

**ONTARIO SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)**

BETWEEN:

LEAH DYCK

Appellant / Moving Party

and

BARRIE MUNICIPAL NON-PROFIT HOUSING CORPORATION

Respondent

AFFIDAVIT OF *LEAH DYCK*
(FRESH EVIDENCE TENDERED BY THE APPELLANT)

I, *Leah Dyck*, of the City of Barrie, in the County of Simcoe,

MAKE OATH AND SAY:

1. Barrie Housing employee Soula White told me there was a credit on my account on September 28, 2021, and only after I asked if my rent rate would be decreased since, at the time, my income had recently decreased.
2. When my income had decreased in 2021, I inquired about the amount of this credit to a total of three managers, on four separate occasions between September 28, 2021 and April 10, 2022.
3. On April 13, 2022, Barrie Housing employee Soula White told me their internal financial department was in the midst of conducting an audit on my account file, to ensure the credit was a true credit.
4. I was finally informed about the amount of my credit on April 26, 2022, and only after having a mental breakdown and only after I threatened to tell national news outlets about it.

5. Since Barrie Housing staff can't be trusted to not lie, especially when there's no record of the communications had with them, I told Barrie Housing CEO Mary-Anne Denny-Lusk that I would record our scheduled phone call for April 26, 22, to discuss my overcharged rent monies.
6. The biggest reason I recorded the phone call is because of the first time Barrie Housing employee Ashley Sutherland stole from me in 2019.
7. During the recorded phone call with Mary-Anne Denny-Lusk on April 26, 2022, I explained to her how Ashley Sutherland stole \$175 from me. Mary-Anne refused to acknowledge Ashley's theft, let alone deal with it.
8. I also believe that Ashley Sutherland attempted to illegally evict me when she called me in 2019 and told me on the phone that I didn't owe anymore rent money that month and instructed me not to pay my rent that month.
9. On the first day of the following month, I received an eviction notice on my door and a \$175 eviction filing fee. I called Ashley Sutherland at least three times and left messages on her voicemail but she never called me back.
10. I also called many other Barrie Housing managers about this but they all ignored my calls too, and never returned any of the voicemails I left them.
11. This is when I realized that all phone calls with Barrie Housing staff must be recorded because if they're not recorded, they deny everything that they stated during the phone call.
12. On May 8, 2024 Barrie Housing issued a cheque to me in the amount of \$2,628.53.
13. Barrie Housing threatened to sue me in October 2022 if I didn't stop publishing stories about the living circumstances of my food charity's recipients on Facebook.
14. Barrie Housing told me, in a threatening letter from their lawyer, Riley Brooks, that all my posts about my program recipients were false and not true and deeply offensive.

15. I published a total of 12 stories about my charity's program recipients on Facebook. I kept the personal details of my program recipients private (anonymous), such as their names and addresses.
16. Of these 12 stories, only five were about Barrie Housing tenants. Of these five Barrie Housing tenants, only three of these published stories even mentioned Barrie Housing at all.
17. I submitted these stories as evidence in my 'Response to Motion & Factum' document. There, I numbered each recipient "testimony" and I refer to these stories as "recipient testimonies".
18. For the record, only testimony #3, #5, #8, #11, and #12 were about tenants of Barrie Housing. Additionally, only testimony #3, #5, and #12 even mentioned Barrie Housing. Despite this, Barrie Housing demanded that I remove all 12 testimonies because every single one of them were lies. How would they even know? They don't even know who they're about.
19. Barrie Housing thinks they own me, and can control what I publish on Facebook, regardless of whether my posts are about them or their tenants.
20. Because I was so busy feeding thousands of starving people in the City of Barrie at the time when Barrie Housing first threatened to sue me in October 2022, I decided to refrain from posting more 'recipient testimonies' because I simply did not have the time to deal with their harassment, let alone could I afford to deal with it.
21. On April 21, 2023, I went out for lunch at Donaleigh's Irish Public House in Barrie, Ont, with Rob Cikoja, the CEO of Habitat for Humanity Huronia. Rob also sat as a member of my charity's Advisory Committee.
22. During this lunch meeting, Rob told me in-person that my charity will never receive support (meaning, financial support) from the County of Simcoe because of "those posts" I published on Facebook about the inhumane living conditions and circumstances of my food security program's recipients.

23. On August 30, 2023, I submitted a grant application to the United Way of Simcoe Muskoka for +\$600K.
24. Dr. Matthew Orava is the Board Chair of the Barrie and Community Family Health Team, and a letter of support from him was included in the application.
25. Dr. Giulio Didiodato is the Chief Research Scientist at the Royal Victoria Hospital (RVH) and he was a signed partner on the legal Agreement document submitted within my United Way grant application. Dr. Didiodato had also recently conducted a Covid clinical trial with the World Health Organization (WHO).
26. Even without the support of the doctors listed in the above two paragraphs, my food security charity had the highest impact of positive health outcomes of any charity in the County of Simcoe. My charity's high impact was the only reason that doctors were interested in doing research in the first place.
27. On December 8, 2023, the United Way declined my grant application, stating it was because I didn't have a board of directors.
28. On January 19, 2024, I closed down my food security program because it had grown too big to be managed by one person (me), and I needed funding to hire at least three to four staff to help me run it properly.
29. On February 21, 2024, Barrie Housing promoted Ashley Sutherland (the employee who stole \$175 from me) to manage my building. I believe they did this to let me know that they do indeed own me and control me.
30. On July 19, 2024, I created a petition on the House of Commons' website. The contents of this petition are as follows:

"Petition to the House of Commons

Whereas:

- *We the citizens of Canada have lost confidence in our government's ability to control, function and supervise certain portions of the Public Administration of the Special Priority Policy in every Canadian province.*
- *The current governments responsible for managing the livelihoods of victims of domestic abuse and trafficking are not protecting them against climate change.*
- *The policies and procedures of Regional Service Managers across Canada aren't aligning with the crisis victims of domestic abuse and trafficking are facing; unsafe housing and starvation.*

We, the undersigned, citizens and residents of Canada, call upon the House of Commons to Issue an immediate emergency response plan for all low-income Canadians with Special Priority Status and an immediate transfer of the control, functions, and supervision of certain portions of the Public Administration of the Special Priority Policy to the Department of Public Safety and Emergency Preparedness Act."

31. I sent out an email blast to a ton of people over the next few days after creating this petition.

The contents of this email blast are as follows:

"Hello ladies,

I just submitted a request to bring forth a petition to the House of Commons and I put you five ladies on the petition to support.

If you do not want to support, please let me know and I'll remove your name. I assume, though, that you will support once you read what the petition requests.

Let me know if you have any questions!

Leah"

32. Shortly after sending out this email blast, one of its recipients, Yanet Montero, replied by email and stated the following:

"Hello Leah!

I kindly request that my name be removed from the petition. I am already dealing with other legal and family matters and do not have the capacity to take on anything else at this time. Thank you for your efforts and good luck with the petition.

Yanet.”

33. Immediately after I received Yanet’s email, I texted her directly. The contents of this text message are:

“I just got your email. I will remove your name right now. I just accidentally re-sent the email to you though lol”

34. On July 26, 2024, the Human Rights Tribunal of Ontario (HRTO) served Barrie Housing my Application 1 Form, and assigned it HRTO File #: 2024-57438.

35. On July 31, 2024, Yanet Montero emailed Barrie Housing employee Soula White. In this email, Yanet told Soula that I added her name to my petition because Barrie Housing discriminated against her due to race. In this email to Soula, Yanet went on and on about how I don’t have her permission to speak on her behalf.

36. It’s not possible to add someone else’s name to a petition. Only they can add their own name to a petition.

37. It is my belief that Yanet Montero became aware of my Human Rights lawsuit against Barrie Housing (because I publish what’s going on all over Facebook and my website: www.FreshFoodWeekly.com) and that she became terrified that Barrie Housing was going target her, harass her, and/or try to illegally evict her because Yanet assumed I was going to “oust” her.

38. Barrie Housing has treated Yanet very badly in the past, and she told me this. In fact, Yanet is the program recipient featured in ‘Recipient Testimony #3’. I believe that Yanet became terrified that I would tell the HRTO the abuses and exploitation of Yanet by Barrie Housing,

which she told me about when I “interviewed” her for her ‘recipient testimony’ published on August 17, 2022.

39. I believe Yanet emailed Barrie Housing in an effort to ensure she doesn't become a target of Barrie Housing's harassment and degrading treatment.
40. On August 20, 2024, Barrie Housing delivered to me by email, a partial tenant ledger, which is the first tenant ledger they've ever provided me with. In fact, it wasn't until the last week of July 2024, that I learned what a tenant ledger was.
41. In September 2024, Barrie Housing commenced a defamation lawsuit against me. They're obviously doing this to cover-up their mass-scale fraud scheme.
42. On October 4, 2024, I filed my Statement of Defence and Counterclaim. Within my Counterclaim, I sought the relief of an order for the assignment of a Federal Housing Advocate to launch a criminal investigation into Barrie Housing's business operations, specifically in regards to their finances.
43. I've asked Barrie Housing for a copy of the audit document they conducted on my account file in April 2022 +10 times now, and as of November 14, 2024, they're denying its existence, even though on October 29, 2024, they acknowledged its existence but only after the Motion Judge stated; “what audit?”
44. I sent a Ministry Freedom of Information Protection and Privacy Act (MFIPPA) request to the County of Simcoe for a digital copy of the audit at issue and it was rejected because they don't have access to Barrie Housing's financial records. They also told me that I can't send a MFIPPA request to Barrie Housing.
45. I sent a MFIPPA request to the Ontario Ministry of Children, Community and Social Services (CCSS) requesting my entire Ontario Disability Support Program (ODSP) file to be released to me. But when it was released to me on October 28, 2024, it did not include the list of payments that they made directly to Barrie Housing.

46. On the morning of October 29, 2024, the County of Simcoe delivered to me by email a letter in response to my October 7, 2024 Form 10 submitted to the HRTO. In this letter, the County of Simcoe told me it is their policy to not get involved in lawsuits between private parties.
47. On October 29, 2024, I told the Motion Judge that I sent a MFIPPA request to ODSP requesting my entire ODSP case file, and that they released it to me on October 28, 2024, but left-out the ODSP ledger.
48. The CCSS released my ODSP ledger to me on October 30, 2024.
49. Once ODSP released my 'ODSP ledger' to me, I then downloaded all my bank statements as far back as I could get them, which was only back to November 1, 2017.
50. I then cross-matched the 61 payments I made directly to Barrie Housing from my personal bank account between November 2017 and March 2022. I then cross-matched the 34 payments that ODSP made directly to Barrie Housing between September 2015 and April 2022. I then cross-matched this data with the payments recorded by Barrie Housing within the tenant ledger they provided me on August 20, 2024. This is when I obtained the evidence that Barrie Housing still owes me a credit, that they still deny to this day.
51. The above rental calculations do not include the overcharges Barrie Housing made on my account file due to the increased social assistance monies I received throughout the Covid pandemic and that I had no choice but to accept because they were automatically deposited into my bank account by both ODSP and the Canada Pension Plan (CPP) Disability, which is administered through Employment & Social Development Canada (ESDC).
52. I am not the only Barrie Housing tenant who was in receipt of a social assistance benefit in 2020. I do not know the number of Barrie Housing tenants who were in receipt of a social assistance benefit in 2020. There is no way to know the number of Barrie Housing tenants in receipt of a social assistance benefit without an investigation.

53. In the affidavit of Mary-Anne Denny-Lusk dated October 4, 2024, on page 11, under paragraph 19, i) Mary-Anne Denny-Lusk states that the extra income I was receiving resulted in an overpayment of my rent. On page 5 of Mary-Anne Denny-Lusk's affidavit dated October 4, 2024, she also stated in paragraph 14, a) that I was paying my rent directly and that ODSP was paying my rent directly, and that upon discovery of this overpayment, they returned \$2,628.53 to me.
54. Barrie Housing informed me of my credit in September 2021 but only returned it to me in May 2022. Barrie Housing only told me the alleged amount of the credit after I threatened to tell national news outlets about it. Then their lawyer started harassing me in October 2022. They then promoted a known thief to manage my building in February 2024. They've contradicted themselves and lied throughout the entire HRTO matter and throughout this entire matter.
55. Any tenant who was in receipt of a social assistance benefit during Covid (and at any time) was also overcharged and is owed a credit. However, I've asked a lot of tenants if they've ever received any money back from Barrie Housing and I haven't found one single tenant who was reimbursed anything.
56. On November 1, 2024, my ODSP case worker Ashley Walker confirmed that Barrie Housing did not reimburse ODSP with any money (regarding overpayments).
57. On page 10 of Mary-Anne Denny-Lusk's affidavit dated October 4, 2024, in paragraph 19, h) ii) Mary-Anne stated that Barrie Housing determined that the proper manner of handling this credit as the overpayment was due, in part, to ODSP paying Barrie Housing directly, that they believed a portion of that credit ought to be repaid directly to ODSP.
58. On November 13, 2024, I discovered what a 'Request to Admit' form is. So I served one to the Respondent's lawyer. On November 14, 2024, the Respondent delivered to me by email the 'Response to Request to Admit' form.

59. In the Respondent's Response to Request to Admit, the Respondent denies the existence of the audit documents they conducted on my account file in April 2022. They also deny the authenticity of the recorded phone call between myself and Mary-Anne Denny-Lusk recorded on April 26, 2022, even though Mary-Anne confirms many statements of this recorded phone call throughout her Affidavit filed on October 4, 2024.
60. I sent a MFIPPA request to the County of Simcoe for the number of evictions by Barrie Housing and they provided me with this data on November 15, 2024. I intend to use this privileged data in my Factum for my Notice of Appeal that I will file with the Divisional Court in due time.
61. I want to point-out that Christopher Sargent, the Legislative Coordinator with the County of Simcoe is a wonderful person, and has been very helpful to me throughout this whole process. I don't think every single person employed by the County of Simcoe is "out to get me".
62. I believe that the County of Simcoe (not Chris Sargent) is demonstrating willful blindness in regards to the allegations I've made about Barrie Housing.
63. The evidence I've presented to the Motion Judge clearly showed Barrie Housing did steal from me, continues to steal from me, and has definitely stolen from many other RGI tenants. She would have realized this if she had read the materials I submitted or listened to the words I spoke to her.

Sworn or Affirmed before me: in person

at the City of Barrie in the County of Simcoe on *November 21, 2024*.

Signature of Commissioner (or as may be)

Signature of Deponent

Courts of Justice Act

BACKSHEET

LEAH DYCK

-and-

**BARRIE MUNICIPAL NOT-PROFIT
HOUSING CORPORATION**

Appellant / Moving Party

Respondent

Court File No. DC-24-00000700-00ML

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
TORONTO

Affidavit of Leah Dyck

LEAH DYCK
November 21, 2024

Leah Dyck
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Self-represented Appellant

RCP-E 4C (September 1, 2020)