

Judge certifies \$600-million class-action lawsuit on behalf of former residents of Ontario's training schools

An Ontario Superior Court judge has certified a class-action lawsuit seeking \$600 million in damages against the Ontario government on behalf of former residents of the province's training schools.

The certification order, signed by Justice Danial Newton in Thunder Bay and released Tuesday, defines the class as all individuals who resided at 13 of the province's training school facilities between Jan. 1, 1953, and April 2, 1984.

"This is an important milestone for the boys and girls from the training schools," said lead plaintiff Kirk Keeping in a statement issued by Koskie Minsky, the law firm representing him and other class members. Keeping alleges he was sexually, physically and psychologically abused while attending Pine Ridge Training School in Bowmanville in 1968 when he was 15.

"We have all lived with this for years and we are glad this case is moving forward," he said.

Training schools were institutions set up and operated by the provincial government to house and educate thousands of children between the ages of 8 and 16 who were deemed by the courts to be "incorrible" or "unmanageable." Children sent to training school need not have committed any crimes; transgressions such as petty theft, truancy, or running away from home could land a child in training school. Many children sent to the institutions came from abusive or poverty-stricken homes.

A Star investigation published last year revealed that the provincial government has secretly settled more than 200 individual lawsuits launched by former training school residents who alleged horrifying treatment at the hands of school employees. Former students interviewed by the Star alleged they were raped, beaten and put in solitary confinement by staff members, among other abuses they say they suffered.

The Star's investigation also revealed that provincial officials warned the government - in one case as early as the late 1960s - that students were being mistreated at the institutions, but that these warnings appeared to have been ignored. The last training school closed in 1984.

"The allegations of abuse by the province are quite frankly shocking," Jonathan Ptak, a partner at Koskie Minsky and the lead lawyer for the class, said in a statement Tuesday. "We are pleased that the case now has been certified as a class proceeding, so that we can now litigate this case on the merits. We will continue to push forward as quickly as possible and to seek access to justice for the thousands of survivors of the Ontario training schools."

The next step in the case, he said, will be to return to court to determine how to provide notice to class members that the action is proceeding. Class members will then have the opportunity to opt out if they wish. Ptak said records filed by the province in the case show there were about 21,000 former residents of training schools.

The lawsuit, which seeks \$500 million in damages for negligence, breach of fiduciary duty and vicarious liability, as well as \$100 million in punitive damages, was certified in Thunder Bay, where lead plaintiff Keeping lives.

Among Keeping's allegations in the statement of claim, which was filed in Dec. 2017, were that he was sexually abused by two Pine Ridge training school employees: a female kitchen worker who allegedly took Keeping, who was a virgin, into a large cooler and had sex with him; and a male employee working at the school's dairy farm who allegedly performed oral sex and "simulated sex" on Keeping.

It also alleges he was put in a locker by staff members and hit with running shoes when he misbehaved.

"The children who resided (in training schools) were vulnerable and powerless and due to the Crown's systemic failure, were subjected to a toxic environment in which physical, sexual and psychological abuse was widespread," reads the statement of claim.

As of publication time, the Ministry of the Attorney General had not responded to a request for comment.

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