

Neighbours of the Glen Campus

Area residents seek court approval to launch class-action lawsuit to end superhospital noise

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Montreal (May 11, 2015) – After attempting for more than a year to resolve the problem of non-stop noise emitted by the McGill University Health Center (MUHC)'s ventilation system, affected residents have filed a motion in Quebec Superior Court for authorization to launch a class-action lawsuit against the MUHC superhospital.

Named defendants in the suit are the MUHC, McGill Healthcare Infrastructure Group, g.p., SNC-Lavalin McGill (Partner) Inc. and Innisfree McGill (Partner) Inc.

Neighbours of the Glen Campus, a non-profit group that was formed to help bring an end to the disturbing noise emanating from the MUHC, is seeking authorization to launch a class-action lawsuit on behalf of about 3,000 residents of lower Westmount and the adjacent borough of Côte-des-Neiges–NDG. Once authorized, the lawsuit would ask for a court order (injunctive relief) to stop what the group says is nuisance noise that is audible 24/7, and to award annual damages of \$5,000 per person for residents' lost use and enjoyment of their property and violation of their right to a healthful environment.

“We have exhausted all efforts and all provincial and municipal channels to resolve the problem,” said named plaintiff Marc Felgar of York Street in lower Westmount. “Regrettably, we have no choice but to turn to the courts as a last resort.”

Notably, the Environment Ministry has declined to become involved despite the City of Westmount's request, although, according to a recent report in local news media, the Environment Ministry has informed Montreal's Director of Public Health about the issue.

The MUHC's ventilation system emits different types of noise, which are audible inside and outside residences. These noises disrupt or prevent sleep, requiring windows to be kept closed even in warm weather, and making the normal use of patios and back yards unpleasant at best and impossible at worst.

“According to the information we have, the ventilation noise violates acceptable decibel limits under the by-laws of Westmount and City of Montreal, as well as violating noise-level standards of the provincial Ministry of the Environment and recommendations of the World Health Organization,” says Me Catherine Sylvestre of Sylvestre, Fafard,

Painchaud, the law firm representing the Neighbours of the Glen Campus in the proceedings.

Affected residents have been co-operative and have waited patiently for a satisfactory solution to the problem, about which the MUHC was first made aware early last year, shortly after the ventilation system was activated in late 2013.

“Despite Lavalin’s longstanding knowledge of the noise problem, and public statements that they would work on a solution, there has been no noticeable improvement to the noise, including in the overnight hours,” says Barrie Howells resident of lower Westmount.

“It is with great sadness that we find ourselves having no choice but to launch legal action against a hospital,” Jean Gagnon, member of the proposed class. “Nevertheless, the noise generated by the MUHC’s ventilation system has been disrupting our lives for well over a year, and we should be able to use our homes in a normal manner like people anywhere.”

The area covered by the proposed class action is situated in lower Westmount and the borough of Côte-des-Neiges/NDG and is bordered on the north by Côte-St-Antoine, on the west by Marlowe, on the south by de Maisonneuve and Ste-Catherine and on the east by Lansdowne.

Any person living, working or studying in this area could be a member of the proposed class. For more information or to register as a member :

www.sfpavocats.ca/recours-collectifs/

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