

2024 May 12
FOR IMMEDIATE RELEASE

Residents Demand Carra Recuse on Blanket Re-Zoning Vote Due to Bias

(Calgary) City Councillor Gian-Carlo Carra demonstrated bias and a “closed mind” in advance of a marathon public hearing on blanket rezoning in Calgary and should, therefore, be recused from debating or voting on the matter when City Council begins its deliberations on Monday, May 13th.

In a letter to the City Law Department and copied to City Council, lawyer Richard E. Harrison outlines the legal standard and evidence of Carra’s bias justifying his recusal on behalf of his clients, Messrs. Lehodey, K.C. and Twiss, two Calgary residents.

Evidence supporting Carra’s bias relates to an event he participated in on April 13, 2024, hosted by an organization called “More Neighbours Calgary” and witnessed by Mr. George Clark, who attended the meeting.

Mr. Clark’s sworn affidavit outlining his observations of the event and Cllr. Carra’s comments accompany the letter demanding the councillor’s recusal. Summarizing these events and their implications, lawyer Richard Harrison notes:

“There is sufficient basis to recuse Councillor Carra as he meets the legal threshold of a closed mind. Referring to opponents of blanket rezoning as “racist” and “blowhards,” participating in a training session for blanket rezoning proponents, failing to object to the characterization of opponents as fearful of mixing races and, most importantly, stating that his mind was pre-determined demonstrates a closed mind.”

The letter concludes by noting the residents intend to raise bias as grounds for judicial review should Carra participate in the final decision-making process of the proposed bylaw amendment.

Attachments:

Letter to Henry Chan, City Law Department, cc: City Council
Affidavit sworn May 9, 2024, by Mr. George Clark

-30-

Media Contact:

Robert Lehodey 403-680-4444
Rusty Miller 403-560-7850

WILSON LAYCRAFT

Barristers & Solicitors

Richard E. Harrison*

Direct Line: 403 441-2257

Email: rharrison@wilcraft.com

Paralegal: **Amy Mitchell**

Direct Line: 403 476 0150

Email: amitchell@wilcraft.com

May 10, 2024

Our File Number: 4217-001 REH

Via email

Henry Chan

The City of Calgary
800 Macleod Trail S.E.
Calgary, AB T2G 2M3

Dear Sir:

**Re: Calgary's Housing Strategy 2024 – 2030 0 Land Use Amendment Citywide
CPC2024-0213**

I act for Robert Lehodey, K.C. and Wesley Twiss.

Mr. Lehodey presented to Council as part of panel 105 and Mr. Twiss provided a written submission to Council.

My clients move that Councillor Gian-Carlo Carra recuse himself from any further readings or decisions relating to the above captioned application due to him exhibiting a closed mind.

Enclosed is the following information:

- Affidavit sworn May 9, 2024 by George Clark; and
- A Video relating to Councillor Carra.

The information evidences a closed mind by Councillor Carra.

Our office is compiling further information of a closed mind of other Councillors. If and when that information becomes available, we will provide it to Council.

The Supreme Court of Canada in *Old St. Boniface Residents Association Inc. v The City of Winnipeg* held:

In my opinion, the test that is consistent with the functions of a municipal councillor and enables him or her to carry out the political and legislative duties entrusted to the councillor is one which requires that the objectors or supporters be heard by members of Council who are capable of being persuaded. The Legislature could not have intended to have a hearing before a body who has already made a decision which is irreversible.

Citing its decision in *Old St. Boniface*, the Supreme Court went on to further articulate the closed mind test in *Newfoundland Telephone Company Limited v The Board of Commissioners of Public Utilities*:

Suite 650, 211 – 11th Avenue S.W., Calgary, Alberta T2R 0C6

Telephone: (403) 290-1601 Facsimile: (403) 290.0828

* An Association of Independent Law Practices

Bias was considered in a different setting in *Old St. Boniface Residents Assn. Inc. v Winnipeg (City)*, [1990] 3 S.C.R. 1170. That case concerned a planning decision which was made by elected municipal councillors. The governing legislation for municipalities was designed so that councillors would become involved in planning issues before taking part in their final determination. The decision of the Court recognized that city councillors are political actors who have been elected by the voters to represent particular points of view. Considering the spectrum of administrative bodies whose functions vary from being almost purely adjudicative to being political or policy-making in nature, the Court held that municipal councils fall in the legislative end. Sopinka J., at p. 1197, set forth the "open mind" test for this type of situation:

The party alleging disqualifying bias must establish that there is a prejudgment of the matter, in fact, to the extent that any representations at variance with the view, which has been adopted, would be futile. Statements by individual members of Council while they may very well give rise to an appearance of bias will not satisfy the test unless the court concludes that they are the expression of a final opinion on the matter, which cannot be dislodged.

There is sufficient basis to recuse Councillor Carra as he meets the legal threshold of a closed mind. Referring to opponents of blanket rezoning as "racist" and "blowhards", participating in a training session for proponents of blanket rezoning, failing to object to the characterization of opponents as fearful of mixing races and, most importantly, stating that his mind was pre-determined demonstrates a closed mind.

This letter serves as notice that my clients will raise bias as an ground for judicial review, should Councillor Carra participate in the final decision making process relating to this matter.

Sincerely,

WILSON LAYCRAFT



Richard E. Harrison
Barrister & Solicitor
Encl.

COURT FILE NUMBER
COURT COURT OF KING'S BENCH OF ALBERTA
JUDICIAL CENTRE CALGARY
APPLICANTS ROBERT LEHODEY, K.C. and WESLEY
TWISS
RESPONDENTS THE CITY OF CALGARY
DOCUMENT **AFFIDAVIT**
ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT Wilson Laycraft
Attn: Richard E. Harrison
#650, 211 11th Ave SW
Calgary, AB T2R 0C6
T: 403.290.1601
F: 403.290.0828

AFFIDAVIT OF GEORGE CLARK
Sworn on May 9, 2024

I, George Clark, of Alberta, SWEAR AND SAY THAT:

1. I am a third party to these proceedings and I have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be based on information and belief, and where so stated, I verily believe same to be true.
2. I am active on social media and became aware of a training session hosted by an unincorporated organizations known as 'More Neighbours Calgary' and 'Calgary's Future'. Attached hereto to this my Affidavit are the following exhibits:
 - a. **Exhibit 'A'** is a copy of the 'About' page on More Neighbours Calgary website, moreneighbourscalgary.ca/about;
 - b. **Exhibit 'B'** is a copy of the homepage and About page on Calgary's Future website, <https://www.calgarysfuture.ca/>; and
 - c. **Exhibit 'C'** are copies of the social media posts advertising the training session.
3. I understood that More Neighbours Calgary is a group advocating in favour of CPC2024-0213, which is the proposal to rezone residential districts in The City of Calgary. The proposal is commonly known as 'blanket rezoning'.
4. The event was hosted on April 13, 2024 from 1:00 – 3:15pm in Room 3-16B of the Calgary Central Library. I attended the event because I wanted to learn more about why Calgaryans were interested in supporting blanket rezoning.
5. The event was a training session where speakers connected with More Neighbours Calgary provided advice to attendees on how to present to Council in favour of blanket rezoning.
6. When I attended the event, I was surprised to find Gian-Carlo Carra who is my councillor in Ward 9. I sat close to him at the event and he and I discussed the blanket rezoning proposal near the end and after the training session (discussed below).

THIS IS EXHIBIT " C "
Referred to in the Affidavit of
George Clark
Sworn before me this 9th
Day of May A.D. 20 24
A. Mitchell
A Commissioner for Oaths in and for the Province of Alberta

AMY ANNE MITCHELL
A Commissioner for Oaths in and for Alberta
My Commission Expires: July 26, 2024

← Post

↳ Calgary's Future reposted



Team Ward 9 for Gre...
@Ward9Tweets

Follow

Today from 1pm-3pm at the Central Library, join [@calgarysfuture](#) and [@YYCNeighbours](#) for a collaborative conversation about Calgary's housing crisis.

Pre-register and learn more 



calgarysfuture.ca

Join our Inclusive Zoning Strategy Session

11:24 a.m. · 13 Apr. 24 from Calgary, Alberta · 191 Views

Post your reply





Team Ward 9 for Great Neighbourhoods

@Ward9Tweets

Team Ward 9 | We believe [#GreatNeighbourhoods](#) make a great city. Celebrating the incredible communities of East Calgary 🇨🇦 : ward09@calgary.ca

📁 Community 📍 Calgary, Alberta

🔗 gccarra.ca 📅 Joined October 2014

1,090 Following 1,609 Followers

 Followed by Save Calgary, No Payne Roofing Inc, Richard Gotfried 高飛 🇨🇦, and 13 others

Posts

Replies

Media

Likes

 **Team Ward 9 for Great Neigh...** · 22h
Today from 1pm-3pm at the Central Library, join [@calgarysfuture](#) and [@YYCNeighbours](#) for a collaborative conversation about Calgary's housing crisis.





THIS IS EXHIBIT " D "
Referred to in the Affidavit of
George Clark
Sworn before me this 9
Day of May A.D. 2024
A. Mitchell
A Commissioner for Oaths in and for the Province of Alberta

AMY ANNE MITCHELL
A Commissioner for Oaths in and for Alberta
My Commission Expires: July 26, 2024



THIS IS EXHIBIT " F "-----
Referred to in the Affidavit of
----- George Clark -----
Sworn before me this 9 -----
Day of May ----- A.D. 20 24 -----

A Commissioner for Oaths in and for the Province of Alberta

AMY ANNE MITCHELL
A Commissioner for Oaths in and for Alberta
My Commission Expires: July 26, 2024