



Queen's Park Report

DEVELOPERS CONTINUE TO STIFLE INPUT FROM COMMUNITY AND ENVIRONMENTAL GROUPS (November 28, 2008)

One of the most important instances of the attempts by developers to stifle public input on controversial developments is evident in the Big Bay Point development on the western shore of Lake Simcoe by the developer, Geranium Corporation.

Last December, the Ontario Municipal Board approved a huge hotel and condominium complex with substantial commercial space and a 1,000-slip marina. The developer, Geranium Corporation, actually owns only about 200 feet of lake frontage. As a result to provide waterfront properties, the project will require the construction of a huge thirty-acre lake.

It is not difficult to understand why this project would have strong opposition from community and environmental groups at the OMB. What is difficult to understand is why the developer would apply to the OMB for costs of \$3.6 million against not only the groups opposed to the development but also against their lawyers both as individuals and against their firm.

This trend by corporations to use legal means to silence community opposition is growing in Ontario and elsewhere in Canada. In some instances, lawsuits are launched against community groups in order to silence them. Few community groups have the financial resources to successfully appeal a development at the OMB, let alone fund the legal resources required to fight a lawsuit.

Legal actions designed to stop community input into projects such as the above are often referred to as SLAPPS (Strategic Lawsuits Against Public Participation). This may be the case when a group of residents were threatened with legal action for opposing the construction of a bridge to the Toronto Island Airport. Or another example might be when an exploration company is suing the Kitchenuhmaykoosib Inninuwug, a remote First Nation in northern Ontario, for \$10 billion. Its members also face jail or huge fines for defending their community and environment from mining.

In Quebec, there appears to be reaction against SLAPPS. Last spring, Quebec Justice Minister Jacques Dupuis promised to table a bill stamping out an increasingly pervasive form of litigation aimed at muzzling opponents of contentious projects known as "strategic lawsuits against public participation" or SLAPPS. If Quebec passes this legislation, it will be the only province to have anti-SLAPP provisions on its books.

The current case before the OMB regarding the Big Bay Point development is a critical event as far as public input into land planning issues is concerned. **If the OMB makes an award of any sizable amount against the parties opposing this development and their lawyers, it will no longer be financially possible for community groups to oppose such development at the OMB, eliminating an essential factor in the land planning process. If this happens, the Federation of Urban Neighbourhoods of Ontario will have to demand (not request but demand) that the Provincial Government disband the Ontario Municipal Board immediately and that any appeals of any development approved by municipalities be transferred to the Ontario Cabinet for final decision.**

Please e-mail a copy of this Report to anyone that you think might be interested.

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