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It might be “gentrification” or “top-down development” now, but the buzzword for community groups in the 1970s was “self-study.” People wanted to play a role in the look and feel of their neighbourhoods, and for me — an independent researcher hired to compile the many voices and frustrations into one coherent document that could be presented at city hall — that meant evenings spent in crowded living rooms planning surveys and hearing complaints of encroaching development. From Centretown West to Sandy Hill, the endless meetings, debates, and data collection taught me a lesson in the value of citizen-based research that would fuel many a fight against such national and international interests as Monsanto, the Canadian Meat Council, and Agriculture Canada.

That’s not to say the struggle for control and improvement always worked. Helping citizens of Centretown obtain data about its area improvement plan did not prevent my own downtown block north of Gloucester Street from falling prey to demolitions, high-rises, and parking lots. Indeed, despite my door-to-door research and activist efforts, the changing tide meant that my wife, Debbie, and I were evicted in December of 1972.

I was down but not out — in fact, that battle emboldened me to become the determined investigator I am today.

Around that same time, the Lansdowne Park stadium seat

Access & Activism: AN INVESTIGATOR’S JOURNEY



PHOTOGRAPHY: TONY FOUHSE

Set sights Ken Rubin, shown at his Pontiac farm, has spent his life battling for access to information. His work into alternate food systems spurred him to grow organic produce for restaurants, hotels, food banks, and daycares

High rents, lousy landlords, a profit-hungry food system, and poorly planned communities in the late 1960s and the 1970s turned **Ken Rubin** into a hard-hitting local activist and public interest researcher probing into Ottawa’s secret ways. Here, he remembers the pivotal moments that spurred his career as a freedom-of-information warrior

expansion plans were being revealed, as were the real estate plans of developer and then Ottawa Rough Riders owner David Loeb. By then, I lived in the Glebe and, together with other people who lived in the neighbourhoods of Old Ottawa East and Old Ottawa South, marshalled facts and organized opposition for an Ontario Municipal Board hearing on the long-standing public space. Nevertheless, Loeb’s expansion was approved by the board and was constructed in 1975.

Now, many years later, despite similar community and legal opposition — this time by the Friends of Lansdowne group, after the Ottawa Sports and Entertainment Group (OSEG) was granted a sole-source partnership contract by the City of Ottawa — Lansdowne Park has been intensively redeveloped. My 2010 investigations yielded sparse data on this deal but did reveal early concerns about increased traffic problems. In 2012, the courts rejected the Friends of Lansdowne legal action, which sought to stop the project because of its untendered nature. And so, with considerable public financial assistance, OSEG built a wall of big-box stores and banks, high-rise condominiums, and a redeveloped stadium. Much information about this venture will remain confidential, but the Lansdowne case served as a sobering reminder of how tough it is to fight city hall.

Speaking of unsavoury marketplace practices, one of my biggest consumer advocacy fights from 1973 to 1985 was against Bell Canada — the largest Canadian corporation at the time. The goal was to make this commercial giant more consumer-service-oriented and less obsessed with profits. “Ma Bell,” as we used to call the company, was continually increasing telephone rates. A group of people that included consumer, poverty, Aboriginal, and civil liberty groups came together in a coalition that I coordinated, called Action Bell Canada. Together,

we sought lower telephone rates and better service, often taking a satirical approach with our recruiting materials. As intervenors at the Canadian Transport Commission and CRTC Bell hearings, which took place from 1973 to 1985, we filed hundreds of questions that brought scrutiny to Bell’s service and cost practices. Deplorable ironies were revealed, such as the fact that Bell employees had been given some 21,000 free phones, with top managers getting several free phones for their winter and summer homes, while some subscribers got poor service and were on four-party lines.

In those days, before social media, it was at times pure guerrilla tactics that got matters going. I remember registering my cat as an intervenor in a few Bell Canada rate hearings and made an issue of how the cat continually got better notification treatment.

Battling for better services and rates also meant seeking better disclosure and consumer protection from car companies. Helping the Automobile Protection Association (APA) dig for and expose secret car warranties and faulty vehicles, such as General Motor’s Firenza, included holding a demonstration in 1973 that saw 32 Firenzas rally on Parliament Hill (two of which caught fire during the protest). My 1974 research report shone a light on the failings of the federal consumer affairs department to help aggrieved Firenza car owners and other people who felt wronged by the marketplace.

The APA continues to offer consumers unbiased advice on new and used cars. Its founder, Phil Edmonston, produces his annual *Lemon-Aid Guide*, which points out the worst and best vehicles.

The time was ripe for legislation that looked out for the little guy. From 1975 to 1982, I worked as a private citizen to press parliament for access to information and privacy protection legislation. In the late 1970s, I served as information rights chair with the National Capital Civil Liberties Association; we highlighted the shortcomings of federal privacy measures to a parliamentary committee through a 1979 report “How Private Is Private?” and, the following year, brought concerns to then privacy commissioner Inger Hansen about the growing list of institutions, even voluntary hockey leagues, requesting social insurance numbers as an unofficial ID.

Around the same time, I became involved with another national Ottawa-based group, Access, which

pressed for the public's right to know more about the issues of the day. With Access, I carried out a 1976 survey of parliamentarians, which showed that they faced incredible obstacles to gaining information about a range of issues, including changes in the Unemployment Insurance Commission. That gained media attention. If elected members were having trouble, what chance did the average citizen have? For seven years, Access lobbied for, and helped pass, Canada's 1982 Access to Information Act.

Once it was passed, I began testing the system and filing Freedom of Information requests — that is, formal queries that took advantage of the rights granted under the Access to Information Act. Unlike in the past, I now had a legal weapon to get hidden reports, memos, and agendas. By 1987, a *Saturday Night* article on the act featured me as a leading access “junkie.”

Since the passing of the Access to Information Act over 30 years ago, I have filed literally thousands of requests, dealt with countless government officials, worked with community and client groups, and taken the government to court. Hundreds

Some have told me that my parallel digging in the dirt as a farmer suits me well as I go about digging for hidden information. Perhaps my battle cry should be “Raise hell, raise basil, squash secrecy.”

of newspaper stories have credited my research findings, and I have become a regular commentator on the limitations of access to information laws. When asked about Canada's current access law, which has never had a major overhaul, I point to the delays, many exemptions, excessive fees, excluded agencies, and cumbersome processes associated with Freedom of Information requests. To say that our access laws protect a culture of secrecy in the government town of Ottawa would be an understatement.

Indeed, the more I learned about hidden information, the more I was driven to examine subjects close to my heart, such as the food industry. Eventually, in the late 1970s, that passion spurred Debbie and me to purchase agricultural acreage in the Pontiac region.

My work on alternative food delivery systems began in 1970, when I wrote a report for the Canadian Consumer Council that examined the use of food co-operatives as a way to assist people, including low-income consumers, to obtain healthy, affordable produce. Looking at alternatives to junk food and large private supermarket chains soon had me helping to set up the first Canada Food Week initiative in 1977. Through Pollution Probe Ottawa, I coordinated information kits on alternative local food and nutrition systems and organized over 300 events in 35 Canadian cities where they were distributed. Here in Ottawa, Frances Moore Lappé, renowned author of *Diet for a Small Planet*, spoke at a downtown church about changes needed to make our eating habits and our planet healthy. Looking back, I see that this was the beginning of a local food movement, which continues to gain momentum to this day.

Of course, food campaigns and the environmental movement are inextricably intertwined, and my investigative work into better local food systems continued as the environmental movement grew. In addition to publishing the 1992 report “An Ecological Diet for Canada,” which identified obstacles to widespread adoption of eating locally grown food, I have been an organic farmer supplying restaurants, hotels, individuals, daycares, and food banks with produce for over 35 years.

The widely distributed “Canada's Food Guide” is perhaps the best example of how knowledge of an industry can benefit from information requests. In 1991, my research showed that rather

than the nutritional document it claimed to be, the guide was a product of intense lobbying by large agribusiness interests that wanted (and got) their meat, dairy, and other food products prominently featured.

That revelation certainly lowered people's expectations about the credibility of this widely circulated publication. Nevertheless, 2005 records indicate that little has changed when it comes to the guide. The headline of the resulting *Globe and Mail* story concerning the guide's up-for-grabs development called it a “feeding frenzy” for food lobbyists.

Unfortunately, it often takes a crisis to bring real changes to the food industry. With the 2008 deadly outbreak of listeria traced to the Toronto Maple Leaf Foods plant and the 2012 E. coli crisis at the Brooks, Alberta, XL Foods plant that led to a massive tainted-beef recall, the meat industry is finally being forced to adhere to safer production practices. In the late 1980s, I, along with a reporter from *The Kitchener-Waterloo Record*, went all the way to the Federal Court of Appeal to get the

safety inspection reports of large meat-packing companies. We revealed that some plants had unacceptable ratings, with inspectors finding unsanitary and dangerous conditions.

But the Canadian Meat Council fought back and, in the 1990s, successfully lobbied authorities to bring in a rating system that removed a section of these reports that allowed for critical observations. (By 2006, the meat industry had succeeded in getting rid of such safety inspection reports altogether.)

These days, the hot topic is genetically engineered (GE) foods, also known as genetically modified organisms (GMO). But it's nothing new. Using Freedom of Information requests, I found secret trials, applications, and approvals that revealed Monsanto, one of the largest GE producers, had done shoddy field trials for its GE potato varieties and that, in 1999, Monsanto was getting impatient with regulators when it came to approving these new GE crops.

Nothing hits home quite like questions about what we eat — perhaps that is why tackling the food industry truly brought my activism and research skills together. In the late 1990s, I began organizing cross-Canada events that highlighted GE issues. In December 1999, celebrity chefs in their respective cities spoke out against using GE foods; here in Ottawa, chef John Taylor, Georges Laurier of then Laurier sur Montcalm, and Robert Bourassa of then Café Henri Burger came out for the rally that spurred the now defunct *Ottawa XPress* headline “Ottawans Finally Speak Out Against Genetically Modified Foods.” Taylor's Domus restaurant brought together producers and chefs to send a message that GE foods should be labelled as such and suggested that they would eliminate such products from their menus.

Another cross-Canada event in April 2003, organized by the Canadian Organic Growers, used information I obtained to fuel educational demonstrations at public agricultural research stations such as the Central Experimental Farm, where records showed that GE experimental crops were being tested for private interests. Activists held a rousing demonstration outside the now razed John Carling Building, which was then headquarters of Agriculture Canada. Many of the safety and environmental issues concerning GE plants are still being debated, and much of the information around this subject is hidden from public view.



Call to action In the 1970s, Rubin formed Action Bell Canada, a coalition of civil liberties groups that brought scrutiny to Bell, often through satirical campaigns

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While federal access searches involve negotiations, patience, and plenty of delays, it is particularly satisfying when the stories reveal secrets close to home. One request to Transport Canada in 1988 uncovered incidents of close encounters between airplanes in the skies over Ottawa; a 1990 response produced records that identified a toxic site near the Ottawa airport. The resulting stories touched on public safety concerns and helped locals realize the dangers that lurk in the skies overhead and in their own backyards.

Other searches agitated Ottawans more directly. When my 2011 research revealed that Library and Archives Canada was planning to block local groups from booking the much used auditorium space and meeting rooms at their Wellington Street headquarters, the resulting *Ottawa Citizen* stories postponed the change for a year. Sadly, in the end, most groups had to look elsewhere for a place to gather.

Over the years, I have developed a hunch for knowing what information to look for — call it a nose for news. But sometimes, it's just good old-fashioned curiosity. In 1990, I filed a Freedom of Information request about an unpleasant smell that I encountered while walking down Sparks Street. That toxic smoke sent some office workers home for the day. It turned out that the noxious emissions came from the Bank of Canada burning computer cards in their incinerator — a practice since discontinued.

These investigations sometimes even become part of local folklore. One Ottawa River tour-boat operator used to point out to tourists the separate house on the grounds of 24 Sussex Drive; during Jean Chrétien's time, his chef lived rent-free, as revealed in a 1994 investigation.

Speaking of local tours, maybe it's time for some enterprising tour operator to start showing off the hatching grounds of scandals. Everyone walking the streets of Ottawa should expect that each block has its secrets, some revealed and others waiting to be uncovered.

Many of the information searches I've done over the years have originated right here in Ottawa. My quest for access to information — from the days of seeking answers to neighbourhood queries to pursuing answers on misspending and safety issues from the federal government — has been a bumpy but rewarding journey for transparency. ■