

The first four pages of this document are pages taken from the Affidavit of Barrie Housing CEO Mary-Anne Denny-Lusk, dated October 4, 2024. I've underlined key statements she made and have provided the evidence that her statements in her Affidavit are not true:

010

5

prove that you are entitled to rent subsidy, or if we believe acting reasonably that you have given us misleading, incomplete or false information, then we can:

- i) Require that you repay any rent subsidy for which you were not eligible;*
- ii) Terminate your rent subsidy within 90 days notice; and*
- iii) Apply to the Ontario Landlord and Tenant Board to evict you.*

14. Notwithstanding that I do not truly understand the respondent's vendetta against Barrie Housing, I generally understand it to be based on two "issues", namely:

This statement is true: Both me and ODSP were paying my rent between 2015 and 2022.

- a) On or about May 9, 2022, the respondent had a credit on her account due to an overpayment of her rent. The respondent was paying her monthly rent directly and, at the same time, ODSP was paying directly to Barrie Housing a portion of the respondent's rent. Upon discovery of such overpayment, Barrie Housing credited the respondent with a cheque in the sum of \$2,628.53. As detailed below, the respondent believes that this is somehow evidence of Barrie Housing "stealing" from her and "all other tenants" of Barrie Housing; and
- b) The respondent used to, or may still, operate a charity called Fresh Food Weekly. That charity, as I understand it, provided food to those in need. The respondent believes (erroneously) that Barrie Housing (and/or its employees) have intentionally interfered with her charity's ability to raise funds.

15. Both of those allegations are denied in their entirety. In any event, these appear to be the basis on which the respondent has commenced her campaign of defamation.

When I use this language, though, people seem to get uncomfortable, despite it being the correct language to use.

You would think that when a County or City is accused of major crimes, they'd be doing everything they can – or at least something – to demonstrate the allegations aren't true, as soon as possible, rather than ignoring them and hoping they'll go away.

I have a half-hour recorded phone call between myself and the BMNPHC's CEO admitting they "over-charged" me nearly \$2,700... They only gave me this money back after nine months of asking for it, and not until I threatened to tell national news outlets. Then they returned it immediately."

Attached hereto as **Exhibit "J"** is a copy of this article.

This post expressly or impliedly alleges criminal wrongdoing against Barrie Housing. This "article" plainly accuses Barrie Housing, and others, are participating in "major crimes" that are being "covered up".

b) For context, attached hereto as **Exhibit "K"** is a copy of the phone recording between the respondent and Ms. Denny-Lusk. Thereafter, the phone recording was disseminated as "evidence" of criminal wrongdoing. The contents of this phone call are not accurately represented by the respondent. On plain listening to this recording, it clear that:

- i) I advised the respondent that she had overpaid her rent and there was a credit that was owing;
- ii) Barrie Housing was determining the proper manner of handling this credit as the overpayment was due, in part, to ODSP paying Barrie Housing

Barrie Housing submitted my recorded phone call as evidence for me.



directly, and Barrie Housing believed that the credit, or a portion of that credit, ought to be repaid directly to ODSP;

iii) The respondent acknowledges and admits that she was receiving ODSP as well as some form of pension payment – which his not permitted – and that she owed some of those monies back.

Refer to pages 6-7 of this document to learn more about this overpayment.

Ashley Walker • [Barrie ODSP Office](#)

Nov 1, 2024 at 04:46

Good morning,

I was recently informed that the information you are requesting is not a regular part of a FIPPA disclosure. When we get information from the Welfare Fraud Hotline, the names are anonymous and I explained this back in July.

You were also asking if your housing provider, Barrie Municipal Non-Profit Housing Corporation reimbursed ODSP for overpaying rent back in April or May of 2022?

Did you ask Housing? I do not see in the notes that ODSP was reimbursed for overpaying your rent.

Regards,
Ashley

Ashley Walker is my ODSP case worker.

This below screenshot is from the transcript of the recorded phone call between myself and Mary-Anne Denny-Lusk, which has been submitted as evidence:

unreasonable, so I appreciate that.

They never gave me this breakdown.

17:05

Mary-Anne: Yeah, and we'll just communicate that with you. Like, we'll break it down. This is how much is going to you, this is how much is going to ODSP, and then by the end of this, your balance should be zero.

Leah: Okay, perfect.

You can listen to this phone call yourself here.

i) The respondent is intentionally twisting the contents of this phone call to suggest that the existence of the respondent having overpaid her rent is somehow evidence of theft or other criminal behaviour by Barrie Housing. The respondent herself admits in this phone call that she was receiving extra income that she ought not be receiving, which resulted in an overpayment of her rent, which was eventually returned.

Mary-Anne confirms again that the extra money I was receiving resulted in an overpayment.

I just included this page to show that this is Mary-Anne's Affidavit and it was dated October 4, 2024:

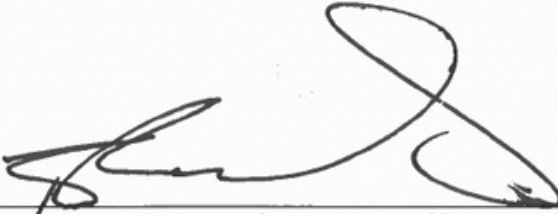
031

26

UNDERTAKING IN DAMAGES

42. In order to obtain the injunctive relief sought in this application, the applicant hereby provides an undertaking to abide by any order concerning damages that the court may make if it ultimately appears that the granting of the interim injunction has caused damage to the respondents for which the applicant ought to compensate them.
43. I swear this affidavit in support of Barrie Housing's seeking of interim and permanent injunctive relief restraining the respondent from her incessant, consistent, malicious campaign of defamation.

SWORN before me by Mary-Anne Denny-Lusk in the City of Barrie, County of Simcoe, Province of Ontario on October 4, 2024.


Commissioner for Taking Affidavits
(or as may be)

Riley C. Brooks
LSO# 813710


(Signature of deponent)
MARY-ANNE DENNY-LUSK

This is Barrie Housing's response to my Request to Admit that they conducted an audit on my housing account file in April 2022:

Court File No. CV-24-00002378-0000

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

BARRIE MUNICIPAL NOT-PROFIT HOUSING CORPORATION

Plaintiff

- and -

LEAH DYCK

Defendant

RESPONSE TO REQUEST TO ADMIT

In response to your request to admit dated November 13, 2024, the plaintiff:

1. Admits, in part, the truth of paragraph 1. The plaintiff admits that on April 13, 2022, an employee of the plaintiff delivered an e-mail to the defendant stating:

"Hi Leah,

We appreciate your patience. I heard back from accounting and the hold up on the review of our file is because of the amount of the credit. It is in the final stages of being audited to make sure it is a true credit. We hope to have approval by today latest tomorrow."

2. Admits paragraph 2.
3. Denies the authenticity of the "transcript" referenced in paragraphs 3, 4, 5, 6.
4. Admits paragraphs 3, 4, 5 and 6 insofar as Mary-Anne Denny-Lusk made the statements quoted in those paragraphs.
3. Denies the authenticity of the document referenced in paragraph 7, notwithstanding paragraph 7 is not a proper request to admit but instead a request to produce a document, which document does not exist.

Now they're saying the audit document doesn't exist.

November 14, 2024

HGR Graham Partners LLP
190 Cundles Road East Suite 107
Barrie, ON L4M 4S5

Riley C. Brooks
LSO #: 813710

On June 18, 2024, I found this article while doing research for a PSI Foundation grant:

On Oct. 12, 2024, I listed the correlations between New York and Barrie, for others to see for themselves:

NYCHA Tenants Sue Over Early Exclusion From State Pandemic Rent Relief

BMNPHG Tenants Want to Sue Over Exclusion From Province Pandemic Rent Relief

By Tatyana Turner and Jeanmarie Evelly . Published May 1, 2024

By Leah Dyck. Published October 12, 2024

The class action lawsuit, filed Tuesday on behalf of New York City public housing tenants left out of the state's rental assistance program during the height of the pandemic, alleges the state's distribution of the funds—for which these tenants received low priority—amounts to discrimination.

Barrie Housing and Simcoe County Housing tenants claim they were left out of the province's rental assistance program during the height of the pandemic, and allege the province's distribution of the funds—for which they claim they received low priority— amounts to discrimination.



(Tatyana Turner) NYCHA tenants and activists rallying for more state rent relief funds in 2023.

Barrie Housing Rent-Geared-to-Income (RGI) tenant, Leah Dyck, seeks to file a class action lawsuit on behalf of all Barrie Housing and Simcoe County female RGI tenants in Simcoe County left out of the province's rental assistance program during the height of the pandemic, alleging Barrie Housing and Simcoe County Housing's distribution of the funds—for which these tenants received low priority—amounts to discrimination.

Attorneys at Fordham Law School filed a class action lawsuit Tuesday on behalf of New York City public housing tenants left out of the state's rental assistance program during the height of the pandemic, alleging New York's distribution of the funds—for which these tenants received low priority—amounted to discrimination.

The federal suit, brought by students at Fordham's Housing and Urban Law Clinic, takes aim at the New York City Housing Authority (NYCHA) and New York State's Office of Temporary and Disability Assistance (OTDA), the latter of which administered the state's Emergency Rental Assistance Program (ERAP).

The proposed federal suit, takes aim at the Barrie Municipal Non-Profit Housing Corporation (BMNPHC), the Simcoe County Housing Corporation (SCHC), the City of Barrie, the County of Simcoe, the Ontario Ministry of Children, Community and Social Services (CCSS), which houses the Ontario Disability Support Program (ODSP), and Employment and Social Development Canada (ESDC), which houses the Canada Pension Plan (CPP) Disability benefit program, the latter two of which administered the province's monetary social assistance.

Launched at the height of the COVID-19 lockdown to aid tenants who fell behind on rent, ERAP initially prioritized its limited funds for landlords of market-rate apartments, effectively excluding public housing tenants.

While the state provided \$95 million in rent relief for NYCHA in last year's budget, it was only enough to reach 15,000 of the roughly 70,000 public housing households that accumulated rent debt since the pandemic, the lawsuit states.

Administered at the height of the COVID-19 lockdown to aid tenants who fell behind on rent, Barrie Housing and Simcoe County Housing prioritized themselves, effectively excluding public housing tenants, who've accumulated rent and other debts since the pandemic.

“We lobbied for this money because we were discriminated against even though we are taxpayers and we pay rent,” said Aixa Torres, the tenant association president at NYCHA’s Alfred E. Smith Houses and a member of **Residents to Preserve Public Housing (RPPH)**. “Yes, we got some money, but did we really get our fair share?”

Torres’ group is among the plaintiffs named in the case, alongside three NYCHA tenants who’ve amassed rent arrears since 2020 but were “unable to benefit from ERAP during the height of the COVID-19 pandemic,” either because they didn’t know they were eligible and didn’t apply, or because their applications were left pending for years.

The suit also accuses NYCHA of failing to timely recertify tenants’ incomes—used to determine their monthly rent payments—to reflect the economic hardships they faced due to COVID-19, meaning they were paying more than they should have. Many residents who owe back rent now “live in fear of having eviction or consumer debt proceedings brought against them and their families,” the complaint states.

“We have a client who is seeking to file bankruptcy, we have a client who was diagnosed with cancer during this time. We have a client who lost her sister,” Professor Norrinda Brown, director of Fordham’s Housing and Urban Law Clinic, told City Limits Tuesday. “You’re going through all of the other stress and drama we were all experiencing during the pandemic and you think this program will help, but you’re just left pending for years.”

The complaint alleges discrimination based on race and national origin, since the vast majority of NYCHA tenants are Black and Hispanic or Latino, and accuses the defendants of violating the **Fair Housing Act**, the Civil Rights Act of 1964 and New York’s Human Rights Law, which prohibits source of income discrimination.

According to the complaint, the defendants’ “explicit deprioritization of public and subsidized housing tenants disproportionately prevented Black and Hispanic or Latino applicants from receiving... critical assistance due to their housing status and source of income, as compared to white applicants.”

“When we understand the demographics of subsidized people in New York City—which is well known public information and certainly understood—‘subsidized’ in the city is a proxy for deeply poor Black and Hispanic tenants. That’s who we’re talking about,” Brown told City Limits.

The lawsuit seeks an injunction to pause NYCHA from evicting and suing tenants over arrears whose ERAP applications were denied, left pending, or who didn’t know they could apply.

It comes as the Housing Authority struggles with declining rent revenue. At a City Council hearing in March, **NYCHA Chief Executive Officer Lisa Bova-Hiatt** said about 70,000 households owed back rent, amounting to \$482 million as of Feb. 29. NYCHA carried out 58 evictions in 2023 and 50 so far this year as of March 7, she said.

Both NYCHA and OTDA told City Limits they do not comment on pending litigation.

“I’m lobbying for this money because we were discriminated against even though we are taxpayers and we pay rent,” says Leah Dyck, the Founder of Fresh Food Weekly, a program run through her registered charity, The VanDyck Foundation, that started during the COVID-19 lockdown to aid vulnerable tenants who were starving. Dyck, who’s also a recipient of the **Fresh Food Weekly** program says, “Yes, I’m the only one who received some money, but did I really get all of it?”

The Fresh Food Weekly program’s Founder and recipient, Dyck, is the Defendant named in Barrie Housing’s injunction, and who represents thousands of BMNPHC and SCHC tenants who’ve amassed debts and/or rent arrears since 2020 but were “unable to benefit from a myriad of social assistance benefits during the height of the COVID-19 pandemic,” either because they didn’t know they were eligible and didn’t ask, or because their requests were left pending for years.

Dyck also accuses the BMNPHC and the SCHC of failing to rectify tenants’ incomes—used to determine their monthly rent payments—to reflect the economic hardships they faced due to COVID-19, meaning they were paying more than they should have. Many residents who owe back rent now “live in fear of having eviction or consumer debt proceedings brought against them and their families,” her complaint states.

“I had a recipient who had to file bankruptcy, I had three neighbours on my floor who died shortly after the lockdowns were lifted,” Dyck continues. “We’re going through all of the other stress and drama we were all experiencing during the pandemic and you think these benefits will help, but we’re just left ignored for years.”

Dyck’s complaint alleges discrimination based on sex, marital status and family status, since the vast majority of BMNPHC and SCHC tenants are single women and single mothers, and accuses the Plaintiff of violating the Housing Services Act, 2011, and the Ontario Human Rights Code, 1990, which prohibits source of income discrimination.

According to her complaint, the Plaintiffs’ “explicit deprioritization of public and subsidized housing tenants disproportionately prevented single women and single mothers from receiving critical assistance due to their housing status and source of income, as compared to tenants paying full market rates.

“When we understand the demographics of subsidized people in Simcoe County—which is well known public information and certainly understood—‘subsidized’ in the city is a proxy for deeply poor single women and single mother tenants. That’s who we’re talking about,” Dyck tells anyone who will listen.

Dyck also wants to seek an injunction to pause the BMNPHC and the SCHC from evicting and suing tenants over arrears whose ODSP payments were denied, left pending, or who didn’t know they could ask for them.

It comes as the City and County receives \$249M earlier this Spring—between March and April, 2024—according to reports authored by Macleans Magazine’s Barrie Today (dot) com’s online news outlet.

Both the BMNPHC and the SCHC deny the allegations.



After all this, the County of Simcoe, the City of Barrie and the Human Rights Tribunal of Ontario are all watching Barrie Housing sue me and so far, none of them are doing anything about it.

Thanks a lot.

Leah Dyck