

The Oshawa/Durham Central Newspaper

# INGINO



# Shop Downtown

SHOP WHERE EVER YOU SEE THE 'INGINO INITIATIVE' SIGNS - CERTIFIED RELIABLE, HONEST, TRUSTWORTHY BUSINESSES

The Ingino Initiative Is An Oshawa/Durham Central Newspaper Feature Playing A Part in Revitalizing Downtown Oshawa



**SINGER**  
Singer Sewing Centre  
11 Simcoe St. South  
**905-433-1140**  
Oshawa's  
Oldest Established Business

**ATTENTION SHOPPERS  
SUPPORT YOUR LOCAL CERTIFIED  
DOWNTOWN MERCHANTS**

Oshawa - The City of Oshawa downtown is alive with the **INGINO INCENTIVE PROGRAM**. Sponsored by the Oshawa/Durham Central Newspaper - Look for the black and yellow 'INGINO' initiative signs, ensuring you quality service and products. Certified business worthy of your patronage.

**Local businesses that wish to participate and have their business certified please give us a call.**

There is **NO** charge to participate and all businesses participating get a free complimentary ad in our feature page. All we ask is that you proudly display our initiative sign in front of your business.

**NO OTHER NEWSPAPER DELIVERS ON THE PROMISE OF MAKING OSHAWA DOWNTOWN GREAT AGAIN SHOP DOWNTOWN OSHAWA TODAY!!!**

For more information please call us at **905-432-2657**



**STUDIO JEWELLERS**  
CUSTOM DESIGNED  
**905-436-6267**  
640 KING EAST  
OSHAWA



**SOUNDSTREAM MULTIMEDIA**  
111 Simcoe St. N  
**905-240-1577**



**ALL CANADIAN AWARDS**  
424 Simcoe St. S  
Oshawa  
**905-579-6621**



**MONDELLO'S**  
ITALIAN CUCINA & PIZZERIA  
22 Simcoe St. S,  
Oshawa  
**905-720-9999**

**REGISTER TODAY IT IS  
FREE**



**HONG KONG HOUSE**  
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**905-432-0022**



**OSAKA**  
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46 Simcoe St. N  
Oshawa  
**905-723-0137**



**DANIEL & HEATHER**  
Century 21 Agents  
203 Bond St. E  
Oshawa  
**289-634-8330**



**Maid Mart Cleaning**  
586 Wilson Rd. S.  
Oshawa  
**905-427-8062**



**Family Wok**  
21 Simcoe St. N  
Oshawa  
**905-728-2888**



**Royal**  
Canadian Legion 637  
1251 Simcoe St. North,  
Oshawa  
**905-404-1992**



**Walters Pharmacy**  
140 Simcoe St. South  
Oshawa  
**905-240-1616**



**OSHAWA DISCOUNT PHARMACY**  
44 Simcoe St. N  
**905-433-7999**  
FREE DELIVERY AVAILABLE



**Black Watch Tattoos**  
Owner/artist  
**Jonny Inx Moniz**  
10 Ontario St. Oshawa ON  
**289.600.9469**  
email:  
jon.lifex@gmail.com



**U-SAVE VARIETY**  
121 Mary Street. N  
Oshawa  
**905-725-7949**



**KING'S BREAKFAST PLACE**  
WE DELIVER  
**905-404-2840**  
15 KING WEST, OSHAWA



**Curry Club Restaurant**  
38 Simcoe St. N  
Oshawa  
**905-436-1704**



**The Stag's Head**  
22 Bond St. East  
Oshawa  
**905-728-5681**

## UNDERSTANDING YOUR RIGHTS

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Senior Associate, Steinbergs LLP

Financial institutions are often accused of using fraud investigations as a guise to oust "troublesome" mortgage advisors. A case in point is a mortgage advisor who was wrongfully accused of fraud by the Bank of Nova Scotia and was subsequently awarded \$919,268.

Mortgage advisors frequently inquire if they can take legal action against their employers for damaging their reputation and hindering their chances of employment with other prominent financial institutions. The response is affirmative; they can file a lawsuit for defamation. The criteria for defamation, as outlined in Grant v. Torstar Corp., 2009 SCC 61, [2009] 3 SCR 640, at paras. 28ff, include the dissemination of a statement that (a) refers to the plaintiff, (b) is communicated to a third party, and (c) carries a defamatory connotation or insinuation that diminishes the plaintiff's reputation in the eyes of reasonable individuals. The determination of whether the statement is defamatory is objective, i.e., an average person would perceive the statement as damaging to the plaintiff's reputation.

However, the ultimate determinant is the mortgage advisors' willingness to engage in litigation. Gary Curtis, a former Mortgage Development Manager at the Bank of Nova Scotia (BNS), found himself in the midst of a legal dispute that lasted over ten years. The case, which originated as a wrongful termination and defamation lawsuit, transformed into a concentrated defamation claim following several amendments.

Gary was a top-performing Mortgage Development Manager at The Bank of Nova Scotia. There was a disagreement over whether he ranked #5 or #4 in overall performance. He argued that the bank inaccurately calculated his sales below his group leader's to exclude him from an exclusive group entitled to special benefits. After a 12-year tenure, The Bank of Nova Scotia suspended him under the pretext of a covert fraud investigation, compelling him to resign. The bank accepted his resignation and marked his employment file as "ineligible for rehire." On May 3, 2012, an investigator initiated a "SIFT" alert on the Bank Crime Prevention and Investigation Office (BCPIO) of the Canadian Bankers Association (CBA) database, citing the following reasons in the SIFT Database Input Request Form:

Substantial evidence was discovered indicating that Curtis intentionally submitted fraudulent documents on multiple applications. These documents included falsified Notices of Assessment (NOA's), employment letters, pay stubs, and financial statements, as well as bank documents bearing forged customer signatures. These actions, in isolation, constitute a prima facie case concerning the alleged fraud. Curtis resigned during the investigation.



Gary received job offers from the mortgage departments of two other major banks. However, due to the SIFT alert, each offer was promptly rescinded after the prospective employers contacted BNS and were informed that Gary had submitted fraudulent documentation in support of mortgage applications. A third bank rejected his application after receiving this information from BNS. BNS maintained the SIFT alert for seven years, effectively preventing Gary from securing employment with a major financial services institution at the peak of his career.

Gary's professional trajectory took a drastic turn when he was accused of submitting fraudulent mortgage applications. Despite his stellar performance, the bank's investigation resulted in a "SIFT" alert that effectively barred him from employment in major financial institutions. The Ontario Superior Court of Justice held the bank accountable for defamation, as it failed to substantiate the veracity of its statements or the defense of qualified privilege. Gary was awarded \$919,268. Ultimately the case turned on BNS' inability to prove from the evidence that it had a basis to conclude Gary was involved in fraudulent activity.

This case underscores the intricacies of defamation law and the delicate balance between safeguarding reputation and upholding freedom of expression.