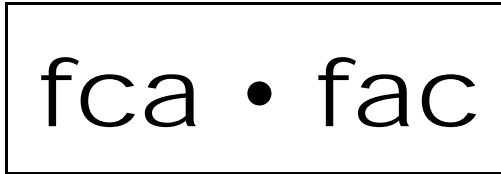


Federation of
Citizens'
Associations of
Ottawa-Carleton



Fédération des
associations
civiques d'Ottawa-
Carleton

Submission to Corporate Services and Economic Development Committee
3 February 2009

Agenda item 3: Motion - Policy on seeking cost awards

The Federation of Citizens' Associations of Ottawa-Carleton Incorporated (here referred to as "FCA") is a non-profit corporation under the laws of Ontario (Corporation 000899230). The members of the FCA are incorporated and non-incorporated community associations and like civic interest groups.

The purpose of the FCA is to provide a forum for the sharing of information among the members and to act as a vehicle for joint action by member groups. In addition the FCA facilitates contact with community groups by municipal government and other authorities. In short, the FCA is an umbrella organization for community associations and like groups in Ottawa. Community associations from both the urban and rural areas of Ottawa participate in FCA activities.

At its board meeting of November 27, 2008, the members of the FCA voiced their unanimous support for the motion before the Committee which would restrict the circumstances in which the City would seek cost awards from community or public interest groups.

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.

Although the City of Ottawa is considering suing for costs, it has been pleased to take advantage of community associations' support when the associations side with the City in a legal dispute. A current example is the hearing regarding developments in Manotick in which the FCA has appeared in support of the City before the Ontario Municipal Board.

Efforts to sue community groups for costs will likely discourage participation in judicial hearings in the future. This will not only undermine City interests in cases in which we agree, it will also be to the detriment of the public participation policies of the City.

The FCA is a member of the Federation of Urban Neighbourhoods of Ontario (FUN), which brings together community associations across the province. That organization has taken considerable interest in this motion. In discussion at the provincial association level, parallels have been drawn between Ottawa's pursuit of costs and the phenomenon known as SLAPP (Strategic Lawsuits Against Public Participation). A SLAPP is a suit, or threat of same, intended to intimidate and silence critics by burdening them with legal costs until they abandon their criticism or opposition. By defining the restricted circumstances in which Ottawa would seek costs, the City would clarify its stance.

By adopting the motion before the Committee, Ottawa will affirm that it encourages valid public participation. The Federation of Citizens' Associations urges the Committee to recommend the motion to full Council.