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Judge dismisses lawsuit against Rae

By **LISA TALLYN**
 Staff writer

A \$458-million lawsuit launched by Reclamation Systems Inc. (RSI) against former Premier Bob Rae was recently dismissed in a Toronto court. Justice Peter Cumming dismissed the suit in a statement released Jan. 19.

"It was found the statement of claim didn't make out a reasonable cause of action," said Thomas Bell, senior counsel with the Ministry of the Attorney General.

Bell argued the case in court last October. He said the judge concluded the claim would fail so it would be best to dismiss it now before more court time and costs were incurred.

RSI launched the suit against Rae last year claiming he assured the company would receive a fair hearing on its proposal for a landfill on the Niagara escarpment, then knocked

the proposal off the rails when a bill was passed by the NDP government banning new landfills on the escarpment.

The company alleged Rae made "negligent misrepresentations" to RSI which the company acted upon "to its detriment."

In the statement of claim RSI said it spent "many millions of dollars" continuing with the approvals process based on assurances in a letter from Premier Bob Rae that the government would "respect the environmental assessment process, a process which is independent of our actions and assures the parties concerned a fair public hearing."

RSI also said they received assurances from the Minister of the Environment.

While he thought the company had grounds for appeal, Walter Graziani of RSI said Wednesday that they will not be pursuing it any further.

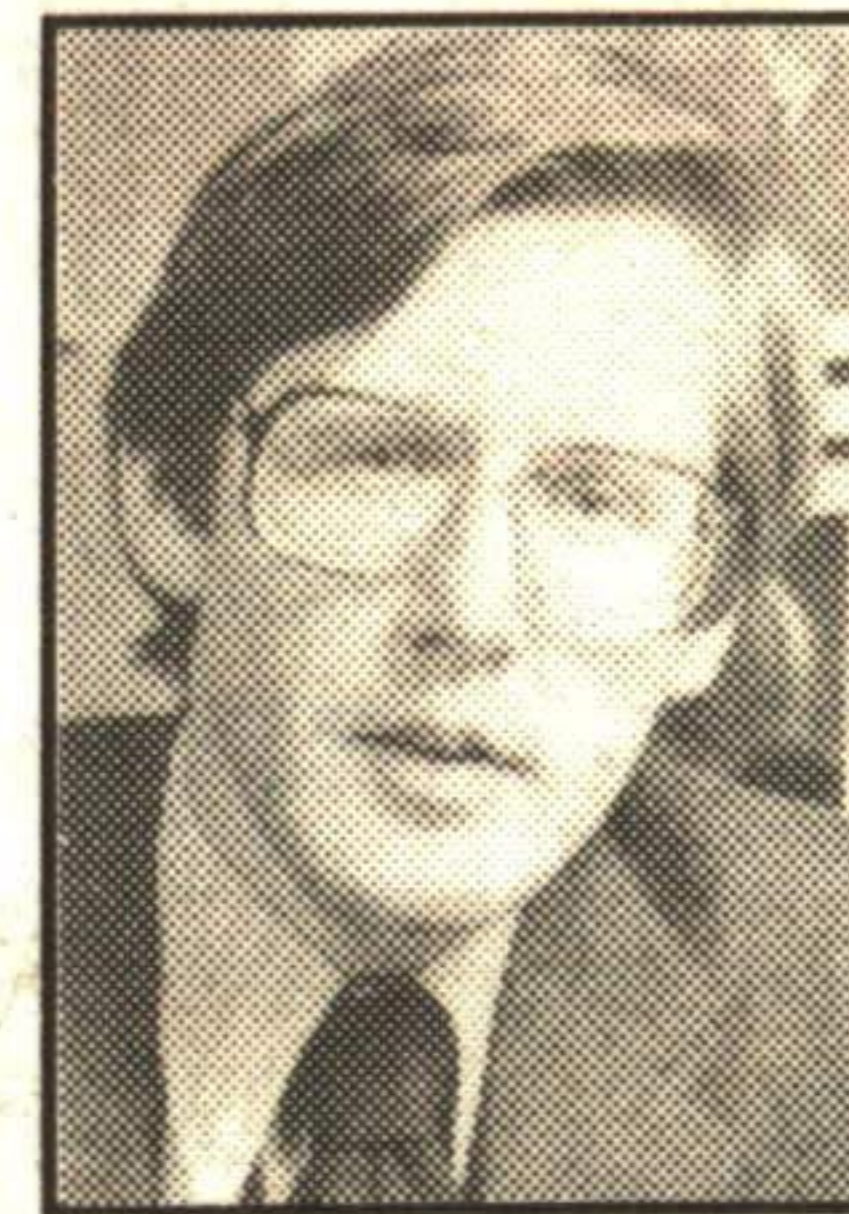
Bell said a lawsuit against the premier of Ontario is rare.

"There have always been large actions against Ontario but seldom has the premier been named," said Bell.

He added while the decision did not stipulate RSI is to pay the defendant's court costs he believes RSI should have to cover costs.

The province would have to go back to court at a later date to seek costs.

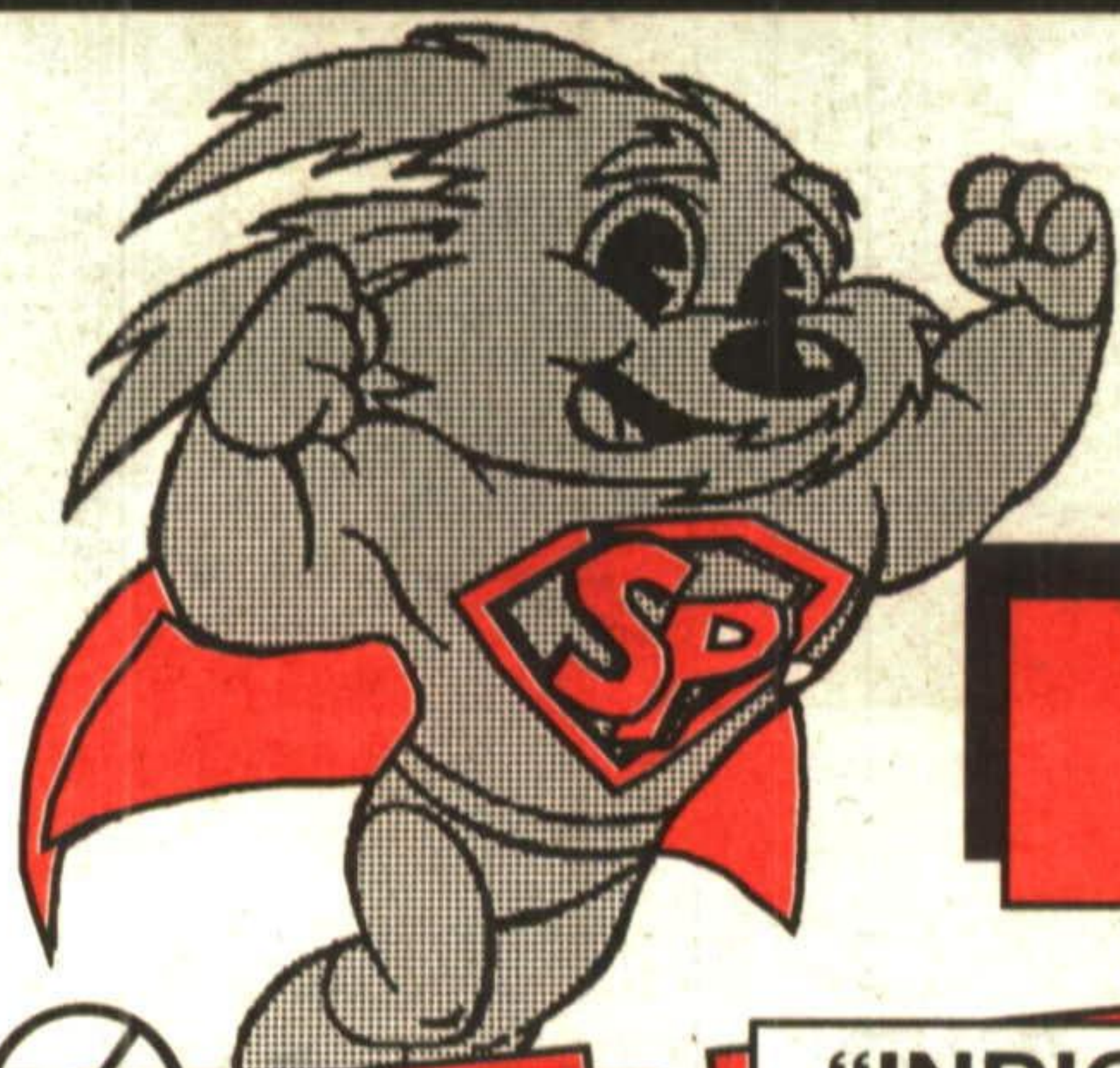
He wouldn't estimate how much the lawsuit has cost taxpayers but said the "big" motion required three lawyers to do a lot of work, including three days in court.



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