

QP BRIEFING

April 23, 2018

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1). *PATRICK BROWN SEEKS \$8 MILLION IN DEFAMATION SUIT AGAINST CTV*

By: Jessica Smith Cross

Former PC leader Patrick Brown has filed a statement of claim in his defamation lawsuit against CTV News, alleging its story accusing him of sexual misconduct has delivered a "death blow" to his reputation and subverted the democratic process in Ontario.

Brown is seeking general damages of \$4 million, plus \$4 million in "punitive, aggravated and exemplary damages," plus other "special damages" to be determined at trial.

He is also asking the judge for an interlocutory injunction — an order made before the trial concludes — ordering CTV to remove all media that suggests Brown "illegally provided an underage high school girl with alcohol," as well as a permanent injunction removing defamatory statements about Brown.

The high damages on the case are based in part on Brown's contention that he "was the presumptive next Premier of Ontario," and the CTV story "delivered an almost immediate death blow to Mr. Brown's reputation."

In a statement to QP Briefing, a CTV spokesperson said, "CTV News stands by its reporting and will vigorously defend it in court."

Brown's suit alleges he has been "shunned in the political community" as a result of the CTV story.

"Mr. Brown has been injured in his feelings, in his personal and professional character and reputation, and in his office, profession, trade or calling," the lawsuit claims. "Mr. Brown also did and continues to suffer from stress, anxiety, hurt, humiliation and embarrassment, and was and is emotionally devastated."

"The swift demolition of his personal and professional reputation on national television left Mr. Brown in a complete state of shock and disbelief. Mr. Brown did not want to leave his home. He felt his world was crashing in on him."

The statement of claim goes further, and alleges that by publishing the story only four months before an election, CTV "knew or ought to have known that the Defamatory Words would subvert the democratic process in Ontario."

CTV's story was published on the evening on Jan. 24 and spelled the end of Brown's leadership of the PC party. Shortly before the story broke, he held an emotional press conference at Queen's Park, denying all allegations against him without naming them, and then left the building as the press chased him down three flights of stairs and into a waiting vehicle, shouting questions after him.

He resigned via a tweeted statement hours later.

Brown briefly rejoined the leadership race to replace himself, before dropping out. Since then, he's kept a relatively low profile, returning to Queen's Park only once, on the release of the 2018 budget. He said that day he was focussed on his lawsuit against CTV.

Brown's statement of claim doesn't specifically deny any sexual conduct with either accuser, but argues that two central allegations in CTV's reported are defamatory: that Brown "illegally provided an underage high school girl with alcohol and then sexually assaulted her," in relation to the one accuser, and that "he provided a teenaged female employee with alcohol and then sexually assaulted her," in relation to the other accuser.

It also argues that conclusions drawn from those allegations — that Brown is a sexual predator and unfit for public office — are also defamatory.

The lawsuit specifically alleges CTV didn't give Brown enough time to respond to the allegations, stating it only sent him a message — which it refers to as the "Ambush Email"— mere hours before the broadcast.

The statement of claim says that if Brown had been given time to respond, he would have said that one of the two accusers — the young woman who was his employee at the time of the allegation — "was smiling and giggly as she told a co-worker friend that she had kissed Mr. Brown and that she was adamant that nothing else happened."

Brown's suit states that the other accuser, dubbed "accuser 1," was not an "underage high school girl" at the time of the allegation that pertains to her, which CTV had initially reported, and has since confirmed was inaccurate.

CTV "failed to provide Mr. Brown with Accuser 1's name or the day, month and year in which the alleged incident occurred. The false and vague statements contained in the Ambush Email guaranteed that Mr. Brown would be unable to meaningfully investigate and respond to it," the suit alleges.

The suit challenges some of the corroborating details in the original story, and says CTV failed to report that a "mutual friend" who was alleged to have driven "Accuser 1" home said he did not do so, and a "male friend" of Brown who was alleged to have gone into a bedroom with Brown and the accuser, said he did not do so.

The lawsuit also alleges that one of the reporters had been co-workers with "Accuser 2", and a CTV News Vancouver producer and "Accuser 1" are friends from high school, and CTV failed to disclose those relationships.

"The malicious, high-handed, callous, oppressive and arrogant conduct of the defendants warrants an unprecedented award of punitive, aggravated and exemplary damages to reflect the exceptional harm done to Mr. Brown and to ensure that the defendants are appropriately punished for their conduct and that they and others are deterred from such conduct in the future."

2). PROVINCIAL LEADERS OFFER CONDOLENCES FOR YONGE STREET CASUALTIES

By: Jessica Smith Cross

Ontario political leaders offered their thoughts and condolences on Thursday afternoon after Toronto police reported nine people were killed and 16 others injured by the driver of a white van that mounted a sidewalk in North York.

Premier Kathleen Wynne offered a brief statement to the media at Queen's Park, before heading to a command centre set up near the scene of the tragedy on Yonge St., between Finch and Sheppard Aves.

"What I want people to know is that all levels of government and police services are working together," Wynne said.

Wynne said it was too soon to speculate about any motive the driver may have held. "We need to wait until there is information before we start talking about that," she said, when asked about speculation the attack was an act of terrorism.

In interviews with CP24, a distraught witness described a terrifying scene where a white rental van going south on Yonge St. near Finch Ave. mounted the curb and hit numerous people walking on the sidewalk, both old and young. They described gruesome injuries, and one described what he saw as a "war zone."

"One person got dragged on, their blood is all over Yonge and Empress, man," said one shaken young man.

Videos taken by passersby appear to show a man pointing something at a police officer multiple times, as if he was drawing a gun, and yelling, "I have a gun in my pocket." After multiple pedestrians plowed down on Toronto sidewalk, driver gets out holding what appears to be a gun. Police arrest him. No shots fired. pic.twitter.com/xWHeyIS1d8

Michel Boyer @BoyerMichel

After multiple pedestrians plowed down on Toronto sidewalk, driver gets out holding what appears to be a gun. Police arrest him. No shots fired.

2:57 PM - Apr 23, 2018

1,098 Likes 1,673 People Are Talking About This

In other witness videos, the suspect can be seen dropping the object and then being handcuffed.

At a news conference shortly before 5 p.m., police confirmed that nine people were killed at 16 others were injured.

"We cannot come to any firm conclusion at this stage," federal Public Safety Minister Ralph Goodale said at a news conference shortly after 4 p.m.

Goodale said there was no information to suggest there should be a change in terrorism risk level, which has remained at medium for the past few years.

At Queen's Park, as the news began to emerge, political leaders began to offer their condolences.

Doug Ford @fordnation

Our thoughts are with the victims and those affected at Yonge and Finch. Thank you to the brave EMS and first responders who are working tirelessly to help. We are watching closely.

2:22 PM - Apr 23, 2018

1,207 Likes 540 People Are Talking About This

Andrea Horwath @AndreaHorwath

My heart is with the victims and witnesses of the horror at Yonge and Finch this afternoon, and their loved ones -- as well as the emergency responders now on the scene.

2:37 PM - Apr 23, 2018

240 Likes 99 People Are Talking About This

Kathleen Wynne @Kathleen_Wynne

Hearing a number of people have been hurt at Yonge and Finch. My thoughts are with everyone affected. We're following the situation closely — working with our federal and municipal partners. Thank you to the first responders caring for victims and witnesses.

3:04 PM - Apr 23, 2018

328 Likes 190 People Are Talking About This

Toronto Mayor John Tory went to the scene of the incident, and asked Torontonians to stay calm, to come together and to stay away from the area.

"I hope that we will, as a city, remind ourselves that we are admired around the world for being inclusive and accepting and understanding and considerate," he said. "We are united in standing with solidarity, especially with those who have fallen victim to this terrible tragedy today."

3). LIUNA WORKERS RALLY AGAINST BUDGET BILL CHANGE, CHANT 'WE WANT DOUG'

By: QP Briefing Staff

Members of the Labourers' International Union of North America (LiUNA) rallied at Queen's Park to protest labour law changes included in the Liberal government's budget bill.

The NDP, which is supporting LiUNA, said the bill "effectively strips tens of thousands of construction workers and members of LiUNA, the union representing construction workers in Ontario, of the collective agreement and bargaining rights they've had for decades."

"The move essentially pushes them toward another union and pits both unions against each other," NDP MPP Taras Natyshak said in a statement.

"Once again this Liberal government says one thing when it comes to being a friend of working people and then does another," Natyshak said. "Once again this Liberal government has chosen, through omnibus legislation, to introduce changes that favour one party to effectively pick a fight and then stand back and watch."

Labour Minister Kevin Flynn said the government has sought to be neutral in what's "a long-standing dispute" between two unions and said the changes bring "neutrality and fairness" to the industrial, commercial and institutional formwork sector, based on the advice of expert arbitrator Kevin Burnett.

The Carpenters' District Council of Ontario (CDC) supports the bill and said it creates greater fairness in the sector.

PC Leader Doug Ford attended the rally and was met with cheers from the rallying labourers, including, "We want Doug."

Doug Ford @fordnation

What a crowd outside of Queen's Park today for the @LiunaCanada rally. The days of Kathleen Wynne's backroom deals are done. It is time to start respecting the taxpayer, respecting the people. An Ontario PC government will be for the people! #onpoli #pcpo

11:39 AM - Apr 23, 2018

425 Likes 201 People Are Talking About This

NDP MPP Peter Tabuns weighed in on the support for Ford from the cheering labour members.

"I'm sure there will be some labour movement who do vote Conservative, but I think anybody in the labour movement who's followed the history of the Conservatives with regard to labour knows that Doug Ford is not going to be on their side — in fact, he's going to be a strong opponent," Tabuns said.

4). MPP YVAN BAKER ARGUES FOR 'ZOMBIE LAW' TO HELP SAVE LIVES

By: David Hains

Lessons learned long ago have stuck with Liberal MPP Yvan Baker, and inform the approach to his controversial private member's bill.

When Baker was a child, he had a toy fire truck he loved to ride. And there was no better place to do this than the driveway, with a downward slope that allowed him to gain the speed he desired. His grandfather cautioned him against this, saying that he risked accidentally going into the street where he could be hit by a car. The young Baker objected, arguing that drivers would know to stop. But his grandfather explained a philosophy that has stuck with him to this day, "Yes, the cars should stop, but it's your responsibility too to change your behaviour."

Baker shared the anecdote at an Economic Club of Canada luncheon in downtown Toronto on Monday, where he joined a panel that focused on reducing distracted driving. But Baker's private member's legislation, the Phones Down, Heads Up bill, focuses on distracted behaviour from pedestrians instead.

The legislation that has also been called a "Zombie Law" has earned criticism from concerned pedestrian advocacy groups. Walk Toronto immediately called the measure "ridiculous and redundant" when it was first announced. Baker told QP Briefing he was surprised by some of the reaction. "I was surprised," he said. "I thought at the end of the day, the evidence shows, the chief coroner of Ontario shows, that a certain number of deaths every year happen when a pedestrian is distracted."

Previous legislation passed by the government addresses some primary factors that contribute to pedestrian fatalities, such as giving municipalities some more flexibility over lowering speed limits, introducing harsher penalties for people convicted of distracted driving, and higher fines and more demerit points taken away as penalties. But the new rules, passed on December 13, 2017, won't be implemented for another 12 to 18 months, Baker said.

The Etobicoke MPP argued that one factor that has been overlooked from the 2010 coroner's report on pedestrian fatalities was that 20 per cent of victims "may have had some form of distraction, such as using a cell phone; MP3 player; a mobile device; pushing a shopping cart; walking a dog; or riding a skateboard."

Addressing this gap would make a big difference, he added. "This bill, if passed, would help save pedestrian lives."

Baker believes that in order to address the growing problem of pedestrian fatalities, a wide-ranging policy approach is needed, including putting the onus on pedestrians to take responsibility. "I'm in favour of tackling all the root causes of all the challenges of all the problems that make our roads unsafe. We need a holistic approach."

But the definition of distracted pedestrians in the coroner's report was fairly wide-ranging, whereas Baker's bill, which would prohibit people using mobile devices as they cross the street, is more focused. The Globe reported that the comprehensive U.S. Fatality Analysis Reporting System database measured that using electronic devices was only a factor in 0.1 per cent of victims in pedestrian fatalities from 2010 to 2014.

5). YOUR QUESTION PERIOD BRIEFING: HITTING THE BOOKS

By: David Hains

The top issue of the day:

PC finance critic Vic Fedeli does not like the government's accounting practices on the Fair Hydro Plan, not one bit. He rose to question the government following a lengthy Globe and Mail article called "Bad Books," which examined the accounting choices the government made in order to make its Fair Hydro Plan possible, which the auditor general has said will cost an additional \$4 billion in order to temporarily discount hydro prices.

"The Globe and Mail is taking this scandal national with a damning indictment of this government's practices," Fedeli said.

"Mr. Speaker, now that the Liberal scheme has been disclosed, will the government follow the law and save the Ontario taxpayers \$4 billion?" What the former mayor of North Bay did not mention is that the PCs have not said that they plan to unravel the Fair Hydro Plan, and Ontario Tory Leader Doug Ford has promised to further reduce hydro rates by 22 per cent, but hasn't detailed how.

However, Energy Minister Glenn Thibeault decided to focus on the government's plan, saying "The Fair Hydro Plan, the plan that we brought forward, keeps the cost of borrowing within the rate base, not the tax base, because that's the logical thing to do." He went on to say that the accounting was reviewed and approved by KPMG and EY.

Fedeli then criticized the "complex accounting structure," citing the words of the CD Howe's Alexandre Laurin in the Globe, who said the same accountants construct tax-avoidance vehicles like this for private companies.

Elanor McMahon, the president of the Treasury Board, defended the practices of the government, and the outside companies it hired. "Our government presents the province's finances fairly and accurately, and in accordance with Canadian public sector accounting standards. The impact of the fair hydro plan will be transparent in the consolidated financial statements of our province."

Energy critic Todd Smith used the PC party's second question to ask about executive compensation at Hydro One and the increase to the CEO's severance package in the event that he is fired without cause after the board of directors is replaced. "Mr. Speaker, when was the minister of energy aware of this \$10-million severance package?" It's a question that the PCs repeatedly asked in the previous Question Period, and one that Thibeault repeatedly did not answer. He began to read his stock answer to the question — "We recognize that executive salaries are high compared to the vast majority of Ontario salaries and remain committed to Hydro One's regulation, accountability and transparency —" before jeers from the opposition broke up a response they have heard before, but are not satisfied with.

Other issues:

With Andrea Horwath on the road, the NDP's Catherine Fife used the party's first questions to challenge the government on its health-care record. "After 15 years of underfunding hospitals,

including five years of frozen operating budgets for hospitals, does the premier realize — does this government realize — that you have created a crisis in health care in the province of Ontario?"

The government did not say it believed it created a crisis in health care.

Instead, Health Minister Helena Jaczek responded that the government is proud of its health-care initiatives. "We're increasing our investment each and every year. We're doing it in a careful, thoughtful way, depending on the demographics of a particular region. We're looking at that with the LHINs, and we're increasing our investments."

The NDP's Jennifer French then asked about universal pharmacare, and why the government's plan doesn't cover everyone. "New Democrats have a pharmacare plan for everyone. It will cover 90 per cent of prescriptions, and no one is left behind. It is actually pharmacare for everyone. Why doesn't the premier believe in universal pharmacare?"

The NDP pharmacare plan covers a broader swath of the population, but provides fewer medications than the government's plan for people under 25 and over 65. That said, at the federal Liberal convention in Halifax this weekend, party members named pharmacare their No. 1 policy issue in a poll.

Jaczek responded in a very Liberal way, touting incremental progress. "Certainly our government is committed, at the end of the day, hopefully, to have a national universal pharmacare program. We, on this side of the House, being the type of responsible government that we are, are moving incrementally towards that goal."

The NDP's Taras Natyshak asked about labour rights, asking, "In what universe does the minister of labour believe that it's appropriate, and frankly even constitutional, for the minister of the crown to arbitrarily strip unionized workers of their historic collective bargaining jurisdiction and hand-deliver that jurisdiction to another union?"

Labour Minister Kevin Flynn responded "I'd like to thank the member for that very unbiased question," and it's nice to see some civility in the chamber. He added more seriously, "(Formwork expert Kevin Burkett) studied the current circumstances around the ICI formwork sector in the province and he made recommendations as to how we could move forward. We took that advice, and then we took it out again to Mike Mitchell, an expert in construction law, asked for specific recommendations, Speaker, and that's what's before the house as I speak."

In the background during Question Period, the chamber could hear a roar of a LiUNA rally on the Queen's Park's South Lawn, as the labour union chants outside. But don't think that this labour rally is exclusively orange or red. As Question Period started, a group of workers chanted "We want Doug!" as the Tory leader spoke to the gathered crowd.

Heckles of the day:

"They started it!" -NDP Wayne Gates on the PCs when they questioned the Grits on privatizing Hydro One.

"Tricky Thibeault! Dodging again!" -PC MPP and enthusiastic heckler Sam Oosterhoff during an evasive response from the energy minister. Oosterhoff earned a warning from Speaker Dave Levac for his exuberance.

What the press gallery legislative page was reading today: Kenneth Oppel's 2004 Governor General's Award-winning book *Airborn*, an acclaimed novel about an alternate history where airplanes had not been invented. It's a good Canadian kid-lit read!

Votes:

Unanimous support, 79–0 to pass second reading for An Act to amend the Consumer Reporting Act and the Technical Standards and Safety Act, 2000.

Support of 48–32 for a deferred vote on government notice of motion number 7 related to the allocation of time on Bill 31, An Act to implement Budget measures and to enact and amend various statutes.

6). DOUG FORD PLEDGES TO CUT GAS PRICES 4.3 CENTS/LITRE

By: Christopher Reynolds

Ontario drivers will save more than four cents per litre at the pumps under the Progressive Conservative plan to dump cap and trade, PC Leader Doug Ford said Monday.

His remarks, made at a gas station in Caledon, drove home previous pledges to axe the system of carbon credit auctions that has yielded \$2.4 billion for green efforts in the province since the program's launch in January 2017.

"Kathleen Wynne will have her hand in your pocket every time you fill up at the pump," Ford said of the premier Monday morning.

"We're going to scrap the carbon tax, we're going to cap taxes and we're going to trade Kathleen Wynne on June the 7th. We will reduce gas prices immediately, immediately, by over four cents — that's 4.3 cents — right off the hop."

Ontario does not have a carbon tax, but does participate in a cap-and-trade market. The federal government has made it mandatory for all provinces to introduce some form of carbon pricing by the end of the year.

Ford got the numbers from Wynne's announcement last February of the projected economic impact of carbon pricing. But the premier countered that the Tory leader fails to see the bigger picture.

"The cost of doing nothing is much, much higher than the cost of going forward," Wynne said at the time.

"What Doug Ford has said is not that he will take us backwards on the fight against climate change; he's going to take us out of the game altogether," she said at a Canadian Club luncheon in downtown Toronto Monday. "He's not going to fight climate change."

Ford reiterated Monday he will stand up to the federal government on a carbon tax. This could leave open the possibility Ottawa would impose the tax regardless, with the province ceding control over how the revenue is allocated.

"We will take Justin Trudeau all the way to the Supreme Court to fight for the people of Ontario," Ford said Monday.

Environment Minister Chris Ballard took issue with Ford's predictions of cheaper petrol, warning that scrapping the cap-and-trade plan would be costly for drivers.

"He will make gasoline more expensive," Ballard said. "What's going to happen is there will be the fallback to the federal carbon tax. That's been shown to cost more at the pumps."

Ballard said government legal advisers have told him backing out of cap and trade would cost up to \$2.4 billion in emissions allowances that could have to be paid back to industry. "There will be cancellation of programs that are helping Ontario families and Ontario businesses," he said.

A Supreme Court of Canada challenge, meanwhile, could cost taxpayers tens of millions of dollars more, he said.

A tangle of questions would face a government gunning to get out of cap and trade. These include whether companies would need to be refunded for buying allowances.

The Environment Ministry has said it has started selling allowances for the compliance period that starts in 2021. More than 6 per cent of the roughly 131,338,000 emissions allowances already sold are for the post-2020 period.

7). PREMIER SLAMS DOUG FORD FOR GIVING THUMBS-UP TO TANYA GRANIC ALLEN

By: Christopher Reynolds

Premier Kathleen Wynne called out PC Leader Doug Ford for green-lighting a controversial social conservative candidate following what a Liberal campaign co-chair framed as an "absolutely undemocratic" nomination process.

In a landslide Saturday, sex-education activist Tanya Granic Allen won the PC nomination for Mississauga Centre, having been vetted by Ford's newly populated nomination committee.

That same day, the PCs announced the appointment of 11 candidates in a surprise move to fill all remaining nomination spots in the province, breaking a promise Ford had made to abstain from nominating favourites of the leader.

Wynne, asked about the sex-ed components of the province's health and physical education curriculum, said Monday that "the candidate over in West Mississauga Centre is going to attempt to stir this up."

"It is very dangerous, what she is doing. It is extremely divisive," Wynne said of Granic Allen. She said "there are people who are deeply homophobic who want this to be a political issue when in fact, it is about people helping kids to get the information that they need."

Wynne's comment at a Canadian Club luncheon in downtown Toronto came a day after the Broadbent Institute publication Press Progress dug up an old interview Granic Allen did with the now-defunct Sun News Network where she said gay marriage is contributing to the demise of Canadian society.

Granic Allen joined the Tory leadership race out of right field last February, dictating the terms of debate throughout the month-long contest.

Liberal MPP and campaign co-chair Deb Matthews said Granic Allen has "a clear history of Islamophobic remarks, homophobic remarks. This is a woman who is espousing values that are reprehensible, would never be allowed in the Liberal party to run."

Matthews noted Monday that Ford has said she will have an important role if his party forms government following election day on June 7.

She also dug into the PCs' sweeping nomination move over the weekend, calling it "absolutely undemocratic."

"The big deal is that we in Canada have a long tradition of electing candidates for the party, and then those candidates can then carry the party's banner. What he has done is short-circuit the vetting process," Matthews told reporters.

Liberal leaders have occasionally appointed candidates — which its constitution allows five times per election — but which just last month caused blowback to the point of nixing a planned appointment in the Grit stronghold of Toronto—St. Paul's.

"What's different is our constitution gives the leader of the Liberal party that power," Matthews said.

PC parliamentary leader Vic Fedeli said Ford was exercising his right in the face of an approaching writ-drop on May 9.

"It's going to be too tight to have these (nomination races). It's going to be 45 days till the election, and we need our boots on the ground," he told reporters.

Fedeli didn't answer questions about where party constitution lays out a leader's right to appoint candidates. Another key Tory document on the nominations process was amended in 2016 under ousted leader Patrick Brown, stating that "a Candidate may be selected by the Leader in lieu of the nomination" in special circumstances, including an imminent election.

Matthews claimed Ford's appointments show "that he is not a man of his word — he said he wasn't going to do it.

"Part of his leadership campaign was based on the democratization of the party. And now he's done something unheard of in my experience in politics," she said.

NDP MPP Peter Tabuns came off disillusioned.

"The more things change, the more they stay the same," he said.

"This is something that both the Liberals and the Tories are really deeply into. I think it's a problem for them. I think it undermines their credibility with their members. We don't do that. We have contested nominations," he said.