

Ontario government sues CN rail for millions in firefighting costs

Province files 4 lawsuits against CN regarding fires in Timmins, Chapleau and Thunder Bay

CBC News Last Updated: Jan 22, 2015 8:47 AM ET

The province is seeking compensation from Canadian National Railway over four forest fires in 2012, including \$38 million for a massive fire near Timmins.

The province is alleging the fires were started by passing trains. The other three court actions involve another fires near Timmins, Chapleau and Thunder Bay. The damages sought in those cases are between \$1 million and \$2 million each.

The \$38 million court action involves a fire called Timmins 9 in May of 2012.

The Ministry of Natural Resources and Forestry alleges the fire was started by the passage of a train through the area. The fire burned 40,000 hectares of bush and destroyed several camps.

The fire was the largest one in the province in half a century, and came within about 20 kilometers of the City of Timmins.

Tom Laughren, who was mayor at the time, said Timmins 9 made people think differently.

“We had just been looking towards celebrating 100 years of the great fire that went through here in 1911,” he said.

“You always look at that and say that couldn’t happen again.”

But it did — and in the days following the start of the fire, the ministry began its investigation into its cause.

In court documents, the province alleges it found a metal fragment in a right-of-way near CN’s tracks.

The province also alleges the metal had been heated, and said it flew off the track — because of wear or buildup from rail operations — and started the fire.

Going to court to recover firefighting costs is nothing new for the ministry.

“We have gone to court and recovered costs from people who started forest fires with negligent burning, throwing a cigarette out [and] not putting it out, or not covering up a campsite fire well and the fire spreads,” Jolanta Kowalski said.

In the case of Timmins 9, the province said a sizable amount of timber destined for harvest was lost, meaning lost revenue for the province. It's seeking compensation for that, along with millions of dollars spent on fire suppression costs.

None of the province's allegations have been proven in court.

Asking for case to be dismissed

CN is not commenting on the case because it is before the court.

In a statement of defence, the company denies all allegations and says the fire was not caused or contributed to by CN.

It also denies all allegations in the other court actions involving the other three forest fires.

The company is asking that the suits be dismissed, with costs.