Court File No./N° du dossier du greffe : CV-25-00015259-0000

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

(Court Seal)

B.C.

Plaintiff

and

ROBERT LAND ACADEMY

Defendant

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.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date _____ Issued by _____
Local Registrar

Address of court office: 102 East Main Street
Welland, Ontario
L3B 3W6

TO: **Robert Land Academy**
6727 South Chippawa Rd,
Wellandport, ON L0R 2J0

CLAIM

1. The Plaintiff claims:

(a) general damages for breach of fiduciary duty, negligence, assault and battery, sexual assault and battery, intentional infliction of mental distress, forceable confinement/false imprisonment, and occupiers' liability in the amount of $1,000,000;

(b) damages for the loss of education, opportunity, and income in the amount of $1,500,000;

(c) special damages in an amount to be particularized before trial;

(d) aggravated damages in the amount of $500,000;

(e) punitive damages in the amount of $500,000;

(f) an Order dispensing with compliance with Rule 14.06, allowing the Plaintiff to be anonymized in all court documents in this proceeding;

(g) prejudgment interest in accordance with section 128 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;

(h) postjudgment interest in accordance with section 129 of the *Courts of Justice Act*, R.S.O. 1990, c. C.43, as amended;

(i) the costs of this proceeding, plus all applicable taxes; and

(j) such further and other Relief as to this Honourable Court may seem just.

A. PARTIES TO THE LITIGATION

2. The Plaintiff, B.C. ("**B.C.**"), is a [redacted] man residing in British Columbia.

3. The corporate Defendant, Robert Land Academy ("**RLA**"), is a private, self described "military-inspired" boarding school in West Lincoln, Ontario. RLA provides independent education for boys in grades 4-12.

4. B.C. attended RLA on or around January 1997 – December 1999, completing grades 8-10, and some of grade 11. Throughout this time, B.C. experienced ongoing physical and psychological abuse, including sexual abuse, from RLA's staff, employees, agents, and/or fellow students.

B. BACKGROUND:

(i) B.C.

5. B.C. grew up in Manitoba.

6. In the 4th grade B.C. was enrolled in a specialized education program called the Learning Assistance Centre. B.C. performed well in this environment and continued in the program for grades 5 and 6.

7. The Learning Assistance Centre was not available past grade 6, and in September 1996, B.C. was integrated back into the general student population. B.C. did not thrive in the large class settings, and he began to struggle academically.

8. In or around October 1996, B.C.'s parents considered sending him to RLA, believing that the small class sizes and structured environment would match his learning style. B.C. and his

parents flew to Ontario to tour the campus, after which they decided to enroll him for the upcoming winter semester.

(ii) Robert Land Academy

9. RLA was founded in 1978, by G. Scott Bowman ("**Major Bowman**"), who served as its headmaster while B.C. attended. Major Bowman marketed RLA as a reformative school that turned troubled, or academically challenged youth into productive members of society. In 1997, RLA boarded approximately 150 students, and had around 15 full time staff and teachers.

10. At all material times RLA had a duty to both the parents and students to supervise and protect the students boarding at RLA.

11. Although not affiliated with the Canadian Armed Forces, RLA's campus and internal structure follow a traditional military model. The campus itself replicates a nineteenth-century British fort, that includes military-style "barracks" where students sleep, a "parade square" for marching drills, and a "mess hall" for meals. RLA students wear army-inspired uniforms, have shaved heads, and are assigned military ranks and titles.

12. When B.C. attended RLA the students were organized into three main units: "A" Company, with students in grades 5-8; "B" Company, with students in grades 9-10; "C" Company, with students in grades 11-12.

13. Within each company, students were further assigned to "houses." Three houses together formed a "platoon," and there were generally two platoons in each company. Each individual student was also assigned a rank: "Recruit" rank, "Cadet" rank, "Barman" rank and "Double

Barman" rank. Each rank carried with it different privileges and responsibilities. New students began at 'Recruit' rank and participated in a month of training ("**Recruit Training**").

14. Recruits were not considered full members of the RLA and were denied basic privileges that all other ranks enjoyed. For example, Recruits were required to run or jog everywhere on campus – they were not permitted to walk. Recruits were not allowed to contact their parents or take trips home outside of statutory holidays. Recruits were not permitted to talk in the mess hall, eat seconds, or have dessert. Further, Recruits could not join extra-curricular activities such as sports or clubs. They were given little to no leisure time or freedom.

15. From Recruit rank, students could be promoted to 'Cadet' rank, which gave them full privileges at the school.

16. Cadets who showed leadership quality could further advance to the ranks of "Barman," or "Double Barman." Higer ranked students were eligible for top leadership positions, such as being promoted to an 'In Charge' student ("**IC**").

17. RLA administration delegated significant authority and responsibility to ICs. At all material times, subordinate students were required to follow the directions of the ICs, as they were considered their superiors.

C. B.C. EXPERIENCED MISTREATMENT AND ABUSE AT RLA

(i) B.C.'s First Day at RLA

18. B.C. and his mother arrived at RLA on or around 1 January 1997. B.C. was 12 years old at the time. His initial impressions of RLA were positive. But the moment B.C.'s mother said

goodbye, the IC began yelling at B.C. and the other new students. The IC threw B.C.'s bags at him and demanded he run to his barracks, calling him "thick," "slow," and "dumb."

19. B.C. and the new recruits were then subject to a series of degrading and humiliating orientation activities, including having their heads forcibly shaved, standing at attention while staff and ICs yelled in their faces, running drills, and strenuous physical activities such as sprinting, planks, and push-ups.

20. By the end of the first day, B.C. was emotionally distraught. He cried throughout his first night and was not permitted to contact his parents.

(ii) Recruitment Training

21. B.C. did not attend academic classes for the month of Recruit Training. Instead, he participated in arduous and degrading physical training exercises, and orientation sessions organized and/or permitted by RLA administration. These included, but were not limited to:

(a) standing in front of a wall in silence;

(b) holding a push-up position for extended periods of time;

(c) physical restraint and physical abuse from staff and ICs;

(d) miles of marching while carrying oil-soaked railway ties; and

(e) hours of "drill" practice, where students were taught how to march, stand at attention, stand at ease, etc.

22. At all materials times RLA staff organized, planned, oversaw, and/or approved the training activities. RLA staff would regularly direct ICs to join in the training and discipline of recruits.

23. When B.C. raised his concerns about mistreatment, he would receive harsher treatment, and targeted punishments.

(iii) Sargeant Zahra abused B.C. during Recruit Training

24. Sargeant Zahra is a veteran of the Canadian Armed Forces and oversaw the overall function and discipline of students at the school.

25. On one occasion during Recruit Training, Sargeant Zahra was giving a speech to the Recruits, when he noticed that B.C. was not looking at him. B.C. recalls hearing silence, and then seeing Sargeant Zahra barreling towards him, tossing aside chairs in his path. B.C. nervously smiled in an attempt to de-escalate the situation, but Sargeant Zahra picked him up by the scruff of the neck and forcefully slammed his body to the floor. Sargeant Zahra then painfully twisted B.C.'s arms behind his back, causing B.C. to lose sensation in his arms.

26. Sargeant Zahra's restraint was an overt act of domination, power, and control over B.C., designed to distress and humiliate him in front of this peers. Sargeant Zahra's behaviour caused, and/or was intended to cause and/or reasonably caused B.C. to believe Sergeant Zahra and other RLA staff, could or would cause him physical harm if he did not comply with his demands or punishments.

27. At all material times RLA's administration was aware, or ought to have been aware of Sargeant Zahra's actions, but did not intervene or reprimand Sargeant Zahra. Instead, RLA

administration 'charged' B.C. with 'insubordination' and 'threatening body language' towards Sargeant Zahra.

28. B.C. reported Sargeant Zahra's physical abuse to his House IC and expressed his desire to contact the police. The IC told B.C. not to take action, stating that RLA staff read and approved all letters sent from the school and would never let him write a letter to his parents about the incident, let alone the police.

29. At the end of Recruit Training B.C. remained at the Recruit rank and was not afforded the privileges of being a Cadet.

(iv) Punishments by RLA Staff and ICs

30. Over the course of the first semester B.C. continued to be 'charged' with various offences such as 'insubordination' and 'body-language.' Charges resulted in inappropriate, cruel, and degrading punishments designed to dominate B.C. physically and psychologically, thus rendering him powerless.

31. Such punishments included, but were not limited to:

(a) standing at attention while facing a wall for extended periods of time;

(b) running laps around the parade square;

(c) holding the push-up position;

(d) gargling cod liver oil for a minute and then swallowing it;

(e) wearing a distinct uniform while carrying a 20-pound backpack throughout the day; and

(f) food restrictions, such as being put on a bland diet.

32. When B.C. was forced to gargle and swallow cod liver oil, he sometimes vomited. Every time he vomited he was immediately forced to endure the punishment again.

33. Other examples of punishments include being put on "labour duty," where B.C. was forced to dig a hole that was the same length of a shovel. RLA staff refused to let B.C. eat until his hole was completed. B.C. laboured for several hours, and when he was finally allowed to eat, he learned his food had been left out the entire time and was now cold and barely edible.

34. Further, B.C. continued to be forcefully restrained by RLA employees as a form of punishment. These restraints occurred both on the ground or while standing with his arms pushed behind his back.

35. RLA staff and ICs also mocked and humiliated B.C., calling him "fat," "a slob," "disgusting," and "thick in the head." B.C. was also told that "nobody cared for him," and that his parents "couldn't stand" him, which caused B.C. increased mental anguish and feelings of abandonment.

36. B.C. was also denied food when RLA staff deemed his weekly letters home insufficient.

37. Although B.C. was only 12 years old and without facial hair, he was directed by ICs to shave his face each morning. Being young, and unsteady with his hands, B.C. kept nicking himself

with the razor. B.C.'s barracks IC noticed his cuts, and on multiple occasions demanded that B.C. shave his pubic hair to teach him to be more careful.

(v) Hazing Activities by Students and ICs

38. Adult staff did not stay inside the barracks with students overnight. Instead, ICs were directed to enforce the rules overnight and inform a staff member about any incidents or emergencies.

39. B.C. was regularly subjected to abusive night-time hazing from other RLA students and ICs ("**Hazing Incidents**"). B.C. was physically assaulted, punched, and kicked by other students overnight, leaving him with bruises all over his body.

40. B.C. was also subjected to sexualized pranks such as the 'impossible sit-up', where B.C. was told to do a blindfolded sit-up while being held down with a towel. The other student would suddenly release the towel causing B.C. to spring forward and collide with a naked boy's buttocks.

41. At all material times, ICs were aware, present and/or participated in the Hazing Incidents with amusement. At all material times, RLA staff were aware, or ought to have been aware of the Hazing Incidents.

(vi) End of First Year

42. At the end of the school year, B.C. was finally promoted to Cadet rank. Before returning to Manitoba for the summer, RLA administration warned students they would be punished in the fall term if they complained about the school to their parents.

43. B.C. believed the administration's warnings, and did not tell his parents anything negative about the school.

D. B.C. WAS SEXUALLY ABUSED WHILE ATTENDING RLA

44. In September 1997, B.C. returned to RLA for the fall term. That year, he was placed in the 'A' Company barracks, with students in grades 7-9. B.C. also learned he was chosen to participate in IC training, which he attended and completed without issue.

45. At the end of IC training, Major Bowman promoted B.C. to the rank of Double Barman, which was two levels above Cadet rank. B.C. was also promoted to House IC and put in charge of eight of his peers.

46. B.C.'s direct supervisor was a Platoon IC named Matthew Macdonald, ("**IC Macdonald**"), who was a year or two older. B.C. knew that IC Macdonald was a tough IC and favoured by Sargeant Zahra and Major Bowman. Given IC Macdonald's position in the school, B.C. respected him as his superior and wanted to stay on his "good side."

(i) IC Macdonald Sexually Abused B.C.

47. All ICs, including B.C., had increased freedoms and were subject to decreased supervision. One of these freedoms was a later bedtime so ICs could supervise their peer's hygiene routines and prepare for the next day.

48. As Platoon IC, IC Macdonald had his own room within their shared barracks. After the other students went to bed, IC Macdonald would occasionally ask B.C. to join him in his private room to show him magazines, or talk about movies, music, or girls. It was during this time that IC

Macdonald began to initiate, demand, and/or perform unwanted and non-consensual sexual activities with B.C.

49. The first incident occurred on or around May of 1998. After inviting B.C. to his room, IC Macdonald initiated a wresting match. While wrestling, IC Macdonald put B.C. in a headlock and began thrusting his groin against B.C.'s face in a sexual manner. When IC Macdonald pulled away, B.C. saw that he was visibly erect. At no time did B.C. consent to this sexual touching, which was a gross violation of his dignity. B.C. was shaken, and promptly left IC Macdonald's room and went to his bed.

(ii) IC Macdonald Continues to Target B.C.

50. As a result of the first sexual assault, B.C. began to detach from the IC responsibilities he had been performing. Eventually B.C. was stripped of his IC duties and demoted back to Recruit status.

51. At no time did RLA staff or ICs inquire into or investigate B.C.'s sudden change in behaviour.

52. As a result of his demotion to Recruit, B.C. once again had fewer privileges and an earlier bedtime. While degrading and humiliating, this also preventing IC Macdonald from interacting with him in private.

53. In or around June of 1998, B.C. was promoted back to Cadet status, once again giving him more free time and less supervision. As soon as this change occurred, IC Macdonald zeroed in on B.C. again and escalated his sexual assaults.

54. When the lights were out, IC Macdonald would wait in the bathroom or halls of their shared barracks, cornering B.C. with his penis exposed and demanding oral sex. B.C. attempted to refuse on several occasions but eventually began complying out of fear.

55. B.C. took great lengths to avoid IC Macdonald. Nevertheless, IC Macdonald repeatedly found ways to corner B.C. and initiate and/or coerce B.C. into performing non-consensual, and unwanted sexual acts.

56. At no time did B.C. consent to IC Macdonald's sexual demands. By virtue of his position, IC Macdonald had power over B.C., and B.C. was expected to follow his commands.

57. By the end of the year, B.C. was relieved to leave RLA for the summer. He did not tell his parents or anyone else about IC Macdonald's abuses.

(iii) B.C. Runs Away from Home and is Forcibly Returned to RLA

58. On or around September 1998, B.C.'s parents decided to enroll him in a local high school. B.C. was happy to be away from RLA. However, he struggled academically because of the abuse suffered at RLA. By fall midterms, B.C.'s parents told him he would be returning to RLA in the winter.

59. When B.C. learned he would have to return to RLA, he ran away from his parents' home. B.C. found refuge in an underage shelter where he stayed for several weeks. B.C. was 14 years old at the time.

60. B.C.'s parents eventually found him and sent him back to RLA.

(iv) B.C. is Placed Under IC Macdonald's Supervision Once Again

61. Once back at RLA B.C. was placed under the supervision of IC Macdonald.

62. Like the year before, B.C. did all he could to avoid being alone or isolated on the school grounds to prevent IC Macdonald from abusing him. B.C. joined sports teams, clubs, and other various activities to ensure he was not alone.

63. Yet IC Macdonald stalked and harassed B.C. throughout the campus. When B.C. was alone, IC Macdonald would corner him and demand B.C. perform non-consensual and unwanted sexual contact including oral sex and sexual touching.

64. At no time did B.C. consent to IC Macdonald's sexual demands.

65. At all material times, IC Macdonald was aware of his position of power over B.C. and wielded this power for his own sexual gratification. For example, on one occasion IC Macdonald approached B.C. in the barracks and demanded oral sex. When B.C. refused, IC Macdonald told him he had to continue performing sex acts on him if B.C. wanted to be promoted within the school.

(v) IC Macdonald's Sexual Assaults Continue

66. On or around September 1999, B.C. returned to RLA. At this time, B.C. was appointed as House IC of C Company and moved into a smaller barracks with his own room.

67. Being granted a private room gave B.C. more freedom, but also left him far more vulnerable to IC Macdonald's sexual abuse.

68. That year IC Macdonald was promoted to Company IC, which was one of the highest-ranking IC positions at the school. As Company IC, IC Macdonald maintained his authority over B.C. and was able to come and go from B.C.'s barracks as he pleased.

69. Macdonald continued to corner B.C. when he was alone and demand that B.C. perform and/or engage in non-consensual and unwanted sexual contact.

(vi) IC Macdonald Retaliates Against B.C.

70. As the school year began, B.C. began to focus on getting into his desired university program. Putting his sights beyond RLA was empowering and gave B.C. the courage to confront IC Macdonald. When B.C. told IC Macdonald to stop the abuse and sexual abuse, IC Macdonald threatened B.C., stating he was the reason B.C. was given an IC position and could easily take it all away.

71. When B.C. continued to refuse IC McDonald's sexual demands, IC Macdonald followed through with his threats and began targeting B.C. for discipline. IC Macdonald directed B.C.'s Platoon IC to reprimand and punish him for breaching various protocols and procedures for no apparent reason.

72. B.C.'s Platoon IC followed IC Macdonald's order. Within a week of B.C.'s conversation with IC Macdonald, B.C. was removed from his IC position and demoted. As before, the demotion meant B.C. lost privileges, was humiliated and degraded. But the demotion also meant that IC Macdonald had less access private access to B.C.; the targeted discipline from ICs, however, continued.

(vii) B.C. Discloses the Sexual Abuse to his Company Commander

73. On or around late November 1999 B.C. was approached by his teacher and Company Commander Michelle Phelps. Ms. Phelps told B.C. she had noticed a sudden decline in his attitude and academics and asked if anything had happened. B.C. was embarrassed to disclose the real reason for his decline, but he eventually informed Ms. Phelps about the sexual abuse and named IC Macdonald as his abuser.

74. After the conversation, Ms. Phelps informed Major Bowman.

(viii) RLA Staff Investigate the Sexual Assaults

75. After the report was made, Major Bowman and Sargeant Zahra interviewed IC Macdonald in the headmaster's office.

76. After IC Macdonald was released, B.C. was called in to be interviewed.

77. Upon entering the office, B.C. was made to stand at attention in front of Major Bowman and Sargeant Zahra. Major Bowman and Sargeant Zahra interrogated B.C. about his actions and reactions during the sexual assaults. They asked B.C. if he had ever said "no" to IC Macdonald's advances. They suggested B.C. had led IC Macdonald to believe the sexual contact was consensual. By their questions and actions, it was clear to B.C. that Sargeant Zahra and Major Bowman did not see him as a victim, and did not believe B.C. had been abused.

78. B.C. was directed to see the student counsellor, Serge Leclerc. Mr. Leclerc continued to question, blame, and humiliate B.C. about the sexual assaults. Mr. Leclerc told B.C. that IC Macdonald's actions were "normal" as "boys get horny without girls around." Mr. Leclerc also suggested that B.C. was to blame for the assaults because he had failed to come forward earlier.

79. At the end of the session Mr. Leclerc pressed his forehead against B.C.'s and told him that nobody else would find out about the sexual assaults if he kept the allegations to himself.

80. Neither Major Bowman, Sargeant Zahra, or Mr. Leclerc contacted B.C.'s parents, or the police, to inform them about the abuse.

(ix) B.C. is Isolated from His Peers and Parents

81. At no time did B.C. express a desire to harm himself or others. But for the next few days B.C. was placed on "suicide watch," and kept under almost constant adult supervision. During this time B.C. was also isolated from his peers, and unable to contact his parents.

82. By isolating B.C., RLA ensured he was unable talk to other students, and/or his parents about the sexual abuse.

83. While in isolation, Ms. Phelps pulled B.C. aside to find out how RLA's administration was handling the investigation. B.C. told her about the interview and that he was placed on "suicide watch." Ms. Phelps asked if B.C. if he believed the investigation was adequate, and he said no. B.C. gave Ms. Phelps permission to contact his parents.

84. On or around December 1999, Ms. Phelps contacted B.C.'s parents by phone and informed them of the sexual abuse. Ms. Phelps made it clear that she was calling in her personal capacity on B.C.'s behalf, as RLA had determined that B.C. was not sexually abused and was instead a consensual participant in the sexual activity with IC Macdonald.

85. After the call, B.C.'s parents requested that he be sent home immediately. The next day, B.C. was on a plane back to Manitoba.

86. Over the next year or so, Ms. Phelps continued to call B.C. in her personal capacity to check on his wellbeing. During one of these calls Ms. Phelps informed B.C. that IC Macdonald was not expelled for his actions. Instead, he was sent home, allowed to continue his studies at RLA remotely, and graduated.

87. At no time did RLA's administration speak to B.C. or his parents about the abuse or offer B.C. the option to continue his school year remotely.

E. LIABILITY OF RLA

(i) Breach of Fiduciary Duty

88. As a child under its care, RLA undertook a responsibility to act in B.C.'s best interests, and protect him from any abuse, including but not limited to mental, emotional, physical, and sexual abuse or otherwise. RLA owed B.C. a fiduciary duty, including a duty of honesty, good faith, care, protection, and to not put RLA's interests above that of B.C.

89. As a boarding student, every aspect of B.C.'s physical, mental, and emotional well-being was entirely and exclusively within the power and control of RLA and/or it's staff and agents. B.C. was also subject to the unilateral exercise of RLA's power and discretion.

90. Indeed, RLA's complete power over B.C. unquestionably affected his legal and practical interests. B.C. was entitled to rely, and did in fact rely on RLA, to his detriment, to fulfill their fiduciary obligations towards him.

91. By virtue of the relationship of trust, reliance, and dependence between the parties, RLA had a fiduciary obligation to ensure that B.C. was treated in a manner consistent with the obligations of a party standing in place of a parent/guardian, to a minor under their care and control.

92. In failing to give proper consideration and to take reasonable steps to protect B.C. from emotional, physical, and sexual abuse, RLA failed to meet its fiduciary obligations by:

(a) failing to provide adequate supervision over B.C. throughout the day, free time, and at night;

(b) improperly delegating almost complete overnight supervisory responsibility to ICs;

(c) failing to provide adequate training, instruction, and direction to ICs;

(d) failing to prevent B.C. from experiencing intimidation, harassment, humiliation, and degradation from RLA staff and ICs during Recruit Training, and throughout his 4 years at RLA;

(e) failing to protect, intervene, investigate, and/or prevent hazing, before it caused embarrassment, physical pain, and shame to B.C.;

(f) failing to supervise and/or take appropriate measures to prevent sexual assault and abuse from occurring at RLA;

(g) once reported, failing to adequately investigate IC Macdonald's sexual assaults, and to provide B.C. with adequate care and support;

(h) for allowing Major Bowman, Sargent Zahra, and Mr. Leclerc to inappropriately question B.C. about the sexual assaults, and blame him for their occurrence; and

(i) for putting its own interests ahead of B.C. by isolating B.C., encouraging silence, and failing to inform B.C.'s parents about the sexual assaults.

Particulars of B.C.'s Loss and Damages Resulting From His Injuries

93. As a direct result of RLA's conduct above, B.C. has been subjected to sexual assault, physical assault, harassment, duress, and mental anguish. B.C. has and continues to suffer injuries and loss caused by RLA and its staff, employees, and agents. B.C.'s injuries and loss include but are not limited to the following:

(a) emotional and psychological harm;

(b) impairment of mental and emotional health and well-being;

(c) impaired ability to trust others, including his family;

(d) depression, anxiety, emotional distress, and mental anguish;

(e) a loss of self-esteem and feelings of humiliation and degradation;

(f) addiction and substance abuse;

(g) loss of wages and income;

(h) a requirement for medical or psychological treatment and counselling;

(i) loss of friendship and companionship; and

(j) such further and other damages as will be particularized at trial.

(ii) Intentional and/or Negligent Conduct

94. At all material times, RLA had sole jurisdiction and responsibility over B.C., and acted as his legal guardian. RLA owed B.C. a duty of care, which was breached in several respects.

95. The duty of care RLA owed to B.C. is informed by the power imbalance between RLA and B.C., and in particular, B.C.'s vulnerability as a minor boarding at the school. RLA had exclusive power and influence over B.C. who was vulnerable and dependent on RLA for all his needs, including, food, water, shelter, and his developmental, educational, and recreational needs.

96. RLA had direct contact and daily interaction with B.C., and ought to have known its staff, servants, employees, agents and representatives were physically, sexually, and psychologically abusing B.C.

Discipline and Punishment

97. With regards to the inappropriate discipline and punishment B.C. experienced at RLA, as outlined in paragraphs 21-37, B.C. pleads he has suffered injuries caused by the intentional and/or negligent conduct of RLA, the particulars of which are as follows:

(a) RLA and its staff, employees, and agents operated, occupied and exercised care and control over the discipline and punishment of students, which they knew, or ought to have known were physically and psychologically unsafe and/or inappropriate;

(b) RLA failed to implement and follow appropriate standards of conduct for disciplining students at a school;

(c) RLA failed to instruct properly, or at all, its staff, employees, and agents about appropriate and reasonable standards of conduct for disciplining students at a school;

(d) RLA failed to have in place and follow appropriate standards of conduct, policies and procedures to adequately, properly, and effectively supervise its staff, employees, and agents;

(e) RLA failed to have in place and follow appropriate standards of conduct, policies, and procedures to prevent and end physical, or psychological abuse upon learning of a complaint;

(f) RLA failed to have in place and follow appropriate standards of conduct, policies, and procedures to take appropriate disciplinary action, including termination and expulsion, following incidents of physical, or psychological abuse;

(g) RLA's "military inspired" model fostered and encouraged harsh, inappropriate, and excessive discipline tactics and punishment; and

(h) RLA failed to take all reasonable steps necessary to avoid exposing B.C. to an unreasonable risk of harm and injuries of the very type which were sustained.

Hazing Incidents

98. With regards to the Hazing Incidents B.C. experienced at RLA, as outlined in paragraphs 38-41, B.C. pleads he has suffered injuries caused by the intentional and/or negligent conduct of RLA, including:

(a) RLA and its staff, employees, and agents operated, occupied and exercised care and control over RLA's campus, including the barracks' which they knew, or ought to have known was unsafe;

(b) RLA failed to adequately supervise its students during free time and at night, and allowed the creation of an unsafe environment in the barracks;

(c) RLA failed to instruct properly, or at all, its staff, employees, and agents about the proper and reasonable procedures for investigating complaints of harassment, assault, and battery from students;

(d) RLA and its staff, employees, and agents failed to employ and/or have in place a reasonable system for investigating complaints of complaints of harassment, assault, and battery, from students;

(e) RLA and its staff, employees, and agents failed to follow typical industry standards for Schools or similar guidelines that govern procedure for reporting and investigating complaints of harassment, assault, and battery, from students;

(f) RLA and its staff, employees, and agents failed to protect B.C. from harassment, assault, and battery;

(g) RLA and its staff, employees, and agents cultivated an environment of fear and hostility, which they knew or ought to have known, would encourage instances of harassment, assault, and battery; and

(h) RLA failed to take all reasonable steps necessary to avoid exposing B.C. to an unreasonable risk of harm and injuries of the very type which were sustained.

Sexual Battery and Assault

99. With regards to the sexual battery and assaults perpetrated by IC Macdonald, as outlined in paragraphs 44-72 B.C. pleads he has suffered injuries caused by the intentional and/or negligent conduct of RLA, including:

(a) RLA and its staff, employees, and agents operated, occupied and exercised care and control over RLA's campus, including the barracks' which they knew, or ought to have known was unsafe given the lack of adult supervision;

(b) RLA failed to adequately supervise its students during free time and at night, which they knew or ought to have known, would create an unsafe environment in the barracks, and around campus;

(c) RLA failed to instruct properly, or at all, its staff, employees, and agents about the proper and reasonable procedures for investigating complaints of sexual assault and sexual battery from students;

(d) RLA and its staff, employees, and agents failed to employ and/or have in place a reasonable system for investigating complaints of sexual assault and sexual battery from students;

(e) RLA and its staff, employees, and agents failed to follow typical industry standards for Schools or similar guidelines that govern procedure for reporting and investigating complaints of sexual assault and sexual battery from students;

(f) RLA and its staff, employees, and agents failed to protect B.C. from sexual assault and sexual battery;

(g) RLA and its staff, employees, and agents cultivated an environment of fear and hostility, which they knew or ought to have known, would encourage instances of sexual assault and sexual battery against students;

(h) RLA and its staff, employees, and agents knew or ought to have known that IC Macdonald was dangerous and a threat to other students and they failed to take appropriate steps to address this threat;

(i) RLA created or allowed to exist a situation where B.C. was sexually assaulted;

(j) RLA failed to take all reasonable steps necessary to avoid exposing B.C. to an unreasonable risk of harm and injuries of the very type which were sustained; and

(k) RLA failed to take all reasonable steps necessary to avoid exposing B.C. to an unreasonable risk of harm and injuries of the very type which were sustained.

(iii) RLA is Vicariously Liable for Assault, and Battery/Sexual Battery

Pattern of Forceful Physical Restraints

100. As outlined in paragraphs 21, 24-29, 34, RLA, though the actions of their staff, employees, and agents are liable for inflicting a continuous pattern of battery, and assault upon B.C. throughout his years at RLA. Including but not limited to:

(a) the use of physical restraint as punishment from IC's and RLA staff, agents, and employees; and

(b) the threat of physical restraint as punishment from IC's and RLA staff, agents, and employees.

Forceful Restraint by Sargeant Zahra

101. As outlined in paragraphs 24-29, RLA, though the actions of Sargeant Zahra, are liable in tort for battery when B.C. was intentionally slammed the ground in front of his peers and put in a forceful and painful restraint. Sargeant Zahra's forceful restraint was harmful, offensive, and non-trivial, and caused physical pain and psychological harm to B.C.

Sexual Battery and Assault

102. As outlined in paragraphs 44-72, RLA, through the actions of their agent IC Macdonald, is liable for sexual battery. Over a period of three years, IC MacDonald coerced, forced, and threatened B.C. into performing nonconsensual sexual acts. This longstanding pattern of sexual battery was harmful, non-trivial, and offensive to B.C.'s mental health and sexual integrity as a minor.

103. Given the supervisory power and authority RLA granted to IC Macdonald, the relationship between the parties is akin to servant/master, and thus sufficiently close to justify imposing vicarious liability. Further, IC McDonald's ability to corner, harass, demand, and coerce B.C. into performing sexual acts upon him was closely connected to the power and authority RLA granted to IC Macdonald.

(iv) RLA is Vicariously Liable for Intentional Infliction of Mental Distress and False Imprisonment/Forcible Confinement

104. B.C. is also entitled to damages for intentional infliction of mental distress, which amount to independent actionable wrongs.

School Activities and Punishments

105. As outlined in paragraphs 18-37, RLA through the actions of its staff, employees, and agents engaged in a pattern of behaviour designed to intentionally inflict mental distress on B.C. while he attended the school, including:

(a) name calling and public humiliation;

(b) food deprivation;

(c) humiliating and degrading punishments; and

(d) strenuous physical punishments.

106. This pattern of behaviour was done recklessly and/or with intent to cause severe mental distress to B.C. and force him to submit to the power of RLA's staff, employees and agents. Though these actions B.C. did suffer severe mental distress and humiliation.

Physical Restraint by Sargeant Zahra

107. As outlined in paragraphs 24-29, RLA, though the actions of Sargeant Zahra, intentionally inflicted mental distress on B.C. when he was slammed the ground in front of his peers and put him in a forceful and painful restraint. Sargeant Zahra's actions constituted extreme and outrageous conduct. The action was done recklessly and/or with intent to cause severe mental

distress and humiliation to B.C. and did in fact cause B.C. to suffer severe mental distress, humiliation, and injury.

Sexual Abuse by IC Macdonald

108. As outlined in paragraphs 44-72, RLA, though the actions of IC Macdonald, intentionally inflicted mental distress on B.C. while stalking, harassing, and sexually assaulting him at every available opportunity.

109. IC Macdonald was in a position of power over B.C., and inflicted a pattern of abusive and flagrant conduct which was done recklessly and/or with the intent to cause severe mental distress and did in fact cause B.C. to suffer mental distress and injury. As outlined in paragraph 103, the relationship between IC Macdonald and B.C. is sufficiently close to warrant vicarious liability.

Sexual Assault Interview/Investigation by RLA Administration

110. As outlined in paragraphs 75-80, Sargeant Zahra, Major Bowman, Mr. Leclerc, intentionally inflicted mental distress on B.C. while interviewing him about the sexual assaults. They did so with the intention to shame and blame B.C., so he would keep silent about the sexual assaults.

111. As outlined in paragraphs 81-82, following the interview, B.C. was isolated and inappropriately placed on "suicide watch," where he was always observed by a staff member, including the night and while using the bathroom. This only added to his humiliation and mental distress.

112. RLA, through the actions of its staff, employees, and agents engaged in extreme and outrageous conduct while investigating the sexual abuse. This was done recklessly and/or with the intent to cause severe emotional distress, and B.C. experienced severe mental distress and injury as a result of the conduct.

113. While on suicide watch, RLA completely deprived B.C. of his liberty. He had no autonomy or control over his actions, and he was unable to contact his parents or peers for an indefinite period.

114. This deprivation of liberty was against B.C.'s will and directly caused by RLA.

(v) RLA is Liable Under the Occupiers Liability Act

115. At all material times, the RLA owned and/or had physical control over the grounds. As such, RLA was responsible for the safety and condition of the premises, including the acts of individuals permitted to use the premises, and owed an affirmative duty of care to ensure that entrants and users of the premises, including B.C., were safe. By failing to take reasonable steps to ensure the safety and security of RLA's facility for B.C., RLA breached its duty of care under the *Occupier's Liability Act*, 1980, S.O. 1980, c. 14. Consequently, RLA is liable to B.C. for any harms or injuries arising from the conduct of its staff, employees, and agents, including sexual abuse, which occurred on RLA's premises.

F. DAMAGES

116. RLA's wrongful conduct caused B.C. injuries, losses, and damages.

117. These damages have had lifelong consequences. In particular, the humiliating and degrading punishments, hazing, and sexual acts B.C. was forced to perform, and did perform, has

had enduring consequences for his self-image and relationships. RLA's treatment of him as a willing participant in the sexual acts, and not a victim, has exacerbated these injuries.

118. B.C. has endured and continues to endure great pain and suffering and profound mental distress. B.C.'s quality of life has been irretrievably lessened, and he has suffered through mental anguish, depression, anxiety, suicidal ideation, and periods of addiction.

119. As a further result of RLA's wrongful conduct, B.C. has required and will continue to require assistance, rehabilitation, counselling and other care. This includes mental health counselling, addiction counselling, and psychotherapy.

120. B.C.'s ability to earn a livelihood has been permanently impaired. He has suffered a loss of competitive advantage and a diminution of his income-earning capacity. The full particulars of these economic loss claims will be provided prior to trial.

121. As a result of RLA's conduct, B.C. has had trouble sustaining relationships and trusting others, including his parents, immediate family, friends, romantic partners, and persons of authority. B.C. claims damages for loss of interdependent relationship.

122. Furthermore, B.C. has suffered an impaired ability to enjoy and participate in recreational, social, and family activities.

(i) Punitive Damages

123. B.C. is entitled to aggravated and punitive damages. RLA's staff, agents, and employees have conducted themselves with wanton and callous disregard to B.C.'s wellbeing, safety, and interests. As a minor living apart from his family, friends, known environment, RLA's callous,

humiliating, and degrading actions towards B.C. are reprehensible and warrant condemnation by this Honourable Court.

124. RLA's decision to shame, blame, and humiliate B.C. for the sexual abuse he endured was malicious and high-handed. Furthermore, RLA administration minimized and hid the sexual abuse from RLA staff, students, and B.C.'s parents. Such action was intended to only protect RLA's interests and reputation. Under the circumstances, B.C. requests punitive damages to demonstrate that such willful and tortious conduct will not be tolerated and will act as a deterrence to others.

125. The Plaintiff pleads and relies upon:

(a) *Courts of Justice Act*, R.S.O. 1990, c. C.43;

(b) *Limitations Act*, 2002, S.O. 2002, c. 24, Sched. B;

(c) *Negligence Act*, R.S.O. 1990, c. N1;

(d) *Occupier's Liability Act*, 1980, S.O. 1980, c. 14;

(e) *Victims' Bill of Rights*, 1995, S.O. 1995, C. 6; and

(f) such further and other authorities and statutes that shall be disclosed prior to trial.

126. The Plaintiff requests that this action be tried in Welland, Ontario.

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B.C.
Plaintiff

-and-

ROBERT LAND ACADEMY
Defendant

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
WELLAND

STATEMENT OF CLAIM

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