



Court File No.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**P1, BY THEIR LITIGATION GUARDIAN PARENT 1**

**Plaintiff**

**- and -**

**PEEL DISTRICT SCHOOL BOARD, SONI GILL, MICHAEL POOLE, and MATTHEW  
MCINTOSH**

**Defendants**

**STATEMENT OF CLAIM**

**TO THE DEFENDANTS:**

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service, in this court office, WITHIN 20 DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is 40 days. If you are served outside Canada and the United States of America, the period is 60 days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to 10 more days within which to serve and file your statement of defence.

IF YOU PAY THE PLAINTIFF'S CLAIM, and costs, within the time for serving and filing your statement of defence, you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: June 2, 2025

Issued by \_\_\_\_\_  
Local registrar

Address of  
court office: 7755 Hurontario Street  
Brampton, ON L6W 4T1

**TO: PEEL DISTRICT SCHOOL BOARD**  
5650 Hurontario Street  
Mississauga, ON L5R 1C6

Defendant

**AND SONI GILL**  
**TO:** 5650 Hurontario Street  
Mississauga, ON L5R 1C6

Defendant

**AND MICHAEL POOLE**  
**TO:** 3240 Erin Centre Boulevard  
Mississauga, ON L5M 7T9

Defendant

**AND MATTHEW MCINTOSH**  
**TO:** 3240 Erin Centre Boulevard  
Mississauga, ON L5M 7T9

Defendant

~  
**CLAIM**

1. The Plaintiff, P1, by their Litigation Guardian Parent 1, claims against the Defendants for:
  - (a) General damages in the amount of \$750,000 or such other amount to be determined by the Court;
  - (b) A declaration that the Defendants, Peel District School Board (the "**Board**"), Soni Gill ("**Ms. Gill**"), Michael Poole ("**Mr. Poole**"), and Matthew McIntosh ("**Mr. McIntosh**") were negligent and breached their commitments to the Plaintiff by failing to apply and by violating the Board's policies and procedures, breaching their statutory obligations pursuant to the *Education Act*, R.S.O. 1009, c. E.2 as amended (the "**Education Act**"), and discriminating against the Plaintiff contrary to the *Human Rights Code*, R.S.O. 1990 c. H.19 as amended (the "**Human Rights Code**");
  - (c) A declaration that the Defendants were negligent and breached their respective duties of care owed to the Plaintiff, by failing to apply and by violating the Board's policies and procedures, breaching their statutory obligations pursuant to the *Education Act*, and discriminating against the Plaintiff contrary to the *Human Rights Code*;
  - (d) A declaration that the individual Defendants committed the tort of misfeasance in public office;
  - (e) An Order compelling the Defendants to maintain and produce all documents and records in the possession, power, and control of the Erin Centre Middle School (the "**School**"), the Board, and or the individual Defendants relating in any way to the incidents of antisemitism described below, to any actions or investigations

conducted to address the antisemitism, and to any disciplinary measures taken against the perpetrators of the antisemitic acts;

- (f) Punitive, aggravated, and/or exemplary damages in the amount of \$100,000;
- (g) Pre-judgment and post-judgment interest;
- (h) Costs of this action on a substantial indemnity basis; and
- (i) Such further and other relief as this Honourable Court may deem just.

#### **A. Overview**

2. The Plaintiff was forced from the School for being Jewish.

3. In the aftermath of the October 7, 2023 Hamas terrorist attacks on Israeli citizens and military, antisemitism at the School was rampant and largely unchecked, resulting in a dangerous and toxic environment. As a Jewish student, the Plaintiff was targeted, harassed, bullied, and physically assaulted because of their creed/religion.

4. The Defendants knew of the anti-Jewish harassment against the Plaintiff but did not prevent it, properly investigate it, appropriately address it, protect the Plaintiff, or adequately punish those responsible for the harassment. In many instances, Mr. McIntosh facilitated and/or neglected to prevent the anti-Jewish hatred toward the Plaintiff.

5. The Defendants' failure to properly apply the Board's by-laws and policies, the *Education Act*, and the *Human Rights Code* led to a poisoned, antisemitic environment for the Plaintiff, forcing their family to remove them from the intolerant and physically and emotionally unsafe School environment to ensure their safety and wellbeing, for which the Board, Ms. Gill, Mr. Poole, and Mr. McIntosh are liable.

## **B. The Parties**

6. The Plaintiff is a minor individual residing in the Province of Ontario. The Plaintiff was eleven years old in Mr. McIntosh's grade 6 class before being forced from the School. The Plaintiff is Jewish Canadian.

7. The Defendant, Board, is a corporation incorporated in the Province of Ontario. The Board is responsible for, among other things, promoting student well-being, a positive school climate that is inclusive and accepting of all students, and preventing bullying. The School is located in Mississauga, Ontario, within the Board's jurisdiction.

8. The Defendant, Soni Gill, is an individual residing in the Province of Ontario. Ms. Gill is a Superintendent of Education for the School.

9. The Defendant, Michael Poole, is an individual residing in the Province of Ontario. Mr. Poole is the School Principal.

10. The Defendant, Matthew McIntosh, is an individual residing in the Province of Ontario. Mr. McIntosh was the Plaintiff's teacher.

## **C. A History of Antisemitism at the Board**

11. The Board has a history of permitting and/or failing to condemn and prevent antisemitism at its schools.

12. Even before October 7, incidents of antisemitism from students, principals, teachers, and other staff were prevalent, unaddressed, and in some cases promoted throughout the Board.

13. Since October 7, incidents of antisemitism toward Jewish students and staff in the Board have increased in number and severity with the Board failing to adequately address them and/or allowing them to occur.

14. On December 7, 2023 the National Post published an article entitled “Harassed, isolated and abandoned: Jewish teachers ‘scared for life’ at Ontario school board”, describing the antisemitism toward Jewish teachers and others at the Board which significantly escalated after October 7.

15. Further, for a brief period, a sweatshirt depicting a map of Israel with the words “Free Palestine” written over the map in Arabic was being sold on the Board’s website, which was only removed after several complaints were made.

**D. Antisemitism Against the Plaintiff**

16. On October 20, 2023, students of the School held a pro-Palestinian protest outside on School grounds during School hours. The protest was deeply rooted in anti-Israeli and antisemitic sentiment.

17. When the protest began, the Plaintiff tried to avoid the protest but one of the students protesting saw the Plaintiff and shouted “[they’re] Jewish” at which point protesters swarmed the Plaintiff.

18. Some of the students shouted antisemitic slurs at the Plaintiff including “Jews should die”, “Jews are not worthy of living”, and “Jews don’t belong”, among other hate speech. The students directed these slurs at the Plaintiff because the Plaintiff is Jewish.

19. Mr. Poole witnessed this incident but failed to address it by disciplining all those involved and preventing it from occurring again. Mr. Poole even went so far as to state to the Plaintiff's family that the Plaintiff "didn't exactly hide that [they were] Jewish before October 20<sup>th</sup>".

20. After the October 20 protest, Ms. Gill, Mr. Poole, and Mr. McIntosh allowed students to leave the School to hold other pro-Palestinian protests near the School grounds which they did and at which antisemitic speech was communicated, demeaning and humiliating the Plaintiff and endangering their safety because they are Jewish. Ms. Gill, Mr. Poole, and Mr. McIntosh knew anti-Jewish intolerance was being communicated at these other protests and did nothing to prevent them from occurring.

21. The Plaintiff was the victim of other incidents of antisemitic bullying at the School simply because they are Jewish, including:

- (a) Students physically assaulting the Plaintiff by pushing into them on the School grounds and preventing them from accessing the School bus;
- (b) Students putting "Free Palestine" stickers on the Plaintiff's locker even though the Plaintiff is not Israeli nor associated with the Israeli government and armed forces in any way;
- (c) Students yelling at them "Free Palestine" outside of the School during recess and lunch;
- (d) A student taunting the Plaintiff by asking them how they liked their Palestinian flag art;
- (e) Students harassing the Plaintiff by asking if they liked their necklace of Palestine;

- (f) Students bullying the Plaintiff on the School bus such that the Plaintiff did not ride the bus to School for several weeks to ensure their safety; and
- (g) A student approached the Plaintiff showing them a Terry Fox sticker and claiming to be fundraising for Palestine.

22. Unwilling and/or ill-equipped to address the source of the antisemitic harrassment, the School under Ms. Gill and Mr. Poole's guidance recognized that students were targeting the Plaintiff but their solution was to assign an adult to monitor the Plaintiff in the hallway to attempt to protect them from the harrassment and bullying of other students which failed to address the problem and ensure the Plaintiff's safety.

23. This grossly inadequate solution further ostraziced the Plaintiff and revealed the extent of the Board's inability to manage what had become a highly discriminatory and toxic climate in the School.

24. School staff witnessed many of the antisemitic incidents described above and did nothing in response. Ms. Gill and Mr. Poole knew of the antisemitic incidents but they refused or failed to adequately address them.

25. Mr. McIntosh contributed to and was the cause of some of the antisemitic incidents the Plaintiff experienced and which caused the Plaintiff harm.

26. For example, Mr. McIntosh organised a classroom activity that required the students to illustrate a flag that the students felt represented themselves. In the highly charged and toxic climate of the School, this political activity was intended to and had the effect of singling out and discriminating against the Plaintiff because they are Jewish, putting their safety more at risk than it already was.

27. Mr. McIntosh knew that the Plaintiff was Jewish and, as a Jewish person, would likely or could identify with Israel and therefore be inclined to draw an Israeli flag. Mr. McIntosh knew or ought to have known that if the Plaintiff drew an Israeli flag, in the School's antisemitic climate, the Plaintiff would be further harassed and demeaned because of their creed/religion.

28. Further, the Plaintiff's class was studying the novel *Refugee* by Alan Gratz. *Refugee* tells the story of a thirteen year old fleeing Nazi Germany in the 1930s. For no discernible reason, Mr. McIntosh pressured the Plaintiff to leave class while the class studied the end of the book, simply because the Plaintiff is Jewish which isolated and humiliated the Plaintiff.

29. Furthermore, in Mr. McIntosh's drama class, students were split into groups to work on a play about racism. One group was overheard suggesting that their play should involve a Palestinian and a Jewish person and the Jewish person should say something rude to the Palestinian. This incident was reported to Mr. McIntosh but he did nothing to address it.

30. When the Plaintiff returned from vacation, a vacation the Plaintiff and their family took as a respite from the antisemitic bullying and harassment the Plaintiff was facing at the School, Mr. McIntosh singled them out in class by insinuating that if they were in class and had paid attention they would have done better on their assignments. Mr. McIntosh's comments were egregious in the circumstances and intended to target and demean the Plaintiff for being Jewish, and did leave the Plaintiff humiliated and distressed.

31. The harassment and bullying the Plaintiff experienced, and which the Board, Ms. Gill, Mr. Poole, and Mr. McIntosh failed to prevent, persisted. As the Defendants demonstrated that they would not take steps to protect the Plaintiff, would not prevent future harassment and would not create a safe climate for Jewish students, the Plaintiff had to leave the School to ensure their safety and physical and emotional well-being, and did so with their last day at the School being December 6, 2023.

32. The School, which is required to provide services to students of all religious backgrounds, had become unsafe for Jewish students and remains so today.

**E. The Defendants' Failure to Address the Antisemitism and Protect the Plaintiff**

33. The Defendants owed the Plaintiff a heightened duty of care to, among other things, ensure their well-being and prevent harm to the Plaintiff while under the Defendants' care, control, and supervision. In failing to address the antisemitism toward the Plaintiff, the Defendants completely failed to fulfill their duties which caused the Plaintiff harm for which the Defendants are liable.

34. The Defendants had a positive duty to act in response to the recurring antisemitic bullying that the Plaintiff experienced at the School, of which the Board and its employees were aware, and which created a foreseeable risk of and actual harm to the Plaintiff.

35. The actions of the Defendants in response to the recurring antisemitic bullying and contributing to it, which the Plaintiff's parents reported to the School principal and others, were ineffective.

36. The Defendants failed to uphold the *Human Rights Code*, educate the students and staff at the School on the *Human Rights Code*, and reinforce expectations regarding appropriate conduct given the repeated incidents of the Plaintiff being targeted because they are Jewish.

37. These actions and the Defendants' omissions fell below the respective standards of care the Defendants owed to the Plaintiff and were in breach of the commitments the Defendants owed the Plaintiff pursuant to the Board's policies and procedures, the *Education Act*, and the *Human Rights Code*, for which the Defendants are liable.

38. On January 2, 2024, the Plaintiff's lawyer wrote to the Board and others regarding the antisemitism the Plaintiff had been experiencing and to request information about the Board's remedial actions.

39. On January 22, 2024, the Board responded by letter which contained inaccurate and incomplete information. The Plaintiff's lawyer replied to the Board by letter dated May 3, 2024, requesting additional information. On July 3, 2024, the Board replied to say that no further information regarding the Plaintiff's situation would be provided.

#### **F. The Defendants' Breaches**

40. The Defendants failed to abide by, adhere to, and enforce the *Education Act*, *Human Rights Code*, and the Board's policies and by-laws including, among others:

- (a) Policy 48 (Safe and Caring Schools), which states in part that the Board is committed to providing and maintaining safe, inclusive, and accepting environments conducive to learning and working for all;
- (b) Policy 51 (Human Rights), which states in part that the Board is committed to providing and maintaining a learning environment that is safe, caring, inclusive, free of discrimination, and harassment, and in which everyone is treated with respect;
- (c) Policy 65 (Code of Conduct), which states in part that Board employees must at all times act in the best interests of the Board and not compromise themselves or the Board in the discharge of their duties by using their positions or the resources of the Board for personal or private gain or to promote political or religious interests;  
and

- (d) The Board's Anti-racism policy which affirms the Board's moral and legal responsibility to create and sustain learning environments that are free from racism, racial discrimination, harassment, and microaggressions.

41. The Board breached its obligations pursuant to the *Education Act*, by, among other things, failing to:

- (a) protect the safety and well-being of the Plaintiff;
- (b) prevent a negative school climate that was discriminatory of the Plaintiff for their creed/religion;
- (c) promote and ensure the prevention of bullying;
- (d) ensure the School's principal adequately investigated and reported on the instances of antisemitic bullying;
- (e) discipline the Plaintiff's teacher to prevent the recurring discrimination to which the teacher subjected the Plaintiff; and
- (f) implement the activities leading to suspension and related discipline for the students responsible for the antisemitic bullying, including the requisite investigations, reporting, and progressive disciplinary measures.

42. Further, in breach of its commitments to the Plaintiff and its duty of care, the Board failed to:

- (a) fulfill its obligations under the *Human Rights Code*, allowing for the Plaintiff to be discriminated against on the basis of their creed/religion, and in particular section 1 of the *Human Rights Code*;

- (b) provide an environment that is safe and free from intimidation, harassment, and discrimination;
- (c) follow its Operating Procedure on Student Progressive Discipline to ensure that the students responsible for the antisemitic bullying were properly disciplined;
- (d) properly investigate and report on the incidents of antisemitic bullying toward the Plaintiff;
- (e) properly investigate and reprimand the students who were implicated in the incident on October 20, 2023 targeting the Plaintiff, even though the School's principal witnessed some or all of the incident and the incidents that followed;
- (f) ensure that the Peel Regional Police conducted an investigation of the incidents of antisemitism and harassment after being notified of them and may have prevented the investigation from occurring;
- (g) adequately supervise the conduct of its employees to ensure compliance with its policies and procedures;
- (h) apply its policies and procedures equally to all of its students and employees; and
- (i) reprimand the Plaintiff's teacher for promoting the antisemitism in the Plaintiff's classroom and/or failing to prevent it.

43. The Board is vicariously liable for the acts and omissions of the the individual Defendants.

44. The individual Defendants knew that their conduct, in failing to address the acts of antisemitism, was unlawful and likely to injure the Plaintiff. Alternatively, the individual Defendants acted with reckless indifference as to the unlawfulness of their conduct and likelihood of injuring

the Plaintiff. These acts and omission of the individual Defendants caused the Plaintiff's damages.

45. Further, in addition to what is pleaded above, Ms. Gill breached her duty of care and commitments to the Plaintiff by failing to:

- (a) adequately respond to the concerns of the Plaintiff and their family;
- (b) adequately supervise Mr. Poole and Mr. McIntosh;
- (c) fulfill the obligations under the *Human Rights Code*, allowing for the Plaintiff to be discriminated against on the basis of their creed/religion;
- (d) provide an environment that is safe and free from intimidation, harassment, and discrimination;
- (e) ensure the Operating Procedure on Student Progressive Discipline was followed so that the students responsible for the antisemitic bullying were properly disciplined;
- (f) ensure that the incidents of antisemitic bullying toward the Plaintiff were adequately investigated, addressed, and reported on;
- (g) ensure that the students who were implicated in the incident on October 20, 2023 targeting the Plaintiff were properly investigated and reprimanded;
- (h) ensure that the Peel Regional Police conducted an investigation of the incidents of antisemitism and harassment after being notified of them;
- (i) ensure that the Peel Regional Police were allowed on to School property to investigate the incidents of antisemitism and harassment;

- (j) organize and manage the School effectively to ensure a safe environment and positive climate; and
- (k) discipline and/or demote Mr. McIntosh for his misconduct relating to his mistreatment of the Plaintiff based on their creed/religion and for fostering an environment that condoned and/or failed to prevent antisemitism directed at the Plaintiff.

46. Further, in addition to what is pleaded above, Mr. Poole breached his duty of care and commitments to the Plaintiff by failing to:

- (a) maintain the standards of the profession in allowing and or failing to prevent and properly discipline the students responsible for the antisemitic bullying of the Plaintiff;
- (b) properly discipline the School students responsible for the antisemitic bullying of the Plaintiff;
- (c) promptly report to the parents and/or guardians of the Students responsible for the the antisemitic bullying of the Plaintiff;
- (d) organize and manage the School effectively to ensure a safe environment and positive climate;
- (e) report to the Minister of Education on the incidents of antisemitism directed at the Plaintiff and the toxic School environment; and
- (f) discipline and/or demote Mr. McIntosh for his misconduct relating to his mistreatment of the Plaintiff based on their creed/religion and for fostering an

environment that condoned and/or failed to prevent antisemitism directed at the Plaintiff.

47. Further, and in addition to what is pleaded above, Mr. McIntosh breached his duty of care and commitments to the Plaintiff by:

- (a) orally abusing the Plaintiff by singling them out in a demeaning manner and discriminating against them because they are Jewish;
- (b) failing to maintain the standards of the profession, including the ethical standards for teaching, for allowing and/or failing to prevent and properly discipline the students responsible for the antisemitic bullying of the Plaintiff;
- (c) engaging in conduct unbecoming of a teacher and committing acts that would reasonably be regarded as disgraceful, dishonourable, and unprofessional for allowing and/or failing to prevent antisemitic bullying of the Plaintiff; and
- (d) failing to properly concern himself with the welfare of the Plaintiff while under his care.

#### **G. The Plaintiff's Damages**

48. As a direct and foreseeable result of the actions and omissions of the Board, Ms. Gill, Mr. Poole, and Mr. McIntosh, the Plaintiff has suffered damages, including injury to their dignity, feelings, and sense of self-worth and self-respect. The Defendants' actions and omissions caused the Plaintiff mental anguish, shock, and humiliation, for which the Defendants are liable.

49. The Board's conduct warrants punitive, aggravated, and exemplary damages.

50. The Board is vicariously liable for the actions and omissions of Mr. Poole and Mr. McIntosh.

51. The callous conduct and complete disregard for the Plaintiff's interests, safety, and wellbeing by the Board, Ms. Gill, Mr. Poole, and/or Mr. McIntosh warrants the condemnation of this Court.

52. The Plaintiff requests that this action be tried in the City of Brampton in the Province of Ontario.

June 2, 2025

**CLYDE & CO CANADA LLP**

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Lawyers for the Plaintiff

P1  
Plaintiff

PEEL DISTRICT SCHOOL  
BOARD  
Defendant

Court File No.

and

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**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at **BRAMPTON**

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**STATEMENT OF CLAIM**

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