

PRESENTATION TO THE CORPORATE SERVICES AND ECONOMIC DEVELOPMENT COMMITTEE

Mr. Mayor, members of the committee, good morning. My name is Sol Shuster.

You have before you statements and letters from a wide variety of community and environmental groups. They all have essentially, the same message – don't chill us. We are all volunteers wanting to make the City of Ottawa a better place to live not only for ourselves and others but for future generations. We value the environment and community participation and applaud the City's Public Participation Policy. But now we are asking you to live up to that policy so that it is not just a set of empty words.

As you know, what precipitated this need to clarify the City's policy on cost awards was the Divisional Court's decision to allow costs against the Greenspace Alliance of Canada's Capital. It is my understanding that the court never addressed the serious substantive issues raised by the Greenspace Alliance but rather decided the case on a technicality – that of mootness. Although the Alliance has sought leave to appeal the cost decision, the City's decision to seek costs in the first place puts not only the Alliance at risk but all the other public interest groups as well. If the City can obtain costs from a group that has been in the mainstream of citizen oversight and positive contributions to preserving and enhancing our environment over the last 10 years, then no group is immune from this kind of action. At the same time, it must be recognized that challenging decisions of tribunals and courts carries with it responsibilities by the challenger and certainly should never be frivolous, vexatious or not in good faith.

The letters of support for this motion come not only from local organizations but also from those at the provincial and even the national level. This indicates that your decision is not only of interest and concern to Ottawa but also could have ramifications across Canada. Let's not forget that as the national capital we should be a leader in ensuring that the democratic process is upheld.

In my remaining minutes I wish to highlight some parts of the letters that have been received in support of the motion.

- Three of the City's own advisory committees, the EAC, OFGAC and RIAC are in support of the motions. You will hear from Agnes Warda from RIAC so let me quote from the joint EAC-OFGAC resolution:

"Volunteer groups and organizations contribute significantly to public policy development at the City and play an important role in public dialogue. Both the OFGAC and the EAC urge the City to clarify its positions and policy on this issue, and further urge City Council to approve the proposed motion by Councillors Rick Chiarelli and Alex Cullen..."

- The Ottawa Valley Chapter of the Canadian Parks and Wilderness Society wrote:

“We were deeply disturbed to hear of the City of Ottawa’s intention to pursue the Greenspace Alliance for legal costs. To pursue such an organization is extremely undemocratic and will certainly discourage citizens from standing up for their beliefs.
- The Ottawa-Carleton Wildlife Centre notes that:

‘... the democratic process is threatened by a decline in widespread public participation and debate due to cynicism about the political process and the belief on the part of many that their voice will neither be heard nor is it wanted by governments. Seeking costs from community groups when they have engaged in this process with honourable intentions will send a further chill and strong message that this cynicism is warranted. “
- The above sentiments are echoed by Ecology Ottawa who wrote:

“Community groups should not be punished for engaging with honourable intentions in the democratic process.”
- The Federation of Urban Neighbourhoods of Ontario had this to say:

“The awarding of costs by tribunals against (community organizations) will make it difficult for them to participate in proceeding before (such) tribunals and thus reduce the level of community participation in planning decisions.”
- The Ottawa Field Naturalist’s Club’s letter included the following:

“(The motion) recognises that community groups contribute to public policy development in a range of subject areas, including environment, accessibility, business, health, and development. Community group members do their work from a sense of obligation. ... It has always been difficult to attract volunteers and ... (it) has become even more difficult in recent decades. If potential members have to fear punitive cost awards, they will be even less inclined to be involved. All citizens, and the City as a corporate entity, will be diminished.
- And finally from the national, provincial and local offices of the Sierra Club comes the following:

“While this is a local issue, it has broader implications for community groups and cities across the country. Current cost-award policies are a threat to public participation. If the City of Ottawa truly values public participation, it should set an example by clarifying this policy on cost awards so as not to deter community groups from speaking up.

Thank you.

Sol Shuster
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