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MAY 27 2026
Supreme Court P.E.I.

SIGS-31494

COURT FILE NO.

**SUPREME COURT OF PRINCE EDWARD ISLAND
(GENERAL SECTION)**

BETWEEN:

DOUGLAS JENKINS, ROBERTA JENKINS and LINDSAY JENKINS

Plaintiffs

and

**GOVERNMENT OF PRINCE EDWARD ISLAND as represented by THE
MINISTER OF ENVIRONMENT, ENERGY AND CLIMATE ACTION
and THE ATTORNEY GENERAL**

Defendants

(Court seal)

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 a lawyer acting for you must prepare a statement of defence in Form 18A and a designation of address for service (Form 16A.1), 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 TWENTY DAYS after this notice of action is served on you, if you are in Prince Edward Island.

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 forty days. If you are served outside Canada and the United States of America, this period is sixty 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 ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

MAY 27 2026

Issued by (SGD.) ANDREA MacINNIS
Deputy Registrar
Registrar

Address of court office: Sir Louis Henry Davies Law Courts
PO Box 2000
42 Water Street
Charlottetown, PE C1A 7N8

TO GOVERNMENT OF PRINCE EDWARD ISLAND as represented
by THE MINISTER OF ENIRONMENT, ENERGY AND
CLIMATE ACTION

AND TO: THE ATTORNEY GENERAL

CLAIM

1. As a result of the Defendants' acts and omissions, the Plaintiffs have suffered and continue to suffer significant personal, economic, and property-related damage, the full particulars of which will be proven at trial.
2. Without limiting the generality of the foregoing, each Plaintiff suffered personal damage, including:
 - a. Loss of health security, including a materially increased lifetime risk of serious illness arising from exposure to PFAS, a class of persistent and bio accumulative toxic substances;

- b. Anxiety, psychological distress, and loss of peace of mind arising from prolonged exposure to PFAS, uncertainty regarding future health outcomes, and the need for ongoing vigilance and testing;
 - c. Loss of enjoyment of life, including interference with ordinary daily activities and the safe domestic use of water for drinking, food preparation, bathing, and other routine household purposes reasonably expected to be safe in one's home;
 - d. Costs of medical monitoring, including present and future medical testing, screening, and preventative care reasonably required to detect, manage, or mitigate PFAS-related health risks; and
 - e. Out-of-pocket health-related expenses, both incurred and anticipated, arising from PFAS exposure and related medical advice.
3. The Plaintiffs plead that damages for medical monitoring and risk-based harm are recoverable where exposure to a proven toxic substance creates a materially increased risk of future injury, even in the absence of a presently diagnosed disease.
4. The Plaintiffs further plead that the Defendants' conduct has caused aggravated damages, in that the Defendants knew, or ought to have known, of the risks associated with PFAS contamination, failed to adequately warn affected residents, and left the Plaintiffs to discover the contamination through testing or disclosure long after exposure had occurred.
5. In addition, the Plaintiffs have suffered property-related damage, including:
- a. Permanent or long-term contamination of land and groundwater serving the Plaintiffs' properties;
 - b. Diminution in market value, including stigma damages persisting notwithstanding mitigation efforts;
 - c. Loss of use and enjoyment of property, including reliance on alternative water sources;
 - d. Costs of investigation, environmental testing, and

- e. Future remediation and monitoring costs necessary to restore the Plaintiffs' properties to a condition suitable for ordinary residential use.
6. The Plaintiffs plead that the property damages described above are separate and distinct from their personal damages and are recoverable in addition to personal compensation.
7. The Plaintiffs plead that their damages are continuing in nature, as PFAS contamination remains present in the environment, continues to migrate, and continues to interfere with health, property use, and enjoyment.
8. As a result of the foregoing, each Plaintiff claims general, aggravated, and future damages in an amount to be assessed by this Honourable Court, which the Plaintiffs say will approach or exceed \$1,000,000 per Plaintiff, exclusive of property-related damages.
9. The Plaintiffs seek injunctive relief requiring the Defendants to implement appropriate control, monitoring, and remedial measures at the C&D Site and on the Plaintiffs' properties to prevent continued migration of PFAS and to restore groundwater supplying the Plaintiffs' wells to a condition free of PFAS contamination.
10. The Plaintiffs plead and see a declaration that the Province is legally responsible for the migration, discharge, and continued presence of PFAS originating from lands owned, operated, regulated, or permitted by the Province, which have migrated onto and contaminated the Plaintiffs' lands and property. The Plaintiffs further seek a declaration that the Province owed and breached duties of care and statutory obligations to prevent the release and off-site migration of PFAS, and that the Province is liable in law for all resulting property damage, diminution in value, interference with use and enjoyment, and costs of investigation, remediation, and monitoring arising from such contamination.

Breach of Section 7 – Canadian Charter of Rights and Freedoms

11. The Plaintiffs plead that the Province's acts and omissions respecting the authorization, regulation, supervision, monitoring, and failure to prevent the release and migration of PFAS constitute government action within the meaning of the *Canadian Charter of Rights and Freedoms*.
12. The Plaintiff pleads that the Province's conduct has deprived the Plaintiffs of the right to life and security of the person under s. 7 of the *Charter*, including:
 - a. Exposure to toxic substances posing a foreseeable and scientifically recognized risk to human health;
 - b. Loss of bodily integrity and health security;
 - c. Serious and ongoing psychological distress arising from knowledge of contamination and uncertainty regarding long-term health consequences; and
 - d. State-caused interference with the Plaintiff's ability to safely inhabit and use their home.
13. The Plaintiffs plead that state conduct that materially increases the risk of serious physical harm constitutes a deprivation of security of the person where state action exposing individuals to heightened risk of serious harm engaged s. 7 *Charter* protections.

Active State Involvement

14. The Plaintiffs plead that this claim does not seek to impose a free-standing positive obligation on the Province to guarantee environmental protection perfection. Rather, the Plaintiffs plead that:
 - a. The Province exercised statutory authority over environmental regulation and contaminant management;
 - b. The Province authorized, permitted, regulated, or knowingly failed to prevent releases under its legislative mandate;
 - c. The contamination and migration occurred within a framework of ongoing governmental decision-making and oversight; and

- d. The deprivation of the Plaintiff's security of the person flows directly from state-authorized and state-regulated activity.
15. The Plaintiffs plead that where the state creates, controls, authorizes, or materially contributes to a risk of serious bodily harm, s. 7 of the *Charter* is engaged. The Plaintiffs do not assert a generalized duty to protect, but rather liability arising from state conduct and decision-making that foreseeably increased risk to identifiable individuals.

Breach of Principles of Fundamental Justice

16. The Plaintiffs plead that the deprivation is not in accordance with the principles of fundamental justice, including that the Province's conduct:
 - a. Failed to prevent PFAS migration such that it bears no rational connection to any legitimate objective of environmental protection or public health;
 - b. Employed a regulatory scheme and its administration that permitted foreseeable off-site contamination beyond what was necessary to achieve any statutory purpose; and
 - c. Was grossly disproportionate, in that it exposed the Plaintiffs to serious and long-term health risks. As such, it was wholly out of proportion to any administrative, fiscal, or policy considerations relied upon.
17. The Plaintiffs plead that the Province knew or ought to have known of the persistence, mobility, and health risks associated with PFAS and failed to take reasonable and timely measures within its statutory authority to prevent migration or mitigate harm.

Charter Remedy

18. Pursuant to s. 24(1) of the *Charter*, the Plaintiff seeks:
 - a. A declaration that the Province has infringed the Plaintiffs' rights under s. 7 of the *Charter*; and
 - b. Damages as a just and appropriate remedy for the *Charter* breach.
19. The Plaintiffs claim costs of this proceeding, including disbursements and applicable taxes.
20. The Plaintiffs claim such further and other relief as this Honourable Court deems just.

A. Overview

21. This action arises from the contamination of land and water by per and polyfluoroalkyl substances ("PFAS"), caused by the operation of a construction and demolition waste disposal site (the "C&D Site"), located at 9963 Trans-Canada Highway located in the Rural Municipality of Hazelbrook, Prince Edward Island ("PEI").
22. PFAS are a large, complex group of synthetic chemical compounds, which are also known as "forever chemicals." These chemicals are highly resistant to degradation in the environment, and can be transported long distances through soil, water and air over extended periods of time.
23. The Defendant, His Majesty the King in the Right of Prince Edward Island is the Provincial Crown through the Minister of Environment, Energy and Climate Action (the "Province"), negligently approved, permitted, failed to monitor and remediate the C&D Site.

24. As a result of the Province's acts and omissions, PFAS have migrated and continue to migrate from the C&D Site into surrounding lands and waters:
 - a. including the Plaintiffs' Lands causing ongoing damage, loss, and interference with the Plaintiffs use and enjoyment of their property; and
 - b. including the Plaintiffs well and their bodies, causing harm through exposure to unsafe levels of PFAS and prolonged periods of ingestion.

B. The Parties

25. The Plaintiffs, Douglas Jenkins, Roberta Jenkins, and Lindsay Jenkins are residents of PEI. They are rightful owners and/or lawful occupiers of 9964 Trans-Canada Highway located in the Rural Municipality of Hazelbrook, Prince Edward Island (the "Plaintiffs' Lands").
26. At all material times, the Plaintiffs relied upon groundwater and/or surface water sources in the Hazelbrook area as their primary water supply for domestic, personal, agricultural, and/or household use.
27. The Defendant, His Majesty the King in the Right of Prince Edward Island is the Provincial Crown (the "Province") within the meaning of the *Crown Proceedings Act*, R.S.P.E.I. 1988, c. C-32, and is liable for the acts and omissions of its servants, employees, agents, and departments in the same manner as a private person of full age and capacity.
28. Per the *Environmental Protection Act*, R.S.P.E.I. 1988, C. E-9, the Province is responsible for the regulation of environmental protection and waste disposal and at all material times, the Province owned, operated, managed, regulated, granted permits, controlled, and/or assumed responsibility for the C&D Site, including its operation, maintenance, closure, monitoring, and post-closure management.

29. The operation and approval of the C&D Site fell squarely within the Provincial Minister's statutory authority under the *Environmental Protection Act* and the Waste Resource Management Regulations when issuing the permits and that Province must be held accountable for compliance with the Regulations. Accordingly, the authority to authorize, regulate, and supervise the operation of such disposal sites is not merely administrative but a core exercise of provincial statutory jurisdiction, carrying with it a corresponding duty of strict compliance with the governing legislative scheme.

C. Factual Background

30. Per and Polyfluoroalkyl Substance ("PFAS") are a class of thousands of human-made substances. PFAS are considered forever chemicals on the basis that their molecules consist of chains of linked carbon and fluorine atoms, resulting in the carbon fluorine bond to be exceptionally strong. This bond causes PFAS chemicals to be highly resistant to degradation in the environment.
31. PFAS are found in most environmental compartments, including air, surface and groundwater, oceans, soils, and biota, as well as in wastewater influent and effluent, landfill leachate, sewage sludge, and biosolids. PFAS contamination is colorless, odourless and tasteless, and not detectable without specialized environmental testing that is readily available.
32. Although adverse environmental and health effects have been observed for PFAS, they are still found in many everyday consumer products and are widely used in commercial and industrial settings. Typical examples of PFAS in everyday consumer products include surfactants, lubricants, repellents, certain firefighting foams, food packaging materials, drugs, medical devices, cosmetics, pesticides, textiles, vehicles, and electronics.
33. When applied, used, or disposed of as intended, PFAS can enter the environment and migrate through surfaces, soils, sediments, and

groundwater, ultimately reaching and contaminating drinking water sources relied upon by millions of Canadians. Human exposure to PFAS, including through ingestion, leads to their accumulation in the body over time.

34. Many Canadians depend on provincial and territorial governments, municipal districts, and other governing authorities for the provision of their drinking water.
35. However, millions of Canadians also rely on private wells for drinking water, which is not treated by public water utilities and may be vulnerable to PFAS contamination. Exposure to and ingestion of PFAS presents a significant risk to human health, as current evidence indicates that no level of exposure can be considered safe.
36. The prevalence of PFAS in human bodies is commonly assessed through blood analysis, which can reflect cumulative exposure over several years. According to Health Canada, data from the Canadian Health Measures Survey indicate that PFAS are present in the blood of over 98% of the Canadian population.
37. Health Canada has reported that PFAS display several key characteristics of carcinogens. Exposure to and ingestion of PFAS have been linked to a range of health effects across multiple human systems and organs, including the liver, immune and endocrine systems, as well as impacts on fertility, development, and metabolism.
38. The United States Environmental Protection Agency has warned that PFAS are likely carcinogens and that no level of PFAS contamination can be considered without risk of adverse health effects. Similarly, the International Agency for Research on Cancer has evaluated PFOA and PFOS, two common PFAS, and classified them as carcinogenic and possibly carcinogenic to humans.

39. The presence of multiple PFAS chemicals in the environment creates a profound toxicological complexity because these substances rarely occur in isolation but instead as dynamic mixtures that vary across air, water, soil, food, and biological tissues.
40. In their 2022 article *PFAS Molecules: A Major Concern for the Human Health and the Environment*, Panieri et al concluded that more than 4,700 structurally diverse PFAS can co-occur, each with different chain lengths, functional groups, bioaccumulation patterns, and biological targets, making their combined behavior difficult to predict. Critically, humans and ecosystems are exposed chronically to these mixtures through multiple pathways, including drinking water and diet, leading to cumulative body burdens over time. Some PFAS can act additively or synergistically on shared outcomes such as immune suppression, endocrine disruption, liver toxicity, and developmental effects, while others may transform from precursor compounds into more persistent and sometimes more toxic forms (e.g., conversion of fluorotelomer compounds into PFOA or PFOS), further increasing mixture complexity. Because traditional risk assessments are largely based on single-chemical exposures, they fail to capture the real-world scenario of long-term exposure to interacting PFAS mixtures, raising concern that current health-based guidelines may underestimate the true potential for harm to both human health and ecological systems.

D. The Defendants are the cause of the PFAS contamination

41. The C&D Site accepted, stored, and disposed of industrial waste materials, including materials containing PFAS, or capable of generating PFAS-contaminated leachate.
42. The Province knew, or reasonably ought to have known that the C&D Site generated leachate capable of migrating into surrounding soil and groundwater, and that PFAS compounds are highly mobile, persistent, and resistant to natural attenuation.

43. This issue has persisted at least since the community of Hazelbrook initiated litigation in 2003 challenging the issuance of a permit to Maintenance Services Ltd (“MSL” or “Bulldog Demolition”)."
44. Unmonitored PFAS contamination from the C&D Site has spread, and currently continues to spread, into surrounding lands and waters, including the groundwater supplying the Plaintiffs’ lands, through leaching, groundwater migration, and other related environmental pathways.
45. The Plaintiffs’ lands and property are located within a direct watershed that flows through the C&D Site and continues into the Town of Stratford.
46. Migration of PFAS was foreseen or reasonably foreseeable by the Defendants, into water contained in the Plaintiffs’ well water and surrounding areas which are now and continue to be contaminated.
47. In October 2014, the Auditor General of Prince Edward Island released a report on the Management of Contaminated Sites. Section 4.7 of the report explicitly stating that:

the Environment Division of the Department of Environment and Justice is responsible, under the authority of the Environmental Protection Act, for ensuring that contaminated sites in the province are appropriately managed.

48. The Province, through the Department of Environment, Energy and Climate Action (the “Department”), is responsible for monitoring the C&D Site. The Department became aware of contamination at the Site in 2024 but failed to notify the Plaintiffs or members of the adjacent and affected community until 2025. This failure to provide timely notice prevented affected individuals from taking appropriate protective or remedial measures and caused harm.

49. There have been no attempts by the Province to remediate the C&D Site and it continues to be the source and cause of contamination on the Plaintiffs' property.
50. The Province's conduct has caused, and continues to cause, actual harm to the Plaintiffs' lands, property and health, and their right to access safe potable water on their property. As a result, the Plaintiffs have incurred, and will continue to incur, substantial costs and damages, including expenses for investigating, monitoring, and remediating PFAS contamination of their property, wells, and water systems, as well as medical monitoring, treatment, and other measures necessary to address the adverse health impacts caused by the contamination

C&D Site Ownership and Monitoring

51. In early April 2003, ownership of the C&D Site was transferred from MSL to Enviroage Waste Management Inc ("Enviroage"). A few months later, in June 2003, ownership of the C&D Site was transferred back from Enviroage to MSL.
52. In 2005, an underground fire occurred at the C&D Site. The fire was extinguished.
53. On April 7, 2006, the Hazelbrook community, MSL, and the Province reached a site-specific agreement. As part of this agreement, an Environmental Management Committee was to be established and meet regularly to review site operations and address environmental concerns.
54. Despite this agreement, there was a clear lack of meaningful environmental monitoring and testing at the site. Waste entered the C & D Site unfettered.
55. As a result of these deficiencies, in February 2008 the PEI Environment Minister, Minister Webster, ordered the shutdown of the C&D Site, citing potential risks to environmental health. The order issued by the Minister

specifically referenced possible leakage, or the potential for leakage, from the site.

C&D Site Contamination

56. In 2009, the Province launched an online Contaminated Site Registry.
57. On July 11, 2012, ownership of the C&D Site was transferred from MSL to the Province.
58. In August 2013, the site was formally designated as a contaminated site and added to the registry as Hazelbrook (PIN 882738).
59. Although ownership of the C&D Site was transferred to the Province and responsibility for the contaminated site fell under its duties pursuant to the *Environmental Protection Act*, R.S.P.E.I. 1988, c. E-9; no ongoing environmental monitoring was conducted after the permit was issued. This represents a continued failure to properly manage this site.
60. These systemic deficiencies by the Province were further acknowledged on October 23, 2019, when the Department of Environment publicly stated that environmental assessments of former landfill sites would take more than two years to complete.
61. This admission followed concerns raised by PEI Auditor General, Jane MacAdam, in her 2015 report, which highlighted that many contaminated sites across the province had never undergone water or soil testing to determine potential risks to human health and the environment.
62. In 2024, Health Canada updated the Canadian Drinking Water Guidelines for PFAS, lowering the allowable concentrations from 500 ng/L for PFOS and 200 ng/L for PFOA to an established objective of 30 ng/L for the combined concentration of 25 specified PFAS compounds, including PFOS

and PFOA. However, current evidence indicates that no level of exposure of PFAS can be considered safe.

63. In January 2025, the Province notified the Plaintiffs that they should stop using the well on their property, as it was contaminated with PFAS at levels far exceeding the 2024 Health Canada drinking water guidelines for PFAS adopted by the Province.
64. Following the identification of contamination risks due to the high levels of PFAS in the local aquifer through tap sampling, the Province undertook to provide alternative drinking water to affected residents, including the Plaintiffs.
65. These measures reflect the Province's knowledge of contamination affecting potable water supplies and the foreseeable risk to human health. This mitigation practice is on-going.
66. In recognition that the water supply is contaminated, PEI Department of Environment, Energy and Climate Action has undertaken to provide construction of a new off-site well water supply system for the affected Hazelbrook area including the Plaintiffs' Lands.
67. The Province has taken operational measures to address immediate water quality issues; however, it has taken no steps to remediate the source of the contamination, and the presence of contaminants remains an ongoing concern affecting the Plaintiffs' health and property values.
68. The Province is liable for negligence, trespass, private nuisance, public nuisance, strict liability and breaches of duties in tort.

E. Statutory Context and Duties

69. At all material times, the Province exercised statutory authority and responsibilities under, including but not limited to:
- a. the *Environmental Protection Act*, R.S.P.E.I. 1988, c. E-9;
 - b. the *Water Act*, R.S.P.E.I. 1988, c. W-2.1; and
 - c. related regulations governing waste disposal, environmental protection, and water safety.
70. Those statutes impose duties to protect the environment, prevent contamination of land and water, and take reasonable steps to prevent and remediate pollution.
71. Nothing in the Province's statutory duty authorizes the contamination of private land or water, the release of hazardous substances, or the failure to warn or remediate once contamination is known or reasonably knowable.

F. Private Nuisance

72. At all material times, the Defendants' conduct resulting in PFAS contamination of the Plaintiffs well water and property amounted to a substantial interference with the Plaintiffs use and enjoyment of their property.
73. The PFAS contamination poses a realistic risk to actual harm to the health and well-being of the Plaintiffs.
74. The contamination of well water on the Plaintiffs' lands is readily ascertainable and can be reliably measured using established scientific techniques and attributed to the C&D Site.

75. By directly and/or indirectly causing unreasonable physical injury to the Plaintiffs well, which supplies water to the Plaintiffs property, the Defendants substantially and unreasonably interfered with the Plaintiffs use and enjoyment of their property and thereby committed the tort of private nuisance.

G. Strict Liability

76. At all material times, the Province was aware that the C&D Site stored and disposed of industrial waste materials, including substances containing PFAS or capable of generating PFAS-contaminated leachate. The Province knew, or ought to have known, that the substances containing PFAS or capable of generating PFAS-contaminated leachate are highly resistant to environmental degradation without proper capture and containment, and that they are likely to cause harm to adjacent lands and properties if they escape.
77. PFAS did in fact escape from the C&D Site and entered the Plaintiff's property, well and bodies. This escape was not an intended consequence or result of the of the C&D Site.
78. As a result of the escape, and lack of reasonable remediation, and the resulting PFAS contamination of the Plaintiffs' Lands, well, and bodies, the Plaintiffs have suffered, and continue to suffer, damage and loss. The Defendants are therefore strictly liable for these losses.

H. Public Nuisance

79. At all material times, the Defendants' conduct, which resulted in PFAS contamination of the Plaintiffs well, amounted to a substantial and unreasonable interference with the Plaintiffs right to clean drinking water.

80. This interference engaged serious concerns relating to health, safety, comfort, and convenience, to the Plaintiffs who rely on drinking water not distributed by government infrastructures.
81. The Defendants substantially and unreasonably interfered with the Plaintiffs' right to clean water and caused special damage to the Plaintiffs by impairing the use and enjoyment of their properties, thereby committing the tort of public nuisance.
82. The PFAS contamination caused by the Defendants diminished the value of the Plaintiffs' Lands and has caused, and will continue to cause, the Plaintiffs to incur substantial remediation and future response costs.

I. Health-Related Damages

83. As a result of the Defendants' negligence, nuisance, breach of statutory duty, and failure to prevent or remediate contamination by PFAS, the Plaintiffs have suffered and continue to suffer adverse health impacts.
84. The Plaintiffs have been exposed to PFAS through contaminated drinking water, soil, and other environmental pathways over an extended period. These persistent chemicals, often called forever chemicals, accumulate in the human body and are linked to serious long term health risks.
85. The United States National Center for Biotechnology Information guidelines indicate that there is an increased risk of adverse health effects when concentrations of PFAS in the blood exceed 20 ng/mL.
86. In August 2024, Health Canada finalized its Drinking Water Quality Objective for PFAS, establishing a precautionary group-based guideline of 30 ng/L for the combined total of 25 specified PFAS compounds in drinking water, which has been adopted by the Province. In this guideline Health Canada recommends that PFAS concentrations in drinking water be maintained as low as reasonably achievable.

87. On June 9, 2025, Roberta Jenkins had her blood tested for PFAS chemical exposure at Quest Diagnostics in Bangor, Maine, USA. The resulting report found PFAS levels of 113.39 ng/mL in her blood, which is more than five times the threshold associated with an increased risk of adverse health effects.
 - a. On September 29, 2025, Roberta Jenkins had her blood re-tested. The resulting report found PFAS levels of 110.46 ng/mL in her blood, which is again, more than five times the threshold associated with an increased risk of adverse health effects.
88. On June 9, 2025, Douglas Jenkins had his blood tested for PFAS chemical exposure at Quest Diagnostics in Bangor, Maine, USA. The resulting report found PFAS levels of 78.92 ng/mL in his blood, which is more than four times the threshold associated with an increased risk of adverse health effects.
89. On September 29, 2025, Lindsay Jenkins had her blood tested for PFAS chemical exposure at Quest Diagnostics in Bangor, Maine, USA. The resulting report found PFAS levels of 37.98 ng/mL in her blood, which is almost two times the threshold associated with an increased risk of adverse health effects.
90. On January 12, 2026, the Plaintiffs received a letter from the Department of Environment, Energy and Climate Action indicating that the results of recent sampling of the well water at the Plaintiffs' property exceeded the Health Canada drinking water objective. Specifically, the results showed a total concentration of 438 ng/L, confirming that the Plaintiffs' well water exceeds acceptable standards by Health Canada.
91. The Plaintiffs plead that such exposure has caused, contributed to, or materially increased the risk of present and future physical injury, illness, and disease, including but is not limited to immune system dysfunction,

endocrine disruption, reproductive harm, elevated cholesterol, liver impairment, thyroid disease, cancers, and other systemic health effects recognized in scientific and medical literature.

92. The Plaintiffs further plead that they have suffered psychological distress, anxiety, and loss of peace of mind arising from knowledge of the contamination, uncertainty regarding long-term health consequences, and the need for ongoing medical monitoring.
93. The Plaintiffs have incurred and will continue to incur costs for medical assessment, testing, treatment, and monitoring, including preventative and diagnostic care required as a result of PFAS exposure.
94. The Plaintiffs plead that their injuries are indivisible, cumulative, and progressive in nature, and that future harm is reasonably foreseeable. The Plaintiffs therefore claim damages for past, present, and future health impacts, loss of enjoyment of life, and increased risk of disease

J. Trespass

95. The Province is liable for trespass in that, without consent, it released or permitted the release of PFAS chemicals into the environment, which migrated and continue to migrate offsite into surrounding lands and waters, including the groundwater supplying the Plaintiffs' lands and well. This continuing trespass by the Province has caused and continues to cause interference with the Plaintiffs' property, resulting in damage and loss

K. Negligence

96. At all material times, the Province owed the Plaintiffs a duty of care to operate, manage, monitor, close, and remediate the C&D Site in a manner that would prevent contamination of neighbouring lands and waters.

97. The Province breached that duty of care by, among other things:
- a. permitting PFAS-containing materials to be used or deposited at the C&D Site;
 - b. failing to adequately contain, line, cap, or remediate the C&D Site;
 - c. failing to monitor groundwater and leachate migration;
 - d. failing to warn neighbouring landowners of contamination risks; and
 - e. failing to take timely steps to prevent or remediate contamination once known or reasonably knowable.
98. At all material times, the Defendants knew, or ought to have known, that PFAS at the C&D Site posed a potential danger. The Defendants knew, or ought to have known, that PFAS from the C&D Site would enter and persist in the environment and could migrate into and contaminate the drinking water supplied by the Plaintiffs well.
99. Furthermore, the Defendants knew, or ought to have known, that PFAS contamination in the drinking water from the well could harm the health of the Plaintiffs.
100. As a result of the Province's negligence, PFAS contamination has migrated onto the Plaintiffs' Lands, causing damage and loss.

L. Crown Liability- Operational Conduct

101. The Plaintiffs plead that the acts and omissions complained about were operational in nature, including the day-to-day operation, management, monitoring, closure, and remediation of the C&D Site.

102. The Plaintiffs do not challenge high-level policy decisions, but rather the negligent execution of operational responsibilities and the failure to prevent, monitor, and remediate contamination.
103. The Province is liable for such operational negligence pursuant to the *Crown Proceedings Act*.
104. As a result of Province's conduct described herein:
 - a. Plaintiffs have suffered a diminution in the value of their property due to the contamination of their land and groundwater by PFAS; and
 - b. The Plaintiffs' lands and well have been contaminated, and the resulting stigma associated with PFAS contamination has further diminished property values. The uncertainty regarding the migration of the contaminants, as well as the effectiveness, cost, and timing of any remediation efforts, has rendered Plaintiffs' land impaired and substantially devalued.

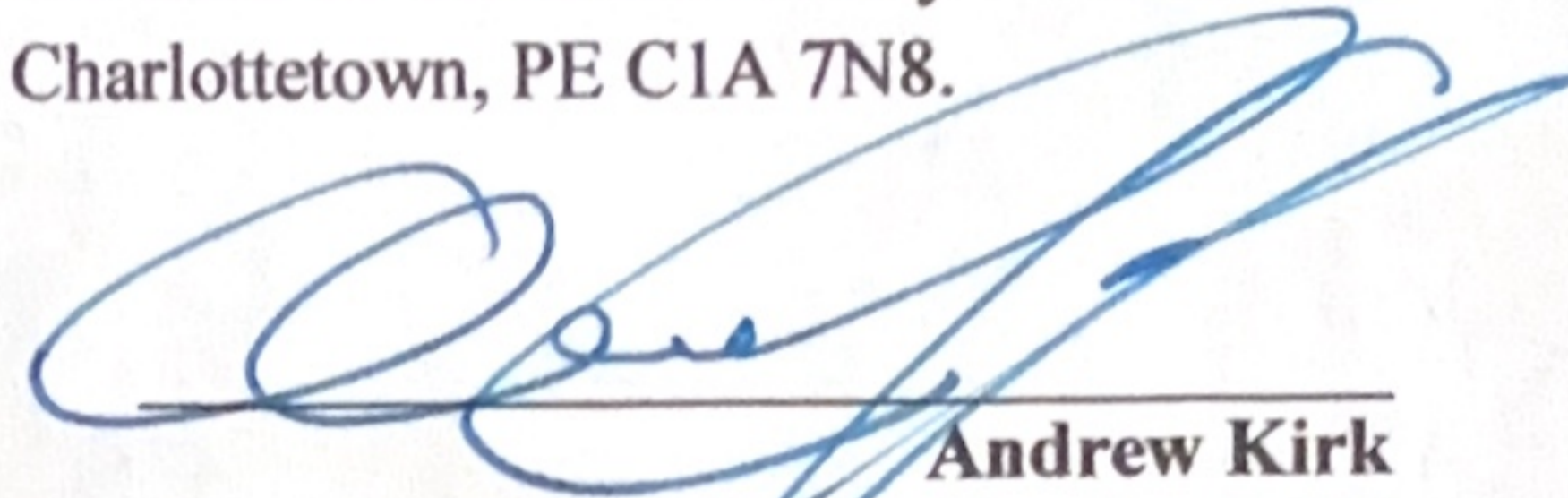
M. Damages

105. As a result of the Province's conduct, the Plaintiffs have suffered damages, including:
 - a. contamination of land and water;
 - b. loss of use and enjoyment of their property;
 - c. diminution in property value;
 - d. costs of investigation, testing, filtration, and alternative water supply;
 - e. stigma damages; and
 - f. ongoing and future remediation costs.
106. The Plaintiff seeks a declaration that the Defendant Province is legally responsible for the migration, discharge, and continued presence "PFAS" originating from lands owned, operated, regulated, or permitted by the Province.

107. The Plaintiff further seeks a declaration that the Province owed and breached duties of care and statutory obligations to prevent the release and off-site migration of PFAS, and that the Province is liable in law for all resulting property damage, diminution in value, interference with use and enjoyment, and costs of investigation, remediation, and monitoring arising from such contamination.

The plaintiffs propose that this action be tried at Sir Louis Henry Davies Law Courts, PO Box 2000, 42 Water Street, Charlottetown, PE C1A 7N8.

May 27, 2026



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DOUGLAS JENKINS, et al

Plaintiffs

-and-

GOVERNMENT OF PRINCE EDWARD ISLAND, et al

Defendants

Court File No.

**PRINCE EDWARD ISLAND
SUPREME COURT**

STATEMENT OF CLAIM

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