

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE ) WEDNESDAY, THE 17<sup>TH</sup>  
MR. JUSTICE PERELL ) DAY OF AUGUST, 2022

BETWEEN:

**NELL TOUSSAINT**

Plaintiff

and

**ATTORNEY GENERAL OF CANADA**

Defendant

and

**CHARTER COMMITTEE ON POVERTY ISSUES, CANADIAN HEALTH  
COALITION, FCJ REFUGEE CENTRE, AMNESTY INTERNATIONAL  
CANADA, INTERNATIONAL NETWORK FOR ECONOMIC, SOCIAL AND  
CULTURAL RIGHTS, THE COLOUR OF POVERTY/COLOUR OF CHANGE  
NETWORK, THE BLACK LEGAL ACTION CENTRE, THE SOUTH ASIAN  
LEGAL CLINIC OF ONTARIO, AND THE CHINESE AND SOUTHEAST ASIAN  
LEGAL CLINIC AND CANADIAN CIVIL LIBERTIES ASSOCIATION**

Interveners

**ORDER**

**THIS MOTION**, made by the Defendant for an order striking out the Statement of Claim, and for other related relief, was heard on June 13, 2022 by video conference.

**ON READING** the Notice of Motion and the Statement of Claim, and on hearing the submissions of the lawyers for the Defendant, the Plaintiff, and the Interveners.

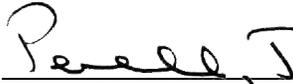
**1. THIS COURT ORDERS** that the motion is dismissed.

**2. THIS COURT DECLARES** that:

- a) This action is within the jurisdiction of the Ontario Court;
- b) This action is timely, and not barred by a limitation period;

**3. THIS COURT FURTHER ORDERS** that:

- a) The Defendant shall have forty days to deliver its Statement of Defence, without raising a limitations period defence;
- b) No costs are awarded for or against the interveners;
- c) If the Plaintiff and Defendant cannot agree about the matter of costs, they may make submissions in writing, beginning with the Plaintiff's submissions within twenty days from the release of these Reasons for Decision followed by Canada's submissions within a further twenty days.

  
\_\_\_\_\_  
PERELL, J

**NELL TOUSSAINT**

AND

**ATTORNEY GENERAL OF CANADA**

Plaintiff

Defendant

*(Short title of proceeding)*

**SUPERIOR COURT OF JUSTICE**

Proceeding Commenced at  
Toronto

**ORDER**

**ATTORNEY GENERAL OF CANADA**

Department of Justice  
Ontario Regional Office  
120 Adelaide Street West  
Suite 400  
Toronto, Ontario  
M5H 1T1  
Fax: (416) 954-8982

Per: David Tyndale  
Tel: (647) 256-7309  
Email: David.Tyndale@justice.gc.ca  
LS#: 28696K  
Our File: 500033353

Lawyer for the Defendants