

OMB motion costs awarded to Orica

By WES KELLER
Freelance Reporter

After criticising the principals for the number of lawyers they'd engaged to argue a motion, a Superior Court judge has awarded Orica Canada \$45,000 in costs for last June's proceedings against East Luther Grand Valley.

Justice Jane Milanetti, who had ruled in favour of **NDACT information on trees said rejected**

A spokesman for The Highland Companies says information provided by the North Dufferin Agricultural and Community Taskforce (NDACT) in support of a call for the firm to be prosecuted for breaches of Dufferin County's tree bylaw was rejected by the county.

The spokesman, Michael Daniher, said an article in last week's issue on changes in a proposed new tree bylaw "neglected to mention that each of the allegations was investigated by officials and held to be unfounded."

allowing Orica to continue operations in the township pending the upcoming Ontario Municipal Board hearing, described the hearing as "over-lawyered" with two Bay Street barristers representing each of the township and the company, along with two law students, a law clerk and other legal personnel.

Having succeeded in its motion, Orica had sought almost \$80,000 in costs. The township had asked that there be no costs awarded or, in the alternative, that costs be held to \$15,000 or \$20,000.

The judge did find that Orica had been the author of its own difficulties, but said the company has done what it could to salvage the situation.

In fact, Orica had waited until close to a June 15 deadline to seek permanent or renewed temporary zoning. It had relied on its

Crime Stoppers warns of fraudulent charities

Crime Stoppers of Simcoe-Dufferin-Muskoka is encouraging the public to ensure that when they are making charitable donations that the charitable organization is well-known and reputable, and suggests that any donations are made by cheque instead of cash.

Reputable charities will have resources available to you where you can make

interpretation of the minutes of a summer 2007 council meeting to say it had expected to have rezoning almost automatically.

When June 15 loomed — along with expiry of temporary zoning and of its licence — Orica scrambled for an emergency OMB hearing. When that failed, it brought the motion to Superior Court.

Justice Milanetti found that the June 25 hearing, in which she issued the injunction against ELGV, would have been unnecessary had all applicable documents been filed at the June 11 one on the same motion.

Lawyers for the principals could not be reached for comment.

Explosive(s) OMB hearing set for spring

Ontario Municipal Board vice-chairman Dennis Granger has tentatively set aside May 17 to June 18 for the hearing into Orica Canada's appeal of East Luther Grand Valley's refusal to approve permanent zoning for the company's explosives storage facility near Luther Marsh.

The dates were set following a short pre-hearing in Grand Valley Tuesday. An estimated 60 residents attended. Of those, township residents David Reimer and Peter Turrell were confirmed as parties to the hearing, and more than a dozen named as participants.

There is to be a further pre-hearing in March, at which time the final number of participants would be confirmed.

(Parties to the hearing have the right to introduce evidence and cross-examine witnesses, whereas participants may only speak to the issues. The Township and Orica are automatically parties.)

Jeff Wilker of Thomson Rogers is representing ELGV, and Jane Pepino of Aird & Berlis is the Orica lawyer.

The Orica site in ELGV has been an ammonium nitrate storage location for about 15 years. Orica purchased and expanded the facility in 2007 and was given a two-year temporary zoning with conditions to be met prior to a renewal in 2009.

Prior to the renewal date, township council was faced with a groundswell of public opposition to the expanded site, based on perceived risks to ground water and Luther Marsh, risks of explosions and of toxic fumes from fires, among other things.

And, according to the township planner, Orica had not completed all the requirements for a renewal of the temporary zoning or granting of a permanent one.

Orica denies it poses any risk and, in its appeal of the council's refusal grant zoning, maintains that it had been led to believe there would be no problem with zoning in 2009.



Photo DAN PELTON
SIGN OF THE TIMES: To celebrate 102 years of service to the town of Orangeville, the Lord Dufferin chapter of the Imperial Order of Daughters of the Empire (IODE) has sponsored a commemorative plaque for the wooden statue of a nurse outside the Lord Dufferin Centre. It's an appropriate gesture since the IODE established the first hospital in Orangeville. At Monday's ceremony were, left to right, Isabelle Wardlaw, Pam Cohen, Derel Brodie, Petra Thomas, Donna Holwell and Bev Fleming.

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1.800.265.7293 www.wdghu.org info@wdghu.org

Orangeville
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9 a.m. – 4 p.m.
Thursday 1 – 8 p.m.

Dec. 29, 30
WDG Public Health, 71 Broadway
9 a.m. – 4 p.m.

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IMPORTANT INFORMATION

Public Health Agency of Canada Agence de la santé publique du Canada

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This vaccine will be available for every Canadian. To find out where you can receive it, please check with your provincial and territorial public health authority.

For more information on the H1N1 flu and the vaccine, go to www.fightflu.ca or call 1 800 O-Canada.

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