

Via email

November 30, 2024

Attention: BOARD OF DIRECTORS OF THE BARRIE MUNICIPAL NON-PROFIT
HOUSING CORPORATION

Dear Mr. Brooks,

**Re: Notice of Intent to Prosecute to *Ontario Not-for-Profit Corporations Act*
The VanDyck Foundation**

1. I am social justice advocate Leah Dyck, in the City of Barrie.
2. I've become aware of the following breaches of contract undertaken by your client, the Barrie Municipal Non-Profit Housing Corporation (BMNPHC);
 - (a) A mass-scale fraud scheme involving direct payments from social assistance administrators, and rental calculations for rent-g geared-to-income (RGI) households;
 - (b) Your client's inability to keep hold of and maintain accounting records regarding audit documents pertaining to its RGI tenants;
 - (c) Your client's inability to keep hold of and maintain vacancy records of tenants for the entire year of 2020, and for the months of January 2021 to April 2021, June 2021, October 2022, November 2023 and June 2024;
 - (d) Your client's inability to keep hold of and maintain financial records regarding arrears for the entire year of 2020;
 - (e) Your client's segregation of its most vulnerable tenants into specific housing projects only, which is discrimination;
 - (f) Your client's execution of operational procedures which amount to gross negligence regarding its duty of care. Your client holds pejorative attitudes based on strongly held

views about the appropriate capacities or limits of its below market-rate tenants. Your client's discrimination is motivated by an intentional desire to obstruct its tenants' potential, which perpetuates disadvantage among them. Your clients actions have perpetuated and promoted the view that its tenants are less capable, or less worthy of recognition or value as human beings or as members of Canadian society;

- (g) Your client's harassment of tenants protected by enumerated or analogous grounds, which you yourself promote and encourage;
 - (h) Your client's discriminatory actions, whether intentional or not, which are based on grounds relating to personal characteristics of its RGI tenants, having the effect of imposing burdens, obligations, or disadvantages on them which are not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.
3. Considering the historical disadvantage faced by women, victims of abuse or trafficking and disabled persons, your client has failed to execute preferential treatment which is required in order to ameliorate the actual situation of its tenants (the claimant group).
 4. This letter shall serve as notice to your client pursuant to sections 182 and 183 (1)(2), of the Ontario Not-for-Profit Corporations Act.
 5. After 14 days of receiving this letter, if your client has not brought a derivative action to prosecute itself diligently, I will make an application as a complainant to the court, as a proper person in the discretion of the court, under part 182 and 183 of the Ontario Not-for-Profit Corporations Act, on behalf of your client.
 6. If the Ontario Superior Court of Justice denies my application for leave to make this application, I will seek leave to appeal its decision with the Divisional Court. If the Divisional Court denies my leave to appeal, I will seek leave to the Supreme Court of Canada.
 7. As has been communicated to your client previously, the basis to your client's conduct is discrimination and fraud. I, as well as the community your client operates in, are deeply concerned by your client's denial of its harmful and prejudicial actions against its most

vulnerable tenants. Your client's refusal to disengage its discriminatory business operations has exacerbated homelessness and human trafficking to unprecedented levels within the City of Barrie, of the Province of Ontario.

8. I strongly encourage your client to produce or make to be produced the "lost" records at issue, including all audit documents your client claims to no longer be in existence, and to immediately return all overcharged monies of your RGI tenants, and to pay these monies back to its tenants to whom have been defrauded.
9. I further encourage you and your client to not underestimate the legal actions I am permitted to take by a court of law against your client to rectify your client's illegal and criminal actions against persons of enumerated or analogous grounds.

Sincerely,

The VanDyck Foundation

Leah Dyck

Social Justice Advocate

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