

Crippling Costs Award Sought Against Community Environmental Group

For Immediate Release

November 4, 2008 - The City of Ottawa and the developers of Findlay Creek Village are demanding legal costs that would force the Greenspace Alliance of Canada's Capital to close its doors.

The developers (who are associated with Tartan, Taggart and Tamarack) are seeking a cost award against the Alliance for having challenged a decision by the Ontario Municipal Board before the Ontario Divisional Court. The challenge arose out of an OMB decision in June 2007 to dismiss the Alliance's appeal of City of Ottawa zoning provisions that allow development next to the Leitrim Wetland as the OMB defined it.

The Alliance has strong scientific evidence that further development could severely degrade the "protected" Wetland. The challenge was unsuccessful based on a technicality. The substantive merits of the claim have never been heard by a court or tribunal.

The developers are now demanding that the Alliance pay \$67,217 for its costs and the City is demanding an additional \$5,120. Says Cheryl Doran, Chair of the Alliance: "The Greenspace Alliance has worked hard for eleven years to protect wetlands and other natural spaces in the National Capital area. A cost award may shut us down but the fight will continue."

The Alliance, through *pro bono* counsel at the uOttawa-Ecojustice Environmental Law Clinic, is making submissions to the Divisional Court to oppose the awarding of any adverse costs award against it. "Public interest litigants who go to court on matters of broad social importance should not be hit with crippling costs awards," says Will Amos, an Ecojustice lawyer. "Fundamentally, this is about protecting citizens' access to justice."

The Alliance operates with a very low budget. It is a grass-roots organization where the commitment of volunteer hours is its greatest asset. It often works in coalition with other environmental groups in the area. "If costs are awarded against us, I can only imagine the chilling effect this will have on other community groups," notes Sol Shuster, another Director of the Alliance.

The Ontario Divisional Court will decide later in November whether the Alliance is liable to the City and the developers for their court costs.

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For further information, please visit

<http://www.greenspace-alliance.ca/costaward>

<http://www.greenspace-alliance.ca/JR>

<http://www.greenspace-alliance.ca/tenyearpermit>

<http://www.greenspace-alliance.ca/leitrim>

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