

HUMAN RIGHTS TRIBUNAL OF ONTARIO

BETWEEN:

KEVIN ALEXANDER MCLEAN

APPLICANT

AND:

TORONTO POLICE SERVICES BOARD, ANTHONY ROMANO, MICHAEL KOLANKOWSKI, SERGEANT CASSIDY, GOLDVIEW PROPERTY MANAGEMENT LTD., LATOYA FERGUSON, AND APHRODITE ARTOPOULO

DECLARATION #8 OF THE APPLICANT
--

I, Mr. Kevin A. McLean (he/him), disabled, of Toronto, Ontario, declare the following under the penalty of perjury and knowing any statement here that is a false statement to be an offence:

1. I declare the following facts to be true. I declare the following facts to be true, for no improper purpose and for purposes herein.
2. The date is April 22, 2025. I provide this declaration in further support of my motions to date. My NOM #1 was unopposed. My NOM #2 is yet to be perfected. I also provide this declaration in further support of dismissing the following: (i) The Landlord's request to dismiss my HRTO Application based on false premises (i.e. that there was a civil court action seeking relief under section 46.1 of the HR Code); and (ii) the TPS Respondents' request for deferral based upon a false premise that there is an unknown proceeding before the "Toronto Police Service" involving the same or similar facts and seeking similar relief).
3. To maintain a full disclosure and bluntly, in my belief, brutally honest approach, now shown to me and marked as Exhibit "A" to this my declaration is a copy of my filed and served motion record as of today's date involving *R. v. McLean*. As of today's date the Crown and all affected persons have been served but have not complied with the *Criminal Court Rules et al.* Exhibit "A" is identical to that which was served and filed today including its enumeration.
4. While I was unable to be heard today, I have filed and served a second requisition as of today's date to be heard on this Thursday, April 24, 2025.
5. I declare the following to be true, as of April 22, 2025, and for no improper purpose.

Mr. Kevin A. McLean (B.A., J.D., CIM)

EXHIBIT “A”

ONTARIO COURT OF JUSTICE
(CRIMINAL DIVISION)
(TORONTO)

BETWEEN:

HIS MAJESTY THE KING

CROWN
(RESPONDENT)

- AND -

KEVIN ALEXANDER MCLEAN

DEFENDANT
(APPLICANT)

RE: 3RD UPDATED MOTION RECORD (April 20, 2025)
Date of Dismissal Motion Hearing: **TUESDAY, APRIL 22, 2025** at ten a.m.

INDEX (TABS 1 TO 11)

- 1 Form #1 Application (pursuant to the [Criminal Court Rules](#) and consent order between the Crown and Defendant and direction¹ (the “**Consent Order**”) of this ONCJ on December 20, 2024) of the **Applicant** of **Thursday, March 20, 2025** (the “**Form #1**” or “**Application Form**”)
 - a. **PAGES: 1 TO 3**
 - i. Updated Form #1 Application for updated and revised purposes² (the “**Updated Form #1**”)
 - 1. **PAGES 3(A) TO 3(C)**
- 2 Motion or Application Submissions of the **Applicant** of **Thursday, March 20, 2025** (the “**Motion Submissions**”)
 - a. **PAGES: 4 TO 35**
- 3 The formal admission document in a “request to use alternative service” form of the LTB, of October 24, 2024, in the **LTB Proceeding**:
 - a. that bound the purported or alleged complainant (the “**Purported Complainant**”) that all of the **Defendant Applicant’s** communications were in relation to the **LTB Proceeding** (i.e. with *lawful authority*³) (the “**Formal Admission Document**”)⁴
 - i. **PAGES: 36 TO 38**
- 4 Affidavit of Service (“**AOS**”) of the **Applicant**, made on **Friday, March 21, 2025** (“**Affidavit #1**”)
 - a. **PAGES: 39 TO 43**
- 5 Affidavit #2 of the **Applicant**, made on **Friday, March 28, 2025** (the “**Affidavit #2**”)
 - a. **PAGES: 44 TO 75**

- Ⓜ Affidavit #3 of the **Applicant**, made on **Wednesday, April 9, 2025**⁵ (the “**Affidavit #3**”)
 - a. **PAGES: 76 TO 119**
- Ⓜ Affidavit #4 of the **Applicant**, made on **Thursday, April 10, 2025** (the “**Affidavit #4**”)
 - a. **Pages: 120 to 153**
- Ⓜ Initial Draft Order of the Applicant, tendered on **Sunday, April 13, 2025**, for the **Dismissal Motion** (Unopposed by the Ontario Crown) (the “**Initial Draft Order**”)
 - a. **Pages: 154 to 158**
- Ⓜ Affidavit #5 of the Applicant, made on **Saturday, April 19, 2025** (“**Affidavit #5**”)
 - i. **Pages: 159 to 186**
- Ⓜ Requisition of **Sunday, April 20, 2025**: setting the hearing date for April 22, 2025 at ten a.m. in a courtroom for motions (a “**Motions Court**”) (together , the “**Requisition**”)
 - a. **Pages: 187 to 189**
- Ⓜ **1st Updated Draft Order** of the Applicant, filed and served on **Sunday, April 20, 2025** (“**1st Updated Order**”)
 - i. **Pages: 190 to 196**

¹The Defendant Applicant waived his right to be heard in a reasonable time in favour of bringing this Application as particularized on the record in December 20, 2024, appearance (the “**2nd Appearance**”) and said process and procedure was agreed to by Crown counsel who was managing the docket on said date (the “**Consent Agreement**”), and so directed by the justice of the peace of the ONSC so presiding on said date (the “**Consent Order**”)

²No reasonable chance of any agreed statement of facts

³Also for lawful and necessary purposes

⁴Annotated by the Applicant

⁵After two days had passed since the Crown’s responsive materials, if it wished to oppose, were due pursuant to the [Criminal Court Rules](#), Rule 3.1(2): “A response in Form 2 **shall** be served and filed **at least** 15 days before the date of the hearing of the application, unless the *Criminal Code* imposes a longer period” [nota bene: the *Criminal Code* does not impose a longer period].

Supplemental Index to Motion Record (April 22, 2025)
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- 12. Requisition #2 of the Applicant of April 22, 2025;
 - a. Pages 197 to 200
- 13. Affidavit #6 of the Applicant of April 22, 2025;
 - a. Pages 201 to 219

Tab 1

Form / Formule 1

APPLICATION

DEMANDE

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO

Toronto

Region / Région

(Rule 2.1, Criminal Rules of the Ontario Court of Justice)
(Règle 2.1, Règles de procédure en matière criminelle de la Cour de justice de l'Ontario)

24-48129169

Court File No. (if known)
N° du dossier de la cour (s'il est connu)

BETWEEN: / ENTRE

HIS MAJESTY THE KING / SA MAJESTÉ LE ROI

- and / et -

Mr. Kevin McLean

(defendant(s) / défendeur(s))

1. APPLICATION HEARING DATE AND LOCATION
DATE ET LIEU DE L'AUDIENCE SUR LA DEMANDE

Within two weeks of March 20, 2025 or first available date

Application hearing date:
Date de l'audience sur la demande

9:30 a.m. or any other earliest time during the day

Time
Heure

Courtroom number:
Numéro de la salle d'audience

To be determined

Court address:
Adresse de la Cour

10 Armory St, Toronto, ON M7A 0B9

2. LIST CHARGES
LISTE DES ACCUSATIONS

Charge Information / Renseignements sur les accusations			
Description of Charge Description de l'accusation	Sect. No. Article n°	Next Court Date Prochaine date d'audience	Type of Appearance (e.g. trial date, set date, pre-trial meeting, etc.) Type de comparution (p. ex., date de procès, établissement d'une date, conférence préparatoire au procès, etc.)
Criminal harassment	264(b)	March 20, 2025	Appearance

3. NAME OF APPLICANT
NOM DE L'AUTEUR DE LA DEMANDE

Mr. Kevin A. McLean (B.A, J.D. CIM)

4. CHECK ONE OF THE TWO BOXES BELOW:
COCHEZ LA CASE QUI CONVIENT CI-DESSOUS

☒ I am appearing in person. My address, fax or email for service is as follows:
Je comparais en personne. Mon adresse, mon numéro de télécopieur ou mon adresse électronique aux fins de signification sont les suivants :

☐ I have a legal representative who will be appearing. The address, fax or email for service of my legal representative is as follows:
J'ai un représentant juridique qui sera présent. L'adresse, le numéro de télécopieur ou l'adresse électronique de mon représentant juridique aux fins de signification sont les suivants :

5. CONCISE STATEMENT OF THE SUBJECT OF APPLICATION

BRÈVE DÉCLARATION DE L'OBJET DE LA DEMANDE

(Briefly state why you are bringing the Application. For example, "This is an application for an order adjourning the trial"; "This is an application for an order requiring the Crown to disclose specified documents"; or "This is an application for an order staying the charge for delay.")

(Expliquez brièvement pourquoi vous déposez la demande. Par exemple : « Il s'agit d'une demande d'ordonnance d'ajournement du procès. », « Il s'agit d'une demande d'ordonnance exigeant de la Couronne qu'elle divulgue les documents précisés. », ou « Il s'agit d'une demande d'ordonnance d'annulation de l'accusation pour cause de retard. »)

Please see written submissions or Factum of the Applicant of March 20, 2025

6. GROUNDS TO BE ARGUED IN SUPPORT OF THE APPLICATION

MOTIFS QUI SERONT INVOQUÉS À L'APPUI DE LA DEMANDE

(Briefly list the grounds you rely on in support of this Application. For example, "I require an adjournment because I am scheduled to have a medical operation the day the trial is scheduled to start"; "The disclosure provided by the Crown does not include the police notes taken at the scene"; or "There has been unreasonable delay since the laying of the charge that has caused me prejudice.")

(Énumérez brièvement les motifs que vous invoquez à l'appui de la demande. Par exemple : « J'ai besoin d'un ajournement parce que je dois subir une intervention médicale le jour prévu pour le début du procès. », « Les documents divulgués par la Couronne ne contiennent pas les notes de la police prises sur les lieux. » ou « Un retard excessif a suivi le dépôt des accusations qui m'a causé un préjudice. »)

Please see submissions and material relied upon (as referenced in his written submission or factum)

7. DETAILED STATEMENT OF THE SPECIFIC FACTUAL BASIS FOR THE APPLICATION

DÉCLARATION DÉTAILLÉE DES FAITS PRÉCIS SUR LESQUELS SE FONDE LA DEMANDE

Please see submissions and material relied upon (as referenced in his written submission or factum)

8. INDICATE BELOW OTHER MATERIALS OR EVIDENCE YOU WILL RELY ON IN THE APPLICATION

INDIQUEZ CI-DESSOUS D'AUTRES DOCUMENTS OU PREUVES QUE VOUS ALLEZ INVOQUER DANS LA DEMANDE

☐ Transcripts (Transcripts required to determine the application must be filed with this application.)
Transcriptions (Les transcriptions exigées pour prendre une décision sur la demande doivent être déposées avec la demande.)

☒ Brief statement of legal argument
Bref exposé des arguments juridiques

☒ Affidavit(s) (List below)
Affidavits (Énumérez ci-dessous)

Formal Admission made by Complainant in LTB Proceeding (file number therein) in a "Request to Use Alternate Service" on October 24, 2024; Affidavit #1 of Mr. McLean, March 20, 2025 to be sworn; and such other material as Mr. McLean may advise and this Court will accept pursuant to the Criminal Court Rules

☒ Case law or legislation (Relevant passages should be indicated on materials. Well-known precedents do not need to be filed. Only materials that will be referred to in submissions to the Court should be filed.)
Jurisprudence ou lois. (Les passages pertinents doivent être indiqués dans les documents. Les arrêts bien connus ne doivent pas être déposés. Il ne faut déposer que les documents qui seront mentionnés dans les observations au tribunal.)

☐ Agreed statement of facts
Exposé conjoint des faits

☐ Oral testimony (List witnesses to be called at hearing of application)
Témoignage oral (Liste des témoins qui seront appelés à témoigner à l'audience sur la demande)

☒ Other (Please specify)
Autre (Veuillez préciser)

Agreed statement of facts if the Applicant and Crown Counsel (Mr. Rudra can agree to the same) and motion to truncate time pursuant to the Ontario Criminal Court Rules et al

March 20, 2025

(Date)

Signature of Applicant or Legal Representative / Signature de l'auteur de la demande ou de son représentant juridique

Mr. Arjun Rudra, barrister and solicitor of the LSO, lawyer licensee (78242Q), Crown

To: **Counsel**

À : (Name of Respondent or legal representative / Nom de l'intimé ou de son représentant juridique)

arjud.rudra2@ontario.ca

(Address/fax/email for service / Adresse, numéro de télécopie ou adresse électronique aux fins de signification)

NOTE: Rule 2.1 requires that the application be served on all opposing parties and on any other affected parties.

NOTA : La règle 2.1 exige que la demande soit signifiée à toutes les parties adverses et aux autres parties concernées.

Form / Formule 1

APPLICATION

DEMANDE

ONTARIO COURT OF JUSTICE
COUR DE JUSTICE DE L'ONTARIO

Toronto

Region / Région

(Rule 2.1, Criminal Rules of the Ontario Court of Justice)
(Règle 2.1, Règles de procédure en matière criminelle de la Cour de justice de l'Ontario)

24-48129169

Court File No. (if known)
N° du dossier de la cour (s'il est connu)

BETWEEN: / ENTRE

HIS MAJESTY THE KING / SA MAJESTÉ LE ROI

- and / et -

Mr. Kevin McLean

(defendant(s) / défendeur(s))

1. APPLICATION HEARING DATE AND LOCATION
DATE ET LIEU DE L'AUDIENCE SUR LA DEMANDE

Tuesday, April 22, 2024 or first available
date thereafter

Application hearing date:
Date de l'audience sur la demande

9:30 a.m. or any other earliest time during the
day

Time
Heure

Courtroom number:
Numéro de la salle d'audience

To be determined

Court address:
Adresse de la Cour

10 Armory St, Toronto, ON M7A 0B9

2. LIST CHARGES
LISTE DES ACCUSATIONS

Charge Information / Renseignements sur les accusations			
Description of Charge Description de l'accusation	Sect. No. Article n°	Next Court Date Prochaine date d'audience	Type of Appearance (e.g. trial date, set date, pre-trial meeting, etc.) Type de comparution (p. ex., date de procès, établissement d'une date, conférence préparatoire au procès, etc.)
Criminal harassment	264(b)	April 16, 2025	Appearance

3. NAME OF APPLICANT
NOM DE L'AUTEUR DE LA DEMANDE

Mr. Kevin A. McLean (B.A, J.D. CIM)

4. CHECK ONE OF THE TWO BOXES BELOW:
COCHEZ LA CASE QUI CONVIENT CI-DESSOUS

☒ I am appearing in person. My address, fax or email for service is as follows:
Je comparais en personne. Mon adresse, mon numéro de télécopieur ou mon adresse électronique aux fins de signification sont les suivants :

☐ mrkevinalalexandermcleanbajdcim@gmail.com (nota bene: THIS IS AN AMENDED FORM 1 FOR UPDATING FOR CURRENT PURPOSES)

I have a legal representative who will be appearing. The address, fax or email for service of my legal representative is as follows: J'ai un représentant juridique qui sera présent. L'adresse, le numéro de télécopieur ou l'adresse électronique de mon représentant juridique aux fins de signification sont les suivants :

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(Briefly list the grounds you rely on in support of this Application. For example, "I require an adjournment because I am scheduled to have a medical operation the day the trial is scheduled to start"; "The disclosure provided by the Crown does not include the police notes taken at the scene"; or "There has been unreasonable delay since the laying of the charge that has caused me prejudice.")

(Énumérez brièvement les motifs que vous invoquez à l'appui de la demande. Par exemple : « J'ai besoin d'un ajournement parce que je dois subir une intervention médicale le jour prévu pour le début du procès. », « Les documents divulgués par la Couronne ne contiennent pas les notes de la police prises sur les lieux. » ou « Un retard excessif a suivi le dépôt des accusations qui m'a causé un préjudice. »)

Please see submissions and material relied upon (as referenced in his written submission or factum) and motion record

7. DETAILED STATEMENT OF THE SPECIFIC FACTUAL BASIS FOR THE APPLICATION

DÉCLARATION DÉTAILLÉE DES FAITS PRÉCIS SUR LESQUELS SE FONDE LA DEMANDE

Please see submissions and material relied upon (as referenced in his written submission or factum)

8. INDICATE BELOW OTHER MATERIALS OR EVIDENCE YOU WILL RELY ON IN THE APPLICATION

INDIQUEZ CI-DESSOUS D'AUTRES DOCUMENTS OU PREUVES QUE VOUS ALLEZ INVOQUER DANS LA DEMANDE

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Transcriptions (Les transcriptions exigées pour prendre une décision sur la demande doivent être déposées avec la demande.)

☒ Brief statement of legal argument
Bref exposé des arguments juridiques

☒ Affidavit(s) (List below)
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Formal Admission made by Complainant in LTB Proceeding (file number therein) in a Request to Use Alternate Service" on October 24, 2024; Affidavit #1 of Mr. McLean, March 20, 2025 sworn and such other material as Mr. McLean may advise and this Court will accept pursuant to the Criminal Court Rules and affidavit #2 (March 28, 2025)

☒ Case law or legislation (Relevant passages should be indicated on materials. Well-known precedents do not need to be filed. Only materials that will be referred to in submissions to the Court should be filed.)
Jurisprudence ou lois. (Les passages pertinents doivent être indiqués dans les documents. Les arrêts bien connus ne doivent pas être déposés. Il ne faut déposer que les documents qui seront mentionnés dans les observations au tribunal.)

☐ Agreed statement of facts
Exposé conjoint des faits

☐ Oral testimony (List witnesses to be called at hearing of application)
Témoignage oral (Liste des témoins qui seront appelés à témoigner à l'audience sur la demande)

☒ Other (Please specify)
Autre (Veuillez préciser)

March 28, 2025 (original was Mar 20/2025)

(Date)

Signature of Applicant or Legal Representative / Signature de l'auteur de la demande ou de son représentant juridique

To: **Provincial Crown (MAG - Criminal Law Division) Mr. Arjun Rudra, barrister and solicitor of the LSO, lawyer licensee (78242Q), Crown Counsel**

À : (Name of Respondent or legal representative / Nom de l'intimé ou de son représentant juridique)

arjud.rudra2@ontario.ca

(Address/fax/email for service / Adresse, numéro de télécopie ou adresse électronique aux fins de signification)

NOTE: Rule 2.1 requires that the application be served on all opposing parties and on any other affected parties.

NOTA : La règle 2.1 exige que la demande soit signifiée à toutes les parties adverses et aux autres parties concernées.

Tab 2

ONTARIO COURT OF JUSTICE

BETWEEN:

HIS MAJESTY THE KING

CROWN

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT

APPLICANT'S WRITTEN SUBMISSIONS OR FACTUM:
in support of the with prejudice dismissal of the criminal charge contained in the "information" of
October 2, 2024

Filed by email to:
South Toronto Crown Office
SouthTorontoCrown@ontario.ca

And to the assigned Crown Counsel:
Mr. Ardun Rudra
Ardun.rudra2@ontario.ca

SERVED UPON ALL AFFECTED PERSONS BY THIS MOTION

Volume I: STATEMENT OF FACTUM FOR MOTION IN WRITING

VOLUME #1: Definitions and Introduction

1. The Defendant is defined herein as the “Moving Party” or the “Applicant”. His Majesty The King is defined as the “Crown”. Mr. Rudra, LSO lawyer licensee, is used interchangeably with the Crown.
2. The Toronto Police Services Board is defined as the “TPS”. Private Constable Mr. Antony Romano is defined as “PC Romano”, Detective Constable Mr. Michael Kolankowski (“DC Kolankowski”), and Sergeant Sean Cassidy is defined as “Sergeant Cassidy”. As it is unclear if the alleged complainant made the alleged complaint to the TPS 14th Division, she is referred to as “Ms. Nicole Artopoulos”. When utilizing the language of ‘complainant’ or ‘alleged complainant’, the Applicant reserves his rights generally in fact and at law. On a general level, the Applicant does not waive any of his rights.

VOLUME #1(A): What the motion is about?

3. This motion of the Applicant is not about the substantive elements per se of the TPS’ 14th Division’s failure to have reasonable and probable grounds to charge the Applicant with the offence under section 264(b) of the Criminal Code or the Crown’s failure to have reasonable and probable grounds to confirm or approve the charge involving section 264(b) of the Criminal Code but rather it is the procedural element and legal effect of a formal admission made by Ms. Nicole Artopoulos’ counsel (*de facto* or *de jure*) that raises a question of law that is significant to the administration of justice generally.
4. As opposed to drawing in the AGO and AGC herein in the public courtroom fora, the Applicant has chosen to attempt to end this saga by reliance on the Formal Admission (see: *infra*) and the insufficiency of the charging information. In this manner, it can hopefully be a learning experience for the TPS 14th Division involving its breaches of the Criminal Code and some necessary training in understanding the machinations and permutation of the same along with understanding the paramountcy of the Charter. To not oversimplify the same, “two wrongs do not make a right” and “there is never a wrong time to do the right thing”. With respect to the latter, the assigned Crown Counsel in Mr. Rudra will discharge the surfeit of his independent and disjunctive legal obligations.
5. Put another way, a public decision involving the various steps of misconduct is not the only way to bring about change. Often such methods move at a *glacial speed*.
6. Unfortunately, this 14th Division continues to struggle the basics of privacy rights and the Charter.
7. In Dos Santos, The Honourable Justice M. Greene¹ took the most extraordinary step and granted the remedy of a stay of proceedings. Greene J. was faced with two arguments from defence counsel and Crown counsel at paragraph 24:

“[24] Counsel for Mr. Dos Santos argued that given the presence of two Charter breaches and the seriousness of the section 8 breach, the only appropriate remedy is a stay of proceedings. Crown counsel argued that a stay of proceedings is not appropriate given the limited harm suffered by Mr. Dos Santos, the fact that it was a good faith error and the absence of any evidence of a systemic problem.
8. The reference to *extraordinary* was that Mr. Dos Santos was in egregious breach of his obligations as a citizen and his licence to drive when he was beyond inebriated and operating a motor vehicle. There was no dispute that he committed the Criminal Code offences as particularized by this Court at paragraph 2:

“[2] There is **no dispute** that Mr. Dos Santos was operating a motor vehicle on February 18, 2016 and that his blood alcohol concentration was well over 80, having blown 200mg in 100ml of blood and 190 mg of alcohol in 100ml of blood approximately one and a half hours after operating his motor vehicle. The only issues raised at trial relate to alleged Charter breaches and the potential remedy for these breaches.”

9. Public safety concerns for our children and adolescence, and other innocent bystanders by drinking and driving is a grave concern. Associations and charities like MADD have detailed the devastating effect that intoxicated driving has on not only the victims of accidents whether operating a motor vehicle or as a pedestrian. Mr. Dos Santos was not a little careless in having a drink or so over the limit but he was well over the limit by the above as he was blowing well over some 90 minutes after operating his motor vehicle.
10. While this decision was released in 2019, it was the two Crown Counsel (see: **Ms. Verboom and Mr. Janzen**) that argued that there was not any systemic problem. At the time, Justice Greene at least implicitly found or there was not evidence to support any systemic issue with the TPS:

“[32] I am mindful that there are a number of factors that support the Crown’s position that a stay of proceedings is not warranted. These include the seriousness of the offence and the high societal need for a trial on its merits; the fact that the fairness of the trial is not affected by the breaches and the fact that there is no suggestion that this is a broader systemic issue. “

11. In relation to the section 24(1) of the Charter remedy, when dealing with the residual category, a stay of proceedings will only be appropriate where “the state misconduct is likely to continue in the future or that the carrying forward of the prosecution will offend society’s sense of justice” (See also R. v. Reagan, 2002 SCC 12 (CanLII), [2002] 1 S.C.R. 297). Moreover, a stay of proceeding is generally reserved for only the clearest of cases where no other remedy will suffice.
12. It is unclear whether Justice Greene was referring to broader systemic issues involving the 14th Division or the TPS as a whole.
13. When referring to Charter breaches, a lack of professionalism and attention to detail, along with care for the privacy of other individuals, this was followed by none other than Sergeant Cassidy in the following decision.

VOLUME #1(B): What this motion is NOT about?

14. This motion does not engage substantive issues as to whether the TPS breached various sections of the Criminal Code and the Applicant’s Charter rights on a procedural and substantive basis. As this Honourable Court well knows, constitutional questions cannot be decided on a simulacrum of the required factual record.

VOLUME #1(C): The <u>Formal Admission</u> binding the Complainant in an LTB proceeding post the impugned criminal charge

15. However, the Applicant respectfully submits that the formal admission made on October 24, 2024, in a request to serve the Applicant via a different method of service, by one Ms. Nikki Kanavas in an LTB proceeding between the Applicant and complainant’s mother, Mrs. Aphrodite Artopoulos (the “Landlord”)

that makes the issue of whether the Crown can succeed on all of the constituent elements of the offence under section 264(2)(b) of the Criminal Code. Put another way, no amount of evidence can override or be paramount to the formal admission.

VOLUME #1(D): A relevant aspect of the formal admission and one of the formal admissions itself (see: Tab #3 of the current motion record)

16. The formal admission stated in part that ‘the police charged the Applicant with criminal harassment against Ms. Nicole Artopoulos in relation to this Application’ [T2 Application before the LTB with LTB file number 063554-24] (the “**Formal Admission**”). It appears that Ms. Kanavas was in a regular communication with the police before and after the unlawful events unfolded on the day in question.
17. The **Formal Admission** made by Ms. Kanavas bound the complainant and it was NOT an admission of law per se but an admission of fact.
18. It is trite law that factual admissions are most difficult to withdraw which had to be done by formal motion or request before a court or tribunal respectively. Context is important. In the context of the **Formal Admission**, this Honourable Court will note at Tab 3 of the current motion record that the Landlord, the complainant’s mother, was seeking an 11th hour type request to serve the Applicant via email when email was never a method for service between the Applicant and Landlord in the context of the tenancy relationship or during the LTB Proceeding.
19. For the benefit of this Honourable Court, there was no attempt to withdraw the admission either informally or formally. The only individual that could have withdrawn the **Formal Admission** would have been the complainant as Ms. Kanavas was acting in an agency capacity for her.

VOLUME #1(E): Concerning Elements involving the TPS 14th Division

20. While there are some concerning elements involving the TPS 14th Division, specifically Constable Romano, DC Kolakowski and Sergeant Cassidy, including but not limited to: (i) the **False Pretense Email**; (ii) DC Kolankowski misrepresenting that he had contacted the Applicant to warn him of contact with Ms. Nicole Artopoulos when he did not; and (iii) then Constable Romano misleading the Applicant, in the face of DC Kolankowski going silent after the Applicant animatedly told DC Kolankowski that it was the first time that they had communicated and that he just introduced himself, that the TPS 14th Division had a warrant for his arrest when they did not.
21. The Applicant asked Constable Romano and the TPS 14th Division for a copy of the warrant and they could not produce a copy of the same as none existed at the time. It was unequivocally feasible Constable Romano to provide the same as the Applicant was inside the 14th Division lobby area.
22. Ergo, the TPS 14th Division, particularly Constable Romano and DC Kolankowski could not have had reasonable and probable grounds to arrest. Our Parliament articulated and passed section 494 of the Criminal Code as to the requirements, when the police do not have a warrant (as they did not herein on October 2, 2024), for arresting an individual:

“Arrest without warrant by any person

- **494 (1)** Any one may arrest without warrant

- (a) a person whom he finds committing an indictable offence; or
 - (b) a person who, on reasonable grounds, he believes
 - (i) has committed a criminal offence, and
 - (ii) is escaping from and freshly pursued by persons who have lawful authority to arrest that person.”
23. It is a trite and undisputed fact that Mr. McLean was not committing any criminal offence at the time (or previously for that matter). As such, the requirement of “reasonable grounds” remains the standard. However, Mr. McLean attended the TPS 14th Division predicated on the False Pretense Email and there were no reasonable grounds to believe that he had committed a criminal offence. To the extent that the TPS 14th Division, which appears to be planned by none other than DC Kolankowski with Constable Romano as the email puppeteer (in non-pejorative manner), had reasonable grounds to believe that Mr. McLean had committed a non-indictable criminal offence, there was no evidence that he was escaping from and freshly pursued by persons who have lawful authority to arrest him. He was in the TPS 14th Division and on the evening of October 2, 2024, he went to sign the paper copy receipt for the return of his property that should have never been in the TPS control or custody. Instead of putting pen to paper, Constable Romano, in most cowardly and diabolical fashion, then announced he was under arrest. The Applicant queried ‘for what’ to which Constable Romano and DC Kolakowski replied in slightly differing ways, ‘criminal harassment’. The Applicant’s natural questions followed in relation to the well-known ‘five w’s’.
24. It was in that exchange in the lobby of the 14th Division of TPS that DC Kolankowski was caught in another lie when the Applicant confirmed that he had not received any warning regarding unknown communications from an unknown individual(s). DC Kolankowski misrepresented that he had warned the Applicant to which the Applicant rather easily confirmed with him that he had introduced himself to the Applicant some 30 seconds ago.
25. It was immediately thereafter, rather impressively as a *purported save* to DC Kolakowski’s lie albeit unlawful, that Constable Romano misrepresented, “**Well, we have a warrant**”.
26. As a former practicing lawyer and knowing the immense distinction between a warrantless search and/or seizure and a search and/or seizure pursuant to a warrant, the Applicant would not dare be disrespectful of a justice who had issued such a warrant. From there, the nightmare continued and remains as of today’s date.
27. The requirement of reasonable and probable grounds to arrest works in tandem with section 25 of the Criminal Code. The following is copied and pasted at paragraph 20:

“Reasonable Grounds to Arrest/ s. 25 of the Criminal Code

[20] The defendants argue that s. 25 of the *Code* protects Cst. Meier (and indirectly the federal crown) from liability. S. 25 provides:

25 (1) Every one who is required or authorized by law to do anything in the administration or enforcement of the law

...

(b) as a peace officer or public officer

...

is, if he acts on reasonable grounds, justified in doing what he is required or authorized to do and in using as much force as is necessary for that purpose.”

28. To belabour the point, the Applicant is not seeking at this time any findings of fact, mixed fact and law, and/or law involving whether the TPS had reasonable grounds to arrest at the time or whether or not they had a warrant per se, but certainly any justice of this Honourable Court will be able to check its judicial records for any issued arrest warrants on or before October 2, 2024,
29. In this regard, *R. v. Robertson* has relevance at paragraph 16 therein: “Because only the arresting officer knew whether she had held the requisite belief and what factors had informed that belief, it fell to the Crown to prove the legality of the arrest through her testimony, even though Mr. Robertson bore the onus in his application of establishing an infringement of his *Charter* right (*R v Gunn*; *R v Besharah*, 2010 SKCA 2, 343 Sask R 202; *R v Collins*, 1987 CanLII 84 (SCC), [1987] 1 SCR 265).”
30. The Applicant need not waste this Court’s time on the improper use of police powers or the absence of any statutory or common law authority to arrest the Applicant, then detain him, and then imprison him for hours at the TPS all predicated on the **False Pretense Email**. Suffice it to say, he came to the TPS 14th Division in good faith but detrimentally relied on the **False Pretense Email**. He also does not know whether the employees of the TPS 14th Division were engaged in watching him utilize the washroom therein but they were unable to have said jail cell stocked with any toilet paper like that of *Dos Santos*.
31. While a decision of the BC courts, it interpreted the relevant sections above in the context of an improper arrest at a Mark’s Warehouse in Smithers, BC. Ms. Joseph was the victim of the improper arrest while she was shopping for items and another individual put a scarf into her bag albeit unbeknownst to her.

VOLUME #1(F): Can an individual walk away?

32. It is what was found by the BC Supreme Court in *Joseph v. RCMP* at paragraph 32 which affirmed the legal principles from *Grant*, *Esposito*, *Dedman*, et al:

“[32] While I am not satisfied that Cst. Meier specifically advised Ms. *Joseph* that she was detained and the reason it, even if he had done so she need not have provided her name or permitted Cst. Meier to search her bag as part of the investigative detention. As the Court said in *R. v. Grant*, 2009 SCC 32:

[21] More specifically, an individual confronted by state authority ordinarily has the option to choose simply to walk away: *R. v. Esposito* (1985), 1985 CanLII 118 (ON CA), 24 C.C.C. (3d) 88 (Ont. C.A.), at p. 94; *Dedman v. The Queen*, 1985 CanLII 41 (SCC), [1985] 2 S.C.R. 2, at p. 11, citing Martin J.A. in the Ontario Court of Appeal ((1981), 1981 CanLII 1631 (ON CA), 32 O.R. (2d) 641, at p. 653):

Although a police officer may approach a person on the street and ask him questions, if the person refuses to answer the police officer must allow him to proceed on his way, unless . . . [he] arrests him .

33. Ergo, the **False Pretense Email** from Constable Romano on October 2, 2024, as that would remove Mr. McLean from the “streets” per se. Moreover, if Constable Romano had a warrant at the time, he would have provided it via email.

34. As Constable Romano had emailed Mr. McLean in the seemingly pleasant manner that he did, this Honourable Court can take judicial notice of the fact that there was no “warning” to Mr. McLean about any harassment on October 2, 2024, or reference to the same. Ergo, DC Kolankowski intentionally and blatantly lied to Mr. McLean on October 2, 2024, when Mr. McLean and DC Kolankowski introduced themselves to each other after Mr. McLean confirmed his arrival at the TPS 14th Division after the False Pretense Email was the sole catalyst for his attendance.

VOLUME #1(G): ~~false pretense email~~

35. For sake of convenience and alerting a justice of this court to how the TPS 14th Division arbitrarily, without lawful reason, utilizes the powers of justices in this province in relation to the sacrosanct warrant processes, review and issuances of the same, a copy and paste of the email in question (October 2, 2024) is as follows:

“Please be advised that we have received some of your property which will be held here at 14 Division for you to retrieve.

We have received your passport, birth certificate, name change certificate, medication and a watch. Your property will be held here for the next 7 days and if not picked up by then, it will be sent to our property bureau.

When you attend 14 Division, let the front desk officers know you have property in temporary lockers under your name and they will retrieve it for you.”

36. Based upon the above, if Mr. McLean did not attend by October 9, 2024, then the **TPS** would send the **McLean Property** and **McLean Medication** to the **TPS** property bureau. While Mr. McLean was unaware of that location, the mere fact that the TPS was improperly holding his property, medication and watch was the impetus for him to immediately attend on October 2, 2024.
37. As this Honourable Court will come to learn, the misrepresentations did not cease there with the Constable Romano email inevitably containing a litany of misrepresentations therein. It is unclear who delivered the property to the TPS 14th Division and, with the benefit of hindsight, whether the TPS received it all. From what Mr. McLean could find, the **TPS** Property Unit was located at: “**Address:** c/o Property Management, Unit 330 Progress Ave, Scarborough, ON M1P 2Z4”. This was some 40 km from TPS 14th Division.

VOLUME #1(H): Section 29 of the Criminal Code requirement

38. Section 29 of the Criminal Code is the binding statutory requirement under the TPS in that regard. Section 29 states:

“Duty of person arresting

- **29 (1)** It is the duty of every one who executes a process or warrant to have it with him, where it is feasible to do so, and to produce it when requested to do so.
- **Notice**
(2) It is the duty of every one who arrests a person, whether with or without a warrant, to give notice to that person, where it is feasible to do so, of

- (a) the process or warrant under which he makes the arrest; or
- (b) the reason for the arrest.”

VOLUME #1(I): R. v. Bohn: leading case on section 29 of the Criminal Code

39. R. v. Bohn² is the leading case under section 29 of the Criminal Code. For the last 26 years, our courts have found that a failure of an officer to provide a warrant when arresting, searching or seizing, is a breach of section 29 of the Criminal Code.
40. Parenthetically, as there is no Charter challenge in this motion, it is also breach of an individual’s section 8 rights. As our SCC has repeatedly found, it is next to impossible in law. In fact, there has not been a single case where a deprivation of one’s section 8 rights has been saved under section 1 of the Charter.
41. As the SCC has consistently found, a breach of section 8 has never been saved under section 1 of the Charter.
42. Bohn involved a case wherein Mr. Jeffery *Bohn* was accused and convicted of one count of theft of electricity, one count of unlawful cultivation of marijuana, and one count of possession of marijuana for the purpose of trafficking (see: paragraph 1). The appeal related to a second trial of the conviction relating to those offences in 1992. Some eight years later, the BCCA issued its decision after the second trial, in 1997, lead to his conviction. The BCCA set aside the convictions and entered acquittals on all three counts.
43. In Bohn, there was no dispute that the police had two search warrants to enter Mr. *Bohn*’s home. It is important to note the distinction between Bohn and this matter. While Constable Romano represented that there was a warrant for Mr. McLean’s arrest, distinct from a search warrant, none has ever been provided as of October 30, 2024, despite a request for the same.
44. In Bohn, the search warrants were *prima facie* valid. However, the trial judge found that Mr. *Bohn*’s Charter rights were violated but did not find that the administration of justice would be brought into disrepute by the inclusion of the incriminatory evidence against Mr. *Bohn*. Naturally, Mr. *Bohn* was convicted of the single count of those three offences. However, the BCCA overturned the decision on the ground of the cumulative effects of the breaches would bring the administration of justice into disrepute.
45. Mr. *Bohn* was clearly engaged in a form of marihuana grow-up system and the police received credible evidence had a hydro-bypass and a marijuana grow-operation in the residence. Whether the combination of the Crime Stopper’s tip and Mr. Kennedy’s information would provide the police officers with sufficient grounds to obtain a search warrant for marijuana cultivation was not an issue before the trial judge. Constable Seward believed that he only had sufficient information to obtain a warrant to search for evidence of the theft of electricity [the “CC Warrant”].
46. An interesting morsel of how officers obtain search warrants when it is after business hours and it is included in the Bohn decision. They attended the home of the “justice of the peace” who was “on call” that night. In quoting from the same, as Mr. McLean was arrested in the evening and it was represented to him by **TPS 14th Division** that his property was dropped off at around 3 p.m., the BCCA conveyed the below as follows:

“[8] Whether the combination of the Crime Stopper’s tip and Mr. Kennedy’s information would provide the police officers with sufficient grounds to obtain a search warrant for marijuana cultivation was not an issue before the trial judge. Constable Seward believed that he only had sufficient information to obtain a warrant to search for evidence of the theft of electricity.

[9] Constable Seward advised his commanding officer, Corporal Schinkel, of the information he had gathered. A decision was made to search the Gilby Street house that night. While a team of officers waited near the Gilby Street residence Constable Seward attended the home of the Justice of the Peace, who was “on-call” that night, to obtain the **Criminal Code** warrant. Constable Seward testified that he arrived at the home of the Justice of the Peace at 9:20 p.m.”

47. Who truly initiated this unfortunate and without justification charge is beyond the scope of this motion as it can be decided on the basis of the Formal Admission.
48. Again, it will be for the Crown to put forward evidence and legal argument as to why it should continue. Crown Counsel in Mr. Rudra has had the scope and understanding for some time as to groundless criminal charge and the frailties in the Crown’s case.

VOLUME #1(H): For another day or a moot issue if Applicant’s motion is successful

49. The following principle is well-known to the criminal justice system. *To the question, can another individual file a criminal complaint on behalf of another?* In general, no, you cannot report a crime to the police in Canada on behalf of someone else. The actual complainant, owner, or authorized representative **must** file the report.
50. From the **TPS** website, it states:

“Welcome to the Toronto Police Service Citizens Online Police Reporting System. If this is an Emergency please call 911. Using the online system allows you to submit a police report immediately. Reports must be filed for yourself or you must be **authorized** to file on behalf of another person.”
51. As part of the service requirement pursuant to the *Criminal Court Rules*, the Applicant will serve not the Crown but Ms. Kanavas and another individual name that appeared in the LTB Proceeding in Mr. Dimitri Kanavas. The latter’s law office is located on Danforth Avenue while Ms. Kanavas (Nikki) appears to have two offices but only one listed in the LSO Directory.
52. Solely for the purpose of providing why the Applicant does not believe that Ms. Nicole Artopoulos made a police complaint at the 14th Division or otherwise is that Mr. McLean learned when he arrived in Toronto in April 2018 that Nicole’s ex-husband filed a police complaint against her that Nicole assaulted him. According to Mr. McLean’s knowledge based on Nicole’s representations to him, the TPS 14th Division arrested her and she was formally charged. Ms. Nicole Artopoulos then retained criminal defence counsel to fight those charges and the matter was resolved with Ms. Nicole Artopoulos attending anger management counselling.

VOLUME #1(I): Returning to Bohn

53. In Bohn, the Surrey police officers, presumably RCMP, cannot be commended enough for their attention to detail. They obtained a *Criminal Code* search warrant for theft of electricity and then returned to the Justice of the Peace for a *Narcotics Control Act* warrant.

54. Mr. Bohn was arrested in his home and speaking from experience Mr. McLean would certainly prefer that as opposed to being all alone in a **TPS** detachment that he had only been to once. However, an arrest at home may be more debilitating to some than others.
55. The importance cannot be understated because for the last twenty-four years in this country, the law has been, consistent with section 29 of the *Criminal Code*, that if an individual subject to a process like a warrant (whether it be arrest, committal, search, seizure, or any other machination), REQUESTS to see a copy of the warrant, and it is feasible to provide the same, the police officer **MUST** do so.
56. The BCCA found at paragraphs 21 and 22, citing the trial judge's reasons at paragraphs 13 to 14 and 11 respectively as follows in relation to the above heading:

“[21] The trial judge accepted the appellant's argument that the search of the premises was not lawful and therefore unreasonable because, contrary to the requirements of s. 29(1) of the ***Criminal Code***, the police officers entered the appellant's home without the search warrant. He said:

[13] Section 29 of the ***Criminal Code*** requires that an officer executing a [search] warrant **must have it with him** where feasible to do so and **produce it upon request**. The JP's residence was at most three miles distant from the Gilby Street address. There was no urgency. It was feasible for the other officers to have waited for Cst. Seward to have delivered the CC warrant before entering. The procedure adopted by the team was expedient but it did not comply with the Code requirements. Waiting for the CC warrant would simply have delayed the commencement of the search by the few minutes it would have taken Cst. Seward to drive to the premises

[14] Entry was made pursuant to the CC warrant. No measures were taken to execute the NCA warrant until after Cst. Seward arrived with the warrant. While the failure of the entering officers to be in possession of the CC warrant was not inadvertent, as was the case in *R. v. B.(J.E.)* [*infra*], I do not think it was a sufficiently egregious lapse to bring the administration of justice into disrepute and render the results of the search inadmissible. I do not think that the accused was prejudiced by the absence of the CC warrant on initial entry.”

57. While the TPS represented to the Applicant when he was under arrest in the basement portion of the TPS 14th Division that it received the McLean Property in the afternoon of October 2, 2024, it is impossible at this point to get into what is ‘authentic’ and what is merely a game of ‘make believe’ with the TPS 14th Division.
58. Aside from the fact of the conflicting stories of the police officers who, in fact, made the arrest of the Applicant after engaging in a reprehensible game of bringing out his property that was apparently delivered to the TPS 14th Division by some unknown persons from Unit 410 in early October 2024, neither were correct. DC Kolankowski did not warn the Applicant at all (the “**Criminal Harassment Warning Misrepresentation**”) and neither did Ms. Nicole Artopoulos – as it related to exclusively email communications which were sent in a professional manner that cited relevant facts and law therein as it related to the LTB Proceeding.
59. There is no challenge before this Court relating to, at this time, any Charter infringements. In relation to the legality of their conduct in relation to the arrest and the Crown's legality (or lack thereof) for sustaining the same, the grounds required are similar or the same but the factors are different.

60. While there are many different ways to show that the Crown cannot meet its burden, the Applicant is looking to move forward with his life without a criminal charge and he need not attempt to obtain written public decisions that embarrass the TPS with their failures to comply with the law.
61. If this motion is not successful, then a further motion or motions shall follow to address some or all of the above.
62. Consistent with determining whether or not the formal admission is dispositive of whether the Crown can meet its burden herein is whether the charging document contains sufficient particulars. The Applicant seeks a determination on that issue as well.

VOLUME #2: Crown's Burden

63. As in any criminal case, the Crown must prove **all** of the elements of the offence beyond a reasonable doubt. The burden is on the Crown throughout and it never shifts to the accused (see: *R. v. Alvarez-Gongora*, 2014 ONCJ 712 (CanLII), at para 39. .

VOLUME #2(A): Justice is not free and what the Crown would have to concede

64. Justice is not free. Our esteemed justices are not operating a charity. They are paid, in the Applicant's opinion somewhat underpaid, by tax dollars after appointments to the bench. Taxpayer dollars are an important part of ensuring that our justice system has a democratic element of all persons in that province chipping in for justice and the absolute independence of our judiciary which is guaranteed by sections 96 to 101 of the *Constitution*.
65. The same is applicable to our Crown counsel and their staff.
66. The same can be said from a municipal taxpayer standpoint for the 1 billion dollar plus annual budget for the TPS.
67. The Applicant remarks that the resounding majority of officers do exemplary work and much of it goes unnoticed. However, this 14th Division for whatever reasons, with the Applicant only having become a resident of Ontario in 2018 or 2019, have been engaged in some absolutely bizarre, amoral, sadistic and unlawful conduct.
68. As it relates to a systemic problem or the absence of the same at the time of the decision in *Dos Santos*, perhaps Justice Greene was referring to the issue or lack thereof in relation to a section 8 Charter breach involving those incarcerated after arrest and the usage of toilet facilities, the provision of toilet paper, and ensuring the human decency of those inside the jail cells at the 14th Division. However, a closer look at the concession by the Crown Counsel in *Dos Santos* was: "Crown counsel did concede that Mr. Dos Santos' section 8 rights were violated when he was recorded using the toilet in his cell but argued that the remedy should not be exclusion of the evidence or a stay of proceedings (see: paragraph 4)" and paragraph [20] "In the case at bar, the Crown **conceded** that Mr. Dos Santos' rights as guaranteed by section 8 of the Charter were violated when he was recorded using the toilet in his cell on two occasions without being offered a privacy shield. This concession is reasonable given the decision in *R. v. Mok*, 2014 ONSC 64 (CanLII), [2014] O.J. No. 44 (S.C.J.), where it was held that videotaping a detainee using the washroom where their **genitalia is exposed** is a violation of section 8 of the Charter."
69. The concessions that would have to be made by the Crown on some of the issues above, not to be decided herein, would be plenty on a variety of issues involving the Charter and insurmountable to overcome for

the purposes of sustaining the improperly issued charge by DC Kolakowski and approved charge by Crown Counsel.

70. The Applicant has certainly found evidence of some further systemic issues involving the TPS 14th Division with respect to privacy rights, Charter rights, attention to detail, following the law, and the rule of law:
 - a. Sergeant Mark Morris of the TPS 14th Division^{3 4 5}
 - i. Some of the obscenest lowlights from Sergeant Mark Morris
 1. The alleged harassment became sexual in nature months later, she claimed, alleging Morris sent her more than a hundred "sexual" and "obscene" messages in both private and group settings over the next two years. One message sent to McInnis alone sees Morris saying he was near her home and offering to stop by with "anaconda," a term used to describe his penis in multiple messages, the complaint alleged.
 2. In another message sent to the team both he and McInnis worked on, Morris sent a link to a video depicting a scantily clad dancing woman, the document alleged
 3. "It's the black Jessica McInnis. I'd tap that," reads the alleged message from Morris, according to submissions.
 4. "I hope you don't call the (Special Investigations Unit) on my (sic) when we do the nasty," Morris texted her on Nov. 27, 2015 according to the claim, a message sent after Morris caught wind that the SIU, Ontario's police watchdog, was probing sexual assault allegations against a colleague.
 5. "Remember if I slapped that ass it's not a sexual assault if I say nice game. That's what we do in sports," he added, according to the claim.
 6. McInnis' 15-page human rights complaint alleges there has been negative fallout from complaining about Morris' conduct. She claims she was subjected to unwarranted investigations into her police work by superiors seeking to charge her with professional misconduct.
 7. McInnis' lawyer describes her as a police officer who consistently exceeds expectations. But at the same time, "she has an ongoing fear that she will be the target of further reprisals, and this constantly causes her stress," said Barry Swadron, who is representing McInnis alongside Marshall Swadron and Lisa Leinveer.
 8. McInnis' claim also includes messages in "The Dream Team" chat, a group comprised of current and former members of one of 14 Division's CIB teams. It includes a mix of sexually explicit images and at times refers specifically to McInnis in degrading terms.
 9. In one group message, a member is alleged to have posted a photo of a woman in black underwear with the caption "Black Panties Matter." In another, an officer shares an image of "a man's perfect remote" which includes buttons that say: "Remove clothes," "PMS off," "Stop nagging," "Stop Whining," "Boobs," and "Sex/Food/Beer."
 10. After that officer was arrested, McInnis alleges that Morris began screaming at her in front of colleagues, banging on his desk, throwing things and calling her a "f—king rat" and that she was going to "get kicked out." When she reported the behaviour to Toronto police Det.-Sgt. Laurie Jackson, she was told to "suck it up, you are a detective now," according to the claim.
 11. McInnis' claim says she feared confronting Morris about his inappropriate texts because of his aggression toward her. When she later did, Morris agreed to stop

sending sexual messages — only to send her a link about National No-Bra Day four days later, the complaint states.

12. The situation became unbearable in March 2017, the claim states, when McInnis was interviewed by a member of Toronto police's Professional Standards unit after questions arose about how a sexual assault investigation was conducted by officers at 14 Division. Although she had no choice but to speak with the officer, McInnis claims Morris became angry with her like never before and alleges in the claim that he lunged at her with clenched fists; she was fearful that he would hit her, the claim says.
 13. Indeed, in one exchange on the "Dream Team" group message, some of McInnis' colleagues bring up another female Toronto police officer who is alleging sexual harassment in the workplace. Sharing a link to a news story about Heather McWilliam's ongoing human rights tribunal hearing, Morris, who says he trained McWilliam for six months, said: "I knew she was a little odd but this? I don't know."
 14. He went on to say that "they called her ms piggy and she was not my type."
 15. "R vs anaconda coming soon lol," replied another member in the group chat, apparently joking that Morris was going to be charged, using the nomenclature of criminal court cases.
71. Sergeant McInnis showed incredible bravery to come forward in that very same 14th Division where the Applicant Defendant was improperly and unlawfully arrested, detained and imprisoned: "My actions were dictated by the need to save face in a poisoned, sexist workplace environment and the very real and justified fear of workplace reprisals and violence and further harassment," McInnis said in her complaint.
 72. If a sergeant of the 14th Division would treat another sergeant in such fashion, then what can we expect out of the TPS 14th Division's treatment of civilians? The question answers itself.
 73. There were further incidents where the TPS 14th Division had no respect for the privacy rights of others including those who had been subjected to a domestic in person assault:
 - a. <https://torontosun.com/news/crime/another-14-division-cop-in-hot-water-over-conduct-involving-women>
 - i. The alleged victim R.V. provided her contact information to Pignatelli. **MacArthur obtained that information** to send the woman inappropriate text messages from his personal cell phone.
 - ii. "We all have shitty days," was one message MacArthur sent the woman.
 - iii. He also sent images of himself in martial arts poses, showing his naked barrel chest and flexing himself, but then sent a message apologizing, "Sorry, that was for someone else."
 74. The level of shock of the Applicant after seeing this article post the groundless criminal charge and the astonishment that he came volitionally and in good faith to the 14th Division of the TPS (albeit hindsight is 20-20): <https://smartcdn.gprod.postmedia.digital/torontosun/wp-content/uploads/2018/10/macarthur-e1538695598235.jpg?quality=90&strip=all&w=564&type=webp&sig=DV3km9D8SZ4EodtosmU3rA>.
 75. Const. Jeffrey MacArthur pleaded guilty to one count of discreditable conduct for his behaviour stemming from a domestic call that he and his partner Cst. Tony Pignatelli answered at 1:30 a.m. May 27, 2017 .
 76. Branton and MacArthur's lawyer Gary Clewley jointly proposed that MacArthur should be docked five days pay. Acting Superintendent Peter Code said he would email his decision.

77. Morris, 58, was docked eight hours pay in January for sending his images while McInnis was docked an equal amount for **receiving those images**.
78. It should be most unsurprising to this Honourable Court why the Applicant has not made any complaint to the Ontario Police Civil Commission when Sergeant Morris was only docked eight hours of pay and the unwilling recipient of those images in Sergeant McInnis was also docked for “receiving those images”.
79. The absence of reasonable cause involving a Crown Counsel is a **matter of law** (see: Nelles at p. 642-3).
80. Even at trial, the issue of whether there are reasonable and probable grounds that the accused committed an offence is a **question of law** to be determined by a judge: Pizzardi v. Ontario, [2000] O.J. No. 1751 at para. 12, citing McGillivray v. New Brunswick (1994), 1994 CanLII 4465 (NB CA), 116 D.L.R. (4th) 104 (N.B.C.A.).
81. Even the committal for trial by a justice is **not** determinative of whether a Crown Counsel had and has reasonable and probable grounds to approve the charge. The importance of the stage of a proceeding and the inability to make findings at said stage is the ‘why’. The committal for trial may be helpful to the defence but it is not determinative. It is similar to the issuance of an Attorney General's fiat for prosecution.
82. The court in Curry v. Dargie (1984), 62 N.S.R. (2d) 416 (C.A.) citing Macdonald J.A. at 429:

“To my mind the fiat of the Attorney General is not conclusive proof that the proceeding was instituted by the informant on reasonable and probable grounds. It does, however, go a long way toward negating the lack of probable cause, particularly if it cannot be shown that the facts were not unfairly placed before the Attorney General when he gave his consent to the prosecution.”
83. It is important to underscore the word ‘malice’ on a litany of fronts and with particular reference to the word ‘spite’ below in relation to one of the four requirements for a finding that the Crown has carried its burden of providing each essential element of section 264(2)(b) of the Criminal Code beyond a reasonable doubt.
84. Malice is the equivalent of an improper purpose. It has a wider meaning than spite, ill will or a spirit of vengeance and includes any other improper purpose, such as to gain a private collateral advantage. Malice on the part of a Crown attorney is a deliberate and improper use of the office such that he or she has “perpetrated a fraud on the process of criminal justice and in doing so has perverted or abused his [or her] office and the process of criminal justice”: Lamer J. in Nelles at p. 639-40.
85. In Oniel v. Toronto (Metropolitan) Police Force, 2001 CanLII 24091 (ON CA), [2001] O.J. No. 90 (C.A.), an action against the police rather than a Crown attorney, Borins J.A. discussed the issue of malice and the source of its definition in Nelles, starting at paragraph 43. He concluded at paragraph 47:

“There can be no doubt that in the appropriate case it is proper to infer malice from the absence of reasonable and probable cause to commence or to continue a prosecution.”
86. In Oniel, Borins J.A. continued at paragraph 49:

“Although the prosecutor may have reasonable and probable cause to commence a prosecution, **if** the prosecutor obtains information which *suggests the person probably did not commit* the offence, or recklessly disregards advice that such information could be obtained through routine

investigative steps, the prosecutor lacks reasonable and probable cause to continue the prosecution, and malice may be inferred.”

87. Perhaps, a detailed factum such as this one with reference to the underlying evidence and facts will be sufficient for the Crown to formally confirm with the Applicant and the office of the registrar of the Ontario Court of Justice (10 Armoury Road, Toronto, Ontario) that the Crown is withdrawing the charge with prejudice. However, it will have to be done forthwith because after the filing of this factum with the updated Form 1, the Applicant is required to serve all affected persons and then take further steps with respect to the proof of service.
88. As noted in the cases and citations above, to prosecute an individual who is probably not guilty can justifiably raise an inference of malice. In Ontario Society for the Prevention of Cruelty to Animals v. Sovereign General Insurance Company (Ont. CA, 2015) the Court of Appeal stated the following as it related to the types of injury that suffice for malicious prosecution [not an issue herein but provided for context]:

“We have seen that a claim for malicious prosecution must be founded on **actual injury**. This must consist either in injury to reputation, presumed wherever the plaintiff was accused of a crime involving scandalous reflection on the plaintiff’s fair name; or injury to the person, as **when the plaintiff was imprisoned or put in jeopardy of it**; or damage to the plaintiff’s pecuniary interests, such as being put to expense in defending himself against the charge.”
89. Perhaps, some months to allow the temperature to cool down is what is needed some times from a practical standpoint.
90. While Canada has yet to confirm that liability for malicious prosecution can be established in civil proceedings, though the courts here have allowed, in limited contexts, similar claims against individuals other than the Attorney General or Crown prosecutors. In 1990 the Ontario Divisional Court held in Stoffman v Ontario Veterinary Association that a professional regulator could be sued for malicious prosecution based on wrongfully instituted disciplinary proceedings. In a 2013 ruling, Jo v Alberta, the Alberta Court of Queen’s Bench imported malicious prosecution claims into child welfare proceedings. Importantly, in Drainville v Vilchez, the Ontario Superior Court of Justice also allowed a claim against an individual who had wrongfully reported an incident to the police and even awarded damages of \$23,866.37.
91. There is no dispute that if a report was made by Ms. Nicole Artopoulos to the police, then it was wrongfully reported and there are consequences for the same. The Formal Admission, made by her counsel on October 24, 2024, is evidence that the Applicant was acting with lawful authority at all times of sending the emails for specific purposes in a manner that was attentive to urgency issues along with ensuring he was not liable for any misconduct of others and/or her remaining pieces of property that she had left since June 23, 2024.

VOLUME #3: The Law of Admissions

VOLUME #3(A): The Relevant Background to the Law of Admissions

92. On October 24, 2024, in an LTB proceeding commenced by the Applicant before the LTB on August 7, 2024, regarding conduct contrary to the RTA by a landlord known as Mrs. Aphrodite Artopoulos (the landlord (“**Landlord**”)) to the Applicant’s rental unit at Unit 410-775 King Street, Toronto, Ontario, M5V 2K3), counsel to the Landlord therein (as the Landlord was the only other party besides the Applicant Defendant) and counsel to the purported complainant, Ms. Nicole Artopoulos, admitted that all of the

Applicant's communications were in relation to that LTB Proceeding. The complainant, Ms. Nicole Artopoulos, did not seek in October 2024 or thereafter any relief in relation to the same by interested person or by adding herself as a party. The Landlord did not do so either.

93. If Ms. Nicole Artopoulos took issue with the conduct of the Applicant in the LTB Proceeding, her recourse was before the LTB. She did not take any steps therein.
94. In fact, on November 15, 2024, Ms. Nicole Artopoulos attended the November 15, 2024, hearing, by Zoom and with her mother Landlord, and did not voice any objections whatsoever. Ms. Nikki Kanavas was counsel. There was no attempt by Ms. Nicole Artopoulos to distance herself from the admission made by her lawyer.
95. The formal admission in a filed document remained until the Applicant had to transfer the LTB Proceeding to the ONSC due to the damages and compensation exceeding \$35,000, in relation to misconduct by the Landlord, whilst the Applicant Defendant was the sole individual residing in Rental Unit 410 from June 23, 2024, to the date of the Unlawful Lockouts (September 20, 2024) by the Landlord and Goldview Property Management Ltd. ("Goldview").
96. At the time, the Applicant had a T2 Application before the LTB involving some conduct of Ms. Nicole Artopoulos' mother, in her capacity as a landlord under the RTA (defined herein as the "Landlord"), and had filed on August 7, 2024, said application to the LTB.
97. Shortly thereafter yet unbeknownst to the Applicant, the Landlord had filed a request to shorten the proceedings in the Applicant's T2 Application. The Landlord's motion or request failed as it was abysmally drafted and filed but not served. The LTB Proceeding is now before the ONSC by the Applicant's payment of fees to the ONSC and serving of the same on the Landlord. The reason so for is that the Applicant's compensation and damages to be paid to him by the Landlord exceeded \$35,000 after some delays with the LTB administrative proceeding processes. For extreme clarity, the now ONSC notice of application is like the LTB Proceeding exclusively between the Applicant and the Landlord. Ms. Nicole Artopoulos is NOT a party to the LTB Proceeding.
98. After the Unlawful Lockouts, the Applicant obtained the extraordinary order to shorten and expedite the proceedings on an urgent basis. Vice Chair Delorenzi granted the order in the Applicant's favour on October 1, 2024.
99. The Applicant then confirmed in email that he unlike the Landlord in the T2 Proceeding was entitled to be as he was the sole tenant in Rental Unit 410.
100. When an individual is unlawfully locked out of where they reside, the LTB has guidance documents with multiple steps which include:
 - a. Attend your local police detachment or division;
 - b. File a complaint with the RHEU; and
 - c. Bring an urgent motion to the LTB.
101. The Applicant was locked out of Rental Unit 410 and the Minto Buildings on September 20, 2024. The Applicant attended the TPS 14th Division on September 21, 2024, after spending a night in the cold as his property remained inside. The Applicant filed a complaint with the RHEU on September 23, 2024.
102. The Applicant filed declarations thereafter in the LTB e-filing portal and brought his motion promptly thereafter. As noted, it was granted on October 1, 2024.

103. As had seminal property including medication inside Rental Unit 410, he notified the Landlord and Ms. Nicole Artopoulos as a courtesy and that he may need to bring the police for safety concerns as per what was represented to him by Officer Solermo of the TPS 14th Division on Saturday, September 21, 2024.
104. Some interesting observations arise with the benefit of hindsight. The TPS 14th Division would not help the Applicant on September 21, 2024, when he was following the LTB guidance on the steps to take involving being subject to the Unlawful Lockouts⁶ yet they charged the Applicant for steps he took before and thereafter involving the LTB Proceeding. When the Applicant drew the issues to the attention of the property manager in Ms. Ferguson she responded rather oddly and threateningly by representing to him if he set foot on the property, she would call the police. It was shocking to the Applicant considering that he had known Ms. Ferguson for six years and had cordial relations with her considering that he was resident in the Minto Buildings for six years. The criminal charge occurred after the Applicant obtain a motion order from the LTB that the Landlord could not obtain and the implicit findings in such an order (see: Vice Chair Delorenzi of the LTB on October 1, 2024) that he was a tenant, the matter was urgent, and there would be severe prejudice to him not being able to proceed expediently.
105. In effect and to some extent, it appears that the complainant, through others, **unlawfully procured** the services of the TPS to do that which they could not in fact or at law through the LTB. The only aspect of honesty in the document appended, with the Applicant's annotations, at Tab #3 of the current motion record was that the Applicant's communications were exclusively related to the LTB Proceeding.

VOLUME #3(B): Legal Bases

106. Formal Admissions are: (i) by a statement in the pleadings or by failure to deliver pleadings; (2) by an agreed statement of facts filed at the trial; (3) by an oral statement made by counsel at trial, or even counsel's silence in the face of statements made to the trial judge by opposing counsel with the intention that the statements be relied on by the judge; (4) by a letter written by a party's solicitor prior to trial; or (5) by a reply or failure to reply to a request to admit facts (see: *Azevedo v. Rumball et al.*, 2024 ONSC 3127 at paragraph 29; *Champoux v. Jefremova*, 2021 ONCA 92; *Allto Construction Services Ltd. v. Toronto and Region Conservation Authority*, 2017 ONCA 488, at para. 11; and *Serra v. Serra*, 2009 ONCA 105, 93 O.R. (3d) 161, at para. 106
107. Informal admissions are those statements made by an examinee in an examination for discovery (see: *Marchand v. The Public General Hospital Society of Chatham*, 2000 CanLII 16946 (O.N.C.A.))
108. A formal admission in civil proceedings is a concession made by a party to the proceedings that a certain fact or issue is not in dispute. Formal admissions made for the purpose of dispensing with proof at trial are conclusive as to the matters admitted. As to these matters, other evidence is precluded as being irrelevant but, if such evidence is adduced, the court is bound to act on the admission even if the evidence contradicts it (see: Lederman and Bryant, *The Law of Evidence in Canada*, 2nd ed. (Toronto: Butterworths, 1999 at p. 1051).
109. Formal admissions made for the purpose of dispensing with proof at trial are conclusive as to the matters admitted. As to these matters, other evidence is precluded as being irrelevant but, if such evidence is adduced, the court is bound to act on the admission even if the evidence contradicts it (see: **Sopinka, Lederman and Bryant**, *The Law of Evidence in Canada*, 5th ed (Toronto: LexisNexis, 2018) at 138.
110. An admission has been defined as an unambiguous deliberate concession to the opposing party: *Canada Permanent Mortgage Corporation v. The City of Toronto*, 1951 CanLII 121 (ON CA), [1951] O.R. 726,

where the court at paragraph 7⁷; and *Hughes v. Toronto Dominion Bank*, (2002) 21 C.P.C. 5th 388 at para. 10.

111. Formal admissions are conclusive of the matters admitted: *Marchand (Litigation Guardian of) v. Public General Hospital Society of Chatham*, 2000 CanLII 16946 (ON CA), 51 O.R. (3d) 97 at para 77.
112. In effect, a party makes an admission by engaging in conduct that unequivocally communicates to the other party that a fact is not in dispute: *Quest Management Systems Inc.*, 2014 ONSC 3473 , at para 67
113. Even where Crown's admission of fact contradicted by evidence – binding on the Crown: *R. v Robertson*, 2021 SKCA 125 at paragraph 20.
114. Advancing on admissions assist in just, convenient and expedient resolution of issues in a proceeding: *RPC Construction Ltd. v Zhiyi Zhou*, 2017 ONSC 4044, at para 45⁸,
115. Where a party or interested person, which the alleged complainant, Ms. Nicole Artopoulos is herein, it is dispositive of the issue in the proceeding: *Dustbane v. Gifford*, 2015 ONSC 1036.
116. Since the Crown bears the onus of proof in criminal proceedings, s. 255 of the Criminal Code contemplates admissions of fact being made by an accused for the purpose of dispensing with proof thereof (see *R v Castellani*, 1969 CanLII 57 (SCC), [1970] SCR 310). However, the Criminal Code does not preclude the Crown from admitting facts that favour an accused for the purpose of dispensing with proof thereof. Nor does it or the Canada Evidence Act, RSC 1985, c C-5, preclude the application of the common law principles of evidence in that regard (Criminal Code, s. 8(2); Canada Evidence Act, s. 40)
117. Herein, the two parties herein are the Crown and the Defendant. However, in order to prove all of the elements of the offence (actus reus and mens rea), the Crown must lead evidence regarding the complainant including whether she was, in fact, harassed and whether there was a reasonable and objective fear for safety.
118. The Crown must also now disprove that the complainant (alleged) made a complaint, in fact (i.e. not another individual).
119. Most importantly, the Crown cannot lead further evidence of the complainant, who was bound by her agent (counsel) who filed further documents on her behalf in the LTB Proceeding while Ms. Nicole Artopoulos was not a party per se (which is quite compelling and evidence of Ms. Kanavas authority for her) as once the formal admission was made, it cannot be withdrawn.
120. Since there was no attempt to withdraw the admission made by Ms. Kanavas on Ms. Nicole Artopoulos' behalf, it was a formal admission in a civil proceeding (administrative tribunal), and binding upon her.
121. As such, the Applicant Defendant and complainant Ms. Nicole Artopoulos are in agreement by the formal admission of Ms. Nicole Artopoulos that the Applicant had lawful authority to send the emails that he did on exclusive account of them being in relation to the LTB Proceeding.
122. As such, the charge **should have never been laid at all**.

VOLUME #4(A): Civil Law: claims, actions and applications before the ONSC and ONSC Divisional Court (where applicable)

123. The civil law in Ontario, there is no freestanding right of the tort of harassment.

124. In *Flood v. Boutette* (Ont CA, 2021) the Court of Appeal confirmed that there was no tort of harassment in Ontario:

[113] The Papics plead “harassment” and intentional infliction of emotional distress. There is as yet no recognized common law tort of harassment: see *Merrifield v. Canada (Attorney General)*, 2019 ONCA 205, 145 O.R. (3d) 494, leave to appeal refused, [2019] S.C.C.A. No. 174. In my view, the circumstances of this case cannot plausibly warrant the recognition of such a tort. ...

125. The Ontario Divisional Court, pursuant to vertical stare decisis, affirmed the law in *Boutette* by articulating the following in *Kantoor v. City of Hamilton* (Ont Divisional Ct, 2024) the Divisional Court considered the as-yet unacknowledged in Ontario tort of harassment:

[24] There is no free-standing civil tort of harassment that has been recognized in Ontario; this was confirmed by the Court of Appeal for Ontario in *Merrifield v. Canada (Attorney General)*, 2019 ONCA 205, leave to appeal to the Supreme Court of Canada denied.

[25] Although the Court of Appeal for Ontario did not foreclose the development of a properly conceived tort of harassment that might apply in appropriate contexts (paragraph 53 in *Merrifield*, supra), there is no compelling reason why such a new tort ought to be recognized on the facts of this case.

126. There has not been any common law change in this regard. The former Honourable Chief Justice of the SCC in Madam Justice McLachlin made a variety of observations and findings in *Watkins v. Olafson*, 1989 CanLII 36 (SCC), [1989] 2 S.C.R. 750, at p. 760 in that common law change is evolutionary in nature: it proceeds slowly and incrementally rather than quickly and dramatically:

“Generally speaking, the judiciary is bound to apply the rules of law found in the legislation and in the precedents. Over time, the law in any given area may change; but the process of change is a slow and incremental one, based largely on the mechanism of extending an existing principle to new circumstances. While it may be that some judges are more activist than others, the courts have generally declined to introduce major and far-reaching changes in the rules hitherto accepted as governing the situation before them.”

127. Courts may not be in the best position to address problems in the law; significant change may best be left to the legislature.⁹

128. These wise words of caution have been reiterated by the Supreme Court in a variety of contexts including *R. v. Salituro*, 1991 CanLII 17 (SCC), [1991] 3 S.C.R. 654, and *R. v. Mann*, 2004 SCC 52 (CanLII), [2004] 3 S.C.R. 59. The same idea is seen in English law: see e.g. *Launchbury v. Morgans*, [1972] UKHL 5, [1973] A.C. 127.

129. Common law change has occurred in the contexts of commercial contracts (see: Bhasin¹⁰) and privacy rights of private individuals vis-à-vis one another (see: *Jones v. Tsige* in 2012 before the ONCA)^{11, 12}

130. Savino, the motion judge does no more than find that although a tort of harassment is “not largely accepted, the door does not appear to be entirely closed on the possibility of this tort’s existence”: at para. 15. The court cites *Mainland Sawmills* as one of the few cases in which the elements of the tort are set out. However, in the case of *Mainland Sawmills*, *Mainland Sawmills* is the key case in the analysis. It underlies all of the subsequent Ontario trial decisions – this, despite the fact that it is a British Columbia trial level authority in which the court did no more than assume, for purposes of dealing with an application seeking to have particular claims dismissed, that the tort exists. Far from confirming the existence of the tort, the application judge in *Mainland Sawmills* specifically concluded that the law is unclear.
131. What is regularly pleaded in conjunction without any tort of harassment being recognized in Ontario is that of intentional infliction of mental harm. However, that requires intent to be proven on a balance of probabilities.

VOLUME #4(B): Human Rights Context

132. In the human rights context, an organization or person subject to the *HR Code* can be liable for harassment when it, he or she, engages in conduct that has been persistently unwelcome.¹³ The Legislature specifically codified the same in various specific contexts like employment.
133. The likes of a poisoned environment and having a school environment free from harassment are the legal justifications for the same. “Harassment” is also specifically defined in the HR Code at section 10.
134. The same legal standard is required to be proven on a balance of probabilities.

VOLUME #4(C): Criminal Law: Distinctions with a difference

135. However, criminal law is distinct because, *inter alia*, a defendant’s life, liberty and security at are stake pursuant to section 7 of the Charter. Ergo, the standard for the Crown (Mr. Rudra) requires him to prove each of the essential elements of the actus reus and mens rea beyond a reasonable doubt.
136. Our Parliament, not the Ontario Legislature (the “**Legislature**”), created a four part legal test for the Crown to meet in order to have the Defendant Applicant herein found guilty of the charge of criminal harassment.
137. The only relevant component to ss. 264(2) is that of subsection (b) of subsection (2) is that is all that is particularized in the unsubstantiated and insufficient information in the ‘charging document’. The Crown has NOT sought to amend or amended the information contained in the charging document. The charging document remains insufficient as a matter of law.

VOLUME #4(D): Wording of the two subsections of 264 at issue herein

138. Section 264(1) reads as follows:

264(1) No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection

(2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them.

139. Section 264(2)(b) reads as follows:

(2) The conduct mentioned in subsection (1) consists of

(b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;

140. Punishment under subsections (3) to (5) of section 264 need not be addressed at this stage of the proceeding.

VOLUME #4(E): The Deconstruction of the Legal Test under subsection 264(1)

141. As the Applicant did not attend any places known to the alleged complainant in his former common law spouse in Ms. Nicole Artopoulos, as she had left the condo where they resided together for approximately six years on June 23, 2024, whilst he remained, the deconstruction of said legal test passed by Parliament, only relates to some five or so email communications by the Applicant to Ms. Nicole Artopoulos from September 15, 2024, to October 1, 2024.

142. Offences relating to **criminal harassment** are found in Part VIII of the Criminal Code concerning "Offences Against the Person and Reputation".

143. The starting point is the federal Interpretation Act at it applies to every federal Act or enactment.

144. The law is always speaking (see: section 10 of the Interpretation Act).

145. The expression "shall" is to be construed as imperative and the expression "may" as permissive (see: section 11 of the Interpretation Act).

146. "**Person**" or any word or expression descriptive of a person, includes a corporation (see: Interpretation Act).

147. "Reasonably" denotes the objective person standard.

The distinction between wilful blindness and recklessness

148. "Lawful" means: a. : being in harmony with the law. a lawful judgment. b. : constituted, authorized, or established by law : rightful (see: M-W online dictionary).

149. "Authority" means: the moral or legal right or ability to control: Collins Online Dictionary.

150. The well-esteemed law firm of Dentons LLP distinguished in this article in 2019 between wilful blindness and recklessness albeit in the context of Parliament's amending to provisions involving money laundering:

"Recklessness is not a new concept in criminal law. The Supreme Court of Canada has noted on several occasions that in accordance with well-established principles for the

determination of criminal liability, recklessness, to form a part of the criminal *mens rea*, must have an element of the subjective. Recklessness will be found where a party, aware that there is danger that their conduct could bring about the prohibited result, nevertheless persists, despite the risk. Essentially, it is satisfied by one who sees the risk and takes the chance. It is in this sense that the term "recklessness" is used under criminal law, and is clearly distinct from the concept of civil negligence.

151. It is a trite fact that the Applicant could not have been aware of any risk because even by the False Pretense Email, the TPS had not warned him of anything but represented via the TPS email domain, that he had some property to pick up including his medication which had been taken hostage by unlawful lockouts by the Landlord.
152. The esteemed lawyers at Dentons LLP in the above noted article went further in distinguishing between recklessness and wilful blindness:

“Recklessness is also distinct from wilful blindness, the latter being capable of acting as a substitute for knowledge. While recklessness involves knowledge of danger or risk, and persistence in a course of conduct that creates a risk that the prohibited result will occur, wilful blindness arises where a person who has become aware of the need for some inquiry, consciously declines to make the inquiry because they do not wish to know the truth. The culpability in recklessness is justified by consciousness of the risk and proceeding in the face of it, while in wilful blindness it must be shown the individual was at fault in deliberately failing to inquire when they knew there was reason for inquiry.”
153. The word “persistence” is common to the “repeated communications” element. The Applicant did not consciously decline to make an inquiry at any stage in September 15, 2024, to October 1, 2024.
154. Would the Applicant attended the TPS 14th Division in person without any counsel or not have an agent attend to pick up his property and medication if he knew there was any risk of arrest which would include knowing there was risk associated with his formal emails specifically related to the LTB Proceeding as admitted and agreed between the Applicant and complainant?
155. The question answers itself.
156. To avoid any imputation that no analysis was performed herein, if any individual knew there was any risk of being arrested by the pick-up of property from the police but needed the property, they would simply send an agent or courier. It would then accomplish the goal of obtaining the property without any risk.
157. The Applicant was not aware of any risk whatsoever.

VOLUME #4(F): The basic elements of criminal harassment charge

158. The basic elements of the offence are:

Proving **criminal harassment** under s. 264 should include:^[1]

1. ☐ identity of accused as culprit
2. ☐ date and time of the incident
3. ☐ jurisdiction (incl. region and province)
4. ☐ the culprit has engaged in the conduct set out in s. 264(2)(a), (b), (c) or (d) of the Criminal Code;
5. ☐ the complainant was harassed by the conduct;
6. ☐ the culprit, who engaged in such conduct, knew that the complainant was harassed or was reckless or wilfully blind as to whether the complainant was harassed;
7. ☐ the conduct caused the complainant to fear for their safety or the safety of anyone known to them; and
8. ☐ the complainant's fear was, in all the circumstances, reasonable.

159. While the formal admission by a counsel to Ms. Nicole Artopoulos effectively disposes of this entire criminal proceeding in favour of the Applicant Defendant, the Applicant will be exhaustive herein.
160. There was no evidence provided at the time, even orally by the TPS to the Applicant, albeit lured to the TPS 14th Division on false pretences, that Ms. Nicole Artopoulos was harassed by the unparticularized and unsubstantiated conduct (allegedly) by the Applicant.
161. The Applicant Defendant has sworn under oath that he did not know that Ms. Nicole Artopoulos was harassed. In relation to the legal test involving reckless or wilfully blind as substitutes for the 'intent' or 'knowledge element', the Applicant notes the following.

VOLUME #4(G): Insufficiency of the Charging Document

162. The insufficiency of the charging document without amendment is fatal to any continuation of this criminal proceeding. The charge must be dismissed with prejudice and without ability to refile.
163. Section 581(3) states: "A count shall contain sufficient detail of the circumstances of the alleged offence to give to the accused reasonable information with respect to the act or omission to be proved against him and to identify the transaction referred to, but otherwise the absence or insufficiency of details does not vitiate the count. Section 581(3) is considered "converse of the rule about surplusage: *R v McMillan*, 2015 YKTC 31 (CanLII), per Ruddy J, at para 35.
164. An information or indictment must provide enough information on the offence to "lift it from the general to the particular. An information must provide sufficient detail to identify the transaction which gives rise to the criminal liability so that the accused can make full answer and defence: *R v Saunders*, 1990 CanLII 1131 (SCC), [1990] 1 SCR 1020, per McLachlin J; *R v Jimmy*, 2004 BCSC 997 (CanLII), [2004] BCJ No 1555, per Allan J; *R v Gauthier*, 1995 CanLII 1329 (BCCA), BCJ No 1527 (CA), per Prowse JA; *R v Katsiris*, 2008 BCCA 351 (CanLII), 259 BCAC 155, per Donald JA.
165. The requirement of specificity of a charge is a "fundamental principle of our law". The indictment "must charge an offence in such a manner as clearly to bring home to an accused an accurate knowledge of the offence with which he is charged.

166. The Applicant submits that the charging document is insufficient and remains insufficient. The Crown has had sufficient time to attempt to have the particulars in the charging document amended on a litany of fronts. If that is the role of the TPS 14th Division then so has it and DC Kolankowski and Sergeant Cassidy.

VOLUME #4(H): The legal test in Kosikar:

167. The Ontario Court of Appeal in *R. v. Kosikar* (1999), 1999 CanLII 3775 (ON CA), 124 O.A.C. 289 identified the elements of this offence. Goudge J.A. stated at para. 19:

“ I also agree with Proulx J.A.'s adoption, from *R. v. Sillipp* (1997), 1997 ABCA 346 (CanLII), 11 C.R. (5th) 71 (Alta. C.A.), of the following description of the five essential elements of the offence:

- 1) It must be established that the accused has engaged in the conduct set out in s. 264(2)(a), (b), (c), or (d) of the *Criminal Code*.
- 2) It must be established that the complainant was **harassed**;
- 3) It must be established that the accused who engaged in such conduct **knew** that the complainant was harassed or was **reckless or wilfully blind** as to whether the complainant was harassed;
- 4) It must be established that the conduct caused the complainant to **fear for her safety or the safety of anyone known to her**; and
- 5) It must be established that the complainant's **fear was, in all of the circumstances, reasonable**.

VOLUME #4(I): Dismissal solely on the ground of the Applicant having lawful authority (admitted by counsel to the alleged complainant on October 29, 2024)

168. The phrase "lawful authority" means merely rendering legally permissible that which would otherwise be prohibited (see: *R v Sillipp*, 1997 ABCA 346 (CanLII), 120 CCC (3d) 384, *per Berger J*, at para 20).
169. The Applicant submits that what he was engaged in on its face was not prohibited even at first instance.
170. *Did the Applicant have the right to send emails to Ms. Nicole Artopoulos regarding situations arising from their breakup on June 23, 2024, on September 15, 2024, involving the retrieval of her property from a secure location and situations arising from the Unlawful Lockouts after September 20, 2024, to September 29, 2024, and after the granting of the VC Delorenzi (LTB) order regarding granting the Applicant's motion to shorten the LTB proceeding?* The question answers itself. Even counsel to Ms. Nicole Artopoulos formally admitted the same in the LTB Proceeding some 29 days after October 1, 2024.

VOLUME #4(J): Even spiteful, mean and uncooperative is not the stuff of criminal law

171. The Court also considers that it is important to keep the words of Justice Doherty of the Ontario Court of Appeal in mind from the case of *R. v. McDougall* where he said that “conduct which is mean, petty, uncooperative and spiteful is not the stuff of the criminal law” (see: *R. v. Alvarez-Gongora*, 2014 ONCJ 712 (CanLII), at para 45, which endnoted at endnote 8: (1991), 1990 CanLII 6788 (ON CA), 62 C.C.C. (3d) 174 (Ont. C.A.) at para 47. I recognize that *McDougall* was not a criminal harassment case but the Court’s comments in that case are nevertheless an appropriate consideration in this case as per Justice Paul F. Monahan).
172. As such, such conduct that is spiteful is not sufficient to charge an individual with criminal harassment. As such, it must rise to a higher level like that of malice which connotes an evil.

VOLUME #4(K): Actus Reus

173. In relation to the actus reuses, there is no requirement for the Applicant to address any components under section 264(a), (c) or (d). In relation to subsection (d), the unassailable corollary is that the Applicant did not engage in any threatening conduct. In relation to subsection 264(c), the Applicant did not know where Ms. Nicole Artopoulos was residing at the time of September 15, 2024 to October 1, 2024. The Applicant did not know where Ms. Nicole Artopoulos was residing from June 24, 2024, to October 1, 2024.
174. In the mid summer of 2024, it was Ms. Nicole Artopoulos that hunted down the Applicant outside of Rental Unit 410 and professed her love to the Applicant and inquired whether the Applicant had engaged in any other relationships post their break-up. The Applicant answered honestly and directly and said that he had not.
175. The Court can take judicial notice of the fact that no individual goes from that in August 2024 to reasonably fearful for her safety some one month later when an individual emails about pick-up of property and events involving Unlawful Lockouts involving the Landlord.

VOLUME #4(K)(I): Repeated Communications

176. The “repeated communications” is also in dispute as it relates to the meaning and purpose of section 264(1).
177. There is no dispute as the Applicant did email Ms. Nicole Artopoulos on September 15, 2024, and after September 20, 2024, which was the date of two unlawful lockouts by the Landlord (not Ms. Nicole Artopoulos), all on account of formally admitted by declared counsel to the Landlord and counsel to Ms. Nicole Artopoulos in Ms. Nikki Kanavas (lawyer with the LSO), that the Applicant was engaged in those emails related to the LTB Proceeding (see: Declaration #1, Exhibit “A”). Any other such emails would be “false documents”.
178. However, more than one communication does not always mean that the communications were “repeated communications”
179. One of the first cases to consider the language of s. 264 after its coming into force in August 1993 was *R. v. Lafreniere*, [1994] O.J. No. 437, 22 W.C.B. (2d) 519 (C.J. Prov. Div.). At paragraph 9, “Subsections 2(a) and (b) use the word “repeatedly” which in my view at least refers to conduct which is engaged in persistently by the accused person. It is obvious as well that a result must flow from the persistent conduct engaged in in order for the conduct to be regarded as criminal, that result being that in all the circumstances, the persistent conduct “reasonably” causes the victim to fear for his or her safety.”

180. [T]he section, *inter alia*, is aimed at preventing repeated communications or repeated conduct, which are, . . . fear inducing to the recipient, by . . . [a] person the complainant wants nothing to do with.
181. The Court held that "repeatedly" communicating under section 264(2)(b) means more than once but does not require three or more communications. Whether conduct constitutes "repeatedly" depends on the context, including the history between the accused and the complainant. The Court found the two letters, in the context of threats and harassment from the accused's prior interactions with the complainant, sufficient to meet the criteria of repeated communication (paras 31-33, headnotes).
182. In *Ohenhen*, Court of Appeal held that "repeatedly" should be equated with "persistently." The Court of Appeal rejected the proposition that "repeatedly" must always require proof of entirely distinct conduct that is separated by a particular period of time: see paras. 22-25. Whether or not the conduct was done "repeatedly" is a question of fact. There is no requirement for any minimum number of instances of unwanted conduct beyond establishing that more than one such event occurred: see para. 31 (see: *R. v. Clarke*, 2023 ONCJ 576 (CanLII), at para 32).
183. The first definition of "persistently" listed in the Canadian Oxford Dictionary is: "continuing in spite of obstacles, attempts at control, etc.; persisting". The verb persist is defined, as *inter alia*, "continuing firmly or obstinately (in an opinion or course of action) esp. despite obstacles, remonstrance, etc.": *R. v. Ohenhen*, 2005 CanLII 34564 (ON CA), at para 27).
184. The Shorter Oxford English Dictionary, 3rd ed., defines "repeat", *inter alia*, as follows: "To say or utter over again, to reiterate. To say over, recite. To say or utter again after another or others . . . To say again what one has **already said**".
185. It is obvious herein that the Applicant informing the complainant about her left over property that she failed to take with her or retrieve at other times was a communication she would want something to do with. The same is applicable to the further emails. [O]ne must of necessity determine what is meant by the word "repeatedly". To begin, it is obvious that once is not enough to come within the meaning of the word. "Repeatedly" obviously means more than once. It is put that the conduct must be overly frequent in all the circumstances; that whether the conduct is overly frequent is a matter of fact to be determined by the court on a case by case basis; that there is no hard and fast rule as to what will in every case, numerically at least, constitute conduct which is overly frequent.
186. In fact, each communication by the Applicant was in relation to a new event. As such, even though the Formal Admission is dispositive of whether the Applicant's charge can stand, this is yet another ground that could be advanced in a future motion as to why the Crown cannot sustain the same.

VOLUME #4(K)(II): Harassed

187. To establish harassment, the crown must prove "that the prohibited conduct **tormented**, troubled, worried continually or chronically, plagued, bedeviled or badgered the complainant" (see: *R v Kosikar*, 1999 CanLII 3775 (ON CA), 138 CCC (3d) 217, *per Goudge JA*).
188. "Torment" is defined as: extreme pain or anguish of body or mind : **AGONY** (see: M-W Online Dictionary).
189. The "torment" must be caused by the defendant at the complainant.
190. Harassment requires a "sense of being subject to ongoing torment" (see: *Kosikar*, *supra*, at para 25).

191. Harassment is **more** than merely being “vexed, disquieted or annoyed” (see: see *R v Petrenko*, 2009 CanLII 66612 (ON SC), [2009] OJ No 5094, per *Durno J*, at para 10 (SCJ)).

VOLUME #4(K)(III): Fear for Safety

192. Fear for safety includes "a state of anxiety or apprehension concerning the risk of **substantial** psychological harm or emotional distress, in addition to physical danger or harm (see: *R v Szostak*, 2012 ONCA 503 (CanLII), 111 OR (3d) 241, per *Rosenberg JA*, at para 31).
193. But a mere fear for one's "financial well-being" is not enough (see: see *R v Lincoln*, 2008 ONCJ 14 (CanLII), 777 WCB (2d) 104, per *Brewer J*).
194. "Reasonable fear" is determined on an objective standard (see: *R v MH*, 2014 ONSC 36 (CanLII) at para 66).

VOLUME #4(K)(III)(a): Definitions

195. “**Substantial**” is defined as: of considerable importance, size, or worth (see: Oxford Online Dictionary).
196. On motion herein, the justice is not being asked to determine those issues and those issues may never arise. Rather, the motion justice is being asked to determine whether, pursuant to the Criminal Court Rules,

Volume 5: Argument – relating to *Criminal Court Rules*

VOLUME #5(A): The *Criminal Court Rules*

197. The *Criminal Court Rules* read as follows:

“Fundamental objective

1.1 (1) The fundamental objective of these rules is to ensure that proceedings in the Ontario Court of Justice are dealt with justly and efficiently.

(2) Dealing with proceedings justly and efficiently includes

- (a) dealing with the prosecution and the defence **fairly**;
- (b) **recognizing the rights of the accused**;
- (c) **recognizing the interests of witnesses**; and
- (d) **scheduling court time** and deciding other matters in ways that take into account
 - (i) the gravity of the alleged offence,
 - (ii) the complexity of what is in issue,
 - (iii) the **severity of the consequences for the accused** and for others affected, and
 - (iv) the **requirements of other proceedings**.

(4) The Court shall take the fundamental objective into account when

- (a) exercising any power under these rules; or
- (b) applying or interpreting any rule or practice direction.

Rule 1.1 reflects the crucial considerations that are to be borne in mind by the Court and the parties at each stage of the proceeding before the Ontario Court of Justice.

VOLUME #5(A)(I): Definitions

- 198. Where there are no definitions in legislation (see: *Legislation Act*, “legislation” includes statutes and regulations), the English dictionary is the starting point.
- 199. “**Justly**” is defined as: according to what is morally right or fair; fairly: Oxford Online Dictionaries.
- 200. “**Efficiently**” is defined as: in a well-organized and competent way: Oxford Online Dictionaries; and capable of producing desired results with little or no waste (as of time or materials): M-W Online Dictionary.

VOLUME #5(A)(II): Volume V: Further material to be provided

- 201. The Applicant relies upon the following rule under the *Criminal Court Rules*, Rule 2.3:
 - (2) Applicants and responding parties may serve and file any **additional** factual and legal material that they consider appropriate and helpful to assist the Court, including
 - (a) a brief statement of the legal argument to be made;
 - (b) one or more affidavits;
 - (c) case law to be relied upon, other than well-known precedents; and
 - (d) an agreed statement of facts.

VOLUME #6: Material Relied Upon and To be Relied Upon

- 202. The Applicant may tender further affidavits and potentially case law if this charge is not withdrawn by the Crown. If it is not, then the Applicant may have to take those steps without further notice.
- 203. It appears that an agreement statement of facts will not be forthcoming but this may change. As such, the Applicant’s Factum is denoted and defined as “Applicant’s Factum March 19” and/or “Applicant’s Factum Version #1”. The Applicant’s sincere hope is that the provision of the same to the Crown and any interested parties, with a request that the Crown deliver the same at first instance, assists the parties in an immediate resolution that does not require further court intervention. To the extent that the Applicant is required to serve the likes of the alleged complaint and the lawyer, Ms. Nikki Kanavas, who made the formal admission in the LTB Proceeding that all of the Applicant’s communications were in relation to the LTB Proceeding, to which the Applicant concurs, then he will be judicious and measured in that regard while awaiting a response from the Crown. The Applicant’s measured approach is in line with the

insufficiency of the charging document by the TPS 14th Division, arresting officer, on paper, of DC Kolankowski.

204. The Applicant or Moving Party relies on the following documents and may rely on further documents if necessary at first instance or by way of reply (see: subparagraphs d, f, g and h):

Relied Upon

- a. The Form #1 tendered to the Crown in December 2024 and amended Form #1 as of March 2025;
- b. Factum of the Applicant, dated March 19, 2025 (the “Factum March 19”);
- c. “Request to Use Alternate Service” (LTB) of October 24, 2024, which contains the Formal Admission (see: supra);

Potentially to be relied upon

- d. Factum of the Applicant, to be dated, with administrative amendments for hyperlinking, bookmarking and cross-referencing therein;
- e. Further affidavits of the Applicant in accordance with the *Criminal Court Rules* as follows:
 - i. Affidavit of the Applicant on substantive grounds;
 - ii. Affidavits of service;
- f. Book of authorities (if required and the hyperlinking, cross-referencing and bookmarking of the same are insufficient);
- g. Initial motion record;
- h. Joint motion record;

205. The Applicant shall provide the above noted documents subsequent to the filing of the ‘material relied upon’.

VOLUME #7: Conclusion and Orders Sought
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206. As the complaint admitted that all of the Applicant’s communications were in relation to his T2 Application before the LTB, the Applicant was acting with lawful authority. While the Formal Admission was made in another proceeding, the complainant is bound by the same herein. She cannot treat tribunal and court processes as a game and say one thing in one tribunal and another in this court. It would amount to an abuse of process. Ergo, the charge does not even meet the first part of the test. The Applicant appreciates that the Formal Admission was made on October 29, 2024, which was some 27 days, post the criminal charge date, and perhaps that is the TPS’ answer to the missteps that it took.
207. It then has one simple step to take and that is charge whomever (if applicable) made the report or complaint with public mischief.
208. If the TPS was working in collusion with the “on paper” complainant or any clandestine complaints
209. The Applicant seeks the following orders:
- a. An order abridging the time to have this motion heard and to be heard at the first available date;
 - b. An order that this motion is heard in writing;

- c. An order setting aside, invalidating or quashing the criminal charge particularized above and in the information of October 2, 2024;
 - d. An order dismissing the singular charge under section 264(b) against the Applicant Defendant with prejudice and without the ability of the Crown to refile said charge;
 - e. An order directing the TPS and Crown Counsel to take all necessary and incidental, and administrative steps involving the same; and
 - f. Any other orders that are consistent with the above and this Court has the jurisdiction to make that are in favour of the Applicant.
210. All of which is respectfully submitted to the Ontario Court of Justice by filing the same on March 20, 2025:

A handwritten signature in black ink, appearing to read "Ka McLean", with a long horizontal flourish extending to the right.

Mr. Kevin A. McLean (B.A. J.D., CIM)
Self-represented, the Applicant herein

Endnotes

¹A clearly very experienced justice with an impressive background in all facets of criminal law: **Madam Justice Mara Beth Greene** was called to the Bar in 1996 and practiced in Toronto with Daniel Brodsky (later Brodsky, Greene & Clarke) in criminal law on cases involving the mentally ill, including Ontario Review Board hearings. From September 1999 to December 2001, she practiced at Pinkofsky Lockyer and in 2002, co-founded Schreck & Greene. She has been involved in every level of criminal court including the Ontario Court of Appeal and the Supreme Court of Canada, with a focus on mental health cases. Madam Justice Greene has been a board member of the Criminal Lawyers' Association and has been a speaker at continuing legal education programs for the Law Society of Upper Canada. She has also been a member of the Safe Schools Committee, a board member of the Christie Ossington Neighbourhood Centre and a member and past president of the Elizabeth Fry Society of Toronto. Chief Justice Annemarie Bonkalo has assigned Madam Justice Greene to preside in Toronto (see: <https://news.ontario.ca/en/bulletin/27237/six-new-judges-appointed-to-the-ontario-court-of-justice>).

²Afd In **Bohn**, the Surrey police officers, presumably RCMP, cannot be commended enough for their attention to detail. They obtained a *Criminal Code* search warrant for theft of electricity and then returned to the Justice of the Peace for a Narcotics Control Act warrant.

³<https://www.cbc.ca/news/canada/toronto/female-sergeant-files-human-rights-complaint-against-toronto-police-1.4466392>

⁴<https://www.ctvnews.ca/toronto/article/toronto-police-officer-who-reported-alleged-sexual-misconduct-has-been-disciplined/>

⁵https://www.thestar.com/news/crime/veteran-female-officer-alleges-police-culture-of-sexism-in-human-rights-complaint/article_4fbc3aea-43e1-5ded-88b7-cd2d2b0adc63.html

⁶Defined phrase referring to: the unlawful lockouts by the Landlord and Goldview Property Management Ltd. involving changing the locks to Unit 410-775 King Street West, Toronto, Ontario, M5V 2K3 and the FOB system for the Minto Buildings (775 King Street West and 78 Tecumseth)

⁷<https://canlii.ca/t/ggfkq#par165>

⁸[45] This issue was resolved quickly for me when I re-read the defendants' pleading entitled, "Reply to the Claim for Lien." In the first three paragraphs of this document, the defendants concede that the base contract price should be calculated on 5,607 square feet, not 5,000 square feet. As stated in *Marchand (Litigation Guardian of) v. Public General Hospital Society of Chatham*, 2000 CanLII 16946 (ON CA), 2000 CarswellOnt 4362 (Ont. C.A.) at paragraph 77 a pleading admission is conclusive as to the matter admitted. Given this admission, I find that the base contract price must indeed be so calculated, namely on the basis of 5,607 square feet.

⁹There are sound reasons supporting this judicial reluctance to dramatically recast established rules of law. The court may not be in the best position to assess the deficiencies of the existing law, much less problems which may be associated with the changes it might make. The court has before it a single case; major changes in the law should be predicated on a wider view of how the rule will operate in the broad generality of cases. Moreover, the court may not be in a position to appreciate fully the economic and policy issues underlying the choice it is asked to make. Major changes to the law often involve devising subsidiary rules and procedures relevant to their implementation, a task which is better accomplished through consultation between courts and practitioners than by judicial decree. Finally, and perhaps most importantly, there is the long-established principle that in a constitutional democracy it is the legislature, as the elected branch of government, which should assume the major responsibility for law reform.

¹⁰Thus, when the Supreme Court created a duty of honest contractual performance in *Bhasin v. Hrynew*, 2014 SCC 71 (CanLII), [2014] 3 S.C.R. 494, it did so on the basis that good faith contractual performance already existed in Canadian common law as a general organizing principle that underpins and informs existing common law rules. Creation of the new common law duty was justified on the basis that it was an incremental step that followed from the implications of the general organizing principle, a step that responded to societal needs and vindicated the reasonable expectations of commercial parties without precipitating unintended effects.

¹¹The importance of incremental development of the common law was discussed in *Jones v. Tsige*, 2012 ONCA 32 (CanLII), 108 O.R. (3d) 241, in which this court recognized the existence of a tort of intrusion upon seclusion.

¹²This is not a case whose facts cry out for the creation of a novel legal remedy, as in *Tsige*. That case concerned a highly significant intrusion into the plaintiff's personal information. The defendant, who was in a relationship with the plaintiff's former husband, used her workplace computer to gain access to the plaintiff's banking records and personal information over a period of several years – actions the court found to be deliberate, prolonged, and shocking. Discipline imposed on the defendant by her employer did not redress the wrong done to the plaintiff. In these circumstances, as Sharpe J.A. put it, "[T]he law of this province would be sadly deficient if we were required to send [the plaintiff] away without a legal remedy."

¹³Far from being created from whole cloth, the intrusion upon seclusion tort was grounded in what Sharpe J.A. identified as an emerging acceptance of claims for breach of privacy. He carefully reviewed Ontario and Canadian case law, in which he discerned both supportive dicta and a refusal to reject the existence of the tort, and provincial legislation that established a right to privacy while not foreclosing common law development. He also considered academic scholarship, much of which supported the existence of a right to privacy. He drew upon American tort law, which recognizes a right to privacy, as well as the law of the United Kingdom, Australia, and New Zealand. He also noted societal change – in particular, technological developments that pose a threat to personal privacy – and the impetus for reform that it created. "[M]ost importantly," he said, "we are presented in this case with facts that cry out for a remedy": at para. 69.

Tab 3



Tribunals Ontario
Landlord and Tenant Board

Request to use Alternative Service
(Disponible en français)

37

File Number: L T B - T - 0 6 3 5 5 4 - 2 4

Language Preference

The LTB offers services in both French and English.

What is your preferred language? ☐ French ☒ English

☒ I am asking to use an alternative method to serve a party to a Landlord and Tenant Board (LTB) proceeding. I am unable serve the party using the regular methods of service listed in section 191 of the Residential Tenancies Act, 2006 or LTB Rule of Procedure 3.

Name and Address of the Requestor

First Name

M . N I K I

Last Name

K A N A V A S

Company Name (if applicable)

M A T R O N A L A W P C

Street Address

5 5 U N I V E R S I T Y A V E

Unit/Apt./Suite

1 1 0 0

Municipality (City, Town, etc.)

T O R O N T O

Prov.

O N

Postal Code

M 5 H 2 J 7

Day Phone Number

(4 1 6) 8 4 3 - 0 0 8 2

Evening Phone Number

() -

Fax Number

() -

E-mail Address

N K A N A V A S @ M A T R O N A L A W . C O M

Address of the Rental Unit

Street Number

7 7 5

Street Name

K I N G

Street Type (e.g. Street, Avenue, Road)

S T R E E T

Direction (e.g. East)

W E S T

Unit/Apt./Suite

4 1 0

Municipality (City, Town, etc.)

T O R O N T O

Prov.

O N

Postal Code

M 5 V 2 K 3

Note: A request to use an alternative method to serve a tenant or a former tenant no longer in possession of a rental unit with a L10 Application and Notice of Hearing must be given to the LTB at least 40 days before the hearing.

Zeisman 2017
ONSC
Issue: whether
Landlord
Served via
reg methods?
What whether
received.

SEE: NEXT PAGE -> REQUEST -> NON-COMPLIANT w
PART 1 & 2 LEGIS
15+ -> ERRORS, MISREPS, ABUSE OF PROCS
-> NO EVIDENCE OF INABILITY TO SERVE VIA
REGULAR METHOD
-> NO EVIDENCE OF "ATTEMPTS TO SERVE" VIA
REGULAR METHODS

1. Explain how you have already tried to serve the other party. You must have already tried to serve the other party using the regular methods before making this request.

The Applicant Kevin McLean has indicated several times in his submissions that he does not consent to service of email. Mr. McLean was not a tenant of the premises to which he seeks entry, and for which the subject matter of his T2 is; but, he has not provided us with his current mailing address, nor did he provide the Toronto Police with his current mailing address after they charged him with criminal harassment against my client's daughter as it relates to this Application. We have his email address and have emailed him, without any response. He uses the email address that we intend to serve hearing materials and evidence to, to communicate with the LTB, as such we know that it is active and accessed by him. We would like to serve a Response to an Urgent Request for an Interim Order he has filed, and file same with the portal as soon as possible. We also need to be able to serve our client's evidence for the upcoming hearing of November 15th 2024. We feel that Mr. McLean is intentionally being difficult.

2. What alternative method of service would you like to use? Explain why you think the party will receive the documents using this method. For example, if you want to use email, explain why you believe the party uses the proposed email address and will receive the document.

The email address that Mr. McLean uses to serve his documents by email is mcleansettlement@gmail.com. It is also the email address that he uses to correspond with the LTB and to contact my client and her daughter. We understand that he has unfettered access to that email address and feel that he will receive our submissions successfully - unless he blocks us. We may also use tracking software to confirm receipt.

Mr. McLean has not provided his mailing address and as such, we do not know where to serve materials to him. None of his materials contain a return address in order for us to serve my mail or in person. The only method of communication we have is by email.

Signature

☐ Landlord ☒ Landlord Representative ☐ Tenant ☐ Tenant Representative ☐ Other

First Name M. Niki	Last Name Kanavas	LSO # 75080K	Phone Number (416) 843-0082
Signature 		Date (dd/mm/yyyy) 24/10/2024	

For Board Use Only:

The request to use alternative method of service is: ☐ Granted ☐ Denied	
Reasons: 191(c) -> Handling it to 191(c) -> ADULT PERSON 191(c) -> MAILBOX 191(d) -> LAST known LTB x 4 LTB rules 3.1 3.1(c)	
Approved Method:	Deadline for Service:
Name of Member:	Signature: Date:

The Landlord and Tenant Board has the right to collect the information requested on this form to resolve your application under section 185 of the Residential Tenancies Act, 2006. After you file the form, all information related to the proceeding may become publicly available in a tribunal decision, order or other document, in accordance with Tribunals Ontario's Access to Records Policy and the Tribunal Adjudicative Records Act, 2019. Parties wanting records or information to remain confidential must seek a confidentiality order from the adjudicator. If you have questions about confidentiality orders or access to records, please contact us by email at LTB@ontario.ca or our Contact Center at 416-645-8080 or 1-888-332-3234 (toll free).

Tab 4

ONTARIO COURT OF JUSTICE

BETWEEN:

HIS MAJESTY THE KING

CROWN

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT

AFFIDAVIT OF SERVICE

(RE: Motion to Dismiss the criminal charge, purportedly relating to criminal harassment involving 'repeated communications' albeit solely in relation to the LTB Proceeding as per the Formal Admission, issued on October 2, 2024, by the TPS 14th division at the 14th division of the TPS after the **False Pretense Email** of Constable Romano to myself and my confirmation that I would attend solely to pick-up my property (the "**McLean Property**") which was purportedly received, in unauthorized fashion, by the TPS 14th Division on or around October 2, 2024)

I, Kevin A. McLean of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I swear the following facts to be true. Where I have sworn facts on belief, I cite the source of my belief.
2. I adopt the definitions from the filed documents infra and they have the same meaning herein as they do therein unless otherwise noted.

VOLUME #1: FILED DOCUMENTS OF MARCH 20, 2025

3. I make this affidavit of service relating to my service of the following documents which were filed via email with the email of the South Toronto Crown Office of southtorontocrown@ontario.ca on March 20, 2025:
 - a. My Form 1, which was made, finalized, dated and executed by myself on March 20, 2025 (the "**Form 1 Application**");
 - b. My motion submissions or factum relating to the Form 1 (the "**Motion Submissions**"); and

- c. The document, with my annotations, which was denoted as the “Request for Alternative Service”, dated October 24, 2024, wherein I refer to my definition of the “**Formal Admission**” (the “**Formal Admission Document**”).

(collectively, the “**Filed Documents**”).

VOLUME #2: SERVICE OF THE CROWN VIA THE CROWN COUNSEL PURSUANT TO THE CRIMINAL RULES OF THE ONTARIO COURT OF JUSTICE (THE “CRIMINAL RULES”)ⁱ

4. On March 20, 2025, I served the **Filed Documents** on His Majesty The King by way of the assigned crown counsel in Mr. Arjun Rudra at the email that was provided to me by the South Toronto Crown Office, with thanks, of arjun.rudra2@ontario.ca. I believe, based upon the LSO directory only containing that name therein absent an email address, that Mr. Rudra, a lawyer licensee in good standing with the LSO, has the LSO licensee number of: 78242Qⁱⁱ.

VOLUME #3: SERVICE OF AFFECTED PERSON(S) PURSUANT TO THE CRIMINAL RULES

5. On March 20, 2025, I served the following lawyers with copies of the Filed Documents at their emails denoted beside each:
- a. Ms. Nikki Matrona Kanavas: nkanavas@matronalaw.comⁱⁱⁱ; and
 - b. Mr. Dimitrios Kanavas: dkanavas@kanavaslaw.com.
6. As it remains unknown to me whether Ms. Nicole Artopoulos, in fact and/or at law, filed a criminal complaint against me, with any evidence under oath or otherwise, and/or whether she did so through legal counsel, I served Ms. Kanavas in light of, inter alia, on the **Formal Admission** in the **Formal Admission Document**.
7. I also served Mr. Kanavas as his name appeared in the LTB portal as a counsel, at some points, for Ms. Nicole Artopoulos’ mother (the “**Landlord**”), and Ms. Nicole Artopoulos had attended some of the hearings before the LTB in the LTB Proceeding. I also note, without knowing the contents, that Ms. Nicole Artopoulos appears to have filed documents therein.

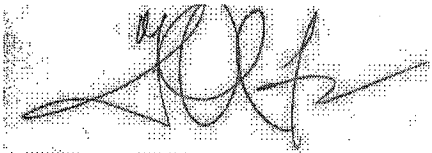
VOLUME #4: CONCLUSION AND JURAT

8. I expressly adopt and incorporate herein the facts in my Form 1 and the Motion Submissions. I put the Crown Counsel to strict proof of any and all allegations underlying the criminal complaint and criminal charge, and to its burden to prove each and every essential element (*actus reus* and *mens rea*) of the unparticularized criminal charge against

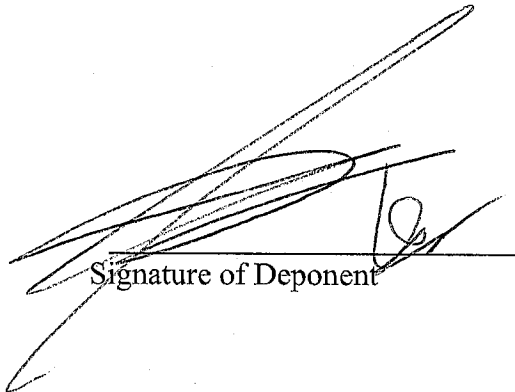
me. I allege that an abuse of process has been committed and continues to be committed upon this ONSC by the non-withdrawal of the criminal charge on a with prejudice basis.

9. I respectfully demand that the Crown Counsel withdraw the criminal charge with prejudice on a forthwith basis. To the extent that the Crown Counsel does not do so, I ask that a date be set by the Toronto South Crown Office on an urgent basis to be heard on written hearing. To the extent that a written hearing cannot be conducted, I ask that a date be set on an urgent and expedited basis for me to speak to the motion.
10. I respectfully challenge each and every individual involved in the criminal complaint, the issuing of the criminal charge, the approving of the same and not taking any steps to withdraw the same to swear evidence under oath or affirmation as to why they believe that had reasonable grounds to believe that I committed a criminal offence, why a criminal offence had to be issued, and why the criminal offence had to be approved.
11. I swear this affidavit of service for no improper purpose and solely for the purposes herein.

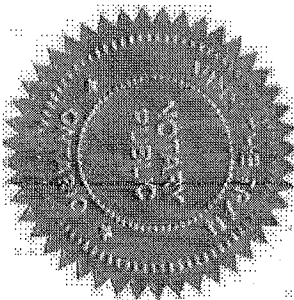
Commissioner for Taking Affidavits, Lawyer and/or Notary



Signature of Commissioner/Lawyer/Notary



Signature of Deponent

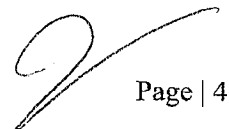


Unlimited. No Expiration.
NO ILA PROVIDED.
Identification Confirmed.

ⁱ<https://www.ontariocourts.ca/ocj/criminal-court/criminal-rules/>

ⁱⁱ<https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/directory-search/member?MemberNumber=78242Q>

ⁱⁱⁱ<https://lso.ca/public-resources/finding-a-lawyer-or-paralegal/directory-search/member?MemberNumber=75080K>



Tab 5

This is the 2nd affidavit of Mr.
Kevin A. McLean (B.A., J.D.,
CIM) and it was made on March
28, 2025

Court File No: 24-48129169

ONTARIO COURT OF JUSTICE

BETWEEN:

HIS MAJESTY THE KING

CROWN

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT

AFFIDAVIT #2 OF THE APPLICANT DEFENDANT

I, Kevin A. McLean of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I swear the following facts to be true. Where I have sworn facts on belief, I cite the source of my belief.
2. I adopt the definitions from the filed documents infra and they have the same meaning herein as they do therein unless otherwise noted.
3. Now shown to me and marked as **Exhibit "A"** are documents numbered one (1) to 27 as follows:
 - a. **Pages 1 to 3:** my email to Mr. Rudra confirming my re-issued demand and request to withdraw the criminal charge et al. I included the emails between him and myself with my previous email account for service herein to assist in, inter alia, refreshing his memory with respect to this file. The attached emails are at pages 5 to 17;
 - b. **Page 3:** the email referencing and attaching the two attachments which are infra. The two attachments were:
 - i. The "undertaking" document and promise to appear in November 2024 (see: pages 24 to 27);
 - ii. The email thread between myself and Constable Romano at first instance by way of two emails: (i) his email to me (see: page 18 of Exhibit "A"); and

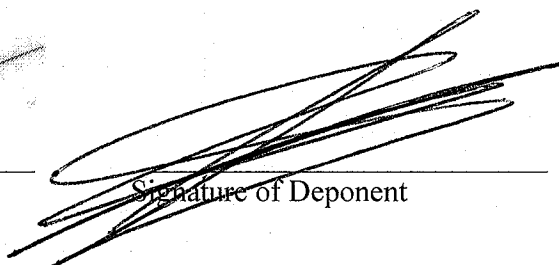
- (ii) my email response to him exclusively relating to the pick-up of my property (see: page 19); and
- c. **Page 3 to 4:** my final email of today's date to Mr. Rudra regarding, inter alia, requesting that he copy his manager or supervisor for the Crown's office on the email thread.
4. The time is now past three p.m. and I have not heard from Mr. Rudra regarding any of the above including any dates that are available to him. As such, I will provide an amended or updated Form 1 to set the hearing of my motion to dismiss for Tuesday, April 22, 2025 or the first available date thereafter.
5. I repeat and rely upon my previously sworn evidence and I adopt the facts from my filed submissions. I believe that I was misled by the Constable Romano email which I have defined "**False Pretense Email**". I believe that DC Kolankowski intentionally misled me regarding the fictitious and alleged warning of me not to contact one Ms. Nicole Artopoulos which I have defined as the "**Fictitious Warning Representation**". I also believe that Constable Romano intentionally misled me about having a warrant for my arrest (the "**Fictitious Arrest Warrant Representation**").

6. I swear this affidavit of service for no improper purpose and solely for the purposes herein. I swear this affidavit on March 28, 2025, and I will promptly provide a copy of the same to the ONCJ for filing and service upon Mr. Rudra and any potentially affected persons.

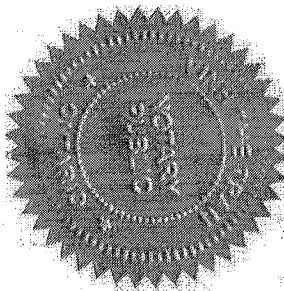
Sworn before me at the City of Toronto in the Province of Ontario
on the 28th day of March, 2025



Signature of Commissioner/Lawyer/Notary



Signature of Deponent



Unlimited. No Expiration.
NO ILA PROVIDED.
Identification Confirmed.



Kevin McLean <mrkevinaalexandermcleanbajdcim@gmail.com>

24-48129169 - R. v. McLean - re-issued demand for the Crown to withdraw the criminal charge

3 messages

Kevin McLean <mrkevinaalexandermcleanbajdcim@gmail.com>

Thu, Mar 27, 2025 at 7:13 PM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

March 27, 2025

VIA EMAIL (see: SouthTorontoCrown@ontario.ca and Arjun.rudra2@ontario.ca)EXCLUSIVELY FOR PURPOSES HEREIN

File number: 24-48129169

Type of document: email

Short title of proceeding: *R. v. McLean*

Sending party: Mr. Kevin A. McLean (B.A., J.D, CIM), defendant and moving party (the "Applicant")

To:

Provincial Crown Office (South Toronto Crown)

Kind attention: Mr. Arjun Rudra**Re: provision of our email thread from my other and previous email for this proceeding****Re #2: demand that the Crown complies with its obligations to withdraw criminal charge by no later than three p.m. tomorrow**

Dear Mr. Rudra:

1. I write regarding the above.
2. As you can see from the other email thread with the trial coordinator office, your attempt to have a judicial pre-trial in the face of agreement between myself and the Crown, and as directed by The Worship in December 2024, was all for not. No dates will be provided to you regarding any judicial pre-trial as there was no basis to have this criminal charge issued at first instance.
3. As such, this leaves my motion to dismiss this criminal charge that should have never been issued to me. Moreover, it should have never been issued in the manner it was at the **TPS 14th Division** based on the False Pretense Email, the DC Kolankowski misrepresentations to me, and the fictitious warrant representation by Constable Romano. I appreciate that mistakes can happen in life and vocations but I will not be saddled with this criminal charge for all of the obvious reasons.
4. As you will see from our email chain, I provided you the relevant materials confidentially and exclusively for your review. You confirmed that you would need time to review those materials. I respectfully believe that I have given you sufficient time to review the same.
5. You will also note that I confirmed with you in December 2024 that the Crown had agreed, with Her Worship's order or direction, that I could proceed with my motion to dismiss. I then provided you with the

base Form 1 Application. My hope was that you would discharge your duties as a Crown Counsel and the esteemed, yet laden with professional obligations and overarching duties, position that you have.

6. I do appreciate that you had no role in the criminal charge itself but it never should have been approved.
7. To the extent that you had no role in the approving of the criminal charge, you then had a duty to not proceed with the criminal charge once you had any awareness of the sheer absence of reasonable and probable grounds to arrest me.
8. It is now 176 days since the time of the issuance of the criminal charge. While appreciating the first appearance was not until November 2024, there cannot be any excuse to continue with not only an absence of reasonable and probable grounds with this criminal charge but predicated upon deception to effect the same.
9. Imagine if I never showed up to the TPS 14th Division, no such criminal charge would have ever been issued to me.
10. The fact that the charge has not been withdrawn is most concerning and remains a reason why I will seek to be heard in writing or remotely.
11. I appreciate that you may have other files that are not involving the 14th Division but it remains my sincere belief, based on the references to the other case law in the motion submissions, that there is a systemic problem with the 14th Division.
12. The starting point for fixing the systemic issue with the 14th Division is to formally withdraw the criminal charge with a copy to the ONSC trial coordinator.
13. I repeat and rely upon my submissions and evidence therein including this attachment. In this manner, I will not need to cross-reference the same herein with further wasted resources.
14. I kindly remind the Crown Counsel office of it being bound by the *HR Code*.
15. You now have had seven days to review the motion submissions which are most similar to what was originally provided to you.
16. Any called lawyer licensee of the LSO working in this sphere would be able to comprehend and understand the legal bases and know that the Crown is required by law to formally withdraw the criminal charge.
17. As I have been demanding the same since the Fall of 2024, kindly confirm or deny by the end of the business day tomorrow whether the Crown's office intends to do so.
18. I may supplement this email thread, absent the ONSC being copied, with further evidence to defend myself and advance my interests without being saddled with a criminal charge or the anvil attached to me that a criminal charge does, particularly this type of frivolously based criminal charge where counsel to the alleged complainant already admitted that I had lawful authority to send the emails that I did.
19. Of course, if the Crown intends to defend my motion, as you already have my declaration #1 in the HRTTO but I will reduce that to a sworn affidavit herein, the officers will need to effectively perjure themselves to defend the same.
20. There is never a wrong time to do the right thing.
21. I await to hear from you.
22. Thank you.

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

DISCLAIMER

1. *The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*
2. *Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.*

 **Gmail - R v McLean - 1272006-email-chain-for Mr. Rudra's benefit.pdf**
535K

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Thu, Mar 27, 2025 at 7:31 PM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

March 27, 2025

Dear Mr. Rudra:

1. For good measure, I have included two attachments involving the following:
 - a. Constable Romano's email to me and my response to him along with my further response; and
 - b. The criminal charge was issued to me.
2. In the spirit of cooperation and courtesy, I may have an email that is send to you and counsel to the TPS in another matter regarding the theft of my property on October 25, 2024, but it will be confidential and not be utilized for these purposes herein. Rather, I may direct it to the two of you for other reasons. I am kindly providing notice to you to avoid any potential dismay in you receiving the same.
3. Thank you.

[Quoted text hidden]

2 attachments

 **Gmail - Your property for pick up - email from Constable Romano - my response to the same.pdf**
411K

 **Scan_Undertaking_Promise to Appear.pdf**
160K

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Fri, Mar 28, 2025 at 7:09 AM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

Dear Mr. Rudra:

1. *Would you also kindly copy your supervisor or manager of your office on this email thread? From my review, you appear to be a relatively new call (i.e. six or so years). I do not say that pejoratively but I can only find one reported decision with your name attached to the same. It appears that said reported decision involved*

the attempt by defence counsel to bring a constitutional challenge at the end of the proceeding. Parenthetically, this would be yet another legal ground why I evinced my intention to bring a motion to dismiss on an urgent basis.

2. I kindly ask because if I do not have confirmation of a withdrawal of the criminal charge by today at three p.m., I will need to bring a motion by separate proceeding to add the Crown to an extant proceeding. In this regard, I refer you to the **HRTO Proceeding** (as defined previously) and the fact that the Crown is bound by the *HR Code*.

3. Moreover, I may bring a motion with constitutional questions herein depending on the results of the first motion and other proceedings – current or contemplated.

4. However, if the criminal charge is withdrawn by today with return email hereunder, then you can avoid providing me with the same. In the spirit of cooperation, I can also confirm that if the criminal charge is withdrawn by no later than three p.m., that I will not be seeking to add the Crown, yourself or any other persons in your office regarding the same that involve the issues herein. I will consider the matter closed from a legal liability standpoint in perpetuity involving myself and the Crown counsel. Naturally, there will be some ancillary matters to bring to a close involving any return or destruction of any of my personal information, personal health information and property (where applicable).

5. I also confirm that there are a variety of extant and to be filed proceedings involving the purported complainant in Ms. Nicole Artopoulos either directly or indirectly and there has not been any issue on her part, directly or indirectly, and that I have not been in breach of the same. Obviously, the language therein is ambiguous but one Sergeant Cassidy did represent, on the night in question at the 14th Division, what he did orally to me at the time of the false charge, false detention, false arrest, false incarceration *et al*. By way of particulars, I confirm that any current or commenced legal proceedings by myself or her, directly or indirectly, would not be a breach of the same. I provide this information out of an abundance of caution. While in normal circumstances, I would have sought to have that provision, as ambiguous as it is, amended or varied.

6. I trust it goes without saying that every step that I have taken, am taking and will have to take will have to be accounted for with meticulous detail and be the subject of potential liability for the Crown.

7. If I do not hear from you by three p.m. today, I will proceed without further notice to you and the Crown's office. I will also need to draw this to the attention of the office of the AGO and the AGO himself.

8. In the interim, I will ask the trial and hearing coordinator for a date to be anchored for any potential appearance whether by "written hearing" or appearance (remotely or otherwise).

9. Thank you for your attention to this urgent matter.

[Quoted text hidden]



Mr. Kevin McLean <mcleansettlement@gmail.com>

R v McLean - 1272006

10 messages

Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>

Thu, Nov 14, 2024 at 9:46 AM

To: "mcleansettlement@gmail.com" <mcleansettlement@gmail.com>

Good Morning Mr. McLean,

I understand that you wish to bring a motion forward on this matter. Would it assist to have an in person judicial pre-trial scheduled for us to discuss and schedule estimates?

The first available date for a self-represented judicial pre-trial is Jan 27, 2025. Unfortunately I am not available for that date. The first date I am available is Feb 11 and 12.

Are you available for either of those dates? In person, courtroom 707.

Arjun Rudra

Assistant Crown Attorney | Toronto South Crown Attorney's Office

Ministry of the Attorney General | Ontario Public Service

437-240-1474 | arjun.rudra2@ontario.ca



Mr. Kevin McLean <mcleansettlement@gmail.com>

Thu, Nov 14, 2024 at 10:53 AM

To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Good Morning to you Mr. Rudra,

Thank you for your email. I was about to write to you as I saw the bounce back or restricted but I do now see the change in your email with the digit #2 at the end. Thank you for taking the initiative in this regard.

Perhaps, your colleague did not relay my communications correctly or I did not articulate it well enough in the brief time that we had. I will be somewhat comprehensive for your edification.

I am intending to dismiss the entirety of the singular charge with a notice of application to dismiss under the Criminal Court Rules.

Perhaps, the confusion we have here is that the file number that I was provided was 24-48129169 but you have a file number above that is different.

In any event, there is nothing particularly to discuss for a pre-trial component. If you have not had a chance to review my memorandum of law or written argument regarding my notice of constitutional questions in the HRT0, I think it

would be helpful to do so. I also filed a declaration #1 therein and all of these materials have been served on the AGO, AGC and Crown (see: email service ability with the latter two).

I attach them again for your ease of reference in this regard.

I trust you will see that there was no merit to even having me to come to the TPS 14th Division on material misrepresentations but it is DC Kolankowski and Constable Romano's misrepresentations regarding a fictitious warning and a fictitious warrant that are fatal to the Crown's case. There is obviously more to that considering who the likely complaint was in that being my ex mother-in-law (if you will by common law status).

Other than that, I do have some fresh evidence that I will be bringing and by "fresh evidence" I mean recently discovered and to be before the LTB in a hearing tomorrow. My hearing tomorrow involves an unlawful lockout by the Landlord (Ms. Aphy Artopoulos) and consequential damages (compensatory and aggravated) and being displaced by now about 55 days. Nonetheless, the LTB was kind enough to provide me with another undisclosed filing by said Landlord that demonstrates some serious issues with her lack of honesty and hurling criminal like complaints against me. I attach a copy of the same. Any reasonable person who reads the same realizes that this mother (who apparently delivered my property to the 14th Division on October 2, 2024 without my consent) has some serious psychiatric issues to speak in that manner about someone absent evidence – let alone in filings to an Ontario tribunal. Unsurprisingly, she then withdrew her application (an A2 for precision purposes) in late October 2024.

I provided copies of the only emails that I sent Nicole in September and October 2024 to the TPS 14th Division but they did not respond. Unless someone is impersonating me, then there is not a single authority in this country that supports criminal harassment. Moreover, it was those very emails that assisted me in obtaining an order for shortened proceedings and now an interim hearing and hearing proper in one consolidated fashion.

In any event, I appreciate you may be just getting into the file and I have a hearing for this unfortunate LTB saga where I anticipate the Landlord will be paying the max in damages and one of the higher fines of all time so why don't you get back to me by end of day tomorrow and let me know if you intend to proceed? Kindly also clear up the file number confusion as I will be relying on the number provided to me for any application to dismiss the singular charge if required.

If you need further time to consider or wish to have discussions without prejudice, I am all ears but it will need to happen reasonably quickly because this criminal charge is now inhibiting you from doing a lot of things including heading to the USA for a surgery that is required as a result of my MVA. We do not have the same surgery in Canada.

I will await to hear from you regarding the above.

The attachments may come on a piecemeal basis.

Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

 **kindrequestnameofthelawyerlicenseecrownassignedi.zip**
2499K

Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
To: "Mr. Kevin McLean" <mcleansettlement@gmail.com>

Thu, Nov 14, 2024 at 11:04 AM

Hello Mr. McLean,

Sorry for the confusion. The "SCOPE" file number (our internal file number) for your matter is 1272006. The information number related to your matter is: 24 48129169.

I can acknowledge that I did receive your zip package, I will need some time to review the materials enclosed.

Can you please clarify what section of the criminal code you are referring to, in terms of your application? In any event, a judicial pre-trial will be required to complete estimates for that motion.

Are you available for either of the dates proposed?

Thank you

From: Mr. Kevin McLean <mcleansettlement@gmail.com>
Sent: Thursday, November 14, 2024 10:54 AM
To: Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: Re: R v McLean - 1272006

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

[Quoted text hidden]

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Tue, Dec 17, 2024 at 2:47 PM

Via EMAIL

DICTATED WITH VOICE RECOGNITION SOFTWARE (kindly excuse any typos, spelling, grammatical errors or inadvertent double negatives or qualifiers - kindly advise if you believe that there are some or all of the same so I can clarify.)

Exclusively for purposes herein (see file numbers above)

To:

Crown Counsel

Armory road location

Kind attention: Mr. Arjun Rudra, Barrister and Solicitor with the LSO, lawyer licensee in good standing

December 17, 2024

Re #1: status update to draw to your attention involving the HRTD Proceeding – respondents are on timeline to provide their responsive pleadings in short order and have defaulted in responding to my first motion

Re #2: new evidence to draw to your attention from the LTB Proceeding – which is dispositive that there could not have been any criminal harassment per se (see: 1st part of the legal test)

Re #2(A): further evidence involving the alleged complainant's mother, Mrs. Aphy Artopoulos(s) also known as Afrodite Artopoulos also known as Aphy Artopoulos) by way of a scandalous, malicious, and false filing of an A1 on August 9, 2024, - raises further questions about the credibility of the Landlord (alleged complainant's mother) - obtained through privacy type (request for information and personal information) request of the LTB

Re #3: kindly draw this letter to the attention of the Court in the event that the criminal charge is not withdrawn before tomorrow's appearance at two p.m. via teleconference

Re #4: in light of my current status - awaiting now our final hearing for the LTB Proceeding - I am content, subject to the above, for you to confirm the below with the judge - and provide me a status update

Re #5: good faith formal offer to be considered - with thanks

Dear Mr. Rudra:

1. I write regarding the above. I hope you and your team are well at the Crown's office. I adopt the definitions from the memorandum of law that I provided you involving the HRTD Proceeding and they have the same meaning herein as they do therein. I will be brief herein as I appreciate the time of this email being sent. Further, I will review the relevant attachments that are referenced by implication and determine how to share the same in a subsequent email.

2. I confirm all of the below is to assist in resolving this matter in accordance with the law and providing you with the necessary and applicable facts and evidence to exercise that discretion in accordance with the law.

3. To further underscore, with some maturity and ability to review this unfortunate situation with the benefit of some hindsight and cold cognitive processes, I appreciate that your office, and yourself particularly, was not necessarily involved until around the time of the first appearance. You will recall that I attended the first appearance by telephone and spoke with one of your colleagues at the time and she then re-appeared on my behalf after a brief triage between her and I.

4. As I may have mentioned, I had my property stolen from a hospital on October 25, 2024, where I had left one of my bags (a backpack) with a computer, phone, wallet, and passport contained therein. Part of the reason for the delay was that I had spent time working with said hospital (CAMH), which is known to me not as a patient of said hospital but having attended in support of a friend who had mental illness and was an outpatient, and from time to time, I would engage in some work, research or study type activities. Unfortunately, CAMH took the legal position, which I say was misguided, to provide some images of the "thief" but redacted the same. Said matter is now to proceed before the Ontario Information And Privacy Commissioner. Thereafter, it went from "bad to worse" when the thief or at least individuals who knew the thief then utilized some of my banking cards and library card to engage in fraud, impersonation et al. The usage of my library card was particularly concerning because it occurred at two locations on two distinct dates: (i) the Fort York library branch (the "Fort York Branch") (which is on Fort York and Bathhurst) on October 28, 2024; and (ii) Queen and Saulter branch, which I came to learn was on 789 Queen Street East ("Saulter Branch"), on November 8, 2024. In addition to the same, an individual(s) utilized my library card to reserve passes to attend the Aga Khan Museum. I only learned of the same because I received an email of the notification for the Aga Khan Museum via email (albeit without my computer and electronic devices) on the day of but not read until the following day.

5. To provide you with some insight into the particulars of my TPL access request, I have copied and pasted part of one of the responsive emails from the TPL (privacy division) in this regard - albeit without any reference to names and breaching any confidentiality or breach of that individual's privacy.

6. The theft of my property from CAMH on October 25, 2024, was rather suspicious in relation to timing because at that time, I had obtained the order from the Tribunal (LTB) for an urgent hearing and had brought an interim motion for interlocutory relief. Again, said LTB Proceeding is exclusively between myself and the Landlord (not the alleged complaint (albeit I do not have any disclosure and do not know if she, in fact, made the complaint personally or it was a lawyer which I presume would be one Ms. Matrona Niki Kanavas)) and not between myself and my former spouse. As noted, Nicole became my former spouse on June 23, 2024. That being said, I still do not know how my property was delivered to the TPS 14th Division without my consent. I learned from, I believe the individual's name was Hubert, that it was delivered on or around 3 p.m. on the day in question when I was subject to the False Arrest (i.e. without a warrant, as misrepresented to me, and without any warning to me regarding alleged and unparticularized communications between myself and my Spouse).

7. However, of great importance to you, in my respectful email to you, was a document filed by one Ms. Kanavas on October 24, 2024, wherein she sought a request for alternate service but failed to even condescend upon any particulars as it related to the legal test therein. At that time, the Landlord had not substantively participate in the LTB Proceeding despite her unlawful conduct during the LTB Proceeding. I confirmed on October 25, 2024, with the LTB that said filing by the Landlord, without reference to any legal counsel at the time, was filed, by way of reference to the Portal, that the Landlord had not served me or even purported to serve me. However, there was a fraudulent COS filed in the LTB Portal. Consistent with me not consenting to any service via email or the Portal, I did not review the same or read the same. I then proceeded with the November 15, 2024, hearing date where I was ready to obtain the relief sought in my T2 Application but a procedural issue arose with the adjudicator that day as to whether I was served. Unfortunately, one Member Chahbar had issued an order that purported to be one of alternate service, pursuant to Rule 3.4 of the LTB Rules which dovetails to section 191 of the RTA, but it was not in the Portal at all and was not provided to me. As such, the hearing proper in the LTB Proceeding had to be stood down while I reviewed the Portal to confirm with the adjudicator of the Tribunal that it was not therein and I did not have a copy despite some rather spirited comments from the adjudicator that I was incorrect. Moreover, during that hearing proper, my former spouse was in attendance, along with the Landlord, on a volitional basis which I found odd but nonetheless she was not and is not a party to that LTB Proceeding. One Ms. Kanavas for the Landlord continued to press on the "criminal undertaking" even though that was irrelevant to the LTB Proceeding and the merits therein. Nonetheless, I attempted to proceed with my submissions and uncontroverted evidence, along with not having been served under the RTA, but there was insufficient time and the issue of whether I was served had to be addressed further. I am doing so as we speak now, having a copy of this Member Chahbar Order. It was thereafter wherein Ms. Kanavas, counsel to the Landlord but also, de facto for my former spouse (Ms. Nicole Artopoulos) that I learned that she represented in that request for alternate service (and seemingly other documents by reference) that the alleged harassment was in the form of email and I now quote (or paraphrased if I miss a word as I cannot copy and paste from the PDF) [emphasis being mine]:

"....charged him with criminal harassment against my client's daughter AS IT RELATES TO THIS APPLICATION."

8. I attach a copy of that document with my annotations regarding the same. Moreover, Ms. Kanavas was boldly and falsely misrepresenting that I did not provide the TPS 14th Division with my address. As noted in my filings in the HRTTO Proceeding (not the LTB as that is not at issue per se as much as one Ms. Kanavas may wish it to be and not face the merits for her client in the Landlord), Sergeant Cassidy was holding my identification which had my address therein. I need not get into the duress and trauma I was under at that time but suffice it to say, the shock remains.

9. In reference to the above, I was again contemplating writing to you earlier but I erred on the side of caution of waiting to hear from the HRTTO regarding that HRTTO Proceeding. The HRTTO Proceeding was commenced shortly after the False Arrest, False Detention, Unlawful Search, Unlawful Seizure and False Imprisonment. If you need a copy of the HRTTO Application, I can provide the same to you but it is a briefer version of the memorandum of law which underscores the material facts, binding authorities and application of the facts to the law. The HRTTO Application (the 'pleading') was served on the TPS and TPS Respondents via mail to 40 College Street, Toronto, shortly thereafter. I also served the TPS Respondents with my memorandum of law and notices of constitutional questions therein. I further served the Attorney General of Canada, Attorney General of Ontario and Crown.

10. In order to provide you with time to review this email and revert back to me via email so we have our positions in writing but solely herein, I will leave it there on the substance per se. I confirm that I will not be using any of these materials and communications absent your consent and for any collateral proceedings as one Ms. Kanavas has done. I have not even referenced the HRTTO Application and HRTTO Proceeding with the LTB.

11. For your benefit and that of your office, I confirm that I obviously wish to resolve the HRTTO Proceeding but the TPS Respondents have not retained counsel and take any steps to face my motion. I will continue to liaise with the AGC and AGO regarding their positions therein. However, at this time, I will have to proceed therein unless there is some responsive correspondence (with or without prejudice) to attempt to resolve how this was handled from a human rights standpoint.

12. Moreover, in relation to the above, I believe there is certainly enough in the way of facts and issues that a resolution therein will be sufficient for all the Respondents to learn from their mistakes and grow accordingly.

13. That being said, the longer this criminal matter continues, where it is being used against me by one Ms. Kanavas, and perhaps a matter to be addressed by your Crown office to her that she is not entitled to speak on

behalf of the TPS (and I remain puzzled how she has such information and particularly false information) and causing me further detriment and loss. That being said, in the spirit of good faith and cooperation, I confirm that if this criminal matter is withdrawn, I am open to withdrawing any causes of action that arise from the same subject to us having any further fine tuned without prejudice discussions in that regard or by way of separate counsel.

14. I appreciate that December 18th, 2024, was the time for my second appearance and I will await to hear from you on the above. To the extent we can resolve the procedural and/or substantive aspects, I can then waive my right to receiving any disclosure. Out of an abundance of caution, I confirm that I have not received any but I am certainly more curious than ever to know who made the complaint in that I will boldly presume it was Ms. Kanavas as she acted on behalf of multiple individuals with potentially conflicting interests.

15. To the extent that I am able to tie the theft of my property (some or all) to any of the individuals that made, cause to be made, facilitated or acquiesced in a complaint which has been admitted to be solely in relation to the LTB Proceeding (i.e. exactly what I informed the TPS of by way of memory in relation to any emails that I sent), I had legal authority, lawful justification et al to send the same.

16. Trusting you see this new evidence and admissions by way of agency, and subject to learning who made the complaint along with further particulars, I look forward to not wasting any further time on my side and collectively including taxpayer dollars. As I presume you know who attended to deliver my property to the TPS 14th Division without my consent, and who made the complaint, then I presume this evidence will have increasing probative and investigative value to your office. Moreover, I can also confirm for your records that one Mr. Dimitri Kanavas and Ms. Nikki Kanavas were acting as co-counsel at one time during the LTB Proceeding, and then after my review request of this Chahbar Order, one Mr. Kumar (a paralegal I believe) was appointed in their stead. Lastly, a further morsel of evidence for your consideration, with the benefit of not being in the dark like I am but less in the dark now that I know the position of my former spouse that my emails RELATED TO THE LTB PROCEEDING, one Ms. Aphy Artopoulos (the "Landlord" as defined above) in filing her A1 on August 9, 2024, admitted to the LTB that Nicole had transferred the tenancy on October 10, 2023. I confirm, as that date may be somewhat shocking to you as it was me per se at first instance, that it was October 10, 2023, wherein the Landlord signed and filed, along with payment, of that A1, after the filing and service of my T2 Application, and represented that it was "true and accurate". She then filed, without service of myself, further documents therein and then on October 28, 2024, Ms. Kanavas represented to the Tribunal that her office had not been retained previously and withdrew the A1 Application. However, the admission remained. As such, all that remains in the LTB Proceeding are the facts and the law which will proceed by way of admissions therein. As such, I trust that this matter can be put to rest in accordance with the law and that you do not have an individual like Ms. Kanavas speaks on behalf of the TPS; particularly when her representations are false or the TPS has misrepresented the same to her.

17. Obviously, subject to what I receive in terms of the images of this thief, and the conduct of the Landlord et al, I would proceed promptly with my Notice of Application to dismiss the criminal charge as per the Ontario Criminal Court Rules for procedural guidance but in effect, it would be my memorandum of law that would allow me to dismiss it summarily. I trust court time, on the criminal side, need not be wasted with such an unfortunate and misguided conduct that I appreciate was set in motion by the Landlord and Goldview Property Management to some degree, but if that has to be undertaken then I will have to do the same. Lastly on this front, I confirm, but for Nicole's attendance at the LTB Proceeding, I have had no communication with her and I have deleted all of her contact information since that time.

18. Thank you.

Appendix

Aga Khan fraudulent booking

This confirmation is not a pass.

Please download your pass and bring it with you to the attraction.

Hello Kevin Alexander Mclean,

Great news! You have successfully reserved a **tpl:map** pass from Toronto Public Library for:

- **Library Card Number:** 27131056572458
- **Attraction Name:** Aga Khan Museum
- **Reservation Date:** November 9, 2024
- **Offer Description:**

This pass entitles a total maximum of 2 adults (including cardholder) and 4 children ages 17 and under to free general admission during regular public hours and is not valid for ticketed events. Children 14 and under must be accompanied by an adult. Please redeem the pass at the Museum's Guest Services Desk.

TPL access request response

2. Video surveillance footage images (especially headshots and/or face shots) of the individual(s) using the checkout stations at the following specific TPL branches and specific times:

a. Fort York Branch on October 28, 2024, at:

i. 7:41pm

ii. 8:16pm

b. Queen/Saulter Branch on November 08, 2024, at:

i. 11:57am

ii. 11:58am

iii. 12:13pm

iv. 12:15pm

v. 12:29pm

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

2 attachments



image001.png
4K

TN_kanavas false filing req_Oct 24_24_annotated_Nov 20_24.pdf
394K

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Tue, Dec 17, 2024 at 4:26 PM

Good Afternoon again Mr. Rudra,

I believe I misspoke in referring to an A1 but it was an A2 Application with the LTB. I have copied and pasted the proceeding documents that were filed by the Landlord with Ms. Kanavas purporting that she only became involved at the end. I highly doubt that. I will challenge her with a motion in this regard but her representations are internally and externally inconsistent.

I apologize for that administrative error and the above should reflect an A2 Application. However, I have attached the first filing herein.

You will see the admission made by the Landlord in a filed pleading therein.

She then proceeds to engage in highly defamatory allegations, with no substance or particulars of: (i) urinating in a stairwell (which is laughable albeit false); (ii) substance abuse; and (iii) unparticularized theft.

As it relates to the latter two, I have not engaged in any substance abuse at all – whatever that means in fact or at law. As the TPS knows, I am prescribed medication for ADHD. I have my blood tested regularly and there are no other drugs found in my system but for trace amounts of the salts contained in Adderall. While I cannot prove a negative in relation to an unparticularized theft, I simply note that I was the individual that paid rent to the Landlord (Nicole's mother) and that is in evidence and uncontroverted.

In my view, the Landlord appears to have utilized multiple counsel along with Nicole and the Landlord is clearly not well when filing documents like that under the penalty of an offence.

To the extent I do not have confirmation of the dismissal of this unparticularized criminal charge, then kindly provide me with the complaint and the particulars so I can review the same.

Lastly, aside from the nonsensical and frivolous language used therein, I can confirm that her lies to the Tribunal are overwhelming and cast doubt upon her credibility and that of the alleged complainant. However, the admission by one Ms. Kanavas that my emails related to the LTB Proceeding are dispositive of whether a criminal harassment charge would meet the first part of the legal test. It cannot. To the extent that credibility was at issue, it is overwhelming that we are dealing with deceptive individuals that were merely upset about an order of the LTB on October 1, 2024.

While DC Kolankowski was not honest and failed to correct the same with me, there is no place for alleging a warrant (arrest that is) existed when it did not.

As it relates to your query and apologies for the delay, the law that I would rely upon for dismissal of this, I say with respect, frivolous criminal charge is contained in the memorandum of law combined with the Ontario Criminal Rules of Procedure. There are two recent cases that I have found involving the TPS 14th Division which have some similar fact evidence that demonstrates a systemic problem. I will provide those upon further review.

Of course, to the extent that you wish to not withdraw the criminal charge, I will provide my filed materials for service upon the Crown's office in accordance with those Ontario Criminal Court Rules but will likely seek a shortened period of time for responsive timing and hearing of the same.

So you can see the difference between individuals like the "Artopoulos"" that say things with no factual predicate or underlying evidence. I also attach evidentiary images of the theft of the McLean Property. If you see the individual at the end of the hallway therein holding my backpack, which is redacted although not redacted in other images, said individual is about the height of Aphy or Nicole - 5'4". It is an interesting take on "no contact" when I am minding my own business and honouring the same, although challenging the same through proper legal channels, to lift up a backpack to determine if that was mine.

Kindly confirm receipt at your earliest opportunity so I know which way to proceed herein.

Thank you.

Appendix

Sort: Created date (latest first)

Request to Withdraw

Type: Request to Withdraw an Application

Received Date: October 28, 2024

File: Artopoulos - Request to Withdraw an Application.pdf (852 KB)

ID: Evidence-4399118

Added by: Aphy Artopoulos

Supporting emails-evidence

Type: Evidence and Submissions

Received Date: August 22, 2024

File: Supporting Emails.pdf (2 MB)

ID: Evidence-3984980

Added by: Aphy Artopoulos

REQUEST TO SHORTEN TIME

Type: Request to Extend or Shorten Time

Received Date: August 21, 2024

File: REQUEST TO SHORTEN TIME.PDF (2 MB)

ID: Evidence-3982300

Added by: Aphy Artopoulos

Type: Schedule of Parties

Received Date: August 9, 2024

File: LTB-L-067798-24 schedule of parties.PDF (990 KB)

ID: Evidence-3982237

Added by: Aphy Artopoulos

LTB-L-067798-24 a2

Type: Copy of submitted application

Received Date: August 9, 2024

File: LTB-L-067798-24 a2.PDF (5 MB)

ID: Evidence-3982229

Added by: Aphy Artopoulos

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

2 attachments

 **LTB-L-067798-24 a2_filed by Landlord_fraudulent misrepresentations.pdf**
5341K

 **McLean_Theft_Property_October 25_24_for Crown_confidential.pdf**
960K

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Wed, Dec 18, 2024 at 1:27 PM

Good Day to you Mr. Rudra,

I hope you are well. I did not receive an auto-reply from you but perhaps you were tied up or in court. If you have not provided these emails and attachments to the court, I would kindly ask that you do so.

Out of an abundance of caution, I will provide these to the previous email for the court and copy you. I will also call in at two p.m. As confirmed, I do not have any disclosure yet and I do now intend to bring my motion to dismiss. I anticipate having that done in short order. As noted, I am content to receive a summary of it at first instance as particularized above.

As previously confirmed, I remain without my computer and have been unlawfully displaced from my condo unit, with the LTB Proceeding pending final disposition, so I will only be able to call in via phone (absent Zoom).

I look forward to working with you in a cognitive and professional fashion. Trusting you have had a chance to review the materials provided to you including my extensive memorandum of law in the HRTD Proceeding, the answer to the legal bases for procedure are hyperlinked herein:
<https://www.ontariocourts.ca/ocj/criminal-court/criminal-rules/>

If my application is successful, then that will be the end of the matter. If it is not, then I would be happy to canvas dates with you thereafter. Should you have any questions about the attachments, please do not hesitate to inquire. Otherwise, I will presume that the facts, including my declaration, and law remain sufficiently clear and capable of the Crown exercising its discretion to withdraw this charge and the matter will be officially closed without any further need for any collateral proceedings involving the same.

Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Wed, Dec 18, 2024 at 2:01 PM

Good Afternoon Mr. Rudra, I have just called in and there are 50 participants. I am unsure you will be present or not but feel free to respond to the above emails when you have a moment. Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Wed, Dec 18, 2024 at 2:36 PM

Re: 24-48129169 - R. v. McLean - allegation and charge of criminal harassment pursuant to section 264(b) of *Criminal Code*

Dear Mr. Rudra:

As discussed previously, kindly find a copy of the Form 1 in "DRAFT FORM". The reason for the "draft form" is based on the dates to be determined, time of hearing and courtroom. An additional reason for the same is that I woulcchecked box from the filed application which will be duly signed and dated.

I anticipate having my affidavit #1 and written submissions to you in short order. I will be relying on two additional cases that I have found involving the 14th Division of the TPS for purposes of context and binding precedent where previous cases have found *Charter* breaches involving this 14th Division along with one Sergeant Sean Cassidy. While I do not have them in front of me, one of the names was "Dos Santos" and it involved some similar facts (i.e. without being crude, there was some personal privacy breaches and absence of toilet paper et al albeit Mr. Dos Santos was charged, without dispute, that he was driving under the influence and well more than the legal limit). Obviously, these facts are far different herein and there is no independent evidence of any crime like there was in Dos Santos. While Dos Santos involved a stay of proceedings motion at trial, there is an unfortunate pattern of Charter breaches involving the 14th Division. I am still considering if some of these cases (some noted referentially or implicitly) and potentially further cases will be introduced as "similar fact evidence" or merely for context.

I will, of course, provide you with a list of authorities in the motion submissions and copies of those cases or citations to each.

In relation to the sections of the *Criminal Code*, they are all contained in my memorandum of law to the HRTTO Proceeding. While there is an implied undertaking, or at least a quasi-one with the HRTTO, I am reviewing the scope of

the same. That being said, if I am unable to attach my memorandum of law, you can anticipate the same substantive legal arguments in the motion submissions. As I will be swearing evidence in affidavit form, not declaration like the HRT0, the evidence will be similar.

I provide the above for purposes of confirming that you are aware of the evidence and legal arguments that will be made. In addition to the same, the recent attachments will be appended as appendices to my affidavit #1. It is trite that said admission made by one Ms. Matrona Niki Kanavas, who was or is co-counsel with Mr. Dimitri Kanavas, is binding upon the complainant (to the extent she was the complainant in fact). My review of the form requires service on all interested persons. To that extent, I would ask that you revert back with who attended the 14th Division of TPS to make the complaint and who delivered my property absent my consent. For purposes of this motion, that should suffice as I will be referencing or appending the emails in question that are exclusively related to the LTB Proceeding – as admitted by one Ms. Kanavas on October 24, 2024, by filing in the LTB Proceeding.

I remain available herein.

Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]



Form 1_R v. McLean.doc
118K

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Wed, Dec 18, 2024 at 2:54 PM

Dear Mr. Rudra:

I do not see any practice direction on shortening time so it appears that by way of Ontario Criminal Court Rules that it can be shortened by order of the court or by consent. I will be asking that the Court not set a next appearance or one that is well into the New Year so there is time for my motion to be heard and decided.

In referencing the practice direction, the link is here: <https://www.ontariocourts.ca/ocj/criminal-court/practice-directions-and-policies/>.

In referencing the time to serve, which is tied to the date of the hearing, I am referring to the below:

RULE 3 — SERVICE

Times for service

3.1 (1) An application in Form 1 shall be served and filed with proof of service at least 30 days before the date of the hearing of the application.

(2) A response in Form 2 shall be served and filed with proof of service at least 15 days before the date of the hearing of the application.

Exceptions

(3) Despite subrules (1) and (2), the time periods set out in those subrules may be shortened or lengthened

(a) by a local practice direction;

(b) by an order of the Court; or

(c) with the consent of the parties, except as described in rule 3.2.

I believe that canvasses all of the procedural aspects and now only substantive matters regarding my motion remain. Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Wed, Dec 18, 2024 at 5:08 PM

Good Afternoon Mr. Rudra:

After 2.5 hours, I was able to appear before Her Worship and with the benefit of Crown Counsel with thanks to both. The next appearance date was set for some time out on March 19, 2024, wherein I waived my section 11(b) rights to have my notice of application to dismiss heard. I informed the court that I have your email and had notified you of the same. The application materials shall follow.

As I was juggling the above with email on a different computer and waiting patiently for my turn, with respect to the interested persons to serve, I shall presume, unless I hear otherwise that you can provide me with any names that you believe are interested persons by way of whom attended to deliver my property in unauthorized fashion and whether they were accompanied by a licensee. It seems that Ms. Kanavas has some unusual amount of apparent knowledge regarding the night in question while I was in police custody which I say was unlawfully.

To avoid any potential construal of breach of the criminal undertaking, which I say should be abolished forthwith and demand that it is along with the withdrawal of the charge, I would ask that you serve the complainant with a copy of my materials.

To avoid any further demand regarding the withdrawal of this, what I say is the most unsubstantiated criminal charge with an admission that any communications were sent in relation to the LTB Proceeding, I ask that your office confirm it is withdrawal on a forthwith basis and by no later than noon on this Friday upcoming. If I do not hear from you in that regard, I will presume that I have to proceed expediently and I will seek an expedited hearing date.

I find this regrettable and wasteful of court's resources but nonetheless, the case law I can now advance with that admissions must be dispositive of the quashing or dismissal of a criminal charge that should have never been issued to me in any fashion let alone the fashion it was and such a charge should have never been approved.

The language that I heard today is apropos, "no reasonable prospect of conviction". I also note in the Criminal Rules Of Procedure there is a reference to the effect on the individual accused but other proceedings. There are now two proceedings and in one the LTB, Ms. Kanavas, who is a lawyer with but one reported decision, brought an appeal on behalf of a company that was dismissed with brief reasons as it related to the plaintiff/appellant missing a limitation period by ten years. You can also take notice of how she has attempted to conduct the LTB Proceeding albeit claiming to only have been retained in late October 2024. It is unsurprising that the Landlord then retained a Mr/ Vinoth Kumar, a licensed paralegal, but he appears (as I had not communicated with him but his name appeared in the LTB Portal) to have had discontinued his representation of the Landlord (Ms. Aphy Artopoulos) in rather summary fashion. I infer that he got a flavour of some of the dishonesty that she had engaged in after reviewing my then recent submissions regarding the Landlord and her agent's conduct. While it is now a point of law type issue on section 264(b), to the extent credibility factored into the matter, the credibility of Ms. Aphy Artopoulos and her daughter (who had no issue appearing at the LTB Proceeding) are next to nil if not nil.

I trust that this is sufficient to confirm the criminal charge will be withdrawn with prejudice.

Thank you and my best to you,

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]



Mr. Kevin McLean <mcleansettlement@gmail.com>

Your property for pick up

3 messages

Anthony Romano <Anthony.Romano@tps.ca>

Wed, Oct 2, 2024 at 7:46 PM

To: "mcleansettlement@gmail.com" <mcleansettlement@gmail.com>

Hello Kevin,

Please be advised that we have received some of your property which will be held here at 14 Division for you to retrieve. We have received your passport, birth certificate, name change certificate, medication and a watch. Your property will be held here for the next 7 days and if not picked up by then, it will be sent to our property bureau.

When you attend 14 Division, let the front desk officers know you have property in temporary lockers under your name and they will retrieve it for you.

Regards,



Anthony Romano

Constable #6097

Toronto Police Service

14 Division, D Platoon

416-808-1400

anthony.romano@tps.ca

This e-mail (including any attachments) may contain PRIVILEGED and CONFIDENTIAL INFORMATION only for use of the Addressee(s). If you are not the intended recipient of this e-mail or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this e-mail is strictly prohibited. If you have received this e-mail in error, please immediately notify me by telephone or e-mail to arrange for the return or destruction of this document. Thank you.

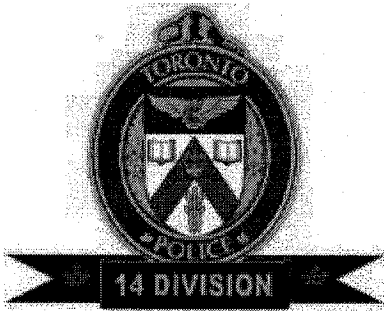


image001.jpg
10K

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: Anthony Romano <Anthony.Romano@tps.ca>

Wed, Oct 2, 2024 at 7:57 PM

Good Evening Mr. Romano: thank you so much for your email. I confirm its receipt.

I did not ask for it to be delivered there and I am sorry you are saddled with the same. We have an emergency hearing coming up at the LTB as per the order of Adjudicator Delorenzi which is attached so it is unclear why, I presume, the Landlord delivered it there.. I absolutely need my medication so I will be there tonight. I have to walk so I anticipate about 30 minutes or so.

I will bring my identification. Thanks kindly.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

LTB-T-063554-24_McLean tenant_expedited granted.pdf
86K

Mr. Kevin McLean <mcleansettlement@gmail.com>
To: Anthony Romano <Anthony.Romano@tps.ca>, 14division@torontopolice.on.ca, 7956@tps.ca, 82239@tps.ca

Thu, Oct 3, 2024 at 1:17 PM

October 3, 2024

VIA EMAIL

VIA PDF EMAIL

For the purposes herein

Toronto Police Service

Attention: 14th Division (see: 14division@torontopolice.on.ca)

Attention: Mr. Romano (see: Anthony.Romano@tps.ca), Sergeant Cassidy (7956@tps.ca) and DC Kolankowski (82239@tps.ca)

Re: some corrections to the address provided in Form 10

Re #2: my declaration #19 in the LTB Proceeding which provides all of my correspondence with Ms. Nicole Artopoulos since September 15, 2024, - all related to the pickup of her remaining items at the Minto Buildings – left on Sunday and picked up that day – without issue – updates regarding the Unlawful Lockout by the Landlord and so on -

Re #3: confirmation that I have never spoken or met DC Kolankowski until yesterday

Re #4: residual – if charges have not been approved yet – kindly provide the name of the Crown so I (and my counsel) can clear up the confusion

Dear Sirs/Mesdames:

1. I write regarding the above.
2. I have had occasion to speak with various counsel and I am seeing another this afternoon. Without any waiver of privilege or confidentiality, kindly respond under this thread (where applicable).
3. My name is below and my identification is attached along with my current address. In compliance with the Form 10, I was required to inform you if anything was incorrect. I am still reviewing but the address is incorrect. I am informed by the criminal defence counsel that “NFA” means ‘no fixed abode’. This is incorrect. My fixed abode is on my driver’s license. Kindly correct the inaccuracies and send me a revised Form 10 via email herein. If you need my signature on the revised one, I can sign and scan by sending it back to you. Thank you kindly in this regard.
4. I have been the sole tenant since Nicole vacated on June 23, 2024. As per the *Residential Tenancies Act* (Ontario), once Nicole vacated and I did not leave within 60 days, if I was not a tenant at law (which I was as I had paid rent for over five years to Ms. Aphy Artopoulo(s)), then I became a tenant and the sole tenant. I attach a copy of my declaration #19 in that LTB Proceeding. As per the order of LTB Member Delorenzi, which came as a shock to me as well, which was on October 1, 2024, and both myself and the Landlord (Aphy) were notified of the same.
5. It is not your typical order (if you will) of shortening of time because it also finds me to be a tenant and notes the circumstances (based on volumes of evidence and submissions). They are rare at the LTB but they are also unreviewable as per section 209 and 210 of the RTA. I heard someone say last night that it is just in the nature of a quicker hearing. It is absolutely not that they are very difficult to obtain and they look at all of the evidence to determine the same. Moreover, the granting of my relief relates to an urgent motion that puts me back in Unit 410 and requires unequivocal conduct by the Landlord in accordance with the law. One can understand why the Landlord was upset and the timing of the same.
6. In turn this means, I will be successful with my interim motion to take repossession of Unit 410. It is only a matter of time. I have also updated the RHEU in this regard and that is also now moving again in the correct and lawful direction. The above is for your kind edification in relation to the LTB proceeding.
7. As per the advice of two criminal defence counsel and one civil counsel, all unanimously, my declaring of an affidavit (or declaration) is public record and it is under the penalty of perjury. Therefore, you will see attached that a mistake has been made and I kindly ask you to reconsider this charge absent particulars of dates therein. All of the communications to Nicole (which I had not communicated with her since on or around August 2024 while I resided in Unit 410 by myself) were for: (i) picking up of her stuff which I kindly left in our former parking spot; (ii) advising her of the status of what the Landlord did and thankfully all of her belongings were picked up (unlike my situation); (iii) confirming the steps I was taking in the LTB proceeding; (iv) inquiring if she had a

replacement key; and (v) then seeking her position about me being "Nicole's guest" when I was the primary payor (if not sole payor); and others.

8. I have also had the law reviewed in harassment (criminally) and you would get that kind of comment from other civil litigators at times that one is engaging in "harassment" if they are somehow being repetitive in a point. It is obviously context specific.

9. In the context of a section 264(2)(b) which states, "**264 (1)** No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them. **Prohibited conduct** (b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them", I was required and compelled, by legal duty and by request of the RHEU in certain parts, to follow up with demands upon the Landlord, and the Nicole (by way of her vacating as a tenant) and provide evidence of the same. I have done so.

10. All of the conduct that I have taken therein is lawful as it is in relation to the LTB proceeding or an offshoot of the same. It is also in the spirit of courtesy in providing Nicole with her remaining items for pick up.

11. I can also confirm that at no time did I receive any correspondence from anyone that any communications were unwelcome and even if the Tribunal found my communications to be worthy of a unique order.

12. I appreciate you are all doing your job to the best and top of your profession but respectfully, there is no way that I was not engaging in conduct that was lawful. Secondly, I could not have known that any person was harassed and certainly if they were, they could notify the LTB as that is the context that it was happening in. Nothing has been brought forth.

13. I certainly appreciate that it not enjoyable for anyone to be going through this and it has not been for me (i.e. coming back to being locked out when it was not authorized) but in order to obtain the assistance from the RHEU, I had to show steps I had taken to notify all including a technical legal position that I had discovered.

14. Even Constable Solermo of your 14th Division said to me, "This is a tenancy matter. They are hard fought but it is not for us." We were pleasant and disagreed on a few points but nonetheless, you will see the only emails that have been sent by me that are all in relation to Nicole receiving the return of all of her property unlike my ability to not have access to all of my property that is in Unit 410 (but I confirm receipt of some yesterday).

15. I will await the amendments to the Form 10 and whether the charges have been approved or not. If they have, kindly provide me with the name of Crown Counsel so I can pass on that name so I can see which criminal defence counsel to pick based on the same.

16. Of course, I will continue to honour all of the terms and conditions, as it relates to Nicole as I don't know where she will be and I am not searching for her. I do not know where she is working these days and I do not care to. I also do not know where she is living and I do not care to. The sole purpose of my emails, of which the Landlord was copied on, was to protect and preserve my legal position due to an unlawful changing of the locks and deactivation of my FOB on Friday, September 20, 2024. I came to your detachment the next day.

17. As you will see from my sworn declaration, those emails are my only communications with Nicole since August. We had not communicated in any other way.

18. From a factual perspective, you will see that I discharged my requirements in notifying the relevant persons of those facts. With Nicole, it was also Victory Wine because when I, on Sunday, September 15, 2024, moved some of the remaining items out, some were that of a company and not her. I have taken active steps to ensure that her email is removed from my email so there is no inadvertent risk either.

19. I can unequivocally confirm that DC Kolankowski #82239, when he was on my right and DC Romano was on my left, said that he had spoken with me and warned me as well. With great respect to DC Kolankowski, he must have mistaken someone else. I have not emailed him at all. My first email ever with TPS was with Constable Romano.

20. I can also tell you that it could not have been via phone because of my lack of having the same and also I do not even use text or traditional phone calling as my number is connected to the likes of Viber but you have to be another Viber customer to call. It is safer and encrypted.

21. I think we can all appreciate how difficult this has been on me but also that I had a duty to advance and protect my positions, and the LTB has agreed with me and not the Landlord. However, I can assure you that those communications were required by law to notify those of a new technical legal position and the whereabouts of their property.

22. I will be gone for the balance of the day today and part of tomorrow so I will await those amendments to the Form 10. I have attached a copy of the declaration #19 so you can see for yourself. I have no record of any individual or even the Tribunal for that matter informing me that anything is even improper in the Tribunal context. Lastly, I have attached a copy of the order of the **LTB Member Delorenzi** who refers to my circumstances which were caused by the Landlord and her unlawful conduct.

23. I kindly let you know that if you have different documents than these, then you have some impersonating me and that seems to be the case considering DC Kolankowski thought he had warned me. I am unsure if this was via phone or in person but nonetheless, I am making clear that it never happened.

24. Lastly, I wish for this to be a process where I can reach out and seek your advice and guidance on certain points as well but I can assure that my residential address is what is contained in my driver's license. Because I have been unlawfully locked out by the Landlord does not mean that is not my fixed address. Moreover, this will inevitably long tribunal litigation between the Landlord and I even after the interim orders in my favour. Therefore, I will keep in mind your sage comments and do my best to be professional but as you can see, I write (or dictate part) with a professional tone. That being said, I will never communicate with Nicole ever again by this order and undertaking, and by volition.

25. I was advised by criminal defence counsel that if you do have emails that are impersonating me, please provide the same to me.

26. Thank you kindly for your professionalism last night and how we ended things which was obviously a shock for me considering I was coming in good faith to pick up my property which was being held unlawfully. Lastly, I was advised to advise you that your division is not a place for my property to be dropped off. Therefore, if anyone ever tries to again, please refuse delivery. Thank you all. I await to hear from you the relevant persons on the above and the necessary corrections made. Have a wonderful day and thanks for the work you do generally and specifically!

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

4 attachments



LTB-T-063554-24_McLean tenant_expedited granted.pdf
86K



Scan_Undertaking_Promise to Appear.pdf
160K



Tenant_Declaration_19_in support of emergency motion_illegal lockout_ongoing_Oct 3.pdf
1350K



Mr. Kevin A. McLean G Drivers License_2024.pdf
1344K

UNDERTAKING / PROMESSE

CANADA
PROVINCE OF ONTARIO
PROVINCE DE L'ONTARIO

Toronto
(Region / Région)

Form / Formule 10
Section / Article 2
of the Criminal Code / du Code criminel

Case/File No. / N° du cas/dossier

1. IDENTIFICATION / IDENTIFICATION

To: Kevin MCLEAN

A: (name / nom)

Date of birth: March 25th, 1983

Date de naissance:

2. CONTACT INFORMATION / COORDONNÉES

of: NFA

de: (address / adresse)

3. CHARGE(S) / ACCUSATION(S)

You are alleged to have committed / Il est allégué que vous avez commis

(set out briefly the offence in respect of which the accused was charged / énoncer brièvement l'infraction dont le prévenu est inculpé);

CC 264 (2)(b) HARASSMENT BY REPEATED COMMUNICATION WITH PERSON

4. MANDATORY CONDITION / CONDITION OBLIGATOIRE

You must attend court as indicated below, and afterwards as required by the court:

Vous devez vous présenter devant le tribunal conformément à ce qui est indiqué ci-dessous et, par la suite, comme l'exige le tribunal :

Date / Date	Time / Heure	Court address / Adresse du tribunal	Courtroom No. N° de la salle d'audience
the 13th day of November, 20 24 le jour de	2:00 PM a.m./p.m. h	Ontario Court of Justice, 10 Armoury St, Toronto, ON	204

5. ADDITIONAL CONDITIONS / AUTRES CONDITIONS

You must also comply with any conditions that are indicated below by a check mark:

Vous devez également vous conformer aux conditions cochées ci-dessous :

(check only those that are reasonable in the circumstances of the offence and necessary, to ensure the accused's attendance in court or the safety and security of any victim or witness to the offence, or to prevent the continuation or repetition of the offence or the commission of another offence / cocher uniquement les conditions raisonnables eu égard aux circonstances entourant l'infraction commise et nécessaires pour assurer la présence du prévenu au tribunal ou la sécurité des victimes ou des témoins de l'infraction ou pour empêcher que l'infraction se poursuive ou se répète ou qu'une autre infraction soit commise)

- ☐ a) You must report to
Vous devez vous présenter à (name of peace officer or other person designated / nom de l'agent de la paix ou autre personne désignée)
at on
au le (date or dates / date ou dates)
- ☐ b) You must remain within the following territorial jurisdiction:
Vous devez demeurer dans le ressort de la juridiction suivante :
DC Kolankowski #82239 of 14 Division by phone at 416-808-1404 or by email at 82239@tps.ca
- ☒ c) You must notify within 24 hours
Vous devez aviser (name of peace officer or other person designated, title and phone number / nom de l'agent de la paix ou d'une autre personne désignée, titre et n° de téléphone)
of any change of your address, employment, or contact information
de tout changement (address, employment or occupation / d'adresse, d'emploi ou d'occupation)
- ☒ d) You must not communicate, directly or indirectly, with Nicole ARTOPOULOS
Vous ne devez pas communiquer, directement ou indirectement, avec (name of victim, witness or other person / nom de la victime, du témoin ou autre personne)
except in accordance with the following conditions: / sauf si vous respectez les conditions suivantes :
NO EXCEPTION

- ☒ e) You must not go to (places which are related to the person(s) mentioned in the condition set out in paragraph (d)).
Vous ne devez pas aller dans (lieux qui sont liés aux personnes mentionnées à la condition figurant à l'alinéa (d)).
 Any place Nicole ARTOPOULOS lives, works, goes to school, or known to be
 except in accordance with the following conditions: / *sauf si vous respectez les conditions suivantes :*
NO EXCEPTION
- ☐ f) You must not enter the areas (describe in detail the boundaries of the areas related to the person(s) mentioned in the condition set out in paragraph (d)).
Vous ne devez pas pénétrer dans les secteurs (indiquer en détail les limites des secteurs liés aux personnes mentionnées à la condition figurant à l'alinéa (d)).
 except in accordance with the following conditions: / *sauf si vous respectez les conditions suivantes :*
- ☐ g) You must deposit all your passports with _____ at _____
Vous devez remettre tous vos passeports à _____ (name of peace officer or other person designated / *nom de l'agent de la paix ou d'une autre personne désignée*) *au* _____
 _____ before _____
 (place / lieu) *avant le* (date / date)
- ☐ h) You must reside at _____, be at that residence between _____
Vous devez résider à _____ (place / lieu) *être présent à cette résidence de* _____
 _____ and _____, and present yourself at the entrance of that residence when a peace
 (hour / heure) *et* (hour / heure) *et vous présenter à l'entrée de cette résidence lorsqu'un agent de la*
 officer or _____ requests you to do so within those hours.
paix ou (name and title of another person / *nom et titre d'une autre personne*) *vous le demande durant ces heures.*
- ☐ i) You must not possess a firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, ammunition, prohibited
 ammunition or explosive substance, and you must surrender those that are in your possession and also any authorization,
 licence or registration certificate or other document enabling you to acquire or possess them to
Vous devez vous abstenir de posséder une arme à feu, une arbalète, une arme prohibée, une arme à autorisation restreinte,
un dispositif prohibé, des munitions, des munitions prohibées ou des substances explosives, et vous devez remettre à
 _____ at _____
 (name or title / *nom ou titre*) *au* (place / lieu)
ceux qui sont en votre possession, ainsi que les autorisations, permis et certificats d'enregistrement ou tout autre document
vous permettant d'acquérir ou de posséder ces objets.
- ☐ j) You promise to pay the amount of \$ _____, if you fail to comply with a condition of this undertaking.
Vous vous engagez à verser la somme de (not more than \$500 / *ne doit pas dépasser la somme de 500 \$*) *\$ si vous ne vous conformez pas à l'une des conditions*
de la présente promesse.
- ☐ k) You must deposit money or other valuable security whose value is equal to the amount of \$ _____
Vous devez déposer la somme de (not more than \$500 / *ne doit pas dépasser la somme de 500 \$*) \$
 with _____, because you are not ordinarily resident in the province or do
 ou autre valeur ne dépassant _____ (name or title / *nom ou titre*) *, puisque vous ne résidez pas ordinairement dans cette*
pas cette somme auprès de
 not reside within 200 km of the place in which you are in custody.
province ou dans un rayon de 200 km du lieu où vous êtes sous garde.
- ☐ l) You must comply with the following conditions (conditions for ensuring the safety and security of any victim of or witness to the alleged offence):
Vous devez vous conformer aux conditions suivantes (conditions permettant d'assurer la sécurité des victimes ou des témoins de l'infraction) :

6. APPEARANCE FOR THE PURPOSES OF THE IDENTIFICATION OF CRIMINALS ACT / COMPARUTION POUR L'APPLICATION DE LA LOI SUR L'IDENTIFICATION DES CRIMINELS

- ☐ You are required to appear on the _____ day of _____, 20____, at _____
Vous êtes tenu de comparaître le *jour de* _____ *à* _____ (hour / heure)
 at _____
 à _____ (address / adresse) *for the purposes of the Identification of Criminals Act.*
pour l'application de la Loi sur l'identification des criminels.

7. VARIATION AND REPLACEMENT / MODIFICATION ET SUBSTITUTION

The conditions of this undertaking may be varied with the written consent of the prosecutor and yourself. In addition, you or the prosecutor may apply to a justice of the peace to replace this undertaking with a release order under section 515 of the *Criminal Code*.
Les conditions de la présente promesse peuvent être modifiées si vous et le poursuivant y consentez par écrit. De plus, vous ou le poursuivant pouvez demander à un juge de paix de remplacer la présente promesse par une ordonnance de mise en liberté visée à l'article 515 du Code criminel.

8. CONDITIONS IN EFFECT / PÉRIODE DE VALIDITÉ

The mandatory condition and the conditions indicated by a check mark on this undertaking remain in effect until they are cancelled or changed or until you have been discharged, sentenced or otherwise detained by the court (sections 763 and 764 of the *Criminal Code*).
La condition obligatoire ainsi que les conditions qui sont cochées dans la présente promesse demeurent en vigueur jusqu'à ce qu'elles soient annulées ou modifiées ou jusqu'à ce que vous soyez élargi, condamné ou autrement détenu par le tribunal (articles 763 et 764 du Code criminel).

9. CONSEQUENCE FOR NON-COMPLIANCE / CONSÉQUENCE DU NON-RESPECT

You are warned that, unless you have a lawful excuse, you commit an offence under section 145 of the *Criminal Code* if you fail to follow any of the conditions set out in this undertaking, including

- a) to fail to attend court as required;
- b) to fail to appear as required for the purposes of the *Identification of Criminals Act*;
- c) to fail to remain in the territorial jurisdiction specified in section 5 of this undertaking (if applicable).

If you commit an offence under section 145 of the *Criminal Code*, a warrant for your arrest may be issued (section 512 or 512.2 of the *Criminal Code*) and you may be liable to a fine or to imprisonment, or to both.

It is not a lawful excuse to an offence under subsection 145(4) of the *Criminal Code* that this undertaking does not accurately describe the offence that you are alleged to have committed (subsection 145(6) of the *Criminal Code*).

If you do not comply with this undertaking or are charged with committing an indictable offence after you have been released, this undertaking may be cancelled and, as a result, you may be detained in custody (subsection 524(4) of the *Criminal Code*).

If you do not comply with this undertaking, the funds or valuable security promised or deposited by you or your surety could be forfeited (subsection 771(2) of the *Criminal Code*).

Vous êtes averti que, à moins d'avoir une excuse légitime, vous commettez une infraction à l'article 145 du Code criminel si vous ne respectez pas l'une des conditions énoncées dans la présente promesse, y compris:

- a) omettre de vous présenter au tribunal lorsque vous êtes tenu de le faire;*
- b) omettre de comparaître lorsque vous êtes tenu de le faire pour l'application de la Loi sur l'identification des criminels;*
- c) omettre de demeurer dans le ressort de la juridiction mentionnée à l'article 5 de la présente promesse (s'il y a lieu).*

Si vous commettez l'une des infractions prévues à l'article 145 du Code criminel, un mandat pour votre arrestation peut être décerné (articles 512 ou 512.2 du Code criminel) et vous êtes passible d'une peine d'emprisonnement et d'une amende, ou de l'une de ces peines.

Le fait que la présente promesse indique d'une manière imparfaite l'essentiel de la prétendue infraction ne constitue pas une excuse légitime à l'infraction prévue au paragraphe 145(4) du Code criminel (paragraphe 145(6) du Code criminel).

Si vous ne vous conformez pas à la présente promesse ou si vous êtes accusé d'un acte criminel après votre mise en liberté, la présente promesse peut être annulée et, par conséquent, vous pourriez être détenu sous garde (paragraphe 524(4) du Code criminel).

Si vous ne vous conformez pas à la présente promesse, les sommes ou valeurs qui ont été engagées ou déposées par vous même ou votre caution pourraient être confisquées (paragraphe 771(2) du Code criminel).

10. SIGNATURES / SIGNATURES

ACCUSED / PRÉVENU

I understand the contents of this undertaking and agree to comply with the mandatory condition and the conditions that are indicated by a check mark.

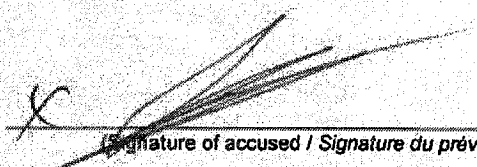
Je comprends le contenu de la présente promesse et j'accepte de me conformer à la condition obligatoire ainsi qu'aux conditions qui sont cochées.

I understand that I do not have to accept the conditions and that, if I do not accept the conditions, I will be brought to a justice for a bail hearing.
Je comprends que je ne suis pas obligé d'accepter les conditions, mais qu'à défaut de le faire, je serai conduit devant un juge de paix qui tiendra une audience sur le cautionnement.

Signed on this 2nd day of October, 20 24
 Signé le jour de

at the City of Toronto
 à (au)

in the Province of Ontario / dans la province de l'Ontario

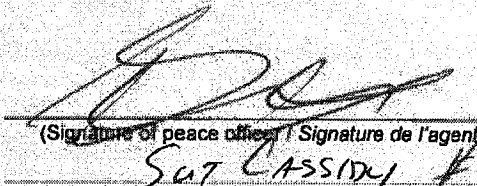

 (Signature of accused / Signature du prévenu)

PEACE OFFICER / AGENT DE LA PAIX

Signed on this 2nd day of October, 20 24
 Signé le jour de

at the City of Toronto
 à (au)

in the Province of Ontario / dans la province de l'Ontario


 (Signature of peace officer / Signature de l'agent de la paix)
Sgt Cassidy #7956
 (Name of the peace officer / Nom de l'agent de la paix)
714
 (Station etc. / Poste de police etc.)

Tab 6

This is the 3rd affidavit of Mr. Kevin A. McLean (B.A., J.D., CIM) and it was made on April 9, 2025

Court File No: 24-48129169

ONTARIO COURT OF JUSTICE

BETWEEN:

HIS MAJESTY THE KING

CROWN

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT

AFFIDAVIT #3 OF THE APPLICANT DEFENDANT

I, Kevin A. McLean of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I swear the following facts to be true. Where I have sworn facts on belief, I cite the source of my belief.
2. I adopt the definitions from the filed documents *infra* and they have the same meaning herein as they do therein unless otherwise noted.
3. The date is April 9, 2024.
4. Despite confirming, with the assigned Crown counsel the date of April 22, 2025, for the hearing of my **Dismissal Motion**, which was by way of “consent agreement” with the Crown counsel managing the docket in December 2024, which included the following terms or conditions: my waiver of my right to a trial without delay in favour of having my **Dismissal Motion** heard and decided (the “**Consent Order**”), the provincial Crown has not tendered any responsive filings in accordance with the [Criminal Court Rules](#).
5. I provide my evidence herein in accordance with the fundamental objectives of the [Criminal Court Rules](#) and some of the underlying reasons as to the continued urgency regarding the same. I also provide it for the record of proceeding herein so it is full, accurate, complete and timely.

6. I intend to proceed with my **Dismissal Motion** only subject to Crown Counsel formally withdrawing the criminal charge including confirming the inoperability and invalidity of any condition in the “request to appear”, destruction of my fingerprints and mug shot from the police database along with expungement of the record of the criminal charge. If that does and/or cannot occur, then I need to, proverbially speaking, take all steps to ‘clear my name’ with an order of this **ONCJ**.
7. I object to the Crown or any affected persons tendering filings not accordance with [Criminal Court Rules](#).
8. As I confirmed with the assigned Crown counsel in [Mr. Rudra](#) and the **ONCJ** that I would await to see if a Form 2 was filed and served along with any supporting affidavits and/or submissions to determine what I proposed for the method of hearing, I am now in a position to make that request of this **ONCJ** to have my **Dismissal Motion** heard in writing or virtually.
9. I confirm that the **Dismissal Motion** is unopposed and I will prepare and file the necessary documents before the hearing date of April 22, 2025, to ensure that the **ONCJ** has all of the necessary authorities *et al* to hear and decide the same.
10. I wish to provide this **ONCJ** with three exhibits to my affidavit #3 for purposes of current status of my requests and demands upon the Crown, historical records provided to the provincial Crown by the generic email and [Mr. Rudra’s](#) email, and my confirmation with two licensees of the LSO in [Mr. Dimitri Kanavas](#) and [Ms. Niki Kanavas](#). As noted previously, Ms. Niki Kanavas made the Formal Admission in the **LTB Proceeding**. She has since been terminated by her client in the **LTB Proceeding** in Ms. Aphrodite Artopoulos (the “**Landlord**” and mother to my former spouse) which is now before the ONSC by way of section 207(2) of the [Residential Tenancies Act](#). I was compelled to have all of the issues and further issues of a civil nature in the ONSC by way of section 207(2) of the [Residential Tenancies Act](#).
11. In this affidavit #3, I do not wish and am not intending to conflate any issues but I express urgency, with respect to the **ONCJ**, in that the Landlord has attempted to and utilized this criminal charge against me to, in my view, colour me as some kind of ‘dangerous criminal’ and where I am a danger to safety. I am neither a danger to anyone’s safety nor do I believe that I am in any manner.
12. While I have no desire to ever communicate with Ms. Nicole Artopoulos (the purported complainant) and will never do so again on my own volition but for legal proceedings where she may be directly or indirectly involved including extant or potential civil proceedings, the even potential risk of the same is causing me extraordinary concern, anxiety, and trauma by way of reliving the evening of October 2, 2024, and aftermath of the same. I wish her nothing but success with her life but as admitted by the Formal Admission (see: affidavit #2), any communications, which were exclusively email, were on account of being inextricably tied and directly related to the **LTB Proceeding** which is

now an ONSC proceeding by way of my paid for, filed and served (upon the Landlord) notice of application pursuant to, *inter alia*, statute (the “**ONSC RTA Proceeding**”).

13. The reason for my fear and anxiety involving the purported complainant is based on historical experiences. While she permanently vacated Unit 410-775 King Street West, Toronto, Ontario, M5V 2K3 (the “**Rental Unit**”) on June 23, 2024, she did find me in the streets of Toronto (particularly Fort York Boulevard), in early August 2024, professing her love for me and inquiring if I had been with other women besides her since that time. It took me aback as I had not seen her for quite some time and I had presumed that the relationship was over. Consistent with the current status, our relationship has been over for some time and I have moved on permanently and I am in a romantic and intimate relationship with another woman where I am most happy, content and at peace. For further historical experience, it was Ms. Nicole Artopoulos (not I) who contacted me in April 2018 begging and pleading for me to come to Toronto to see her and live with her after she represented to me that she was in the process of a separation and divorce proceeding from her since 2019 ex-husband. I learned when I had arrived in Toronto that Ms. Nicole Artopoulos had been charged with assault against her ex-husband by the 14th Division of **TPS**.
14. For the **ONCJ**’s benefit, Ms. Nicole Artopoulos and I were in a relationship while I was attending law school in Ontario from 2005 to 2008. We were in a relationship during my last year in law school and then she lived me when I returned to Vancouver, BC to complete my articling and be called to the bar of the soon to be formerⁱ Law Society of British Columbia. Our relationship ended while I was in the midst of articling at large law firm in Vancouver, BC, and I had presumed that she had returned to Ontario permanently. I later learned on or around to Vancouver, BC, to do a masters in criminology at Simon Fraser University but she had attempted to contact me on numerous occasions and I could not consider the same in light of some of her conduct which I found rather unhinged, irrational and disturbing. For example, during a night of her drinking at my condo in Vancouver, she threw herself down a set of stairs from the bedroom to the main floor after saying to me that she would kill herself. She then represented to me that she would call the police and say it was me. That incident was the proverbial “last straw” for me of the relationship in Vancouver and why I could not speak with her on a serious level when she did her master from on or around 2010 to 2011 in Vancouver, BC, when she resided at a different apartment.
15. While I did agree in April 2018 to come to Toronto to live with her and give ‘love a second shot’ after we spoke for several days in advance of the same, she had assured me that she was no longer the same individual.
16. In no way am I suggesting that I was a perfect individual and not in need of maturation. For example, I noticed that while extremely active, fitⁱⁱ and earning a high income post practicing law I felt something was missing and that I was, at times, binge drinking.
17. I took active and decisive steps to work on personal growth in 2017 when I realized that I was in need of medication for my ADHD. I was prescribed Ritalin as a teenager but I had

adverse effects with the same. I saw my family doctor and was referred to a premier psychiatrist in the field and was prescribed Adderall XR along with anti-depressants and a sleeping agent. After much medical tests, examinations and treatment, I was advised by medical doctors that I was not depressed by me had ADHD but was not clinically depressed. Based upon my personal experiences, I too agreed with those medical diagnoses. I also informed Ms. Nicole Artopoulos of those changes that I had made in my life and I would be better at handling any such outbursts of hers and how I approached life, with the benefit of medication, would be of assistance to a potentially mutually compatible relationship. I informed her as well that upon being a steady regiment of medication, I noticed that I had no need or yearning to drink alcohol. When I did drink, I could have a beer or glass of wine, and that would be the extent of the same. In many ways, I believe being prescribed medication saved my life or at least led to one that is far more enjoyable and fulfilling. Parenthetically, this is in turn why I took the conduct of the **TPS** holding my medication, without my consent, and luring me to the **TPS 14th** Division in such a serious manner, and I believe that they discriminated against me based on my mental disorder (ADHD). I believe that mental disabilities, attention deficit disabilities, and/or mental disorders are those “**Invisible Disabilities**” which police officers must have adequate training to address, and cannot utilize one’s prescription medication as some sort of ploy to lure them to a police division or detachment and then charge them with a criminal offence without being honest about the reasons for their attendance (i.e. so they can be served in an alternate manner and/or with the benefit of legal counsel).

18. I swear, like all of my previous affidavits herein, that in relation to binge drinking or drinking alcohol at all, the last drink of alcohol I had was in Fall of 2024. I do not partake in any activities involving drugs but for my prescription medication. Despite my physical disabilities from a car accident in August 2022, I am doing my best to manage the pain and injuries on a daily basis. I work a large back brace each day along with taking other pain reducing medication. I have a grade two retrolisthesis as a result of the car accident along with degenerative disc disease along and intense nerve issues involving the S1 nerve. I also have various brain injuries as a result of the car accident, wherein I was rear ended at high velocity from behind causing the vehicle to propel forward some 30 feet with my head hitting the wheel, involving microangiopathy, “white matter disease”, and post concussion issues. While I try my best to not show physical pain, there are days where it is hard to balance, walk and move laterally without intense pain.
19. I have my next set of MRIs this month to determine my current status.
20. Unfortunately in relation to Ms. Nicole Artopoulos’ assurances to me that the elements of her previous personality, temperament and attitude, there were elements of the previous iteration of Ms. Nicole Artopoulos that surfaced during the second iteration of our relationship in Toronto, Ontario. Moreover, she never informed me of her being charged with assault involving her then spouse and ex-husband by way of divorce decree on or around 2019 or 2020.
21. While I will certainly remember the positive times, I have realized by being in a relationship with a different woman that Ms. Nicole Artopoulos and I are not compatible.

That being said, there remain issues involving us (i.e. monetary, return of property *et al*) that will need to be resolved in my favour at a certain point in the future. As such, I remain of the belief that she (if she did in fact make the complaint but I do not believe that she would have attended the 14th Division of the **TPS** in light of being criminal charged by said division in relation to the assault charge it issued against herⁱⁱⁱ) and perhaps at the urging of her parents or though one of the above noted lawyer licensees (see: *supra*) and/or without authority from Ms. Nicole Artopoulos to them, who I believe have an unhealthy level of influence and control upon her, utilized the process of advancing a criminal charge as a method to manipulate the facts and truth for collateral advantages. While I am not seeking any findings or determinations in this regard, I swear this evidence as neither the Crown nor any affected persons, which I have provided notice to, have filed any responsive documents or records despite service of the same.

22. As the potential job fields that I may enter or apply for, subject to my next round of MRI testing and back surgery that I require on a continued urgent basis in the United States, I cannot even have a criminal charge to enter the same. In relation to my back surgery in the USA, the criminal charge will hinder me from travelling or put me at risk that I cannot and/or not willing to take.
23. I will also address Mr. Rudra's vague comment that because the Crown was proceeding summarily that somehow had an effect on my right to be heard in relation to my **Dismissal Motion**. While I rely on the **Consent Order** and strict compliance with the same, he and the provincial Crown may not view a summary charge as something that is serious or one's reputation but I do. Perhaps, they have become numb or desensitised to what they see on a daily basis in terms of charges but I take my reputation and not having a criminal record or any criminal charge including driving infractions or any other violation of law seriously. I take great offence to having been charged with this offence. While I appreciate that I am innocent until presumed guilty, much damage and loss has already been caused by the criminal charge as evidenced in having to rebut the presumption of my innocence in other proceedings. As noted herein, even in the **HRT0 Proceeding** where I am doing my best to handle the issues therein in accordance with its procedures, counsel to the **TPS** and **TPS** Respondents has relied upon the criminal charge for, in my view, colour and to impugn my credibility and relief I am seeking. Moreover, she has sought to and utilized the criminal charge as grounds to defer my **HRT0 Application** and the constitutional relief that I am seeking therein.
24. Now shown to me and marked as **Exhibit "A"** is a copy of my emails to Mr. Rudra demanding of the Crown Counsel to withdraw the criminal charge including my confirmation that I had reported the **TPS** officers to LECA for their impugned conduct. I am not looking for any determination of this **ONCJ** in relation to the same but I provided notice to Mr. Rudra and then confirmed the same to demonstrate, *inter alia*, the consistency of my approach, acting in good faith and full disclosure. I expressly adopt the facts therein and they are expressly incorporated as my evidence so sworn herein. **Exhibit "A"** is enumerated consecutively commencing with page 1 in the upper right hand corner.

25. Now shown to me and marked as **Exhibit “B”** are copies of my emails to [Mr. Dimitri Kanavas](#) and [Ms. Niki Kanavas](#) regarding providing notice to and serving any potential affected persons including themselves personally along with their client (or one of them) in Ms. Nicole Artopoulos and that of Ms. Kanavas’ client in the Landlord. I expressly adopt the facts therein and they are expressly incorporated as my evidence so sworn herein. **Exhibit “B”** is enumerated therein with page number in the upper right hand corner which are consecutive from the last page of **Exhibit “A”**.
26. Now shown to me and marked as **Exhibit “C”** is a copy of my Declaration #1 in November 2024 in the **HRT0 Proceeding** between *myself vs. the Landlord, Goldview Property Management Ltd., Ms. Latoya Ferguson, the TPS, and the TPS Individual Respondents*^{iv}. I will honour the ‘implied undertaking therein’ as it relates to documents provided to me and not disclose them herein. However, one of the future reasons that I express urgency, with great respect to this **ONCJ**, is that counsel to the **TPS** and **TPS** Individual Respondents has sought a deferral of my **HRT0 Application** until this criminal matter has concluded. I expressly adopt the facts in my Declaration #1 in the **HRT0 Proceeding** so that this **ONCJ** has the benefit of the same. The components therein relating to procedure, processes *et al* are not relevant per se. I have provided this evidence of the attached Declaration #1 in the **HRT0 Proceeding** so that the **ONCJ** is fully aware that I had provided Mr. Rudra with a copy of the same so he had declared evidence of the facts that occurred involving the **False Pretense Email, DC Kolankowski Fictitious Harassment Warning**, and the Fictitious Arrest Warrant. **Exhibit “C”** is enumerated therein with page number in the upper right hand corner which are consecutive from the last page of **Exhibit “B”**.
27. I remain available to discuss, with Crown Counsel, the formal withdrawal of the criminal charge on a with prejudice basis, including the invalidity and inoperability of the term in the ‘promise to appear’ or ‘undertaking’ along with the destruction of my fingerprints, ‘mug shot’ *et al*.
28. I will note, in my view and belief conduct that is consistent with a more mature and grounded version of myself since 2017, that while I have filed a complaint against the **TPS** Individual Respondents with LECA, I also invited early resolution by checking that box on the prescribed form. In this regard, I do not want to be fearful and anxious when I see police cars or SUV’s and/or officers of the **TPS** but I remain in that state. I also filed that complaint, where I will allow the process to unfold as it may in accordance with the relevant statutes and regulations, to ensure that no other individual like myself who is similarly situated with protected characteristics and/or disabilities experiences the same. In a non-self aggrandizing manner, I believe that I have a unique background and perspective, some of which was negative and some which was positive, to bring about social change. I am certainly not seeking any “press clippings” or “public lauding” by ‘defeating the police’ in any administrative or court forum but the processes that I have invoked herein or otherwise were and are intended to ensure that change occurs with minimal or nonexistent public exposure.

29. However, if there is no such occurrence on a forthwith basis, I submit, as a fact without making legal argument herein, that this **ONCJ** must distance itself particularly from the **Fictitious Arrest Warrant** representation that was made to me by Constable Romano.
30. Despite my multiple requests for the same over many months, no arrest warrant was ever provided to me. I do not believe an arrest warrant ever existed and it was a lie by Constable Romano to me at the time that he did not correct. I believe the same because of the fact that when I was in the downstairs portion of the jail quadrant of the **TPS 14th** Division, I asked him for a copy of the arrest warrant and he said to me (words to the effect), “*Do you want to get this over and get out of here or not?*”
31. I believe, as alleged, that not only did the TPS waste municipal tax dollars in their conduct but it has continued to do so but not taking steps to ensure that the criminal charge was withdrawn. I allege the same against the provincial Crown. I submit that “justice is not free’ and my continued efforts are not only wasteful of my resources but that of the province of Ontario and the City of Toronto. However, I also live by the phrase of “justice delayed is justice denied”.
32. I swear this affidavit on April 9, 2025, and I will promptly provide a copy of the same to the **ONCJ** for filing and service upon [Mr. Rudra](#) and any potentially affected persons.
33. I extend my sincere thanks to the ONCJ inclusive of the hearing coordinator and registrar’s office regarding the setting of this Dismissal Motion and their prompt confirmation of my filings to date.
34. I have provided the sworn evidence herein in this affidavit #3 including references to any other previously provided documents in other proceedings or matters for the benefit of the ONCJ having full, current and accurate evidence before it. I have also provided said references, implicitly or explicitly, on account of, in my view, lawful authority to disclose the same to this ONCJ so that it may consider the fundamental objective of the *Criminal Court Rules* including balancing my rights as an accused, the rights of the prosecution, and the rights of any witnesses.

35. I swear this affidavit #3 for no improper purpose and solely for the purposes herein.

Sworn before me by videoconference:

by Mr. Kevin A. McLean at the City of Toronto, in the Province of Ontario, before me on **April 9, 2025** in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Signature of Commissioner/Lawyer/Notary

Signature of Deponent



Unlimited. No Expiration.
NO ILA PROVIDED.
Identification Confirmed.

ⁱThe new name of that regulatory body will be the “Legal Professional British Columbia” as per the passage of the *Legal Professions Act* (BC) (2024)

ⁱⁱI believe that I remain the individual with the fastest five km time in the Canadian Bar Association race with a time of 15:05 that I ran back when I was in my early 30’s.

ⁱⁱⁱAs noted previously in other proceedings, Ms. Nicole Artopoulos would inform me to not even drive in the area of the 14th Division as it brought back trauma for her. As I was not entirely certain as to its exact location from 2019 to midway through 2024 (but for obviously October 2, 2024), I would apologize after she would yell at me if I took the incorrect street that brought the vehicle closer to it.

^{iv}Sergeant Sean Cassidy, Constable Anthony Romano, and Detective Constable Michael Kolankowski





Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

24-48129169 - R. v. McLean - re-issued demand for the Crown to withdraw the criminal charge

6 messages

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Thu, Mar 27, 2025 at 7:13 PM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

March 27, 2025

VIA EMAIL (see: SouthTorontoCrown@ontario.ca and Arjun.rudra2@ontario.ca)EXCLUSIVELY FOR PURPOSES HEREIN

File number: 24-48129169

Type of document: email

Short title of proceeding: *R. v. McLean*

Sending party: Mr. Kevin A. McLean (B.A., J.D, CIM), defendant and moving party (the “Applicant”)

To:

Provincial Crown Office (South Toronto Crown)

Kind attention: Mr. Arjun RudraRe: provision of our email thread from my other and previous email for this proceedingRe #2: demand that the Crown complies with its obligations to withdraw criminal charge by no later than three p.m. tomorrow

Dear Mr. Rudra:

1. I write regarding the above.
2. As you can see from the other email thread with the trial coordinator office, your attempt to have a judicial pre-trial in the face of agreement between myself and the Crown, and as directed by The Worship in December 2024, was all for not. No dates will be provided to you regarding any judicial pre-trial as there was no basis to have this criminal charge issued at first instance.
3. As such, this leaves my motion to dismiss this criminal charge that should have never been issued to me. Moreover, it should have never been issued in the manner it was at the **TPS 14th Division** based on the False Pretense Email, the DC Kolankowski misrepresentations to me, and the fictitious warrant representation by Constable Romano. I appreciate that mistakes can happen in life and vocations but I will not be saddled with this criminal charge for all of the obvious reasons.
4. As you will see from our email chain, I provided you the relevant materials confidentially and exclusively for your review. You confirmed that you would need time to review those materials. I respectfully believe that I have given you sufficient time to review the same.
5. You will also note that I confirmed with you in December 2024 that the Crown had agreed, with Her Worship's order or direction, that I could proceed with my motion to dismiss. I then provided you with the

base Form 1 Application. My hope was that you could discharge your duties as a Crown Counsel and the esteemed, yet laden with professional obligations and overarching duties, position that you have.

6. I do appreciate that you had no role in the criminal charge itself but it never should have been approved.
7. To the extent that you had no role in the approving of the criminal charge, you then had a duty to not proceed with the criminal charge once you had any awareness of the sheer absence of reasonable and probable grounds to arrest me.
8. It is now 176 days since the time of the issuance of the criminal charge. While appreciating the first appearance was not until November 2024, there cannot be any excuse to continue with not only an absence of reasonable and probable grounds with this criminal charge but predicated upon deception to effect the same.
9. Imagine if I never showed up to the TPS 14th Division, no such criminal charge would have ever been issued to me.
10. The fact that the charge has not been withdrawn is most concerning and remains a reason why I will seek to be heard in writing or remotely.
11. I appreciate that you may have other files that are not involving the 14th Division but it remains my sincere belief, based on the references to the other case law in the motion submissions, that there is a systemic problem with the 14th Division.
12. The starting point for fixing the systemic issue with the 14th Division is to formally withdraw the criminal charge with a copy to the ONSC trial coordinator.
13. I repeat and rely upon my submissions and evidence therein including this attachment. In this manner, I will not need to cross-reference the same herein with further wasted resources.
14. I kindly remind the Crown Counsel office of it being bound by the *HR Code*.
15. You now have had seven days to review the motion submissions which are most similar to what was originally provided to you.
16. Any called lawyer licensee of the LSO working in this sphere would be able to comprehend and understand the legal bases and know that the Crown is required by law to formally withdraw the criminal charge.
17. As I have been demanding the same since the Fall of 2024, kindly confirm or deny by the end of the business day tomorrow whether the Crown's office intends to do so.
18. I may supplement this email thread, absent the ONSC being copied, with further evidence to defend myself and advance my interests without being saddled with a criminal charge or the anvil attached to me that a criminal charge does, particularly this type of frivolously based criminal charge where counsel to the alleged complainant already admitted that I had lawful authority to send the emails that I did.
19. Of course, if the Crown intends to defend my motion, as you already have my declaration #1 in the HRTTO but I will reduce that to a sworn affidavit herein, the officers will need to effectively perjure themselves to defend the same.
20. There is never a wrong time to do the right thing.
21. I await to hear from you.
22. Thank you.

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

DISCLAIMER

1. *The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*
2. *Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.*



Gmail - R v McLean - 1272006-email-chain-for Mr. Rudra's benefit.pdf

535K

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Thu, Mar 27, 2025 at 7:31 PM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

March 27, 2025

Dear Mr. Rudra:

1. For good measure, I have included two attachments involving the following:
 - a. Constable Romano's email to me and my response to him along with my further response; and
 - b. The criminal charge was issued to me.
2. In the spirit of cooperation and courtesy, I may have an email that is send to you and counsel to the TPS in another matter regarding the theft of my property on October 25, 2024, but it will be confidential and not be utilized for these purposes herein. Rather, I may direct it to the two of you for other reasons. I am kindly providing notice to you to avoid any potential dismay in you receiving the same.
3. Thank you.

[Quoted text hidden]

2 attachments



Gmail - Your property for pick up - email from Constable Romano - my response to the same.pdf

411K



Scan_Undertaking_Promise to Appear.pdf

160K

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Fri, Mar 28, 2025 at 7:09

AM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

Dear Mr. Rudra:

1. *Would you also kindly copy your supervisor or manager of your office on this email thread?* From my review, you appear to be a relatively new call (i.e. six or so years). I do not say that pejoratively but I can only find one reported decision with your name attached to the same. It appears that said reported decision involved

the attempt by defence counsel to bring a constitutional challenge at the end of the proceeding. Parenthetically, this would be yet another legal ground why I evinced my intention to bring a motion to dismiss on an urgent basis.

2. I kindly ask because if I do not have confirmation of a withdrawal of the criminal charge by today at three p.m., I will need to bring a motion by separate proceeding to add the Crown to an extant proceeding. In this regard, I refer you to the **HRTO Proceeding** (as defined previously) and the fact that the Crown is bound by the *HR Code*.

3. Moreover, I may bring a motion with constitutional questions herein depending on the results of the first motion and other proceedings – current or contemplated.

4. However, if the criminal charge is withdrawn by today with return email hereunder, then you can avoid providing me with the same. In the spirit of cooperation, I can also confirm that if the criminal charge is withdrawn by no later than three p.m., that I will not be seeking to add the Crown, yourself or any other persons in your office regarding the same that involve the issues herein. I will consider the matter closed from a legal liability standpoint in perpetuity involving myself and the Crown counsel. Naturally, there will be some ancillary matters to bring to a close involving any return or destruction of any of my personal information, personal health information and property (where applicable).

5. I also confirm that there are a variety of extant and to be filed proceedings involving the purported complainant in Ms. Nicole Artopoulos either directly or indirectly and there has not been any issue on her part, directly or indirectly, and that I have not been in breach of the same. Obviously, the language therein is ambiguous but one Sergeant Cassidy did represent, on the night in question at the 14th Division, what he did orally to me at the time of the false charge, false detention, false arrest, false incarceration *et al.* By way of particulars, I confirm that any current or commenced legal proceedings by myself or her, directly or indirectly, would not be a breach of the same. I provide this information out of an abundance of caution. While in normal circumstances, I would have sought to have that provision, as ambiguous as it is, amended or varied.

6. I trust it goes without saying that every step that I have taken, am taking and will have to take will have to be accounted for with meticulous detail and be the subject of potential liability for the Crown.

7. If I do not hear from you by three p.m. today, I will proceed without further notice to you and the Crown's office. I will also need to draw this to the attention of the office of the AGO and the AGO himself.

8. In the interim, I will ask the trial and hearing coordinator for a date to be anchored for any potential appearance whether by "written hearing" or appearance (remotely or otherwise).

9. Thank you for your attention to this urgent matter.

[Quoted text hidden]

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Mon, Mar 31, 2025 at 10:03 AM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

Dear Mr. Rudra:

1. I hope you are well.

2. I write again regarding the above and reiterate my request and demand for the Crown to withdraw the criminal charge from October 2, 2024 in the evening which effectively carried over to October 3, 2024.

3. As I have approximately six months ^[i] to make a complaint about the police officers from the 14th Division involved in the, inter alia, False Pretense Email, Fictitious CH Warning Representation, and Fictitious Judicial Warrant Representation, I provide formal notice to you (as the TPS officers in question were not

responsive at first instance or thereafter even via email) that if the criminal charge is not withdrawn by three p.m. today, then I will proceed with a formal complaint against each of the individuals in question.

4. Thank you.

[i] <https://leca.ca/complaints/> or complaints may be screened out is the approximate language

[Quoted text hidden]

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Thu, Apr 3, 2025 at 8:07 AM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

Dear Crown Counsel:

1. I write to confirm, for the purposes of full disclosure and honesty, that I was compelled to file a complaint against the impugned officers in DC Michael Kolankowski, Constable Anthony Romano and Sergeant Sean Cassidy (collectively, the "**Impugned Officers**").
2. Had the Crown withdrawn the charge and the Impugned Officers apologized for their conduct in a sincere manner while confirming that they had learned from their errors and would ensure that no such incidents would happen again along with taking any further necessary measures, I would have been inclined to not file a complaint. I appreciate LECA's time and it is most valuable. However, with the False Pretense Email, Fictitious Harassment Warning, and False Arrest Warrant Representation, I could not allow those Impugned Officers, with Sergeant Cassidy blessing unlawful conduct, to not be investigated regarding the same. It would be rather selfish of me to focus on my own interests and not the public interest. I am in the unique position of having a litigation pedigree to bring about change even when my rights were trampled upon.
3. I kindly remind Crown Counsel of their duties to withdraw the charge and I refer you to the written submissions in this regard.
4. As we well know, sometimes hearings are adjourned on a docket for a variety of reasons but I will rely on strict compliance with the Criminal Court Rules for the responsive materials. The Impugned Officers will need to swear evidence relating to my evidence including the documents that I provided you which I intend to rely upon for the purposes therein and the contents. They will need to face each and every piece of evidence.
5. The Crown has a high burden and it will require sworn evidence while condescending upon particulars including why the Impugned Officers misled me by the False Pretense Email, the Fictitious Harassment Warning, and False Arrest Warrant Representation.
6. To the extent that there was an arrest warrant despite my requests for the same at the time and thereafter, kindly provide the same to me on a forthwith basis. However, that will lead to a different issue which is a Charter breach under section 8 if one existed and was signed by a justice (including a justice of the peace) at the time of October 1 or 2, 2025.
7. Also, you will need to explain whether the representation made to me that the 14th Division received the property in question was in fact received or whether the officers (perhaps different ones) attended my residence and seized the same. I recall a Mr. Hubert (first name I believe) representing that it was received on the afternoon of October 2, 2024. Kindly confirm whether it was or not.
8. Moreover, you will need to have evidence Officer Solermo who was the officer that was present on September 21, 2024, when I attended to seek assistance from the TPS 14th Division pursuant to the LTB guidance document regarding the same. Ironically, Officer Solermo represented to me that the TPS 14th Division did not get involved in tenancy matters when an individual was unlawfully locked out of his residence. However, this is exactly what the TPS 14th Division did and that was subject to the Formal Admission on or around October 24, 2024.

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9. Officer Solermo represented to me on September 21, 2024, that he was going to shred the documents delivered to the TPS 14th Division. With the benefit of hindsight, it seems that I was subject to unequal treatment which is rather astonishing. Kindly confirm or deny whether Officer Solermo in fact shredded those documents or whether he in fact retained them.

10. Kindly also provide the name of the "Detective" who was referred to as "Detective Abdul" (spelling) so the Court has the benefit of the correct names and evidence in a sequence.

11. I believe you will need to serve them or confirm that you have liaised with them regarding having received my materials.

12. Simply put, fraud is a special kind of nullity and it unwinds everything. I will provide SCC authority in that regard. Whether classified as void or void *ab initio*, the criminal charge was not merely voidable but void *ab initio* – as if it never came into being.

13. Lastly, on the front of my LECA complaint, I will keep the contents of the same separate and not conflate the same but I provide the same to you to confirm that I had done so and I was being a man of my word so to speak.

14. You have the power to do the right and lawful thing but I cannot compel the same. I can only bring a motion as I have to ensure that my rights as an accused are respected. I again demand that you do the same without delay. The Court's time is also valuable and wasting as many appearances as I, the Crown and the Court has along with the extensive and exhaustive efforts I have undertaken are joint efforts that never should have happened.

15. I will be relying on the distinction between reasonable suspicion versus reasonable grounds to believe (known in the USA as "reasonable and probable grounds") and the legal precedent or statement of law in *R. v. Kang-Brown* for what that encompasses. Not only did the Impugned Officers fall short of the same, they committed fraud and engaged in false pretenses.

16. You will also need to address the emails that I received later from officers or an officer regarding being cordial and seeking to meet to discuss matters.

17. It is a matter of asking for permission at first instance and not begging for forgiveness.

18. Thank you.

[Quoted text hidden]

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Thu, Apr 3, 2025 at 8:28 AM

To: "Rudra, Arjun (MAG)" <arjun.rudra2@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>

Dear Crown Counsel:

1. I apologize for not including this in the last email. However, it bears noting in my view that I did confirm with LECA that there is a criminal matter that arose from the impugned conduct when measured against the *Police Services Act* and other statutes, regulations, policies and guidance documents (collectively, the "Impugned Conduct") involving the Impugned Officers. I also confirm the steps that I have taken and am taking in relation to the same. While my reading of LECA's mandate and documents is that the truth of the contents and the documents themselves are confidential, I pass that along so you are aware of that being the extent of the disclosure of the same. I will not produce any documents from therein unless otherwise required to do so by the law or court order. I presume that withdrawing the criminal charge on a with prejudice basis will go a long way to resolution of my LECA complaint ("LECA Complaint") but time is of the essence. As you know there is an intake and screening stage so I presume without knowing that once it gets past that stage, then it is out of my hands.

2. In relation to the documents that were provided to you in relation to another proceeding with the HRTO, I will reduce the declaration therein to an affidavit herein. I will also include copying of information and facts from my comprehensive submissions therein so it is an affidavit herein. However, for notice purposes, the evidence will be identical to that which was provided to you for your consideration to withdraw the criminal charge. As such, I confirm that the Crown cannot deny having notice of the same.

3. Lastly, I request and require that whichever affected persons you provide notice of the same to that you provide an affidavit of service or confirmation to me of whom has been served. I will confirm with Mr. Dimitri Kanavas and Ms. Nikki Kanavas that I have not heard from them and I presume that they will not be tendering any responsive material. If they do, I will certainly forward the same if they are unfamiliar of how to file with the ONCJ.

[Quoted text hidden]

Vinh The Tran, Esq., LSUC #57761C
Lawyer, Notary, Oaths Commissioner
188-639 Dupont Street, Toronto, ON
M6G 1Z4, T. 647-209-7389
vinhtranlaw@hotmail.com





Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

SERVICE OF DOCUMENTS - URGENT - IN 24-48129169

5 messages

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
To: nkanavas@matronalaw.com, dkanavas@kanavaslaw.com

Thu, Mar 20, 2025 at 1:31 PM

March 20, 2025

VIA EMAIL

EXCLUSIVELY FOR PURPOSES HEREIN

File number: 24-48129169

Type of document: email

Short title of proceeding: *R. v. McLean*

From: Mr. Kevin A. McLean (B.A., J.D., CIM), defendant and moving party (the "Applicant")

To:

Business Name

Matrona Law Professional Corporation

Business Address

1100-55 University Ave Toronto, Ontario M5J 2H7

Ms. Nikki Matrona Kanavas

Email: nkanavas@matronalaw.com

To:

Mr. Dimitri Kanavas

Business Name

Kanavas Law Professional Corporation

Business Address

313-500 Danforth Ave Toronto, Ontario M4K 1P6

Email: dkanavas@kanavaslaw.com

Re: required service of any affected persons by my motion to dismiss the unsubstantiated, unparticularized and groundless criminal charge of October 2, 2024 (the "CH Charge") with prejudice and without any ability for the TPS to re-issue any charge arising out of the same facts and without leave to the Crown to approve any such hypothetical criminal charges

Dear Sirs/Mesdames:

1. I write regarding the above and pursuant to the above duties.
2. Kindly find attached the first three tabs in the current motion record that will be heard in the Ontario Court of Justice (Southern Division) in the near future.
3. It remains unclear to me if Mr. Dimitri Kanavas was ever a legal advisor, counsel, agent or otherwise to Ms. Nicole Artopoulos but I am erring on the side of caution.

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4. I have included Ms. Niki Kanavas in light of her formal admission that she made on behalf of Ms. Nicole Artopoulos on or around October 24, 2024, in the document that is attached. There is no dispute that Ms. Niki Kanavas was and is de facto counsel to Ms. Nicole Artopoulos. As I am required to serve any affected persons, this is to be deemed service on not only Ms. Niki Matrona Kanavas but also Ms. Nicole Artopoulos.

5. Moreover, it appears that Ms. Kanavas was engaged in some level of dialogue with the TPS albeit some of the facts, if not all, were incorrect. As such, only counsel to the complainant would have obtained such information in authorized fashion or alternatively, Ms. Nicole Artopoulos provided such alleged facts to Ms. Niki Kanavas. There may be a waiver of privilege issue in that regard but I am still reviewing the same.

6. As are you undoubtedly aware, you have been required to retain any and all relevant documents to this proceeding and may be called upon to produce the same by my demand or request, and/or by court order.

7. I intend to proceed expeditiously so should you wish to file any responsive materials, kindly do so forthwith or as close to forthwith as possible.

8. Kindly note that I was unfortunately injured by an e-scooter some two weeks ago so I am still recovering and have some medical appointments on a variety of levels in the next few days so kindly excuse any delay in my response.

9. I will now attend to the affidavit of service and file the same with the ONCJ.

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

DISCLAIMER

1. *The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*
2. *Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.*

3 attachments

 **Factum_Motion_To_Dismiss_Form_1 - DEFENDANT - APPLICANT_McLean_BADJDCIM - 20-March-2025-FILED.pdf**
484K

 **Form 1 - APPLICANT DEFENDANT - MR MCLEAN - 20-MARCH-2025_signed.pdf**
212K

 **TN_kanavas false filing req_Oct 24_24_annotated_Nov 20_24.pdf**
394K

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

To: nkanavas@matronalaw.com, dkanavas@kanavaslaw.com

Thu, Mar 27, 2025 at 6:10 PM

March 27, 2025

Re: attached motion record and kind request as to whether any responsive materials are forthcoming

Dear Mr. Kanavas and Ms. Kanavas:

I confirm that the trial coordinator has confirmed that my motion record has been confirmed as of early this week. I attach a copy herein for your ease of reference.

Would you kindly advise whether you, in your personal capacities, and/or the alleged complainant, Ms. Nicole Artopoulos, wishes to file any materials in response to the same?

As noted, Ms. Kanavas represented certain things in the Request To Use Alternative Service so I confirm that I have discharged my obligations to serve affected persons.

Kindly let me know by the end of the business day tomorrow.

[Quoted text hidden]



Motion Record_Motion To Dismiss - DEFENDANT APPLICANT - MR. MCLEAN - 24-MARCH-2025-FILED.pdf
1458K

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
To: nkanavas@matronalaw.com, dkanavas@kanavaslaw.com

Fri, Mar 28, 2025 at 7:43 AM

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

1. I have asked the trial coordinator to set the hearing date for as soon as possible and no later than the week of April 21 to 25, 2025. I kindly refer you to the Criminal Court Rules in this regard to the extent you are unfamiliar with the same.
2. Kindly advise of your positions personally and on behalf of your client(s).
3. Thank you.

[Quoted text hidden]

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
To: nkanavas@matronalaw.com, dkanavas@kanavaslaw.com

Mon, Mar 31, 2025 at 9:04 AM

Dear Sirs/Mesdames:

Kindly find attached a copy of the 1st Updated Motion Record that was filed with the Court yesterday. Thank you.

[Quoted text hidden]



Updated Motion Record - APPLICANT DEFENDANT - Mr. McLean - 30-March-2025 - FILED - SERVED.pdf
6036K

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
To: nkanavas@matronalaw.com, dkanavas@kanavaslaw.com

Wed, Apr 9, 2025 at 10:25 AM

April 9, 2025

Dear Sirs/Mesdames:

1. I write regarding the above. I confirm that the time pursuant to the *Criminal Court Rules* has passed to provide responsive materials in accordance with the same. The purpose of the *Criminal Court Rules* is to deal with all proceedings **justly and efficiently**. Justly indicates fairness and equitability.

2. While Ms. Kanavas took it upon herself before she was terminated as counsel for Ms. Aphrodite Artopoulos, the mother of the alleged complainant, to make bold and bald representations to the LTB, which patently indicated that she was in communication with the TPS to some degree, she has not tendered any responsive materials on her own behalf or on behalf of her presumed client in Ms. Nicole Artopoulos. To the extent that Mr. Dimitri Kanavas was also counsel or independently counsel to Ms. Nicole Artopoulos, then the same applies to himself and Ms. Nicole Artopoulos.
3. I confirm that I have discharged my duty (if there was one) to provide notice to any potentially affected persons and all have failed to tender any responsive documents in accordance with the *Criminal Court Rules*.
4. I confirm that the rights of individuals must be addressed in a fair fashion. To the extent that your client or any affected persons that are your clients wished to provide any evidence, their time has come and gone with ample notice.
5. I confirm that the prosecution has been dealt with fairly as I waived my right in favour of a consent order with the Crown in December 2024 that was managing the docket where I waived my right to be heard without undue delay but in favour of bring a motion to dismiss (the “**Dismissal Motion**”).
6. I have provided the assigned Crown counsel with an exceedingly generous timeline to withdraw the charge as there was and is insufficient evidence to issue the criminal charge, and certainly insufficient evidence in light of the Ms. Kanavas formal admission on October 24, 2024 in the LTB Proceeding that all of my communications with Ms. Nicole Artopoulos (the purported complainant) were in relation to the LTB Proceeding (as it then was before being transferred to the ONSC due to the exceeding amount of compensation and damages owed to me (see: section 207(2) of the RTA) (the “**Formal Admission**”). I too agree with that element of the Formal Admission (i.e. it was on account of lawful authority and in relation to the LTB Proceeding which had been extant since my T2 Application on August 7, 2024).
7. As Ms. Kanavas, one Ms. Nicole Artopoulos was attending stages of the LTB Proceeding without any fear of me (subjectively) and certainly no fear of me was ever reasonable whatsoever. This criminal complaint was solely advanced, by whom I do not know or by whom really wished it to be advanced, because of my success at the LTB in obtaining an order of an expedited and urgent proceeding in light of the misconduct by the Landlord (as previously defined and known as Ms. Aphrodite Artopoulos).
8. In relation to myself, I have rights as an accused and *Charter* rights at that. Those Charter rights cannot be trumped by any government action or conduct, and/or omissions. There are some minutiae that remain unclear to me such as whether the TPS attended my residence (410-775 King Street West, Toronto, Ontario) and obtained some of the property before unlawfully luring me to the TPS 14th Division on October 2, 2024, or whether it was delivered by Ms. Aphrodite Artopoulos, Ms. Nicole Artopoulos, one of you individuals or others.
9. Nonetheless, it matters not for the lack of reasonable and probable grounds to have arrested me.
10. Simply put, your client should have simply emailed me back and said, “Please do not contact me any further.” Had she done so, I would have respected the same and that would have been the end of it. However, instead on September 15, 2024, she received my email regarding her property pickup and obtained the same but without responding. Even DC Kolankowski admitted by the fictitious harassment warning (i.e. that he warned me when he admitted 20 seconds earlier that we had just met) (the “**DC Kolankowski Fictitious Harassment Warning**”), that the complaint had never warned me directly. I certainly did not receive any indirect warning, which would not have had any criminal implications per se but rather for the purposes of the LTB Proceeding, as Ms. Kanavas and Mr. Kanavas did not insert themselves as counsel until late October 2024. Moreover, the A2 Application filed by the Landlord was done apparently without counsel and never served upon me. I am referring to the A2 Application wherein the Landlord admitted, by law, that I was the sole tenant in the rental unit (see: *supra*) as of **December 11, 2023**.
11. To the extent that either of you had any role in the unlawful conduct above, I encourage you to self-report to the LSO for such conduct as there is no place for legal counsel engaging in the same. In that regard, if you

did have any role in the above in your professional capacities, I will accept a written apology herein and confirm safe receipt of the same.

12. I reserve the right to draw this to the attention of the Ontario Court of Justice relating to my compliance with the *Criminal Court Rules* and respecting the rights of the prosecution and any potential witnesses. Of course, the Crown is required to have contact and access with the complainant but I had provided this out of an abundance of caution.

13. This criminal charge has and continues to have serious mental, health, physical, liberty and security consequences upon me. As a result of the same, my **Dismissal Motion** will be heard and decided and I will object to any late filed documents (i.e. affidavits, submissions *et al*) as I have provided ample notice to the both of you.

14. I confirm that I have not had any response from either of you in your firm or personal capacities or on behalf of any affected persons or the purported complainant.

15. I confirm that you have not denied being counsel to the purported complainant and you have not denied any ability to open the PDF documents served upon you via your emails in the LSO directory.

16. I will now ask the ONCJ to draw an adverse inference against your and your client's failure to respond accordingly.

17. Thank you.

[Quoted text hidden]

Vinh The Tran, Esq., LSUC #57761C
Lawyer, Notary, Oaths Commissioner
188-639 Dupont Street, Toronto, ON
M6G 1Z4, T. 647-209-7389
vinhtranlaw@hotmail.com



This is the 1st declaration of Kevin A. McLean in this HRTO Proceeding and it was made and duly executed on November 5, 2024

HRTO File Number: 2024-58615-I

BETWEEN:

KEVIN ALEXANDER MCLEAN

APPLICANT

AND:

TORONTO POLICE SERVICES BOARD, ANTHONY ROMANO, MICHAEL KOLANKOWSKI, SERGEANT CASSIDY, GOLDVIEW PROPERTY MANAGEMENT LTD., LATOYA FERGUSON, AND APHRODITE ARTOPOULO

Declaration #1 of Mr. Kevin A. McLean

I, Kevin A. McLean, disabled, of Toronto, Ontario, declare the following under the penalty of perjury and knowing any statement here that is a false statement to be an offence:

Volume #1: Introduction

1. I declare the following facts to be true and to the best of my knowledge, memory and recall. Where I have declared information on belief, I expressly or implicitly state the source of my belief. I expressly adopt all of the facts and beliefs from my filed HRTO application (the “Application”, “Claim” or “Pleading”), and they have the same meaning herein as they do therein. Where square brackets are used or double underlining, these are mine and mine alone for emphasis purposes. I declare this declaration for a multitude of purposes herein. I will serve and deliver a copy of this declaration to the persons named and identified, and denoted by address in my comprehensive multipurpose submissions (the “Comprehensive Submissions”). In referencing my definition of Comprehensive Submissions, they are comprehensive, in my view, in that they provide notice to the Attorneys General (Ontario and Canada), the OHRC and the Crown, along with providing my submissions as to why this HRTO Proceeding must be expedited.

2. I welcome any sworn or declared evidence from any of the Respondents that attempts to contradict my evidence. I consent in this herein HRTO Proceeding and with any Crown counsel to email service of any and all documents relating to the same.
3. The crux of why I am seeking an order from the Tribunal for expedited proceedings are the breaches of my rights, whether under the *HR Code*, *Charter*, common law or otherwise, and to prevent any future breaches of my rights.
4. I am aware of the laws of evidence in Canada and Ontario. To reiterate, to the extent I reference my belief and allegation, they are merely my beliefs and allegations, while cited to sources and facts, and they are not in any way to be viewed or understood to be “arguments of law” or “conclusions of law.”
5. The structure of this affidavit follows the sequence and chronology of my Comprehensive Submissions. Throughout the Comprehensive Submissions, I refer to my court cases and administrative tribunal proceeding before the BC Privacy Commissioner involving the LSBC and LSBC Defendants for purposes of comparing an administrative search and seizure order versus a judicial warrant. I also provide the same in relation to the soon-to-be-defunct LSBC for purposes of ensuring that the evidence and submissions are before the Tribunal in relation to my “think skull” as it relates to privacy breaches, abuses of power and unauthorized conduct.
6. I have read the *SPPA*, *Legislation Act*, *HR Code*. I have read the *HRTO Rules of Procedure*. I have read a variety of secondary sources from the OHRC.
7. I have read the cases cited in the Comprehensive Submissions.
8. As I did not, in my view, have any detailed experience in reading the sections of the *Criminal Code* at issue in this HRTO Proceeding, I have read them and re-read them along with the jurisprudence that is referenced in the Comprehensive Submissions.

9. In relation to section 29 of the *Criminal Code*, I believe that the leading case is that of *R. v. Bohn*, 2000 (BCCA).
10. In relation to section 25 of the *Criminal Code*, including sections 493 and 495 of the *Criminal Code*, I believe the most relevant case herein is that of Joseph v. Meier of the BC Supreme Court, which is cited in my Comprehensive Submissions.
11. I again apologize to the Tribunal and the Respondents for my delay in delivering the materials in support of my motion for an order of expedited proceedings and the NOCQ but it was on account, in part, of the theft of my computer nearly two weeks ago. Unfortunately, I had to recommence much of the work I had nearly finalized as I had not saved some of the relevant work and to a remote storage device, cloud or otherwise. The said matter is still being investigated, but I find the timing of it to be suspicious, without any allegation against the Respondents at this time.
12. The orders I seek in relation to the order of expedited proceedings are pursuant to HRTO Specific Rule 21 and the case law cited in the Comprehensive Submissions.
13. The relief I seek in relation to the NOCQ are not to be decided by the HRTO in the expedited proceedings *per se* but solely in relation to the timing and procedure of the same.
14. I will deliver copies of the NOCQ and this declaration #1 to the Attorneys General as required by HRTO Specific Rule 4.
15. As the Attorneys General are not parties *per se* to this HRTO Proceeding, or at least not at this time, I do not expect a response to the motion components involving expedited proceedings.
16. I intend to have my final submissions regarding the constitutional questions to be far more refined, polished, and cross-referenced to evidence (now and future). However, for current purposes, I have been extensive and comprehensive, in my view, to ensure that I have identified all the issues—factual and legal—and provided the requisite notice.
17. I am aware of the implied undertaking rule herein which in turn, in my view, means that I may not utilize any documents I receive on account of discovery or otherwise in any other

proceedings. However, I intend to provide notice to the Crown, in the event that the unproven charge against me (see: section 264(b) of the *Criminal Code*) has been approved or, the said Crown intends to do so. I will not do so to gain any advantage but solely for the purposes of ensuring that the Crown has all the relevant evidence before her or him, and is aware of the potential legal consequences of approving and/or proceeding regarding the same. The recipients of this declaration #1 and my Comprehensive Submissions will be aware, after reading the same, that I have noted the following torts:

- a. Malicious prosecution;
- b. Abuse of process;
- c. Malfeasance in the public office; and
- d. Others.

18. I have, in my Comprehensive Submissions, noted, *inter alia*, those torts to ensure that there cannot be any accusation against me that I somehow lulled any of these Respondents or potential defendants into a “false sense of security.” In this regard, I am attempting to convey that I, in no way, wish the said Respondents, Crown or others to believe that I agree that the unproven charge has any merit or that they should feel any level of comfort or assuredness that by taking any further steps I will not exercise my legal rights. I will exercise my legal rights to the fullest extent of the law.
19. I note that under malicious prosecution (tort), the law has evolved in that even the complainant can be found liable for the said tort.
20. I again do not know who the complainant was, but I do not believe it was Ms. Nicole Artopoulos (“Nicole” or “Former Spouse”). I believe it was the Landlord or an individual purporting to act on behalf of the Landlord. I allege and believe on that ground alone that the unproven charge must be dismissed, with prejudice, forthwith.
21. I have provided that evidence to ensure that the HRTO and Respondents *et al* have sufficient notice that I am continuing to suffer pain, loss and detriment as a result of the events that transpired on October 2, 2024, and thereafter.
22. I have never seen a copy of the alleged criminal complaint, if indeed it was made in writing. If it was made orally, I have never seen any of the notes to the file or meetings when it was made. To the extent that the Landlord delivered my property (which I defined as the “McLean Property”) and my medication (which I define as the “McLean Medication”) to

the TPS 14th Division at three p.m. on October 2, 2024, which was absent my consent, I believe that any complaint in that regard would have taken time to address between the TPS officers and the Landlord.

23. I note that the Landlord is not the complainant therein.

24. I do not believe, based upon my review of the TPS website and other police websites, that a non-complainant could have made the complaint (i.e. an individual on behalf of Nicole). I do not believe that Nicole made the criminal complaint against me.

25. At no time from September 15, 2024, to October 2, 2024, did Nicole ever convey any communication to me that I cease and desist from any further communications involving the topics that surrounded the LTB Proceeding and her vacating of Rental Unit 410 on June 23, 2024. Prior to September 15, 2024, the only other email I had with Nicole (as we were not communicating in any other forms, i.e. in person but for one exception, via phone et al) was on or around August 8, 2024, which was subsequent to my filing with the LTB in the LTB Proceeding. Prior to that email in late July 2024, Nicole located me in a public space and wished to speak with me. I was in the middle of speaking with a friend and asked the said friend to excuse me while we spoke. The said friend remained within earshot of our conversation. At the said time, Nicole had been vacant from Rental Unit 410 for approximately one month. She, during that oral conversation where she located me and not the other way around, professed that she still loved me and asked me for a hug. I reciprocated. I do not believe that Nicole at any time during July or August 2024 had any reasonable fear of me. I do not believe that Nicole had any reasonable fear of me regarding her safety at any time leading up to the purported complaint, as a consequence of the emails I sent, which related (directly or indirectly) the LTB Proceeding, specifically to the Unlawful Lockouts by the Landlord and Goldview, and/or the obtaining of her non-essential items, which she did not take with her at the time of vacating (June 23, 2024). I did so as a courtesy to her in relation to the former. I believe she received the email but she did not respond. At no time did she convey to me that I should not have sent her any of the previous emails at each time or thereafter. This is why I was quick, in my view, to retort to Detective Constable Kolankowsk (defined as “DCK”), when I was arrested by DCK and Constable Romano, that I was never warned. At no time did DCK (or Constable Romano) ever represent to me that Nicole warned me. At no time did DCK or Constable Romano

ever represent to me that any individual on Nicole's behalf warned me that the emails from September 15, 2024, were unwanted or unwelcome. I declare the same evidence in relation to any individual of the TPS including the TPS 14th Division. At no time since the arrest, which I have defined as the "False Arrest", "Unlawful Arrest", "Unauthorized Arrest" or "Groundless Arrest", has any individual acting on behalf of the TPS or purporting to act on behalf of the TPS provided me with any evidence of the warning that DCK purported to have conveyed to me prior to October 2, 2024. Further, at no time has any individual acting on behalf of the TPS or purporting to act on behalf of the TPS provided me with any evidence of the warrant, which Constable Romano purported to have obtained AT THE TIME of the arrest. The time of the arrest was approximately 8:15 p.m. on October 2, 2024. I made multiple requests for a copy of the purported warrant and the TPS never provided the same to me at the time of the arrest or thereafter. As such, herein and in my Comprehensive Submissions, I have defined the purported warrant as the "Fictitious Warrant", "Imaginary Warrant" and "Illusory Warrant". I have defined in my Comprehensive Submissions the purported warning by DKC as the "Fictitious CH Warning". "CH" is defined as "Criminal Harassment". The only communications at issue, which I authorized or sent, were the emails which are in evidence with the LTB in one of my declarations therein. I can provide them upon request.

26. I believe and allege that the criminal complaint, to the extent that there was one, was filed as a form of revenge for the order that I obtained from the LTB on October 1, 2024. I did, in fact, notice the Landlord, with Nicole copied to ensure that there was no backtracking or excuses from the Landlord that it was sent, on or around October 1, 2024 and October 2, 2024, that I needed access to my property within Rental Unit 410. I did not receive a response from the Landlord (nor one from Nicole).
27. I also notified counsel to the Condo Corporation in Lash Condo Law of the same and it asked if he could be provided as a contact and to be contacted in the event I made use of the representation of Constable Salerno on September 21, 2024, (i.e. use of police presence for witness and safety purposes when entering to obtain my property). I confirmed the same as I was agreeable to the same. I wished for everything to be fully transparent and in accordance with the law.

28. With the benefit of hindsight analysis, each and every email that I sent to Nicole after our meeting in late July 2024, at her initiation, and my emails in early August 2024, were as a direct consequence of the conduct of the Landlord, which I have alleged was contrary to the RTA and unauthorized. My email to Nicole (and Victory Wine & Spirits Inc., which is an Ontario incorporated company in 2011, as it had some antiquated files that were left behind, which I left for its pickup) on September 15, 2024, was in relation to the Landlord attempting to enter Rental Unit 410 on September 14, 2024. My emails after September 20, 2024, and prior to October 1, 2024, were as a direct consequence of the Unlawful Lockouts. My emails on and after October 1, 2024, but only up until October 2, 2024, were as a direct consequence of having to obtain an order to shorten the LTB Proceeding, due to irremediable harm if such an order was not granted, which was solely based on the Landlord's Unlawful Lockouts and the Threat and Extortion conveyed to me by Ms. Ferguson, Condo Manager and employee of Goldview, on September 23, 2024.
29. I also note for the benefit of the HRTO that while I am seeking various orders of the LTB, they are solely in relation to the Unlawful Lockouts and in the jurisdiction of the LTB. Where I am seeking awards in relation to mental anguish, it is solely in relation to the mental anguish I have suffered and continue to suffer in relation to the Unlawful Lockouts and the failure of the Landlord to comply with the RTA and associated regulations. I have delineated the same based on the following example: if the Landlord has complied with her obligations under the RTA post October 2, 2024, it would not absolve the TPS and TPS Respondents, including herself, of the conduct on October 2, 2024.
30. I believe that the TPS was honest with me that it received my property (the "McLean Property") and McLean Medication on or around three p.m. on October 2, 2024.
31. I believe that the Landlord was stunned that I obtained the order that I did because she sees the world, in my view, in a "black and white" fashion and does not plan for contingencies such as an order being reversed or reconsidered. I believe she lives in her mind and wishes for everyone around her to comply with her demands and directions and to believe what she is thinking. I believe when things go differently than she wants them to, she panics. In this regard, I note that the LTB initially informed me that my application for shortened proceedings was denied. While I had not submitted all my materials in that regard at that time, I notified the LTB of the same. I then received the order I was seeking on October 1,

2024. I also believe the Landlord was upset that she did not receive a similar order when seeking the same. I believe she knew that my receiving the order and her not (on different factual and legal grounds) was a premonition that the LTB was not in agreement with her understanding of the law. As the Landlord never sought my consent to engage in any form of email service or service through the Tribunals Ontario Portal, I have served the Landlord in that LTB Proceeding via mail, express post or registered mail. For context, the Landlord did not even purport to serve me with any documents in August or September 2024. I believe this is why she misled Goldview and the Condo Manager in referencing it being a “private matter” [sic]. I can also advise and update the Tribunal and the TPS, including the TPS Respondents, that the Landlord attempted to respond to a recent motion that I filed and served upon her in October 2024 by apparently filing submissions in the LTB Portal, and then falsely claiming that she had served me. She did not serve me with any documents. Moreover, contemporaneous with that filing, she made a request of the LTB for an order of alternative service. In my view, those filings by her were nonsensical in that how could she serve me and ask for an order of alternate service? I drew that to the attention of the Tribunal immediately. Further, under the LTB Rules, there is a provision under Rule 3.4 for alternate service but it must be requested by a party and it must be ‘at least’ 40 days before the hearing. The filings of the Landlord, absent service, were filed in the evening of October 24, 2024, and were some 18 days late for any such order. I filed a letter with the LTB in this regard confirming the plain language of the LTB Rules. I notified the LTB that if the Landlord wished to seek such relief in the form of alternate service, she would have to bring a motion to seek leave some 15 days before the hearing proper therein. The Landlord did not do so. However, on or around October 15, 2024, there were filings in the Tribunal Portal that the Landlord had added two agents in the form of lawyers to act on her behalf. I was unaware of their names and had never met them or corresponded with them before. I notified the Tribunal again of the same and asserted my position that while the Landlord was entitled to file documents of agents to act on her behalf, it would not change the facts and the law of the matter. With respect to the LTB Proceeding, I believe that the Landlord has reaped what she has sown.

32. I note that I never consented to the Landlord touching, moving, disclosing or delivering the McLean Property and McLean Medication to anyone let alone the TPS 14th Division.

Volume #2: The Unproduced And Purported Warrant despite a request for the same pursuant to section 29 of the Criminal Code – an automatic breach of my Section 8 of the *Charter* rights

33. I believe that a warrant is as defined in my Comprehensive Submissions with reference to the Ministry of Attorney General (Ontario) website).
34. I believe that the TPS is part of the executive branch of government and not part of the judicial branch of government. I believe that justices, including justices of the peace, are part of the judicial branch of government.
35. I do not believe that Constable Romano or any individual at the TPS 14th division even commenced drafting an ITO for an arrest warrant involving myself.
36. I again declare that I was placed under arrest without my consent.
37. I believe that the TPS 14th Division (Constable Romano and DCK) knew that it [they] did not have reasonable and probable grounds to charge me with the offence under ss. 264(b) of the *Criminal Code*. I allege that they still know the same.
38. With respect to seeking an arrest warrant, I believe the relevant section of the *Criminal Code* is ss. 493 and the relevant form is Form 7. I do not believe that the TPS 14th division followed any of the statutory requirements, inclusive of the Form 7, to obtain an arrest warrant.
39. I do not believe that a justice of JOP received any materials, including a Form 7, from the TPS 14th Division in relation to obtaining an arrest warrant for myself.

Volume #3: False Pretense Email (also defined as the “FPE”)

40. I allege that the FPE was false in fact it contained deceit, falsehood and other fraudulent means. Through my Comprehensive Submissions, I define “other fraudulent means” as “OFM”.
41. I believe that the FPE meets the requirement under the *Criminal Code*, and the interpretation, findings and precedents set by our SCC, for OFM as follows:
 - a. It omitted material and relevant facts that I should have known before attending the 14th Division;
 - b. It took advantage of power imbalance between myself and the TPS including my disabilities (defined as the “Protected Characteristics”);

- c. The TPS had already engaged in an unauthorized arrogation of my property and medication; and
 - d. Others detailed therein.
42. I believe that Constable Romano knew the detrimental and deprivation that would ensue for me if I relied upon the plain language in the FPE.
43. I believe that Constable Romano intended for me to rely on the plain language in the FPE.
44. I believe that Constable Romano was deceptive and engaged in falsehoods in the FPE. I believe and allege that the FPE was false in material and relevant aspects and it contained falsehoods.
45. I remain puzzled and perplexed as to why Officer Salerno, which is somewhat consistent with the LTB guidance after an illegal lockout (i.e. police ‘may’ help), represented to me that their division does not get involved in LTB matters, and yet the TPS 14th Division did get involved in receiving the McLean Property and McLean Medication, which was directly in connection to an LTB issue *per se*.
46. I believe that Constable Romano knew, at the time, of sending the FPE that I was not going to obtain the McLean Property and McLean Medication without being arrested. I did not know the same at the time of reading the FPE, relying on the same, and then walking to the 14th Division of the TPS. I did not know the same even when I encountered Constable Romano at the TPS 14th Division. I did not know the same even when I left and re-entered the TPS 14th Division. I did not know the same even when Constable Romano introduced me to DCK who was about to hand me a pen to sign for the McLean Property and McLean Medication.
47. I again confirm, consistent with the HRTTO Application, that Constable Romano did not leave after arresting me but asked for other officers to “work the front desk” while he remained in the downstairs component of the 14th Division of TPS, which I refer to as the “prison” of the 14th Division. I do not allege that the administrative area of the 14th division is a prison. At no time during that period after the arrest did Constable Romano provide me with a copy of the arrest warrant despite my request for the same.
48. I bolster my evidence regarding the same as neither Constable Romano nor DCK ever asked me any questions about any allegation of criminal harassment prior to arresting me.

49. I do not know if TPS, specifically TPS 14th division and its officers, profited in any way from what I allege was a contravention of section 380 of the *Criminal Code*. I am alleging a breach of section 380 of the *Criminal Code* and other contraventions of the *Criminal Code* by various respondents herein with a focus on the TPS as those facts are best known to me for purposes herein.
50. I do not believe Constable Romano, with respect to the FPE and what I allege was further misleading, deceptive and fraudulent conduct thereafter to the time of the arrest, believed, at the relevant times, that no harm would ensue for me.
51. I do not believe that Constable Romano believed that the FPE was an innocent prank or some negligent misrepresentation. I ground my belief in this regard in the conduct of Constable Romano after the FPE, my responsive email, and my attendance at the 14th Division of TPS.
52. I again note in the FPE that the language therein were words such as:
- a. Retrieve my property;
 - b. Front desk officers;
 - c. They will retrieve it for you.
53. I also provide this evidence herein so TPS and the TPS Respondents can take active steps to remedy the same and notify the Tribunal of the same for the record of the proceeding.
54. I allege that with the Landlord as the “mastermind” of the ruse and scheme, which I define as the “Unlawful Scheme” or “Conspiratorial Agreement” between the respondents, some or all, that once the TPS knew that I needed medication and had physical disabilities that my Protected Characteristics were a factor in my adverse treatment and adverse impact. I also address in my Comprehensive Submissions my treatment under section 12 of the *Charter*. I allege that the treatment (not punishment) that the TPS engaged in towards me by processes and conduct was not only adverse but it was ‘cruel and unusual’. In my Comprehensive Submissions, I cite a variety of authorities to bolster the facts herein.
55. I believe that like other residents of Ontario and citizens of Canada, with a fixed address, contrary to the inscription by Sergeant Cassidy in the undertaking document which I still find offensive and deceptive, I am entitled to the benefits of the *Charter* and the *HR Code* subject to any lawful exceptions and reasonable limits.

Volume #4: Lack of investigation or no investigation

56. I do not believe that the TPS or TPS respondents conducted any investigation or any investigation that meets any of the lawful requirements of an investigation into a complaint made by one person against another.
57. I believe that if TPS had asked for my position, which I believe it was required to at least attempt to do, regarding the matter, that there would have never been a charge or even a request for my attendance at the TPS 14th division but to send an agent to pick up the McLean Property and McLean Medication.

Volume #5: No character assassination but similar fact evidence where the probative value outweighs the prejudicial

58. While I do not know the character or integrity of the TPS 14th Division and the TPS Respondents, I sincerely hope that the treatment towards me was an aberration and a radical departure from usual practices. I do note the following instances of misconduct of officers at TPS 14th Division, which I have found published in the Toronto press:

Volume #5(A): Constable McArthur and Sergeant Mark Morris at the 14th Division
 McArthur: obtaining a victim's (of domestic assault) phone number from the other officer, saving it in his personal cell phone, and then sending half nude photos to her
 Sergeant Morris: engaging in conduct with a female Sergeant about the comparison of his genitalia to a "snake" and then attending unannounced and unwelcomed by the other sergeant to her home looking for a "sleep over"

59. However, I am concerned that the TPS 14th Division has had some issues in the past as it relates to conduct that involves privacy interests and the misappropriation of personal information.
60. I am also stunned by the conduct, as alleged, in one Sergeant Morris with another Sergeant.
61. I find it ironic that the TPS would even allege or even want to question me regarding criminal harassment after the conduct of Sergeant Morris therein.

62. In this regard, I have hyperlinked the article: <https://torontosun.com/news/crime/another-14-division-cop-in-hot-water-over-conduct-involving-women>

63. I quote and attach the pictures of the same *infra* involving two police officers of the 14th Division:

“Another 14th Division cop in hot water over conduct involving women”

A 14 Division cop admitted he sent inappropriate text messages and bare-chested and muscle-posing images of himself to a domestic abuse complainant he and his partner had investigated earlier that day.

Article content

Const. Jeffrey MacArthur pleaded guilty to one count of discreditable conduct for his behaviour stemming from a domestic call that he and his partner Cst. Tony Pignatelli answered at 1:30 a.m. May 27, 2017.

The alleged victim R.V. provided her contact information to Pignatelli.

MacArthur obtained that information to send the woman inappropriate text messages from his personal cell phone.

“We all have shitty days,” was one message MacArthur sent the woman.

He also sent images of himself in martial arts poses, showing his naked barrel chest and flexing himself, but then sent a message apologizing, “Sorry, that was for someone else.”

Apparently I'm chatty lol Have a great night

You too! Thanks again for following up.

Np

Today 3:42 AM



Sorry!!! That was for someone else

“He violated the trust of a victim and the trust of the public at large,” said prosecutor Shane Branton.

“He sent seriously unprofessional messages and images of himself.”

MacArthur had an otherwise, unblemished career and “has acknowledged he made a mistake and wants to move past itⁱ,” said Branton.

“None of this was ill-intendedⁱⁱⁱ and I apologize for the damage to the reputation of the serviceⁱⁱⁱ,” said MacArthur.

Branton and MacArthur’s lawyer Gary Clewley jointly proposed that MacArthur should be docked **five days pay**. Acting Superintendent Peter Code said he would email his decision.

[The second incident involving Sergeant Mark Morris and Sergeant McInnis]^{iv}

This is the second publicized complaint about 14 Division officers.

Sergeant Jessica McInnis has alleged she was sexually harassed by fellow Sgt. Mark Morris who sent “Anaconda” penis photos to her and she has launched a human rights complaint against him and other officers.

Morris, 58, was docked eight hours pay in January for sending his images while McInnis was docked an equal amount for receiving those images.

McInnis contended Morris allegedly referred to his penis as “Anaconda,” and sent text messages that he was waiting outside her condo and wanted to sleep over.^v

The 43-year-old woman, who joined the service in 1998 and has won many awards and accolades, made the startling sexual harassment allegations in an Ontario Human Rights complaint in December.

Morris’ lawyer, David Butt, said he’ll vigorously defend his client at the human rights tribunal.

spazzano@postmedia.com

Volume #5(B): My concerns in this regard and why the Tribunal can be assured that I will never be making use of the *Police Act* and associated regulations complaint process

64. I now query in relation to the DCK Fictitious CH Warning whether he warned another individual who may be traumatized by a warning that was not for said individual. I await DCK’s evidence under oath in this regard.

65. While I appreciate that the conduct of Sergeant Mark Morris is perhaps not emblematic of all at the 14th Division of the TPS, in my view, that type of conduct is harassment but under a different section of 264 in physically attending a location of the home of Sergeant McInnis.

66. With the only the potential of five and eight HOURS pay respectively, that forecloses any potential I would ever use any procedure under the Police Act and associated regulations to make a complaint about these officers and sergeant herein.

67. I find that revolting and offensive that anything of that level of punishment was discussed in relation to either.

Volume #6: Conclusion and Jurat

68. I believe and allege that TPS and TPS Respondents acted in an intentional and voluntary fashion in relation to their conduct.
69. I believe that DCK and Constable Romano were aware of section 29 of the *Criminal Code*.
70. To the extent that I am incorrect in that belief, I note section 19 of the *Criminal Code* that ignorance of the law is no defence.
71. I, in the linguistic sense, emphatically note that Constable Romano did NOT represent to me that “We will get a warrant” but on October 2, 2024, after waiting for 30 minutes and some conversations with Constable Romano and then being introduced to DCK with the ruse of me to sign a receipt and receiving the McLean Property and McLean Medication, Constable Romano represented to me, “WE HAVE A WARRANT FOR YOUR ARREST.” For precision purposes, Constable Romano represented the same to me AFTER he said I was under arrest and I responded, “For what?” and further words to the effect, and then my conversation with DCK ensued regarding the Fictitious CH Warning. To be clear, Constable Romano made the warrant representation slightly after DCK was unable to counter my representation to him that I had never met him and the alleged warning was fictitious and a figment of his imagination.
72. While TPS did extend me with the right to speak to “duty counsel” and not any lawyer per se, I did not trust them at the time and will not until there is a resolution or orders that are acceptable to me and in accordance with the law. Moreover, I was concerned that the TPS 14th Division, with all of its cameras and “all eyes on me” that any phone conversation may be recorded without my consent.
73. I believe that I was entitled to the protections, procedures and benefits of the *Criminal Code*, and *Charter*.
74. I believe that I was deprived of the same by the Landlord and Goldview in relation to the protected area of accommodation from times known to them and at least since on or around October 27, 2023, when I had my FOB deactivated without my consent. In that instance, I was provided with a replacement FOB that day. I will also be referring and putting into evidence text messages of Nicole and the Landlord, with a sole focus on the Landlord, that

I allege evidence an intent to have me criminally charged and under police persecution and future prosecution in groundless fashion. I also be referring and putting into evidence by way of reference to these “text messages” evidence, which I invite Ms. Ferguson to refute under oath, of false allegations that I slashed the tires of the vehicle that Nicole and I used when we were spouses. In this regard, there was a slashing of a tire and Nicole noticed the same when we were driving. She asked if I could handle and manage the fixing of the same. I did so and paid for the same at Canadian Tire on Lakeshore. Nicole informed me that there was another slashing of the tire and she then attended to taking care of the same. I have never slashed a tire in my life let alone the vehicle that Nicole and I were used. I would presume that a knife would be required for the same. I have never carried any such knife on me or any knife but a knife utilized for eating. I believe that the text messages between Nicole and the Landlord, that reference Goldview and Ms. Ferguson, evidence stereotypical and prejudicial attitudes towards me on account of my Protected Characteristics. I believe and allege that my Protected Characteristics were a factor in my adverse treatment, which have had an adverse impact upon me and continue to, by the Landlord and Goldview irrespective and independent of the Landlord’s conduct with the Unlawful Lockouts. With respect to the Unlawful Lockouts, I am still awaiting evidence from Goldview regarding its involvement in the same. Moreover, I can advise the Tribunal that I made a PIPEDA request of Goldview in late September 2024, and it failed to respond within 30 calendar days of the same. To the extent it complies, I will notify the Tribunal and other respondents promptly but not for the truth of its contents.

75. I allege herein that the TPS and TPS Respondents, particularly Constable Romano and DCK (without knowing who in the “back offices” including Sergeant Cassidy and potentially others directed or authorized the same), engaged in a warrantless arrest of myself on October 2, 2024. I believe that they knew that they did not have any reasonable grounds to believe that I had committed the charge of section 264(b) at the time of the arrest.
76. I again declare that none of the exemptions for a Crown to proceed by indictment were applicable at the time of arrest (or thereafter). However, I note in that regard that is a decision for the Crown to make and not the TPS.

77. In relation to the “mandatory conditions” for TPS to have charged me with an indicatable offence (not a summary one), I again declare under the penalty of perjury:
- a. I have never been convicted of any offence against an intimate partner;
 - b. I have never been engaged in any of the offences under section 5 to 7 of the CDSA:
and
 - c. I was not at large, out on bail *et al* at the time.
78. I again confirm that no agent of the TPS ever informed me that I was either, or grounded their reasons in arrest, detention, search, seizure and imprisonment in the same.
79. I do not believe that I committed the offence under section 264(b) of the *Criminal Code*. I ground my belief in that I do not believe my conduct, as I believed at all times that it was with lawful authority, and nobody countered the same at the time, would meet even a civil or administrative (LTB) wrongdoing.
80. In commencing and advancing this HRTO Proceeding, I heavily rely on ss. 495(3)(b) of the *Criminal Code* with a focus on the sentence therein that commences with “unless...”).
81. I believe that once I confirmed with DCK that he had not warned me and nobody had warned me of the same, it should have been the end of the matter. I believe I should have then be entitled to take the McLean Property and McLean Medication and leave the 14th Division on my own.
82. I believe that the Fictitious Warrant Representation only arose when Constable Romano saw DCK, in my view, with a stunned look. I believe that stunned look was as a consequence of not being prepared for me being so quick on my feet and that I did try to resist the arrest. I believe that I could have escaped them, based on my assessment of relative strength and speed, and as a matter of fact. However, after I heard Constable Romano claim to have a warrant, so I knew that I could not take that risk. Put another way, I respect the police and all law enforcement, but if there is an argument to be had regarding the facts and law, I would have welcomed it. I also would have exercised my rights if I believed that I was in the right and I knew the police were wrong. For example, if the police claimed that they were going to arrest me and called out the name of “Henry Smith” in relation to myself, I would inform them it was not me, and then seek a safe place where there were witnesses and the events could be recorded to protect myself. In that regard, I

would not do so because I was attempting to be unlawful but to avoid the dehumanizing experiences and treatment at the hands of the police on the basis of misidentification. I do not believe any one is required to submit to a false arrest or an arrest based on false grounds. I provide that evidence in somewhat of a preemptive and preventative fashion.

83. I challenge DCK to produce evidence of the alleged warning in which he purported to provide me with particulars of the same.
84. I also request and demand that if the TPS has no evidence of any warning made by DCK to me and no evidence of any warrant, at the time of the arrest, then it confirms the same on a forthwith basis so this HRTTO Proceeding can be streamlined accordingly.
85. In relation to the non-TPS respondents in the Landlord, Goldview and Condo Manager, I do not have sufficient evidence at this time to contend unequivocally that they were acting as *de facto* government agents; specifically, as agents of the TPS. I respectfully reserve my rights in this regard.
86. I further allege that the TPS did not restrain me pursuant to the Unlawful Arrest in accordance with what I believe (see: Comprehensive Submissions) are search powers incident to arrest: (i) identification purposes; (ii) safety of the officer; and (iii) NTD.
87. I further confirm that there was no technical psychological restraint prior to the Unlawful Arrest.
88. By this declaration #1, I am again demanding of the TPS that it take steps in accordance to remedying its unlawful acts without the intervention of the HRTTO and on a forthwith basis which will include but not limited to: (i) destroying my fingerprints (although it appeared to me at the time that some of my fingers regarding those prints registered as a “fail” in the technological device and screen; and (ii) destroying any images that it took of me including video and “mug shots” along with my tattoos (one being the Ohm symbol in yoga and the other being a Chinese symbol representing “Ohio State” (my undergraduate university); and others.
89. In my view, Constable Romano should apologize to the judiciary and all justices of the peace for even pretending to have had a warrant regarding the unproven charge as, in my view, it gives the justices and JOPs a bad name for even being implicated in the same.
90. I am not aware of any challenge by the TPS or any person to the provisions of the *HR Code* and *Criminal Code* at issue herein.

91. I allege that my expectation of privacy (“EOP”) remained high at all times even after the Unlawful Arrest as I allege that the arrest and all conduct thereafter was predicated on illegality and was in arbitrary in nature and scope.
92. I believe and allege that the TPS and TPS Respondents’ conduct was abuse in nature from a mental, emotional and physical standpoint.
93. However, I do not allege that TPS and TPS Respondents directly physically harmed me but I suffered injureis in the prison cell as a result of my impairments, from a physical standpoint, that were aggravated by the conditions.
94. I am making a claim, at least by way of the hearing of constitutional questions, that while I was not punished as I have not been convicted of a crime, that the unlawful conduct (as alleged) was not only adverse treatment but “cruel and unusual” as it is interpreted under section 12 of the *Charter*. Under the first prong of the test (as the case law evidence and noted in my Comprehensive Submissions), I allege and submit that the misconduct by the TPS and TPS Respondents was severe and it occurred in a multitude of independent ways, conduct and processes.
95. I, in my view, naturally rely on section 15 of the *Charter* in advancing my constitutional question relief but also in relation to the *HR Code* relief.
96. I allege that the conduct of the TPS and TPS Respondents was grossly disproportionate to the required and lawful treatment that I was entitled to receive under the law.

97. I declare my declaration #1 for no improper purpose.

Declared **Toronto, Ontario**
On this 5th of November, 2024



Kevin A. McLean

ⁱI note that of course he wants to move past it but what about the victim?

ⁱⁱYet Constable McArthur took her phone number from another officer without her consent and for a different purpose which was to include in his PERSONAL PHONE to contact her on a social level. He did not have her consent to do so. I allege that there may be a systemic issue with the 14th Division regarding understanding the concepts of privacy and privacy rights, and the concept of consent.

ⁱⁱⁱBut what about the victim? What about the damage to her? What about her loss of trust in the TPS 14th Division?

^{iv}The square brackets are mine.

^vThis was clearly what Sergeant Morris wanted but did he have her consent? In McLean v. TPS et al, the TPS clearly wanted to arrest Mr. McLean on false pretenses but did they have consent to even talk to him or question him? The answer is in the negative on all.

Tab 7

This is the 4th affidavit of Mr. Kevin A. McLean (B.A., J.D., CIM) and it was made on April 10, 2025

Court File No: 24-48129169

ONTARIO COURT OF JUSTICE

BETWEEN:

HIS MAJESTY THE KING

CROWN

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT

AFFIDAVIT #4 OF THE APPLICANT DEFENDANT

I, Kevin A. McLean of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I swear the following facts to be true. Where I have sworn facts on belief, I cite the source of my belief.
2. I adopt the definitions from the filed documents *infra* and they have the same meaning herein as they do therein unless otherwise noted.
3. The date is April 10, 2025.
4. To ensure that the record of proceeding is complete and accurate for my Dismissal Motoin, I was remiss in not including the emails that I attached, which were the emails that I sent to Ms. Nicole Artopoulos and, in some of the emails copied to the Landlord, in my email to Constable Romano, DC Kolankowski and Sergeant Cassidy on October 3, 2024.
5. I had already attached the email thread in question which were the following emails:
 - a. Constable Romano's email to me of October 2, 2024, at 7:46 p.m. (see: **Motion Record, Tab 5, page 66; Affidavit #2, Exhibit "A", page 18**);
 - b. My email to Constable Romano of October 2, 2024, at 7:57 p.m. (see: **Motion Record, Tab 5, page 67; ibid in relation to the affidavit and exhibit, page 19**);

- i. This email included the attached order of the **LTB** Vice Chair Delorenzi that granted my request for an order to expedite the proceeding on an urgent basis due to the unlawful lockouts on September 20, 2024, at the presumed direction and control of the Landlord.
- c. My email to Constable Romano, DC Kolankowski and Sergeant Cassidy of October 3, 2024 at 1:17 p.m.;
 - i. I attached there documents in that email which were:
 - 1. My driver's license:
 - 2. The scanned promise to appear:
 - a. I included those two documents as Sergeant Cassidy had incorrect input my address as "NFA" and I was to contact the denoted arresting officer in DC Kolankowski in the event there was anything incorrect contained in the promise to appear
 - 3. My declaration in the **LTB** Proceeding, which was made on October 3, 2024, filed on said date and then served on the Landlord via mail to her principal residence located at 64 Roosevelt Road, Toronto, Ontario, M4J 4TJ (the "**Landlord's Principal Residence**"); and
 - a. Contained within that declaration before the **LTB** were copies of the only communications I had with the **Purported Complainant** from September 15, 2024 to October 2, 2024.
- 6. None of the **Impugned Police Officers** responded to my email of October 3, 2024.

Exhibit "A" (see: pages 1 to 20)

- 7. Now shown to me and marked as **Exhibit "A"** are the pages that were attached to said declaration before the **LTB**. I confirm that said email with the attached declaration, which contained the only emails that I sent to the **Purported Complainant**, was delivered to the impugned police officers (the "**Impugned Police Officers**").
- 8. I have bolded and double underlined certain aspects for emphasis.

First Email Thread

- 9. The title of the email thread (defined as "**First Email Thread**") to the **Purported Complainant** and, at times, the Landlord was:

"URGENT ATTENTION: FOR NICOLE ARTOPOULOS AND VICTORY WINE AND SPIRITS INC. - **SEPTEMBER 15, 2024** - PICK UP OF PROPERTY, POSSESSIONS *ET AL* - IN PARKING SPOT OF MINTO BUILDINGS - NOW - NO RESPONSE REQUIRED - SOLELY FOR NOTICE AND RECORD-KEEPING PURPOSES"

10. To further describe **Exhibit “A”**, which contains 20 pages therein, I note the following dates and purposes of the email which were all related to the **LTB** Proceeding and consistent with the Formal Admission by declared counsel to the Landlord and one that I have served with various documents herein as “affected persons” (see: **Hearing Record, Tab 3**) of the following:

a. **September 15, 2024:**

- i. Re: property, possessions et al of Nicole and Victory Wine – waiting for your collective pickup in the parking spot (known to Nicole and Victory Wine) at the Minto Buildings (secure underground parking of P3) (“**Email #1**”);
 1. Moreover, I hereby confirm that there is no property left in **Unit 410** of Nicole’s on any level for any immediate taking *per se*.
 2. For example, I have purchased two new couches for Unit 410 but a previous one remains. Put another way, these items form part of the tenancy but Nicole and/or Victory Wine were not the “Landlord” so nothing much turns on it this right now;
 3. While Nicole (for now obvious reasons) appears to have either blocked meⁱ or ignored my overtures, and even missed a scheduled meeting between us, a copy of this email will be sent to all known email addresses for Nicole and Victory Wine, and potentially from other email addresses of myself to the aforementioned.”

b. Mon, Sep 16, 2024 at 9:55 AM (“**Email #2**”):

- i. As per my declaration and evidence therein, kindly find attached a copy of **Declaration #9** which was filed with the Tribunal. I again note that there is no castigation of Nicole or Victory Wine but all is solely directed at the Landlord who appears to be mentally unwell on a variety of fronts. I trust you will not engage or be complicit with her conduct;
- ii. In any event, you will note that there is a notice on the door of Unit 410ⁱⁱ and it will remain in perpetuity until departure on my own volition or by order of the Tribunal (subject to being able to receive notice from the Landlord which she cannot at law do at this time or previously).

c. Fri, Sep 20, 2024 at 1:13 PM (“**Email #3**”). Some of the contents therein were:

- i. “I write to confirm that either or both Nicole and Victory Wine obtained all of their property from parking spot 142 on or around Sunday or Monday of this week.”

[After “**Unlawful Lockouts**”]

d. Fri, Sep 20, 2024 at 10:46 PM (“**Email #4**”). Some of the contents therein were:

- i. “For your benefit, I attach a copy of **Declaration #10**. It is self-evident and self-explanatory. In short, I will be attending the **police detachment** in prompt fashion subject to not dying or being killed without a roof over my head;
 - ii. I am providing this to you so you are aware that all of Nicole and Victory Wine’s property has been out of Unit 410 for **some time**. I confirm, at this time, I do not have access. I will be seeking the maximum against the Landlord in the **LTB** where applicable. I will then seek the maximum against her and any of those who facilitated the same in a court of competent jurisdiction;
 - iii. As I have a controlled substance, by prescription therein, and she had knowledge of the same, she is, in fact, in possession of the same by her conduct. I was very clear on that point.
 - iv. By my last reading some time ago, I believe these two fines will amount to \$50,000 before the **LTB** if they are not rectified. I also believe there are additional amounts of compensation (i.e. multiplied off the amount of rent) for this conduct as well under the *RTA*;
 - v. I respectfully submit that this will lead to there being little to no chance of the Landlord’s non-compliant request to “shorten time”. She has attorned to the jurisdiction of the **LTB** so it appears that this conduct was nothing short of intentional, malicious and cowardly.
 - vi. I note that the Landlord is acting on her own or some call it “*pro se*”ⁱⁱⁱ. She is fully entitled to do so but clearly the laws of this country and our province do not matter to her. She has put me in extreme danger unless it is rectified by 11:15 but I doubt she can even do so by changing the locks without consent and in an unlawful fashion; and
 - vii. I intend to proceed on all of the above and it was only courteous to let you know as per Nicole and Victory Wine’s previous occupancy therein. Thank you for your attention to the above (where applicable).”
- e. Wed, Sep 25, 2024 at 4:30 PM (“**Email #5**”). Some of the contents therein were:
- i. “I write to pass on, as **I presume** you are unaware, that I was locked out of Unit 410 on Friday, and the Minto Buildings on Friday evening.
 - ii. On Monday, I was threatened and extorted with the police if I was seen on the property. Many of the more contentious issues have been resolved with apologies as I was able to showcase the truth. I should have included Nicole and Victory Wine for notice purposes in this quite lengthy submission as to the amounts I am seeking on an interim basis against the Landlord along with immediate repossession. I will notify the Tribunal in any event of the service. While my most important valuables, property et al remain inside Unit 410, I have confirmed with various persons that nobody is to move anything or it could lead to criminal consequences. This move by your mother will likely cost her 20K in aggravated damages and another 70K in fines. I will then deal with the remainder of the **LTB** proceeding accordingly; and

- iii. I will not divulge the various public bodies and authorities that are doing some of their final run through of the materials but there are many and I anticipate that sanctions will be in order. I am sorry that your mother engaged in the conduct she did but it was criminal to do what she did and to tell Latoya to act in said fashion. Thankfully, apologies have come from both sides and moving forward is in order."

f. Fri, Sep 27, 2024 at 12:10 PM ("**Email #6**"). Some of the contents therein were:

- i. "Please provide a replacement key for the new lock on the door of Unit 410 or cause it to happen by no later than 4:00 p.m. or confirm in writing that it will be provided by no later than 8 p.m.
- ii. I am required to provide one last notice to you from a specified government body that it matters not who has the replacement key(s) at this stage but I am to receive one from Nicole and/or Victory Wine and/or the Landlord by no later than the above time with the concierge. To the extent that timeline cannot be met, you can confirm on your own behalf and/or for the Landlord in light of the inextricably connected relationships between all of you that one will be left there.
- iii. Unfortunately, Goldview only has a master key so I cannot have a copy of the same.
- iv. The recent argument from the Landlord was that I, Kevin McLean, was a guest of yours. There is not one person that I have spoken to (in terms of external personnel) that did not find that to be not only laughable but incompetent.^{iv}
- v. While I obviously never knew the real "Artopoulos", that is neither here nor there. This is strictly about rights and discharging my duty to provide notice. If the key is not delivered by four p.m. or there is a one liner confirmation that it will be by tonight, of which I will send an agent to obtain, then I reserve the right to rely on this email to confirm the same with any external bodies.
- vi. If you do not have a copy of that declaration, it is attached herein. I sincerely hope that Nicole or Victory Wine do the correct thing because the conduct of this Landlord is far worse than any of the public decisions involving some similar facts.
- vii. Thank you for your attention to the above. I reserve the right to draw this correspondence to the attention of any bodies or persons necessary to preserve my legal rights and demonstrate that I satisfied this task."

g. Fri, Sep 27, 2024 at 12:42 PM ("**Email #7**"). Some of the contents therein were:

- i. "Dear Sirs/Mesdames/Other Gender Neutral Pronouns: I apologize for the follow-up but I missed a few points that I was required to inform you of and then we shall see if the law is followed. They are as follows:
 - 1. 1. By providing me a replacement key, as required by law, it will likely stop the continued accounting for dispossession. Again, I do

not wish to borrow language from others or speak from them but in essence, one of the comments from one of the compliance officers was, “Is this Landlord not aware that this could end up costing her tens of thousands and likely over hundreds of thousands in hard costs?” While it handcuffed for some time and it was a week from hell and it is ongoing, I am working on having funds wired into a downtown Hotel as a contingency plan and the downtown hotels are \$900 a night. With food, drink, water, and so on, I will probably be at \$1500 per day and the Landlord will be covering that in full with six percent interest

2. 2. In light of the knowledge for the Landlord and any others involved of my mental disorder and physical disabilities, along with a minor TBI, I have been advised, without any waiver of privilege, that I should proceed with an application to the HRTTO under ss. 2(1) which is “Accommodation” (Part 1, Freedom From Discrimination;
 3. As you can see from the RTA, it is not merely an investigation into the Landlord but any and all persons with relevant evidence.
- ii. I can confirm that if the key is provided by four p.m. today or the above, that you may disclose this letter to any and all persons so involved above and that will end the potential of the following:
1. 1. Any further investigation by the RHEU and a closure of my complaint file;
 2. 2. I will not need to advance and will not advance in perpetuity an HRTTO application (nota bene: it is best to file those while the conduct is ongoing as it can assist as well; and
 3. 3. I need not disclose that document to the above bodies. Obviously, having such a document that shows \$1300 was very close to the Bell and Priority at the time with the base rent of \$850. As noted, people may inflate a little in those forms as it is acrimonious but it certainly makes the point along with all the e-transfers that I have and records of each day I sent cash, dropped off cash and so on.
- iii. I will either confirm your timing on the above or I will confirm that I have not received any response and that will end this email thread.
- iv. Thank you for your attention to the above (where applicable).”

h. Sun, Sep 29, 2024 at 9:52 AM (“**Email #8**”). Some of the contents therein were:

- i. “Re: confirmation you ceased being a tenant of Unit 410 when you vacated in late June 2024”
- ii. Please find attached **Declaration #17 with ID: Evidence-4221220**
 1. It is a simple syllogism for all of us (appreciating not difficult for you) as follows: 1. If you gave a notice of termination and entered into an agreement to terminate the tenancy, the Landlord would not

have represented the same to Goldview on September 20, 2023. 2. Therefore, you had not, and once you vacated, you met the first part of the test (i.e. the vacating of the premises) and then the second and third part of the test to ensure that I was a spouse and included under the *RTA*

2. The only remaining aspect of the test was whether the rental unit was my principal residence. It was and I slept there every single night at the material time
3. If this was by design as a farewell and final thank you, I thank you kindly for doing so. I was not alive to these timeline issues while reserving all of my rights in fact and at law and filing with the **LTB** in early August 2024 on a pre-emptive, precautionary and protection style application along with seeking damages and repayment for the unlawful rental increase amounts in the Current Rental Agreement
4. I remain the sole and final tenant under the Current Rental Agreement and I confirm that I am solely liable for any and all payments thereunder. I confirm the same if I was not considered a tenant under the *RTA*, which I say I was, but I would most definitely be a tenant under Reg 516
5. I am sorry that you ended our six year spousal relationship in late June 2024 and vacated at the same time. I confirm that you have no property in Unit 410 as remaining property of yours, Victory Wine & Spirits Inc. and/or any other property that a friend of yours may have left over the years was left in parking spot 142 on Sunday, September 15, 2024, and picked up that night;
6. This kind of conduct could kill or seriously impair someone's life if they did not have a legal background or could not afford a lawyer or one that could handle such unlawful dictatorial conduct like the Landlord;
7. In closing, as of September 1, 2024, it became an impossibility for me not to be a tenant as a matter of either the *RTA* or Reg 516. I respect your right to have moved on with your life and quest for love and I wish you well. I confirm that any attempted entry into Unit 410 will be met with a statement of claim for trespass or reporting the same to the relevant persons who are authorized to handle such a matter. Subject to those things not occurring, I would ask politely that once I am back in Unit 410 as the sole tenant, I will confirm the same with you as a courtesy and that you never contact me again unless it is for resolution of any outstanding issues between you and I outside of the *RTA* and associated regulations. Goodbye, your former spouse as of late June 2024, Kevin.”

2 nd Email Thread (see: pages 14 to 15)
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11. I have included emails from the second email thread as well as they were contained in the attachment to the **Impugned Officers**.

12. It was titled:

“UNIT 410-775 KING STREET WEST - ATTACHED DOCUMENTS - URGENT DEMANDS - CONTINUING AND ONGOING - IMMEDIATE ATTENTION REQUIRED OF THE LANDLORD”

13. The date of said email was Sunday, September 29, 2024.

14. Said email is defined as **Email #9**.

15. The **Purported Complainant** was only copied on said email for purposes of notice to any and all affected persons.

AFTER THE **LTB** GRANTED THE APPLICANT (SOLE TENANT) MOTION FOR SHORTENING PROCEEDINGS ON OCTOBER 1, 2024

Third Email Thread (see: **Exhibit “A”**, pages 16 to 17)

Email #10

16. The third email thread is denoted as:

“URGENT - FURTHER DEMAND - **LTB** - ORDER - RARE ORDER - GRANTED - TENANT - EXPEDITED PROCEEDINGS GRANTED - PLEASE ENSURE REPLACEMENT KEY IS AT FRONT DESK BY NO LATER THAN FIVE P.M. TODAY”

17. The date of said email was **Tue, Oct 1, 2024** at **1:40 PM**.

18. Said email is defined as “**Email #10**”.

19. The **Purported Complainant** was only copied on said email for purposes of notice to any and all affected persons.

Email #11

20. “Email #11” was sent on Tue, Oct 1, 2024 at 5:03 PM and it was under the **Third Email Thread**.

21. Some of the contents therein were:

- a. “Dear Landlord (and vacated individual in Nicole): I attach copies of my emails to Goldview and counsel to the Condo Corporation. I trust you are en route to deliver the replacement key and deal with the FOB situation. As a telling sign, Mr. Goldrich went on auto-reply after receiving the Order of delegate of the **LTB**. You will note the language below and by way of ss. 209 and 210 of the *RTA* in that it is binding and unreviewable. This in turn means that the issue of being a tenant or not a tenant is *res judicata*. The only way you can change said decision is by way of judicial review and you will need leave of the ONSC.”

22. The **Purported Complainant** was only copied on said email for purposes of notice to any and all affected persons.

Email #12

23. “**Email #12**” was sent on: Tue, Oct 1, 2024 at 5:11 PM and it was under the **Third Email Thread**.

24. Some of the contents contained therein were:

- a. “Dear Landlord (and vacated individual in Nicole): As of today’s date, you owe me at the per diem rate of \$100, the sum of \$1100. It will continue to increase with interest for each day that I am without access based on the Unit 410 Unlawful Lockout and the FOB Deactivation. There is a simple solution herein and it is above. You have three hours. Govern yourself accordingly.
- b. If the replacement key is not at the concierge by eight p.m. tonight, I will move forward with a human rights application to the HRTO. As the Landlord once said, “Let him go crazy, let him stay in shelter”.
- c. There is never a wrong time to do the right thing. If the replacement key is not there by 8 p.m. tonight, I will also turn over all of these materials to the RHEU which has the power to investigate and bring you before a justice of the ONSC. I have also made a complaint to Goldview, as I have the status to do so as a tenant, about your conduct and I am hopeful that they fine you as well.
- d. These are all lawful activities and lawful demands.”

Email #13

25. “Email #13” was sent on **Wed, Oct 2, 2024** at 10:47 AM. Some of the contents therein were as it was merely a copy and paste of the email to then known counsel to Toronto Strata Condo Corporation 2320 (“**TSCC 2320**”):

“**LTB**-T-063554-24: copy of filed submissions - post Member Delorenzi order

Dear Sirs/Mesdames:

Please find attached my motion submissions after the esteemed Mr. Delorenzi’s order of October 1, 2024. I will now communicate with the various law enforcement channels to determine how best to navigate the issues and the mess created by the Landlord.

I confirm that Nicole’s vacate date was June 23, 2024.

If Goldview wishes to be removed from the relief of being added as a party at the relevant time, then kindly provide me all of the documents requested and I shall do so.

I have included counsel for the Condo Corporation herein along with Goldview because counsel did not advise whether she acts for Goldview or not. I am, at law, entitled to bring a locksmith at the relevant time to change the locks because of section 35 of the Act. I do need access to interim items while we await the granting of an interim order regarding my repossession.

Therefore, I will need to hear by noon today as to whether you will assist me or I need the assistance of police to manage the situation. I do not anticipate that it will be more than five minutes in and out. The Landlord has no power to control my movements any further. However, one Officer S.^v did inform me that the police do assist in these situations to keep everyone calm and have oversight. Kindly let me know if that will be required. Thank you.”

26. I swear under the penalty of perjury that at no time did the **Purported Complainant** respond to my emails in any form. At no time did the **Purported Complainant** notify me that she did not wish to be emailed regarding the return of her property, my demands upon her to do, in my view, the “lawful thing” and provide me with a spare key (if she had one)
27. DC Kolankowski was incorrect in the DC Kolankowski Fictitious Harassment and he did not repeat it after I corrected him.
28. I have never seen an arrest warrant from the TPS and particularly Constable Romano who made the Fictitious Arrest Warrant Representation.
29. At no time did I intend to harass the Purported Complainant with any of the emails from September 15, 2024, to October 2, 2024. I believe that they were all submitted with Lawful Authority and I agree with the Formal Admission that they were in relation to the LTB Proceeding. In this regard, I have submitted in my Motion Submissions that said Formal

Admission was an admission of fact or one of mixed fact and law. At no point after October 24, 2025, did the Purported Complainant seek to withdraw or distance herself from that Formal Admission on behalf of the Landlord and in relation to her. I confirm that the Purported Complainant attended the hearing on November 15, 2024. I have submitted that the Formal Admission is dispositive of the issues in the **Dismissal Motion** because it is not a matter of weighing evidence but one of the law of admissions. I have also submitted and again reinforce that submission that the Formal Admission is dispositive of the issues herein and granting the orders in my **Dismissal Motion** because neither the Crown nor any affected persons have submitted any responsive materials despite being duly served upon it, them or through their agents.

30. However, out of an abundance of caution and for comprehensiveness, I provide the below evidence.
31. I have submitted and I believe that in no way was I reckless as to, in relation to those 13 emails over 18 days with the majority occurring after the Unlawful Lockouts, whether the Purported Complainant was harassed.
32. The Purported Complainant never warned me in any regard whatsoever and nor did any peace officers or other persons for that matter.
33. I do not believe that any reasonable person viewing the events that led to my delivery of Email #1 and Emails #2 to Email #13 would believe that the Purported Complainant had a reasonable fear for her safety or anyone known to them.
34. Had the Purported Complainant warned me that she did not want to receive any further emails, I would have ceased and notified the LTB of the same so that it was aware that I provided notice to her as there was a live issue at the time involving Reg 516 (i.e. when a spouse, which I was under the RTA, remains in a rental unit after one spouse departs, what steps must a landlord take after knowing the same).
35. As my position remains that because the TPS 14th Division lured me to the TPS 14th Division based on false pretences and DC Kolankowski engaged in the DC Kolankowski Fictitious Harassment Warning, and Constable Romano engaged in the Fictitious Warrant Representation, that no criminal charge was sustainable at first instance.
36. Moreover, I do not believe that the arresting officer DC Kolankowski could have had reasonable and probable grounds to arrest because he was mistaken as to whether he warned me. Moreover, I do not believe that the arresting officer DC Kolankowski could have had reasonable and probable grounds to arrest because of the Fictitious Arrest Warrant Representation by Constable Romano when he was some few feet away from him. I believe they both had a duty to correct the misapprehension they created.
37. Having read cases like *R. v. Phung* (ABCA 2013), I believe that the test of determining whether a police officer had reasonable and probable grounds to arrest is viewed at the time of arrest.

38. I submit that this ONCJ must view the arrest based on it being a warrantless arrest.

39. I allege that the arresting officer(s) did not have reasonable belief let alone any belief that I committed the criminal offence of section 264(2)(b) of the *Criminal Code*. I challenge the Crown to produce sworn evidence of the arresting officers to rebut the same.

Concluding Paragraphs and Jurat
--

40. While not denoted in the ‘undertaking’, I swear that I asked Sergeant Cassidy, while I was standing with no shoes and socks in the underground portion of the jail quadrant of the TPS 14th Division, that there was an ongoing LTB Proceeding and that such ‘no exceptions’ could not apply to legal proceedings (to be commenced or commenced), and he agreed with me.

41. I swear this affidavit #4 for no improper purpose and solely for the purposes herein. I intend to proceed with my **Dismissal Motion** and seek the orders that I am seeking.

Sworn before me by videoconference:

by Mr. Kevin A. McLean at the City of Toronto, in the Province of Ontario, before me on **April 10, 2025** in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Signature of Commissioner/Lawyer/Notary

Signature of Deponent





Unlimited. No Expiration.
NO ILA PROVIDED.
Identification Confirmed.

ⁱI was referring to communications through Viber where we would communicate.

ⁱⁱIt was subsequently taken down thereafter but an unknown individual.

ⁱⁱⁱI was not aware of Ms. Niki Kanavas until end of October 2024 as she did not populate in the LTB Portal until end of October 2024. She never served with me any documents. Mr. Dimitrios Kanavas appeared in the LTB Portal but did not appear. They work at different law firms at different locations despite the same last name.

^{iv}Important to notify Nicole in the event she disagreed and she did not.

^vSee above: Officer Solermo



Mr. Kevin McLean <mcleansettlement@gmail.com>

URGENT ATTENTION: FOR NICOLE ARTOPOULOS AND VICTORY WINE AND SPIRITS INC. - SEPTEMBER 15, 2024 - PICK UP OF PROPERTY, POSSESSIONS ET AL - IN PARKING SPOT OF MINTO BUILDINGS - NOW - NO RESPONSE REQUIRED - SOLELY FOR NOTICE AND RECORD-KEEPING PURPOSES

4 messages

Mr. Kevin McLean <mcleansettlement@gmail.com>

Sun, Sep 15, 2024 at 6:57 PM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>

Cc: info@victorywineandspirits.com, Alex Lane <sales@victorywineandspirits.com>, controller@victorywineandspirits.com

September 15, 2024

Via Email

URGENT – for your immediate attention

Dictated with Voice Recognition Software (please excuse any written errors – substance remains the same)

Private and confidential (but for being able to rely on the same in the event Nicole and Victory Wine do not obtain the below and attempt to lay any misguided blame)

To:

Ms. Nicole Artopoulos (“**Nicole**”)

DOB: February 10, 1986

AND TO:

Victory Wine & Spirits Inc. (“**Victory Wine**”)

An Ontario incorporated company in 2011

Re: property, possessions et al of Nicole and Victory Wine – waiting for your collective pickup in the parking spot (known to Nicole and Victory Wine) at the Minto Buildings (secure underground parking of P3)

Dear Madame and Victory Wine:

1. I write regarding the above.
2. In light of an additional unlawful attempt by the Landlord (known to Nicole and Victory Wine) to enter the Unit 410-775 King Street West, Toronto, Ontario, M5V 2K3, yesterday evening but naturally being rebuffed by myself in light of ongoing matters before the LTB involving her unlawful conduct, I took it upon myself, with assistance, to ensure that all of the above property and possessions were left for Nicole’s and Victory Wine’s pickup at the denoted parking spot.
3. The Landlord, by reference to the known text messages to Nicole and other previously particularized conduct, cannot be trusted on any level. As such, I thought it was important that Nicole and Victory Wine had their possessions without the Landlord engaging in entering without compliance with the RTA.

4. On a go-forward basis, I have taken the time and expended the resources to ensure that my property and possessions are not stolen by the Landlord and enacted a security measure that whenever I am in Unit 410, unlocking the door will not allow the Landlord entry. Once the Landlord provides me with access to the mailbox, then she will be able to give notice even on an urgent basis. Until then, I have to make due with her illegality while reserving my rights in fact and at law.

5. Moreover, since Nicole has abandoned Unit 410 and other things and persons, I thought it was important that I not be held liable. The above noted property is available for pickup by Nicole and Victory at their earliest opportunity. I bear no responsibility or liability for the same as this was all caused by the illegality of the Landlord.

6. I hereby confirm that the property, possessions, clothes, jewelry, shoes, files, documents, receipts are contained within two suitcases, two mobile type storage gypsy style containers, two large boxes, and one filing container. The filing container from best I could tell were historical documents of Nicole and Victory.

7. I also included in the above sentimental items to Nicole like her grandmother's fur coat, a broken vase, and all of her pictures of herself and others. While this was not easy to put together on any level, it had to be done. Moreover, I hereby confirm that there is no property left in Unit 410 of Nicole's on any level for any immediate taking per se. For example, I have purchased two new couches for Unit 410 but a previous one remains. Put another way, these items form part of the tenancy but Nicole and/or Victory Wine were not the "Landlord" so nothing much turns on it this right now.

8. I also confirm for record-keeping purposes that contained within boxes with Nicole's (or Victory Wine) were some bags that were beyond repair (i.e. completely stained) so I made the executive decision to toss them (i.e. old Michael Kors bags). Frankly, they were disgusting.

9. Moreover, contained within certain boxes or storage containers was an extra key for Unit 410. I have placed that in secure storage.

10. Perhaps, even more compelling from a "Kevin vis-a-vis Nicole standpoint" was a card from Nicole's ex-husband with a nice writing sample from him. It is a nice to finally know that Nicole holds onto cards and love notes from her ex-husband along with other things that have proven that she unequivocally and intentionally misrepresented the status of their relationship and the times of their alleged separation. However, I need not digress any further because it is beyond the scope of Nicole and Victory Wine obtaining their property in prompt fashion.

11. Nicole and Victory Wine have no reason or legal right to ever enter Unit 410 ever again while I am a tenant and in possession of the same. I will, of course, provide a courtesy notice to Nicole and Victory Wine when I depart. To again confirm out of an abundance of caution, the conduct of the Landlord has been, is and/or will be directed to not only the LTB but a variety of other governmental bodies. I highly suggest that Nicole and Victory Wine distance themselves from the likely sanctions that the Landlord will be subject to. In this manner, I will confirm with the LTB that Nicole and Victory Wine abandoned Unit 410 and the Landlord, until she rectifies her illegality, will not have any right to enter either (by herself or by agent). I confirm that Nicole and Victory Wine are entitled to keep the suitcases and are prohibited from returning the same. I confirm again that the secure measures will cause the door to be damaged if an individual attempts to open the same. I have also confirmed the same with the relevant property management company regarding the same and that the RTA is a statute that must be followed by all and "strata rules" or "having a concierge attend" have no legal effect. Put another way, the latter cannot override the former.

12. I will have an agent check to see that all of the property, possessions, shoes, suitcases, documents et al have been taken by Nicole and/or Victory Wine by end of tonight. To the extent that Nicole

and/or Victory Wine delay the picking up of the same, they are liable.

13. On a go-forward basis and until the Landlord restores my access to my mail, I will from time-to-time have male friends over for security measures and as witnesses. While I was able to take a blurry picture through the peephole, it is an important that the Landlord's continued disturbances of my quiet and peaceful enjoyment of Unit 410 (nota bene: I do not mention common areas as the Landlord has not actively disturbed that quiet and peaceful enjoyment but for all the times she authorized the deactivation of my FOB which commands a \$25,000 fine each time), have additional witnesses for record-keeping purposes.

14. While Nicole (for now obvious reasons) appears to have either blocked me or ignored my overtures, and even missed a scheduled meeting between us, a copy of this email will be sent to all known email addresses for Nicole and Victory Wine, and potentially from other email addresses of myself to the aforementioned. I do not expect or require a response as I am solely doing this to ensure that I have a record of the same. I do not have a current address for Nicole but I do for Victory Wine so this may follow by mail at my election and discretion.

15. I further confirm that to the extent that Nicole and/or Victory Wine attempt to enter Unit 410, I will take the position that they are acting as de facto agents of the Landlord, and I will add them to the LTB matters and/or seek damages, fine and compensation from them and the Landlord on a joint and several basis. I sincerely hope it does not get to that level but I reserve my rights. I also reserve to contact the police for any contraventions of the Criminal Code including but not limited to harassment, trespass, stalking, et al.

16. I also confirm that it appears that Nicole and/or Victory Wine authorizes the suspension of the internet services herein which was yet another ground for me to take the steps that I did. The internet will be replaced by a new carrier in short order.

17. For what it is worth, pictures of Nicole and I remain on my bedside table and in the office area. While I am not like her and hold onto past things from past relationships (as ugly as that individual was from all standpoints and then seeing him in person, I feel sorry for Nicole that her parents and advocated for her to marry such a mutant looking creature ^[i]), I maintain my morals, ethics and values that the women, with far greater character than those that I have been around in Ontario, possessed. As this is a final send-off type letter to all involved, I can confirm for Nicole that I was not obsessed with her in any way. She will always remain my soulmate but she has three extraordinarily deceptive, backstabbing, and manipulative people in her life. I cannot fault for her blood as she did not ask to be born. However, my track record against fraudsters, like them, is self-evident. Those three individuals will, in my view, face justice at various points and some have already faced justice. They are all dead to me but for them becoming better people through our civil, quasi-criminal and criminal justice systems (where or if applicable).

18. I kindly remind Victory Wine and Nicole that there are motion activated cameras in here that I can turn on and off at any time and view remotely. As such, I provide that as a word of caution for Nicole and Victory Wine.

19. I reserve the right to provide the relevant components of this letter to any other persons should anything be challenged or any unlawful conduct arises. Trusting that Nicole and Victory Wine will follow the law and leave me in peace, I do not see any issues per se arising between us as it relates to the tenancy matters herein.

20. While I find all of the above to be tragic on many fronts, they were necessary steps I had to take as we know the psychological profiles of the Landlord, her husband (a man that I know has surreptitiously cheated on his wife – in front of me and by way of paying for Netherlands escorts via

online payment) and Nicole's sister (an individual that spoke of killing a man (Lakis) who had recently survived cancer, impersonating sexual assault victims by calling her husband's place of employment (Enbridge) and laying the false blame on him, falsely accusing of cheating and so on). I was the obvious naive one and clearly too trusting to think of those individuals as my family. I have made for some time the conscious choice to permanently distance myself from those kinds of individuals and allow for justice to occur in a manner where there are independent decision makers. I will continue to do so. I believe people like that (including the likes of my former regulator and the likes of insurance companies within a group that have been found to have committed fraud by a variety of government bodies and agencies) need to have "checks and balances" by independent decision makers. Otherwise, it is all about me. It cannot be all about me. We should all play a part in our wonderful Canadian society.

21. The more I have learned about the Landlord, I provide my kind caution (not advice) to Nicole and Victory Wine. This is a woman who said, "I hope the doctors don't think we had anything to do with Nicole's grandmother's death." I was expecting the comment about "joking" to arise. It did not.

22. You may receive my auto-reply at various times if you choose to respond (which I may not even dignify but solely as there is nothing to discuss per se) as I am on a waiting list for my long-awaited surgery. My auto-reply only goes to "contacts".

23. Wishing you all well and that will be my final email to both of you subject to anything that arises or any other matters which Nicole and Victory Wine know or are deemed to know about.

24. Thank you for your attention to the above matter.

[i]

Along with some very low level hotels in Greece I might add that she informed me of previously. You cannot call someone a princess on a card and not treat her like one. In any event, he is facing imminent criminal charges for his involvement in my insurance matter and that card actually proved his writing style but then again I will know everything in short order.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

Mr. Kevin McLean <mcleansettlement@gmail.com>

Mon, Sep 16, 2024 at 9:55 AM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>

Cc: info@victorywineandspirits.com, Alex Lane <sales@victorywineandspirits.com>, controller@victorywineandspirits.com

Dear Ms. Nicole Artopoulos and Victory Wine:

As per my declaration and evidence therein, kindly find attached a copy of Declaration #9 which was filed with the Tribunal. I again note that there is no castigation of Nicole or Victory Wine but all is solely directed at the Landlord who appears to be mentally unwell on a variety of fronts. I trust you will not engage or be complicit with her conduct.

In any event, you will note that there is a notice on the door of Unit 410 and it will remain in perpetuity until my departure on my own volition or by order of the Tribunal (subject to being able to receive notice from the Landlord which she cannot at law do at this time or previously).

I recommend that she obtain some sound and independent legal advice because as determined by the Tribunal, the hearing proper is yet to be scheduled and will be heard at the appropriate time.

Wishing you both well and confirming you have all of your property and possessions that were in Unit 410.
Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

 **Tenant_Declaration 9_Declared_Sept 16_24.pdf**
1930K

Mr. Kevin McLean <mcleansettlement@gmail.com>

Fri, Sep 20, 2024 at 1:13 PM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>

Cc: info@victorywineandspirits.com, Alex Lane <sales@victorywineandspirits.com>, controller@victorywineandspirits.com

September 20, 2024

Dear Ms. Nicole Artopoulos and Victory Wine & Spirits Inc.

I write to confirm that either or both Nicole and Victory Wine obtained all of their property from parking spot 142 on or around Sunday or Monday of this week.

I also, as a courtesy, attach a copy of the recent certificate of service filed with the LTB.

For your kind information, the hearing date is still to be scheduled.

Thank you. Wishing you well.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

 **Certificate of Service_Declarations_6 to 9_v3_signed.pdf**
902K

Mr. Kevin McLean <mcleansettlement@gmail.com>

Fri, Sep 20, 2024 at 10:46 PM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>

Cc: info@victorywineandspirits.com, Alex Lane <sales@victorywineandspirits.com>, controller@victorywineandspirits.com

Dear Nicole and Victory Wine:

For your benefit, I attach a copy of Declaration #10. It is self-evident and self-explanatory. In short, I will be attending the police detachment in prompt fashion subject to not dying or being killed without a roof over my head.

I am providing this to you so you are aware that all of Nicole and Victory Wine's property has been out of Unit 410 for some time.

I confirm, at this time, I do not have access. I will be seeking the maximum against the Landlord in the LTB where applicable. I will then seek the maximum against her and any of those who facilitated the same in a court of competent jurisdiction.

I will be seeking to have the Landlord criminally charged with a variety of criminal offences and I will be providing the address where she resides.

I anticipate, in the most humble sense, that the police will be in a position to have her charged as I am providing reasonable and probable grounds under oath. As I have a controlled substance, by prescription therein, and she had knowledge of the same, she is, in fact, in possession of the same by her conduct. I was very clear on that point.

To the extent my FOB is reactivated by 11:15 tonight and the locks are changed to their original condition not precluding my access, then I may reconsider. However, since the Landlord is your mother, I am informing you of the same so you are aware.

I am sorry it came to this but she is officially a criminal. I will be seeking a peace bond in any event in light of her conduct.

While deprived from my ability to print at Unit 410, I will have to expend resources elsewhere subject to making it through the night.

By my last reading some time ago, I believe these two fines will amount to \$50,000 before the LTB if they are not rectified. I also believe there are additional amounts of compensation (i.e. multiplied off the amount of rent) for this conduct as well under the RTA.

I respectfully submit that this will lead to there being little to no chance of the Landlord's non-compliant request to "shorten time". She has attorned to the jurisdiction of the LTB so it appears that this conduct was nothing short of intentional, malicious and cowardly. I note that the Landlord is acting on her own or some call it "pro se". She is fully entitled to do so but clearly the laws of this country and our province do not matter to her. She has put me in extreme danger unless it is rectified by 11:15 but I doubt she can even do so by changing the locks without consent and in an unlawful fashion.

To the extent that the Toronto Police require my evidence under oath and before them, I will provide the same to them. In my view, this was calculated to be done on a Friday and similar to her conduct once before. I will, of course, supplement the same with further evidence and my letters and communications with Goldview.

I intend to proceed on all of the above and it was only courteous to let you know as per Nicole and Victory Wine's previous occupancy therein. Thank you for your attention to the above (where applicable).

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]



AR_Declaration #10_LTB_Sept_20_24_signed.pdf

148K



Mr. Kevin McLean <mcleansettlement@gmail.com>

LTB motion submissions - filed today

Mr. Kevin McLean <mcleansettlement@gmail.com>

Wed, Sep 25, 2024 at 4:30 PM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>, controller@victorywineandspirits.com, info@victorywineandspirits.com, Alex Lane <sales@victorywineandspirits.com>

Dear Nicole and Victory Wine:

I write to pass on, as I presume you are unaware, that I was locked out of Unit 410 on Friday, and the Minto Buildings on Friday evening.

On Monday, I was threatened and extorted with the police if I was seen on the property. Many of the more contentious issues have been resolved with apologies as I was able to showcase the truth.

I should have included Nicole and Victory Wine for notice purposes in this quite lengthy submission as to the amounts I am seeking on an interim basis against the Landlord along with immediate repossession. I will notify the Tribunal in any event of the service.

While my most important valuables, property et al remain inside Unit 410, I have confirmed with various persons that nobody is to move anything or it could lead to criminal consequences.

This move by your mother will likely cost her 20K in aggravated damages and another 70K in fines. I will then deal with the remainder of the LTB proceeding accordingly.

I will not divulge the various public bodies and authorities that are doing some of their final run through of the materials but there are many and I anticipate that sanctions will be in order. I am sorry that your mother engaged in the conduct she did but it was criminal to do what she did and to tell Latoya to act in said fashion. Thankfully, apologies have come from both sides and moving forward is in order.

Latoya never recalls saying anything of the sort about me slashing tires.

Thank you



AR_Motion Submissions_Illegal Lockout_Motion Submissions_v8_FILED_SERVED.pdf
1077K



Mr. Kevin McLean <mcleansettlement@gmail.com>

URGENT ATTENTION REQUIRED - NOTICE - REQUIREMENT OF REPLACEMENT KEYS FROM NICOLE AND/OR VICTORY WINE - FAILING WHICH - NOTIFICATION TO RELEVANT GOVERNMENT BODIES OF THE SAME

2 messages

Mr. Kevin McLean <mcleansettlement@gmail.com>

Fri, Sep 27, 2024 at 12:10 PM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>, controller@victorywineandspirits.com, info@victorywineandspirits.com, Alex Lane <sales@victorywineandspirits.com>

September 27, 2024

Re: please provide a replacement key for the new lock on the door of Unit 410 or cause it to happen by no later than 4:00 p.m. or confirm in writing that it will be provided by no later than 8 p.m.

Re #2: Completely independent of the LTB processes

Dear Ms. Nicole Artopoulos ("Nicole") and Victory Wine & Spirits Inc. ("Victory Wine"):

1. I write regarding the above.
2. I am required to provide one last notice to you from a specified government body that it matters not who has the replacement key(s) at this stage but I am to receive one from Nicole and/or Victory Wine and/or the Landlord by no later than the above time with the concierge. To the extent that timeline cannot be met, you can confirm on your own behalf and/or for the Landlord in light of the inextricably connected relationships between all of you that one will be left there.
3. Unfortunately, Goldview only has a master key so I cannot have a copy of the same.
4. As it relates to the FOB, I have been advised and guided to take one step at a time and the focus is the key.
5. The reason I am being required to engage in this one last notice is that the resources that will be required to investigate and compel all persons are not taken lightly by that specified body. Moreover, once I confirm with them that I do not have a replacement key by that time or it has not been confirmed, then I cannot stop their investigation in any way. It will be out of my hands entirely.
6. I can confirm that Goldview has been kind enough to apologize for that threat and extortion about police so that issue is at least at bay right now. While there was no place for that, the finger was pointed where it belonged.
7. The recent argument from the Landlord was that I, Kevin McLean, was a guest of yours. There is not one person that I have spoken to (in terms of external personnel) that did not find that to be not only laughable but incompetent.
8. The reason it will be out of my hands is that I was required to provide a lengthy declaration to said body so it has reasonable and probable grounds under oath to be able to take the necessary steps. If you read the RTA and relevant regulations, this body wins every time. I cited some of the cases in the lengthy submissions that were sent to the Landlord via mail and filed in the LTB portal. They are NOT a criminal body investigative and enforcement unit but their powers involve search and seizure, execution of warrants and then the fine power which is \$35,000 per breach.

9. While I obviously never knew the real “Artopoulos”, that is neither here nor there. This is strictly about rights and discharging my duty to provide notice. If the key is not delivered by four p.m. or there is a one liner confirmation that it will be by tonight, of which I will send an agent to obtain, then I reserve the right to rely on this email to confirm the same with any external bodies.

10. Lastly, in light of the Landlord representing to Ms. Ferguson that I was no longer the guest of Nicole and that the police will be called if I was seen on the property, I am well within my rights to avoid any direct contact with her but for mail. A copy of a similar letter has been sent via email today. While I appreciate the apology from some, a very serious act of extortion was committed, which carries a potential life sentence in jail, and it will take some time for me to even come to grips with that kind of conduct. However, I appreciate that Ms. Ferguson does not feel well about saying that. Obviously, that would be the immediate loss of her Condo Manager GL but we are human and we make mistakes. If you do not have a copy of that declaration, it is attached herein. I sincerely hope that Nicole or Victory Wine do the correct thing because the conduct of this Landlord is far worse than any of the public decisions involving some similar facts.

11. Thank you for your attention to the above. I reserve the right to draw this correspondence to the attention of any bodies or persons necessary to preserve my legal rights and demonstrate that I satisfied this task.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

 **AR_Declaration #16_LTB_confirmed step_notifying RHEU et al_FILED_signed.pdf**
165K

Mr. Kevin McLean <mcleansettlement@gmail.com>

Fri, Sep 27, 2024 at 12:42 PM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>, controller@victorywineandspirits.com, info@victorywineandspirits.com, Alex Lane <sales@victorywineandspirits.com>

Dear Sirs/Mesdames/Other Gender Neutral Pronouns:

I apologize for the follow-up but I missed a few points that I was required to inform you of and then we shall see if the law is followed. They are as follows:

1. By providing me a replacement key, as required by law, it will likely stop the continued accounting for dispossession. Again, I do not wish to borrow language from others or speak from them but in essence, one of the comments from one of the compliance officers was, “Is this Landlord not aware that this could end up costing her tens of thousands and likely over hundreds of thousands in hard costs?” While it handcuffed for some time and it was a week from hell and it is ongoing, I am working on having funds wired into a downtown Hotel as a contingency plan and the downtown hotels are \$900 a night. With food, drink, water, and so on, I will probably be at \$1500 per day and the Landlord will be covering that in full with six percent interest.
2. In light of the knowledge for the Landlord and any others involved of my mental disorder and physical disabilities, along with a minor TBI, I have been advised, without any waiver of privilege, that I should proceed with an application to the HRT0 under ss. 2(1) which is “Accommodation” (Part 1, Freedom From Discrimination). When you combine the language that the Landlord is used in text messages over the years, the HRT0 will likely award one of the higher amounts of all time. To the extent that Nicole and Victory Wine had any role, they would be named as respondents as well or at the very least, they would be witnesses (obviously individual on behalf of Victory Wine); and

3. If it gets past today, not only with the relevant enforcement unit be able to compel any and all persons who are not me to provide copies of any and all keys with a replacement key for me, the investigation continues thereafter (at their election of how to conduct such an investigation). As you can see from the RTA, it is not merely an investigation into the Landlord but any and all persons with relevant evidence; and
4. Lastly, before the Landlord lies again about my status in the Minto Buildings, I have in my possession and control a document that Nicole Artopoulos was required to utilize for her separation with Mr. Andrew P. wherein she signed under oath that she was a tenant and the collective amount of expenses under that family law firm was \$1300. While the Landlord may try to sweep the past under the rug, I have that document and it is tough to watch an individual lie with ease but not realize that many people in this world are quite tech savvy and save things for a rainy day or a cold night.

I can confirm that if the key is provided by four p.m. today or the above, that you may disclose this letter to any and all persons so involved above and that will end the potential of the following:

1. Any further investigation by the RHEU and a closure of my complaint file;
2. I will not need to advance and will not advance in perpetuity an HRT0 application (nota bene: it is best to file those while the conduct is ongoing as it can assist as well; and
3. I need not disclose that document to the above bodies. Obviously, having such a document that shows \$1300 was very close to the Bell and Priority at the time with the base rent of \$850. As noted, people may inflate a little in those forms as it is acrimonious but it certainly makes the point along with all the e-transfers that I have and records of each day I sent cash, dropped off cash and so on.

I sincerely hope we do not get to the above but all I can do is follow the law and what is asked of me.

I also hope that the likes of those that threaten the police (not me obviously) at the mere sight of me on a public and private property, which I am entitled to be on at all times but I will have the investigators handle those aspects in the interim, realize that this is how people behave in a mature fashion.

I will either confirm your timing on the above or I will confirm that I have not received any response and that will end this email thread.

Thank you for your attention to the above (where applicable).

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]



Mr. Kevin McLean <mcleansettlement@gmail.com>

Urgent - attached declaration #17 - notice purposes - thank you

1 message

Mr. Kevin McLean <mcleansettlement@gmail.com>

Sun, Sep 29, 2024 at 9:52 AM

To: Nicole Artopoulos <nicole.artopoulos@gmail.com>

Bcc: info@victorywineandspirits.com, controller@victorywineandspirits.com, Nicole Artopoulos <nicole@victorywineandspirits.com>

September 29, 2024

Re: confirmation you ceased being a tenant of Unit 410 when you vacated in late June 2024

Dear Ms. Nicole Artopoulos:

Please find attached Declaration #17 with **ID: Evidence-4221220**.

While the last 9 days and ongoing has been the shock of a lifetime from the Landlord through her misconduct or authorizing misconduct, I can now unequivocally confirm as a simple matter of applying uncontroverted facts to the law that I was a tenant at all material times (see: Current Rental Agreement which was entered into and formed and consummated in December 2023/January 2024 which extinguished and superseded any previous agreements) (see also definition under *RTA* and interpretation) OR under the theory that I was not a tenant and solely your spouse up and until the time of you vacating (which was on or around June 23, 2024 but no later than July 1, 2024), then I meet the extended definition of a tenant under Reg 516 which is linked to ss. 2(1) of the *RTA*. In this regard, there are five exceptions that override ss. 3(2) of Reg 516 but none are applicable. Moreover, the requirements, as per the *LTB* brochure on being locked out unlawfully, are measured at the time of September 20, 2024 and onwards. As such, the timelines of 45 and 60 days had long passed since the time you vacated.

The irony of this situation is that had Ms. Ferguson of Goldview (Principal Condo Manager for the TSCC 2320) not relayed the unknown position of the Landlord to me (again, I am not saying that you would take such an incompetent and misguided position and Ms. Ferguson did not attribute the same to you saying it) on September 23, 2024, that "I was no longer Nicole's guest [sic]", I may not have been able to prove that you vacated (which has been admitted by documents and conduct) **WITHOUT** giving a notice of termination pursuant to the *RTA* **AND** without entering into an agreement to terminate the tenancy.

I say the same because knowing the Landlord, there may have been documents that miraculously (euphemistically speaking) appeared evidencing you terminating the tenancy under the *RTA* and entering into such an agreement to terminate the tenancy. However, by the representation of the Landlord to Goldview that you still had (although you did not at law) some level of "tenancy-guest privileges" in relation to myself (which was never the case – whatever guest means in fact or at law as not a defined word under the *RTA*) and you, as a then former tenant, could somehow affect my rights was not only false in law but it was an admission against the Landlord's interests. It is a simple syllogism for all of us (appreciating not difficult for you) as follows:

1. If you gave a notice of termination and entered into an agreement to terminate the tenancy, the Landlord would not have represented the same to Goldview on September 20, 2023.
2. Therefore, you had not, and once you vacated, you met the first part of the test (i.e. the vacating of the premises) and then the second and third part of the test to ensure that I was a spouse and included under the *RTA*.

3. The only remaining aspect of the test was whether the rental unit was my principal residence. It was and I slept there every single night at the material time. 12

If this was by design as a farewell and final thank you, I thank you kindly for doing so. I was not alive to these timeline issues while reserving all of my rights in fact and at law and filing with the LTB in early August 2024 on a pre-emptive, precautionary and protection style application along with seeking damages and repayment for the unlawful rental increase amounts in the Current Rental Agreement.

In this vein, I must notify you, as a matter of law, you have no right to be in Unit 410 or come by Unit 410 at all. I am not saying that you did because you did not but on a go forward basis.

I remain the sole and final tenant under the Current Rental Agreement and I confirm that I am solely liable for any and all payments thereunder. I confirm the same if I was not considered a tenant under the RTA, which I say I was, but I would most definitely be a tenant under Reg 516.

As such, the Landlord engaged in the unlawful conduct on September 20, 2024, or at least authorized the same. I will provide a copy of this email to Goldview so it has an accurate record of the same. I will also provide a copy of this declaration and letter to the Landlord, and any other persons who are authorized to assist with my return and repossession of Unit 410.

I am sorry that you ended our six year spousal relationship in late June 2024 and vacated at the same time. I confirm that you have no property in Unit 410 as remaining property of yours, Victory Wine & Spirits Inc. and/or any other property that a friend of yours may have left over the years was left in parking spot 142 on Sunday, September 15, 2024, and picked up that night.

While meeting the definition of a tenant therein and the sole tenant of Unit 410 comes with increased responsibilities, it is practically nothing different than what has transpired since you vacated.

I confirm herein that you as a former tenant cannot be liable for Landlord's actions and conduct and I intend to hold her responsible to the fullest extent of the law. There is no place for that kind of thug-like behaviour with her knowledge of when I would be at physiotherapy and medical appointments as that has been a customary day for me since the August 2022 MVA. **This kind of conduct could kill or seriously impair someone's life if they did not have a legal background or could not afford a lawyer or one that could handle such unlawful dictatorial conduct like the Landlord.**

While holding her accountable monetarily will be a down the road exercise, I will ensure that this declaration is provided to all interested persons so that all persons can follow, explain to and follow the law as our Legislature passed it.

In closing, as of September 1, 2024, it became an impossibility for me not to be a tenant as a matter of either the RTA or Reg 516. I respect your right to have moved on with your life and quest for love and I wish you well. I confirm that any attempted entry into Unit 410 will be met with a statement of claim for trespass or reporting the same to the relevant persons who are authorized to handle such a matter. Subject to those things not occurring, I would ask politely that once I am back in Unit 410 as the sole tenant, I will confirm the same with you as a courtesy and that you never contact me again unless it is for resolution of any outstanding issues between you and I outside of the RTA and associated regulations.

Goodbye, your former spouse as of late June 2024, Kevin

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

 AR_Declaration #17_LTB_McLean meets either definition-tenant-under RTA-or-alternative-section 3(2)-Reg
516_signed.pdf
275K



Mr. Kevin McLean <mcleansettlement@gmail.com>

UNIT 410-775 KING STREET WEST - ATTACHED DOCUMENTS - URGENT DEMANDS - CONTINUING AND ONGOING - IMMEDIATE ATTENTION REQUIRED OF THE LANDLORD

Mr. Kevin McLean <mcleansettlement@gmail.com>

Sun, Sep 29, 2024 at 11:33 AM

To: Aphy Artopoulos <aphy.art@gmail.com>

Cc: Nicole Artopoulos <nicole.artopoulos@gmail.com>, Nicole Artopoulos <nicole@victorywineandspirits.com>

Bcc: info@victorywineandspirits.com, controller@victorywineandspirits.com

September 29, 2024

Re: urgent notice – urgent requirement for compliance with the law – the law dictates what is required of you by no later than today as it relates to the replacement key

Re #2: urgent notice - FOB must be reactivated by no later than noon tomorrow

Dear Madame:

Kindly find attached the following:

1. Email to Ms. Nicole Artopoulos (“Nicole”);
2. Email to Goldview and Ms. Ferguson; and
3. Declaration #17 filed with the LTB under the denoted evidence number.

Pursuant to the laws of our provinces, including the RTA and Reg 516, I am unequivocally a tenant under either and the sole tenant in Unit 410 as of Nicole’s vacating of Unit 410. As I did not vacate 60 days after she did, I remain the sole tenant in perpetuity until I vacate or by order of the Tribunal.

I confirm that I am entitled to immediate repossession of Unit 410 and access to the common areas of the Minot Buildings. However, realizing that there is some practical and procedural involved, through no fault of my own, you are to have a replacement key, at your cost (see: RTA in this regard) at the concierge with my name on it on or before midnight tonight. Further, you are required, by law, to have my FOB reactivated, which I exclusively possess, or a new FOB, at your cost, awaiting at the concierge by noon tomorrow.

I require access by tomorrow without fail and for particularly urgent reasons already provided to you.

Once I have obtained the same, I will confirm by reply with you that I have done so.

After discharging your legal duties, I will require a replacement mail key by no later than this Friday. Once you have done so, I am content to have resolution discussions with you and work in harmony with you and your potential Realtor. However, I will not negotiate or discuss the latter until you have discharged all of your legal duties. I have copied Nicole so there is no pretense that you have not received this email.

To the extent that I do not have full and unfettered access to Unit 410 and have solely repossessed the same by noon tomorrow, I will file a Human Rights Application with the HRTA pursuant to section 2 of the Code and the principles herein: <https://www.ohrc.on.ca/en/policy-human-rights-and-rental-housing>. There will then be two different claims in two different tribunals relating to me being the sole tenant. I do confirm that when I filed my LTB Application in early August 2024, there was an argument that Nicole was also a tenant, although she had vacated, pursuant to section 3(3)(2.) as there was some 10 to 20 days remaining if I HAD vacated. I did not. Obviously, the filing of an LTB Application and service upon you was conclusive

proof I was not. Moreover, the Landlord even filed responsive documents to a tenant application then 15 decided to tell Goldview and others that it was a private matter. I will have two grounds of disability: mental and physical. You have known about both for some time. I kindly notify you that the HRTTO, unlike the LTB, has no limit on damages. I will then need to obtain evidence and documents from non-parties, and call witnesses so you will have by further unlawful conduct caused those persons to be summonsed to the HRTTO (and likely the LTB then as well) for being examined under oath and providing further particulars of the surreptitious and without notice unlawful conduct.

Without castigating the LTB in any manner, the HRTTO is known for a different process and requires responsive pleadings from the respondent within 35 days and the bringing of motions and immediate correction of discrimination is more forthcoming. It is understandable because there are more renters than there are disabled persons.

Moreover, I will send it via mail as well like I have with the LTB documents. Govern yourself accordingly.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

3 attachments

 **AR_Declaration #17_LTB_McLean meets either definition-tenant-under RTA-or-alternative-section 3(2)-Reg 516_signed.pdf**
275K

 **Gmail - Urgent - attached declaration #17 - notice purposes - thank you.pdf**
176K

 **GMAIL--1.PDF**
226K



Mr. Kevin McLean <mcleansettlement@gmail.com>

URGENT - FURTHER DEMAND - LTB - ORDER - RARE ORDER - GRANTED - TENANT - EXPEDITED PROCEEDINGS GRANTED - PLEASE ENSURE REPLACEMENT KEY IS AT FRONT DESK BY NO LATER THAN FIVE P.M. TODAY

3 messages

Mr. Kevin McLean <mcleansettlement@gmail.com>

Tue, Oct 1, 2024 at 1:40 PM

To: Aphy Artopoulos <aphy.art@gmail.com>, Nicole Artopoulos <nicole.artopoulos@gmail.com>

Cc: Nicole Artopoulos <nicole@victorywineandspirits.com>, controller@victorywineandspirits.com, info@victorywineandspirits.com

Dear Landlord (copy to Nicole):

Please find the LTB order (as per Mr. Delorenzi) attached. As you can see, the LTB has found me to be a tenant, and while extremely rare to have a request to shorten time granted, it was granted. The matter will proceed on an expedited basis.

I am required to make another demand upon you for the replacement key and to take all steps to reactivate my FOB or provide a new one. I confirm the Landlord retains the \$50 security deposit for the FOB.

For purposes of context and counsel having been retained by the Condo Corporation, I copy and paste an email below from me to their counsel. I can do no better than said email.

I require the Landlord to confirm with counsel to the Condo Corporation when she has provided my replacement key with the front desk and my current FOB is reactivated or a new one is waiting for me. Please do so by no later than five p.m. today.

I have two friends who are assisting me with the compiling of the materials and you will be served, like previously, via mail with all of the motion materials. In the interim, I attach a copy of declaration #18 that was filed today and I learned of the order of the LTB.

Their emails are (from Lash Condo Law):

Gaya Fonseka

<gfonseka@lashcondolaw.com>

cc: Josh Milgrom

<jmilgrom@lashcondolaw.com>

At this stage, the Landlord is costing the Condo Corporation immense fees, time and resources for her illegality. Correct the illegality by four p.m. today or at the very least confirm with the Condo Corporation that you are in the process of doing so. I require the same in writing from the Landlord to the Condo Corporation's counsel so it can provide me with an independent copy of the same.

Lastly, once you do the two above things, we will address the mail key situation. Should you do all three by the end of the week, I will be in a position to confirm with the LTB that we can enter into an interim consent order to avoid wasting their resources for the relief I have sought in the current motion submissions. This will only relate to the interim relief.

Should you discharge all of your obligations by the timeline today with notice to counsel for the Condo Corporation, I will be in a position to confirm with the RHEU that I no longer need their assistance. However, should you fail to do so, I will do the opposite. I will await to hear from the Condo Corporation's lawyer and/or Goldview (as it is unclear if Lash Condo Law is acting for both but I have inquired).

I have copied Nicole on this email to yet again confirm all of my evidence in all previous declarations and declaration #18. I confirm that Nicole vacated on June 23, 2024.

You need not ask others to have me speak with you or engage in dialogue. I do not negotiate with those who have engaged in illegality. Once they rectify their illegality, I am then content to engage in the same. While both of us have not consented to email service in our landlord-tenant relationship, I am providing this notice in this form and it will also follow via courier.

Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

2 attachments



AR_Declaration #18_LTB_Nicole vacate date_June 23_24_notice to all_brief motion submissions to follow.pdf
228K



LTB-T-063554-24_McLean tenant_expedited granted.pdf
86K

Mr. Kevin McLean <mcleansettlement@gmail.com>

Tue, Oct 1, 2024 at 5:03 PM

To: Aphy Artopoulos <aphy.art@gmail.com>, Nicole Artopoulos <nicole.artopoulos@gmail.com>

Cc: Nicole Artopoulos <nicole@victorywineandspirits.com>, controller@victorywineandspirits.com, info@victorywineandspirits.com

Dear Landlord (and vacated individual in Nicole):

I attach copies of my emails to Goldview and counsel to the Condo Corporation. I trust you are en route to deliver the replacement key and deal with the FOB situation.

As a telling sign, Mr. Goldrich went on auto-reply after receiving the Order of delegate of the LTB.

You will note the language below and by way of ss. 209 and 210 of the RTA in that it is binding and unreviewable. This in turn means that the issue of being a tenant or not a tenant is res judicata. The only way you can change said decision is by way of judicial review and you will need leave of the ONSC.

The issue that has not been resolved are the orders to follow. If I do not have the replacement key at the front desk by eight p.m. I reserve all of my rights in fact and at law including what was mentioned below and attached.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]

2 attachments



Gmail - McLean v. Artopoulos_LTB-T-063554-24.pdf
141K



Gmail - Unit 410-775 King Street West, Toronto, Ontario - immediate update required - immediate confirmation that I am the sole tenant at Unit 410.pdf
139K

Mr. Kevin McLean <mcleansettlement@gmail.com>

Tue, Oct 1, 2024 at 5:11 PM

To: Aphy Artopoulos <aphy.art@gmail.com>, Nicole Artopoulos <nicole.artopoulos@gmail.com>

Cc: Nicole Artopoulos <nicole@victorywineandspirits.com>, controller@victorywineandspirits.com, info@victorywineandspirits.com

Dear Landlord (and vacated individual in Nicole):

As of today's date, you owe me at the per diem rate of \$100, the sum of \$1100. It will continue to increase with interest for each day that I am without access based on the Unit 410 Unlawful Lockout and the FOB Deactivation.

There is a simple solution herein and it is above. You have three hours. Govern yourself accordingly.

I am going to review the sections of the Criminal Code as this, in my view, is a seizure of property without colour of right. Therefore, if there was nothing contained that was my property in Unit 410, then it would solely be an access to the Rental Unit issue. However, it is not. It is an emergency as it relates to my medication and I had to pay an additional amount of funds for a temporary supply along with providing all of the particulars at the time.

I am now in a position to provide my medical doctors a copy of the order and extend my thanks to them for assisting in the mitigation of the mess you have created.

If the replacement key is not at the concierge by eight p.m. tonight, I will move forward with a human rights application to the HRTO.

As the Landlord once said, "Let him go crazy, let him stay in shelter".

Also, the pathological lying between you two is worthy of some professional psychiatric assistance and I say having been a person who took the steps with psychiatry to improve myself.

Ms. Ferguson flatly denied ever saying any of those things about me slashing tires. She may be engaged in dishonesty as well. I do not know. However, it appears that you polluted her brain and caused or instructed her to engage in an act of extortion.

There is never a wrong time to do the right thing.

If the replacement key is not there by 8 p.m. tonight, I will also turn over all of these materials to the RHEU which has the power to investigate and bring you before a justice of the ONSC.

I have also made a complaint to Goldview, as I have the status to do so as a tenant, about your conduct and I am hopeful that they fine you as well.

These are all lawful activities and lawful demands.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

[Quoted text hidden]



Mr. Kevin McLean <mcleansettlement@gmail.com>

TB-T-063554-24: copy of filed submissions - post Member Delorenzi order

1 message

Mr. Kevin McLean <mcleansettlement@gmail.com>

Wed, Oct 2, 2024 at 10:47 AM

To: Aphy Artopoulos <aphy.art@gmail.com>, Nicole Artopoulos <nicole.artopoulos@gmail.com>

LTB-T-063554-24: copy of filed submissions - post Member Delorenzi order**Kevin McLean** <mrkevinalexandermcleanbajdcim@gmail.com>

10:46 AM (0 minutes ago)

to michael, TSCC, Gaya

Dear Sirs/Mesdames:

Please find attached my motion submissions after the esteemed Mr. Delorenzi's order of October 1, 2024. I will now communicate with the various law enforcement channels to determine how best to navigate the issues and the mess created by the Landlord. I confirm that Nicole's vacate date was June 23, 2024. If Goldview wishes to be removed from the relief of being added as a party at the relevant time, then kindly provide me all of the documents requested and I shall do so. I have included counsel for the Condo Corporation herein along with Goldview because counsel did not advise whether she acts for Goldview or not.

I am, at law, entitled to bring a locksmith at the relevant time to change the locks because of section 35 of the Act.

I do need access to interim items while we await the granting of an interim order regarding my repossession.

Therefore, I will need to hear by noon today as to whether you will assist me or I need the assistance of police to manage the situation. I do not anticipate that it will be more than five minutes in and out.

The Landlord has no power to control my movements any further. However, one Officer S. did inform me that the police do assist in these situations to keep everyone calm and have oversight. Kindly let me know if that will be required.

Thank you.

Warm regards,

Mr. Kevin A. McLean (B.A. (MCL), J.D., CIM)

**AR_Motion Submissions_Illegal Lockout_Revised Motion Submissions_KAM_v3.pdf**

1579K

Tab 8

ORDER

ONTARIO COURT OF JUSTICE
(TORONTO REGION)*(Name of judge or officer)**(Day and date order made)*

[SEAL]

Court File No: 24-48129169

ONTARIO COURT OF JUSTICE

BETWEEN:

HIS MAJESTY THE KING

CROWN

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT

ORDER

(AFTER APPLICATION BY THE APPLICANT DEFENDANT)

THIS MOTION, made by the Applicant Defendant, on March 20, 2025, subject to various provisionsⁱ of the *Courts of Justice Act*, [RSO 1990, c C.4](#) (the “CJA”) pursuant to the [Criminal Rules of the Ontario Court of Justice](#) (the “*Criminal Court Rules*”), for a dismissal, with prejudice of the criminal charge issued to him on October 2, 2024, by the Toronto Police Service, 14th Division, with a denoted arresting officer of Detective Constable Michael Kolankowski (“**DC Kolankowski**”)ⁱⁱ for an alleged contravention of

section 264(2)(b) of the [Criminal Code](#) was heard this day of Tuesday, April 22, 2025, at 10 Armoury Street, Toronto, Ontario, M7A 0B9, by _____.

ON READING the following materials filed and servedⁱⁱⁱ by the Applicant in his **2nd Updated Motion Record** of April 11, 2025:

1. Form #1 Application, pursuant to the [Criminal Court Rules](#) and consent order between the Crown and Defendant and direction^{iv} (the “**Consent Order**”) of this ONCJ on December 19, 2024, of the **Applicant** of Thursday, March 20, 2025 (the “**Form #1**” or “**Application Form**”)
 - a. **PAGES: 1 TO 3**
 - i. **Amended Form #1** Application (the “**Amended Form #1**”) for updated and revised purposes^v
 1. **PAGES 3(A) TO 3(C);**
2. Motion or Application Submissions of the **Applicant** of March 20, 2025 (the “**Motion Submissions**”)
 - a. **PAGES: 4 TO 35;**
3. The formal admission in a “request to use alternative service” form, of October 24, 2024, in the **LTB Proceeding** that bound the purported or alleged complainant that all of the **Defendant Applicant’s** communications were in relation to the **LTB Proceeding** (i.e. with lawful authority^{vi}) (the “**Formal Admission Document**”) ^{vii}
 - a. **PAGES: 36 TO 38;**
4. Affidavit of Service of the **Applicant**, made on March 21, 2025 (“**Affidavit #1**” or the “**AOS**”)
 - a. **PAGES: 39 TO 43;**
5. Affidavit #2 of the **Applicant**, made on March 28, 2025 (the “**Affidavit #2**”)
 - a. **PAGES: 44 TO 75;**
6. Affidavit #3 of the **Applicant**, made on April 9, 2025 (the “**Affidavit #3**”)
 - a. **PAGES 76 TO 119**
7. Affidavit #4 of the **Applicant**, made on April 10, 2025 (the “**Affidavit #4**”)
 - a. **Pages 120 to 153**

and;

no materials filed in response by Crown Counsel, including any potentially affected person, at least 15 days before the proposed hearing date for the Form 1 Application of the Applicant (and Amended Form #1) (see: [Criminal Court Rules, Rule 3.1\(2\)](#)) by way of the required: (i) Form 2, pursuant to the [Criminal Court Rules](#) and the [ONCJ enumerated forms](#), and/or (ii) any affidavit material; and (iii) written submissions, although properly served as appears from the Applicant’s affidavit of service on March 21, 2025, along with the emails with the Ontario Court of Justice that attached the various filed documents after March 21, 2025, with a copy to the Ontario Crown via email (see: SouthTorontoCrown@ontario.ca) and assigned Crown Counsel in Mr. Arjun Rudra (see: Arjun.Rudra2@ontario.ca).

1. **THIS COURT ORDERS THAT** the criminal charge against the Defendant of his alleged contravention of [section 264\(2\)\(b\)](#)^{viii} of the [Criminal Code](#) is hereby dismissed with prejudice;
2. **THIS COURT ORDERS THAT** that any of the additional conditions contained in the Undertaking, Form 2, Section 10 of the *Criminal Code*^{ix} issued to the Defendant on October 2, 2024, including but not limited to part 5, subparts (c), (d) and (e) are hereby revoked permanently and in perpetuity with prejudice; and
3. **THIS COURT ORDERS THAT** the Applicant is at liberty to rely upon this Order to apply for the removal of his fingerprints, photographs and records of disposition in relation to the arrest by the TPS 14th Division (Constable Anthony Romano^x and DC Kolankowski on October 2, 2024) and signed by peace officer Sergeant Sean Cassidy of the 14th Division of the TPS by submitting his request to criminalrecords@torontopolice.on.ca, Fax 416-808-8202 or 40 College St., Toronto, Ontario, M5G 2J3, Attn: Criminal Records, after five months have expired from the date of this Order.

Date of issuance

Endnotes

ⁱBy way of example, sections like 109, 123, 125, 126(5), 132, 136, and 146 are specifically mentioned as applicable to criminal cases under the *Criminal Code*

ⁱⁱSee: Tab 5, page 72 to 74

ⁱⁱⁱThe Defendant Applicant provided an affidavit of service wherein he served the Provincial Crown, assigned Crown Counsel in Mr. Arjun Rudra, and counsel to various affected persons including that of the complainant

^{iv}The Defendant Applicant waived his right to be heard without delay in favour of bringing this Application as particularized on the record in December 20, 2024, and said process and procedure was agreed to by Crown counsel who was managing the docket on said date (the “**Consent Agreement**”), and so directed by the justice of the peace of the ONSC so presiding on said date (the “**Consent Order**”)

^vNo reasonable chance of any agreed statement of facts

^{vi}Also for lawful and necessary purposes

^{vii}Annotated by the Applicant

^{viii}The entirety of the subsection 1 and 2(b) read as follows: “Criminal Harassment, **264 (1)** No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them, **Prohibited conduct (2)** The conduct mentioned in subsection (1) consists of:

(b) repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;

^{ix}It is so referred to as the TPS 14th Division apparently did not have a “case file number” by the absence of any inputting of the same

^xTab 5, page 66

Tab 9

This is the 5th affidavit of Mr. Kevin A. McLean (B.A., J.D., CIM) and it was made on April 19, 2025

Court File No: 24-48129169

ONTARIO COURT OF JUSTICE
(Criminal Division)
(Toronto (10 Armoury Road, Toronto, Ontario))

BETWEEN:

HIS MAJESTY THE KING

CROWN
(Respondent)

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT
(Applicant)

AFFIDAVIT #5 OF THE APPLICANT DEFENDANT

RE: Court File No: 24-48129169

RE #2: **“NO CASE FILE NUMBER”** as per the Form 10 (*Criminal Code*, section 2) issued to the Defendant Applicant on October 2, 2024, inside the penitentiary quadrant of the 14th Division of the Toronto Police Service Board (**“TPS”**)

Re #3: The occurrence number contained in the TPS Property Bag: 24-2082035 (the **“Occurrence Number”**)

Re #4: Internal Scope Number for Crown Counsel: 1272006

I, Kevin A. McLean of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I swear the following facts to be true. Where I have sworn facts on belief, I cite the source of my belief. I adopt the definitions from the filed documents *infra* and they have the same meaning herein as they do therein unless otherwise noted. The date is April 19, 2025.
2. I provide this affidavit #5 for current purposes for the date I set in my Form #1 which was the date of April 22, 2025. In part, the current purposes are to confirm that as of today’s date, neither the Crown nor the affected persons, based upon my belief as to whom they may have been or were, have tendered any responsive materials despite being served. Now shown to me and marked at Exhibit “A” is a copies (precisely copy and paste) of the emails that I have sent with confirmation of their receipt and filing by the ONCJ (the dedicated email for **“Applications”**). I extend my thanks again to Mr. Leoni and his team at the ONCJ 10 Armoury Street, Toronto. They are enumerated

from pages 1 to 21. For precision purposes, I note that there was a change from the “trial coordinator email” to the “applications email” of the ONCJ and hence the reasons for my copying and pasting the pages to Exhibit “A” in reverse chronological order.

3. Now shown to me and marked as **Exhibit “B”** to this my affidavit #5 herein is a copy of the image of the outside of the TPS Property Bag which involved some of the property that Constable Romano represented to me on October 2, 2024, was received by the TPS. It remains unclear to me how it was received by the TPS 14th Division. However, the individual known to me as “Hubert” represented to me that some of those items which were my property, including my medication, were received on October 2, 2024.
4. I note that the **TPS Property Bag** does not have any check marks by the boxes denoted as:
 - a. Found;
 - b. Received; or
 - c. Seized.
5. I submit that that the **Form 2**, which was already entered into evidence by my previous affidavit material, provided to me and signed by Sergeant Cassidy does not comply with the requirements of the form itself as there is [emphasis is mine], **NO “CASE FILE NUMBER”**.
6. Upon further review, I am not surprised that the Form 2 did **not** have any “**Case File Number**” because I do not believe that there was any investigation conducted by the TPS 14th Division or that it had any understanding of the requisite elements for reasonable grounds to believe that I had committed the contravention of section 264(2)(b) of the *Criminal Code*.
7. I also believe that my aforementioned belief is consistent with the DC Kolankowski’s Fictitious Warning Representation. I had never spoken to DC Kolankowski in any manner prior to October 2, 2024. Moreover, I had no knowledge of who he was until October 2, 2024. The same was applicable to Constable Romano in terms of his identity.
8. I query, ‘Why would Constable Romano emailed me in the fashion that he did if he had a valid, subsisting and non-fraudulent arrest warrant?’ Further, I query, “Why would DC Kolankowski been required to have warned me, which he did not, of any unwelcome communications, which remain unknown to me, if the TPS 14th Division had a valid, subsisting and non-fraudulent arrest warrant?”
9. I have demanded, from the TPS and Crown, a copy of the alleged warnings that DC Kolankowski claimed that he purportedly made to me and they have not been able to provide any. I have demanded, from the TPS and Crown, a copy of this alleged arrest warrant but neither have produced a copy of this purported arrest warrant.
10. However, I now note **without** the “Case File Number” in the **Form 2**, I am not surprised that they have not. I respectfully submit to this ONCJ and to be presiding justice that my rights have to matter if the **rule of law** is to matter.
11. The Crown has been on notice of my potential **Dismissal Motion** since the Fall and Winter of 2024. Moreover, the Crown has been on notice of my **Dismissal Motion** with the **Motion Submissions** since March 20, 2025.

Concluding Paragraphs and Jurat
--

12. I repeat and rely upon my diction in the written emails in **Exhibit “A”** to this my affidavit #5 and expressly adopt the same for the purposes of my sworn evidence.
13. I wish the Purported Complainant, which I emphasize the word “Purported” considering there was no case file number, nothing but success in her life and endeavours. I will remember the six plus years together with positivity and look forward to eliminating this sad chapter, in my view, from my memory and the ‘record’ (as sought in one of the orders).
14. I wish the TPS and Crown nothing but success in their professional duties and I sincerely hope this type of conduct (i.e. emailing an individual to obtain his property without any reference to any criminal harassment at the time which I believe reasonable people should be able to rely upon the honesty and veracity of representations [in writing] of police officers) was an aberration. I have my sincere and severe reservations about the same but that is speculation on my part.

15. I swear this affidavit #5 for no improper purpose and solely for the purposes herein. I intend to proceed with my **Dismissal Motion** and seek the orders that I am seeking.

Sworn before me by videoconference:

by Mr. Kevin A. McLean at the City of Toronto, in the Province of Ontario, before me on **April 19, 2025** in accordance with *O. Reg. 431/20*, Administering Oath or Declaration Remotely.

Signature of Commissioner/Lawyer/Notary

Signature of Deponent



Unlimited. No Expiration.
NO ILA PROVIDED.
Identification Confirmed.

THIS IS EXHIBIT "A"..... REFERRED TO IN THE
AFFIDAVIT OF Mr. Kevin A. McLean.....

AFFIRMED BEFORE ME, THIS 19th DAY
OF April 2025

NER, ETC.

Vinh The Tran, Esq., LSUC #57761C
Lawyer, Notary, Oaths Commissioner
188-639 Dupont Street, Toronto, ON
M6G 1Z4, T. 647-209-7389
vinhtranlaw@hotmail.com



Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Thu, Apr 17,
3:37 PM (2
days ago)

to 10, South, Arjun

Thursday, April 17, 2025

**EXCLUSIVELY FOR PURPOSES OF THIS CRIMINAL MATTER AND MY DISMISSAL
MOTION TO THE DEDICATED EMAIL FOR 'APPLICATIONS'**

VIA EMAIL

- **File Number:** Court File No: 24-48129169

Type of document: email

Party: Applicant (Defendant)

Name: Mr. Kevin A. McLean (B.A., J.D., CIM) (also defined as the “**Moving Party**”)

Contact: mrkevinalexandermcleanbajdcim@gmail.com

To:

Ontario Court of Justice (“**ONCJ**”)

(Criminal Division)

10 Armoury Street

Toronto, Ontario M7A 0B9

Dedicated Email for Form 1 Applications: 10Armoury.Applications@ontario.ca

Kind attention: Mr. Leoni

Re: kind request for confirmation of courtroom for the hearing of my **Dismissal Motion** on Tuesday, April 22, 2025 (when it becomes known) (the “**Courtroom Request**”)

- Re #2: kind request for the requisite *call in information* to appear remotely regarding the above (the “**Call In Information Request**”)

Dear Sirs/Mesdames/Other Gender Neutral Pronouns:

Part 1: Kind Introduction and Gratitude

1. Thank you for your professionalism and attention to detail regarding the above. I confirm the above email as of yesterday. I appreciate it is a long weekend for most with I believe at least one statutory holiday. If I am not mistaken, the ONCJ is open on Monday, April 21, 2025.

Part 2: Courtroom Request (if not available, I shall have the draft order include the below courtrooms)

2. In light of the same, I appreciate that many are preparing for the same so if you could kindly let me know which courtroom are suitable for Tuesday, April 22, 2025. From my review of the [daily](#)

[docket today](#), I see that the following courtrooms are utilized for motions (in no particular order) which commence all at ten a.m.:

- a. Courtroom 801 (but it appears that is used as a plea court regularly so I will presume it is not to be the courtroom);
 - b. Courtroom 704;
 - c. Courtroom 501; and
 - d. Courtroom 1101.
3. I appreciate that matters can be adjourned if the courtroom has lengthier motions or matters carried over but I will be prepared to call in at ten a.m. on April 22, 2025.
4. I can see from the other website information, with thanks, that courtrooms in the low 200's are case management ones where I have made the various attendances to date inclusive of yesterday.
5. In light of the same, I would be most grateful to have a response to the above at your earliest convenience. I presume that will be on or around Monday, April 21, 2025.

Part 3: Courtesy note: Housekeeping Updating to the Motion Record

6. By way of a housekeeping amendment and out of a pure abundance of caution, I will include an affidavit of service for all of my filings to date after this email and then include in a tab in the updated motion record.
7. I will then file my 'speaking notes' for Tuesday, April 22, 2025, one day in advance. I will also do the same with any additional authorities including or excluding (depending on how well-known an authority) those in my motion submissions as of March 20, 2025 (the "**Motion Submissions**").

Part 4: Second Courtesy Note: JP and Crown

8. Also, there was some indication yesterday that the justice of the peace ("JP"), who managed quite a load yesterday, was not overly familiar with the underlying facts and **Dismissal Motion**. The same could be said of the Crown counsel managing the docket. In no way am I attempting to castigate either but I make that observation. I find the latter in relation to the Crown managing the docket a little surprising considering I had copied the South Toronto Crown on each email but nonetheless, she was managing quite a load of matters and we were heard late in the day.
9. I had presumed that they would have a copy of my filings but I do appreciate the dedicated email for "**Applications**" (also known as "**Motions**"). Perhaps, it was an oversight on my part to not file the same with the customary ONCJ email. I may do so out of an abundance of caution but I will research the same further.
10. Again, I do appreciate how busy they both are so once I have completed the motion record with the affidavit of service providing the full scope of my filings and service, I will input ten a.m. for the time of the hearing and one of the above courtrooms which a justice can cross out the others depending on which courtroom it is held in.
11. In light of my disabilities, which I thank the **JP** acknowledging and the theft of the majority of my electronic devices and identification along with my upcoming medical assessments and examinations, and for me to revert back on Wednesday, May 14, 2025, regarding the status or

outcome of my **Dismissal Motion**. In that vein, whilst appreciating that adjournments can happen or sometimes there may not be a justice available on the day of, and if that is the case, I may consider re-casting my informal request, not decided per se, for a written hearing. I respectfully submit that with the new ONCJ Practice Direction of March 31, 2025, not excluding the ability of a written hearing for mode of hearing purposes, that section 146 of the *CJA* allows a justice of the ONCJ to grant a request for written hearing. I say it is particularly apposite when an individual like me has serious injuries (physical and some mental arising from an automobile accident).

12. I also confirm, if I did not make mention of it in my last email, that the assigned Crown baldly represented that the ONCJ does not have jurisdiction or does not do that [i.e. written hearings]. I note the same and provide my kind intention in the event that there are any adjournments per se and that I will object to the admissibility of any late filed documents by the Crown and/or those that I have served by way of being affected persons (potentially or actual).

Part 5: Conclusion

13. I beg your pardon if there is call-in information for ‘motions’ like mine so I will continue to search for the same and confirm if I have found any such information.

14. I also do appreciate that you may not know until a day before so I thank you kindly for the indulgence and wishing all a wonderful long weekend with their friends and loved ones.

Copied to:

1. The generic email for the Ontario Crown at the “South Toronto” location
2. The assigned Crown counsel in Mr. Arjun Rudra, lawyer licensee with the LSO

Nota bene: ** Final Updated Motion Record May be forwarded and/or redundantly tendered and filed for courtesy purposes to the ONCJ customary email**

Wed, Apr 16,
Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> 5:27 PM (3 days ago)

to 10, South, Arjun

April 16, 2025 at 5:15 p.m.

Re: today’s appearance before His Wordship and Crown Counsel (managing the docket)

Dear ONCJ (Hearing Coordinator Mr. Leoni) and Mr. Rudra:

I confirm that I spent another three hours to be heard today. The private office I had to rent today is being closed in five minutes so I will be brief for now.

I confirmed with the Crown Counsel and His Worship that my motion is set to be heard on April 22, 2025.

I sought relief today that it be heard in writing pursuant to there not being any express limitation or prohibition in either the *Criminal Court Rules* or the most recent practice direction (March 31, 2025).

Crown Counsel did not seem to think that the justice of peace had discretion to grant that relief. I disagreed but we ran out of time to fully elaborate on that issue. I was relying on section 146 of the *CJA* and I say that the Justice of the Peace does have that power but nonetheless we could not get to the issue.

I re-affirmed the agreement between myself and Crown Counsel on December 19, 2024, regarding waiving my right to a speedy trial in favour of this Dismissal Motion for the record.

In any event, Mr. Rudra failed to remove his unilaterally judicial pre-trial request but that has been cancelled in any event as I explained to the Court (ONCJ) that he, on behalf of the Crown, that there was an agreement with Crown Counsel in December 2024 to have my Dismissal Motion heard by my waiving of my rights to a trial without undue delay, he unilaterally set at judicial pre-trial without consultation but in the face of my filed and served Form 1 Application with supporting material, and had failed to file any responsive materials to my motion within accordance with the *Criminal Court Rules* and still as of when I checked my email last. I confirm the same now.

I further confirmed for the record that I had complied with the *Criminal Court Rules* in serving all affected persons but they had not responded in accordance with the *Criminal Court Rules* or at all.

In order to give time for a justice to hear and decide my motion, it has been put over a full month to May 14, 2025, so we can update the Court as to the disposition of my Dismissal Motion.

Ergo, and this to Mr. Leoni (hearing coordinator) of the ONCJ, since I was not able to obtain relief to have my motion heard in writing, but I can attend virtually, would you kindly provide a date and time for my motion on April 22, 2025? Also, I was informed I will need a call in number for the same (Zoom or telephone). I would be most grateful to receive the same when you are able and prior to April 22, 2025.

For time estimate purposes, I anticipate that I will not need more than about **20 minutes** in oral argument and of course I will have bookmarked and hyperlinked motion record with the updated draft order for you by tomorrow. The minor update to the Draft Order will be that it will NOT be heard in writing but my attendance will be virtual.

I provided the underlying reasons for the necessity of a virtual appearance, which is permissible as it is not a preliminary inquiry or a trial, including my serious car accident, being injured again on March 5/6, 2025, and having upcoming MRIs along with being displaced unlawfully (which is noted in the filed and served motion record) by the Purported Complainant's mother (Landlord).

I will provide some ***brief speaking notes*** to assist the Court and those will be filed and served as well.

Thank you to all and wishing you the best of your evening!

...

10 Armoury Applications (MAG)

to me, South, Arjun

Mon, Apr 14,
8:59 AM (5 days
ago)

Hello,

This response stands to confirm receipt of materials.

This information has been filed accordingly.

Best,

Douglas Leoni
Assistant Trial Coordinator
Ministry of the Attorney General
Ontario Court of Justice – Toronto
10 Armoury St. 3rd Floor
Toronto, Ontario
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Sunday, April 13, 2025 10:23 PM
To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Draft order

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Dear ONCJ (Hearing Coordinator: Mr. Leoni) (copied to the Provincial Crown and Mr. Rudra):

Please find attached my draft order in Word and PDF for the ONCJ. I have attached it in Word in the event that the ONCJ (presiding justice) for ease of making any amendments to the same.
Thank you kindly.

On Fri, Apr 11, 2025 at 2:22 PM 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca> wrote:

Materials received.

Forwarded and filed accordingly.

Cheers,

Douglas Leoni
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Friday, April 11, 2025 1:29 PM
To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Second updated motion record

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

April 11, 2025

Re: enclosed motion record: index (with brief chronology); tabs 1 to 7; and consecutively enumerated pages therein (the “2nd Updated Motion Record”)

Dear ONCJ (hearing coordinator) (kind attention: Mr. Leoni) (copied to the Provincial Crown and Mr. Rudra):

1. Kindly find attached the 2nd **Updated Motion Record** as particularized above.

2. I will attend on April 16, 2025, and update the Court (His or Her Worship) and the Crown counsel managing the docket that day. I will revert back thereafter with a confirmation of my attendance and confirming the above. I will provide a copy of the same to the affected persons as known to me outside of those that Crown Counsel would have been in contact with (i.e. the various police officers so involved).

3. Have a great weekend to all.

10 Armoury Applications (MAG)

to me, South, Arjun

Fri, Apr 11,
2:22 PM (8
days ago)

Materials received.

Forwarded and filed accordingly.

Cheers,

Douglas Leoni
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Friday, April 11, 2025 1:29 PM
To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Second updated motion record

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

April 11, 2025

Re: enclosed motion record: index (with brief chronology); tabs 1 to 7; and consecutively enumerated pages therein (the “**2nd Updated Motion Record**”)

Dear ONCJ (hearing coordinator) (kind attention: Mr. Leoni) (copied to the Provincial Crown and Mr. Rudra):

1. Kindly find attached the **2nd Updated Motion Record** as particularized above.
2. I will attend on April 16, 2025, and update the Court (His or Her Worship) and the Crown counsel managing the docket that day. I will revert back thereafter with a confirmation of my attendance and confirming the above. I will provide a copy of the same to the affected persons as known to me outside of those that Crown Counsel would have been in contact with (i.e. the various police officers so involved).
3. Have a great weekend to all.

On Fri, Apr 11, 2025 at 9:59 AM 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca> wrote:
Hello,

This response stands to confirm receipt of materials.

This information has been filed accordingly.

Best,

Douglas Leoni
Assistant Trial Coordinator
Ministry of the Attorney General
Ontario Court of Justice – Toronto
10 Armoury St. 3rd Floor
Toronto, Ontario
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Thursday, April 10, 2025 4:42 PM
To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Affidavit 4

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

April 10, 2025

Dear ONCJ (kind attention: hearing coordinator) (copied to the Provincial Crown and Mr. Rudra):

Thank you kindly regarding the above. Your professionalism and promptness is exemplary.

Kindly find my affidavit #4 attached to be included in the motion record. A short note about this affidavit: it includes all of the emails that I sent to the Purported Complainant which were all on account of being in relation to the LTB Proceeding (as admitted by counsel to the Landlord and, in some respects, the Purported Complainant). While it is Crown's obligation to resist this motion and show reasonable and probable grounds for arrest, and continuing the same, I thought it was only courteous and honourable to do so for the benefit of the ONCJ. Thank you kindly.

On Thu, Apr 10, 2025 at 9:13 AM 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca> wrote:
Hello,

This response stands to confirm receipt of materials.

This information has been filed accordingly.

Best,

Douglas Leoni
Assistant Trial Coordinator

Ministry of the Attorney General
 Ontario Court of Justice – Toronto
 10 Armoury St. 3rd Floor
 Toronto, Ontario
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Wednesday, April 9, 2025 1:21 PM
To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arijun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Affidavit 3

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

April 9, 2025

Re: filing and service of affidavit #3 of today's date et al

Dear ONCJ (hearing coordinator's office (kind attention: Mr. Leoni) (copied to the provincial Crown and Mr. Rudra):

I politely and respectfully write regarding the above. In light of not having received any responsive materials from the Crown or the affected persons served with my Dismissal Motion (as defined), I am tendering affidavit #3 of today's date with three exhibits for filing and service herein. I repeat and rely upon the sworn evidence therein in this email to avoid being duplicative.

I will now provide an updated motion record with internal and external hyperlinking along with a book of authorities of those cases cited for ease of reference.

Subject to the Crown withdrawing the criminal charge, I will update the Crown counsel managing the docket on April 16th, 2025, of the status of the same and the pending motion to be heard in accordance with the Consent Order between myself and Crown Counsel in December 2024 and so directed or ordered (depending on terminology utilized by this ONCJ) on said date.

Thank you kindly.

On Thu, Apr 3, 2025 at 7:45 AM Kevin McLean
 <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
 Dear Mr. Leoni:

1. Thank you kindly for the same. Your promptness in confirmations is most appreciated on all fronts. I tender a kind note of courtesy to all that Fridays are a day for me where I have extensive rehabilitation and physiotherapy along with most times

a medical appointment so I will be largely unavailable tomorrow and the following Fridays.

2. In the mid part and later part of the month, I have three MRIs so I will be largely unavailable on those days so I apologize in advance but I will place my auto-reply on so I am respectful of the time of all involved.

3. I will await for the Crown's materials in response to my Dismissal Motion at least 15 days prior April 22, 2025. My review of what is meant by "at least" is that the first and last day are counted as opposed to excluding the first day and counting the last day.

4. I will then assist the Court with preparation of a joint motion record with any other additional material that may arise. I will ensure that the relevant tabs and pages therein are hyperlinked internally and bookmarked. I will also hyperlink the authorities in my written argument for ease of reference along with hyperlinking and bookmarking the relevant evidence for ease of reference for the ONCJ. However, I will do so at the appropriate time.

5. I can further confirm that the affected persons, by way of the counsel listed in my affidavit of service, have not responded at all and do not appear to wish to participate.

6. As that is all from my side, I wish all a productive and healthy remainder of their week.

7. Take care,

On Tue, Apr 1, 2025 at 9:56 AM 10 Armoury Applications (MAG)
<10Armoury.Applications@ontario.ca> wrote:
Hello,

This response stands to confirm receipt of materials.

This information has been filed accordingly.

Best,

Douglas Leoni
Assistant Trial Coordinator
Ministry of the Attorney General
Ontario Court of Justice – Toronto
10 Armoury St. 3rd Floor
Toronto, Ontario
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Sunday, March 30, 2025 10:44 PM
To: 10 Armoury Trial Coordinator <10Armoury.TrialCoordinator@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Updated Motion record

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

March 30, 2025

Re: Motion to Dismiss of the Applicant Defendant – 1st Updated Applicant Defendant's Motion Record ("1st Updated Motion Record")

Dear Mr. Leoni (copied to Crown Counsel (attention: Mr. Rudra):

1. As promised, please find attached the above noted 1st Updated Motion Record of the Applicant Defendant for filing and service upon the Crown.
2. To be respectful of the resources of this ONCJ, my brief of authorities (case law, legislation (statutes and regulations) and rules) shall follow by separate index, tabulations and consecutively numbered pages.
3. I will await Crown Counsel's responsive materials with his Form 2, supporting evidence, submissions and case law.

4. I will then prepare a joint motion record for filing for ease of reference for the ONCJ.

5. As for the next appearance on April 16, 2025, I will update Crown Counsel as to the status at the time and promptly inform Mr. Rudra of the same. I will also ask for the next appearance to be set out for some time (few months) to allow for adequate time for the presiding motion justice to review the materials and issue reasons for decision for my Dismissal Motion.

6. Other than the same for my substantive motion, I do not have anything further to say as all is self-evident in the **1st Updated Motion Record**.

7. (Mr. Rudra, I will remain available to you for any resolution discussions. Other than that, it is best that I not say more than that which is contained in the 1st Updated Motion Record to avoid misconstruing of that which is denoted therein.)

8. Thank you in advance for your receipt for filing the same.

On Sat, Mar 29, 2025 at 4:31 PM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Dear Mr. Rudra:

1. Thank you for your email.

2. You are incorrect on all fronts and I am not available on that date.

3. You should have consulted with me on dates as required. As you also know, I have several disabilities but in any event, I am not available on that date and there will not be a necessity for any judicial pre-trial conference if my motion is successful.

4. I anticipate that it will be.

5. Moreover, I refer you to my previous emails wherein the court already agreed with the scheduling of my motion to dismiss in exchange for my waiver of my rights in that regard. The Court also ordered the same.

6. As noted, I sought your dates and you failed to provide the same and I set the date for 30 days from the time of filing which is set for April 22, 2025. Your materials are due 15 days prior to the same.

7. Kindly review the Criminal Court Rules to bring yourself up to speed on the same if you are not.

8. If you fail to provide materials 15 days prior (i.e. on Monday, April 7, 2025), then I will ask that it be decided in writing.

9. Do not ever engage in that conduct again as it is professional misconduct and a breach of your duties as a Crown. I will not even dignify another attempt like that and I reserve the right to rely upon this correspondence.

10. You know better than to do the same or at least you should know.

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Sent: Friday, March 28, 2025 4:23 PM

To: 10 Armoury Trial Coordinator <10Armoury.TrialCoordinator@ontario.ca>

Cc: Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>; South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>

Subject: Re: DL - MCLEAN, Kevin - Motion to dismiss etc. - April 14, 2025

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

Dear Mr. Leoni:

1. As I have not heard from Mr. Rudra regarding any dates, I have provided the following for filing and I will update the motion record accordingly:

a. Updated Form 1 for the date of April 22, 2025, or the first available date thereafter along with the, inter alia, the following:

i. amendments to remove any potential for an agreed statement of facts as Mr. Rudra and I cannot seem to agree on receiving a date from him regarding the same;

ii. next appearance date; and

iii. confirmation that it is merely an amended and updated Form 1 for current purposes.

b. My affidavit #2 that was made and sworn on today's date.

2. Thank you kindly and my best to you and your staff. Wishing you an enjoyable and well-deserved weekend!

On Fri, Mar 28, 2025 at 7:22 AM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:

Dear

Mr.

Leoni:

1. Thank you kindly for your email above. Upon further review, would you kindly provide a date that the above hearing can be held and in what courtroom such a motion is customarily held? I appreciate that there have been some recent changes with the advent of the new courthouse at the current location but I cannot seem to find what courtroom such a motion to dismiss would be heard in. As noted in my Form 1 Application, I included a 'TBD' or first available date therein. Based on the 30 days noted in Rule 3.1, I presume we would be looking at the week of April 21 to 25, 2025.

2. As noted in my Form 1, I have asked that the customary time be shortened (see: Rule 3.3). If I am not able to obtain an order to shorten the time, then either Tuesday, April 22, 2025, or Thursday, April 24, 2025, of that week are amenable to me.

3. (Mr. Rudra, are either of those dates amenable to you? If so, then I can avoid bringing a motion to shorten the time to be heard and I can have a singular motion that I am heard remotely or the motion is heard in writing with either of those dates as the notional date for the justice to review the same, and then issue reasons for decision.)

4. While the seminal jurisprudence that I am relying upon is contained within the motion record (motion submissions), I am preparing a book of authorities for ease of reference for the justice to hear the same. I will provide that when it is finalized.

5. Thank you kindly in advance.

On Thu, Mar 27, 2025 at 6:21 PM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:
March 27, 2025

Re: confirmation that the lawyers named in affidavit of service have been served with the motion record; and my forthcoming motion to have the motion heard in writing or, in the alternative, I can be heard remotely

Dear Mr. Leoni:

1. I write regarding the above.
2. Thank you again for your prompt confirmation of the above filed materials.
3. I confirm that I have not heard from Mr. Rudra regarding his available dates to argue the same. In any event, I will bring an application (motion) to have the motion heard in writing, or in the alternative that I can be heard remotely (i.e. via telephone). I will provide the application form, evidence and submissions as to why I wish to have this motion to dismiss heard in writing or, in the alternative, remotely (at least by my being heard remotely). My previous concerns about my safety, security and health remain as per my last email.
4. I confirm that I served the named individual lawyers in my affidavit of service with a copy of the motion record and I have asked that they revert back to me as to whether they wish to tender any responsive materials. I will advise the ONSC (this email) if I do hear from them.
5. Thank you kindly.

On Thu, Mar 27, 2025 at 2:19 PM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Dear Mr. Rudra:

Would you kindly provide any available dates you may have regarding the above? Also, when can I expect your responsive materials in any event? Thank you.

On Thu, Mar 27, 2025 at 2:17 PM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Thank you so much. I confirm receipt.

On Tue, Mar 25, 2025 at 4:29 PM 10 Armoury Trial Coordinator
<10Armoury.TrialCoordinator@ontario.ca> wrote:

Hello,

This response stands to confirm receipt of Motion to dismiss materials for **MCLEAN, Kevin**.

This information has been filed accordingly.

Best,

Douglas Leoni
Assistant Trial Coordinator
Ministry of the Attorney General
Ontario Court of Justice – Toronto
10 Armoury St. 3rd Floor
Toronto, Ontario
douglas.leoni@ontario.ca

From: 10 Armoury OCJ Courts (MAG) <10Armoury.OCJ.courts@ontario.ca>
Sent: Monday, March 24, 2025 9:39 AM
To: 10 Armoury Trial Coordinator <10Armoury.TrialCoordinator@ontario.ca>
Subject: DL - MCLEAN, Kevin - Motion to dismiss etc. - April 14, 2025

Thank you,

Ally

Court and Client Representative | Court Services Division
Minister of the Attorney General | Ontario Public Service

Ontario Court of Justice, Toronto
10 Armoury Street
Toronto, ON M7A 0B9

Taking pride in strengthening Ontario, its places and its people

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Sent: Sunday, March 23, 2025 8:40 AM

To: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>; 10 Armoury OCJ Courts (MAG) <10Armoury.OCJ.courts@ontario.ca>

Subject: Re: R V. MCLEAN - : 24-48129169 (KINDLY NOTE NEW EMAIL ADDRESS FOR THIS PROCEEDING) ATTACHED DOCUMENTS FOR FILING - FORM 1 - MOTION - APPLICANT DEFENDANT

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

March 23, 2025

VIA EMAIL (see: : SouthTorontoCrown@ontario.ca; 10Armoury.OCJ.courts@ontario.ca; and Arjun.rudra2@ontario.ca)

-

-

EXCLUSIVELY FOR PURPOSES HEREIN

File number: 24-48129169

Type of document: email with attached affidavit of service

Short title of proceeding: *R. v. McLean*

From: Mr. Kevin A. McLean (B.A., J.D, CIM), defendant and moving party (the “Applicant”)

TO:

Ontario Superior Court of Justice (“ONSC”)

10 Armoury Street

Toronto, Ontario

M7A 0B9

Attention: Court Registrar for the South Toronto Crown Office

AND TO:

Assigned Crown for R. v. McLean

Mr. Arjun Rudra

Dear Sirs/Mesdames/Other Gender Neutral Pronouns:

1. I write regarding the above.

2. I attach the require proof of service of the Crown and potentially affected persons.

3. For ease of reference and due to my miscue involving Mr. Rudra's email as I changed emails herein, I attach all of the filed documents in one email.

4. To the extent that any other affected persons, in the Crown's estimation, need notice of the same, I defer and it may provide notice to them. However, I would ask that it provide me with notice as whether it has done so. I confirm now that I have satisfied the requirements to bring this motion. As noted in my previous hearing, I confirmed with the benefit of the 'docket Crown' that I have waived my right to heard expediently or without delay and this motion must be heard first.

5. I respectfully submit that this motion can be heard in writing. If the ONSC is not able to do so (i.e. by practice direction or otherwise), kindly advise. If that is the case, would you please provide available dates for me to speak to the matter?

6. Thank you.

On Thu, Mar 20, 2025 at 3:31 PM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Dear Sirs/Mesdames:

I was just heard this afternoon with Madame Crown and His Worship. I confirm that the matter has been set over until April 16th, 2025, at two p.m. I was in error with my dates and I apologized to the Court in any event. Nonetheless, that should give us sufficient time to update the court as to positions on my motion and where we stand. My required affidavit of service shall follow.
Thank you.

On Thu, Mar 20, 2025 at 1:07 PM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Dear Ontario Court of Justice (Southern Location) and Mr. Rudra:

I confirm that I have called in for the continued presumed date that I had written down. It appears that I am an hour early in this regard. In any event, I can confirm the above and this will allow me to serve the other affected persons and then have the affidavit of service (proof of service) notarized.

(Dear Mr. Rudra, depending on when I finish today, I will provide a separate email to you. Please be advised I am hopeful to have an Xray completed today but if not, it will be tomorrow. Therefore, kindly be advised that I may be delayed in reverting back to you.)

On Thu, Mar 20, 2025 at 10:57 AM Kevin McLean
<mrkevinalexandermcleanbajdcim@gmail.com> wrote:

Dear Mr. Rudra: my sincere apologies as I guess I am showing the effects of the above noted accident and recovery as I misspelled your email address. Please see the emails below with all attachments. Apologies again.

Appendix

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

10:48 AM
(8 minutes ago)

to SouthTorontoCrown, Ardun.rudra2

March 20, 2025

VIA EMAIL

File number: 24-48129169

Type of document: email

Short title of proceeding: *R. v. McLean*

From: Mr. Kevin A. McLean (B.A., J.D, CIM), defendant and moving party (the “Applicant”)

TO:

Registrar of the South Toronto Crown Office

AND TO:

Mr. Arjun Rudra
Crown Counsel

Dear Sirs/Mesdames/Other Gender Neutral Pronouns:

1. I write regarding the above.

2. Kindly note the change in email address to this more 'professionally named' email account and update your files accordingly.
3. As promised and due to not having learned of any withdrawal of this criminal charge herein, I attach the following:
 - a. My updated and current Form 1 signed by myself on today's date;
 - b. My written submissions or factum of today's date.
4. As you will see in both of the above documents, I reference a document that will be currently at Tab #3 of the current motion record which is a filed document in another proceeding that I intend to rely upon for the purposes so stated. However, I will include the same by a combined attached motion record.
5. I somewhat apologize for the delay as I was in 'wait and see' mode as I was hit by an e-scooter some two weeks ago and I have been in recovery mode since that time.
6. If my memory serves me correctly and a note I wrote down in late 2024, there is another appearance today so I will attend (if that is correct) and confirm that I have filed the above documents and will be serving all affected persons.
7. If I am incorrect, kindly let me know as soon as possible.
8. I will then attend to my affidavit #1 for purposes of proof of service in accordance with the Criminal Court Rules.

9. Thank you.

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

DISCLAIMER

1. *The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*
2. *Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.*

2 Attachments • Scanned by Gmail

AFFIRMED BEFORE ME, THIS 19th DAY
OF April 2025


JER, ETC.

Vinh The Tran, Esq., LSUC #57761C
Lawyer, Notary, Oaths Commissioner
188-639 Dupont Street, Toronto, ON
M6G 1Z4, T. 647-209-7389
vinhtranlaw@hotmail.com



Sealing Instructions:
1. Remove receipt strip from adhesive area.
2. Close adhesive coated flap over aperture.

DO NOT OPEN AT TOP

TORONTO POLICE SERVICE
PROPERTY BAG

☐ FOUND ☐ RECEIVED ☐ SEIZED

BY:
PRINT Name, Rank, Badge No., & Unit

Name of Accused: McLEAN, KEVIN
Signature

Sealed by:
PRINT Name, Rank, Badge No., & Unit

Date Sealed:
YY, MM, DD

Time Sealed:
24 Hr Clock

Property Receipt No(s):

Occurrence No(s): 29 2082035

Bag Opened by:
PRINT Name, Rank, Badge No., & Unit

Does this bag replace another previously sealed bag?
☐ NO ☐ YES

Previous Bag No.:

NOTES:
- PASSPORT
- WATCH
- V.A.P.F.
- BIRTH CERT
- WARRS
- KEYS
- NECKLACE
- GLOVES
- BELT

U.S. PATENT #5,405,197
CANADIAN PATENT #1,334,955

TO REMOVE CONTENTS - CUT ALONG BOTTOM DOTTED LINE

MADE IN CANADA

Tab 10

*Courts of Justice Act***REQUISITION**

ONTARIO COURT OF JUSTICE
(CRIMINAL DIVISION)
(TORONTO REGION)

BETWEEN:

HIS MAJESTY THE KING

CROWN
(RESPONDENT)

- AND -

KEVIN ALEXANDER MCLEAN

DEFENDANT
(APPLICANT)

REQUISITION

(Re: setting of hearing date for Applicant's Dismissal Motion pursuant to, *inter alia*, the following:

- (i) *The Constitution Act*, 1982, Schedule B to the *Canada Act 1982* (UK), 1982, c 11;
- (ii) *Criminal Code*, RSC 1985, c C-46 *et seq* (the "*Criminal Code*");
- (iii) *Interpretation Act*, RSC 1985, c I-21 *et seq* (the "*Interpretation Act*")
- (iv) *Legislation Act*, 2006, SO 2006, c 21, Sch F *et seq* (the "*Legislation Act*")
- (v) *Courts of Justice Act*, RSO 1990, c C.43 *et seq* (the "*CJA*"),
- (vi) *Designation of Regions*, RRO 1990, Reg 186 *et seq* (the "*DOR*");
- (vii) *Crown Attorneys Act*, R.S.O. 1990, c. C.49 *et seq* (the "*CAA*")
- (viii) *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17 *et seq* (the "*MAGA*");
- (ix) *Law Society Act*, RSO 1990, c L.8 *et seq* (the "*LSA*");
- (x) The LSO By-Laws made under subsections 62 (0.1) and (1) of the *Law Society Act* *et seq* (the "*LSO By-Laws*");
- (xi) *Criminal Rules of the Ontario Court of Justice* (the "*Criminal Court Rules*")
- (xii) *Mode of Appearance for Ontario Court of Justice Criminal Proceedings Practice Direction* (the "*PD Mode Of Appearance*" or "*PD MOA*");

- (xiii) *The Remote Appearance of Conduct* of the Ontario Court of Justice (Criminal Division) (the “*Remote Appearance Of Conduct*”)
- (xiv) *The Crown Prosecution Manual* (Ministry of Attorney General – Criminal Law Division), April 2017 (the “*Crown Prosecution Manual*”); and
- (xv) Authorities, statutes and regulations (collectively, defined as “Legislation” in Ontario), rules, by-laws, policies, et al cited in the **3rd Updated Motion Record** of the Applicant (April 20, 2025)).

(collectively, the “**Governing Laws**”).

TO:

THE **LOCAL REGISTRAR** and **HEARING COORDINATOR** FOR FORM 1 APPLICATIONS (the “**Applications’ Hearing Coordinator**”) LOCATED AT THE ONTARIO COURT OF JUSTICE (CRIMINAL DIVISION), specifically in the courthouse building located on the lands municipally described as 10 ARMOURY ROAD, TORONTO, ONTARIO, M7A 0B9 (the “10 Armoury Courthouse”).

THE APPLICANT REQUIRES (AND RESPECTFULLY REQUESTS) THAT the hearing date of **Tuesday, April 22, 2025**, at **ten a.m.** at the Ontario Court of Justice (Toronto Region: 10 Armoury Courthouse) in a “**Motions Court**” is **set**, as per the Applicant Defendant’s **Dismissal Motion**, supported by the materials in his **3rd Updated Motion Record (April 20, 2025)**, for 30 minutes in oral argument, appearing remotely in accordance with *The Remote Appearance of Conduct*, in accordance with and pursuant to, *inter alia*, the following:

1. The consent order between the Ontario Crown (MAG – Criminal Law Division) (the “Ontario Crown”) and the Defendant of December 20, 2024, in open court before the presiding Justice of the Peace (the “**JP**”) which had the following, *inter alia*, return and reciprocal consideration, terms and conditions:
 - a. the Defendant waived his *Charter* right, specifically section 11(b), to be heard without undue delay in the event he was unsuccessful with his **Dismissal Motion** in exchange for some of the following:
 - i. the return appearance date by the Defendant was in late March 2025 to, *inter alia*, allow for potential resolution discussions between the Crown and Defendant; and
 - ii. to the extent that those resolution discussions were unsuccessful or unfruitful, the Defendant could file, serve and set his **Dismissal Motion** in accordance with the **Governing Laws** and it would be heard and decided in accordance with **the Governing Laws**

(the “**Consent Order**”).

2. The filed and served documents contained in the Defendant Applicant’s **3rd Updated Moton Record** which includes the following:

- a. Form 1 Application including Updated Application Form of the Applicant;
- b. Motion Submissions of the Applicant (March 20, 2025);
- c. The Formal Admission Document by counsel to the Purported Complainant in another proceeding (LTB) (see: **Tab 3** of the **3rd Updated Motion Record**);
- d. Affidavit of Service of the Applicant (March 21, 2025);
- e. Affidavits #2 to #5 of the Applicant; and
- f. Draft Order (including 1st and **Final Updated Draft Order** (see: Tab 11, with Tab 10 being this herein **Requisition**))

(the “**Duly Filed Served Materials**”)

- 3. The absence of any filed and served materials in accordance with the **Consent Order**, and Governing Laws (particularly the Criminal Court Rules, with specific emphasis of Rule 3.2(1)) by any of the following: (i) Ontario Crown (**South Toronto Crown**); and (ii) any affected persons despite being duly served with proof of service of the same (see: Affidavit #1 and Affidavit #5 of the Applicant Defendant, duly sworn and then duly filed and served); and

(the “**Non-Opposition**”).

- 4. The **Governing Laws** (defined *supra*).

April 20, 2025



Mr. Kevin A. McLean (B.A. J.D., CIM)
Applicant Defendant

(a): 775 King Street West, Suite 410
Toronto, Ontario
M5V 2K3

(e): mrkevinalexandermcleanbajdcim@gmail.com

Tab 11

ORDER

ONTARIO COURT OF JUSTICE
(CRIMINAL DIVISION)
(TORONTO REGION)

(Name of judge or officer)

(Day and date order made)

[SEAL]

Court File No: **24-48129169**

ONTARIO COURT OF JUSTICE

BETWEEN:

HIS MAJESTY THE KING

CROWN

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT

ORDER

(AFTER **FORM 1 APPLICATION** AND SUPPORTING MATERIALS, DULY FILED AND
SERVED BY THE APPLICANT DEFENDANT FROM **MARCH 20, 2025 TO APRIL 20, 2025**
WITH DRAFT ORDER TENDERED ON APRIL 20, 2025)

THIS MOTION, made by the Applicant Defendant, on March 20, 2025, subject to various provisionsⁱ of the Governing Laws (as defined in the Applicant Defendant's Requisition of April 20, 2025) including but not limited to (see: Appendix #1 herein): *Courts of Justice Act*, [RSO 1990, c C.4](#) (the "[CJA](#)") and

Criminal Rules of the Ontario Court of Justice (the “Criminal Court Rules”), for a dismissal, with prejudice of the criminal charge issued to him on October 2, 2024, by the Toronto Police Service, 14th Division, with a denoted arresting officer of Detective Constable Michael Kolankowski (“**DC Kolankowski**”)ⁱⁱ for an alleged contravention of section 264(2)(b) of the Criminal Code was heard this day of Tuesday, April 22, 2025, at 10 Armoury Street, Toronto, Ontario, M7A 0B9, by remote appearance by the Applicant Defendant.

ON READING the following materials duly filed and servedⁱⁱⁱ by the Applicant in his **3rd Updated Motion Record** of April 20, 2025 including any book(s) of authorities and “oral speaking notes” or ‘oral outline’ (the “Oral Outline”):

1. Form #1 Application, pursuant to the Criminal Court Rules and consent order between the Crown and Defendant and direction^{iv} (the “**Consent Order**”) of this ONCJ on December 19, 2024, of the **Applicant** of Thursday, March 20, 2025 (the “**Form #1**” or “**Application Form**”)
 - a. **PAGES: 1 TO 3**
 - i. **Amended Form #1** Application (the “**Amended Form #1**”) for updated and revised purposes^v
 1. **PAGES 3(A) TO 3(C);**
2. Motion or Application Submissions of the **Applicant** of March 20, 2025 (the “**Motion Submissions**”)
 - a. **PAGES: 4 TO 35;**
3. The formal admission in a “request to use alternative service” form, of October 24, 2024, in the **LTB Proceeding** that bound the purported or alleged complainant that all of the **Defendant Applicant’s** communications were in relation to the **LTB Proceeding** (i.e. with lawful authority^{vi}) (the “**Formal Admission Document**”)^{vii}
 - a. **PAGES: 36 TO 38;**
4. Affidavit of Service of the **Applicant**, made on March 21, 2025 (“**Affidavit #1**” or the “**AOS**”)
 - a. **PAGES: 39 TO 43;**
5. Affidavit #2 of the **Applicant**, made on March 28, 2025 (the “**Affidavit #2**”)
 - a. **PAGES: 44 TO 75;**
6. Affidavit #3 of the **Applicant**, made on April 9, 2025 (the “**Affidavit #3**”)
 - a. **PAGES 76 TO 119**
7. Affidavit #4 of the **Applicant**, made on April 10, 2025 (the “**Affidavit #4**”)
 - a. Pages 120 to 153
8. Initial Draft Order of the Applicant, tendered on April 13, 2025, for the **Dismissal Motion** (Unopposed by the Ontario Crown) (the “**Initial Draft Order**”)
 - a. **Pages: 154 to 157**
9. Affidavit #5 of the Applicant, made on April 19, 2025 (“**Affidavit #5**”);
 - a. 158 to 185
10. Requisition of April 20, 2025: setting the hearing date for April 22, 2025 at ten a.m. in a courtroom for motions (a “**Motions Court**”) (together , the “**Requisition**”); and
 - a. Pages 186 to 189.

(“**Dismissal Motion Record**” as per the **3rd Updated Motion Record**)

no materials filed or served in response to the **Dismissal Motion Record** in the **3rd Updated Motion Record** by Crown Counsel, including any potentially affected person, *at least* 15 days before the proposed

hearing date for the Form 1 Application of the Applicant (and Amended Form #1) (see: [Criminal Court Rules, Rule 3.1\(2\)](#)) by way of the required: (i) Form 2, pursuant to the [Criminal Court Rules](#) and the [ONCJ enumerated forms](#), and/or (ii) any affidavit material; and (iii) written submissions, although properly duly served as appears from the Applicant's affidavit of service on March 21, 2025, along with the Applicant Defendant's Affidavit #5 which included the email filings and service of with the same upon the Ontario Crown via email (see: SouthTorontoCrown@ontario.ca) and assigned Crown Counsel to carriage of responding to the Applicant's **Dismissal Motion** and beyond (if applicable) in Mr. Arjun Rudra (see: Arjun.Rudra2@ontario.ca):

1. **THIS COURT ORDERS THAT**, the below orders are granted, with written reasons (if any) to follow at a time suitable to the presiding motions justice;
2. **THIS COURT ORDERS THAT**, pursuant to, inter alia, [section 146](#) of the [CJA](#) and the [Human Rights Code](#) (Ontario) is heard on the date of April 22, 2025 at ten a.m., by way of addition to the docket in motions court, courtroom _____, and the Registrar and Applications' Hearing^{viii} Coordinator are so directed to inscribe the same on the hearing list or docket, and was heard by oral and written argument (the "**Hybrid Hearing Format**");
3. **THIS COURT ORDERS THAT** the criminal charge against the Defendant of his alleged, yet unproven, contravention of [section 264\(2\)\(b\)](#)^{ix} of the [Criminal Code](#) is hereby dismissed *with prejudice*;
4. **THIS COURT ORDERS THAT**, pursuant to [section 146](#) of the [CJA](#) and *Criminal Court Rules* that the Defendant is relieved from any and all future court appearances herein and the Registrar is so directed to cancel the appearance of May 14, 2025;
5. **THIS COURT ORDERS THAT** that any of the additional conditions contained in the Undertaking, Form 2, Section 10 of the *Criminal Code*^x (absent a 'police file number' or 'case file number') issued to the Defendant on October 2, 2024, for his signature, which he duly signed, and signed by Sergeant Sean Cassidy of the 14th Division, including but not limited to part 5, subparts (c), (d) and (e) are hereby revoked permanently and in perpetuity "*with prejudice*";
6. **THIS COURT ORDERS THAT** upon pronouncement of this order, inclusive of its terms, that this ONCJ is *functus officio* and the duly executed, issued and filed order shall be entered forthwith;
7. **THIS COURT ORDERS THAT** the Registrar shall provide the Defendant with a copy of the entered order via email to his email address for service which shall conclude this Court's involving in this criminal proceeding; and
8. **THIS COURT ORDERS THAT** the Applicant is at liberty to rely upon this Order to apply for the removal of his fingerprints, photographs and records of disposition in relation to the arrest by

the TPS 14th Division (Constable Anthony Romano^{xi} and DC Kolankowski on October 2, 2024) and signed by peace officer Sergeant Sean Cassidy of the 14th Division of the TPS by submitting his request to criminalrecords@torontopolice.on.ca, Fax 416-808-8202 or 40 College St., Toronto, Ontario, M5G 2J3, **Attn:** Criminal Records, after five months have expired from the date of this Order or an earlier period if permissible.

Date of issuance _____

- (i) *The Constitution Act*, 1982, Schedule B to the *Canada Act 1982* (UK), 1982, c 11;
- (ii) *Criminal Code*, RSC 1985, c C-46 *et seq* (the “*Criminal Code*”);
- (iii) *Interpretation Act*, RSC 1985, c I-21 *et seq* (the “*Interpretation Act*”)
- (iv) *Legislation Act*, 2006, SO 2006, c 21, Sch F *et seq* (the “*Legislation Act*”)
- (v) *Courts of Justice Act*, RSO 1990, c C.43 *et seq* (the “*CJA*”),
- (vi) *Designation of Regions*, RRO 1990, Reg 186 *et seq* (the “*DOR*”);
- (vii) *Crown Attorneys Act*, R.S.O. 1990, c. C.49 *et seq* (the “*CAA*”)
- (viii) *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17 *et seq* (the “*MAGA*”);
- (ix) *Law Society Act*, RSO 1990, c L.8 *et seq* (the “*LSA*”);
- (x) The *LSO By-Laws* made under subsections 62 (0.1) and (1) of the *Law Society Act* *et seq* (the “*LSO By-Laws*”);
- (xi) *Criminal Rules of the Ontario Court of Justice* (the “*Criminal Court Rules*”)
- (xii) *Mode of Appearance for Ontario Court of Justice Criminal Proceedings Practice Direction* (the “*PD Mode Of Appearance*” or “*PD MOA*”);
- (xiii) *The Remote Appearance of Conduct* of the Ontario Court of Justice (Criminal Division) (the “*Remote Appearance Of Conduct*”)
- (xiv) *The Crown Prosecution Manual* (Ministry of Attorney General – Criminal Law Division), April 2017 (the “*Crown Prosecution Manual*”); and
- (xv) Authorities, statutes and regulations (collectively, defined as “*Legislation*” in Ontario), rules, by-laws, policies, et al cited in the **3rd Updated Motion Record** of the Applicant (April 20, 2025)).

(collectively, the “**Governing Laws**”).

ⁱBy way of example, sections like 109, 123, 125, 126(5), 132, 136, and 146 of the *CJA* are specifically mentioned as applicable to criminal cases under the *Criminal Code*

ⁱⁱSee: Tab 5, page 72 to 74

ⁱⁱⁱThe Defendant Applicant provided an affidavit of service wherein he served the Provincial Crown, assigned Crown Counsel in Mr. Arjun Rudra, and counsel to various affected persons including that of the complainant

^{iv}The Defendant Applicant waived his right to be heard without delay in favour of bringing this Application as particularized on the record in December 20, 2024, and said process and procedure was agreed to by Crown counsel who was managing the docket on said date (the “**Consent Agreement**”), and so directed by the justice of the peace of the ONSC so presiding on said date (the “**Consent Order**”)

^vNo reasonable chance of any agreed statement of facts

^{vi}Also for lawful and necessary purposes

^{vii}Annotated by the Applicant

^{viii}Neither the trial or preliminary inquiry coordinator as the Dismissal Motion hearing was neither a trial nor a preliminary inquiry

^{ix}The entirety of the subsection 1 and 2(b) read as follows: “Criminal Harassment, **264 (1)** No person shall, without lawful authority and knowing that another person is harassed or recklessly as to whether the other person is harassed, engage in conduct referred to in subsection (2) that causes that other person reasonably, in all the circumstances, to fear for their safety or the safety of anyone known to them, **Prohibited conduct (2)** The conduct mentioned in subsection (1) consists of: **(b)** repeatedly communicating with, either directly or indirectly, the other person or anyone known to them;

^xIt is so referred to as the TPS 14th Division apparently did not have a “case file number” by the absence of any inputting of the same

^{xi}Tab 5, page 66

Tab 12

*Courts of Justice Act***REQUISITION**

ONTARIO COURT OF JUSTICE
(CRIMINAL DIVISION)
(TORONTO REGION)

BETWEEN:

HIS MAJESTY THE KING

CROWN
(RESPONDENT)

- AND -

KEVIN ALEXANDER MCLEAN

DEFENDANT
(APPLICANT)

REQUISITION

(Re: setting of hearing date for Applicant’s **Dismissal Motion** pursuant to, *inter alia*, the following:

- (i) *The Constitution Act*, 1982, Schedule B to the *Canada Act 1982* (UK), 1982, c 11;
- (ii) *Criminal Code*, RSC 1985, c C-46 *et seq* (the “*Criminal Code*”);
- (iii) *Interpretation Act*, RSC 1985, c I-21 *et seq* (the “*Interpretation Act*”)
- (iv) *Legislation Act*, 2006, SO 2006, c 21, Sch F *et seq* (the “*Legislation Act*”)
- (v) *Courts of Justice Act*, RSO 1990, c C.43 *et seq* (the “*CJA*”),
- (vi) *Designation of Regions*, RRO 1990, Reg 186 *et seq* (the “*DOR*”);
- (vii) *Crown Attorneys Act*, R.S.O. 1990, c. C.49 *et seq* (the “*CAA*”)
- (viii) *Ministry of the Attorney General Act*, R.S.O. 1990, c. M.17 *et seq* (the “*MAGA*”);
- (ix) *Law Society Act*, RSO 1990, c L.8 *et seq* (the “*LSA*”);
- (x) The LSO By-Laws made under subsections 62 (0.1) and (1) of the *Law Society Act* *et seq* (the “*LSO By-Laws*”);
- (xi) *Criminal Rules of the Ontario Court of Justice* (the “*Criminal Court Rules*”)
- (xii) *Mode of Appearance for Ontario Court of Justice Criminal Proceedings Practice Direction* (the “*PD Mode Of Appearance*” or “*PD MOA*”);

- (xiii) The Remote Appearance of Conduct of the Ontario Court of Justice (Criminal Division) (the “Remote Appearance Of Conduct”)
- (xiv) The Crown Prosecution Manual (Ministry of Attorney General – Criminal Law Division), April 2017 (the “Crown Prosecution Manual”); and
- (xv) Authorities, statutes and regulations (collectively, defined as “Legislation” in Ontario), rules, by-laws, policies, et al cited in the **3rd Updated Motion Record** of the Applicant (April 20, 2025)).

(collectively, the “**Governing Laws**”).

TO: THE **LOCAL REGISTRAR** and **HEARING COORDINATOR** FOR FORM 1 APPLICATIONS (the “**Applications’ Hearing Coordinator**”) LOCATED AT THE ONTARIO COURT OF JUSTICE (CRIMINAL DIVISION), specifically in the courthouse building located on the lands municipally described as 10 ARMOURY ROAD, TORONTO, ONTARIO, M7A 0B9 (the “10 Armoury Courthouse”).

THE APPLICANT REQUIRES (AND RESPECTFULLY REQUESTS) THAT the hearing date of **Tuesday, April 22, 2025**, at **ten a.m.** at the Ontario Court of Justice (Toronto Region: 10 Armoury Courthouse) in a “**Motions Court**” is **set**, as per the Applicant Defendant’s **Dismissal Motion**, supported by the materials in his **3rd Updated Motion Record (April 21, 2025)**, for 25 minutes in oral argument, appearing remotely in accordance with The Remote Appearance of Conduct, in accordance with and pursuant to, *inter alia*, the following:

1. The consent agreement between the Ontario Crown (MAG – Criminal Law Division) (the “Ontario Crown”) and the Defendant of December 20, 2024, in open court before the presiding Justice of the Peace (the “**JP**”) which had the following, *inter alia*, return and reciprocal consideration, terms and conditions:
 - a. the Defendant waived his Charter right, specifically section 11(b), to be heard without undue delay in the event he was unsuccessful with his **Dismissal Motion** in exchange for some of the following:
 - i. the return appearance date by the Defendant was in late March 2025 to, *inter alia*, allow for potential resolution discussions between the Crown and Defendant; and
 - ii. to the extent that those resolution discussions were unsuccessful or unfruitful, the Defendant could file, serve and set his **Dismissal Motion** in accordance with the **Governing Laws** and it would be heard and decided in accordance with **the Governing Laws**

(the “**Consent Agreement**”) which culminated in the consent direction or order of the presiding JP on December 20, 2024, (the “**Consent Order**”).

2. The filed and served documents contained in the Defendant Applicant’s **3rd Updated Moton Record** which includes the following:

- a. Form 1 Application including Updated Application Form of the Applicant;
- b. Motion Submissions of the Applicant (March 20, 2025);
- c. The Formal Admission Document by counsel to the Purported Complainant in another proceeding (LTB) (see: **Tab 3** of the **3rd Updated Motion Record**);
- d. Affidavit of Service of the Applicant (March 21, 2025);
- e. Affidavits #2 to #5 of the Applicant;
- f. Applicant's Initial Requisition of April 20, 2025 (see: Tab 10 of the Filed Motion Record);
- g. Draft Order (including 1st and **Final Updated Draft Order** (see: Tab 11, with Tab 12 being this herein **Requisition**));
- h. Emails of April 22, 2025, from the Applicant with an email from Mr. Rudra for the Crown wherein, *inter alia*,: (i) Crown Counsel Mr. Rudra misled the Court and the Applicant noted the misleading nature of his representations which were inconsistent with previous written correspondence of Mr. Rudra; and (ii) Mr. Rudra's reference to the potential of bringing an application pursuant to section 486.3(3), without reference to a specific witness or witnesses, of the Criminal Code which was and is a hypothetical that may never occur (subject to the outcome of the Dismissal Motion of the Applicant); and
- i. Such other documents and records that the Applicant may advise in support of the above (if applicable).

(the "**Duly Filed Served Materials**")

3. The absence of any filed and served materials in accordance with the **Consent Order**, and Governing Laws (particularly the Criminal Court Rules, with specific emphasis of Rule 3.2(1)) by any of the following: (i) Ontario Crown (**South Toronto Crown**); and (ii) any affected persons despite being duly served with proof of service of the same (see: Affidavit #1 and Affidavit #5 of the Applicant Defendant, duly sworn and then duly filed and served);

(the "**Non-Opposition**").

4. The absence of any filed and served materials by the Crown to seek any relief in this proceeding; and
5. The **Governing Laws** (defined *supra*).

April 22, 2025



Mr. Kevin A. McLean (B.A. J.D., CIM)
Applicant Defendant

(a): 775 King Street West, Suite 410
Toronto, Ontario
M5V 2K3

200

(e): mrkevinalexandermcleanbajdcim@gmail.com

201

Tab 13

This is the 6th affidavit of Mr. Kevin A. McLean (B.A., J.D., CIM) and it was made on April 22, 2025

Court File No: 24-48129169

ONTARIO COURT OF JUSTICE
(Criminal Division)
(Toronto (10 Armoury Road, Toronto, Ontario))

BETWEEN:

HIS MAJESTY THE KING

CROWN
(Respondent)

- and -

KEVIN ALEXANDER MCLEAN

DEFENDANT
(Applicant)

AFFIDAVIT #6 OF THE APPLICANT DEFENDANT
--

I, Kevin A. McLean of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I swear the following facts to be true. Where I have sworn facts on belief, I cite the source of my belief. I adopt the definitions from the filed documents *infra* and they have the same meaning herein as they do therein unless otherwise noted. The date is April 19, 2025.
2. Attached hereto to this my affidavit #6 is a copy of my emails and Mr. Rudra's email of today's date involving my filings for my Dismissal Motion. I will address the same further in my **Oral Outline** or "**Speaking Notes**" for this Thursday, April 24, 2025. Said Exhibit "A" and its pages are enumerated from **pages 1 to 15**.
3. I intend to proceed with my **Dismissal Motion** and seek the orders that I am seeking on April 24, 2025, as per my requisition in accordance with the **Consent Agreement** and **Consent Direction**.
4. I swear herein that as of today's date that the Crown has failed or neglected to file and serve any responsive materials in accordance with the *Criminal Court Rules* or at all.
5. But for the hearing and deciding of my Dismissal Motion of this Thursday, April 24, 2025, my next date in court is on May 14, 2025. I confirm that I will be away commencing April 25, 2025, for some time due to medical appointments, examinations, and procedures.
6. I swear this affidavit #6 for no improper purpose and solely for the purposes herein.

Sworn before me by videoconference:

by Mr. Kevin A. McLean at the City of Toronto, in the Province of Ontario, before me on **April 22, 2025** in accordance with *O. Reg. 431/20*, Administering Oath or Declaration Remotely.

Signature of Commissioner/Lawyer/Notary

Signature of Deponent



Unlimited. No Expiration.
NO ILA PROVIDED.
Identification Confirmed.

Vinh The Tran, Esq., LSUC #57761C
Lawyer, Notary, Oaths Commissioner
188-639 Dupont Street, Toronto, ON
M6G 1Z4, T. 647-209-7389
vinhtranlaw@hotmail.com





Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

RE: MCLEAN, Kevin - April 16, 2025 - Draft order

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Tue, Apr 22, 2025 at 3:05 PM

To: "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>

Cc: "10 Armoury Applications (MAG)" <10Armoury.Applications@ontario.ca>, "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>, "10 Armoury OCJ Courts (MAG)" <10Armoury.OCJ.courts@ontario.ca>

Tuesday, April 22, 2025

RESPECTFULLY URGENT**VIA EMAIL FILING****File Number:** Court File No: 24-48129169**Type of document:** email and attachment (requisition)**Short title of proceeding:** *R. v. McLean***Party:** Applicant (Defendant)**Name:** Mr. Kevin A. McLean (B.A., J.D., CIM) (also defined as the "Moving Party")**Contact:** mrkevinalexandermcleanbajdcim@gmail.com

To:

Ontario Court of Justice ("ONCJ")

(Criminal Division)

10 Armoury Street

Toronto, Ontario M7A 0B9

General Email: 10Armoury.OCJ.courts@ontario.ca

Dedicated Email for Form 1 Applications: 10Armoury.Applications@ontario.ca

Kind attention: ONCJ Registrar and Applications' Hearing Coordinator in Mr. Leoni**Re: Filing and service of requisition setting the Applicant's Dismissal Motion for this Thursday, April 24, 2025 at ten a.m. for a Motions Court at the ONCJ Courthouse (10 Armoury).**

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

1. As promised, please find attached. My 'speaking notes' or 'oral outline' will follow in short order. I have now reserved a private room to appear remotely on Thursday. I have booked it for the balance of the day. I will presume that all has been filed into the record of proceeding unless I hear otherwise.
2. Thank you.

On Tue, Apr 22, 2025 at 12:59 PM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
 April 22, 2025

Re: confirmation of my requisition to follow for this Thursday, April 24, 2025 and addressing the misleading nature of the comments by Mr. Rudra**Re #2: further confirmation that I will be away after Thursday for some time (undetermined: depending on the results of my medical examination)**

Dear ONCJ (Registrar and Applications Hearing Coordinator (Mr. Leoni):

1. As promised, I kindly follow up on the above. I presume now is the time of the lunch break so I will presume that today is not feasible so my requisition will follow for Thursday at ten a.m. in a motions court. If I am not heard on Thursday, I will bring a motion to be heard in writing, with short leave, on account of my disabilities et al.
2. In relation to being comprehensive, which I may review further, there is no merit to Mr. Rudra's comments above along with an absence of authority for positions that he baldly asserted is addressed at Appendix by colour distinction.
3. As can be seen below, Mr. Rudra and the South Toronto Crown are wrong on the facts and obscenely wrong on the law. Moreover, Mr. Rudra is being inconsistent in his own written language.

4. Simply put, I am entitled to be heard on my Dismissal Motion. I am not guaranteed a successful result. As such, this concludes any further discussion regarding Mr. Rudra's new founded unlawful theories of how this proceeding was and is to operate. I kindly suggest he review the law and his own written language before ever doing that again. In my view, he is wasting the valuable time of all involved including myself. He is also breaching the fundamental objectives of the Criminal Court Rules which are 'justness' and 'efficiency'.
5. I confirm for the record of the proceeding that I intend to proceed with my Dismissal Motion, and I will file a requisition for this Thursday.
6. I will now cancel this paid private room for the remainder of the day so I am not saddled with further fees and costs arising out of the same.
7. I thank the Registrar and Mr. Leoni in advance for accommodating me in light of the above.
8. I shall include these communications in an affidavit to ensure that the motions judge has a record of the same. Suffice it to say, I reserve the right to rely upon the same for any lawful purpose including drawing it to the attention of the motions justice this Thursday. I will be away for the next few hours as I have to be picked up from my commute so kindly anticipate the requisition to be filed and served later today.
9. Thank you.

Appendix [emphasis is mine with double underlining]
--

I quote the following and provide the facts and law below:

FIRST QUOTE FROM HIS ABOVE EMAIL:

"As I previously mentioned to you, if you wish to schedule a pre-trial motion or a trial, you will have to have a self-represented judicial pre-trial in order for estimates to be approved."

(Nota bene: Mr. Rudra has not cited any authority whatsoever. Respectfully, he is being misleading about the law in of itself but also when measured against the facts. I do not 'have to have' a judicial pre-trial in order for estimates to be approved. All of my materials have been duly filed and served. Moreover, I am not attempting to schedule a 'trial'.

Moreover, no justice or justice of the peace has taken such a position or espoused such law as no such law exists. Moreover, as noted, I am required to revert back on May 14, 2025, to confirm the status of my Dismissal Motion.

This was not 'sprung' on Crown Counsel and even Mr. Rudra's comments were as follows which shows that he is being, with great respect, deceitful or, alternatively, inconsistent. I now quote [which is what Mr. Rudra, IN FACT, previously mentioned]:

R v McLean - 1272006

Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
to me

Thu, Nov 14, 2024, 9:46 AM

Good Morning Mr. McLean,

I understand that you wish to bring a motion forward on this matter. Would it assist to have an in person judicial pre-trial scheduled for us to discuss and schedule estimates?

Answer: The answer as previously was no: it would NOT assist. He is again incorrect on the facts and the law. I refer him to the Criminal Court Rules which state as follows:

2.4 (1) A pre-trial application shall be heard at least 60 days before trial, unless the Court orders otherwise.

(2) For the purposes of subrule (1), pre-trial applications include

(a) procedural applications, such as applications for adjournments or withdrawal of counsel of record;

Answer: my Dismissal Motion is NOT a procedural application for adjournment or withdrawal of counsel of record. I am self-represented and have been in each appearance. My materials have been duly filed and served.

(b) preparatory applications for matters that are necessary before proceeding to trial, such as disclosure, release of exhibits for testing or commission evidence;

Answer: my Dismissal Motion is NOT a preparatory application before proceeding to trial. There may not be a trial if I am successful. I will not be arrogant or speculate. I am not seeking disclosure, release of exhibits for testing or commission of evidence. I am aware of what the singular charge is and was.

(c) applications for severance and for particulars;

Answer: my Dismissal Motion (Application) is NOT a motion for severance or particulars.

(d) applications for the appointment or removal of counsel; and

Answer: my Dismissal Motion is NOT an application for appointment or removal of counsel.

(e) applications for a stay of proceedings for unreasonable delay under paragraph 11(b) of the Charter.

Answer: my Dismissal Motion is NOT an application for stay of proceedings. The Consent Order (Direction) after the Consent Agreement on December 20, 2024, which was and is supported by a setting out of the next appearance date some three months

I also note the “Best Practices” [which are NOT mandatory or ‘have to have’ as Mr. Rudra would put it]

Criteria for judicial pre-trials

The following cases **should** [nota bene: NOT ‘shall’ or ‘must’] be scheduled for a judicial pre-trial:

- counsel matters with a time estimate of 3 days or more (including pre-trial applications);
- **Answer: not relevant;**
 - any sexual offence;
- **Answer: not relevant;**
 - any matter set for **trial** or **preliminary inquiry** where there is no counsel or licensed agent on record;
- **Answer: not relevant as no matter has been SET for TRIAL OR Preliminary Inquiry**
 - when requested by the Crown or defence counsel, after having conducted a Crown Pre-Trial, for resolution or case estimate purposes,
- **Answer: not relevant as there has NOT been any Crown Pre-Trial.**
 - upon the direction of the Court.
- **Answer: no direction of the Court. The direction of the Court on December 20, 2024, was for my Dismissal Motion to proceed.** I gave Mr. Rudra time to consider it. He was entitled to not consent to the dismissal, although I say he is bound by the Crown Prosecutor Manual, and I was entitled to proceed with my Dismissal Motion. It complied and has complied with all aspects of the Criminal Court Rules.

SECOND QUOTE:

“The Crown will also be bringing an application to have counsel appointed for the purposes of cross-examination, pursuant to s. 486.3(3) of the CC.”

Answer: It is unclear what is meant by ‘will be bringing’. If he wanted to bring a cross-application, then he should have done so. The Crown has the burden and cannot wait for the hypothetical and abstract to occur.

I will not speculate on what he is referring to per se but that is putting the cart before the horse. If he wanted to unwind the Consent Agreement and Consent Order, he had to bring a motion to do so. That time has come and gone.

To the extent that Mr. Rudra wished to bring a motion for having a judicial pre-trial, then he should have brought an application. He failed to do so.

The Criminal Court Rules matter and the Crown failed to tender any responsive materials in accordance with the same.

Section 486.3(3) of the *Criminal Code* reads:

Other witnesses

(3) In any proceedings against an accused, the judge or justice may, on application of the prosecutor in respect of a witness who is not entitled to make an application under subsection (1) or (2), or on application of such a witness, order that the accused not personally cross-examine the witness if the judge or justice is of the opinion that the order would allow the giving of a full and candid account from the witness of the acts complained of or would otherwise be in the interest of the proper administration of justice. If the order is made, the judge or justice shall appoint counsel to conduct the cross-examination.

Answer: it is unclear which witness, so I will not guess, he is referring to or to which counsel but that is something that *could* happen if my Dismissal Motion is unsuccessful. However, without a reasonable prospect of conviction absent non-compliance with the law by the Crown, then I anticipate it will be successful. However, I again need not speculate or be arrogant. It is for a motions judge to be decided after reviewing the Filed Motion Record.

I again refer the Crown to the *Criminal Court Rules* including all of the authorities in the Filed Motion Record.

On Tue, Apr 22, 2025 at 10:43 AM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Dear ONCJ (Registrar and Mr. Leoni):

1. To focus on the core principles of the *Criminal Court Rules*, including the *HR Code*, of justness and efficiency, I will await to hear from you until the lunch break as to scheduling for today or Thursday.
2. I am finalizing my 'brief speaking notes' or 'oral outline', which I will provide at the time of or shortly before being heard which will cross reference the Filed Motion Record. I will, of course, provide Crown Counsel with a copy of the same but the oral outline will be a brief roadmap of the relevant evidence, uncontroverted at that, the authorities, and why the Crown Counsel has not tendered any evidence in the face of being served in accordance with the *Criminal Court Rules*, and the prosecution cannot continue.
3. I will check back to the email around the lunch break. I would be most grateful to hear from you on or before that time. If that is not feasible, I will await to hear from you in the early afternoon regarding the above.

In the event my Filed Motion Record of yesterday's date is not easily spotted, I have re-attached the same for your ease of receipt and administrative filing purposes. It includes my affidavit #5, Requisition for today's date and the updated Draft Order.

I will presume that it is openable unless I hear otherwise.

4. Thank you kindly.

On Tue, Apr 22, 2025 at 10:35 AM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Mr. Rudra:

1. Thank you for your email. You are incorrect on all fronts and it is becoming a pattern. Please read the filed and final motion record (the "Filed Motion Record" of yesterday's date).
2. As noted previously and in your language, you asked if a JPT would be helpful and I confirmed it would not be. Moreover, the JPT was cancelled by His Worship in the last appearance and the date was set over a month so we could confirm the status of my Dismissal Motion. The Dismissal Motion came about due to the Consent Agreement between Crown Counsel and I that day (December 20, 2024) and it was in the form of Consent Order or Consent Direction (please see: Filed Motion Record).
3. There is no requirement for a JPT and I do not consent to the same. I confirm that for the record yet again.
4. If my Dismissal Motion is not successful in full, we can cross that bridge but there is no necessity whatsoever in my view. The Dismissal Motion is to be heard and it is merely a matter of timing now.
5. I am entitled to be heard and to proceed accordingly. I waived my right to be tried in a reasonable time in favour of the Consent Order which was by Consent Agreement. I can obtain the transcript if you wish but that would be unnecessary due to the time. I have strictly relied and comported myself with the Consent Agreement and Consent Order of December 20, 2024, and I will continue to do so. Why else would it had been set over some three months?
6. The remainder of your email about *cross-examining counsel*, which is **unknown** who you are referring to, is irrelevant. To the extent that you are referring to bringing forward evidence or having a counsel respond to my evidence, you were entitled to do so and I served all affected persons directly or through counsel. Please see the affidavit of service and affidavit #5.
7. Please review the Filed Motion Record and the supporting law, particularly the Crown Prosecutor Manual and the Criminal Court Rules. You feigned, in my view, that you did not understand and there is a surfeit of evidence, uncontroverted at that, and authorities to assist if you do not understand.

8. I am entitled to be heard on my Dismissal Motion and you have failed to comply with the Criminal Court Rules. You have had ample time to file a Form 2 with supporting materials. It would have behooved to do so. All of the emails are in the record of proceeding.

9. There is nothing further to discuss and there is no need, at this time, for any JPT whatsoever. I did NOT consent to the same and do NOT consent to the same on account of my disabilities et al. Should you wish to file materials, I leave that to you but there is no merit to the criminal charge and I am entitled to be treated fairly and in accordance with what was agreed to on December 20, 2024.

10. Respectfully, please do not provide any further suggestions or advice as you are not my counsel and I am entitled to be heard and have this Dismissal Motion decided. The date has been set for April 22, 2025. You were required to file and serve materials at least 15 days prior. I confirm you have not done so.

I not only informed you when you unilaterally set the JPT, without consent and without consultation, and in face of my Dismissal Motion have been served upon you, of my disabilities and schedule, but it was also cancelled when I informed you of the appearance on April 16, 2025. Please review the above. I kindly remind you of your professional obligations.

I will continue to affirm and reaffirm the Consent Agreement and Consent Order.

In my view, you are wasting court resources and I find your conduct to be abusive and redundant. I will rely on my previous emails and not dignify it again but in courtesy respond as follows, "Mr. Rudra, this has already been addressed. Please see the **Filed Motion Record** of April 21, 2025 and the predecessor motion records."

Dear ONCJ (kind attention: Registrar and Mr. Leoni)

11. Would you kindly update on whether I can be added to the list today for a motion? If not, the only date I have available is Thursday of this week. As I had to reserve a private room, which costs money and resources but can be curtailed to some degree if today is not feasible, for today, would you kindly inform me of the possibility of today. If not, I will file a requisition for Thursday of this week so I can be heard before my medical examinations and follow ups.

12. Would you also confirm receipt of all of the above for filing purposes?

13. I apologize for the length above but Mr. Rudra is being overly redundant and in my view being somewhat misleading.

On Tue, Apr 22, 2025 at 10:11 AM Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca> wrote:

Mr. McLean,

As I previously mentioned to you, if you wish to schedule a pre-trial motion or a trial, you will have to have a self-represented judicial pre-trial in order for estimates to be approved.

The Crown will also be bringing an application to have counsel appointed for the purposes of cross-examination, pursuant to s. 486.3(3) of the CC.

If you want to attend the JPT scheduled for April 25, please feel free to do that. If you are not available on that day, please provide me with your availability and I will attempt to schedule another date.

Thank you.

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

Sent: Tuesday, April 22, 2025 9:10 AM

To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>

Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>; 10 Armoury OCJ Courts (MAG) <10Armoury.OCJ.courts@ontario.ca>

Subject: Re: MCLEAN, Kevin - April 16, 2025 - Draft order

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender.

April 22, 2025

210
Re: potential add on to list today – if not feasible for today, when my only other date is Thursday, April 24, 2025 – kindly advise

Dear ONCJ (Applications Hearing Coordinator: Mr. Leoni) et al:

1. I write regarding the above.
2. Would you kindly inform all whether I can be an add-on to a docket in a motions court today? I see from the hyperlink (see: https://www.ontariocourtdates.ca/dockets_view.aspx?p_id=118015173223114056213028112217006016018246067243) that there is a "McLean" but it is an "Arthur McLean".
3. If today is not feasible, the only other day that I can reserve a private room is on this Thursday. As noted previously, I then have a succession of medical examinations and I will be away for some time. As such, thank you for accommodating me in light of my disabilities and current situation.
4. I will await to hear from you regarding the above and I can file a subsequent requisition for this Thursday if today is not feasible from a time management standpoint.
5. Thank you kindly in advance.

On Mon, Apr 21, 2025 at 10:25 PM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:

Monday, April 21, 2025

EXCLUSIVELY FOR PURPOSES OF THIS CRIMINAL MATTER AND MY **DISMISSAL MOTION** TO THE DEDICATED EMAIL FOR 'APPLICATIONS' with a copy to the ONCJ (Registrar email)

-

RESPECTFULLY URGENT

VIA EMAIL FILING

-

File Number: Court File No: 24-48129169

Type of document: email and attachment

Short title of proceeding: *R. v. McLean*

Unproven criminal allegation that is subject to the Dismissal Motion: a purported contravention of subsection 264(2)(b) of the *Criminal Code*, more specifically some unparticularized and unknown non-repeated communications tendered to the Purported Complainant in September 2024 exclusively related to and on account of lawful authority in an acting LTB Proceeding between himself, in his capacity as the sole tenant, and the Purported Complainant's mother, in her capacity as a landlord, under the *Residential Tenancies Act* (Ontario)

Party: Applicant (Defendant)

Name: Mr. Kevin A. McLean (B.A., J.D., CIM) (also defined as the "**Moving Party**")

Contact: mrkevinalexandermcleanbajdcim@gmail.com

To:

Ontario Court of Justice ("ONCJ")

(Criminal Division)

10 Armoury Street
 Toronto, Ontario M7A 0B9

General Email: 10Armoury.OCJ.courts@ontario.ca

Dedicated Email for Form 1 Applications: 10Armoury.Applications@ontario.ca

Re: FINAL 3RD UPDATED MOTION RECORD of the APPLICANT for his DISMISSAL MOTION of the singular charge (absent a date or time, or any particulars of any alleged, yet disputed, 'repeated communications' on account of lawful authority in any event).

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

1. Please find the above attached for filing and service. I adopt the definitions from the filed documents herein. Kindly note that you will need to open the same in Adobe with the latest version to ensure you have all of the hyperlinking and bookmarking.
2. This concludes the filing of the final motion record as updated for current evidence and status purposes.
3. I will have a brief Oral Outline finalized for tomorrow and upon reflection, I do not need more than 15 minutes in any oral argument.
4. As there has been no opposition to my Dismissal Motion despite more than ample notice of my intent to bring the same, since the Consent Order based on the Consent Agreement (December 20, 2024), I kindly refer Mr. Rudra and the South Toronto Crown to the following (which is hyperlinked at Tab 10, Page 188) which is the Crown Prosecution Manual:

Discontinuing the prosecution

Where there is no reasonable prospect of conviction or there is no public interest to proceed, the Prosecutor must withdraw the charge. Brief reasons should be provided on the record where the Prosecutor withdraws the charge unless such comments would breach a privilege or create a risk of harm

(see: [page 17](#)).

5. In my respectful view, Mr. Rudra and the South Toronto Crown need to promptly turn their minds to the above as not only is court time being wasted but also that of the court staff.
6. I thank the Court Staff for their professionalism and prompt throughout but I look forward to concluding this more than six month nightmare for myself considering my upcoming medical appointments which require my attention along with multiple follow ups with medical professionals.
7. While I am finalizing my Oral Outline, I look forward to hearing from the court staff regarding the courtroom and time that I can be heard along with call in information for the relevant court.

Copied to:

1. South Toronto Crown; and
2. Mr. Rudra.

Enclosure:

1. Final Motion Record: Tabs 1 to 11: extensively hyperlinked (internally and externally) and bookmarked

On Sun, Apr 20, 2025 at 8:06 PM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:

Sunday, April 20, 2025

EXCLUSIVELY FOR PURPOSES OF THIS CRIMINAL MATTER AND MY **DISMISSAL MOTION** TO THE DEDICATED EMAIL FOR 'APPLICATIONS' with a copy to the ONCJ (Registrar email)

-

RESPECTFULLY URGENT

VIA EMAIL FILING

-

File Number: Court File No: 24-48129169

Type of document: email and attachment

Short title of proceeding: *R. v. McLean*

Unproven criminal allegation that is subject to the Dismissal Motion: a purported contravention of subsection 264(2)(b) of the *Criminal Code*, more specifically some unparticularized and unknown non-repeated communications tendered to the Purported Complainant in September 2024 exclusively related to and on account of lawful authority in an acting LTB Proceeding between himself, in his capacity as the sole tenant, and the Purported Complainant's mother, in her capacity as a landlord, under the *Residential Tenancies Act* (Ontario)

Party: Applicant (Defendant)

Name: Mr. Kevin A. McLean (B.A., J.D., CIM) (also defined as the "Moving Party")

Contact: mrkevinalexandermcleanbajdcim@gmail.com

To:

Ontario Court of Justice ("ONCJ")

(Criminal Division)

10 Armoury Street

Toronto, Ontario M7A 0B9

General Email for Registrar: 10Armoury.OCJ.courts@ontario.ca

Dedicated Email for Form 1 Applications: 10Armoury.Applications@ontario.ca

Kind attention: ONCJ Registrar and Applications' Hearing Coordinator in Mr. Leoni

Re: DRAFT ORDER of the APPLICANT (to be included at Tab 11 of the 3rd Updated Motion Record of the Applicant)

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

1. Please find the above noted Draft Order (1st Updated) for filing with the ONCJ (Toronto Region: 10 Armoury Road) and service upon the MAG (Criminal Law) (Crown) and its assigned Crown in Mr. Rudra, barrister and solicitor with the LSO.

2. Thank you kindly and my best to all.

Copied to:

1. South Toronto Crown; and
2. Mr. Rudra.

Enclosure:

1. Draft Order (1st Updated)

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

DISCLAIMER

1. *The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.*

2. *Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.*

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

DISCLAIMER

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2. Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

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2. Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

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2. Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

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2. Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.

--

My best regards to you,

Kevin A. McLean (B.A., J.D., CIM)

Chartered Investment Manager

E (personal and confidential): mrkevinalexandermcleanbajdcim@gmail.com

DISCLAIMER

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2. *Due to being an accident, this email may be dictated in part or full with voice recognition software. Kindly excuse any errors for grammar, syntax or spelling.*



Requisition_Set Hearing Date_Motion_April 24_2025_APPLICANT_DEFENDANT_22-April-2025_FILED_SERVED.pdf

153K [View as HTML](#) [Download](#)



Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

RE: MCLEAN, Kevin - April 16, 2025 - Draft order

Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>

To: "10 Armoury Applications (MAG)" <10Armoury.Applications@ontario.ca>

Cc: "South Toronto Crown (MAG)" <SouthTorontoCrown@ontario.ca>, "Rudra, Arjun (MAG)" <Arjun.Rudra2@ontario.ca>, "10 Armoury OCJ Courts (MAG)" <10Armoury.OcJ.courts@ontario.ca>

Sunday, April 20, 2025

EXCLUSIVELY FOR PURPOSES OF THIS CRIMINAL MATTER AND MY DISMISSAL MOTION TO THE DEDICATED EMAIL FOR 'APPLICATIONS' with a copy to the ONCJ**RESPECTFULLY URGENT****VIA EMAIL FILING****File Number:** Court File No: 24-48129169**Type of document:** email and attachment (Requisition) (Tab 10 of the 3rd Updated Motion Record)**Short title of proceeding:** *R. v. McLean***Unproven criminal allegation that is subject to the Dismissal Motion:** a purported contravention of subsection 264(2)(b) of the *Criminal Code*, more specifically some unparticular Purported Complainant in September 2024 exclusively related to and on account of lawful authority in an acting LTB Proceeding between himself, in his capacity as the sole tenant, and under the *Residential Tenancies Act* (Ontario)**Party:** Applicant (Defendant)**Name:** Mr. Kevin A. McLean (B.A., J.D., CIM) (also defined as the "Moving Party")**Contact:** mrkevinalexandermcleanbajdcim@gmail.com**To:**

Ontario Court of Justice ("ONCJ")

(Criminal Division)

10 Armoury Street

Toronto, Ontario M7A 0B9

General Email: 10Armoury.OcJ.courts@ontario.ca

Dedicated Email for Form 1 Applications: 10Armoury.Applications@ontario.ca

Kind attention: Mr. LeoniRe: Requisition of the Applicant of April 20, 2025, for filing and service

Dear Sirs/Mesdames/Other Gender-Neutral Pronouns:

1. Please find the above noted requisition for filing with the ONCJ (Toronto Region: 10 Armoury Road) and service upon the MAG (Criminal Law) (Crown) and its assigned counsel and updated Draft Order shall follow with the final and 3rd Updated Motion Record which will not include any courtesy tabs for the South Toronto Crown as it is now some 14 months old. My position shall remain, in perpetuity, that any filing and service of any potential documents will require leave of an ONCJ or JP (if and where applicable). I will oppose the hearing of my Dismissal Motion. As Mr. Rudra and the impugned police officers are aware of this morning, there is but one housekeeping or administrative fact of which I am aware, the correct identity of a "Detective Abdul". In my humble view and based upon my similarly humble research, I believe it is either Detective Abdulhameed K. Virani of the 52 Division. My belief is that it is the former but I could be wrong. For notice purposes, I have one housekeeping order sought which will be, in substantially the same form, in the final and 1st Updated appearance of the Defendant on May 14, 2025, and said appearance requirement is hereby cancelled including any further appearances of the Defendant". This final and 1st Updated Motion Record". I will tender my oral speaking notes as a stand alone. The same will apply to any book(s) of authorities.

2. Thank you.

Copied to:

1. South Toronto Crown; and
2. Mr. Rudra.

Enclosure:

1. Requisition

On Sat, Apr 19, 2025 at 10:38 PM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
April 19, 2025

EXCLUSIVELY FOR PURPOSES OF THIS CRIMINAL MATTER AND MY DISMISSAL MOTION TO THE DEDICATED EMAIL FOR 'APPLICATIONS'**VIA EMAIL****File Number:** Court File No: 24-48129169**Type of document:** email**Party:** Applicant (Defendant)**Name:** Mr. Kevin A. McLean (B.A., J.D., CIM) (also defined as the "Moving Party")**Contact:** mrkevinalexandermcleanbajdcim@gmail.com**To:**

Ontario Court of Justice ("ONCJ")

(Criminal Division)

10 Armoury Street

Toronto, Ontario M7A 0B9

Dedicated Email for Form 1 Applications: 10Armoury.Applications@ontario.ca

Kind attention: Mr. Leoni

Re: filing and service of my affidavit #5 of today's date

Dear Sirs/Mesdames:

1. I write regarding the above. Please find the above attached for filing and service.
2. I confirm that Exhibit "B" is a document that I had not included previously but known to the Crown.
3. I also realized after further review that the Form 2 did NOT have any "case file number" which is quite telling in my view and consistent with my previously sworn evidence. I have a copy of the relevant documents along with the final updated motion record, I have copied said email and will do so until the hearing and deciding of my Form 1 Application.
4. Thank you and my best to all.

On Thu, Apr 17, 2025 at 3:37 PM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Thursday, April 17, 2025

EXCLUSIVELY FOR PURPOSES OF THIS CRIMINAL MATTER AND MY DISMISSAL MOTION TO THE DEDICATED EMAIL FOR 'APPLICATIONS'

VIA EMAIL

File Number: Court File No: 24-48129169

Type of document: email

Party: Applicant (Defendant)

Name: Mr. Kevin A. McLean (B.A., J.D., CIM) (also defined as the "Moving Party")

Contact: mrkevinalexandermcleanbajdcim@gmail.com

To:

Ontario Court of Justice ("ONCJ")

(Criminal Division)

10 Armoury Street

Toronto, Ontario M7A 0B9

Dedicated Email for Form 1 Applications: 10Armoury.Applications@ontario.ca

Kind attention: Mr. Leoni

Re: kind request for confirmation of courtroom for the hearing of my **Dismissal Motion** on Tuesday, April 22, 2025 (when it becomes known) (the "Courtroom Request")

Re #2: kind request for the requisite *call in information* to appear remotely regarding the above (the "Call In Information Request")

Dear Sirs/Mesdames/Other Gender Neutral Pronouns:

Part 1: Kind Introduction and Gratitude

1. Thank you for your professionalism and attention to detail regarding the above. I confirm the above email as of yesterday. I appreciate it is a long weekend for most w ONCJ is open on Monday, April 21, 2025.

Part 2: Courtroom Request (if not available, I shall have the draft order include the below courtrooms)

2. In light of the same, I appreciate that many are preparing for the same so if you could kindly let me know which courtroom are suitable for Tuesday, April 22, 2025. If courtrooms are utilized for motions (in no particular order) which commence all at ten a.m.:
 - a. Courtroom 801 (but it appears that is used as a plea court regularly so I will presume it is not to be the courtroom);
 - b. Courtroom 704;
 - c. Courtroom 501; and
 - d. Courtroom 1101.
3. I appreciate that matters can be adjourned if the courtroom has lengthier motions or matters carried over but I will be prepared to call in at ten a.m. on April 22, 2025.
4. I can see from the other website information, with thanks, that courtrooms in the low 200's are case management ones where I have made the various attendances to date.
5. In light of the same, I would be most grateful to have a response to the above at your earliest convenience. I presume that will be on or around Monday, April 21, 2025.

Part 3: Courtesy note: Housekeeping Updating to the Motion Record

6. By way of a housekeeping amendment and out of a pure abundance of caution, I will include an affidavit of service for all of my filings to date after this email and then i
7. I will then file my 'speaking notes' for Tuesday, April 22, 2025, one day in advance. I will also do the same with any additional authorities including or excluding submissions as of March 20, 2025 (the "Motion Submissions").

Part 4: Second Courtesy Note: JP and Crown

8. Also, there was some indication yesterday that the justice of the peace ("JP"), who managed quite a load yesterday, was not overly familiar with the underlying facts an managing the docket. In no way am I attempting to castigate either but I make that observation. I find the latter in relation to the Crown managing the docket a little surprisir but nonetheless, she was managing quite a load of matters and we were heard late in the day.
9. I had presumed that they would have a copy of my filings but I do appreciate the dedicated email for "Applications" (also known as "Motions"). Perhaps, it was an c email. I may do so out of an abundance of caution but I will research the same further.
10. Again, I do appreciate how busy they both are so once I have completed the motion record with the affidavit of service providing the full scope of my filings and serv above courtrooms which a justice can cross out the others depending on which courtroom it is held in.
11. In light of my disabilities, which I thank the JP acknowledging and the theft of the majority of my electronic devices and identification along with my upcoming m Wednesday, May 14, 2025, regarding the status or outcome of my **Dismissal Motion**. In that vein, whilst appreciating that adjournments can happen or sometimes there m may consider re-casting my informal request, not decided per se, for a written hearing. I respectfully submit that with the new ONCJ Practice Direction of March 31, 2025

purposes, that section 146 of the *CJA* allows a justice of the ONCJ to grant a request for written hearing. I say it is particularly apposite when an individual like me has serious accident).

12. I also confirm, if I did not make mention of it in my last email, that the assigned Crown baldly represented that the ONCJ does not have jurisdiction or does not do that [in the event that there are any adjournments per se and that I will object to the admissibility of any late filed documents by the Crown and/or those that I have served by way

Part 5: Conclusion

13. I beg your pardon if there is call-in information for 'motions' like mine so I will continue to search for the same and confirm if I have found any such information.

14. I also do appreciate that you may not know until a day before so I thank you kindly for the indulgence and wishing all a wonderful long weekend with their friends and loved ones.

Copied to:

1. The generic email for the Ontario Crown at the "South Toronto" location
2. The assigned Crown counsel in Mr. Arjun Rudra, lawyer licensee with the LSO

*Nota bene: ** Final Updated Motion Record May be forwarded and/or redundantly tendered and filed for courtesy purposes to the ONCJ customary email***

On Wed, Apr 16, 2025 at 5:27 PM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
April 16, 2025 at 5:15 p.m.

Re: today's appearance before His Worship and Crown Counsel (managing the docket)

Dear ONCJ (Hearing Coordinator Mr. Leoni) and Mr. Rudra:

I confirm that I spent another three hours to be heard today. The private office I had to rent today is being closed in five minutes so I will be brief for now.

I confirmed with the Crown Counsel and His Worship that my motion is set to be heard on April 22, 2025.

I sought relief today that it be heard in writing pursuant to there not being any express limitation or prohibition in either the *Criminal Court Rules* or the most recent practice directions of the justice of peace had discretion to grant that relief. I disagreed but we ran out of time to fully elaborate on that issue. I was relying on section 146 of the *CJA* and I say that the court did not get to the issue.

I re-affirmed the agreement between myself and Crown Counsel on December 19, 2024, regarding waiving my right to a speedy trial in favour of this Dismissal Motion for the record.

In any event, Mr. Rudra failed to remove his unilaterally judicial pre-trial request but that has been cancelled in any event as I explained to the Court (ONCJ) that he, on behalf of the Crown, had agreed on December 2024 to have my Dismissal Motion heard by my waiving of my rights to a trial without undue delay, he unilaterally set at judicial pre-trial without consultation but in the end, it was not material, and had failed to file any responsive materials to my motion within accordance with the *Criminal Court Rules* and still as of when I checked my email last. I confirm the same.

I further confirmed for the record that I had complied with the *Criminal Court Rules* in serving all affected persons but they had not responded in accordance with the *Criminal Court Rules*.

In order to give time for a justice to hear and decide my motion, it has been put over a full month to May 14, 2025, so we can update the Court as to the disposition of my Dismissal Motion.

Ergo, and this to Mr. Leoni (hearing coordinator) of the ONCJ, since I was not able to obtain relief to have my motion heard in writing, but I can attend virtually, would you kindly inform me if I will need a call in number for the same (Zoom or telephone). I would be most grateful to receive the same when you are able and prior to April 22, 2025.

For time estimate purposes, I anticipate that I will not need more than about **20 minutes** in oral argument and of course I will have bookmarked and hyperlinked motion record with the Draft Order will be that it will NOT be heard in writing but my attendance will be virtual.

I provided the underlying reasons for the necessity of a virtual appearance, which is permissible as it is not a preliminary inquiry or a trial, including my serious car accident, being displaced unlawfully (which is noted in the filed and served motion record) by the Purported Complainant's mother (Landlord).

I will provide some *brief speaking notes* to assist the Court and those will be filed and served as well.

Thank you to all and wishing you the best of your evening!

On Wed, Apr 16, 2025 at 11:02 AM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
April 16, 2025

Re: confirmation regarding the above and today.

Good Morning to all:

Thank you for the indulgence in advance and no response is required *per se* as this is merely a confirmatory email to ensure that I am respectful of the time of the addressees above.

I confirm that I will be attending today at 2:00 p.m. remotely to discuss the matter with the ONCJ (His or Her Worship and the Crown Counsel managing the docket today). The Crown for this file but does not attend in person or remotely. Therefore, I will confirm that I am seeking to appear remotely, on the date contained in the motion record, for the format (albeit notionally) for the reasons previously stated.

Given the upcoming long weekend, I will promptly notify everyone involved once I have been called, spoken to the matter and provided an update regarding the same. I will be asking the court to allow for considering my Application, the potential granting (in whole or in part) my draft order, and any potential reasons for decision. I will also be asking the same in light of my motion to appear remotely. As Mr. Rudra is aware, I was unfortunately and unlawfully displaced from my residence in 2024 and that matter is before the ONSC pursuant to the *RTA*. As such, my appearance is necessary.

Regarding the administrative language in the *Draft Order*, I may include a final affidavit of service out of an abundance of caution. This will slightly alter the language contained in the draft order. As promised, I will after today have the motion record hyperlinked and bookmarked for ease of reference. To confirm, nothing will change contained within the motion record but how many of the rules (as I have learned many years removed from practicing law in Canada) now require the same.

This affidavit will cover all individuals who have been served with the final motion record to ensure its inclusion in the record of proceedings, thereby preventing the need for a separate affidavit.

Thank you kindly again for the indulgence.

On Mon, Apr 14, 2025 at 4:40 PM Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com> wrote:
Thanks so much for Mr. Leoni. My best to you and your team. Cheers,

On Mon, Apr 14, 2025 at 8:59 AM 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca> wrote:

Hello,

This response stands to confirm receipt of materials.

This information has been filed accordingly.

Best,

Douglas Leoni
Assistant Trial Coordinator
Ministry of the Attorney General
Ontario Court of Justice – Toronto
10 Armoury St. 3rd Floor
Toronto, Ontario
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Sunday, April 13, 2025 10:23 PM
To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Draft order

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender

Dear ONCJ (Hearing Coordinator: Mr. Leoni) (copied to the Provincial Crown and Mr. Rudra):

Please find attached my draft order in Word and PDF for the ONCJ. I have attached it in Word in the event that the ONCJ (presiding justice) for ease of making any amendments to the same. Thank you.

On Fri, Apr 11, 2025 at 2:22 PM 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca> wrote:

Materials received.

Forwarded and filed accordingly.

Cheers,

Douglas Leoni
douglas.leoni@ontario.ca

From: Kevin McLean <mrkevinalexandermcleanbajdcim@gmail.com>
Sent: Friday, April 11, 2025 1:29 PM
To: 10 Armoury Applications (MAG) <10Armoury.Applications@ontario.ca>
Cc: South Toronto Crown (MAG) <SouthTorontoCrown@ontario.ca>; Rudra, Arjun (MAG) <Arjun.Rudra2@ontario.ca>
Subject: MCLEAN, Kevin - April 16, 2025 - Second updated motion record

CAUTION -- EXTERNAL E-MAIL - Do not click links or open attachments unless you recognize the sender

April 11, 2025

Re: enclosed motion record: index (with brief chronology); tabs 1 to 7; and consecutively enumerated pages therein (the "2nd Updated Motion Record")