



Electronically issued: 2023/01/23
Toronto - SmCC - 47 Sheppard Av
Plaintiff No. 1

Toronto Small Claims Court
Small Claims Court
47 Sheppard Av E 3rd fl Toronto ON
M2N 5N1
Address
(416) 326-3554
Phone number

████████████████████
Claim No.

Additional plaintiff(s) listed on attached Form 1A. Under 18 years of age.

Last name, or name of company Freedom		
First name Dave	Second name	Also known as
Address (street number, apt., unit) ████████████████████		
City, town or village ██████████	Province Ontario	Phone no. ██████████
Postal code ██████████	Canada	Email address
Representative		Law Society of Ontario no.
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code		Email address

Defendant No. 1 Additional defendant(s) listed on attached Form 1A. Under 18 years of age.

Last name, or name of company Petrie		
First name Richard	Second name	Also known as
Address (street number, apt., unit) ████████████████████		
City, town or village Toronto	Province Ontario	Phone no. ██████████
Postal code M5T 2W5	Canada	Email address
Representative		Law Society of Ontario no.
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code		Email address

Les formulaires des tribunaux sont affichées en anglais et en français sur le site
www.ontariocourtforms.on.ca . Visitez ce site pour des renseignements sur des formats accessibles.

Claim No. _____

Plaintiff No.

Defendant No. 2

Last name, or name of company Cole		
First name Mihael	Second name	Also known as
Address (street number, apt., [REDACTED]) [REDACTED]		
City, town or village Toronto	Province Ontario	Phone no. [REDACTED]
Postal code M5G 1Y1	Canada	Email address
Representative		Law Society of Ontario no.
Address (street number, apt., unit)		
City, town or village	Province	Phone no.
Postal code		Email address

REASONS FOR CLAIM AND DETAILS

Explain what happened, including where and when. Then explain how much money you are claiming or what goods you want returned.

If you are relying on any documents, you **MUST** attach copies to the claim. If evidence is lost or unavailable, you **MUST** explain why it is not attached.

What happened? Where? When?

On February 6th 2021, with no evidence that I committed any crime, my right to freedom of speech, freedom of assembly and enjoyment of property was violated by Toronto Police Officers under the instructions of Detective Petrie when I was arrested at Queens Park, Toronto Ontario for 'common nuisance'.

I was detained in the Court Services truck for nearly 3 hours, handcuffed behind my back and in pain until I was brought to the Police station where I was held for a few more hours until release.

My speaker equipment was also confiscated and my rights were further violated with unreasonable restrictive bail conditions. Some of these conditions included being banned from the downtown Toronto core, not being able to possess sound equipment or even hold a microphone. If I decided to legally and lawfully protest anywhere in the province of Ontario, I would be subject to arrest / jail and face additional criminal charges of failure to comply.

I was forced to attend court a multitude of times with this prosecution of a summary charge (first appearances, disclosure and pretrials). When I proclaimed to the court that I intended to use the Canadian Bill of Rights with regards to the violations, the court and crown pressured me profusely throughout 3 judicial pretrials, totaling 4+ hours, either to use the Canadian Charter of Rights and Freedoms or take a deal. The deal involved paying \$100 towards my favorite charity in exchange for dropping the charge, including the bail conditions and returning my speakers and generator.

After my trial date was set for March 3rd, 2022, I filed an application for dismissal of charges pursuant to violations of the Canadian Bill of Rights. The crown filed their own submissions and my motion date was set for January 31st, 2022. On the morning of January 31st, the crown announced they were dropping the charges.

I am asking for \$35,000 for my having my rights violated, illegally arrested, illegally detained / jailed, property seized for close to a year and the tremendous stress that this has caused myself and my family along with missing time off work.

The cause of action is abuse of process, excessive use of force, malicious prosecution and violation of freedom of speech, freedom of assembly, property rights and liberty.

Toronto Police Detective Richard Petrie (52 Division) and Assistant Crown Attorney, Mihael Cole acted beyond their scope of duty in their actions against me.

I am attaching a video link below of my arrest on February 6th, 2021

https://drive.google.com/file/d/1ZjmCfVDZkQ5dHinfVo7ourr-CqVf9Upm/view?usp=share_link

Original Toronto Police File# 21-236808 (Feb. 6th, 2021)



How much? \$ 35,000.00
(Principal amount claimed)

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

The plaintiff also claims pre-judgment interest from _____ under:
(Date)

(Check only one box) the Courts of Justice Act
 an agreement at the rate of _____ % per year

and post-judgment interest, and court costs.

Prepared on: 01/23, 20 23 Submitted online by: Dave Freedom
(Signature of plaintiff or representative)

Issued on: _____, 20 _____
(Signature of clerk)

CAUTION TO DEFENDANT:	IF YOU DO NOT FILE A DEFENCE (Form 9A) and an Affidavit of Service (Form 8A) with the court within twenty (20) calendar days after you have been served with this Plaintiff's Claim, judgment may be obtained without notice and enforced against you. Forms and self-help materials are available at the Small Claims Court and on the following website: www.ontariocourtforms.on.ca .
CAUTION TO PARTIES:	Unless the court orders or the rules provide otherwise, THIS ACTION WILL BE AUTOMATICALLY DISMISSED if it has not been disposed of by order or otherwise two (2) years after it was commenced and a trial date or assessment under subrule 11.03(2) has not been requested.



For information on accessibility of court services for people with disability-related needs, contact:



Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575