

Court fines Flamborough land owners for taking dirt

By Samantha Craggs, [CBC News](#) Posted: Jul 13, 2015 6:36 PM ET Last Updated: Jul 14, 2015 10:39 AM ET



Coun. Robert Pasuta stands by a dirty Flamborough road. Pasuta says hundreds of loads of fill from GTHA construction projects are dumped in Ward 14 every day - some legal, some not. The city just charged a pair of Flamborough landowners for taking illegal fill - the first such case in recent memory, he says. (Samantha Craggs/CBC)

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It's a new era in the city's quest to keep excess GTHA dirt from being dumped within its borders — an Ontario court has fined a Flamborough landowner \$1,500 for taking more than 2,000 loads of fill.

The Ontario Court of Justice has fined Christopher and Karen Warren, landowners in Ward 14, for violating its site alteration bylaw. It's the first time in recent memory that a resident has been fined for taking too much fill.

"This is the city standing up and enforcing — finally," said Coun. Robert Pasuta. "It gives me a little glimmer of hope that something can be done, and that we can regulate and monitor what's coming in."

GTHA dirt has been the bane of some local conservationists and politicians. Developers from the Toronto area are building subdivisions and condo towers. Fill brokers take the dirt and dump it in rural Flamborough.

'This is the city standing up and enforcing — finally.'- Coun. Robert Pasuta

The brokers pay landowners to take it, said Pasuta. Often, landowners have legal permission, but not all of them do. Sometimes, fill brokers hoodwink landowners by delivering more than the landowner anticipated, he said.

The Warrens unlawfully let fill be placed without a permit, the city said in a media release on Monday. The city started investigating in October 2012, when someone complained about the large amount of fill at 856 5th Concession R. W.

A city building inspector visited the property and found about 2,000 loads of dirt there, the city said. That exceeds the city's site alteration bylaw.

- [Flamborough struggles to combat dumping of illegal Toronto dirt](#)
- [Toronto dirt dumped in Hamilton, Flamborough fights back](#)

The city issued an order to comply in November 2012, or to restore site grades to the original condition. It laid charges in April 2013, but because of multiple adjournments, the case wasn't heard until last month.

Fines up to \$100,000 for corporations

The defendants have a year to pay the fine, and within 180 days, must either get a site alteration permit or restore the property to its original condition.

'This one's probably smaller than a lot of them going out there.'- Coun. Robert Pasuta

Fines can reach \$10,000 for a first offence, and \$25,000 for a subsequent offence, the city said. For corporations, a first offence can reach \$50,000, and subsequent offences \$100,000.

Excess fill is an environmental issue, the city says.

"Altering a property's grade significantly with excessive or unclean fill can lead to damages to our drainage systems, watercourses and water supplies," said John Lane, manager of building inspections.

"Dumping also causes damaging erosion and can have adverse effects on neighbouring properties."

Pasuta is pleased to see the charge. Trucks full of fill stream into the ward hundreds at a time, he said. And aside from environmental testing at the site of origin, no one knows what's in the fill.

One of the smaller ones

Pasuta knows of several egregious sites. The 5th Concession Road West property isn't even a major one, he said.

"This one's probably smaller than a lot of them going out there," he said.

He's happy that the city is issuing a media release about the charge. He hopes it serves as awareness and a warning for anyone not complying with the bylaw.

The charge isn't the only action city officials are taking on fill. They will hire a consultant this year to advise how to deal with the fill issue.

In the last year, the city says, it has fielded 61 complaints from neighbours about fill, and is also battling a fill broker in court.