

MEMORANDUM

TO: Mayor Bonnette and Members of Council

FROM: A. Brent Marshall, Chief Administrative Officer

DATE: August 30, 2018

MEMORANDUM NO.: ADMIN-2018-0027

RE: Update on an Illegal Truck Terminal

PURPOSE OF THE MEMORANDUM:

The purpose of this memorandum is to provide Council with an update on an illegal truck terminal and the successful outcome of this file.

Included with this memorandum is a copy of a letter by Town Counsel (under separate cover) regarding the latest court decision and next steps. This letter is to remain confidential as it relates to solicitor/client privilege.

BACKGROUND:

In August of 2017, after many months of investigations, Mr. Amedeo Caprara, Municipal Law Enforcement Officer (MLEO), was successful in having charges laid by the courts regarding an illegal truck terminal. A guilty plea was entered by one of the owners and a fine of \$10,000 was imposed by the courts. A Prohibition Order was also granted, which prohibited the continuation or repetition of the offence, namely, the operation of a depot or terminal for trucks, and the parking and storing of commercial vehicles and trailers on the property. The enforcement file on this matter was closed after the successful award by the court.

In September of 2017 a second file was opened for the same property as the owner continued to operate in contravention to the Town's Zoning By-law. Mr. Orlando Donato, MLEO, was responsible for the file. After additional investigations and orders placed on the property owner, the matter went again before the courts. The property owners entered guilty pleas for the offence of;

Use or permit the use of land as a depot or terminal for trucks and/or trailers, in an Agricultural (A) zone, contrary to Section 9.1 and 9.2 of the Town of Halton Hills Zoning

By-aw. 2010-0050, as amended, and therefore did commit an offence contrary to Section 67 of the Planning Act, R.S.O. 1990, as amended.

As a result of the second convictions the total fines imposed amount to \$85,000.

During sentencing the Justice of the Peace was provided with a copy of the Prohibition Order issued in 2017 for the first offence and the Town's solicitor was successful, not only negotiating guilty pleas, but also at arguing that a significant fine must be imposed to create a specific and general deterrent.

COMMENTS:

Enforcement staff has been vigilant in investigating and placing orders for compliance on this type of illegal activity, as there has been a number of truck terminals operating, particularly in the areas surrounding Steeles Avenue. Currently enforcement staff has 11 charges against other properties in the area.

Swift action by staff and Town Counsel's arguments that large fines be imposed to deter others from opening up illegal terminals, has proven to be successful to date. Over the years the Town has been awarded over \$110,000 in fines.

Shutting down this type of activity will assist in lessening the negative impact these illegal truck terminals pose to the Town, such as the aesthetics of farmland and truck traffic congestion.

CONCLUSION:

I am very pleased to provide Council with this update as it clearly demonstrates the expertise and hard work performed by staff and the Town's Counsel. I would like to congratulate everyone involved in raising the bar for enforcement services in Halton Hills to ensure the safety and welfare of our residents is first and foremost our highest priority.

Respectfully submitted by,

A handwritten signature in black ink that reads "Brent Marshall". The signature is written in a cursive, flowing style with a large, prominent 'B' and 'M'.

Brent Marshall, CAO