

Urquhart

Subject: FW: Progress Report on Ontario Consumer Protection Act Complaint on Employer Sponsored/Insurer Administered Disability Insurance
Attachments: Letter to Minister Gerretsen from Rochon Genova LLP - June 10 2011.pdf; Complaint Application to Ontario Consumer and Business Services Ministry May 30, 2011.pdf; Cover Letter to Minister of Consumer Services John Gerretsen May 30, 2011.pdf; CV Diane Urquhart.pdf

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Minister of Consumer Services John Gerretsen
Minister of Labour Charles Sousa
Ottawa Center MPP Yasser Naqvi
Ottawa West Nepean MPP Bob Nepean

We would like to meet with the Minister of Consumer Services John Gerretsen to discuss how failed Employer Sponsored/Insurer Administered Disability Insurance has catastrophic impact on the Ontario disabled and on Ontario citizens, who may become disabled in the future. The Supreme Court of Canada decision on Thursday, June 9th not to hear the dissenting Nortel disabled case has put the onus on your government to enforce the Ontario Consumer Protection Act provisions to stop and enable restitution for Unfair Practices in the form of False, Misleading and Deceptive Representations on Employer Sponsored/Insurer Administered Disability Insurance. The Ontario Ministry of Consumer Services is not barred from taking regulatory actions under the Ontario Consumer Protection Act under the terms of the Nortel Interim Settlement or under the Federal Companies' Creditor Arrangement Act.

[Post Media - Panel refuses disabled workers' case June 10, 2011](http://pensionpulse.blogspot.com/2011/06/supreme-court-refuses-disabled-workers.html)

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We have met with Minister of Labour Charles Sousa and Ottawa Region MPPs Yasser Naqvi and Bob Chiarelli to provide evidence of the financial duress and severe consequences on the health and lives of the Nortel disabled from their failed disability insurance.

I spoke briefly on Friday afternoon, June 10th with Barbara Allan, Coordinator, Inquiry & Information Services Compliance And Consumer Services Bureau Section, Ontario Ministry of Consumer Services on the subject of the Employer Sponsored/Insurer Administered Disability Insurance being under the jurisdiction

of the Ontario Consumer Protection Act. **Earlier in the day on June 10th, Joel Rochon of Rochon Genova LLP had sent Minister John Gerretsen his firm's legal opinion that Employer Sponsored/Insurer Administered Disability Insurance is under the jurisdiction of the Ontario Consumer Protection Act.**

The Rochon Genova LLP legal opinion is well-founded upon the plain reading of the Ontario Consumer Protection Act and its Regulations and is well within the intent of the Act as set out in the transcripts of the Ontario Legislature and the Ontario Standing Committee of Finance and Economic Affairs on Bill 180, which introduced the Consumer Protection Act in 2002. This new Act was introduced by former Minister of Consumer Services Tim Hudak. Joel Rochon's firm has had litigation success in the consumer protection field. He recently completed the largest class action settlement to date under the Ontario Consumer Protection Act, which was against Dell Canada Inc. for malfunctioning computers. About one third of Rochon Genova LLP's practice involves disability claims and so his firm has a great deal of experience in defining the causes of action and damages relating to insurers and other suppliers of insurance contracts.

I personally have also reviewed the Ontario Consumer Protection Act and its Regulations and the related Legislature transcripts. I have discussed the jurisdiction of this Act with other class action lawyers and other regulatory bodies. **A large body of compelling evidence has been gathered together by the dissenting Nortel disabled former employees and members of Rochon Genova's professional team.** The conclusion by all is that the Ontario Consumer Protection Act has clear jurisdiction over Employer Sponsored/Insurer Administered Disability Insurance and that a Province Offence under this Act has occurred.

As discussed in my research report at the following link, **abuse of the disabled includes any failure to act which results in a significant breach of a vulnerable person's dignity or general well-being, whether intended or inadvertent, such as not acting on financial transactions to which the person has not or cannot validly consent, or which are deliberately exploitive.**

[Systemic Failure of Employer Sponsored Disability Insurance June 2011 - Research Report](#)

The Nortel disabled court proceedings have been part of the systemic failure of Employer Sponsored/Insurer Administered Disability Insurance. **The central starting point for the court's systemic failure has been its reliance on bankruptcy court procedures that enable a single unelected and unsophisticated disabled person to be a representative of the Nortel disabled with the power to bind them to settlements. The March 30, 2010 Interim Settlement between Nortel and the Nortel disabled did not have informed consent, nor any evidence provided or vote taken to demonstrate majority support for the waiving of their legal rights to remedy misrepresentations and breaches of trust in the Nortel disability insurance funded within the Nortel Health and Welfare Trust.**

To be clear, misrepresentations and breach of trust relating to the Nortel sponsored and Sun Life administered disability insurance have not been adjudicated in the Nortel CCAA court proceeding due to the court's reliance on the disabled representative approving the March 30, 2011 Interim Settlement.

I look forward to our meeting with Minister John Gerretsen.

Sincerely,

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