


From: Fit4Duty Kelly@fit4duty.ca 
Subject: The Constitutionality of our Anti-SLAPP laws - Donovan vs. Waterloo Police
Date: July 30, 2019 at 4:09 PM
To: milan.novakovic@pc.ola.org



Good day Milan,

As a follow-up to our conversation today, please find details regarding what happens to police whistleblowers who do not have any protections under current Ontario laws:

- 11 months after I resigned from the Waterloo Regional Police Service (WRPS), they filed a contravention of settlement application against me at the Human Rights Tribunal of Ontario (HRTO). In it, they allege I breached my resignation agreement (there was NO non-disclosure clause) and are asking that I no longer be permitted to speak about them and I pay them significant damages.
- I challenged our current anti-SLAPP laws by filing an application in Superior Court to have the tribunal proceeding filed by the police service against me dismissed. Justice Favreau decided the issue, her decision can be read here: <http://canlii.ca/t/hxbvk>
- Justice Favreau decided that [Courts of Justice Act s. 137.1](#) does not provide relief to someone facing a gag proceeding at an administrative tribunal.
- Considering we are using administrative tribunals more and more to alleviate pressures on our court system, how can we not provide relief to a person facing a gag proceeding at a tribunal?
- May 6, 2019 - Mailed Notice of Constitutional Question to AG's of Ontario (Mulroney) and Canada (Lametti) - See attached for document
- July 3, 2019 - Email from Ravi Amarnath: "Attorney General of Ontario's decision to not intervene in the gag proceeding at the HRTO."
- From May, 2018, to April, 2019, the WRPS spent **\$192,344.70** of taxpayer funds on their lawyer to silence me, approved by the Board, (request pending to obtain funds spent since April, 2019).
- With NO whistleblower protection for municipal police officers, the ONLY relief police whistleblowers have is CJA s. 137.1 - which currently only covers civil lawsuits filed in court.

Failure by the Ontario Attorney General to intervene in my matter says to large public institutions (such as police services) that if there is a way for them to file a proceeding at a tribunal, they are able to ask that a critic be gagged - preventing them from speaking about the institution - What happens to freedom of expression?

These gag proceedings are done at the expense of the taxpayer using public funds.

This is a constitutional matter affecting all citizens of Ontario, especially those who advocate for more accountability and transparency on matters of public interest.

* [Courts of Justice Act s. 109\(6\)](#) already provides wording to address proceedings brought both before court and a tribunal - This wording **NEEDS** to be added to s.137.5.

Thank you for your time,

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