUDY PROCESS

The Gateway Mixed Use/Western Approach Land Use Planning Study is in its initial stages and you are invited to share your views with respect to the future development of this area. You may comment on line by visiting the Town’s website, or submit your comments in writing to Ms. Paula Viola at the address below. This input will be considered in the preparation of a background report which will be considered at a public information session anticipated in March 2016.

Your input is important. If you wish more information concerning this study please visit the ‘Gateway Mixed Use Area/Western Approach Land Use Study’ website component at www.townofws.ca or for more details contact:

**Paula Viola, MCIP, RPP | Planner | Development Services Department**

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## FLYERS

Inserts for Thurs., December 17, 2015

2001 AUDIO VIDEO	M & M MEAT SHOPS
ADIDAS	MARK’S
AKAL OPTICAL	METRO
BASS PRO SHOPS	MICHAEL ANGELO’S
BEST BUY CANADA	MICHAEL HILL
CANADIAN TIRE	MICHAELS
COCO’S BEAUTY	NATIONAL SPORTS
STUDIO	NO FRILLS
CONSTELLATION	ORIENTAL FOOD MART
BRANDS	PEOPLES
CM IMPORTS	POWER KING
WAREHOUSE SALE	REAL CANADIAN
FIRST CHOICE	SUPERSTORE
FOOD BASICS	REXALL PHARMA PLUS
FOODLAND	SEARS CANADA
FOODY MART	SHOPPERS DRUG MART
FRESHCO	SHOWCASE TV
GIANT TIGER	SOBEYS
GOLF TOWN	SUNFOOD
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HOME HARDWARE	THE BRICK
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IDA	TODAYZ BRANDING
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