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Ontario Superior Court Judge upholds the Charter of Rights favouring, government

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Halton - Place: Ontario Superior Court Judge ruled in favour of a motion to dismiss a government's course of action to sue one of its critics on January 31, 2006.

[The National Post reported](#): A judge has thrown out a unique lawsuit in which an Ontario township attempted to sue one of its citizens for defamation for complaining about the shoddy performance of the volunteer fire department.

The suit was believed to be one of the first in Canada in which a government tried to sue a citizen for speaking out. "To have an elected council being able to sue a taxpayer with the taxpayer's own money, it was quite incredible from the start," said Donald Page, a retired engineer. Montague Township, about an hour southwest of Ottawa, was seeking \$50,000 from Mr. Page for mounting "a campaign of wilful vilification" in an attempt to damage the reputations of the township, its reeve, council, senior fire services management and firefighters, said an unsuccessful statement of claim. Mr. Page has been a thorn in the side of the township since January, 2005, when he wrote the provincial fire marshal and chief coroner complaining about the fire department's performance in a pre-Christmas blaze that left a woman dead.

[More on the National Post story...](#)

On January 31, 2006, Ontario Supreme Court Judge - Justice Pedlar dismissed the Township of Montague claim, ruling;

"In a free democratic system, every citizen must be guaranteed the right to freedom of expression with issues relating to government as an absolute privilege, without threat of civil action for defamation being launched against them by that government. It is the very essence of a democracy".

Here, in Halton Hills, a similar case was launched by The Town of Halton Hills against Al Kirouac, administrator of The Halton Herald.ca. The difference in the two cases, are that Mr. Page directly criticized the Town of Montague Township. The Herald only criticized an employee of the Town.

An Ontario Superior Court Judge in Milton was presented a similar motion by Attorney Ryder Gilliland who represents the Herald administrator, who the Town claims defamed the Town when Kirouac published an article of fair comment on the professional injudicious discretions of one of the Town's Directors, Terry Alyman.

The Herald's administrator contends; the director violated the civil rights of a number of our community members. The Director publicly claimed he decided to act on his own behalf, beyond the policy or procedures of the Corporation, which, as a result, infringed upon the peoples charter of rights, and we reported it.



Parks & Rec. Director - Terry Alyman

The lawsuit basically stated the town felt, because the Herald personally defamed Terry Alyman, an employee of the government body, the government body (The Corporation of the Town of Halton Hills) should have a right to recourse by suing those who dare criticize its employees.

Mr. Kirouac's lawyer, Ryder Gilliland, used the same argument that was used in the Page case in Ottawa, that "a public body suing a civilian for defamation is antithetical to freedom of expression and, therefore, unconstitutional."

He also says Mr. Kirouac is alleged to have criticized a town employee, Terry Alyman, director of parks and recreation, not the town.

The Milton Court Judge is still deliberating the motion.

[More on Terry Alyman](#)

[Town uses taxpayers money in an attempt to silence dissent](#)