

Protect public participation in public decision-making Support anti-SLAPP legislation in Ontario

Strategic lawsuits against public participation (**SLAPPs**) are lawsuits (often for defamation) that are aimed at discouraging citizens and community groups from providing their input to government, public decision-makers and others.

They are a growing threat to meaningful citizen participation in Ontario and constitute a significant barrier to access to justice for those members of the public who seek to participate in environmental law, land use planning, and other policy matters.

There is a need in Ontario to provide some reasonable protection for citizens when legally exercising their rights to engage in public discussion on matters of public interest.

FOCA has followed this issue since 2009, and has been supportive of this important protection of public intervenors in the land use planning process.

Anti-SLAPP legislation is not about being anti-developer; it is a fundamental requirement for continued and meaningful public participation in public decisions.

Such legislation should protect public participation including all forms of communication to all levels of government, and all agencies mandated to make decisions on behalf of government. Further it should provide immunity from civil liability for persons engaging public participation, and should provide strong disincentives (financial and otherwise) to discourage potential SLAPP plaintiffs from initiating a meritless claim.

It is difficult enough to have meaningful and inclusive public participation in this Province, without the additional barrier of potential frivolous lawsuits.

Talk to your MPP about supporting anti-SLAPP legislation for Ontario. Find sample wording for your own letter, on the back of this page.

Further background, links, and any subsequent updates can be found here:

<http://foca.on.ca/slapp-protection-of-participation-act/>

(updated: 2015)

Premier of Ontario
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Sample letter, from FOCA, October 2009

Dear Premier,

We are writing today on behalf of our community association, who are members of the Federation of Ontario Cottagers' Associations (FOCA).

FOCA is a not-for profit organization representing over 500 community groups across rural Ontario, who collectively represent over 50,000 families. Our member groups have a longstanding interest and involvement in public decision-making and are both vested parties and a knowledgeable, contributing resource.

We are gravely concerned that our ability to participate and contribute to public decision making is under siege from the threat of strategic lawsuits against public participation (SLAPPs).

SLAPPs have the impact of discouraging citizens and community groups like ours from providing their input to government, public decision-makers and others.

They are a growing threat to meaningful citizen participation in Ontario and constitute a significant barrier to access to justice for those members of the public who seek to participate in environmental law, land use planning, and other policy matters.

We strongly implore the Province of Ontario to provide some reasonable protection for citizens when legally exercising their rights to engage in public discussion on matters of public interest.

Anti-SLAPP legislation is a fundamental requirement for continued and meaningful public participation in public decisions.

Such legislation should protect public participation including all forms of communication to all levels of government, and all agencies mandated to make decisions on behalf of government. Further it should provide immunity from civil liability for persons engaging public participation, and should provide strong disincentives (financial and otherwise) to discourage potential SLAPP plaintiffs from initiating a meritless claim.

It is difficult enough to have meaningful and inclusive public participation in this Province, without the additional barrier of potential frivolous lawsuits.

We look forward to your reply and to your government's prompt action on this urgent matter.

Regards,

cc:

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