



# Queen's Park Report

## City Goes After Greenspace Alliance for Costs - A Threat to All Community Organizations (December 18, 2008)

In an unprecedented move, the City of Ottawa recently asked a judicial review panel to require that the Greenspace Alliance of Canada's Capital (GA) pay its legal costs. These costs arose in relation to an unsuccessful legal challenge before the Ontario Divisional Court. The challenge was part of the Alliance's efforts, over the past decade, to protect the provincially significant Leitrim Wetland. The City was demanding \$5,120. On December 10, the Court agreed with the City's demand and also decided that the developers of Findlay Creek Village – companies associated with Tartan, Tamarack and Taggart – should be paid \$25,000.

By pursuing the Greenspace Alliance for costs, the City is sending a very clear and chilling message - *if you challenge our decisions in court we may go after your group for costs*. The City knows that the GA has very limited resources and therefore is very unlikely to recover this cost. But this has not at all deterred it from what appears to be an undemocratic course of action.

Councillors Rick Chiarreli and Councillor Alex Cullen are sponsoring a motion to be introduced at the January 6th meeting of the Ottawa Corporate Services and Economic Development Committee (CSEDC) that would prevent City lawyers from suing community based public interest groups who participate in public tribunals on matters of policy and public interest..

Quite apart from the impact on the GA, is the precedent-setting and intimidating effect this will have on other community-based groups in Ottawa and even beyond. The perception by individuals that their participation at any level in public interest organizations could see them facing cost award suits will make it difficult to encourage more people to participate in public interest organizations. This, in the face of the City's Public Participation Policy which states that "The City of Ottawa is committed to informing and actively involving citizens, community organizations and Advisory Committees on issues that affect them, to the greatest extent possible." The Policy also states as one of its key principles: "Building and maintaining strong, positive and cooperative relationships between the City and the community to increase the potential for engagement and result in improved decision-making." Paying lip service to an enlightened policy, while its staff is pursuing actions that are completely antithetical would be a shining example of political hypocrisy.

**Call to Action:** GA calls upon community groups, their members and the general public to mobilize and lobby City Council to approve the proposed policy. It would therefore be appreciated if you would forward this e-mail to members of your organization or committee as well as your networks encouraging them to e-mail and/or call their ward councillor as well as all the other members of Ottawa Council urging them to support the Chiarelli-Cullen motion. In addition, please consider asking your organization to pass a resolution in support of the motion, as well as appearing before the CSEDC on January 6<sup>th</sup>.

**F.U.N. Comment:** In the [January 24, 2006 Queen's Park Report – Municipal Candidates Should Reject Corporate Donations](#), it was noted that a report by Ottawa City Councillor Alex Cullen titled **Reforming Ottawa's municipal election finances** (See <http://ottawa.ca/calendar/ottawa/citycouncil/occ/2005/06-08/ACS2005-CCS-CSE-0006-DOC-1.htm>) paints a bleak picture of possible undue influence by corporate and trade union donations on municipal elections in Ottawa. Councillor Cullen's report documents that in the 2003 Ottawa election, even with 60 challengers, not one of the incumbents was defeated. The only new members of Ottawa Council came from open seats where there was no incumbent contesting the election. The research done by Councillor Cullen clearly points the finger at financing with incumbents being the major beneficiaries of corporate donations. He found that winning candidates spent on average more than three times as much as unsuccessful candidates. While challengers raised only 16.7% of their contributions from corporations, incumbents raised 43.5% of their contributions from corporations.

It is clear that the current Ottawa Council suffers from the same disconnect with the citizens that it is supposed to represent as did the 2003 Ottawa Council and apparently for the same reasons. It is becoming increasingly clear that some municipal councillors and the development interests that have funded their elections are becoming more successful in reducing public participation in the planning decisions that affect our communities and our environment. Until the Provincial Government acts to prohibit contributions by corporations and trade unions and to reform the *Municipal Elections Act*, there is little likelihood that this will change. The Federation of Urban Neighbourhoods of Ontario has repeatedly requested that Premier Dalton McGuinty bring forward legislation to reform the *Municipal Elections Act* as have other organizations, but to no effect. F.U.N. urges every community organization and concern citizen to lobby the Premier for changes to the Act.

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

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21 Dale Avenue, Suite 621  
Toronto Ontario M4W 1K3  
416-969-8994  
[funontario@rogers.com](mailto:funontario@rogers.com)