

# RDDS says court ruling favours antidemocratic abuses

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After studying the decision rendered on Jan.5, citizens' group Regroupement pour un développement durable à Sutton (RDDS) released a statement yesterday, calling judge Francois Tôth's ruling an opportunity for towns to direct development of their territory to the benefit of private developers, while weakening the participation and mobilization of citizens.

"This judgment throws the door wide open to anti-democratic abuses by municipal administrations," the statement read.

The legal dispute, filed over a year ago by RDDS, called for the cessation and nullification of bylaws Sutton 254 and 256 on the basis that the extreme changes were tantamount to a modification of the urbanism plan, and should have waited until March of 2016 when the plan was scheduled to be revised.

RDDS claimed that the adoption of the bylaws circumvented public consultation by requiring citizens to engage in a process of senseless complexity in order to voice their opposition.

Judge Tôth rejected RDDS' request to nullify the bylaws, ruling that their formulation and adoption was done through legal means.

According to RDDS, Judge Tôth did agree that the process to oppose the bylaws was 'extraordinarily complex', calling the project 'titanic' in the ruling. They referred to the following excerpt: "It was titanic indeed. The municipal document P-14 indicates that 269 regulations are subject to approval by referendum, which could apply to several distinct zones, if not all 125 zones of the town, hence the possibility for a considerable number of registries. " (Paragraph 75 of the ruling).

"By not deeming illegal the strategy of a "thousand or even several thousand" (paragraph 38) registries to request a referendum approval process in a town of less than 3,000 permanent residents, the Court effectively endorses a coup that discredits democracy and encourages the use of disinformation strategies. Ultimately, these tactics discourage and exhaust citizen mobilization," RDDS asserted.

"All indicators clearly demonstrated to the elected representatives that the population was greatly concerned about the proposed changes and that it wished to vote only once in a referendum because the amended provisions affected all zones and therefore the entire population," the citizens' group claimed, pointing to a petition of 500 names and the comments gathered during a public assembly of 400 people.

RDDS expressed disappointment that the judge attached little importance to the meeting of the mayor and two councillors with promoters and other persons related to the real estate market on October 9th, 2014, calling it a "non-public meeting", allowing elected officials to "learn the concerns of those involved in construction and real estate development," (paragraph 26).

"This ruling will open the door to the abuse by other municipalities in Quebec who might be tempted to use the same strategy," RDDS stated. "Why would a municipality wishing to replace its zoning and subdivision by-laws follow the LAU'S replacement procedure when the 'Sutton Strategy' has proved its worth?" they wondered, also suggesting Réal Girard had claimed to have used the same process successfully in Laval under the Vaillancourt administration.

In a greater context, RDDS referred to bill 122, tabled at the National Assembly at the end of session last December by the Government of Québec, which they believe proposes to abolish the right of citizens to use a referendum approval process in the case of 're-designated zones'.

"If this bill is passed, municipal councils will have the power to re-designate certain zones for diversification, rehabilitation or densification and exempt them from the referendum approval process," RDDS said, suggesting the odds would be stacked against citizens.



"The plaintiffs and their supporters fought against a "monster" with the weapons that the law put at their disposal. Their cause was far from trivial and if they lost that battle, it is no exaggeration to say that they lost it honourably," the RDDS statement concluded.