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

ONTARIO SUPERIOR COURT OF JUSTICE
(DIVISIONAL COURT)

B E T W E E N:

LEAH DYCK

Appellant / Moving Party

and

BARRIE MUNICIPAL NON-PROFIT HOUSING CORPORATION

Respondent

FACTUM OF THE APPELLANT / MOVING PARTY

PART I: OVERVIEW

1. This factum is for use at the written hearing for the notice of motion for leave to appeal the interim / interlocutory injunction of the Ontario Superior Court of Justice, against the Appellant, Leah Dyck, which endorsed / ordered her to remove, and cease further posting of, "defamatory" posts relating to the Respondent, the Barrie Municipal Non-Profit Housing Corporation (BMNPHC), also known as Barrie Housing.
2. The Respondent is a corporation incorporated pursuant to the Not-for-profit Corporations Act of Ontario. The Respondent owns and operates 14 properties in the City of Barrie; 964 units to roughly 3,000 tenants, for the primary purpose of providing safe and affordable housing.
3. The Appellant, Leah Dyck, has been a tenant of the Respondent since 2009. The Appellant is also a registered charity: The VanDyck Foundation, with charitable status number 77364 5148 RR0001. The VanDyck Foundation serves and therefore represents a population group of disadvantaged disabled women—a quarter of whom are elderly, in the City of Barrie and the Township of Innisfil, of the County of Simcoe[1].

[1] Appellant's Motion Record (referred to as **MR**), Exhibit "F", pg. 89

4. Social housing programs are government-funded initiatives designed to provide affordable rental accommodation to low-income households. In the late 1990s, as part of Ontario's initiative to realign local services, the province began to download its social housing responsibilities, both administrative and financial, to the local municipalities. This process culminated with the passage of the Social Housing Reform Act, 2000, S.O. 2000, c. 43 (the "SHRA"), which received royal assent on December 12, 2000, and which has since been updated and superseded with the passage of the Housing Services Act, 2011, S.O. 2011, c. 6, Schedule 1 (the "HSA"). Additionally, Barrie Housing is a corporation incorporated pursuant to the Not-Profit Corporations Act.
5. Responsibility for administering and funding a number of social housing programs in Ontario rests with the municipalities in which these housing programs operate. These municipalities are designated as Service Managers under the HSA. The Region is designated as a service manager under O. Reg. 367/11, Sched. 2, made under the Housing Services Act, 2011 (the "Regulation"). The Respondent (or the "Service Manager") is the delegated Service Manager charged with overseeing those housing projects in its territorial jurisdiction, which is "Barrie Housing", or the "Housing Provider"[2] – the largest rental and landlord in the City of Barrie; a private not-for-profit organization with 964 units and about 3,000 tenants. Barrie Housing was conceived in the 1980's, and was initially owned by the City of Barrie, but through different changes in legislation and policy, it became a private not-for-profit sometime during the late 1990's to early 2000's. Since 2016, the Respondent has been self-managed, with its own internal structure, thus allowing them to run their operations internally and without oversight.[3]
6. The Housing Services Act, 2011 governs housing subsidies, also known as rent-geared-to-income (RGI), in Ontario. Under the HSA, the Special Priority Policy gives eligible survivors of abuse and trafficking priority access to rent-geared-to-income ("RGI", or "housing subsidy") assistance. This is intended to ensure that housing is not a barrier to leave

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[2] **MR**, Exhibit "N", pg. 101

[3] "Barrie Housing New Beyond Homes Foundation" *INFO Simcoe* (19 August 2024), Online: Rogers tv <https://www.youtube.com/watch?v=5pcZwYLbrc4

a situation of abuse or trafficking.[4] The Appellant is a survivor of abuse with Special Priority Status. The Appellant's Special Priority Status allowed her to obtain RGI assistance in 2009, which is when she began her tenancy with Barrie Housing.

PART II: FACTS GIVING RISE TO THIS MOTION

7. The Appellant uses her public platforms, Facebook and her website: www.FreshFoodWeekly.com, to publish the actions of the Respondent (and its employees) and their affiliates, that she witnesses, to inform the public.
8. The Appellant's key allegations against the Respondent include but are not limited to:

   (a) Deliberately overcharging RGI tenants' rent, without the intention of returning the overcharged rent, which is stealing;

   (b) Illegally evicting RGI tenants and masking these evictions as being legal;

   (c) Not fulfilling maintenance requests of RGI tenants, and partially fulfilling some maintenance requests in an inhumanely untimely manner;

   (d) Having no process in place for dealing with complaints from RGI tenants, of any kind;

   (e) Treating their RGI tenants with absolutely no respect or dignity whatsoever;

9. The Respondent was granted an urgent motion hearing for October 29, 2024, which allowed the Respondent to then be granted the following interim and/or interlocutory orders:

   a. the Appellant to remove all posts, in any form or in any media whatsoever (including but not limited to Facebook and www.freshfoodweekly.com), all statements about the Respondent (or its employees), directly or indirectly, which are false, misleading and/or defamatory; specifically posts alleging, expressly or impliedly, that the Respondent (or its employees) are criminals, are involved in criminal wrongdoing, are guilty of crimes,

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[4] "Priority access to housing for survivors of abuse and trafficking" *Service Ontario* (05 March 2024), Online: King's Printer for Ontario, 2012-24 <https://www.ontario.ca/page/priority-access-housing-survivors-abuse-and-trafficking>

or otherwise any statements alleging criminality against the Respondent (or its employees);

b. restraining the Appellant from publishing, in any form or in any media whatsoever (including but not limited to Facebook and www.freshfoodweekly.com), any further statements about the Respondent (or its employees), directly or indirectly, which are false, misleading and/or defamatory; specifically posts alleging, expressly or impliedly, that the Respondent (or its employees) are criminals, are involved in criminal wrongdoing, are guilty of crimes, or otherwise any statements alleging criminality against the Respondent (or its employees);

c. Costs of the motion on a substantial indemnity basis, which amounted to $7,500.00.

10. The Appellant's tenancy, as well as her role in her charity provides her with qualified privileged access to both first and second-hand accounts of abuse and exploitation of disadvantaged tenants, regularly, by the Respondent.

11. The Appellant's primary defence was truth. The following relevant facts and evidence were provided to the Motion Judge, yet were completely disregarded:

(f) In 2019, Barrie Housing employee Ashley Sutherland attempted to illegally evict the Appellant. The Appellant explained how Ashley tried to do this during a recorded phone call with Barrie Housing CEO Mary-Anne Denny-Lusk on April 26, 2022. The Respondent did not acknowledge this theft, let alone deal with it. The Appellant explained Mary-Anne Denny-Lusk that Ashley Sutherland called the Appellant and told her she didn't owe anymore rent money that month, and instructed her not to pay her rent[5]. On the first day of the following month, though, the Appellant found an eviction notice on her door and was billed a $175 eviction filing fee. The Appellant called Ashley Sutherland multiple times and left messages on her voicemail, but her messages were never returned. The Appellant also called additional Barrie Housing managers and left them voicemails as well, but they too, did not return her calls. This incident in 2019 is what led the Appellant to conclude that all phone calls with the Respondent's employees must be recorded.

[5] **MR**, Exhibit "C", pg. 66

(g) An email from the Respondent informing the Appellant they were in the midst of conducting an audit on the Appellant's housing account file in April 2022[6].

(h) Emails of the Appellant requesting the amount of her rental overcharges on four occasions: Sept. 28, 2021, Feb. 5, 2022, Mar. 14, 2022, and Apr. 10, 2022[7], and how each of these requests was ignored by the Respondent until the Appellant threatened to tell national news outlets. Upon this threat, the Respondent immediately issued a cheque in the amount of $2,628.53. At the time, the Appellant didn't suspect the Respondent of being dishonest about the amount of her credit.

(i) Barrie Housing CEO Mary-Anne Denny-Lusk stated in her affidavit sworn October 4, 2024;

"On or about May 9, 2022, the respondent (Leah Dyck) 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."[8]

"For context, attached hereto as Exhibit "K" is a copy of the phone recording between the respondent (Leah Dyck) and Ms. Denny-Lusk… On plain listening to this recording, it is clear that:

ii) Barrie Housing was determining the proper manner of handling this credit as the overpayment was due, in part, to ODSP paying Barrie Housing directly, and Barrie Housing believed that the credit, or a portion of that credit, ought to be repaid to ODSP;

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[6] **MR**, Exhibit "B", pg. 61

[7] **MR**, Exhibit "B", pg. 58-60

[8] Paragraph 14a of the Affidavit of Mary-Anne Denny-Lusk sworn October 4, 2024, **MR**, pg. 45

iii) The respondent acknowledges and admits that she was receiving ODSP as well as some form of pension payment — which is not permitted — and that she owed some of those monies back."[9]

"i) ...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."[10]

(j) The Appellant further assisted the Motion Judge in comprehending the context of the overpayment by providing a published article about the New York City Housing Authority (NYCHA) who also overcharged their RGI tenants during Covid, and are currently in the process of being sued for it by their tenants. Additionally, the Appellant wrote her own version of this article, using the corresponding Canadian language to appropriately draw similarities between NYCHA and the Respondent.[11]

(k) The transcript of the recorded phone call between the Appellant and Mary-Anne Denny-Lusk dated April 26, 2022 at time stamp 17:05, Mary-Anne Denny-Lusk states; *"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."*[12]. The Appellant informed the Motion Judge that despite asking the Respondent for this audit document multiple times, the Respondent did not provide it to her. The Appellant also spoke to the Motion Judge that she did request her entire ODSP file and that portions of it were missing when it was released to her the day prior.

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[9] Paragraph 19h, iii, Affidavit of Mary-Anne Denny-Lusk sworn on October 4, 2024, **MR**, pg. 47

[10] Paragraph 19i of the Affidavit of Mary-Anne Denny-Lusk sworn on October 4, 2024, **MR**, pg. 47

[11] **MR**, Exhibit "K", pg. 95-96

[12] **MR**, pg. 65

(l) Letters delivered to the Appellant by the Respondent's lawyer on October 5, 2022 and on October 17, 2022, that threaten to sue the Appellant for defamation regarding her 12 Facebook posts about her charity's program recipients claiming the posts were false and deeply offensive[13]. The Appellant kept the personal details of the people written about within these posts private, including their names and addresses, which meant that the Respondent did not know the identities of the recipients featured in the Appellant's Facebook posts—which they even admit, yet they still claimed the contents of these posts weren't true. Of these 12 posts, only five were about the Respondent's tenants. Of these five posts, only three even mentioned the Respondent. For the record, only post #3, #5, #8, #11, and #12 were tenants of the Respondent. Despite this, the Respondent demanded that the Appellant remove all 12 posts because they claimed every single one wasn't true and deeply offensive to them.

(m) On April 21, 2023, the Appellant went out for lunch at Donaleigh's Irish Public House in Barrie, Ont., with Rob Cikoja, the CEO of Habitat for Humanity Huronia. Rob Cikoja was also a member of the Appellant's charity's advisory committee[14]. During this meeting, Rob Cikoja told the Appellant, in-person, that the reason the County of Simcoe will never financially support her charity is because of "those posts" she published in 2022.

(n) On August 30, 2023, the Appellant applied for a grant to the United Way of Simcoe Muskoka for +$600K. 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 Appellant's grant application. On December 8, 2023, the United Way declined the Appellant's grant application.

(o) On January 19, 2024, the Appellant closed down her biweekly food security program because it had grown too big to be managed by one person and she needed funding to

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[13] **MR**, Exhibit "D", pg. 67 and pg. 68-71

[14] **MR**, Exhibit "Y", pg. 122-123

hire staff to help her run it properly. On January 22, 2024, BarrieToday (dot) com published an online article stating that the Appellant's food security program closed-down due to a lack of funding.[15]

(p) On February 21, 2024, the Respondent promoted Ashley Sutherland—the Barrie Housing employee who attempted to illegally evict the Appellant in 2019 and whom stole $175 from her, to manage the Appellant's housing project[16].

(q) On April 17, 2024, the Appellant received an email from BarrieToday (dot) reporter Nikki Cole asking the Appellant for any insight/assistance with the Housing series she was embarking on. Nikki Cole informed the Appellant that she was assigned to speak to someone currently living in social housing within Barrie and was seeking insight into the challenges of obtaining the housing to begin with, if it's hard to get out of social housing, pride of ownership, etc.[17] The evidence provided to the Motion Judge showed that Nikki Cole ignored the Appellant after she sent her the recorded phone call from April 2022 and threatening letters from the Respondent's lawyer from October 2022. In the Appellant's filed 'Factum of the Defendant', she stated that the Respondent uses the public media to cover-up and lie about the negative outcomes they create themselves, which are then later reported in the public media, without ever making the correction. Nikki Cole ended up interviewing the City of Barrie Mayor Alex Nuttall for her 'Housing series' instead, despite Alex Nuttall no longer residing in social housing. This fact is evidence that Nikki Cole could not find one single RGI tenant in Barrie to say something positive about the Respondent. This fact is disgraceful considering the sheer number of RGI tenants the Respondent manages.

(r) On July 19, 2024, the Appellant registered a petition with the House of Commons regarding the transfer of the control, functions and supervision of certain portions of the

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[15] **MR**, Exhibit "I", pg. 92-93

[16] **MR**, Exhibit "H", pg. 91

[17] **MR**, Exhibit "J", pg. 94

Public Administration of the Special Priority Policy to the Department of Public Safety and Emergency Preparedness Act (from the Housing Services Act). Nothing in this petition mentioned the Respondent. The Appellant sent an email blast to 30-ish people all over the province, some of whom included tenants of the Respondent, which asked email recipients if they would sign the petition. Of these 30-ish people, one person said she didn't want to sign. Her name is Yanet Montero, and she was a recipient of the Appellant's food security program for nearly three years/ She's also an RGI tenant of the Respondent. Consequently, the Appellant removed Yanet Montero's name from the email list that requested a signature.

(s) On July 26, 2024, the Human Rights Tribunal of Ontario (HRTO) served the Appellant's Application 1 Form to the Respondent. On July 31, 2024, Yanet Montero emailed the Respondent's employee Soula White, to inform Soula that she was not involved in the Appellant's petition about Barrie Housing, despite the petition not being about Barrie Housing. The Appellant believes that Yanet did this in an effort to protect herself from being mistakenly associated with the Appellant's Human Rights lawsuit against the Respondent, and she didn't want to receive any retributive action from the Respondent as a result of mistaken association.[18]

(t) On August 21, 2024, the Appellant delivered a typed letter to the doors of 85 percent of her own housing project.[19] The Respondent alleges this letter was defamatory, and was an attempt to incite or recruit, on false pretences, other tenants into fabricating complaints against the Respondent. The letter informed tenants of a private Facebook group they could join if they wanted to witness/participate in conversations about the Respondent's myriad of contract breaches, among other things.[20] The Respondent

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[18] **MR**, Exhibit "M", pg. 99-100 and Exhibit "II", pg. 196-197

[19] **MR**, Exhibit "L", pg. 97-98

[20] Paragraph 19 of the Appellant's Statement of Defence and Counterclaim dated October 4, 2024, **MR**, pg. 38

repeats this accusation again on September 4, 2024, in their 'Notice Served on Leah Dyck', stating;

"Our client is further aware that you are disseminating defamatory letters to tenants of our client, making defamatory verbal statements to tenants of our client and members of the public, and attempting to incite or recruit, on false pretences, other tenants of our client into fabricating complaints against it." The Appellant asked the Respondent to point-out which statement(s) in this letter were attempts to incite or recruit, on false pretences, other tenants into fabricating complaints against the Respondent, or anyone else for that matter.[21] The Respondent never answered this question.

(u) On September 5, 2024, the Respondent discovered words written in chalk on the sidewalk of their housing project located at 49 Coulter Street. These words stated *"No More Abuse!"*. The Respondent claims this is *"vandalism",* admits they know who the *"vandal"* is, and based on who the *"vandal"* is, the Respondent claims the Appellant inspired the *"vandalism"*.[22] The Appellant doesn't know who did this, but she told the Motion Judge it likely has to do with the fact that the local community legal clinic is helping tenants at 49 Coulter Street *"go after Barrie Housing for Quality of Life"*[23]. On October 8, 2024, the Appellant posted on Facebook a post to "dis-inspire" such *"vandalism"*[24].

(v) On September 7, 2024, a tenant of 49 Coulter Street, Janet Leufkens, who was also an avid volunteer of the Appellant's food security program, emailed the Respondent's

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[21] Paragraph 19 of the Appellant's Statement of Defence and Counterclaim dated October 4, 2024, **MR**, pg. 38

[22] Paragraph 31 of the Affidavit of Mary-Anne Denny-Lusk sworn October 4, 2024, **MR**, pg. 49

[23] **MR**, Exhibit "V", pg. 113-114

[24] **MR**, Exhibit "U", pg. 112

CEO, Mary-Anne Denny-Lusk with a long list of complaints she had regarding the Respondent's inability to manage the housing project.[25]

(w) On October 7, 2024, the Appellant delivered by email a letter to the Respondent in her HRTO matter. Within this letter, the Appellant agreed to do what the Respondent wanted under the condition that a criminal investigation and forensic audit is done on the Respondent and proves they still don't owe her more money.[26] The Respondent proceeded to sue the Appellant.

(x) During the urgent motion hearing on October 29, 2024, the Respondent's lawyer claimed the Appellant was telling others that an investigation was conducted on the Respondent. The Appellant did no such thing because the Appellant doesn't lie, ever. The Appellant hates liars. The Appellant even stated in her Statement of Defence and Counterclaim that she has no knowledge of any kind of investigations being conducted on the Respondent[27]. The Appellant reiterated this to the Motion Judge on October 29, 2024. The Motion Judge didn't notice the Respondent just lied to her face.

12. The Respondent's lawyer, Riley Brooks, told the Motion Judge that the audit was not a "CRA audit" and therefore, it was irrelevant. The Motion Judge failed to understand that this audit was the crux of the Appellant's defence.
13. The Appellant's secondary but equally important defence was the defence of qualified privilege. The Respondent stated in their 'Factum of the Plaintiff' that: *"...she has been reckless in disseminating posts without investigating, whatsoever, the truth of her allegations"*[28]. The following relevant facts and evidence were provided to the Motion Judge, yet were completely disregarded:

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[25] **MR**, Exhibit "S", pg. 108-110

[26] The Appellant's Statement of Defence & Counterclaim, dated October 4, 2024, **MR**, pg. 39

[27] Paragraph 17 of the Appellant's Statement of Defence and Counterclaim, dated October 4, 2024, **MR**, pg. 37

[28] Paragraph 56 of the Respondent's 'Factum o the Plaintiff' dated October 4, 2024, **MR**, Exhibit "Q", pg. 105-106

(a) The Appellant's Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) request submitted to the County of Simcoe that sought the audit documents conducted on the Appellant's housing account file in April 2022, which are in the sole possession of the Respondent. This MFIPPA request was rejected by the County of Simcoe because they do not have access to the Respondent's financial records[29].

(b) The Appellant's MFIPPA request submitted to the County of Simcoe that sought the number of evictions made by the Respondent each year since 2020.[30]

(c) The Appellant's spoken statement regarding the CCSS's release of only some parts of the Appellant's ODSP file instead of all of it. The CCSS left out the ledger that detailed the payments made directly to the Respondent. These details stated the amount of each payment and the date each payment was made.

(d) No organization, institution or governing body monitors the Respondent's business operations. On July 26, 2024, the Appellant's Application 1 Form was served to the Respondent by the HRTO and its now November and the HRTO has still not gotten involved.[31] On August 6, 2024, the City of Barrie responded to the Appellant's complaint regarding the Respondent's refusal to provide the financial breakdown of her credit (in which they already said they would provide to her), and instructed the Appellant to contact the Respondent directly regarding her financial accounting records.[32] On August 20, 2024, Ontario Ombudsman Paige McWilliams informed the Appellant via telephone that the Ontario Ombudsman does not have jurisdiction over the BMNPHC or the SCHC because of the way

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[29] **MR**, Exhibit "W", pg. 115-116

[30] **MR**, Exhibit "X", pg. 117-118

[31] Paragraph 22b of the Appellant's Statement of Defence and Counterclaim dated October 4, 2024, **MR**, pg. 40

[32] Paragraph 22a of the Appellant's Statement of Defence and Counterclaim dated October 4, 2024, **MR**, pg. 39

these corporations are structured.[33] On October 1, 2024, the Appellant submitted a complaint to the Barrie Police and later that day, the police replied, indicating her matter was civil and therefore were not allowed to become involved.[34] On October 3, 2024, the Appellant called Legal Aid Ontario, in which they informed her that they only defend criminal charges and do not pursue them. Legal Aid Ontario then referred the Appellant to contact the Legal Community Clinic for Simcoe, Haliburton, Kawartha Lakes. This clinic told the Appellant they don't handle criminal or civil matters and closed her case file.[35] Consequently, the Appellant is the only organization that monitors the housing provider's operations.

14. Despite efforts made by the Appellant to make aware of these issues to the Service Manager, Mina Fayez-Bahgat via the HRTO lawsuit, and to direct him to identify these issues, to bring them to the Respondent's attention, and to direct the Respondent to take the necessary remedial action, these issues have persisted and remain unresolved, with no actions taken by anyone whatsoever. In fact, Mina Fayez-Bahgat outrightly denies he has any responsibility at all for the powers he's delegated to the Respondent,[36] even though the HSA, 2011, c. 6, Sched. 1, s. 17 (5) states that a service manager remains responsible for the exercise or performance of any delegated powers or duties.

PART III: THE NATURE OF THE CASE

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[33] Paragraph 22c of the Appellant's Statement of Defence and Counterclaim dated October 4, 2024, **MR**, pg. 40

[34] Paragraph 22f of the Appellant's Statement of Defence and Counterclaim dated October 4, 2024, **MR**, pg. 41-42

[35] Paragraph 22h of the Appellant's Statement of Defence and Counterclaim dated October 4, 2024, **MR**, pg. 42

[36] **MR**, Exhibit "N", pg. 101

15. Homelessness, inadequate housing and human trafficking harm people in direct and substantial ways including but not limited to; reduced life expectancy, increased and significant damage to physical, mental and emotional health and, in some cases, death.[37]
16. Inability to access adequate affordable housing causes particular harm to women in situations of domestic violence. They are forced to choose between homelessness for themselves and their children or returning to, or remaining in, a violent situation.[38]
17. The Appellant submits that the judicial administration and judgement of the injunctive endorsements / orders contain fatal errors (apparent bias, exclusion of evidence, causing gross criminal negligence) which have ultimately deprived the Appellant of her right to fair and just treatment under the law. Furthermore, the Motion Judge's decision allows a costly private defamation action to be pursued against the Appellant while being funded without impediment by the Respondent using public money.
18. The $7,500.00 private defamation action at the heart of the litigation is to silence the Appellant from publishing evidence, facts and witness testimonies regarding the Respondent's abuse and exploitation of its RGI tenants. It exists solely to suppress critical reporting of living circumstances and conditions of low-income residents in the County of Simcoe.
19. At issue on this Motion is not just the protection afforded by the right to life and security of the person in s. 7 of the *Canadian Charter of Rights and Freedoms* for those who live in conditions of inadequate housing, but it is also an issue of the protection guarantee of s. 15 of the *Charter* for members of groups identified by enumerated and analogous grounds. This proposed appeal also concerns access to justice – the right of the most marginalized communities in not just the City of Barrie, but in Canada as a whole, to have their critical, unresolved constitutional claims heard on a full evidentiary record.
20. The Motion raises two *Charter* claims that are squarely directed at the systemic impacts of unmonitored Municipal actions in a shared area of federal, provincial and municipal jurisdiction. For at least a decade, these three levels of governments, through laws, policies

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[37] Paragraph 2a and c of the 'Crimes Against Humanity', **MR**, Exhibit "Y", pg. 125

[38] **MR**, Exhibit "Y", pg. 126-129

and operating programs, have actively dismantled a system of affordable housing for those living in poverty within the County of Simcoe. That system consists of three interconnected components: (a) affordable housing; (b) income supports to ensure affordability of housing; and (c) accessible housing including housing with supports for persons with disabilities, and housing with supports for persons who've experienced domestic abuse and violence and trafficking. Actions[39] by the Respondent regarding provincial laws and policies, as well as the Service Area's operational programs have created and sustained increasingly widespread homelessness, inadequate housing, and human trafficking. The result has produced severe health consequences and death among the most marginalized population groups, contrary to *Charter* s. 7 and s. 15.

21. The homelessness and sex-trafficking crisis in the County of Simcoe and the City of Barrie was clearly demonstrated to the Motion Judge[40]. Since the Appellant is also a registered charity operating a food security program, **the Appellant herself, is a positive response to this homelessness and sex-trafficking crisis**. Despite this being **a well-known fact,** the Respondent has not only failed to implement a co-ordinated strategy to reduce homelessness as they've been delegated by Mina Fayez-Bahgat[41] and mandated by the HSA, the Respondent has out-rightly exacerbated homelessness and human trafficking. Furthermore, the Respondent continues to harass the Appellant for years-on-end. All of these facts were clearly demonstrated to the Motion Judge using evidence.
22. The systemic nature of the Appellant's claim is central to the Motion because it examines the cumulative effect of an interconnected system of Municipal action and inaction. It asserts that the Area Service Manager's failure to take into account the effect the Respondent's business operations have on those who are homeless, at risk of homelessness and at risk of being trafficked. The Service Area's monumental failure to monitor the Respondent has created conditions that support and sustain homelessness, inadequate housing and human trafficking, which are all violations of *Charter* rights.

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[39] **MR**, Exhibit "Y", pg. 127

[40] *September Newsletter excerpt,* **MR**, Exhibit "O", pg. 103

[41] **MR**, Exhibit "N", pg. 101

23. The Appellant seeks that her right to life, security of the person, and equality be applied and therefore protected under s. 7 and s. 15 of the Charter.[42]

PART IV: QUESTIONS PROPOSED TO THE COURT

24. If leave to appeal is granted by this Honourable Court, the Appellant proposes that the following questions be answered on appeal:

(a) Were the words complained of so manifestly defamatory that any jury verdict to the contrary would be considered perverse?

(b) How could any reasonable person conclude that there is nothing in the record before the court to suggest criminality of the Respondent and its employees?

(c) Can section 7 of the *Charter* extend to persons who have been deprived of the necessities of life financial supports (to which they are entitled) by state inaction?

25. On this motion, the only question to be decided is whether the Appellant has satisfied the test codified in Rule 62.02 for leave to appeal the decisions made by the Motion Judge. The Appellant respectfully submits that the answer to this question is “yes".

PART V: ISSUES AND THE LAW

A. The Test For Leave To Appeal Is Satisfied

26. Leave to appeal an order of the Ontario Superior Court of Justice will be granted where the decision below has "bearing on the critical issue in the litigation."[43] Without leave, there will be no action by which the Appellant can compel the Respondent to stop overcharging its RGI

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[42] Martha Jackman & Bruce Porter, “Socio-Economic Rights Under the Canadian Charter” in M Langford, ed, *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (New York: Cambridge University Press, 2008) 209; Louise Arbour, *Freedom From Want: From Charity to Entitlement*, LaFontaine-Baldwin Lecture, 2005.

[43] *Stoicevski v. Casement*, [1983] O.J. No. 3186 (C.A.) at p. 3

tenants. Instead, the Appellant, and others, will continue to languish and suffer devastating consequences simply because the Housing Provider cannot operate its business without exploiting its most vulnerable tenants.

27. Pursuant to the well-settled test for leave to appeal propounded by this Honourable Court, this matter presents arguable and serious questions of law requiring the Court's consideration in determining that the:

(a) seriousness of the issue, which required little more than a viable claim—as the Respondent's lawyer himself emphasized as being a low threshold,

(b) words complained of were so manifestly defamatory that any jury verdict to the contrary would be considered perverse,

(c) defence of qualified privilege did not apply,

(d) words complained of were made maliciously,

(e) Appellant wasn't responsibly communicating,

(f) record before the Court did not show anything suggesting criminality of the Respondent and its employees,

(g) connection between the Respondent's housing projects and Nazi concentration camps was not made crystal clear[44],

(h) clarification or interpretation of the Special Priority Policy-operational distinction applied,

(i) Appellant's behaviour was worthy of a sanction and the Respondent's behaviour shouldn't have already triggered an investigation that could result in imprisonment for a term of not more than six months if found guilty of an offence and liable on summary conviction[45],

(j) issue involved questions that transcend these particular parties but engage larger implications of public importance, namely, the ability of any victim of abuse to bring suit against their Housing Provider respecting its operations, management and implementation of a system built for vulnerable persons, and

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[44] The entire 'Crimes Against Humanity' document dated October 28, 2024, **MR**, Exhibit "Y", pg. 119-150

[45] PART 15 of the Canada Not-for-profit Corporations Act (S.C. 2009, c. 23), s. 262 (2), (3) and (4)

(k) application of Section 7 and 15 (1) of *the Canadian Charter of Rights and Freedoms* applies to all Canadians.

28. Moreover, given the abject failure of the Motion Judge to read the evidence and facts or hear the spoken word of the Appellant, such an error of law cannot be left undisturbed. It is a matter of public importance to the administration of justice itself that this failure be corrected as courts who abdicate their fundamental responsibility to hear both parties ought to be subject to rigorous appellate review.

(a) Business Operations vs. Policy Implementation

29. The business operations of the Respondent concern the practical implementation of the Special Priority Status policy regarding the performance or carrying out of this policy. Operational decisions will usually be made on the basis of administrative direction, expert or professional opinion, technical standards or general standards of reasonableness."[46]

30. In 2021, the Court of Appeal for Ontario confirmed that the implementation of a program or policy is decidedly operational in nature and therefore, subject to suit.[47] In particular, the Court determined in Francis that "manifestations of the implementation of the policy decision to inspect and were operational in nature" and "how the policy is actually applied, that is, its process at ground level, is not a policy matter. That is an operational matter."[48]

(b) The Proposed Questions For Appeal Engage Issues Of Public Import

31. Since its inception, this proceeding has been characterized as one engaging matters of public import, which transcend the interests of these particular parties. Indeed, the very essence of this case concerns;

(a) the delivery of benefits to thousands of the Respondent's RGI tenants,

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[46] Brown v. British Columbia (Minister of Transportation & Highways), [1994] 1 S.C.R. 420 at p. 441 (emphasis added)

[47] *Francis v. Ontario*, 2021 ONCA 197 at para. 100

[48] *Francis v. Ontario*, 2021 ONCA 197 at paras. 136 and 131

(b) the ability of Ontario to administer social assistance benefits and housing services altogether,

(c) the proper limits of the policy operations,

(d) a section 7 and 15 (1) Charter claim.

32. Where state conduct impacts measures intended to protect vulnerable persons, the public interest is squarely engaged as are broader societal concerns and questions of public and constitutional law.

B. There Is Good Reason To Doubt The Correctness Of The Decision Below

33. This component of the leave to appeal test is satisfied where "a judge of the Court of Appeal would have to suspect that the Motion Judge misdirected herself in law, did not observe the applicable principles, or misapprehended the evidence to a point where an injustice would result."[49] The threshold for finding that the correctness of an order is in doubt, is a very "low" one.

34. Where, as here, the Motion Judge abdicated her duty to read and hear the evidence and facts presented to her. As this constitutes an error of law on its face, "for that reason alone, the Leave Judge has a basis to doubt the correctness of the decision ... [and] the correctness of the decision is open to serious debate to satisfy the first part of the test under Rule 62.02(4)(b)."[50]

Motion Judge Failed To Hear The Appellant's Pleading

35. Despite the requirement that the Court take the pleadings to be true on their face, the Motion Judge utterly failed to do so in regards to the Appellant's pleadings only and instead, erroneously characterized (or wrongly assumed without regard for the express language pleaded) the Appellant's pleadings as a totally different case. This failure to accept the

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[49] Bulmer-Woodward v. Bulmer, [2006] N.B.J. No. 363 (C.A.) at para. 13; Canadian Broadcasting Corporation v. New Brunswick Broadcasting Co. Ltd., [2000] N.B.J. No. 450 (C.A.) at para. 26

[50] *Dulku v. Dulku*, 2017 ONSC 840 at paras. 28, and 32

Appellant's pleading as truthful or even relevant further compounded the Court's errors of law.

36. Accordingly, based on Francis and the prevailing Rule 21/section 5(1)(a) test to strike a claim for having no chance of success—which is essentially what happened to the Appellant's pleadings—it ought to have been permitted to proceed to the merits stage. This case is one that relates to the "structural implementation" of the statutory supports and services at issue or "its management, administration and supervisions of them". It is trite law that once a governmental decision is implemented, a private law duty of care may arise concerning its operation.[51] It is neither plain or obvious that the Appellants' Application cannot succeed.

C. The Section 7 and 15 Charter Claim

37. The claims under both s. 7 and s. 15 of the *Charter* build incrementally on existing legal principles. Although the Appellant is self-represented and totally unfamiliar with legal terms whatsoever, her pleadings to the Motion Judge thoroughly described a s. 7 *Charter* violation for an alleged breach of her right to security of the person, and when the Motion Judge failed to recognize this as a result of not reading or hearing the Appellant's pleadings, the Motion Judge herself produced a s. 15 *Charter* violation against the Appellant.

38. As a general proposition, Canada's highest Court had held on a number of occasions that the right to security of the person protects both the "physical and psychological integrity of the individual". The s. 7 right to life, liberty and security "relates to one's physical or mental integrity and one's control over these."[52] For some time in Canada, s. 7 protection has been deemed to extend to, and include, psychological integrity or suffering.[53]

39. For these aforementioned reasons, the Motion Judge (i) did not notice the Appellant's physical and mental integrity was already in a state of compromise, which further

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[51] *Just v. British Columbia*, [1989] 2 S.C.R. 1228 at paras. 18-20

[52] *R. v. Videoflicks Ltd.*, [1984] O.J. No. 3379 at para. 70

[53] New Brunswick (Minister of Health and Community Services) v. G.(J.), [1999] 3 S.C.R. 46 at para. 58; Carter v. Canada (Attorney General), 2015 SCC 5 at para. 64

exacerbated the Appellant's compromised integrity by treating her as if she had no human rights at all. (ii) The Motion Judge's bias' towards the Respondent's pleadings rather than the evidence and facts presented to her was perverse in itself, and by (iii) her failure to hear the Appellant's spoken words, the Motion Judge failed to adopt the Supreme Court of Canada recognition and expansion that s. 7 encapsulates psychological or mental integrity.

40. The Appellants' s. 7 claim is that the Service Area failed to meet its constitutional responsibilities of protecting aspects of housing that are fundamental to life and security of the person. The Respondent has undertaken a number of operational changes that exacerbate housing insecurity and directly contribute to the County of Simcoe's increased homelessness, reduced access to adequate housing and human trafficking.
41. These housing services changes engage the s. 7 rights of life and security of the person. They impose deprivations on the right to life by reducing life expectancy of those who are homeless and inadequately housed. They deprive the Appellant and others similarly situated persons of security of the person by causing significant damage to their physical, mental and emotional health. The Municipal actions and inactions have caused deprivations of life and security of the person because they're arbitrary and have been implemented without regard to the impact on the homeless, the inadequately housed and those who have been or are at risk of being trafficked. They are therefore not in accordance with the principles of fundamental justice.
42. In view of the unsettled state of the law, it is not plain and obvious that the Appellants' claim would fail. To the contrary, there is at least a reasonable likelihood that a hearing of the Motion on a full evidentiary record could lead to a judgment that: (a) aspects of housing that are necessary for life, liberty or security of the person are not "mere economic rights" and, as necessities of life, are protected by s. 7; (b) the present injunction suppresses freedom of speech, and (c) that the Service Manager is ignoring its mandated Municipal duties which are failures to act; and (d) the Municipality's failure to act may contravene s. 7 in appropriate circumstances.
43. Furthermore, the Respondent has already informed the Appellant on two occasions that they have every intention of striking down the Appellant's Statement of Defence and

Counterclaim as soon as legally possible. Doing this will diminish all chances that all of the Respondent's victims have of not being robbed by the Respondent anymore and getting their money back.

44. Where a question regarding *Charter* rights is involved, the bar for striking a claim or application is even higher.[54] Given the unpredictability of *Charter* jurisprudence, it is difficult for a lower court to definitively state that a novel claim would not succeed.[55] This is particularly true with respect to s. 7 where the jurisprudence "...is developing incrementally from case to case".

The leading case: Gosselin v. Québec (Attorney General)

45. A fair reading of Gosselin demonstrates that there is a very reasonable chance that a breach of s. 7 will be found when the present Motion is heard (for the first time). In particular it is submitted that Gosselin supports the conclusion that, if there is a proper evidentiary record, a court can find under s. 7 that governments and their delegates have a positive obligation to protect necessities of life, including aspects of housing.

46. Since 1989, the Supreme Court of Canada has acknowledged the possibility that s. 7 may guarantee a positive right to the necessities of human life, including shelter. The possibility that "s. 7 could operate to protect economic rights fundamental to human ... survival" was reaffirmed by the majority in Gosselin.[56] Justice Arbour's dissent, referred to so positively by the majority, includes:

> I would allow this appeal on the basis of the appellant's s. 7 Charter claim. In doing so, I conclude that the s. 7 rights to "life, liberty and security of the person" include a positive dimension. ...
>
> ... This Court has never ruled, nor does the language of the Charter itself require, that we must reject any positive claim against the state — as in this case — for the most

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[54] *Lockridge v. Ontario (Director, Ministry of the Environment),* [2012] O.J. No. 3016 at para. 25.

[55] *Schlifer*, supra, at para. 72.

[56] *Gosselin, supra* at para. 80

> basic positive protection of life and security. This Court has consistently chosen instead to leave open the possibility of finding certain positive rights to the basic means of subsistence within s.7. In my view, far from resisting this conclusion, the language and structure of the Charter— and of s. 7 in particular — actually compel it.[57]

Deprivation of Rights to Life and Security of the Person

47. It is a consequence of the majority ruling in Gosselin that the present s. 7 claim has a reasonable chance of success if there is sufficient evidence of "actual hardship" that limits life, liberty or security of the person. It is clear that there is sufficient evidence, especially in the nine months of email exchanges between the Appellant and the Respondent between September 2021 and April 2022, as well as again in the Respondent's lawyer's communications in October 2022.
48. The material facts set out in every single document submitted by both parties rely on the fact that: housing is a necessity of life; homelessness and inadequate housing cause reduced life expectancy as well as significant damage to physical, mental and emotional health; homelessness and inadequate housing can cause death; and the Respondent has instituted changes to the way they operate legislated policies, operational programs and housing services, which have undoubtedly resulted in homelessness, inadequate housing and human trafficking. As a result, the Respondent has created and sustained conditions which lead to, support and sustain homelessness, inadequate housing and human trafficking.
49. The Motion provides evidence of Municipal actions, omissions, and operational decisions that have resulted in threats to and attacks on the Appellant's life and the lives of other RGI tenants, and have caused substantial damage to the Appellant's physical and psychological security. It follows from Gosselin that the questions of law raised by this Motion must be considered in light of the evidence that was produced in support of those allegations.

The Service Area's Actions Breach Section 7 Rights

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[57] *Gosselin*, *supra* at paras. 308-309 [emphasis in the original]

50. This Motion impugns both actions and failures to act by the Service Manager. The Motion Judge did not deal with or even acknowledge the existence of the facts and evidence that the Respondent "created and sustained conditions which led and lead to homelessness and trafficking."

51. Canada is obliged to ensure effective remedies under domestic law to violations of international human rights.[58] Canada has informed UN Committees that the guarantee of security of the person and the right to life under s. 7 of the *Charter* places positive obligations on governments in Canada to ensure that persons are not to be deprived of the basic necessities of life. The government has further pointed to the *Charter* as a primary source of legal protection for the rights found in the International Covenant on Economic, Social and Cultural Rights, which includes the right to adequate housing.[59]

Conclusion With Respect to Section 7

52. Given its pre-eminence within the overall scheme of the *Charter*, "the need to safeguard a degree of flexibility in the interpretation and evolution of Section 7" is, as LeBel J. suggests in Blencoe, crucial.[60] Also, as L'Heureux-Dubé J. asserts in G. (J.), it is necessary to interpret s. 7 through an equality rights lens in order "to recognize the importance of ensuring that our interpretation of the Constitution responds to the realities and needs of all members of society."[61] This is especially important if poor people are to benefit equally from the s. 7 guarantee.

53. As common knowledge indicates, the poor have fared poorly in attempts to use the *Charter*. As the Appellant's Motion Record states; *"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-*

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[58] United Nations Committee on Economic, Social and Cultural Rights, *General Comment 9: The Domestic Application of the Covenant*, UNCESCROR, 19th Sess, UN Doc E/C.12/1998/24, (1998)

[59] CESCR, *Concluding Observations:Canada (1998), supra* at para. 5

[60] *Blencoe v. British Columbia (Human Rights Commission),* [2000] 2 SCR 307 at para. 188

[61] *G. (J), supra,* at para. 115

mother tenants. That's who we're talking about." The Respondent's RGI tenants are all disproportionately affected by homelessness and inadequate housing, and a significant portion have been affected by human trafficking. It is submitted that "the need to safeguard a degree of flexibility in the interpretation and evolution of Section 7" and the need to ensure that "our interpretation of the Constitution responds to the realities and needs of all members of society" and therefore requires that this Motion be permitted to proceed to a hearing on its merits.

54. There are no clear rulings that make it certain or even likely to fail. International law supports the Appellants' s. 7 claim, as do Canada's assertions to the United Nations. The leading case, Gosselin, implies that success will depend upon the extent to which the evidence makes a compelling case that the Appellant and others have been subjected to actual hardship. That can only be determined at a hearing based on a full factual record.

Framework for Analysis Under Section 15 of the Charter

55. Section 15 must be interpreted in a "purposive and contextual manner in order to permit the realization of the provision's strong remedial purpose". The remedial purposes of s. 15 are: (a) "to rectify and prevent discrimination against particular groups suffering social, political and legal disadvantage in society"; (b) "the amelioration of the conditions of disadvantaged persons"; and (c) "the promotion of a society in which all are secure in the knowledge that they are recognized at law as human beings equally deserving of concern, respect and consideration."[62]

56. The Supreme Court has focussed its analysis under s. 15 around two inquiries: (1) Does the law create a distinction based on an enumerated or analogous ground? (2) Does the distinction create a disadvantage by perpetuating prejudice and stereotype?[63]

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[62] *Lovelace v Ontario, supra at paras.* 54, 60; *Eldridge v British Columbia (Attorney General), supra,* at para. 54; *R. v. Kapp, supra at para. 15; Andrews v Law Society of British Columbia, supra* at 171; *Law v. Canada, supra* at paras. 42-43, 47, 51

[63] *R. v. Kapp, supra* at para. 17; *Withler v. Canada, supra* at para. 30

57. Since 2011, the Supreme Court has emphasized that ultimately the legal test under s. 15 is this: "at the end of the day, there is only one question: Does the challenged law violate the norm of substantive equality in s. 15(1) of the Charter?"[64]

58. Substantive equality recognizes that s. 15 of the Charter operates in a pre-existing legal, political, social, economic and historical context that is marked by inequality and that this inequality is socially constructed as opposed to natural or inevitable. For this reason, s. 15 has a strong remedial and ameliorative purpose.[65] Substantive equality is rooted in the recognition that identical treatment can produce or exacerbate inequality and that often differential treatment that takes into account pre-existing differences relative to dominant groups is necessary to secure the remedial purposes of s. 15.[66] For this reason alone, the Appellant should have been provided with leniency regarding any technical issues she may have had throughout this justice-seeking process.

59. To determine if government action or inaction violates the norm of substantive equality, "the matter must be considered in the full context of the case, including the law's real impact on the claimants and members of the group to which they belong"[67]: "The focus of the inquiry is on the actual impact of the impugned law, taking full account of social, political, economic and historical factors concerning the group."[68]

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[64] *Withler v. Canada*, *supra* at para. 2; *Quebec (Attorney General) v. A,* 2013 SCC 5 at para. 325 (per Abella J.) [emphasis in *Quebec (A.G.) v. A*.]

[65] *Andrews, supra*

[66] *Andrews, supra; Eldridge, supra; Vriend, supra*

[67] *Withler v. Canada, supra* at para. 2

[68] *Withler v. Canada*, *supra* at para. 39. See also: *Ermineskin Indian Band and Nation v. Canada,* [2009] 1 SCR 222 at paras. 193-194; *Corbiere v. Canada (Minister of Indian and Northern Affairs),* [1999] 2 SCR 203 at paras. 63-64 (per L'Heureux-Dube J., dissenting but not on this point); *Law v. Canada*, *supra* at paras. 59-61; *R. v. Turpin,* [1989] 1 SCR 1296 at 1331-1332; *Andrews v. Law Society of British Columbia*, *supra* at 165

60. In the current test the focus is on the law's impact and the contextual factors[69]: the nature of the interests affected, the claimant group's pre-existing disadvantage, and the law's correspondence with the claimants' needs, capacities and circumstance.

61. The Appellant argues that the delegated Service Manager has undertaken a range of business operations in relation to housing services that fail to take into account the needs, capacities and circumstances of protected groups, which has placed an unequal burden on those who are homeless, at risk of homelessness, and who are at risk of being trafficked. In doing so, the Service Manager has produced more homelessness and human trafficking in the County of Simcoe. Whether this differential burden is substantively discriminatory must be considered in a full context, on the basis of a full evidentiary record, taking into consideration factors such as the pre-existing disadvantage of the claimant group (those who are homeless, at risk of homelessness, those who are trafficked and at risk of being trafficked); the needs, capacities and circumstances of the claimant group.[70]

62. Canada's international law commitments are essential to the understanding of the nature of the interests at stake and the significance of the impact on those interests. Canada's international human rights commitments clearly assert that housing is a basic human right. Thus, the harm that is imposed or exacerbated by the impugned laws, policies and activities by the Respondent is of profound constitutional significance. The differential burden imposed on this disadvantaged group in relation to this fundamental interest has not previously been examined by the Court because the Motion Judge didn't bother to look at the evidence or facts presented to her.

PART VII: POWERS ON APPEAL

63. Section 134 (1) of the CJA states; unless otherwise provided, a court to which an appeal is made may,

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[69] *Withler v. Canada*, *supra* at paras. 3, 41-66. See also Peter Hogg, *Constitutional Law in Canada*, 5th ed (supp), loose-leaf (Toronto: Carswell, 2012) at p. 55-34.4

[70] *Law v. Canada, supra at paras.* 62-75, 88; *R. v. Kapp, supra at paras.* 19, 23-24; *Withler v. Canada, supra* at paras. 37-38

(a) make any order or decision that ought to or could have been made by the court appealed from;

(c) make any other order or decision that is considered just. R.S.O. 1990, c. C. 43, s. 134(1).

64. Only on a hearing supported by evidence, can a Court determine specific relief remedies that may be appropriate and just in the circumstances. Section 24 states that, where *Charter* rights and freedoms have been infringed, the court has the authority to order "such remedy as the court considers appropriate and just in the circumstances." What is "appropriate and just in the circumstances" can only be decided after a full hearing, on the basis of evidence, which makes findings about "the circumstances" which produce the breach and support the efficacy of particular remedies:

> Section 24(1)... merely provides that the appellant may obtain such remedy as the court considers "appropriate and just in the circumstances". It is difficult to imagine language which could give the court a wider and less fettered discretion. It is impossible to reduce this wide discretion to some sort of binding formula for general application in all cases, and it is not for appellate courts to pre-empt or cut down this wide discretion.[71] An appropriate and just remedy "is one that meaningfully vindicates the rights and freedoms of the claimant", "take[s] account of the nature of the right that has been violated" and is "relevant to the experience of the claimant".
>
> As such, s. 24, because of its broad language and the myriad of roles it may play in cases, should be allowed to evolve to meet the challenges and circumstances of those cases. That evolution may require novel and creative features when compared to traditional and historical remedial practice because **tradition and history cannot be barriers to what reasoned and compelling notions of appropriate and just**

[71] *Mills v. The Queen* [1986] 1 SCR 863 at para. 279

remedies demand. In short, the judicial approach to remedies must remain flexible and responsive to the needs of a given case.[72]

PART VIII: ORDER REQUESTED

65. The Appellant seeks in this motion:

(e) An order granting the Appellant leave to appeal the decisions of the Motion Judge Justice V.V. Christie dated October 30, 2024 and November 5, 2024;

(f) In the event leave to appeal is granted, an order that the Respondent's costs of this motion and the motion below be stayed and reserved to the appeal Judge;

(g) An order granting the assignment of a Federal Housing Advocate to investigate the Respondent's business operations, especially in regards to their finances.

66. In conclusion, it is respectfully requested that the appeal be allowed and the interim / interlocutory endorsement / order be dismissed.

DATE: November 22, 2024

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[72] *Doucet-Boudreau v. Nova Scotia, supra* at paras. 54-59

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
(DIVISIONAL COURT)

PROCEEDING COMMENCED AT
TORONTO

Factum of the Appellant

LEAH DYCK
November 22, 2024

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RCP-E 4C (September 1, 2020)