

CONSOLIDATED HEARINGS BOARD

CELA

18by

IN THE MATTER OF Sections 2 and 3 and 6 (3) of the Consolidated Hearings Act, 1981, S.O. 1981, c.20;

— and —
IN THE MATTER OF Section 12(2) of the Environmental Assessment Act, R.S.O. 1980, c.140;

— and —
IN THE MATTER OF Sections 30, 35 and 38 of the Environmental Protection Act, R.S.O. 1980, c.141, as amended;

— and —
IN THE MATTER OF Sections 24 and 61 (2) of the Ontario Water Resources Act, R.S.O. 1980, c.361, as amended;

— and —
IN THE MATTER OF Section 28 (3) of, and Regulation 164 under, the Conservation Authorities Act, R.S.O. 1980, c.85, as amended;

— and —
IN THE MATTER OF Section 40(12) of the Planning Act, S.O. 1983, c.1, as amended; in connection with site plan control of the sanitary landfill site;

— and —
IN THE MATTER OF Section 22(1) of the Planning Act, 1983 in connection with a referral to this Board by the Honourable Bernard Grandmaitre, Minister of Municipal Affairs, on a request by the Regional Municipality of Halton to amend the Official Plan for the Town of Milton to redesignate a parcel of land comprising Part Lots 3 and 4, Concession 2 N.S. in the Town of Milton from "Agriculture" and "Conservation and Hazard Lands" to permit the construction, operation and maintenance of a landfill site, Minister's File No. 24-OP-0208-A01;

— and —
IN THE MATTER OF Section 34(11) of the Planning Act, 1983 in connection with an appeal to this Board by the Regional Municipality of Halton for an order directing an amendment to By-law 61-85 of the Town of Milton to rezone the lands situated at Lot 3 and part of Lot 4, Concession 2 N.S., in the Town of Milton from "Agriculture" to permit a regional sanitary landfill site and ancillary uses;

— and —
IN THE MATTER OF Section 15(1) of the Planning Act, R.S.O. 1980 ch.379 in connection with a referral by the Honourable Claude F. Bennett, Minister of Housing on a request by Tremaine Britannia Citizen's Group for consideration of part of the Official Plan for the Halton Planning Area with respect to Sections 1 to 5 inclusive, 7, 9 and 10 of Part III D3 Solid Waste Management, Minister's File No. OPC-0026;

— and —
IN THE MATTER OF Section 64 of the Ontario Municipal Board Act, R.S.O. 1980, c.347 as amended in connection with an application by the Regional Municipality of Halton for an order approving:

a) the acquisition of land for the construction, operation and maintenance of a sanitary landfill site to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton and to do so by one of two alternative methods as follows:

- (i) landfilling at the site referred to in Halton's Environmental Assessment as Site F in the City of Burlington;
- (ii) landfilling at the site commonly referred to in Halton's Environmental Assessment as Site D in the Town of Milton

at an estimated cost of \$12,775,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and

(b) the issuance of necessary debentures to a maximum of \$12,775,000.00 for a term not to exceed fifteen years;

— and —
IN THE MATTER OF Section 193(5) and Paragraph 84 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, as amended;

— and —
IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act, R.S.O. 1980, c.148;

— and —
IN THE MATTER OF an undertaking of the Regional Municipality of Halton to provide facilities for the purpose of receiving, dumping and disposing of waste as required by section 137 of the REGIONAL MUNICIPALITY OF HALTON ACT, R.S.O. 1980, c.436, as amended, by acquiring the land for, constructing, operating and maintaining a landfill to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton.

VOLUME: 99

HELD AT: Oakville, Ontario

DATE: March 2, 1988

OFFICIAL REPORTERS

NETHERCUT & COMPANY LTD.

185 RICHMOND ST. W.,

TORONTO, ONT. M5V 1V3

TEL: 593-4802

CONSOLIDATED HEARINGS BOARD

CELA

18by

IN THE MATTER OF Sections 2 and 3 and 6 (3) of the Consolidated Hearings Act, 1981, S.O. 1981, c.20;

IN THE MATTER OF Section 12(2) of the Environmental Assessment Act, R.S.O. 1980, c.140;

IN THE MATTER OF Sections 30, 35 and 38 of the Environmental Protection Act, R.S.O. 1980, c.141, as amended;

IN THE MATTER OF Sections 24 and 61 (2) of the Ontario Water Resources Act, R.S.O. 1980, c.361, as amended;

IN THE MATTER OF Section 28 (3) of, and Regulation 164 under, the Conservation Authorities Act, R.S.O. 1980, c.85, as amended;

IN THE MATTER OF Section 40(12) of the Planning Act, S.O. 1983, c.1, as amended; in connection with site plan control of the sanitary landfill site;

IN THE MATTER OF Section 22(1) of the Planning Act, 1983 in connection with a referral to this Board by the Honourable Bernard Grandmaitre, Minister of Municipal Affairs, on a request by the Regional Municipality of Halton to amend the Official Plan for the Town of Milton to redesignate a parcel of land comprising Part Lots 3 and 4, Concession 2 N.S. in the Town of Milton from "Agriculture" and "Conservation and Hazard Lands" to permit the construction, operation and maintenance of a landfill site, Minister's File No. 24-OP-0208-A01;

IN THE MATTER OF Section 34(11) of the Planning Act, 1983 in connection with an appeal to this Board by the Regional Municipality of Halton for an order directing an amendment to By-law 61-85 of the Town of Milton to rezone the lands situated at Lot 3 and part of Lot 4, Concession 2 N.S., in the Town of Milton from "Agriculture" to permit a regional sanitary landfill site and ancillary uses;

IN THE MATTER OF Section 15(1) of the Planning Act, R.S.O. 1980 ch.379 in connection with a referral by the Honourable Claude F. Bennett, Minister of Housing on a request by Tremaine Britannia Citizen's Group for consideration of part of the Official Plan for the Halton Planning Area with respect to Sections 1 to 5 inclusive, 7, 9 and 10 of Part III D3 Solid Waste Management, Minister's File No. OPC-0026;

IN THE MATTER OF Section 64 of the Ontario Municipal Board Act, R.S.O. 1980, c.347 as amended in connection with an application by the Regional Municipality of Halton for an order approving:

a) the acquisition of land for the construction, operation and maintenance of a sanitary landfill site to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton and to do so by one of two alternative methods as follows:

- (i) landfilling at the site referred to in Halton's Environmental Assessment as Site F in the City of Burlington;
- (ii) landfilling at the site commonly referred to in Halton's Environmental Assessment as Site D in the Town of Milton

at an estimated cost of \$12,775,000.00, and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and

(b) the issuance of necessary debentures to a maximum of \$12,775,000.00 for a term not to exceed fifteen years;

IN THE MATTER OF Section 193(5) and Paragraph 84 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, as amended;

IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act, R.S.O. 1980, c.148;

IN THE MATTER OF an undertaking of the Regional Municipality of Halton to provide facilities for the purpose of receiving, dumping and disposing of waste as required by section 137 of the REGIONAL MUNICIPALITY OF HALTON ACT, R.S.O. 1980, c.436, as amended, by acquiring the land for, constructing, operating and maintaining a landfill to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton.

VOLUME: 99

HELD AT: Oakville, Ontario

DATE: March 2, 1988

OFFICIAL REPORTERS

NETHERCUT & COMPANY LTD.

185 RICHMOND ST. W.,

TORONTO, ONT. M5V 1V3

TEL: 593-4802



I N D E X

Witnesses:

Page No.

MARTIN, Watkin and Doreen

Examination-in-chief by Mr. Garrod

23655

Cross-examination by Mr. Tzekas

23676

ANDERSON, Douglas

Examination-in-chief by Mr. Garrod

23680

DAVIES, Walter

Examination-in-chief by Mr. Garrod

23682

HEMS, Les

Examination-in-chief by Mr. Garrod

23685

REED, Michael and Cynthia

Examination-in-chief by Mr. Garrod

23688

Cross-examination by Mr. Tzekas

23709

GOURLAY, Kevin and Kathy

Examination-in-chief by Mr. Garrod

23713

TOMOSKY, Walter and Ameilia

Examination-in-chief by Mr. Garrod

23717

MARTIN, Thomas and Mary Jean

Examination-in-chief by Mr. Garrod

23733

LAMBRICK, Peter

Examination-in-chief by Mr. Garrod

23747

Cross-examination by Mr. Leitch

23756

WETTLAUFER, Ken

Examination-in-chief by Mr. Garrod

23757

Cross-examination by Mr. Leitch

23764

BIGGAR, Norman H.

Examination-in-chief by Mr. Garrod

23765

BOUSFIELD, William

VANDER MAREL, J.

Examination-in-chief by Mr. Garrod

23768

JARVIS, Harold and Mary

Examination-in-chief by Mr. Garrod

23775



I N D E X

Witnesses:

Page No.

MARTIN, Watkin and Doreen

Examination-in-chief by Mr. Garrod

23655

Cross-examination by Mr. Tzekas

23676

ANDERSON, Douglas

Examination-in-chief by Mr. Garrod

23680

DAVIES, Walter

Examination-in-chief by Mr. Garrod

23682

HEMS, Les

Examination-in-chief by Mr. Garrod

23685

REED, Michael and Cynthia

Examination-in-chief by Mr. Garrod

23688

Cross-examination by Mr. Tzekas

23709

GOURLAY, Kevin and Kathy

Examination-in-chief by Mr. Garrod

23713

TOMOSKY, Walter and Ameilia

Examination-in-chief by Mr. Garrod

23717

MARTIN, Thomas and Mary Jean

Examination-in-chief by Mr. Garrod

23733

LAMBRICK, Peter

Examination-in-chief by Mr. Garrod

23747

Cross-examination by Mr. Leitch

23756

WETTLAUFER, Ken

Examination-in-chief by Mr. Garrod

23757

Cross-examination by Mr. Leitch

23764

BIGGAR, Norman H.

Examination-in-chief by Mr. Garrod

23765

BOUSFIELD, William

VANDER MAREL, J.

Examination-in-chief by Mr. Garrod

23768

JARVIS, Harold and Mary

Examination-in-chief by Mr. Garrod

23775



1			
2	<u>WINTER</u> , Raymond and Annette		
3	Examination-in-chief by Mr. Garrod	23782	
4	Cross-examination by Mr. Leitch	23801	
5	Cross-examination by Mr. Tzekas	23804	
6	<u>REID</u> , Jim		
7	Examination-in-chief by Mr. Garrod	23805	
8	<u>CHAPUT</u> , Kip and Anne		
9	Examination-in-chief by Mr. Garrod	23816	
10	<u>CHLON</u> , Walter and Toni		
11	Examination-in-chief by Mr. Garrod	23826	
12	<u>DHILLON</u> , Gurnek		
13	Examination-in-chief by Mr. Garrod	23832	
14	Cross-examination by Mr. Tzekas	23840	
15	Cross-examination by Mr. Tidball	23841	
16	<u>MISHOS</u> , Angelo		
17	Examination-in-chief by Mr. Garrod	23842	
18	Cross-examination by Mr. Tzekas	23848	

E X H I B I T S

19	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
20	MR-549	Various photographs of the Martin property	23660
21	MR-550	Letter from Mr. A.J. Shortt, curator of the National Aviation Museum	23667
22	MR-551	Letter from witness	23681
23	MR-552	Panel of photographs of T. and M.J. Martin and C. Reed	23693
24	MR-553	Interior photograph of the Reed home	23694
25	MR-554	Panel of photographs showing Gilles and Vertulia properties	23714



1			
2	<u>WINTER</u> , Raymond and Annette		
3	Examination-in-chief by Mr. Garrod	23782	
4	Cross-examination by Mr. Leitch	23801	
5	Cross-examination by Mr. Tzekas	23804	
6	<u>REID</u> , Jim		
7	Examination-in-chief by Mr. Garrod	23805	
8	<u>CHAPUT</u> , Kip and Anne		
9	Examination-in-chief by Mr. Garrod	23816	
10	<u>CHLON</u> , Walter and Toni		
11	Examination-in-chief by Mr. Garrod	23826	
12	<u>DHILLON</u> , Gurnek		
13	Examination-in-chief by Mr. Garrod	23832	
14	Cross-examination by Mr. Tzekas	23840	
15	Cross-examination by Mr. Tidball	23841	
16	<u>MISHOS</u> , Angelo		
17	Examination-in-chief by Mr. Garrod	23842	
18	Cross-examination by Mr. Tzekas	23848	

E X H I B I T S

19	<u>NO.</u>	<u>DESCRIPTION</u>	<u>PAGE NO.</u>
20	MR-549	Various photographs of the Martin property	23660
21	MR-550	Letter from Mr. A.J. Shortt, curator of the National Aviation Museum	23667
22	MR-551	Letter from witness	23681
23	MR-552	Panel of photographs of T. and M.J. Martin and C. Reed	23693
24	MR-553	Interior photograph of the Reed home	23694
25	MR-554	Panel of photographs showing Gilles and Vertulia properties	23714



1			
2		<u>E X H I B I T S</u> cont'd	
3	MR-555	Panel of photographs showing the Tomosky property, the Chiaco property and the Santa Rosa property	23717
4			
5			
6	MR-556	By-law designating Tomosky property	23721
7	MR-557	Report of LACAC committee	23721
8	MR-558A	Photograph of doorway	23722
9	MR-558B	Photograph of bannister	23722
10	MR-558C	Photograph showing the front door and the downstairs hall	23723
11			
12	MR-558D	Photograph of pond	23726
13	MR-558E	Photograph showing burning house from Tomosky kitchen window	23731
14			
15	MR-559	Interior photographs of the Martin home	23739
16			
17	MR-560	Resolution of the Halton Federation of Agriculture	23768
18	MR-561	Photographs showing the hall, H. & M. Jarvis, and T., J. and H. Jarvis homes	23776
19			
20	MR-562	Photographs showing the Winter property	23782
21			
22	MR-563	Award certificate	23792
23	MR-564	Book of photographs of the Winters' property, Winsom Farm	23796
24			
25	MR-565	List of cattle diseases from Cheltenham Veterinary Centre	23812



1			
2		<u>E X H I B I T S</u> cont'd	
3	MR-566	Map with shading showing preferred agricultural land in the Region of Halton	23812
4			
5	MR-567	Panel of photographs showing the Chaput property	23817
6			
7	MR-568	Photographs of the Dhillon property	23837
8			
9	MR-569	Photographs of the Mishos property	23843
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			



THE CONSOLIDATED HEARINGS BOARD

1 IN THE MATTER OF Sections 2 and 3 and 6(3) of the
2 Consolidated Hearings Act, 1981, S.O. 1981, c. 20;

- and -

3 IN THE MATTER OF Sections 12(2) of the Environmental
4 Assessment Act, R.S.O. 1980, c.140;

- and -

5 IN THE MATTER OF Sections 30, 35 and 38 of the
6 Environmental Protection Act, R.S.O. 1980, c.141, as
7 amended;

- and -

8 IN THE MATTER OF Sections 24 and 61(2) of the Ontario
9 Water Resources Act, R.S.O. 1980, c.361, as amended;

- and -

10 IN THE MATTER OF Section 28(3) of, and Regulation 164
11 under, the Conservation Authorities Act, R.S.O. 1980,
12 c.85, as amended;

- and -

13 IN THE MATTER OF Section 40(12) of the Planning Act,
14 S.O. 1983, c.1, as amended; in connection with site
15 plan control of the sanitary landfill site;

- and -

16 IN THE MATTER OF Section 22(1) of the Planning Act,
17 1983 in connection with a referral to this Board by the
18 Honourable Bernard Grandmaitre, Minister of Municipal
19 Affairs, on a request by the Regional Municipality of
20 Halton to amend the Official Plan for the Town of
21 Milton to redesignate a parcel of land comprising Part
22 Lots 3 and 4, Concession 2 N.S. in the Town of Milton
23 from "Agriculture" and "Conservation and Hazard Lands"
24 to permit the construction, operation and maintenance
25 of a landfill site, Minister's File No. 24-OP-0208-A01;

- and -

17 IN THE MATTER OF Section 34(11) of the Planning Act,
18 1983 in connection with an appeal to this Board by the
19 Regional Municipality of Halton for an order directing
20 an amendment to By-law 61-85 of the Town of Milton to
21 rezone the lands situated at Lot 3 and part of Lot 4,
22 Concession 2 N.S., in the Town of Milton from
23 "Agriculture" to permit a regional sanitary landfill
24 site and ancillary uses;

- and -

21 IN THE MATTER OF Section 15(1) of the Planning Act,
22 R.S.O. 1980 ch.379 in connection with a referral by the
23 Honourable Claude F. Bennett, Minister of Housing on a
24 request by Tremaine Britannia Citizen's Group for
25 consideration of part of the Official Plan for the
Halton planning Area with respect to Sections 1 to 5
inclusive, 7, 9 and 10 of Part III D3 Solid Waste
Management, Minister's File No. OPC-0026;



- and -

IN THE MATTER OF Section 64 of the Ontario Municipal Board Act, R.S.O. 1980, c.347, as amended in connection with an application by the Regional Municipality of Halton for an order approving:

(a) The acquisition of land for the construction, operation and maintenance of a sanitary landfill site to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton and to do so by one of two alternative methods as follows:

(i) landfilling at the site referred to in Halton's Environmental Assessment as Site F in the City of Burlington;

(ii) landfilling at the site commonly referred to in Halton's Environmental Assessment as Site D in the Town of Milton.

at an estimated cost of \$12,775,000.00 and the borrowing of money by way of temporary advances not exceeding in the aggregate such estimated cost pending the sale of debentures, and

(b) the issuance of necessary debentures to a maximum of \$12,775,000.00 for a term not to exceed fifteen years;

- and -

IN THE MATTER OF Section 193(5) and Paragraph 84 of Section 210 of the Municipal Act, R.S.O. 1980, c.302, as amended;

- and -

IN THE MATTER OF Sections 6, 7 and 8 of the Expropriations Act, R.S.O. 1980, c.148;

- and -

IN THE MATTER OF an undertaking of the Regional Municipality of Halton to provide facilities for the purpose of receiving, dumping and disposing of waste as required by section 137 of the REGIONAL MUNICIPALITY OF HALTON ACT, R.S.O. 1980, c.436, as amended, by acquiring the land for, constructing, operating and maintaining a landfill to contain 7.96 million cubic metres of waste in the Regional Municipality of Halton.

BEFORE: H. H. Lancaster, Q.C. - Chairman

Dr. D.J. Kingham - Member



Hearing conducted at The Oakville
Granary Commercial Centre, 105 Robinson
Street, Oakville, Ontario, on March 2,
1988.

VOLUME 99

APPEARANCES:

T.R. Lederer and H.D. Hodgson	for the Regional Municipality of Halton (Proponent)
J.R. Tidball	for the Ministry of the Environment
T. Vigod J.F. Castrilli	for the West Burlington Citizens Group
D. Estrin, F.E. Leitch and H. Dahme	for the Corporation of the Town of Milton
S.R. Garrod and A. Nurvo	for the Milton Area Citizens Coalition and several affected Milton area landowners
R.B. Tuer, Q.C. E.A. Cronk and F. Perrier	for National Sewer Pipe Limited
L.F. Longo	for Azova Investments Limited
M.J. McQuaid, Q.C. and C.J. Tzekas	for the City of Burlington
C. Mansfield	for the Ministry of Natural Resources
P. Renaud	for Cumis



Nethercut & Co. Ltd.

Toronto, Ontario

APPEARANCES (Cont'd):

1	C. Stevenson	for Framgard Holdings,
2	P. Hancock	Fosseri Investments
3		Limited, Seriphos
4		Investments Limited and
5		Topic Investments
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

J.H. Olah for the Halton Region
Conservation Authority

* * * * *

Nethercut & Co. Ltd.
Official Reporters
185 Richmond St. W.
Toronto, Ontario
M5V 1V3

Per: P.D. McQueen



Oakville, Ontario.
March 2, 1988.

--- Upon commencing at 9:30 a.m.

MR. LANCASTER: Good morning, please be seated.

MR. GARROD: Mr. Chairman, for the balance of the day and probably into tomorrow, I would like to call a number of lay witnesses who will be speaking to their concerns about the proposal for a landfill at Site D. I have already spoken to people in the audience and impressed upon them the fact that this is not a political rally or a political meeting and that it is not appropriate to make comments and applause and things of that nature. I would like to take the opportunity to just emphasize that order is the appropriate condition of the day.

MR. LANCASTER: We are interested in individual concerns.

MR. GARROD: That is what I hope to bring forward, Mr. Chairman.

The general intent is I will call first the witnesses who actually live or work right on site, on Site D, followed by those people within the study area who live on First Line and followed by these people in the study area down Highway 25. That is the



1 general intent. Some people have a lack of flexibility
2 and I will have to operate according to that.

3 There are also, Mr. Chairman, a number
4 of photographs of these people's properties which have
5 been taken by Mr. Kauffman, who will be my last
6 witness, but I will be asking these witnesses to
7 identify and discuss and if we can mark them as
8 exhibits at this point as we go through, I will have
9 Mr. Kauffman prove the actual photographs and if anyone
10 has some technical questions about them, perhaps we can
11 reserve those for that time.

12 My first witness I would like to call is
13 Mr. & Mrs. Wat Martin, W.T. Martin, Watkin.

14 WATKIN MARTIN, sworn:
15 DOREEN MARTIN, sworn:

16 EXAMINATION-IN-CHIEF BY MR. GARROD:

17 Q. Mr. & Mrs. Martin, your names have
18 been raised a number of times throughout this hearing.
19 I think everyone will recognise where you live, but
20 perhaps you can point it out on the aerial photograph
21 behind you.

22 MR. MARTIN: A. We live in the northern
23 portion, right here on this 50-acre parcel running from
24 here down to there, this area right here.

25 Q. That is the one that is marked on
Exhibit 547 as W. & D. Martin?



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. Yes.

Q. That is the one that everyone has been referring to as having the air strip?

A. That's right.

Q. I wonder, first of all, Mr. Martin if you could just indicate whether or not your air strip is actually on your property or on your neighbour's property? It appears from this exhibit that it extends?

A. Well, this strip is entirely on our property, it goes right to the end of the property. This strip here runs over onto the next property, perhaps 150 feet.

Q. So the Marangoni property, actually your strip extends onto slightly?

A. Perhaps 100, 150 feet.

Q. So that the property boundaries that are shown on this strip, this exhibit?

A. They are not correct.

Q. They would not be correct to the west, sorry to the east?

A. The actual property boundary, you can see where it has been worked right across there.

Q. Apparently Mr. Hodgson has a survey which I suppose will be becoming an exhibit at



1
2 some point.

3 Mr. Martin, do you live there?

4 A. Yes.

5 Q. Who else lives there with you?

6 A. Our two sons live with us. They
7 are away during the week working in Toronto but they
8 are home most weekends.

9 Q. How long have you lived at that
10 address?

11 A. Twenty-three years.

12 Q. Are you the owner or tenant?

13 A. We are the owners.

14 Q. Can you describe the property in
15 terms of its size and its character?

16 A. Yes. It is 50 acres. It is
17 quite level and reasonably well drained. It has an
18 1100 foot frontage and a depth of 1985 feet, more or
19 less.

20 Q. What buildings are located on the
21 property?

22 A. We have a house and garage. There
23 is a workshop plus a hangar.

24 Q. We have some photographs and we
25 will get to those in a minute and those show the
buildings, I presume?



1

A. Yes.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. Can you, first of all, describe the size of the workshop and hangar that you have constructed on the property?

A. The hangar is about 40 feet by 56 feet and the workshop is about 70 x 42.

Q. What sort of construction is the shop?

A. The workshop is frame construction with metal sheeting. It is insulated and plastered on the inside.

Q. What sort of facilities does it have?

A. It has compressed air throughout, 110 volt and 220 volt electricity. Regular machinery for doing my work.

Q. Is it a heated building?

A. Yes, it is heated.

Q. Your hangar?

A. It is unheated and it is woodframe construction with metal siding on it.

Q. Now, in addition to that use which I want to come back to in some detail in a minute, is the property used for agricultural purposes?

A. Yes, it is.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Q. Can you describe what that is?

A. About 40 acres of the property is rented out to Mr. Bousfield and he works the property. Over the years it has been used for various grains, corn, hay.

Q. If we had a look at the air photo, would that include most of the land except for your buildings and the air strip?

A. Yes, that's right. The air strips take up under 4 acres. The tie-downs and the hangars and the house take up another, oh I would say 2 acres plus the lane is lost to agriculture. There is slightly more than 40 acres that are worked.

Q. Turning back to your air strip and your buildings, can you describe what use is made of those buildings?

A. One building is used as a workshop and the other building is used as a hangar, storage of aircraft.

Q. Can we put up the photographs and Mr. Chairman, perhaps we could have this marked as an exhibit.

MR. LANCASTER: This will be Exhibit MR-549.

MR. GARROD: A panel of photographs of



1 the property of W. & D. Martin.
2

3 MR. LANCASTER: Various photographs of
4 the Martin property. Will that do?

5 MR. GARROD: That will do.

6 --- EXHIBIT NO.MR-549: Various photographs of the
7 Martin property.

8 MR. GARROD: Q. Mr. Martin, would
9 you please describe for us what each photograph shows
10 on the this panel?

11 MR. MARTIN: A. On the top left is a
12 photograph showing the house and the buildings as you
13 approach the house. The next photograph shows the
14 building and the house in the distance. This
15 photographs shows the tie-down area just behind the
16 house.

17 MR. LANCASTER: I wonder, Mr. Martin, if
18 you could say from which direction you are looking,
19 just to give us some idea?

20 MR. MARTIN: A. The first photograph is
21 looking east at the house and the buildings. The next
22 photograph is looking to the north with the hangar,
23 workshop and house in the background. The next
24 photograph is looking east from behind the house to the
25 tie-down area.

This photograph is taken inside the



1 workshop, working on part of an aircraft there. The
2 next photograph is in the workshop and shows a young
3 chap I have that comes in and works part-time. The
4 next photograph here is part of the workshop which is
5 used for woodworking and fabric work.

6 This photograph is taken inside the
7 hangar, the storage hangar. It shows three aircraft in
8 there.

9 MR. GARROD: Q. What are the aircraft
10 it shows?

11 A. This one here is a DeHavilland
12 Tiger Moth built in England.

13 Q. That is the yellow one in the
14 bottom left of the photograph?

15 A. Yes. That was built about 1941.
16 In the background is a 1931 DeHavilland Gypsy Moth with
17 the wings folded and just the tail of a Canadian-built
18 DeHavilland Tiger Moth.

19 The next picture is a Canadian-built
20 Tiger Moth, built around 1941 and the last picture is
21 taken outside facing west towards the hangar and it
22 shows a DeHavilland Tiger Moth and it has the name
23 Spirit of Sky Harbour on it. This aircraft was -- the
24 rebuild of this aircraft was started at Goderich,
25 Ontario to commemorate the elementary flying training



1 school that was there during the war. The airport at
2 Goderich is called Sky Harbour and always has been, to
3 my knowledge. This aircraft was rebuilt and dedicated,
4 the rebuild was started at Goderich and they sort of
5 bogged down and they brought it to me to finish. It
6 is there now as it is finished and it is based at
7 Goderich.

8
9 Q. Mr. Martin, you indicated you have
10 lived here for twenty-three years. Can you explain
11 what you were looking for when you bought the property?

12 A. We were looking for an area that
13 was slightly isolated from neighbours. It had to be
14 flat, there had to be no obstructions in the immediate
15 area such as power lines or other obstacles. Of course
16 it had to be for sale. At that time it was not
17 against the zoning regulations in that area.

18 Q. Why were you looking for a
19 property with those kinds of characteristics?

20 A. To establish a small, two small
21 landing strips and workshop and a home.

22 Q. What is the business that you are
23 involved in that all of these photographs and buildings
24 relate to?

25 A. I am involved in the business of
rebuilding and repairing antique aircraft.



Nethercut & Co. Ltd.

Toronto, Ontario

23663

Martin, Martin,
ex (Garrod)

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. How long have you been in that business?

A. I have been doing it ever since we have moved there at this site and I have been working with aircraft in general since January 1st, 1940.

Q. How old are you now?

A. Sixty-three.

Q. What would be your intention as far as the continuation of this business?

A. I would like to continue on for another twelve years.

Q. Do you consider that you are able to do that?

A. Yes. I hold a Class 1 medical from the Department of Transport and I am in good health and I see no reason not to continue.

Q. Can you explain for the Board the nature of the work that you do and the clientele that you service?

A. Well, what I do is do complete rebuilding of antique aircraft. It includes woodwork, dope and fabric work, a certain amount of metal work, painting, everything else combined with that. The clientele is quite varied. One client flew his aircraft up from Texas, Southern Texas and left it with



1 me for a year to rebuild. I have rebuilt aircraft for
2 airline pilots and private owners. I rebuilt one
3 aircraft for the National Aviation Museum in Rockcliffe
4 and they are now negotiating with me to rebuild another
5 one, a World War I aeroplane.

6 Q. Do you get involved in flying
7 these aircraft yourself?

8 A. Yes, I do, I have a commercial
9 pilot's licence and sometimes I do the test flights on
10 them. I also do a bit of motion picture work with my
11 own antique aircraft. I just did one movie last
12 summer.

13 Q. Can you, I would like to show you
14 a letter from the National Museums of Canada?

15 A. Yes.

16 Q. This is a letter that is signed by
17 Mr. A.J. Shortt, the curator of the National Museum?

18 A. Yes.

19 Q. I wonder if you could identify for
20 the Board who Mr. Shortt is?

21 A. Mr. Shortt is the curator of the
22 National Aviation Museum, he has been for quite a
23 number of years now. His initials are A.J. but he goes
24 by the name of Fred Shortt.

25 Q. What has been your involvement



1 with Mr. Shortt in the past?

2 A. I rebuilt the one aircraft for
3 them and also I drop in there to visit from time to
4 time.

5 Q. I would like you to review this
6 letter if you would, please, and indicate whether the
7 contents of it are accurate? First of all, can you
8 assist the Board about what the National Aviation
9 Museum is and what its mandate is?

10 A. As I understand it, the National
11 Aviation Museum of Canada was born to preserve the
12 flying heritage of our country. They have a wonderful
13 collection of aircraft. They have some aircraft that
14 are one-of-a-kind in the world. It is quite a
15 historic collection and it is something that I feel
16 all Canadians can be proud of. Unfortunately a lot of
17 Canadians aren't aware of it.

18 Q. The last paragraph of the first
19 page, it indicates that in 1983, the museum retained
20 you to restore a 1941 Tiger Moth aircraft; is that the
21 one that you had mentioned?

22 A. Yes.

23 Q. Are you aware of why the museum
24 retained you particularly to do this?

25 A. I think they considered that I had



1 expertise in this particular field and on this
2 particular type of aircraft.

3 Q. You have been involved in this
4 field for some time, Mr. Martin. Are there other
5 people with your expertise who are in this business?

6 A. Not as a business, not in this
7 country. There are two people in England that I know of
8 and one person in Los Angeles, who does it commercially
9 on a part-time basis.

10 MR. GARROD: Mr. Chairman, I wonder if
11 we could have this letter marked?

12 MR. LANCASTER: M-550.

13 Do you wish to retain the original?

14 MR. GARROD: I am content to let the
15 Board have it, Mr. Chairman.

16 THE WITNESS: Would the Board care to see
17 a photograph of that aircraft I did for the museum?

18 MR. LANCASTER: How long has it been
19 there?

20 THE WITNESS: This aircraft has been in
21 the museum since World War II. When the war ended, the
22 RCAF kept one sample of every aircraft they used during
23 the war.

24 MR. LANCASTER: I think I saw it there a
25 few years ago.



Martin, Martin,
ex (Garrod)

1
2 THE WITNESS: This one was never in
3 civilian use.

4 --- EXHIBIT NO.MR-550: Letter from Mr. A.J. Shortt,
5 curator of the National
6 Aviation Museum.

7 MR. GARROD: Q. Mr. Martin, at certain
8 times during this hearing it has been indicated that
9 you have an unlicensed air strip there; can you explain
10 what that means?

11 MR. MARTIN: A. Yes, you do not need a
12 licence to operate an airport. I don't operate as a
13 commercial airport, just a private airport. The DOT is
14 well aware of it and we have no problems.

15 Q. So you are not illegal?

16 A. No.

17 Q. Can you indicate to the Board what
18 percentage of your total family income is generated
19 from the business you have just described?

20 A. Approximately 75 per cent.

21 Q. Do you work full-time or part-time
22 in this business?

23 A. Full-time.

24 Q. The other 25 per cent would come
25 from what?

A. Investments.

Q. Can you explain please, in terms



1 of first of all the business, what it would mean for
2 you to be expropriated from this property?

3 A. Well, it would be a very great
4 upheaval. It would be very difficult to find another
5 location suitable for this type of a business. As I
6 indicated, we need a flat level area. The place has to
7 be available for sale of course, and as I indicated
8 before, it has to be free of obstructions and you
9 wouldn't want neighbours right on top of you. Another
10 problem would be finding a place with the correct
11 zoning and trying to comply with the Food Land
12 Guidelines.

13 I made a couple of comments on this too.
14 The other point is that where we live now, we are just
15 a few minutes from Milton and 40 minutes from Toronto.
16 It is a very convenient location for our business and
17 us personally. To have to move at this stage of my life
18 would probably take two or three years to get settled
19 in somewhere else if we could find a place. A friend
20 of mine has been looking for a similar site to mine and
21 he wants to locate it within 45 miles of Toronto
22 International Airport. I have helped him look for a
23 site and there is nothing available in that area. We
24 have searched from the air and from the ground. To
25 re-establish myself in this business somewhere else, I



1 would have to move at least 50 miles from where we are
2 now.

3 Q. Is there a particular size of
4 property you require for your business?

5 A. I would need a minimum of 50
6 acres.

7 Q. Why is that?

8 A. To lay down the two runways, you
9 need the 50 acres.

10 Q. Why is it important for you to be
11 close to the airport, the international airport?

12 A. My source of supply there for
13 materials and so on at Toronto International or nearby
14 there.

15 Q. I wonder if you can explain, of
16 course your water supply?

17 A. We have a drilled well. It goes
18 down 76 feet. It is a good supply of water. The water
19 rises up in the casing within 25 feet of the ground
20 level. The water is hard, but we are accustomed to
21 that. The supply is quite adequate, we never run
22 short.

23 Q. Where is that well located?

24 A. Just in front of the garage, right
25 in the centre of the driveway.



1

MR. LANCASTER: Convenient for washing
your car?

2

3

4

MR. GARROD: Q. Is that a paved
driveway you have there?

5

6

MR. MARTIN: A. Yes, it is.

7

Q. Is the property subject to
seasonal flooding?

8

9

10

11

12

13

14

15

16

17

18

A. Yes, there's a ditch comes down
through here and it floods in the spring. I could
show it on this other map here. This stream comes down
through there, through there, right past the end of the
runway and back onto the First Line and down past the
Chaput property. During the spring it floods and
floods over the road. There is some area through here
where it floods that makes it difficult for the farming
operation. That is why there is only 40 acres available
for farming, partly.

19

20

21

22

Q. As far as relocating your
business, Mr. Martin, have you made any investigations
about being able to locate in any other places, for
example at other airports?

23

24

25

A. Yes, I have. I contacted the
manager of the Brampton airport, and Brampton airport
is a private airport owned by the Brampton Flying Club.
They said they would not, they would not be agreeable



1 to me establishing a business there as it is a non-
2 profit organization there, so I could not move my
3 business there. I contacted Mr. Kovachek at the
4 Burlington airport and he wasn't agreeable to moving
5 the business there. I spoke to the people at Guelph,
6 I wasn't able to see the owner, he was in Florida, down
7 south, but I spoke to the other people running it and
8 the problem there is there is no room available and
9 they have run out of room for any other buildings.
10 There is no rental space available.
11

12 To re-establish my business I would have
13 to find another site similar to what I have now.

14 Q. What would be involved in
15 relocating and setting up the kind of situation that
16 you have presently set up?

17 A. For me it would be a horrendous
18 job. I have all my machinery, equipment there. Piles
19 of spare parts up in the attics of both buildings and
20 the attic of the garage. It would be very upsetting.
21 I just couldn't continue on in business while I was
22 moving or anything like that.

23 Q. Can you tell me, Mr. Martin, I
24 would like you to assume for the moment that all of the
25 financial concerns with respect to relocating would be
resolved?



Martin, Martin,
ex (Garrod)

1
2
3
4
5
6
7
A. Yes. I think if we had to go the
Region would probably be fair with us, but it is not a
matter of money, it is just the total upheaval of our
lives. I have two brothers and a sister who live in
the area, a lot of nieces and nephews and my life-long
friends all live in the nearby area.

8
9
Q. Mrs. Martin, I understand you grew
up in the Region of Halton?

10
11
12
13
MRS. MARTIN: A. Yes, I was born and
raised on a farm in Halton and I really enjoy the
country. I have just lived all my life in the
vicinity.

14
15
Q. Do you have family and friends in
the area?

16
17
18
19
A. Yes, I do. Some of my relatives
are not living around this immediate area now, my
brother's up north, my sister is over in Goderich. I
don't have immediate family right in the area.

20
21
22
Q. Can you explain for the Board what
it would mean for you personally if you were forced out
of your home?

23
24
25
A. Well, I do enjoy it there and I
have beautiful scenery all around and I do enjoy
watching the wildlife. I have a beautiful view over
to the escarpment. I don't know, I just enjoy country



1
2 living. I don't want to go to a subdivision or an
3 apartment, I just don't like that type of living. It
4 would be a terrible disaster for us to have to get out
5 of there. It would be hard to find another place to
6 match what we have got there now.

7 Q. Did you raise your family in that
8 house?

9 A. Yes, and that's another thing. We
10 spent the better part of our lives together there,
11 raising our two boys. You know, it has got very
12 pleasant, fond memories for us because we worked hard
13 there. We didn't hire too much help, we did a lot of
14 the work ourselves. Wat was a carpenter some years
15 ago, so a good deal of the work we did on the property
16 we have done ourselves.

17 Q. You mentioned that you liked the
18 wildlife, what sort of wildlife do you see?

19 A. There is all sorts of wildlife
20 around the property there. Right now we've got blue
21 jays, chickadees, nut hatches, downy woodpeckers and of
22 course, the common house sparrows as well as song
23 sparrows, tree sparrows. This is right now at this
24 time of the year. You see a lot of hawks around and
25 crows.

Of course in the summer time there are



1
2 all the other birds.

3 Q. Do you see other animals other
4 than birds?

5 A. Oh yes, we have brush wolves, and
6 some deer. This past summer there was a doe down the
7 field with two little baby deer. We could see them out
8 of the bathroom window, just below the air strip.

9 Q. I understand that you also collect
10 Indian arrowheads?

11 A. Yes, I found quite a few Indian
12 artifacts in the fields. Mind you, we haven't done any
13 digs, but every time when the fields were worked and
14 the farmers were working the fields, I would walk up
15 and down the rows of corn or whatever looking for
16 pretty stones, and I have quite a nice collection of
17 artifacts. The fellows from the Museum of Archeology
18 of course have been to check over the property and
19 wanted to look at my collection. They were around and
20 checked it for the OWMC as well as for the Region and
21 they said they had never seen such an individual
22 collection as big as I have and they wished I would
23 donate it to the museum. I have a couple, two or
24 three boxes full of them there. Maybe you would care
25 to look at them eventually.

Q. Well, I think we've all seen



Martin, Martin,
ex (Garrod)

1 Indian arrowheads. I have seen them, Mrs. Martin, and
2 I can confirm to the Board that they are very
3 interesting.
4

5 I wonder, Mr. Martin if you could
6 summarize for us to just indicate to the Board what you
7 have been going through for the last number of years
8 and what the location of the landfill at Site D would
9 mean for you for the future?

10 MR. MARTIN: A. We have been under a
11 lot of strain for quite a number of years now. Halton
12 region starting looking in that area for a site, it
13 must be probably twelve years ago, I couldn't say
14 exactly. We were involved in that for quite a number
15 of years. We called it the old Site F, it was at
16 Britannia Road and Tremaine Road. It was a bit of a
17 worry to us. That went on for a number of years before
18 it was dropped.

19 The next thing we knew, the OWMC came in
20 and they picked eight sites in the province. One site
21 included our property. We had quite a concern there
22 for a year or so, a lot of meetings and fund raising
23 and one thing and another to fight that. In the
24 meantime this latest thing came up, possibly, I forget,
25 three years ago and it has been quite a concern. It is
not so much the concern as the uncertainty. We don't



1 know how long we will be there or whether we will have
2 to go or whether we will stay there. Over a period of
3 time it really gets you down; it is a strain.

4 Q. What would it mean for the future
5 of your business if you had to move?

6 A. It would be very difficult. I
7 don't know whether I could start up again or not. I
8 want to, I would hope to, but it would be very
9 difficult. I wouldn't be happy sitting around doing
10 nothing. The thing I want to do most is what I am
11 doing now. I started working when I was 14 years old
12 and I have worked hard all my life to get to this
13 position I am in now. I think it would be a shame to
14 lose it.

15 MR. GARROD: Thank you, sir, those are
16 all my questions.

17 MR. LANCASTER: Does anyone else have
18 questions? Are there any questions?

19 Mr. Tzekas.

20 CROSS-EXAMINATION BY MR. TZEKAS:

21 Q. Mr. Martin, you mentioned that
22 your two sons work in Toronto?

23 MR. MARTIN: A. I beg your pardon?

24 Q. You mentioned your two sons work
25 in Toronto?



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A. No, I didn't. One works in Toronto and one works in Mississauga.

Q. In any event, I take it they have jobs outside of this particular business?

A. Yes, that's true.

Q. I take it, sir, they are not looking to continue the business after?

A. No, they are not.

Q. You indicated to me that you spoke to Mr. Kovachek, the operator of the Burlington Air Park and he wasn't interested in having your business there?

A. That's right.

Q. I am curious about that because Mr. Kovachek, when he gave evidence here, indicated that he was leasing land to people who would then build their own hangars and so on?

A. That's true.

Q. Can you indicate to me, I would have thought that having this kind of an attraction on his Air Park might be of benefit to him?

A. No, that is a different situation. The hangars he builds and leases are called T-hangars. They are just lighter construction and for the storage of aircraft. He doesn't permit anyone who ties down or



1 MR. MARTIN: I would just like to
2 emphasize we are very settled there. We had expected
3 to be there for the rest of our lives which hopefully
4 will be a few years more. It would be very upsetting
5 to have to move. It is not as if we lived in a sub-
6 division and were just moving to another house; it's a
7 different situation altogether. We would be completely
8 uprooted and life would never be the same I don't think
9 for us.

10 MR. LANCASTER: Thank you, Mr. Martin,
11 Mrs. Martin.

12 MR. GARROD: Can I have Mr. Douglas
13 Anderson, please.

14 DOUGLAS ANDERSON, sworn:

15 EXAMINATION-IN-CHIEF BY MR. GARROD:

16 Q. Mr. Anderson, you are not an
17 immediate resident, I understand, but you are a client
18 of Mr. Wat Martin?

19 A. Yes.

20 Q. Why is it that you wanted to come
21 and speak to the Board about this today?

22 A. Well, I have an airplane that is
23 very old, built in 1937. Its construction is quite
24 different to what airplanes are made of today and it
25 takes a bit of specialized treatment to look after it.



1 Probably I could only get this work done in the United
2 States if I didn't have Mr. Martin to do it for me.

3 Q. What is the aircraft that you own?

4 A. It is called a Stinson Reliant.

5 Q. You have written me a letter out-
6 lining some of your concerns?

7 A. Yes.

8 Q. Could you identify that document
9 in front of you?

10 A. Yes.

11 MR. GARROD: I wonder, Mr. Chairman, if
12 we could have this marked as an exhibit?

13 MR. LANCASTER: MR-551.

14 --- EXHIBIT NO. MR-551: Letter from witness.

15 MR. GARROD: Q. I would like you to
16 review that letter and if you could explain your
17 concerns?

18 A. If he wasn't available in the
19 area, I don't know where I would get my work done. I
20 have been in aviation for something like forty-five
21 years or so. I'm an aeronautical engineer, but that
22 doesn't encompass the work. I am airline pilot with
23 Air Canada. I don't have any expertise in looking
24 after an airplane of this type. I am trying to learn
25 and I've learned an awful lot from Mr. Martin. He is



1 the only one, in my view, that can do this work. I
2 feel very strongly that if he was moved out of the
3 area, it would be such a long time for him to get re-
4 established, that I probably would have to take my
5 airplane to the United States to have the work done.
6 There would be complications as far as licencing goes,
7 it is a different administration.

8 Q. How would you get your aircraft to
9 the United States?

10 A. I would have to fly it down if it
11 was serviceable.

12 Q. If it wasn't serviceable?

13 A. I guess it would have to be
14 disassembled and shipped by trailer.

15 Q. Where is it that you live, Mr.
16 Anderson?

17 A. I live up north of Heart Lake,
18 north of Brampton.

19 Q. Is that the address on this
20 letter?

21 A. Yes.

22 MR. GARROD: Those are all my questions.

23 MR. LANCASTER: Thank you, Mr. Anderson.

24 MR. GARROD: Mr. Walter Davies, please.

25 WALTER DAVIES, sworn:



1 EXAMINATION-IN-CHIEF BY MR. GARROD:

2 Q. Mr. Davies, you are not a local
3 resident?

4 A. No, that is correct.

5 Q. I understand you are also a client
6 of Mr. Martin?

7 A. Yes, I have been for quite a long
8 time.

9 Q. Since when, do you remember?

10 A. In excess of ten years, ten or
11 twelve years, I believe.

12 Q. Why is it that you are involved
13 with Mr. Martin's business?

14 A. Mr. Martin carries on a business
15 which is very, very specialized. I happen to be the
16 owner of some antique aircraft.

17 Q. What aircraft do you own?

18 A. I own a Stomp, which is a Belgian
19 aircraft. It is quite unusual and I own a J-4, which
20 is another antique American aircraft and I also from
21 time to time have other aircraft at my place.

22 Q. Where is your place?

23 A. I am close to Alliston, which is
24 approximately 55 miles north of here as the crow flies.

25 Q. What does Mr. Martin do for you?



1 A. Well, he is the source of many
2 things. His whole operation is geared towards
3 maintenance and restoration of antique aircraft. Over
4 the years he has specialized in this type of work.
5 There is in Canada really nobody who could actually do
6 the type of work he does. He has facilities there
7 which are unusual as well. He has to work on restoring
8 and repairing these old aircraft and not only wood and
9 metal, he works on the engines as well. His building
10 encompasses not only a hangar area where he basically
11 works, he has his paint shop, a very specialized area
12 of the building, it has to be properly ventilated and
13 he has an engine shop, which is spotlessly clean where
14 engine work is carried out. He has his woodworking
15 shop where woodworking is done and as you can all
16 appreciate, it is very dusty. All these areas have to
17 be separate.

18 I have watched over the years and he has
19 slowly built those various areas within his building
20 and they are all unique and almost mandatory for the
21 type of work he does. Obviously to replace a building
22 like this is just about impossible. It is built up
23 over a series, a number of years of personal work.

24 Q. What is Mr. Martin's reputation in
25 the antique aircraft community?



1 A. It is absolutely tops. He is
2 recognised throughout Canada and I might say throughout
3 North America.

4 Q. If Mr. Martin's facility wasn't
5 available for you and other people in your position,
6 where would you get this kind of work done?

7 A. I think it is obvious to most
8 people that at the moment we don't really know.

9 MR. GARROD: Thank you very much, sir.

10 MR. LANCASTER: Are there any questions?
11 Thank you very much, Mr. Davies.

12 MR. GARROD: Mr. Les Hems, please.

13 LES HEMS, sworn:

14 DR. KINGHAM: Just for the court
15 reporter, is that H-E-M-S?

16 MR. GARROD: Yes.

17 EXAMINATION-IN-CHIEF BY MR. GARROD:

18 Q. Mr. Hems, you are also a client of
19 Mr. Martin's, I understand?

20 A. Yes, that is correct.

21 Q. Do you own an antique aircraft?

22 A. Yes, I am a co-owner of a
23 DeHavilland Tiger Moth.

24 Q. How old is that?

25 A. It was built in 1942.



1 Q. How long have you known Mr.
2 Martin?

3 A. Well, I have known of Mr. Martin
4 probably well over ten years. I have had a slightly
5 closer relationship within the last eight years,
6 since the acquisition of our Tiger Moth a little over
7 three years ago. It is quite close now.

8 Q. What does Mr. Martin do for you?

9 A. These aircraft require, besides
10 major work, they require an annual licence renewal,
11 which Mr. Martin has been doing for us.

12 Q. Is Mr. Martin licensed to do
13 those?

14 A. Yes, he is.

15 Q. Does that mean that you take your
16 aircraft to him each year?

17 A. That is correct.

18 Q. Can you describe how important it
19 is to you that Mr. Martin's operation continues?

20 A. Well, as Mr. Davies stated just
21 before me, right now I don't know where else we could
22 take these particular airplane types and have the work
23 done at all. If somebody else was to do it, I don't
24 know how comfortable I would feel about it because of
25 the expertise and the knowledge that Mr. Martin has.



1 It is something that can only be gained by experience.
2 You can't read about it out of books and go ahead and
3 do it, you have to have the experience with these old
4 airplanes.

5 Q. I understand you have some
6 involvement with the Great War Flying Museum in
7 Brampton?

8 A. That is correct; one of my
9 associations with Mr. Martin.

10 Q. Can you explain what that museum
11 is about?

12 A. It is a group at the Brampton
13 Flying Club, at the Brampton Airport -- don't quote me
14 on the timeframe -- but at least ten years ago. Their
15 objective is to preserve and build replicas of World
16 War I aircraft types.

17 Q. And are there, can you tell the
18 Board generally, are there many people like yourself
19 and the other witnesses who testified here who rely on
20 Mr. Martin's work?

21 A. I would say yes there are.

22 Q. How large is the community of
23 people in this area that own antique aircraft?

24 A. Well, I really couldn't, I would
25 just have to give a ballpark figure, but I would say



1 there is at least fifteen to eighteen that I know of on
2 a one-to-one basis.

3 There are obviously more than that that
4 I am not aware of.

5 MR. GARROD: Thank you very much, sir.

6 MR. LANCASTER: Any other questions?
7 Thank you, Mr. Hems.

8 MR. GARROD: Mr. Chairman, I would now
9 like to call Mr. & Mrs. Reed.

10 MICHAEL REED, sworn:

11 CYNTHIA REED, sworn:

12 EXAMINATION-IN-CHIEF BY MR. GARROD:

13 Q. Mrs. Reed, behind you there is an
14 aerial photograph that has been marked as 547, can you
15 point out for the Board where you live?

16 MRS. REED: A. Well we have the
17 south-most property here, right there (indicating).

18 Q. How large is that property?

19 A. It is one and a quarter acres,
20 approximately.

21 Q. How long have you lived there?

22 A. Two years.

23 Q. When did you buy that property?

24 A. December, around December. We
25 actually moved in in March, but we had made the actual
agreement in December.



1 Q. What year, I'm sorry, March of
2 what year?

3 A. It was March of '86, yes.

4 Q. What was the extent of your
5 knowledge at the time that you bought that property
6 about the proposal that is being discussed at this
7 hearing?

8 A. Not very much. The only thing, our
9 understanding was that with the little bit of
10 information that we had heard by way of the paper or
11 neighbours or whatever it was, that the site was going
12 to Burlington, that Burlington was chosen as the best
13 site. That, we thought, was the end of it. We don't
14 usually read the paper and we don't watch any TV, so we
15 weren't aware of anything. That was the end of that
16 and we thought that we were safe.

17 Q. When you bought this property, can
18 you tell me why you bought this particular property?

19 A. There were a lot of reasons; one
20 of the reasons was that it was close to town and that
21 is very important for my business, clients, they will
22 only drive so far and we needed more space because of
23 all my dogs and my show dogs. We wanted to, we had
24 been saving all our lives since we first got married
25 and had been working quite hard all our lives, so that



1 stor's their aircraft on his airport to work on their
2 own aircraft. If they want to tie-down there, his
3 organization does the maintenance. I don't think he
4 wants any other maintenance organization, whether it's
5 antique aircraft or not on the site. That's the
6 information I have,. I would have to build a much more
7 substantial building than they build for T-hangars.

8 Q. I understood Mr. Kovachek got
9 quite a lot of his income from his repair business and
10 I can understand how he might not want other people who
11 repair aircraft on his site. I take it, sir, that your
12 repair is really quite different and quite specialized?

13 A. Yes it is, but there is another
14 problem also. The main runway at Burlington Air Park
15 is a paved runway. There is another runway there at a
16 slight angle to it. For antique aircraft it is a
17 different thing to land in a strong cross wind on a
18 paved runway to landing on grass. At my site I have two
19 runways which are almost at right angles to each other
20 and it can handle antique aircraft quite well, whereas
21 at Burlington Air Park there would be a lot of
22 difficulty apart from locating there, just using the
23 runways.

24 Q. You indicated that your property
25 had been rented to Mr. Bousfield?



1 A. Yes, that is right.

2 Q. Where does he live, sir?

3 A. I believe he lives on Derry Road
4 just to the west of us.

5 Q. Can you tell me, I don't know the
6 area very well, approximately how far away would Derry
7 Road be?

8 A. Two or three miles.

9 Q. You also indicated that a portion
10 of your strip was located on the adjacent property and
11 I am sorry I didn't see that. I have difficulty from
12 where I am sitting.

13 A. Just the very end of the strip
14 here runs onto the Marangoni property.

15 Q. I see.

16 A. Mr. Bousfield also works the
17 Marangoni property, so there is no problem.

18 Q. I take it Mr. Marangoni and you
19 have made some arrangement?

20 A. No, I made my arrangements with
21 the person leasing the property.

22 MR. TZEKAS: Thank you, those are my
23 questions.

24 MR. LANCASTER: Anything else you would
25 like to say, Mr. Martin?



1 we could afford to buy a century home, that was very
2 important to us, that it be a century home, over a
3 hundred years old. It had to be a home that wasn't
4 modernized to a point, that hadn't been through ten
5 families that had all done their own thing to it. We
6 wanted to restore it to its natural state and we wanted
7 to put that kind of time and effort into it. We wanted
8 a house to display some of our antiques that we have
9 collected along the years.

10 Q. How long had you looked for a
11 property before you found this one?

12 A. Two years.

13 Q. When you say that, was that two
14 years of --

15 A. That is calling, looking in the
16 paper, driving around, phoning real estate agents, just
17 talking to people in general.

18 Q. Can you describe the property?
19 There is a panel of photographs behind you. Perhaps we
20 could put them up. You will see, Mr. Chairman, this
21 has two sets of photographs on it. The top four are to
22 do with Tom and Mary Jean Martin. The bottom four are
23 to do with the Reed property.

24 A. Okay, this is a view looking
25 south.



1 Q. When you say this, Mrs. Reed, you
2 have to identify the photograph so that when we read
3 the transcript it will make some sense to us?

4 A. In the bottom corner, that is a
5 picture of our house, looking at it from the south end.
6 It is not shown on this picture, the shutters, there
7 are shutters for every single window including the top
8 window, where the coloured glass is, but they have all
9 been taken down, they are all presently being stripped,
10 the paint has been stripped off, they have been taken
11 apart and put back together, one by one. My husband is
12 doing that. They will be put back up in the spring.

13 Another thing that is evident around
14 each window, you can only see it if you come up close.
15 Each window has been, the paint has been stripped off
16 by hand around the outside. They have all be
17 recaulked. That took ninety one-pound bags of putty.
18 The painting, that has all been done and because of the
19 time of year, the flowers are not evident in the garden
20 and there are flowers in that garden that cannot be
21 gotten today. I have had people stop on the road and
22 ask if they could have some because they can't get
23 them. Mrs. Ford, who was the previous owner, was a
24 horticulturalist and a lot of the flowers that she got
25 for this property were certain strains and prize-



1 winning species and kinds she had got from the
2 different auctions, flower auctions and shows.

3 The top picture ---

4 Q. The top left?

5 A. The top left picture, that is a
6 picture of the front of our house looking from the
7 east. Because of the winter door on the front door
8 here, you cannot see the ruby glass and the cobalt blue
9 glass which is also in the door itself. That is the
10 original glass.

11 Upstairs is the green and yellow-
12 coloured glass and it is textured. It is not evident
13 here but it is textured glass. That is something that
14 we felt was very special about our house.

15 This funny looking piece of equipment in
16 the front here is a natural antique, I guess it is a
17 plough of some sort that they used to use in the days
18 when they had to use cattle or horses to do the fields.
19 That is what they used and that is what is out front
20 there. The whole property has been fenced except for
21 this one side, which we had intended to do this spring.
22 We have fenced that all ourselves.

23 The roof, it is a new roof on there. We
24 have replaced the roof, any parts that needed doing.

25 This picture in the right bottom corner,



1 that is a picture of my grooming shop where I work.
2 Right here you can see, that is where the customers
3 come, that is a shelf or a half-way wall. I take the
4 dogs in, and these are my dryer and my clippers here,
5 that cupboard there, it's full of my equipment. You
6 can't see the bathtub where I do the bathing of them
7 and my tables. I have two tables in there and I have
8 quite an assortment of equipment which has all been put
9 away right there. It has it's own outside entrance
10 which would be right over here on the right, but you
11 can't see it because of the way the picture has been
12 taken.

13 So, the clients that come right up to
14 the outside door and come right in as they would in any
15 other store or shop for service.

16 Q. Mrs. Reed, we haven't yet talked
17 about your business, and we will have to come back to
18 that in a little more detail, but just before we leave
19 the house, I wonder if I could show you another
20 photograph of the interior and ask if you can identify
21 that?

22 A. Yes. This is our kitchen.

23 MR. LANCASTER: We have to identify the
24 panel first. MR-552.

25 --- EXHIBIT NO. MR-552: Panel of photographs of T.
and M.J. Martin and M. and



1

C. Reed.

2

--- EXHIBIT NO. MR-553: Interior photograph of the
Reed home.

3

4

MR. GARROD: Maybe I can show this to
the Chairman and then you can describe what it shows.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. I think that one is sufficient,
Mrs. Reed.

You mentioned that you also run a
business from this location. I would like you to



1 please explain what that business is and why this
2 location is important to you?

3 A. I have a grooming business in
4 which I groom dogs, people's pets as well as show dogs
5 of my own. The people come to me with their pets and
6 leave them for an hour or two and I groom them. That
7 includes everything that they need done, their nails,
8 their ears and bathing them and grooming them and
9 trimming them; just checking over their general
10 appearance and making sure they are nice. I do
11 approximately, anywhere from four to ten dogs a day,
12 depending on the season. The location is critical
13 because people do have to drive. In the wintertime it
14 is particular important. Nobody wants to drive a way
15 out to the boonies in the middle of nowhere to get
16 their dogs groomed, so I had to have a location that
17 was large enough for our personal purposes but was not
18 too far away from town for people to come and have
19 their animals groomed. We are four minutes from town
20 now.

21 MR. LANCASTER: In Milton?

22 MRS. REED: In Milton, yes. We are only
23 a few minutes from the QEW and 401 I do have clients
24 that come in from all surrounding areas. It is just,
25 it is very, very important when I did move, I did lose



1 some of my clients and it took me a good year to build
2 up that clientele back to normal again because I had to
3 lose some from moving just four minutes out of town. I
4 would hate to think what would happen if I had to go
5 somewhere else. I probably could lose my business and
6 I have been working on that business now for six years
7 altogether and it has been successful for me.

8 MR. GARROD: Q. You were previously
9 located in the actual urban area of Milton?

10 A. Yes, I was located right downtown
11 Milton for the first four years or so of the business.
12 After that we kind of ran out of space down in Milton
13 and we had to move to the country. That is one of the
14 reasons that it was so hard to find a place for us to
15 move to, because there was a lot of special things that
16 had to be attached to the property that we bought. It
17 had to be suitable for the business as well as for my
18 own, you know, dogs.

19 Q. I don't think you have discussed
20 your own dogs yes, I understand that you are also, in
21 addition to being in the grooming business, in the
22 business of breeding dogs for show?

23 A. Yes, we have Scottish deer hounds,
24 greyhounds and those two breeds are, we course, which
25 is relatively the same as racing. It is a little bit



1 please explain what that business is and why this
2 location is important to you?

3 A. I have a grooming business in
4 which I groom dogs, people's pets as well as show dogs
5 of my own. The people come to me with their pets and
6 leave them for an hour or two and I groom them. That
7 includes everything that they need done, their nails,
8 their ears and bathing them and grooming them and
9 trimming them; just checking over their general
10 appearance and making sure they are nice. I do
11 approximately, anywhere from four to ten dogs a day,
12 depending on the season. The location is critical
13 because people do have to drive. In the wintertime it
14 is particular important. Nobody wants to drive a way
15 out to the boonies in the middle of nowhere to get
16 their dogs groomed, so I had to have a location that
17 was large enough for our personal purposes but was not
18 too far away from town for people to come and have
19 their animals groomed. We are four minutes from town
20 now.

21 MR. LANCASTER: In Milton?

22 MRS. REED: In Milton, yes. We are only
23 a few minutes from the QEW and 401 I do have clients
24 that come in from all surrounding areas. It is just,
25 it is very, very important when I did move, I did lose



1 some of my clients and it took me a good year to build
2 up that clientele back to normal again because I had to
3 lose some from moving just four minutes out of town. I
4 would hate to think what would happen if I had to go
5 somewhere else. I probably could lose my business and
6 I have been working on that business now for six years
7 altogether and it has been successful for me.

8 MR. GARROD: Q. You were previously
9 located in the actual urban area of Milton?

10 A. Yes, I was located right downtown
11 Milton for the first four years or so of the business.
12 After that we kind of ran out of space down in Milton
13 and we had to move to the country. That is one of the
14 reasons that it was so hard to find a place for us to
15 move to, because there was a lot of special things that
16 had to be attached to the property that we bought. It
17 had to be suitable for the business as well as for my
18 own, you know, dogs.

19 Q. I don't think you have discussed
20 your own dogs yes, I understand that you are also, in
21 addition to being in the grooming business, in the
22 business of breeding dogs for show?

23 A. Yes, we have Scottish deer hounds,
24 greyhounds and those two breeds are, we course, which
25 is relatively the same as racing. It is a little bit



1 different, but coursing is still racing in a sense,
2 except that we don't, it's not like the States where
3 it's on a track for money, it is more in an actual farm
4 where they have a fake lure and they run a fake lure.
5 That is regulated by the CKOC, The Canadian Kennel
6 Club.

7 I also show those dogs and I have
8 Brussels Griffons as well. My Brussels Griffons have
9 done some record-setting and they have won some very
10 important shows. They have set quite a few records.
11 I have pictures and everything if you want to see them.

12 Q. I understand, Mrs. Reed, that you
13 in fact had the top champion in that breed?

14 A. Gandalf, he is my male Brussels
15 Griffon. He was the first Canadian-bred Griffon ever
16 to be a second top toy in Canada. He was the first
17 Canadian-bred Brussels Griffon ever to go best in show
18 in Canada and he's done that more than once. He's the
19 first Canadian-bred Brussels Griffon ever to win the
20 group at Westminster at New York City, which is the
21 Kentucky Derby of dog shows. He has done a lot of
22 winning, I can't recall the list, it is fairly long.

23 Q. You have a couple of photographs
24 albums showing your prize-winning dogs in shows and the
25 ribbons that they have won?



1 A. Yes, I do. I have here some
2 different articles that have been written about Gandalf
3 that came out of the paper, different magazines where
4 he was talked about as well as photographs from his
5 campaign in Canada and photographs from his campaign in
6 the States.

7 MR. GARROD: These are obviously of
8 personal importance to Mrs. Reed, and I wouldn't intend
9 to mark them as an exhibit, but I wonder if she could
10 show them to the Board members and anyone else who
11 might be interested.

12 MR. LANCASTER: Yes.

13 MRS. REED: One of the things I didn't
14 point out with my deer hounds and greyhounds, I haven't
15 shown them in a conformation show as yet. They are a
16 lot of work. They require a considerable amount of
17 exercising and prior to a coursing race, they require
18 at least a month of two miles on the bike in the
19 morning up the road and a three-mile walk in the
20 afternoon. They have special nutritional requirements.
21 They cannot be shown, they can be, but it is not best
22 to show them until they are mature, which takes about
23 two years of good hard work and effort. They are a
24 difficult breed to raise, so all these breeds that I
25 have are difficult and most challenging.



1 Q Can you explain what it would mean
2 to those dogs and to your business of breeding those
3 dogs to move them?

4 A. The stress factor I think I worry
5 about the most. These dogs, particularly the
6 greyhounds and the deer hounds, the stress factor, that
7 affects them very much because it is not, they are not
8 like a lot of other breeds and I have handled a fair
9 amount of other people's dogs and other breeds. They
10 are not like those other breeds, they are special. You
11 can ruin a dog by the stress. That is why we don't
12 take any young deer hounds or greyhounds out, at least
13 I don't, until they are mature, because if they are
14 under any amount of stress, they grow out funny. You
15 can make them cow hocked, you can just ruin them, ruin
16 the look of them with the extra stress, plus you've got
17 breeding problems. Any dog under a lot of stress and
18 pressure, there are a lot of people in the dog world
19 that show dogs can vouch for this. You have a dog on
20 the circuit, or you have upset it somehow by moving it,
21 you may not get a litter of puppies, you may get a
22 litter of puppies and they may not survive, or if the
23 bitch is under -- that is a term we use for female dogs
24 in shows -- if she is under enough stress, she may not
25 look after the puppies. It is all tied in, it is very



1 important, it is hard to foresee what may happen, but
2 there surely is a lot of complications that can come
3 about from having to move these dogs, especially when
4 they are young or when they are going to whelp or
5 anything like that. To move somewhere you have to be
6 set up for it right away. You just can't move them
7 and stick them out in a barn somewhere until a few
8 months have gone by that you have got everything ready
9 for them. When you move someone who has got a dog like
10 that, you have to be prepared for them. You have to
11 arrange everything so they are comfortable. It is not
12 an easy thing. They have feelings too and
13 personalities. A move affects them just like it does a
14 person.

15 Q. You are also involved, I
16 understand, Mrs. Reed, or have been in the past with
17 showing horses?

18 A. Yes.

19 Q. You have in fact, I understand
20 shown horses at Bayview Park?

21 A. Yes, I have.

22 Q. I wonder if you could describe the
23 facility there and its suitability in your view for
24 that use?

25 A. Bayview Park, it is a nice place



1 important, it is hard to foresee what may happen, but
2 there surely is a lot of complications that can come
3 about from having to move these dogs, especially when
4 they are young or when they are going to whelp or
5 anything like that. To move somewhere you have to be
6 set up for it right away. You just can't move them
7 and stick them out in a barn somewhere until a few
8 months have gone by that you have got everything ready
9 for them. When you move someone who has got a dog like
10 that, you have to be prepared for them. You have to
11 arrange everything so they are comfortable. It is not
12 an easy thing. They have feelings too and
13 personalities. A move affects them just like it does a
14 person.

15 Q. You are also involved, I
16 understand, Mrs. Reed, or have been in the past with
17 showing horses?

18 A. Yes.

19 Q. You have in fact, I understand
20 shown horses at Bayview Park?

21 A. Yes, I have.

22 Q. I wonder if you could describe the
23 facility there and its suitability in your view for
24 that use?

25 A. Bayview Park, it is a nice place



1 to show. It has never been bothersome, you have got a
2 lot of traffic around there, around the corner, King
3 Road, the way it winds up around, there is always a lot
4 of cars stopping to watch the show. If you have got a
5 young horse, it depends on which way you look at it, I
6 always found that the more that was going on at the
7 show, the better, because this is a good opportunity to
8 get the horse used to noises and commotion so that you
9 can get the best performance out of the horse during a
10 show under any conditions, whether it be noisy or
11 quiet. That was one of the things I liked about
12 Bayview Park. It was always very busy there and there
13 was a lot of traffic going in and out and noises and
14 this kind of thing and that is good, that is good
15 experience for a young horse. I used to take my horse
16 up there. I used to take my horse up there when it
17 was, just before I was riding it so that it would get
18 accustomed to the different noises up there. There are
19 a lot nicer places to show horses than Bayview Park, I
20 mean I used to like to go to different places to show,
21 the Exhibition grounds are probably the nicest.

22 Q. In Toronto you mean?

23 A. Yes, for showing, although not all
24 the shows are held there, not all the saddle clubs have
25 shows there. These are the bigger shows, the more



1 to show. It has never been bothersome, you have got a
2 lot of traffic around there, around the corner, King
3 Road, the way it winds up around, there is always a lot
4 of cars stopping to watch the show. If you have got a
5 young horse, it depends on which way you look at it, I
6 always found that the more that was going on at the
7 show, the better, because this is a good opportunity to
8 get the horse used to noises and commotion so that you
9 can get the best performance out of the horse during a
10 show under any conditions, whether it be noisy or
11 quiet. That was one of the things I liked about
12 Bayview Park. It was always very busy there and there
13 was a lot of traffic going in and out and noises and
14 this kind of thing and that is good, that is good
15 experience for a young horse. I used to take my horse
16 up there. I used to take my horse up there when it
17 was, just before I was riding it so that it would get
18 accustomed to the different noises up there. There are
19 a lot nicer places to show horses than Bayview Park, I
20 mean I used to like to go to different places to show,
21 the Exhibition grounds are probably the nicest.

22 Q. In Toronto you mean?

23 A. Yes, for showing, although not all
24 the shows are held there, not all the saddle clubs have
25 shows there. These are the bigger shows, the more



1 important shows like the Quarterama, the quarter horse
2 show and pure bred animal shows and the short of thing
3 that goes on mostly at the Exhibition.

4 There is also Al's Tack Shop in Toronto
5 and they have a very nice arena for showing as well.
6 Those two are nicer than Bayview Park.

7 Q. Do you know what clubs are showing
8 horses at Bayview Park now?

9 A. I am only aware of White Oaks
10 Saddle Club. That is all I have been aware of for the
11 last little while.

12 Q. Were there other ones previously?

13 A. Yes, I think so.

14 Q. What has happened to those, do you
15 know?

16 A. I understood from a friend of mine
17 that they had gone under and they were no longer
18 holding shows; that White Oaks was the only remaining
19 saddle club that was showing there, apart from, I think
20 they still have the odd circuit show there for a
21 quarter horse show once a year, but as far as the
22 saddle clubs themselves go, I am only aware of White
23 Oaks being there now.

24 Q. Now you, I believe both of you
25 grew up in the Aldershot area?



1 A. Yes.

2 Q. There is a photograph behind you
3 and I wonder if you might put it up on the easel and I
4 would like you to, if you can, on that air photo, which
5 is 548, tell us where it is you grew up and where it is
6 that you used to live, do you remember the address?

7 MR. REED: A. I grew up at 1039
8 Cedarwood Place, which is right where my finger is
9 pointing here, just one block over from King Road.

10 Q. And north of Plains Road?

11 A. It would be on the dump side of
12 Plains Road. Cindy grew up at 1043 Maplehurst Avenue.
13 I lived here for eighteen years. Cindy grew up on
14 Maplehurst Avenue just a block from where I grew up.
15 For two years we lived in the apartments that were
16 talked about over here in Harvard Square on the 11th
17 floor. We had what would be a view, we were on the
18 side that had a clear view of the dump, which was not
19 visible really to the naked eye. If you had binoculars
20 you could make it out, but we lived there for two
21 years.

22 Q. What two years was that?

23 A. '78 to 80.

24 Q. You also have relatives who live
25 in the area now?



1 A. Yes, we do. Cindy's grandmother
2 lives at 513 Enfield, which is approximately right
3 around here, just south of the train tracks. She would
4 be one of the closest people to the dump.

5 Q. Have you been to that property?

6 A. Oh yes, quite often.

7 Q. What is your view of the
8 visibility from right there, Mrs. Reed?

9 MRS. REED: A. None, you can barely see,
10 the train tracks is all you can see. That is it. Even
11 that has got trees all around it.

12 MR. REED: A. You cannot see it and you
13 cannot hear it.

14 Q. What do you predominantly hear
15 when you are there?

16 A. The trains.

17 Q. When the train are not running,
18 what would you hear?

19 A. Traffic noises, city noises.
20 There is such a large buffer area here, treed.

21 Q. Are you aware of any water courses
22 or any other water that comes down from there?

23 A. That comes down from there?

24 MRS. REED: A. That comes down from
25 there into the subdivision do you mean?



1 Q. Yes.

2 MR. REED: A. No. There is a large
3 culvert going under the 403, that's how we used to get
4 into the dump and go up there when we were kids and
5 fool around. That's how we would get there, but in this
6 area down here it is quite low. There is marsh in here.
7 Everything just more or less sits there.

8 Q. When you say get up and play in
9 the dump, you mean the lands proposed for the landfill?

10 MR. REED: A. I mean when we were --
11 eight or nine years old, we would go up and snoop
12 around there and what not.

13 Q. You better watch it, Mr. Tidball
14 is here, no scavenging at landfill sites in Ontario!

15 I think, Mrs. Reed, that we have covered
16 all the areas that you wanted to address. I forgot to
17 ask you what proportion of your total family income
18 would come from the businesses that you run on your
19 property?

20 MRS. REED: A. About forty per cent.
21 We have hobbies that pay. We have a pioneer soap
22 factory, we produce from the diaries of the 17th and
23 18th century soapmasters, we produce hand-made soaps
24 and we sell them at some of the shows like the Festival
25 of Friends in Hamilton. We have photographs of that



1 too.

2 We also have honey hives and we use that
3 honey to barter for some of the things that we want
4 from other farmers. We also sell a fair bit of honey
5 from our hives.

6 Q. Do you also raise any animals?

7 A. Yes, we do. We have pure-bred
8 Alpine goats, we have Muscovy ducks, we have peacocks,
9 we have red-backed pheasants. We have Plymouth Barred
10 Rock chickens. We have silky chickens, both black and
11 whites. We have bantams and we have some rabbits in
12 the summer.

13 Q. I wonder if you could just
14 conclude by telling the Board what it would mean to you
15 in terms of personally and to your businesses to be
16 forced to move from this location?

17 A. It would be a disaster. When you
18 say, work towards a goal all your life and you make
19 certain sacrifices as young people, we were married at
20 16 and 18. Where we are living now, that is our dream
21 place, so what can I say, it would be the worst thing.

22 Q. Mr. Reed, do you have anything to
23 add?

24 MR. REED: A. My feelings are the same
25 as Cindy's. We worked very hard on this place and we



1 put our heart and an awful lot of hard work into this
2 house. We have sacrificed an awful lot whereas our
3 friends were going to parties and that when we were
4 like 20 years old, we were working towards our future
5 and we are very much further ahead of them now after
6 doing these things. It is very difficult to think of
7 giving this all up.

8 As for Lucas too, he is quite happy
9 where we live, he enjoys country life and he gets
10 picked up right at the front door by the school bus and
11 it is just great, you know. We have good neighbours and
12 we are very satisfied where we are. We have friends in
13 the city of Milton and all around us. That is just the
14 way it is.

15 MR. GARROD: Thank you very much.

16 MR. LANCASTER: Are there any other
17 questions.

18 MR. GARROD: I am sorry, Mr. Chairman,
19 there is another line of questioning I meant to ask the
20 witnesses, about your well and water supply.

21 Q. I wonder if you could briefly
22 describe what your well is and the quality of your
23 water?

24 MR. REED: A. Our well is approximately
25 15 feet deep. It is probably as old as the house is,



1 which is about, how old is the house, 116 years. It's
2 an old dug well lined with boulders all inside, just
3 layers and layers of boulders and the diameter of the
4 actual well itself with water is probably about five
5 feet across. We consider our water quality very good.
6 Mind you it does come up hard in the report. Our
7 water, our drinking water is out in the back yard at
8 the pump. We have to pump our water and bring it into
9 the house in pitchers. We have running water in the
10 house, it is from the cistern that is supplied through
11 the eavestroughs from the rainfall. We would not
12 change, we would not bring the water into the house, we
13 are quite satisfied with the way it is. The Fords lived
14 there for a hundred and some odd years and did it that
15 way.

16 Q. Do you know why it is the Fords
17 sold the property to you?

18 MRS. REED: A. Yes. One thing I wanted
19 to point out to you was that we, previous to the Ford
20 property coming up, available for sale on the market,
21 we did try to see if we could purchase it a year prior
22 to that. We didn't have any luck because the Fords
23 weren't interested in leaving it. We sent a real
24 estate agent to investigate to see if we could purchase
25 that then and we couldn't. We were really surprised



1 when it came up for sale and Mr. Ford had passed away,
2 he was 89. Mrs. Ford, who is also quite old, she has
3 passed away now too, but she was blind, totally blind
4 and unable to look after herself. It was our
5 understanding that it was necessary to sell the
6 property. The kids were already settled in other areas
7 and they were not interested in taking over the
8 property. They needed the money to support Mrs. Ford in
9 a home.

10 MR. GARROD: Thank you.

11 MR. LANCASTER: Are there any other
12 questions?

13 Mr. Tzekas.

14 CROSS-EXAMINATION BY MR. TZEKAS:

15 Q. Mr. & Mrs. Reed, there was one
16 part of the chronology I didn't understand. After
17 living in Aldershot, where did you move to before
18 moving to this particular site?

19 MRS. REED: A. From Aldershot we moved
20 into Hamilton for one month. We couldn't stand it. We
21 moved out and we came back to Burlington from there. We
22 moved to Milton and we have lived there ever since.

23 Q. Do you recall approximately when
24 you moved to Milton?

25 A. I have run my business there for



1 six years. We purchased our first property there, it
2 would be about four or five years ago, something like
3 that.

4 Q. Did you become aware while living
5 in Milton that this particular site was being proposed
6 as one of the candidate sites for, not the Region of
7 Milton's waste disposal facility, but the Ontario Waste
8 Management Corporation had its eye on this site?

9 MR. REED: A. Meaning the hazardous
10 liquid waste site?

11 Q. Yes, sir.

12 MRS. REED: A. We knew very little
13 about what was going on. There has always been
14 confusion to us, when we were in town there was always
15 confusion as to exactly where it was. It was only,
16 maybe it was here and maybe it was there type of idea,
17 we weren't really sure. Well, I think it's over here
18 sort of thing.

19 MR. REED: A. A Site F here and a Site
20 F down in Milton.

21 MRS. REED: A. It was so confusing and
22 we were so busy at the time, some days we don't even
23 sleep, we work right through. We just didn't have time
24 to really get involved in finding out what was going
25 on. We did hear, some rumour of the fact that Site F



1 had been, when it came down to the landfill that Site F
2 had been found to be the better site and we assumed
3 that was it. When we purchased the property, you
4 know, there was no qualm, even with the lawyer, when
5 the lawyer searched title and everything else, there
6 was no problem.

7 Q. Prior to your acquisition of this
8 property, did you notice any signs on the property with
9 respect to the proposal to change the Official Plan?

10 MRS. REED: A. There were no signs. I
11 am quite sure that there were no signs down the First
12 Line until somewhere, it was right around the time we
13 moved into the property in March, somewhere around
14 then. I am not sure exactly but that is when the sign,
15 they put up a sign. Prior to that when we first went
16 to see the property and purchased the property there
17 were no signs on the First Line indicating that they
18 were considering changing the zoning there.

19 MR. REED: A. When it was up, it seemed
20 quite often it was being knocked down.

21 Q. Do you know what the status
22 presently is of the Ontario Waste Management
23 Corporation's proposal with respect to the site?

24 MRS. REED: A. We understand now what
25 it is about. We didn't understand that, we didn't have



1 a clue.

2 MR. TZEKAS: Thank you very much.

3 MR. LANCASTER: Mrs. Reed, do you still
4 maintain horses and other animals?

5 MRS. REED: The only animals I do not
6 stable are horses. I still ride, but I don't have
7 time.

8 MR. LANCASTER: And the other animals
9 are kept there?

10 MRS. REED: Yes.

11 MR. LANCASTER: Thank you very much.

12 The Board usually takes a break mid
13 morning and this would be an appropriate time. If you
14 don't mind we will take about ten or fifteen minutes.

15 --- Recess

16 MR. LANCASTER: Please be seated.

17 Before we begin, Mr. Garrod, we have
18 been asked to announce that there are two cars parked
19 rather poorly downstairs, one is a Buick ZJW736. The
20 other is a Chevrolet Citation XXK341. They are
21 apparently parked in the middle of a two-car bay, in an
22 area in which vans could park. If the owners of those
23 cars, if they are here, if they would go and move them
24 immediately, shift them over so that another vehicle
25 can get in beside them.



1 MR. GARROD: Nobody own those? It is in
2 this building is it?

3 MR. LANCASTER: Yes. Downstairs. They
4 don't know whether of course they are here or not, but
5 if they are....

6 MR. GARROD: Mr. Chairman, as I
7 indicated earlier, I am going to have to deviate from
8 my game plan a little bit. I have some people from
9 Highway 25 who can't come back this afternoon, Mr. &
10 Mrs. Gourlay.

11 KEVIN GOURLAY, sworn:
12 KATHY GOURLAY, sworn:

13 EXAMINATION-IN-CHIEF BY MR. GARROD:

14 Q. Mr. Gourlay, there is a photograph
15 behind you, an air photograph, Exhibit 547, the on one
16 the easel and are you able to identify in that
17 photograph where you live?

18 MR. GOURLAY: A. This red dot right
19 here.

20 Q. You are pointing to the red dot
21 that is on the Gilles farm. That is the one where
22 there are some view angles which are identified on this
23 exhibit going out from it to the landfill site; is that
24 the dot?

25 A. Yes. We are directly across from
the landfill site.



1 Q. I would like, there is a panel of
2 coloured photographs below the easel. Could you put
3 that up please?

4 Mr. Chairman, this panel shows
5 photographs of the Gilles property and the Vertulia
6 property.

7 MR. LANCASTER: Exhibit MR-554.

8 --- EXHIBIT NO. MR-544: Panel of photographs showing
9 Gilles and Vertulia
properties.

10 MR. GARROD: Q. Mr. Gourlay, can you
11 identify on this photograph the house in which you
12 live?

13 MR. GOURLAY: A. We live in the
14 farmhouse, the righthand side of the Gilles.

15 Q. That's the middle photograph on
16 the top row of Exhibit MR-554?

17 A. Yes.

18 Q. Can you explain your relationship
19 with the Gilles?

20 A. We rent the house from the Gilles,
21 we have been there about nine years now and one of the
22 reasons why we are there is because we enjoy the
23 location. We enjoy the house and we have been
24 satisfied and content there.

25 Q. Immediately below that photograph



1 of the house that you live in is a photograph that says
2 view towards Site D from front lawn looking west across
3 Highway 25. Do you see that photograph?

4 A. Yes.

5 Q. Is that the view you get from your
6 property?

7 A. This is the view directly in front
8 of our house when you look out these four or five
9 windows. We face directly across Highway 25, which is
10 directly in front of it.

11 Q. What do you see in that view?

12 A. You can see the fields. In the
13 background you can see the Niagara escarpment, which we
14 enjoy, especially at night, the sun sets in this
15 direction. It is a nice sight to see.

16 Q. What would be your concerns if the
17 landfill site was placed on the property across from
18 Highway 25?

19 A. One of the things we are concerned
20 about is the wind, the prevailing winds coming across
21 our property. The smell and the noise, seagulls.
22 Another thing we were concerned about is the water. We
23 have well water and eventual contamination of the
24 water. Truck noises. Presently the traffic isn't too
25 bad. It has been increasing over the last couple of



1 years and we are concerned if they are pulling out on
2 the highway all the time in an 80 kilometre speed zone.
3 The entrance is just about a few metres down the road
4 from our house. Pulling out on the highway, it is
5 treacherous now. With the added traffic from trucks,
6 it would be even worse. Basically our biggest concern
7 is the scenery. It is directly across, contamination
8 of our water, the noise, the seagulls.

9 Q. What would it mean for you
10 personally as a couple if this landfill was put in
11 here?

12 A. We would probably very seriously
13 consider moving. We would definitely very seriously
14 consider it.

15 Q. How long have you been there now?

16 A. We have been there nine years.

17 Q. What would your intention be for
18 the future if the landfill is not put in there?

19 A. We are quite satisfied where we
20 live now. We both work in the city and we enjoy the
21 countryside, that is why we are still there. We like
22 the houses. It is all refinished inside, we really
23 enjoy it.

24 Q. You are the tenants, I understand,
25 in half of the house and there are two other tenants in



1 the other half?

2 A. Yes. They would probably express
3 the same concerns that we do. We live in the back
4 half. We have the use of the drive and the backyard
5 and their yard faces that way.

6 MR. GARROD: Thank you very much. I am
7 sorry, what were their names, the other tenants?

8 A. Marshall.

9 MR. LANCASTER: Are there any
10 questions?

11 MR. GARROD: I would like to return now
12 to people on the site and I would like to call Mr. &
13 Mrs. Tomosky. Mrs. Tomosky may need to sit. The
14 Board will recall that the Tomosky property runs from
15 Highway 25 and the back portion of it is part of the
16 subject site.

17 Mr. Chairman, there is another panel of
18 photographs which include photographs of the Tomosky
19 property as well as others; can we mark this as well?

20 MR. LANCASTER: MR-555.

21 --- EXHIBIT NO. MR-555: Panel of photographs showing
22 the Tomosky property, the
23 Chiaco property and the Santa
Rosa property.

24 WALTER TOMOSKY, sworn:
AMEILIA TOMOSKY, sworn:

25 EXAMINATION-IN-CHIEF BY MR. GARROD:



1 Q. Mr. Tomosky, we have already
2 pointed out the property that you live on. Can you
3 explain how large it is, please?

4 MR. TOMOSKY: A. It is 28.1/2 acres, it
5 is about 500 feet away from Highway 25 and it goes back
6 to the Martin property.

7 Q. Mr. Wat Martin's property?

8 A. Wat Martin's.

9 Q. On Exhibit 555 there are four
10 photographs in the bottom half of that exhibit. Can
11 you identify those please?

12 A. Yes. This is the front of the
13 house. It is sitting well back off the highway. This
14 is the back, right back, and this is down at, still at
15 the back and that is a forest, it is a lot. That is
16 facing the landfill site.

17 MRS. TOMOSKY: A. This is the willow and
18 there is a natural pond here as well, which is frozen,
19 you can't tell, but I have smaller pictures of it in
20 the summer and it is the one that really overflows
21 almost up to here. This is the lilacs, these are the
22 lilacs, so you can see it overflows up to about here
23 when there is a heavy rainfall or a heavy snowfall.

24 MR. TOMOSKY: A. That is the escarpment
25 back there as well.



1 MRS. TOMOSKY: A. That is our view as
2 well.

3 Q. Mr. Tomosky, would you read the
4 captions that are underneath the photographs and
5 explain what those views are? I mean the bottom two
6 photographs on 555?

7 A. This view of the wood lot on Site
8 D is from the picture window which is the back of our
9 den in which we have a picture window and that is
10 facing out there when you are looking out. View of
11 Site D from outside picture window, and this is also
12 the same view.

13 Q. That includes the escarpment view?

14 A. Right.

15 MRS. TOMOSKY: A. It would also be the
16 outside side of our house as well. You know, we have a
17 side entrance.

18 Q. Now, how large is the property,
19 did you say?

20 MR. TOMOSKY: A. 28.1/2 acres.

21 Q. Is it used for agricultural
22 purposes?

23 A. We rent the land out. Just for
24 hay.

25 Q. Who is it who rents it?



1 A. Mr. & Mrs. Gilles, who live right
2 across from us.

3 Q. How long have you owned this home?

4 A. Twenty years. We bought it --
5 practically twenty years. We bought it in '68. That
6 was the year we moved into it.

7 Q. What was your purpose when you
8 bought this home?

9 A. It was strictly a retirement home
10 for us. I was born in Toronto, raised in Toronto and
11 we figured, we wanted to live out in the country and
12 for our old age, this is what we decided on.

13 Q. Do you live there all year, every
14 year since?

15 A. All year.

16 Q. Do you know when the house was
17 constructed?

18 MRS. TOMOSKY: A. 1837.

19 Q. I understand it has been
20 designated as having some significance under the
21 Ontario Heritage Act?

22 A. It has.

23 Q. Mr. Chairman, I have copies of the
24 by-law that designated this property. I wonder if I
25 can just ask you, Mrs. Tomosky, if you can there



1 are actually two documents here, Mr. Chairman; one is
2 the by-law designating it and the other is the report
3 of the LACAC committee which recommended the
4 designation. I wonder if I could have those marked.

5 MR. LANCASTER: Yes.

6 The by-law will be marked 556 and the
7 report will be marked 557.

8 --- EXHIBIT NO. MR-556: By-law designating Tomosky
9 property.

10 --- EXHIBIT NO. MR-557: Report of LACAC committee

11 MR. GARROD: Q. Mrs. Tomosky, I know
12 this is an important matter to you so I would like you
13 to take as much time as you feel you want to to
14 describe to the Board the historical and the
15 architectural significance of the home, if you would
16 please.

17 MRS. TOMOSKY: A. When we first got the
18 property, it was quite expensive. We were looking for
19 an acre or two but when we saw the house, we just
20 couldn't resist it. It had had thirteen owners in ten
21 years. Every owner that had purchased the property
22 never saw anything significant in the house itself.
23 It was mutilated beyond compare. We couldn't eat our
24 lunch inside. It took us eight months to clean it up.
25 We hired workers and we did a lot of the work
ourselves. There is a picture here, this was all



1 covered up, the woodwork was all covered up and it was,
2 it is a bead and reel carving that is only another
3 house like it in Ontario, with that type of woodwork.

4 MR. GARROD: Mr. Chairman, there is a
5 series of photographs of some of the interior and
6 exterior of the Tomosky property which are not on the
7 panels. We can mark them as the next exhibits, A, B, C
8 and Mrs. Tomosky identifies them.

9 MR. LANCASTER: 558.

10 MR. GARROD: The first one she has just
11 described the trim on the doorway will be the letter A.

12 --- EXHIBIT NO. MR-558A: Photograph of doorway

13 MR. GARROD: Q. Mrs. Tomosky, I am
14 showing you another photograph, what does this
15 photograph show?

16 MRS. TOMOSKY: A. That is the bannister
17 and the upstairs. This railing is mahogany and when we
18 moved there it was a bilious green. It had about five
19 coats of paint on it. It took me almost a year to strip
20 it, stain it and this is the way it looks now.

21 Q. Did you do that personally?

22 A. I did that myself.

23 MR. GARROD: Exhibit 558B.

24 --- EXHIBIT NO. MR-558B: Photograph of bannister

25 MR. GARROD: Q. Mrs. Tomosky there is



1 another photograph that shows what?

2 MRS. TOMOSKY: A. That is the front
3 hall. The entrance there and the glass that you see is
4 still some of the original glass that we kept. Because
5 of the pine and the house being so old, there was no
6 way you could use a sander, there was so much carving
7 there and this all had to be sanded down by hand and
8 what happened through the years, people had painted
9 over dirt, so there was no way. We had to get it back
10 down, clean it up and to preserve it we felt that it
11 was better to paint it because it was so old and it was
12 very delicate. The paint helps to preserve, but as I
13 say, we stripped all this by hand.

14 Q. You and your husband?

15 A. Yes.

16 MR. GARROD: I have marked this as 558C,
17 showing the front door and the downstairs hall.

18 --- EXHIBIT NO. MR-558C: Photograph showing the
19 front door and the down-
stairs hall.

20 MR. GARROD: Q. Mrs. Tomosky, I wonder
21 if you could review for the Board, Mr. Chairman, the
22 review of the LACAC committee, what exhibit was that?

23 MR. LANCASTER: 557.

24 MR. GARROD: Q. I wonder if you could
25 review the features of the house as identified?



1 (Fire alarm rings)

2 I presume we should just continue?

3 MR. LANCASTER: I think so, yes.

4 MR. GARROD: Q. Mrs. Tomosky, you have
5 already described some of the features of the house,
6 are there other features that were identified as
7 significant?

8 MRS. TOMOSKY: A. The floors are red
9 pine, they are two inches thick. Downstairs, when we
10 first purchased it, we noticed that some parts that
11 were really badly mutilated, but other parts were
12 plastered and lathed. There were bars on some of the
13 windows. When I did some research, I discovered that
14 Levi Willson, who was sheriff at the time when the
15 house was built, there was no courthouse, so he did
16 most of his work from this room that had been
17 mutilated. We have tried to preserve it. The prisoners
18 were kept in the basement and that was the reason why
19 there were bars on the windows.

20 Q. Mr. Levi Willson, I understand was
21 the first sheriff of the County of Halton?

22 A. Of Halton County.

23 Q. This was his home, did you say?

24 A. Yes, that was his home.

25 Getting back to the carving, the bead



1 and reel carving, I researched it and it comes from the
2 old Roman times where they would use it in courthouses
3 and that is why this type of carving is in the home.
4 Also underneath these eaves, you can see it all around
5 the home. It is quite unusual and it is quite
6 beautiful.

7 The back of the house, the walls are
8 about two feet thick. That is the den part and we feel
9 that was probably the original homestead. As they
10 became more affluent, they built on the front.

11 In 1842 I believe they put up the front
12 because they arranged a mortgage of 4,000 pounds, so
13 that was a lot of money in those days.

14 Q. Now, Mrs. Tomosky, can you
15 describe for us please, what your water supply is for
16 the house?

17 MR. TOMOSKY: A. Well, we have an 80-
18 foot well which is drilled. We get all our water from
19 that. Also we have a dug well which is about 20 feet.
20 There are various wells all through the property.

21 MRS. TOMOSKY: A. Seven.

22 MR. TOMOSKY: A. At one time it was a
23 parcel of about 200 acres. The previous owner raised
24 cattle, so there are about seven wells plus the pond,
25 the river that was diverted from Sixteen Mile Creek and



1 is still going through.

2 Q. Mr. Tomosky, in the photograph,
3 the air photograph, perhaps you could identify the
4 water swale you are talking about? Do you see your
5 property outlined here on the map, the red dot is where
6 your house is.

7 A. This is where it is then.

8 Q. This line that comes down from the
9 north through the adjacent property and out towards
10 Highway 25?

11 A. Right.

12 Q. That branch of the river, can you
13 describe please the water and the seasonal flooding?

14 A. During the summer it doesn't dry
15 up completely, but there isn't much water. In the
16 springtime that whole area is flooded with runoff plus
17 coming off the Sixteen Mile Creek.

18 Q. I would also like you to talk
19 about your pond, please.

20 MRS. TOMOSKY: A. This pond has been
21 there as long as the house has been there.

22 MR. GARROD: I wonder if we could make
23 this picture the same series?

24 MR. LANCASTER: D, I think it is.

25 --- EXHIBIT NO. MR-558D: Photograph of pond



1 MRS. TOMOSKY: A. I have also found a
2 lot of arrowheads and some Indian tools. Some of the
3 arrowheads I found right in the barn.

4 MR. GARROD: Q. Just coming back to the
5 pond for a minute, Mrs. Tomosky, does the pond ever dry
6 out?

7 MRS. TOMOSKY: A. No.

8 Q. Can you explain how it is fed?

9 A. It is a spring fed pond and how we
10 found out, and as I say, it had thirteen owners in ten
11 years and nobody cared about the property and they used
12 the pond as a garbage dump. We had two young children
13 who were dying to use it as a swimming pool. We
14 decided to pump it out. It had barbed wire in it and
15 you name it, it had it. We were trying to pump this
16 pond out and the water was just seeping right through
17 and if you swim towards the centre, the water is always
18 ice cold. We had a heck of a time. We cleaned it out
19 finally, but it was a big job, it took us a whole
20 summer.

21 Q. And your water supply from the
22 wells, what is the quality of the water?

23 MR. TOMOSKY: A. Well, it is hard.
24 Most of the water is hard, but it has never dried out.
25 We have always plenty of water.



1 Q. Do you drink it?

2 A. Yes.

3 Q. Do you soften it?

4 A. Yes, we have a softener and also
5 we have a Sterosil. The water is good.

6 Q. So you drink the water that comes
7 from your drilled well?

8 A. Right.

9 Q. I wonder, Mr. & Mrs. Tomosky, if
10 you can describe what it would mean to your life if the
11 landfill is put at Site D? What your concerns would
12 be?

13 MRS. TOMOSKY: A. Well, Walt is 70 and
14 I turned 65 this year. This is what we worked for and
15 as Walter said, we both grew up in Toronto and our dream
16 was to have an old house and live in the country and
17 have a few animals. I don't aspire much in life, only
18 to live there, that's all I wanted. We talked about
19 houses, the houses on Highway 25 and our area are not
20 houses, they are homes. If you live in a subdivision
21 and someone tells you you have to move, you can go two
22 streets over and buy a house almost similar to the one
23 that you've sold. If we leave this property, there
24 isn't another one like it.

25 Can I ask for your sympathy, I have had



1 a bad three years. It started with us being on the
2 toxic waste site and I thought it was because I was
3 smoking, so I stopped smoking and that didn't help. I
4 had developed bowel cancer. A week after I had my bowel
5 cancer operation, I had a heart attack and then last
6 fall I had a triple bypass. Now my cancer is back.
7 All I want is to live out my life there. The last three
8 years have been very stressful. I can't seem to get
9 going and yet I have done so much work there and I have
10 been so very active and now I am not. That is the most
11 stressful part, because I just don't know where we
12 would go if we couldn't live there.

13 Q. If the landfill is placed behind
14 your property, would you want to stay there?

15 A. We couldn't stay there. We
16 wouldn't be able to drink the water. You couldn't sit
17 outside because of the smell and the vermin and we
18 have, we do have some geese that are pets and some
19 ducks. Then we would have to put out poison for the
20 vermin and that would probably kill our pets. So, it
21 would be impossible to live there.

22 Q. Mr. Tomosky, do you have anything
23 to add in terms of the things that would be
24 undesirable?

25 MR. TOMOSKY: A. Outside of the fact



1 that I couldn't live anywhere else, I mean we did move
2 from Toronto for the express purpose of living out our
3 lives here. We spent all our time and energy working
4 on this house. If we have to move, where would we go?
5 How would we get a place like this somewhere else with
6 all the access, the highways and the roads and
7 everything, all the conveniences we have right there.
8 You just can't move it.

9 Q. Why would you find it difficult to
10 stay there if the landfill was behind the property?

11 A. Well, there would be a large
12 change in the environment first of all. The noise,
13 whatever would happen with the landfill, the paper, the
14 water, and well, we would have a difficult time living
15 there.

16 MRS. TOMOSKY: A. It would be
17 impossible. We would be 500 feet, if that.

18 Q. I am not sure of the distance.

19 A. I'm not sure of the distance
20 myself.

21 MR. TOMOSKY: A. It wouldn't be far
22 from that.

23 MRS. TOMOSKY: A. We still don't know,
24 they keep changing the boundary, so we don't know, but
25 if they decide to go up to the pond, that means the



1 bottom picture, that willow tree, that is where it
2 would go.

3 Q. I wonder if I could show you one
4 other photograph and ask you to identify it. This is a
5 photograph of a house burning?

6 MRS. TOMOSKY: A. That is out of our
7 kitchen window.

8 Q. Is that the house that burned out
9 just south of you on Highway 25?

10 A. Yes.

11 Q. You took this photograph from your
12 house?

13 A. Yes.

14 MR. GARROD: Mr. Chairman, if I can have
15 that marked as the last one in that series.

16 MR. LANCASTER; That is E. That's the
17 one that's on the site.

18 --- EXHIBIT NO. MR-558E: Photograph showing burning
19 house from Tomosky kitchen
window.

20 MR. GARROD: Q. Is the property around
21 your property all as flat as it appears in that
22 photograph, Mrs. Tomosky?

23 MRS. TOMOSKY: A. No, we have a
24 beautiful view of the escarpment, especially out of the
25 side door. If you sit outside. You can't see it, but



1 on a clear day there is Sunridge Farms that we go and
2 pick strawberries and you can see almost the whole area
3 there.

4 MR. TOMOSKY: A. There are no
5 obstructions of any sort.

6 MRS. TOMOSKY: A. It is just beautiful.

7 Q. Perhaps you could just show us on
8 Exhibit 555, the last two photographs. That is the view
9 from the house?

10 A. That is the view there. There's
11 the escarpment, there's the wooded area. It's not
12 obstructed. There are a few trees here and there but it
13 is all flat land.

14 This is on one side of the property and
15 this is the other.

16 MR. GARROD: The photographs indicate
17 one looks southwest and one looks west. Thank you.
18 Those are all my questions, Mrs. Tomosky.

19 MR. LANCASTER: Are there any other
20 questions?

21 MRS. TOMOSKY: I forgot to mention we
22 are also on the flight path of the Canada geese, which
23 is the most beautiful sight to see every fall, because
24 there are just hundreds of them and every evening they
25 fly over. They rest just, it would be, there is



1 another little creek is behind here and they rest there
2 and they come in about 500 lots. One bunch will come
3 and the others will fly away. This is every evening
4 around 5:00 o'clock and it is the most beautiful thing
5 to watch.

6 MR. LANCASTER: Thank you very much.

7 MR. GARROD: The next witnesses I would
8 like to call, Mr. Chairman, are Mr. & Mrs. Thomas
9 Martin.

10 THOMAS MARTIN, sworn:

11 MARY JEAN MARTIN, sworn:

12 EXAMINATION-IN-CHIEF BY MR. GARROD:

13 Q. Can you point out on the aerial
14 photograph please, which is behind you, 547, the
15 location of your house?

16 MR. MARTIN: A. Right here, beside the
17 Reed's.

18 Q. That is the property right beside?

19 A. That's right.

20 Q. There is behind you also a panel
21 of photographs which has been marked as Exhibit 552. Am
22 I correct that the top four photographs on that exhibit
23 show your house?

24 A. That is correct, these four.

25 Q. How long have you lived there?

A. We moved in approximately the



1 middle of November last.

2 Q. That would be November 1987?

3 A. Yes.

4 Q. When did you buy the property?

5 A. We purchased the property in
6 August, put an offer in in August of '86 and took
7 possession the end of September of '86.

8 Q. Can you explain the extent of your
9 knowledge and understanding about the proposed landfill
10 site at the time that you made your purchase?

11 A. We have been in Milton, Mary
12 Jean's parents have lived in Milton and I lived in
13 Burlington previous to that. Mary Jean's parents are
14 still farming over in Georgetown. I have lived half
15 my life in the Milton area. I think hearsay about the
16 dumps has been around for a long time. If you live in
17 the area, you had to hear something about it. I did
18 know there was something proposed for the area. We
19 discussed this at length before we put the offer in for
20 the property. We also knew through some of the media --
21 I don't remember the paper exactly -- but on the front
22 of this paper, Burlington, the site had been chosen as
23 the proposed site. It was on that premise we
24 discussed our option of building the home there, or
25 whether to look elsewhere. We did look elsewhere for a



1 umber of years and came down to this as being ideal
2 for us, location-wise and landscaping. I have a
3 business in Milton, a family business that we've run
4 for the last eleven years. Its proximity for me is of
5 more concern because we start at 6:00 in the morning
6 and finish at 9:00 at night. Mary Jean is a nurse in
7 the Toronto General Hospital in the labour and delivery
8 ward. The location played a big part in this as well.

9 Q. Now, you have built a home there,
10 can you explain?

11 A. I would like to describe it, yes.

12 Q. Please would you?

13 A. All the four pictures here have
14 been taken facing east off First Line. They aren't any
15 different other than a little closer or a little
16 further down. We designed this home ourselves from
17 scratch, room by room for about seven months. We took
18 it to an architect and had it designed and it was
19 probably as close to an ideal home as we'd ever get.
20 All the wood was brought in from Vancouver. All the
21 cedar shakes were brought in from Vancouver.
22 Everything inside has been done beyond any building
23 code or any expectations you'd find in a subdivision.
24 We spent seven and a half months building it. I
25 contracted it myself and we did most of the heavy stuff



1 and things that we didn't have to hire out, we did
2 ourselves. We spent two days in a tar pit around the
3 house and tarred the whole thing by hand with a
4 paintbrush. I did most of the coordinating of all the
5 different work crews and the timing and such. You
6 can't show the inside. I have some to give you and
7 will leave for exhibits later on. Some of the
8 highlights inside it, this area here, it runs, 24-foot
9 cathedral ceilings in the living room. Four
10 fireplaces, three bedrooms, three bathrooms. The
11 fireplace runs the entire distance from the top to the
12 bottom of the house, 28 feet and entailed 44 tons of
13 stone and a man helped me and we put it together by
14 hand. All the stone was brought in from Montreal to
15 match the inside colours. We couldn't find it in the
16 area. We built all of the outside, exterior walls were
17 built out of 2 x 8 and 2 x 6s. 2 x 4 is all that is
18 required in most homes. It is heated from the ground
19 itself, we have nothing to back up except a bit of
20 electricity and oil and gas. All this area on the side
21 of the garage, there was about 3000 feet of underground
22 cable that heats the entire house off the ground. I
23 put it in because of the size of the house. The house
24 is 3,000 square feet, approximately, with a garage of
25 approximately 700 square feet. Basically you could not



1 replace this house for a real estate purchase value.
2 There is no way you could build it for what it cost us.
3 We spent every cent we had on it, and if we had to sell
4 it tomorrow, we'd only get our money back, there would
5 be no gain whatsoever.

6 MRS. MARTIN: A. We were hoping to live
7 in it for a long time and raise our family.

8 MR. MARTIN: A. It was not built on
9 speculation at all.

10 MR. GARROD: Q. How long had you spent
11 prior to doing this looking for a property and planning
12 to build a home?

13 MR. MARTIN: A. Approximately two
14 years. We have again, both of our families are locals
15 and have farms and live in the country. My parents
16 have a country home and Mary Jean's parents have a
17 country farm that they still work. The option in most
18 farm families is to be able to sever a lot off your
19 family property which is donated to your children or
20 whatever. We tried this route with Mary Jean's father
21 and mother and didn't have much success there. We tried
22 the same with my parents. They only have about two and
23 a half acres but there was room to sever a lot. We
24 tried that and that would have taken too much time.
25 Basically the economy was getting ahead of us and we



1 had to make a decision. We looked through the
2 Campbellville area, we looked in Georgetown, we looked
3 around Milton, we looked as far as Acton. I had to
4 stay close for the business. We had a radius to stay
5 within, which we did where we are now. Basically that
6 piece of property, we paid \$50,000 for that in August
7 of '85. Anything comparable we saw in Campbellville,
8 Georgetown, was around \$59,000 to \$63,000. There was
9 not a great deal of property value difference had we
10 bought somewhere else. Mary Jean's parents were best
11 friends and grew up with Roy Ford and his wife. It
12 was through them we knew the property was there. It is
13 sort of in the family. It was handed on to us. We
14 knew of it, it was listed, and everybody else had a
15 chance at it as well. We felt our chances were very
16 good in maintaining the home, which is why we put so
17 much money into it. That is about it.

18 Q. Do you know when the lot was
19 created?

20 A. The lot was severed and I had to
21 know this because when the lot levies, the taxes were
22 to be paid after we took ownership from Mr. Ford, we
23 had to know when the lot was severed in order for us to
24 pay back levy taxes. We went through the Town of
25 Milton and the lot had been severed in the late



1 sixties, I think '64 or '69, I don't remember
2 correctly, but it was way outside the ten year limit
3 and ten-year was the extent of Milton going back
4 looking for tax levies, so we were freed up from that.

5 Q. I wonder if you can just explain
6 to the Board, both of you, what it would mean for you
7 personally if this house is taken?

8 A. Again it all comes back to our
9 money. We put everything that we had into the house.
10 We would only get back what we put in, so we wouldn't
11 get that much to go somewhere else.

12 Q. What does it mean to you, Mrs.
13 Martin?

14 MRS. MARTIN: A. We have been together
15 ten years, and we have worked hard for what we have.
16 We saved for a long time before we decided that we
17 wanted to build our dream home. Everything that both of
18 us individually ever wanted in a home we banded
19 together, collected pictures for ideas, thoughts and
20 dreams down on paper and had somebody design them for
21 us. This is what we've done. We don't want to lose it.

22 Q. You mentioned that you had some
23 photographs, Mr. Martin, of the interior and I wonder
24 if you would be prepared to file those with the Board?

25 MR. MARTIN: A. Yes, we would.



1 Q. Perhaps we could mark them.

2 MR. LANCASTER: MR-559.

3 --- EXHIBIT NO. MR-559: Interior photographs of the
4 Martin home.

5 MR. GARROD: Q. This is a series of
6 photographs and I wonder if you could just go through
7 them and indicate the number of the photograph and
8 indicate what it shows.

9 MR. MARTIN: A. There are ten or twelve
10 photographs. Nos. 1 and 2 show Mary Jean and myself
11 throughout construction, basically from the dirt up,
12 the mud and the foundation. No. 3 shows Mary Jean and
13 our carpenter contractor looking at the upbringing of
14 each of the walls.

15 No. 4 shows our kitchen area and the
16 eating area. No. 5 shows our view from the eating
17 area out into the back woodlot. No. 6 shows the
18 fireplace and its depth through the whole middle of the
19 house and the upper loft area.

20 MRS. MARTIN: A. I might add that our
21 fireplace, the chap that did our fireplace for us,
22 handcarved every stone that he put in there, one at a
23 time. He was there for a month and a half and he
24 chipped away each stone and put it up. You just don't
25 get that in any home.

MR. MARTIN: A. Masonry. No. 6, I



1 believe, where I left off, is ur living room. No. 7 is
2 the view from our upper en suite into our bedroom. Our
3 en suite runs approximately 130 square feet. It is all
4 done with marble that we brought in from France. It is
5 elevated to a jacuzzi sitting area. It has a complete
6 mirrored wall.

7 The following picture, No. 7, I believe,
8 is the fireplace in our upper bedroom. No. 8 is a view
9 into the en suite. No. 9, identical view and No. 10,
10 our family room and No. 11 our living room, viewing up
11 to the upper loft. No. 12, our front entrance, No.
12 13, our dining room.

13 Q. Finally, Mr. Martin, you have a
14 well on the property?

15 A. Yes, we do. It is a drilled well,
16 approximately 15 to 20 feet from the house. It is 52
17 feet deep and it flows about 7 gallons per minute. We
18 do soften the water because it is hard, but it is still
19 very drinkable. We have no purification as far as
20 charcoal. The system removes all the hardness out.

21 MRS. MARTIN: A. We also have a natural
22 stream that goes through our property, which ducks and
23 geese pee in. That is just something natural for
24 them. It just runs through there.

25 MR. MARTIN: Ducks come with the



1 property.

2 Q. You are relatively new to the
3 area, I wonder if you can tell me your impressions of
4 the community?

5 MRS. MARTIN: A. We are not new to the
6 area. I went to school in Milton. I was 11 years old.
7 My mother and father have always taught in the area.
8 We lived in Milton for a number of years prior to
9 moving to a farm. To me it is my home community. The
10 people in Milton are small town people. They have a
11 lot of sincerity, a lot of consideration. You just
12 don't find that anywhere.

13 MR. MARTIN: A. Again I have been in
14 the area as well, but after we moved to First Line,
15 this is the first home we have ever owned. We didn't
16 buy a townhouse or a small home to start with. This is
17 the first one. The actual neighbours we have are not
18 going to move and we don't rent and they don't rent.
19 During the building of the house, there was a real
20 bond. Half the house was built with help from Benny
21 and wouldn't have had power to the property except for
22 Mike and Cindy. The Dhillons across the street were
23 over helping, and they used the same contractors to
24 build their house as we did. When you do something like
25 this today there is a bond in that community.



1 MRS. MARTIN: A. I might add that you
2 don't have to be in a home for a number of years for it
3 to become your home. When you work hard for something,
4 as I said, we have been together for ten years. When
5 you work hard for something for a long time and you
6 move in because you put all your heart and soul into
7 it, you've done things by hand. It is your home, not
8 from the time you move in but from the very beginning.
9 I don't think that you can judge, we've been in there
10 less than a year, but I don't think you can judge --
11 you have a lot of memories from the very beginning.
12 You don't have to be in a place for years to call it
13 home.

14 MR. GARROD: Thank you. Those are all my
15 questions.

16 MR. LANCASTER: Are there any other
17 questions?

18 DR. KINGHAM: I am concerned about the
19 summer of 1986 when you learned that -- you said Site F
20 was selected, chosen, what was your understanding?

21 MR. MARTIN: Before we started building,
22 which was April of '86, like I said, the hearsay in
23 Milton, the dumpsite has always been in Burlington,
24 back and forth. The last recollection we had of any, as
25 far as where the preferred site would be, the last



1 thing that I can remember was in a newspaper clipping
2 and I believe it was from the Burlington paper, as far
3 as the preferred site. Again, I can't remember the
4 date or the paper, but I do remember that Burlington
5 had been chosen for the preferred site. It was on that
6 basis and the location that we went ahead.

7 DR. KINGHAM: You knew the property you
8 were interested in at that time or you planned to make
9 a substantial investment in, was one of the other sites
10 that was very seriously considered?

11 MR. MARTIN: Again we looked at a lot of
12 other properties that really didn't get us in the area.
13 We talked to a real estate agent and there is no land
14 available in the Milton area right now, because it has
15 been bought up by so many people. We spoke a long time
16 before we started building. The biggest thing again, I
17 felt, was to look at a site that was already in
18 operation versus a site that had people and homes and
19 already had the roots. I did not feel that it was
20 against us to go and put that kind of money in that
21 property, judging by how many people had invested their
22 lives in that area. The gut feeling is what I went on.

23 DR. KINGHAM: I am just wondering
24 whether you took that opportunity at that time to
25 approach anybody from Halton or from Milton and say, we



1 are going to do something very substantial here, are we
2 free and clear?

3 MR. MARTIN: I did many times.

4 DR. KINGHAM: Who did you talk to?

5 MR. MARTIN: The building department in
6 Milton before I put the offer on the property. The
7 first thing I did was to make sure there was water on
8 the property. I had a witcher come over and witch
9 three wells, and then I went to the Town of Milton and
10 said, "Are there any restrictions on that piece of
11 property before I put an offer in on it?" and they
12 said, no there was not, and that was in the Town Hall
13 in Milton.

14 DR. KINGHAM: That would have been in
15 1985?

16 MR. MARTIN: 1986 in August.

17 They drew out the large pieces of
18 property areas and they pulled it out and they showed
19 where Ford's lot was there and no restrictions at all
20 and that's why we put the offer in on the property.

21 MR. HODGSON; Can I just ask a question
22 of verification. I think the witness may have
23 misspoken. You purchased the property in '86, I take
24 it, and construction began in April of '86?

25 MR. MARTIN: Correct.



1 MR. HODGSON: I recall driving past this
2 property in early May of 1987 and would I be correct
3 that at that time in early May of 1987, that you were
4 in the business of laying out the foundations?

5 MR. MARTIN: April 19th was the digging
6 itself and we had an excellent summer for building and
7 it did not stop.

8 MR. HODGSON: But in early May you were
9 just putting in the foundations?

10 MR. MARTIN: Yes, it would be close, the
11 footings, you mean?

12 MR. HODGSON: Did you know that this
13 hearing began on the 4th of May, 1987?

14 MR. MARTIN: To tell you the truth, I
15 cannot be certain. We understood all our options and
16 under oath, I can say I was not aware, nor did I have
17 any information as to when the hearings were starting.
18 As of yesterday, that is the first time in my life that
19 is the first time I ever heard of OWMC, that is the
20 first time I've heard it, the waste site is exactly
21 what I thought it was, it was a landfill site. As far
22 as the other, that was the first time in the room that
23 I heard this terminology.

24 MR. LANCASTER: Any other questions?

25 MR. GARROD: Mr. Chairman, I wonder if I



1 could add to the record, I think it is evident to
2 everybody that these Martins are not related to the
3 earlier Martins that run the aircraft business. I am
4 not sure if that was a question in anybody's mind. I
5 suppose we could have the witnesses confirm it if it
6 need be.

7 DR. KINGHAM: We could conclude that
8 from what the earlier Martins said about where their
9 sons were.

10 MR. GARROD: Mr. Chairman, I would now
11 like to call some of the farmers who farm on the Site D
12 property. I don't expect to be very lengthy with them.
13 I would like to try to go through two or three of them
14 if we could prior to the lunch break. I wonder if we
15 could start with Mr. Peter Lambrick, please.

16 PETER LAMBRICK, sworn:

17 EXAMINATION-IN-CHIEF BY MR. GARROD:

18 MR. GARROD: Mr. Lambrick spells his
19 name L-a-m-b-r-i-c-k, I believe.

20 Q. Mr. Lambrick, what is your
21 occupation?

22 A. I cash crop farm and do custom
23 work in the Halton Region.

24 Q. You farm, I understand, some of
25 the properties that are known as Site D?



1 A. Yes, we do.

2 Q. Can you point those out for the
3 Board, please?

4 A. This property here.

5 Q. You are indicating the one that is
6 owned by Wombat Investments?

7 A. Correct. And Miller Figa.

8 Q. The next property up, some of
9 which would fall within, the Tibut and the Dolinar
10 properties, you farm both those properties, the one
11 between the Wombat property and between the Tomosky
12 property?

13 A. That is correct.

14 Q. Are there any others?

15 A. Not on site. We also run a
16 property down here on Lower Baseline.

17 Q. On the north side of Lower
18 Baseline on the east side of Highway 25?

19 A. Yes, that is correct.

20 Q. How many acres is that?

21 A. Approximately 55 workable. We
22 sub-lease it from Mr. Warren, who runs this half.

23 Q. That is Mr. & Mrs. Warren who run
24 the horse ranch?

25 A. Yes.



1 Q. You also farm other lands in
2 Halton Region?

3 A. Yes, we do. We rent approximately
4 between seven and eight hundred acres, so you can see
5 that between these two properties, that would amount to
6 about 15 per cent of our total acreage.

7 Q. The two properties on the site?

8 A. Correct.

9 Q. You have called the Dolinar and
10 the Tibut property one property; why is that?

11 A. I deal with just one person there.

12 Q. Are there any fences there between
13 the properties?

14 A. No, there are not. The only
15 natural is a water course down here which splits the
16 property from the back. Mr. Gilles normally cuts the
17 hay off the front portion.

18 Q. When he does the Tomosky property?

19 A. When he does the Tomosky property.
20 So basically it is just farming this back section.

21 Q. How long have you been farming
22 these particular properties?

23 A. Those two properties there for
24 four years and one on the Lower Baseline longer than
25 that. If I may, I would just like to add that our



1 access into this property is across this Wombat Figa
2 property. There is no access directly off Highway 25.

3 Q. Because of the creek?

4 A. Because of the creek.

5 Q. Is there any way to cross that
6 creek in the normal course?

7 A. Unless we could have an
8 arrangement with Mr. Tomosky, no.

9 Q. So there is no vehicle access to
10 the back of those properties from Highway 25 without
11 going over someone else's?

12 A. That's right.

13 Q. What do you grow on these
14 properties?

15 A. For the last four years we have
16 had a combination of wheat, soya beans and corn.

17 Q. What is the importance to an
18 operation such as your own of being able to rent
19 farmland in this area?

20 A. As I said, it is approximately 15
21 per cent. If we were to lose this acreage, we may or
22 may not drop that other property because we wouldn't be
23 having to come down into the area to work any other
24 land. Also the fact that as Halton is being restricted
25 with more and more urban growth, so there is more



1 competition for the land that is available.

2 Q. Why is it important to you to have
3 land available to be able to rent and farm?

4 A. Because the land unfortunately in
5 this area is too expensive to own to farm. The fact
6 that we just have two acres that we own as a home base,
7 and having started with no backing from family or
8 anything like that, I am unable to purchase land to
9 farm.

10 Q. Can you describe the agricultural
11 capability of the lands that you farm?

12 A. Yes, I can.

13 In 1984 we grew wheat on some of the
14 property and ran a trial there. The four trials that
15 we ran off averaged between 72 and 80 bushels to the
16 acre. We did them through the Soil & Crop Improvement
17 Association. The average county yield is 52 bushels, so
18 there is potential there. The corn crop which we grew
19 this past year, which we must admit was an excellent
20 year for growing corn, averaged 115 bushels, where the
21 county average is 82. The beans that we've grown on
22 that property, we have anywhere from 28 to 34 bushels,
23 the county average being 30.

24 Q. When you farm these lands, do you
25 move equipment to these lands from other parts of the



1 region?

2 A. Yes, we do.

3 Q. What sort of equipment do you move
4 and where do you move it?

5 A. All the cultivation equipment,
6 seeding equipment, harvesting equipment. We actually
7 live up, our home place is in Campbellville, so we
8 would ordinarily come down the Guelph line across Derry
9 Road, down First Line, across Britannia and down
10 Highway 25. As you may well know, Highway 25 does
11 have a reasonably good shoulder on it, but when you are
12 moving wide cultivation equipment, which can be
13 anywhere as far as we are concerned, up to 16 feet, you
14 are taking up quite a bit of roadway. We also have a
15 soya bean head, which has an overall width of 19 feet.
16 That is not dangerous to move on the road, however with
17 increased traffic, it wouldn't be any easier.

18 Q. What sort of speeds can you move
19 this equipment at?

20 A. Most farm equipment can move
21 between 12 and 18 miles an hour.

22 Q. How frequently do you move
23 equipment to and from this property?

24 A. There would be the springtime
25 planting, cultivation and planting, then harvesting



1 later on in the summer. If you were going back to
2 plant winter wheat, then you would be moving equipment
3 back to cultivate later on. I would say on average
4 that we would be on Highway 25 about fifteen days in
5 the year.

6 Q. Are there other farmers who are
7 also on these roads with that kind of frequency?

8 A. Oh yes, I am sure there are many
9 down in that area and likely more often than I am.

10 Q. Are you aware that as part of this
11 proposal if the landfill site went to Site D, that the
12 Region would intend to continue to rent out lands
13 around the site for as long as that was possible?

14 A. I possibly did not realize that
15 the Region would be the new owners and rent it out, no
16 I didn't.

17 Q. I would ask you to assume then
18 that the Region, if it acquires all of the land that is
19 identified by the red checkered line on this exhibit
20 and wanted to rent it out to farmers, would you as a
21 farmer, be interested in renting that land during the
22 operation of the landfill site, let's assume it was
23 operating on the Wat Martin property at the northern
24 edge?

25 A. I think I would have difficulty



1 not knowing what you were going to have for water
2 runoff, not knowing what you were going to have for
3 litter, because I think I would move away from a cash
4 crop operation as far as corn and beans were concerned.

5 Q. Why would litter be a concern to
6 you as a farmer?

7 A. In a hay situation where I don't
8 have any animals, one has to be careful in getting the
9 litter caught up in the hay bales, whether they be
10 square or round. Having the owner to whom you have
11 sold them come back at you if his animals were to
12 ingest some of this stuff, whether it be colic or bloat
13 or what have you.

14 Q. What other problems would you
15 envision with that?

16 A. My concern over this property
17 altogether would be the water runoff. There is a lot
18 of water which comes down through this stream in the
19 spring. Some of it has to come from up here. It
20 would be right in line, unless they are going to put in
21 a complete diversion system around the site. It does
22 collect a lot of water also from here, in this area
23 here, which is, which would be right on site. It has
24 water in it most of the time. I think it attests to
25 the fact the water table is fairly high.



1 Q. You are pointing to the Miller
2 Figa property?

3 A. The Wombat property.

4 Q. Just south of the Miller Figa
5 property?

6 A. On there.

7 Q. Are you aware that the Region has
8 proposed to rehabilitate the landfill to agriculture at
9 the conclusion or during, at the end of the conclusion
10 of that use?

11 A. Yes, I am.

12 Q. How would you feel as a farmer
13 about renting that kind of land to grow your crops?

14 A. I really don't think any farmer
15 would be interested. It would be a matter of a
16 landscaping job.

17 Q. Why do you say that?

18 A. Most of my corn goes to St.
19 Lawrence Starch for further processing. I don't know
20 that they would be overly delighted to know that we
21 were growing corn on an ex-landfill site. Corn root
22 systems have been known to go down six feet into the
23 ground in good soil. So, when they are sucking
24 nutrients from that level, they could well be right
25 into the compost.



1 not knowing what you were going to have for water
2 runoff, not knowing what you were going to have for
3 litter, because I think I would move away from a cash
4 crop operation as far as corn and beans were concerned.

5 Q. Why would litter be a concern to
6 you as a farmer?

7 A. In a hay situation where I don't
8 have any animals, one has to be careful in getting the
9 litter caught up in the hay bales, whether they be
10 square or round. Having the owner to whom you have
11 sold them come back at you if his animals were to
12 ingest some of this stuff, whether it be colic or bloat
13 or what have you.

14 Q. What other problems would you
15 envision with that?

16 A. My concern over this property
17 altogether would be the water runoff. There is a lot
18 of water which comes down through this stream in the
19 spring. Some of it has to come from up here. It
20 would be right in line, unless they are going to put in
21 a complete diversion system around the site. It does
22 collect a lot of water also from here, in this area
23 here, which is, which would be right on site. It has
24 water in it most of the time. I think it attests to
25 the fact the water table is fairly high.



1 Q. You are pointing to the Miller
2 Figa property?

3 A. The Wombat property.

4 Q. Just south of the Miller Figa
5 property?

6 A. On there.

7 Q. Are you aware that the Region has
8 proposed to rehabilitate the landfill to agriculture at
9 the conclusion or during, at the end of the conclusion
10 of that use?

11 A. Yes, I am.

12 Q. How would you feel as a farmer
13 about renting that kind of land to grow your crops?

14 A. I really don't think any farmer
15 would be interested. It would be a matter of a
16 landscaping job.

17 Q. Why do you say that?

18 A. Most of my corn goes to St.
19 Lawrence Starch for further processing. I don't know
20 that they would be overly delighted to know that we
21 were growing corn on an ex-landfill site. Corn root
22 systems have been known to go down six feet into the
23 ground in good soil. So, when they are sucking
24 nutrients from that level, they could well be right
25 into the compost.



1 Q. You would have concerns about the
2 crops?

3 A. I certainly would.

4 Q. Would you have any other concerns?

5 A. Yes. I suppose you have got to
6 consider that you don't know whether, how stable the
7 ground would be, whether you would have pockets of gas
8 or holes which would develop and your machinery could
9 fall in. This is why I feel that farmers as such
10 wouldn't touch it. It would be a matter of
11 landscaping, growing grass and keeping it tidy.

12 MR. GARROD: Thank you, sir, those are
13 all my questions.

14 MR. LANCASTER: Are there any other
15 questions?

16 CROSS-EXAMINATION BY MR. LEITCH:

17 Q. Mr. Lambrick, you are farming
18 seven or eight hundred acres and the home property is
19 two acres; that is property that you own. If you can
20 help us, what is the dollar value of the equipment that
21 you use to farm those seven or eight hundred acres,
22 that is the new dollar value?

23 A. At the present time, to replace
24 all the equipment, it would be approximately \$160 or
25 \$200,000.



1 Q. How much acreage of farm do you
2 have to use that equipment on?

3 A. At the present time with the
4 returns as slim as they are, I don't think we would
5 reach our goals with any less land.

6 MR. LEITCH: Thank you.

7 MR. LANCASTER: Any other questions?
8 Thank you, Mr. Lambrick.

9 MR. GARROD: Mr. Wettlaufer, please.

10 KEN WETTLAUFER, sworn:

11 EXAMINATION-IN-CHIEF BY MR. GARROD:

12 Q. Mr. Wettlaufer, your name is spelt
13 W-e-t-t-l-a-u-f-e-r and your first name is Ken?

14 A. Yes.

15 Q. Mr. Wettlaufer, I understand you
16 also farm some of the properties which have been
17 identified for the proposed Site D?

18 A. Yes, we do. We farm, my brother
19 and myself, about 1200 acres altogether. On the site
20 -- this Ferris property here on the First Line is the
21 only one immediately on site other than the one here by
22 De Paoli. I am not sure if that is intended to be on
23 site.

24 Q. The one that is immediately north
25 of the Tomosky property?



1 Q. You would have concerns about the
2 crops?

3 A. I certainly would.

4 Q. Would you have any other concerns?

5 A. Yes. I suppose you have got to
6 consider that you don't know whether, how stable the
7 ground would be, whether you would have pockets of gas
8 or holes which would develop and your machinery could
9 fall in. This is why I feel that farmers as such
10 wouldn't touch it. It would be a matter of
11 landscaping, growing grass and keeping it tidy.

12 MR. GARROD: Thank you, sir, those are
13 all my questions.

14 MR. LANCASTER: Are there any other
15 questions?

16 CROSS-EXAMINATION BY MR. LEITCH:

17 Q. Mr. Lambrick, you are farming
18 seven or eight hundred acres and the home property is
19 two acres; that is property that you own. If you can
20 help us, what is the dollar value of the equipment that
21 you use to farm those seven or eight hundred acres,
22 that is the new dollar value?

23 A. At the present time, to replace
24 all the equipment, it would be approximately \$160 or
25 \$200,000.



1 Q. How much acreage of farm do you
2 have to use that equipment on?

3 A. At the present time with the
4 returns as slim as they are, I don't think we would
5 reach our goals with any less land.

6 MR. LEITCH: Thank you.

7 MR. LANCASTER: Any other questions?
8 Thank you, Mr. Lambrick.

9 MR. GARROD: Mr. Wettlaufer, please.

10 KEN WETTLAUFER, sworn:

11 EXAMINATION-IN-CHIEF BY MR. GARROD:

12 Q. Mr. Wettlaufer, your name is spelt
13 W-e-t-t-l-a-u-f-e-r and your first name is Ken?

14 A. Yes.

15 Q. Mr. Wettlaufer, I understand you
16 also farm some of the properties which have been
17 identified for the proposed Site D?

18 A. Yes, we do. We farm, my brother
19 and myself, about 1200 acres altogether. On the site
20 -- this Ferris property here on the First Line is the
21 only one immediately on site other than the one here by
22 De Paoli. I am not sure if that is intended to be on
23 site.

24 Q. The one that is immediately north
25 of the Tomosky property?



1 A. That's right. Those are the only
2 two on site. We have approximately 500 acres and
3 immediately adjacent to the site, the Mashke Robson
4 site, the lands just across from the site.

5 Q. That's across Highway 25 from the
6 Miller Figa property?

7 A. Surplus Area and Surplus
8 Investments, two 120 acre parcels across, Topic
9 Investments, which is just south of the Winter farm.

10 Q. That would be on the west side of
11 25, north of the Lower Baseline?

12 A. That is correct. And there is a
13 parcel that belongs to Eppinger, part of that we also
14 run. That is the parcels we have immediately adjacent.

15 Q. You also farm other acreage in the
16 Region of Halton?

17 A. Yes, we have about 450 acres on
18 Burnhamthorpe Road, which is the next road south and I
19 presently live on that road and we have our main
20 headquarters on No. 2 sideroad, which is about a mile
21 to the west of the site.

22 Q. How would you describe the kind of
23 farming that you do?

24 A. Cash crop farming, some custom
25 work, but mostly grow corn, oats, wheat and soya beans,



1 a bit of alfalfa, hay

2 Q. Can you give us some indication of
3 the equipment that you have and its value?

4 A. We have a fairly full line of
5 modern farm machinery, two flow drive tractors, two
6 tool drive, a large flow drive combine and tillage
7 equipment, a 35-foot cultivator for in the field, it
8 folds up for transport to a little over 18 feet.

9 Q. You mean wide?

10 A. Yes. That is probably our largest
11 piece for transport.

12 Q. Do you move equipment back and
13 forth on the roads in the vicinity of Site D?

14 A. Yes, I would say we use all four
15 of these roads, Britannia, First Line, Lower Base, 25
16 quite often.

17 Q. Any idea for how many days a year
18 you might be on these roads?

19 A. I would say from about the 1st of
20 May we are probably on the road every day with some
21 piece of iron somewhere.

22 Q. You mean on the road, which road
23 do you mean?

24 A. On 25 or Lower Base or First Line
25 or Britannia.



1 A. That's right. Those are the only
2 two on site. We have approximately 500 acres and
3 immediately adjacent to the site, the Mashke Robson
4 site, the lands just across from the site.

5 Q. That's across Highway 25 from the
6 Miller Figa property?

7 A. Surplus Area and Surplus
8 Investments, two 120 acre parcels across, Topic
9 Investments, which is just south of the Winter farm.

10 Q. That would be on the west side of
11 25, north of the Lower Baseline?

12 A. That is correct. And there is a
13 parcel that belongs to Eppinger, part of that we also
14 run. That is the parcels we have immediately adjacent.

15 Q. You also farm other acreage in the
16 Region of Halton?

17 A. Yes, we have about 450 acres on
18 Burnhamthorpe Road, which is the next road south and I
19 presently live on that road and we have our main
20 headquarters on No. 2 sideroad, which is about a mile
21 to the west of the site.

22 Q. How would you describe the kind of
23 farming that you do?

24 A. Cash crop farming, some custom
25 work, but mostly grow corn, oats, wheat and soya beans,



1 a bit of alfalfa, hay

2 Q. Can you give us some indication of
3 the equipment that you have and its value?

4 A. We have a fairly full line of
5 modern farm machinery, two flow drive tractors, two
6 tool drive, a large flow drive combine and tillage
7 equipment, a 35-foot cultivator for in the field, it
8 folds up for transport to a little over 18 feet.

9 Q. You mean wide?

10 A. Yes. That is probably our largest
11 piece for transport.

12 Q. Do you move equipment back and
13 forth on the roads in the vicinity of Site D?

14 A. Yes, I would say we use all four
15 of these roads, Britannia, First Line, Lower Base, 25
16 quite often.

17 Q. Any idea for how many days a year
18 you might be on these roads?

19 A. I would say from about the 1st of
20 May we are probably on the road every day with some
21 piece of iron somewhere.

22 Q. You mean on the road, which road
23 do you mean?

24 A. On 25 or Lower Base or First Line
25 or Britannia.



1 Q. Could you describe what it is like
2 moving this farm equipment on the highway at present?

3 A. As Peter mentioned, the traffic is
4 getting a little worse on 25 Highway, but there is a
5 shoulder there that helps us contend with it a little
6 bit, but any of the sideroads with 18 feet wide
7 somebody has to move and usually it is the vehicle that
8 you are approaching, because you can't get far enough
9 off the road. So they usually find a place to hide and
10 let you pass by.

11 Q. Can you describe the capability of
12 the land that you farm on the site and around the site?

13 A. Yes, it is all Class 1 and 2 land
14 with a bit of Class 3. The only records I have that
15 would be applicable for the moment, through Pioneer
16 Hybrid we did a test lot this year and corn trials that
17 they do in all areas of Ontario. The average yield of
18 our plot was 148.7 bushels, which is 112, I am sorry,
19 the average in Ontario is 112, so it was 37 bushels
20 better than the provincial average. So it did quite
21 well.

22 As Peter mentioned, the county average
23 is 82 bushels, so it is about 67 bushels better than
24 the county average.

25 Q. Where did you have that plot, Mr.



1 Q. Could you describe what it is like
2 moving this farm equipment on the highway at present?

3 A. As Peter mentioned, the traffic is
4 getting a little worse on 25 Highway, but there is a
5 shoulder there that helps us contend with it a little
6 bit, but any of the sideroads with 18 feet wide
7 somebody has to move and usually it is the vehicle that
8 you are approaching, because you can't get far enough
9 off the road. So they usually find a place to hide and
10 let you pass by.

11 Q. Can you describe the capability of
12 the land that you farm on the site and around the site?

13 A. Yes, it is all Class 1 and 2 land
14 with a bit of Class 3. The only records I have that
15 would be applicable for the moment, through Pioneer
16 Hybrid we did a test lot this year and corn trials that
17 they do in all areas of Ontario. The average yield of
18 our plot was 148.7 bushels, which is 112, I am sorry,
19 the average in Ontario is 112, so it was 37 bushels
20 better than the provincial average. So it did quite
21 well.

22 As Peter mentioned, the county average
23 is 82 bushels, so it is about 67 bushels better than
24 the county average.

25 Q. Where did you have that plot, Mr.



1 Wettlaufer?

2 A. That was on this Mashke Robson,
3 which is directly across Highway 25 from the site.

4 Q. Now, you were here when I asked Mr
5 Lambrick whether or not he would be interested in
6 renting land that was around an operating landfill site
7 and I wonder if you have any views on that?

8 A. I have some concerns. I guess
9 most of them would be involved with the litter as well
10 as the traffic. At the time I understand they are
11 talking about one vehicle a minute type of thing, in
12 the area. That is certainly going to be a problem to
13 contend with. Litter, we do do a custom baling as
14 well as bale our own hay, if we happen to have that
15 particular crop in. We have the same concerns
16 involving getting litter inside the bales. We don't
17 know what the liability implications might be if
18 animals were to ingest anything that might be in the
19 bale.

20 Q. Do you have any views about
21 whether or not you would be interested in farming on
22 top of a rehabilitated landfill site?

23 A. I personally wouldn't like to
24 approach anything like that. Probably for similar
25 reasons to the fact that we really don't know how the



1 Wettlaufer?

2 A. That was on this Mashke Robson,
3 which is directly across Highway 25 from the site.

4 Q. Now, you were here when I asked Mr
5 Lambrick whether or not he would be interested in
6 renting land that was around an operating landfill site
7 and I wonder if you have any views on that?

8 A. I have some concerns. I guess
9 most of them would be involved with the litter as well
10 as the traffic. At the time I understand they are
11 talking about one vehicle a minute type of thing, in
12 the area. That is certainly going to be a problem to
13 contend with. Litter, we do do a custom baling as
14 well as bale our own hay, if we happen to have that
15 particular crop in. We have the same concerns
16 involving getting litter inside the bales. We don't
17 know what the liability implications might be if
18 animals were to ingest anything that might be in the
19 bale.

20 Q. Do you have any views about
21 whether or not you would be interested in farming on
22 top of a rehabilitated landfill site?

23 A. I personally wouldn't like to
24 approach anything like that. Probably for similar
25 reasons to the fact that we really don't know how the



1 crop will uptake any nutrients or any metals or
2 whatever other types of contaminants might be down
3 there. We have to sell those crops. Most of our
4 crops end up going for human consumption, so it would
5 be a concern to anybody that was going to buy our
6 products. Also for the fact that you may have some
7 slumping of the soil when it starts to degrade. So,
8 you could have problems with breakage of machinery or
9 whatever, you know, working on top.

10 Q. How important is it to you for
11 your type of operation to be able to rent land the way
12 you do as part of your overall operation?

13 A. Our land is our operation, so it
14 is certainly very important. I guess the problem is
15 in our part of the county south of Highway 5, it is
16 disappearing pretty quickly as far as viable farmland.
17 We hope to maintain this section of land between Milton
18 and Highway 5 as viable farmland for quite some time.
19 We are expanding our operation to a small degree and
20 hope that that land will be there. Should Peter's land
21 disappear as well as some of ours, then we have two or
22 three farmers vying for the same 100-acre parcel and it
23 tends to get hard to find land that is reasonably close
24 to the rest of your operation.

25 Q. Mr. Wettlaufer, I understand you



1 have some involvement with the land stewardship
2 committee, and can you explain to me what that
3 committee is and what your involvement is?

4 A. The land stewardship program was
5 developed by the provincial government and the Ontario
6 Soil & Crop Improvement Association to try and
7 basically save our soil. It is the Minister's thrust
8 at the moment, I guess.

9 What the program is designed to do is to
10 promote conservation tillage and attempt to keep the
11 soil from moving. We are getting more and more land
12 coming out of livestock production and going into cash
13 crop farming. There tend to be more row crops going in,
14 corn and soya beans. We are getting more and more
15 monoculture of crops and you get more soil erosion. So,
16 we are promoting getting back into rotations and
17 alfalfa, reduced tillage and we are on a committee,
18 Peter and myself, in this county that oversee some of
19 the applications for those farmers to get grants for
20 using that type of operation.

21 Q. Do you look after rented land the
22 same way you would look after your own?

23 A. Basically yes we do, because it is
24 quite easy to see how things can change in a short
25 time. So you basically have to treat it as if it is



1 going to be yours. All this land we've had since
2 approximately '81, so that is seven or eight years at
3 the moment. We hope to have it for at least that long
4 again and we have treated it that way each year because
5 we were hoping it would remain our land.

6 MR. GARROD: Thank you very much, sir.

7 MR. LANCASTER: Any other questions.

8 MR. LEITCH: I have one question or
9 possibly two.

10 CROSS-EXAMINATION BY MR. LEITCH:

11 Q. I didn't get a breakdown from you,
12 Mr. Wettlaufer, of how much of the 1200 acres that you
13 farm you own and how much you rent?

14 A. I own one and I rent the other
15 1200.

16 Q. Could you go through the same
17 exercise I asked Mr. Lambrick to, as to the replacement
18 value of your equipment?

19 A. I would say about \$350,000, I
20 would hazard a guess.

21 MR. LEITCH: Thank you.

22 MR. LANCASTER: Thank you.

23 MR. GARROD: How are we doing for time?

24 MR. LANCASTER: It's up to you.

25 MR. GARROD: I would appreciate it if



1 the Board is prepared to sit, I have one more, maybe
2 two more that I would really like to do before lunch.

3 I wonder if I could ask Mr. Norman
4 Biggar to take the stand.

5 NORMAN H. BIGGAR, sworn:

6 EXAMINATION-IN-CHIEF BY MR. GARROD:

7 Q. Mr. Biggar, I don't believe that
8 you do farm on or around Site D?

9 A. No, I do not.

10 Q. You are the president of the
11 Halton Federation of Agriculture?

12 A. Yes, I am.

13 Q. I wonder if I could ask you to
14 identify the resolution I have just placed before you?

15 A. Basically it is a resolution that
16 puts the support of our Halton Federation of
17 Agriculture to the farmers on and around the proposed
18 Site D, and to give yourself, Mr. Garrod, the authority
19 to represent the farmers and ourselves in these
20 hearings.

21 Q. What is the position of the
22 Federation of Agriculture as to the proposal?

23 A. The Federation is against the
24 proposal of using Site D for the landfill. We feel
25 obviously it is going to impact on the farmers that



1 going to be yours. All this land we've had since
2 approximately '81, so that is seven or eight years at
3 the moment. We hope to have it for at least that long
4 again and we have treated it that way each year because
5 we were hoping it would remain our land.

6 MR. GARROD: Thank you very much, sir.

7 MR. LANCASTER: Any other questions.

8 MR. LEITCH: I have one question or
9 possibly two.

10 CROSS-EXAMINATION BY MR. LEITCH:

11 Q. I didn't get a breakdown from you,
12 Mr. Wettlaufer, of how much of the 1200 acres that you
13 farm you own and how much you rent?

14 A. I own one and I rent the other
15 1200.

16 Q. Could you go through the same
17 exercise I asked Mr. Lambrick to, as to the replacement
18 value of your equipment?

19 A. I would say about \$350,000, I
20 would hazard a guess.

21 MR. LEITCH: Thank you.

22 MR. LANCASTER: Thank you.

23 MR. GARROD: How are we doing for time?

24 MR. LANCASTER: It's up to you.

25 MR. GARROD: I would appreciate it if



1 the Board is prepared to sit, I have one more, maybe
2 two more that I would really like to do before lunch.

3 I wonder if I could ask Mr. Norman
4 Biggar to take the stand.

5 NORMAN H. BIGGAR, sworn:

6 EXAMINATION-IN-CHIEF BY MR. GARROD:

7 Q. Mr. Biggar, I don't believe that
8 you do farm on or around Site D?

9 A. No, I do not.

10 Q. You are the president of the
11 Halton Federation of Agriculture?

12 A. Yes, I am.

13 Q. I wonder if I could ask you to
14 identify the resolution I have just placed before you?

15 A. Basically it is a resolution that
16 puts the support of our Halton Federation of
17 Agriculture to the farmers on and around the proposed
18 Site D, and to give yourself, Mr. Garrod, the authority
19 to represent the farmers and ourselves in these
20 hearings.

21 Q. What is the position of the
22 Federation of Agriculture as to the proposal?

23 A. The Federation is against the
24 proposal of using Site D for the landfill. We feel
25 obviously it is going to impact on the farmers that



1 going to be yours. All this land we've had since
2 approximately '81, so that is seven or eight years at
3 the moment. We hope to have it for at least that long
4 again and we have treated it that way each year because
5 we were hoping it would remain our land.

6 MR. GARROD: Thank you very much, sir.

7 MR. LANCASTER: Any other questions.

8 MR. LEITCH: I have one question or
9 possibly two.

10 CROSS-EXAMINATION BY MR. LEITCH:

11 Q. I didn't get a breakdown from you,
12 Mr. Wettlaufer, of how much of the 1200 acres that you
13 farm you own and how much you rent?

14 A. I own one and I rent the other
15 1200.

16 Q. Could you go through the same
17 exercise I asked Mr. Lambrick to, as to the replacement
18 value of your equipment?

19 A. I would say about \$350,000, I
20 would hazard a guess.

21 MR. LEITCH: Thank you.

22 MR. LANCASTER: Thank you.

23 MR. GARROD: How are we doing for time?

24 MR. LANCASTER: It's up to you.

25 MR. GARROD: I would appreciate it if



1 the Board is prepared to sit, I have one more, maybe
2 two more that I would really like to do before lunch.

3 I wonder if I could ask Mr. Norman
4 Biggar to take the stand.

5 NORMAN H. BIGGAR, sworn:

6 EXAMINATION-IN-CHIEF BY MR. GARROD:

7 Q. Mr. Biggar, I don't believe that
8 you do farm on or around Site D?

9 A. No, I do not.

10 Q. You are the president of the
11 Halton Federation of Agriculture?

12 A. Yes, I am.

13 Q. I wonder if I could ask you to
14 identify the resolution I have just placed before you?

15 A. Basically it is a resolution that
16 puts the support of our Halton Federation of
17 Agriculture to the farmers on and around the proposed
18 Site D, and to give yourself, Mr. Garrod, the authority
19 to represent the farmers and ourselves in these
20 hearings.

21 Q. What is the position of the
22 Federation of Agriculture as to the proposal?

23 A. The Federation is against the
24 proposal of using Site D for the landfill. We feel
25 obviously it is going to impact on the farmers that



1 going to be yours. All this land we've had since
2 approximately '81, so that is seven or eight years at
3 the moment. We hope to have it for at least that long
4 again and we have treated it that way each year because
5 we were hoping it would remain our land.

6 MR. GARROD: Thank you very much, sir.

7 MR. LANCASTER: Any other questions.

8 MR. LEITCH: I have one question or
9 possibly two.

10 CROSS-EXAMINATION BY MR. LEITCH:

11 Q. I didn't get a breakdown from you,
12 Mr. Wettlaufer, of how much of the 1200 acres that you
13 farm you own and how much you rent?

14 A. I own one and I rent the other
15 1200.

16 Q. Could you go through the same
17 exercise I asked Mr. Lambrick to, as to the replacement
18 value of your equipment?

19 A. I would say about \$350,000, I
20 would hazard a guess.

21 MR. LEITCH: Thank you.

22 MR. LANCASTER: Thank you.

23 MR. GARROD: How are we doing for time?

24 MR. LANCASTER: It's up to you.

25 MR. GARROD: I would appreciate it if



1 the Board is prepared to sit, I have one more, maybe
2 two more that I would really like to do before lunch.

3 I wonder if I could ask Mr. Norman
4 Biggar to take the stand.

5 NORMAN H. BIGGAR, sworn:

6 EXAMINATION-IN-CHIEF BY MR. GARROD:

7 Q. Mr. Biggar, I don't believe that
8 you do farm on or around Site D?

9 A. No, I do not.

10 Q. You are the president of the
11 Halton Federation of Agriculture?

12 A. Yes, I am.

13 Q. I wonder if I could ask you to
14 identify the resolution I have just placed before you?

15 A. Basically it is a resolution that
16 puts the support of our Halton Federation of
17 Agriculture to the farmers on and around the proposed
18 Site D, and to give yourself, Mr. Garrod, the authority
19 to represent the farmers and ourselves in these
20 hearings.

21 Q. What is the position of the
22 Federation of Agriculture as to the proposal?

23 A. The Federation is against the
24 proposal of using Site D for the landfill. We feel
25 obviously it is going to impact on the farmers that



1 operate on the site, but also we feel that it can
2 impact quite severely on the farmers that work the
3 properties and farm in the areas surrounding the site.

4 Q. I wonder if with reference to the
5 resolution, whether you could---

6 A. Basically we have an alternate
7 site which is Site F in the City of Burlington, and as
8 I understand it, if that site was to be used for the
9 regional landfill, it would not impact on any
10 agricultural operation or farmers. So, obviously we
11 are in, we are formed to support and help farmers in
12 the region. Obviously in this instance there are two
13 proposals and one proposal that will affect agriculture
14 and the other in Burlington won't adversely affect
15 agriculture. So we support the use of the Burlington
16 site.

17 Q. Are you a farmer yourself?

18 A. Yes, I am. I run a cash crop
19 operation with my father. We farm 1300 acres.

20 Q. Whereabouts is that? In Halton?

21 A. Our land is all in Halton region.
22 It is mainly in Oakville and also South Milton in the
23 Britannia Road 6th Line area. Trafalgar Road area.

24 Q. I wonder if you could give me your
25 views about whether or not as a farmer you would be



1 interested in farming land around an operating
2 landfill site?

3 A. I think there are certainly a lot
4 of concerns there and anybody who is going to farm the
5 property on site, both during and after the landfill
6 operation, there has to be a lot of areas of concern.
7 I know I was involved with the Agricultural Advisory
8 Committee to the Region when they looked at the after-
9 use project that is proposed for this site. I know
10 there were a lot of things in there that we just feel
11 there is a lot of risk, such as they talk about hoping
12 to raise the productivity of the area to 60 per cent.
13 Well, these days if you've got one hundred per cent or
14 better than a hundred per cent productivity, it is a
15 pretty tough life out there trying to compete in
16 agriculture today. So it is the type of situation and I
17 believe Peter used the term, it's like a landscape
18 project. We feel in order to have the property farmed,
19 sure they can farm it, but this is the type of thing
20 that there's going to be money pumped into it every
21 year to keep it operating, because there is no way a
22 person, even if they have the property for free, that
23 they can hope to make any money on it.

24 Then you get into the other aspect of
25 whether people are going to want the produce that you



1 operate on the site, but also we feel that it can
2 impact quite severely on the farmers that work the
3 properties and farm in the areas surrounding the site.

4 Q. I wonder if with reference to the
5 resolution, whether you could---

6 A. Basically we have an alternate
7 site which is Site F in the City of Burlington, and as
8 I understand it, if that site was to be used for the
9 regional landfill, it would not impact on any
10 agricultural operation or farmers. So, obviously we
11 are in, we are formed to support and help farmers in
12 the region. Obviously in this instance there are two
13 proposals and one proposal that will affect agriculture
14 and the other in Burlington won't adversely affect
15 agriculture. So we support the use of the Burlington
16 site.

17 Q. Are you a farmer yourself?

18 A. Yes, I am. I run a cash crop
19 operation with my father. We farm 1300 acres.

20 Q. Whereabouts is that? In Halton?

21 A. Our land is all in Halton region.
22 It is mainly in Oakville and also South Milton in the
23 Britannia Road 6th Line area. Trafalgar Road area.

24 Q. I wonder if you could give me your
25 views about whether or not as a farmer you would be



1 interested in farming land around an operating
2 landfill site?

3 A. I think there are certainly a lot
4 of concerns there and anybody who is going to farm the
5 property on site, both during and after the landfill
6 operation, there has to be a lot of areas of concern.
7 I know I was involved with the Agricultural Advisory
8 Committee to the Region when they looked at the after-
9 use project that is proposed for this site. I know
10 there were a lot of things in there that we just feel
11 there is a lot of risk, such as they talk about hoping
12 to raise the productivity of the area to 60 per cent.
13 Well, these days if you've got one hundred per cent or
14 better than a hundred per cent productivity, it is a
15 pretty tough life out there trying to compete in
16 agriculture today. So it is the type of situation and I
17 believe Peter used the term, it's like a landscape
18 project. We feel in order to have the property farmed,
19 sure they can farm it, but this is the type of thing
20 that there's going to be money pumped into it every
21 year to keep it operating, because there is no way a
22 person, even if they have the property for free, that
23 they can hope to make any money on it.

24 Then you get into the other aspect of
25 whether people are going to want the produce that you



1 grow on that site, because where there is a real threat
2 or a perceived threat through feeding the crops to
3 livestock or for direct human consumption, I mean there
4 can be a liability situation that I think a lot of
5 farmers would want to stay away from.

6 MR. GARROD: Thank you sir; these are
7 all my questions.

8 MR. LANCASTER: Any other questions?
9 Thank you, Mr. Biggar.

10 I am going to mark that Resolution
11 MR-560.

12 --- EXHIBIT NO. MR-560: Resolution of the Halton
13 Federation of Agriculture.

14 MR. GARROD: Mr. Bill Bousfield, please.

15 WILLIAM BOUSFIELD, sworn:
16 J. VANDER MAREL, sworn:

17 EXAMINATION-IN-CHIEF BY MR. GARROD:

18 Q. You are a couple. I have
19 different questions for both of you. Perhaps we can
20 deal with Mr. Bousfield first.

21 DR. KINGHAM: Shall I swear these
22 witnesses?

23 MR. GARROD: Q. Mr. Bousfield, I
24 understand you rent part of the land at Site D for
25 agricultural purposes?

A. Yes, I do.



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. Which lands are those? Can you point them out on the photo behind you?

A. The Martin property and the Marangoni.

Q. That's approximately?

A. 80 acres.

Q. Workable land. What crops are grown on that property?

A. I have grown corn and mixed grain and am presently switching everything over to hay and alfalfa.

Q. How long have you farmed those lands?

A. Approximately five years.

Q. Do you have a lease that is ongoing?

A. Yes.

Q. For how long?

A. It is a six-year lease.

Q. What crops, I am sorry, I asked you what crops, can you tell me what sort of yields you would get on your crops?

A. On the corn and the mixed grain, except for a time when I've had adverse weather conditions, I have received 90 to 100 bushels and in.



1
2 the alfalfa hay, we usually get somewhere in the area
3 of approximate 100 bales to the acre. Approximately
4 100 bales to the acre on the first cutting and it is
5 usually about half that on the second.

6 Q. How long have you been in the
7 farming business?

8 A. I started farming when I was
9 approximately 13 on my own off and on and I have always
10 worked with my dad and my grandfather at home.

11 Q. Where is that family farm?

12 A. It's at the corner of Derry Road
13 and Bell School Line.

14 Q. I think it's off the top corner
15 there.

16 A. Yes.

17 Q. Do you work on that farming
18 operation as well?

19 A. I help them now and again, yes.

20 Q. Can you explain your views about
21 whether or not you would be interested as a farmer in
22 farming land around an operating landfill site?

23 A. My pride wouldn't even let me
24 think about it, the dust, the litter and everything
25 else involved, birds and excess noise. I wouldn't
even think about it.



1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Q. Would you be interested in renting
land on a rehabilitated landfill site?

A. To me it wouldn't be viable. We
sell the stuff, there's no way I can think of anybody
who would want it. To start off, you wouldn't even
know what was in the crop to start with, whether it was
chemically changed. The roots of alfalfa, which is
about the only crop you would grow now to make any
money, extend from 15 to 20 feet below the surface of
the ground. So unless you were planning on
rehabilitating it the same as Mother Nature did in the
first place, I don't think it would be viable at all.

Q. Ms. Vander Marel, you I understand
have been involved with horse-riding, can you explain?

MS VANDER MAREL: A. Yes, I started
with horses about 1980. In 1982 and '83 I was the
secretary of White Oaks Western Saddle Club, which was
based in Bayview Park and still is now. In 1984 and
1985 I was the show director and also the
representative of the Burlington Plainsmen Saddle Club.

Q. That was what?

A. Actually two clubs that
amalgamated. Previously there were four clubs in
Burlington. Right now White Oaks is the only one
showing at Bayview Park. White Oaks is the only club



1
2 still showing at Bayview Park. But for the year of the
3 autumn of 1985 and all of '86, none of the clubs were
4 allowed to use Bayview Park. We were told by the city
5 officials -- I can't remember the names and I know who
6 was on the executive of the clubs -- that there were
7 gases escaping and they had to put several feet of clay
8 on the top of the surface because it wasn't safe to
9 use. A lot of people were afraid to let the horses eat
10 the grass. There is no water supply there because they
11 couldn't get water trucked in. The park, it was always
12 adequate. People from the States used to name it the
13 home of the red mud. The clay was awful and it stuck to
14 the horses' feet. There was difficulty with the horses
15 feet. There were lots of conflict because of the dirt
16 bike track next door. They would always come and spook
17 the horses. There are also model airplanes and people
18 that flew the model airplanes next door used to circle
19 around and scare the horses. There was a lot of
20 conflict between the three activities going on in the
21 park.

22 Q. How did you find the facility
23 generally?

24 A. Generally they weren't bad.
25 Unfortunately, especially in the spring and autumn, it
was very cold. We were told we couldn't enclose the



1
2 buildings, due to the gases, so we couldn't have
3 windows, so we were snowed on a lot of the time.
4 Other than that, there was of course clay, which was
5 difficult on the horses' feet.

6 Q. Are there other facilities that
7 you are aware of?

8 A. When the clubs weren't allowed to
9 show there for that season and a half, actually
10 everyone was kind of happy. We used to show there
11 pretty well every week in spring, summer and autumn, so
12 horses get ring sour. They get so used to working in a
13 certain area that they play little tricks on you and
14 try to cut corners or duck corners because they know
15 the area so well.

16 Now they have had shows at Palomino
17 Ranch in Carlisle, a stable on 5th Concession. There
18 are several other private farms that have wonderful
19 facilities, some with indoor arenas that they let us
20 take over, and we didn't have the conflicts with motor
21 cycles and model airplanes.

22 Q. Were horse shows ever, did the
23 horse clubs ever use that park Monday to Friday?

24 A. No, only on the weekends. Some
25 people brought their horses there for practice during
the week, but that just made them more ring sour



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

because they were getting too used to that area.

MR. GARROD: Thank you very much. Those
are my questions.

MR. LANCASTER: Are there any other
questions? Thank you very much.

MR. GARROD: This would be a convenient
place to break, Mr. Chairman.

MR. LANCASTER: We will break until a
quarter after 2:00.

MR. LEITCH: Miss Wong is with me today
and may be the only person at this table tomorrow. I
am not sure.

--- Luncheon Adjournment (1:00 p.m.)



1 --- Upon resume at 2:15 p.m.

2 MR. LANCASTER: Please be seated.

3 MR. GARROD: Mr. Chairman, we are going
4 to have to do some more people out of order. I would
5 like to call Mr. & Mrs. Harold Jarvis.

6 HAROLD JARVIS, sworn:

7 MARY JARVIS, sworn:

8 EXAMINATION-IN-CHIEF BY MR. GARROD:

9 Q. Mr. Jarvis, just while you are
10 standing, I wonder if you could point out for the Board
11 on the air photo that is behind you, where your house
12 is?

13 MR. JARVIS: A. Right on the corner.

14 Q. That's on Highway 25 at the
15 southerly corner of the landfill proposed site. I
16 understand there is another house also in your family
17 just south of that, can you identify that one?

18 A. That house belongs to my brother
19 Archie, my brother James and myself. This house down
20 here, the stone house.

21 Q. There is a panel of photographs
22 that is beside you and I wonder if you would put that
23 up and Mr. Chairman, perhaps we could mark this one.

24 A. This is our home here and this is
25 my brother's and this is the home we are living in.

Q. You live in the one that is under



1 the heading of H. & M. Jarvis?

2 A. That's right.

3 Q. And the large stone house, it is
4 owned by your two brothers and yourself?

5 A. That is true.

6 MR. LANCASTER: That will be MR-561.

7 --- EXHIBIT NO. MR-561: Photographs showing the
8 hall, H. & M. Jarvis,
and T., J. and H. Jarvis
9 homes.

10 MR. GARROD: Q. How long have you
11 lived at that location?

12 MRS. JARVIS; A. Twenty-eight years.

13 Q. Do you live there with anyone
14 else?

15 A. Our three children.

16 Q. How old are they?

17 A. Marion is 24, Charles is 21 and
18 Shelley is 18.

19 Q. Can you tell me how long you have
20 lived in that particular house as opposed to the
21 property...

22 MR. JARVIS: A. The house that my wife
23 and I live in was built in 1960, the year we were
24 married. The stone house, I was born in that house on
25 August 11, 1926.

Q. Have you lived in one or other of



1 those two houses your whole life?

2 A. Yes, I have.

3 Q. I understand that the stone house
4 that you were born in has been in your family for some
5 time prior to that?

6 A. Yes, the stone house was built in
7 1854 from stone cut out of the Niagara escarpment. That
8 is hand-cut stone.

9 Q. Was that by ancestors of yours?

10 A. That would be from my great
11 grandfather.

12 Q. When did your family take the land
13 from the Crown, do you know?

14 A. That would be approximately 1834.

15 Q. Has it been in continuous
16 ownership by your family since that time?

17 A. Yes, it has.

18 Q. And the lot that you now live on,
19 was that part of the original farm?

20 A. Yes, it was.

21 Q. How large is the property that you
22 actually live on yourself?

23 A. That property is approximately 150
24 feet x 150 feet. I think that works out to about half
25 an acre.



1 the heading of H. & M. Jarvis?

2 A. That's right.

3 Q. And the large stone house, it is
4 owned by your two brothers and yourself?

5 A. That is true.

6 MR. LANCASTER: That will be MR-561.

7 --- EXHIBIT NO. MR-561: Photographs showing the
8 hall, H. & M. Jarvis,
9 and T., J. and H. Jarvis
homes.

10 MR. GARROD: Q. How long have you
11 lived at that location?

12 MRS. JARVIS; A. Twenty-eight years.

13 Q. Do you live there with anyone
14 else?

15 A. Our three children.

16 Q. How old are they?

17 A. Marion is 24, Charles is 21 and
18 Shelley is 18.

19 Q. Can you tell me how long you have
20 lived in that particular house as opposed to the
21 property...

22 MR. JARVIS: A. The house that my wife
23 and I live in was built in 1960, the year we were
24 married. The stone house, I was born in that house on
25 August 11, 1926.

Q. Have you lived in one or other of



1 those two hous?s your whole life?

2 A. Yes, I have.

3 Q. I understand that the stone house
4 that you were born in has been in your family for some
5 time prior to that?

6 A. Yes, the stone house was built in
7 1854 from stone cut out of the Niagara escarpment. That
8 is hand-cut stone.

9 Q. Was that by ancestors of yours?

10 A. That would be from my great
11 grandfather.

12 Q. When did your family take the land
13 from the Crown, do you know?

14 A. That would be approximately 1834.

15 Q. Has it been in continuous
16 ownership by your family since that time?

17 A. Yes, it has.

18 Q. And the lot that you now live on,
19 was that part of the original farm?

20 A. Yes, it was.

21 Q. How large is the property that you
22 actually live on yourself?

23 A. That property is approximately 150
24 feet x 150 feet. I think that works out to about half
25 an acre.



1 Q. Now, with reference to the
2 photographs, there is a photograph beside the
3 photograph of your house, and can you explain what that
4 shows?

5 A. That is the view of the Niagara
6 escarpment off in the distance, which we have enjoyed
7 very much from the picture window of our house. It
8 has a beautiful view from that area.

9 Q. Can you please tell me what your
10 concerns would be if a landfill site was located in the
11 proposed location on Site D?

12 MRS. JARVIS: A. We are concerned about
13 the noise, nuisances from pests, our water would be
14 ruined. We are under the influence of westerly winds,
15 so we would suffer all the nuisances from the landfill
16 site. We would be concerned because when it is locked
17 at night, people would be dumping garbage at the gate.
18 We would have that to look at out our front window.

19 Q. How close would you be to the
20 entrance of the landfill site?

21 A. I think about 300 feet, according
22 to what we have heard.

23 Q. How far is your house from the
24 road?

25 A. We are quite close to the road.



1 MR. JARVIS: A. I would say it is less
2 than a hundred feet from the road allowance.

3 MRS. JARVIS: A. Our view would be
4 spoiled, we would have to look at hills of garbage
5 instead of the view that we enjoy now. We would have
6 health hazards to contend with. Traffic is a very
7 grave concern to us. We don't know how much traffic,
8 what effect it would have on us getting in and out of
9 our property. We worry about school buses with children
10 on them with the extra traffic from trucks and
11 emergency vehicles, if we had a fire truck to be called
12 or an ambulance or the police had to be called, I don't
13 know if we would be able to get assistance. If extra
14 lanes are put in to let the trucks into the site, we
15 would probably lose frontage and we are close to the
16 road now. We would be closer to the road and closer to
17 the site. Also we are concerned, other municipalities
18 are looking for a place to dump their garbage. Will we
19 have garbage coming in from other areas which will fill
20 the site up sooner? The piles would be closer to us
21 sooner and there would be more traffic coming in from,
22 other municipalities as well.

23 Our property will be devaluated, the
24 property, the stone house as well will be devaluated.
25 We have put improvements on our home like other people



1 do through the years and that has been an expense that,
2 has been an expense that may be no use to us in the
3 years ahead if the dump site goes in.

4 The century home is where my husband was
5 born and it has a lot of memories for a family through
6 the years. A family history has been done recently and
7 we really appreciate what our forefathers did for us
8 and we would like to preserve the heritage.

9 Q. Mr. Jarvis, I understand that the
10 farm that is now owned by Ray and Annette Winter across
11 the road from you was at one time owned by members of
12 your family?

13 MR. JARVIS: A. Yes, that was owned by
14 the Jarvis family for three generations, I believe.
15 My grandfather and my uncle Cecil and Jack, Jack
16 was adopted by Cecil and Fay....

17 Q. So it was in your family for three
18 generations prior to being bought by Mr. & Mrs. Winter?

19 A. That is true.

20 Q. Were you ever in the agricultural
21 business yourself?

22 A. I farmed all my life since the age
23 of 15 until I sold the farm and I was of the age of, I
24 would say approximately 44 years of age.

25 Q. What do you do now?



1 A. I drive a wheelchair ambulance for
2 the Halton Region, that is Halton Centennial Manor.

3 Q. I wonder if you could just
4 summarize by indicating your main concerns as far as
5 what it would mean for your living in the present
6 location and for the stone house if the landfill went
7 into Site D?

8 A. Well, the one thing for sure it
9 would devalue the property because with the vicinity
10 of a garbage dump that close, the valuation of property
11 and also there would be garbage going through the
12 property. I drove a school bus down the 4th Line for
13 a number of years and it was nothing to see newspapers
14 hanging in thorn trees. I am afraid it would be the
15 same here on 25 Highway. To have a provincial highway
16 go through alongside a garbage dump like that, I don't
17 think it is the proper thing because quite a few cars,
18 trucks and transports go through there as a feeder lane
19 from the Queen Elizabeth, No. 5, the 401 and on through
20 to No. 7 and points north.

21 MR. GARROD: Thank you very much.

22 MR. LANCASTER: Are there any other
23 questions?

24 MR. GARROD: I wonder if I could just
25 ask Mr. & Mrs. Jarvis, there was a letter that they



1 wrote that forms part of Exhibit H-72, at page 493.

2 I wonder if I can show you that letter, if you can
3 identify that was a letter you wrote summarizing your
4 concerns?

5 MRS. JARVIS: A. Yes, we wrote that
6 letter.

7 MR. GARROD: Mr. Chairman, it's already
8 part of that exhibit, so we don't need to exhibit it.

9 MR. LANCASTER: Thank you very much.

10 MR. GARROD: Mr. Chairman, I would also
11 like to call Mr. & Mrs. Winter.

12 RAYMOND WINTER, sworn:
13 ANNETTE WINTER, sworn:

14 EXAMINATION-IN-CHIEF BY MR. GARROD:

15 Q. Mr. Winter, I think from the last
16 witness we know where your farm is, but if you could
17 outline it for the Board?

18 A. We bought a hundred acres just
19 south of Site D, right on Highway 25.

20 Q. There is a panel of photographs
21 that I have just given you. Can we mark that, Mr.
22 Chairman, as the next exhibit?

23 MR. LANCASTER: MR-562.

24 --- EXHIBIT NO. MR-562: Photographs showing the
Winter property.

25 MR. GARROD: Q. Can you show us what



1 these photographs show, Mr. Winter?

2 MR. WINTER: A. The first one is a
3 picture standing on Highway 25 looking straight onto
4 the farm and showing the front of our house. The next
5 picture is the sight I see when I sit down at the table
6 for my meals. I look across there and that is the
7 sight I see three times a day.

8 Q. What is that view?

9 A. That is a view of the escarpment,
10 that is looking across the farm north of us to Site D.

11 Q. Is that the view where the garbage
12 would be buried?

13 A. That is the picture we would see
14 if the garbage dump went there. Again this is another
15 view across there from a different angle, towards the
16 site, Site D.

17 Q. From your barnyard?

18 A. From the yard, yes. Not
19 necessarily the barnyard, but the yard.

20 This is just a shot, an outside picture
21 of our barn. A new milk house out front here, a fairly
22 new silo there. This is actually a very modern set-up
23 we happened on. We looked around for, since we were
24 married, I suppose, six years, for a farm and this was
25 a dream. You can't find a place like that around



1 Ontario. We basically moved in and started our
2 operation. There was very little that needed done.

3 Q. What is the operation that you
4 run?

5 A. Dairy farm. We milk twenty-eight
6 cows and we have a total of about, well there's close
7 to sixty head there right now.

8 Q. What sort of cows are those?

9 A. Registered Holsteins.

10 Q. What does it mean to be
11 registered?

12 A. To be registered, it is, well I
13 mean there are such things as a grade cow, which is
14 more like a mongrel dog, I suppose. To be registered,
15 we have an association, a Holstein Association of
16 Canada, which carries all the records. You can go back
17 as many generations as you want and they have got
18 records on every, all the ancestors of all the cows in
19 my barn and most people's barns that have registered
20 cattle. It means that our cattle are worth more than
21 these non-registered grade animals for resale and other
22 farmers want to buy for breeding purposes.

23 Q. Does that also affect the milk
24 production you would expect from a cow?

25 A. Yes, cattle are bred, when you are



1 looking at a pedigree, you look at what these ancestors
2 have produced. You try to improve on that by breeding
3 bulls that are available in studs. Again you have
4 papers on bulls you can look at and you try to pair
5 that bull to that cow and to produce a better animal.
6 You are always trying to produce a better animal when
7 you are breeding these things. So, the fact that they
8 are registered cattle, everything is on paper, you can
9 look at whatever you want. That is basically it.

10 Q. What does the fifth photograph
11 show, the third one in the first column?

12 A. This is the milk truck here
13 picking up the milk. We produce I think, my wife has it
14 down on paper there, but we produce about 600 litres of
15 milk a day. That is basically filling my quota. We
16 have a licence to ship milk and in order to get that
17 licence you buy it, you buy quota. No. 1 quota which
18 is, you like to get as much of that as you can because
19 when you sell your milk, you get more money for it, you
20 get more money back for the No. 1 litres that you ship.
21 We right now, the amount of quota we have, it is a
22 105,000 litres of MSQ, which is called market share
23 quota and that is what you ship above No. 1 quota. We
24 have 270 litres of No. 1, we can ship 270 litres per
25 day. With the MSQ, IT'S 105,000 litres a year that we



1 can ship.

2 Q. What is the value of that quota
3 that you purchased?

4 A. I just figured it out, but the way
5 the quota sold last month, the value of it was
6 \$171,450. That is what that quota is worth.

7 The next picture is a picture inside the
8 barn looking at the cows eating there. The picture
9 down here shows a view of the milk house, which is
10 right here. That is the interior of that and it shows
11 all the equipment there. That equipment is, well, the
12 Surge Company would sell you the same system today.
13 That system is about ten years old, but it is basically
14 the same today so it is, that system probably when it
15 went in was a \$10,000 system. It is a little more
16 than that today, but it is worth more than that to me.

17 Q. What does that system accomplish
18 for you at the dairy?

19 A. This actually is the machines that
20 do the milking for me. There is a pipeline all through
21 the barn, a two-inch stainless steel pipeline that
22 carries the milk to the bulk tank. As I say, that tank
23 will hold my milk. Every second day the milk truck
24 comes and picks it up.

25 This last picture is showing, we have a



1 pond back behind the barn. That pond is fed by a water
2 run that runs right off of Site D. It is the same
3 thing as everyone else has been saying, it never dries
4 up. It did last summer, I suppose it was a dry summer
5 and it did dry up, but in a heavy rainfall, it is going
6 full blast and in the spring it is overflowing.

7 Q. I wonder if you could just put
8 down that panel of photos for a moment and with
9 reference to the air photo, point out where this water
10 runs from into your pond?

11 A. You can see right through there
12 where it is running, the low spot in there.

13 Q. What is the origin of that water?

14 A. It looks like it is coming out of
15 this bush and it is basically coming right out of there
16 by the looks of it. Also there seems to be another
17 vein, there is actually because I know back there there
18 is a vein coming out here as well.

19 MR. HODGSON: Mr. Chairman, I think
20 "coming out of here" and "coming out of there" is not
21 going to be very helpful in the transcript. I think
22 perhaps my friend should lead his witness a bit and we
23 should have that.

24 MR. GARROD: I have no problem with
25 that.



1 Q. I wonder if you could trace the
2 water course from its origin to your pond?

3 A. As well as those two veins I have
4 shown there, we have a bit of water that runs right
5 through the front lawn of our house. We have a picture
6 of it I would like to show the Board. It runs more
7 like closer to here, it comes right down through the
8 front lawn and from there runs across the road. In
9 the spring we don't have much front lawn, it is all
10 water.

11 Q. We will get to your pictures in a
12 moment. Can you explain, Mr. Winter, when you
13 purchased this property and what information you had
14 about the landfill site at that time?

15 A. The land was purchased in June,
16 '86. At that time the reports that we had and what we
17 read in the local paper was that Site F was the
18 preferred site. Me being a farmer, I suppose, and
19 again with my father-in-law, who is very experienced in
20 farming, we have trouble dealing with a landfill site
21 going on agricultural land, prime agricultural land.

22 Q. How long had you looked for a
23 property before you bought this one?

24 A. My wife and I, she has it in there
25 that we basically looked, we wanted to stay fairly



1 close to where my father-in-law farms in Hornby. We
2 looked through probably three counties, which I would
3 say would be Peel County, Halton and Wellington. We
4 never got real serious till near the end, but we were
5 always looking around, the six years that we have been
6 married. You know, we would always keep our eye open
7 if something come up, you know you look into it.
8 Probably the last year or so before purchasing this
9 land, we were getting a little more serious about it.
10 I have been involved with dairy cattle all my life. I
11 was brought up, my father actually worked as a herdsman
12 on different farms. He was a herdsman on probably one
13 of the biggest farms in North American, which was Oak
14 Ridges farm, north of Richmond Hill. I worked with him
15 for five years after getting out of school.

16 From there I went, I left home and I
17 started my own job as a herdsman on another farm. I
18 worked at one place for two years as a herdsman and
19 then three years at another farm. Before leaving the
20 first place, my wife and I were married and she was
21 pregnant and we were living in an apartment and we
22 decided we needed a house. So, we looked for a farm
23 that needed a herdsman as well as having a house on the
24 farm, and we found one, a fairly good set-up up Eden
25 Mills way. From there we purchased this place.



1 Q. What was it about this place that
2 attracted you to it?

3 A. First of all I guess it was you
4 walk in the house and we looked at different places.
5 It's the same old thing, you go into a farm and either
6 the house is no good or the barn is no good. In this
7 place here we went into, Mrs. Jarvis lived there and
8 kept the house up fantastic and at the same time the
9 barn was rented out prior to us being in there. The
10 tenants, they added on to the barn and you know, kept
11 it up modern, and as I say, we were just able to move
12 into both the house and the barn and start our
13 business. You know, that is a big plus these days.
14 You don't just find something like that; we were very
15 fortunate.

16 Q. Had you heard anything about the
17 OWMC proposal at around that time?

18 A. I can't say that I have. I think
19 Mr. Martin said earlier that he did not hear anything
20 until down here and I have got to say I am the same
21 way.

22 Q. Mrs. Winter, I wonder if you had
23 anything to add about your reasons for being interested
24 in this property?

25 MRS. WINTER: A. Could I just read



1 something?

2 Q. Please, if you would like to.

3 A. Our northerly fence line is the
4 southerly fence line of Site D. We owned and operated
5 Winsom Farm since May of '86. We still think of
6 ourselves as new to the community, but we've had the
7 warmest of welcomes from the people who have been
8 around the neighbourhood.

9 In April of 1986 we purchased a 100 acre
10 farm that was able to be in operation immediately. It
11 boasted sound equipment, two-inch pipeline, milk house,
12 silos, outbuildings, fences and a barn in excellent
13 condition. It supplied everything we needed to start
14 off a self-sufficient modern dairy farm.

15 It was necessary to purchase quota at a
16 value of \$171,450, consisting of 270 litres of No. 1
17 and 105,000 litres of MSQ, which we had explained
18 earlier.

19 In addition to acreage, buildings and
20 quota, we were purchasing a home in a very scenic
21 location surrounded by some of the best agricultural
22 land in Halton County. This farm was our only choice
23 during a long search of three counties and countless
24 farms.

25 We had been told that the proposed OWMC



1 toxic waste site was no longer a consideration and at
2 that point the Burlington site was clearly preferred as
3 the dump site. We could not imagine a garbage dump on
4 prime farmland when there is an alternative.

5 Since before we moved here, Ray has been
6 active in the Holstein club and is currently a director
7 in the Holstein club. Of 59 producers in this
8 country, Winsom Farms Limited was one of only twenty to
9 receive a milk quality award for our first year.

10 Q. I am showing you a copy of the
11 certificate and can you identify that?

12 A. Yes.

13 MR. LANCASTER: MR-563.

14 --- EXHIBIT NO. MR-563: Award certificate.

15 THE WITNESS: Quoting from that
16 certificate it says:

17 "In recognition of maintaining above
18 average farm premises and producing
19 excellent quality milk during the last
20 twelve months."

21 This is something that would not be
22 possible with rats and waste on the property. We
23 produced 600 litres of milk every day. Our 28 pure-
24 bred registered Holstein cows drink water supplied by
25 our 21-foot well. 87 per cent of milk is water. What



1 the cows drink is milk. We don't want your milk
2 produced with water contaminated by a dump located less
3 than one kilometre away. That is an underground
4 problem, whereas over the ground we would have to deal
5 with the same contamination runoff through our crops
6 and into the pond, killing the fish that are there.
7 Many problems could arise that could cause us higher
8 insurance rates. Regardless of the control
9 anticipated, waste blows in the wind will become part
10 of our crops, harvested as feed for our own animals as
11 well as sold to feed mills to be purchased by other
12 farmers. We cannot allow even one cow to die or be
13 injured as a result of consuming plastic or litter.

14 We don't want the current northwest air
15 flow altered, because we need it to aid in drying crops
16 such as hay. Our tractors sometimes with two
17 implements in tow must continue to turn left, that is
18 north on Highway 25 to retrieve crops from rental
19 acreages as many as seven times a day, as well as
20 equipment exchanges made with Tower View Farm in
21 Hornby. Farm vehicles properly marked as slow moving
22 vehicles, have full right to travel with all tires on
23 the asphalt, much to the dismay of current trucks and
24 vehicles who have used Highway 25 as it is. We have
25 already experienced being passed by a truck on the



1 right on the highway as well as a truck on the shoulder
2 at the very same time.

3 Salmonella contamination in connection
4 with seagulls towards cattle could have a severe and
5 possibly mortal affect and we cannot afford to lose any
6 animal contributing to our livelihood. The rats and
7 rodents are no stranger to country life, but the
8 increased population due to the inevitable exposed
9 waste will be the source of many problems as well as
10 disgust. We see deer and enjoy a blue heron and other
11 wildlife all year round on our property. Unlike some
12 who will deal with the sight and smell and noise during
13 their nights and mornings, we will face noise
14 pollution, trucks and equipment, smell and litter,
15 twenty-four hours a day three hundred and sixty-five
16 days a year.

17 Our cows are milked before the gates of
18 the dump would open and after they close in the
19 evening. The hours of operation, and living on Winsom
20 Farm constantly bombarded by work noise and smell, that
21 cannot be contained. On a business level, we could
22 not survive the property devaluation. Agriculture is
23 our life and a waste site on Site D would destroy this.
24 We haven't enough equity to consider relocating, even
25 if another property of equal assets could be found.



1 On a personal family level we feel for
2 the safety of our four-year old and two-year old
3 daughters, Amy and Megan.

4 Amy will be travelling on a bus to
5 school and she will have to be on Highway 25 two times
6 every day. Milton is our town to shop, bank and
7 entertain. Almost every turn out our lane crosses
8 traffic to travel north to Milton, and this is
9 something that is enough of a challenge now with
10 traffic as it is without the added one truck per
11 minute, as predicted. We live on this road, we don't
12 just travel on it.

13 Wind will carry garbage onto our
14 property regardless of the efforts to contain it and
15 this is all proven, as we lived in Guelph and had to
16 pass by the dump located on Eastview. The effects of
17 a waste site here would take away everything we value
18 about our home: the privacy, our country quiet, our
19 view all day long, our fresh air, our sense of
20 security. We stand the chance of losing the very
21 reasons for buying and working this property almost two
22 years ago. We plan to build a business and a life for
23 our family for many years to come. I have some
24 photos I would like to use as well.

25 MR. GARROD: I wonder, Mr. Chairman, if



1 we could mark again this whole book and I could ask
2 Mrs. Winter to just identify them by number.

3 MR. LANCASTER: MR-564.

4 --- EXHIBIT NO. MR-564: Book of photographs of
5 the Winters' property,
6 Winsom Farm.

6 MR. GARROD: Q. I ask one of you if
7 you wouldn't mind identifying by number each photograph
8 and just speaking as to what it shows?

9 MRS. WINTER: A. The first photograph
10 is a picture of our children since they couldn't be
11 with us.

12 The second picture is a picture with
13 water runoff coming directly from Site D across our
14 front lawn, which is after an average rainfall, nothing
15 heavy. Generally that is lawn and we mow it.

16 The next picture is a picture of a
17 vehicle with a hay wagon turning, a tractor with a hay
18 wagon making one of the trips onto the lane across
19 Highway 25. That is just one of many trips that day, a
20 view.

21 Q. Just before you leave that photo,
22 I wonder why is it you are moving hay on Highway 25?
23 Can you explain why that is necessary?

24 MR. WINTER: A. We have a 100-acre
25 farm. We do grow a fair bit of hay on there and our



1 plan is to seed down a little bit more alfalfa. It is
2 not, I can see us every summer, I suppose, on that road
3 with hay wagons or some other sort of machinery
4 retrieving crops from land elsewhere.

5 Q. So you grow hay in other places as
6 well?

7 A. Last summer I purchased hay from
8 Bill Bousfield and the Wettlaufers. I took machinery
9 from Jim Reid's farm, my father-in-law. This is
10 another thing we do. We bring machinery down from
11 Hornby seasonally, if we are haying, it comes down and
12 spends a couple of weeks down at our place. In the
13 corn season we bring the wagons and the harvesters
14 down. So we share machinery with Jim.

15 Q. Which road do you use for that?

16 A. Highway 25 and Britannia Road.
17 Last summer I was travelling Lower Baseline and First
18 Line as well as 25.

19 Q. In order to get into your laneway?

20 A. We have, at that time there we
21 were turning across the traffic.

22 MRS. WINTER: A. Travelling north across
23 the traffic to get into our lane.

24 The fourth picture is a very clear
25 picture showing the runoff directly into our pond from



1 Site D and the fifth picture is on the other side of
2 the pond, the pond overflowing, running across the back
3 lane of the farm directly onto the next property.

4 The following picture is very unclear,
5 but it was intended to be a picture of the blue heron.
6 Of course you can't get close to a blue heron. It
7 also shows our crop of corn that in 1987, was
8 excellent.

9 The following picture is a series of
10 three showing it from across the lane, to be exact at
11 the Jarvis property, showing a tractor with a wagon
12 pulling out our lane to go north towards Milton,
13 crossing traffic onto the pavement. The second picture
14 shows it in front of the Jarvis laneway and the third
15 picture, as it got to its own speed, the picture shows
16 that vehicle with five cars directly behind it at 11:00
17 o'clock in the morning, which surprised me. I was just
18 intending to get a picture of a vehicle coming out and
19 I saw there was such a line up of cars immediately.

20 Q. When you said the Jarvis laneway,
21 which Jarvis property do you mean?

22 MR. WINTER: A. We took a picture from
23 Jim and Archie Jarvis', the stone house.

24 MRS. WINTER: A. The last pictures are
25 just pictures you see from our kitchen table, Canada



1 geese, which are in great numbers.

2 Q. I am showing you one other
3 photograph, which I am going to put in this booklet in
4 the empty space. Can you identify that?

5 A. It is a series of awards, trophies
6 and plaques given in recognition of 4-H work and work
7 involving sports, whatever. We have got a very
8 extensive pile of trophies and awards. These are just
9 some of the more special ones.

10 Q. You mentioned during your
11 presentation that you have a well that is 21-feet deep.
12 Can you tell me what sort of quantity and quality of
13 water you receive from that well?

14 MR. WINTER: A. That water is not good
15 water. It is in the corner of our barnyard. It is
16 actually, it is just a few feet away from our manure
17 pile. That water looks after the barn. The cows drink
18 it, they love it, and they produce lots of milk from
19 it. As far as the cows are concerned, there is plenty
20 of water there; it is just it is not consumed by us.
21 We had it tested and I believe it had e-coli bacteria
22 in it, but we can see the problem there and it is
23 nothing to do with the water coming anywhere else. It
24 is an internal problem I would have to say. It is a
25 problem with our being too close to the manure pile.



1 Q. In terms of the quantity of water,
2 do you get enough water from a 21-foot well to water
3 your daily herd?

4 A. More than enough.

5 Q. How much water does a dairy heard
6 of that size require on a daily basis, do you have any
7 idea?

8 A. I would refer that question I
9 think to Jim when he comes up. I think he is prepared
10 for that.

11 One other thing I forgot to mention,
12 every second day when the milk truck comes in, they
13 take a sample of the milk and it is tested, it is
14 tested for butterfat for one thing and it is also
15 tested for bacteria or somatic cell count and all that.
16 Naturally one of our problems with all of this, the
17 water, if it does get contaminated, our milk quality
18 would go down. They wouldn't fool around with that,
19 they would cut us off. That is a big concern to us,
20 contamination of water.

21 Q. Do you both work full-time in this
22 farming operation?

23 A. As far as the business is
24 concerned. My wife, she looks after the book work and
25 the children. It is my job out there in the barn.



- 1 Q. But you are both on the property?
- 2 A. Twenty-four hours a day.
- 3 Q. Seven days a week?
- 4 A. Yes. My day starts at 5:00
- 5 o'clock in the morning and I am in for supper about
- 6 7:00. That doesn't mean I am done at that time
- 7 either. If there is a cow calving in the middle of the
- 8 night, I might be up all night as well, but it is a job
- 9 I wouldn't trade for anything else.
- 10 MR. GARROD: Thank you very much.
- 11 MR. LANCASTER: What do you call your
- 12 farm?
- 13 MR. WINTER: It is Winsom Farm. We
- 14 formed a company in order to purchase this place. Our
- 15 equity was not high enough. . Jim Reid is the
- 16 president of our corporation.
- 17 MR. GARROD: Mr. Reid will be testifying
- 18 next, he is Mrs. Winter's father, and as Mr. Winter has
- 19 indicated, he has a financial interest in this
- 20 property.
- 21 MR. LANCASTER: Are there any other
- 22 questions in this area?
- 23 MR. LEITCH: Just one area of cross-
- 24 examination.
- 25 CROSS-EXAMINATION BY MR. LEITCH:



1 Q. The number of movements out of
2 your laneway onto Highway 25 in the season when you are
3 working the land you said, I think, there would be
4 seven. I didn't understand whether that was seven in
5 and out or fourteen.

6 MR. WINTERS: A. Actually it is in and
7 out. It is round trips. It would actually depend on
8 what kind of hay day we have. You know, we are baling
9 hay on another farm perhaps behind us on First Line.
10 When you are that far away from home you don't have
11 such a good hay day because you have got to bring it
12 home, unload it and take it back. It takes a bit of
13 time. I would say on probably a good day we might get
14 seven loads off the farm and much more home.

15 Q. So you would be going out the gate
16 seven times and in the gate seven times?

17 A. Exactly. Fourteen times.

18 Q. The turn at the gate is to go
19 north generally?

20 A. It really depends on where we are
21 going. I think last summer I purchased hay from Bill
22 Bousfield and I made basically a round trip just to
23 stay on the righthand side of the road so I didn't have
24 to go over across traffic.

25 Q. So you went round?



1 A. Round the whole block. Again like
2 I say, Bill Bousfield's hay, but it was off Wat
3 Martin's farm. It is just exactly where we are, I
4 wasn't going any further, no matter which way I went,
5 so I just stayed on the righthand side of the road all
6 the way round.

7 Q. I am interested in one more thing
8 and that is what you can tell us about the sight lines
9 looking north along Highway 25 from your laneway and
10 its intersection with Highway 25 and south. When would
11 it become apparent to a northbound vehicle approaching
12 your laneway from the south that your vehicle might be
13 turning out to go either way, when would he see you?

14 A. Right at Percy Newman's place,
15 there is a bit of a hill.

16 Q. When you say Percy Newman, you are
17 talking about--?

18 A. The sand and gravel, what you call
19 the garden centre here.

20 Q. Which is the southeast corner of
21 the landfill site itself?

22 A. That is right, there is just a
23 little knoll there. Once they hit his driveway, they
24 can see me. It would be down at the Lawrence house
25 down here, they would see me.



1 Q. So that's about the same distance?

2 A. About the same, yes.

3 MR. LEITCH: Thank you.

4 CROSS-EXAMINATION BY MR. TZEKAS:

5 Q. Mr. & Mrs. Winter, I didn't quite
6 understand what you understood about the proposal when
7 you acquired this farm. Specifically I think, Mr.
8 Winter, you indicated that the Ontario Waste Management
9 Corporation, you were just finding out about that. I
10 thought from something you had read, Mrs. Winter, that
11 you might have known about it earlier. I just wanted
12 you to have an opportunity to clarify that?

13 MRS. WINTER: A. In our search for a
14 farm, we were asking the agricultural office for a
15 recommendation. She mentioned this farm and said this
16 particular farm located at the Fay Jarvis property,
17 which was a proposed toxic waste site and we said no
18 thanks, no way, and then further along, as we still
19 didn't find anything, we came back on this again at a
20 point where it was dismissed as that. It was not a
21 likelihood any more.

22 At that same point, we saw the same kind
23 of headlines that it was going to be Site F, so it
24 wasn't a concern.

25 MR. WINTER: A. Site F was preferred.



1 She's right, I am sorry.

2 Q. Okay. When you read those
3 articles that said that Site F was the preferred site,
4 did those articles also mention the possibility that
5 this particular site might also be, it was actually one
6 of two sites they were looking at?

7 A. I think that came a little bit
8 later. I think at that point we were thinking, I
9 think, that perhaps the paper just got a little excited
10 at that time and later on we did find out that the two
11 sites were still in the running, but still Site F was
12 preferred.

13 MR. TZEKAS: Thank you.

14 MR. LANCASTER: Thank you very much.

15 MR. GARROD: Mr. Jim Reid, please.

16 JIM REID, sworn:

17 EXAMINATION-IN-CHIEF BY MR. GARROD:

18 Q. Mr. Reid, you are Mrs. Winter's
19 father?

20 A. Right.

21 Q. President of Winsom Farms?

22 A. Right.

23 Q. I understand you also run an
24 independent farming operation in Hornby?

25 A. Yes, our family farm is at the



1 corner of Steeles and 8th Line or Main Street,
2 Georgetown. We farm 240 acres owned and another couple
3 of farms beside on that location, growing enough
4 produce to feed 178 cattle plus some cash crops to
5 sell.

6 Q. How long have you been in the
7 farming business?

8 A. I have been in the farming
9 business, I did about eleven years apprenticeship with
10 my father and I have been farming at Hornby for thirty-
11 five years.

12 Q. What sort of farm do you operate
13 there?

14 A. I farm a registered high
15 production dairy farm, Holstein pure-bred dairy cattle.

16 Q. I understand, Mr. Reid, that you
17 have received recognition from the agricultural
18 community on a number of occasions, including most
19 recently in 1987 and can you explain that, please?

20 A. Yes, I was nominated and chosen to
21 be the farmer of the year in 1987.

22 Q. What does it mean to be farmer of
23 the year and who actually makes that choice?

24 A. A panel of three judges make the
25 choice as to who will be the successful nominee for



1 farmer of the year. It is determined by a scoring
2 system and in order to achieve this, you have to have
3 expertise in the year of achievement as well as
4 expertise in past history as well as very much
5 involvement in the farm community efforts,
6 organizations and leadership. It isn't an easy thing
7 to attain.

8 Q. What is the organization that
9 chooses the farmer of the year?

10 A. Actually it is sponsored by the
11 Federation of Agriculture, but the panel members that
12 choose it, is the president of the Federation of
13 Agriculture, the Ontario Agriculture and Food rep. and
14 a member at large.

15 Q. Now, you have already heard Mr. &
16 Mrs. Winter's evidence and I don't want to have you
17 repeat that, but I would like you to give your view
18 about the viability of farming in this location in the
19 event that Site D is chosen as the landfill site?

20 A. Well, farming on Winsom Farms
21 would be very difficult if it was chosen as a landfill
22 site for a number of reasons. You first of all think
23 of a garbage dump as being very demoralizing to the
24 mind, but to be farming through dust on forage, trying
25 to beat dust on forage and you take the risk of



1 plastics and garbage being in the forage. The chance
2 of animals being ill and dying because of such
3 ingestion of that thing. The risk of a catastrophe on
4 the site spilling waste into your stream and polluting
5 the well, could be down to the farm in fifteen minutes,
6 to pollute the well. Cattle could drink it and it could
7 be in the tank, into the bulk truck and into the plant
8 silo which holds many truckloads of milk. That would be
9 all the responsibility of the farm. We take the
10 responsibility to protect not only our own product, but
11 also to protect the quality in the truck as well as the
12 quality in the silo at the plant. This is all
13 determined by a sample of milk taken from your pick-up
14 each day.

15 Q. What other concerns would you have
16 about the landfill going into Site D?

17 A. Well, I am pretty involved going
18 back and forth sometimes, traffic on Highway 25 is
19 quite ridiculous. I was passed by a loaded gravel
20 truck, he must have had 40 ton on. He passed on the
21 righthand side, would you believe, in front of Newman's
22 plant centre there. I had all four wheels of my
23 tractor and baler off the pavement at the time because
24 I was letting traffic by. This truck went past with
25 one wheel in the ditch and I don't know how he stayed



1 right-way up, but it was kind of an interesting
2 experience.

3 I have also tried to deliver hay with a
4 baler in tow up 25 Highway on a Saturday afternoon and
5 had all kinds of X-rated expressions exposed to me. It
6 has been very harassing to do this. I have watched
7 Wettlaufer bring his 18-foot folded up cultivator down
8 the road. Traffic does line up quite a piece and you
9 can't do anything about it. It is going to be
10 difficult when we have a truck coming up the road every
11 minute and a half or so, very difficult.

12 Dust on forage stops forage from
13 growing. We have to have moisture on the leaves for
14 forage to grow. Dust on forage makes it very
15 unpalatable, so therefore you get a decrease in the
16 yield. Noise, I can't think that a big truck going up
17 and turning corners and starting up and rejuvenating
18 its speed going down 25 from there would be a hazard.
19 Can you imagine trying to bury a truckload every minute
20 and a half with a big dozer? It must have a stack on
21 it about six inches across. That thing will be at full
22 throttle all day long.

23 Safety, health safety for animals and
24 livestock are very much of a concern to me, being that
25 it is my, I am very interested in the cattle as well as



1 very much interested in my own kin.

2 Q. Have you discussed with your
3 veterinarian the concerns?

4 A. Yes, I did ask my veterinarian
5 what would be the problem and he gave me an
6 illustration here that I would like to read. He says:

7 "The following list of diseases may be
8 transmitted to cattle from rodents and
9 birds.

10 From rodents: Salmonellosis

11 Leptospirosis

12 Listeriosis

13 From birds: Salmonellosis

14 Pasteurellosis

15 Cryptosporidiosis

16 Coccidiosis

17 Tuberculosis

18 Symptoms of the above diseases in
19 cattle:

20 Salmonellosis - enteritis

21 - abortion

22 Leptospirosis - kidney disease

23 - abortion

24 - mastitis

25 Listeriosis - disease of central



1		nervous system
2	-	abortion
3	Pasteurellosis	- pneumonia
4	Cryptosporidiosis-	enteritis
5	Coccidiosis	- enteritis
6	Tuberculosis	- similar to human
7		infection."

8 We are exposed to some of these things
9 from time to time. All birds that fly are carriers are
10 salmonellosis. Coccidiosis is a similar thing that we
11 are exposed to by animals, but the dairy cow is pretty
12 resistant, it's a pretty healthy animal compared to a
13 horse. What will make a horse ill, what would make a
14 cow ill, would kill a horse. So cows do resist to
15 these things and we do vaccinate against a lot of these
16 things. We vaccinate against most of these things.
17 To have it exposed to the extent it would be when you
18 feel that the field of forage adjoining your property
19 would be covered like snow with seagulls so you
20 couldn't see the ground, the droppings would be more
21 dominant than the forage. When you consider that you
22 were in the barnyard, the best refuge a rodent could
23 have is go to the dairy barn. There is no way that a
24 dairy barn would be acceptable as a sterile environment
25 for a dairyman's field man or anyone who visited the



1 very much interested in my own kin.

2 Q. Have you discussed with your
3 veterinarian the concerns?

4 A. Yes, I did ask my veterinarian
5 what would be the problem and he gave me an
6 illustration here that I would like to read. He says:

7 "The following list of diseases may be
8 transmitted to cattle from rodents and
9 birds.

10 From rodents: Salmonellosis

11 Leptospirosis

12 Listeriosis

13 From birds: Salmonellosis

14 Pasteurellosis

15 Cryptosporidiosis

16 Coccidiosis

17 Tuberculosis

18 Symptoms of the above diseases in
19 cattle:

20 Salmonellosis - enteritis

21 - abortion

22 Leptospirosis - kidney disease

23 - abortion

24 - mastitis

25 Listeriosis - disease of central



1		nervous system
2		- abortion
3	Pasteurellosis	- pneumonia
4	Cryptosporidiosis-	enteritis
5	Coccidiosis	- enteritis
6	Tuberculosis	- similar to human
7		infection."

8 We are exposed to some of these things
9 from time to time. All birds that fly are carriers are
10 salmonellosis. Coccidiosis is a similar thing that we
11 are exposed to by animals, but the dairy cow is pretty
12 resistant, it's a pretty healthy animal compared to a
13 horse. What will make a horse ill, what would make a
14 cow ill, would kill a horse. So cows do resist to
15 these things and we do vaccinate against a lot of these
16 things. We vaccinate against most of these things.
17 To have it exposed to the extent it would be when you
18 feel that the field of forage adjoining your property
19 would be covered like snow with seagulls so you
20 couldn't see the ground, the droppings would be more
21 dominant than the forage. When you consider that you
22 were in the barnyard, the best refuge a rodent could
23 have is go to the dairy barn. There is no way that a
24 dairy barn would be acceptable as a sterile environment
25 for a dairyman's field man or anyone who visited the



1 farm for the purpose of purchasing animals or to
2 evaluate a product.

3 Q. I would like to show you a copy of
4 a map, Mr. Reid, and ask you whether you can identify
5 that?

6 A. Yes, I can identify this. This is
7 a shaded-in map prepared for the planning department
8 probably assisted by the HAAC committee, I have been a
9 member of and have been for a number of years, since
10 its inception. The shaded-in area indicates all the
11 above -- the shaded areas above a pointing system of
12 550. I point to this map to say that in the middle of
13 the defined Site D, and it is in the centre of all the
14 most preferred agricultural land as evaluated by a pair
15 of students that prepared a schedule, the only other
16 area of significance in Halton is the area where I live
17 up in the Steeles-Georgetown area.

18 MR. GARROD: I wonder, Mr. Chairman, if
19 we might mark the previous one, it--

20 MR. LANCASTER: I have it marked MR-565
21 and this map will be MR-566.

22 --- EXHIBIT NO. MR-565: List of cattle diseases
23 from Cheltenham
Veterinary Centre

24 ---EXHIBIT NO. MR-566: Maps with shading
25 showing preferred
agricultural land in
the Region of Halton.



1 MR. GARROD: Q. Just so I understand
2 this, Mr. Reid, this is a map produced by the Region of
3 Halton, is that correct?

4 A. Produced by the planning
5 department, Halton Agricultural Advisory Committee is a
6 group of people that are all like-minded, trying to
7 assist in agricultural effects to the planning
8 department because they do not have an agricultural
9 person on council or on the planning department. So as
10 an advisory committee, we have little power, but we
11 have gotten a lot of work to do and they do respect our
12 judgment very thoroughly. We meet every month, two
13 times a month sometimes.

14 Q. So this map in the shaded area
15 shows land that is considered to be within the
16 agricultural area of the Region according to this?

17 A. According to their evaluation, the
18 two main areas are where the agriculture is supposed to
19 be safe. In the area of Site D, the land values seem
20 to be in the area of 670 or something in that area. I
21 don't, the young ladies that did this, did a very good
22 job on general purpose, because the purpose was to
23 identify general areas.

24 Q. Let me just ask you, Mr. Reid,
25 before you go on, what was this intending to evaluate?



1 farm for the purpose of purchasing animals or to
2 evaluate a product.

3 Q. I would like to show you a copy of
4 a map, Mr. Reid, and ask you whether you can identify
5 that?

6 A. Yes, I can identify this. This is
7 a shaded-in map prepared for the planning department
8 probably assisted by the HAAC committee, I have been a
9 member of and have been for a number of years, since
10 its inception. The shaded-in area indicates all the
11 above -- the shaded areas above a pointing system of
12 550. I point to this map to say that in the middle of
13 the defined Site D, and it is in the centre of all the
14 most preferred agricultural land as evaluated by a pair
15 of students that prepared a schedule, the only other
16 area of significance in Halton is the area where I live
17 up in the Steeles-Georgetown area.

18 MR. GARROD: I wonder, Mr. Chairman, if
19 we might mark the previous one, it--

20 MR. LANCASTER: I have it marked MR-565
21 and this map will be MR-566.

22 --- EXHIBIT NO. MR-565: List of cattle diseases
23 from Cheltenham
Veterinary Centre

24 ---EXHIBIT NO. MR-566: Maps with shading
25 showing preferred
agricultural land in
the Region of Halton.



1 MR. GARROD: Q. Just so I understand
2 this, Mr. Reid, this is a map produced by the Region of
3 Halton, is that correct?

4 A. Produced by the planning
5 department, Halton Agricultural Advisory Committee is a
6 group of people that are all like-minded, trying to
7 assist in agricultural effects to the planning
8 department because they do not have an agricultural
9 person on council or on the planning department. So as
10 an advisory committee, we have little power, but we
11 have gotten a lot of work to do and they do respect our
12 judgment very thoroughly. We meet every month, two
13 times a month sometimes.

14 Q. So this map in the shaded area
15 shows land that is considered to be within the
16 agricultural area of the Region according to this?

17 A. According to their evaluation, the
18 two main areas are where the agriculture is supposed to
19 be safe. In the area of Site D, the land values seem
20 to be in the area of 670 or something in that area. I
21 don't, the young ladies that did this, did a very good
22 job on general purpose, because the purpose was to
23 identify general areas.

24 Q. Let me just ask you, Mr. Reid,
25 before you go on, what was this intending to evaluate?



1 farm for the purpose of purchasing animals or to
2 evaluate a product.

3 Q. I would like to show you a copy of
4 a map, Mr. Reid, and ask you whether you can identify
5 that?

6 A. Yes, I can identify this. This is
7 a shaded-in map prepared for the planning department
8 probably assisted by the HAAC committee, I have been a
9 member of and have been for a number of years, since
10 its inception. The shaded-in area indicates all the
11 above -- the shaded areas above a pointing system of
12 550. I point to this map to say that in the middle of
13 the defined Site D, and it is in the centre of all the
14 most preferred agricultural land as evaluated by a pair
15 of students that prepared a schedule, the only other
16 area of significance in Halton is the area where I live
17 up in the Steeles-Georgetown area.

18 MR. GARROD: I wonder, Mr. Chairman, if
19 we might mark the previous one, it--

20 MR. LANCASTER: I have it marked MR-565
21 and this map will be MR-566.

22 --- EXHIBIT NO. MR-565: List of cattle diseases
23 from Cheltenham
Veterinary Centre

24 ---EXHIBIT NO. MR-566: Maps with shading
25 showing preferred
agricultural land in
the Region of Halton.



1 MR. GARROD: Q. Just so I understand
2 this, Mr. Reid, this is a map produced by the Region of
3 Halton, is that correct?

4 A. Produced by the planning
5 department, Halton Agricultural Advisory Committee is a
6 group of people that are all like-minded, trying to
7 assist in agricultural effects to the planning
8 department because they do not have an agricultural
9 person on council or on the planning department. So as
10 an advisory committee, we have little power, but we
11 have gotten a lot of work to do and they do respect our
12 judgment very thoroughly. We meet every month, two
13 times a month sometimes.

14 Q. So this map in the shaded area
15 shows land that is considered to be within the
16 agricultural area of the Region according to this?

17 A. According to their evaluation, the
18 two main areas are where the agriculture is supposed to
19 be safe. In the area of Site D, the land values seem
20 to be in the area of 670 or something in that area. I
21 don't, the young ladies that did this, did a very good
22 job on general purpose, because the purpose was to
23 identify general areas.

24 Q. Let me just ask you, Mr. Reid,
25 before you go on, what was this intending to evaluate?



1 Was it evaluating agricultural capability of the soils
2 alone or were there other considerations that went into
3 this?

4 A. On the whole schedule of things it
5 had to do with distance from main arteries, fracture of
6 land off the properties, adjoining lands around it
7 being involved in agriculture and the capabilities in
8 agriculture, whether it was one, two, three, four, five
9 or six in quality soil, whether there were buildings,
10 the heat zone, almost all elements involving the area
11 of farming were put into a computer to come up with
12 these totals.

13 Q. A number of totals were generated
14 for each property on this scale, from zero to one
15 thousand, I think you said?

16 A. Zero to a thousand.

17 Q. This shows in dark all of the
18 properties which ranked above 550?

19 A. That's right.

20 Q. How would you rank the Winsom
21 Farm, the one that you purchased with your daughter and
22 son-in-law, if you were asked to rank it as a farming
23 operation?

24 A. Without having prejudice towards
25 the property and knowing the property and its assets, I



1 would value it in a like manner as a farm I know as
2 Allison Farm up in Georgetown and it scores about 850.

3 Q. What does that mean to you in
4 terms of its viability as a farm?

5 A. That means it is one of the better
6 farms in the county.

7 Q. What is it about it particularly
8 that causes you to rank it that highly?

9 A. The difference is in the pointing
10 system they used to evaluate the properties to an
11 index, they did not include fixed assets or much value
12 on preferred buildings and fencing as well as general
13 viability, appearance, general viability of a working
14 type model.

15 Q. So, are you saying that the
16 buildings on the property are the reason why?

17 A. I would say that the method they
18 used to evaluate.

19 Q. You misunderstand my question, Mr.
20 Reid. Why is it you consider that farm to be so
21 valuable?

22 A. The buildings and the equipment as
23 well as the location, heat zones and also the soil
24 quality is there.

25 MR. GARROD: Thank you very much, sir.



1 MR. LANCASTER: Are there any questions?
2 Thank you, Mr. Reid.

3 Mr. Garrod, we are going to take our
4 afternoon break at this time. Do you have further
5 witnesses?

6 MR. GARROD: Yes, I do, Mr. Chairman, I
7 am prepared to continue or break.

8 MR. LANCASTER: We will break for ten
9 minutes.

10 --- Recess

11 MR. LANCASTER: Please be seated.

12 MR. GARROD: I would like to call Mr. &
13 Mrs. Chaput.

14 KIP CHAPUT, sworn:
15 ANNE CHAPUT, sworn:

16 EXAMINATION-IN-CHIEF BY MR. GARROD:

17 Q. Mr. Chaput, can you identify on
18 the map, the air photo behind you, where your property
19 is?

20 MR. CHAPUT: A. Yes, we are the first
21 one on the west side, south of Britannia on First Line.

22 Q. The first house?

23 A. That's right.

24 Q. How large is that property?

25 A. 15 acres.

Q. How long have you owned that?



1 A. Five years.

2 Q. Do you know when you bought it?

3 MRS. CHAPUT: A. We moved in November
4 15th, 1982.

5 Q. There are some photographs that I
6 put on a panel just by the easel, I wonder if you would
7 please put those up and we will mark those.

8 MR. LANCASTER: MR-567.

9 --- EXHIBIT NO. MR-567: Panel of photographs show-
10 ing the Chaput property.

11 MR. GARROD: Q. Mr. Chaput, if I am
12 correct, the top six photographs on this exhibit are
13 photographs of your property?

14 MR. CHAPUT: A. That is correct.

15 Q. Could you please just outline the
16 top photograph, what it shows?

17 A. The top left, that is looking from
18 First Line west. There is the escarpment, you can see
19 it in the background.

20 Q. That is your house?

21 A. That is our house and you can see
22 the hangar just behind it. There is a swimming pool
23 between the house and the hangar. The airstrip is just
24 to the south, running east-west.

25 Q. You are jumping a bit ahead of us.
We have just learned you have a house, a swimming pool



Nethercut & Co. Ltd.

Toronto, Ontario

23818

Chaput, Chaput
ex (Garrod)

1 and an airstrip?

2 A. That is correct.

3 Q. What is it you use your airstrip
4 for?

5 A. Private use.

6 Q. What is your occupation?

7 A. I am a pilot.

8 Q. And Mrs. Chaput?

9 MRS. CHAPUT: A. I am a flight
10 attendant for Air Canada.

11 Q. You are both with Air Canada?

12 A. Yes.

13 Q. You have a private plane, is that
14 what is shown?

15 MR. CHAPUT: A. There are two, one and
16 a half, one is an ultra light.

17 Q. The bottom right shows your own
18 aircraft and your ultra light aircraft?

19 A. That is correct.

20 Q. What is the, what building are
21 they in?

22 A. That's a hangar, 40 x 30 feet,
23 insulated, heated. It has 110 and 220 volts systems in
24 it.

25 Q. You have a grass runway on your



1 property?

2 A. It is 2200 feet long and lit.

3 Q. Floodlights?

4 A. Runway lights.

5 Q. Is there a photograph here that
6 shows the runway?

7 A. This is First Line. The centre,
8 the lower centre picture. On the left side is the
9 north, the right side is the south. We are looking east
10 and that would be Site D.

11 MRS. CHAPUT: A. That's the start of the
12 runway.

13 MR. CHAPUT: A. This is approximately 300
14 feet of runway, looking east.

15 Q. So that if we were standing
16 looking into the photograph, we are seeing either the
17 first or last 300 feet of the runway. Did you say it
18 was 2200 feet in total?

19 A. Yes, approximately.

20 Q. When you take off and land on this
21 runway, which direction do you take off and land in?

22 A. It depends on which way the wind
23 is blowing. The prevailing wind is from the west so
24 normally we do take off to the west. You would be
25 landing to the west, you would be coming in right over



1 the top of the site and would probably have to make a
2 steeper approach than normal, which I don't like to do.
3 The seagulls present a hazard.

4 Q. Would you continue to use the
5 runway in the event a landfill is there?

6 A. No.

7 Q. The other picture at the bottom
8 lefthand side, what does this show?

9 A. That is our view out of our front
10 window. The only thing that is separating the runway
11 from here, you can't see it, is the driveway. There is
12 our mailbox. That is the end of the driveway and the
13 mailbox would be right there. So these pictures are
14 side by side.

15 Q. Maybe with reference to the large
16 airphoto we just showed earlier, you can briefly mark
17 with Mr. Hodgson's blue pen. I'll borrow his red pen
18 since we seem to have lost his blue one.... where your
19 runway would roughly run on the property?

20 A. The runway starts back here at the
21 railway track and runs right to First Line.

22 Q. Can you mark that on?

23 A. It is like so.

24 Q. Is it lighted for its full length?

25 A. No, it is not. It is lighted for



1 about 1400 feet.

2 Q. That would be the front 1400?

3 A. You can actually see, there is
4 First Line, that is this road here. You can see the
5 first set of lights. They are approximately 150 feet
6 apart on either side, running west.

7 Q. Now, Mr. Chaput, what sort of
8 hours do you spend on the property, given the nature of
9 your jobs?

10 A. Anne and I work weekends if we
11 can. During the week, most of the week, and the nature
12 of the business we are flying, for instance I will be
13 working tonight until 6:00 a.m. in the morning and
14 vice-versa coming home. That is one of the reasons we
15 bought in the country, so it would be nice and quiet
16 and we would be able to rest during the day.

17 Q. What would it mean for you if a
18 landfill site was built across from Site D in terms of
19 your use and enjoyment of your property?

20 A. Well, this is a unique property in
21 that it has, as Wat Martin said earlier, you can't find
22 one within the area. We would have to move further
23 out, relocate. Again I don't think I could afford to
24 put up a hangar that substantial. It would just be a
25 bare T-hangar if I was able to find a site. The people



1 that we have around....

2 MRS. CHAPUT: A. Our neighbours are
3 wonderful, they are wonderful. They don't mind the
4 airplanes coming and going. They made us feel welcome
5 to the area as soon as we arrived. There is no problems
6 with that, with our airplane there. I think that is a
7 very important factor, I really do. They are unique
8 people, they really are, we are very lucky to have
9 them. We work out of the airport, it is exactly thirty
10 minutes from the house to the terminal, with no lights,
11 stop lights. It is quiet like we say. Milton is
12 wonderful, it is a great little town, people talk to
13 you there. I don't think we could ever move back to
14 town again after living where we are. It is a unique
15 place.

16 MR. CHAPUT: A. Unique in another way.
17 It was one of the prime considerations of buying this
18 property, having a runway. Finding it already
19 established was a bit of a miracle in itself. Within
20 the confines of, what do you call it now, Pearson
21 International, Toronto International.

22 MRS. CHAPUT: A. So close to Toronto,
23 Burlington and Oakville.

24 MR. CHAPUT: A. Being a pilot, I
25 thought it was fantastic that I would be able to take



1 off. We always think of failures in flying. I haven't
2 had any. If I ever lost the engine, I can go into
3 Wat's place, into that field as it exists right now.
4 Taking off in the other direction, I can go into farm
5 fields right behind me, or if it failed, right into
6 Burlington Air Park. I take a lot of comfort in that.
7 To move and find this situation again, I don't like to
8 use the word impossible, but....

9 MR. LANCASTER: I don't know if I take
10 much comfort in hearing you say it.

11 MR. CHAPUT: Less risk is what we hope
12 for.

13 MR. GARROD: Q. To what extent do you
14 use the airstrip, Mr. Chaput?

15 MR. CHAPUT: A. Do you want a number?

16 Q. What sort of frequency do you use
17 it, just for your own use or do other people use it?

18 MRS. CHAPUT: A. Our friends come in
19 and use it.

20 MR. CHAPUT: A. As you can see in the top
21 righthand corner, a friend is tying down. Our friends
22 drop by occasionally for social visits and so on. I
23 would discourage them from coming around if they put a
24 landfill site in, knowing that it attracts that many
25 seagulls.



Nethercut & Co. Ltd.

Toronto, Ontario

23824

Chaput, Chaput
ex (Garrod)

1 MRS. CHAPUT: A. We will just not live
2 there if the landfill site goes in there. We will not
3 live there. Our property values will go down, as we
4 have said so many times today. We are not going to make
5 any money out of it. Our quality of life will
6 certainly go down as it already has. The strain of
7 living with this over our heads for the last few years
8 has not been pleasant for any of us. I would really
9 like to start decorating our house, but I can't until a
10 decision is made. It has been a strain, it really has.

11 MR. CHAPUT: A. The ultra light aircraft
12 is unique again in this area, in that I can go out and
13 look at the wildlife from a different point of view
14 than most people can. I photographed brush wolves from
15 the air right here many times. I have seen deer
16 running across from wood to wood. The wolves in that
17 area and back along the railroad track. Believe it or
18 not in the wintertime you can pick out a rabbit running
19 along the hedgerows from that area. It is totally
20 unique for us.

21 MRS. CHAPUT: A. My husband had a red-
22 tailed hawk attack his ultra light because he went too
23 close to the nest. Deer come into the vegetable garden
24 and demolish the corn, but that's all right. We feed
25 the wild birds every day and we adopted a family of



1 raccoons in the spring, which is absolutely delightfu. .
2 It is just wonderful out there. It is something you
3 don't really get in town. It is a delightful
4 experience living there.

5 MR. CHAPUT: A. The water course that we
6 have runs across Wat's place out on First Line, across
7 the road from us and at times in our five years, it has
8 crossed the road approximately three times; it floods
9 the road. It goes past the Chlon's property, runs
10 between the Chlon's and the Pompa's and you can see it
11 quite clearly here. We have runoff here and that is
12 what you see in the photograph here. Our concern
13 again would be any pollutant getting into our well
14 system. We do have one of the best wells I think in
15 the area. It is 46 feet. I fill the swimming pool
16 from it and I have no problem with it.

17 MRS. CHAPUT: A. It's very, very good
18 water.

19 MR. CHAPUT: A. We drink it, it is good
20 water. It is hard water, but we have a water softener.

21 MR. GARROD: Thank you very much. Those
22 are all my questions.

23 MR. LANCASTER: Are there any other
24 questions? Thank you.

25 MR. GARROD: Mr. & Mrs. Chlon, please.



1 WALTER CHLON, sworn:

2 TONI CHLON, sworn:

3 EXAMINATION-IN-CHIEF BY MR. GARROD:

4 Q. Mr. & Mrs. Chlon, your property is
5 also fronting on First Line, am I correct?

6 MR. CHLON: A. Yes.

7 Q. I would just ask you to look at
8 Exhibit 547, the air photo. Is that your property
9 immediately south of the Chaputs' property?

10 A. Right here.

11 Q. How much property do you have
12 there?

13 A. Fifteen and a half acres.

14 Q. How long have you lived at that
15 address?

16 A. Eight years.

17 MRS. CHLON: A. We bought it in
18 January, 1981.

19 Q. January, 1981.

20 A. And we moved on the property in
21 May, the last day of May, '81.

22 Q. How large -- I am sorry, fifteen
23 and a half acres you said?

24 A. Yes.

25 Q. I have put up behind you a panel
 of photographs that is marked as Exhibit 567. I think



1 I am right that your property is photographed in the
2 bottom three photographs, am I correct?

3 A. Yes, it is.

4 Q. What do they show?

5 MR. CHLON: A. This is looking from the
6 First Line. That is our house here. It is a paved
7 driveway. Just a view from the front window.

8 Q. Looking towards the landfill site?

9 A. Yes, looking east and this
10 building is 32 x 60 and it is heated and insulated and
11 is behind the house.

12 Q. That is a steel barn of some kind?

13 A. Yes, it is.

14 Q. What do you use that steel barn
15 for?

16 A. That is storage, I planned to do
17 some work in it, but when I got ill, I didn't do any
18 work.

19 MRS. CHLON: A. We use it as storage and
20 it is insulated and he can do some work in there,
21 hobbies when he feels up to it.

22 Q. Why did you buy this property?

23 MR. CHLON: A. We bought this for our
24 retirement.

25 MRS. CHLON: A. A retirement home.



1 Q. Do you work now?

2 MR. CHLON: A. No, I don't.

3 Q. So you are at the property all the
4 time?

5 A. Yes.

6 Q. What would your concerns be if the
7 landfill site was located across First Line from your
8 property?

9 MRS. CHLON: A. Like a lot of other
10 neighbours have said, the view for one thing, because I
11 understand right in the front of our place there would
12 be this berm or hill or whatever they call it and that
13 is the only thing we would be able to see then out of
14 the front of our house.

15 Also the noise, rats, dirt, dust. I
16 know we would get a lot of dust and I don't think we
17 would ever be able to open our windows because when the
18 farmers do their crops off the fields, sometimes we
19 have to close our windows for a week or so because it
20 is a lot of dust, but that is only sometimes. With
21 a landfill site we would have this every day. That is
22 a big concern to me anyway.

23 Q. You do the dusting, I presume?

24 A. I do the housework. Also we do get
25 a lot of geese also coming over besides, just on this



1 side of the barn we also have a big pond and a lot of
2 our Canada geese come in there and blue herons. We also
3 have four geese that come every year. They are our pets
4 actually and it is really nice to go out there and be
5 able to feed them. If we have to watch them, if we
6 don't hurry they come up the driveway. For us it is
7 really nice to see the wildlife, especially since we
8 are home all the time.

9 MR. CHLON: A. The deer once in a while.

10 MRS. CHLON: A. This year my husband
11 went out of the building and I don't know what a mother
12 deer is, it's a doe, I don't know.... a mother deer
13 with her babies and it is really nice to see something
14 like that. You don't see that when you are living in a
15 subdivision.

16 Q. What -- go ahead, sorry.

17 MRS. CHLON: A. Also my husband and I
18 have worked from our married days, that is thirty-four
19 years ago. I worked twenty-five years out of the house
20 for a company. My husband worked at Chrysler and then
21 we bought a broiler farm, which we used for ten years.
22 Because of my husband's illness we had to get rid of
23 it. We thought this would be ideal for us because we
24 have some property. If he feels well, he can be
25 outdoors. We are too young to be cooped up in a house



1 or an apartment and for us we feel that this is the
2 perfect place.

3 Q. How would you feel if the landfill
4 were built across First Line?

5 A. I actually don't think we could
6 live there at all. My husband has some problems and he
7 was told by many doctors that he has to do a lot of
8 walking. With the gulls coming around there and
9 everything, who wants to walk on the street. I think
10 we would have to move out. We are also very worried
11 about the value of our place, because we have almost
12 everything we own in our property.

13 Q. I would like to show you a letter
14 which is from Exhibit 72 in this proceeding and I
15 wonder if you could just identify whether this is a
16 letter that you have previously written in March of
17 1985 about this?

18 A. You want me to read it out loud?

19 Q. Yes.

20 A. "To whom it may concern:

21 I am writing in regards to the Halton
22 landfill site on the First Line in
23 Milton. It is right across the road from
24 where we live. For health reasons, we
25 sold our farm three years ago....."



Nethercut & Co. Ltd.

Toronto, Ontario

23831

Chlon, Chlon,
ex. (Garrod)

1 It says 1982. I looked it up and it's
2 1981.

3 ".... and settled here for our retire-
4 ment years. At that time we consulted
5 our lawyer about dump sites being built
6 in this area. We were informed at the
7 time there was one possible site at
8 Britannia and Tremaine. Because of
9 rats, seagulls, odours, papers and water
10 pollution, contamination to our wells,
11 we do not wish to have a dump site that
12 close to our residence. We have invested
13 our life savings into this property and
14 if ever we wished to sell with a dump so
15 close, it would bring down the value of
16 the property. If the site is chosen,
17 we have nowhere to live, no other option
18 and we believe that you should buy us
19 out. We sincerely hope that it will not
20 be put in that location."

21 Q. Thank you, Mrs. Chlon. Before you
22 sit down, could I ask you about your well. Do you know
23 what the quality of your water is?

24 MR. CHLON: A. We have got good water.
25 We have got lots of water. I know where we put the



1 trees, we watered them for a few days steady, the two
2 of us and we never ran out. I think it's about 40 to
3 43 feet and it's good water.

4 MR. GARROD: Thank you very much.

5 MR. LANCASTER: Are there any other
6 questions? Thank you.

7 MR. GARROD: Mr. Dhillon, please.

8 GURNEK DHILLON, sworn:

9 EXAMINATION-IN-CHIEF BY MR. GARROD:

10 Q. Mr. Dhillon, can you point out on
11 the exhibit behind you, the photograph, where your
12 property is?

13 A. Yes.

14 Q. On the west side of First Line and
15 that is immediately south of the Pompa property?

16 A. The Pompa property.

17 Q. How large is that property?

18 A. It is 53 acres almost.

19 Q. 53 acres? And you live there
20 with your wife?

21 A. My wife and two grown-up children.
22 One is 25 and one is 22.

23 Q. I am sorry, Mr. Dhillon, I wonder
24 if I could ask you to use the microphone?

25 A. I am living there almost three



1 years with my wife and a couple of grown-up kids.
2 They have just finished, they were in university. They
3 have just finished this year.

4 Q. Do you remember the date you
5 bought the property?

6 A. April 13th, I bought, 1985.

7 Q. April, 1985. When did you move
8 there?

9 A. The end of July.

10 Q. July, 1985?

11 A. Yes.

12 Q. What did you understand about the
13 proposed landfill at that time?

14 A. We don't like it at all.

15 Q. I am sorry?

16 A. We don't like it at all.

17 Q. I am sorry, at the time you bought
18 your property in 1985?

19 A. I used to live in Mississauga and
20 I was driving around there and I know is that there is
21 a toxic dump going there. That is all I knew. I was
22 searching for this property about three years when I
23 started. The first property I looked at was on
24 Britannia and Tremaine, and that was a low-lying area
25 and the neighbour over there told me that the dump was



1 on Britannia and Tremaine, the landfill site. We
2 cancelled that one.

3 My Dad from India, he is almost 70 years
4 old and we have been farming land for three or four
5 generations, whatever. He came over and he said, "No,
6 son, this is not the right place to buy because the
7 land is low-lying land and we cancelled that one."
8 Then we started looking at another property that was
9 north of 401 on Trafalgar Road and there was we
10 cancelled that one. Finally I found this place which
11 is very, very good land, prime land. You can't find
12 any better land for agriculture anywhere that I know
13 because my Dad know about the farming and I used to do
14 farming in my early days.

15 I have a family which used to live in
16 the city and they don't know anything about the
17 country. They are missing half of their life. What
18 real life looks like, to see the grain and all the
19 things. So as I am a farmer, I want to tell them how
20 to survive in the field. So I pick up this land and
21 half a year after I heard that the toxic dump has gone
22 back to West Lincoln. So I said okay, then we start
23 building our house over there. When we start all the
24 process I asked my Dad because we find that if I sell
25 my property back home and I brought him over here to



1 live and build the house and establish my family.

2 Q. I am not sure I understood your
3 answer to my question about what you knew or understood
4 at the time you bought the property, either about the
5 OWMC proposal or about the landfill proposal?

6 A. At that time I only knew the toxic
7 dump, I don't know anything about the landfill site and
8 nobody told me anything about that.

9 Q. What did you know about the toxic
10 dump?

11 A. They said they were going to put
12 it up, but finally when I attended four or five
13 meetings over there, I found that it is not going to be
14 there, it is going to move away, so that is why we
15 bought this place.

16 Q. The timing is quite important, Mr.
17 Dhillon. I wonder if you could please consider
18 carefully what you knew, what you did at about the time
19 that you bought the property about the OWMC proposal;
20 do you remember?

21 A. I don't know anything about the
22 landfill site, that is what I understand.

23 Q. Sorry, sir, I mean about the toxic
24 dump?

25 A. We knew that it was going to be



1 there, but when we attended meetings and all the
2 hearings, it was going to be not over here. So that's
3 why we bought it.

4 Q. Which one are you talking about
5 now, sir, the toxic dump?

6 A. The toxic, yes.

7 Q. Was that before or after you
8 bought the property that you found that out?

9 A. When I bought it, then I found
10 that out, that they were going to put a toxic dump over
11 there, because I used to live in Mississauga and I
12 don't know anything about Milton.

13 Q. What I am trying to understand,
14 sir, is what you knew before you bought your property,
15 did you know anything about the toxic dump before that?

16 A. Yes.

17 Q. What did you know about that at
18 that time?

19 A. That they are going to put a toxic
20 dump over here.

21 Q. You knew that before you bought
22 the property?

23 A. Yes, by the time I made the offer,
24 I knew there was going to be.

25 Q. What do you use your property for?



1 A For farming.

2 Q. What do you grow?

3 A. Soya bean, wheat and maybe a
4 garden this year.

5 Q. I am sorry?

6 A. Soya bean and wheat, that is what
7 I did the last two years and every year you rotate
8 crops.

9 Q. There is behind you a panel of
10 photographs and I wonder if you would please put that
11 up. There are three photographs there I think that
12 show your property, the middle three on this panel, Mr.
13 Chairman, and I guess you need another number.

14 MR. LANCASTER: Yes. MR-568.

15 --- EXHIBIT NO. MR-568: Photographs of the
16 Dhillon property.

17 THE WITNESS: This is the house and this
18 is the barn where I'm living right now. It's all
19 insulated and heated and it has a 400 amp service. My
20 machinery and equipment are over here. This is about 6
21 or 7 acre of bush behind it and up there there is some
22 land behind those.

23 MR. GARROD: Q. The other picture, the
24 third picture is a view towards Site D?

25 A. This is a view, if you stand over
here and see, that it where the landfill site is going



1 to be.

2 Q. And the barn that is there, do you
3 know whose barn that is that is visible?

4 A. This barn over here?

5 Q. Yes.

6 A. This is just across my place. I
7 think it is Jim and Cindy's there behind you.

8 Q. Mike and Cindy Reed?

9 A. Yes.

10 Q. What would your concerns be, sir,
11 if the landfill site went across the road from First
12 Line?

13 A. It is - what we have, we spend all
14 our money on this property. When I bought this property
15 there was nothing. I brought it out and intended to
16 live over here. When I plough my field, all the
17 seagulls behind me, picking all the worms, and there is
18 no dump site right now. Whatever they did to you, if
19 there was a dump site, I am not going to be able to
20 plough my field. All the house and all the car you can
21 see. The thing they are going to spray all over and so
22 many other things, the dust and the odour. You won't
23 be able to open your window, because I have a two-
24 storey house and you can see all the paper blowing out
25 and everything, the rats, it is very hard to live



1 beside it.

2 Q. Can you tell us about what well
3 you have, do you know?

4 A. I have one well that is 52 feet
5 deep and I have good water, I take all the water from
6 there and spray on the soya bean and all other
7 vegetables that I want to grow. I have two ponds, one
8 is just north over here and the other behind the
9 bushes. There are two streams going down through my
10 property with rainwater, which I collected to spray and
11 use for the vegetables. It is going to be a disaster if
12 you are going to spray all that water on the vegetables
13 and everything.

14 MR. GARROD: Thank you very much.

15 Sir, is there anything else you wanted
16 to add?

17 THE WITNESS: It is too much pain
18 actually, it is very hard to describe. The only way to
19 find out if you are in that thing, it's easy to say it
20 is nothing, it's nothing, it's not easy to accept it,
21 but my concern is that you only feel the pain when you
22 are already in there. You cannot see it from outside.
23 We people, we are a good community and since I move in
24 there, everybody want to help me. I respect all these
25 people. When I am not in there, they look after my



1 to be.

2 Q. And the barn that is there, do you
3 know whose barn that is that is visible?

4 A. This barn over here?

5 Q. Yes.

6 A. This is just across my place. I
7 think it is Jim and Cindy's there behind you.

8 Q. Mike and Cindy Reed?

9 A. Yes.

10 Q. What would your concerns be, sir,
11 if the landfill site went across the road from First
12 Line?

13 A. It is - what we have, we spend all
14 our money on this property. When I bought this property
15 there was nothing. I brought it out and intended to
16 live over here. When I plough my field, all the
17 seagulls behind me, picking all the worms, and there is
18 no dump site right now. Whatever they did to you, if
19 there was a dump site, I am not going to be able to
20 plough my field. All the house and all the car you can
21 see. The thing they are going to spray all over and so
22 many other things, the dust and the odour. You won't
23 be able to open your window, because I have a two-
24 storey house and you can see all the paper blowing out
25 and everything, the rats, it is very hard to live



Nethercut & Co. Ltd.

Toronto, Ontario

23839

Dhillon, ex. (Garrod)

1 beside it.

2 Q. Can you tell us about what well
3 you have, do you know?

4 A. I have one well that is 52 feet
5 deep and I have good water, I take all the water from
6 there and spray on the soya bean and all other
7 vegetables that I want to grow. I have two ponds, one
8 is just north over here and the other behind the
9 bushes. There are two streams going down through my
10 property with rainwater, which I collected to spray and
11 use for the vegetables. It is going to be a disaster if
12 you are going to spray all that water on the vegetables
13 and everything.

14 MR. GARROD: Thank you very much.

15 Sir, is there anything else you wanted
16 to add?

17 THE WITNESS: It is too much pain
18 actually, it is very hard to describe. The only way to
19 find out if you are in that thing, it's easy to say it
20 is nothing, it's nothing, it's not easy to accept it,
21 but my concern is that you only feel the pain when you
22 are already in there. You cannot see it from outside.
23 We people, we are a good community and since I move in
24 there, everybody want to help me. I respect all these
25 people. When I am not in there, they look after my



1 property and now I have to spend almost my life,
2 because I lost my job. The factory which I used to
3 work at as a supervisor, they closed down. I am a
4 mechanic by trade, a diesel mechanic, I work on the
5 classic car, and that is what this garage is for, I am
6 going to use that for it. I want to stay out there all
7 the time and it is very hard for me to start my
8 business with that kind of stuff, the odour and all the
9 seagulls and all the dust and the traffic, it is very
10 hard for me. We spent all of our money, my wife, my
11 son and what I made because we worked hard, twenty-four
12 days, we didn't work twenty-four hour days, twenty hour
13 days, we worked eight hours or ten hours in the city
14 and then we start ploughing the fields with my two sons
15 and we hardly get to sleep, the last three years, to
16 establish this, but right now, it is very, very hard to
17 understand for somebody else.

18 MR. GARROD: Thank you, sir.

19 MR. LANCASTER: Are there any questions?

20 Mr. Tzekas.

21 CROSS-EXAMINATION BY MR. TZEKAS:

22 Q. Mr. Dhillon, can you tell me, sir,
23 when you -- first of all when you bought the property,
24 did it have that home on it, sir?

25 A. No. All that I have is this barn.



1 Q. Can you tell me when the home was
2 built?

3 A. We start September last year.

4 Q. And when was it completed?

5 A. It is still not completed. Inside
6 it is all finished. We have to put brick outside, the
7 brick is already there. So it's another month or so.

8 DR. KINGHAM: Can I be clear on that.
9 Was it started in September of last year, 1987?

10 THE WITNESS: Yes.

11 MR. TZEKAS: Thank you, sir.

12 CROSS-EXAMINATION BY MR. TIDBALL:

13 Q. Mr. Dhillon, there have been some
14 questions during the hearing about various people's
15 wells and I think that is why Mr. Garrod asked you. Did
16 you have the well drilled on your property?

17 A. It's a dug well.

18 Q. Did you have it done or was it
19 there before?

20 A. The guy who I bought the property
21 from, had it already on the property. It was only one
22 year old when I bought it.

23 DR. KINGHAM: Did you say it was 52
24 feet?

25 THE WITNESS: 52 feet.



1 DR. KINGHAM: Dug?

2 THE WITNESS: Yes, and I never run out
3 of water.

4 MR. LANCASTER: Thank you, Mr. Dhillon.

5 MR. GARROD: Mr. Chairman, could I just
6 have a moment.

7 MR. LANCASTER: Yes.

8 MR. GARROD: Mr. Mishos, please.

9 ANGELO MISHOS, sworn:

10 EXAMINATION-IN-CHIEF BY MR. GARROD:

11 Q. Mr. Mishos, on the air photo which
12 is behind the panel, there is a map which shows the
13 property owners. Can you point out where your property
14 is?

15 A. Yes, it is right here.

16 Q. It is on the west side of First
17 Line?

18 A. On the west side of First Line, it
19 is ten and a half acres.

20 Q. How long have you owned that
21 property?

22 A. I bought the property in '72. I
23 built my house in '75.

24 Q. And you live there with whom?

25 A. I have been living there with my



1 wife and two sons, Peter and Steven; one is 17 and the
2 other one is 21.

3 Q. And what buildings are there on
4 the property?

5 A. This is our house, which is about
6 one hundred feet from the First Line inside. There is a
7 paved driveway and this is the barn in the back. We
8 have got eight stalls in a barn with six horses.

9 Q. Is the barn insulated?

10 A. The barn is insulated R-20. We run
11 the water from our house to the barn. We supply the
12 barn and the house and the swimming pool as well.

13 MR. GARROD: I wonder, Mr. Chairman, if
14 we could mark this panel....

15 MR. LANCASTER: Yes. MR-569.

16 --- EXHIBIT NO. MR-569: Photographs of the
17 Mishos property.

18 THE WITNESS: Here you can see a jumping
19 area for the horses. All the paddocks are done with
20 split rails, very beautiful, very scenic. I plant all
21 the trees on the property myself from seed, over a
22 hundred trees, silver maples, all kinds of different
23 trees. I have got a little orchard with apple trees,
24 peaches and pears.

25 MR. GARROD: Q. Did you do all of the
landscaping?



1 A. I did mostly all the landscaping
2 myself except the original when we first put in the
3 house, I got the builder to put the immediate area, the
4 sod and pave the driveway so the kids could stay away
5 from the mud. The rest of it, I done it myself. I
6 worked very hard and it is something that when you buy
7 a piece of property with nothing on it and start from
8 scratch to building something, your dream home. The
9 things that you did yourself without too much help from
10 outside. It is something you cannot buy at any other
11 place.

12 I came here from Europe, from the
13 farming land, I have got a business in Mississauga, I
14 had a house there. I looked around for a piece of
15 property for a long time until I found one. I found
16 this property, it was only ten acres with nothing on
17 it. We drilled the well, we had a five-year plan to
18 complete to what we really wanted to have to call our
19 home. Now it is completed and after completion, what
20 comes in front of us, something that no person wants to
21 see as a next door neighbour. I think it will be very
22 difficult for me to start from scratch again at my age.
23 I am sixty and I am planning to retire in the next few
24 years. I have been in business for forty years and
25 forty years, but it is like sixty years work in the



1 restaurant business, a lot of long hours. I cannot
2 really start to do the things that I did twelve,
3 thirteen years ago at my age now.

4 Q. Would it be your intention, Mr.
5 Mishos, and your wife's, to stay in this house?

6 A. This is our retirement home and I
7 am going to stay there and pass it over to my kids.

8 Q. Would you have those same
9 intentions if the landfill goes at Site D?

10 A. Not really. It could make a big
11 difference for us. I went from Mississauga to where I
12 am now to get the clear air, the clear atmosphere, the
13 life of the farming, of the birds and the animals.
14 Like I said, we've got horses, we've got two dogs,
15 we've got two cats, some ducks and we had rabbits at
16 one time. It is part of our life. I grew up with
17 that. I came here and I found it and now I hate to
18 lose it.

19 Q. How would you feel about the berm
20 being located down First Line across the road?

21 A. I feel very bad, to obstruct our
22 view, which right now, looking west on the ---

23 Q. East I think you mean.

24 A. From the back of our house, and
25 the front of it, which would be right across the



1 street, would be the dump. In the back, looking in the
2 back, we've got nothing behind us, we look at the
3 escarpment, which is a beautiful area. Again at the
4 same time, between the house and the barn we've got 300
5 feet in between, which we have right in the back of the
6 house, a beautiful swimming pool and right next to it
7 I've got a big plant to supply all the water for my
8 garden and trees. There is a separate driveway going
9 to the barn as you can see here, which is 300 feet from
10 the road. A separate driveway going through to the
11 house.

12 Q. Do you know, Mr. Mishos, you
13 mentioned you put a well in and do you know how deep
14 that well is?

15 A. The well is 54 feet deep, a
16 drilled well. It supplies our house, supplies our
17 horse barn. Like I said, we use the water in our
18 swimming pool. We have no problem for our water. We
19 never run short.

20 Q. Where is the well located on your
21 property?

22 A. The well is located, in fact you
23 can see it, it is about 25 feet from the front of the
24 house, which is the First Line on the west side.

25 Q. Twenty-five feet from the house or



1 25 feet from First Line?

2 A. Twenty-five feet from the road and
3 75 feet from the house.

4 Q. Do you also have a pond on your
5 property?

6 A. That is right.

7 Q. Can you describe where that is?

8 A. The pond is right around this area
9 here.

10 Q. You are pointing at the fourth
11 photograph?

12 A. It is at the back of the, it is
13 right around this area here on the right of these
14 driveways to the barn, the swimming pool is a little
15 bit closer to the house.

16 Q. Where does that pond get its water
17 from?

18 A. The water comes from the south
19 side of the two or three properties, that drains, it is
20 crazy to say, but when you tell people it goes from the
21 south north, it is a little hump, three properties down
22 from us, it comes in the back of the property between
23 the barn and the house, goes to the pond which is round
24 here and drains down to Mr. Dhillon's property, which
25 it goes around and then hits west toward the creek.



1 street, would be the dump. In the back, looking in the
2 back, we've got nothing behind us, we look at the
3 escarpment, which is a beautiful area. Again at the
4 same time, between the house and the barn we've got 300
5 feet in between, which we have right in the back of the
6 house, a beautiful swimming pool and right next to it
7 I've got a big plant to supply all the water for my
8 garden and trees. There is a separate driveway going
9 to the barn as you can see here, which is 300 feet from
10 the road. A separate driveway going through to the
11 house.

12 Q. Do you know, Mr. Mishos, you
13 mentioned you put a well in and do you know how deep
14 that well is?

15 A. The well is 54 feet deep, a
16 drilled well. It supplies our house, supplies our
17 horse barn. Like I said, we use the water in our
18 swimming pool. We have no problem for our water. We
19 never run short.

20 Q. Where is the well located on your
21 property?

22 A. The well is located, in fact you
23 can see it, it is about 25 feet from the front of the
24 house, which is the First Line on the west side.

25 Q. Twenty-five feet from the house or



1 21 feet from First Line?

2 A. Twenty-five feet from the road and
3 75 feet from the house.

4 Q. Do you also have a pond on your
5 property?

6 A. That is right.

7 Q. Can you describe where that is?

8 A. The pond is right around this area
9 here.

10 Q. You are pointing at the fourth
11 photograph?

12 A. It is at the back of the, it is
13 right around this area here on the right of these
14 driveways to the barn, the swimming pool is a little
15 bit closer to the house.

16 Q. Where does that pond get its water
17 from?

18 A. The water comes from the south
19 side of the two or three properties, that drains, it is
20 crazy to say, but when you tell people it goes from the
21 south north, it is a little hump, three properties down
22 from us, it comes in the back of the property between
23 the barn and the house, goes to the pond which is round
24 here and drains down to Mr. Dhillon's property, which
25 it goes around and then hits west toward the creek.



1 MR. GARROD: Thank you, that's all, Mr.
2 Mishos. Is there anything you wanted to add?

3 THE WITNESS: What else can I add. I
4 like my property, I like my life of living in something
5 I dream of all those years as a new Canadian here. I
6 did what I wished to do and I hate to lose it and start
7 looking for something else at my age. Thank you.

8 MR. GARROD: Thank you, sir.

9 MR. LANCASTER: Any other questions?

10 CROSS-EXAMINATION BY MR. TZEKAS:

11 Q. Mr. Mishos, I am not certain that
12 we saw where your property was. Could you take down
13 the one exhibit, the pictures. Thank you.

14 Is it possible for you to point out your
15 house?

16 A. Right here, where the red marker
17 is, which is 100 feet away from the First Line, 25 feet
18 from the line. My property is 1200 feet deep and 364
19 feet wide on the front.

20 MR. TZEKAS: Thank you, sir.

21 MR. GARROD: Mr. Chairman, it is 4:30.
22 This would be a convenient place for me to break if it
23 is convenient for the Board.

24 MR. LANCASTER: It is certainly
25 convenient for us, it has been a long day.

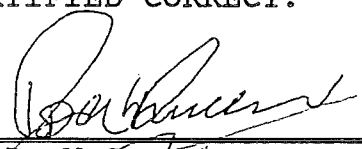


1 MR. GARROD: There are some other people
2 I would still like to call as witnesses. I think I can
3 that tomorrow morning and probably start with Mr.
4 Kauffman in the afternoon.

5 MR. LANCASTER: We will adjourn until
6 9:30 in the morning. Thank you.

7 --- Adjournment (4:30 p.m.)
8

9 CERTIFIED CORRECT:

10 
11 P. D. McQueen
12

13 (Page 23900 Follows)
14
15
16
17
18
19
20
21
22
23
24
25