

SUPERIOR COURT

CANADA
PROVINCE OF QUÉBEC
DISTRICT OF MONTREAL

N°: 500-17-106683-199

DATE: October 29, 2025

IN THE PRESENCE OF: THE HONOURABLE CHRISTIAN J. BROSSARD, J.S.C.

Alison Jean STEEL

Plaintiff

v.

ATTORNEY GENERAL OF CANADA,

ROYAL VICTORIA HOSPITAL

and

MCGILL UNIVERSITY HEALTH CENTER

Defendants

JUDGMENT (Applications to dismiss)

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A. OVERVIEW

Originating application

[1] Alison Jean Steel (**Ms. Steel**), the plaintiff in this proceeding, is acting both in her own name and personal capacity and, pursuant to article 91 of the *Code of Civil Procedure*¹ (**CCP**),

¹ *Code of Civil Procedure (CCP)*, art. 91:

91. Two or more persons who have a common interest in a dispute may mandate one of them to act in a proceeding on their behalf. [...]
[...]

on behalf of 50 mandators² (the **Mandators**) who share with her a common interest in a dispute with the defendants, the Attorney General of Canada (the **Attorney General**), Royal Victoria Hospital (the **Hospital**) and McGill University Health Center (the **MUHC**) (together, the **Defendants**).

[2] Ms. Steel and the Mandators (together, the **Plaintiffs**) are all children, siblings or relatives of former patients (the **Patients**) of the Allan Memorial Institute (the **Institute**). At the time, according to the originating application, the Institute served as the department of psychiatry of the Hospital, which in turn was part of the MUHC, and it was “co-administered” by the Hospital and the MUHC.³ The Plaintiffs allege that the Patients were unwittingly subjected, between 1948 and 1965, to experimental treatments, as part of “experimental research”, (the **Treatments**) by the late Dr Ewen Cameron (**Dr Cameron**). According to Ms. Steel’s originating application, Dr Cameron was the Director of the Institute and Chairman of the MUHC’s Department of Psychiatry. The experimental research was apparently funded by the Canadian Department of National Health and Welfare (the **Canadian Government**).

[3] According to Ms. Steel’s originating application, the Treatments caused permanent psychological damage to the Patients – in her case, it was her mother, Jean Watts Steel –, “manifested by the conversion or reversion of the latter to an infantile state accompanied by substantial or total loss of memory”, with other “damaging side-effects [such as] varying degrees of amnesia, impaired cognitive functioning, chronic organic brain syndrome, extreme passivity and lack of affect, delusions, profound sense of helplessness, inability to act, severe mood swings, incapacitation, shame, self-blame and feelings of guilt, and paranoia”.⁴

[4] Through this proceeding, introduced in February of 2019, the Plaintiffs are claiming damages from the Hospital, the MUHC and the Attorney General, for their own injuries consequent to their respective parent, sibling or relative having suffered permanent psychological damage and other side effects caused by the Treatments. The Plaintiffs’ injuries include “loss of support, guidance, care, consortium, intimacy, stability and companionship”,⁵ and the emotional injury brought on by their loved one having been “reduced to lifelong psychological and developmental regression”.⁶ They also include the fact that the caretaking of their loved one befell on them, as well as the resulting financial burden.

[5] As a result, the Plaintiffs are claiming from the Defendants \$850,000 for each of their families, as compensation for their “physical and emotional” loss,⁷ and a total of \$150,000 as punitive damages.

² The number is based on the mandators named in Ms. Steel’s *Re-Modified Originating Application*, February 1, 2024 (the **originating application**).

³ Originating application at paras 11 and 28.

⁴ Paras 17 and 122.

⁵ Originating application at para 123.

⁶ *Ibid.* at para 130.

⁷ *Ibid.* at para 681.

Defendants' applications to dismiss

[6] Both the Hospital and the MUHC, acting jointly, as well as the Attorney General have submitted applications to have Ms. Steel's originating application dismissed:

1. pursuant to article 168 2nd paragraph CCP,
 - on the basis that the Plaintiffs' claims are prescribed,
 - and, in the case of the Attorney General, on the basis that there is no causal link between the alleged injuries and the fault alleged against the Canadian Government; and
2. pursuant to articles 51 and following (ff) CCP,
 - again based on prescription,
 - but also because, from the Hospital and the MUHC's point of view, the Plaintiffs are seeking to re-litigate determinative issues of liability that were already definitely decided by Quebec courts,
 - and, from the point of view of the Attorney General, because Ms. Steel's claim is barred by a settlement agreement she signed in 2017.

[7] As a subsidiary measure, the Hospital and the MUHC have asked that this proceeding be stayed until a final judgment has disposed of a proposed class action involving the same "factual and legal background" and alleged faults on the part of the Defendants.⁸

Decision

[8] For reasons that are explained hereinafter, Ms. Steel's originating application must in fact be dismissed, based on the applicable rules of prescription, and there can be no justification for postponing the inevitable until a trial is held.

[9] It must be stated that the treatments and the events described in the originating application and revealed through the evidence submitted, as well as their consequences on the Patients and their impact and resulting pain and injury presumably suffered by their loved ones, are such that one can not but have empathy, even feel sympathy for the Plaintiffs. However, to paraphrase Justice Claire L'Heureux-Dubé of the Supreme Court of Canada, judges must uphold the law and sympathy is a poor guide in fulfilling this duty: "Justice according to law is the only guide and justice must work for both parties engaged in litigation, plaintiffs as well as defendants".⁹

⁸ On July 31, 2025, Justice Dominique Poulin, J.S.C., authorized the class action (in Superior Court file number 500-06-000972-196) (*Tanny c. Royal Victoria Hospital*, 2025 QCCS 3590). The judgment is now under appeal.

⁹ *Lapointe v. Hôpital Le Gardeur*, 1992 CanLII 119 (SCC), [1992] 1 S.C.R. 351 at 380.

[10] In addition, when it comes to prescription more particularly, it must be stated, as pointed out by the Supreme Court, that “[p]rescription is a concept essential to the civil law whose rationale lies in practical utility and social interest”, it “appears as an institution designed to introduce security into legal relations”, and “[i]t is in the interest of public order for obligations to be eliminated after the creditor fails to act for a long period”.¹⁰

[11] Given the dismissal of the originating application due to prescription, it is not necessary to rule on the other grounds raised by the Defendants. These other grounds will therefore be discussed only briefly.

B. ANALYSIS

[12] As the Court of Appeal has reminded us,¹¹ prescription can be invoked as a ground for dismissal both by way of an exception to dismiss pursuant to article 168 CCP and by means of an application made pursuant to articles 51 ff CCP.

[13] In such situations where an application to dismiss is made pursuant to both provisions, whether based on prescription or for other motives, the exception to dismiss pursuant to article 168 CCP must be decided first, then the application for dismissal based on articles 51 ff CCP.¹²

[14] In the first case, the exception to dismiss must be decided based on the allegations in the originating application, which at this stage are considered factually proven, also supplemented by the supporting exhibits.

[15] In the second case, the entire file as it stands is considered, comprising the pleadings, the exhibits, including those filed in support of the application to dismiss, the sworn statements and the pre-trial discoveries and disclosures, if any.¹³

1. EXCEPTION TO DISMISS, ARTICLE 168 CCP

Applicable law – Article 168 CCP

[16] The principles that must guide a court in assessing an exception to dismiss have been well established since the decision of the Court of Appeal in *Bohémier c. Barreau du Québec*.¹⁴ More recently, they were summarized in *Province canadienne de la Congrégation de Sainte-Croix c. Centre de services scolaire Chemin-du-Roy*¹⁵ (see also *Dostie c. Attorney General of Canada*¹⁶). These principles may be summarized as follows:

¹⁰ *Gauthier v. Beaumont*, 1998 CanLII 788 (SCC), [1998] 2 S.C.R. 3 at para 48 (references omitted).

¹¹ *Lacour c. Construction D.M. Turcotte TRO inc.*, 2019 QCCA 1023 at paras 28-30.

¹² *Linda's Fashion & Co. c. Shtern*, 2019 QCCA 906 at para 8; *Lacour c. Construction D.M. Turcotte TRO inc.*, *supra* note 11 at para 31.

¹³ *Cooperstock c. United Air Lines inc.*, 2013 QCCA 1670 at para 19; *Bérubé c. Lafarge Canada inc.* at paras 26-27.

¹⁴ 2012 QCCA 308 at para 17. See also : *Québec (Ville de) c. CFG Construction inc.*, 2015 QCCA 362 at para 12; *Fanous c. Gauthier*, 2018 QCCA 293 at paras 13-16.

¹⁵ 2022 QCCA 227 at paras 9-11 et 15.

¹⁶ 2022 QCCA 1652 at paras 20-24.

1. The court must determine whether the allegations of facts made in the originating application, held to be proven (although their characterization by the plaintiff is not binding on the judge) and supplemented by the exhibits filed in its support, are of a nature or *susceptible* (the term in French) to give rise to the conclusions sought. The judge must not assess the plaintiff's chances of success, nor the merits of the facts that are alleged;
2. The purpose of the exception to dismiss is not to decide summarily the parties' legal claims before trial. However, if the exception to dismiss is based strictly on a question of law, it must be decided at this preliminary stage, regardless of the complexity of the issue. This avoids, where appropriate, a pointless and costly trial on the merits when the legal basis for the court action is non-existent on its face;¹⁷
3. A rule of caution applies: when uncertain, the court must avoid ending the proceeding prematurely; in case of doubt, the plaintiff should be given the opportunity to be heard on the merits. Thus, the situation that justifies the dismissal of an originating application at a preliminary stage must be a clear and obvious one;
4. On the other hand, if there is a clear and manifest absence of legal basis for the court action as brought, immediate dismissal must follow. This "favours the sound and effective management of judicial resources".¹⁸

1.1. Prescription

[17] As will be shown, the Defendants are justified in seeking the dismissal of Ms. Steel's originating application based on the argument of prescription.

a. Applicable law – Prescription

[18] An action to enforce a personal right, as is the case here, is prescribed by three years. The day on which the right of action arises determines the beginning of this period of extinctive prescription. In cases where the injury from which the right of action arises appears progressively, the period runs from the day the injury appears for the first time,¹⁹ in a significant or tangible way indicating the existence of real and certain injury, even if its full extent or magnitude is not yet known.²⁰

¹⁷ *Bourcier c. Citadelle (La), compagnie d'assurances générales*, 2007 QCCA 1145 at paras 30-33; *St-Eustache (Ville de) c. Régie intermunicipale Argenteuil Deux-Montagnes*, 2011 QCCA 227 at para 25; *Société canadienne des postes c. Rippeur*, 2013 QCCA 588 at para 10; *Société canadienne des postes c. Rippeur*, 2013 QCCA 1893 at para 15; *Parisien c. Hôtel du Lac Tremblant inc.*, 2018 QCCA 2217 at para 5; *St-Luc RDP inc. c. Montréal (Ville de)*, 2014 QCCS 5954 at paras 32-34; *8811571 Canada inc. c. Procureure générale du Québec*, 2018 QCCS 4554 at para 37.

¹⁸ *Canada (P.G.) v. CSN.*, [2014] 2 S.C.C. 477, 2014 SCC 49 at para 16.

¹⁹ *Civil Code of Québec (CCQ)*, art. 2880 2nd para, 2925 and 2926.

²⁰ *Monopro Ltd. c. Montreal Trust*, 2000 CanLII 7400 (QC CA) at paras 21-22; *Lacour c. Construction D.M. Turcotte TRO inc.*, *supra* note 11 at para 46; *9173-1521 Québec inc. c. Succession de Cohen*, 2024 QCCS 2800 at para 25.

[19] More specifically, the day on which the right of action arises and the resulting starting point of the prescription is the first moment when the person asserting this right could, for the first time, have taken action to assert it.²¹ In matters of civil liability, the right of action arises from the conjunction and knowledge of the three constituent elements of liability – fault, damage and the causal link between the two. This occurs more precisely when the plaintiff, exercising reasonable diligence in researching the facts, is able to know with a sufficient degree of certainty, going beyond suspicion, fear, conjecture or mere possibility, that a fault has been committed against him or her and that this has caused them harm.²² In short, the right of action arises and the prescription starts to run "*dès que le titulaire du droit a une connaissance non pas parfaite, mais suffisante des faits qui sous-tendent son droit*".²³

[20] That said, the *Civil Code of Québec (CCQ)* provides for an exception to the rule that prescription runs against all persons²⁴. Indeed, article 2904 CCQ, on which Ms. Steel is relying, states that prescription "does not run against persons if it is impossible in fact for them to act by themselves or to be represented by others".

[21] This being an exception to the rule, as was pointed out by the Supreme Court of Canada, it "should not be unduly extended". Moreover, a person arguing that it was impossible for him or her to act "must show that the alleged obstacle was real".²⁵ The Court of Appeal has reminded us that such an exception to a "*concept essentiel au droit civil*" must be given a strict interpretation.²⁶

[22] As stated, article 2904 CCQ allows for an exception where the plaintiff shows that it was impossible "in fact" for him or her to act earlier. This includes lack of knowledge of the facts that establish the right of action, which may constitute an impossibility to act that suspends the prescription.

[23] However, it has been well established by both the authors and the courts that ignorance of the law or of a right does not constitute an impossibility to act that would have the effect of delaying the starting point of the prescription period and is not a cause for suspension of the prescription.²⁷ Indeed, even in a situation where the determination of the

²¹ *Rosenberg c. Canada (Procureur général)*, 2014 QCCA 2041 at paras 6-7; *Djamad c. Banque Royale du Canada*, 2021 QCCA 371 at paras 36-37.

²² *Béliveau c. Deschâtelets*, 2011 QCCA 1100 at para 11; *Matol Botanical International Ltd. c. Sarah Jurak*, 2012 QCCA 898 at paras 33-34; *Furs by Leonard Gorski Inc. c. Global Furs Inc.*, 2012 QCCA 1043 at para 44; *Rosenberg c. Canada (Procureur général)*, *supra* note 21 at para 8; *Bolduc c. Lévis (Ville de)*, 2015 QCCA 1428 at para 53; *Lacour c. Construction D.M. Turcotte TRO inc.*, *supra* note 11 at paras 44-47; *Laniel Supérieur inc. c. Régie des alcools, des courses et des jeux*, 2019 QCCA 753 at para 41; *Pelletier c. Demers*, 2021 QCCA 252 at para 33; *Djamad c. Banque Royale du Canada*, *supra* note 21 at para 36.

²³ *Djamad c. Banque Royale du Canada*, *supra* note 22.

²⁴ CCQ, art. 2877.

²⁵ *Gauthier v. Beaumont*, *supra* note 10 at para 48; *Pellerin Savitz LLP v. Guindon*, 2017 SCC 29, [2017] 1 S.C.R. 575 at para 33.

²⁶ *Catudal c. Borduas*, 2006 QCCA 1090 at para 68; *9103-4421 Québec inc. c. Hôpital du Sacré-Coeur de Montréal*, 2016 QCCA 15 at paras 27-28.

²⁷ *9103-4421 Québec inc. c. Hôpital du Sacré-Coeur de Montréal*, *supra* note 26 at paras 29-30; *Roy c. L'Unique, assurances générales inc.*, 2019 QCCA 1887 at para 63; *9261-2738 Québec inc. c. Succession de Nadeau*, 2020 QCCA 732 at para 18; *Silos Roy-Larouche inc. c. Ferme Coulée Douce*

applicable law was in dispute, the Court of Appeal held that this did not delay the right of action and did not suspend the prescription, once the plaintiff was aware of the facts giving rise to their right of action, in other words of the fault, of their damage and of the causal link, seeing as the determination of the applicable law had no impact on the existence of these legal facts.²⁸

[24] While it may seem harsh to hold that ignorance of a right, or of the law giving rise to or allowing a right, does not prevent prescription from running its course, thus causing the loss of such right, such was the intention of the legislator. As noted by the Court of Appeal,²⁹ the reasoning behind this rule was well explained by professor Pierre Martineau when he wrote:³⁰

Admettre l'ignorance comme cause de suspension équivaut, à toutes fins pratiques, à mettre de côté le principe que la prescription court contre toutes personnes. En effet, l'inaction du titulaire d'un droit résulte le plus souvent de l'ignorance de son droit. Règle générale, ce sont ceux qui ignorent leur droit qui vont négliger d'agir pour le protéger. Leur reconnaître le bénéfice de la suspension voudrait dire que l'application de la prescription serait très limitée. Ceci semble contraire à l'économie de cette institution et à l'intention du législateur; celui-ci a voulu que la suspension ait lieu à titre exceptionnel et que, en cette matière, on s'en tienne à une interprétation restrictive pour donner aux règles de la prescription la plus large mesure d'application.

[25] In short, to paraphrase Professor Martineau, seeing as it is generally those who are ignorant of their right who will neglect to act to protect it, to admit such ignorance as a cause for suspension would limit considerably the application of prescription, indeed would be the equivalent to setting aside the principle that prescription runs against all persons, instead of adhering to a restrictive interpretation to give the rules of prescription the widest possible range of application. This would be contrary to the intention of the legislator, who wanted suspension to take place exceptionally.

b. Parties' positions

[26] Ms. Steel's originating application was introduced on February 13, 2019.

[27] Guided by the applicable law set out above, the question that must now be resolved is the following: Based on the allegations of facts made in Ms. Steel's originating application, held to be proven and supplemented by the exhibits filed in its support, can it be clearly concluded, without it being necessary to wait for the trial and without first allowing the Plaintiffs to present their evidence, that the action against the Defendants was already prescribed when Ms. Steel introduced her originating application, more precisely that the three-year prescription had started to run before February 13, 2016? In other words, did Ms. Steel, prior to February 13, 2016, have sufficient knowledge of the facts revealing the faults committed by the Defendants, establishing her injury and making her aware of the causal link between

inc., 2021 QCCA 704 at para 60; *Conforti c. Cavaleri*, 2024 QCCA 521 at footnote 3; *Droit de la famille* – 24847, 2024 QCCA 669 at para 12.

²⁸ 9261-2738 *Québec inc. c. Succession de Nadeau*, *supra* note 27 at paras 4 and 18-21.

²⁹ 9103-4421 *Québec inc. c. Hôpital du Sacré-Coeur de Montréal*, *supra* note 26 at para 30.

³⁰ *La Prescription*, coll. *Traité élémentaire de droit civil*, Montréal, Les Presses de l'Université de Montréal, 1977 at 220.

the two, to take action to assert her claim against the Defendants, such that her right of action would undoubtedly have arisen more than three years before she brought her action in this proceeding?

[28] That is what the Defendants contend.

[29] Ms. Steel, on the other hand, has stated that, due to a 2000 judgment from the Superior Court and the 2002 Court of Appeal ruling confirming it, in a matter involving a court action from one Gertrude (Gail) Kastner against the Hospital and the Attorney General (respectively, the **Superior Court Kastner Decision** and the **Court of Appeal Kastner Decision**; together, the **Kastner Decisions**), compounded by a 1986 report that had been mandated by the Canadian Government (the **Cooper Report**), the Mandators (and Ms. Steel herself) believed that their recourses were barred at law. This belief held until October 26, 2017, when a news article (the **CBC Article**) made the Plaintiffs realise “their possibility to act”, this “recognition” having subsequently been bolstered by a meeting amongst the Mandators held on May 20, 2018.³¹ As a result, Ms. Steel argues that the Plaintiffs were under an impossibility to act until October 27, 2017, after February 13, 2016.

[30] Through her lawyer, Ms. Steel has also argued that, in a judgment rendered in this proceeding on a previous application to dismiss by the Defendants (based on issues other than prescription), Justice André Prévost, J.S.C. remarked on the difficulties in obtaining the Plaintiffs’ medical files.³²

[31] In addition, Ms. Steel has reminded the Court that prescription did not run against minors.³³ She has also made the point, as an analogy, that it has been recognised that victims of child abuse face tremendous difficulty in understanding that there is a link between the problems they suffer in their adult lives and the abuse they endured as children.³⁴ And they may not be able to act on their claims until much later, often due to trauma and psychological barriers. Indeed, in cases involving bodily injury resulting from an act which could constitute a criminal offence, the legislator modified the *Civil Code of Québec* (in 2013, through the inclusion of article 2926.1 CCQ) to provide that the starting point of the prescription period was the date the victim became aware that his or her injury was attributable to the acts of abuse.³⁵ (In this, Ms. Steel’s lawyer was referring to the Supreme Court of Canada case of *L’Oratoire Saint-Joseph du Mont-Royal v. J.J.*³⁶. It should be pointed out that

³¹ Originating application at para 137.

³² What Justice André Prévost wrote was that, on September 11, 2019, in the context of a case management conference, he had rendered orders “*en vue de faciliter l’obtention des dossiers médicaux se rapportant au cas de chacun des Mandants*” and had provided for the filing of a modified originating application that would include the facts specific to each of the Mandators and the specific damages claimed by each of them, and that the subsequent delay in filing this modified originating application “*s’expliquerait par l’accumulation des délais dans le processus d’obtention des dossiers médicaux*” (paras 13 and 14).

³³ See also the originating application at para 680.

³⁴ <https://www.canadianlawyermag.com/practice-areas/litigation/class-action-alleging-sex-abuse-against-religious-institution-not-time-barred-scc/276175>.

³⁵ Plaintiff’s *Plan of Argument (Plaintiff’s written argument)* at paras 14-15; plaintiff’s oral argument.

³⁶ 2019 SCC 35 (CanLII), [2019] 2 S.C.R. 831:

[120] [...] Such individuals [sexual assault victims] typically had to overcome significant psychological obstacles before they were able to bring civil proceedings and, what is more, the injury related to the assault could sometimes take years to emerge or to be associated with the assault. [...]

article 2926.1 CCQ was subsequently modified twice: initially, to eliminate completely the prescription where the bodily injury results from “a sexual aggression, violent behaviour suffered during childhood, or the violent behaviour of a spouse or former spouse”; then, where such injury results from violent behaviour suffered during childhood, sexual violence or spousal violence”).

c. Discussion

i. Impossibility to act – Article 2904 CCQ

[32] As stated above, Ms. Steel’s main argument on the issue of prescription, both in her originating application and in her written³⁷ and oral arguments, is that the Plaintiffs believed, based on the information available, more particularly since the 2000 and 2002 Kastner Decisions, considered in addition with the Cooper Report, that any legal recourse resulting from Dr Cameron’s actions was prescribed. It was only on October 26, 2017 that they realised, in other words that they now knew, that their right of action still existed. Thus, before October 2017, it was impossible for them to act:

137. This action is based on the following issues of law, common to all the Mandators of [...] Ms. Alison Steel;

- (i) With regard to the application of Article 2904 of the Civil Code of Quebec ("CCQ"), due to the [Kastner Decisions], according to which there was no responsibility on the part of the [Hospital] for any alleged fault of the late Dr. Cameron on the basis of lack of master-servant relationship, compounded with the Cooper Report conclusions as to the lack of responsibility on the part of the Canadian government, the Mandators, believing their recourses barred at law, were under the impossibility to act;
- (ii) This was the state of their position until the October 26, 2017 publication of [the CBC Article] reporting on the Federal government's settlement with Ms. Alison Steel with regards to the *ex gratia* payment owed to her late mother. It was at that moment that the Mandators realized their possibility to act, a recognition bolstered by their meeting that took place on the 20th of May 2018 [...] at which the undersigned lawyer gave the family members hope and allowed the Plaintiff and the Mandators to comprehend their right to recourse from this point of departure;

(Emphasis added.)³⁸

[33] The argument can not succeed.

[121] To limit these difficulties, therefore, [...] the application of prescription to such actions [was modified in the *Civil Code of Québec*] in three ways. First, prescription would no longer run against minors in such situations: art. 2905 C.C.Q. Second, the prescriptive periods applicable to such actions would be extended from 3 years to 10 or 30 years: first para. of art. 2926.1 C.C.Q. Third, the prescriptive period would now run only from the time when the victim became aware of the connection between the assault and his or her injury: first para. of art. 2926.1 C.C.Q.

³⁷ Plaintiff’s written argument at para 11.

³⁸ See also paras 678-679.

[34] Ms. Steel is not asserting an impossibility in fact of acting, *une impossibilité en fait d'agir*, resulting from the Plaintiffs' ignorance or insufficient knowledge of the facts revealing Dr Cameron's and the Defendants' respective faults, establishing their injury and making them aware of the causal link between these faults and injury.

[35] What Ms. Steel is arguing is that the Plaintiffs were unaware that they still had a recourse, a right of action, resulting from Dr Cameron's actions and from the Defendants' faulty involvement, because they believed that their recourse was "barred at law" (based particularly on their understanding of the effects of the Kastner Decisions).

[36] At the risk of repeating, while this may seem harsh, ignorance of a right, or of the law giving rise to a right or allowing a right to exist or to survive does not suspend prescription or delay its starting point. It does not translate into an impossibility in fact of acting, an impossibility of acting that would trigger the exception envisioned by article 2904 CCQ.

ii. Starting point of the prescription

[37] That said, what do the facts and the exhibits alleged in Ms. Steel's originating application tell us about the first moment when she had sufficient knowledge of the facts establishing the fault she attributes to one or another of the Defendants, her injury and the causal link between the two, to be able to take action against the Defendant concerned? More to the point, do these allegations and exhibits lead to an unavoidable conclusion that, for each of the Defendants, Ms. Steel was able to assert her liability claim before the courts prior to February 13, 2016?

* *

[38] These are the facts we learned from the originating application and the exhibits in its support:

[39] It was in September of 1957 that Ms. Steel's mother began being subjected to the Treatments by Dr Cameron, at the Institute. She would be admitted to the Institute for months at a time. This continued for three years, i.e. until 1960. By then, "she was an empty shell".³⁹

[40] At the time her mother was first admitted at the Institute for the Treatments, Ms. Steel was only four years old.⁴⁰ She would have been seven at the time of her mother's final release from the Institute. Needless to say, "As a young child, [Ms. Steel] did not understand why her mother was taken away".⁴¹

[41] Moving to the legal ground, there can be no question that, at the time and for many years after that, Ms. Steel was too young to have had any understanding and knowledge of any fault committed by Dr Cameron and, through him or as a result of their own actions or omissions, the Hospital and the MUHC, or even of her own injuries resulting from her mother's condition.

³⁹ Originating application at paras 76-78; exhibit P-12.

⁴⁰ *Ibid.* at para 77.

⁴¹ *Ibid.*

[42] That said, as she alleges in her originating application, "From the earliest [Ms. Steel] can remember",

80. [...] her mother's behaviour was peculiar, she was emotionally distant, unable to express herself. She never held her little girl, she never spoke any words of comfort. She never joked with her child or engage in play. She could offer no parental guidance or education. There was an air of nothingness about her;

81. Whilst not able to maintain any communication contact with her daughter, [her mother]'s condition did cause frustration in the household and as a young girl, Alison was witness to frequent arguments between her parents;

82. The arguments would often escalate to the level of crises, points at which the young Alison would be removed from the home by her father and placed in the care of family friends;

83. On one occasion, Alison found herself subject to her mother's unprovoked and inexplicable lunging attack, urged by her father to flee the house and seek shelter at a friend's;

84. Terrified, she would remain there until her father retrieved her. His reassurances could only be couched in excusing her mother's strange behaviour as due to her being sick;

[...]

87. As her only daughter and an only child, not only did Alison not benefit from having any maternal comfort, but worse yet, the extended family took a shunning stance: grandparents became increasingly critical, aunts deplored young Alison's malnourished posture;

[43] While Ms. Steel did suffer the consequences of her mother's condition from a very young age and would presumably have become aware at some point of her mother's condition hurting her somehow, her understanding and knowledge would not have gone beyond this.

[44] The originating application touches upon more specifically Ms. Steel's teenage years:

92. The sense that her family was a laughingstock perturbed the teenage Alison, a mark she feels to this day in the fragility of her self-confidence, the sensation of public shame is a tremendously difficult thing to overcome;

[45] This gives no indication as to any knowledge of the involvement of Dr Cameron or of someone at the Hospital (and thus the MUHC) in having committed a fault that would have caused the condition of Ms. Steel's mother and the resulting injury to Ms. Steel herself.

[46] Ms. Steel turned 18 in 1970. While by that time she may very well have had some understanding and thus knowledge of her own sufferings caused by her mother's condition, there is at this point no indication, from either the allegations in the originating application or from the exhibits referred to in the application, that she had any knowledge of the fault or faults committed by Dr Cameron or by the Hospital and the MUHC.

[47] Ms. Steel's mother passed in 2002.

[48] It was that same year that the Court of Appeal Kastner Decision was rendered. By then, Ms. Steel was 49 years old.

[49] Based on Ms. Steel's allegation that she, as well as the Mandators, believed until October 2017 that their recourses were "barred at law" "due to the [2000 and 2002 Kastner Decisions]",⁴² it must be inferred that it was much earlier than February 2016 that Ms. Steel came to know about the Treatments administered or inflicted on her mother and about the involvement of the Hospital and of the Canadian Government, and to have an understanding of the facts revealing Dr Cameron's and the Defendants' respective faults, of her own injury resulting from her mother's condition caused by the Treatments and, consequently, of the causal link between this injury and such faults, to a degree sufficient to believe that she had a right of action against the Defendants, thus allowing her to take action against them to assert her rights, were it not for her understanding that her recourse was otherwise barred at law.

[50] While we do not know at this point how and when exactly Ms. Steel did acquire such sufficient knowledge and understanding – since she failed to indicate this in her originating application –, the facts she did allege indicate, as shown, that it was much before February 13, 2016, with no allegation somewhat indicating, or allowing to believe, that it might somewhat have been between February 2016 and October 2017. This includes the lack of any allegations that unavailability of medical files or difficulties in obtaining them had prevented Ms. Steel from having sufficient knowledge of the facts to move forward with her recourse sooner.⁴³ In fact, the difficulties or delays for the Mandators, noted by Justice Prévost in the course of this proceeding and as argued by Ms. Steel in the matter at hand,⁴⁴ in obtaining the medical files that would allow the modification of the originating application to include the facts specific to each of the Mandators and the specific damages claimed by each of them, had obviously not prevented Ms. Steel from introducing her recourse in this proceeding.

* *

[51] Consequently, one must conclude, based on the allegations of facts made in the originating application and supplemented by the exhibits filed in its support, and without any reason to await evidence to be adduced at trial, that Ms. Steel was able to assert her claim against each of the Defendants prior to February 13, 2016.

[52] This leads to the unavoidable conclusion that prescription began to run more than three years before Ms. Steel introduced this proceeding.

d. Conclusion on prescription and on dismissal pursuant to article 168 CCP

[53] As a result of the foregoing findings, there is no doubt that Ms. Steel's action against the Defendants was already prescribed when she introduced her originating application.

⁴² *Supra* at para 31.

⁴³ This is but one of the distinctions, when it comes to the allegations in the originating application, with the case of *Tanny c. Royal Victoria Hospital*, 2025 QCCS 3590, which was argued by Ms. Steel (letter from the plaintiff's lawyer submitted on August 1, 2025): see *inter alia* para 160.

⁴⁴ *Supra* note 32 and para [30].

[54] This is therefore a clear and obvious situation where there can be no legal basis for the court action, and immediate dismissal should follow, to avoid what would undoubtedly be a long and costly process and trial that would lead to an unavoidable outcome of dismissal based on prescription.

* *

[55] As will be seen below, even if the exception to dismiss based on article 168 CCP had failed, Ms. Steel's originating application would still be dismissed pursuant to articles 51 ff CCP, after consideration of the evidence adduced as part of the pre-trial discovery and disclosure.

1.2. Lack of a causal link (Attorney General)

[56] Had it not been for the dismissal of the originating application based on the issue of prescription, the Attorney General would have failed in obtaining such dismissal on the basis of a lack of a causal link.

[57] Here are the summary reasons.

a. Parties' positions

[58] In the originating application, Ms. Steel alleges Dr Cameron's research was funded by the Canadian Government "through four grants", "as appears from [...] the Mental Health Division research projects, Exhibit P-3",⁴⁵ that it was "supported by funding from the [Canadian Government]"⁴⁶, and that the Treatments, or "experiments [...]" in effect performed on [the Patients],⁴⁷ caused the injuries suffered by the Patients.⁴⁸

[59] Ms. Steel further alleges that the Canadian Government "knew about, and approved the [Treatments]", and, "[a]s such", "facilitated the [Treatments] through its funding", that it "neglected to take reasonable steps to diligently study, supervise and intervene in the [Treatments]", that it "allowed the [Treatments] to occur and/or to continue despite knowing that they involved non-therapeutic human experimentation that was harming and/or likely to cause serious harm", that it "failed to inquire into and to ensure that the procedures which it funded did not depart radically from accepted methods of treatment", and that it "[i]n fact [...]" concealed the nature of the experiments while they were occurring and after they had terminated".⁴⁹

[60] To a degree, some of these allegations are more of the nature of characterization of facts, as are other allegations according to which the Canadian Government "failed in its obligations to withhold financing of hazardous experiments and/or medical malpractice" and "exposed its vulnerable citizens to incomprehensible risks and damages and subsequently failed in ensuring proper restitution to those directly affected, including the suffering families,

⁴⁵ Para 12.

⁴⁶ Para 28.

⁴⁷ Para 18.

⁴⁸ Paras 11-12 and 17-19.

⁴⁹ Paras 53-55 and 57-59.

by way of diligent investigation or inquiry, and relief in rectifying the wrongs inflicted”.⁵⁰ These could also be considered arguments more than allegations of facts.

[61] However, most of the allegations referenced above are indeed allegations of facts, which must be held to be proven.

[62] As for the Attorney General, it argues that the allegations from the originating application and its supporting exhibits do not show any causal link between the Treatments and the research funds provided by the Canadian Government to Dr Cameron, reference being made to Ms. Steel’s allegation about the four grants and Exhibit P-3 cited above.⁵¹

b. Discussion

[63] The establishment of a causal link between a fault and an injury, causation, is essentially a question of fact.⁵²

[64] Ms. Steel may face difficulty, possibly great difficulty, in demonstrating the causal link between the Canadian Government’s funding of research by Dr Cameron, through specific grants, and the actual Treatments and resulting consequences for the Patients and for Ms. Steel and the Mandators, including when one considers Exhibit P-3.

[65] However, as previously stated, the purpose of the exception to dismiss is not to assess a plaintiff’s chances of success and to summarily dismiss a claim ahead of trial because it does not appear likely that it will succeed. A court action may be ended summarily and prematurely only in clear and obvious situations. When a doubt remains, the plaintiff must be allowed to proceed with his or her legal claim.

[66] As for Exhibit P-3, while the exhibits referred to must be considered as part of the analysis, they only serve at this point in supplementing the allegations of facts, even when an allegation is made in a way that apparently relies upon an exhibit (“as appears from”). An exception to dismiss may not be granted based on exhibits, which are meant to supplement the allegations of facts. The evidence of these facts will be adduced, or not, and assessed at trial: “*Cette preuve sera faite (ou pas) et analysée au procès.*”.⁵³

[67] Based on the foregoing, the Attorney General would not have been entitled to the dismissal of Ms. Steel’s originating application because of the lack of a causal link.

⁵⁰ Paras 56 and 60.

⁵¹ Attorney General’s *Application to Dismiss the Re-Modified Originating Application* at para 21; Attorney General’s *Plan of Argument* at p. 2, subsection I.B.; Attorney General’s oral argument.

⁵² *Salomon v. Matte-Thompson*, 2019 SCC 14, [2019] 1 S.C.R. 729 at para 32. See also para 84.

⁵³ *Province canadienne de la Congrégation de Sainte-Croix c. Centre de services scolaire Chemin-du-Roy*, *supra* note 15 at para 15.

2. APPLICATION TO DISMISS, ARTICLES 51 FF CCP

Applicable law

[68] An abuse of procedure may arise from a judicial application that is clearly unfounded, in other words that presents no reasonable chance of success,⁵⁴ in which case the court may dismiss it, regardless of intent, that is without the other party having to demonstrate ill-intent or bad faith on the part of the initiator of the application.⁵⁵

[69] The initial burden falls upon the party that invokes the abuse to establish that the judicial application may indeed constitute an abuse of procedure. Provided it has been able to summarily do so, the onus then becomes that of the initiator of the judicial application to show, when the abuse is based on a lack of any reasonable chance of success, that it is on the contrary justified.

[70] It is settled caselaw that one must exercise caution before dismissing a court action at a preliminary stage, to avoid depriving a party of the exercise of their judicial rights. However, if a judicial application is indeed destined to fail, showing no reasonable chance of success, and pursuing it would allow the abuse of procedure to endure, then the court cannot allow it to continue.⁵⁶

2.1. Prescription

a. Discussion

[71] As was already shown and as will now be demonstrated further, the burden of establishing that Ms. Steel's right of action is prescribed has been discharged, based on the evidence submitted by each of the parties, even while taking into consideration the allegations from the originating application, without Ms. Steel having been able to demonstrate that further evidence to be eventually adduced at trial could lead to a different conclusion.

* *

[72] It was stated earlier in this judgment that, from Ms. Steel's allegations in her originating application, it must be inferred that it was much earlier than February 13, 2016, – even if we did not know at this point how and when exactly this all came to be –, that she came to know about the Treatments administered or inflicted on her mother and about the involvement of the Hospital and of the Canadian Government, and to have an understanding of the facts revealing Dr Cameron's and the Defendants' respective faults, of her own injury resulting from her mother's condition caused by the Treatments and, consequently, of the causal link between this injury and such faults, to a degree sufficient to believe that she had a right of action against the Defendants.

⁵⁴ CCP, art. 51 2nd para; *Gauthier c. Charlebois (Succession de)*, 2013 QCCA 1809 at para 31; 9105-3975 *Québec inc. c. Andritz Hydro Canada inc.*, 2018 QCCA 1968 at para 5.

⁵⁵ CCP, art. 53 1st para.

⁵⁶ *Gauthier c. Charlebois (Succession de)*, *supra* note 54; *Brazil c. Boileau*, 2020 QCCA 84 at para 10; *Innovation Tootelo inc. c. Trudel Johnston & Lépérance*, 2025 QCCA 87 at para 16.

[73] More information about the how and when, which confirmed that it all took place before February 13, 2016, was revealed through Ms. Steel's pre-trial examination and through additional documents that have now been submitted in evidence to supplement those alleged in support of the originating application.

* *

[74] These are the additional facts we learned:

[75] In 1992, while not admitting any legal responsibility, the Canadian Government issued an Order-in-Council providing for an *ex gratia* payment to Patients who had received Treatments from Dr Cameron (the **Compensation Program**).⁵⁷ In 1993, Ms. Steel's father, Garnet J. Steel, submitted an application pursuant to this Compensation Program on behalf of his wife, Ms. Steel's mother.⁵⁸ Unfortunately for them, this application was promptly denied and this decision remained unchanged following an application for an administrative review made by Mr. Steel.⁵⁹

[76] Ms. Steel's father passed in 2007.⁶⁰ Before that, a few years after seeing his application under the Compensation Program denied, he had told his daughter (at the time, likely in her forties, possibly her early fifties) about this attempt (and other attempts) at compensation he had made on behalf of her mother.⁶¹

[77] Then, in late 2014, Ms. Steel retained the services of M^{tre} Alan Stein (acting counsel in this proceeding), regarding the possibility of seeking a judicial review of the dismissal of her father's application, made on behalf of her mother, under the Compensation Program.⁶² She had previously seen, in October of that year, a "documentary" (on the Fifth Estate television program) in connection with the Treatments⁶³ (the **Documentary**) which led her, along with her own daughter, to want to take up where her father had left off in seeking compensation from the Canadian Government in the name of her mother (who had passed in 2002).⁶⁴ M^{tre} Stein had appeared in the Documentary.⁶⁵ He had previously been successful in obtaining a judgment against the Attorney General, in 2004, that extended the circumstances allowing a Patient to obtain a compensation under the Compensation Plan.⁶⁶ He had also obtained another judgment against the Attorney General in favor of another Patient, in 2007, in connection with the Treatments.⁶⁷

⁵⁷ Exhibit P-6; originating application at para 23.

⁵⁸ Exhibit AGC-2 in support of the Attorney General's application to dismiss (also exhibit AS-2 provided by Ms. Steel in the context of her pre-trial examination held on June 13, 2024 (**Ms. Steel's pre-trial examination**)).

⁵⁹ Exhibit AGC-3 in support of the Attorney General's application to dismiss, letters dated June 16, 1993 and January 11, 1994 (also exhibit AS-3 provided by Ms. Steel in the context of her pre-trial examination).

⁶⁰ Ms. Steel's pre-trial examination at 12.

⁶¹ *Ibid.* at 5-11 and 60-62.

⁶² *Ibid.* at 12-14; affidavit of Ms. Steel, September 1, 2015, in support of an application made before the Federal Court of Canada (**Ms. Steel's 2015 affidavit**), at paras 16-17.

⁶³ *Ibid.*

⁶⁴ Ms. Steel's pre-trial examination at 12-14, 57-58.

⁶⁵ *Ibid.* at 66-67.

⁶⁶ Exhibit P-7; originating application at para 24.

⁶⁷ Exhibit P-8; originating application at para 25; Ms. Steel's pre-trial examination at 27.

[78] On the advice of her lawyer, Ms. Steel sought to obtain, through the *Access to Information Act*, her mother's complete medical file, which she did in April of 2015⁶⁸. At the time, she read the medical file, and this showed her what treatments her mother had received from Dr Cameron (she had known since her teens that her mother had been a patient of his).⁶⁹

[79] In September of 2015, Ms. Steel introduced before the Federal Court of Canada an application for judicial review of the 1993 decision denying her father's application for compensation of her mother under the Compensation Program.⁷⁰ This will eventually lead to a settlement, in March of 2017, whereby Ms. Steel would receive payment from the Attorney General,⁷¹ "compensation for my mother", as she put it in her pre-trial examination, "the funds [being] for the estate of [my] mother, ultimately".⁷²

* *

[80] Based on the foregoing, there is no doubt that, at the latest once she had read through her mother's medical file in April of 2015, and with her own prior knowledge and the information she had evidently obtained from her lawyer in addition to the information from the Documentary, Ms. Steel had sufficient knowledge and understanding, so as to be able to initiate judicial action, of the Treatments given to her mother by Dr Cameron, of the context of these treatments and of the Canadian Government's involvement, in other words of all the facts that established the fault or faults committed by Dr Cameron and by the Canadian Government, as well as of the psychological damage and side-effects these had caused to her mother.

[81] Ms. Steel also knew that the Treatments had taken place at the Institute and, at least from the Kastner Decisions and her mother's medical file, of the Hospital's involvement.

[82] Nor is there any doubt that, by then, Ms. Steel understood the injury she herself had suffered as a result of her mother's condition caused by the Treatments, in other words that she had sufficient understanding of the causal link between her own injury and the Treatments and faults committed by Dr Cameron, by the Hospital and by the Canadian Government.⁷³

[83] She may have believed at the time, based on the Kastner Decisions, that her own right of action was "barred at law". And there is no allegation or evidence as to when exactly she came to understand that she had legal recourse against the Hospital and the Canadian Government for her own injury, which she knew to have been caused by her mother's condition resulting from the Treatments and Dr Cameron's, the Hospital's and the Canadian Government's faults. But, as established earlier in this judgment, ignorance of a right, or of the law giving rise to a right or allowing a right to exist or to survive does not keep prescription

⁶⁸ Ms. Steel's pre-trial examination at 15 and 65; Ms. Steel's 2015 affidavit at paras 18-21.

⁶⁹ *Ibid.* at 57 and 71-72.

⁷⁰ Exhibit AGC-3/AS-3; Ms. Steel's pre-trial examination at 64.

⁷¹ Exhibit AGC-7; Ms. Steel's pre-trial examination at 13 and 20-21 (although Ms. Steel situated the time of settlement erroneously in 2015; she did specify, however, that it had taken two years "to go through it").

⁷² At 13 and 27.

⁷³ See also *supra* at paras [48]-[50].

from starting to run once there is sufficient knowledge of the facts establishing the fault, the injury and the causal link between the two.

* *

[84] Consequently, one must conclude, without any reason to await further evidence to be adduced at trial, that Ms. Steel was able to assert her claim against each of the Defendants sometime between April and September of 2015, that is prior to February 13, 2016.

[85] This leads to the unavoidable conclusion that prescription began to run more than three years before Ms. Steel introduced this proceeding.

b. Conclusion on prescription and on dismissal pursuant to article 51 ff CCP

[86] Accordingly, there is no doubt that Ms. Steel's action against the Defendants was already prescribed when she introduced her originating application, with no chance, reasonable or otherwise, of demonstrating the contrary.

[87] As a result, Ms. Steel's judicial application is destined to fail and therefore clearly unfounded as envisioned by article 51 CCP. Immediate dismissal must therefore follow.

2.2. Settlement agreement (Attorney General)

[88] As mentioned earlier, in March of 2017, Ms. Steel entered into a settlement agreement with the Attorney General following her application for judicial review, before the Federal Court, of the 1993 decision denying her father's application for compensation of her mother under the Compensation Program.

[89] The Attorney General argues that this settlement agreement barred Ms. Steel from bringing any further judicial claim in respect of Treatments.

[90] The relevant declarations and provisions from the agreement read as follows:

WHEREAS, the Applicant [Ms. Steel] has engaged legal proceedings against the [Attorney General] before the Federal Court of Canada, in file no. T-52-16;

[...]

WHEREAS, [Ms. Steel] declares being the sole heir of Mrs. Jean Steel [...];

WHEREAS, the parties have decided to find an honorable solution to their dispute.

[...]

2. The parties agree to settle the matter by [...] payment of a sum of [...];

[...]

4. The Amount agreed is given in consideration of the settlement of all claims, current and future of the Applicant in relation to the Treatment;

5. The Applicant renounces to any claim or judicial proceedings, past, present or future, direct or indirect, in relation to the Treatment, against Her Majesty the Queen, Her mandatories, and Her officers [...];

[...]

8. The present settlement constitutes a transaction pursuant to Articles 2631 and subsequent of the *Civil Code of Québec*;

[...]

[91] Considering the fact that Ms. Steel's application was for a judicial review of the decision denying her father's application for compensation of her mother, under the Compensation Program, as well as the content of her limited pre-trial testimony on this issue and on the settlement that resulted,⁷⁴ a strong argument can be made that she acted only in her capacity of sole remaining heir of her mother and on behalf of her mother's estate in pursuing the application for compensation under the Compensation Program, that the payment under the settlement agreement was strictly an indemnification for her mother's injury, and that only claims for injury to her mother in relation to the Treatments were covered by the transaction, not claims for Ms. Steel's own injury.

[92] Proper and thorough evidence would have to be adduced, by both parties, to determine the intention behind the settlement agreement and the transaction.

[93] Consequently, had it not been for the issue of prescription, Ms. Steel would have been allowed to move forward with her judicial application in this proceeding and proceed to trial, so that the issue of the effect of the settlement agreement could be properly adjudicated upon.

2.3. Determinative issues already definitely decided (Hospital and MUHC)

[94] The Hospital and the MUHC argue that Ms. Steel's originating application seeks to "re-litigate several determinative issues that were definitively decided [through the Kastner Decisions], namely with respect to the alleged fault of Dr Cameron and the vicarious liability of the [Hospital] and its successor entity, the MUHC".⁷⁵ Regarding the latter part, the Superior Court decision, which was upheld on appeal, held that there was "no responsibility on the part of the [Hospital] for any alleged fault of the late Dr Cameron on the basis of lack of master-servant relationship",⁷⁶ "notably due to the absence of a principal-subordinate relationship".⁷⁷

[95] Based on this, the Hospital and the MUHC argue the following:

18. It would be contrary to the sound administration of justice to force the [MUHC] and the [Hospital] to once again defend themselves against these very same allegations over two decades after-the-fact.
19. The Court should therefore exercise its discretion to prevent abuses of process, including the re-opening of settled questions, and to uphold underlying principles of finality and coherence of proceedings, as well as the integrity of the administration of justice.

* *

⁷⁴ Ms. Steel's pre-trial examination at 13, 27 and 64.

⁷⁵ *Application to Dismiss the Originating Application* of the Hospital and the MUHC (the **Hospital and MUHC's application to dismiss**) at paras 15-17.

⁷⁶ Originating application at subpara 137(1); Hospital and MUHC's application to dismiss at para 16.

⁷⁷ *Argument Brief* of the Hospital and the MUHC at para 40.

[96] The Hospital and the MUHC have failed to establish at this stage that Ms. Steel's originating application did seek to relitigate settled issues.

[97] First, the Superior Court's determination that no fault had been proven against Dr Cameron in his treatment of the plaintiff in the Kastner matter, and that no liability could be found against him as a result, was very much fact-based and evidence driven. No factual common ground can be seen at this stage with the situation of Ms. Steel's mother and of the family.

[98] Second, in the Kastner matter, the plaintiff alleged that the Hospital was Dr Cameron's employer,⁷⁸ she argued the existence of "*un lien de préposition entre le docteur Cameron et l'hôpital intimé*".⁷⁹ True, the Court of Appeal did find as follows:

13 D'autre part, l'hôpital intimé ne saurait être considéré, en droit, comme le commettant du psychiatre traitant, choisi et consulté directement par l'appelante et ceux qui étaient alors ses représentants autorisés. Le docteur Cameron exerçait sa profession de façon autonome et indépendante, sans aucun contrôle professionnel de la part de l'institution hospitalière. (References omitted.)

[99] However, in this proceeding, Ms. Steel's liability claim against the Hospital and the MUHC is not based on an employer-employee or principal-subordinate relationship between them and Dr Cameron (at least, not based strictly on such relationship, seeing as she does allege, in her originating application,⁸⁰ that, "Furthermore, [...] the institutional Defendants are liable for the acts of their agents, servants, and employees"). Her claim is based on separate and distinct alleged faults, which are set out at paragraphs 32 to 42 of the originating application.

[100] Irrespective of the challenges Ms. Steel might have faced (had she been otherwise allowed to pursue her originating application) in adducing evidence and demonstrating the Hospital and the MUHC's distinct faults in connection with Dr Cameron's treatments of Ms. Steel's mother, this would be insufficient to conclude that Ms. Steel's claim stood no reasonable chance of success and was therefore clearly unfounded as envisioned by article 51 CCP.

FOR THESE REASONS, THE COURT:

GRANTS the defendants ROYAL VICTORIA HOSPITAL and MCGILL UNIVERSITY HEALTH CENTER's *Application to Dismiss the Originating Application* (entry 59 in the civil court ledger);

GRANTS the defendant ATTORNEY GENERAL OF CANADA's *Application to Dismiss the Re-Modified Originating Application* (entry 61 in the civil court ledger);

⁷⁸ Superior Court Kastner Decision at para 104.

⁷⁹ Court of Appeal Kastner Decision at para 5.

⁸⁰ At para 43.

DISMISSES the plaintiff, ALISON JEAN STEEL's originating application;

THE WHOLE with legal costs in favor of the defendants.

CHRISTIAN J. BROSSARD, J.S.C.

M^{re} Alan M. Stein
Lawyer for the plaintiff

M^{re} Andréane Joannette Laflamme
M^{re} Sarom Bahk
MINISTÈRE DE LA JUSTICE CANADA
Lawyers for the defendant Attorney General of Canada

M^{re} Daniel Baum
M^{re} Meena Mrakade
LANGLOIS AVOCATS
Lawyers for the defendants
Royal Victoria Hospital and McGill University Health Center

Hearing date:	February 21, 2025
Suspension of	August 7 to 15, 2025
advisement period:	for additional argument

En raison du délai requis pour la livraison de la traduction du présent jugement, de l'anglais au français, le Tribunal estime que de retarder la signature du présent jugement dans l'attente de la version traduite causerait une injustice ou un inconvénient sérieux aux parties au litige. La traduction suivra.

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