

NDACT seeks hefty fines for Highland tree removals

By DAN PELTON
Staff Reporter

The North Dufferin Agricultural and Community Taskforce (NDACT) has accused The Highland Companies of violating Dufferin's tree-cutting bylaw and suggested it should face hefty fines.

Such fines, however, could only be handed out by a court.

"NDACT hired a subject matter expert, took aerial photos, made a Freedom of Information

Request to the County for permit information, prepared a briefing package of over 140 pages, and made two presentations to the County to prove this information," said NDACT Chair, Dale Rutledge in a press release that alleged eight specific instances of bylaw breaches.

The county carried out its own investigation of the cases NDACT alluded to and documented only one violation.

In the press release, NDACT said penalties

associated with the bylaw violation include a fine of up to \$10,000 or \$1,000 per tree – whichever is greater – on a first offence, and on any subsequent conviction to a fine of up to \$25,000 or \$2,500 per tree, whichever is greater.

Such fines apply if an accused violator is convicted under the Provincial Offences Act. The bylaw also states that the court could order an offender "to rehabilitate the land or to plant or replant trees in such a

manner and within such period as the court considers appropriate."

"We were quite certain by what our findings indicated and we are satisfied that at the June 4, 2009 meeting of the Dufferin County Museum board, there was total consensus that Highlands had contravened the bylaw," wrote Mr. Rutledge.

At last Thursday's meeting, there was a general consensus that the bylaw might be a ambiguous in its wording, and a motion was passed that it be referred back to county staff with the aim of addressing current issues and concerns.

"NDACT exists to protect our farmland and water from destruction," Mr. Rutledge said in the press release. "We remain committed to ensuring that The Highland Companies are penalized for any and all current and future bylaw violations.

"We believe that a fine is necessary to deter Highlands and any other bylaw violator from undertaking such action again in future."

While NDACT portrayed itself in the release as "a community-driven organization representing the hundreds of people who live in North Dufferin County including Melancthon and Mulmur Townships," some in attendance who didn't appear to be in total agreement with the organization's stringent objectives.

Jason Keating, an area farmer and a director with the Dufferin Landowners Association, asked if the bylaw requires a permit for every tree someone wants to cut down on his or her private property. If this was so, Mr. Keating argued it would "diminish people's constitutional right to enjoy their own land."

Museum board chair Ed Crewson assured Mr. Keating that permits were only required if a hectare or more was being cleared.

Fellow farmer and landowners association member Randy Pendleton

pointed out that his family has farmed the same land for generations and should have the right to do what it wishes with trees on the property.

"We own those trees because we planted them," argued Mr. Pendleton. "If I decide to take a fence row out, will need a permit? I believe we own those trees and we should not have to put money into government coffers to cut our own trees."

NDACT's allegations concerning the tree removals were conveyed to Melancthon council by Karren Wallace, who said 300 trees had been clear-cut.

Highland spokesman Michael Daniher says he later reported back to council, advising that the number of trees removed was "closer to 200," and that they had been dividing a field, making for more difficult access from one part to another and for less productive land.

Mr. Daniher said the areas separated by the tress were planted in the same variety of potatoes. "The trees were removed to make access easier and to create one larger, more easily managed and more productive area as part of an active and ongoing agricultural operation.

"More than 60 of the tress were moved and transplanted. A number of them were offered to area residents.

"Ms. Wallace was offered some as well, but she declined."

He said trees that could not be salvaged were taken to be stored where they are drying out, after which they will be chipped and converted to mulch.

Mr. Daniher said local officials who toured the area, "took appropriate measurements and concluded that the activity was in compliance with the forest conservation bylaw."

NDACT has invited Highland's John Lowndes to a public meeting Saturday, June 20 at 10 a.m. at the Honeywood Arena.



Photo/WES KELLER

DR. MARK LANE-SMITH prepares to tie a square knot as part of Rural Medicine Week at Headwaters Health Care Centre as Erin Bruce, one of six medical students at this instructional session, looks on. The oranges and the uncooked chicken breasts were used Thursday to practise suturing. The students, all from U of T., got a complete tour of medical, recreational and other aspects of the county.

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