

ONTARIO

SUPERIOR COURT OF JUSTICE

B E T W E E N:)
)
KRP ENTERPRISES INC. and) John W. Findlay, and Margaret
1643078 ONTARIO INC.) McCarthy, counsel on behalf
) of the Plaintiffs/Respondents
)
Plaintiffs/Respondents)
)
- and -)
)
THE CORPORATION OF HALDIMAND) Dennis W. Brown, Q.C., and
COUNTY, ONTARIO PROVINCIAL) Orlando V. DaSilva, counsel
POLICE COMMISSIONER GWEN M.) on behalf of the Crown
BONIFACE, ONTARIO PROVINCIAL) Defendants
POLICE INSPECTOR BRIAN HAGGITH)
and HER MAJESTY THE QUEEN IN)
RIGHT OF ONTARIO)
)
Defendants/Applicant)
)
)
) HEARD: September 25, 2007
) And Reserved
) (at Hamilton)
)

CRANE J.

[1] The issues of law raised in the Statement of Claim, now challenged under this Rule 21 motion by the Crown, are complex in the extreme. On the allegations in this action and the related actions that are also challenged by the Crown by Rule 21 motions may lead a reasonable person to conclude that the residents of Caledonia have had many adverse consequences

from the events that occurred from February to June, 2006, through the blockades and occupations of public property and to the present occupations of Crown-owned Henco lands. The overarching issue is whether these many and diverse individuals have common law rights of action.

[2] It is noteworthy to observe that a common feature of municipal policing was absent in these cases, namely that the police would be under the jurisdiction and authority of the municipality. In this case the Corporation of Haldimand County (a former defendant in this action) contracted out those services pursuant to s. 10 of the *Police Services Act* and in so doing transferred all authority and discretion to the Ontario Provincial Police as administered through the defendants Gwen M. Boniface and Brian Haggith, and indirectly to the defendant, Her Majesty the Queen in Right of Ontario. Essentially this dispute arises from the belief, by the plaintiffs and those they seek to represent in this class proceeding, that statutorily mandated police services were not provided to them by the defendants.

[3] The issue before me on this motion is whether the plaintiffs have framed their complaints into legally recognized causes of action by the pleading of the required constituent factual elements and legal ingredients and, more largely,