

February 11, 2010.

Honourable Dalton McGuinty
Premier of Ontario
Legislative Building, Room 281
Queen's Park
Toronto, Ontario
M7A 1A1

Re: Need for Ontario statute to combat Strategic Lawsuits Against Public Participation (SLAPP)

Dear Premier McGuinty,

Strategic Lawsuits Against Public Participation (SLAPPs) remain a major impediment to free in Ontario. We collectively write to urge you to enact anti-SLAPP legislation to eradicate this form of bullying and intimidation. SLAPPs are an abuse of our judicial and quasi-judicial proceedings, stifling citizens and silencing public debate.

At the time that we write you, 64 municipalities, including Toronto, Mississauga and Hamilton have passed resolutions calling on your government to protect the public and adopt anti-SLAPP legislation. This sentiment is echoed by the Association of Municipalities of Ontario, which passed its own resolution to meet with your government and find solutions to SLAPP intimidation in Ontario.

Perhaps the most threatening aspect of SLAPPs is that what occurs in one community can ma

those in another afraid of similar repercussions. We need you to know that this “chill” now rampant in Ontario, with numerous individuals and organizations silenced for fear of what stick up for their communities and landscapes might cost them.

In his 2008/2009 Annual Report, Environmental Commissioner Gord Miller clearly outlined his recommendations on SLAPPs: “The public’s right to participate in decision-making over matters of public interest is a cornerstone of our democratic system... The ECO sees a need for provincial legislation that would put both sides of development disputes on equal footing. Such legislation could serve to halt SLAPP suits in their tracks.”

As a community of organizations, we feel our democratic rights are threatened by the existence of SLAPP suits and insist that the only way to protect our right to public participation is through the creation of effective legislation. Ontario would be joining Quebec, where similar legislation passed last year, and over half of the American states who currently have anti-SLAPP laws.

Effective anti-SLAPP legislation should:

- Provide immunity from civil liability for persons engaging in public participation;
- Provide for early review and an expeditious process for resolving SLAPP suits;
- Reverse the onus on the initiator of the SLAPP suit to show that the action of the defendant was not public participation; and
- Provide strong and effective disincentives (financial and otherwise) to dissuade potential SLAPP plaintiffs from initiating a meritless claim.

Additionally, a key component of SLAPP legislation and protection must be the suspension of approval processes that mandate public participation (i.e. Environmental Assessment, Ontario Municipal Board proceedings, etc.) until outstanding lawsuits are resolved, so that speech is not chilled.

Ontario has an opportunity to be a leading force in Canada in putting a stop to SLAPPs. We look

forward to working with your government, Mr. Premier, to ensure this opportunity is seized.

Sincerely,

Rick Smith, Ph.D., Executive Director
Environmental Defence

Nicola Ross, Executive Editor
Alternatives Journal

Robert Keffer, Chair
*Bradford West Gwillimbury Residents for
Responsible Development*

Sandy Cameron, Chair
Bedford Mining Alert

Michael Seguin, President
Blue Mountain Ratepayers Association

Robert B. Waind, President
Blue Mountain Watershed Trust Foundation

Tony Barton, Chair
Bruce Peninsula Environment Group

Kurt Coster, President,
Burlington Green Environmental Association

Gideon Forman, Executive Direc
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Robert MacDermid, Chair
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Derek Coronado, Executive Dire
Citizens Environment Alliance

Jane Hanlon, Executive Director
Climate Action Niagara

Naomi Grant, Chair
Coalition for a Liveable Sudbury

Wolfe Erlichman, President
Community Coalition Against Mi

Robert Patrick, President
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Kerry McManus
*Common Action for the Restoration of the
Environment (Stratford)*

Debbie Schaefer, Chair
Concerned Citizens of King Township

Don Pearson, General Manager
Conservation Ontario

Brian W. Brasier, Executive Dire
Friends of Second Marsh

Brian Finch, President
Friends of the Jock River

Kevin Thomas, Founding Memb
Friends of the Lubicon

Peter Robinson, CEO
David Suzuki Foundation

Donna Ferron, Chair
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Hugh Wilkins, Coordinating Lawyer
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Heather Ross, President
Environment Haliburton

Lynda Lukasik, Executive Director
Environment Hamilton

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Agnes Warda, Vice President, Communications
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Don McLean, Chair
Friends of Red Hill Valley

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Friends of the Rouge Watershed

Patti Foley, President
Green T Environmental

Pete Wobschall, Executive Director
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Greenpeace Canada

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Mary Jane Brinkos, Resident
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Nancy Heidenreich, Activist
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Heather Harding, Coordinator
Ontario Greenbelt Alliance

Caroline Schultz, Executive Director
Ontario Nature - Federation of Ontario Naturalists

Janet May, Executive Director
Ontario Smart Growth Network

Rick Brzakala, President
Organic Landscape Alliance

Meredith Brown, Executive Director
Ottawa Riverkeeper

Patricia Bell, Resident
Pefferlaw, Ontario

John Bacher, Researcher
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Leslie Adams, President
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Doris Grinspun, Executive Director
Registered Nurses' Association of Ontario

Marianne Yake, President
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Jim Robb
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Darcy Higgins, Campaign Organ
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Jeff Mole
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Debbie Gordon, Director
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