

## Judge says: Spray!

Striking workers ordered to allow pesticide spraying at Christie Pits temporary dump

By [IAN ROBERTSON](#), SUN MEDIA

Last Updated: 5th July 2009, 4:30am



*People walk past garbage next to an overflowing bin on Spadina Ave. at Dundas St. yesterday.*

A Toronto judge last night ordered striking city workers to allow pesticide spraying at the controversial Christie Pits Park temporary garbage collection site.

After 6 1/2 hours of testimony plus submissions by city and Toronto civic employees union lawyers, Madame Justice Alison Harvison-Young granted an injunction against blocking entry until 2 p.m. Wednesday.

An injunction during a strike is rare, court was told.

But due to "unlawful obstruction," it was sought as a "public health issue," city lawyer Michael Kennedy said.

Since Monday, residents and pickets blocked contractors from applying pest control chemicals on trash dropped off at the Bloor St. W. park's cement-floored rink.

Spokesman Pat Daley later announced Canadian Union of Public

Employees Local 416 would abide by the court's ruling.

After the strike began June 22, 18 other temporary trash sites were sprayed regularly without interference, two city waste management bosses testified in court.

Despite cooler temperatures recently, public health manager Reg Ayre testified Christie Pits fly numbers are rising -- and will be worse with warmer days ahead.

Ayre said he spotted fly maggots Friday and large numbers of winged adults on the 80-tonnes of garbage, which the city says will remain there during the strike.

Warning of salmonella and E. Coli, Ayre said if only 100 flies lay eggs, "it wouldn't be too long before you have a million."

With diapers, organic material and other trash decomposing in stacked bags -- some broken -- flies will transport bacteria to homes and onto food, he said.

Ayre was the first witness at the special hearing, one day after Toronto chief medical officer of health Dr. David McKeown issued an order demanding the city take action to spray the site.

The last attempt, by Orkin Pest Control Services technician Muhamma Ayaz, was halted later Friday, when a picket-line boss told managers and Toronto Police his truck could not enter the park.

Sgt. Vince Tso testified he recommended managers seek an injunction to allow McKeown's order, advising police would "not take sides" by ordering pickets to stop blocking the truck and were there "to keep the peace."

Howard Goldblatt, a Toronto civic employees union lawyer, suggested the city wanted an injunction and "put on a sham attempt" to get Orkin onto the site.

Kennedy insisted the city did not want a confrontation and used "discretion."

Invited to address the court, resident Boris Steipe said garbage should not be in any park, but Christie Pits is special because of surrounding homes.

The University of Toronto faculty of medicine biochemist said the neighbourhood feels "caught in the crossfire for political expediency" and became concerned when an Orkin staffer refused to tell them about the pesticides he would use.

Steipe said he realizes they are now needed, but while the chemicals are regarded as not harmful to humans, there could be environmental damage.

Christie Pits dumping is to end today, the first time technicians are likely to resume applying permethrin, which kills flies, and difethialone, an anti-blood coagulant designed to kill rodents.

IAN.ROBERTSON@SUNMEDIA.CA

Can't connect to mysql.