

Can You Stop Multiple LTB Applications by a Vexatious Litigant?

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[Mark Melchers](#) 05 November, 2015

Can You Stop Multiple LTB Applications By A "Vexatious" Tenant?

Yes! (But It Requires Planning...)

Some tenants derive personal (and sometimes financial) satisfaction from filing multiple Landlord and Tenant Board (LTB) applications, making groundless allegations against their landlord. Even though the applications are without merit, they are expensive and time consuming to defend and in the case of vindictive, "vexatious" tenants who file multiple applications as a form of entertainment, the costs can be substantial. The LTB rarely orders tenants to pay the landlord's costs, and even when it does, the cost awards are nominal. So what can a Landlord do to limit legal costs, wasted time, and uncertainty due to multiple applications filed by a vexatious tenant? A solution lies in Rule A8 of the Social Justice Tribunals of Ontario's Common Rules, which form part of the LTB's Rules of Practice (the "Rules").

Rule A8 deals with "abuse of process". Rule A8.2, in particular, allows the LTB to declare a tenant to be a "vexatious litigant"; dismiss the application as an abuse of process; and, require the vexatious litigant to obtain special permission from the LTB before s/he can file any new Application, or take any further steps in an outstanding application.

In a recent case, the LTB reviewed a tenant application, as well as previous applications filed by the same tenant, and applied Rule A8.2 in concluding the tenant was a vexatious litigant (here is the link to the case). The LTB did not just look at the number of prior "frivolous" applications filed by the tenant, but also whether the Tenant conducted herself in a vexatious (ie: abusive) manner. [A305](#)

in other proceedings at the LTB. The following factors were considered in determining that the tenant was a vexatious litigant:

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- a. Bringing one or more proceedings to determine an issue which has already been determined by a court or tribunal of competent jurisdiction is a vexatious proceeding;
- b. Where it is obvious that an action cannot succeed, or if not person can reasonably expect to obtain relief, the proceeding is vexatious;
- c. Proceedings brought for improper purposes (i.e. any purpose other than to assert legitimate rights) are vexatious; and
- d. Persistently filing unsuccessful Review Requests can be considered vexatious.

The LTB in the case at hand concluded:

"In order to declare the Tenant to be a vexatious litigant, I must be satisfied on an objective standard that the applicant has persistently and without reasonable grounds instituted vexatious proceedings or conducted herself in a vexatious manner during the proceedings".

Many of you undoubtedly have a few tenants in mind as "vexatious litigants"; however, obtaining such a declaration is an "extraordinary remedy". Many LTB Members may recognize that a tenant is abusing the process but will look to you to provide reliable, objective facts so that the Member can make a decision which not only protects the landlord, but also prevents an abuse of the Board's processes and censures the tenant. A vindictive tenant who files multiple "frivolous" applications will leave a paper trail, but can be rewarded if you fail to properly defend each application or fail to carefully document the conduct of the tenant, not just at a hearing but also in the course of the proceedings.

Mark Melchers is an Associate lawyer at Cohen Highley LLP. He can be reached by [email](#) or 519-672-9330 (ext 428) if you have any questions about the above or require advice in these areas.

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You can view the original article at Cohen Highley's website:

[Can You Stop Multiple LTB Applications By A "Vexatious" Tenant? Yes! \(But It Requires Planning...\)](#) **A422**

Fraud Unravels Everything

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[Matt Molloy](#) 23 May, 2017

The title of this post comes from **Lord Denning's** infamous statement in **Lazarus Estates Ltd v Beasley** that:

"No court in this land will allow a person to keep an advantage which he has obtained by fraud. No judgment of a court, no order of a Minister, can be allowed to stand if it has been obtained by fraud. Fraud unravels everything. The court is careful not to find fraud unless it is distinctly pleaded and proved; but once it is proved, it vitiates judgments, contracts and all transactions whatsoever..."

Lazarus was a landlord and tenant case, where one of the issues was whether the landlord had carried out repairs to the value that was being claimed from the tenant.

In my view, there are certainly parallels to be drawn with some of the adjudications that I'm seeing nowadays, where parties are arguing that an otherwise valid payment notice should not be complied with because of fraud.

Fraud unravels everything

I'm increasingly seeing parties claiming that interim payment notices contain amounts that relate to works that have not been completed, or to goods that have not been supplied, as alleged. This raises the question of whether this amounts to fraud or fraudulent misrepresentation. Although it is **Lord Denning** that is often quoted (as above), I think the words of **Parker** LJ are just as pertinent:

"... the real question in any case is whether repairs to the value specified have in fact been done, and that proof of fraud in the making of the declaration is merely proof of the quality of the act or its motive.

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Nevertheless, that quality, if proved, vitiates all transactions known to the law of however high a degree of solemnity." A424

Let's take an example

For ease, I'm going to suggest a simple example. In its interim application for payment number four, out of the total of £100,000 applied for, the contractor included a sum of £20,000 for works it had not finished. The employer and the contract administrator were unaware of this (please don't question why this is) and so a payment notice was issued for the full £100,000 (less the usual deductions). No pay less notice was issued and the employer paid what was due.

We all know that section 110A of the **Construction Act 1996** requires a payment notice to include the sum that the employer "*considers to be or to have been due at the payment due date*". It is the same for a default payment notice under section 110B. In my example, can we truly say that the Act has been complied with if the contractor knows incomplete works are included in the interim application? And can we go so far as to say that the inclusion of the £20,000 is fraud or fraudulent misrepresentation?

What is fraud and fraudulent misrepresentation?

Fraud covers a wide range of activities involving dishonest or criminal conduct. In most cases, I'm sure it is obvious, once you know where to look.

However, fraudulent misrepresentation may be more difficult to spot.

It was defined more than 100 years ago in **Derry v Peek** as being a false representation that was made knowingly, or without belief in its truth, or recklessly as to its truth.

An action for fraudulent misrepresentation is founded on the tort of deceit. **The Court of Appeal** summarised the ingredients of that tort in **Eco 3 Capital Ltd v Ludsin Overseas Ltd** as:

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The defendant makes a false representation to the claimant.

The defendant knows that the representation is false, alternatively, he is reckless as to whether it is true or false. A425

The defendant intends that the claimant should act in reliance on it.

The claimant does act in reliance on the representation and, in consequence, suffers loss.

Taking my simple example, it is certainly arguable that these four ingredients are present, and so you can see why parties are raising the issue.

But it's not so easy, in practice

The burden of proving fraud is a high one and a number of cases have looked at what is necessary. This includes Akenhead J in *SG South Ltd v King's Head Cirencester LLP*, where he made it clear that you can allege fraud in adjudication proceedings, just like in arbitration or court proceedings, and set out a number of basic propositions:

Fraud or deceit can be raised as a defence in adjudication provided that it is a real defence to the claim.

If fraud is raised to avoid enforcement, or to support an application to stay execution of the judgment, it must be supported by clear and unambiguous evidence and argument.

There is a distinction between allegations of fraudulent behaviour, acts or omissions that were or could have been raised as a defence in the adjudication and allegations that emerge afterwards. In the former case, if the allegations were adjudicated upon, the adjudicator's decision is enforceable.

If allegations of fraud emerge afterwards, there is a difference between fraud that:

directly impacts on the subject matter of the decision (for example, if the certificate that an adjudication decision was based on was issued by a certifier

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who was fraudulently misled by the contractor into issuing the certificate by a fraudulent valuation); and A426

is independent of the subject matter of the decision (*for example, a fraud on another contract or cross claims arising on the contract that can only be raised by way of set off or cross claim*).

Allegations of fraud that directly impact on the subject matter of the decision can be raised but, generally, those that are independent should not be. The court should not permit enforcement of fraudulent or fraudulently induced claims, that is, enforcement should not be used to facilitate fraud. Equally, fraud should not generally be argued to prevent enforcement.

It is what he said at paragraph 21 that is really interesting:

*"In formulating and applying these propositions, courts need to be aware and take into account what goes on construction sites up and down the country. On numerous occasions, contractors and subcontractors and even consultants will submit bills or invoices which are or are believed by the recipient to overstate the entitlement. Whilst there are some 'cowboy' and fraudulent builders who prey on the public, it will only rarely be the case that one can presume fraud to have taken place where an invoice or bill is overstated. The claiming party may believe that it is entitled to what it is claiming; there may be a simple and honest mistake in the formulation of the claim; the claim may be based on a speculative but arguable point of law or construction of the contract. In none of these cases can it be said that there was fraud on the part of the claiming party. **The Court** should be astute and cautious on adjudication enforcement applications in assessing pleas of fraud by the party against whom the adjudication decision has been made. I doubt very much whether there will be any significant number of challenges to enforcement on the basis of fraud."*

Fraud allegations in adjudication enforcement

In **GPS Marine Contractors Ltd v Ringway Infrastructure Services Ltd**, it was argued that in the adjudication, **GPS** had "acted recklessly" as to the truth A311

of statements it had made, rather than *“with deliberate dishonesty”*. However, **Ramsey J** held that the adjudicator’s decision had not been obtained by fraud. In doing so, he considered **Akenhead J’s** propositions from **SG South**.

In **ISG Construction Ltd v Seevic College**, **Edwards-Stuart J** held that lack of a pay less notice meant the employer had agreed the value of the works the contractor claimed in an interim certificate. He went on to say that:

“Absent fraud, in the absence of a payment or pay less notice issued in time by the employer, the contractor becomes entitled to the amount stated in the interim application irrespective of the true value of the work actually carried out.”

Akenhead J also looked at the issue in **Henia Investments Inc v Beck Interiors**, where he suggested that:

“Although fraud would probably unravel a fraudulently prepared Interim Application, no fraud is alleged here and there is often room for sometimes widely differing assessments of value and proportions of work completed.”

What does this mean?

I don’t think there is a clear answer. As is so often the case, each situation is different and will turn on its own facts (when doesn’t it?). I can’t say whether, by claiming £20,000, the contractor in my simple example has committed a fraudulent act or is guilty of fraudulent misrepresentation. As **Akenhead J** said, it could be *“a simple and honest mistake in the formulation of the claim”*. I would need to investigate the circumstances further.

Ontario Divisional Court Applies Vavilov to Appeals from Ontario Securities Commission

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[Covfefe Operations](#) 06 October, 2020

But the Divisional Court's recent decision in *Quadrex Hedge Capital Management Ltd. v. OSC*, [2020 ONSC 4392](#), has clarified that statutory appeals from the OSC will no longer automatically be reviewed on a deferential standard of review. Applying the framework articulated in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65](#) (the Supreme Court of Canada's recent, seminal decision on administrative law), the Divisional Court held that statutory appeals from decisions of the OSC will now be reviewed on appellate standards of review. On this approach, questions of law will attract a "correctness" standard of review; and questions of fact or mixed fact and law will attract a "palpable and overriding error" standard of review. In the final analysis, the Divisional Court's decision following the *Vavilov* standard signals not only a likely material increase in the prospects of a successful appeal on questions of law, but also a potential increase in the number of appeals from decisions of the OSC.

The Traditional Approach

Prior to the Supreme Court's decision in *Vavilov*, the governing approach to determining the standard of review in respect of administrative decision-making was the approach articulated in *Dunsmuir v. New Brunswick*, [2008 SCC 9](#). The *Dunsmuir* approach applied to both judicial review and statutory appeals from administrative decision-makers.

The *Dunsmuir* framework articulated certain categories of administrative decisions that would attract a "reasonableness" standard of review, and a much more limited group of categories that would attract a "correctness"[A313](#)

standard of review. For example, a "reasonableness" standard of review would presumptively apply where the administrative decision-maker was interpreting or applying a provision of its "home statute" or a statute closely linked to the tribunal's functions. Where the issue raised did not fall within the previously-recognized review categories, the reviewing court would conduct a "standard of review analysis" (sometimes referred to as the "pragmatic and functional" approach) and weigh various factors relevant to determining the standard of review. This included the purpose of the administrative tribunal; the nature of the question at issue; and the relative expertise of the tribunal.

The *Dunsmuir* framework placed considerable emphasis on the relative expertise of the administrative tribunal in determining the appropriate standard of review. Since provincial securities commissions were regarded as highly-specialized administrative tribunals, this invariably led to decisions from provincial securities commissions being reviewed on a deferential, "reasonableness" standard of review.²

Importantly, the *Dunsmuir* framework applied even where a statutory right of appeal was provided from the administrative tribunal's decision. The existence of a statutory right of appeal or privative clause was regarded as only one factor in determining the appropriate standard of review. The essential result of this approach was that, while s. 9 of the *Securities Act*, [R.S.O. 1990, c. S.5](#), codified a statutory right of appeal to "any person or company directly affected by a final decision" of the OSC, the appeal functioned essentially as an application for judicial review (on a deferential standard of review).

The *Vavilov* Framework³

In *Vavilov*, the Supreme Court jettisoned the "pragmatic and functional approach" framework articulated in *Dunsmuir* in favor of a more streamlined standard of review analysis. In particular, *Vavilov* introduced a simple presumption of "reasonableness" review for all administrative decision-making, which could be rebutted in certain specified circumstances.

Importantly, one of those exceptions was that the presumption of reasonableness review would be rebutted where the legislature provided for a statutory right of appeal from administrative decisions. A430

Under the *Vavilov* approach, where a statutory right of appeal exists, administrative decisions are reviewed on the traditional appellate standard of review, which distinguishes between questions of law and questions of fact or mixed fact and law. A "correctness" standard of review now applies to questions of law (and to questions of mixed fact and law where there is an "extricable" question of law or principle). On a correctness standard of review, the reviewing court asks whether the decision is "correct"—i.e., would the reviewing court have reached the same decision as the administrative tribunal, if asked at first instance? A more deferential standard of "palpable and overriding error" will now apply to questions of fact and questions of mixed fact and law. On this standard of review, the applicant must establish that the administrative tribunal made an error that is both "readily or plainly seen" based on the evidence that was before it, and determinative of the result reached by the administrative tribunal.

***Quadrex*: End of Deference to the OSC on Statutory Appeals**

Section 9(1) of the *Securities Act*, provides for a statutory right of appeal from final decisions of the OSC:

A person or company directly affected by a final decision of the Commission, other than a decision under section 74, may appeal to the Divisional Court within thirty days after the later of the making of the final decision or the issuing of the reasons for the final decision.⁴

The *Vavilov* approach suggested that statutory appeals from decisions of the OSC should be reviewed on an appellate standard of review. This approach was indeed ultimately affirmed by the Divisional Court in *Quadrex*, which was

the first appellate decision to apply the *Vavilov* framework to statutory appeals from the OSC. Following *Quadrex*, the "reasonableness" standard of review will no longer apply to appeals from decisions of the OSC. Instead, a "correctness" standard of review will apply to all questions of law—including questions of statutory interpretation relating to the *Securities Act*, and related National Instruments and regulations, and to other issues that pose an extricable question of law. On the other hand, a "palpable and overriding error" standard of review will apply to all factual findings, and determinations of mixed fact and law, made by the OSC.

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Crucially, these appellate standards of review will apply even if the matter under appeal touches on the OSC's specialized subject-matter expertise. As a result, the scope for judicial intervention is much greater on questions of law (and on questions of mixed fact and law where there is an "extricable" question of law or principle). Notably, the Divisional Court also affirmed the appellate standards of review are not displaced or modified by section 9(5) of the *Securities Act*, which restricts the remedial power of a court reviewing an OSC decision. As a result, OSC decisions will be reviewed no differently from any other administrative decision-maker subject to a statutory right of appeal.

Takeaways

The Divisional Court's decision in *Quadrex*—applying the Supreme Court's decision in *Vavilov*—is likely to have significant implications for capital market participants and parties to proceedings before the OSC:

1. Prior to *Vavilov*, statutory appeals from OSC decisions were generally regarded as long-shots, given the significant deference owed to the OSC as a specialized administrative tribunal. The Divisional Court would defer to the underlying decision from the OSC, provided it fell within a range of reasonable outcomes. But under the *Vavilov* framework, the Divisional Court is empowered to intervene on questions of law on a correctness standard. Provided an appellant can identify a question of law in the

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underlying OSC decision and provide a compelling basis for suggesting that that question of law has been wrongly decided, this should significantly increase the prospects of a successful appeal. A432

2. With a greater prospect of success on an appeal to the Divisional Court in such cases, capital market participants should expect to see more appeals from decisions of the OSC. While decisions from the OSC may have previously been, practically speaking, final in most cases, *Vavilov* will likely invite more appeals to the Divisional Court. Participants in OSC proceedings should be mindful of the potential for an appeal, which would delay a final decision and increase legal costs.
3. While *Quadrex* codifies a correctness standard of review from the decisions of the OSC on questions of law, as a practical matter, the Divisional Court may continue to give significant weight to decisions of the OSC—particularly where the underlying decision concerns a matter of policy or on issues firmly within the OSC's specialized expertise. The Divisional Court hears statutory appeals and applications for judicial review from a wide range of administrative tribunals, and does not have any particular expertise with respect to securities law. As a result, we expect that the Divisional Court will continue to give significant weight to the legal conclusions expressed by the OSC. In addition, many decisions of the OSC will turn on questions of fact or mixed/fact and law, which will be reviewed only for "palpable and overriding error." For this reason, participants in administrative or enforcement proceedings must continue to put their "best foot forward" before the OSC.

If you or your business have any questions, please contact a member of the Bennett Jones [Securities Litigation](#) group.

Notes

1. The Divisional Court is branch of the Ontario Superior Court of Justice. As an intermediate appellate court, the Divisional Court hears statutory

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appeals from designated administrative tribunals and applications for judicial review. The Divisional Court hears appeals from the OSC pursuant to s. 9 of the *Securities Act*, R.S.O.1990, c. S. 5. ^{A433}

2. See e.g. *Pezim v. British Columbia (Superintendent of Brokers)*, [1994] 2 [SCR 557](#), and *McLean v. BC Securities Commission*, [2013 SCC 67](#).
3. For a detailed review of *Vavilov*, please see [Supreme Court of Canada Reforms Judicial Review](#).
4. The sole exception is for decisions of the OSC under s. 74 of the *Securities Act*, which concerns rulings for exemptive relief from the requirements of the *Securities Act* and related regulations.

[Download PDF](#)

Understanding Mask Law Disinformation

A434

[Covfefe Operations](#) 29 October, 2020

It's coming, just get ready cuz we're gonna burn this motherfucker down.
(*Metaphorically, of course.*)

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Ontario
Human Rights Commission
Conscription ontarienne des
droits de la personne

UNDERSTANDING MASK LAW DISINFORMATION

**MASKS ARE MANDATORY
ON THESE PREMISES**

EXCEPT IF YOU...

- are a child younger than two years old;
- have a medical condition that prevents mask usage;
- are unable to put the mask on or off independently;
- invoke your protections under The Human Rights Code;
- need to remove your mask for health, safety, exercise, eating, grooming, or some other reason.

**PROOF OF EXEMPTION
IS NOT REQUIRED.**

Full list of exemptions in
O. Reg. 82/20, 263/20, 364/20



www.masklaw.ca/exemptions

FOR MORE INFORMATION
WWW.MASKLAW.CA

REMEMBER TO BREATHE

Note: Despite the cycling roll-back to Stage 1/2/3, the Exemptions are boilerplate codification of identical wording:

- [Rules for Areas in Stage 1, O Reg 82/20](#) (Last updated from the e-Laws site on 2021-01-25)
- [Rules for Areas in Stage 2, O Reg 263/20](#) (Last updated from the e-Laws site on 2021-01-25)
- [Rules for Areas in Stage 3, O Reg 364/20](#) (Last updated from the e-Laws site on 2021-01-25)

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*Current and verified as of February 01, 2021.

1. The person responsible for a business or organization that is open shall ensure that any person in the indoor area of the premises of the business or organization, or in a vehicle that is operating as part of the business or organization, wears a mask or face covering in a manner that covers their mouth, nose and chin during any period when they are in the indoor area unless the person in the indoor area,
 - a. is a child who is younger than two years of age;
 - b. is attending a school or private school within the meaning of the Education Act that is operated in accordance with a return to school direction issued by the Ministry of Education and approved by the Office of the Chief Medical Officer of Health;
 - c. is attending a child care program at a place that is in compliance with the child care re-opening guidance issued by the Ministry of Education;
 - d. is receiving residential services and supports in a residence listed in the definition of "residential services and supports" in subsection 4 (2) of the *Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008*;
 - e. is in a correctional institution or in a custody and detention program for young persons in conflict with the law;
 - f. is performing or rehearsing in a film or television production or in a concert, artistic event, theatrical performance or other performance;
 - g. has a medical condition that inhibits their ability to wear a mask or face covering;
 - h. is unable to put on or remove their mask or face covering without the assistance of another person;
 - i. needs to temporarily remove their mask or face covering while in the indoor area,
- 2.

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- i. to receive services that require the removal of their mask or face covering,
 - ii. to engage in an athletic or fitness activity,
 - iii. to consume food or drink, or
 - iv. as may be necessary for the purposes of health and safety;
 - j. is being accommodated in accordance with the [Accessibility for Ontarians with Disabilities Act, 2005](#);
 - k. is being reasonably accommodated in accordance with the [Human Rights Code](#);
or
 - l. performs work for the business or organization, is in an area that is not accessible to members of the public and is able to maintain a physical distance of at least two metres from every other person while in the indoor area.
3. Subsection (4) does not apply with respect to premises that are used as a dwelling if the person responsible for the business or organization ensures that persons in the premises who are not entitled to an exception set out in subsection (4) wear a mask or face covering in a manner that covers their mouth, nose and chin in any common areas of the premises in which persons are unable to maintain a physical distance of at least two metres from other persons.
4. For greater certainty, it is not necessary for a person to present evidence to the person responsible for a business or place that they are entitled to any of the exceptions set out in subsection (4).
5. A person shall wear appropriate personal protective equipment that provides protection of the person's eyes, nose and mouth if, in the course of providing services, the person,
- a. is required to come within two metres of another person who is not wearing a mask or face covering in a manner that covers that person's mouth, nose and chin during any period when that person is in an indoor area; and
 - b. is not separated by plexiglass or some other impermeable barrier from a person described in clause (a).

From: #####
 Subject: Re: Complaint (Non-Wearing Of Mask in Management Office) / 2 of 2
 Date: 2020October 30 at 0401H
 To: Roisin Webb roisinwebb@medallioncorp.com, Sherbourne Site sherbournesite@medallioncorp.com, Anonymous Tenant anonymous@sherbournesite.org
 Cc: Gina Elguea ginaelguea@medallioncorp.com, George Espinola georgeespinola@medallioncorp.com, Mask Law Violations complaints@masklaw.ca, Rocco Galati rocco@idirect.com, Ontario Human Rights Commission legal@ohrc.on.ca

«««« —WITHOUT PREJUDICE —»»»»

Dear Ms Webb, Mr Espinola, Ms Elguea,

I have repeatedly(*a) addressed your lack of adequate signage, and requested that you properly train your staff on the Mandatory Masking Municipal Bylaw and Provincial Regulation.

On or shortly after July 29th, 2020(*b) when you received your COVID-19 Guidance information package, Medallion Corporation (the 'Corporation') was made fully aware of requirement that:

Summary of Requirements (*b)

-
- You must create a mask policy for your establishment.
- You must communicate this new policy to staff and customers.
- You must train your staff on the policy and who is exempt.
- All staff, customers or visitors must wear a mask indoors, with some exceptions (e.g. children under the age of two and people with certain health conditions, employees in designated areas or protected by a physical barrier).
- Proof is not required if someone has an exemption.
- Signs must be posted at all entrances reminding everyone to wear a mask.

The mask bylaw has a set fine of \$1,000 for each offence.

Providing Service to People Unable to Wear a Mask or Face Covering (*b)

-
- Not everyone is able to wear a mask. Please be respectful of people who are unable to wear one due to health, age or other reasons.
- Consider offering alternative services (e.g. online, telephone, curbside pickup) or offer off-peak hours of service.
- If your business is able to offer alternative services, please post this information by the front door, next to the mandatory mask bylaw poster.

The 'Spread the Word' package which has the clearly stated intent to "encourage **VOLUNTARY** compliance" in members of the public. Your non-compliant implementation of the signage guidelines (*c) has actually fostered an environment hostile to a person or persons unable to wear a mask, and I take significant umbrage at your employees' stupidity and generally hostile attitude when they are told (REPEATEDLY) that there are exemptions

to the Mandatory Mask bylaw/regulation. My rights do not end where you baseless fears begin, and it's not my fucking fault that you're addicted to the endorphin-based Fear Porn being peddled by [Little Stalin](#). Moreover, as quite specifically explored in the paper published by the Human Rights Commission how our Human Rights do NOT end just because you're afraid of getting the common flu and have been watching WA-AY too much Fear Porn.(*e)

- ".people may not be able to use the equipment or follow a procedure because of their disability or for another Code-related reason."
- "Organizations have a duty under the Code to accommodate these types of individual needs related to legitimate COVID-19 requirements, unless it would amount to undue hardship based on cost or health and safety"
- "An inability to access or use a mask or other equipment, or to follow a health and safety procedure, must not lead to automatic negative consequences such as employee discipline or termination, complete denial of service or eviction from housing."
- "No one should experience harassment or other discriminatory treatment based on a Code ground because they are unable to wear a mask, or choose to wear, or not wear, a mask, or require someone else to wear a mask based on advice from public health officials."

Moreover, when I was attempting to pay my rent on this day, Thursday, Oct 29 at the Management Office as usual, Ms Strickland very ignorantly sneered that "...[I] have the right not to where a mask, but [she does] have the right to prevent [me] from paying rent. *because [she is] not comfortable with it.*" Your hubris is astounding, Ms Strickland, and if you REALLY want to get out the yardstick and see who's bigger, and who's being a total bully, you can read the short little section on "Competing Human Rights Situations"(*f) and hopefully realize that if she's so afraid of being exposed to everyday life, she can bloody well dig up her dead mother and crawl back in her womb, because she is **WAY THE FUCK OUTTA LINE**.

The Corporation will reasonably accommodate myself and EVERY SINGLE OTHER tenant; will moreover, distribute CORRECT and COMPLETE signage such that the Corporation is NOT fostering an environment hostile to persons unable or unwilling to wear a face mask or other "protective gear" such as a muzzle, and WILL do so without unreasonable delay. The Corporation has been in receipt of notice describing its non-compliance since at least Tuesday, Sept 01, and a recommended course of action to rectify said non-compliance. The Corporation doesn't have to give me an apology, just stop being such bullies. It's management will, however, issue a FORMAL APOLOGY in writing to my wife apologizing for creating a hostile living environment, and furthermore encouraging the shaming and persecution of individuals for the inability or unwillingness to submit to authoritarianism and wear a mask when on the premises of its apartment complex.

I am angry at the improper enforcement of the Mandatory Mask Bylaw/Regulation, which has resulted in an atmosphere where bullying and aggression appear to be "acceptable" when directed towards an individual unable or unwilling to wear a mask or face covering. The Corporation and its non-compliance with the Mandatory Mask Bylaw/Regulation has caused my wife and I to suffer shaming and harassment by other residents, and even by **A324**

ignorant and poorly informed office staff. This has got to stop, and I'm putting the Corporation and its employees on Notice that unless the situation is rectified with appropriate care, concern, and expedience, I will unfortunately be required to begin the costly and time-consuming process of seeking sufficient legal remedy that the Corporation and its associates are restricted from continuing to, and/or compelled to compensate, any and all tenants of Medallion Corporation who has suffered from the unlawful and/or otherwise unreasonable injury to their rights under applicable legislation such as the Human Rights Code, the Residential Tenancy Act, and their Fundamental Rights and Freedoms as enumerated in Section 1 of the Constitution Act, 1982.

It is recommended that you stand down and stop being such a child. Just inform yourself, break your addiction to Doug Ford's Fear Porn, and exercise your faculty of critical thinking. Would you PLEASE stop letting yourself be manipulated like a dog in heat?

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Reference:

- a.) You were warned:
<https://masklaw.ca/bylaws/2020/10/03/mask-exemption-toronto-residential-by-law-counterstrike>
- b.) Mandatory Mask bylaw as of August 11, 2020: **COVID 19: Mandatory Mask or Face Covering Bylaws Share**
<https://web.archive.org/web/20200811135737/https://www.toronto.ca/home/covid-19/covid-19-what-you-should-do/covid-19-orders-directives-by-laws/mandatory-mask-or-face-covering-bylaw/>
- c.) Spread the Word package as of August 11, 2020: **Mandatory Mask or Face Covering posters**
<https://web.archive.org/web/20200811140733/https://www.toronto.ca/home/covid-19/covid-19-how-you-can-help/covid-19-spread-the-word/?accordion=face-masks-coverings>
- d.) Mandatory Mask policy draft of August 11, 2020: **Draft Policy for Mandatory Masks in Apartments and Condominiums**
<https://web.archive.org/web/20200811160011/https://www.toronto.ca/wp-content/uploads/2020/08/9631-Sample-Policy-for-Mandatory-Masks-in-Apartments-and-Condominiums.pdf>
- e.) COVID-19 and Ontario's Human Rights Code: **[13] Can an employer, service provider or landlord require me to wear a mask because of COVID-19?**
<https://masklaw.ca/legal/2020/10/09/covid-19-and-ontarios-human-rights->

[code-questions-and-answers](#)

f.) Policy on Competing Human Rights:
competing rights situations

[4.2] Examples of

<https://masklaw.ca/policies/2012/01/26/policy-competing-human-rights>

Mandatory Mask Law Noncompliance Exemptions ^{A442}

[Covfefe Operations](#) 07 December, 2020

Editor's Note: On 2020Oct02, one of our contributors and his wife were served with a "complaint" (Non-Wearing Of Mask in Management Office) from Sherbourne Place management about their "violation of the City of Toronto By-law.. and more importantly, the Residential Tenancies Act.." This tenant was subsequently served with a formal Eviction Notice personally (by two security guards) after 5:00PM on Friday December 11th, 2020. This strategic legal action against public participation was concocted under the rubric of multiple fraudulent claims by Medallion Corporation, and furnished with provably (we have recordings) deceptive testimony by agents of Medallion Corporation.

On: 2020 Dec 07 at 1755EST

Re: Mandatory Mask Law Noncompliance: Exemptions

From: REDACTED

To:

565sherbourneplace@medallioncorp.com, georgeespino@medallioncorp.com, sachamahadeo@medallioncorp.com,
info@medallioncorp.com, sherbournesite@medallioncorp.com, roisinwebb@medallioncorp.com,
561@medallioncorp.com

Cc:

REDACTED, rocco@idirect.com, complaints@masklaw.ca, anonymous@sherbournesite.org

Dear Medallion Corporation Property Management,

Unfortunately, you have improperly trained your staff at 565 Sherbourne St ^{A327}

resulting in a culture of fear and persecution against those who cannot (by reason of medical or ideological significance) wear a mask or other face covering. I even went out of my way to (at considerable expense to myself) print out an earlier copy of the PROPER notice (see screen-friendly [20201104-0130EST-MaskLaw-Poster-8.5x11in-Full-Bleed-Letter-no-Registration-Screen-2x.jpg](#)) to be posted in your building informing residents and staff that as masks are mandatory requirements, there are certain exemptions provided for by the Reopening Ontario Act and Toronto By-law.

These exemptions include, but are not limited to, those listed on the [hereto linked print-ready \(full bleed 8.5x11" w/ crops and registration\) poster](#):

- are a child younger than two years old;
- have a medical condition that prevents mask usage;
- are unable to put the mask on or off independently;
- invoke your protections under The Human Rights Code;
- need to remove your mask for health, safety, exercise, eating, grooming, or some other reason.

By choosing NOT to educate your staff about the full extent of the applicable Mandatory Mask Bylaws and Laws, you have created a culture of fear & bullying which prohibits the most vulnerable of your tenants from the reasonable enjoyment of their residential accommodation, provided for by their RTA contract. Ironically when I was paying rent some months prior, Jonathan Schwartz attempted to bully me by saying that by being unable or unwilling to wear a mask, I was in violation of my tenancy agreement as it was interfering with HIS reasonable enjoyment.

So yes, if he derives enjoyment from bullying vulnerable adults who cannot or will not (for ideological or medical reasons) wear a mask, then I guess I am kinda preventing the Little Stalin™ in him from flourishing. On several occasions my wife, who cannot or will not wear a mask for ideological or medical reasons, has been bullied by other tenants who loudly point at your deceptive signage (see linked article Medallion Corporation is Encouraging [A328](#)

Wholesale Discrimination):

A444

ALL PERSONS ENTERING OR REMAINING IN ENCLOSED COMMON AREAS ON THESE PREMISES SHALL WEAR A MASK OR FACE COVERING WHICH COVERS THE NOSE, MOUTH AND CHIN AS REQUIRED UNDER CITY OF TORONTO BY-LAW 541-2020.

Now, this is all that your establishment is required to post, according to the City of Toronto "guideline", as I explored in my email dated 2020Oct30, at 0401EST:

The 'Spread the Word' package which has the clearly stated intent "encourage VOLUNTARY compliance" in members of the public. Your non-compliant implementation of the signage guidelines (*c) has actually fostered an environment hostile to a person or persons to wear a mask, and I take significant umbrage at your employees stupidity and generally hostile attitude when they are told (REPEATEDLY) that there are exemptions to the Mandatory Mask bylaw/regulation. My rights do not end where you baseless fears and it's not my fucking fault that you're addicted to the endorphin-based Fear Porn being peddled by Little Stalin. Moreover quite specifically explored in the paper published by the Human Commission how our Human Rights do NOT end just because you're a of getting the common flu and have been watching WA-AY too much Porn.(*e) "...people may not be able to use the equipment or follow procedure because of their disability or for another Code-related reason." "Organizations have a duty under the Code to accommodate these types of individual needs related to legitimate COVID-19 requirements, unless it would amount to undue hardship based on or health and safety" "An inability to access or use a mask or equipment, or to follow a health and safety procedure, must not to automatic negative consequences such as employee discipline or termination, complete denial of service or eviction from housing one should experience harassment or other discriminatory treatment"

A329

based on a Code ground because they are unable to wear a mask, choose to wear, or not wear, a mask, or require someone else to wear a mask based on advice from public health officials." Moreover, when I was attempting to pay my rent on this day, Thursday, Oct 29 at the Management Office as usual, Ms Strickland very ignorantly sneered "...[I] have the right not to wear a mask, but [she does] have the right to prevent [me] from paying rent.. because [she is] not comfortable with it." Your hubris is astounding, Ms Strickland, you REALLY want to get out the yardstick and see who's bigger, and who's being a total bully, you can read the short little section "Competing Human Rights Situations"(*f) and hopefully realize that she's so afraid of being exposed to everyday life, she can bloody dig up her dead mother and crawl back in her womb, because she is THE FUCK OUTTA LINE.

The Corporation will reasonably accommodate myself and EVERY SINGLE OTHER tenant; will moreover, distribute CORRECT and COMPLETE signage such that the Corporation is NOT fostering an environment hostile to persons unable or unwilling to wear a face mask or other "protective gear" such as a muzzle, and WILL do so without unreasonable delay. The Corporation has been in receipt of notice describing its non-compliance since at least Tuesday, Sept 01, and a recommended course of action to rectify said non-compliance. The Corporation doesn't have to give me an apology, just stop being such a bully. Management will, however, issue a FORMAL APOLOGY in writing to me apologizing for creating a hostile living environment, and further encouraging the shaming and persecution of individuals for the inability or unwillingness to submit to authoritarianism and wear a mask when on the premises of its apartment complex.

Now, under the provisions of Toronto Bylaw #541-2020, you can be fined for not complying with the Mandatory Mask By-law, which includes honouring stated exemptions. Your Corporation can be personally sued in Small Claims Court for damages up to \$35,000, and can ADDITIONALLY be sued in the Ontario Human Rights Tribunal for up to \$50,000 for violating the human rights of a tenant/tenants. By not recognizing the provisions for Mask A330

Exemptions, you are creating an environment hostile to those unable or unwilling (by virtue of ideological or medical specification) wear a mask or face covering. A446

Your ignorant signage does EXACTLY that. My wife has been DENIED access to an elevator (with only a single other person on it) because she does not wear a mask or face covering. The tenant just pointed to your deceptive sign and said "No mask, you don't get to use the elevators", which is HIGHLY actionable.

And then today, when I was getting on an elevator from the lobby, one other person (a cleaning employee, coming from B1, and stopping at 10) was on the elevator. When I got on she gasped "where's your mask?" I said I'm exempt, to which she replied "*it's for me, and for you.. we **MUST WEAR A MASK.***" I told her no, there are exemptions to the By-law, and that the By-law is actually superseded by Regulation of the [Reopening Ontario Act](#) which ALSO provides for exemptions. If you are unaware of these exemptions, you can just go to www.IAMEXEMPT.ca and properly inform yourself, instead of engendering and instilling fear into your employees and tenants.

I wouldn't be surprised if some of these inadequately trained and briefed about the Mask Exemptions were forced to submit a Human Rights Complaint against Medallion Corporation for its DELIBERATE and CONCERTED efforts to misinform those entering or remaining within enclosed common areas on the premises of Medallion Corporation. I'm not encouraging such lawfare to be waged against Medallion Corporation, as that's not a very sporting to do to The Corporation. It's VERY zero-sum, and I like to seek win-win resolutions. That noted, I feel that if you continue to violate the Human Rights of certain tenants by your improper and partial application of the Mandatory Mask rules set out by Toronto Bylaw and actually ENFORCEABLE province-wide by the Reopening Ontario Act and its regulations. The Corporation has been cautioned, warned, and given ample time to correct its misleading signage. And yet, certain tenants of this building CONTINUE to be treated like a subordinate class of human because they cannot, or choose not, to wear a mask or face covering. A331

Why is that? No doubt wholly or partially because of your partial and misleading signage. Your exterior doors are compliant by listing exemptions, but ALL of your internal signage is non-compliant, and when I post PROPER and CORRECT signage, it is removed within 24-hrs. We really should talk, and I can speak in person with members of The Corporation within 48-hrs notice. I will be able to brief your management on how NOT to get dragged before the HRT, dragged into SCC, or just fined by the Reopening Ontario Act enforcement.

I am highly disappointed at your on-site management's lack of familiarity with applicable laws and bylaws. But still, I am willing to help you get it right. Please acknowledge receipt of this transmission with 5-business-days or before Tuesday December 15th, 2020. Thank-you, God Help Canada, and God Bless the protected exercise of our Fundamental Rights & Freedoms.

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Medallion Corporation: Encouraging Wholesale Discrimination A448

[Medallion Corp...](#) 07 December, 2020

Unfortunately, you have improperly trained your staff at 565 Sherbourne St, resulting in a culture of fear and persecution against those who cannot (by reason of medical or ideological significance) wear a mask or other face covering. I even went out of my way to (at considerable cost to myself) print out an earlier copy of the attached notice to be posted in your building informing residents and staff that as masks are mandatory requirements, there are certain exemptions.

Despite having been [previously](#) put on notice regarding its encouragement of wholesale discrimination, the Management at Medallion Corporation proudly claims that as it is of Jewish descent, it is immune to acting like a Nazi Brown Shirt or an enforcer for Stalinist Russia.

Tenant Complaint re Melchers Conduct

A449

[Chad](#) 13 December, 2020

Please confirm receipt of this email generally, and especially (pretty please) if you're with the Law Society of Ontario, or the Ontario Bar Association, or if your name is Joe Hoffer. Thank-you, and this message is of some urgency.

Dear Mr Melchers.

I submit this in response to your threatening, albeit imperfectly composed, letter served on my person after 5:00PM on Friday December 11th, 2020. In this letter you tried to qualify the Notice of Eviction for January 02nd, 2021. According to the Residential Tenancies Act (ON) and the Interpretation Act (ON), the Landlord is permitted to demand the tenants vacate the premises can be no less than 14 days after service, versus no less than 20 days for the first N5 served upon residents of the unit.

Now, if this was the second N5 Notice to End your Tenancy in the past 6 months, the clock would start counting on Monday December 14th, 2020 and 14 days, minus weekends and statutory holidays (see Interpretation Act 29(1)) which would technically elapse on January 06th 2021, so the earliest date of eviction would be January 07th, 2021.

I understand that your client professes to be faithful servants of Judaism, and thereby do not recognize Christmas or New Years Day as holidays, even though your client has posted notice signifying their observance of the following dates as holidays:

- December 24th, Thursday (Half-Day)
- December 25th, Friday

A334

- December 28th, Monday
- December 31st, Thursday (Half-Day)
- January 1st, Friday

A450

So practicably, albeit the Tribunal or Court would have to rule on it, your client has extended the window to Thursday, January 07th, 2021. But that's not all, as that is only applicable IF the Respondents have received an N5 within 6-months of the N5 served legally at 0900EST on Monday, December 14th, 2020. Even your agreed upon facts, indicate that the Respondents were served with an N5 on July 10, 2019. Therefore, six calendar months expired on January 10th, 2020.

Following your own provided facts and information, the Respondents are accorded at least 20 days to vacate the premises, and an additional 6 days which your client has withdrawn from participation. So essentially, to vacate by no later than Friday, January 15th, 2021.

If that is, it were PROPERLY constructed and executed, but the fact that you dredged up irrelevant historical events out of scope, and not chronologically pertinent to the Residential Tenancies Act, but which can only be construed as a malicious, or even arguably vexatious character assassination, I've looked at it again through a proper lens, taking into account your willingness to face fines from the Ontario Law Society, and demerits by the Ontario Bar Association. So I guess your client must really have it out for me, and I should just curl up in a fetal position to take their abuses, correct?

But this is, I think, almost beside the point. Your client's office and staff do not wish to deal with me, for I am (according to your factum rhetoric) regarded as sub-human (not having recognizable Human Rights) because I am unable or unwilling (due to ideological or other protected rights) to where a compliant mask or face-covering.

Why does your client continually refuse to acknowledge that I am legally and lawfully exempt from Medallion's Mandatory Mask policy? I counted three separate instances in your client's factum wherein they referred to my stated

A335

exemption from the Mandatory Mask Regulation (The City of Toronto Mandatory Mask Bylaw is superseded by the Reopening Ontario Act legislation and applicable regulations) something which I have noted in my previous emails to Medallion, specifically:

A451

- 2020Dec07 at 1755EST re 'Mandatory Mask Law Noncompliance: Exemptions'
- 2020Oct30 at 0401EDT re 'Re: Complaint (Non-Wearing Of Mask in Management Office) / 2 of 2'
- 2020Oct29 at 2307EDT re 'Re: Complaint (Non-Wearing Of Mask in Management Office) / 1 of 2'

I have discussed in person and shown the improperly trained desk jockey staff where in the policy there is provision for Mandatory Mask Exemptions. I have also outlined to your client's staff that they can be fined for non-compliance by the City of Toronto Bylaw Enforce, sued in the Human Rights Tribunal, sued in Superior Court (very expensive to retain a lawyer, and only a fool represents himself, right?) and I've heard some rumours about a Provincial Reopening Ontario Enforcement Team that's supposed to be able to crack down on businesses not in compliance with the Reopening Ontario Act.

The fact that you, Mr Melchers, have staked your license on the fact that your client is apparently treating those who cannot, or consequent to ideological, medical, or any other specification choose not to, wear a mask or other face covering. Your client has been informed numerous times in person, there is minimally sufficient signage in its residences, and I have informed your client directly on at least three separate instances via email, of the fact that there are exemptions to the Mandatory Mask bylaw, and the Mandatory Mask caveat under the regulations to the Reopening Ontario Act.

So what do they do? They embellish, fabricate, or otherwise distort reality to suit their own agenda.. Sorta like the fact that they improperly calculated the time periods for the Eviction Notice. Or did they just think I wouldn't crunch the numbers? You had a responsibility to your client to encourage to act legally

A336

and lawfully, and to caution them against being a complete and utter twat. I find it rather amusing that your client's factum ends on the note: A452

"The above is in violation of your Lease Agreement, the Residential Tenancies Act, the Fire Code, the Occupational Health and Safety Act, and Medallion Corporation's Workplace Harassment and Violence policy."

I'll boil this down to the pertinent aspects. You're violating not just the Respondents' Human Rights, their lawful enjoyment of their Residential Tenancy contract, but you're also causing many other tenants to feel they are being persecuted and/or otherwise abused. The fact that you're assisting Medallion Corporation to file knowingly false and vexatious paperwork might be construed as facilitating strategic legal action against tenants in a residential building.

You know this, of course, because you wrote a paper in 2015 entitled '[Can You Stop Multiple LTB Applications By A "Vexatious" Tenant?](#)' So, you're enabling your client to improperly threaten the retaliatory revocation (breach) of a Tenancy Agreement. So, either you're really stupid, or your client is lying to you. I'm inclined towards the latter, given the propensity of your client to fabricating or otherwise distorting information to justify its actions.

I don't want to mess with you because you look like a humble plains boy (I'm from rural Western Canada myself), and I wouldn't enjoy going after you and Medallion. I'm just one man, and not even a lawyer! So, please play by the rules so we don't have any further misunderstandings. I'm humbly recommending to you that you counsel your client to seek a conciliatory resolution via arbitration. And incidentally, could you please PDF your wonderfully delicious Notice on Notice of Eviction? As you're fully aware of the hearings being conducted virtually, I'll require a proper and complete electronic copy for to make full answer and defence to any proposed litigation.

Respectfully submitted,

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A337

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A453

PS: I'm not a lawyer or legal scholar, so how dare you encourage and enable your client to persecute myself and other tenants with vexatious quasi-litigation? Shame on you, buddy. I've copied the Law Society, the Bar Association, and someone else in your firm who might be able to help prevent you from making a total ass out of your self and your client. This is your only warning; play nice.

Cc:

- Ontario Law Society, Complaints & Compliance
- Ontario Bar Association, Executive Director & General Counsel, Elizabeth A. Hall
- Rocco Galati, Constitutional Rights Centre Inc
- Denis Rancourt, Ontario Civil Liberties Association

Attachments:

- Limited-Access-to-Medallion.jpg
- 2020Dec07 Mandatory Mask Law Noncompliance Exemptions.pdf
- 2020oct29 Complaint NonWearing Of Mask in Management Office — 1 of 2.pdf
- 2020Oct30 Complaint NonWearing Of Mask in Management Office — 2 of 2.pdf

Reference for disciplinary purposes against Mr Melchers:

[Can You Stop Multiple LTB Applications By A "Vexatious" Tenant?](#)

So what can a Landlord do to limit legal costs, wasted time, and uncertainty due to multiple applications filed by a vexatious tenant? A solution lies in Rule A8 of the Social Justice Tribunals **A338**

Ontario's Common Rules, which form part of the LTB's Rules of Pr
(the "Rules"). A454

Rule A8 deals with "abuse of process". Rule A8.2, in particular, allows the LTB to declare a tenant to be a "vexatious litigant"; dismiss the application as an abuse of process; and, require the vexatious litigant to obtain special permission from the LTB before s/he can file any new Application, or take any further steps in outstanding application.

Complaint re Melchers Vexatious Conduct (reply) A455

[Chad](#) 14 December, 2020

Dear Mr Melchers,

Firstly, please refer to me in correspondence as "#####" or "Mr #####". Secondly, I directly requested that you "..please PDF your wonderfully delicious Notice on Notice of Eviction? As you're fully aware of the hearings being conducted virtually, I'll require a proper and complete electronic copy for to make full answer [and] defence to any proposed litigation."

Please provide this, if your client really wants to continue with the pretence that this is a valid eviction notice, and not some petty form of discrimination. But puffery aside, I take it from your correspondence, that the client has not disclosed to you the fact that I have invoked my protections both in person, and in writing? That is unfortunate, and thank-you VERY MUCH for reminding me that the LTB is a SJT, and so the ceiling would be 50K for an award. I'm noting this not because I'm seeking damages like the vexatious litigants you are so accustomed, but rather so that your Client is fully aware of the possibility of punitive damages for its vexatious persecution of tenants invoking their protections.

You're asking that I "..advise why [I] believe [I am] exempt.." which leads me to further believe that you have been deliberately misled by your client. I have a prima facie exemption and albeit I am most assuredly NOT required by law to disclose this, I am doing so in the utmost good faith. For the record, it is improper for your client or even yourself to ask for any additional substantiation of Mandatory Mask Exemption after the invocation of Exemption Rights.

In order to minimize any perceived persecution in the future, both yourself A340

your client are recommended to inquire solely about whether a person is invoking their exemption status ("are you exempt, Sir?"), as to inquire any further could be portrayed as an actionable tenet of impropriety. Specifically violation of Conscience Rights (Charter, section 2) and Disability Protections (Human Rights Code 6, Human Rights Protections, and Accessibility for Ontarians with Disabilities Act), albeit your client is not directly bound by the Charter, the HRC provides ample protections. Your Client should also learn to read the rules they're trying to enforce, because what I have is called a "Prima Facie" exemption, so even on top of your Client being notified of my Invocation of Exemption provisions, any reasonable person (ie, someone who's actually read their policy and governing legislation, and isn't blind) would understand that I have exemption. A456

The fact that I had to walk your client's staff through their own policy for the invocation of my exemption, is bit aggravating. Does your client do no training on applicable tenant protections, but only how they may persecute or otherwise "turn the screws" on tenants? I've been talking with other tenants, and this looks like a systemic case of harassment and discrimination against tenants. The fact that, instead of a phone call and meeting to discuss this issue, your client routinely issues N5 notices (what I term as "Notice on Notice of Eviction") for anything just to establish a disproportional power equilibrium for negotiation purposes. Colloquially, this is called "Foolish Flexing".

Your client has to talk to tenants on the level, but there seems to be a disturbing pattern that whenever your client wants to meet with a tenant to resolve an issue, they do so under the threat of a Notice of Eviction, resulting in any concessions by tenants being arguably as a result of duress. Your client demands that if the noted complaints are not resolved to their criteria, they want me out by January 2nd, 2020? But by there own admission, they're prohibiting amicable resolution to this material conflict by prohibiting my attendance at their office?

Please advise your client that they should at least make an effort to resolve

A341

matters amicably without the involvement of the courts, which are severely stressed under the CoronaChan restrictions. I seek only to deescalate this issue and for your client to properly abide by the applicable laws, including but not limited to the Reopening Ontario Act. A457

And to clarify again for you and your lying client (their factum was 80% lies and/or deceptive testimony) I am a Prima Facie exemption from the Mandatory Mask Policy, Bylaws, and Legislation, and albeit there is no requirement for me disclose further, I do so under duress and in the utmost of good faith hoping for an amicable resolution to this here conflict:

I have a physical disability preventing me from independently donning or doffing a mask or other acceptable face covering, such as a muzzle or plastic bag. I additionally have a multitude of exemptions as per the Human Rights Code, including but not limited to Creed, Disability, and Other Grounds as explored further in the paper by the Ontario Human Rights Commission at Policy on Competing Human Rights.

I have brought these to your attention because albeit I am well-grounded and have an easily arguable case against eviction, it will be an insurmountable case to argue from the cold streets of Toronto, as I fight off the ravenous packs of other homeless raiders from pilfering my possessions and violating my person. Please confirm receipt of this message, as I'm suffering undue amounts of stress at the prospect of being dumped on the street in the coldest months of the year.

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PS: I apologize in advance for any spelling or grammatical errors, but I feel that this needs to be expeditiously addressed, and so I am willing to look an uneducated douche if necessary. I am trusting that you understand this.

A342

Cc:

- Mask Law Violations (blog at masklaw.ca)
- [Rocco Galati](#), Constitutional Rights Centre Inc
- [Denis Rancourt](#), Ontario Civil Liberties Association
- Rob Roberts, National Post
- Legal Intervention Requests, [Ontario Human Rights Commission](#)

A458

A343

Complaint re Melchers Vexatious Conduct the end A459

Dear Mr Melchers,

I take the allegations of Ms Scheriff to heart, for these are allegations of an indictable offence (well actually, Assault is a hybrid offence and Crown would almost definitely proceed summarily if it were to ever be taken to trial; which it would not) but this brings one about to the question of whether Ms Scherf would be willing to perjure herself at an eviction hearing... Would she?

Because in all honesty, I was mystified by her confabulatory allegation that I had gone up to my apartment, and *"..after 15 minutes [I] returned again to the office.. while holding a device with a light that [I] flashed in Bibi's face to try and show how annoying the light is to [me]. Then on the way out [I] mentioned that [your client] shouldn't put up that light again."*

Now to provide you some applicable context, over ten years ago I read a neat little book called "Detecting Malingering And Deception: Forensic Distortion Analysis (2nd Ed.)" cover-to-cover.. several times. I recently acquired the 3rd Ed. and am working on it in my spare time.. it's 500+ pages, and I'm rather preoccupied with countering your client's vexatious quasi-litigation... But my point in bringing this up was not an idle "flex" like so many people, but rather I am trying to gently let you know that I'm familiar with the prevalence of distortional testimony, either by memory failure or by the provision and utility of knowingly fraudulent testimony. I also understand that people can have many other reasons for inaccurate testimony, and I sympathize with such witnesses —to a degree.

Now in my discussion with other tenants regarding Medallion Corporation's predilection to serving N5 notices rather than sitting down and talking things through. I postulated the reasoning for this in my email yesterday, so I will not

A344

bring it up again.. unlike your client, I will not rehash information.

In reviewing Ms Scheriff's testimony, it is apparent that there is a distinct difference between our two accounts. Which leads me to wonder: Do you have audio and video footage to corroborate her version of events, or do you simply have the testimony of Medallion Corporation's agents to "independently" corroborate her version of events? A460

If this matter proceeds to trial before the LTB, or for some strange reason winds up in the HRT, can you please inform me what the penalty is for a witness providing fraudulent testimony? Because I quite honestly, have no idea. Can Mr Hoffer please enlighten me? And, what is the penalty for their legal counsel if they were to knowingly utilize fraudulent testimony?

Now, I'm not really an asshole, so what your client has done is putting me in a rather difficult area. Either be a nice simpleton and get evicted, or go all zero-sum and look like a total fucking jackass. You see the quandary, no?

I have been aware of, and attempted to properly inform Medallion Corporation (specifically the Sherbourne Place complex located at 565, 561, 555, 545 Sherbourne St, in Toronto, Ontario) that they are encouraging a culture of fear and loathing towards residents who are unable to wear, or unwilling to don a mask or face covering for ideological, religious, or health reasons. I have even gone so far as to print the publicly available at The REAL Mask Law, eh? posters and affix them in the common areas, in my effort to allow Medallion Corporation to remediate its ignorance of the law.

<https://masklaw.ca/graphics/2020/11/03/mask-law-exemptions-poster>

But you know what they say, right? Ignorance of the law is no excuse, so each and every poster I have put up has been ripped down and your client, Medallion Corporation has remained ignorant of the law. I've even sent them email exploring the fact that they are acting in contravention of the law, but it seems their spam filter automatically flags my email as "Junk" and immediately deletes it. Or something.

So either your client evicts my wife and I using knowingly fraudulent testimony A345

in which case I struggle to explore the criminality and reprehensibility of your vexatious quasi-litigation from the streets, or I walk away and lose everything. Or.. we come to an agreement such like that which I previously explored in my email dated 2020Oct30 at 0401EDT. I have attached a PDF copy hereto (202010300401EDT-Your-Client-Was-Warned.pdf) just in case your client has not been totally forthcoming with you.

A461

Namely that your client acknowledge the Mandatory Mask Law exemptions and demonstrate that they are in FULL and TOTAL support of tenants who choose to wear masks, and also of tenants who choose not to wear a mask, and for them to VOLUNTARILY elect not continue to violate the rights of persons claiming exemption from the Mandator Mask Law and Bylaws.

It's actually, the law now. Your client is required to observe the law, both fully and completely, but also preferably in competence. I have been on the defence because your client, Medallion Corporation, has been acting with deliberate negligence of the applicable laws and bylaws, and I have restricted myself to non-zero solutions. This has to come to an end, but I'd prefer it to end in a mutually beneficial fashion. I don't want your client to get fined up to \$10,000,000 (kinda stupid that the province reiterated the maximum civil damages/award in Ontario Superior Court) or the employees to be fined up to 100,000 just for deliberate failing to abide by the governing legislation, namely the Reopening Ontario Act. It would be very nice if you and your client chose to abide by your respective rules for a change, although I doubt those penalties have any teeth when it comes to Medallion Corporation, right?

And you, I'm sure your license to practice is perfectly safe due to knowingly employing (utilizing) fraudulent testimony in a Social Justice Tribunal. I'm not a vexatious litigant, and I don't want to hit you or your client for punitive damages. Would you PLEASE play nice, and counsel your client to do the same?

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A346

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A462

CC:

- Mask Law Blog (masklaw.ca)
- Rocco Galati, Constitutional Rights Centre Inc
- Denis Rancourt, Ontario Civil Liberties Association
- Rob Roberts, National Post
- Legal Intervention Requests, Ontario Human Rights Commission
- Ontario Law Society, Complaints & Compliance
- Ontario Bar Association, Executive Director & General Counsel, Elizabeth A. Hall
- Joe Hoffer, Cohen Highley LLP, Lawyers

PS:

- I'm asking nicely, guys.

Attachments:

- 202010300401EDT-Your-Client-Was-Warned.pdf

A347

Medallion Corporation Notice-on- A463 Notice of Eviction

[Chad](#) 25 February, 2021

Re: Your Tenancy at.. (the "Rental Unit") Ongoing Conduct Issues

On February 19, 2021, at approximately 1:51 p.m., **Chad** was in the common area of the residential complex on the main floor outside the elevators. When the elevator door opened, one resident exited the elevator, and the building cleaner (the "Cleaner") remained on the elevator to continue down to the parking level.

The Cleaner asked **Chad** not to enter the elevator because he was not wearing a face mask or other face covering. While the landlord accepts that **Chad** is exempt from wearing a face mask or other face covering in the residential complex's indoor common areas, as he has previously been advised, he is still required to comply with the other COVID-19-related protocols in place, including physical distancing.

In response to being asked by the Cleaner not to enter the elevator (and instead to take the next elevator), **Chad** became enraged and loudly yelled the word "fuck" and kicked the elevator door once it closed. This obscenity and a loud bang caused by **Chad** kicking the elevator door could be heard inside the elevator and throughout the main floor common area of the residential complex.

The conduct described above substantially interferes with the landlord's reasonable enjoyment of the residential complex for all usual purposes. It also substantially interferes with the landlord's lawful rights, privileges, and interests.

A348

The landlord demands that **Chad** immediately and permanently cease all conduct within the residential complex that substantially interferes with the landlord's reasonable enjoyment of the residential complex and/or substantially interferes with the landlord's lawful, rights, privileges, and interests. If he continues to engage in such conduct, the landlord will serve you with a notice of termination of your tenancy, and may also proceed with an application to the Landlord and Tenant Board seeking an order terminating your tenancy.

A464

I trust the foregoing is satisfactory and that you will govern yourselves accordingly.

Yours very truly,
[-Signed-]
Roisin Webb
Property Manager

A349

SCHEDULE "A" TO THE FORM N5 A465

0000-565 Sherbourne Street, Toronto, Ontario M4X 1W7 (the "Rental Unit")

[Chad](#) 30 April, 2021

1. Chad W. Testes ("Mr. Testes") and Stacy W. Cerebri (together, the "Tenants") are the residential tenants of the Rental Unit. Medallion Corporation (the "Landlord") is the Tenants' landlord relative to this tenancy.
2. The Landlord accepts that Mr. Testes is exempt from the requirement to wear a face mask, but he has been advised that he is still required to adhere to other COVID-19-related protocols that are in place in the residential complex, including physical distancing in the indoor common areas of the residential complex.
3. On February 19, 2021 at approximately 1:51 p.m., Mr. Testes was in the common area of the residential complex on the main floor, near the elevators. At the same time, the Landlord's cleaner was in elevator #5 in the residential complex with another female. When the elevator reached the main floor, the door opened and the other female exited the elevator. The cleaner remained on the elevator because she was going to the lower parking level.
4. Mr. Testes was not wearing a mask or other face covering, and attempted to enter the elevator. The cleaner told Mr. Testes that he could not enter the elevator with her because he was not wearing a mask or face covering. This caused Mr. Testes to become furious. The cleaner pressed the "door close" button, and once it closed, she heard a loud bang and screaming.
5. At the same time, the Landlord's security guard was in the security

A350

change room, located near the elevators on the main floor of the building, and heard the loud bang and a loud male voice scream "Fuck". A466

6. It was later determined upon review of the security camera footage that after the elevator door closed, Mr. Testes kicked the elevator door, and was the person heard screaming.
7. On February 25, 2021, the Landlord issued a warning letter to the Tenants about Mr. Testes' conduct on February 19, 2021, described above. The letter described this incident in detail and demanded that Mr. Testes immediately cease any conduct within the residential complex that substantially interferes with the Landlord's reasonable enjoyment of the residential complex for all usual purpose or with its lawful rights, privileges, and interests. It also warned that if such conduct continues, the Landlord would issue a notice of termination of the Tenants' tenancy and may proceed with an Application to the Landlord and Tenant Board to seek an order terminating the tenancy.
8. On April 21, 2021, Mr. Testes was on an elevator with another tenant of the residential complex. Mr. Testes was not wearing a mask or other face covering and began mocking the other tenant for wearing a face mask. Mr. Testes also recited pseudoscience about masks compromising people's immune systems. The other tenant told Mr. Testes that he was making the other tenant's life more difficult during the pandemic. Mr. Testes then started yelling obscenities at the other tenant.
9. When Mr. Testes and the other tenant exited the elevator into the main floor lobby, Mr. Testes continued yelling obscenities at the other tenant. At that point, two of the Landlord's security guards were walking toward the security change room to perform their shift change. When they approached the area where the elevators are located, they heard loud yelling coming from in between the elevators, and saw and heard Mr. Testes yelling loudly at the other tenant while standing very close to the other tenant's face and pointing his finger in the other tenant's face in an animated manner.
10. One of the security guards told Mr. Testes to stop screaming and step

A351

away from the other tenant. The security guard then asked Mr. Testes what happened. Mr. Testes advised that his conduct was in response to the other tenant telling him that he needs to wear a face mask or other face covering. The security guard asked Mr. Testes where he was going. Mr. Testes said that he was leaving the building, and the security guard told him to go.

11. The security guards then asked the other tenant if he was okay. The other tenant was concerned because he already has to attend the hospital 3-4 times per week, and is now even more concerned about his health because of Mr. Testes' conduct, described above. The other tenant then walked away without saying anything further, and appeared to be in shock, frustrated, or angry. The Landlord's security guard later followed up with the other tenant, who explained that Mr. Testes has mocked him as well as other tenants for wearing face masks on previous occasions. The other tenant is immunocompromised, and is concerned that Mr. Testes will engage in similar conduct again when he sees him in the future.
12. By engaging in the conduct described above, Mr. Testes has:
 - i. Substantially interfered with another tenant's reasonable enjoyment of the residential complex for all usual purposes;
 - ii. Substantially interfered with the Landlord's reasonable enjoyment of the residential complex for all usual purposes; and
 - iii. Substantially interfered with the Landlord's lawful rights, privileges, and interests.
13. This Form N5 is issued pursuant to section 68 of the Residential Tenancies Act, 2006, and the Landlord therefore seeks termination of the Tenants' tenancy.

Scope & Meaning or Rosa Parks & Facial Nudity A468

[Chad](#) 03 May, 2021

RESPONSE TO VEXATIOUS LITIGATION

Dear Mr Melchers,

Firstly, let's clarify some details so we're operating from the same groundwork:

1. Is your client is designated a "intensive support residence", or a "supported group living residence", pursuant the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008?
2. Is your client designated a "home for special care" within the meaning of the Homes for Special Care Act?
3. Is your client a designate "long-term care home" within the meaning of the Long-Term Care Homes Act, 2007?
4. Is your client a "psychiatric facility" within the meaning of the Mental Health Act?
5. Is your client a "correctional institution" within the meaning of the Ministry of Correctional Services Act?
6. Or is your client in any such similar form, a designate "facility" within the scope and meaning of Health Protection and Promotion Act, R.S.O. 1990, CHAPTER H.7?

I look forward to your answer to those questions.

However, upon cursory overview, it's readily apparent that Medallion Corporation (your client) and its agents (which includes you) are eager to deploy false testimony against persons domiciled in leased residences at 565 Sherbourne St. In Para 2 of your client's statement, they admit that I am A353

“..exempt from the requirement to wear a face mask, but [have] been advised that [I am] still required to adhere to other COVID-19-related protocols that are in place in the residential complex...”^{A469}

Yet in Para 3, your client admits to its encouraging its staff RESTRICTING MY ACCESS TO FACILITIES on account of offensive or threatening facial nudity. Your client’s statement admits to its cleaner being on the elevator with another female, who exited the elevator at the lobby. The statement testifies that I attempted to use the elevator, but the agent of your client told me that “[I] could not enter the elevator with her because [I] was not wearing a mask or face covering”.

After this incident, it is quite evident that I was emotionally traumatized by being treated like an inferior class of human, by not even being afforded the human right of existing in the same facility as your client’s agent. So your client, rather than inquiring how I was injured and/or traumatized by its agents and how it could prevent the occurrence of such trauma in the future, made sure to serve me with an Eviction Notice by 2 security contractors who informed me that I was being recorded on the afternoon of Friday, April 30th, 2020. More trauma, right?

Any reasonable party would understand that the “separate but equal” doctrine has been thoroughly trounced since the beginning of the unravelling with *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954), but I’m sure you could find other explanations such as the Separate But Equal Wiki or anything about the much lauded “Rosa Parks” precedent. I have no idea what our equivalent up here in Canada is, but I’m sure we’ll find out.

You have admitted that your client is encouraging discrimination against the bare-faced, and has furthermore cited the concerns of a hypochondriac tenant as grounds to evict another tenant. Did you honestly tell your client how this is probably going to play out, especially given our well-documented history? Have you explained to your client that denying the legal and lawful activities a tenant who is not a ward of the state, or lodged at a correctional institution,^{A354}

psychiatric facility, or other such designate facility? It is legal and lawful to assert one's legal rights, is it not? A470

In all honesty, you should direct your client to immediately produce and disclose your alleged video footage that justifies your client treating me like a stray dog, homeless individual, or otherwise which not entitled to the lawful use of the residential facilities at 565 Sherbourne St. I'm not really surprised that your client is reckless enough to attempt to qualify its persecution and eviction of two tenants for being bare-faced peasantry with actual admissions of it violating the RTA, the ROA, the EMCPA, and well-established common-law.

There are some things you just don't do, but your client thinks it's "so smart". Smart like reducing the residential water-pressure by installing a locked device which lowers the water pressure of the shower beneath regulation minimums. Or things like denying residents the use of recreational facilities (private gym) for over a year without a corresponding reduction in rent.

Your client states that it is accepting of my exemption from the "Mandatory Face Cover Policy" (Para1) yet proceeds to qualify my eviction by the fact that I "was not wearing a mask or other face covering, and attempted to enter the elevator" and your client's agent "[s]ubstantially interfered with the Tenant's reasonable enjoyment of the residential complex for all usual purposes.."

Furthermore, your client has repeatedly encouraged the abuse, shaming, and persecution of vulnerable mask- exempt tenants from the reasonable enjoyment of their lease agreement. Your client refused to put up PROPER signage until early March of 2021. This has resulted in the abusive and aggressive denial of entry to residential facilities such as the elevator persecution of individuals unable or otherwise unwilling to make a scene and defend their legal rights.

Consequently, your client has nurtured and promulgated an environment of unreasonable fear/loathing towards the nude-faced or otherwise non- A355

compliant with the tyrannical rule of morons and brown-shirt nazis. As such, I regret to inform you that I will be counter-suing your client for its offences and abuses of the ROA, the EMCPA, the RTA, and every other Act I can dig up and make an example of your client that will loudly indicate that even rich landlord's with deep pockets who retain counsel affiliated DIRECTLY with the Law Society of Upper Canada (changed its name to LSO recently). A471

You can expect my Notice of Claim within 30-days, because it will probably take me time to scrounge up enough nickels and dimes to afford a reasonable lawyer, or get someone on contingency when I go after Medallion Properties for its well-documented violation of tenant rights. As you are well aware, Medallion Properties has been persecuting myself and others for their exercise of facial-nudity since before the date when your client served its initial vexatious article on my person at approximately 1700EDT, on Friday October 02, 2020.

The above is worthy of note as it goes to establishing a pattern of flagrant violation of the law, bullying tenants with baseless claim founded in their own ignorance of reality. Further to the collision of contrasting realities, I draw your attention to Para 8 of your vexatious piece of toilet paper wherein your client claims that on "April 21, 2021, [I] was on an elevator with another tenant of the residential complex. [I] was not wearing a mask or other face covering and began mocking the other tenant for wearing a face mask. [I] also recited pseudoscience about masks compromising people's immune systems. The other tenant told [me] that [I] was making the other tenant's life more difficult during the pandemic. [I] then started yelling obscenities at the other tenant."

If you look at your video footage as you have submitted before the record (should be noted, if you cannot produce this at the pre-trial-hearing, you'll definitely have to worry about a Default Judgement against you) you'll see that the other tenant (who claims to be immunocompromised and fearful of dying because I don't wear a mask or other acceptable face covering denoting a willingness to submit to tyranny) approached my wife and I with the demand A356

that we put masks on or get off the elevator, "because it's the law".

A472

I indicated the proper signage (which I was previously threatened eviction for requesting) to the tenant where it showed that there are exemptions to the "rule of ignorance". Only then, after he blatantly refused to stop harassing my wife and I, did I begin to raise my voice more stridently, with gesticulations to assist in communicating with what evidently is a Stockholm'd retard who cannot read or readily comprehend the writing on the wall. The sign is LITERALLY posted on the wall, but your client has encouraged an atmosphere of fear and loathing towards the bare-faced.

As such, I am holding your client primary responsible, as they have been repeatedly given the option to rectify their behaviour. Your client has made it readily apparent that it is not agreeable to any resolution but a court-ordered settlement. So be it, c'est la vie; the game, it is afoot. May the best man without any apparent conflict of interest win.

--

Chad, Solutions Architect
Internet Security, Operations and Intelligence
Tel: +1 716-608-3531

CC: If I Cc'd you, it was intentional. We may or mayn't speak of it, but it was intentional to provide for every amicable resolution to Medallion Corporation's being a demonstrably repeat offender of disregarding the ROA, the EMCPA, the RTA, and well established common law.

A357

Scope & Meaning of Rosa Parks & Facial Nudity A473

[Chad](#) 03 May, 2021

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A361

that we put masks on or get off the elevator, "because it's the law".

A477

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A362

Sherbourne Die Statte COVID-19 Euthanasia Clinic

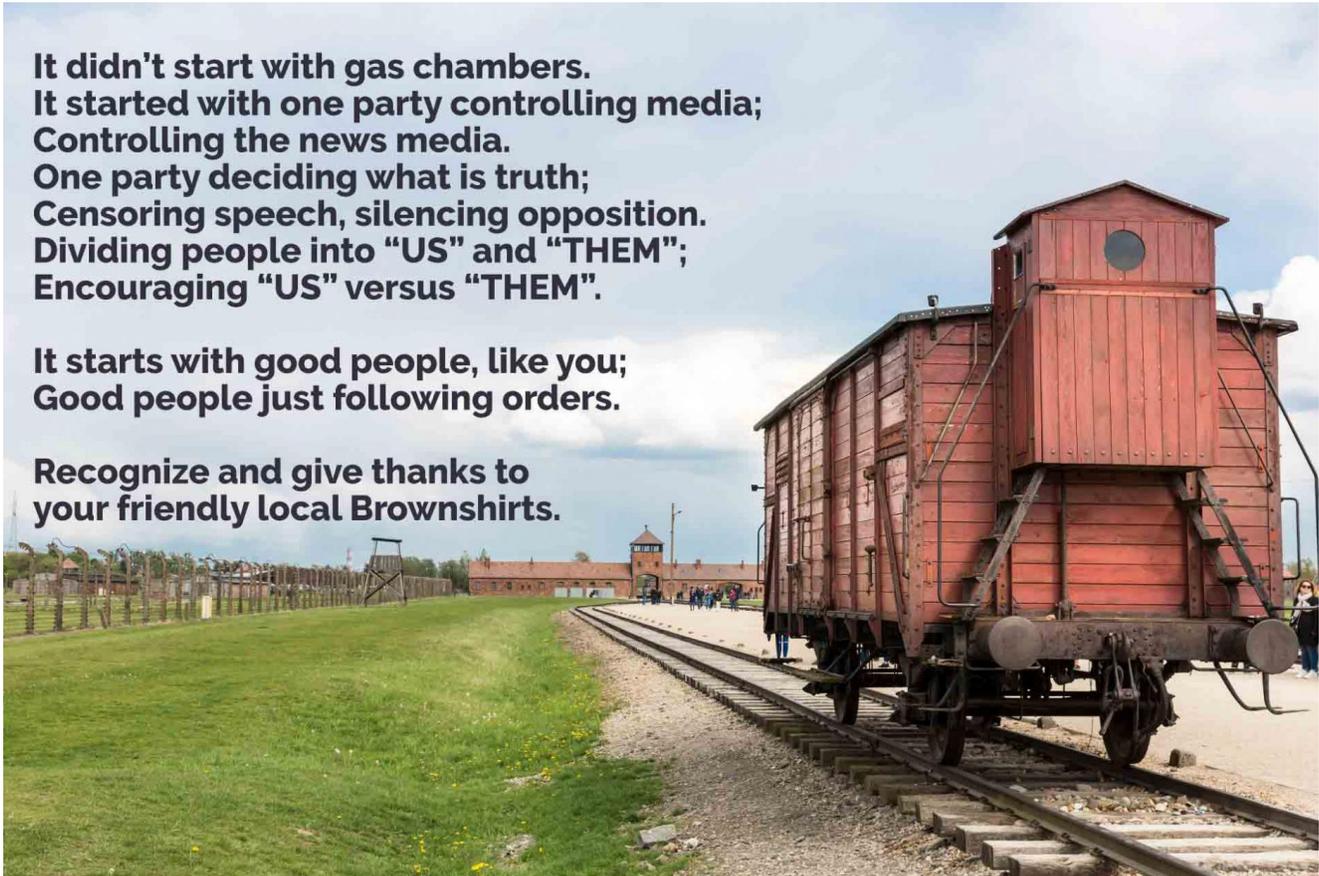
A478

[Dr Peter Munch...](#) 18 June, 2021

It didn't start with gas chambers.
It started with one party controlling media;
Controlling the news media.
One party deciding what is truth;
Censoring speech, silencing opposition.
Dividing people into "US" and "THEM";
Encouraging "US" versus "THEM".

It starts with good people, like you;
Good people just following orders.

Recognize and give thanks to
your friendly local Brownshirts.



COVID-19 VACCINE CLINIC
2ND FLOOR — 561 SHERBOURNE ST
— FROM 12:00PM UNTIL 3:00PM —

Don't have your first dose of the COVID vaccine yet?
We are offering vaccinations in your building

- Pfizer is available for anyone 12 years old and up
- If you have any questions or concerns,
drop by and speak to one of our doctors
- International students and work permit

A368

International students and work permit residents are welcome

A479

If you have an adverse reaction or die subsequent to your injection of this unapproved shot, you may sue Medallion Corporation for its part in your death.

Restrictions and Liability

- No appointment needed, just walk in
- Priority is for residents of 561 and 565 Sherbourne St.
- Bring your OHIP card if you have one; not mandatory
- Enter for your chance to win a free funeral
- This is a Public Service Announcement

Learn more at KillingOntario.ca



SHERBOURNE DIE STATTE

JUST GET EUTHANIZED.



I AM THE
WRATH

COMPLIANCE

"We get rid of them by making them believe that it is for their own good... We will find or cause.. a pandemic targeting certain people.. a virus affecting the old or the fat.. the fearful and stupid will believe in it and seek treatment. We will have made sure that treatment is in place, treatment that will be the solution. The selection of idiots then takes care of itself: You go to the slaughter by yourself."

MEDALLION

This is not a brown shirt but this is a protected form of expression meant to get inside the head of the enemy. The enemy is hypocrisy.

Are you the enemy? Are you a brown shirt?
Non quarta.

OpenOntario.ca/testimonials

A364

COVID-19

Vaccine Clinic

@ 561 Sherbourne St.
2nd Floor

Don't have your first dose of the COVID vaccine yet?

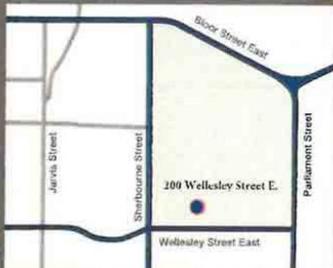
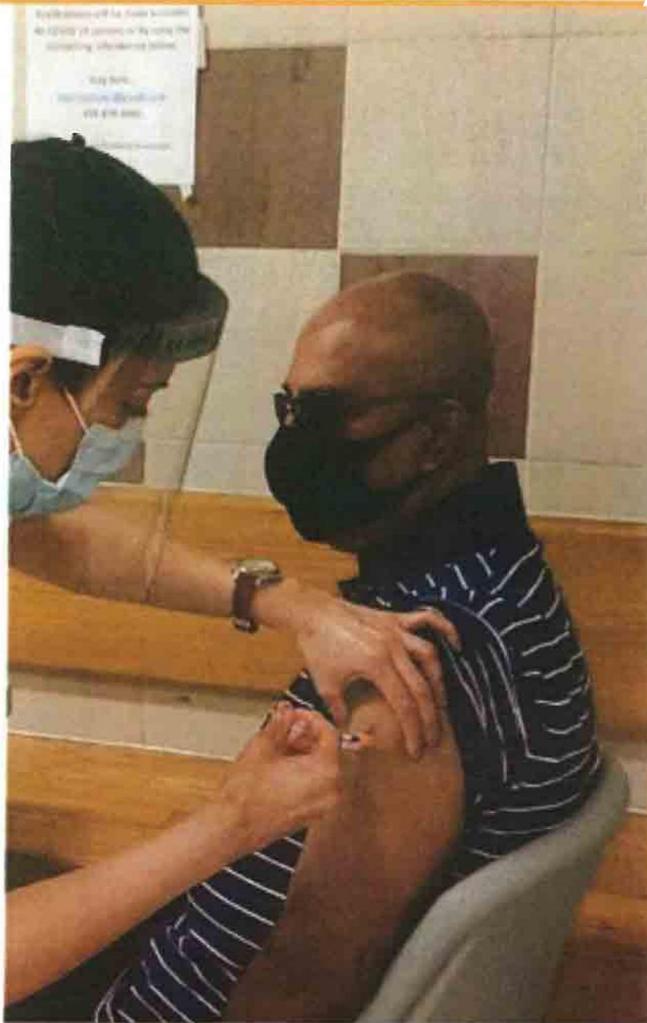
We are offering vaccinations at your building

Pfizer is available for anyone 12 years old and up

If you have any questions or concerns, drop by to speak to one of our doctors

International students and work permit residents are welcome

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- Priority is for residents of 561 and 565 Sherbourne St.
- Bring your OHIP card if you have one; not mandatory



When: Saturday, 19th June; 12-3 PM

Clinic held at:
561 Sherbourne Street (2nd Floor)



Scan for Multilingual Vaccine Factsheet

Community Event



SHERBOURNE DIE STATTE

A482

J U S T G E T E U T H A N I Z E D .



I AM THE
WRATH

COMPLIANCE

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A367

A483

It didn't start with gas chambers.
It started with one party controlling media;
Controlling the news media.
One party deciding what is truth;
Censoring speech, silencing opposition.
Dividing people into "US" and "THEM";
Encouraging "US" versus "THEM".

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Good people just following orders.

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your friendly local Brownshirts.



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residents are welcome

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I AM THE
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COMPLIANCE

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OpenOntario.ca/testimonials

SHERBOURNE SITE.ORG

COVID-19

Vaccine Clinic

@ 561 Sherbourne St.
2nd Floor

Don't have your first dose of
the COVID vaccine yet?

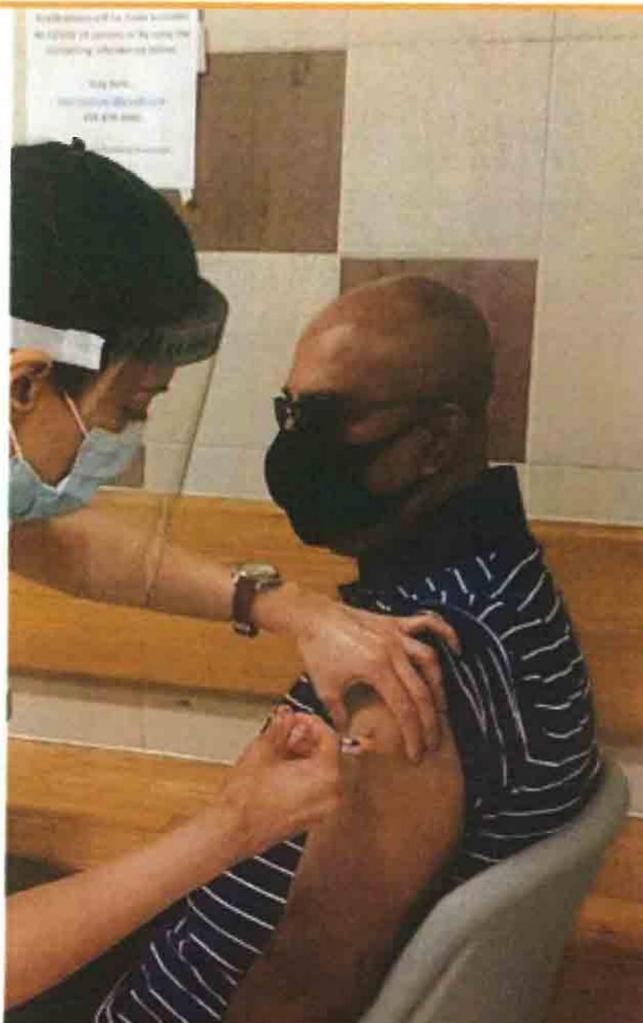
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concerns, drop by to speak to one
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When: Saturday, 19th June; 12-3 PM

Clinic held at:
561 Sherbourne Street (2nd Floor)



Scan for Multifungal
Vaccine Factsheet

Community
Event



SHERBOURNE DIE STATTE

A486

J U S T G E T E U T H A N I Z E D .



I AM THE
WRATH

COMPLIANCE

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A371

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One party deciding what is truth;
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Dividing people into "US" and "THEM";
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**Recognize and give thanks to
your friendly local Brownshirts.**



There was a press conference at parliament about the censorship and pure Gobbels-style push for mass vaccination with the experimental and unapproved mRNA therapeutic, specifically Pfizer and Moderna. Now, we've got a "pop-up" that was rushed into our building.

Your support with ensuring the informed consent of our neighbours is greatly appreciated. Below is the presser held by Derek Sloan which appears to have triggered this [most recent] culling.

COVID-19 Vaccine Clinic 2nd Floor 561 Sherbourne St at 12:00-3:00pm

Don't have your first dose of the COVID vaccine yet? We are offering vaccinations in your building!

- Pfizer is available for anyone 12 years old and up

- If you have any questions or concerns, drop by and speak to one of our doctors **A488**
- International students and work permit residents are welcome
- If you have an adverse reaction or die subsequent to your injection of this unapproved treatment, you or your estate may sue Medallion Corporation for its part in your death. See Medallion & State Agency Liability.

Restrictions and Liability

- No appointment needed, just walk in
- Priority is for residents of 561 and 565 Sherbourne St.
- Bring your OHIP card if you have one; not mandatory
- Enter for your chance to win a free funeral
- This is a Public Service Announcement Learn more at SherbourneSite.org

Chad to Tribunal re Eviction Hearing Rescheduling ^{A489}

[Chad](#) 25 July, 2021

Dear Landlord and Tenant Board, Mark Melchers, Marija Pavic:

I am responding to the member's endorsement in two parts, the "Application to Reschedule" and "the Application for an In-Person Hearing".

APPLICATION TO RESCHEDULE

I confirm receipt of the sitting member's denial of our Motion to Reschedule a Hearing filed electronically at approx 1427EDT on Jul12. We received the sitting member's denial at approx 1017EDT on Jul22 despite our having requested a response "*..within 48-hrs of 1500H on Jul12, or by no later than end of day (1700H) on Jul14.*" That's at least 7-days later than expeditiously requested, and so will be factored into our continuing processes.

Despite the provisions that the Social Justice Tribunals of Ontario that the Tribunal will only grant adjournment in extraordinary circumstances, we put it to the court that Sean Henry erred by denying our application to reschedule, and is acting in a fashion contrary to the well-established legal precedents for family bereavement. This leads me to believe that the sitting member is either incompetent, or is acting in a purely malicious nature towards the grieving parties.

[10] The Tribunal's Practice Direction on Scheduling of Hearings and Mediations, Rescheduling Requests, and Requests for Adjournments states that the Tribunal discourages last minute requests for an adjournment because they are a significant impediment to fair and timely access to justice. Consequently, the Tribunal will only grant adjournments in

A374

extraordinary circumstances.

A490

As confirmed in [Espinoza v. The Napanee Beaver Limited](#), [Mustafa v. Corporation of the City of Mississauga](#), [Chmurzewski v. Natural Touch Rehabilitation Center](#), the death of mother or mother-in-law constitutes extraordinary circumstances. As such, I request that our initial request be immediately granted, and that there be an additional extension of at least 7-days to account for our being unreasonably forced to compensate for the professional incompetence of the sitting member, Sean Henry.

APPLICATION FOR AN IN-PERSON HEARING

"The Tribunal shall not hold an electronic hearing if a party satisfies the Tribunal that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice."

The Tribunal states:

In the request, the Tenants state, without elaboration, that they require an in-person hearing as an accommodation. While the Tenants are not required to disclose personal medical information in support of the request, without an explanation as to why an electronic hearing is likely to cause them significant prejudice or why their accommodation needs cannot be met by an electronic hearing, I am unable to determine that the concerns raised by the Tenants are not most appropriately addressed in the context of an electronic hearing.

In his endorsement, the sitting member confirms that the Tribunal is provided *"..with broad powers to determine the format of hearings as it considers appropriate"* the sitting member chooses to further demean and unreasonably prejudice these proceedings against the Applicants by forcing them to elaborate on open channels and not in a separate merits hearing, on the nature of any prejudicial encumbrance or physical disability the Applicants are alleging necessitates an In-Person Hearing.

A375

Rather than severing the Motion for Accommodation from the general proceedings, the Tribunal chose deal with the matter in the current open proceedings, a fashion which is likely to provide opposing counsel (Mr Melchers and Ms Pavic) with an undue advantage in further proceedings. I feel that is very improper conduct for the Tribunal to facilitate. It's almost like Mr Henry wants to ensure that there are sufficient grounds for an appeal to higher court. A491

If I am making an Application for an In-Person hearing because to do so otherwise would cause me significant prejudice, does it stand to reason that I must make Virtual Application in the very same form that is likely to prejudice the proceedings untoward myself? Do you understand the lack of logic in such a situation? The proper course of action would have been to create an individual thread of proceedings for the Applicant "*..to disclose personal medical information in support of the request*" in a confidential setting, and not before opposing Counsel, which is known as providing the adversary with private medical information reasonably expected to cause further emotional distress to the Applicant.

Why am I required to provide my Personal Health Information to the enemy, Medallion Properties, to further malign and subject me to vexatious threatened litigation for posting fulsome and complete signage which contradicts their own previous partial and incomplete signage? I require an in-person hearing in order for Medallion not to further distort and wrongly apply Municipal Bylaws and Provincial Regulations, and to do so in a fulsome nature, not limited to one (voice) or two (camera) dimensions. To make defence in any fashion less than three dimensions (in-person) would further prejudice these matters against the Applicant.

I am having difficulty with these unreasonable constraints on our mourning the death of our mother, and the proper settlement of her estate. I outlined for your consideration the timeline required for myself to consult with legal and make more fulsome answer in this matter.

A376

Actually, now that you've forced me to explain the impropriety of Medallion's position at this most grievous of times as we mourn our mother and attempt to settle her estate in a timely fashion, you probably don't have jurisdiction for this matter with its Constitutional nuance (see [Rosa Parks & Facial Nudity](#), as the vexatious legal action [since 2020Oct02](#)) of Sherbourne Site began with their retaliatory quasi-litigation against my wife and I for our inability to wear a mask or other acceptable face covering as a plastic bag, a hijab, or a similarly restrictive muzzle.

It's a good idea to play by the rules, my friends. And you will please confirm of this message in a timely fashion.

--

Chad, Solutions Architect
Internet Security, Operations and Intelligence
Tel: +1 716-608-3531

CC:

- **Marija Pavic, [Lead Counsel](#) for Medallion Properties Eviction Squad**
- **Mark Melchers, [Vexatious Litigation Specialist](#) for Cohen Highley LLP**
- **Rob Roberts, [Editor in Chief](#) for Nation Post**

Medallion Corporation, and David Bayles vs Chad & Stacy A493

[Chad](#) 09 October, 2021

1. Tenancy Agreement
2. Facebook Profile
3. "Medallion accepts you are mask exempt.. you are required to observe social distancing." ("you're a dirty goy Chad, we don't want your kind here.")
4. "Cleaner Anna is permitted to deny unmasked tenants access to elevator."
(The bare faced with robust immunity must use separate facilities)
5. Notice on Notice of Eviction for not being Stockholm'd (see 4)
6. Testimony of DAVID BAYLES
7. Chad's publications re Sherbourne Site Euthanasia Clinic
8. Halton Condominium Corporation #77 vs Vily Mitrovic and Zoran Zupanc
9. TST-55210-14 re Reasonable Apprehension
10. Breach of RTA covenant does not justify termination unless is explicitly provided
11. Degrading epithets or labels
("Brown Shirts" and "Nazi Collaborators")
12. Imperative to provide workplace free from harassment
(aka, reasonably foreseeable consequences)
13. Landlord Witnesses

**Landlord Evidence:
Tab 1**

Landlord Evidence:

A378

Tab 2

A494

Landlord Evidence: Tab 3

Landlord Evidence: Tab 4

Created:	Fri 02/19/21 03:26 PM SHERBOURNE1
Type:	Disturbance (Activity)
Status:	New Unassigned Issue
Property:	Medallion Corporation 565 Sherbourne Street Toronto, Ontario M4X 1W7
Location:	Elevator Lobby - Grnd FL
Reported by:	565 Sherbourne Street
Address:	565 Sherbourne Street

Reported Detail:

On Feb 19th 2021 at 1351 hrs, the writer (**Decoyda Larsen** Paragon Protection LTD 10870627) was in the Security change room when the writer heard a loud male voice yell out the word and security quites this FUCK and a loud bang. The writer went out to check what had happen but did not notice anything. The writer radioed to the front deck who checked the cameras and found that at a few moments before the writer went out, there was a male who resembled 2709. Video and Pictures have been made.

Note: The video clip involves 565 Cleaner **Anna**.

A379

Notes:

A495

Mon 2/22/2021 9:27 AM - SHERBOURNE1

Updated Feb 22nd 2021. The writer spoke to 565 Cleaner **Anna** who reported that she was in Ele#5 with another female who got on the 2nd floor. When they got to the main floor, the female got out and 2709 attempted to get in. When he was told by the cleaner that he could not get in because he was not wearing a mask, that made him furious. **Anna** pressed the door close button and once the door was closed, she heard yelling and a loud bang on the door on the elevator but at the time, was not sure what it was. She spoke to **Bruce** once she got into P1

Mon 2/22/2021 10:52 AM - JONBAI

Email To: Roisinwebb@medallioncorp.com

Email From: Jonbai

Email Subject: Medallion Corporation - (S) Disturbance (Activity)

Email Body: Attaching Issue with Email

Landlord Evidence:

Tab 5

Landlord Evidence:

Tab 6

Reported:	Monday, April 19. 2021, at 1605 hours
Cleared:	Monday, April 19. 2021, at 1608 hours
Company:	Paragon Protection Limited
Client:	Medallion Corporation
Location:	565 Sherbourne Street Toronto, Ontario M4X 1W7, Elevator Lobby
Type:	Domestic Problem

A380

Synopsis:

A known tenant was found verbally abusing an elderly man at the above location, time, and date. The known tenant was not wearing any type of PPE, however, he was seen in the elderly gentleman's personal space and very close to his face. Security arrived upon the start of the verbal abuse incident and told the known tenant to leave the premises.

Narrative:

On Monday, April 19, 2021, at 1605 hours, Site Security Supervisor (SS), **JONATHAN BAILEY** #11170455, Paragon Protection Limited (PPL), and Team Leader (TL), **BRANDON MARAVILLA** #11107239, PPL were traveling to the change room located at 565 Sherbourne Street, Toronto, Ontario M4X 1W7, Elevator Lobby to perform their shift change. Upon arriving at the elevator lobby, the writer overheard loud yelling coming from in-between the elevators. The writer saw a known tenant by the name of **CHAD W. TESTES**, 2709-565 Sherbourne Street, Toronto, Ontario M4X 1W7 in another elder gentleman's face, yelling and screaming at him with no PPE (Mask). **SS BAILEY** yelled over **Mr. CHAD W. TESTES** advised him to knock it off and to back up. **SS BAILEY** asked what was going on. **Mr. CHAD W. TESTES** reported that the elder gentleman had told him he has to wear a mask and when he was told to wear the stated mask, he got defensive and started flailing on the elder gentleman. **Mr. CHAD W. TESTES** stated multiple times that he is exempt and **SS BAILEY** informed him that it is fine that he didn't want to wear a mask, however, he should be wearing a shield at least. **SS BAILEY** asked **Mr. CHAD W. TESTES** where he was going. **Mr. CHAD W. TESTES** advised that he was leaving the building. **SS BAILEY** advised him to do so. **Mr. CHAD W. TESTES** left without issues. **SS BAILEY** and **TL MARAVILLA** spoke to the elder gentleman, to see if he was okay. The elder gentleman stated that everyone should be wearing a mask. His concern was that he is in and out of the hospital 3-4 times a week. Now that **Mr. CHAD W. TESTES** in his personal space he was even more **A381**

concerned about his health. The elder gentleman walked away without saying a word as if he was in shock, frustrated, and/or angry. Nothing further to report at this time. A497

Reported:	Thursday, April 22. 2021, at 1057 hours
Cleared:	Thursday, April 22. 2021, at 1101 hours
Company:	Paragon Protection Limited
Client:	Medallion Corporation
Location:	1209-565 Sherbourne Street Toronto, Ontario M4X 1W7 Canada, 12th Floor
Type:	Domestic Problems

Audio:

Synopsis:

Security followed up with the tenant who resides and the above location to retrieve a statement about what happened on Monday, April 19. 2021 at 1605 hours. The tenant provided a statement through audio recording.

Narrative:

Mr. BAYLES stated that this incident is not the first time he has come across **Mr. CHAD W. TESTES**. For every encounter **Mr. BAYLES** has had with **Mr. CHAD W. TESTES**, he refuses to wear a mask and that it's not that **Mr. CHAD W. TESTES** forgets to wear a mask but he is being defiant to wearing a mask.

Mr. BAYLES reported that **Mr. CHAD W. TESTES** mocks him every time they run into each other and he also stated that it's not just with him but other people of 565 Sherbourne Street Toronto, Ontario M4X 1W7 Canada. Anyone seen wearing a mask, **Mr. CHAD W. TESTES** will continuously mock them and spout out subtle signs (Ed: pseudoscience) in regards to masks ruining the immune system. A382

On April 19th, 2021, while **Mr. BAYLES** was taking the elevator with **Mr. CHAD W. TESTES**, **Mr. CHAD W. TESTES** started to address his opinions towards **MR. BAYLES**. **Mr. BAYLES** stated/responded by saying *“People like you are making my life that much more difficult, in this pandemic.”* At which point starting screaming at **Mr. BAYLES**.

Mr. BAYLES reported that when they reached the lobby, **Mr. CHAD W. TESTES** yelled at **Mr. BAYLES** saying *“How dare you say anything to me (Mr. CHAD W. TESTES) and my wife, somewhere along those lines as per Mr. BAYLES.*

MR. BAYLES was accused of openly attacking **Mr. CHAD W. TESTES** when all he was trying to get across was that **Mr. CHAD W. TESTES** and his wife aren’t wearing masks and that is not fair. Thereafter **Mr. BAYLES** comment, **Mr. CHAD W. TESTES** blew up at him and at that time security intervened and demanded **Mr. CHAD W. TESTES** to back up and to knock it off.

Mr. BAYLES expressed his concern about **Mr. CHAD W. TESTES** about him being temperamental and that whenever they do run into each other, **Mr. CHAD W. TESTES** may continue his vulgar actions.

Mr. BAYLES advised that he has not seen **Mr. CHAD W. TESTES** since April 19th, 2021. **SS BAILEY** gave **MR. BAYLES** his business card and should he ever feel unsafe or be near **Mr. CHAD W. TESTES** to give security a call and they will help deescalate the situation.

Nothing further to report at this time.

**Landlord Evidence:
Tab 7**

Landlord Evidence:

Tab 8

A499

**Landlord Evidence:
Tab 9**

**Landlord Evidence:
Tab 10**

**Landlord Evidence:
Tab 11**

**Landlord Evidence:
Tab 12**

Landlord Witness List

1. David Bayles, Tenant at 565 Sherbourne st
2. Anna, Cleaner ar 565 Sherbourne St
3. Roisin Webb, Property Manager at 565 Sherbourne St
4. Jonathan Bailey, Site Security at 565 Sherbourne St
5. Brandon Maravilla, Site Security at 565 Sherbourne St

A384

Chad to Tribunal re Evidence Concerns and Written Submissions

A500

[Chad](#) 12 October, 2021

Dear Landlord and Tenant Board, and representatives for Medallion Corporation,

Mark Melchers, Counsel for **Medallion Corporation**, has produced incomplete evidence and partial testimony, and has acted in a deliberate sense to abuse the **Board's** processes and deny the respondents sufficient information required to make full answer and defence to the allegations.

A member of the **Bar** such as **Mr Melchers** should know full well that this kind of impropriety calls his client's entire application into question. We need to ensure that there is **PROPER** and **COMPLETE** evidence (*including video recordings*) on this file. The landlord does not get to pick and choose the evidence which fits its narrative. Thank-you for your anticipated reasonableness. The actions of **Mr Melchers** is liable to degrade the public's faith in the proper Administration of Justice by such Social Justice Tribunals as the **Landlord and Tenant Board**.

The **Landlord** has not produced the video footage from within the elevator relating to the actions of **Mr Bayles**, which he admits were perceived by my wife and I as aggressive verbal abuse. Nobody is going to demand that my wife put on a muzzle. **Mr Bayles** demanded that my wife put on a muzzle, and I defended her by saying that it is not required, as we are both exempt from the "mandatory mask rules".

The camera footage from within the car clearly shows myself gesturing to the exemptions portion of the posted notice in the elevator. This footage was not included, only the partial portion covering the events after we exited the elevator and I continued reprimanding Mr Bayles for his attempting to

A385

intimidate my wife. He chose to target her because albeit I am physically disabled, I'm a 5'9" male. My wife is a 4'9" female, and the gentler gender. **Mr Bayles** was quite evidently attempting to intimidate my wife, and force her to wear a muzzle. A501

Mr Bayles was acting with aggression towards my wife, and was unresponsive to my reasonable explanation that there are exemptions to the "Mandatory Mask Wearing Policy". **Mr Bayles** has no right accosting tenants with his demands that they cover their face or wear other clothing. That is improper.

Furthermore, **Mr Melchers** has failed to produce the video that is referenced in Tab4:

On Feb 19th 2021 at 1351 hrs, the writer (**Decoyda Larsen** Paragon Protection LTD 10870627) was in the Security change room when the writer heard a loud male voice yell out the word and security quites this FUCK and a loud bang. The writer went out to check what had happen but did not notice anything. The writer radioed to the front deck who checked the cameras and found that at a few moments before the writer went out, there was a male who resembled 2709. Video and Pictures have been made.

Note: The video clip involves 565 Cleaner **Anna**.

Full Tab in context:

<https://sherbournesite.org/registry/2021/10/09/medallion-corporation-and-david-bayles-eviction-vs-chad-and-stacy#tab4>

I am unable to make competent defence to the allegations without the video footage and **Melchers** opened the door to both these videos, the Feb19 and the Apr19 videos. I am requesting that this matter be put over until **Medallion's** counsel produces the video and to allow myself to make competent defence to the allegations. Context matters.

--

Chad, Solutions Architect

A386

Internet Security, Operations and Intelligence

Tel: +1 716-608-3531

A502

Cc:

- **Genrys Goodchild**, Advocacy Centre for Tenants Ontario
- **Dr Denis Rancourt**, Researcher at Ontario Civil Liberties Association
- **Rocco Galati QC**, Constitutional Rights Centre

A387

LTB/TSL-21777-21 - L2 Eviction Order

A503

[Randy Aulbrook](#) 09 February, 2022

File Number: TSL-21777-21

Order under Section 69

Residential Tenancies Act, 2006

In the matter of:

**565 SHERBOURNE STREET
TORONTO ON M4X1W7**

Between:

(Landlord)

Medallion Corporation

&

Chad W. Testes, Stacy W. Cerebri

(Tenants)

Medallion Corporation (the 'Landlord') applied for an order to terminate the tenancy and evict Stacy W. Cerebri (SWT) and Chad W. Testes (CWT) (the 'Tenants') **The Landlord also claimed compensation for each day the Tenants remained in the unit after the termination date.** This application was heard via video/teleconference on October 12, 2021. Only the Landlord's Legal Representative Mark Melchers attended the hearing. As of 3:40 p.m., the Tenants were not present or represented at the hearing although properly served with notice of this hearing by the Board.

A388

Determinations:

A504

1. On May 4, 2021 the Landlord filed the application to end the tenancy and evict the Tenants based on two (N5 form) notices for termination given to the Tenants.
2. The first N5 notice was given to the Tenant on December 11, 2020, alleging the behaviour and conduct of the Tenant (CWT) has substantially interfered with the reasonable enjoyment of other Tenants and the lawful right, privilege and interests of the Landlord.
3. Subsection 64(1) of the Act states: A landlord may give a tenant notice of termination of the tenancy if the conduct of the tenant(s), another occupant of the rental unit or a person permitted in the residential complex by the tenant(s) is such that it substantially interferes with the reasonable enjoyment of the residential complex for all usual purposes by another tenant or substantially interferes with another lawful right, privilege or interest of the landlord or another tenant.
4. **The notice alleged that the Tenant (CWT) does not wear a face mask in the residential complex or follow other COVID pandemic recommendations as required by the City of Toronto Health Authority guidelines, and was verbally abusive to the Landlord's property administrative employees, as well as verbally confronting other tenants if they are wearing a mask or are vaccinated.**
5. Section 64(3) of the Residential Tenancies Act 2006, (the Act) provides that the type of N5 Notice served by the Landlord is void if the Tenant(s), within seven (7) days after receiving the notice stops the activity or corrects the conduct/behaviour. In this case, the N5 was served on December 11, 2020, which means the seven (7) day voiding period ran from December 12, 2020 to December 18, 2020.
6. The Landlord provided no documentary evidence that the Tenant(s) abusive behaviour or conduct continued during the voiding period, therefore, I must find the Tenant(s) voided the first N5 notice.
7. Pursuant to section 68 of the Act, before serving a second N5 notice of termination the Landlord must have previously been given a valid first

A389

notice of termination with an opportunity to void the notice within 7 days of it being given. It is only if this first notice is given and the conduct resumes or a situation arises that constitutes grounds for a notice of termination within six months after the first notice was given that a non-voidable N5 notice can be served. A505

8. **A second (N5) notice was given to the Tenants on April 30, 2021 for further abusive behaviour complaints that the Landlord received from other tenants in the residential complex regarding the Tenant (CWT) ongoing preaching to them about his own opinion about vaccinations. The Tenant (CWT) continued to speak inappropriately to other tenants regarding their personal beliefs of the COVID pandemic.**
9. **While the Tenant (CWT) may be medically exempt from wearing a face mask, he continues to be required by municipal and provincial health regulations to respect and follow other guidelines such as social distancing while in the common areas of the residential complex.**
10. **The Tenants did not attend the hearing to make submissions.**
(see)
11. Based on the Landlord's uncontested testimony, I find the Tenant(s) have substantially interfered with the reasonable enjoyment of the residential complex for all usual purposes by another tenant or substantially interferes with another lawful right, privilege or interest of the landlord or other tenants that reside in the residential complex.
12. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. **The Tenant(s) were provided an opportunity to retain their tenancy by refraining from having unwanted conversations with other tenants regarding the COVID 19 pandemic and their personal choice on vaccinations and masks, to no avail.**

13. The Landlord collected a rent deposit of \$1,380.34 from the Tenants and this deposit is still being held by the Landlord. Interest on the rent deposit is owing to the Tenants for the period from January 1, 2021. A506
14. **The order contains all the reasons for the decision within the order. No other reasons will be issued.**

It is ordered that:

1. The tenancy between the Landlord and the Tenants is terminated effective February 20, 2022. The Tenant(s) must moved out of the rental unit on or before February 20, 2022.
2. The Tenants shall pay to the Landlord **\$10,681.82**, which represents compensation for the use of the unit from May 18, 2021 to February 9, 2022, less the rent deposit and interest the Landlord owes on the rent deposit.
3. The Tenants shall also pay to the Landlord \$45.01 per day for compensation for the use of the unit from February 10, 2022 to the date they move out of the unit.
4. The Tenants shall also pay to the Landlord \$186.00 for the cost of filing the application.
5. If the Tenants do not pay the Landlord the full amount owing on or before February 20, 2022, they will start to owe interest. This will be simple interest calculated from February 21, 2022 at 2.00% annually on the balance outstanding.
6. If the unit is not vacated on or before February 20, 2022, then starting February 21, 2022, the Landlord may file this order with the **Court Enforcement Office** (Sheriff) so that the eviction may be enforced.
7. Upon receipt of this order, the **Court Enforcement Office** (Sheriff) is directed to give vacant possession of the unit to the Landlord on or after February 21, 2022.

Date Issued: February 9, 2022

A391

Randy Aulbrook
Member, Landlord and Tenant Board

A507

Toronto South-RO
15 Grosvenor Street, 1st Floor
Toronto ON M7A 2G6

If you have any questions about this order, call 416-645-8080 or toll free at 1-888-332-3234.

A392

Tenant's Written Submissions

A508

[Chad](#) 11 February, 2022

On 20211012 0300EDT, I submitted my written submissions to the LTB in case the Tenant Duty Counsel was unable to appear and put my matter over until Feb.

In this email, I Cc'd both the **Landlord (George Espinola)** and their **Counsel of Record (Mark Melchers)** our further rescheduling motion and my written submissions to give them a chance to act honourably.

You'll note that I recently drew attention to an article entitled [Tortious Liability and Special Lawyer Protections](#) for obvious reasons. You'll also note that they went ahead and pushed for an Ex Parte Order under full cognisance of my motion and written submissions.

Now I have to through the bullshit of filing an **S2** and filing an additional countersuit against **Medallion Corporation**. So be it.

A393

Pro Forma Ex Parte Eviction

A509

[Chad](#) 15 February, 2022

It's been a hectic week, since we received (on 2022Feb09 @0946EST) an [Endorsed Eviction Order](#) from the **Landlord & Tenant Board**. Apparently the **Landlord & Tenant Board** held an ex-parté [Eviction Hearing re David Bayles' Complaint](#) on October 12th, 2021 despite my having submitted on Oct5 a [Rescheduling Request](#) the hearing to no earlier than February 12th, 2022.

As specified in my commentary in [Endorsed Eviction Order](#) the "order" is pure and utter bullshit, and for some reason I am being threatened with forcible removal beginning Monday Feb 21st, 2022 and further extorted an additional sum of \$10,681.82 under the new provisions of the RTA:

A394

TSL-21777-21-RV - February 17, 2022 — STANDARD OF REVIEW (CORRECTED)

A510

[Chad](#) 17 February, 2022

Dear Wilkins,

- In your order just issued you claim that I *"..only indicated that he was 'somewhat' affected by the separation from his wife, which weighs against a finding of exceptional circumstances. In circumstances where none of the above-cited decisions address the situation of a second request more than 2-months later in relation to the same death in the family it cannot be said that the decision to deny the second request to reschedule is inconsistent with these decisions."*
- **(Medallion vs Chad and Stacy, TSL-21777-21-RV, Para 21)**

The fuller context was *"Stacy has arranged alternate travel (with another carrier) on Sep04 to help her family in need. Our family in Victoria, BC has since required additional assistance, impairing my ability to function competently. In short I'm unable to accompany my wife to assist her, so I'm consequently somewhat of an emotional mess. :("*

You took it out of context, my friend. You know that any reasonable counsel would have a field day with this, right? You took **ONE WORD** and interpreted it to be charged inversely of what the context conveys. That's really shoddy work, even for you. I'll just assume that you're so distraught by the vexatious actions of **Medallion Corporation** that you erred in one of the basic tenets of argumentation. Context matters.

Given that you premised your whole decision around the emotional quanta of tense, direction, charge of a single word, without regard to the context for

A395

support. You didn't contextualize it, because the context does **NOT** support your disposition, but rather when taken in context, my position of emotional distress is confirmed. A511

- "There is not arguable merit to either of these claims because these are the issues the Tenants ought to have raised at the scheduled hearing in support of a request to adjourn the proceeding."
- **(Medallion vs Chad and Stacy, TSL-21777-21-RV, Para 22)**

Which I would have done, if the **Order** was served within a reasonable time of it having been rendered on Feb03, but rather the **Board** chose to serve it on the tenants Feb09 (6-days) for execution Feb20 (11-calendar-days, or 7-business-days) and thus have been rushing around seeking assistance with the filing of an **Urgent Judicial Review**.

Let that sink in. Not only are we being **EVICTED** because of our conscience, but also being **EXTORTED** over \$10,000 for the crime of wrongthink and wrongspek. That should scare you all, as it is setting a dangerous legal precedent in Ontario.

[\(Sherbourne Die Stätte » Endorsed Eviction Order\)](#)

Unreasonableness is the last resort of a vexatious specialist in dealing with tenants. Isn't that what you said, **Melchers**?

So yeah, now that my wife is back home and only bursting into tears at the sorrowful mention of our mother a couple times a day, I can more competently take **Medallion** and their gung-ho boor lawyer **Melchers** to the cleaners. *You try to charge me and my wife \$10,681.82 for **EXPRESSING OUR OPINION REGARDING THE COVID 19 P[L]ANDEMIC AND THEIR PERSONAL CHOICE ON VACCINATIONS AND MASKS?***

You further categorize it as Protected Expression by representing our actions as *"..preaching to them about his own opinion about vaccinations. The Tenant (CWT) continued to speak inappropriately to other tenants regarding* A396

their personal beliefs of the COVID pandemic."

A512

You're punishing my wife and I because I refuse to sit down and shut up as our rights are violated? This is the quintessential definition of a juridical rape, and you know it. I will not be forced to subjugate myself to legal, moral, or physical rape just because you get off on screwing with a proud member of the 'fringe minority'.

--

Chad, by Covfefe Bakery + Café

Internet Security, Operations and Intelligence

Email: chad@openontario.org

Tel: +1 716-608-3531

- **CC:**
- Marija Pavic, Lead Counsel for Medallion Properties Eviction Squad,
- Mark Melchers, Vexatious Litigation Specialist for Cohen Highley LLP,
- Rob Roberts, Editor in Chief for National Post,
- Denis Rancourt, Ontario Civil Liberties Association,
- Marshall Swadron, Swadron Associates,
- Rocco Galati, Constitutional Rights Centre,
- Amir & Natasha, Formative LLP,
- Mary J. Scharf, MJS Legal Services

A397

Motion for Leave to Appeal for Judicial Review

A513

[Chad](#) 18 February, 2022

This is the Motion for Leave to Appeal under the JRPA I was drafting last night.. Someone reminded me today that unless I exhausted all avenues by covering the SPPA avenue, opposing counsel would like motion for an Ex Parte dismissal. As Ex Parte maneuvers are a preferred weapon of lawfare for most landlords, I was convinced to keep my options open by attacking the Eviction Application from the substantive angle of Fact, with the SPPA, rather than attacking the batshit crazy procedural modus employed by the brownshirt Tribunal members on their vile application of Law.

Thinking it over now, that might not have been the best choice, but I was definitely NOT on my game as I was operating on 3/48 sleep. So, I'm gonna leave this kernel up for your lulz and general edification of how to play tag using a baseball bat with a spike driven through the tip. ([Negan](#))

Please forgive the typos. I'm fucking seeing double vision. Thx.

Wow.. This has certainly been a hectic 9-days since our Eviction Order was first issued on Feb09 by Randy Aulbrook. Then, hen had to run around and exhaust all the avenues of appeal at lower levels, until the LTB actually reviewed and re-issued the order as "proper" by another LTB Member (Douglas Wilkins) which I'll spool to the site over the weekend.

The problem I have is the fact that the Eviction Order issued by Aulbrook is enforceable no sooner than Feb21 Mon. I was originally planning to leave it to the very last moment and submit my Application for Judicial Review Mon **A398**

morning. However, tonight my wife was crying about us being evicted on Monday, so I buckled down and pulled an all-nighter. I've never done an Application For Judicial Review, so it likely took me longer than a proper lawyer. A514

But I'd reached around to Swadron Associates, Rocco Galati, and even Formative Law. Now, I know Rocco is still recovering, but somebody from his office MUST be monitoring his email account. So, nobody was interested in listening, and nobody had donated to our fundraiser (Square) so I had to do it myself.

I'm a bit bleary-eyed right now, so you'll notice a few typos and structural errors on the Urgent Application, but I'm including it below for your amusement. I'll put the PDF up by Tuesday, I hope.

NOTICE OF APPLICATION

Judicial Review of LTB File TSL-21777-21

Appeal from the **Final Order of Randy Aulbrook** ordering forcible removal of the **Appellant** and his wife from their fully paid apartment at **565 Sherbourne St** no sooner than Monday Feb 21st, 2022 and further extorting an additional sum of **\$10,681.82** in compensatory damages for daring to express an opinion counter to the COVID-19 cult-like belief and fixed false ideation.

I require 4-hours for this hearing, and I will be calling on the expert testimony of **Prof Denis Rancourt** as an expert witness on the destructive and deleterious effects of the COVID-19 plandemic on the socioeconomic of our community.

Title:

- TSL-21777-21
- Landlord & Tenant Board, Toronto South Region

Parties:

A515

- Mark Melchers and Marija Pavic for Medallion Corporation (The Landlord)
- No Representation for Chad* and Stacy* (The Tenants)

*Pseudonyms are being used on the cover to prevent the tenants suffering further harassment and abuse for their expression and exercise of political, religious and medical, rights and freedoms.

QUIS CUSTODIET IPSOS CUSTODES?

Dear Mr Melchers, Toronto South Registry for the Landlord and Tenant Board, and Divisional Court,

Please take this email as **Notice on Notice of Motion for Leave to Appeal the Order of Randy Aulbrook** made on February 9th, 2022. This decision was rife with both factual and procedural errors, but for this Motion I will deal with the errors in law.

For this **Notice** I will disembowel the order of **Mr Aulbrook** by showing that the **Landlord and Tenant Board** prevented the Tenant from making proper response by disregarding his written submissions provided on account of my inability to appropriately entertain the kangaroo tribunal's farcical process, and actively interfering and further abrogating myself of the right to make proper and complete response to the **Application of Medallion Corporation** (*the Landlord*) before the Board.

I explained (in writing) to the Board that I was unable to make competent response to the **Landlord's Application** as my wife was 4225km away arranging the funeral of our mother and settling her estate I explained to the Board that I was an emotional mess consequent to the absence of my wife,

A400

only to be derided by the presiding member **Randy Aulbrook**.

A516

I have been loudly critical of the Ontario Government's response to the COVID-19 pandemic with its unreasonable and depraved executive orders and egregious regulations that fly in the face of the proper scientific method, and I have been vocally critical of the Landlord's farcical enforcement of "mandates" as an absolute law, which they have claimed carries more weight than any other laws or duties, and quash the Tenants' rights and freedoms.

The decision of **Mr Aulbrook** even admits that if I had just quietly surrendered my right to personal autonomy, stopped informing other tenants about our rights that are being trampled by various Brownshirt corporations of the misguided and fixed false narrative that has been pounded into the communal psyche by the propagation of factitious propaganda, instillation of an unquestioning and unerringly obedient ethos, and punishment of "*wrongthink*."

- 12. I have considered all of the disclosed circumstances in accordance with subsection 83(2) of the Residential Tenancies Act, 2006 (the 'Act'), and find that it would be unfair to grant relief from eviction pursuant to subsection 83(1) of the Act. The Tenant(s) were provided an opportunity to retain their tenancy by refraining from having unwanted conversations with other tenants regarding the COVID 19 pandemic and their personal choice on vaccinations and masks, to no avail.

(TSL-21777-21 Eviction Order Determinations, Para 12)

Mr Aulbrook also claims that the **Landlord** received reports of abusive behaviour consisting of "*ongoing preaching to [other tenants about my] own opinion about vaccinations [and] to speak inappropriately to other tenants regarding their personal beliefs of the COVID pandemic*."

- A second (N5) notice was given to the Tenants on April 30, 2021 for further abusive behaviour complaints that the Landlord received from other tenants in the residential complex regarding the Tenant (CWT)A401

ongoing preaching to them about his own opinion about vaccinations.
The Tenant (CWT) continued to speak inappropriately to other tenants
regarding their personal beliefs of the COVID pandemic.

A517

(TSL-21777-21 Eviction Order Determinations, Para 8)

The mere fact that **Mr Aulbrook** made these two specific utterances calls into question the rationale behind his judgement, and as he succinctly closes his Order with the simple phrase that effectively declares that his word is the **Supreme Law**.

- 14. The order contains all the reasons for the decision within the order. No other reasons will be issued.

(TSL-21777-21 Eviction Order Determinations, Para 14)

Mr Aulbrook erred substantially in Law by violating numerous Charter Rights (Section 2, Freedom of Conscience and Expression), The Ontario Human Rights Code, and even violating the inbuilt limitations and restrictions of the Reopening Ontario Act.

I am appalled that the **Board** has acted in this fashion, and hereby providing **Notice** that I am making an **URGENT APPLICATION FOR JUDICIAL REVIEW OF LTB ORDER TSL-21777-21**. This order was made and delivered in a fashion preventing me from acting with appropriate promptitude.

I additionally make **Application** for relief in the form of **Injunctive Stay** pending **Perfection** and appropriate **Hearing** of my **Application for Judicial Review**. I urgently require this relief on the fact that albeit this is a prima facie case of quasi-judicial activism gone wrong, I cannot properly **Perfect** my **Application for Judicial Review** if this farcical **Order** remains in force.

The mere fact that this **Order** was issued without so much as a raised eyebrow brings —*nay, throws*— the administration of justice into disrepute. In order to maintain the integrity of our judiciary, this **Order** must be **Stayed**, and the presiding member subjected to an immediate cognitive assessment,

A402

before he causes any further miscarriage of justice under his questionable competence.

A518

I am further requesting that the identities of my wife and I be protected beyond the scope of a mere acronym with alternate identities "**Chad W. Testes**" (CWT) for the male tenant, and "**Stacy W. Cerebri**" (SWC) for the female tenant, as demonstrated in the attached:

20220209 TSL-21777-21_L2 TD Feb 20-signed-REDACTED-and-PSEUDONYMIZED.pdf

And further demonstrated in the article:

<https://covfefebakery.org/registry/ltb/tsl-21777-21/eviction-order>

I am not a lawyer or paralegal, and you may not like the fact that I will vociferously defend my fundamental rights and freedoms, but that gives neither you nor the state the right to deprive me of my God given Rights and Freedoms. If the **Landlord** and their **Counsel** don't like the citizens having and knowing their rights, then they can both move to North Korea and have some apple pie.

I am requesting a **FEE WAIVER** be endorsed for my situation. Not only am I doing this in the public interest, but my fundraising efforts have netted precisely \$0.00 dollars for the campaign and I can barely afford to put food on the table with the overhead of maintaining these servers in the public interest. No good deed goes unpunished, right?

In the alternative, I request an instalment plan be allowed.

I will defend my rights to the death, because the **Landlord** and their **Counsel** are most assuredly wrong in this case. I am appalled. May God have mercy on us all, but most assuredly on **Aulbrook**. I certainly hope he isn't suffering some sort of neurological degradation consequent to the rapid onset of dementia consequential to his being "[proudly double vaxxed](#)" as explore on our sites:

A403

- <https://jabskill.org/articles/2021/06/06/covid-vaccines-may-bring-avala...> A519
- <https://jabskill.org/articles/2021/06/02/many-ways-which-covid-vaccines...>
- <https://jabskill.org/articles/2021/06/23/dr-mercola-explains-dr-bridles...>
- <https://jabskill.org/articles/2021/05/13/americas-frontline-doctors-cov...>

Thank-you, and please confirm your receipt of this message and subsequent issuance of relief in the form of the requested Interim Stay. May I additionally be provided access to **Osgoode Hall Law Library** and perhaps an **Articling Student** to assist with **Perfection** of my **Appeal**?

--

Chad, Chief Operating Officer, Covfefe Bakery
Internet Security, Operations and Intelligence
Tel: +1 716-608-3531

Cc:

- Marija Pavic, Lead Counsel for Medallion Properties Eviction Squad,
- Mark Melchers, Vexatious Litigation Specialist for Cohen Highley LLP,
- Rob Roberts, Editor in Chief for National Post,
- Denis Rancourt, Ontario Civil Liberties Association,
- Marshall Swadron, Swadron Associates,
- Rocco Galati, Constitutional Rights Centre,
- Amir & Natasha, Formative LLP,
- Mary J. Scharf, MJS Legal Services
- 565 Sherbourne Site, Medallion Corporation

You may also like

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A520



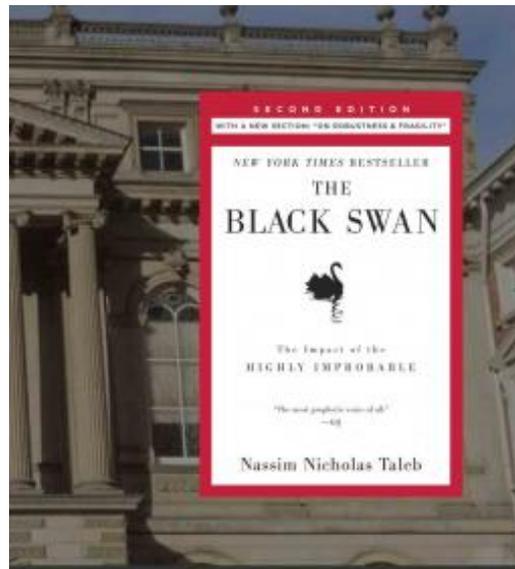
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A405

A521



[Load More](#)

A406

ONTARIO SUPERIOR COURT OF JUSTICE DIVISIONAL COURT

A522

[Ontario Superi...](#) 18 February, 2022

Divisional Court File: # 107/22

BETWEEN:

MEDALLION CORPORATION

Landlord/
Respondents

-And-

CHAD W. TESTES AND STACY W. CEREBRI

Tenants/
Appellants

In the matter of an appeal under s. 184 and s. 210(1) of the Residential Tenancy Act, S.O., 2006, c. 17, and in the matter of the tenancy agreement with respect to the residential premises municipally known as:

565 SHERBOURNE STREET, TORONTO, ON M4X1W7

and in the matter of an appeal commenced at Toronto, of the Landlord and Tenant Board - File No. TSL-21777-21 from the Order of Randy Aulbrook, Member of the Landlord and Tenant Board dated February 9, 2022 and in the matter of File No. TSL-21777-21-RV from the Order of Douglas Wilkins, Member of the Landlord and Tenant Board dated February 17, 2022.

A407

CERTIFICATE OF STAY

A523

The Registrar of the Divisional Court certifies that, pursuant to Section 25(1) of the Statutory Powers Procedure Act, R.S.O. 1990, c. S. 22, the Order of the Landlord and Tenant Board dated February 9, 2022 and February 17, 2022 have been stayed by an appeal to this court.

Date: February 18, 2022

**Issued by: Taylor MacIver
Registrar/Clerk
Osgoode Hall, Room 174
130 Queen St. West
Toronto M5H 2N5**

A408

Re: Appeal under Statutory Powers ^{A524} Procedure Act

[Ontario Superi...](#) 18 February, 2022

We're including this invoice so the general public knows that we have bills ratcheting up for our counterstrike. Unfortunately, our service provider has had to provision our contract with another layer of service, almost doubling our monthly invoice. Your contributions are appreciated.



^{A409}

Widerstand Zu Tyrannei

A525

Support our resistance to the brownshirt plandemic profiteers.

[Donate Today](#)

Yes, you can donate to our comms bakery directly, or support our operations with Square ensuring a simplified communications bakery experience:

On: February 18, 2022 at 1555EST

From: [Div Court Mail Scj-Csj](#)

To: [Chad](#), [Div Court Mail Scj-Csj](#)

Cc: [Mark W. Melchers](#), [Marija Pavic](#), [JUS-G-MAG-CSD-Toronto Enforcement \(MAG\)](#)

Re: RE: FOR FILING – EVICTION ORDER – TSL-21777-21 – Date of hearing - Appeal under Statutory Powers Procedure Act

Good afternoon,

Please find attached the **Certificate of Stay** issued for the above noted matter. Toronto Divisional Court File No 107/22.

Payments can be made by sending us a certified cheque or money order via regular mail. The Cheque should be made to the Minister of Finance and should include a cover letter, a copy of the Notice filed, or a copy of the email confirmation from the Court that identifies the style of cause/file number. Court fees can now be paid immediately over the phone through a secure credit card transaction by leaving a voicemail requesting a return call or an email indicating file number style of cause, phone number and your request to pay by credit card. Otherwise you may attend at our office during our reduced hours to make payments

A410

between 9a.m-11a.m and 2p.m-4p.m. The cost to file the appeal is \$229 for the appeal, \$31 for the stay and \$608 to perfect. **A526**

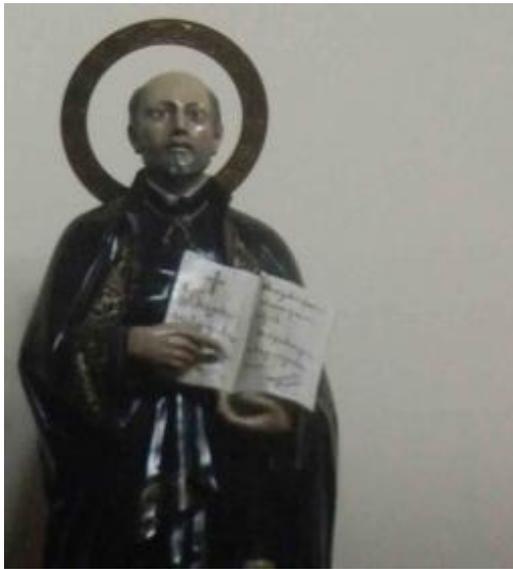
Regards,
Taylor MacIver
Ministry of the Attorney General Ontario
Divisional Court, Osgoode Hall
130 Queen Street West Unit 174
Toronto, Ontario M5H 2N5

You may also like

-



-



A527

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[Load More](#)

A412

Sherman Estates Motion and a A528 Motion Without Notice of 2022Aug12

[Chad](#) 19 July, 2022

Dear Divisional Court, and Participants in 107/22,

Pursuant Registrar directions (*upload and submit documents on the same day day*) I've re-submitted the electronic documents (*direction of Nizhane Para in her email dated 20220719, 1006EDT*) so please be advised to disregard row 0001, 0002, 0003 and solely use row 0004 and a file named **ONSC_DC-107_22-20220812-Appellant_Binder_of_Authorities-r20220719.pdf** which clearly indicates that it is a **REVISION** to the correctly submitted document indicated below.

We have uploaded the proper Binder of Authorities (*ONSC_DC-107_22-20220812-Appellant_Binder_of_Authorities.pdf*) to the CaseLines instance, so you can delete or disregard row 0001 and 0002, as they are included in the PDF portfolio on row 0003. I realized belatedly that it'll be more intuitive to just have them enclosed in the same PDF.

Please advise in a timely fashion if you have any further pedantic minutia to critique, and I will strive to accommodate your requests in a timely fashion.

Thank-you,

Please confirm receipt of this message.

--

**Chad, Chief Disinformation Officer
Covfefe Bakery + Cafe
Internet Security, Operations and Intelligence
Tel: +1 716-608-3531**

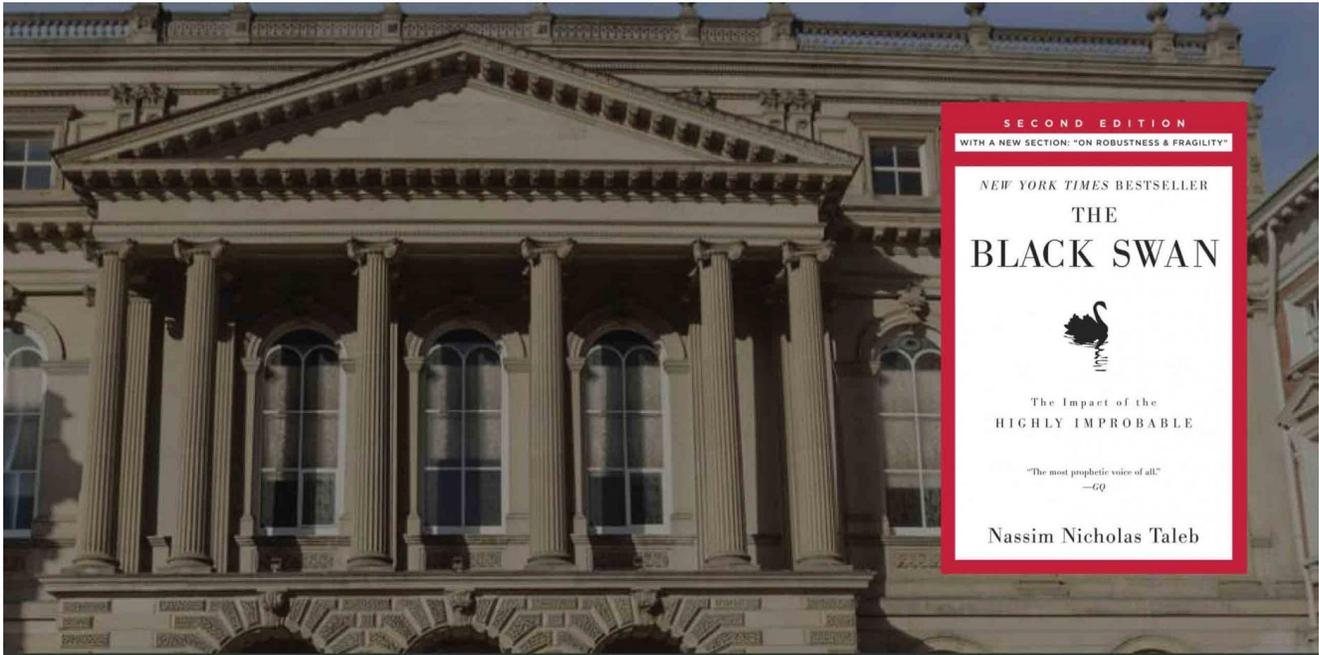
Attachments:

A413

ONSC:DC 107/22 - Scheduling Concerns and D2 Request

A530

[Chad](#) 29 July, 2022



On: July 29, 2022 at 0448EDT

From: [Chad](#)

To: [Div Court Schedule](#)

Cc: [Stacy](#), [Chad](#), [Mark W. Melchers](#), [Valerie Crystal \(MAG\)](#), [Rina Badwal \(JUD\)](#), [Donna Greson \(JUD\)](#), [Saurabh S. Baweja \(JUD\)](#)

Re: ONSCDC 107/22 — SCHEDULING – Medallion Corporation v. Chad and Stacy - SCHEDULING CONCERNS and D2 REQUEST

Pr: High

"This conference is being recorded."

Unfortunately, I may have misapprehended the scheduling issues and despite having made explicit request in my email dated July 28th, 2022 that I be accommodated and "*..a teleconference be arranged with an **Administrative***"

A415

Judge or designate for directions respecting what materials are required and how they are to be provided to the Court." I believe that this is specifically provided for by the [Notice to The Profession](#) on the website at:

<https://www.ontariocourts.ca/scj/notices-and-orders-covid-19/div-ct-feb...>

I am providing these **Authorities** with a somewhat loose hope that they will suffice. In any event, I'm requesting a teleconference be arranged with an **Administrative Judge** or designate for directions respecting what materials are required and how they are to be provided to the **Court**. This is per **D4.2 "Submitting Electronic Documents for Hearings"** of the **Notice to the Profession (Divisional Court) effective April 19, 2022**.

I had previously in our **1st Judicial Case Conference (Mar23)** been informed that the schedule would be malleable to ensure procedural fairness by, I believe, **Justice Corbett**. This was reiterated by **Justice Copeland** at our **2nd CC (Apr01)** and I made the express request to **Ms Badwal** on July 20th, in a phone call opened with:

"Hello. I'm calling regarding the scheduling of a motion scheduling a motion before a single Judge in 107/22."

..

"Okay one sec. Sorry because what I saw was on your Consolidated Practice Directions. It says "in the case of appeals to a Single Judge or any other other motions incidental to Appeals or Applications which this is Counsel that (I'm Self Counsel) Counsel should contact Divisional Court Office by telephone at this number (416-327-6202) to arrange a Hearing Date."

..

*"I just want to schedule the **Hearing Date** and then I will provide the further material incidental to it because the.. this is regarding scheduling and the fact that the the outlined timetable is unreasonable, especially considering that the **Hearing** is not until February 22nd.."*

..

*"Um.. the okay.. mostly there was the **Motion** on.. That's the **Motion** coming*

A416

up on August 12th. But that's actually, although maybe if I could also schedule this.. because there's a scheduling issue, because I disagree with the timetable being that is agreed on by all parties because it doesn't match up with, It doesn't allow me appropriate time to make competent Appeal to the case because the Appeal's being heard on February 22nd and by your.. by the schedule agreed on by the Parties or mandated by the **Parties**, it looks like they want it wrapped up by October. So I'm just trying to get some breathing room, so I can make a cogent and rational argument when it comes up.. because I haven't even gotten the **Sherman Estate Order** in place yet and that's problematic because I'm uncomfortable making further processes without safeguarding my wife and I's safety in the community."

A532

Ms Badwal responded with:

"Okay. I see. So actually I have this currently on for the week of August the 8th because this is going to be done in a writing. So you're asking for it to be pushed back?"

I clarified that I was pretty sure I'd be okay with the current schedule for the modified **Sherman Estates publication ban**, but that I needed more time for the actual **Appeal** on Feb22. You'll note that I explicitly requested, I think, 2-3 days for the SPPA hearing, but was denied this appropriate and just accommodation I informed the Court I required in order to make competent my Process under the **SPPA**. This issue touches on the very bedrock of *Personal Autonomy and Freedom of Conscience*.

As explored by **Jaclyn Greenberg** in the Dec 22, 2013 edition of the **Ottawa Law Review**:

As stated by the **Court of Appeal for Ontario in Malette v Shulman**,
15. "[t]he right to determine what shall be done with one's own body is a fundamental right in our society. The concepts inherent in this right are the bedrock upon which the principles of self-determination and individual autonomy are based."

A417

16. The challenge, however, is in realizing the limitations of this right in the context of consumers whose well-being is at great risk. Here, I A533 characterize "at great risk", as when a consumer satisfies the criteria, outlined in the Mental Health Act (MHA), to be committed to a hospital involuntarily. That is, he or she is found to be suffering from a mental condition that led him or her to be a danger to himself or herself or others.
17. When mental health consumers satisfy the criteria to be involuntarily hospitalized, the right to refuse treatment takes on a new dimension.

..

First, history shows that unfettered professional discretion undermines a consumer's autonomy, dignity and integrity. Second, without the right to review, other rights are impossible to assert as the human rights- based jurisprudence shows. Finally, in the case of Ontario's legislation, the right to review is the most efficient means to ensure that the rationale for limiting a consumer's rights can be articulated and justified according to objective criteria.

As I explored in my email to Counsel for **Medallion Corporation** dated May 3rd, 2021 and mirrored on our sites at [Scope and Meaning of Rosa Parks and Facial Nudity](#) there has been a gross abuse of powers, by treating an 565 Sherbourne Street as it were designated a "intensive support residence", "supported group living residence", "home for special care", "long-term care home", "psychiatric facility", "correctional institution", in any such similar form a designate "facility."

As I informed **Justice Corbett** on March 23rd, I really require 2-3 days to get to the heart of this *Brown Shirt conundrum* and how our rights are being trampled by short-sighted **Corporations**. For certainty, the appropriate schedule which accommodates my ability to make full answer and defence for our Appeal from and Response to the egregious overreach is as follows:

- **Nov 14** **Moving parties' materials (except factum)**
- **Nov 25** **Responding Landlord's materials, LTB materials (except** A418

factum)

- Dec 08 Moving parties' factum
- Jan 07 Responding Landlord's factum
- Jan 21 LTB factum
- Feb 22 Panel Appeal

A534

In the interests of compromise, I can try to squeeze it in a full day on Feb22, but I'll need to be provided the option to spill over half a day for my closing (*I'm kinda long-winded and overly complete*). Thank-you, and have a good weekend.

Please confirm receipt of this message.

--

**Chad, Chief Disinformation Officer
Covfefe Bakery + Cafe
Internet Security, Operations and Intelligence
Tel: +1 716-608-3531**

You may also like

-



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A419

A535



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A420

Canvas re Lawfare

A536

[Covfefe Operations](#) 15 May, 2023

May 15, 2023

Medallion vs. Chad and Stacy

Introductory Overview, Defence Paragraph, and points to include in defence of allegations of breach of Rental Agreement/Lease..

Overreach of Federal and Provincial Government made living in Canada akin to living in North Korea. When the rights of an individual are stripped, crushing in its way even the rights of a tenant of which some come in part from the Canadian Bill of Rights, and the Canadian Charter of Rights and Freedoms, as well as common law.

Since when in a Western civilization does Ontario Health Emergency Health Mandates create mandates to override laws-- laws meant to protect from overbearing illegal acts of government on its citizens.

The right to live freely in a Rental/Private Residence, free from harassment of medical hierarchy of unelected unlawful body, is fundamental. The realm of Rental Residence should not be accessible to such bodies. " Mask, don't mask, stay at home, leave home, don't work, work, stand apart, don't talk to your family or neighbours, close stores, close crucial infrastructures of society, now don't, inject an [unsafe, untested cocktail], will cure, no will not cure but minimize symptoms, and will not minimize but give such symptoms" etc. Such bombardment of contradictory and invasive harassment on the private lives of renters by government and unquestionably pushed by Medallion is the discarding of fundamental rights of citizens in a rental property. It is Medallion acting out of their realm as a Rental Property company.

Public spaces in Rental units where turned into alienating spaces by Medallion. It alienated and attempted to strip natural rights of those renters who can. **A421**

wear masks due to disability and pre-existing conditions. It pushed neighbours apart into 1. the hyper overly scared masses, and 2. those rational people asserting their rights as free citizens and tenants. These hyper overly scare masses were thusly exploited by the Health bodies in Canada. Tenants were allowed to police such Medallion masking policy with a zeal for meanness and paranoia on unmasked tenants such as us. A537

Incidents of harassment by masked and 'vaccinated' rental neighbours onto the unmasked renters were not taken seriously by Security staff or Medallion. Their refusal for months to post proper mask signage stating the exemptions, after the City of Toronto passed the mask bylaw, existed created a mask or die belief in the building. This promoted a lie and created a mass populace of misinformed. They took months to correct their signage even after Chad informed them of their Incorrect Mask Signage. Their letters continued promoting fear by telling tenants to not visit each other or talk to each other. Another example of rude, aggressive behaviour by tenant onto my wife is that my wife was refused entry into the elevator for months so much that she started not going out and fearing interactions with overtly aggressive maniacal scared tenants. This affected her for she volunteered and had to cut back on her activities. Refusal of service of riding an elevator by mask wearers upon unmasked lawful renters was becoming common decorum at Medallion rental buildings.

Cerebral Boredom and Maniacal Miscreations

A538

[Covfebe Operations](#) 15 May, 2023

Dear Ms Young-Wells et al re File No. 107/22,

I'm writing at this moment with the direct question about **Ms Kristen A. Ley** and her ability to comprehend and ambulate the procedural restrictions of **Justice Matheson** declared in the utterance and re-declaration by **Donna Greson** on *March 21st, 2023 at 1109EDT* in which it was clarified that:

The appellant "Mr. Chad" has requested accommodation in order, as put in his email, that he and his wife not be harassed or subject to malevolent actions at their court hearing.

Please be advised that the panel of judges conducting the hearing will ensure that it is conducted in an appropriate fashion. If you have any concerns at the hearing, you may raise them with the panel.

Now, I'm still in recovery from the substantial trauma I inferred between **October 6, 2022 thru December 13th, 2022** but even I can recognize someone signalling to change lanes in order to incapacitate my performance and situation in the human condition. Would you **PLEASE** play appropriately, **Ms "Human Rights Lawyer"**? Please look up the term "*subjugal tyranny*" before your next move.

- A. <https://henrycase.org/public-service-announcement/2023/05/15/subjugal-tyranny>
- B. <https://henrycase.org/registry/2021/02/25/medallion-corporation-notice-on-notice-of-eviction>
- C. https://henrycase.org/registry/2023/03/09/re-medallion-corporation-vs-tenants-file-no-107_22

A423

D. <https://henrycase.org/commentary/2022/07/19/sherman-estates-motion-and-motion-without-notice-2022aug12>

A539

Honestly, do you not understand the moral incompatibility of your present actions with your alleged "*Human Rights Tribunal*" and made such claims as "*Harassment isn't part of the job*". By attacking a **5'9"** disabled man for verbally protecting his wife from the verbal extortion of an allegedly disabled male "victim" towards my **4'9"** wife. This complainant, on video at his door, informed the investigating officers that his criminal complaint is simply because he doesn't like the fact that my wife is legally and lawfully unable to wear a *muzz.. err, face mask..* because of this allegedly disabled male "*victim*" and his belief that *everyone MUST wear a muzz.. err, mask..* in order to make him feel competent.

You would do well to converse with other **Cohen Highley** actors about the fallacy of not playing by the rules. I think that **Mark** can help enlighten you about the impropriety of your actions. And, do you really have the nerve to claim that you're well equipped to protect the disabled men and immigrant women from legal ignorance? There was a very applicable reason that **Melchers** left the firm, right?

"Justice Matheson directs that there be a case conference to address the status of the exchange of court materials and any related scheduling issues."

What on earth happened to reasonability in gameplay? **Honestly..** I'm requesting an **IMMEDIATE** case conference to address the status of the exchange of court materials and any related scheduling issues.

Parties are to upload their materials to **CaseLines** as soon as possible. A separate bundle has been created for the in writing motion.

Please advise the court once the materials have been uploaded.

To clarify, I **NEED** immediate assistane with the legal and lawful process of

A424

effective defence. Why? Because everyone is ignoring my statement of my suffering unlawfully before the **Province of Ontario**. Please stop ignoring me as I attempted to prevent my wife from being verbally assaulted/abused by an adversely unintelligent/ignorant tenant who cannot even read the fact that our legal and lawful exemptions were specified in the elevator when he attempted to verbally abuse my partner whom albeit protected by myself (also exempt to the *muzzl. err, mask mandate.* is actually a foot shorter than her husband and of the polite type) has created such a confabulatory cycle that we were being evicted for my actually understanding the rules and their explicitly declared exemptions. A540

Please confirm receipt of this communication in no more than 72-hrs by telephone to **437-553-2224** and email to chad@henrycase.org such that we are reasonably able to reduce the target value of a reasonable settlement.

Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the **Universal Declaration of Human Rights** as proclaimed by the **United Nations**;

And Whereas it is public policy in **Ontario** to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;

And Whereas these principles have been confirmed in **Ontario** by a number of enactments of the **Legislature** and it is desirable to revise and extend the protection of human rights in **Ontario**;

<https://www.canlii.org/en/on/laws/stat/rso-1990-c-h19/latest/rso-1990-c...>

Thank-you, and God Bless. Good luck on your understanding of the **Rules**.

That is a reasonable expectation and subsequent request. Please comply. A425

--

Mr Henry Case, for Chad & Stacy

Tel: +1 437-553-2224

A541

A426

Email to Krista Young-Wells

A542

[Henry Case](#) 15 May, 2023

Dear Ms Young-Wells et al re File No. 107/22,

I'm writing at this moment with the direct question about **Ms Kristen A. Ley** and her ability to comprehend and ambulate the procedural restrictions of **Justice Matheson** declared in the utterance and re-declaration by **Donna Greson** on *March 21st, 2023 at 1109EDT* in which it was clarified that:

The appellant "Mr. Chad" has requested accommodation in order, as put in his email, that he and his wife not be harassed or subject to malevolent actions at their court hearing.

Please be advised that the panel of judges conducting the hearing will ensure that it is conducted in an appropriate fashion. If you have any concerns at the hearing, you may raise them with the panel.

Now, I'm still in recovery from the substantial trauma I inferred between **October 6, 2022 thru December 13th, 2022** but even I can recognize someone signalling to change lanes in order to incapacitate my performance and situation in the human condition. Would you **PLEASE** play appropriately, **Ms "Human Rights Lawyer"**? Please look up the term "*subjugal tyranny*" before your next move.

- A. <https://henrycase.org/public-service-announcement/2023/05/15/subjugal-tyranny>
- B. <https://henrycase.org/registry/2021/02/25/medallion-corporation-notice-on-notice-of-eviction>
- C. https://henrycase.org/registry/2023/03/09/re-medallion-corporation-vs-tenants-file-no-107_22
- D. <https://henrycase.org/commentary/2022/07/19/sherman-estates->

A427

Honestly, do you not understand the moral incompatibility of your present actions with your alleged "*Human Rights Tribunal*" and made such claims as "*Harassment isn't part of the job*". By attacking a **5'9"** disabled man for verbally protecting his wife from the verbal extortion of an allegedly disabled male "victim" towards my **4'9"** wife. This complainant, on video at his door, informed the investigating officers that his criminal complaint is simply because he doesn't like the fact that my wife is legally and lawfully unable to wear a *muzz.. err, face mask..* because of this allegedly disabled male "*victim*" and his belief that *everyone MUST wear a muzz.. err, mask..* in order to make him feel competent.

You would do well to converse with other **Cohen Highley** actors about the fallacy of not playing by the rules. I think that **Mark** can help enlighten you about the impropriety of your actions. And, do you really have the nerve to claim that you're well equipped to protect the disabled men and immigrant women from legal ignorance? There was a very applicable reason that **Melchers** left the firm, right?

"Justice Matheson directs that there be a case conference to address the status of the exchange of court materials and any related scheduling issues."

What on earth happened to reasonability in gameplay? **Honestly..** I'm requesting an **IMMEDIATE** case conference to address the status of the exchange of court materials and any related scheduling issues.

Parties are to upload their materials to **CaseLines** as soon as possible. A separate bundle has been created for the in writing motion.

Please advise the court once the materials have been uploaded.

To clarify, I **NEED** immediate assistance with the legal and lawful process of effective defence. Why? Because everyone is ignoring my statement of my

suffering unlawfully before the **Province of Ontario**. Please stop ignoring me as I attempted to prevent my wife from being verbally assaulted/abused by an ^{A544} adversely unintelligent/ignorant tenant who cannot even read the fact that our legal and lawful exemptions were specified in the elevator when he attempted to verbally abuse my partner whom albeit protected by myself (also exempt to the *muzzl. err, mask mandate.* is actually a foot shorter than her husband and of the polite type) has created such a confabulatory cycle that we were being evicted for my actually understanding the rules and their explicitly declared exemptions.

Please confirm receipt of this communication in no more than 72-hrs by telephone to **437-553-2224** and email to chad@henrycase.org such that we are reasonably able to reduce the target value of a reasonable settlement.

Whereas recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the **Universal Declaration of Human Rights** as proclaimed by the **United Nations**;

And Whereas it is public policy in **Ontario** to recognize the dignity and worth of every person and to provide for equal rights and opportunities without discrimination that is contrary to law, and having as its aim the creation of a climate of understanding and mutual respect for the dignity and worth of each person so that each person feels a part of the community and able to contribute fully to the development and well-being of the community and the Province;

And Whereas these principles have been confirmed in **Ontario** by a number of enactments of the **Legislature** and it is desirable to revise and extend the protection of human rights in **Ontario**;

<https://www.canlii.org/en/on/laws/stat/rso-1990-c-h19/latest/rso-1990-c...>

Thank-you, and God Bless. Good luck on your understanding of the **Rules**. That is a reasonable expectation and subsequent request. Please comply.

A429

--

Mr Henry Case, for Chad & Stacy

Tel: +1 437-553-2224

A545

A430

Subjugal Tyranny

A546

[Henry Case](#) 15 May, 2023

I'd like to arrange appropriate accommodations with you momentarily regarding File No. 107/22 proceedings and the representation of these tenants subsequent to the male's detainment from Oct-06 thru Dec-13 at **Toronto South Detention Centre**. This detainment of the tenant has caused a severe head trauma (6+ staples, recent scar tissue on the rear left side of his skull, dizziness, and injured collar bone) which has resulted in a condition which has impacted the male tenant's ability to act in a timely fashion, while recovering from these injuries sustained in **TSDC**. This includes the detention facility's confiscation of, and failure to return, his precious (over \$1,000) 14k gold wedding band.

We are requesting that there be appropriate accommodations, an interview with whomever is in place to provide these appropriate accommodations (such as the originally requested 3-days due to disability) regarding this male party (OTIS #1000841548) which will accommodate him and his wife in not being treated like prisoners, as the primary complaint against this tenant was for telling another tenant not to demand that the tenant put a face covering on his wife. This demand was made despite there being appropriate signage CLEARLY INDICATING exemptions for males and females unable to wear a muzzle such like the complainant demanded.

These tenants are reasonably requesting that this court provide accommodation for his trauma and permit the tenants to make a reasonable response without being harassed by malevolent action. Furthermore, please provide a proper printed output of the proceedings to date.

Thank-you, and please do not hesitate to speak with these Tenants (husband & wife) by telephone. Apologies for any inappropriate assumptions made in this communication.

A431

Divisional Court File No.: 107/22

**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

B E T W E E N:

MEDALLION CORPORATION

Landlord/Responding Party
Respondent in Appeal

- and -

ISAAC BON HILLIER and MARITZA ORTIZ

Tenants/Moving Parties
Appellants in Appeal

MOTION RECORD OF THE RESPONDING PARTY

Date: August 2, 2022

COHEN HIGHLEY LLP
55 King Street West, Suite 1001
Kitchener, ON N2G 4W1
Tel: (226) 476-4444
Fax: (519) 576-2830
Mark W. Melchers, LSO #64734F
email: melchers@cohenhighley.com
Lawyers for the Landlord/Responding Party
(Respondent in Appeal)

TO: **ISAAC BON HILLIER**
2709-565 Sherbourne Street
Toronto, Ontario M4X 1W7
Tel: 416-841-1831
Email: isaac@henrycase.org

Self-Represented Appellant

AND TO: **MARITZA ORTIZ**
2709-565 Sherbourne Street
Toronto, Ontario M4X 1W7
Tel: 416-841-1831

Self-Represented Appellant

AND TO: **TRIBUNALS ONTARIO**
Social Justice Division
Landlord and Tenant Board
Legal Services Branch
15 Grosvenor Street, Ground Floor
Toronto, ON M7A 2G6
Tel: (416) 326-2000
Fax: (416) 314-2379

Attention: Valerie Crystal
Email: valerie.crystal@ontaio.ca

Lawyer for Landlord and Tenant Board

Divisional Court File No.: 107/22

**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

B E T W E E N:

MEDALLION CORPORATION

Landlord/Respondent

- and -

ISAAC BON HILLIER and MARITZA ORTIZ

Tenants/Appellants

MOTION RECORD INDEX

Affidavit of Sarah Jane Elizabeth Snyder, sworn August 2, 2022.....1

Form N5 Notice to End your Tenancy, dated December 11, 2020; Certificate
Of Service dated December 11, 2020A

Form N5 Notice to End your Tenancy, dated April 30, 2021; Certificate
Of Service dated April 30, 2021B

Form L2 Application to End a Tenancy and Evict a Tenant, dated May 4, 2021;
Filing Confirmation, dated May 4, 2021C

Notice of Hearing, issued July 3, 2021; Member Endorsement Form,
dated July 22, 2021; Notice of Hearing, issued August 3, 2021D

Landlord’s Document Brief, undated E

Order of the Landlord and Tenant Board, issued February 9, 2022 F

Review Order of the Landlord and Tenant Board, issued February 17, 2022G

MOTION RECORD
TAB 1

Divisional Court File No.: 107/22

**ONTARIO
SUPERIOR COURT OF JUSTICE
DIVISIONAL COURT**

B E T W E E N:

MEDALLION CORPORATION

Landlord/Responding Party
Respondent in Appeal

- and -

ISAAC BON HILLIER and MARITZA ORTIZ

Tenants/Moving Parties
Appellants in Appeal

AFFIDAVIT OF SARAH JANE ELIZABETH SNYDER

I, Sarah Jane Elizabeth Snyder, of the City of Cambridge, in the Regional Municipality of Waterloo, **MAKE OATH AND SAY:**

1. I am a Legal Assistant with the law firm Cohen Highley LLP, and as such, have knowledge of the matters herein. Where statements are made based on information and belief, or where from the context it appears that I rely on information and belief, I verily believe such statements to be true.

2. Where statements are made on information and belief or where, from the context, it appears that I rely upon the information provided by others, I verily believe such statements to be true.

3. Isaac Bon Hillier (“Mr. Bon Hillier”) and Maritza E. O. Ortiz (together, the “Tenants”) are the tenants of the residential rental unit located at 2707-565 Sherbourne Street, Toronto,

Ontario M4X 1W7 (the “Rental Unit”). Medallion Corporation (the “Landlord”) is the Tenants’ landlord relative to this tenancy. The property and building located at 565 Sherbourne Street, Toronto, Ontario M4X 1W7 is hereinafter referred to as the “Residential Complex”.

4. On December 11, 2020, the Landlord served the Tenants with a Form N5 Notice to End your Tenancy (the “First N5”), along with a covering letter from the Landlord’s lawyer. The basis of the First N5 was that the Landlord alleged that the conduct of Mr. Bon Hillier on several occasions in the months leading up to service of the First N5 substantially interfered with the Landlord’s reasonable enjoyment of the residential complex for all usual purposes, and substantially interfered with the Landlord’s lawful rights, privileges, or interests. The First N5 was voidable if the Tenants were to cease the conduct described in the First N5 within seven days. *Attached hereto and marked as Exhibit “A” is a true copy of the First N5 and the Certificate of Service with respect to the First N5.*

5. On April 30, 2021, the Landlord served the Tenants with another Form N5, dated April 30, 2021 (the “Second N5”). The basis of the Second N5 was that the Landlord alleged the conduct of Mr. Bon Hillier on several occasions in the preceding months had substantially interfered with the Landlord’s reasonable enjoyment of the residential complex for all usual purposes; substantially interfered with another tenant’s reasonable enjoyment of the residential complex for all usual purposes; and substantially interfered with the Landlord’s lawful rights, privileges, and interests. Because this was the second Form N5 served on the Tenants within a six-month period, it was not voidable. The Landlord filed a Form L2 Application to End a Tenancy and Evict a Tenant with the Landlord and Tenant Board (the “LTB”), based on the First N5 and the Second N5, on May 4, 2021 (the “L2 Application”). *Attached hereto and marked as Exhibit “B” is a copy of the Second N5 and the Certificate of Service with respect to the Second*

N5. Attached hereto and marked as Exhibit "C" is a true copy of the L2 Application and the filing confirmation for the L2 Application.

6. On or about July 3, 2021, the LTB issued a Notice of Hearing to the parties for a hearing of the L2 Application to be held on July 27, 2021, via video conference (the "First NOH"). This hearing date was cancelled and rescheduled at the Tenants' request. On or about August 3, 2021, the LTB issued a new Notice of Hearing to the parties for a hearing of the L2 Application to be held on October 12, 2021, via video conference (the "Second NOH"). *Attached hereto and marked as Exhibit "D" is a true copy of the First NOH; the Member Endorsement Form, dated July 22, 2021, granting the Tenants' request to reschedule the hearing; and the Second NOH.*

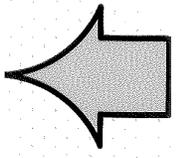
7. The hearing of the L2 Application proceeded on October 12, 2021. In advance of the October 12, 2021 hearing, the Landlord's lawyer served on the Tenants and filed with the LTB a Document Brief containing documentary evidence and case law relative to the L2 Application (the "Document Brief"), as well as a clip of security camera footage from the lobby outside the Residential Complex's elevators and an audio clip of an interview with another tenant. Despite being properly served with the Second NOH by the LTB, the Tenants did not attend the hearing. On February 9, 2022, LTB Member Randy Aulbrook issued an order terminating the Tenants' tenancy (the "L2 Order"). On February 14, 2022, the Tenants filed a Request to Review the L2 Order with the LTB. On February 17, 2022, the LTB issued an order denying the Request to Review (the "Review Order"). On or about February 18, 2021, the Tenants commenced the within appeal. *Attached hereto and marked as Exhibit "E" is a true copy of the Document Brief. Attached hereto and marked as Exhibit "F" is a true copy of the L2 Order. Attached hereto and marked as Exhibit "G" is a true copy of the Review Order.*

8. I make this Affidavit for use in response to the Tenant's motion for an order permitting them to be referred to by pseudonyms, and for no other or improper purpose.

SWORN before me on the second day of August, 2022 at the City of Kitchener, in the Regional Municipality of Waterloo.

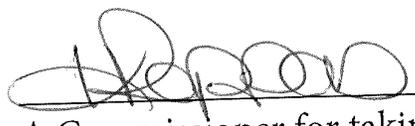

.....
Commissioner for Taking Affidavits etc.


.....
SARAH JANE SNYDER



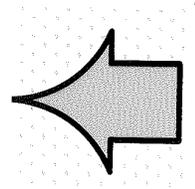
**Kallipy Penny Peppas, a Commissioner, etc.,
Province of Ontario, for Cohen Highley LLP,
Barristers and Solicitors.
Expires October 25, 2022.**

This is Exhibit "A" to the Affidavit of Sarah Jane Elizabeth Snyder, sworn before me this 2nd day of August 2022



A Commissioner for taking affidavits, etc.

Kallopy Penny Peppas, a Commissioner, etc.,
Province of Ontario, for Cohen Highley LLP,
Barristers and Solicitors.
Expires October 25, 2022.





Cohen Highley^{LLP}
L A W Y E R S

www.cohenhighley.com

December 11, 2020

Isaac Bon Hillier
Maritza E. O. Ortiz
2709-565 Sherbourne Street
Toronto, ON M4X 1W7

Dear Tenants:

**Re: Your Tenancy at 2709-565 Sherbourne St. Toronto, ON (the “Rental Unit”)
Form N5 Notice to End your Tenancy**

We are the lawyers for your Landlord, Medallion Corporation (the “Landlord”), relative to the above-referenced matter.

Enclosed you will find a Form N5 Notice to End your Tenancy because of, among other things, the belligerent and offensive manner in which Mr. Hillier has treated the Landlord’s staff. Because of Mr. Hillier’s pugnacious treatment of the Landlord’s staff, described in the enclosed Form N5, I am writing to advise that Mr. Hillier may no longer enter the management office or rental office, or approach the Landlord’s staff.

If Mr. Hillier needs to communicate with the Landlord, he may email the Property Manager, Roisin Webb, at roisinwebb@medallioncorp.com. If attendance at the management office or rental office is required for any reason, Ms. Ortiz may attend.

I trust the foregoing is satisfactory and that you will govern yourselves accordingly.

Yours very truly,

COHEN HIGHLEY^{LLP}

Electronic signature digitally attached.

Mark W. Melchers, Partner
MWM:mwm
Enclosure

email: melchers@cohenhighley.com

7
55 King Street West, Suite **B10**
Kitchener, ON N2G 4W1
T. 226 476-4444
F. 519 576-2830

SCHEDULE "A"

11

B14

Isaac Bon Hillier;
Maritza E. O. Ortiz
#2709 - 565 Sherbourne Street
Toronto, ON M4X 1W7

The following complaints have been registered against Isaac Bon Hiller a leaseholder of suite #2709-565 Sherbourne St:

1. On June 14, 2019 at approx. 6:20pm Management office received a complaint from a tenant from 09 line at 565 Sherbourne Street that their fire speaker is not working.
2. On July 2, 2019 the Fire Prevention contractor (Atlas Fire Alarms) was onsite to trace the 09 riser
3. On July 2, 2019 – The male tenant of apartment #2709-565 Sherbourne Street, met the superintendent in the building lobby and admits that he disconnected the fire speaker in his suite as "the sound hurts his ears".
4. On July 2, 2019 at approx. 9:45am the assistant superintendent and the fire prevention contractor entered apartment #2709. The assistant superintendent submitted the following report:
"During the fire speaker inspection of the unit #2709-565 Sherbourne Street the tenant (Isaac) complained about the loud noise of his speaker. The Atlas Fire technician explain it to him that it is a standard noise of a fire speaker, but e says it will damage his ear drum, then he complaint about the monthly fire testing, the false alarm and even the actual fire alarm that why it takes time or prolonged noise before we turn off the alarm. So, I explain it to him about the monthly fire alarm that we need to check the fire speaker on every floor and stairs if it is working properly. Then about the false and actual fire alarm that we need to wait the inspection of the Fire Department when to reset the fire panel. Then I told him to complain in the Fire Department about the Fire Code or in the management office, because I am just doing my job to check his speaker with the technician if it is working properly. Then he says that am just like a German Nazi's foot solider that the job is killing people because they just doing their job."

N5, N6, N7 were issued to the tenants (Isaac Bon Hillier and Maritza E. O. Ortiz) on July 10, 2019. The landlord did not act on these evictions notices as they received and apologetic correspondence from Isaac on July 12, 2019.

5. On September 20, 2020 at approx. 12:40pm you entered to the management office without wearing a mandatory mask. A letter was sent to your apartment #2709-565 Sherbourne Street on October 2, 2020 regarding this matter.

B14

SCHEDULE "A"

12

B15

Isaac Bon Hillier;
Maritza E. O. Ortiz
#2709 - 565 Sherbourne Street
Toronto, ON M4X 1W7

6. On October 28, 2020 at approx. 2:30pm you entered to the management office once again without wearing a mask and starting screaming and verbally abusing the administrative staff. The following were the remarks that were said to the staff:
 - Tenant referred to us "as 'Ku Klux Klan' and said we make him feel like shit and do not respect him".
 - Tenant said "this is not the 'Ku Klux Klan' and he has the right to not wear a mask and we have the right to serve him regardless".Security was called to escort you from the management office due to your behaviour.
7. On October 29, 2020 at approx. 11:07am management received email from the tenant of #2709-565 Sherbourne Street, regarding the mandatory mask letter that was delivered to apartment #2709-565 Sherbourne Street on October 2, 2020. The email body included the original letter sent to the tenant of #2709-565 Sherbourne Street and a dictated version of the Mandatory Mask Bylaw.
8. On December 3, 2020 at approx. 4pm you entered the management office again without wearing a mask to complain about the new common area LED lights and started screaming at Bibi (administrative staff). Bibi asked you to not raise your voice but you didn't listen. You then continued to scream and call Bibi a 'Brown Shirt' just being told what to do. When leaving the office, you started screaming 'Hail Hitler, you fucking cunts and cocksuckers'. You then returned to the office 10 minutes later to apologize to Bibi, in which you said, that when he referred to her as a 'Brown Shirt' he meant that she's one of the 'good Nazi Soldiers' and not the 'bad ones'. Bibi, told you not to refer to her with those terminologies ever again and then you left the office. After 15 minutes you returned again to the office to dump the light on our countertop, while holding a device with a light that you flashed in Bibi's face to try and show how annoying the light is to you. Then on your way out, you mentioned that we shouldn't put up that light again.
9. On December 3, 2020 at approx. 5:30pm 565 Sherbourne Street superintendent was re-installing the light fixture, when you came out of your apartment and starting recording the superintendent. The superintendent asked you to stop recording as you cannot record without his permission, and you replied you know your legal rights. The superintendent left without finishing the lens installation and called both the Property Manager and Senior Property Manager regarding the situation. Superintendent waited a few minutes and then returned to finishing installing the light fixture lens.

The above is in violation of your Lease Agreement, the Residential Tenancies Act; the Fire Code, the Occupational Health and Safety Act, and Medallion Corporation's Workplace Harassment & Violence policy.

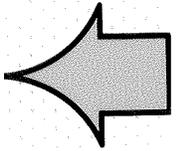
B15

This is Exhibit "B" to the Affidavit of Sarah Jane Elizabeth Snyder, sworn before me this 2nd day of August 2022



A Commissioner for taking affidavits, etc.

**Kallioy Penny Peppas, a Commissioner, etc.,
Province of Ontario, for Cohen Highley LLP,
Barristers and Solicitors.
Expires October 25, 2022.**



SCHEDULE "A" TO THE FORM N5

2709-565 Sherbourne Street, Toronto, Ontario M4X 1W7 (the "Rental Unit")

1. Isaac Bon Hillier ("Mr. Bon Hillier") and Maritza E. O. Ortiz (together, the "Tenants") are the residential tenants of the Rental Unit. Medallion Corporation (the "Landlord") is the Tenants' landlord relative to this tenancy.
2. The Landlord accepts that Mr. Bon Hillier is exempt from the requirement to wear a face mask, but he has been advised that he is still required to adhere to other COVID-19-related protocols that are in place in the residential complex, including physical distancing in the indoor common areas of the residential complex.
3. On February 19, 2021 at approximately 1:51 p.m., Mr. Bon Hillier was in the common area of the residential complex on the main floor, near the elevators. At the same time, the Landlord's cleaner was in elevator #5 in the residential complex with another female. When the elevator reached the main floor, the door opened and the other female exited the elevator. The cleaner remained on the elevator because she was going to the lower parking level.
4. Mr. Bon Hillier was not wearing a mask or other face covering, and attempted to enter the elevator. The cleaner told Mr. Bon Hillier that he could not enter the elevator with her because he was not wearing a mask or face covering. This caused Mr. Bon Hillier to become furious. The cleaner pressed the "door close" button, and once it closed, she heard a loud bang and screaming.
5. At the same time, the Landlord's security guard was in the security change room, located near the elevators on the main floor of the building, and heard the loud bang and a loud male voice scream "Fuck".
6. It was later determined upon review of the security camera footage that after the elevator door closed, Mr. Bon Hillier kicked the elevator door, and was the person heard screaming.
7. On February 25, 2021, the Landlord issued a warning letter to the Tenants about Mr. Bon Hillier's conduct on February 19, 2021, described above. The letter described this incident in detail and demanded that Mr. Bon Hillier immediately cease any conduct within the residential complex that substantially interferes with the Landlord's reasonable enjoyment of the residential complex for all usual purpose or with its lawful rights, privileges, and interests. It also warned that if such conduct continues, the Landlord would issue a notice of termination of the Tenants' tenancy and may proceed with an Application to the Landlord and Tenant Board to seek an order terminating the tenancy.
8. On April 21, 2021, Mr. Bon Hillier was on an elevator with another tenant of the residential complex. Mr. Bon Hillier was not wearing a mask or other face covering and began

mocking the other tenant for wearing a face mask. Mr. Bon Hillier also recited pseudoscience about masks compromising people's immune systems. The other tenant told Mr. Bon Hillier that he was making the other tenant's life more difficult during the pandemic. Mr. Bon Hillier then started yelling obscenities at the other tenant.

9. When Mr. Bon Hillier and the other tenant exited the elevator into the main floor lobby, Mr. Bon Hillier continued yelling obscenities at the other tenant. At that point, two of the Landlord's security guards were walking toward the security change room to perform their shift change. When they approached the area where the elevators are located, they heard loud yelling coming from in between the elevators, and saw and heard Mr. Bon Hillier yelling loudly at the other tenant while standing very close to the other tenant's face and pointing his finger in the other tenant's face in an animated manner.

10. One of the security guards told Mr. Bon Hillier to stop screaming and step away from the other tenant. The security guard then asked Mr. Bon Hillier what happened. Mr. Bon Hillier advised that his conduct was in response to the other tenant telling him that he needs to wear a face mask or other face covering. The security guard asked Mr. Bon Hillier where he was going. Mr. Bon Hillier said that he was leaving the building, and the security guard told him to go.

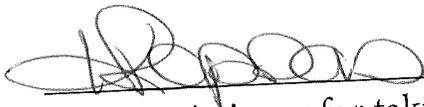
11. The security guards then asked the other tenant if he was okay. The other tenant was concerned because he already has to attend the hospital 3-4 times per week, and is now even more concerned about his health because of Mr. Bon Hillier's conduct, described above. The other tenant then walked away without saying anything further, and appeared to be in shock, frustrated, or angry. The Landlord's security guard later followed up with the other tenant, who explained that Mr. Bon Hillier has mocked him as well as other tenants for wearing face masks on previous occasions. The other tenant is immunocompromised, and is concerned that Mr. Bon Hillier will engage in similar conduct again when he sees him in the future.

12. By engaging in the conduct described above, Mr. Bon Hillier has:

- i. Substantially interfered with another tenant's reasonable enjoyment of the residential complex for all usual purposes;
- ii. Substantially interfered with the Landlord's reasonable enjoyment of the residential complex for all usual purposes; and
- iii. Substantially interfered with the Landlord's lawful rights, privileges, and interests.

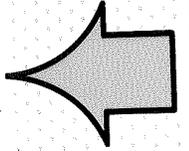
13. This Form N5 is issued pursuant to section 68 of the *Residential Tenancies Act, 2006*, and the Landlord therefore seeks termination of the Tenants' tenancy.

This is Exhibit "C" to the Affidavit of Sarah Jane Elizabeth Snyder, sworn before me this 2nd day of August 2022



A Commissioner for taking affidavits, etc.

**Kallopy Penny Peppas, a Commissioner, etc.,
Province of Ontario, for Cohen Highley LLP,
Barristers and Solicitors.
Expires October 25, 2022.**





PART 2: APPLYING TO END A TENANCY

If you want the LTB to end the tenancy and evict the tenant, shade the box completely next to your reason for applying.

I am applying to evict the tenant because:

Reason 1: I gave the tenant one of the following *Notices to End your Tenancy*.

Shade the box(es) completely next to the notice(s) you gave the tenant and on which you are basing this application. Also indicate the termination date in the *Notice to End your Tenancy* in the space provided.

- Notice **N5:** *Notice to End your Tenancy for Interfering with Others, Damage or Overcrowding.*
- Notice **N6:** *Notice to End your Tenancy for Illegal Acts or Misrepresenting Income in a Rent-Geared-to-Income Rental Unit.*
- Notice **N7:** *Notice to End your Tenancy for Causing Serious Problems in the Rental Unit or Residential Complex.*
- Notice **N8:** *Notice to End your Tenancy at the End of the Term.*
- Notice **N12:** *Notice to End your Tenancy Because the Landlord, a Purchaser or a Family Member Requires the Rental Unit.*
- Notice **N13:** *Notice to End your Tenancy Because the Landlord Wants to Demolish the Rental Unit, Repair it or Convert it to Another Use.*

What is the termination date in the notice you selected above?

1	7	/	0	5	/	2	0	2	1
---	---	---	---	---	---	---	---	---	---

dd/mm/yyyy

Reason 2: I believe the tenant abandoned the rental unit.

The tenant must owe arrears of rent for the LTB to determine that the tenant abandoned the rental unit.

Please explain: Why do you believe the tenant abandoned the rental unit?

Attach more sheets, if necessary

Reason 3: The tenant occupies a superintendent's unit and their employment as superintendent ended.

The tenant's employment ended on:

		/			/				
--	--	---	--	--	---	--	--	--	--

dd/mm/yyyy

B27



PART 4: SIGNATURE

Landlord/Representative's Signature

MARK MELCHERS

0 4 / 0 5 / 2 0 2 1
dd/mm/yyyy

Who has signed the application? Shade the circle completely next to your answer.

- Landlord Legal Representative

Information About the Legal Representative

First Name

M A R K

Last Name

M E L C H E R S

LSUC #

6 4 7 3 4 F

Company Name (if applicable)

C O H E N H I G H L E Y L L P

Mailing Address

5 5 K I N G S T R E E T W E S T

Unit/Apt./Suite

1 0 0 1

Municipality (City, Town, etc.)

K I T C H E N E R

Prov.

O N

Postal Code

N 2 G 4 W 1

Day Phone Number

(2 2 6) 4 7 6 - 4 4 4 4

Evening Phone Number

() -

Fax Number

(5 1 9) 5 7 6 - 2 8 3 0

E-mail Address

M E L C H E R S @ C O H E N H I G H L E Y . C O M



Collecting Personal Information

Under section 185 of the *Residential Tenancies Act, 2006*, the Landlord and Tenant Board has the right to collect the personal information requested on this form. We use the information to resolve your application. After you file the form, your information may also be available to the public. If you have questions about how the LTB uses your personal information, contact one of our Customer Service Officers at **416-645-8080** or **1-888-332-3234 (toll-free)**.

Important Information from the Landlord and Tenant Board

1. You can ask the LTB to provide French-language services at your hearing. If you are the applicant, you can fill out the *Request for French-Language Services or Request for Accommodation* form included at the end of this application. If you are the respondent, the *Request for French-Language Services or Request for Accommodation* form is available at LTB offices and on the LTB website at sjto.ca/LTB.
2. You can ask the LTB to make special arrangements (called a Request for Accommodation) under the Ontario *Human Rights Code* to help you participate in the hearing. For example, you can ask the LTB to make arrangements to provide a sign-language interpreter. You can make a request for accommodation under the *Code* by telephone, fax or mail. If you are the applicant, you can fill out the *Request for French-Language Services or Request for Accommodation* form included at the end of this application. If you are the respondent, the *Request for French-Language Services or Request for Accommodation* form is available at LTB offices and on the LTB website at sjto.ca/LTB.
3. It is an offence under the *Residential Tenancies Act, 2006* to file false or misleading information with the Landlord and Tenant Board.
4. The LTB can order either the landlord or the tenant to pay the other's costs related to the application.
5. The LTB has *Rules of Practice* that set out rules related to the application process and *Interpretation Guidelines* that explain how the LTB might decide specific issues that could come up in an application. You can read the *Rules and Guidelines* on the LTB website at sjto.ca/LTB or you can buy a copy from a LTB office.

OFFICE USE ONLY:

Delivery Method: In Person Mail Courier Email Efile Fax

MS FL

B3-1



Use this form to ask the Landlord and Tenant Board (LTB) to provide French-language services or to let the LTB know you need accommodation under the Ontario *Human Rights Code*.

Part 1: Request for French-Language Services

- Check this box if you want the dispute resolution process (e.g. case conferences and hearings) to be conducted in French.

Part 2: Request for Accommodation under the Ontario *Human Rights Code*

- Check this box if you need accommodation under the Ontario *Human Rights Code* to participate in the dispute resolution process. The LTB will provide accommodation for *Code* related needs to help you throughout the application and hearing process in accordance with the Social Justice Tribunals policy on accessibility and accommodation. You can get a copy of the policy at sjto.ca.

Please explain: What accommodation do you need?



Part 1: Payment Method

Select how you are paying the application fee:

- Cash Debit Card Money Order Certified Cheque

Money orders and certified cheques must be made payable to the "Minister of Finance"

- Credit Card:** Visa MasterCard

Important: If you are paying by credit card, you must complete the information on the next page.
The information you fill in on the next page is confidential. It will be used to process your application, but will not be placed on file.

Part 2: Information Required to Schedule the Hearing

The LTB will normally schedule your hearing between 3 weeks and 6 weeks after the date you file your application. The LTB will schedule your hearing on the first available hearing date within this 3 week period.

List the date(s) you are **not available** during this 3 week period. The LTB will not schedule your hearing on the date(s) you indicate you are not available and will schedule your hearing on the next available hearing date. **The LTB will not contact you to schedule a hearing.**

I am not available on the following date(s).



Tribunals Ontario

Landlord and Tenant Board

Transaction Date: Tue, May 4, 2021
Transaction Time: 06:29

Tribunals Ontario
Landlord and Tenant Board
416-645-8080 (within Toronto) /
1-888-332-3234 (toll-free from outside Toronto)
tribunalsontario.ca/ltb/

TO: MARK MELCHERS
COHEN HIGHLEY LLP
1001-55 KING STREET WEST
KITCHENER ON N2G 4W1
226-476-4444
MELCHERS@COHENHIGHLEY.COM

FILING CONFIRMATION #: 21079643

Thank you for using e-File. **For all your e-Filed applications, the Board will notify you of your file number(s) and the date, time and place of your hearing(s) by email or mail.** If you scheduled hearings for any of your applications on e-File, the file number and hearing block information is also set out in the table below. Please contact us if you have any questions or concerns.

If you were asked to submit document(s) to support your application, but you did not provide them during your e-File session, you must submit the outstanding document(s) listed below to the Landlord and Tenant Board (the Board), in the specified format, **no later than 5 days after the *Transaction Date* on this receipt. If you do not submit the outstanding document(s) listed below, the Board may dismiss your application(s) and will not refund the application fee(s).**

Before you submit any outstanding documents, type "**e-File**" and your **File #** in large and clear print either **at the top of the outstanding document(s), or on a cover sheet with the outstanding document(s) you are submitting to the Board.** If no **File #** is listed below, print your **Filing Confirmation #** at the top of the outstanding document(s) instead.

You can view the status of your file on our website at the following link: <http://tribunalsontario.ca/ltb/check-file-status/>. The information is automatically updated once a hearing is scheduled.

Application Type	Rental Unit on Application	File Number	Fee	Hearing Block Information	Outstanding Document(s)	Submit Outstanding Document(s) to the Following Office
FORM-L2	#2709, 565 SHERBOURNE STREET TORONTO ON M4X1W7	TSL- 21777-21	\$ 186.00		N/A	N/A
Total *Tax Exempt		C\$186.00 - Canada				

Your Transaction was AUTHORIZED:

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PAYMENT INFORMATION		
Payment Method	Card Number	Transaction Amount
VISA	*****3123	C\$186.00 - Canada
Authorization #	Session ID	Transaction Type
10287576	21079643	PURCHASE
Transaction ID		Cardholder Name
59815601		LAURA GLITHERO

Note Please retain a copy of this receipt for your records and for any inquiries you may have. If you provided an e-mail address, a copy of this receipt has been sent to the e-mail address provided.

OFFICE CONTACT INFORMATION	
Greater Toronto Region - East District Office 2275 Midland Avenue, Unit 2 Toronto, Ontario M1P 3E7 Email: TE-ltb@ontario.ca Fax No. 416-314-8649 or 1-888-377-8808	London - Southwestern Regional Office 150 Dufferin Avenue, Suite 400 London, Ontario N6A 5N6 Email: SW-ltb@ontario.ca Fax No. 519-679-7290 or 1-888-377-8813
Greater Toronto Region - North District Office 47 Sheppard Avenue East, Suite 700 Toronto, Ontario M2N 5X5 Email: TN-ltb@ontario.ca Fax No. 416-314-9567	Mississauga - Central Regional Office 3 Robert Speck Parkway, Suite 520 Mississauga, Ontario L4Z 2G5 Email: CE-ltb@ontario.ca Fax No. 905-279-7286 or 1-888-322-2841
Greater Toronto Region - South District Office 15 Grosvenor Street, 1st Floor Toronto, Ontario M7A 2G6 Email: TS-ltb@ontario.ca Fax No. 416-326-9838	Ottawa - Eastern Regional Office 255 Albert Street, 4th Floor Ottawa, Ontario K1P 6A9 Email: EA-ltb@ontario.ca Fax No. 613-787-4024 or 1-888-377-8805
Hamilton - Southern Regional Office 119 King Street West, 6th Floor Hamilton, Ontario L8P 4Y7 Email: SO-ltb@ontario.ca Fax No. 905-521-7870 or 1-866-455-5255	Sudbury - Northern Area Office 199 Larch Street, Suite 301 Sudbury, Ontario P3E 5P9 Email: NO-ltb@ontario.ca Fax No. 705-564-4118 or 1-866-410-1399

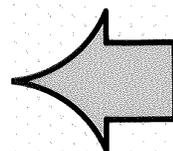
B37

This is Exhibit "D" to the Affidavit of Sarah Jane Elizabeth Snyder, sworn before me this 2nd day of August 2022



A Commissioner for taking affidavits, etc.

**Kallopy Penny Peppas, a Commissioner, etc.,
Province of Ontario, for Cohen Highley LLP,
Barristers and Solicitors.
Expires October 25, 2022.**





Tribunals Ontario
Landlord and Tenant Board

(Disponible en français)
File Number: TSL-21777-21

NOTICE OF VIDEO HEARING

Under section 174 of the *Residential Tenancies Act, 2006*

The LTB has scheduled a video hearing

between: **MEDALLION CORPORATION**

and **ISAAC BON HILLIER, MARITZA E. O. ORTIZ**

concerning the rental unit located at:

2709, 565 SHERBOURNE STREET TORONTO ON M4X 1W7

Purpose of the Hearing:

The **landlord** has filed an application with the Landlord and Tenant Board (LTB) to evict the Tenant. The LTB has scheduled a hearing to make a decision about the application.

THIS HEARING WILL DEAL WITH A POSSIBLE EVICTION FROM THE RENTAL UNIT.

HEARING TIME AND INSTRUCTIONS FOR VIDEO CONFERENCE:

When: Tuesday, July 27, 2021 9:00 AM EST

How to join <https://bit.ly/SLVCZoom84>,

Video Toll Free: 1-855-703-8985 or Local: 647-374-4685

Hearing: Passcode: 695 7516 4596#

You may join a Video Hearing by clicking on the link above OR by typing that link into your internet browser. IF you do not have access to the internet you can call the toll free number instead.

You must:

- join the Video Hearing or call the toll free number at 8:30 am to confirm your attendance for your virtual hearing.
- be ready to stay the whole day – your hearing may be later in the day

It is very important for you to attend the hearing. If you are late, or if you do not attend your hearing, it may take place without you.

WHAT MAY HAPPEN IF YOU DO NOT ATTEND THE HEARING:

If you cannot participate in the hearing, you should give someone written permission to represent you and to participate on your behalf and email it to the Board in advance.

If you are the landlord and you do not attend the hearing or send a representative, your application may be dismissed without any further notice.

If you are the tenant and you do not attend the hearing or send a representative, the LTB may hold the hearing without you and make a decision based on only the landlord's evidence.

WHAT YOU SHOULD DO IF YOU HAVE EVIDENCE TO PRESENT:

- Each party must give the other party a complete copy of all of the evidence they want to use during the hearing as soon as possible but **at least** 7 days before the hearing.
- Each party must also email their evidence to the LTB **at least** 7 days before the hearing.
- Email your evidence to: ltb.evidence@ontario.ca
- The subject line of your email should include: the word "EVIDENCE"; your FILE Number; and your hearing date
- If after you receive the other party's evidence you decide that you want to use reply evidence, you must provide the other party and the LTB with copy of your reply evidence as soon as possible but **at least** 5 days before the hearing.
- If you do not provide the other party and the Board with a copy of your evidence **at least** 7 days before the hearing (or 5 days for reply evidence) you may not be permitted to rely on the evidence during the hearing.

REPRESENTATIVES or LEGAL ASSISTANCE

If you are a Tenant and wish to obtain legal advice, contact your local community legal clinic. To find your local legal clinic, contact Legal Aid Ontario at 1-800-668-8258. Please seek legal advice PRIOR to your hearing.

Tenant Duty Counsel has also created an online registration system to request

legal assistance if you have a scheduled hearing which can be accessed at www.tdc.acto.ca.

Tenant Duty Counsel is a service offered through Legal Aid Ontario and is not affiliated with the LTB.

If you are a small-scale Landlord you may be able to get assistance from the Landlord's Self-Help Centre. Call 416-504-5190/1-800-730-3218 or visit <https://landlordselfhelp.com/>.

Landlord's Self-Help Centre is funded by Legal Aid Ontario and is not affiliated with the LTB.

You may be represented by a lawyer or paralegal licensed by the Law Society of Ontario or by an unlicensed person where permitted by the Law Society Act and its regulations and by-laws. For more information refer to the Practice Direction on Representation on the LTB website at: <http://www.tribunalsontario.ca/ltb/rules-practice-directions-guidelines/>.

IF YOU BELIEVE THAT A VIDEO HEARING WILL CAUSE YOU SIGNIFICANT PREJUDICE:

You may email the LTB and explain why you believe that holding the hearing by video will cause you significant prejudice. Your written explanation must be received by the LTB within 5 days of the date you received this notice of hearing.

If the LTB finds that holding the hearing by video will cause you significant prejudice, the video hearing may be rescheduled as a different type of hearing. If you do not receive a notice informing you that the hearing has been rescheduled as a different type of hearing, the video hearing will take place at the date and time noted above.

FOR MORE INFORMATION:

If you have any questions about the application or hearing you may:

- visit the LTB website at sjto.ca/LTB
- call the LTB call centre at **416-645-8080** or toll free at **1-888-332-3234**
- email your regional LTB office at TS-ltb@ontario.ca

Be sure to include your file number on any correspondence with your regional LTB office.

Regional Office: Toronto South-RO, 15 Grosvenor Street,
Toronto, ON M7A 2G6 1st Floor

Date Issued: Saturday, July 03, 2021

Ce document est disponible en français. Pour obtenir la version française, et obtenir une audience en français, veuillez communiquer avec nous au 416-645-8080 ou sans frais au 1-888-332-3234.



Member Endorsement Form

I, Sean Henry, member of the Landlord and Tenant Board, make the following endorsement with respect to application file number: **TSL-21777-21**

On July 18, 2021, the Tenants filed with the Landlord and Tenant Board (the LTB) a request to reschedule the hearing and to change the hearing format from video conference to in-person.

Rescheduling Request

The Tenants request that the hearing be rescheduled because they will be out of town attending the funeral of a family member “during the specified period of time” of the hearing and that they will return on August 9, 2021. Rule 21.1 of the Board’s Rules of Procedure requires the mutual consent of the parties to reschedule the hearing. While the Tenants have not indicated that there has been any attempt to communicate with the Landlord regarding this request, given this exceptional circumstance, I decided to exercise my discretion to waive Rule 21.1 and grant the rescheduling request on this basis to a date not before August 9, 2021.

The Tenants also request that the hearing be rescheduled to a date not before September 20, 2021 to give them additional time to prepare for the hearing. Especially given that the LTB served the parties with the Notice of Hearing on July 5, 2021, the Tenants have not adequately explained their need for this amount of additional time to prepare for the hearing. As such, I did not find in favour of this reason for the request.

Request for an in-person hearing

The LTB is proceeding with the authority set out in the *Hearings in Tribunal Proceedings (Temporary Measures) Act*, S.O. CHAPTER 5, SCHEDULE 3, which has provided the LTB with broad powers to determine the format of hearings as it considers appropriate. As a result of the Covid-19 pandemic, in order to protect the health and safety of the parties, the public and employees, the LTB is scheduling or converting all in-person hearings to proceed in writing, by teleconference or videoconference for the foreseeable future. I also note Section 5.2(2) of the *Statutory Powers Procedure Act*, R.S.O. 1990 CHAPTER S. 22 (“SPPA”) provides: “The Tribunal shall not hold an electronic hearing if a party satisfies the tribunal that holding an electronic rather than an oral hearing is likely to cause the party significant prejudice.

For the following reason, I am not satisfied that holding an electronic hearing is likely to cause the Tenants significant prejudice or that the Tenants have established accommodation needs

that cannot be met by an electronic hearing.

In the request, the Tenants state, without elaboration, that they require an in-person hearing as an accommodation. While the Tenants are not required to disclose personal medical information in support of the request, without an explanation as to why an electronic hearing is likely to cause them significant prejudice or why their accommodation needs cannot be met by an electronic hearing, I am unable to determine that the concerns raised by the Tenants are not most appropriately addressed in the context of an electronic hearing.

The Tenants may consider filing a fresh request, with reasons, should any circumstances arise that would result in an electronic hearing causing them significant prejudice or should they experience accommodation needs that cannot be met by an electronic hearing.

If the Tenants have any concerns with respect to the management of the hearing, these should be brought to the attention of the presiding adjudicator at the start of the hearing and when they arise during the hearing.

The Tenants may consider contacting their local community legal clinic prior the hearing. To find their local legal clinic, the Tenant may contact Legal Aid Ontario at 1-800-668-8258. The Tenants may also wish to contact the Tenant Duty Counsel Program (TDC). TDC has created an online registration system that tenants with a scheduled hearing may use to request legal assistance. This system can be accessed at www.tdc.acto.ca.

Direction

1. The July 27, 2021 hearing of the application is cancelled. The LTB shall reschedule the hearing to the first available date after August 9, 2021.
2. The Tenants' request to change the format of the hearing from electronic hearing to in-person hearing is denied.

Date: July 22, 2021 Signature of Member: Sean Henry





NOTICE OF RESCHEDULED VIDEO HEARING

Under section 174 of the *Residential Tenancies Act, 2006*

The LTB has scheduled a video hearing

between: **MEDALLION CORPORATION**

and **ISAAC BON HILLIER, MARITZA E. O. ORTIZ**

concerning the rental unit located at:

2709, 565 SHERBOURNE STREET TORONTO ON M4X 1W7

The hearing for application has been rescheduled to the date and time shown below. This notice replaces any Notice of Hearing previously given for this application.

Purpose of the Hearing:

The hearing to consider the **landlord** application has been rescheduled. **Another date has been scheduled for the hearing at the time and date set out below.**

HEARING TIME AND INSTRUCTIONS FOR VIDEO CONFERENCE:

When: Tuesday, October 12, 2021 9:00 AM EST

How to join Video Hearing: <https://bit.ly/ZLTBVideo110>,

Toll Free: 1-855-703-8985 or Local: 647-374-4685

Passcode: 919 0500 4258#

You may join a Video Hearing by clicking on the link above OR by typing that link into your internet browser. IF you do not have access to the internet you can call the toll-free number instead.

You must:

- Join the Video Hearing or call the toll-free number at 8:00 am to confirm your attendance for your virtual hearing.
- Be ready to stay the whole day – your hearing may be later in the day.

*****It is very important for you to attend the hearing. If you are late, or if you do not attend your hearing, it may take place without you.*****

WHAT MAY HAPPEN IF YOU DO NOT ATTEND THE HEARING:

If you cannot participate in the hearing, you should give someone written permission to represent you and to participate on your behalf and email it to the Board in advance.

If you are the landlord and you do not attend the hearing or send a representative, your application may be dismissed without any further notice.

If you are the tenant and you do not attend the hearing or send a representative, the LTB may hold the hearing without you and make a decision based on only the landlord's evidence.

WHAT YOU SHOULD DO IF YOU HAVE EVIDENCE TO PRESENT:

- Each party must give the other party a complete copy of all of the evidence they want to use during the hearing as soon as possible but **at least** 7 days before the hearing.
- Each party must also email their evidence to the LTB **at least** 7 days before the hearing.
- Email your evidence to: **LTB.evidence@ontario.ca**
- The subject line of your email should include: the word "EVIDENCE"; your FILE Number; and your hearing date
- If after you receive the other party's evidence you decide that you want to use reply evidence, you must provide the other party and the LTB with copy of your reply evidence as soon as possible but **at least** 5 days before the hearing.
- If you do not provide the other party and the Board with a copy of your evidence **at least** 7 days before the hearing (or 5 days for reply evidence) you may not be permitted to rely on the evidence during the hearing.

REPRESENTATIVES or LEGAL ASSISTANCE

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If you are a small-scale Landlord you may be able to get assistance from the Landlord's Self-Help Centre. Call 416-504-5190/1-800-730-3218 or visit <https://landlordselfhelp.com/>.

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You may be represented by a lawyer or paralegal licensed by the Law Society of Ontario or by an unlicensed person where permitted by the Law Society Act and its regulations and by-laws. For more information refer to the Practice Direction on Representation on the LTB website at: <http://www.tribunalsontario.ca/lrb/rules-practice-directions-guidelines/>.

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If the LTB finds that holding the hearing by video will cause you significant prejudice, the video hearing may be rescheduled as a different type of hearing. If you do not receive a notice informing you that the hearing has been rescheduled as a different type of hearing, the video hearing will take place at the date and time noted above.

FOR MORE INFORMATION:

If you have any questions about the application or hearing you may:

- visit the LTB website at sjto.ca/LTB
- call the LTB call centre at **416-645-8080** or toll free at **1-888-332-3234**
- email your regional LTB office at TS-ltb@ontario.ca

Be sure to include your file number on any correspondence with your regional LTB office.

Regional Office: Toronto South-RO, 15 Grosvenor Street,
Toronto, ON M7A 2G6 1st Floor

Date Issued: Tuesday, August 03, 2021

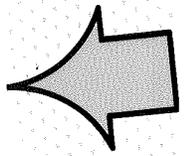
Ce document est disponible en français. Pour obtenir la version française, et obtenir une audience en français, veuillez communiquer avec nous au 416-645-8080 ou sans frais au 1-888-332-3234.

This is Exhibit "E" to the Affidavit of Sarah Jane Elizabeth Snyder, sworn before me this 2nd day of August 2022



A Commissioner for taking affidavits, etc.

**Kalliope Penny Peppas, a Commissioner, etc.,
Province of Ontario, for Cohen Highley LLP,
Barristers and Solicitors.
Expires October 25, 2022.**



TSL-21777-21

In the matter of 2709-565 Sherbourne Street, Toronto, ON M4X 1W7

BETWEEN:

ISAAC BON HILLIER, and MARITZA E. O. ORTIZ

Tenants

-and-

MEDALLION CORPORATION

Landlord

LANDLORD'S DOCUMENT BRIEF

Mark W. Melchers
Cohen Highley LLP
1001-55 King Street West
Kitchener, ON N2G 4W1
Tel: 226-476-4444
Fax: 519-576-2830
Email: melchers@cohenhighley.com
Counsel for the Landlord

INDEX

TAB	DOCUMENT
1	Tenancy Agreement, dated December 1, 2010
2	Excerpt from Isaac Bon Hillier Facebook page, accessed December 14, 2020
3	Email from M. Melchers to I Bon Hillier, dated December 17, 2020
4	Paragon security Report, #511423631
5	Letter to Tenants from Property Manager, dated February 25, 2021
6	Paragon Security Report, #532307865
7	Excerpts from Isaac Bon Hillier Facebook page, accessed October 5, 2021; Sherbournesite.org website excerpts, accessed October 4, 2021
8	<i>Halton Condominium Corp No 77 v. Mitrovic</i> , 2021 ONSC 2071
9	<i>TST-55210-14</i> , 2014 CanLII 58631
10	<i>Stanbar Properties Limited v. Joseph Rooke</i> , Divisional Court File 04-212DV
11	<i>York Condominium Corp No 163 v. Robinson</i> , 2017 ONSC 2419
12	Order of Landlord and Tenant Board Vice-Chair Sangmuah in <i>TSL-04767-19</i> , issued July 22, 2019