

clear and cogent nature required" to substantiate the allegations.

In testimony referenced in the judge's decision, Patricia described remembering waking up with her uncle on top of her and feeling pain in her groin. In a second incident, her uncle pulled her up and put something soft in her mouth, which "may have been his penis."

Sarah testified recalling a static image, "like a snapshot or an out-of-body experience" in which she saw "herself as a child on the floor with the dark shape of a grown man on top of her."

Goodman dismissed the claims of sexual abuse, writing that Vanderkooy would have had no reasonable opportunity to commit the acts because the sisters would have been sleeping in a small room with two male cousins present.

"In order to commit the sexual assaults, Jack would have to stealthily and gingerly manoeuvre himself around the other children and not make a sound to avoid waking up the other children," he wrote.

Patricia and Sarah's father, Jim, who is also named in the suit, said he is disappointed in the judgment and called the entire process "a sad family affair."

Confronting their uncle tore their closely knit family apart and the sisters recanted their allegations shortly afterward, court records show. Months later, however, they renewed their allegations.

An expert testifying at the trial said that this is normal behaviour commonly displayed by victims of childhood sexual abuse.

The sisters have not yet decided if they will appeal, said their lawyer, Tunley, who noted that the judge zeroed in on a single line in an email in awarding the defamation damages.

Goodman ruled that the words "we do not want anyone else to be sexually abused" written in an email to family members is a sentence "intended to evince the defamatory meanings that Jack is a sexual predator, likely to reoffend and is not to be trusted or left alone with children."

Traditionally, victims of sexual abuse have been afforded a legal protection called "qualified privilege" which allows them to discuss the abuse without fear of being sued for libel, the sisters' lawyer Tunley said. In this case, however, the judge ruled that privilege didn't extend to the offending statement.

"Society creates some room for people who have memories of sexual abuse. Whether it's to seek therapy or talk with family or close friends and get some support in connection with their memories, the law creates some room in which they can do that without getting sued," he said.

In writing his decision, Goodman calculated the hypothetical damages he would have awarded had he found that sexual abuse did occur at \$35,000 for each sister.

This has raised some red flags with lawyers looking at his decision, as the defamation award of \$125,000 is more than three times that amount.

"That an invasion of the deepest kind of privacy and intrusion on one's physical body with long-lasting effects would be worth \$35,000 and the damage to a grown man's reputation is worth so much more, it strikes one as concerning," said Grace.

"Yes, loss of reputation is very serious but, gee, that's quite the contrast."

up in a ritzy penthouse in exchange for blogging about his experience.

testinal troubles.

"It's been very tough," says Bussey,

to my last few rolls. I don't know there'll be a refill."

ONTARIO ENERGY BOARD NOTICE TO CUSTOMERS OF TORONTO HYDRO-ELECTRIC SYSTEM LIMITED

**Toronto Hydro-Electric System Limited has applied to raise its electricity distribution rates.
Learn more. Have your say.**

Toronto Hydro-Electric System Limited has applied to the Ontario Energy Board to increase the amount it charges by \$0.08 each month for the typical residential customer beginning on May 1, 2014 to recover its remaining smart meter costs. Other customers, including businesses, may be affected as well.

THE ONTARIO ENERGY BOARD IS HOLDING A PUBLIC HEARING

The Ontario Energy Board (OEB) will hold a public hearing to consider Toronto Hydro's request. We will question the company on its case for a rate increase. We will also hear arguments from individuals and from groups that represent Toronto Hydro's customers. At the end of this hearing, the OEB will decide what, if any, increase will be allowed.

The OEB is an independent and impartial public agency. We make decisions that serve the public interest. Our goal is to promote a financially viable and efficient energy sector that provides you with reliable energy services at a reasonable cost.

BE INFORMED AND HAVE YOUR SAY

You have the right to information regarding this application and to be involved in the process. You can:

- review Toronto Hydro's application on the OEB's website now.
- sign up to observe the proceeding by receiving OEB documents related to the hearing.
- file a letter with your comments, which will be considered during the hearing.
- become an active participant (called an intervenor). Apply by **September 6, 2013** or the hearing will go ahead without you and you will not receive any further notice of the proceeding.
- at the end of the process, review the OEB's decision and its reasons on our website.

LEARN MORE

These proposed charges relate to Toronto Hydro's distribution services. They make up part of the Delivery line -- one of the five line items on your bill. Our file number for this case is EB-2013-0287. To learn more about this hearing, find instructions on how to file letters or become an intervenor, or to access any document related to this case please enter that file number at the OEB website:

www.ontarioenergyboard.ca/notice. You can also phone our Consumer Relations Centre at 1-877-632-2727 with any questions.

ORAL VS. WRITTEN HEARINGS

There are two types of OEB hearings -- oral and written. Toronto Hydro has applied for a written hearing. The OEB is considering this request. If you think an oral hearing is needed, you can write to the OEB to explain why.

PRIVACY

If you write a letter of comment or sign up to observe the hearing, your name and the content of your letter or the documents you file with the OEB will be put on the public record and the OEB website. However, your personal telephone number, home address and email address will be removed. If you are a business, all your information will remain public. If you apply to become an intervenor, all information will be public.

This rate hearing will be held under section 78 of the Ontario Energy Board Act, 1998, S.O. 1998 c.15 (Schedule B).



Ontario
Ontario Energy Board / Commission de l'énergie de l'Ontario