

GRAFFICI | JULY 15 2023



Photo by Roger St-Laurent

[NOTE: Below is a Google Translation of the Graffici article which was published July 15, 2023 regarding the Sunny Bank flood of 2010. Apologies for the quality of the translation, as it has not been corrected.]

Andrew Patterson: the man who made Transports Québec bend

By Jean-Phillippe Thibault

SUNNY BANK | Andrew Patterson knows the Sunny Bank area like the back of his hand: he's lived there all his life. In fact, he was born and raised in the family home built by his great-grandfather in 1867, in which he still resides today.

The place is peaceful, set back from the downtown Gaspé along the river York – renowned for its salmon – while the traffic flow is moderate, with a charming community center a few hundred meters further and as the nearest business, the last service station available before driving to Murdochville, on the other side of the bridge spanning the York River. A peaceful place so ... except when heavy rains accumulate.

In living memory, no flooding noticeable and significant has marked the sector of Sunny Bank before 1952*. Prior to this date, a dirt road was traced on the ground, at its natural height. It allowed to do the route from Sunny Bank to the Wakeham sector – across the river – via a covered bridge.

In spring, during the worst floods, the road could become impassable for a few days, but without repercussion on the residences of Sunny Bank. The plain was flooded, no more, and the water was absorbed within a reasonable time.

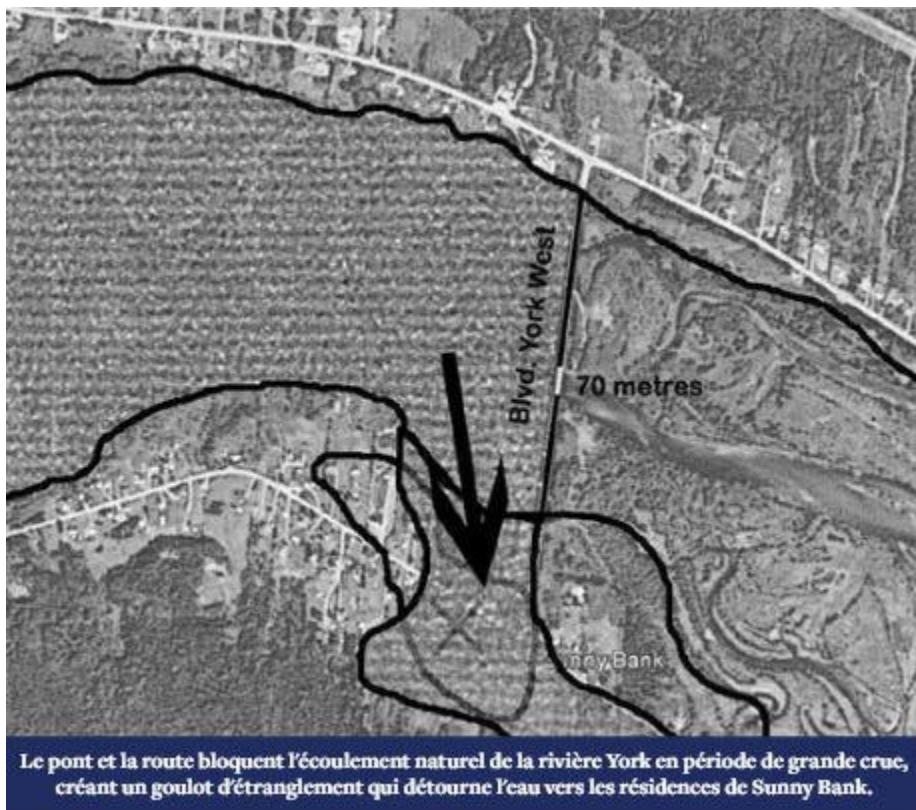
The scenario, however, began to change

from 1952. To meet the needs mining activities which are developing Murdochville – over 300 homes are built between 1952 and 1953, when the city is officially constituted – the Ministry of Transports du Québec (MTQ) undertakes to build a 700 meter road. THE heavy trucks loaded with copper borrow ront in particular to bypass the city center from Gaspé and get to the port and the railway deliver their goods.

Not insignificant detail, the new road will be erected 1.5 meters above the natural level ground. In the center, a concrete bridge, where was once the covered bridge. Result direct: from the end of its construction in 1954, the road partially blocks the flow of the river, causing some flooding in the lower parts of Sunny Bank. THE citizens then begin to seriously question ment about the new infrastructure.

More than 20 years later, in 1977, the MTQ decides to raise the road of several others meters to prevent overflows of

the river does pass over the road. THE elevation was about 10 meters from the Wakeham side. This important milestone will mark the beginning of an epic that will last almost a half a century and which is still not over Today. The first floods will be observed even before the work was completed.



Map created by Andrew Patterson

Consequently, citizens whose families have lived in the area for generations raise red flags and directly notify the MTQ of the potential risks of the flow of

water on surrounding residences. Brother
d'Andrew – Bruce Patterson – filed with the MTQ
a petition of 75 names on May 24, 1977 for
ensure proper drainage.

He himself then suffers the first damage
on his property. On September 7 of the same
year, their other brother Maurice Dean Patterson
calls for actions to avoid others
floods. Two weeks later, the lawyer
of Bruce sends a missive to the authorities
which unfortunately turns out to be prophetic:

“The work will still cause damage
considerable in the years to come. »

The new road finished being built in 1977
across the York River. As anticipated by
citizens, it will obstruct the flow
of its water in the floodplain, contrary-
lies to formerly. From that moment, more
of a dozen flood episodes will be
listed. Water from the river
will go so far as to overwhelm some residences. Of the
floods are reported in 1977, 1980 and
twice in 1981. But the file falls a little
into oblivion despite multiple other warnings-
citizens of Sunny Bank following the

bad weather of 1981, including a new petition of about twenty names submitted in December. Tired of Quebec's inaction, Bruce Patterson seized the Small Claims Division in 1982 for damage to his property. He will win his cause a few years later, in 1987. The MTQ will be held responsible. Two weeks later, the member for Gaspé, the Liberal André Beaudin, writes to Bruce Patterson that a follow-up will be done. Nothing concrete affects however on the ground. Other flood were observed in 1983, 1997, 1998 and 2004. In 2009, two years after the rains diluvians of Rivière-au-Renard which will have ultimately cost the lives of two people, a group of 19 residents sign a new petition to request that works be started to solve the problem once and for all for all. However, the warning signs are remained a dead letter.

The ultimate episode

In 2010, a virulent rain fell for three days, starting December 13. The day after around 3 p.m., Andrew Patterson returns from Rimouski after spending two days in the hospital for kidney stones. A bad surprise waits for him since the rain does not subside. THE

City of Public Safety teams

Gaspé give the notice to evacuate at 11 p.m.

On December 15 at 7 a.m., the water begins to infiltrate Andrew's basement. The flow is such that the water level rises by approximately one inch every 15 minutes. The pumps are not sufficient for the task. The whole floor is submerged and the rain does not seem to want decrease. "The whole field in front of the house was flooded. If we hadn't been there and we had left our cars in the parking lot, they would have been completely swallowed up.

Our neighbor was less lucky and lost his own," recalls Andrew Patterson in pointing to his vast property located about fifty ten meters from the road.

His mother, then aged 93 and living in neighboring house, as well as its sister, two houses further, must be evacuated and converge at Andrew's. At the height of the floods, the 15 December around 11 p.m., his basement is submerged in 28 inches of water (71 centimeters for supporters of the metric system). Curiously, no measure to determine the water level of the York River or even its debit was not taken at this time, nor by

provincial authorities, nor by the authorities municipal, despite heavy rains during three days.



Photo; Bessie Patterson



Terry Miller



unknown

The state of emergency is still declared.

A dozen houses are hard affected, including Andrew's. Farewell table billiards, farewell washer, dryer, books and library theca. Damage is assessed at \$65,000 for its four properties. In total, the damage are estimated at around three million dollars for all residents. It will have taken weeks to clean, as evidenced by piles of water-soaked debris, visible near of the road.

And it's not over. Other overflows will be observed in 2011 and 2017. Between 1977 and today there are 13 episodes of flooding residential tion that have been registered. bruce

Patterson was flooded all 13 times. None home flooding has been reported before 1977. "I know a woman hard touched who was terrorized and who now is panicked every time it rains. I also have this constant fear and stress of seeing my house invaded by water during heavy rains events," laments Andrew.

For the 2010 episode, some residents will receive compensation from the Ministry of Public Security, but nothing to cover all costs. " Those who lived in their home and who had damage to essential goods such as washers and dryers got something like \$250 to buy appliances at \$2000. The others had nothing, like one of my brothers who lives nearby, but who makes the shuttle with New Brunswick", specifies Andrew Patterson, now 71.

At the time, he went to meet the MTQ to find out how much he would be entitled to, considering their responsibility in this history, according to him, and the multiple opinions that have not been listened to. Several local engineers

were sympathetic to his cause, but the opinion was not shared in high places. " When I asked the regional management in Rimouski what I was going to have as compensation, the manager leaned over the table and had happy to answer me: nothing at all. It made me enraged! At that exact moment, I decided that I would go to court and I spent the whole week next to write a document for a Collective action. I spent the whole winter next to bring the people of Sunny Bank together to gather information and initiate lawsuits. »

The Pilgrim's Staff

Retired from teaching

the English school network in Gaspé

Elementary School, then High School

C.-E.-Pouliot for 11 years, Andrew

personally takes collective action

in 2013 and will retain the services of Sylvestre

Painchaud and associates. Lawyer Marie-Anaïs

Sauvé will join the case some time longer

late. "She was exceptional, incredible. Without

her, we would never have made it," exclaims

he. In 13 years, he has personally invested more than 800 hours of his time, in court and at outside the courts.

“I never would have thought it was so much of work. I don't know if I would have, if I'd know how much, he says with a big smile on his face.

It was endless. Probably no one wouldn't have done it if I hadn't been there. Several said I was wasting my time, but most encouraged me”, specifies the one who spent two full days being interrogated at the witness stand.

“I explained everything from A to Z with maps and timeline. One of the lawyers then told me that he had never seen a witness who is not an expert to be listened to in this way by a judge," he added modestly. Of for its part, at the time of the pleadings, the MTQ did not did not plead that he had been driving prudently and diligent, directing his defense rather on the exceptional nature of the rains received.

Marie-Anaïs Sauv  remembers the dedication and determination of his client.

“Mr. Patterson is the best representative that class members could have. It is

with impressive determination
has himself applied to be
authorized to take collective action in
2012.”

After nine years of proceedings, the judgment
finally falls on June 29, 2022. “After
having considered the evidence presented, only one
conclusion is obvious: the MTQ is at fault and
did not seek to prevent the residences of
Sunny Bank are repeatedly flooded, part-
particularly in 2010, by building its road”,
says Superior Court Judge Pierre C.
Bellavance.

The judgment points out that the road was wrong
built in both 1954 and 1977 and that no
correction was not subsequently made. Worse
again, the choice of the location of the road did not
been preceded by any impact study. In class,
an MTQ expert said that if the road had
was built upstream of the inhabited sector of
Sunny Bank rather than downstream, no problem-
matic would not have affected the residences; that if
an engineer from the MTQ asked himself the question,
all these inconveniences could have been avoided.
But it was easier to build the road there

where the dirt road already passed, a road that thus practically blocking the flow-natural level of a river at the lowest level a catchment area of more than 1000 kilometers squares...

Strangely, despite all the occurrences floods and despite numerous warnings citizens, the first technical study carried out to document the problem did not start as of December 2, 2009 and was completed in May 2011 ... five months after the floods monsters of 2010.

“By raising the level of the road in 1977, we only made the situation worse,” notes elsewhere Judge Bellevance. The only analysis which was made in 1977 consisted in determining how to build a road and a bridge able to withstand the onslaught of the river at a reasonable cost. The need to secure the road for heavy trucks has largely taken precedence to the detriment of the citizens of Sunny Bank. The recurrence flow of heavy rain has also done on a 25 year scale instead of a scale of 100 years, as imposed by a work of the genre. Despite the lack of measures

at the time of the rains, the flow was later rated between 600 and 650 cubic meters per second by the plaintiffs' experts, thus placing themselves within a recurrence period on 100 years. The event was therefore foreseeable. THE MTQ experts spoke instead of a flow rate of 750 cubic meters per second, arguing as well as it was an episode of rain unpredictable. The judge, however, rejected their arguments, citing that these latest data were the result of measurements taken at the airport of Gaspé, several kilometers from the York River.

A hydrogeology engineer also reminded that the ground of the site is very permeable. No study to detect this vulnerability has not been made. General conclusion of this saga: the MTQ was dismissed on all the line and should have listened to the citizens, as the Superior Court will recall in its decision. The case has not been brought on appeal.

“We tried to warn them as early as 1977, recalls today Andrew Patterson, who was then only twenty years old. The engineer

responsible was in court for pleadings
and he maintained that the works had been well
carried out. The judge practically laughed! »
Almost 50 years after the first warnings
ments, the Sunny Bank flooded
so finally won the case, thanks to the
devotion of a man who remained faithful
in his convictions and who had the courage to
to defend, which did not fail to underline
Ms. Marie-Anais Sauv . “Mr. Patterson is a
kind man, devoted to the safeguard of the
land of his ancestors and which, in my opinion, deserves
the respect and recognition of Gaspesians
for whom he fought this long battle
to obtain better conditions for them and
compensations. »

Even the court had good words for
the man behind this collective action.

“The involvement was exceptional and would not have been
his sustained interventions, this action would not have
maybe not even seen the light of day, ”notes the judge
Pierre C. Bellavance.

But for Andrew Patterson, whose tenacity
ment made the MTQ bend, this victory in
court is only the end of a chapter, not the one

Of the history. The court sentenced Quebec to pay general compensation for the stress and inconvenience to each of the few 200 class action members. Everyone will have also entitled to individual compensation for all damages suffered, but these do not are still not determined and even less paid. Those in charge will be eight years old to complete the repairs to the road and bridge. Bruce Patterson now has 86 years old and may never see the works patches. Andrew is doubtful. " We won in June last year, but we are waiting again, and again... I believe they are waiting that we are all dead", he concludes half-seriously, half amused.

* The timeline of events is based on the judgment of the Superior Court of Quebec dated June 29 2022 and Andrew's extensive documentation Patterson, condensed and summarized here in these lines.