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Mississauga staff fails to notify city of \$200-million suit

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Mississauga Councillor Sue McFadden says she scheduled a meeting two weeks ago to discuss the status of a consultant's report into what caused the repeated flooding. It was there that she learned of the \$200-million law suit filed in February. "I just went ballistic on them," she said. Aaron Lynett / National Post files

Mississauga councillors are stunned that city staff failed to promptly inform them of a \$200-million lawsuit targeting the municipality — only revealing the months-old litigation to members of council by happenstance two weeks ago.

The lawsuit, which is aiming for class-action status, was launched by representative plaintiffs Francesco and Katiana Panza, who claim damages for "negligence and breach of common law and statutory duties of care" after dozens of residents experienced flooding in and around their homes. Peel Region, the Halton Regional Conservation Authority and the Environment Ministry are also named as defendants.

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Rainwater and sewage water has backed up onto residents' properties and into their basements on at least seven occasions since the summer of 2009, the claim alleges, damaging homes and sending property values plummeting.

"The defendants, or any of them ... deliberately and willfully ignored, discounted and otherwise disregarded the concerns being expressed to them by the plaintiffs and other class members," the claim alleges.

None of the allegations have been tested in court, and spokesmen for the city and Peel Region did not respond to interview requests. Spokesmen for the Environment Ministry and the Halton Regional Conservation Authority declined to comment.

"As this relates to ongoing legal proceedings, it would not be appropriate to comment further," ministry spokeswoman Kate Jordan said.

Mississauga Councillor Sue McFadden — who has been providing regular updates to Ward 10 residents about actions the city has taken to address the flooding problem, including cutting vegetation along a local creek to improve water flow — says she scheduled a

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meeting with city staff two weeks ago to discuss the status of a consultant's report into what caused the repeated flooding. It was there that she learned, through an offhand comment by an outside lawyer, of the \$200-million lawsuit filed in February.

"I just went ballistic on them. Nobody knew, absolutely nobody other than [staff in] risk management and that outside lawyer," Ms. McFadden said.

She says she has now been effectively "gagged" from communicating with residents about the flooding issue, because she lives in the affected community and is therefore in a conflict of interest because of the pending litigation.

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