

**MEDIA RELEASE**

November 26, 2007

**Lawsuit launched to save 9000-year old Ottawa wetland**

*Ecojustice goes to court to challenge controversial OMB decision*

OTTAWA – Local conservation groups launched a lawsuit late last week challenging the Ontario Municipal Board for allowing the second phase of the Findlay Creek Village housing development to proceed despite concerns that it could devastate the 9,000 year old Leitrim Wetland in the south end of the City of Ottawa.

The lawsuit is an Application for Judicial Review, filed in Ontario's Divisional Court by Ecojustice (formerly Sierra Legal Defence Fund) on behalf of the Greenspace Alliance of Canada's Capital, against the City of Ottawa and two proponents of the development, Findlay Creek Properties and a numbered company.

The application challenges the OMB's decision to dismiss two appeals of zoning amendments that would allow residential development in this Provincially Significant Wetland. The appeals were supported by the Friends of Leitrim Wetland, a group with members from several environmental organizations in Ottawa. The lawsuit argues that the OMB violated the rules of natural justice and procedural fairness when it dismissed the appeals without an opportunity for the appellants to present their evidence before the Board.

"The basic principles of fairness require that participants have a meaningful opportunity to be heard," said Linda McCaffrey, Director of the Ecojustice Environmental Law Clinic at the University of Ottawa. "In this case, the OMB violated these principles by allowing Findlay Creek Properties to withhold key evidence from the groups about water levels in the wetland. Simply put, our clients deserve a fair hearing."

The Application for Judicial Review also asserts that there are ample planning grounds upon which the appeals could succeed, contrary to the conclusion reached by the Board.

The 313-hectare (773-acre) Leitrim Wetland is home to at least 642 species of plants, at least 90 species of birds, and small stands of old growth trees ranging from 120 to 250 years in age. Leitrim Wetland has been listed by the Canadian Coalition for Biodiversity as one of Canada's biodiversity "hot spots." Under current plans, about 74 hectares (183 acres) at the north end — one-quarter of the wetland — would be destroyed for this urban development.

Recent evidence obtained by the appellants has confirmed that, if this area is drained for development, the whole wetland would very likely be severely damaged or even destroyed. They also have received an expert report that the area is potential habitat for Blanding's Turtles, a Threatened species under both federal and provincial legislation

"Residents of Ottawa should be outraged that this project is getting the green light," said Sol Shuster for the Friends of Leitrim Wetland. "Not only does provincial policy expressly prohibit any development on Provincially Significant Wetlands, it is absurd to allow destruction of an ecological gem like this 9,000 year old wetland."

If the application is successful, the case will be sent back to the OMB for a hearing in accordance with the principles of natural justice and specific disclosure rules. The Friends are also contesting an application for a Permit to drain up to 17 million litres per day from the site over the next two years.

**For further information please contact:**

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## **MEDIA BACKGROUNDER**

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### **The Groups**

The Greenspace Alliance of Canada's Capital, formed in 1997, works to preserve green spaces in the National Capital area. [www.greenspace-alliance.ca](http://www.greenspace-alliance.ca) .

Ecojustice is Canada's legal champion for the environment. Founded in 1990 and formerly known as Sierra Legal Defence Fund, Ecojustice is Canada's largest environmental law organization. [www.ecojustice.ca](http://www.ecojustice.ca) .

The Friends of Leitrim Wetland comprises members of a number of environmental groups in Ottawa including the Greenspace Alliance of Canada's Capital, the Coalition for a Healthy Ottawa, and the Sierra Club of Canada.

### **More Information**

- Report by Dr. Clarke Topp on the permeability of the soil at Leitrim Wetland: <http://greenspace-alliance.ca/node/314>
- Report by Prof. Gabriel Blouin-Demers on Blanding's Turtle at Leitrim. <http://greenspace-alliance.ca/node/318>
- Action Alert about the application for a Permit To Take Water: <http://greenspace-alliance.ca/node/319>