



## Teen hurt in fray over beach fence

**Ongoing beach saga sees police charge owner of disputed barrier and his son with assault**

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SPECIAL TO THE STAR

BALM BEACH—The Balm Beach fence controversy continues to get uglier.

John Marion, who owns the house and much-disputed fence on the Georgian Bay shoreline, has been charged with assault, as has his son, Greg Marion, 42, following a fight with a 14-year-old Mississauga boy Thursday afternoon.



BILL SANDFORD FOR THE TORONTO STAR

Jim Brennan, left, and his son James, 14, pose in front of a controversial fence that was built by a cottage owner in Balm Beach. James was injured during an altercation with the fence owners.

Two different version of events have emerged, with both sides telling the *Star* they didn't start the fight.

James Brennan said he was vacationing with his parents at the Sunport Beach Resort motel when he crossed the shoreline in front of the Marions' home. James said Greg Marion accused him of trespassing so he walked in the water and said, "Now I'm not." That's when the fight started, Brennan said.

"He just came flying at me," James said yesterday afternoon. Brennan said he felt his head crushed, the earrings ripped from his ears and his head forced under the water.

James' father, Jim Brennan, was tanning with his wife on the beach when he saw the scuffle. He ran across the beach and "started swinging" with one hand and pulling his son out of the grip of the Marions with the other.

The two Marions stopped struggling, turned and walked back to their home, said the elder Brennan.

Besides having his new earrings torn from his ears, James' right hand was also broken.

Neither of the Marion men was home yesterday afternoon but John's wife, Elisabeth, described it differently.

She said her husband told the boy "I can gently remove you" from their property, "and at this point the kid hit my husband."

She said her husband then lost his footing and "I saw out of the corner of my eye that the father jumped my husband from behind and held his head under water."

An anonymous beachgoer called OPP and James and his father were taken to hospital for medical attention. The Marions were attended to at the scene by paramedics.

"Both John and Greg Marion have been charged with assault," said a frustrated Chief Insp. Rick Philbin of the OPP. "Do you know, we've been down here 100 times in the past three months?" he asked incredulously.

The Marions say the deed to their home, which is in Tiny Township, north of Wasaga Beach, includes a clause that states their property runs to the water's edge. The wooden fence, which was started in 2006, blocks access to beach-goers who used to be able to walk along the Georgian Bay shore.

A Canada Day celebration at Balm Beach was disrupted when a local resident tried to cut the fence with a chainsaw. Early Thursday morning, someone set fire to the fence.

Elisabeth Marion said yesterday her family is also frustrated with their fence. They would like to take it down, but can't because it would be a liability. "If someone got hurt on our property, it would be our responsibility," she said, adding, "I hope the government gets involved and steps in and that would allow people to walk by again."

Last month town council said its hands were tied when it came to a fence on private property and a frustrated MPP Garfield Dunlop said he is concerned by the lack of involvement at the provincial level.

"I hate that fence," Dunlop said yesterday afternoon. "It's something that's not going away and my fear is someone's going to get really badly hurt before this is over."