

Index

Agent Orange class actions

- *Brooks v. Canada (Attorney General)*, 1037, 1089-1095
- *Bryson v. Canada (Attorney General)*, 1037, 1079-1089
- CFB Gagetown Herbicide Spray Programs 1952-2004 — fact-finder's report, 1044-1051
- *Dobbie v. Canada (Attorney General)*, 1036, 1037-1040
- generally, 1035-1037
- *Ring v. Canada (Attorney General)*, 1037, 1051-1079
- *Ward v. Canada (Attorney General)*, 1036, 1037, 1040-1044

air pollution

- *Association des citoyens et citoyennes pour un environnement sain de Fatima inc. c. Bois & Placages généraux Ltée*, plywood manufacturer case, 192-196
- *Gaudet c. P. & B. Entreprises Ltée*, asphalt plant case, 209-212
- generally, 191
- *Kennedy c. Colacem Canada inc.*, cement plant case, 213-218
- *O'Neill v. St-Isidore Asphalte Ltée*, quarry and asphalt case, 218-222
- *Regroupement des citoyens du quartier St-Georges inc. c. Alcoa Canada Ltée*, aluminum smelter case, 196-209

aircraft noise

- *Citoyens pour une qualité de vie/Citizens for a quality of life c. Aéroports de Montréal*, 581-582, 601-607
- *Coalition contre le bruit c. Shawinigan (Ville)*, 582, 612-624
- *Comité anti-pollution des avions - Longueuil c. Max Aviation inc.*, 582-583, 624-630
- *Filteau c. Aviation Roger Forgues inc.*, 582, 608-610
- generally, 581-583
- *Lavoie c. St-Mathieu-de-Beloeil (Municipalité)*, 582, 611-612
- *Sutherland v. Canada (Attorney General)*, 581, 583-601

aluminum smelter case, *Regroupement des citoyens du quartier St-Georges inc. c. Alcoa Canada Ltée*

- generally, 191, 196-197
- motion for authorization to institute class action, 197-207
- motion for designation of independent expert, 208-209
- motion for particulars, 207
- motion to strike out allegations of representative answer, 208
- motion to strike out paragraph of statement of claim, 208

Anderson v. Manitoba, 2011 floods in Manitoba

- appeal, 783-784
- application for certification of class action, 768-780
- generally, 752-753, 767-768
- motion for leave to appeal to Court of Appeal, 780-783
- settlement, 784

Environmental Class Actions in Canada

Archambault c. Construction Bérou inc., **waste management operations case**

- generally, 632, 639
- motion for authorization to institute class action, 640-641
- motion for special honorarium, 641-643

Arsenault c. Société immobilière du Québec, **catastrophic dam failure case**, 751-752, 754-756, 756-757

asphalt plant case, *Gaudet c. P. & B. Entreprises ltée*,

- generally, 191, 209
- motion for authorization to institute class action, 209-212
- motion to dismiss, 212-213
- motion to strike out paragraphs and exhibits, 212

Association des citoyens et citoyennes pour un environnement sain de Fatima inc. c. Bois &

Placages généraux ltée, **plywood manufacturer case**

- generally, 192
- motion for approval of settlement, 196
- motion for authorization to institute class action, 193-194
- motion for *lis pendens* and stay of proceedings, 193
- motion for permission to adduce relevant evidence at authorization hearing, 192-193
- motion to amend class action, 194-195
- motion to quash seizure before judgment, 195

Association des propriétaires et locataires de Saint-Ignace-du-Lac c. Consolidated-Bathurst **wood debris on beach case**

- generally, 707, 709
- motion for authorization to institute class action, 709-710
- motion for determination of special honorarium, 711
- settlement, 711

Association des résidentes et résidents du Domaine des Ruisseaux de Marieville c. Genivar inc., **sewer back-up case**

- generally, 843, 878
- motion for authorization to institute class action, 879
- motion for permission to adduce evidence at authorization hearing, 878-879

Association des résidents riverains de La Lièvre inc. c. Canada (Procureur general), **shore erosion case**

- generally, 708, 731
- motion for authorization to institute class action, 732-735
- motion to dismiss amended motion to institute proceedings, 735-736
- trial, 736-737

Association pour le lac Heney c. Gestion Serge Lafrenière inc., **fish farm case**

- generally, 383, 384-386
- injunction proceedings: *Calvé c. Gestion Serge Lafrenière inc.*, 388-389
 - appeal from injunction, 390-394

INDEX

Association pour le lac Heney c. Gestion Serge Lafrenière inc., **fish farm case** —

Continued

- motion for authorization to institute class action, 386-388
 - • judgment of Court of Appeal in appeal from dismissal of motion for authorization, 394-395
- settlements and their implementation, 395-397

Baker v. Rendle, **compost odours case**

- certification application, 699-703
- generally, 633-634, 695-699
- judgment of Court of Appeal, 703-705

Barreau du Québec (Syndic Adjoint) c. Desjardins, **341**

Barrette c. Ciment du St-Laurent inc., **dust case**

- application for access to documents held by Minister of the Environment, 142-143
- calculation of interest, starting date, 167-168
- Claim No. 554, judgment, 168
- Claim No. 774, judgment, 168
- Court of Appeal judgment, 156-164
- declaration of satisfaction of judgment, 168
- generally, 137-138
- motion for approval of attorneys' fees, 167
- motion for authorization to institute class action, 139-141
- motion for permission to adduce additional evidence, 148-149
- motion objecting to filing of redacted document by representative, 148
- motion to compel disclosure of documents, 144-146
- motion to examine plaintiff's experts, 148
- motion to examine third party, 143-144
- motion to revoke judgment authorizing class action, 146-148
- sequel to judgment, *see Roy c. Ciment Saint-Laurent inc.*
- special honorarium, motion for approval, 168-169
- Supreme Court of Canada judgment
 - • application of liability findings to facts of case, 166-167
 - • fault-based liability, 164-165
 - • issues considered, 164
 - • no-fault liability, 165-166
- trial on the merits
 - • damages awarded, 156
 - • generally, 149-156
 - • issues considered, 149

Bayard c. St-Gabriel (Ville), **boil-water advisory case**

- generally, 812, 832
- motion for authorization to institute class action, 832-834
- motion to amend motion to institute proceedings, 834
- motion to approve settlement, 834

Environmental Class Actions in Canada

Bellefeuille v. Canadian Pacific Railway Limited, **railway nuisance case**

- costs, 563-465
- generally, 527, 528, 560-561
- motion for leave to appeal, 564-565
- motion to amend and file statement of claim seeking relief under *Class Proceedings Act*, 561-563

Belmamoun c. Brossard (Ville), **highway noise case**

- appeal, 969
- generally, 957, 966-967
- motion for authorization to institute class action, 968-969
- motion for permission to adduce evidence at authorization hearing, 967-968

Blanchet c. Ville de Saint-Hubert, **heavy rains and flooding case**

- generally, 841, 847
- motion for approval of settlement, 851-852
- motion for authorization to institute class action, 849-850
- motion to divide class into five sub-classes, 850-851
- motions for authorization to institute class action, motion for discontinuance, motion to amend and motion for *lis pendens*, 847-849

Blouin c. Parc éliens de la Seigneurie de Beaupré 2 et 3, s.e.n.c., **wind farm noise case**

- generally, 971, 993
- judgment of Court of Appeal, 996-997
- motion for authorization to institute class action, 993-996
- motion to examine class members, 997-998
 - motion for leave to appeal judgment dismissing motion to examine class members, 998

Blouin c. Ville de Sainte-Anne-de-Beaupré, **water quality case**

- generally, 811-812, 825-826
- judgment on objection to testimony respecting taste and odour of water sample, 831-832
- motion for approval of settlement, 832
- motion for authorization to institute class action, 826-827
- motion for permission to require presence of witnesses at authorization hearing, 826
- motion of representative to sever trial into two phases, 829
- motion of representative to strike paragraphs of reply, 829-831
- motion to compel class representative to disclose notes of investigation, 828-829
- motion to strike paragraphs and obtain particulars and documents, 827-828

boil-water advisory case, *Bayard c. St-Gabriel (Ville)*

- generally, 812, 832
- motion for authorization to institute class action, 832-834
- motion to amend motion to institute proceedings, 834
- motion to approve settlement, 834

INDEX

Bouchard c. Corporation Stone Consolidated, **catastrophic dam failure case**, 752, 757-760

Branconnier c. 2848-7395 Québec inc., **pig farm case**

- generally, 423-424
- motion for authorization to institute class action, 424-426
- settlement, 426-427

Brooks v. Canada (Attorney General), **Agent Orange case**

- application for certification, 1091-1093
- application for leave to appeal, 1093
- *ex gratia* payments, 1093-1095
- generally, 1037, 1089
- motion for direction, 1089-1091

Brooks v. Canadian Pacific Railway Limited, **train derailment case**, 567, 568-577

Bryson v. Canada (Attorney General), **Agent Orange case**

- generally, 1037, 1079-1080
- motion for certification, 1081-1089
- motion to exclude third parties, 1080-1081

Calvé c. Gestion Serge Lafrenière inc., **fish farm case**

- appeal, 390-394
- injunction proceedings, 388-389

Canadian Environmental Protection Act, 1999

- generally, 215, 267
- section 17, 319

catastrophic dam failures

- *Anderson v. Manitoba*, 752-753, 767-784
- *Arsenault c. Société immobilière du Québec*, 751-752, 754-756, 756-757
- *Bouchard c. Corporation Stone Consolidated*, 752, 757-760
- *Fournier c. Hydro-Québec*, 752, 760-765
- generally, 751-753
- *Lemay c. Société immobilière du Québec*, 751-752, 753-754, 756-757
- *Pausche v. British Columbia Hydro & Power Authority*, 752, 765-767

cement plant case

- generally, 191, 213
- *Kennedy c. Colacem Canada inc.*, 213-218

CFB Gagetown Herbicide Spray Programs 1952-2004 — fact-finder's report, 1044-1051

Citoyens pour une qualité de vie/Citizens for a quality of life c. Aéroports de Montréal, **aircraft noise case**

- appeal to Court of Appeal, 606-607
- generally, 581-582, 601
- motion for authorization to institute class action, 601-605

Environmental Class Actions in Canada

Civil Code of Lower Canada

- article 407, 714
- article 1053, 3, 140, 159
- article 1054, 140, 907
- article 1056, 882
- generally, 137, 165, 717

Civil Code of Quebec

- article 6, 714
- article 7, 165, 609, 618
- article 317, 661
- article 796, 609
- article 952, 607, 718, 763
- article 957, 719
- article 976, 3, 137, 154, 155, 159, 164-167, 194, 215, 266, 606, 607, 614, 618, 677, 714, 718, 763, 764, 939, 942, 951, 964, 1009
- article 979, 717, 718
- article 981, 713, 717, 763, 764
- article 982, 713, 915, 916
- article 1003, 147, 543
- article 1007, 543
- article 1376, 662, 855, 963
- article 1457, 159, 164, 182, 194, 662, 755
- article 1465, 338, 717, 855, 856, 871, 907
- article 1467, 755
- article 1474, 758
- article 1480, 906
- article 1611, 206
- article 1619, 920
- article 2503, 665
- article 2633, 246
- article 2857, 964
- article 2871, 148
- article 2892, 152
- article 2896, 152, 167
- article 2908, 152
- article 3134, 495
- article 3148, 495
- generally, 155, 391, 535, 603, 902, 905
- neighbourhood disturbances doctrine, *see* article 976 and neighbourhood disturbances doctrine (Quebec)

Clark c. 4107781 Canada inc., **wood debris on beach case**

- generally, 708, 727
- motion for authorization to institute class action, 727-730
- motion to compel insurance company to assume duty to defend, 730-731
- settlement, 731

Class Action Act (Que.), **1103**

INDEX

Class Actions Act (Nfld. & Lab.)

- section 5, 1014, 1060, 1062, 1063
- section 37, 1066

Class Actions Act (Sask.)

- generally, 429, 433, 434, 440, 442, 468, 574
- section 6, 441, 466, 469, 470, 574, 577

Class Proceedings Act (Alta.)

- “common issues”, 231
- generally, 722, 726
- section 5, 228-230, 232, 233, 234, 235, 722, 723, 725, 726
- section 8, 231, 233, 237
- section 17, 233

Class Proceedings Act (B.C.)

- generally, 397, 410, 414, 416, 418
- section 4, 380, 404, 406, 411, 549, 550, 552, 554, 559, 702, 703
- section 5, 551
- section 12, 413
- section 27, 413
- section 29, 411
- section 30, 411
- section 31, 411
- section 41, 405, 407, 415, 416

Class Proceedings Act (Man.)

- generally, 769, 1040
- section 1 “common issues”, 783
- section 7, 783

Class Proceedings Act (N.B.)

- “common issues”, 221
- generally, 1037, 1063, 1064, 1080
- section 6, 218-219, 1088
- section 15, 1080

Class Proceedings Act (N.S.)

- generally, 109
- section 7, 112, 126
- section 40, 129-130

Class Proceedings Act, 1992 (Ont.)

- generally, 17, 37, 284, 300, 302, 346, 350, 351, 352, 857, 1099
- section 5, 17, 22, 24, 25, 28, 56, 59, 71, 280, 281, 739-742, 807, 808, 824, 825, 860
- section 6, 17
- section 10, 76, 746
- section 12, 34-35, 48, 75344
- section 17, 301, 302

Environmental Class Actions in Canada

Class Proceedings Act, 1992 (Ont.) — Continued

- section 18, 302
- section 19, 278, 302, 306
- section 20, 302
- section 24, 59, 70, 292
- section 30, 62, 292, 293
- section 31(1), 61, 63-64, 72, 92, 95, 96, 97, 98, 100
- section 33, 303

Class Proceedings Committee of Ontario, 37, 60

Class Proceedings Fund (Ont.), 36, 37, 92

Coalition contre le bruit c. Shawinigan (Ville), aircraft noise case

- examination of designated person, 624
- generally, 582, 612-613
- motion for authorization to institute class action, 616-621
- motion for order vacating class action and continuing action under article 59 or 67 of Code of Civil Procedure, 623
- motion for permission to adduce evidence at authorization hearing, 613-616
- motion re: extension of opt out process, 621-622
- motion to strike out paragraphs of motion to institute proceedings and motion for particulars, 623-624
- settlement, 624

Coalition pour la protection de l'environnement du parc linéaire « Petit Train du Nord » c. Laurentides (Municipalité régionale de comté des), snowmobile noise case

- Bill 9: extension of moratorium, 946-947
- Bill 90: legislative response to judgment of Superior Court, 944-945
- confidentiality order, 934
- generally, 913-920
- motion by insurer for particulars, production of documents and to strike irrelevant allegations and exhibits, 923-927
- motion for approval of attorneys' fees, notice to class members, and agreement on implementation of final judgment, 947-948
- motion for authorization to institute class action, 922-923
- motion for examination of class members out of court, 931
- motion for intervention at authorization hearing, 920-921
- motion for intervention at trial, 930
- motion re: objection to questions to class members, 931-932
- motion to add Attorney General of Québec as defendant, 927-928
- motion to dismiss appeals and cross-appeal, 945-946
- motions for interlocutory injunction, 928-930, 931
 - • appeal to Court of Appeal from judgment dismissing second motion for interlocutory injunction, 932
- notice of appeal to class members, motion to determine contents, 943-944
- objection to questions at examination of two designated person and another potential class member, 921-922

INDEX

Coalition pour la protection de l'environnement du parc linéaire « Petit Train du Nord » c. Laurentides (Municipalité régionale de comté des), snowmobile noise case — *Continued*

- safeguard order, motion to amend, 932-934
- trial on merits, 934-943

Code of Civil Procedure (Que.)

- article 4.2, 735, 736, 953
- article 46, 246, 735, 736
- article 54.1, 679-682, 1010
- article 55, 883, 962
- article 59, 4, 5, 140, 194, 211, 249, 258, 259, 479, 491, 529, 548, 609, 621, 623, 634, 644, 660, 710, 826, 853, 955, 962, 996
- article 67, 5, 194, 211, 249, 258, 491, 529, 548, 609, 621, 623, 644, 660, 710, 826, 853, 955, 962
- article 75.1, 735
- article 94.2, 387
- article 95, 935, 936
- article 99, 927
- article 165(4), 735
- article 199, 11, 256
- article 208, 169, 920
- article 216, 322
- article 234, 209
- article 280, 204
- article 281, 204
- article 311, 204
- article 312, 204
- article 331.1, 828
- article 402, 204
- article 477, 642
- article 501, 945
- article 751, 481
- article 760, 942
- article 976, 618
- article 999, 965
- article 1002, 192, 324, 869, 870, 875
- article 1003, 1, 4, 8, 10, 147, 173, 194, 195, 211, 249, 324, 328, 329, 387, 479, 486, 512, 515, 516, 524, 532, 542, 543, 605, 606, 607, 612, 614, 615, 618, 621, 629, 634, 636, 644, 676, 687, 691, 712, 714, 715, 729, 735, 749, 755, 758, 765, 826, 833-835, 844, 845, 846, 849, 850, 853, 854, 863, 864, 866, 872, 875, 877, 879, 883, 923, 953, 954, 962, 968, 969, 990, 991, 995, 996
- article 1005, 10, 394, 477
- article 1007, 543, 622
- article 1010, 678
- article 1011, 252
- article 1012, 828
- article 1017, 930

Environmental Class Actions in Canada

Code of Civil Procedure (Que.) — *Continued*

- article 1018, 930
- article 1019, 257, 262, 854, 963
- article 1022, 146-147, 151, 257, 519, 623, 850
- article 1023, 475
- article 1031, 182
- article 1033, 995
- article 1043, 943
- article 1045, 255
- article 1048, 5, 489, 621
- generally, 165, 416, 603, 924

Code of Civil Procedure (Que.) — **in force January 2016**

- article 32, 503
- article 572, 1002
- article 574(4), 1001
- article 575, 812, 836
- article 575(1), 692
- article 575(2), 839
- article 575(3), 691, 692, 839
- article 575(4), 692
- article 579, 812, 1004
- article 580, 1004
- generally, 1005, 1100

Comité anti-pollution des avions - Longueuil c. Max Aviation inc., **aircraft noise case**

- generally, 582-583, 624-628
- motions for permission to adduce evidence at authorization hearing, 628-630
- settlement, 630

Comité d'environnement de La Baie inc. c. Société d'électolyse et de chimie Alcan ltée, **dust case**

- generally, 1-2
- motion for authorization to institute class action, 3-4
 - • appeal, 5-10
- motion to strike new allegations and conclusions, 10-11
 - • appeal, 11-14
- settlement and motion for stay of proceedings, 14-16

Comité d'environnement de Ville-Émard (C.E.V.E.) c. Domfer Poudres Métalliques ltée, **dust case**

- appeal from judgment on merits, 178-185
- bankruptcy of Domfer Poudres Métalliques and settlement, 185
- generally, 138, 174
- motion for authorization to institute class action, 174-176
- sequel to case, *see* *Comité d'environnement de Ville-Émard c. Stodola*
- trial on the merits, 177-178

Comité d'environnement de Ville-Émard c. Stodola, **dust case**

INDEX

Comité d'environnement de Ville-Émard c. Stodola, **dust case** — *Continued*

- examination before plea of designated person and objection, 187-188
- motion of authorization to institute class action, 186
- settlement, 189

Comité des citoyens inondés de Rosemont c. Montréal (Ville), **heavy rains and flooding case**

- generally, 842, 869
- motion for authorization to institute class action, 870-872
- motion for order compelling production of documents, 869-870

community-based risk assessment process (CBRA), 34, 53, 56, 60, 70, 71, 82

compost odours case, *Baker v. Rendle*

- certification application, 699-703
- generally, 633-634, 695-699
- judgment of Court of Appeal, 703-705

Côté c. Montréal (Ville), **heavy rains and flooding case**

- generally, 842, 862
- motion for authorization to institute class action (first attempt), 864-867
- motion for authorization to institute class action (second attempt), 867-868
- motion for permission to adduce evidence at authorization hearing, 862-864

cottage country

- *Association des propriétaires et locataires de Saint-Ignace-du-Lac c. Consolidated-Bathurst*, 707, 709-711
- *Association des résidents riverains de La Lièvre inc. c. Canada (Procureur general)*, 708, 731-737
- *Clark c. 4107781 Canada inc.*, 708, 727-731
- generally, 707-709
- *Lessard c. Arcand*, 708-709, 747-749
- *Quimette c. Canada (Procureur general)*, 707, 712-719
- *Paron v. Alberta (Minister of Environmental Protection)*, 707-708, 719-727
- *Plaunt v. Renfrew Power Generation Inc.*, 708, 737-746

Cotter v. Levy, **fire case**

- application by three defendants to dismiss action against them, 278-280
- application to dismiss claim for punitive and aggravated damages, 278-280
- generally, 275, 277
- motion for change of venue, 277-278
- motion respecting duty of plaintiff's solicitor in class action to notify potential claimants of hearing of motion, 278
- motions to certify action as class proceeding, 278-280, 280-284, 284-287
- settlement, 287-288

Courses Automobiles Mont-Tremblant inc. c. Mont-Tremblant (Ville), **racetrack noise case**

- generally, 949-950
- judgment authorizing class action, 955

Environmental Class Actions in Canada

Courses Automobiles Mont-Tremblant inc. c. Mont-Tremblant (Ville), **racetrack noise case** — *Continued*

- motion for authorization to institute class action, 950-952
- motion for permission to examine noise expert, to conduct survey and to examine 48 class members, 956
- motion to stay class proceedings, 952
- motions to strike out allegations and exhibits and for permission to adduce evidence at authorization hearing and other preliminary motions, 953-954

Cuff v. Canadian National Railway Company, **train derailment case**, 577-579

Cyr v. Sainte-Adèle (Ville), **raccoons in municipal drinking water tank**, 812, 835-836

dam failures, *see catastrophic dam failures*

Deraspe c. Noranda inc. Zinc électrolytique du Canada limitée (CEZinc.), **gas leak case**

- aftermath: *Barreau du Québec (Syndic Adjoint) c. Desjardins*, 341
- appeal to Court of Appeal from dismissal of motion to authorize class action, 329-330
- application for judicial review before Federal Court, 320-321
- application for judicial review of decision of Fonds d'aide aux recours collectifs, 321-322
- judgment of Court of Appeal, 339
- generally, 276, 316-319
- motion by class representative to amend designation of defendant or to add defendant and safeguard order, 337-338
- motion for authorization to institute class action, 325-329, 330-332
 - • judgment on second motion for authorization to institute class action, 334-335
 - • motion by Attorney General to be excluded from proceedings, 322
 - • motion for leave to appeal before Supreme Court of Canada, 334
 - • motion for leave to appeal judgment on motion to dismiss authorization, 333-334
 - • motion for leave to appeal to Court of Appeal, 336-337
 - • motion for leave to appeal to Supreme Court of Canada, 337
 - • motion for recusal of judge, 335-336
 - • motion for stay of proceedings pending decision of Supreme Court of Canada on motion for leave to appeal, 334
 - • motion to adduce evidence at hearing of motion for authorization to institute class action, 324-325
 - • motion to adduce evidence at hearing of second motion for authorization to institute class action, 333
 - • motion to amend motion for authorization to institute class proceeding and to add Attorney General as impleaded party, 322
 - • motion to dismiss second motion for authorization to institute class proceeding, 333

INDEX

Deraspe c. Noranda inc. Zinc électrolytique du Canada limitée (CEZinc.), gas leak case — *Continued*

- motion for case management conference and permission to fill longer factum, 339
- motion for leave to appeal to Supreme Court of Canada, 340
- motion for permission to examine plaintiff, 322-324
- motion to compel investigation and for disclosure of report, 319-320
- motion to revoke status of class representative and to disqualify attorney, 340

Dicaire c. Chambly (Ville), heavy rain and flooding case

- appeals, 853-854, 855-856
- generally, 841-842, 852
- motion for authorization to institute a class action, 852-853
- motion to examine class members, 854
- trial, 854-855

Dobbie v. Canada (Attorney General), Agent Orange case, 1036, 1037-1040

Dorion c. Compagnie des Chemins de fer nationaux du Canada (CN), railway nuisance case, 528, 544-548

drinking water, see municipal tap water

Dubé c. Ville St-David de l'Aube-Rivière, waste management operations case, 631, 634

Dubois c. St-Esprit (Municipalité), municipal water interruption case

- generally, 812, 836
- motion for authorization to institute class action, 836-840

Dubuc c. Canadian National Railway Company, train derailment case, 567-568

Dumoulin v. Ontario, toxic mould case

- generally, 785-786, 800
- motion for certification, 802-807
- motion for order that all motions in two related proceedings be heard by same judge, 801
- motion to strike, 801-802
- supplementary reasons, 807-808

Dupuis c. Canada (Procureur general), 2011 Richelieu River Floods

- generally, 842-843, 872-873
- motion for authorization to institute class action, 875-878
- motions for permission to adduce evidence at authorization hearing, 873-874, 874-875

Durling v. Sunrise Propane Energy Group Inc., explosion and fire case

- appeal, 372-373
- generally, 276, 341-342
- motion for approval of claims bar, 349-352
- motion for certification, 352-360

Environmental Class Actions in Canada

Durling v. Sunrise Propane Energy Group Inc., **explosion and fire case** — *Continued*

- motion for directions in advance of proposed motion to discontinue separate actions, 346-347
- motion for leave to appeal, 371-372
- motion for order compelling production of result of investigation, 342-346
- motion for order staying individual actions and for costs order, 347-349
- motion to amend statement of claim and for certification of class action, 361-371
- motion to restrain communication with class members, 360-361
- order of motions: motion for certification vs. motion for summary judgment, 346
- settlement, 384-375

dust cases

- *Barrette c. Ciment du St-Laurent inc.*, 139-169
- *Comité d'environnement de La Baie inc. c. Société d'électolyse et de chimie Alcan ltée*, 1-16
- *Comité d'environnement de Ville-Émard (C.E.V.E.) c. Domfer Poudres Métalliques ltée*, 174-185
- *Comité d'environnement de Ville-Émard c. Stodola*, 186-189
- *Flamand v. 9174-3641 Québec*, 173
- *Lalande c. Compagnie d'arrimage de Québec ltée*, 509, 513-525
- *Renaud c. Holcim Canada inc.*, 170-173
- *Roy c. Ciment Saint-Laurent inc.*, 169

dust, noise and vibrations case

- *Mayer c. Cast Terminal*, 509-513
- *Trottier c. Canadian Malartic GP*, 500-508

Environment Quality Act (Que.)

- generally, 143, 159, 194, 197, 210, 267, 391, 478, 480, 540, 603, 604, 609, 618, 637, 657, 659, 677, 689, 710, 729, 902, 903, 929, 950, 966, 1008
- section 1 “atmosphere”, 903
- section 1 “contaminant”, 636, 639, 884
- section 1 “environment”, 903
- section 19.1, 204, 216, 481, 482, 535, 614, 618, 883, 885, 962
- section 19.2, 479, 481, 482, 614, 663, 676, 883, 884, 888
- section 19.3, 479, 614, 663, 883
- section 19.5, 482, 504
- section 19.7, 183, 216, 676, 885
- section 20, 204, 535, 611, 614, 618, 636, 674, 883, 893, 902
- section 22, 140, 197, 477, 915, 916, 929
- sections 31.10-31.31, 183
- section 31.65, 488
- section 115.1, 658

Environmental Assessment Act (Sask.)

- “development”, 433, 454

INDEX

Environmental Assessment Act (Sask.) — Continued

- generally, 465, 470
- section 23, 454, 455

Environmental Bill of Rights, 1993 (Ont.)

- section 99, 282
- section 103, 40, 282, 822

environmental class actions, generally, see also foundation of environmental class actions in Canada

- certification vs. authorization of class actions, 1100-1101
- neighbourhood disturbances doctrine, 1102-1103
- public funding, 1102
- Québec, plaintiff-friendly class proceedings authorization system in, 1099-1103

Environmental Management and Protection Act (Sask.)

- “discharge”, 451
- generally, 451, 465, 469
- “pollutant”, 433, 437, 449
- section 4, 470
- “substance”, 433

Environmental Protection Act (Ont.)

- generally, 20, 38, 56, 290, 341
- Part X, 309
- section 14, 44, 66
- section 91, 38, 39
- section 99, 19, 25, 281, 296

explosion and fire case

- *Durling v. Sunrise Propane Energy Group Inc.*, 276, 341-375

Filion c. Québec (Procureure générale), highway noise case

- generally, 957-958
- judgment of Court of Appeal, 963
- motion for authorization to institute class action, 958-960
- motion for authorization to institute class action in Superior Court, 961-963
 - judgment of Court of Appeal, 963
- motion for permission to examine class members, 963-964
- motion for permission to examine petitioners and to adduce evidence at authorization hearing, 960-961
- motion requesting names of class members registered in class action, 965
 - judgment of Court of Appeal, 965-966
- motions to strike out expert reports, 964-965

Filteau c. Aviation Roger Forgues inc., aircraft noise case

- action in warranty and motions to dismiss, 610
- generally, 582, 608
- motion for authorization to institute class action, 608-610
- motion for permission to file discontinuance, 610

Environmental Class Actions in Canada

fire cases

- *Cotter v. Levy*, 275, 277-288
- *Durling v. Sunrise Propane Energy Group Inc.*, 276, 341-375
- generally, 275
- *Ludwig v. 1099029 Ontario Ltd.; Horti-Pak Inc. v. Siemens Canada Inc.*, 275, 289-295

fish farms

- *Association pour le lac Heney c. Gestion Serge Lafrenière inc.*, 383, 384-388, 394-397
- *Calvé c. Gestion Serge Lafrenière inc.*, 388-394
- *Kwicksutaineuk/Ah-Kwa-Mish First Nation v. British Columbia (Minister of Agriculture and Lands)*, 383-384, 397-422

Flamand c. 9174-3641 Québec inc. (Excavation René St-Pierre), **dust, noise and odours case**

- aftermath to Ciment du Saint-Laurent neighbourhood disturbance cases, 173
- generally, 634, 705-706

flooding, see sewer backups and floods, heavy rains and flooding

floods in Manitoba case (2011), *Anderson v. Manitoba*

- appeal, 783-784
- application for certification of class action, 768-780
- generally, 752-753, 767-768
- motion for leave to appeal to Court of Appeal, 780-783
- settlement, 784

floods of Richelieu River case (2011), *Dupuis c. Canada (Procureur general)*

- generally, 842-843, 872-873
- motion for authorization to institute class action, 875-878
- motions for permission to adduce evidence at authorization hearing, 873-874, 874-875

foundation of environmental class actions in Canada, see *Comité d'environnement de La Baie inc. c. Société d'électolyse et de chimie Alcan ltée* and *Hollick v. Metropolitan Toronto (Municipality)*

Fournier c. Hydro-Québec, **catastrophic dam failure case**

- generally, 752, 760
- motion for authorization to institute class action, 762-765
- motion for declaratory judgment, 761
- motions for stay of proceedings, 761-762

fuel spill case

- *Kirk v. Executive Flight Centre Fuel Services*, 277, 375-381

gas leak cases

- *Deraspe c. Noranda inc Zinc électrolytique du Canada limitée (CEZinc.)*, 276, 316-341
- *Lewis v. Shell Canada Ltd.*, 276, 305-316

INDEX

gas leak cases — *Continued*

- *Mangan v. Inco Ltd.*, 275, 295-305

Gaudet c. P. & B. Entreprises ltée, **asphalt plant case**

- generally, 209
- motion for authorization to institute class action, 209-212
- motion to dismiss, 212-213
- motion to strike out paragraphs and exhibits, 212

genetically-modified crops case, *Hoffman v. Monsanto Canada Inc.*

- appeal judgment of Court of Appeal, 468-470
- application for certification, 441-467
- application for leave to appeal to Court of Appeal, 467-468
 - application to intervene in appeal, 468
- application for leave to appeal to Supreme Court of Canada, 470
- application to cross-examine one proposed representative and other affiants, 440-441
- application to strike portions of affidavit evidence of plaintiffs, 436-440
- generally, 429-433
- motion to compel filing of statement of defence before hearing and determination of certification application, 433-434

George v. Newfoundland and Labrador, **moose-car collision case**

- application for pre-trial determination of common issue of applicability of doctrine of discoverability to running of limitation period, 1016-1020
- application to qualify expert historian at common issues trial, 1020-1021
- application to qualify expert in area of public administration at common issues trial, 1021-1022
- certification consent order, 1014-1016
- common issues trial, 1022-1031
- consent statement of facts, 1016
- generally, 1013
- judgment of Court of Appeal, 1031-1033

Girard c. 2944-7828 Québec inc., **waste management operations case**

- generally, 632, 655-658
- judgment of Court of Appeal, 666-667
- judgment on merits, 660-666
- motion for approval of attorney's fees, 671-672
- motion for authorization to institute class action, 658-660
- motion for permission to examine 22 additional class members, 660
- motion for revision of costs and approval of settlement, 667-671

Grace v. Fort Erie (Town), **drinking water case**, **811, 818-825**

Grant v. Canada (Attorney General), **toxic mould case**

- application for leave to appeal, 799-800
- consent order removing breach of fiduciary duties common issues, 800
- generally, 785, 787-788
- motion for certification, 792-798

Environmental Class Actions in Canada

Grant v. Canada (Attorney General), **toxic mould case** — *Continued*

- motion to strike portions of statement of claim, 788-791
- motion to summon witness, 792

groundwater contamination, *see* **trichloroethylene contamination of soil and groundwater**

Guertin c. Communauté de Montréal, **wastewater discharge case**, **631, 637-639**

harbours

- generally, 509
- *Lalande c. Compagnie d'arrimage de Québec ltée*, 509, 513-525
- *Mayer c. Cast Terminal*, 509-513

heavy rains and flooding

- *Blanchet c. Ville de Saint-Hubert*, 841, 847-852
- *Comité des citoyens inondés de Rosemont c. Montréal (Ville)*, 842, 869-872
- *Côté c. Montréal (Ville)*, 842, 862-868
- *Dicaire c. Chambly (Ville)*, 841-842, 852-856
- *Larochelle v. Ville de Saint-Hubert*, 847-848
- *McLaren v. Stratford (City)*, 842, 856-862
- *Nagar c. Montréal*, 841, 843-847
- *Patenaude c. Montréal (Ville)*, 842
- *Rainville c. Montréal (Ville)* and *Côté c. Montréal (Ville)*, 842, 862-868

highway noise

- *Belmamoun c. Brossard (Ville)*, 957, 966-969
- *Filion c. Québec (Procureure générale)*, 957-966
- generally, 957

highway repairs and public work

- generally, 1007
- *Krantz c. Québec (Procureur general)*, 1007-1012

historical contamination

- generally, 31-32
- *MacQueen v. Canada (Attorney General)* and *Pearson v. Inco Ltd.*, 101-135
- *Pearson v. Inco Ltd.*, 32-101

Hoffman v. Monsanto Canada Inc., **genetically-modified crops case**

- appeal judgment of Court of Appeal, 468-470
- application for certification, 441-467
- application for leave to appeal to Court of Appeal, 467-468
 - application to intervene in appeal, 468
- application for leave to appeal to Supreme Court of Canada, 470
- application to cross-examine one proposed representative and other affiants, 440-441
- application to strike portions of affidavit evidence of plaintiffs, 436-440
- generally, 429-433
- motion to compel filing of statement of defence before hearing and determination of certification application, 433-434

INDEX

Hollick v. Metropolitan Toronto (Municipality), **noise and physical pollution case**

- appeal to Court of Appeal, 24-25
- appeal to Divisional Court, 22-23
- certification motion before Ontario Superior Court of Justice, 16-22
- generally, 1, 2, 39, 49, 61-62, 67, 69, 70, 221-222, 547, 559, 700, 704, 1008, 1055, 1060, 1068, 1101
- judgment of Supreme Court of Canada, 25-30
 - • *Rumley v. British Columbia*, 26-27
 - • *Western Canadian Shopping Centres Inc. v. Dutton*, 26

indoor sampling program, 34, 49

industrial accidents, 275-381

Kennedy c. Colacem Canada inc., **cement plant case**

- motion for authorization to institute class action 214-218
- motion for permission to adduce evidence at authorization hearing, 213-214

Kingsville fire class action, *see Ludwig v. 1099029 Ontario Ltd.; Horti-Pak Inc. v. Siemens Canada Inc.*

Kirk v. Executive Flight Centre Fuel Services, **fuel spill case**

- generally, 277, 375-376
- motion for certification, 376-381

Krantz c. Québec (Procureur general), **highway repairs and public work case**

- generally, 1007
- motion for authorization to institute class action, 1007-1010
- motion to dismiss motion in warranty, 1010-1011
- settlements, 1011-1012

Kwicksutaineuk/Ah-Kwa-Mish First Nation v. British Columbia (Minister of Agriculture and Lands), **fish farm case**

- application for certification of action as class proceedings, 404-418
 - • judgment of Court of Appeal rescinding certification order, 419-422
- application for intervener status, 418-419
- application for particulars and application to strike, 401-404
- generally, 383-384, 397-401

Labranche c. Énergie éolienne des Moulins, s.e.c., **wind farm noise case**

- appeal, 1003
- common experts, case management decision, 1005
- generally, 971-972, 998-1000
- motion for authorization to institute class action, judgment, 1001-1002
- motion for permission to adduce evidence, 1000-1001
- notice to class members, 1003-1005

lake and river overflow case

- *Lessard c. Arcand*, 708-709, 747-749

Lalande c. Compagnie d'arrimage de Québec ltée, **dust case**

- amended motion for authorization

Environmental Class Actions in Canada

Lalande c. Compagnie d'arrimage de Québec ltée, dust case — *Continued*

- amended motion for authorization — *Continued*
 - • contestation of amended motion for authorization to institute class action, 514-515
 - • motion to amend motion for authorization to institute class action, 513-514
 - • motion to strike out paragraphs and exhibits from amended motion to institute proceedings, 520-521
- generally, 509, 513
- motion for authorization to institute class action, 515-518
 - • motion for particulars and for communication of expert report, 518-520
 - • motion to examine class members, 524-525
- second motion for authorization to institute class action, 521-522
 - • amended motion to institute class action, 523-524
 - • motion for communication of additional expert report, 525
 - • motion for particulars and communication of documents, 525
 - • motion to strike out allegations and exhibits, 525
 - • motion to strike out paragraphs and exhibits of second motion for authorization, 522-523

Langevin c. Bouchard, sandpit case

- generally, 471, 480-482
- motion for authorization to institute class action, 486-487
- motion for leave to appeal before Court of Appeal, 483
- motion for permission to adduce evidence at hearing of motion for authorization to institute class action, 483-485
- motion to amend motion for authorization to institute class action, 482-483

Lavoie c. Stanley Canada Corporation, trichloroethylene contamination case

- generally, 223, 224-225
- motion for authorization to institute class action, 225
- settlement, 225-226

Lemay c. Société immobilière du Québec, catastrophic dam failure case, 751-752, 753-754, 756-757

Lessard c. Arcand, lake and river overflow case

- generally, 708-709, 747
- motion for authorization to institute class action, 748-749
- motion for permission to adduce relevant evidence at authorization hearing, 747-748

Les Voisins du train de banlieue de Blainville inc. c. Agence métropolitaine de transport et Compagnie de chemin de fer Canadien Pacifique, railway nuisance case

- appeal before Court of Appeal, 541-543
- generally, 527, 528, 533-534
- motion for authorization to institute class action, 534-541

Lewis v. Shell Canada Ltd., gas leak case

INDEX

Lewis v. Shell Canada Ltd., gas leak case — *Continued*

- generally, 276, 305
- motion for certification of action as class proceeding and approval of settlement, 307-316
- motion re: pre-certification communications of defendant with members of class, 306-307

Ludwig v. 1099029 Ontario Ltd.; Horti-Pak Inc. v. Siemens Canada Inc., fire class action

- appeal by defendants to Divisional Court from judgment for quashing appeal, 293
- appeal to Court of Appeal from judgment of Divisional Court, 293-294
- generally, 275, 289
- motion to certify action as class proceeding, 289-292
- motion to quash appeal from certification order, 292
- settlement, 294-295

MacDonald (Litigation Guardian of) v. Dufferin-Peel Catholic District School Board, toxic mould case, 786, 808-810

MacQueen v. Canada (Attorney General), off-site contamination case

- appeal of certification order, 120-127
- appeal of judgment striking out pleading and allegations, 105-107
- appeals before Nova Scotia Court of Appeal, 107
- application for leave to appeal to Supreme Court of Canada, 131
- certification application, 108-114
- costs decision, 116-119
- costs order, 128-131
- generally, 31-32, 101-103
- motion by Attorney General for stay of proceedings, 114-115
- motion for reconsideration, 127-128
- motions by Attorney General for discovery of plaintiffs, 107
- motions for leave to appeal to Court of Appeal, 115-116
- motions to strike out portions of statement of claim, 103-105
- press release — August 25, 2015, 131-135

Mangan v. Inco Ltd., gas leak case

- generally, 275, 295-296
- motion for certification of class proceeding for purposes of settlement and motion for notice of proposed settlement, 297-300
- motion for determination of costs, 304-305
- motion for remedy re: unauthorized notice in class proceeding, 300-304

Mayer c. Cast Terminal, dust, noise and vibrations case

- generally, 509-510
- motion for authorization to institute class action, 510-512
- settlement, 512-513

McKinnon v. Red Lily Wind Energy Group, wind farm noise case

- application for order dismissing claim for delay, 984-985

Environmental Class Actions in Canada

McKinnon v. Red Lily Wind Energy Group, **wind farm noise case** — *Continued*

- damages arising from obtaining *ex parte* injunction
 - assessment, 983-984
 - process, 981-983
- generally, 971, 972-975
- interlocutory injunction, 975-981

McLaren v. Stratford (City), **heavy rains and flooding case**

- amended motion for certification of action as class proceeding (second attempt), 859-861
- generally, 842, 856
- motion for certification of action as class proceeding (first attempt), 857-858
- motion for order directing motions to be heard in Stratford, 856-857
- settlement, 862

mines, quarries and sandpits

- generally, 471-472
- *Langevin c. Bouchard*, 471, 480-487
- *Pearson v. Boliden Ltd.*, 472, 497-500
- *Recherches internationales Québec c. Cambior inc.*, 471-472, 489-497
- *Robitaille c. Constructions Désourdy inc.*, 471, 472-480
- *Trottier c. Canadian Malartic GP*, 500-508

moose-car collision

- certification consent order, 1014-1016
- consent statement of facts, 1016
- generally, 1013
- *George v. Newfoundland and Labrador*, 1013-1033

municipal tap water

- *Bayard c. St-Gabriel (Ville)*, 812, 832-834
- *Blouin c. Ville de Sainte-Anne-de-Beaupré*, 811-812, 825-832
- *Cyr v. Sainte-Adèle (Ville)*, 812, 835-836
- *Dubois c. St-Esprit (Municipalité)*, 812, 836-840
- generally, 811-812
- *Grace v. Fort Erie (Town)*, 811, 818-825
- *Smith v. Brockton (Municipality)*, 811, 812-818

Nadon c. Anjou (Ville), **ragweed pollen case**

- action in nullity of section 7.03 of by-law 90, 893-894
- amended motion to amend re-amended declaration class definition and some questions of law or fact, 892-893
- appeal, 894-896
- appeal of judgment dismissing motion for authorization to institute class proceeding, 887-890
- generally, 881-882
- judgment of Court of Appeal, 911-912
- motion for authorization to institute class action, 882-887
- motion for immediate adjudication of point of law, 891
- motion to amend declaration, class definition and questions of law or fact, 890

INDEX

Nadon c. Anjou (Ville), **ragweed pollen case** — *Continued*

- motion to revoke judgment authorizing institution of class action, 892
- motion to strike out counterclaim, 891-892
- trial on merits, 896-911

Nagar c. Montréal, **heavy rains and flooding case**

- appeal, 846-847
- generally, 841, 843
- motion for authorization to institute class action, 843-846

neighbourhood disturbances doctrine (Quebec), *see also Barrette c. Ciment du St-Laurent inc., Roy c. Ciment Saint-Laurent inc. and Comité d'environnement de Ville Émard (C.E.V.E.) c. Domfer Poudres Métalliques ltée*

- generally, 3, 137-189, 194, 215, 259, 266, 272, 391, 392, 512, 535, 603, 605, 606, 607, 609, 611, 618, 625, 683, 687, 714, 718, 737, 763, 764, 913, 917, 930, 936, 942, 966, 995, 1001, 1008, 1101, 1102

noise, *see aircraft noise, dust, noise and vibrations, highway noise, racetrack noise, snowmobile noise, and wind farm noise*

noxious odours, *see pig farms and noxious odours*

off-site contamination case

- *MacQueen v. Canada (Attorney General)* and *Pearson v. Inco Ltd.*, 101-135

O'Neill v. St-Isidore Asphalte Ltée, **quarry and asphalt case**, **218-222**

Ouimette c. Canada (Procureur general), **shore erosion case**

- appeal, 716-719
- generally, 707, 712
- motion for authorization to institute class action, 712-715
- trial on merits, 715-716

Paquin c. Compagnie de chemin de fer Canadien Pacifique, **railway nuisance case**

- appeal, 532
- generally, 527, 528-529
- motion for authorization to institute class action, 529-532
- settlement, 533

Paron v. Alberta (Minister of Environmental Protection), **shore erosion case**

- application for certification of class proceeding, 722-727
- generally, 707-708, 719
- motion for case management advice and directives, 722
- motion to dismiss by Government of Alberta, 720-721
- motion to dismiss by TransAlta, 721-722

Patenaude c. Montréal (Ville), **heavy rains and flooding case**, **842, 867-868**

Pausche v. British Columbia Hydro & Power Authority, **catastrophic dam failure case**

- generally, 752, 765
- motion to dismiss on basis that claim was statute-barred, 765-766

Environmental Class Actions in Canada

Pausche v. British Columbia Hydro & Power Authority, **catastrophic dam failure case** — *Continued*

- settlement, 766-767

Pearson v. Boliden Ltd., **toxic leak case**

- appeal to Court of Appeal, 499
- application for certification of action as class proceedings, 497-499
- application for leave to appeal, 499
- generally, 472, 497
- National Settlement Agreement, 499-500

Pearson v. Inco Ltd., **historical contamination case**

- appeal before Court of Appeal from Divisional Court's dismissal of appeal of refusal to certify
 - application for leave to appeal to Court of Appeal, 64
 - certification as class proceeding
 - section 5(1)(a): causes of action, 66-67
 - section 5(1)(b): identifiable class, 67
 - section 5(1)(c): common issues, 67-69
 - section 5(1)(d): preferable procedure, 69-71
 - section 5(1)(e): representative plaintiff, 71
 - costs application, 72-74
 - generally, 65, 71-72
- appeal before Court of Appeal from judgment of Superior Court on merits — allowed, judgment set aside
 - costs decision
 - appeal of costs order, 98-101
 - decision, 95-98
 - motion respecting procedure to determine trial costs order, 91-92
 - motion to strike affidavits of Law Foundation of Ontario in costs proceeding, 92-94
 - generally, 84-91
 - motion to intervene by Friends of the Earth Canada, 84
- appeal to Divisional Court from refusal to certify action as class proceeding and from costs order, 62-64
- application for leave to appeal decision dismissing section 12 motion, 48-49
- application for leave to appeal to Court of Appeal, 64
- application for leave to appeal to Supreme Court of Canada, 92
- application to certify action as class proceeding
 - appeal from refusal to certify action, 62-64
 - certification requirements
 - section 5(1)(a): causes of action, 56-57
 - section 5(1)(b): identifiable class, 57
 - section 5(1)(c): common issues, 58-59
 - section 5(1)(d): preferable procedure, 59-60
 - section 5(1)(e): representative plaintiff, 60-61
 - costs of motion, 61-62
 - generally, 49-56

INDEX

Pearson v. Inco Ltd., **historical contamination case** — *Continued*

- application to certify action as class proceeding — *Continued*
 - motion by Environmental Commissioner for leave to intervene as added party on appeals, 64
- application under section 12 of *Class Proceedings Act*
 - costs of motion, 45-46
 - generally, 34-37
- Class Proceedings Committee of Ontario, 37
- Class Proceedings Fund, 37
- costs of motions
 - Crown motion to strike, 46
 - Inco's motion to strike, 46
 - section 12 motion, 45-46
- generally, 31-34
- judgment of Superior Court on merits — liability imposed for private nuisance and strict liability
 - causal connection between publicity and property values, 82-83
 - damages for loss of property value, 83
 - generally, 77-79
 - limitation period, 81
 - negative publicity and public disclosures, 81-82
 - nuisance, 80-81
 - punitive damages, 83
 - reliability of data sets, 82
 - *Rylands v. Fletcher*, 79-80
 - trespass, 79
- motion by Crown to strike out paragraphs of statement of claim
 - costs of motion, 46
 - generally, 41-44
- motion by Inco for order compelling plaintiff to answer questions
 - costs of motion, 49
 - generally, 46-47
- motion by Inco to strike out paragraphs of statement of claim and for determination of points of law
 - costs of motion, 46
 - generally, 37-40
- motion to compel Inco to file further and better affidavit of documents, 74
- motion to decertify, 75-77
- motions by both parties to compel answers to refusals and undertakings, 75
- original proposed class, 33

pig farms and noxious odours

- *Branconnier c. 2848-7395 Québec inc.*, 423-427
- generally, 423

Plastimet fire class action, *see Cotter v. Levy*

Plaunt v. Renfrew Power Generation Inc., **shore erosion case**

- certification motion, 738-742

Environmental Class Actions in Canada

Plaut v. Renfrew Power Generation Inc., **shore erosion case** — *Continued*

- costs decision, 742-743
- decision to determine first common issue, 743-744
- generally, 708, 737
- motion to decertify, 744-746

plywood manufacturer case, 192-196

Protection environnement Boisbriand c. Boisbriand (Ville), **noxious odours case**

- generally, 633
- motion for authorization to institute class action 685-687
- partial settlement, 687
- settlement, 688

quarries, see mines, quarries and sandpits

quarry and asphalt plant case, *O'Neill v. St-Isidore Asphalte Ltée*, 218-222

Québec, plaintiff-friendly class proceedings authorization system in, 1099-1103

racetrack noise

- *Courses Automobiles Mont-Tremblant inc. c. Mont-Tremblant (Ville)*, 949-956
- generally, 949

ragweed pollen

- generally, 881
- *Nadon c. Anjou (Ville)*, 881-912

railway nuisances, see also train derailments and spills

- *Bellefeuille v. Canadian Pacific Railway Limited*, 527, 528, 560-565
- *Dorion c. Compagnie des Chemins de fer nationaux du Canada (CN)*, 528, 544-548
- generally, 527-528
- *Les Voisins du train de banlieue de Blainville inc. c. Agence métropolitaine de transport et Compagnie de chemin de fer Canadien Pacifique*, 527, 528, 533-543
- *Paquin c. Compagnie de chemin de fer Canadien Pacifique*, 527, 528-533
- *Roberts v. Canadian Pacific Railway Company*, 549-560

Raymond c. Lomex inc., **rendering plant in residential neighbourhood case, 633, 685**

Recherches internationales Québec c. Cambior inc., **toxic substance leak**

- declinatory exception, 494-496
- generally, 471-472, 489-494
- motion for permission to examine president of defendant, 494
- motion for special honorarium, 496-497
- representative actions, 497

Regroupement des citoyens contre la pollution c. Alex Couture inc., **rendering plant case**

- generally, 633, 673
- motion for authorization to institute class action, 674-677

INDEX

Regroupement des citoyens contre la pollution c. Alex Couture inc., **rendering plant case** — *Continued*

- motion for declinatory exception, 673-674
- motion re: objection to filing of expert report and to testimony of president of monitoring committee, 680
- motion to amend motion to institute proceedings, 684
- motion to amend particularized motion to institute proceedings, 681
- motion to be excused from failure to comply with preemptory delay, 681
- motion to dismiss appeal, 678
- motion to dismiss class action, judgment, 682-684
- motion to strike out paragraphs and for particulars, 678-680
- objection to expert's report (second attempt), 680-681
- settlement and motion to approve it, 684-685

Regroupement des citoyens du quartier St-Georges inc. c. Alcoa Canada ltée, **aluminum smelter case**

- generally, 191, 196-197
- motion for authorization to institute class action, 197-207
- motion for designation of independent expert, 208-209
- motion for particulars, 207
- motion to strike out allegations of representative answer, 208
- motion to strike out paragraph of statement of claim, 208

Regulation respecting the application of the Environment Quality Act (Que.)

- section 12, 139, 153, 159, 160, 194, 204, 675

Renaud c. Holcim Canada inc., **class action of “forgotten members”**

- motion for authorization to institute class action, 170
 - • motion to revoke authorization judgment, 172-173
- motion for leave to appeal refusal of judge to recuse himself, 171
- motion for recusal of judge, 171
 - • motion for leave to appeal refusal of judge to recuse himself, 171
- motion to examine class members before plea, 172
- motion to revoke authorization judgment, 172
 - • appeal from judgment revoking authorization, 173
- motion to split proceeding, 172
- notice to class members, 173

Richelieu River floods (2011) case, *Dupuis c. Canada (Procureur general)*

- generally, 842-843, 872-873
- motion for authorization to institute class action, 875-878
- motions for permission to adduce evidence at authorization hearing, 873-874, 874-875

Ring v. Canada (Attorney General), **Agent Orange case**

- appeal of certification order, 1072-1079
- application for advice and directions on variance order of implied undertaking rule, 1069-1070
- application for class certification, 1051-1063

Environmental Class Actions in Canada

Ring v. Canada (Attorney General), **Agent Orange case** — *Continued*

- application for leave to appeal judgment refusing to set aside ruling on implied undertaking rule, 1070-1071
- application for order approving manner and timing of publication of notice and for costs of that publication, 1068-1069
- application to lift stay of certification order, 1063-1068
- generally, 1037

Rivard c. Éoliennes de l'Érable inc., **wind farm noise case**

- generally, 971, 985-986
- motion for authorization to institute class action, judgment, 989-991
- motion for particulars and to strike out allegations, 986-989
- motion for permission to examine author of thesis on wind farm impact, 992
 - • motion by author to quash subpoena, to review judgment granting permission to examine, and to revoke that judgment, 993
- motion for permission to examine class members, 992
- motion for permission to examine petitioners, 986-989
- motion to adduce evidence at authorization hearing, 986-989

Roberge c. Sherbrooke (Ville), **methane gas case**

- dismissal of class action on merits, 647-652
- judgment of Court of Appeal, 653-655
- generally, 632, 643
- motion for authorization to institute class action, 643-646

Roberts v. Canadian Pacific Railway Company, **railway nuisance case**, **527, 528, 549-560**

Robillard c. Écoservices Tria inc., **landfill site case**

- application to lift confidentiality order, 694-695
- generally, 633, 688-689
- motion for authorization to institute class action, 690-694
- motion for particulars and communication of documents, 695
- motion for permission to adduce evidence, 689-690

Robitaille c. Constructions Désourdy inc., **quarry case**

- appeal and motion to dismiss appeal, 476
- appeal of judgment on the merits, 479
- application for interlocutory injunction, 476-477
 - • appeal of interlocutory injunction before Court of Appeal, 478
- generally, 471
- judgment on the merits, 478
- motion for authorization to institute class action, 472-475
- motion for special honorarium, 480
- motion to revoke judgment authorizing class action, 475

Roy c. Ciment Saint-Laurent inc., **dust case**

- judgment of Court of Appeal, 169
- judgment of Superior Court, 169
- *Renaud c. Holcim Canada inc.*, class action of “forgotten members”, 170-174

INDEX

Rumley v. British Columbia, 25-27, 412, 557

Rylands v. Fletcher, 19, 21, 25, 66, 74, 77, 79-80, 81, 85, 87-90, 98, 120-122, 230, 238, 240, 376, 377, 379, 448, 463, 549, 573, 579, 722, 724, 1026, 1031

sand pits *see* mines, quarries and sandpits

sewer backups and floods

- *Association des résidentes et résidents du Domaine des Ruisseaux de Marieville c. Genivar inc.*, 843, 878-879
- *Blanchet c. Ville de Saint-Hubert*, 841, 847-852
- *Comité des citoyens inondés de Rosemont c. Montréal (Ville)*, 842, 869-872
- *Dicaire c. Chambly (Ville)*, 841-842, 852-856
- *Dupuis c. Canada (Procureur general)*, 842-843, 872-878
- generally, 841-843
- *Larochelle v. Ville de Saint-Hubert*, 847-848
- *McLaren v. Stratford (City)*, 842, 856-862
- *Nagar c. Montréal*, 841, 843-847
- *Patenaude c. Montréal (Ville)*, 842, 867-868
- *Rainville c. Montréal (Ville)* and *Côté c. Montréal (Ville)*, 842, 862-868

shore erosion cases

- *Association des résidents riverains de La Lièvre inc. c. Canada (Procureur general)*, 708, 731-737
- *Ouimette c. Canada (Procureur general)*, 712-719
- *Paron v. Alberta (Minister of Environmental Protection)*, 719-727
- *Plaunt v. Renfrew Power Generation Inc.*, 708, 737-746

Smith v. Brockton (Municipality), **Walkerton Water Contamination Action**

- certification motion, 814
- generally, 811, 812-814
- settlement, 814-818

Smith v. Inco Limited, *see also* *Pearson v. Inco Ltd.*, 31-32

snowmobile noise

- *Coalition pour la protection de l'environnement du parc linéaire « Petit Train du Nord » c. Laurentides (Municipalité régionale de comté des)*, 913-948
- generally, 913

soil and groundwater contamination, *see* **trichloroethylene contamination of soil and groundwater**

Special Act (Que.)

- generally, 155, 159, 166, 167
- section 5, 140, 154, 159, 160

Spieser c. Canada (Procureur general), **trichloroethylene contamination case**

- amended motion for permission to introduce new evidence, 273-274
- application for access to medical records, 264
- generally, 245-246

Environmental Class Actions in Canada

Spieser c. Canada (Procureur general), **trichloroethylene contamination case** —

Continued

- judgment on motion for permission to adduce additional expert's report, 259-261
- judgment on motion for return of document forwarded inadvertently, 259
- judgment on objection to question at examination of class member, 256-257
- judgment on objections to questions and undertakings at examination after plea, 262-263
- motion for authorization to institute class action, 248-252
- motion for extension of delay to institute class action, 253
- motion for further safeguard order and filing of expert reports, 254-255
- motion for leave to appeal to Court of Appeal, 253
- motion for particulars, 253
- motion for permission to conduct medical examination, 247-248
- motion for permission to re-amend amended and particularized motion to institute proceedings and to amend definition of class, 255-256
- motion for permission to re-amend motion to institute proceedings, 263-264
- motion for safeguard order, 252
- motion for substitution and addition of parties to motion to institute proceedings, 252-253
- motion to modify authorization judgment, 255-256
- motion to revoke judgment authorizing institution of class action, 257-259
- motions for permission to amend allegations and conclusions of motion for authorization to institute class action, 246-247
- trial on the merits, judgment, 265-273

Sutherland v. Canada (Attorney General), **aircraft noise case**

- appeal to Court of Appeal, 593-595
 - appeal of costs order, 600-601
 - supplementary reasons on costs, 595
- application for certification, 583-588
- costs for Supreme Court of British Columbia trial, 595-598
 - application to vary or cancel costs order, 598-600
 - interpretation of costs order, 598
- generally, 581, 583
- individual action in nuisance, 588-592
- pre-judgment interest, damages incidental to moving and payment of hearing fees, 592-593

Sydney Tar Ponds class action, *see MacQueen v. Canada (Attorney General)*

tap water, *see municipal tap water*

Taub v. Manufacturers Life Insurance Co., **toxic mould in condo case**, 785, 786-787

Therrien c. Compagnie de volailles Maxi ltée, **waste management operations case**, 632-633, 672-673

toxic mould in buildings

INDEX

toxic mould in buildings — Continued

- *Dumoulin v. Ontario*, 785-786, 800-808
- generally, 785-786
- *Grant v. Canada (Attorney General)*, 785, 787-800
- *MacDonald (Litigation Guardian of) v. Dufferin-Peel Catholic District School Board*, 786, 808-810
- *Taub v. Manufacturers Life Insurance Co.*, 785, 786-787

train derailments and spills

- *Brooks v. Canadian Pacific Railway Limited*, 567, 568-577
- *Cuff v. Canadian National Railway Company*, 567, 577-579
- *Dubuc c. Canadian National Railway Company*, 567-568
- generally, 567

Tremblay c. Alex Couture inc., **rendering plant case, 631, 635-636**

trichloroethylene contamination of soil and groundwater

- generally, 223-224
- *Lavoie c. Stanley Canada Corporation*, 224-226
- *Spieser c. Canada (Procureur general)*, 245-274
- *Wamboldt v. Northstar Aerospace (Canada) Inc.*, 241-245
- *Windsor v. Canadian Pacific Railway Company*, 227-241

Trottier c. Canadian Malartic GP, **open pit mine case**

- generally, 472, 500-501
- motion for authorization to institute class action, 507-508
- motion for interlocutory injunction, 504-507
- motion for leave to appeal, 503
- motion for permission to adduce evidence at authorization hearing, 503-504
- motion to inform class members of their rights, 502-503

Walkerton Water Contamination Class Action, *Smith v. Brockton (Municipality)*

- certification motion, 814
- generally, 811, 812-814
- settlement, 814-818

Wamboldt v. Northstar Aerospace (Canada) Inc., **trichloroethylene contamination case, 241-245**

Ward v. Canada (Attorney General), **Agent Orange case**

- appeal before Court of Appeal, 1041-1044
- application to strike or stay proposed class action, 1040-1041
- generally, 1036, 1037, 1040

waste management operations

- *Archambault c. Construction Bérou inc.*, 632, 639-643
- *Baker v. Rendle*, 633-634, 695-705
- *Dubé c. Ville St-David de l'Aube-Rivière*, 634
- *Flamand c. 9174-3641 Québec inc. (Excavation René St-Pierre)*, 634, 705-706
- generally, 631-634
- *Girard c. 2944-7828 Québec inc.*, 632, 655-672

Environmental Class Actions in Canada

waste management operations — *Continued*

- *Guertin c. Communauté de Montréal*, 631, 637-639
- *Protection environnement Boisbriand c. Boisbriand (Ville)*, 633, 685
- *Raymond c. Lomex inc.*, 633, 685
- *Regroupement des citoyens contre la pollution c. Alex Couture inc.*, 633, 673-685
- *Roberge c. Sherbrooke (Ville)*, 632, 643-655
- *Robillard c. Écoservices Tria inc.*, 633, 688-695
- *Therrien c. Compagnie de volailles Maxi ltée*, 632-633, 672-673
- *Tremblay c. Alex Couture inc.*, 631, 635-636

Western Canadian Shopping Centres Inc. v. Dutton, **25-27, 435, 536, 545, 605, 620, 722, 1008**

wind farm noise

- *Blouin c. Parc éliens de la Seigneurie de Beaupré 2 et 3, s.e.n.c.*, 971, 993-998
- generally, 971-972
- *Labranche c. Énergie éolienne des Moulins, s.e.c.*, 971-972, 998-1005
- *McKinnon v. Red Lily Wind Energy Group*, 971, 972-985
- *Rivard c. Éoliennes de l'Érable inc.*, 971, 985-993

Windsor v. Canadian Pacific Railway Company, **trichloroethylene contamination case**

- appeal of certification order, 235-237
- appeal to Court of Appeal, 238-241
- motion for certification of action as class proceeding, 227-235
- motion for summary dismissal, 238
- settlement, 241

wood debris on beach cases

- *Association des propriétaires et locataires de Saint-Ignace-du-Lac c. Consolidated-Bathurst*, 707, 709-711
- *Clark c. 4107781 Canada inc.*, 708, 727-731

Young c. Noranda inc., **leaks from closed mine case**

- generally, 471, 487-488
- motion for permission to examine petitioner, 488
- motion to discontinue proceedings, 489
- motions for permission to adduce evidence, 488-489