

Court File No.

**ONTARIO
SUPERIOR COURT OF JUSTICE**

B E T W E E N:

COMPTON CHANCE

Plaintiff

- and -

THE TOWN OF RICHMOND HILL

Defendants

STATEMENT OF CLAIM

TO THE DEFENDANT:

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date.....

Issued by.....
Local Registrar

Address of the Court:
393 University Avenue
10th Floor
Toronto, Ontario, M5G 136

TO: **TOWN OF RICHMOND HILL**
225 East Beaver Creek Road
P.O. Box 300
Richmond Hill, Ontario
L4C 4Y5

JOAN ANDERTON c/o above

CLAIM

1. THE PLAINTIFF CLAIMS as against the Defendant:
 - (a) general damages in the amount of \$300,000;
 - (b) aggravated damages in the amount of \$250,000 ;
 - (c) special damages of \$100,000 for wrongful dismissal ;
 - (d) punitive damages in the amount of \$100,000;
 - (e) pre and post- judgment interest in accordance with the *Courts of Justice Act*, R.S.O. 1990, Chap c.43;
 - (f) such further and other relief as this Honourable Court may deem just

2. The Plaintiff, Mr. Compton Chance is a man of African-Canadian racial and cultural background who was born on July 29th, 1949 who resides in Ajax, Ontario. He is also a committed believer in Jesus Christ. He was employed with the defendant from May 28th, 2001 until his summary and bad faith dismissal on or about March 10th, 2010.

- 3 The Defendant, The Town of Richmond Hill, (hereinafter "The Town") was the Plaintiff's employer. Its business offices are located in the Town of Richmond Hill, Ontario.

The Employment Relationship:

4. The Plaintiff was employed as a Parking Enforcement Officer and performed his duties with the utmost of competence and good faith throughout his tenure.

Core Responsibility:

5. The core responsibility of the Plaintiff's job involved enforcing the parking regulations of the Town by issuing tickets, confiscating parking permits which he believed or had reason to believe were fraudulent and providing warning and cautions to the public on these subject matters.

6. On all objective criteria the Plaintiff was consistently among the top producers of PEO's employees of the Town and was often called upon to train other officers and to speak to the press on behalf of the Town on issues dealing with parking enforcement.
7. Notwithstanding his exceptional performance the Town through its management staff have consistently sought to undermine his success by way of a subtle and sometimes overt pattern and practice of harassment designed to provide them with what they believe would be a basis to justify his dismissal on grounds of poor performance. This pattern and practice involved unfairly holding him to a higher standard on complaints from the public and by fabricating alleged complaints from the public to suggest that he was unable to communicate effectively with the public.
8. The Plaintiff pleads and the fact is that the Town established and maintains the organization known in their workplace as the SEA – Salaried Employees Association as a means of defeating his rights pertaining to his employment with them at common law, the Employment Standards Act, Labour Relations Act and the Human Rights Code.
9. The Town negotiates a sham agreement with the SEA and passes this document off as a collective agreement with the SEA being the bargaining agent for the employees including himself. However, in fact the SEA is totally controlled by the Town and it has no means to advocate on behalf of the employees it is supposed to represent.
10. The Plaintiff pleads and the fact is that he attempted to assert his rights under the sham agreement described above to challenge his dismissal only to be told by Mr. Mario Da Silvo that the SEA does not have the financial means to litigate grievances and that in fact they have never litigated a single grievance and consequently could not assist him against the Defendant's acts and omissions detailed herein.

Acts of bad faith and breach of public policy:

Age:

11. The Town's pattern and practice of harassment and discriminatory treatment escalated markedly once the Plaintiff applied for his CPP entitlement in June-July, 2009. From that time until his dismissal he was falsely accused of improper conduct or poor performance on roughly six occasions.

Race:

- 11a The Plaintiff asserts and the fact is that the Defendant Town consistently held him to a higher and differential standard of performance and general conduct than his white workmates.

Religion:

- 11b The Plaintiff asserts and the fact is that the Defendant Town condoned a work place in which it was common place for co-workers to make jokes about his religious convictions without fear of discipline.

INTENTIONAL INFLICTION OF MENTAL DISTRESS:

12. The Plaintiff asserts that the Defendant's conduct in falsely accusing him of incompetence, lacking in common sense, firing him for cause in the particular circumstances – namely, where they deliberately mis-lead him into believing that he had rights under a collective agreement when in fact he did not - is outrageous conduct on the part of the defendant which was calculated to and did in fact cause him serious mental distress which has manifested in the following manner:
- 1 Anxiety;
 - 2 Depression and
 - 3 A general lessened enjoyment of life – including loss of libido.
13. The Plaintiff has and continues to seek treatment for his medical conditions caused by the Defendant.

Human Rights Code Violation:

14. The Plaintiff asserts and the fact is that the Defendant Town's motivation in dismissing him was on account of the fact of his race, age and religious convictions in violation of the Ontario Human Rights Code and improper conduct.
15. The Plaintiff requests a full restitutionary remedy under the Code.

Wrongful Dismissal:

16. The Plaintiff pleads and the fact is that his contract of employment with the Defendant called for termination of his employment for cause at law or upon payment in lieu of reasonable notice.
17. The Plaintiff pleads and the fact is that his employment was terminated without cause at law and he is therefore entitled to reasonable notice at common law and under the Employment Standards Act – none of which have been paid by the Defendant.

Punitive Damages:

18. The Plaintiff asserts that the Defendant Town's handling of the allegations against him and their course of action in falsely accusing him of a lack of integrity was outrageous, irresponsible and with little or no regard for the Plaintiff and his well-being. Further, their establishment of the SEA in order to systematically defeat his common law and statutory rights with respect to his employment is deserving of strong condemnation by the Court.

DAMAGES:

19. The Plaintiff pleads and the fact is that on account of the acts and omissions of the Defendant detailed herein he has and continues to suffer damages, which include the following:
 - 1 General damages – including loss of income;
 - 2 Aggravated damages;
 - 3 Special damages ;
 - 4 Punitive damages.
 - 5 Loss of his employment contrary to the Code, Common Law and The Employment Standards Act.
20. The Plaintiff requests that this action be tried by a Jury of his peers in Toronto.

DATE: August 3rd, 2011

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