

November 5, 2024

To the County of Simcoe's service manager, Mina Fayez-Bahgat,

I am requesting that the County of Simcoe's service manager appoints a person to conduct an audit and an investigation into all of the Barrie Municipal Non-Profit Housing Corporation's (BMNPHC) business operations, including the individual housing account files of all of their rent-gear-to-income (RGI) tenants, as well as any tenant who receives or has received a housing subsidy at any point between 2016 and 2024.

**Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1**

**Audit or investigation**

82 (1) A service manager may appoint a person to conduct an audit or investigation to ensure that a housing provider is complying with this Act and the regulations. 2011, c. 6, Sched. 1, s. 82 (1).

**Triggering events**

**83** The following are triggering events for the purposes of sections 84 to 98:

1. The housing provider contravenes this Act or the regulations.
4. The housing provider ceases or threatens to cease to carry on business in the normal course.
5. A trustee, receiver, receiver and manager or similar person is appointed with respect to the business or assets of the housing provider.
8. The housing provider is unable to fulfil its obligations.
9. The housing provider incurs an expenditure that is, in the opinion of the service manager, substantial and excessive.
10. The housing provider incurs an accumulated deficit that is, in the opinion of the service manager, substantial and excessive.
11. In the opinion of the service manager, the housing provider has failed to operate a designated housing project properly.

I am requesting that the County of Simcoe's service manager promptly give written notice to the Ontario Minister of Municipal Affairs and Housing because its designated housing projects managed by the BMNPHC are in difficulty due to the projected financial position of the BMNPHC.

### **Notice of certain projects in difficulty**

**72 (1)** A service manager shall promptly give written notice to the Minister if,

(a) one of its designated housing projects is in difficulty; and

(b) the project is subject to a mortgage guaranteed by the Province of Ontario. 2011, c. 6, Sched. 1, s. 72 (1); 2020, c. 16, Sched. 3, s. 10 (2).

### **When a project is in difficulty**

(2) For the purposes of clause (1) (a), a designated housing project is in difficulty if,

(b) the service manager is of the opinion that, because of the financial position or the projected financial position of the housing provider, either of the following is likely to happen within 12 months after the end of the current fiscal year of the housing provider,

(i) the mortgage described in clause (1) (b) will go into default, or

(ii) the housing provider will fail to meet a substantial financial obligation; or

(c) the service manager is of the opinion that the housing provider has failed to comply with a substantial obligation under this Act. 2011, c. 6, Sched. 1, s. 72 (2).

I am requesting that a family support worker be designated to assist any member of the BMNPHC's RGI households in taking whatever action is necessary to pursue financial support from the BMNPHC because the BMNPHC has a legal obligation to return their RGI tenant's overcharged rent monies.

### **Family support workers**

**58** (1) A service manager, or a person or organization authorized to do so by the service manager, may designate persons as family support workers to assist any member of a household that is eligible for rent-gear-to-income assistance in taking whatever action is necessary to pursue financial support from persons with a legal obligation to provide it. 2011, c. 6, Sched. 1, s. 58 (1).

I am requesting that the County of Simcoe's service manager appoint an interim receiver and manager for the BMNPHC as soon as possible. I am also requesting that the County of Simcoe's service manager remove all of the directors of the BMNPHC:

### **Remedies**

**85** If a triggering event occurs, the service manager may exercise the following remedies:

4. The service manager may,

ii. act as the housing provider with respect to all or part of the assets, liabilities and undertakings of the housing provider, including its housing projects.

6. The service manager may appoint an interim receiver or interim receiver and manager for the housing provider.

8. The service manager may remove some or all of the directors or the deemed directors of the housing provider, regardless of whether they were elected or appointed or became directors by virtue of their office.

A service manager may exercise a remedy, such as the remedy I've requested above, according to section 90 of the Housing Services Act, 2011, and the service manager does not have to adhere to issuing the contents of notice of the triggering event if a report of an audit or investigation of the BMNPHC alleges fraud, criminal activity or a misuse of assets of the BMNPHC and the alleged fraud, criminal activity or misuse of assets has been referred to a law enforcement agency.

I am requesting that the County of Simcoe's service manager discharge BMNPHC CEO, Mary-Anne Denny-Lusk, and all of her property managers for all BMNPHC properties with any amount of RGI households because of their dishonest accounting and gross negligence of the management of accounting of their RGI units:

**Discontinuation or suspension of subsidy**

**91** A service manager shall not discontinue or suspend subsidy payments under paragraph 1 of section 85 unless the service manager is of the opinion that the triggering event is substantial. 2011, c. 6, Sched. 1, s. 91.

**Release of service manager, etc.**

(15) The housing provider is deemed to release and discharge the service manager and the property manager and every person for whom the service manager or property manager is responsible from every claim of any nature arising by reason of any act or omission done or omitted during the exercise of this remedy, other than the following claims:

1. A claim for an accounting of the money and other property received by the service manager or property manager or another person for whom the service manager or property manager is responsible.
2. A claim arising from negligence or dishonesty by the service manager or property manager or by another person for whom the service manager or property manager is responsible. 2011, c. 6, Sched. 1, s. 92 (15).

**Expenses of service manager**

(16) If the service manager exercises the remedy,

(a) the service manager may bill the housing provider for expenses incurred by the service manager in exercising the remedy;

I am requesting that the County of Simcoe's service manager exercise the remedy of appointing an operational adviser to the BMNPHC:

**Operational advisor**

**93** (1) This section applies with respect to the exercise of the remedy to appoint an operational advisor for a housing provider under paragraph 5 of section 85. 2011, c. 6, Sched. 1, s. 93 (1).

**Purpose**

(4) The purpose of an operational advisor is to provide written recommendations and advice to the housing provider and the service manager on how the housing provider may improve all or part of the operation of its housing project or projects as stipulated in the agreement appointing the operational advisor. 2011, c. 6, Sched. 1, s. 93 (4).

I am requesting that the County of Simcoe's service manager prohibit the BMNPHC's lawyer from communicating with me anymore because he is harassing me and I can't stand it.

**Human Rights Code, R.S.O. 1990, c. H.19**

**2** (2) Every person who occupies accommodation has a right to freedom from harassment by the landlord or agent of the landlord or by an occupant of the same building because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, marital status, family status, disability or the receipt of public assistance. R.S.O. 1990, c. H.19, s. 2 (2); 1999, c. 6, s. 28 (3); 2001, c. 32, s. 27 (1); 2005, c. 5, s. 32 (3); 2012, c. 7, s. 2 (2).

Thank you for any help you're able to provide in freeing us from these tyrants.

Sincerely,

Leah Dyck