

Response to SLAPP article in the Business section of The Globe & Mail

By Don Avery, Chairman, Innisfil District Association

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On July 7, 2010 there was an article in the Business section of The Globe & Mail that referred to SLAPP suits. And it described how Geranium Corp. has been using SLAPP (Strategic Lawsuits Against Public Participation) suits to intimidate opponents. But it also said

“As for the defamation lawsuits filed against Big Bay Point opponents, lawyers for Geranium say they are close to signing out-of-court settlements”.

This is misleading. Here is what I believe to be the true situation – One suit was settled out-of-court about one year ago; a second suit went to court and Geranium lost. A third was administratively dismissed by the judge because of no activity by Geranium. A fourth, against the Innisfil District Association (IDA) and two of its officers was withdrawn by Geranium because, I believe, they did not want to go to court. In all four of these, Geranium/Kimvar paid or has to pay costs. The last and probably the most damaging suit, that against Wilson and Green, prominent Barrie lawyers, I believe, has some distance to go before it is settled. Also in the article, Mr. Davies, lawyer for Geranium said

“Developers have a right to defend themselves against wild allegations.”

In regard to the IDA suit, our lawyer felt Geranium’s claims had no merit and that we would win if it ever went to court. Until then, the IDA suit and the others acted for them as a form of intimidation against anyone opposing their project. I feel that is exactly what has happened.

Currently, the Town of Innisfil has granted permission for a) tree cutting in the marina, b) grubbing and c) some preliminary land preparation in the golf course area on Big Bay Point land not regulated by the Lake Simcoe Regional Conservation Authority (LSRCA). Much to our dismay, the LSRCA has given permission for tree cutting and grubbing on the regulated land. Indeed, some of this work has already been undertaken.

But Geranium does not have permission to do any construction. A number of environmental conditions must be met to the satisfaction of various government departments, the Town of Innisfil and the LSRCA, before that permission is granted. As of last week, no requests for permits have been submitted to the LSRCA to allow further construction. The IDA believes that we have made a compelling argument to the LSRCA to not allow the digging of the 30-acre lake needed to expand the marina to accommodate 1,000 boat slips. We submit that under the Conservation Act, under which the LSCRA operates, this is not a “conservation of land” but an elimination of land.

It has long been the position of the IDA that we oppose this Big Bay Point Project as it is currently proposed - i.e. 1,000 boat slip marina, 1,600 housing units with fractional ownership, 400 hotel units and a large commercial area. We feel this project, in its current form, will be harmful to Lake Simcoe and unsuited to the area.

Don Avery, Innisfil District Association