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From: [Dorothy Tomiuk](#)

To: [Hazel McCallion \(Mayor\)](#) ; [Carmen Corbasson \(Ward 1\)](#) ; [Pat Mullin \(Ward 2\)](#) ; [Maja Prentice \(Ward 3\)](#) ; [Frank Dale \(Ward 4\)](#) ; [Eve Adams \(Ward 5\)](#) ; [Carolyn Parrish \(Ward 6\)](#) ; [Nando Iannicca \(Ward 7\)](#) ; [Katie Mahoney \(Ward 8\)](#) ; [Pat Saito \(Ward 9\)](#) ; [Sue McFadden \(Ward 10\)](#) ; [George Carlson \(Ward 11\)](#)

Cc: [Charles Sousa MPP \(Miss. South\)](#) ; [Charles Sousa MPP \(Queen's Park\)](#) ; [Peter Fonseca \(MPP\)](#) ; [Amrit Mangat \(MPP\)](#) ; [Harinder S. Takhar \(MPP\)](#) ; [Bob Delaney \(MPP\)](#) ; [Kuldip Kular \(MPP\)](#) ; [VIVA Port Credit](#)

Sent: Thursday, May 15, 2008 3:42 PM

Subject: Request for a City of Mississauga position re: SLAPPs (Strategic Lawsuits Against Public Participation)

Dear Madame Mayor:

On the advice of Ward 1 Councillor Carmen Corbasson, I am writing to you and all of Mississauga Council, further to my letter last week to Councillor Corbasson and Mississauga South MPP Charles Sousa regarding the issue of SLAPPs [Strategic Lawsuits Against Public Participation].

You will have heard of the Lake Simcoe situation (Big Bay Point development) including the lawsuit by the developer against the ratepayer association (amongst others) which opposed it. Note that the development was approved, but the developer is seeking to recover costs incurred at the OMB.

Here is a link to the May 3, 2008 *National Post* article: "[Toronto] Council opposes suits used to silence critics": http://www.nationalpost.com/todays_paper/story.html?id=490518

It includes the following paragraph, quoting Toronto Councillor Michael Walker:

"It's called the chill factor ... You can't have a democracy if the citizens haven't got forums where they can speak their minds without fear of retribution -- and most particularly retribution that is supported by the institutions of the state, such as quasi-judicial bodies like the Ontario Municipal Board."

Citizen groups are following this issue closely, given that what was once considered an American problem has appeared "swiftly and suddenly in Canada", as stated in the *NP* article. Toronto Council has spoken out strongly on the issue, per Councillor Walker's motion and its unanimous approval "to call on the Ontario government to outlaw the phenomenon" of SLAPPs.

At a time when the City of Mississauga is encouraging citizens to speak out at public forums, and the citizens are showing an increasing enthusiasm to do so, a "chill factor" will affect the City's ability to benefit from this participatory approach, including at the OMB.

As we have already seen in Mississauga South, for instance, there will be ongoing controversy over infill development, including power plants, and citizens must be protected in their civic responsibility to speak up for their communities without fear of intimidation.

Further to my original letter, I have also heard back from Charles Sousa, who has followed-up with Ontario Attorney-General Chris Bentley. In a further call from our MPP's Queen's Park office, I have been told that the Attorney-General is presently "monitoring the situation", as is the Hon. Jim Watson, Minister responsible for the OMB. I was also told that citizens need to be vocal on this issue in order to have it rise on the public agenda.

Will the City of Mississauga show support for citizen participation and make a clear statement in this regard?

Sincerely,

Dorothy Tomiuk
Chair, VIVA Port Credit