Court File No.: CV-24-00724514-00CP

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

A.A. and D.D.

Plaintiffs

and

HIS MAJESTY THE KING IN RIGHT OF ONTARIO

Defendant

Proceeding under the *Class Proceedings Act, 1992,* S.O. 1992, c. C.6

STATEMENT OF DEFENCE

1. The defendant, His Majesty the King in right of Ontario (the "Crown" or "Ontario") admits the allegations at paragraphs 48, 68, 72, 74, 76, 78, 94, 106, 107, 108, 113 and 164 and the second sentence of paragraph 6, the first sentence of paragraph 39, the second sentence of paragraph 40, the third sentence of paragraph 77, the first sentence of paragraph 87, the last sentence of paragraph 97, the second sentence of paragraph 102, the first and last sentences of paragraph 109, the first and last sentences of paragraph 111 and the first sentence of paragraph 172 of the Amended Statement of Claim (the "Claim").

2. The defendant has no knowledge in respect of the allegations at paragraphs 2, 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 33, 34 and 100, the first sentence of paragraph 6 and the first two sentences of paragraph 16 of the Claim.

3. At paragraphs 90, 91, 92, 93, 95, 96, 97 and 175 of the Claim, the plaintiffs improperly plead evidence. Where the plaintiffs have pleaded evidence, the defendant does not admit that the pleading is proper or that the evidence is admissible.

4. The defendant denies all of the remaining allegations in the Claim, including that the plaintiffs or potential class members are entitled to the relief sought in paragraph 1 of the Claim, and puts the plaintiffs to the strict proof thereof.

5. With respect to the allegations at paragraphs 37, 40, 41, 45 and 46 of Claim, at all material times, the Crown had a role in the administration of youth justice services in Ontario under the federal *Youth Criminal Justice Act*, 2002, c. 1, s. 3; 2012, c. 1 ("*YCJA*") and the *Child Youth and Family Services Act*, 2017 S.O. 2017, c. 14, Sched. 1 ("*CYFSA*") or its predecessor legislation. Specifically, Ontario's Ministry of Children, Community and Social Services ("MCCSS") and the Ministry of the Attorney General, along with other parties, such as judges, various police services and third-party service providers, had a role in the administration, delivery and implementation of youth justice in Ontario. The Crown is not solely responsible for the implementation of youth justice in Ontario.

Detention of Young Persons in Ontario

6. Under the *YCJA,* a youth justice court judge or justice may order that a "young person" be detained in a youth custody facility on certain conditions where the young person has been charged with a serious offence, or an offence other than a serious offence if they have a history that indicates a pattern of either outstanding charges or findings of guilt. Under the *YCJA,* a "young person" is defined as an individual who is, or appears to be, at least twelve years old but is younger than 18, but could also include any person who is charged under the Act with having committed an offence while a young person or who is found guilty of an offence under the Act. Under the *YCJA,* young persons can include individuals who are 18 years of age or older and are no longer minors.

7. Young persons in Ontario who are ordered to be detained under the *YCJA* are held in Ontario youth facilities, which are facilities designated as places of temporary detention under the *YCJA* by the Provincial Director appointed under the *CYFSA*.

8. Over the proposed class period, the *CYFSA* and predecessor statutes included specific provisions that provided for and regulated youth custody and detention programs for young persons in Ontario.

9. Since April 30, 2018, the *CYFSA* has referenced the United Nations Convention on the Rights of the Child (the "Convention") in its preamble. The *CYFSA* does not incorporate the Convention into Ontario law. However, the legislation respects the rights and values laid out in the Convention.

10. In certain circumstances, young persons age of 18 and over are ordered to be held in youth custody and detention facilities in Ontario. These young persons are in detention or serving a custody sentence for an offence they have committed, or are alleged to have committed, before they were eighteen years old. These young persons are not "children" under the *CYFSA*.

11. The *CYFSA* includes provisions that pertain to children, provisions that pertain to young persons and provisions that apply to both children and young persons. While the *CYFSA* specifically requires consideration of a young person's best interests in some specified circumstances, the Act reflects other purposes of detention of young persons, including the promotion of public safety, accountability and deterrence. The Act does not provide that the promotion of the best interests of young persons as its paramount purpose, as it does with respect to children.

Youth Custody Programs in Ontario

12. Under the *CYFSA,* young persons (not children) may be held in either secure custody or detention programs, in which restrictions are continuously imposed on the liberty of the young person, or in open custody or detention programs, in which restrictions are less stringent than in secure programs. The level of custody (secure or open) for a young person who is found guilty of an offence and given a custodial sentence is determined by the court, while the Provincial Director determines the level of detention (secure or open) for a young person who is ordered by the court to be held in temporary detention pending trial. The Provincial Director determines the level of detention in accordance with the criteria set out in the *CYFSA*. Once the level of custody or detention is ordered, MCCSS staff will determine the specific facility at which the young person will be held.

13. Certain of the secure youth custody and detention facilities in Ontario are operated and managed by the Crown (the "Directly Operated Facilities"). Staff at Directly Operated Facilities are employees of Ontario.

14. Ontario also funds and licenses private entities to operate youth custody and detention programs in accordance with the *CYFSA* and its regulations. These are referred to as Transfer Payment Recipient ("TPR") programs ("TPR Facilities") and include both secure and open youth

custody and detention programs. TPR Facilities are operated, managed and controlled by TPRs.

15. Throughout the proposed class period, all open custody and detention youth programs in Ontario were operated by TPRs. Ontario did not operate any open custody or detention youth programs at any time during the relevant time period. Open custody and detention programs could include a community residential centre, a group home, a childcare institution and a forest or wilderness camp.

16. While some secure custody and detention facilities have been Directly Operated Facilities, over the proposed class period, the majority of secure custody and detention programs are, and have been, TPR Facilities.

17. TPRs that receive funding to operate youth justice custody and detention programs are licensees that operate "children's residences" within the meaning of *CYFSA* as the youth justice facilities are required to be licensed under the Act. These TPRs are required to comply with the licensing requirements in the *CYFSA* and its regulations with respect to children's residences, which include requirements concerning TPRs' policies and procedures of the residence, management practices, programming, staffing, accommodation and safety and health practices. In addition, the Director may place conditions on a TPR's licence that would require additional measures for the TPR to meet. Both Directly Operated Facilities and TPRs that operate youth justice facilities must comply with all relevant provisions of the *CYFSA*, including rights of children in care and use of extraordinary measures such as secure de-escalation.

18. Ontario provides oversight of licensed children's residences through inspections that assess a TPR's compliance with the relevant provisions of *CYFSA* and its regulations as well as ministry policies, licence conditions and youth justice standards.

19. The Director may issue, renew, and/or revoke licences subject to the requirements set out in the Act. Decisions regarding the issuance, renewal and/or revocation of any licence, including any failure to make any such decision, are not actionable as per ss. 11(2), (6) and (7) of the *Crown Liability and Proceedings Act, 2019,* S.O. 209, c. 7, Sched. 17 ("*CLPA*").

20. MCCSS and its predecessor ministries conduct a full review of a TPR's policies and procedures prior to the issuance of a licence to a TPR and, if there have been no changes to any of

the TPR Facility's policies or procedures, a further review every four years. During the annual licencing process, inspectors also review any policies or procedures that have been added or amended since the last review. A TPR Facility's policies and procedures are also reviewed when:

a. there have been changes to applicable legislation or regulations;

b. when ministry policies and/or youth justice standards have been updated;

c. changes to their programs are proposed or implemented by the TPR Facility; and

d. incidents of non-compliance, complaints or serious concerns or trends are identified by the ministry with respect to the TPR Facility's operations or delivery of services through the ministry's serious occurrence reporting requirements.

21. Decisions and failures to make decisions regarding the administration and/or enforcement of the *CYFSA*, its predecessor statutes and/or their respective regulations, including but not limited to decisions with respect to any statutory power to inspect, are also not actionable in tort as per ss. 11(2), (6) and (7) of the *CLPA*.

22. While Directly Operated Facilities are not licensed, annual compliance audits are conducted to measure their compliance with the *CYFSA,* its regulations and Ontario policies. These audits include facility inspections, file reviews and interviews with staff and young persons.

Strip Searches in Youth Custody and Detention Facilities

23. Strip searches involve the removal of a young person's indoor clothing, but no physical contact with the young person.

24. The sole purpose of strip searches in youth custody and detention facilities is to protect the safety of young persons and others within the facility and the community. Strip searches are specifically intended to protect those in youth custody and detention facilities from harmful contraband, including, but not limited to, weapons and drugs. Contraband includes items that might assist in or contribute to an escape, disturbance, suicide, assault or other serious threat to safety.

25. Strip searches may be determined to be necessary for the safety and security of young persons in facilities as contraband, which varies in size and composition, may not be detected through other means. Body scanners, while a useful tool, are not yet able to locate all contraband that strip searches can detect. For this reason, strip searches are still used in appropriate circumstances in Ontario's adult correctional facilities despite the presence of body scanners in most such facilities.

26. Since April 30, 2018, strip searches of youth in youth custody and detention facilities have been specifically authorized by statute. Section 155 of the *CYFSA* authorizes the person in charge of a youth custody or detention facility to authorize the search of the person of any young person on the premises, to be carried out in accordance with regulations enacted under the Act.

27. The relevant regulations enacted under the *CYFSA* (the "Regulations") provide that searches are to be conducted in a manner that respects the dignity of the person being searched and does not subject the person to undue embarrassment or humiliation and considers the cultural, religious and spiritual beliefs of the person being searched.

28. The Regulations further set out rules that apply specifically to strip searches. These rules set out safeguards that are aimed at ensuring that strip searches are conducted in a manner that is effective, but which minimizes or reduces intrusion on young persons to the extent possible.

29. Throughout the proposed class period, Ontario required that youth custody and detention facilities have written policies in place pertaining to how and when searches, including strip searches, were to be conducted. These policies and procedures were to include, among other things:

a. that searches were to be conducted in a manner that respected the dignity of the young person and considers the cultural, religious and spiritual beliefs of the young person;

b. a process for advising young persons of search procedures and providing the young person with an opportunity to express their views;

c. identification of opportunities for the young person's input into how the search is conducted;

d. a definition of what constitutes a safety or security risk;

e. cultural considerations that are factored into the approach;

f. provision of the number, gender and positioning of staff conducting the search, including that a minimum of two staff, one of whom must be the same gender as the young person, was required;

g. that when the search procedure involves removal of some or all of the young person's clothing, a staff member of the same gender as the young person was to perform the search and, if the second person present is of the opposite gender, the staff must be positioned in a way so as to view only the other staff and not the young person;

h. procedures related to documentation; and

i. reporting of the outcome of any searches.

30. Applicable policies also provided that strip searches were to be conducted as quickly as possible and that the individual being searched was not to be completely undressed for any period of time.

31. Between 2003 and 2006, Ontario policies provided that strip searches, or physical body searches, were only permitted in open youth custody and detention facilities under exceptional circumstances and required specific authorization. The only exception to this requirement was for open custody or detention admissions as there was a reasonable suspicion of contraband entering the facility in such circumstances.

32. Ontario is not responsible for any strip searches of young persons carried out in TPR Facilities.

33. TPR Facilities have been responsible for ensuring that their policies pertaining to searches of young persons are compliant with applicable law and Ontario's policy requirements. Throughout the proposed class period, the specific details of policies pertaining to searches of young persons in TPR Facilities have been determined by the TPR Facilities.

34. TPR Facilities, both open and secure, have had discretion to determine when searches, including strip searches of young persons, were conducted, as long as their policies set out how and when searches would be conducted and comply with applicable law and Ontario policy. It is open to TPR Facilities to not conduct strip searches of young persons and many TPR Facilities did not conduct strip searches of young persons.

35. Any strip searches of young persons in TPR Facilities were not conducted by Ontario employees or agents. Ontario had no involvement in the operationalization of policies pertaining to strip searches in TPR Facilities. Ontario had no role in any decision to conduct a particular strip search of a young person in a TPR Facility or any role in how the particular strip search was conducted.

36. Policies in place in Directly Operated Facilities between 2003 and 2018 provided for the use of strip searches during the young person's admission process, when there was a reasonable suspicion of contraband and after contact visits, except those involving professional visitors such as lawyers, police officers or a child advocate.

37. From 2018 onwards, policies in Directly Operated Facilities authorized a strip search of a young person to safeguard the security of the facility or the safety of staff or young persons in circumstances including when a young person enters or leaves the facility, other than when the person is being released from custody. Strip searches were conducted when a young person left the facility in order to protect the safety of those supervising the young person charged with supervising the young person while outside of the facility.

38. Throughout the proposed class period, any strip searches conducted in Directly Operated Facilities were reasonable, lawful and necessary for the security and protection of those within the facilities, including young persons.

Instances of Non-Compliant Searches have been Remedied

39. In criminal proceedings arising from the December 18, 2022 killing of Kenneth Lee, certain of the accused young persons sought a remedy for having been subjected to strip searches that were alleged to be not *Charter* compliant while being held in pre-trial detention at TPR Facilities. In certain of these cases, courts held that the searches at issue were not *Charter* compliant for various reasons, including that the young persons were required to be completely naked during the search. Certain of those young persons who were sentenced in relation to the killing of Kenneth Lee received a remedy from the courts in the form of a reduced sentence.

40. Any concessions made by Crown Attorneys in such proceedings and any findings of the courts in such proceedings were specific to the particular evidence advanced by the accused relating to particular instances of strip searches in particular facilities.

41. Ontario denies that findings in any individual criminal proceeding in any way bind the Crown in relation to civil claims relating to any other instances of strip searches involving other young persons in youth custody and detention facilities.

No Breach of Fiduciary Duty

42. Ontario denies that it or its employees and agents owed a fiduciary duty to any proposed class members while they were detained at youth custody and detention facilities. Ontario also denies that it owed any proposed class members obligations as a person standing as a legal guardian or that it owed class members *ad hoc* fiduciary duties. In the alternative, if any such duties were owed (which is denied), Ontario denies that it breached any such duties. In the further alternative, if Ontario breached any such duties (which is denied), Ontario pleads that any such breach or breaches were infrequent, not systemic.

43. Without limiting the generality of the foregoing denial, Ontario denies that persons residing at TPR Facilities were within the control of Ontario and were subject to the unilateral exercise of Ontario's power and discretion, as alleged. To the contrary, such persons were under the power and control of TPRs and were subject to the exercise of power and discretion by the TPRs. The plaintiffs are not alleging that Ontario is in law responsible for the acts or omissions of the TPRs or of their employees and/or agents.

No Negligence

44. In respect of the allegations at paragraphs 129 to 139 of the Claim, Ontario claims Crown immunity in respect of all allegations of negligence and all allegations of direct liability for negligence. The defendant is immune from suit in tort, save and except to the extent that Crown immunity has been expressly lifted by statute. No provision of the *Crown Liability and Proceedings Act, 2019* (the "*CLPA*") or of any other applicable legislation removes the defendant's immunity in respect of claims of direct liability in negligence.

45. No negligence claim lies against the defendant except by way of vicarious liability for the negligence of Crown officers, employees or agents. At paragraph 139 of the Claim, the plaintiffs exclude from their claim any claim against the defendant in vicarious liability for the fault or negligence of any other person, or for which the defendant could claim contribution or indemnity. Crown officers, employees, and agents are both (1) other persons and (2) persons against whom the defendant could claim contribution and indemnity. Accordingly, the plaintiffs have excluded from their claim all claims against the defendant in vicarious liability for negligence of any Crown officers, employees, or agents. Therefore, no justiciable negligence claim is pled against the defendant. The defendant pleads and relies upon s. 8(2) of the *CLPA*.

46. The defendant is not liable for the acts or omissions of any Crown agencies, Crown corporations, independent contractors providing services to the Crown and transfer payment recipients, including the TPRs. The defendant pleads and relies on s. 9(1) of the *CLPA*.

47. Ontario denies that it had control over the daily lives of persons residing at TPR Facilities. To the contrary, such persons were under the power and control of TPRs. The plaintiffs are not alleging that Ontario is in law responsible for the acts or omissions of the TPRs or of their employees and/or agents.

48. The defendant is immune from suit in respect of all regulatory decisions, including but not limited to inspections and actions taken following inspections. The defendant pleads and relies upon s. 11(2), (3) and (6) of the *CLPA*.

49. The defendant is immune from suit in respect of any negligence in the making of or failure to make a decision in good faith respecting a policy matter. The defendant pleads and relies upon

ss. 11(4) and 11(5) of the *CLPA*.

50. The defendant is immune from suit for any negligence or failure to take reasonable care while exercising or intending to exercise powers or performing or intending to perform duties or functions of a legislative nature, including the enactment of an Act or the making of a regulation. The defendant pleads and relies upon section 11(1) of the *CLPA*.

Intentional Torts

51. The defendant repeats and relies on the immunities pleaded in paragraphs 43 to 49 above and the provisions of the *CLPA* cited therein as a full defence to all claims in tort.

52. Further, no officers, employees or agents of Ontario were involved in searches conducted at TPR Facilities. Ontario cannot be liable for any intrusion upon seclusion, assault or battery arising from any search conducted at a TPR Facility.

No Intrusion Upon Seclusion

53. Ontario denies that any of its employees, agents or officers intentionally invaded the privacy of the plaintiffs or that of proposed class members. Any actions taken with regard to searches of young persons at Directly Operated Facilities were for the sole lawful purpose of maintaining the safety and security of Directly Operated Facilities and those within such facilities. Ontario further denies that steps taken in furtherance of such aims and in accordance with their professional responsibilities would be regarded as highly offensive by a reasonable person.

No Assault

54. Ontario denies that any of its employees, agents or officers threatened the plaintiffs or any proposed class members with physical contact in carrying out any strip searches at Directly Operated Facilities. Strip searches did not involve any physical contact with young persons, or any prospect of same. In the alternative, if any Ontario employees or agents made physical contact with the plaintiffs or a proposed class member in carrying out a strip search, which is not admitted but is denied, Ontario pleads that the search was conducted because there were reasonable grounds to believe that a young person was concealing contraband that posed an immediate threat to the safety of young persons, staff members, other individuals or the facility and other options for

addressing such threat had been exhausted. Any actions taken with regard to searches of young persons at Directly Operated Facilities were for the sole lawful purpose of maintaining the safety and security of youth custody and detention facilities and those within such facilities.

No Battery

55. Ontario denies that the plaintiffs or any of the proposed class members were subjected to cavity searches by any of its employees. In the alternative, to the extent that a body cavity search was conducted by an employee of a Directly Operated Facility, which is not admitted but is strictly denied, such search was lawful and reasonable in the particular circumstances of the search.

No Breach of the *Canadian Charter of Rights and Freedoms* ("the *Charter*")

56. In respect of the allegations set out at paragraphs 140 to 159 of the Claim, the defendant denies that it breached the plaintiffs' and/or proposed class members' rights under ss. 7, 8, 9 and/or 12 of the *Charter*, and puts the plaintiffs to the strict proof thereof. Any analysis of a *Charter* breach arising from the way in which a search was carried out would have to be conducted on a case-by-case basis.

57. The defendant denies that it breached the plaintiffs' and/or proposed class members' rights under s. 7 of the *Charter.* Strip searches do not amount to a deprivation of liberty or security of the person. In the alternative, any deprivation occasioned by a strip search was in accordance with the principles of fundamental justice and/or are justified under s. 1 of the *Charter*.

58. Strip searches in youth custody and detention facilities are neither arbitrary nor grossly disproportionate. The sole purpose of strip searches in youth custody and detention facilities is to protect the safety of young persons and others within the facility and the community. Strip searches are intended to protect those in youth custody and detention facilities from harmful contraband, including, but not limited to, weapons and drugs. Strip searches are not a disproportionate response to the pressing security objective they serve.

59. The defendant denies that the use of routine strip searches is procedurally unfair and, in particular, that there are no mechanisms to monitor the use of such searches. As described at paragraph 27 above, throughout the class period, Ontario required that youth custody and detention

facilities have written policies with respect to how and when searches, including strip searches, were to be conducted, including documentation requirements. Facilities' policies were required to accord with the *CYFSA*, its Regulations, and Ontario policies with respect to searches of young persons. As described at paragraphs 17-20, Ontario provides oversight of TPR Facilities through inspections that assess compliance with the *CYFSA,* its regulations and Ontario policies. MCCSS conducts full review of a TPR Facility's policies and procedures prior to issuing a licence to operate under the *CYFSA,* at regular intervals thereafter, and in other specified circumstances.

60. The defendant denies that the strip searches violate s. 8 of the *Charter.* While individuals have a reasonable expectation of privacy over their own bodies, this expectation is attenuated in a youth custody and detention facility. The strip searches were authorized by law as described above. Moreover, the law authorizing the strip searches is a reasonable one in light of the safety and security objectives served. They do not constitute an unreasonable search contrary to s. 8 or, in the alternative, are justified under s. 1 of the *Charter.*

61. The defendant denies that it breached the plaintiffs' and/or proposed class members' section 9 *Charter* right not to be arbitrarily detained. The use of strip searches in a youth custody and detention facility is not an arbitrary detention. It serves a security and safety objective in circumstances where youth may have had unsupervised access to contraband.

62. Ontario denies that it breached the plaintiffs' and/or proposed class members' section 12 *Charter* right to be free from cruel and unusual treatment or punishment. Strip searches in youth custody and detention facilities are for the safety and security of youth and do not constitute a treatment or punishment within the meaning of section 12. In the alternative, they are neither cruel nor unusual.

63. Any violations of sections 7, 8, 9 or 12 of the *Charter* that did occur are justified under s. 1. The use of strip searches in youth custody and detention facilities has as its sole purpose the protection and safety of young persons and others within the facility and the community and Ontario law and policy requires strip searches be conducted in a manner that accords with young persons' *Charter* rights.

No Damages

64. In respect of the allegations at paragraphs 173 to 185 of the Claim, the defendant denies that the plaintiffs or potential class members suffered any loss or damages. In the alternative, if the plaintiffs or potential class members suffered loss or damages (which is denied), the loss or damages claimed were not caused by the defendant, or by any other person or persons for whom the defendant is in law responsible.

65. If the plaintiffs or any of the potential class members suffered any loss or damages as alleged or otherwise (which is denied), then such loss or damages are excessive and too remote and the defendant puts the plaintiffs to the strict proof thereof. Further, the plaintiffs and any other potential class members have failed to mitigate same.

66. In any event, the issue of what damages, if any, were suffered by class members requires proof by individual class members. An aggregate assessment of damages would not be in conformity with s. 24 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6.

67. Without limiting the generality of the foregoing, any assessment of damages would require consideration of whether an individual class member has already or could have sought a remedy from a court in criminal proceedings with respect to the strip searches at issue, the determination made in such proceeding and, if a remedy was provided in relation to the strip search at issue, whether any further remedy is warranted.

68. In response to paragraphs 180-182 of the Claim, Ontario denies that the plaintiff or potential class members is entitled to s. 24(1) *Charter* damages for any *Charter* breaches, which are not admitted but denied. Awarding such damages in this proceeding would fail to serve the remedial purposes served by *Charter* damages and would be inappropriate on the basis of countervailing policy factors, including good governance concerns.

69. Further, the alleged actions underlying the plaintiff and potential class members' ss. 7, 8, 9 and 12 *Charter* assertions are identical to those for which they seek non-*Charter* damages. In the event that this Court awards the Class Members non-*Charter* damages, any s. 24(1) damages would be duplicative and would not advance the objectives of compensation, vindication and deterrence.

70. The defendant denies that its conduct warrants an award of punitive or aggravated damages.

Limitations Act, 2002 and Laches

71. The claim is statute-barred. Ontario pleads and relies upon the provisions of *Limitations Act, 2002*, S.O. 2002, c. 24, Sched. B (the "*Limitations Act*"). In respect of the allegations at paragraph 187 of the Claim, Ontario denies that s. 16(1)(h.2) of the *Limitations Act* applies. Ontario denies that this proceeding is a proceeding based on assaults by Ontario's employees, officers or agents.

72. In the alternative, Ontario further pleads that s. 16(1)(h.2) of the *Limitations Act* is not applicable to any claims in this proceeding regarding the use of strip searches at any of the TPR Facilities since no Ontario employees or agents conducted any strip searches of young persons at any of the TPR Facilities and the plaintiffs are not asserting any claim that Ontario is liable for any acts or omissions of TPRs or of any of their employees or agents.

73. In the further alternative, Ontario pleads that this action is barred by the doctrine of laches.

74. The defendant pleads and relies on the *Crown Liability and Proceedings Act, 2019,* S.O. 2019, c. 7, Sched. 17; the *Class Proceedings Act, 1992,* S.O. 1992, c. 6; the *Child Youth and Family Services Act*, 2017 S.O. 2017, c. 14, Sched. 1 and O. Reg 155/18 enacted thereunder; the *Child and Family Services Act,* R.S.O. 1990, c. C.11 and all regulations enacted thereunder; the *Negligence Act*, R.S.O. 1990, c. N.1, the *Limitations Act, 2002,* S.O. 2002, c. 24, Sched. B and the *Canadian Charter of Rights and Freedoms*, Part 1 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

75. The defendant asks that the action be dismissed, with costs.

Date: May 30, 2025

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Court File No.: CV-24-0072514-00CP

A.A. AND D.D. Plaintiffs	- and -	HIS MAJESTY THE KING IN RIGHT ONTARIO Defendant

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT TORONTO
Proceeding under the *Class Proceedings Act, 1992*

STATEMENT OF DEFENCE

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