

COMMUNITY GARDEN

By Sara Falconer

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GREENSPACE ALLIANCE UNDER THREAT

Most community organizations operate on a shoestring budget, and the Greenspace Alliance of Canada's Capital is no exception. Now, the City of Ottawa and the developers of Findlay Creek Village are demanding over \$72,000 in court costs from them, raising fears that such a decision would cripple the environmental advocacy group.

"For many days I struggled with it," says Erwin Dressen of the Alliance. "Where's the justice here?"

In 2007, the Alliance appealed two zoning bylaws that had allowed the Findlay Creek Village housing development to move forward on 313 hectares that they allege is part of the Latrim wetlands.

"It's very old—estimated to be 9,000 years old," Dressen says of the wetlands. "It is extremely biodiverse, containing a number of provincially and nationally endangered species."

The Alliance, he adds, has strong scientific evidence that further development of the area could degrade the wetlands. But the Ontario Municipal Board (OMB) never heard any of their substantial arguments. Instead, it agreed to a motion to dismiss by the developers and the City. The Alliance, in turn, asked for a judicial review of the OMB decision, which was dismissed in October.

The developers, who are associated with Tartan, Taggart and Tamarack, are asking for \$67,217 for its costs, and the City wants an additional \$5,120. According to Will Amos from the University of Ottawa's Ecojustice Environmental Law Clinic, it is standard procedure in court cases between private parties for the losing party to pay costs, but that should not apply to this situation.

"In public interest litigation cases, the normal rule on assessing costs does not apply," he argues. "They should be able to engage in judicial proceedings in order to ensure that the public interest is upheld." Ecojustice made a submission on the Alliance's behalf demonstrating two important factors: that the group has no financial interest in the outcome, and that the matter is of broad social significance.

Like the Alliance's scientists and environmental experts, the lawyers are working pro bono. Their reward for their efforts? According to sources outside of Ecojustice, they are being sued for defamation by the same developers who are asking for money from the Alliance.

Councillors Rick Chiarelli and Alex Cullen are reportedly spearheading a motion to clarify the city's policy regarding applying for costs from community groups.

Meanwhile, the Greenspace Alliance is left waiting for the divisional court to decide whether it must pay up. Dressen hopes that the court will see that they are a reasonable group with reasonable demands. "We're not pure tree-huggers," he says. "We're for sensible development." Visit www.greenspace-alliance.ca. (2)