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# FINDLAY McCARTHY LLP

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Barristers & Solicitors

## SERVED PERSONALLY

January 12, 2007

Ontario Provincial Police  
72 Highway #54  
P.O. Box 148  
Cayuga, Ontario  
N0A 1E0

Attention: Inspector David McLean

**Re: Bo Chausse**  
**News Releases dated December 2 and 3, 2006**  
**Compromising Peace in Caledonia – Not an Option**

Dear Sir:

We have been consulted by Quintin (“Bo”) Chausse with respect to two news releases issued by your unit on December 2, 2006 and December 3, 2006. The latter news release was virtually reprinted in *The Regional News* on December 6, 2006 and in *The Grand River Sachem* on December 8, 2006.

The December 2, 2006 news release contains the following passage:

“... there are persons that attempted to disrupt a difficult and fragile process. These individuals created an atmosphere that jeopardized the safety of our communities. As a result one male was arrested for Trespassing. These persons need to be reminded that there is a peace process underway and their actions had serious implications not only on the peaceful negotiations, but well being of residents in the area.”

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The December 3, 2006 news release contains the following passages:

“Caledonia ON – the O.P.P. once again had their hands busy this weekend dealing with a handful of residents who decided to jeopardize the fragile peace established in Caledonia. Two residents, using the motive of ‘Supporting Our Troops’ decided to taunt the First Nations Occupiers on the Douglas Creek Site by encouraging others in attempting to erect Canadian Flags adjacent to the site.

Despite warnings from police that these actions were juvenile and could potentially put the community at risk, these self-serving individuals continued with their plans and by doing so ramped up tensions in the Community. ...”

\* \* \*

“As a result of the incident on Saturday one male party was arrested for Trespassing and released unconditionally. The male party, clearly frustrated with the ongoing occupation expressed regret for his action to police. ...”

\* \* \*

“The O.P.P. will not tolerate the actions of those willing to put their own self-motivated agendas ahead of the betterment of the community. The O.P.P. remains committed to keeping the peace and wish to remind everyone that there will be serious consequences for these types of selfish and juvenile actions.”

Although Mr. Chausse is not identified in the press releases, it would be clear to any resident of Caledonia who knew of the incident that the individual referred to in the releases was Mr. Chausse.

These passages, including and in particular the following statements:

- a. that Mr. Chausse “created an atmosphere that jeopardized the safety of the community”;
- b. that Mr. Chausse was arrested for trespass;
- c. that Mr. Chausse’s actions had “serious implications” on the “well being of residents in the area”;
- d. that Mr. Chausse “decided” to taunt the First Nations Occupiers and encouraged others to do so;

- e. that Mr. Chausse's action were somehow "self-serving";
- f. that Mr. Chausse regretted his actions; and
- g. that Mr. Chausse's actions were "selfish and juvenile";

are false and defamatory. Mr. Chausse is gravely concerned that the news releases are intended, and will be used by critics of his endeavours, to demean and damage his reputation and diminish his credibility. It amounts to a very serious libel against Mr. Chausse, a libel that was subsequently published in *The Regional News* and *The Grand River Sachem*. In addition, these news releases have been published verbatim on the Haldimand County website ([www.haldimandcounty.on.ca](http://www.haldimandcounty.on.ca)).

It is true that on Saturday, December 2, 2006, Mr. Chausse, along with other residents of Caledonia attempted to put up Canadian flags along Argyle Street and were prevented from doing so by OPP officers. At no time were they doing anything other than holding Canadian flags on a public thoroughfare. Nevertheless, Mr. Chausse was grabbed by OPP officers, thrown into a paddy wagon, relieved of his personal possessions and detained in Cayuga for 2 hours without being told for what offence he was being arrested.

Mr. Chausse was told by the officer in charge at the scene that he had received a call from the Caledonia Baptist Church and that they had requested that the bystanders be removed from the property. However, when he subsequently inquired from the minister for the church he was advised by the minister that no one from the church had made such a call.

On Sunday, December 3, 2006, two OPP Sergeants appeared at Mr. Chausse's home. They told Mr. Chausse in front of his wife that, on behalf of the OPP, that they were sorry and that his arrest should never have happened. Mr. Chausse, who was understandably shaken and disturbed by the inappropriate arrest on Saturday, was appreciative of the heartfelt apology by the attending Sergeants.

Unfortunately, the public perception that has been left in the minds of the friends, neighbours, clients and associates of Mr. Chausse is what they have read in the news releases and their subsequent publication in *The Regional News*, *The Grand River Sachem* and on the Haldimand County website. They were not privy to the subsequent private apology received by Mr. Chausse. This needs to be remedied by the Media Relations Unit.

We have been instructed to request that you submit immediately to me in draft a clear and unqualified apology and retraction for publication in *The Regional News*, *The Grand River Sachem* and on the Haldimand County website.

I have already made attempts to clear this matter up. I enclose a copy of a letter dated December 12, 2006 which was addressed to your Media Relations Unit.

We have been contacted by a lawyer in the Attorney General's office, but it appears that she is having difficulty obtaining instructions with respect to this matter.

Unfortunately, I am now faced with limitation periods. I would advise that you should take this letter as a formal notice under section 5 of the *Libel and Slander Act* of our intention to commence proceedings if this matter is not dealt with in a timely fashion.

If we are required to bring action, we will be asking the court to look upon the delay by the OPP as an aggravation of my client's damages. My client is interested in having this matter finalized in a timely fashion.

If we do not obtain a satisfactory response from you or your solicitors by January 19, 2007, we will be commencing proceedings in the Superior Court of Justice.

Yours truly,

John Findlay

JWF:jf

Enclosure

cc. Mr. Bo Chausse  
cc Ms. Leslie McIntosh  
Crown Law Office  
Ministry of the Attorney General