

Town prosecutes trucking op, resulting in \$1 million fine

By Rob Paul

The Town of Caledon has successfully prosecuted an illegal trucking operation, resulting in a precedent-setting \$1 million fine.

On December 9, the Ontario Superior Court of Justice (Toronto Region) sentenced Darzi Holdings Ltd. for contempt of court, with a fine of \$1 million, following a finding of guilt on February 8, 2021.

"This is a huge victory that signals to those who violate our by-laws that the Town takes enforcement seriously," said Mayor Allan Thompson. "It's also a win for all the legal operators in the Town who have invested over the years to build legitimate, competitive businesses. They want a level playing field, and we will continue to go after those who try to sidestep our by-laws."

The prosecution in this case began in 2018, prompted by complaints concerning debris, mud tracking, the importation of fill and grading without a permit and the illegal parking and storage of commercial motor vehicles and contracting equipment at the property on Coleraine Drive within the South Simpson Industrial Secondary Plan Area in Bolton.

The property owner was charged and pleaded guilty in 2019 to contravening the Town's zoning by-law and was fined \$36,000 in penalties. Following the property owner's failure to bring the property into compliance the Town successfully pursued a civil injunction.

When the uses continued despite the court injunction, the Town asked for a finding of contempt for the breach.

The court found the property owner to be in contempt and sentenced them to a \$1 million fine, stating: "In my view, a fine of \$1 million, as sought by the Town, will serve some of the ends of denunciation and general deterrence. The Town asks for \$1 million fine. Despite my reservations as to the adequacy of this quantum, I assess a fine of \$1 million payable by the defendants jointly and severally."

As similar incidents increased across Caledon, Council established an Illegal Land Use Task Force in 2020 with the goal of addressing the more than one hundred identified cases of illegal storage/parking of commercial vehicles.

The Task Force is comprised of municipal law enforcement officers, prosecutors, and zoning specialists. As a first step, the Task Force notifies offending operators and works with them to achieve compliance, but where that is not successful, the Town takes enforcement action.

During the Town Council meeting Tuesday, Council also passed a motion directing illegal land use enforcement staff to work with industry partners to investigate solutions to address the lack of appropriately zoned lands to support the logistics industry including truck/trailer storage and other uses.

Since July, Municipal Law Enforcement Officers have inspected approximately 300 locations and found approximately 180 properties where at least one tractor trailer or commercial vehicle is parked or stored.

Council was reminded that a corporation can be liable to fines of up to \$50,000 upon first conviction and \$25,000 for each day in which the contravention has continued after the day in which the person was initially convicted.