

Corporate Services and Economic Development Committee
Chair: Mayor L. O'Brien
City of Ottawa, 110 Laurier Avenue West
Ottawa, ON K1P 1J1, Canada

Monday, January 19, 2009

Dear Chair O'Brien, Committee Members and interested citizens:

Re: Agenda 36, Item # 2: Motion–Policy on seeking cost awards
Champlain Room, Tuesday, 20 January 2009, 10:00 a.m.

In my view, simply stated, Ottawa City Council is, at its core, a corporate land developer set up by the province of Ontario to deliver *land* to the development industry. Put another way, Council is a legal entity or instrument without either constitutional standing or proximate loyal opposition as such. Further, it doesn't deliver serious assertions of the common (or public) good.

Nevertheless, when a citizen, or group of citizens, doesn't agree with a decision of Ottawa City Council regarding land-use, the political process offers direct appeal to an adjudicative tribunal, the Ontario Municipal Board, for resolution. This is what a citizen is supposed to do when he or she does not support a Council decision such as the Official Plan (land-use plan). And this is what I have done.

In my personal case, I have appealed four times. In all cases, the existing Ottawa City Council blocked my appeals, taking out a Motion to have them thrown out. Further, three of the four times Council also requested costs. In all cases, the Members of the OMB agreed with Council's Motion to block each Appeal but would not consider costs. But, further, the OMB in my view offered no adequate analysis. Ironically, to my knowledge these matters simply do not rise through elected officials. There is no debate, no learning, no knowledge just yet another sterile victory for the developers. It would be difficult for me to describe the permanent trauma and stress that this due process has brought and still brings to me and my wife.

If the intent of the Chiarelli/Cullen Motion before you today is to increase democracy (a complex and ongoing matter), it should attempt to protect the citizen from Ottawa City Council. Yet the Motion doesn't start with the individual *citizen*, the person truly at risk for costs. Plus the Chiarelli/Cullen Motion uses the test of the judgement of the OMB to determine its approach to costs. Further, if I have downloaded all the materials correctly, all staff are publicly silent on this matter. I would have appreciated the views of the various city departments and still would. In my view real analysis would show that it's not at all clear who is on the side of the angels or the citizens.

Yours truly

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