

**NOTICE TO CLASS MEMBERS FOLLOWING A JUDGMENT  
GRANTING AUTHORIZATION TO INSTITUTE A CLASS ACTION**

*Regroupement des activistes pour l'inclusion au Québec (RAPLIQ) et Linda Gauthier c. Société de transport de Montréal (STM), Ville de Montréal et l'Autorité régionale de transport métropolitain (ARTM) et le Réseau de transport métropolitain (RTM) (les deux dernières en remplacement de l'Agence métropolitaine de transport – AMT) (C.S.: 500-06-000739-157)*

**TAKE NOTICE** that authorization to institute a class action has been granted on May 26, 2017 by Justice Marie-Anne Paquette to the benefit of the physical persons forming part of the hereinafter described class:

*All persons residing in Quebec who, to alleviate a physical handicap, use a wheel chair (motorized or not), a walker or a cane for the visually impaired and who, after April 15, 2012 because of the inaccessibility of the public transit of the STM (regular buses, paratransit or metro) or the AMT (suburbs train), now operated by the RTM, was impeded from using or interfered with the use of these services, in terms of equality.*

The status of class representative has been ascribed to Ms. Linda Gauthier.

The primary questions of fact and law to be dealt with collectively within the scope of this file are as follows:

- 1- Do inaccessibility or obstacles to accessibility in the public transit system cause the class members prejudicial effects?
- 2- In the affirmative, are these prejudicial effects of a discriminatory nature in accordance with sections 10 of the *Quebec Charter of Human Rights and Freedoms* or 15(1) of the *Canadian Charter of Rights and Freedoms*?
- 3- Do these acts or the failure to ensure accessibility to the class members hinder the following rights:
  - The security or integrity of persons in violation of section 1 of the *Charter*;
  - Their dignity and honor in violation of section 4 of the *Charter*;
  - Their right to respect for their private lives in violation of section 5 of the *Charter*;
  - Their right to a service ordinarily offered to the public in violation of section 15 of the *Charter*;
  - The cessation of an unlawful interference, their right to compensation and to punitive damages in violation of section 49 of the *Charter*?
- 4- In the affirmative, do the class members have the right to obtain a solidary condemnation against the Defendants in the amount of \$50,000 for moral damages and \$25,000 for punitive damages for the discriminatory acts intentionally committed as well as other faulty acts committed by the Defendants against the rights of the class members?
- 5- Are the class members entitled to interest plus the additional indemnity as permitted by law as of the date of filing the motion for authorization?
- 6- Are the class members entitled to a judgment from the Court seeking to:

ORDER the Defendants to complete the necessary work, within 10 years from the judgment to be rendered herein in order to render:

- accessible, functional and without obstacles to class members, all metro stations of the Defendant STM, from the entrance of the station to the train on the platform;
- accessible, functional and without obstacles to class members all train stations on all train lines operated by the Defendant RTM from the train station to the wagon on the platform and within;
- accessible, functional and without obstacles to class members all regular buses of the Defendant STM;

ORDER the Defendants to offer all class members paratransit services without discriminatory obstacles.

The conclusions sought by the class representative are as follows:

- 1- DECLARE that the Defendants have jointly violated the class members' fundamental rights to equality, by reason of their handicap, in violation of section 10 of the *Quebec Charter of Human Rights and Freedoms* and 15(1) of the *Canadian Charter of Rights and Freedoms*;
- 2- DECLARE that the Defendants have jointly, by reason of discrimination, violated the fundamental rights of class members:
  - The security or integrity of persons in violation of section 1 of the *Charter*;
  - Their dignity and honor in violation of section 4 of the *Charter*;
  - Their right to respect for their private lives in violation of section 5 of the *Charter*;
  - Their right to a service ordinarily offered to the public in violation of section 15 of the *Charter*;
  - The cessation of an unlawful interference, their right of compensation and to punitive damages in violation of section 49 of the *Charter*;
- 3- CONDEMN the Defendants to solidarily pay to each class member the sum of \$50,000 for moral damages;
- 4- CONDEMN the Defendants to solidarily pay to each class member the sum of \$25,000 for punitive damages;
- 5- CONDEMN the Defendants to solidarily pay to each class member the interest plus the additional indemnity as permitted by law as of the date of filing the motion for authorization of the class action;
- 6- ORDER the Defendants to complete the necessary work, within 10 years from the judgment to be rendered herein in order to render:
  - accessible, functional and without obstacles to class members all metro stations of the Defendant STM, from the entrance of the station to the train on the platform;
  - accessible, functional and without obstacles to class members all train stations on all train lines operated by the Defendant RTM from the train station to the wagon on the platform and within;

- accessible, functional and without obstacles to class members all regular buses of the Defendant STM;
- 7- ORDER the Defendants to offer all class members paratransit services without discriminatory obstacles.

A class member may seek intervenor status in the class action. An intervening member is required to be examined on discovery at the request of the Defendants. A class member who does not intervene in the class action can only be subjected to an examination if the Court deems it useful.

The class action will be initiated in the district of Montreal. The class members are represented by the attorneys whose contact information is provided at the end of the present notice.

**A member can request exclusion from the class action by transmitting to the office of the Superior Court his request for exclusions before April 3<sup>rd</sup>, 2018, at 5:00 PM.**

The documents relating to the class action (judgment authorizing the class action and the notice to class members) can be consulted online on the website of the central registry for class actions at the following address: [www.tribunaux.qc.ca](http://www.tribunaux.qc.ca).

The class members, to the exception of the representative and any intervening members, cannot be condemned to pay legal costs associated with the class action if it were to be dismissed.

**Please note that if you decide to remain within the class, no actions are currently required from you and there is no claim and no funds to be distributed at the moment.**

The class action has not ended and a final judgment has not yet been rendered. **A new notice will be published once a final judgment will have been rendered on this class action.**

THE ATTORNEYS FOR THE REPRESENTATIVE AND THE CLASS ARE:

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**PUBLICATION OF THIS NOTICE HAS BEEN ORDERED BY THE COURT**