

## Press release

### **SUTTON CITIZENS' GROUP APPEALS DECISION OF JUDGE TÔTH**

(Sutton, February 3, 2017). In the belief that Judge Tôth erred in law by failing to conclude that zoning bylaw 254 and subdivision bylaw 256 are replacement bylaws, the Citizens' group has availed itself of its right of appeal to challenge the merits of the trial judgment. Thus, a motion was served today with the municipality of Sutton and filed with the Québec Court of Appeal.

Spokesperson Robert Benoît announced that the group has retained the services of the Montréal-based legal firm Trudel, Johnston and Lespérance (TJL) to support Me Benoit Galipeau of the Granby-based firm Archer.

"Me Galipeau did a tremendous job in presenting our arguments during the 11 days of the Superior Court trial. We were approached by TJL to support Mr. Galipeau in the presentation of our arguments in the Court of Appeal.

We are very proud to be able to rely on not only its legal expertise but also on its personal commitment to this cause of community interest. It should be noted that TJL has offered its services on a pro bono basis or free of charge.

TJL ( <http://tjl.quebec/> ) has won several important cases in the Québec Court of Appeal and the Supreme Court of Canada.

Me Bruce Johnston, a partner with TJL, said his firm offered its services free of charge because the stakes go far beyond the municipality of Sutton.

"It is to some extent a cause for all the citizens of all the municipalities of Québec who mobilize to influence the decisions that concern the planning of the territory in which they live.

If the 'Sutton strategy' is applied throughout Québec, citizen participation will be greatly weakened, which is totally contrary to the spirit and the letter of the Land Use Planning Act. We feel it is necessary to prevent this judgment from becoming a matter of jurisprudence, " adds Johnston.

Me Galipeau and Me Johnston state that

"We will demonstrate before the Court of Appeal that

- Sutton's Council has changed the philosophy of conservation and protection of the mountainous territory defined in the Municipality of Sutton's Master Plan
- The judge should have decreed that the new bylaws were "replacement" bylaws
- There should have been a single referendum vote of approval or rejection by the entire population rather than the potential of several thousand registers."

The group's spokesperson, Robert Benoît, recalled that it was only as a last resort that the citizens appealed to the Court because of the municipality's systematic refusal to establish a dialogue with its citizens.

"We have always been available to discuss the issues of these bylaws and to find a negotiated solution to prevent the case from going to court. Unfortunately, the municipality has always refused to talk with us.

Last week, a municipal representative even offered to meet with us, which we accepted on the spot, but the municipality immediately backtracked, justifying the postponement by a need to wait for the judicial proceedings to end.

It is difficult to understand the attitude of the municipality in this matter."

Mr. Benoît concludes,

"We have no personal interest in this cause; we defend the collective interest that should normally be the role of a municipal council. Judge Tôth acknowledged in his judgment in paragraph 116 that "These modifications are those requested by the developers at the October 9, 2014 meeting and are intended to promote real estate development in the MAP zones" (Middle Altitude Protection Zones)".

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For more information:

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