

March 30, 2021

dw.cceh@outlook.com

Dear Deirdre Moore:

I am writing in response to your emails between March 25-29, 2021 to ministry staff and to Honourable Jill Dunlop, Associate Minister of Children and Women's Issues regarding the notification process of a civil action against the ministry and on the process to lodge a complaint with the Office of the Children's Lawyer.

Section 18 of the *Crown Liability and Proceedings Act* requires you to provide 60-days notice to the Crown of any claim of damages that may be brought against the Crown. At present, this notice must be served on the Crown by email at cloc.reception@ontario.ca. Here is a link to the website that sets out information for serving the Crown: <https://www.ontario.ca/page/serving-documents-crown-civil-case>. In addition, I have copied to section of the Crown Liability and Proceedings Act below for your reference.

Notice of claim for damages required

18 (1) No proceeding that includes a claim for damages may be brought against the Crown unless, at least 60 days before the commencement of the proceeding, the claimant serves on the Crown, in accordance with section 15, notice of the claim containing sufficient particulars to identify the occasion out of which the claim arose. 2019, c. 7, Sched. 17, s. 18 (1).

Additional particulars

(2) The Attorney General may require such additional particulars as in his or her opinion are necessary to enable the claim to be investigated. 2019, c. 7, Sched. 17, s. 18 (2).

Extension of applicable limitation period

(3) If a notice of claim is served under subsection (1) before the expiry of a limitation period applicable with respect to the claim but the 60-day period referred to in that subsection ends after the expiry of the limitation period, the limitation period is extended to the last instant of the seventh day following the end of the 60-day period. 2019, c. 7, Sched. 17, s. 18 (3).

Exception, breach of duty respecting property

(4) Despite subsection (1), no proceeding that includes a claim for damages may be brought against the Crown under clause 8 (1) (b) unless the notice required by subsection (1) is served on the Crown in accordance with section 15 no later than 10 days after the occurrence of the event out of which the claim arises. 2019, c. 7, Sched. 17, s. 18 (4).

Non-application

(5) This section does not apply with respect to a counterclaim, crossclaim or claim by way of set-off. 2019, c. 7, Sched. 17, s. 18 (5).

Failure to give notice

(6) For greater certainty, failure to give notice of a claim as required by this section renders a proceeding brought without such notice a nullity in respect of the claim, from the time the proceeding is brought. 2020, c. 11, Sched. 7, s. 2.

Same

(7) Subsection (6) applies with respect to a proceeding brought before, on or after the day section 2 of Schedule 7 to the *Smarter and Stronger Justice Act, 2020* comes into force. 2020, c. 11, Sched. 7, s. 2.

Secondly, you made reference in one of your email to your concerns regarding the Office of the Children's Lawyer. The Office of the Children's Lawyer is not part of the Ministry of Children, Community and Social Services and as such, if you wish to lodge a complaint with that office, you can do so at the following address or email:

Office of the Children's Lawyer
393 University Avenue, 14th Floor
Toronto, ON M5G 1E6

Tel: (416) 314-8000
Fax: (416) 314-8050

OCL.Complaints@ontario.ca.

Through prior correspondence to you, Ministry staff have attempted to appropriately respond to your concerns. We have carefully examined and reviewed your concerns and at this point, the ministry does not have anything further to provide to you regarding the issues you have raised. Please be advised that ministry staff will no longer respond to communications from you related to the Children's Aid Society of Ottawa or similarly related matters.

Regards,

**Daren
Dougall**

Digitally signed by Daren Dougall
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Daren Dougall
Community Programs Manager