



Court file no.

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

(court seal)

BARRIE MUNICIPAL NOT-PROFIT HOUSING CORPORATION

Plaintiff

- and -

LEAH DYCK

Defendant

**STATEMENT OF CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff.  
The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the *Rules of Civil Procedure*, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the *Rules of Civil Procedure*. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

### CLAIM

1. The plaintiff claims:

- a. General damages in the sum of \$1.00;
- b. Aggravated, exemplary, and/or punitive damages in the sum of \$1.00;
- c. An interim, interlocutory and/or permanent injunction restraining the defendant from publishing, in any form or in any media whatsoever, any further statements about the plaintiff (or its employees), directly or indirectly, which are false, misleading, and/or defamatory;
- d. A mandatory order requiring the defendant to delete, remove, or cause to be removed, any published statements, in any form or in any media whatsoever including but not limited to statements about the plaintiff (or its employees) which directly or indirectly defame the plaintiff (or its employees);
- e. A mandatory order requiring the defendant to publicly retract and apologize for having defamed the plaintiff, such retraction and apology to be published in the same manner, and with the same prominence, as the defamatory statements complained of in this action
- f. Its costs of this action on the substantial indemnity basis plus applicable taxes; and
- g. Such further relief as this Honourable Court deems just.

### The Parties

2. The plaintiff, Barrie Municipal Not-Profit Housing Corporation, is a corporation incorporated pursuant to the *Not-for-Profit Corporations Act*, 2010, S.O. 2010, c. 15 ("Barrie Housing").

3. Barrie Housing owns and operates various properties in the Simcoe County area of which several of their tenants are rent-geared-to-income tenants pursuant to the *Social Housing Reform Act, 2000*, S.O. 2000, c. 27.
4. The defendant, Leah Dyck, is an individual residing in Barrie, Ontario. The defendant is a tenant of Barrie Housing pursuant to a Tenancy Agreement dated April 21, 2009. The defendant is a tenant pursuant to the rent-geared-to-income regime. The defendant also operates, or operated, a charity, Fresh Food Weekly.

#### **Overview**

5. In or about May 2022, the defendant had overpaid her rent. Accordingly, the defendant received a refund for such overpayment.
6. The defendant erroneously and incorrectly believes that the fact the defendant received a refund for having overpaid her rent is evidence of fraud, theft, conspiracy, corruption, or other criminal acts.
7. Commencing in or about June 2024, as detailed below, the defendant has engaged in a campaign of online posts (on Facebook and on [www.freshfoodweekly.com](http://www.freshfoodweekly.com)) against Barrie Housing (including its employees) which posts are defamatory as against Barrie Housing and its employees.
8. Barrie Housing states that it was the express intention of the defendant to ensure that her defamatory posts were received and read by as many individuals as possible.
9. These posts claim/allege, *inter alia*, that Barrie Housing (and its employees) are unprofessional, vindictive, are criminals, are committing fraud and theft, are otherwise engaged in “major crimes”, are “covering up” said “major crimes”, and more.

10. Some of these posts expressly call for jail time and impliedly or expressly call for the termination of Barrie Housing employees. In particular, one post compares Barrie Housing to the Nazis.
11. Some of the defendant's defamatory posts related to a proceeding the defendant has commenced before the Human Rights Tribunal of Ontario. Barrie Housing states as a fact that the defendant is effectively live streaming all documents filed in the Human Rights Tribunal proceeding on Facebook and on her website, and in doing so is authoring posts that are defamatory. For the avoidance of doubt, the "issues" in the Human Rights Tribunal proceeding are not relevant to the within action, but the posts authored by the defendant in respect thereof, which are broadcasted on the internet, are plead herein as defamatory.
12. On September 7, 2024, Barrie Housing delivered notice of action to the defendant pursuant to section 5(1) of the *Libel and Slander Act*, R.S.O. 1990, Chapter L. 12.

***The defendant's Defamatory Comments***

13. The defendant authored and caused to be posted on her personal Facebook page and/or her website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), the posts detailed below.
14. On July 23, 2024, in a post soliciting the public's involvement in filing a complaint against Barrie Housing to the Office of the Ombudsman, the post states, among other things:
  - a. *"If you're on RGI and ODSP, you've probably been "over-charged" too"*
  - b. *"This is one of the reasons why we need to file complaints so the Ombudsman's office can get a full understanding of the extent of what [Barrie Housing] have done to the most vulnerable in our community"*
  - c. The graphic for the post includes *"we have no human rights"* and *"we're living in hell"*.

15. On July 24, 2024, in a post further discussing the Ombudsman, the post states, among other things, states:

- a. *"I also read on the Ombudsman's website that they don't have legal jurisdiction over criminal offences"*
- b. *"A criminal investigation into [Barrie Housing] needs to happen immediately"*
- c. *"#publichousingfraud #socialhousingfraud #exploited #fraud"*

16. On July 25, 2024, in a post regarding the defendant's commencement of a Human Rights Tribunal proceeding against, among other parties, Barrie Housing, the post states, among other things:

- a. *"The Human Rights Tribunal of Ontario served the respondents in my discrimination and fraud complaint this morning"*
- b. *"The only remedy I will accept for Barrie Housing's fraud is jail time. The only way these people will comprehend what they've done to us is if they experience what prison feels like"*

17. On August 10, 2024, in a post regarding Barrie Housing's not preparing and filing a reply to a document (to which a reply is not required), the post states, among other things:

- a. *"Barrie Housing probably didn't respond to my claims because an investigation has already started and they're not allowed to deny these claims if evidence has already been produced".*

18. On August 18, 2024, in a post relating to the Human Rights Tribunal, the post states, among other things:

- a. *"So I feel very lucky and thankful that they're even able to help as much as they have already, which is letting [Barrie Housing] know they've been caught. Thank*

*god. I at least feel like I'm not going to get anymore harassing mail or eviction notices."*

19. The August 18, 2024, post detailed above includes a link to an article authored by the defendant, which article is posted on her website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), titled "*Major Crimes Being Covered-Up by Simcoe County & The City of Barrie*".

20. That article contains, among other things, the following statements:

- a. *"I realized that my housing provider, [Barrie Housing], is also "overcharging" their Rent-Geared-to-Income (RGI) tenant's rent, deliberately. So this is stealing."*
- b. *"You would think that when a County or City is accused of major crimes, they've 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."*
- c. *"I have a half-hour recorded phone call between myself and [Barrie Housing]'s CEO [Mary-Anne Denny-Lusk] 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."*

21. Barrie Housing states as a fact that the phone recording (notwithstanding its surreptitious recording) is intentionally misrepresented by the defendant as said phone recording on plain listening provides, *inter alia*, that:

- a. The defendant was receiving additional income supplements that she ought not be receiving and owed those funds back to the providers;

- b. As a result, her income supplement providers had paid the defendant's rent directly to Barrie Housing, which resulted in an overpayment, which was to be returned to either the defendant or directly to the assistance provider.

22. On August 21, 2024, the defendant authored a letter and posted the letter on various tenants' doors and other public locations in the defendant's building, which letter contained, among other things, the following:

- a. *"[I] realized that our housing provider, Barrie Housing, is "overcharging" their RGI tenant's rent, deliberately. So this is stealing."*
- b. *"Barrie Housing are accused of major crimes, including fraud..."*
- c. *"The private Facebook group is a place for current and past tenants to gather, connect, exchange information, ask questions, and get informed about what's going on with this matter."*

23. On August 24, 2024, in a post relating to the Human Rights Tribunal proceeding, the post states, among other things:

- a. *"We all know my allegations are fraud and discrimination. What the respondents are failing to comprehend is that fraud and discrimination are rooted in hate."*

24. On August 28, 2024, in a post sharing a document titled "Description of Activities", the defendant uses the hashtags:

- a. *"#CoverUp"*
- b. *"#Fraud"*
- c. *"#MajorCrimes"*.

25. The "Description of Activities" document, authored by the defendant and posted to her website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), states, among other things:

- a. *"On the morning of Tuesday, June 18, 2024, I found this article: NYCHA Tenants Sue Over Early Exclusion From State Pandemic rent Relief, which was published on May 1, 2024. NYCHA stands for the New York City Housing Authority. Every single thing NYCHA tenant accuse their housing provider of doing is everything [Barrie Housing] and the SCHC have done here, in Simcoe County, and I've collected evidence, and would like to take action."*
  - b. *"I don't need a law degree to know this is the guiltiest behaviour someone could ever possibly demonstrate."*
  - c. *"In this recording, [Mary-Anne Denny-Lusk] admits that they "overcharged" me \$2700. Overcharging someone is when you intend to give the money back. So Mary-Anne is deliberately lying when she uses this language"*
  - d. *"I know they've stolen thousands from other tenants as well. I've asked other tenants on ODSP if they got any money back, or were even informed of this "overpayment" and not one single person was even told about this."*
  - e. *"So I closed down my charity in January. In February, Barrie Housing promoted Ashley, the girl that stole from me, to manage my building..."*
26. On September 9, 2024, in a post relating to the defendant's receipt of notice pursuant to the *Libel and Slander Act*, the post contained, among other things:
- a. *"Barrie Housing continues to abuse their power by trying to silence me again."*
  - b. *The people who run simcoe county have hired a bunch of mafia "yes men", like Mary-Anne Denny-Lusk, Adele Baxter... and all the other County-paid staff to "get rid of" Simcoe County's most vulnerable residents."*



c. *"...only an investigation will reveal the extent of corruption within these governments. Together, they've systematically cut-off and blocked thousands of Simcoe County residents from receiving regular CPP, CPP Disability, the Ontario Disability Support Program (ODSP) benefit, the Old Age Security (OAS) benefit, and the Guaranteed Income Supplement (GIS) benefit, all while thousands of jobs are being lost. Our housing providers are illegally evicting Rent-Geared-to-Income (RGI) tenants and since no agencies or organizations have jurisdiction to investigate, all these people continue to get away with murder."*

d. The reference to Mary-Anne Denny-Lusk and Adele Baxter are references to Barrie Housing employees/staff.

27. On September 14, 2024, in a post relating to one of the defendant's Human Rights Tribunal filings, the post contained, among other things:

- a. *"Each respondent needs to be held accountable for their role in manufacturing the severe level of poverty, homelessness and trafficking in Simcoe County and every offence they've committed against any vulnerable person they're highly-paid to protect"*
- b. Uses the hashtags *"#Corruption #Fraud #MajorCrimes #WhiteCollarCrimes #Crisis #Abuse #Oppression #Tyranny"*
- c. The Human Rights Tribunal document, which is shared and published with the post, includes the following: *"I'm only looking at this situation from 'the outside' and from my point-of-view, the respondents are just as evil as the Nazis. In my opinion, if the respondents could legally turn their properties into concentration/death camps, they'd do it in a heartbeat..."*

28. On September 15, 2024, in a post relating to an e-mail the defendant had sent to various Members of Parliament, the post stated, among other things:

a. *I decided to take a different approach in these emails because clearly, telling MPs about thousands of poor people being starved by our own government isn't alarming or even concerning to them. This time, I attempted to humanize myself by referring to times in my life when I wasn't 'owned' by Barrie Housing and Simcoe County."*

b. Uses the hashtags: "#Majorcrimes #Whitecollarcrimes"

29. The following paragraphs detail posts authored by the defendant which posts are undated, but otherwise originated in or after July 2024.

30. In an undated Facebook comment on a post originating from the defendant, the defendant's comment states, among other things:

a. *"Yes, however, I'm hoping it might be fast-tracked. Someone recently told me that it took five months between the time they filed online, to the time the HRTO served the respondents. Mine took two-weeks. I feel it may be fast-tracked because thousands of people are currently being robbed as we speak."*

31. In an undated article posted on the defendant's website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), the article states, among other things:

a. *"Fresh Food Weekly had to shut down the biweekly meal box program that was feeding hundreds of starving people living on social assistance benefits in Barrie and Innisfil because [Barrie Housing] decided that disabled and elderly people didn't deserve to have fresh food and toilet paper delivered to them every other week... Barrie Housing staff hated her for being so good at feeding their hungriest*

*tenants; which were, coincidentally, their poorest tenants who don't pay any rent at all, because of their disabilities".*

32. In an undated article posted on the defendant's website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), the article states, among other things:

- a. *"Unfortunately, many people share the same views as [Barrie Housing]... which is that these people don't deserve anymore of a handout than they're already getting – this is why women stay with men who beat them, because at least they're housed and fed."*

33. In an undated article posted on the defendant's website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), the article states, among other things:

- a. Titled *"It's been a long time coming"*;
- b. Includes a link to a video interview with Barrie Housing's Chief Executive Officer, Mary-Anne Denny-Lusk;
- c. *"When I tried to get help, I was silenced and no one listened, or even cared. I've had my name dragged in the dirt and have been called a liar. Every time this city or county moves, they destroy every good thing in their path."*
- d. *"Not anymore. To those getting off on destroying innocent lives in Simcoe County, your days in command are numbered"*
- e. *"When [Mary-Anne Denny-Lusk] saw her tenants struggling, she shut down the best food charity in town. The last thing in the world this woman cares about is helping Barrie's poor people. None of her tenants are excited about anything. That's why you'll never find an interview with a Barrie Housing RGI tenant saying anything positive about Mary-Anne Denny-Lusk or Barrie Housing."*

34. In an undated article posted on the defendant's website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), the article was titled "*Millions Are Being Pumped Into Barrie Housing Projects Despite Claims of Major Crimes and Fraud.*"

35. In an "September Newsletter" authored by the defendant and posted on the defendant's website, [www.freshfoodweekly.com](http://www.freshfoodweekly.com), the article states, among other things:

- a. "*I continue publishing for the thousands of Rent-geared-to-Income (RGI) tenants in Simcoe County who're being impacted by something nobody wants to stand-up against, and no one in authority cares about.*"
- b. "*There's no way in hell that someone who's been rescued from sex trafficking can mentally hold down a job; they are paranoid of being trafficked again and I don't blame them. Our housing providers are putting them in a situation to be trafficked again. And that's not an exaggeration at all.*"

36. In an undated Facebook comment authored by the defendant, replying to another Facebook user in respect of a post originating by the defendant, the comment states, among other things:

- a. "*I don't post anything but the truth. I take great pride in speaking pure truth 100% of the time. To think I would go around spreading inaccuracies shows how little you know of me and everything I stand for... But don't you dare post comments suggesting barrie housing staff aren't thieving witches. These women came straight from hell and defending them is a crime.*"

37. On or about September 5, 2024, one of Barrie Housing's properties was vandalized. The vandalism included the words "*NO MORE ABUSE!*". Barrie Housing states that the vandalism was the direct result of the defendant's defamatory campaign.

38. The aforementioned statements/posts/articles detailed above, including their contents, are false, malicious, and defamatory in their plain and ordinary meaning, including their implied meanings and/or by innuendo, and meant, were intended to mean, and were understood to mean by any reasonable or ordinary person that Barrie Housing (and/or its employees):

- a. Are guilty of theft, corruption, abuse, harassment, and other “major crimes”;
- b. Are harassing the defendant and other tenants;
- c. Are comparable, or worse, to the Nazis and that Barrie Housing would turn their properties into concentration/death camps if they could;
- d. Are illegally evicting tenants;
- e. Are fostering or otherwise creating an environment conducive to human trafficking;
- f. Are infringing upon human rights;
- g. Are actively stealing from tenants;
- h. Have no integrity;
- i. Intentionally interfered or otherwise negatively impacted the defendant’s charity.

39. Barrie Housing pleads that the defendant’s intended meaning of her statements are an attempt to convey a message that Barrie Housing is an organization complicit and otherwise actively involved in serious criminal wrongdoing.

40. The defendant’s statements expressly or impliedly implicate Barrie Housing and/or its staff.

41. Barrie Housing pleads and states as a fact that it, nor any of its employees, have never been investigated, charged, tried, nor found guilty of any criminal misconduct.

42. Barrie Housing is receiving enquiries from community partners and prospective employees/board members expressing concern over the defendant's campaign of defamatory statements.

43. It is unlikely that the defendant's campaign of defamation will cease without court intervention.

### **Damages**

44. By virtue of the facts hereinbefore pleaded, Barrie Housing states that the defendant is liable in damages to Barrie Housing for having defamed it.

45. Barrie Housing (and its employees) reputation as a social services provider has suffered, or will suffer, significant damage as a result of the defendant's numerous defamatory statements. Barrie Housing's (and its employees) reputation has been damaged in the eyes of hundreds, if not thousands, of internet users who have viewed the defendant's postings.

46. Barrie Housing (and its employees) has suffered significant distress, humiliation, stress and anxiety as a result of the defendant's defamatory statements.

47. As a result, Barrie housing pleads and avers that the defendant has, and continues to, intentionally distribute defamatory posts and other content on the internet despite knowing, or ought to have known, were untrue statements and without evidence or based on unreliable information calls for an award of moral and aggravated damages.

48. Barrie Housing pleads that the defendant's actions constitute malicious and high-handed misconduct that surpass what the ordinary standard of decent behaviour demands in a similar situation.

49. Barrie Housing pleads and relies upon the *Libel and Slander Act*, R.S.O. 1990, L. 12, the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, and the *Rules of Civil Procedure*.

46 Barrie Housing seeks its costs of this action on the substantial indemnity scale, plus applicable taxes.

50. Barrie Housing proposes this matter be tried in Barrie.

September 16, 2024

HGR GRAHAM PARTNERS LLP  
190 Cundles Road East, Suite 107  
Barrie ON L4M 4S5

Riley C. Brooks (LSO# 813710)  
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Lawyers for the plaintiff

IF YOU PAY THE PLAINTIFF'S CLAIM, and \$7500.00 for costs, within the time for serving and filing your statement of defence you may move to have this proceeding dismissed by the court. If you believe the amount claimed for costs is excessive, you may pay the plaintiff's claim and \$400.00 for costs and have the costs assessed by the court.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date September 16, 2024 Issued by \_\_\_\_\_  
Local Registrar

Address of 75 Mulcaster Street  
court office: Barrie, ON L4M 3P2

TO: LEAH DYCK  
507-380 Duckworth Street  
Barrie, ON L4M 5K2



LEAH DYCK

Defendant

Court File No.

BARRIE MUNICIPAL NOT-PROFIT HOUSING  
CORPORATION  
Plaintiff

ONTARIO  
SUPERIOR COURT OF JUSTICE

Proceeding commenced at  
BARRIE

STATEMENT OF CLAIM

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RCP-E 4C (July 1, 2007)