

Quinpool Residents Need YOUR Help

Almost two years ago Ralph Medjuck, through Centennial Properties Limited, designed a development complex for the Quinpool Road area. Despite residents protests that swelled initially (and have been growing ever since), Halifax City Council approved the plan and granted a permit to build.

Ecology Action Center, submitted an appeal against the project to the planning appeal Board.

On July 31, 1973. It was based on nine major objections. The two most significant points were that the traffic burden generated by the project would be staggering and the permit granted to Centennial Properties almost entirely abdicated any future say by Council on the development of the project. Medjuck was virtually free to do as he pleased.

Evidence was presented at the hearing to indicate that the project could generate an additional 25,000 cars a day. Have you driven through the Willow Tree at rush hour lately? Do City Councillors know what 25,000 additional cars *look* like? In any case, the appeal was dismissed on September 17 and within a couple of weeks a petition citing the traffic problems was presented to Council. It was signed by 1100 neighborhood residents. Council seemed surprised by the size of the opposition but still was not motivated to alter their original decision. The only answer now was a legal one.

Late in the fall two residents, Paul Brodie and S.L. Richards, took the case to the Nova Scotia Supreme Court and lost. They were presenting a class action on behalf of the residents,

but unfortunately their names were attached to it. Not only did Mr. Brodie and Mr. Richards lose the case, but they lost their own time and money fighting the case. The courts have also decided that they are responsible for the payment of \$5,000 in court costs to the City and to Centennial Properties. Court costs are awarded at the discretion of the court, and if there was ever a case where that discretion should have been used — this was the one.

It is pretty obvious that the City of Halifax and Ralph Medjuck can well afford to cover their own court costs. If the litigation had been totally irresponsible, we could understand the court's ruling. But in all fairness we doubt that a movement by citizens to challenge the city on the fate of their neighborhood could be considered as irresponsible. Is the court's decision meant to be a warning to citizens that they may be punished severely for standing up for their rights? One would hope not. However the decision can only tend to intimidate any similar proceedings on behalf of citizens rights.

The old familiar question that perennially pops up is, "Why does City Council seem to go out of its way to antagonize certain constituents, yet bend over backwards to protect smaller interest groups?"

Nick Meagher put this question to a City Council meeting a short while back: 'Why did Council force a group of residents on Quinpool Road to pay the city's courts costs over a development controversy, while in another case involving Dalhousie's proposed athletic complex, City Council fell over itself trying to fight on behalf of the residents?' City solicitor Don Murphy came up with a pretty dubious answer: In the Dalhousie case, City Hall agreed with the residents; in the Quinpool Road controversy they didn't.

If you are still asking yourself, "Why?" it might be interesting to note the two major differences between the cases. Dalhousie's complex is less of an imposition on the South Street neighbourhood than Medjuck's proposal for Quinpool Road. Dalhousie planned a medium-sized athletic facility not to exceed 2½ stories in height on land that was properly zoned for such a development. There would be no additional traffic problems and the main campus was just across the street. The athletic complex was a facility that was badly needed by Dalhousie and the Halifax Community as a whole. Constituents of both groups were to have access to it. On the other hand, Medjuck plans to dump four 22-storey buildings in Quinpool Road's back yard. The land is zoned for park and institutional, not commercial development and was even in violation of the City's "Master Plan", by building a large commercial development outside the downtown core. The "Master Plan" was quickly amended and the zoning regulation was patently ignored.

This major distinction between the two developments hardly justifies Council's support for the Quinpool Road project. The other major difference between the two areas is the residents themselves. South Street is the border of Halifax's rich and influential South End. The residents are mostly professionals; doctors, lawyers and highly paid business executives. The Quinpool Road area is a middle and lower income residential area. Many of those residents are tenants, not home owners. A fair proportion of those tenants are Dalhousie students who stand to lose inexpensive (by Halifax standards, at least) accommodation. A call by students for defense of the citizen's rights in the Quinpool Road area, then, is only valid if those citizens are to have political influence and financial power.

On Wednesday, September 6 such a proposal was made by Community Affairs Secretary Cathy Dyke to the Executive of Dalhousie Student Union. She proposed a small contribution towards the legal expenses of Messieurs Brodie and Richards. The executive tabled the motion and suggested that it be brought before Council.

The *Gazette* feels that a contribution by the Student Union would be in the best interests of student — community relations and would be a significant gesture of support on behalf of the Dalhousie students living in the Quinpool Road area. It is the responsibility of each student to press his faculty representative on Council to vote for approval of this Grant.

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