

CANADA

PROVINCE OF QUEBEC
DISTRICT OF GATINEAU

No.: 550-06-000032-236

SUPERIOR COURT
(Class actions)

ERIC GAËTAN PICARD, having
elected domicile at the offices of his
attorneys, 1 Place Ville Marie, Suite
1170, in the City and District of
Montreal, Province of Quebec, H3B
2A7;

Plaintiff

v.

CITY OF GATINEAU, a legal person
having a place of business at 25 Laurier
Street, in the City and District of
Gatineau, Province of Quebec, J8X
3Y9;

-and-

ATTORNEY GENERAL OF QUEBEC, *ès
qualités* representative of the **MINISTER
OF JUSTICE**, having a place of business
at 1 Notre-Dame Street East, 8th Floor,
in the City and District of Montreal,
Province of Quebec, H2Y 1B6;

Defendants

**NOTICE CONCERNING THE AUTHORIZATION OF A CLASS ACTION RELATING
TO WARRANTS OF IMPRISONMENT FOR NON-PAYMENT OF FINES BY
HOMELESS PERSONS**

If, since June 5, 2020, a warrant of imprisonment for default to pay a fine has been issued against you while you were homeless, you could be a member of a class action

PLEASE READ THIS NOTICE

On September 5, 2024, the Honourable Justice Florence Lucas of the Superior Court of Quebec authorized a class action against the City of Gatineau and the Minister of Justice of Quebec (“**MJQ**”) (represented by the Attorney General of Quebec) on behalf of the members of the following subclasses:

SUBCLASS 1

Any individual who has served a sentence or part of a sentence of imprisonment due to the imposition of a sentence and warrant of imprisonment for default to pay sum(s) due, issued since June 5, 2020 in the Municipal Court of Gatineau, and rendered in their absence, and

- A. did not have a fixed address when the application for the issuance of an order of imprisonment was presented; or
- B. their residence or domiciliary address was listed as unknown in their Gatineau Municipal Court collector file or corresponded to that of a shelter or service center for homeless persons, including, but not limited to:
 - a) 85 Morin Street, Gatineau, QC, J8X 2S7 (Le Gîte Ami);
 - b) 233 Murray Street, Ottawa, ON, K1N 5N1 (Shepherds of Good Hope);
 - c) 256 King Edward Street, Ottawa, ON, K1N 7M1 (Shepherds of Good Hope);
 - d) 35 Waller Street, Ottawa, ON, K1N 7G4 (The Ottawa Mission);
 - e) 27 chemin Elm, Pontiac, QC, J0X 2G0 or P.O. Box 482 Gatineau, Quebec, J9H 5E7 (Centre Kogaluk);
 - f) 3550 Lévesque boul. West, Laval, QC, H7V 1E8 (Maison Saint-Joseph or Refuge d'urgence de Laval);
 - g) 515 MacLaren Street, Ottawa, ON, K1R 5K5 (Le Pilier/Cornerstone);
 - h) 314 Booth Street, Ottawa, ON, K1R 7K2 (Le Pilier/ Cornerstone);
 - i) 172 rue O'Connor, Ottawa, ON, K2P 1T5 (Cornerstone Housing for Women/Logements pour femmes);
 - j) 171 George Street, Ottawa, ON, K1N 5W5 (Salvation Army);

- k) 180 Argyle Avenue, Ottawa, ON, K2P 1B7 (YMCA-YWCA of the National Capital Region);
- l) 39 Richard Street, Gatineau, QC, J8Y 4Y6 (Auberge du cœur Héberge- Ados);
- m) 10 rue Curé André Préseault, Unit 2, Gatineau, QC, J8T 6N8 (L'Appart Adojeune);
- n) 175 Gréber boul. Gatineau, QC, J8T 3R1 (CISSSO's Motel Montcalm);
- o) 16 Bériault Street, Gatineau, QC, J8X 1A3 (Centre communautaire Père Arthur-Guertin);
- p) 120 Charlevoix Street, Gatineau, QC, J8X 1R2 (Centre communautaire Fontaine or Gîte Ami);
- q) 150 Gloucester Street, Ottawa, ON, K2P 0A6 (Operation Come Home);
- r) 140 Laurier Avenue West, Ottawa, ON, K2P 1L4 (Restoring Hope Ministries);
- s) 125 Carillon Street, Gatineau, QC, J8X 2P8 (Halte-Chaleur du center Robert-Guertin);
- t) 111 Carillon Street, Gatineau, QC, J8X 2P8 (Vallée jeunesse Outaouais);
- u) 98 James Street, Ottawa, ON, K1R 5M2 (Youth Services Jeunesse YSB);
- v) 3840 Saint-Urbain Street, Montreal, QC, H2W 1T6;
- w) 20 Émile-Bond Street, Gatineau, QC, J8Y 3M7 (La Halte de Gatineau);
- x) 297 des Allumettières boul., Gatineau, QC, J8X 2S7 (La Soupe populaire de Hull);
- y) 1274 De Bullion Street, Montréal, QC, H2X 2Z4 (Le Sac à Dos).

SUBCLASS 2

Any individual who has been the subject of the imposition of a sentence and a warrant of imprisonment for default to pay sum(s) due, requested since June 5, 2020 at the Municipal Court of Gatineau, and rendered in their absence, and

- A. did not have a fixed address when the application for the issuance of an order of imprisonment was presented; or
- B. their residence or domiciliary address was listed as unknown in their Gatineau Municipal Court collector file or corresponded to that of a shelter or service center for homeless persons, such as one of the addresses identified above.

(hereinafter referred to as the "**Class**")

CRITERIA TO BE A MEMBER OF THIS CLASS ACTION

You are a member of the Class if you meet the following criteria:

- You are an individual who has been sentenced to imprisonment under a warrant of imprisonment issued since June 5, 2020 at the Municipal Court of Gatineau for non-payment of sum(s) due, whether you have served this sentence, part of this sentence or not;
and
- You did not have a fixed address at the time the application for an order of imprisonment was presented;
or
- Your Gatineau Municipal Court collector's file indicated that your residence or home address was unknown;
or
- Your Gatineau Municipal Court collector's file indicated that your residence or home address was that of a shelter or service center for homeless persons (including, but not limited to, one of the addresses identified above).

WHAT IS PURPOSE OF THIS CLASS ACTION?

Mr. Éric Gaëtan Picard has been designated as the representative of the members of the Class. This class action has been brought forward in the judicial district of Gatineau, in file number **550-06-000032-236**.

The representative, Mr. Picard, alleges that the City of Gatineau and the MJQ (the "**Defendants**") are responsible for the illegal imprisonment of members of Subclass 1 and for the social marginalization of members of Subclass 2, due to outstanding but unexecuted warrants of imprisonment.

According to Mr. Picard's allegations, these imprisonments and requests for imprisonment are illegal, abusive and arbitrary and have been caused by the Defendants' faults which constitute violations of the constitutional and quasi-constitutional rights of the representative and Class members. In the case of members of Subclass 1, Mr. Picard also alleges that the imprisonments of these members have been detrimental to their physical integrity.

The main questions of fact and law that will be dealt with collectively in the class action are as follows:

1. Are collectors required to check whether defendants have the ability to pay a fine before presenting a request for imprisonment for non-payment of a fine?
2. Do collectors and prosecutors have an obligation to ensure that they do not make a request for imprisonment for non-payment of a fine, or seek a warrant of imprisonment for non-payment of a fine, in respect of people who do not have the ability to pay the fine? If not, are collectors and prosecutors required to inform the Municipal Court judge of defendants whose files reveal that they are homeless?

- 2.1 Does the City commit a fault by failing to inform the MJQ that the collectors it appoints do not follow the procedure prescribed in the *Code of Penal Procedure*?
- 2.2 Is the MJQ at fault in failing to exercise its duty to supervise collectors, who are officers of the court?
3. Does the contravention of any of the obligations identified in questions 1 to 2.2 entail the civil liability of the City and/or the MJQ pursuant to Article 1457 of the *Civil Code of Québec*?
4. Has the breach of any of the obligations identified in questions 1 to 2.2 caused damage to Class members?
5. Did the execution of the warrants of imprisonment for non-payment of fines against members of Subclass 1 harm their physical integrity?
6. Were Class members unable to act until the application for authorization to institute a class action and to be designated as the representative of the Class was filed?
7. Did the breach of any of the obligations mentioned in questions 1 to 2.2 affect the following rights of Class members protected by the *Canadian Charter of Rights and Freedoms*?
 - i. Art. 7, right to liberty and security of person;
 - ii. Art.8, right not to be subjected to arbitrary search;
 - iii. Art.9, right not to be arbitrarily detained;
 - iv. Art.12, right to protection from cruel and unusual treatment or punishment.
8. Has a breach of any of the obligations in questions 1 to 2.2 affected the following rights of Class members protected by the *Charter of Human Rights and Freedoms*?
 - i. Art.1, right to personal integrity, security and freedom;
 - i.1 Art. 4, right to dignity;
 - ii. Art. 24, right against deprivation of liberty or rights, except on grounds provided for by law and in accordance with the prescribed procedure;
 - iii. Art. 24.1, right not to be subjected to unreasonable searches.
9. Are Class members entitled to compensatory damages or damages as a just and proper remedy under section 24(1) of the *Canadian Charter of Rights and Freedoms*?

10. Are Class members entitled to punitive damages under section 49 of the *Charter of Human Rights and Freedoms*?
11. What is the *quantum* of damages suffered by Class members?
 - 11.1 Are defendants solidarily liable?
12. Should collective recovery be ordered?

The allegations of Mr. Picard and each of the Class members and the alleged liability of the Defendants remain to be proven.

WHAT COULD YOU OBTAIN ?

If Plaintiff's allegations are proven, the class action seeks:

- **For members of Subclass 1**: monetary compensation of \$10,000 per day (complete or partial) spent in prison, plus \$50,000 in punitive damages.
- **For members of Subclass 2**: monetary compensation of \$2,000 per Gatineau Municipal Court case in which the member is the subject of an application for imprisonment for non-payment of a fine and a warrant of imprisonment for non-payment of a fine that has not been executed (in whole or in part), plus \$1,000 in punitive damages per case.

HOW TO BECOME A MEMBER OF THIS CLASS ACTION?

You do not have to do anything to become a member of this class action. You are automatically a member of the Class if you meet the above criteria.

Any member of the Class who does not exclude themselves by May 8, 2025 at 4:30 p.m., in the manner set forth below, will be bound by any judgment rendered in this class action.

Any member of the Class who has already filed an individual legal claim having the same object as the class action, will be deemed to have excluded themselves from the Class if they do not withdraw their individual action before the expiry of the exclusion period.

No Class member other than the representative can be required to pay the legal costs of the class action if it is dismissed.

A Class member may ask the Court for authorization to intervene in the class action if they believe their intervention is useful to the class.

HOW TO EXCLUDE YOURSELF FROM THIS CLASS ACTION?

If you do **not wish to be included** in this class action, you may **exclude** yourself from the class by notifying the Clerk's Office of the Superior Court of Quebec of the judicial

district of Gatineau, by registered or certified mail, before the expiry of the exclusion period, at the following address: Clerk's Office of the Superior Court of Quebec, Gatineau Courthouse, 17 Laurier street, Gatineau (Quebec) J8X 4C1.

In which case, you must indicate that you wish to exclude yourself from the *Picard v. Ville de Gatineau* class action (file number: 550-06-000032-236).

The deadline to exclude yourself is May 8, 2025 at 4:30 pm.

If you exclude yourself, you will not be able to obtain any payment from the class action if it is granted or settled.

If you have already filed an individual claim having the same object as the class action, you are deemed to exclude yourself from the class if you do not withdraw your individual claim within 30 days of the date of this notice.

FOR MORE INFORMATION ON THIS CLASS ACTION
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For more information about this class action, members can contact Class counsel by the following means:

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All communications with these lawyers are confidential, protected by attorney-client privilege and at no cost to you.

A copy of this notice in English and French is published on Class counsel's website:
<https://kklex.com/class-actions/ongoing-class-actions/>

You can also consult the Quebec Class Action Registry:
<https://www.registredesactionscollectives.quebec/fr/Consulter/ApercuDemande?NoDos>

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Date of notice : April 8, 2025

The publication of this notice has been authorized by the Honourable Florence Lucas, j.s.c.