

# Cawthra job clobbers business

**John Stewart**



## They fought for us all

When it was finally over, the five defendants in the law suit against the Save Our Trees and Streams Society didn't know what to feel.

They had been dropped from the action by Mississauga developer William Sorokolit and Riverview Heights Inc., but it was a hollow victory, if, indeed, it was a victory at all.

After waiting over four years to have the air cleared in a full-scale court hearing, and having to battle constantly to get the issue into court, it was over in a few short minutes. There were no ringing speeches on the principles of the democratic right to free access to publicly elected officials, nor any argument on the potential for council to "conspire" with its ratepayers against a particular developer.

The five SOTAS executive members were sued after they asked the 10-day old council in January of 1974 to ask Sorokolit to dedicate some valley land in a subdivision along the Credit River, in old Erindale Village, to the Credit Valley Conservation Authority.

The brief had spouted the apparent heresy that "the provision of adequate recreational areas within close proximity of urban centres will be one of the major problems of the future. We should be planning these areas now. Tomorrow will be too late. In the Credit Valley, we have a priceless asset. It must not be squandered. The valley offers the perfect setting for a major greenbelt that could be one of the show-pieces of Ontario."

Because council heeded its advice, the SOTAS members were sued. If nothing else, the experience taught ratepayer groups that incorporation was a necessity to avoid suit against individual officers, and ratepayers groups across the city rushed to incorporate immediately.

SOTAS, which had been an effective environmental watchdog of local government and local developers, was forced to withdraw into a defensive shell. Time and energy originally spent in researching and developing briefs on long-range planning policies was instead devoted to rallying public support for a defense fund to pay constantly growing legal bills.

There were small victories in skirmishes along the way. In March, 1975, a Supreme Court judge wrote: "I strongly doubt if what it is alleged and admitted the defendants here did, is in any sense illegal as a conspiracy. The whole process of approval of subdivision is to make sure that the public interest is protected, and the consideration of alternatives and conditions in the public interest is the proper concern of municipalities, and concerned and interested citizens."

But for expressing that concern, SOTAS found its roots shaken to the ground.

The courts ruled that there is a potential for conspiracy between a council and its ratepayers and the case continued to determine if this was such a conspiracy. The answer to that question will never be clearly known now.

One of the defendants, Susan McAllister, says the withdrawal of the action "is a statement of innocence in itself." But she admits there's no sense of triumph or even exoneration. That may come if the SOTAS defendants are subsequently awarded the rest of their legal costs in the portion of the action which continues against the co-defendant, the City of Mississauga. But that may not happen for a year or two.

Councillor Larry Taylor, a founding SOTAS member, says bluntly that the case not only "sapped" SOTAS' energy but has discouraged many other citizen groups from speaking out on issues. He calls it a "natural right" for a citizen group to come before a council and tell it they feel an error is being, or has been, made. If council agrees and changes its decision, as happened in this instance, the citizens' group can hardly be held accountable, Taylor believes.

He goes farther, stating flatly that in this action "the judicial system has been used badly by Sorokolit to the disadvantage of the taxpayers, who support that judicial system."

Congratulations may not be in order for the outcome of last week's hearing, but they are certainly in order for the five defendants.

They fought for their rights and the rights of all citizens to freely express their concerns to their council, at no inconsiderable personal and professional costs to themselves. We owe each of them — Sue McAllister, John Ladell, Macklin Hancock, Valerie Andrew and Ken Reese — a sincere vote of thanks. If the battle is worthy enough, just to have participated is a "victory" in itself.

The manager of the Blue Horizon Restaurant on Cawthra Road says business has already been cut in half because of construction on the street, and will probably become worse over the eight months Cawthra is expected to be closed.

Frank Pucci said Monday that business over the weekend, after Cawthra was officially closed for construction of a grade operation at the CP tracks, "was down by half."

"I didn't think they could close a major road completely," complains the manager. Vehicles can still gain access to the restaurant at 2399 Cawthra by taking the road north from the Queensway.

However, Pucci says signs on the Queensway and on Dundas indicate that access to Cawthra is only from Haines Road, which is being used as a detour.

As a result, people coming to the restaurant are being directed not to go up Cawthra, but to take Haines.

Pucci says his customers are getting lost, noting there were 10 unfilled reservations on Sunday night, more than twice the normal rate.

Peel, which is doing the grade-separation and road widening, has allowed the restaurant to put up signs on the Queensway and Dundas, but Pucci claims "there are just too many

signs saying the road is closed."

Business at night will probably drop off rapidly because the restaurant is the only building open

after 6 p.m. claims the manager. People turning onto Cawthra will think everything along the road is closed, he feels.

The road construction

could "knock me off," complains the Blue Horizon manager. "People won't stand for this. They'll go someplace else," he's afraid.

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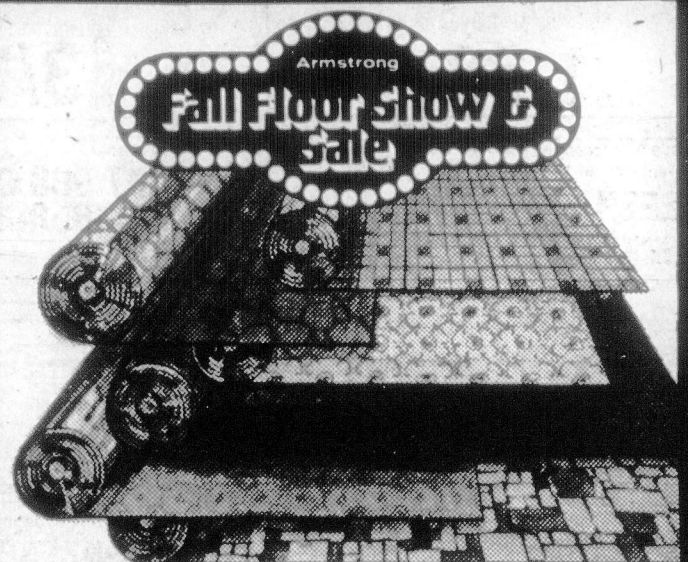
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