

Council considers SLAPP lawsuit measures

By Brock Weir

Last week's decision to award former Aurora mayor Phyllis Morris over \$45,000 in costs from the man who alleged she broke the Municipal Conflict of Interest Act closed the door on one aspect of the case. Council is set to revisit this week the matter that started it all.

Up for discussion at this week's General Committee meeting are two separate items related to the initial \$6 million defamation lawsuit launched in October 2010 against three local bloggers Ms. Morris alleged had information on anonymous online blog posts she claimed were defamatory.

In his costs decision in favour of Bill Hogg and Richard Johnson, two of the three individuals named in the initial lawsuit, Master Thomas Hawkins ruled the action an example of SLAPP litigation ? Strategic Lawsuit Against Public Participation ? designed to ?silence? political criticism.

The fallout from that landmark ruling spawned two issues brought forward by this Council ? making amends to the three bloggers and ensuring it doesn't happen again. Both are on the table this week.

Councillors will resolve into closed session following the meeting to discuss the ?implications? of the lawsuit.

The initial motion to bring this forward was made by Councillor Michael Thompson last year in an effort to make some sort of ?amends? to Mr. Hogg, Mr. Johnson, and the third blogger, Elizabeth Bishenden, for being at the receiving end of a municipally authorized lawsuit. Looking ahead to this week's meeting, Councillor Thompson said what he hopes comes out of the meeting is a way to prevent the same thing from happening again.

?Certainly we don't want to see any decision being made by a Council over the use of Town funds and anything ever related to a SLAPP suit ever again,? he said. ?I certainly hope to see either additional measures or ways in which the Town could be more preventative going forward. I would also like to see us be more of an advocate to try and push the province forward so that it is harder for anybody to engage in a SLAPP suit.

?Whatever we can do to shine a light on it and help bring this issue forward and make some changes that would be nice to see in the report as well. There are still questions the residents want to see answered, and we will wait to see what our solicitor has to say with regards to that.?

When Councillor Thompson first brought his motion forward last year, it was received with mixed reaction with some members of the community saying it was about time there was some action, with others saying it was time to move on, turn the page, or focus on new issues. Overall though, Councillor Thompson said residents were upset during the 2010 election campaign to hear three residents named in a suit and time has shown ?they never did anything wrong.?

?I get that some people might say, ?Let's turn the page and move on,' but if you were those people who were deeply affected by it, I don't think you would share that,? he said. ?That's why it is important for us as a Council to say let's learn from the past and make sure we prevent it from happening again. I think they are owed some sort of amends and, let's face it, they were put through hell ? and for what??

In addition to these closed door discussions, Councillors will also consider actively advocating to Premier Wynne and the Attorney General Ontario, urging the province implement recommendations of the Anti-SLAPP advisory panel and encourage other GTA municipalities to do the same.

That is the recommendation on the table from Town Solicitor Warren Mar

The Advisory Panel presented its report on SLAPP litigation in late October 2010. In their findings, which also referenced the Morris case, they deemed SLAPPs could ?intimidate opponents, deplete their resources, reduce their ability to participate in public affairs and deter others from participating in discussions on matters of public interest.?

Their recommendations included adopting anti-SLAPP legislation, stricter guidelines to strike a balance between legitimate claims and SLAPPs, new guidelines on how the matters should be dealt with by the courts, and ensuring that the fundamental rights of all concerned are maintained.