

Ontario Superior Court certifies two remaining class actions against the Ontario Government for alleged abuse of residents at the Rideau and Southwestern Regional Centres

TORONTO, August 23, 2011 – The Ontario Superior Court has certified class actions launched by former residents of two Ontario institutions for the developmentally disabled: the Rideau Regional Centre in Smiths Falls and the Southwestern Regional Centre near Chatham. The certification of these proceedings has taken place months before their originally scheduled certification hearing dates, signalling the Court’s intent to advance these proceedings without any further unnecessary delays.

The Honourable Madam Justice Carolyn Horkins granted the certification for the two class actions on Friday, August 19. The class is composed of persons who resided at the institutions between September 1, 1963 and March 31, 2009 for Rideau, and September 1, 1963 and October 31, 2008 for Southwestern. The class also includes spouses and family members of the former residents.

Kirk Baert of Koskie Minsky LLP, representing the plaintiffs, is pleased about the certification of the two class actions and looks forward to the class action giving a voice to former residents of Rideau and Southwestern.

“Madam Justice Horkins’ decision to certify these two class actions is a positive step towards achieving justice for the former residents of these institutions and their family members,” said Baert. “The alleged physical and mental abuse that these former residents endured is very disturbing and we are hoping that these lawsuits will soon come to a conclusion, so that residents can finally see justice and compensation in their lifetime.”

The class action is based upon the Ontario government's alleged negligence and breach of fiduciary duties in the operation, control and management of Rideau Regional Centre from 1963 to 2009 and Southwestern Regional Centre from 1963 to 2008. In particular, the class actions arise from the Ontario government’s negligence for allowing alleged abuses to occur unchecked for decades, despite the fact that the cabinet was in possession of many reports, both official and unofficial, which should have raised alarm bells.

A similar class proceeding with respect to the Huronia Regional Centre in Orillia was certified by the Honourable Mr. Justice Cullity on July 30, 2010.

The representative plaintiffs and their litigation guardians commenced this action in September 2010 for Rideau and December 2010 for Southwestern. Both plaintiff groups are seeking to represent all former residents and family members of both Rideau Regional Centre and Southwestern Regional Centre. Koskie Minsky LLP represents the plaintiffs in this action.

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