

Court File No. DC-24-00000718-00JR

Form 37B

Courts of Justice Act

CONFIRMATION OF MOTION

ONTARIO SUPERIOR COURT OF JUSTICE (DIVISIONAL COURT)

BETWEEN:

KEVIN ALEXANDER MCLEAN

APPLICANT

- and -

TD HOME AND AUTO INSURANCE COMPANY, SECURITY NATIONAL INSURANCE COMPANY, TD GENERAL INSURANCE COMPANY, EXECUTIVE DIRECTOR, LICENCE APPEAL TRIBUNAL, HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO, REPRESENTED BY EXECUTIVE CHAIR OF TRIBUNALS ONTARIO IN MR. SEAN WEIR, THE ATTORNEY GENERAL OF ONTARIO

RESPONDENTS

CONFIRMATION OF MOTION

Note: If the information on this form changes, you have a duty to give the court and the other parties a corrected version of the form (rule 37.10.1(3)). If you wish to abandon the motion after it has been confirmed, a notice of abandonment may be delivered (rule 37.09(1)).

Part A:

I, Mr. Kevin A. McLean, the moving party, confirm that I have conferred or attempted to confer with the other parties as follows:

- (i) the respondent insurance companies as follows:
 - a. TD Home and Auto Insurance Company, **FSRA REGISTRATION NUMBER 1063**, Fax: 416.774.3120 (“**TDHA**”)
 - i. (attention its legal counsel: Mr. Matthew Nieuwland, LSO, 71405A);
 - b. Security National Insurance Company (“**SNIC**”) **FSRA REGISTRATION 397**, FAX: 905-315-1074 (“**SNIC**”)
 - i. attention its legal counsel: Mr. Matthew Nieuwland, LSO, 71405A);
 - c. TD General Insurance Company, **FSRA REGISTRATION NUMBER 353**, Fax: 416.774.3629 (“**TDGIC**”)

- i. (attention its legal counsel: Mr. Matthew Nieuwland, LSO, 71405A);
- d. Licence Appeal Tribunal (the “**Tribunal**”);
 - i. (attention: Mr. Boyce, LSO, 72486F)

AND confirm that the motion to be heard on **Friday, February 14, 2025**, will proceed on the following basis:

[X] for a hearing of all of the issues

The presiding motion judge will be referred to the following materials:

1. The documents filed and served on the respondents in this *JRPA* Proceeding herein including but not limited to:
 - a. Notice of Motion (Form 37(A)) of the Applicant of January 31, 2024
 - b. Motion Record #2;
 - i. Notice of Motion (Form 37(A)) of the Applicant of January 31, 2024;
 - ii. JRPA Application of November 15, 2024;
 - iii. Notice of Appearance by the Tribunal of November 27, 2024;
 - iv. Notice of Appearance by TDHA, SNIC and TDGIC on December 3, 2024;
 - v. Applicant’s Factum of December 10, 2024;
 - vi. Requisition filed by the Applicant on December 24, 2024
 - vii. Affidavit #2 of the Applicant, made on December 30, 2024
 - viii. Affidavit #3 of the Applicant made on January 8, 2025
 - ix. Affidavit #4 of the Applicant, made on January 18, 2025
 - x. Affidavit #7 of the Applicant, made on January 24, 2025
 - xi. Affidavit #8 of the Applicant, made on January 27, 2025;
 - c. Draft Order for NOM #2, January 31, 2025;
 - d. Factum For Motion in Writing, January 31, 2025;
 - e. Motion Record for NOM #1:
 - i. Notice of Motion (Form 37(A)) of the Applicant of January
 - ii. Confirmation of Motion (Form 37(B)) of the Applicant of January 23, 2025¹
 - iii. JRPA Application of November 15, 2024²
 - iv. Applicant’s Factum of December 10, 2024³
 - v. Certificate of Perfection filed and paid for on December 13, 2024⁴
 - vi. Affidavit #2 of the Applicant, made on December 30, 2024
 - vii. Affidavit #4 of the Applicant, made on January 18, 2025
 - viii. Affidavit #7 of the Applicant, made on January 24, 2025;
 - ix. Affidavit #8 of the Applicant, made on January 27, 2025;
 - f. Written Argument of the Applicant for NOM #1, dated January 30, 2025;
 - g. Documents in the court file including but not limited to:
 - i. All requisitions filed via email;
 - ii. Requisitions filed via JSO portal;
 - iii. Affidavits of service;
 - h. Compendium.

Note: Parties are responsible for ensuring that all materials in the above list are (a) filed with the court and (b) uploaded to Case Center by the applicable deadline in rule 4.05.3 of the *Rules of Civil Procedure*.

I estimate that the time required for the motion will be N/A as NOM #2 is being heard in writing or by way of “written hearing” on **FEBRUARY 14, 2025.**

Dated: February 2, 2025

DULY EXECUTED IN ELECTRONIC FORM BY
THE JRPA APPLICANT ON THE DATE ABOVE:



Mr. Kevin A. McLean (B.A. J.D., CIM) (he/him)
775 King Street West
Suite 410
Toronto, Ontario
M5V 2K3
(e): mcleansettlement@gmail.com

TO THE FOLLOWING FOUR RESPONDENTS⁵ AND RESPONDING PARTIES

TO (1):

Licence Appeal Tribunal
15 Grosvenor Street
Ground Floor
Toronto, Ontario
M7A 2G6

AND ATTENTION ITS COUNSEL:

Jesse A. Boyce
Law Society Number
72486F
Class of Licence [Definitions](#)
Lawyer (L1)
Real Estate Insured †
No
Status [Definitions](#)
Practising Law - Employed
Business Name
SLASTO
Business Address

25 Grosvenor 4th Floor Toronto, Ontario M7A 2S8

Phone

1 437 997 1235 Ext.

Email: jesse.boyce@ontario.ca

TO (2):

TD HOME AND AUTO INSURANCE COMPANY (“**TDHA**”)

FSRA REGISTRATION 1063

Last known address and addresses (mail and fax) at the time of its [TDHA] receipt of the Applicant’s completed OCF-1 pursuant to *Reg 283* (the “**McLEAN COMPLETED APPLICATION**”):

4th Floor
3650 Victoria Park Avenue,
North York, Toronto, Ontario
M2H 3B2

FAX NUMBER

FAX: 416.774.3120

Attention (its declared counsel herein):

Mr. Matthew Nieuwland
Business name: TD Insurance Staff Legal
Lawyer Licensee with the LSO
LSO #71405A

66 Wellington Street West,
38th Floor,
Toronto, Ontario,
M5K 1A2
T: 905-201-4092 | F: 416-599-7439
Email: Matthew.Nieuwland@tdinsurance.com

TO (3):

SECURITY NATIONAL INSURANCE COMPANY (“**SNIC**”)

FSRA REGISTRATION 397

MAILING ADDRESS:

5th floor-5045 South Service Rd ,

Burlington, ON
L7L 5Y7

FAX NUMBER

Fax: 905-315-1074

Attention (its declared counsel herein):

Mr. Matthew Nieuwland
Business name: TD Insurance Staff Legal
Lawyer Licensee with the LSO
LSO #71405A

66 Wellington Street West,
38th Floor,
Toronto, Ontario,
M5K 1A2
T: 905-201-4092 | F: 416-599-7439
Email: Matthew.Nieuwland@tdinsurance.com

TO (4):

TD General Insurance Company
FSRA registration number 353

Address found by Tribunal in issued orders for TDGIC despite no provision of the same to the Applicant during TD Claim #3 process, in any filed documents by TDGIC or otherwise:

3650 Victoria Park Ave
Floor 9,
North York, ON
M2H 3P7

FAX NUMBER

FAX: 416.714.3629

Attention (its declared counsel herein):

Mr. Matthew Nieuwland
Business name: TD Insurance Staff Legal
Lawyer Licensee with the LSO
LSO #71405A

66 Wellington Street West,
38th Floor,
Toronto, Ontario,
M5K 1A2
T: 905-201-4092 | F: 416-599-7439

Email: Matthew.Nieuwland@tdinsurance.com

RCP-E 37B (May 15, 2024)

¹Filed and served on said date.

²Paid for and filed on said date

³The Applicant's Application Record was filed and served on December 12, 2024

⁴Filed and paid for on said date.

⁵Attorney General of Ontario has provided written confirmation of its non-participation in this JRPA Proceeding and its formal waiver to be heard pursuant to section 9(4) of the JRPA as of January 30, 2025