



## MEMORANDUM

To: Mayor Bonnette and Members of Council  
From: S. Jones, Clerk & Director of Legislative Services  
Mem No. MEM-ADMIN-2019-0007  
Subject: Update on Court Decision – Illegal Truck Terminal  
Date: February 5, 2019

### **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, the ruling by the court, and a copy of the Prohibition Order (confidential under separate cover as these pertain to solicitor/client privilege).

### **BACKGROUND:**

In 2016 the owners of 2331859 Ontario Inc. located at 16917 Steeles Avenue, were found guilty of being in contravention of the Town's Zoning by-law through the operation of an illegal truck terminal. A fine of \$500 was ordered as well as a prohibition order, meaning the court ordered the illegal use to cease.

The owners continued to operate illegally and further orders and charges were laid by the Town, and the matter was once again before the court.

After a lengthy trial which commenced in March of 2018, and was before the justice over several days, the court delivered its final verdict on February 5, 2019. The Court once again found the defendants guilty of the charge of operating a truck terminal contrary to the Town's Zoning By-law. The Court ordered the following fines;

- 1) 2331859 Ontario Inc. – fine of \$75,000
- 2) Director of the Corporation – fine of \$10,000
- 3) Director of the Corporation (who testified before the court) – fine of \$25,000

The total fines amount to \$110,000. The Court ordered swift payment of all fines, providing a timeline of six months for the defendants to make full payment.

Additionally a Prohibition Order was once again issued to cease the operation.

Mr. Caprara, Municipal Law Enforcement Officer for the Town has worked diligently on this complex and labour intensive file.

#### **COMMENTS:**

Enforcement staff have been vigilant in investigating and placing orders for compliance on this type of illegal activity, as there have been a number of truck terminals illegally operating within the Town.

Swift action by staff, and Town Counsel's arguments that large fines be imposed to deter others from opening up illegal terminals, has proved to be very successful to date. Shutting down this type of illegal activity will assist in lessening the negative impact these operations pose to the Town, such as truck congestion and the impacts to agricultural lands.

#### **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. Enforcement Officers continue to perform their duties to ensure the safety and welfare of our residents is first and foremost the highest priority.

Respectfully submitted,

A handwritten signature in black ink that reads "Brent Marshall". The signature is written in a cursive, flowing style.

**Brent Marshall, Chief Administrative Officer**