

**CLASS PROCEEDINGS FUND**

— IN CASES APPROVED BY THE CPC, CLASS ACTION PLAINTIFFS RECEIVE AN INDEMNITY AGAINST ADVERSE COSTS AND FUNDING FOR SOME DISBURSEMENTS.

IN RETURN, 10% OF ANY AWARD OR SETTLEMENT IN THESE CASES GOES TO THE CPF.

## MESSAGE FROM THE CHAIR OF THE CLASS PROCEEDINGS COMMITTEE

On June 23, 2015 I stepped down from my role as Chair of the Class Proceedings Committee (CPC) after 15 years of service on the CPC, with 10 years as its Chair. It is with a profound sense of accomplishment that I look back over my tenure in this, my final report.

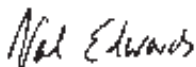
During my time with the CPC I have witnessed the Class Proceedings Fund's (Fund) growth from an unknown part of the class action regime to a significant contributor to access to justice in Ontario.

The Fund has supported numerous public interest cases, such as those involving alleged abuse at residential schools and alleged unpaid overtime, both of which settled in 2014. Many of these cases could not have proceeded without the Fund, which also provided financial support for ground-breaking test cases or those which have established novel principles. Throughout, the CPC has prudently and carefully managed the Fund's finances so that as at the end of December 2014, its balance was a healthy \$19,313,255 – the highest in its history.

2014 was a record year for the Fund. Levies received totalled \$10,350,989. Cost awards made in funded cases were lower in 2014 (perhaps beginning a reversal in the trend towards growing cost awards). And there is a record number of cases in the Fund's current portfolio as at the end of 2014. It is important to note that the results of funding

decisions do not emerge until many years later when the outcome of a funded case is known. The CPC is mindful of this and will continue to rigorously monitor the status of ongoing cases and inform future funding decisions accordingly to ensure the continued sustainability of the Fund.

As Chair of the CPC I have had the pleasure of working with a distinctly talented and dedicated committee. I am grateful for the opportunity to have served alongside this group and am gratified to know that the Fund will continue to thrive with their guidance.



**Valerie A. Edwards**

Class Proceedings Fund  
New Applications Heard and Approved – 2005-2014

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Hearings Held	2	8	3	12	13	9	22	12	13	20
New Applications Approved	1	5	2	9	12	7	15	7	7	11

2014 RESULTS

Statement of Financial Position

	For the period from Jan. 1, 2014 to Dec. 31, 2014	For the period from 1993 to Dec. 31, 2014
Opening balance	\$9,495,618	\$500,000
Total funding awarded	(1,852,595)	(13,860,644)
Funding repaid/cancelled	1,695,592	4,823,603
Administration costs/expenses	(377,585)	(3,186,459)
Interest received	259,986	2,282,862
10% levies received	10,350,989	37,489,883
Cost awards in favour of defendants	(258,750)	(8,735,990)
Balance as at Dec. 31, 2014	19,313,255	19,313,255

As required by O.Reg.771/92, s.13, we report as follows:

1. Number of new applications, by stage in proceeding, at the time of application.

Stage in the Proceeding	Number of New Applications	
	2014	2013
Pre-certification	20	11
Appeal re: Certification	-	-
Discovery	-	1
Determination of Common Issues	-	1
Appeal re: Common Issues	-	-
Post Common Issue Stage	-	-
Total	20	13

2. New applications granted and refused or pending /withdrawn, by stage in the proceeding, at the time of application.

Stage in the Proceeding	Granted	Refused	Deferred/ Pending*/ Stayed, etc.	Total
2013				
Pre-certification	7	2	2	11
Discovery	-	-	-	-
Other (Common Issues)	-	2	-	2
Total	7	4	2	13
2014				
Pre-certification	11	3	6	20
Discovery	-	-	-	-
Other (Common Issues)	-	-	-	-
Total	11	3	6	20

\*Carried forward to the next year.

3. In 2014 financial support was awarded for eleven (11) new cases under section 59.3(1) of the Act<sup>1</sup> and further financial support was awarded for nine (9) cases which had previously been approved, as a result of supplementary funding applications under section 59.3(5) of the Act. In 2013 financial support was awarded for seven (7) new cases under section 59.3(1) of the Act and further financial support was awarded for seven (7) cases which had previously been approved, as a result of supplementary funding applications under section 59.3(5) of the Act.

4. Total awards, by disbursement type is \$1,852,595.

Type of Disbursement	Total Amount Awarded 2014
Administrative Expenses	\$269,459
Travel	24,013
Examiners' Charges	28,592
Experts' Fees	1,344,275
Notice to Class	120,000
Other	66,256
Total	\$1,852,595

Under regulation 771/92, this section includes only amounts awarded during 2014. Total amounts paid out by the CPF during 2014 may vary as amounts awarded are reimbursed to applicants on an ongoing basis after funded disbursements have been duly incurred and paid by the applicant.

<sup>1</sup> References are to the *Law Society Act*.

5. The total amount of money paid from the CPF to applicants under section 59.3 of the Act: 2014, \$1,329,046; 2013, \$879,756; 2012, \$404,596; 2011, \$1,914,374. At December 31, 2014, the balance of all awards outstanding which had not yet been paid to applicants was \$1,590,585.

6. In 2014, 5 funded proceedings were certified. In 2013, 7 funded proceedings were certified.

7. In 2014, 5 applicants who had received financial support settled their proceedings such that the classes involved in these proceedings would receive or will receive a monetary payment. In 2013, 7 applicants who had received financial support settled their proceedings such that the classes involved in these proceedings would receive or will receive a monetary payment.

8. In 2014, 4 defendants made applications to the CPF for payment of costs awards made in their favour pursuant to section 59.4 of the Act; 6 applications were received in 2013. This results from the indemnification of plaintiffs against cost awards.

9. In 2014, \$258,750 was paid from the Fund to defendants under section 59.4 of the Act. In 2013, \$977,397 was paid from the Fund to defendants under section 59.4 of the Act. This results from the indemnification of plaintiffs against cost awards.

10. Proceedings for which plaintiff was awarded financial support under section 59.3 of the Act (these included both newly approved cases and previously approved cases for which supplementary funding was awarded).

	Administrative Expenses	Travel Expenses	Examiners' Charges	Experts' Fees	Notice to Class	Other	Total
2014	\$	\$	\$	\$	\$	\$	\$
Product Liability	14,000	5,500	5,500	255,000	-	22,898	302,898
Pension Funds	-	-	-	90,400	-	16,950	107,350
Residential Schools	25,300	6,700	5,600	147,400	-	-	185,000
Medical Negligence	13,509	1,213	492	5,650	-	1,073	21,937
Environmental	-	-	-	80,000	-	-	80,000
Investment/ Securities	27,500	1,600	-	578,825	60,000	22,934	690,859
Consumer Protection	-	-	-	150,000	60,000	-	210,000
Negligence	6,650	5,000	-	-	-	2,401	14,051
Breach of Contract	178,000	-	-	-	-	-	178,000
Crown Wards	3,000	3,000	-	4,000	-	-	10,000
Charter Rights	1,500	1,000	5,000	10,000	-	-	17,500
Employment	-	-	12,000	23,000	-	-	35,000
All Cases	269,459	24,013	28,592	1,344,275	120,000	66,256	1,852,595
2013							
All Cases	34,300	6,000	15,000	354,454	54,737	-	464,491

—THE CPC HAS  
GROWN FROM AN  
UNKNOWN PART  
OF THE CLASS  
ACTION REGIME  
TO A SIGNIFICANT  
CONTRIBUTOR TO  
ACCESS TO JUSTICE  
IN ONTARIO.