

September 13, 2011

Mayor Jim Watson & Members of Ottawa City Council

110 Laurier Avenue West

Ottawa ON K1P 1J1

Re: September 14 Meeting of City Council

Finance and Economic Committee Recommendation # 3

That City Council repeal the City's Policy on Seeking Legal Costs

Dear Mr. Mayor,

We urge you and your colleagues to oppose this recommendation and leave the policy in place as is. This recommendation is largely the result of one particularly expensive case that is still before the courts. The appellants clearly undertook this action as public interest litigants who have no "personal or proprietary interest" in the outcome, so it's doubtful that the City could recover its costs in any event.

In the meantime to take one exceptional case as a pretext for repealing this policy flies in the face of growing efforts by provincial governments in Quebec and Ontario to limit the ability of those with the greater financial resources to use the "awarding of costs" motions before administrative tribunals and the courts as a way of limiting the ability of public interest groups and citizens to exercise their rights when challenging the decisions of a legislative body.

As we stated in our letter before Corporate Services and Economic Development Committee back on January 20, 2009 in support of this measure:

Community groups have no choice but to engage with quasi-judicial bodies such as the Ontario Municipal Board and with the courts to resolve contested planning and similar matters. They do so with limited resources at their disposal and with only their understanding of the public interest as motivation.

By adopting this policy in February 2009, Ottawa was the first Ontario municipality to make explicit this right of the citizenry to challenge public policy in the courts unimpeded by so-called SLAPPs (strategic lawsuits against public participation).

I regret that council is now considering relinquishing its leadership role in this matter.

Yours sincerely,



Graeme Roderick, President

Federation of Citizens' Associations of Ottawa-Carleton Inc.