

Court File no.

83443/94

## ONTARIO COURT (GENERAL DIVISION)

BETWEEN:

PLAINTIFF

- and -

JEAN-PAUL SYLVESTRE, THE ATTORNEY  
GENERAL OF CANADA AND THE ARCHDIOCESE  
OF GROUARD-MCLENNAN

DEFENDANTS

### STATEMENT OF CLAIM

TO THE DEFENDANTS

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.

June 3, 1994

Issued by

"B. A. Clarke"

Court House  
161 Elgin Street  
Ottawa, Ontario

**TO:**           **Jean-Paul Sylvestre**  
4320 Rue Ste. Anne  
Pierrefonds, Quebec  
H9H 4X7

**AND TO:**     **The Archdiocese of Grouard-McLennan**  
P.O. Box 388  
McLennan, Alberta  
T0H 2L0

**AND TO:**     **The Attorney General of Canada**  
c/o The Deputy Attorney General of Canada  
239 Wellington Street  
Ottawa, Ontario  
K1A 0H9

CLAIM

1. The Plaintiff claims as against all Defendants, jointly and severally:
  - (a) general damages for pain and suffering, mental anguish and loss of enjoyment and amenities of life in the amount of One Hundred and Fifty Thousand (\$150,000.00) Dollars;
  - (b) general damages for economic loss, including loss of future income after the date of trial of this action, diminished future income or loss of future opportunity in an amount presently unknown to the Plaintiff, full particulars of which shall be provided to the Defendants prior to trial;
  - (c) special damages for loss of income, diminished income or loss of economic opportunity to the date of trial in this action, and for the out of pocket expenses sustained by him resulting directly or indirectly from the sexual assaults and batteries and breaches of fiduciary duty referred to below, in the amount of Two Hundred Thousand (\$200,000.00) Dollars;
  - (d) punitive, aggravated and/or exemplary damages in the amount of One Hundred Thousand (\$100,000.00) Dollars;
  - (e) pre-judgment and post-judgment interest pursuant to the provisions of the *Courts of Justice Act*, R.S.O. 1990, c. C.43;
  - (f) his costs of this action on a solicitor/client basis; and
  - (g) such further and other relief as this Honourable Court may deem just.
2. The Plaintiff resides in the City of Ottawa, Province of Ontario.

3. The Defendant, Jean-Paul Sylvestre ("Sylvestre") is an ordained Priest presently residing in the City of Pierrefonds, Province of Quebec. At all material times Sylvestre was the Parish Priest of Our Lady of the Airways Church (the "Church") at Canadian Forces Base, Ottawa. At all material times Sylvestre was a Captain in the Canadian Armed Forces and was under the direct guidance and control of the Canadian Armed Forces, represented in this action by the Defendant the Attorney General of Canada. At all material times, Sylvestre was a member and under the direct guidance and control of the Defendant the Archdiocese of Grouard-McLennan.
4. The Defendant, the Attorney General of Canada is a Minister of the Crown and in this action represents the Government of Canada, the Crown, the Canadian Armed Forces and the Department of National Defence.
5. The Archdiocese of Grouard-McLennan is located in McLennan, Alberta.
6. The Plaintiff was born on February 20, 1959. He is thirty five years of age as at the date of the issuance of this Statement of Claim.
7. From the age of approximately seven (7) to approximately the age of nine (9), the Plaintiff attended the Church as an altar boy. During this period of approximately two years, the Plaintiff was sexually assaulted on a regular basis by Sylvestre. These sexual assaults included the following acts:
  - (a) Sylvestre forced the Plaintiff to fondle Sylvestre's genitals, to completion;
  - (b) Sylvestre fondled the Plaintiff's genitals;
  - (c) Sylvestre forced the Plaintiff to perform fellatio on Sylvestre, to completion;



(d) Sylvestre performed fellatio upon the Plaintiff;

(e) Sylvestre generally fondled and kissed the Plaintiff in a sexual manner.

The Plaintiff states that the aforesaid actions by Sylvestre constitute in law a sexual assault and battery.

8. The Plaintiff states that Sylvestre, as Parish Priest, owed a fiduciary duty to the Plaintiff and that a fiduciary trust relationship existed between Sylvestre and the Plaintiff. The Plaintiff states that, by his actions, Sylvestre breached that fiduciary duty.
9. The Plaintiff states that the Defendants, the Attorney General of Canada and the Archdiocese of Grouard-McLennan are vicariously liable for the tortious acts and breach of fiduciary duty committed by Sylvestre, as aforesaid.
10. The Plaintiff states that the Defendants, the Archdiocese of Grouard-McLennan and the Attorney General of Canada were negligent in that they knew or ought to have known that Sylvestre was a homosexual paedophile and an alcoholic. The Plaintiff states that the Defendants the Archdiocese of Grouard-McLennan and the Attorney General of Canada ought to have ensured that Sylvestre did not have unsupervised access to young boys. Furthermore, these Defendants ought to have ensured that Sylvestre receive appropriate treatment to address his sexual predilections and alcoholism.
11. As a result of Sylvestre's actions, the Plaintiff has suffered significant mental anguish, distress and humiliation. He has been forced to seek assistance from mental health professionals to address these problems. As a further result, the Plaintiff has suffered loss of income and loss of economic opportunity, the full particulars of which shall be produced during these proceedings. He has also

incurred out-of-pocket expenses directly related to Sylvestre's aforesaid actions, the full particulars of which shall be produced as well. The Plaintiff will continue to suffer from Sylvestre's actions in the future, and will suffer future loss of income and loss of opportunity to gain income and assets.

12. The Plaintiff has been forced to curtail many activities and has suffered loss of enjoyment of life and loss of amenities of life. The said injuries have adversely affected his social life and his emotional well being.
13. With respect to service of this Statement of Claim outside of the Province of Ontario upon the Defendants Sylvestre and the Archdiocese of Grouard-McLennan, the Plaintiff pleads and relies upon Rule 17.02(g)(h) and (o) of the Ontario Rules of Civil Procedure.
14. The Plaintiff proposes that this action be tried at Ottawa, Ontario.

June 3, 1994

**YEGENDORF, BRAZEAU & SELLER**  
Barristers & Solicitors  
750 - 55 Metcalfe Street  
Ottawa, Ontario  
K1P 6L5

**Howard Yegendorf**  
(613) 233-2139

Solicitors for the Plaintiff

RONALD VILLENEUVE  
PLAINTIFF

- and -

JEAN-PAUL SYLVESTRE, AND OTHERS  
DEFENDANTS

Court File No. 83443/94

ONTARIO COURT (GENERAL DIVISION)

Proceedings commenced at OTTAWA

FILED Ont. Court (GENERAL DIVISION)  
THE PERSONAL JURISDICTION  
OF OTTAWA-CARLETON

JUN 8 1994

DEPOSE A LA COUR DEL'ONTARIO  
DEPOSE A LA MUNICIPALITE REGIONALE  
1001 General BOTTARD-CARLETON

STATEMENT OF CLAIM

Certified to be a true copy of original  
Copie authentique certifiée et conforme à l'originale  
Dated this 3 day of June 1994  
Fait le 3 jour de Juin 1994

Brent Saunders

YEGENDORF, BRAZEAU & SELLER

Barristers & Solicitors

55 Metcalfe Street

Suite 750

Ottawa, Ontario

K1P 6L5

Howard Yegendorf-pm  
(613) 233-2139

Solicitors for the Plaintiff

File No. 94-4489

Box 437