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PUBB criticizes decision as flawed

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-The leader of a group that wants to preserve public access to the local shoreline has suggested a judge who last week called on residents to respect the rule of law or face becoming a lawless community is "ill-informed.

"I don't disagree with his suggestion you should take legal avenues to pursue your concerns," said Doug Lorriman of Preserving the Use of Balm Beach (PUBB), "but he shouldn't lecture us until he has a fuller understanding of the community."

Justice Jon-Jo A. Douglas wrote, in part, in an addendum to his decision finding John Marion and his son, Greg, not guilty of assault, that the community should: accept the situation for what it appears to be before me (to enforce the rights of a property owner); mount a challenge, in court (to the Marions claim of ownership to the water line) or purchase the Marion property. (The full text of the judge's remarks appear elsewhere in this edition.)

Lorriman says people know that. "Don't lecture to us in public that this what we should be doing. We know that. We are not stupid here!" Donna Ebers, secretary of Save the Beaches, said the judge has come down hard on people "who just want to use the beach they have used for generations. "It's not the people of Balm Beach who did the things that have been done."

Judith Grant, president of the Tiny Township Shoreline Associations declined to comment on the judge's remarks.

Lorriman said he is unsure why the judge felt compelled to comment. He didn't have to write the addendum; it was his choice. However, when he does that he opens himself to a response.

"I think his comments did not reflect a comprehensive understanding of the community. It reflects his view of the community in light of the evidence in court. It is unfair for him issue a proclamation based solely on that evidence.

"He suggests three options. First of all, suck it up. Second, mount a challenge in court, or buy the Marion property. That's easy to say for someone who is not confronted with this on a daily basis.

"Yes, there are a few people frustrated with the whole thing and this frustration boils over in ways that are unfortunate. But that happens in any community if things are upsetting the community.

"What he doesn't acknowledge is that we've been working all along toward a court challenge. This community can't throw couple of thousand-dollar- a plate dinner and mount a court challenge. There's not that kind of money floating around. It takes a long time to develop the funds to pursue a court challenge.

"Just to sit on the bench and say, if you guys have a problem take it to court. It's easy to say, but he knows it's very difficult to do.

Buy the property? Sure we could buy the property, but does he have \$900,000 he wants to give us to do that!

"In order to follow the legitimate ways is long, frustrating and difficult. And there are so many hurdles. The frustration just overflows and manifests itself in the problems that he's referring to. That's the nature of the game.

"We have tried on many occasions to get the Attorney-General of Ontario to take up the case," Lorriman added, "but they just brush it off."

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