Dedicat	tion	iii
Acknow	vledgments	v
	ry of Contents	
Table o	of Contents	ix
Forewo	rd by Professor Jasminka Kalajdzic	xlvii
Preface	?	xlix
About t	the Author	liii
Table o	of Cases	lv
~~. ~~		
_	TER I — The Foundation of Environmental Class Actions in	
	1	
1.	Introduction	1
2.	The Case That Started Environmental Class Actions in	
	Québec: Comité d'environnement de La Baie inc. c.	
	Société d'électrolyse et de chimie Alcan Itée	3
	A. Motion for Authorization to Institute a Class Action	
	B. Appeal Before the Court of Appeal	5
	C. Motion to Strike the New Allegations and	
	Conclusions	
	D. Appeal Before the Court of Appeal	12
	E. Settlement and the Motion for a Stay of the	
	Proceedings	14
3.	The Most Important Case of All: Hollick v. Metropolitan	
	Toronto (Municipality)	16
	A. Certification Motion Before the Ontario Superior	
	Court of Justice	17
	B. Appeal Before the Divisional Court	23
	C. Appeal Before the Court of Appeal	25
	D. Appeal Before the Supreme Court of Canada	27
CHAP	TER II — The Problem of Historical Contamination	33
1.	Introduction	33
2.	A Nickel Refinery in Port Colborne: Smith v. Inco Limited	
2.	A. Application by the Plaintiff Under Section 12 of the	3 1
	Class Proceedings Act for an Order Compelling	
	Inco to Produce a List of the Proposed Class Memb	ers
	Who Have Reen Provided With a Letter and Attache	

	Consent and Notice Regarding a Proposed Indoor	
	Sampling Program	.36
B.	Motion by Inco to Strike Out Paragraphs of the	
	Statement of Claim and for the Determination of	
	Points of Law	. 39
C.	Motion by the Crown to Strike Out Paragraphs	
	of the Statement of Claim	.43
D.	Costs for the Three Previous Motions	
E.	Motion by Inco for an Order Compelling the Plaintiff	
٠.	to Answer Questions Refused During Hearing of the	
	Cross-Examination on His Affidavit	48
F.	Application for Leave to Appeal the Decision of	
	Justice Nordheimer Dismissing the Motion for an	
	Order Compelling Inco to Produce a List of the	
	Proposed Class Members Who Have Been Provided	
	With a Letter and Attached Consent and Notice	50
G.	Costs Respecting the Motion to Compel Answers	. 50
G.	From Pearson	51
Н.	Application to Certify the Action as a Class	. 31
п.	Proceeding	51
I.	Application by Inco and the Other Defendants for	. 51
1.	Costs	62
J.		. 03
J.	Appeal by Pearson Before the Divisional Court From	
	the Order of Justice Nordheimer Refusing to Certify	
	the Action as a Class Proceeding and From the	
	Order Awarding Inco Limited and the Other	<i>-</i> 1
17	Defendants Their Costs	. 64
K.	Determination of Costs Between the Appellant	
т	Pearson and the Respondent Inco	. 66
L.	Application by Pearson for Leave to Appeal to the	
	Court of Appeal	. 66
M.	Motion by the Environmental Commissioner of	
	Ontario for Leave to Intervene as an Added	
	Party on Appeals From the Judgment of the	
	Divisional Court	
N.	Appeal Before the Court of Appeal	
O.	Application for Costs in Appeal	
P.	Pearson's Motion for an Order Compelling Inco to	
	File a Further and Better Affidavit of Documents	.76
Q.	Motions by Inco and Pearson to Compel Answers to	
	Numerous Refusals and Undertakings Provided at	
	the Examination for Discovery	
R.	Motion by Inco to Decertify the Class Proceedings	
S.	Trial on the Merits	.80

	T.	Motion to Intervene as a Friend of the Court by	
		Friends of the Earth Canada	87
	U.	Appeal Before the Court of Appeal	87
	V.	Motion by the Parties Respecting the Procedure to	
		be Followed in Determining the Trial Costs Order	94
	W.	Application for Leave to Appeal to the Supreme	
		Court of Canada	94
	X.	Motion to Strike the Affidavits of the Law	
		Foundation of Ontario	94
	Y.	Costs Decision: \$1,760,000 to Inco	97
	Z.	Appeal of the Costs Order Before the Court of	
		Appeal	101
3.	The S	Sydney Tar Ponds Class Action: MacQueen v. Canada	
5.		prney General)	104
	A.	Motions to Strike Out Portions of the Statement	104
	71.	of Claim	106
	B.	Appeal of the Judgment Striking Out Pleadings and	100
	ъ.	Allegations	108
	C.	Motions for Discovery of the Plaintiffs by the	100
	С.	Attorney General of Canada	110
	D.	Appeals Before the Nova Scotia Court of Appeal	
	E.	Judgment of the Nova Scotia Supreme Court on	110
	止.	the Certification Application	110
	F.	Motion for a Stay of the Class Proceedings by the	110
	1.	Attorney General of Nova Scotia	117
	G.	Motions for Leave to Appeal to the Court of Appeal	11/
	G.	by the Sydney Steel Corporation, the Attorney	
		General of Canada, and the Attorney General	
		of Nova Scotia	118
	H.	Costs Decision.	
	I.	Appeal Before the Court of Appeal of the	11)
	1.	Certification Order	122
	J.	Motion for Reconsideration Before the Court of	122
	3.	Appeal	130
	K.	Costs Order	
	L.	Application for Leave to Appeal to the Supreme	151
	L.	Court of Canada	134
	M.	The March 24, 2004 and August 25, 2015 Press	1.J-T
	171.	Releases	134
		TOTOUSCO	157
CHAPTI	ER III	— The Two Cases That Settled the Law on the	
Neighbou	rhood	Disturbances Doctrine in Québec	139
1.	Intro	duction	139

2.		t Over the City: Barrette c. Ciment du St-Laurent inc 141
	A.	Motion for Authorization to Institute a Class
	В.	Action
	ъ.	Minister of the Environment
	C.	Motion by St. Lawrence Cement to Examine a Third
		Party
	D.	Motion From the Plaintiffs to Compel St. Lawrence
	_	Cement to Disclose Documents
	E.	Motion From St. Lawrence Cement to Revoke the
		Judgment Authorizing the Class Action Under Article
	F.	1022 of the Code of Civil Procedure
	1.	Experts for the Plaintiffs
	G.	Motion by St. Lawrence Cement Objecting to the
		Filing of a Redacted Document by the
		Representative Claude Cochrane
	H.	Motion by the Plaintiffs for Permission to Adduce
		Additional Evidence
	I.	Trial on the Merits
	J.	Appeal Before the Court of Appeal
	K.	Appeal Before the Supreme Court of Canada
	L. M.	The Motion for the Approval of the Attorneys' Fees 171
	M.	Back to the Superior Court: What Is the Starting Date for the Calculation of Interest?
	N.	Judgment on Claim No. 554
	O.	Judgment on Claim No. 774
	О. Р.	Finality at Last (So It Seemed): Declaration of
		Satisfaction of Judgment
	Q.	Motion for the Approval of a Special Honorarium 172
3.	The	Sequel of Barrette c. Ciment du St-Laurent inc.: Roy c.
	Cim	ent Saint-Laurent inc
	A.	Judgment of the Superior Court
	B.	Motion for Leave to Appeal Before the Court of
		Appeal
	C.	St. Lawrence Cement Part II: Renaud c. Holcim
	ъ	Canada inc
	D.	Motion by Holcim Canada Asking That Justice Martin Dallaire Recuse Himself
	E.	Motion for Leave to Appeal From the Judgment of
	ъ.	Justice Dallaire Refusing to Recuse Himself: Renaud
		c. Holcim Canada inc

	F.	Motion to Split the Proceeding to Deal First With			
	_	the Prescription Issue			
	G.	Motion by Holcim Canada to Examine Class			
		Members Before Plea			
	Н.	Motion by Holcim Canada to Revoke the			
	т	Authorization Judgment			
	I.	Appeal Before the Court of Appeal of the Judgment			
		Revoking the Authorization to Institute a Class Action			
	J.	Notice to the Class Members 176			
	K.	The Aftermath: Flamand c. 9174-3641 Québec inc 177			
4					
4.		Other Dust Case: Comité d'environnement de Ville-Émard			
	(C.E.	V.E.) c. Domfer Poudres Métalliques Itée			
	A. B.	Motion for Authorization to Institute a Class			
	Б.	Action			
	C.	Trial on the Merits			
	D.	Appeal Before the Court of Appeal			
	E.	Bankruptcy of Domfer Poudres Métalliques and the			
		Settlement			
5.	The S	Sequel to Comité d'environnement de Ville-Émard			
		V.E.) c. Domfer Poudres Métalliques Itée: Comité			
		ironnement de Ville-Émard c. Stodola190			
	A.	Motion for Authorization to Institute a Class			
		Action			
	B.	Examination Before Plea of the Designated Person			
		and the Objections			
	C.	Settlement			
СНАРТІ	ER IV	— Air Pollution			
1.		duction			
2.	A Plywood Manufacturer in Longueuil: Association des				
		ens et citoyennes pour un environnement sain de Fatima . Bois & Placages généraux ltée196			
	<i>inc. c</i> A .	Motion for Permission to Adduce Relevant Evidence			
	л.	at the Authorization Hearing			
	B.	Motion for <i>Lis Pendens</i> and Stay of Proceedings 197			
	C.	Motion for Authorization to Institute a Class			
		Action			
	D.	Motion to Amend the Class Action			
	E.	Motion to Quash the Seizure Before Judgment 199			
	F.	Settlement			

3.	An Aluminum Smelter in Baie-Comeau: Regroupement des	
	citoyens du quartier St-Georges inc. c. Alcoa Canada Itée	201
	A. Motion for Authorization to Institute a Class	
	Action	202
	B. Motion for Particulars	212
	C. Motion to Strike Out Paragraphs	213
	D. Motion by Alcoa to Strike Out Allegations in the	
	Answer of the Representative	213
	E. Motion of the Representative for the Designation	
	of an Independent Expert	214
4.	An Asphalt Plant in the Magdalen Islands: Gaudet c.	
••	P. & B. Entreprises Itée	214
	A. Motion for Authorization to Institute a Class	211
	Action	215
	B. Motion to Strike Out Paragraphs and Exhibits	
	C. Motion to Dismiss	
	D. Settlement	
5.	Another Cement Plant Class Action: Kennedy c. Colacem	210
3.	•	210
	A. Motion for Permission to Adduce Evidence at the	219
	Authorization Hearing	210
	B. Motion for Authorization to Institute a Class	219
	Action	220
	C. Settlement	
		224
6.	A Quarry and Asphalt Plant in New Brunswick: O'Neill v.	226
	St-Isidore Asphalte Ltée	226
7.	7. Paint and Solvent Odours in Cap-Rouge: Arrouart	
	c. Anacolor	230
	A. Motion for Authorization to Institute a Class	
	Action	231
	B. Application for Interlocutory and Permanent	
	Injunction	
	C. Objections Respecting an Examination	236
	D. Sealing Order From the Tribunal Administratif du	
	Québec	
	E. Settlement	238
8.	Dieselgate: Association québécoise de lutte contre la	
	pollution atmosphérique c. Volkswagen Group Canada Inc	238
	A. Motion for Authorization to Institute a Class	
	Action	238
	B. Motion for Leave to Appeal to the Court of Appeal	243

	C.	Application for Leave to Appeal and Appeal to the Supreme Court of Canada	243
	D.	Motion to Revoke the Judgment Authorizing the	243
	ъ.	Class Action and to Dismiss the Class Action	243
9.	Ano	ther Class Action Against the Montréal-Trudeau	
,,		rnational Airport: Pollués de Montréal c. Aéroports	
	de N	Montréal (The Nanoparticles Class Action)	247
	A.	Motion for Authorization to Institute a Class	
	ъ.	Action	247
	В.	Three Interlocutory Judgments on the Motions for Permissions to Adduce Relevant Evidence From	
		the Defendants	248
CHAPT		— Climate Change	
1.		oduction	249
2.		limate Change Class Action Against the Canadian	
		ernment in the Superior Court of Québec:	250
	ENV A.	vironnement JEUnesse c. Attorney General of Canada Motion for Authorization to Institute a Class	250
	A.	Action	251
	B.	Intervention	
3.	A C	limate Change Action Against the Canadian Governmen	ıt
		ne Federal Court: La Rose v. Attorney General of	
	Can	ada	252
4.	A C	limate Change Class Action Against the Ontario	
		ernment Before the Ontario Superior Court of Justice:	
		thur v. Her Majesty the Queen in Right of Ontario	257
5.		limate Change Action Against the Federal Government	
		ore the Federal Court: Lho'imggin v. Her Majesty the	260
	Que	en	269
CHAPT	TER V	I — Trichloroethylene Contamination in Soil and	
			273
1.	Intro	oduction	273
2.		E Contamination in the Eastern Townships: Lavoie c.	
		nley Canada Corporation	274
	A.	Motion for Authorization to Institute a Class	27.5
	В.	Action	
2	٠.	Settlement	
3.		E Contamination in Ogden: Windsor v. Canadian Pacific way Company	
	nall	wav Combanv	4 / /

	A.	Motion for Certification of the Action as a Class
	B.	Proceeding
		of Appeal
	C.	Motion for Summary Dismissal
	D.	Appeal Before the Court of Appeal
	E.	Settlement
4.	TCE	E Contamination in Cambridge: Wamboldt v. Northstar
		ospace (Canada) Inc291
5.	TCE	E Contamination in Shannon: Spieser c. Canada
		ocureur général)295
	A.	Motions for Permission to Amend the Allegations
		and the Conclusions of the Motion for Authorization
		to Institute a Class Action
	B.	Motion for Permission to Conduct a Medical
		Examination
	C.	Motion for Authorization to Institute a Class
		Action
	D.	Motion for a Safeguard Order
	E.	Motion for Substitution and Addition of Parties to
		the Motion to Institute a Proceeding
	F.	Motion for Extension of the Delay to Institute the
		Class Action
	G.	Motion for Leave to Appeal to the Court of Appeal 304
	H.	Motion for Particulars 304
	I.	Motion for a Further Safeguard Order and Filing
		of the Expert Reports304
	J.	Motion by the Representative for Permission to
		Re-Amend the Amended and Particularized Motion
		to Institute a Proceeding and to Amend the Definition
		of the Class, and Motion by the Defendants to Modify
		the Authorization Judgment
	K.	Judgment Respecting an Objection to a Question at
		an Examination of a Class Member
	L.	Motion to Revoke the Judgment Authorizing the
		Institution of a Class Action
	M.	Judgment Respecting a Verbal Motion for the
		Return of a Document Forwarded Inadvertently 310
	N.	Judgment Respecting a Motion of the Class
		Representative for Permission to Adduce an
		Additional Expert's Report311

	O.	Judgment Respecting Objections to Questions and
		Undertakings Contracted at the Examination After Plea of Class Members
	P.	Motion for Permission to Re-Amend the Motion to
	1.	Institute a Proceeding
	Q.	Application by the Director of the Public Health
	Q.	Department of the Québec City Region to Access
		the Medical Records: Desbiens c. Spieser
	R.	Trial on the Merits
	S.	Amended Motion for Permission to Introduce New
		Evidence Before the Court of Appeal325
	T.	Hearing Before the Court of Appeal326
	U.	Application for Leave to Appeal and Conditional
		Application for Leave to Cross-Appeal to the
		Supreme Court of Canada
СНАРТІ	FR VI	I — Fires, Gas Leaks, and Other Industrial Accidents 331
1.		duction
2.		Plastimet Fire in Hamilton: Cotter v. Levy
	A. B.	Motion for a Change of Venue
	D.	in a Class Action to Notify Potential Claimants
		of the Hearing of a Motion
	C.	Application by the Plaintiff Cotter for Certification
	С.	of His Action as a Class Proceeding (The First
		Attempt); Application by All the Defendants to
		Dismiss Cotter's Claim for Punitive and Aggravated
		Damages, and Application by Defendants Madeline
		Levy, Monte Levy, and Phoenix International Ltd.
		to Dismiss the Action Against Them335
	D.	Motion to Certify the Action as a Class Proceeding
		(The Second Attempt)
	E.	Motion to Certify the Action as a Class Proceeding
	_	(The Third Attempt)
	F.	Settlement
3.		Kingsville Fire: Ludwig v. 1099029 Ontario Ltd.;
		i-Pak Inc. v. Siemens Canada Ltd
	A.	Motion to Certify the Action as a Class Proceeding 346
	B.	Motion by Some Defendants to Quash the Appeal
	C.	From the Certification Order
	C.	the Judgment for Quashing Appeal on the Basis That
		the Plaintiffs Had Not Received Leave to Appeal 349
		the Fightunes frau two received Leave to Appear 349

	D.	Appeal to the Court of Appeal From the Judgment of the Divisional Court
	E.	Settlement
4.		as Release in Sudbury: Mangan v. Inco Ltd
4.	A.G	Motion for Certification of a Class Proceeding for
	11.	the Purposes of a Settlement and Motion for Notice
		of a Proposed Settlement
	В.	Motion for a Remedy in Respect of an Unauthorized
	ъ.	Notice in a Class Proceeding
	C.	Motion for the Determination of Costs
5.	AR	elease Flare in Corunna: Lewis v. Shell Canada Ltd361
٥.	Α.	Motion of Lewis and Weeke Respecting Pre-
		Certification Communications of the Defendant
		With Members of the Class
	B.	Motion for Certification of the Action as a Class
		Proceeding and for Approval of the Settlement 364
6.	4 G	as Release in Valleyfield: Deraspe c. Zinc électrolytique
0.		Canada Itée (CEZinc.)
	Α.	Motion to Compel the Federal Minister of the
		Environment and Others to Conduct an Investigation
		and to Disclose a Report and Motion for
		Declinatory Exception by the Attorney General
		of Canada
	B.	Application for Judicial Review Before the Federal
		Court of Canada
	C.	Application for Judicial Review Before the Superior
		Court of Québec of a Decision of the Fonds d'aide
		aux recours collectifs
	D.	Motion to Amend the Motion for Authorization to
		Institute a Class Action and to Add the Attorney
		General of Canada as an Impleaded Party and Motion
		by the Attorney General of Canada to be Excluded
		From the Proceedings
	E.	Motion by Zinc électrolytique du Canada ltée for
	_	Permission to Examine Deraspe
	F.	Motion by Zinc électrolytique du Canada Itée for
		Permission to Adduce Evidence at the Hearing of
		the Motion for Authorization to Institute a Class
		Action
	G.	Motion for Authorization to Institute a Class
	ΤT	Action (The First Attempt)
	Η.	Appeal Before the Court of Appeal

I.	Motion for Authorization to Institute a Class Action (The Second Attempt)	386
J.	Motion to Dismiss the Second Motion for	300
J.	Authorization to Institute a Class Action on	
	the Basis of <i>Res Judicata</i> by Zinc électrolytique	
	du Canada	200
K.	Motion by Zinc électrolytique du Canada to Adduce	300
K.		
	Evidence at the Hearing of the Second Motion for Authorization to Institute a Class Action	200
т		389
L.	Motion by Zinc électrolytique du Canada for Leave	
	to Appeal From the Judgment on the Motion to	200
1.1	Dismiss on the Basis of Res Judicata	389
M.	Motion by Zinc électrolytique for a Stay of the	200
> T	Proceedings in the Superior Court	390
N.	Application for Leave to Appeal to the Supreme	200
	Court of Canada	390
Ο.	Judgment of the Superior Court Granting Deraspe's	
	Second Motion for Authorization to Institute a	• • •
_	Class Action	390
P.	Motion by Deraspe Asking That Justice Eva	
	Petras Recuse Herself	391
Q.	Motion for Leave to Appeal Before the Court of	
	Appeal	392
R.	Application for Leave to Appeal Before the Supreme	
	Court of Canada	393
S.	Motion of the Class Representative to Amend the	
	Designation of the Defendant or to Add a Defendant	
	and for a Safeguard Order	393
T.	Motion for a Case Management Conference and for	
	Permission to File a Factum With More Pages Than	
	Allowed by the Rules of the Court of Appeal	
U.	Appeal Before the Court of Appeal	395
V.	Application for Leave to Appeal to the Supreme	
	Court of Canada	396
W.	Motion to Revoke the Status of Class Representative	
	Deraspe and to Disqualify his Attorney	396
X.	The Aftermath: Barreau du Québec (Syndic Adjoint)	
	c. Desjardins	397
Y.	Appeal Before the Court of Appeal Respecting the	
	Judgment of the Superior Court Revoking the	
	Status of Deraspe as Class Representative	397
Z.	Settlement	

7.		xplosion in Toronto: Durling v. Sunrise Propane Energy	
	Group	p Inc40)1
	A.	Motion for an Order Compelling the Ministry of	
		the Environment and Other Regulatory Agencies	
		to Produce the Results of Their Investigation 40	03
	B.	What Comes First, the Plaintiff's Motion for	
		Certification or the Defendants' Motion for	
		Summary Judgment?40)7
	C.	Motion by the Plaintiffs for Directions in Advance	
		of a Proposed Motion to Discontinue Separate	
		Actions Commenced as Class Proceedings in Favour	
		of One Consolidated Action40)7
	D.	Motion for an Order Staying the Individual Actions	
		and for a Costs Order)7
	E.	Motion for the Approval of a Claims Bar4	
	F.	Motion for Certification (The First Attempt)4	
	G.	Motion to Restrain Wawanesa and Its Counsel	
		From Communicating With Class Members 42	20
	H.	Motion to Amend the Statement of Claim and for	
		Certification of a Class Action Against the	
		Teskey Defendants	22
	I.	Motion for Leave to Appeal to the Divisional	
		Court	31
	J.	Appeal Before the Divisional Court	32
	K.	Settlement	
8.	A Sn	ill in the Slocan Valley: Kirk v. Executive Flight	
-		re Fuel Services	35
	Α.	Application for Certification	
	B.	Appeal Before the Court of Appeal44	
9.	1 Pi	peline Spill in Central Alberta: Rieger v. Plains	
9.		tream Canada ULC44	10
	A.	Application to Compel Undertaking Responses	T
	11.	Refused by the Defendant	50
	В.	Application for Certification 45	
	ъ.	Application for Certification)1
CHAPTI	ER VI	II — Fish Farms45	57
1.	Intro	duction	57
2.	A Fis	sh Farm in Lake Heney: Association pour le lac Heney	
		stion Serge Lafrenière inc45	58
	A.	Motion for Authorization to Institute a Class Action	
		in the Superior Court	50
	B.	Injunction Proceedings: Calvé c. Gestion Serge	
		Lafrenière inc	52
		v	

	C.	Appeal Before the Court of Appeal of the Injunction Issued by the Superior Court	464
	D.	Appeal Before the Court of Appeal of the Judgment of the Superior Court Dismissing the Motion for Authorization to Institute a Class Action	
	E.	Settlements and Their Implementation	
3.	Saln	non Farms in the Broughton Archipelago: Kwicksutaineul	ζ/
		Kwa-Mish First Nation v. British Columbia (Minister	
	of A	griculture and Lands)	
	A.	Applications for Particulars by the Attorneys General of British Columbia and Canada and Application to	
		Strike by the Attorney General of British Columbia	
	В.	Application for Certification of a Class Proceeding	479
	C.	Application for Intervener Status in the Appeal	
		by the British Columbia Salmon Farmers	402
	D	Association	492
	D.	Appeal Before the Court of Appeal of the Judgment Rescinding the Certification Order	404
		Reschiding the Certification Order	424
CHAPT	ER IX	X — Pig Farms and Noxious Odours	499
1.	Intro	oduction	499
2.		ig Farm in Saint-Didace: Branconnier c. 2848-7395	
		bec inc	500
	Ã.	Motion for Authorization to Institute a Class	
		Action	500
	B.	Settlement	502
СНАРТ	FR X	— Genetically-Modified Crops	505
1.		oduction	
			505
2.		etically-Modified Canola in Saskatchewan: Hoffman v.	506
		nsanto Canada Inc.	506
	A.	Motion by Plaintiffs to Compel the Defendants to File a Statement of Defence Before the Hearing	
		and Determination of the Certification Application	
		Hearing	509
	В.	Motion for Leave to Appeal the Order of Justice	507
	ъ.	Smith Requiring the Defendants to File Their	
		Statements of Defence Prior to the Determination	
		of the Certification Application	510
	C.	Appeal Before the Court of Appeal Respecting the	
		Order of Justice Smith	511

	D.	Application by Monsanto and Aventis CropScience to Strike Portions of the Affidavit Evidence of the	
		Plaintiffs	,
	E.	Application by Monsanto to Cross-Examine One	•
	ъ.	Proposed Representative and Other Affiants516	í
	F.	Application for Certification 517	
	G.	Application for Leave to Appeal to the Court of	
	G.	Appeal	
	H.	Friends of the Earth Canada and Saskatchewan	,
	11.	Environmental Society Want to Intervene in the	
		Appeal	L
	I.	Judgment of the Court of Appeal for Saskatchewan 545	
	J.	Application for Leave to Appeal to the Supreme	,
	J.	Court of Canada	7
		Court of Canada	
CHAPT	ER XI	- Mines, Quarries, and Sandpits549)
1.		duction549	
2.		uarry in a Residential Neighbourhood: Robitaille c.	
۷.		tructions Désourdy inc550	١
	A.	Motion for Authorization to Institute a Class	,
	A.	Action	
	B.	Motion to Revoke the Judgment Authorizing the	
	D.	Class Action	,
	C.	Appeal Before the Court of Appeal by Construction)
	C.	Désourdy and Motion to Dismiss the Appeal by	
		Robitaille	
	D.	Application for an Interlocutory Injunction	
	D. Е.	Appeal Before the Court of Appeal of the	r
	Ľ.	Interlocutory Injunction	
	F.	Trial on the Merits	
	G.	Appeal Before the Court of Appeal	
	Н.	Motion for a Special Honorarium	
2		*	,
3.		ndpit in a Residential Neighbourhood: Langevin c.	
		hard	,
	A.	Motion to Amend the Motion for Authorization to	
	ъ	Institute a Class Action)
	В.	Motion for Leave to Appeal Before the Court of	
		Appeal	
	C.	Motion for Permission to Adduce Relevant Evidence	
		at the Hearing of the Motion for Authorization to	
	ъ	Institute a Class Action	
	D.	Motion for Authorization to Institute a Class	
		Action	ŀ

	E.	Trial on the Merits	566
4.	Lan	d Contamination in a Mining Town: Young c. Noranda	
	inc.		571
	A.	Motion by Noranda for Permission to Examine	
		the Petitioner	572
	В.	Motions by the Attorney General of Québec and	
		Falconbridge Itée for Permission to Adduce	
		Evidence at the Authorization Hearing	
	C.	Motion by Young to Discontinue the Proceedings	573
5.		oxic Leak in Guyana: Recherches internationales	
	Qие́	bec c. Cambior inc	573
	A.	Motion Asking for Permission to Examine the	
		President of Cambior	577
	B.	Motion for Declinatory Exception	
	C.	Motion for a Special Honorarium	580
	D.	Representative Actions Against Omai Gold Mines	
		Ltd. in Guyana	581
6.	A T	oxic Spill in Spain: Pearson v. Boliden Ltd	581
	A.	Application for Certification of an Action as a	
		Class Proceeding Before the British Columbia	
		Supreme Court [In Chambers]	581
	B.	Appeal Before the Court of Appeal	
	C.	Application for Leave to Appeal to the Supreme	
		Court of Canada	583
	D.	Settlement Agreement	
7.	An	Open Pit Gold Mine in Malartic: Trottier c. Canadian	
, ·		lartic GP	584
	A.	Sui Generis Plaintiff's Motion to Inform the Class	504
	11.	Members of Their Rights	586
	B.	Motion for Leave to Appeal	
	C.	Motion for Permission to Adduce Evidence at the	507
	С.	Authorization Hearing	587
	D.	Motion for Interlocutory Injunction	
	E.	Motion for Authorization to Institute a Class	500
	2.	Action	592
	F.	Motion for Declaratory Judgment by Canadian	572
	1.	Malartic That It Has the Right to Invite Class	
		Members at a Meeting to Make Individual	
		Offers of Settlement	. 592
	G.	Motion for Leave to Appeal to the Court of	0,2
	٥.	Appeal	. 593

	Н.	Motion by Canadian Malartic to Allow Its Attorneys to Communicate With Some Class
		Members in Order to Prepare Its Defence
	I.	
	1.	Application by Canadian Malartic for a Partial
		Dismissal of the Originating Application to
	-	Institute a Proceeding
	J.	Appeal Before the Court of Appeal
	K.	Judgment Respecting the Opt-Out Form and the
		Determination of the Class Period
	L.	Motion for Leave to Appeal to the Court of Appeal 603
	M.	Objections to Questions Asked in Written
		Interrogatories, and Motion for the Dismissal
		of Two Expert Reports
	N.	Application for Judicial Review of the Order-in-
		Council Authorizing the Mine Extension
	Ο.	Application by Lemire to Amend the Class Definition
		and for a Declaration of Abuse of Proceedings 609
	P.	Motion for Leave to Appeal to the Court of Appeal
		From the Judgment Dismissing the Application for
		Judicial Review
	Q.	Settlement 610
СНАРТ	ER XI	I — Harbours
1.		duction
2.		Noise, and Vibrations in the East End of Montréal:
		er c. Cast Terminal inc
	A.	Motion for Authorization to Institute a Class
	_	Action
	В.	Settlement 616
3.	Red.	Dust Over Limoilou: Lalande c. Compagnie d'arrimage
	de Q	uébec ltée617
	A.	Motion to Amend the First Motion for Authorization
		to Institute a Class Action
	B.	Motion to Dismiss the First Amended Motion for
		Authorization to Institute a Class Action
	C.	First Motion for Authorization to Institute a
		Class Action 620
	D.	Defendants' Motion for Particulars and for
		Communication of an Expert Report (The First
		Motion for Authorization to Institute a Class
		Action)

E.	Québec Port Authority's Motion to Strike Out
	Paragraphs and Exhibits From the First Motion
_	to Institute a Proceeding
F.	Second Motion for Authorization to Institute a Class
	Action
G.	Respondents' Motion to Strike Out Paragraphs and
	Exhibits of the Second Motion for Authorization
	to Institute a Class Action
H.	Amended Motion for Authorization to Institute a
	Class Action (The Second Motion)
I.	Defendants' Motion to Examine Class Members
	(The First Motion for Authorization to Institute
	a Class Action)629
J.	Motion for Communication of an Additional Expert
	Report; Motion for Particulars and Communication
	of Documents; and Motion for Striking Out
	Allegations and Exhibits (The Second Motion for
	Authorization to Institute a Class Action) 630
K.	Defendants' Second Motion for Permission to
	Examine Class Members (The First Case)
L.	Case Management Order: Communication of Joint
	Expert Report for the Defendants and Fixation of
	a Date for the Examination of the Class Members
	(The First Motion for Authorization to Institute
	a Class Action)633
M.	Second Case Management Order: Request for the
	Examination of a Representative From Each
	Defendant (The First Motion for Authorization to
	Institute a Class Action)
N.	Judgment No. 1 Respecting Objections to Questions
	of the Plaintiffs (The First Motion for
	Authorization to Institute a Class Action)
O.	Judgment No. 2 Respecting Objections to Questions
	of the Plaintiffs (The First Motion for Authorization
	to Institute a Class Action)
P.	Motion for Leave to Appeal to the Court of Appeal
	Respecting the Judgment of June 19, 2017
	Upholding Objections (The First Motion for
	Authorization to Institute a Class Action)
Q.	Revision of the Principal Questions of Law or Fact to
	Be Determined on a Collective Basis (The First Motion
	for Authorization to Institute a Class Action)
R.	Judgment of the Court of Appeal Granting the
	Appeal From the Judgment of the Superior Court
	rr

	Upholding the Objection to the Disclosure of an	
	Expert Report (The First Motion for Authorization	<i>-</i> 40
	to Institute a Class Action)	540
	S. The Trial (The First Motion for Authorization to	
	Institute a Class Action)	541
	T. Approval of the Distribution Protocol and Fees of	
	Plaintiffs' Class Counsel	545
	U. Application to Quash a Subpoena (The Second	
	Case))45
	V. The Trial (The Second Motion for Authorization to	(16
	Institute a Class Action)	546
CHAPT	ER XIII — Railway Nuisances	549
1.	Introduction	
		ノマン
2.	A Rail Yard in Outremont: Paquin c. Compagnie de chemin	(50
	de fer Canadien Pacifique	550
		C 5 1
	Action	
	C. Settlement	
		ددر
3.	Not In My Backyard Meets a Suburban Train: Les Voisins	
	du train de banlieue de Blainville inc. c. Agence métropolitaine	
	de transport et Compagnie de chemin de fer Canadien	
	Pacifique	556
	A. Motion for Authorization to Institute a Class	
	Action	
	B. Appeal Before the Court of Appeal	564
4.	A Rail Yard in Charny: Dorion c. Compagnie des chemins	
	de fer nationaux du Canada (CN)	566
5.	A Coal Train Between Sparwood and Roberts Bank:	
	Roberts v. Canadian Pacific Railway Company	672
6.	Storage Tanks Systems: Bellefeuille v. Canadian Pacific	
	Railway Limited6	584
	A. Motion by the Plaintiffs to Amend and File Statement	
	of Claim Seeking Relief Under the Class Proceedings	
	Act6	584
	B. Costs	587
	C. Motion for Leave to Appeal	
~~~	••	
CHAPT	ER XIV — Train Derailments and Spills	
1	Introduction	520

2.		erailment in Québec: Dubuc c. Canadian National way Company	689
3.		erailment in Saskatchewan: Brooks v. Canadian ific Railway Limited	690
4.		erailment in Alberta: Cuff v. Canadian National way Company	699
CHAP	ΓER X	V — Aircraft Noise	703
1.	Intro	oduction	703
2.		hird Runway at the Vancouver International Airport:	
۷.		nerland v. Canada (Attorney General)	705
	A.	Application for Certification	
	В.	Individual Action in Nuisance Before the Supreme	
		Court of British Columbia	711
	C.	Pre-Judgment Interest, Damages Incidental to	
		Moving, and Payment of Hearing Fees	714
	D.	Appeal Before the Court of Appeal	716
	E.	Supplementary Reasons of the Court of Appeal	
		Respecting Costs	717
	F.	Costs for the Trial Before the Supreme Court of	
	~	British Columbia	
	G.	Interpretation of the Costs Order	720
	Н.	Application to Vary or Cancel the Costs Order of	701
	I.	the Registrar of the Court	
		Appeal of the Costs Order of the Court of Appeal	
3.		ort Noise at the Dorval International Airport: Citoyens	
		une qualité de vie/Citizens for a quality of life c.	724
		oports de Montréal  Motion for Authorization to Institute a Class	124
	A.	Action	724
	В.	Appeal Before the Court of Appeal	
4			120
4.		tplanes on Saint-Augustin Lake: Filteau c. Aviation er Forgues inc	721
	A.	Motion for Authorization to Institute a Class	/31
	л.	Action	731
	B.	Action in Warranty Brought by Aviation Roger	/ 31
	Δ.	Forgues and Aviation Portneuf Against the	
		Attorney General of Canada and Motions to	
		Dismiss Brought by the Attorney General of	
		Canada	733
	$\mathbf{C}$	Discontinuance	

5.		light School on the South Shore of Montréal: Lavoie c.	
	St-A	Mathieu-de-Beloeil (Municipalité)	734
	A.	Motion for Authorization to Institute a Class	
		Action	734
	B.	Appeal Before the Court of Appeal	735
6.	A T	Tale of Two Water Aerodromes on Lac-à-la-Tortue:	
	Coa	ulition contre le bruit c. Shawinigan (Ville)	736
	A.	Motions for Permission to Adduce Evidence at the	
		Authorization Hearing	737
	B.	Motion for Authorization to Institute a Class	
		Action	739
	C.	Motion Respecting the Extension of the Opt-out	
		Process	745
	D.	Motion by Bel-Air Aviation to Order That the Class	
		Action Be Vacated and the Action Be Continued	
		Under Articles 59 or 67 of the Code of Civil	
		Procedure	746
	E.	Motion by the City of Shawinigan to Strike Out	
		Paragraphs of the Motion to Institute Proceedings	
		and Motion for Particulars	747
	F.	Examination of the Designated Person	
	G.	Settlement With the City of Shawinigan	
	H.	Objections by Bel-Air to the Communication of	
		Documents, and Motion for Permission to Examine	
		Third Parties	748
	I.	Motion by Bel-Air Aviation for an Order of	
		Transmission of Notes and Photographs Taken	
		by Class Members	749
	J.	Series of Judgments Rendered Just Before and	
		During the Trial	750
	K.	Trial on the Merits	
	L.	Motion for Permission to Adduce New Evidence	754
7.	Ano	ther Flight School Class Action on the South Shore of	
<i>,</i> .		ntréal: Comité anti-pollution des avions - Longueuil	
		Max Aviation inc	754
	Α.	Motions for Permission to Adduce Evidence at the	/5 1
	11.	Authorization Hearing	758
	В.	Settlement	
	C.	A New Class Action Against Max Aviation inc.,	, 00
	٥.	Cargair Ltée, and Aéroclub de Montréal: <i>Nicole</i>	
		e May Aviation	760

8.	Another Noise Class Action Against the Montréal Trudeau Airport: Les Pollués de Montréal-Trudeau c. Aéroports	
	de Montréal	. 762
	A. Motion for Authorization to Institute a Class Action	. 762
	B. Motion to Enlarge the Class Definition and to Approve the Notices to the Class Members	769
	C. A Separate but Related Lawsuit: Les Pollués de Montréal-Trudeau (LPDMT) c. Aéroports de Montréal (ADM)	
	D. Claim for Compensation by Aéroports de Montréal Against Les Pollués de Montréal for	
	Abusive Proceedings	771
CHAPT	FER XVI — Waste Management Operations	773
1.	Introduction	
2.	A Municipal Incinerator and a Dump: Dubé c. Ville de	
2.	St-David de l'Aube-Rivière	776
3.	A Rendering Plant on the South Shore of Québec City:  Tremblay c. Alex Couture inc	777
4.	Beach Pollution in Montréal: Guertin c. Communauté	770
_	urbaine de Montréal	//9
5.	Odours, Noise, and Dust Caused by a Solid Waste Disposal Facility: Archambault c. Construction Bérou inc	792
	A. Motion for Authorization to Institute a Class	/02
	Action	. 782
	B. Discontinuance of the Appeal Before the Court of	
	Appeal	. 784
	C. Motion for a Special Honorarium	784
6.	Methane Gas in Your Basement: Roberge c. Sherbrooke	
	(Ville)	. 785
	A. Motion for Authorization to Institute a Class	707
	Action  B. Trial on the Merits	
	C. Appeal Before the Court of Appeal	
7.	Negligent Oversight of a Landfill and the Concept of	175
/.	"Laxness" or "Complacency": Girard c. 2944-7828 Québec	
	inc	. 798
	A. Motion for Authorization to Institute a Class	
	Action	. 801
	B. Motion for the Permission to Examine 22	902
	Additional Class Members	803

	C.	Trial on the Merits	804
	D.	Appeal Before the Court of Appeal	809
	E.	Motion for Revision of the Costs, Approval of the	
		Attorney's Fees for a Special Honorarium, and	
		Approval of the Settlement	811
	F.	Motion for the Approval of the Attorney's Fees	815
8.	Pro	cess Water From a Chicken Processing Plant: Therrien	
		Compagnie de volailles Maxi Itée	816
9.	AR	tendering Plant on the South Shore of Québec City, the	
	Seq	uel: Regroupement des citoyens contre la pollution c.	
	Alex	x Couture inc	
	A.	Motion for Declinatory Exception	817
	В.	Motion for Authorization to Institute a Class	
		Action	818
	C.	Motions to Dismiss the Appeal of the	
		Regroupement	822
	D.	Motion to Strike Out Paragraphs and for	
		Particulars	822
	E.	Motion Respecting an Objection to the Filing of	
		an Expert Report and to the Testimony of the	
		President of the Monitoring Committee (The	
		First Attempt)	824
	F.	Objection to the Expert's Report (The Second	
		Attempt)	825
	G.	Motion to Amend the Particularized Motion to	
		Institute Proceedings	825
	H.	Motion to be Excused From Having Failed to	
		Comply With a Peremptory Delay	825
	I.	Motion to Dismiss the Class Action	826
	J.	Motion to Amend the Motion to Institute	
		Proceedings	828
	K.	Settlement	829
10.	Ano	ther Rendering Plant in a Residential Neighbourhood:	
	Ray	mond c. Lomex inc	829
11.	Nox	cious Odours and Other Nuisances Caused by a Water	
		ification Plant: Protection environnement Boisbriand	
	c. B	oisbriand (Ville)	830
	A.	Motion for Authorization to Institute a Class	
		Action	830
	B.	Partial Settlement	832
	C	Final Settlement	

12.	A Landfill Site on the South Shore of Montréal: Robillard	
	c. Écoservices Tria inc	332
	A. Motion for Permission to Adduce Evidence	334
	B. Motion for Authorization to Institute a Class	
	Action	335
	C. Application to Lift the Confidentiality Order	
	Respecting the Schedules of the Certificates of	
	Authorization	339
	D. Motion for Particulars and Communication of	
	Documents by Écoservices Tria and Gestion Tria	339
	E. Motion to Dismiss the Expert Report of the	
	Plaintiffs	340
	F. Judgment Respecting 14 Objections	341
13.	Compost Odours on Vancouver Island: Baker v. Rendle	842
	A. Certification Application	
	B. Appeal Before the Court of Appeal	
14.	Dust, Noise, and Odours at the Former St. Lawrence	
1	Cement Quarry: Flamand c. 9174-3641 Québec inc.	
	(Excavation René St-Pierre)	351
	A. Motion for Authorization to Institute a Class	,,,,
	Action	351
	B. Motion to Strike Out Allegations	
	C. Defendants' Motion to Examine a Class Member	
	and to Rule on Objections	353
	D. Judgment Respecting Objection to Questions Asked	
	by the Defendants to the Plaintiff and Two Other	
	Class Members	354
	E. Motion Respecting a Request for the Communication	
	of Documents in the Possession of Third Parties	355
15.	Recycling Facility in Saint-Jean-sur-Richelieu: Boudreau	
	c. 2M ressources inc	356
	A. Motion to Strike Out Allegations and Exhibits and	
	Motion for Permission to Adduce Relevant	
	Evidence	356
SEE A DOOR	TR WWW. G G	
CHAPT	ER XVII — Cottage Country	
1.	Introduction	359
2.	Wood Debris on the Beach of Taureau Lake: Association	
	des propriétaires et locataires de Saint-Ignace-du-Lac c.	
	Consolidated-Bathurst	361
	A. Motion for Authorization to Institute a Class	
	Action	
	B. Settlement	363

	C.	Motion for Determination of a Special Honorarium	863
3.	Sho	re Erosion on Lake Timiskaming: Ouimette c. Canada	
		ocureur général)	864
	A.	Motion for Authorization to Institute a Class	
		Action	
	B.	Trial on the Merits	
	C.	Appeal Before the Court of Appeal	869
4.	Sho	re Erosion on Wabamum Lake: Paron v. Alberta	
	$(M^{i})$	inister of Environmental Protection)	872
	A.	Alberta Government's Motion to Dismiss	
	B.	TransAlta's Motion to Dismiss	874
	C.	Motion for Case Management Advice and	
		Directives	875
	D.	Application for Certification of a Class	
		Proceeding	875
5.	Woo	od Debris on the Beaches of Thurson and Saint-	
	Fran	nçois Xavier Lakes: Clark c. 4107781 Canada inc	880
	A.	Motion for Authorization to Institute a Class	
		Action	881
	B.	Motion to Compel the Mutuelle des Municipalités	
		du Québec to Assume Its Duty to Defend the	
		Municipality of Wentworth-Nord	
	C.	Settlement	884
6.	Sho	re Erosion on the La Lièvre River and the Poisson Blanc	
		ervoir: Association des résidents riverains de La Lièvre	
	inc.	c. Canada (Procureur général)	
	A.	Introduction	885
	В.	Motion for Authorization to Institute a Class	
		Action	885
	C.	Motion to Dismiss the Amended Motion to	
		Institute a Proceeding	
	D.	Trial on the Merits	890
7.		re Erosion on Round Lake: Plaunt v. Renfrew Power	
	Gen	eration Inc	
	A.	Introduction	
	В.	Certification Motion	
	C.	Decision Regarding Costs	896
	D.	Reasons for Decision Respecting the Procedure to	
		Determine the First Common Issue	
	E.	Motion to Decertify the Class Action	898
8.	Lak	e and River Overflow in the Eastern Townships:	
	Les	sard c Arcand	900

	A. Motion for Permission to Adduce Relevant	001
	Evidence at the Authorization Hearing  B. Motion for Authorization to Institute a Class	901
	Action	902
	C. Settlement	
СНАРТ	ER XVIII — Catastrophic Dam Failures	905
1.	Introduction	905
2.	Lemay c. Société immobilière du Québec	907
3.	Arseneault c. Société immobilière du Québec	909
4.	The Settlement of the Lemay and Arsenault Class Actions	910
5.	Bouchard c. Corporation Stone Consolidated	912
	A. Motion for Authorization to Institute a Class	
	Action	
	B. Settlement	
6.	Fournier c. Hydro-Québec	915
	A. Motion for Declaratory Judgment by the City of	
	Saguenay	916
	B. Motion by the City of Saguenay for a Stay of All	04.6
	Proceedings in the Class Action	916
	C. Motion for Authorization to Institute a Class Action	017
_		91/
7.	The Alouette River Flood: Pausche v. British Columbia	020
	A. Motion to Dismiss by the District on the Ground	920
	That the Claim Was Statute-Barred	920
	B. Settlement	
8.	The 2011 Floods in Manitoba: Anderson v. Manitoba	
٥.	A. Application for Certification of a Class Action	
	B. Motion Seeking Leave to Appeal to the Court of	923
	Appeal	934
	C. Appeal Before the Court of Appeal	
	D. Settlement	
9.	The 2011 Floods in Manitoba: Pisclevich c. Manitoba	939
	A. The Application for Certification	
	B. The Application for Leave to Appeal Before	
	the Court of Appeal	943
10.	A Flood Caused by a Rainfall in Gaspé: Comité inondation	
	Sunny Bank c. Ministère des Transports du Québec	944
	A. Motion for Authorization to Institute a Class	
	Action	944

	B.	Motion to Amend the Originating Application to Institute a Proceeding	946
СПУВТ	ED V	IX — Toxic Mould in Buildings	
1.		oduction	94 /
2.		ric Mould in My Condo: Taub v. Manufacturers Life urance Co	948
3.		ic Mould on an Indian Reserve: Grant v. Canada torney General)	949
	Α.	Crown's Motion to Strike Portions of the Statement of Claim	
	B.	Attorney General of Canada's Motion to Summon Dr. Hari M. Vijay	954
	C.	Motion for Certification	954
	D.	Crown's Application for Leave to Appeal to the Divisional Court	961
	E.	Consent Order (Removing the Breach of Fiduciary Duties Common Issues)	962
4.	Tox	ric Mould in the Court Room: Dumoulin v. Ontario	
7.	A.	Crown's Motion for an Order That All Motions in Two Related Proceedings Be Heard by the Same	702
		Judge	963
	B.	Crown's Motion to Strike	
	C.	Motion for Certification	
	D.	Supplementary Reasons for Decision: <i>Dumoulin v. Ontario</i>	
_	T		707
5.		ic Mould in the Class Room: MacDonald (Litigation	
		rdian of) v. Dufferin-Peel Catholic District School rd	071
	Боа	ra	9/1
CHAPT	ER X	X — Municipal Tap Water	973
1.	Intr	oduction	973
2.		Walkerton Water Contamination Class Action: Smith	
		Prockton (Municipality)	975
	A.	Certification Motion	
	В.	Walkerton Class Action Settlement	
3.	Drii	nking Water in Fort Erie: Grace v. Fort Erie (Town)	
4.	Wai	ter Quality in Sainte-Anne-de-Beaupré: Blouin c. Ville	
		Sainte-Anne-de-Beaupré	988
	A.	Motion for Permission to Require the Presence of	000
		Witnesses at the Authorization Hearing	988

	B.	Motion for Authorization to Institute a Class	000
	C.	Action	989
		Strike Paragraphs and Obtain Particulars and Documents	990
	D.	Motion of the Town to Compel the Class	) ) 0
		Representative to Disclose the Notes of His	
		Investigation	991
	E.	Motion of the Representative to Sever the Trial	
	Б	Into Two Phases	991
	F.	Motion of the Representative to Strike Paragraphs	002
	G.	of the Town's Reply  Judgment Respecting an Objection to the Testimony	
	U.	of a Witness Respecting the Taste and Odour	
		of a Sample of the Municipal Drinking Water	994
	Н.	Settlement	
5.	A R	oil-Water Advisory Triggers a Class Action: Bayard	
٠.		t-Gabriel (Ville)	995
	A.	Motion for Authorization to Institute a Class	
		Action	995
	B.	Motion to Amend the Motion to Institute a	
		Proceeding	
	C.	Settlement	997
6.		oons in a Municipal Drinking Water Tank: Cyr c. ate-Adèle (Ville)	997
7.	Eigh	nty Days Without Drinking Water: Dubois c. St-Esprit	
	$(M\iota$	micipalité)	999
	A.	Motion for Authorization to Institute a Class	
		Action	
	В.	Appeal Before the Court of Appeal	. 1003
8.		Days Without Drinking Water in Longueuil: Ouimet	
		ille de Longueuil	. 1004
	A.	Motion for Authorization to Institute a Class	1004
	В.	Action  Motion for Permission to Allow an Aggressive	. 1004
	D.	Intervention	1005
	C.	Settlement	
	-		
CHAPT		XI — Sewer Backups and Floods	
1.	Intro	oduction	. 1007
2.	Неа	vy Rains and Flooding in Montréal: Nagar c.	
	Mon	ıtréal (Ville)	. 1009

	A.	Motion for Authorization to Institute a Class Action	10
	B.	Appeal 10	
3.		o Class Actions Arising From the Same Heavy Rains: ochelle v. Ville de Saint-Hubert and Blanchet c. Ville de	
		nt-Hubert10	)14
	A.	Motions for Authorization to Institute a Class Action	
		Arising Out of the Same Event; a Motion for Dis-	
		continuance From Larochelle; a Motion to Amend	
		From Blanchette; and a Motion for Lis Pendens	
		From the Town of Saint-Hubert	)14
	B.	Motion for Authorization to Institute a Class	
		Action	)16
	C.	Motion to Divide the Class Into Five Subclasses 10	)17
	D.	Settlement	18
4.	Неа	avy Rain and Flooding on the South Shore of Montréal:	
		aire c. Chambly (Ville)10	)19
	A.	Motion for Authorization to Institute a Class	
		Action	)19
	B.	Appeal 10	
	C.	Motion of the Town to Examine Class Members 10	)21
	D.	Trial on the Merits	)21
	E.	Appeal Before the Court of Appeal 10	)22
5.	A F	Clood in Stratford: McLaren v. Stratford (City)10	)23
	Α.	Motion by the Plaintiffs for an Order Directing the	
		Motions in This Class Proceedings Be Heard in	
		Stratford, Ontario	)23
	B.	Motion for Certification of the Action as a Class	
		Proceeding (The First Attempt)	)24
	C.	Amended Motion for Certification of the Action	
		as a Class Proceeding (The Second Attempt) 10	)26
	D.	Settlement	
6.	A T	Corrential Rain in August 2008: Rainville c. Montréal	
		lle) and Côté c. Montréal (Ville)10	)29
	A.	Motion by the City of Montréal for Permission to	
		Adduce Evidence at the Authorization Hearing 10	)29
	B.	Motion for Authorization to Institute Class Action	
		(The First Attempt)	)31
	C.	Motion for Authorization to Institute a Class Action	
		(The Second Attempt)	)34

7.		ther Class Action From the Same August 2008 cential Rain: Comité des citoyens inondés de	
		emont c. Montréal (Ville)	1036
	A.	Motion by the Petitioner Asking the Court to Order	1050
		the Production of Documents	1037
	B.	Motion for Authorization to Institute a Class	100,
		Action	1038
	C.	Motion for Directives and for Striking Out	
		Exhibits	1040
	D.	Appeal Before the Court of Appeal	
8.	The	Richelieu River Floods of 2011: Dupuis c. Canada	
		ocureur général)	1042
	À.	First Motion for Permission to Adduce Evidence at	
		the Authorization Hearing	1043
	B.	Second Motion for Permission to Adduce Evidence	
		at the Authorization Hearing	1044
	C.	Motion for Authorization to Institute a Class	
		Action	1044
9.	Sewe	er Back-Up in Marieville: Association des résidentes et	
	résia	lents du Domaine des Ruisseaux de Marieville c. Genivar	•
	inc		1047
	A.	Motion for Permission to Adduce Relevant	
		Evidence at the Authorization Hearing	1048
	B.	Motion for Authorization to Institute a Class	
		Action	1048
10.	Floo	ding in the Deux-Montagnes Lake: Lauzon c.	
	Mun	nicipalité régionale de comté (MRC) de Deux-	
	Mon	tagnes inc	1049
	A.	Motion to Dismiss by the Town of Sainte-	
		Marthe-sur-le-Lac, and Motion for Permission	
		to Adduce Relevant Evidence by the Three	
		Defendants	1049
	В.	Motion for Leave to Appeal to the Court of	
		Appeal	1051
11.	A Fl	lood in Mud Lake: Chiasson v. Nalcor Energy	1051
	A.	Motion for Certification	1052
	B.	Application for Directions	
	C.	Application for Leave to Appeal	1058
CHAPTI	ER X	XII — Ragweed Pollen	1061
1.	Intro	oduction	1061
2	Nad	on c. Aniou (Ville)	1061

	A.	Motion for Authorization to Institute a Class	10.50
	_	Action	
	B.	Appeal Before the Court of Appeal	1068
	C.	Motion to Amend the Declaration, to Amend the	
		Class Definition and Questions of Law or Fact	
		to Be Determined on Collective Basis	1071
	D.	Motion for the Immediate Adjudication of a Point	
		of Law	
	E.	Motion to Strike Out a Counter-Claim	1073
	F.	Motion to Revoke the Judgment Authorizing the	
		Institution of a Class Action	1073
	G.	Amended Motion to Amend Again the Re-Amended	
		Declaration and to Amend Some Questions of Law	
		or Fact and the Class Definition	
	H.	Action in Nullity of Section 7.03 of By-law 90	1074
	I.	Appeal Before the Court of Appeal	
	J.	Trial on the Merits	1078
	K.	Appeal Before the Court of Appeal	1093
CILADE	ed vi	VIII C 19 N.	1005
CHAPII		XIII — Snowmobile Noise	
1.	Intro	duction	1095
2.	Coali	ition pour la protection de l'environnement du parc	
	linéai	ire « Petit Train du Nord » c. Laurentides	
	(Mui	nicipalité régionale de comté des)	1095
	A.	Motion for Intervention at the Authorization	
		Hearing by Motoneige Tremblay inc	1103
	B.	Objection to Questions at the Examination of the	
		Two Designated Persons and Another Potential	
		Class Member	1103
	C.	Motion for Authorization to Institute a Class	
		Action	1104
	D.	Insurer's Motion for Particulars, Production of	
		Documents and to Strike Irrelevant Allegations	
		and Exhibits	1106
	E.	Coalition's Motion to Add the Attorney General	
		of Québec as a Defendant	1110
	F.	Coalition's First Motion for Interlocutory	
		Injunction	1111
	G.	Motoneige Tremblay's Motion for Intervention at	
		Trial	1113
	H.	Defendants' Motion for Examination of Class	
		Members Out of Court	1113

	I.	Coalition's Second Motion for Interlocutory
		Injunction
	J.	Plaintiffs' Motion Respecting Objection to
		Questions to Class Members
	K.	Appeal to the Court of Appeal From the Judgment
		of Justice Langlois Dismissing the Second Motion
		for Interlocutory Injunction
	L.	Coalition's Motion to Amend the Safeguard Order 1115
	M.	Confidentiality Order
	N.	Trial on the Merits
	O.	Attorney General of Québec's Motion to Determine
	٥.	the Contents of a Notice of Appeal to the Class
		Members
	P.	Bill 90: The Legislative Response to the Judgment
	1.	of the Superior Court
	Q.	Motions to Dismiss the Appeals and the Cross-
	Q.	Appeal
	D	* *
	R. S.	Settlement
	۵.	bills 9 and /1. Extension of the Wioratorium
CHAPT	ER X	XIV — Racetrack Noise
1.		duction
2.		ciation des résidents de Mont-Tremblant pour la
	-	té de vie c. Courses automobiles Mont-Tremblant 1133
	Α.	Introduction
	В.	Motion for Authorization to Institute a Class
		Action
	C.	Racetrack Operator's Motion to Stay the Class
		Action
	D.	Motions to Strike Out Allegations and Exhibits,
		for Permission to Adduce Relevant Evidence
		at the Authorization Hearing and Other
		Preliminary Motions
	E.	Motion for Authorization to Institute a Class
		Action
	F.	Motion for Permission to Examine the
		Representatives' Noise Expert, to Conduct a
		Survey and to Examine 48 Class Members
	G.	Motion of the Plaintiff for a Site Visit
	H.	Application to Quash a Subpoena
	I.	Motion of the Town of Mont-Tremblant to Quash
		a Subpoena Duces Tecum Respecting Information
		on the Following List (Schedule B)

	J. K.	Trial on the Merits
CHAPT	ER X	XV — Highway Noise
1.	Intr	<i>oduction</i>
2.	Hig	hway Noise in Charlesbourg: Filion c. Québec
	(Pro	ocureure générale)1154
	A.	Motion for Authorization to Institute a Class
		Action
	В.	Motion for Permission to Examine the Three
		Petitioners and to Adduce Relevant Evidence
	$\mathbf{C}$	at the Authorization Hearing
	C.	Motion for Authorization to Institute a Class Action
	D.	Appeal Before the Court of Appeal
	D. E.	Motion for Permission to Examine 38 Class
	L.	Members
	F.	Plaintiff's Motion to Strike Out an Expert Report 1161
	G.	Defendant's Motion to Strike Out an Expert
		Report1161
	H.	Defendant's Motion Requesting the Names of
		the Class Members Registered on Class Counsel
		Website
	I.	Appeal Before the Court of Appeal 1162
	J.	Trial on the Merits
	K.	Appeal Before the Court of Appeal 1169
3.		hway Noise in Brossard: Belmamoun c. Brossard
	(Vil	<i>(le)</i>
	A.	Motion by the Town of Brossard for Permission to
	ъ	Adduce Evidence at the Authorization Hearing 1170
	В.	Motion for Authorization to Institute a Class
		Action 1171
	C.	Appeal Before the Court of Appeal
	D. E.	Application to Amend the Class Definition
	Ľ.	Application for the Production of Four Reports 1173
	F.	Motion by the Town of Brossard to Declare
	1.	That the Claim Is Partially Time-Barred
	G.	Motion for Leave to Appeal to the Court of
	٠.	Appeal
	H.	Case Management Decision in the Superior Court 1175
	I.	Appeal Before the Court of Appeal

4.	Road A.	Noise in Varennes: Dulude c. Ville de Varennes Motion for Authorization to Institute a Class	1178
		Action	1178
	B.	Motion for the Publication of the Notice	1180
СНАРТ	ER XX	XVI — Wind Farm Noise	1181
1.	Introd	duction	1181
2.	A Wi	ind Farm in Saskatchewan: McKinnon v. Red Lily	
		Energy Group	1182
	A.	Interlocutory Injunction	
	B.	Damages Arising From the Plaintiff Obtaining an	
		Ex Parte Injunction (The Process)	1191
	C.	Damages Arising From the Plaintiff Obtaining an	
		Ex Parte Injunction (The Assessment)	1193
	D.	Application by Red Lily for an Order Dismissing	
		the Plaintiff's Claim for Delay	1194
3.	A Wi	ind Farm in Arthabaska: Rivard c. Éoliennes de	
٥.		ble inc.	1195
	Α.	Motion for Particulars and Motion to Strike Out	1170
		Allegations; Motion for Permission to Examine	
		the Petitioners; and Motion for Permission to	
		Adduce Evidence at the Authorization Hearing	1196
	B.	Motion for Authorization to Institute a Class	
		Action	1200
	C.	Motion for Permission to Examine Various Class	
		Members	1202
	D.	Motion for Permission to Examine Marie-Ève	
		Maillé	1202
	E.	Motion by Marie-Ève Maillé to Quash a Subpoena;	
		Motion by Marie-Ève Maillé to Review the	
		Judgment Granting Éoliennes de l'Érable	
		Permission to Examine Her; and Motion by	
		Marie-Ève Maillé to Revoke the Same Judgment	1203
	F.	Motion to Amend the Originating	
		Application to Institute a Proceeding, and	
		Motion for Particulars	1203
	G.	Motion by the Plaintiffs Opposing the Production	
		of the Expert's Reports of the Defendant	1204
	H.	Motion by the Attorney General of Québec	
		Opposing the Disclosure of a Confidential	
		Document	1204
	I.	Motion for Leave to Appeal Before the Court of	
		**	1205

	J. K.	Trial on the Merits	205
	K.	Motion to Dismiss the Appeal Before the Court of Appeal	208
4.	4 D	Vind Farm in Saint-Ferréol-les-Neiges: Blouin c.	200
ᅻ.		cs éoliens de la Seigneurie de Beaupré 2 et 3, s.e.n.c	1208
	A.	Motion for Authorization to Institute a Class	1200
	1 1.	Action	208
	В.	Judgment of the Court of Appeal	
	C.	Defendants' Motion to Examine 14 Class	
		Members	212
	D.	Motion for Leave to Appeal of the Judgment of	
		the Superior Court Dismissing the Defendants'	
		Motion to Examine 14 Class Members	1213
	E.	Settlement	
5.	<i>A V</i>	Vind Farm in Thetford Mines: Labranche c. Énergie	
٠.		tenne des Moulins, s.e.c. 1	216
	Α.	Motion for Permission to Adduce Relevant	
		Evidence at the Authorization Hearing	1218
	B.	Motion for Authorization to Institute a Class	
		Action 1	219
	C.	Appeal Before the Court of Appeal	1220
	D.	The Notice to the Class Members	1221
	E.	Case Management Decision on the Issue of	
		Common Experts (October 26, 2017)	1223
	F.	Second Case Management Conference on the	
		Issue of Common Experts (February 7, 2018)	1224
	G.	Motion for Leave to Appeal Before the Court of	
		Appeal1	224
	Н.	Appeal Before the Court of Appeal of the Case	
		Management Decisions of October 26, 2017 and	
		February 7, 2018 1	224
	I.	Case Management Conference (Substitution of	
		Attorneys) 1	225
	J.	Motion for Leave to Appeal Before the Court	
		of Appeal1	
	K.	Safeguard Order 1	
	L.	Motion to Withdraw by the New Class Counsel	1225
	M.	Motion by the Defendants to Dismiss for Abuse	
		of Process or a Declaration of Disqualification	
		of the Plaintiffs to Properly Represent the Class	
		Members and to Withdraw the Status of Class	
		Representatives	1226

	N.	Motion for Leave to Appeal to the Court of Appeal	1226
CHAP	ΓER X	XVII — Hospital Noise	1229
1.	Intr	oduction	1229
2.	Vois	sins du Campus Glen/Neighbours of the Glen Campus	
		entre universitaire de Santé McGill	1229
	A.	Motion for Authorization to Institute a Class	
		Action	1229
	В.	Motion for Confirmation That the Goal of the	
		Settlement Has Been Achieved	1232
CHAPT	ΓER X	XVIII — Highway Repairs and Public Works	1235
1.		oduction	
2.		Ville-Marie Expressway in Downtown Montréal:	
۷.		ntz c. Québec (Procureur général)	1235
	A.	Motion for Authorization to Institute a Class	1200
		Action	1235
	B.	Motions to Dismiss the Motion in Warranty of	
		Construction DJL inc.	1238
	C.	The Settlements	1239
	D.	Motion for an Order to the Québec Health	
		Insurance Board Confirming the Place of Residence	
	-	of the Claimants	1240
	E.	Motion for Revision of the Administrator's	1241
	F.	Decision in Respect of a Class Member	
	Г.	Motion for a Closing Judgment	1241
CHAP	ΓER X	XIX — The Moose-Car Collision Case in Newfoundlan	d
and Lal	brador		1243
1.	Intr	oduction	1243
2.	Geo	rge v. Newfoundland and Labrador	1244
	A.	Certification Consent Order	
	B.	Consent Statement of Facts	1246
	C.	Application by the Province for a Pre-trial	
		Determination of the Common Issue of Respecting	
		the Applicability of the Doctrine of Discoverability	
		to the Running of the Limitation Period in this	
	_	Action	1246
	D.	Application to Qualify an Expert Historian at	1050
	г	the Trial of the Common Issues	1250
	E.	Application to Qualify an Expert in the Area of Public Administration at the Common Issues Trial	1251
		i done Administration at the Common issues I l'al	1431

	F. G.	Trial on the Merits	
~~~ . ~~		••	
		XX — Agent Orange Class Actions Against the Federal nd the Herbicides Manufacturers	-
1.		oduction)
2.		Federal Court of Canada Case: Dobbie v. Canada	,
	,	torney General)	
3.	The A.	Manitoba Case: Ward v. Canada (Attorney General) 1270 Application to Strike or Stay the Plaintiff's Proposed Class Action in the Court of	
		Queen's Bench	
	В.	Appeal Before the Court of Appeal 1272	2
4.		3 Gagetown Herbicide Spray Programs 1952-2004	
	Fact	t-Finder's Report, Dr. Dennis Furlong1274	1
5.		Newfoundland and Labrador Case: Ring v. Canada	
	,	torney General)	l
	A.	Application for Class Certification Before the	
		Trial Division of the Newfoundland and Labrador	
	В.	Supreme Court	L
	В.	Certification Order Before the Trial Division	
		of the Newfoundland and Labrador Supreme	
		Court	ļ
	C.	Application by the Representative Plaintiff for	
		an Order Approving the Manner and Timing	
		of the Publication of a Notice and Requesting	
		That the Defendant Pay the Costs of That	
	Ъ	Publication	,
	D.	Application by the Attorney General of Canada Seeking Advice and Directions Respecting the	
		Circumstances Under Which a Variance Order	
		of the Implied Undertaking Rule May Be Granted 1300)
	E.	Application for Leave to Appeal to the Court of	
		Appeal of the Judgment of Justice Adams Refusing	
		to Set Aside His Ruling on the Applicability of the	
		Implied Undertaking Rule	Ĺ
	F.	Appeal of the Certification Order Before the	
		Court of Appeal	_
6.		New Brunswick Case: Bryson v. Canada (Attorney	
		Plaintiffs' Motion to Exclude Third Parties 1311	
	Α	FIATHER INTOHOL TO EXCHIDE LITTLE PATHES 1311	4

	В.	Motion for Certification Before the Court of Queen's Bench of New Brunswick	1312
7.	Th_{o}	Saskatchewan Case: Brooks v. Canada (Attorney	1312
/.	General)		1320
	A.	Motion for Direction	
	В.		
	Б. С.		
	D.	Ex Gratia Payments	1324
СНАРТ	ER X	XXI — Electromagnetic Field Pollution	1327
1.	Intro	oduction	1327
2.	Durand c. Attorney General of Québec		1327
	A.	Motion for Permission to Use Another Mode of	
		Service	1330
	B.	Application for an Interlocutory Injunction Again	inst
		Air Canada	
	C.	Motion to Seek Production of the Insurance	
		Policies of the Respondents Other Than	
		the Attorney General	1332
	D.	Motion to Amend the Motion for Authorization	
	D.	to Institute a Class Action	
	E.	Motion for Authorization to Institute a Class	1332
	L.	Action	1225
		ACIOII	1333
СНАРТ	ER X	XXII — Conclusion	1347
INIDEN			1250
INDEX			1339