

July 3, 2025

Reply to the attention: Mr. Kevin A. McLean (BA, JD, CIM)

Email: mrkevinalexandermcleanbajdcim@gmail.com

VIA EMAIL AT FIRST INSTANCE

TO FOLLOW VIA MAIL (AND POTENTIALLY FAX)

Land Titles Office (“LTO”)

Atrium on Bay,
4th Flr
Suite 420,
20 Dundas St W
Toronto, Ontario
M5G 2C2

Attention: Director of Titles of Land Registry Services Branch

Mr. Dan Petoran
Director
519-971-9980 ext 210
dan.petoran@ontario.ca

Subject:

- (1) Urgent and Detailed Request for Rectification of Land Title Register in Land Registry Office (“LRO”) 40 municipally known as:
- a. 591 Fleetwood Drive, Oshawa, Ontario, L1K 2V7;
 - b. **Property Description:** LOT 1, PLAN 40M2204, S/T RIGHT AS IN DR304520. S/T EASEMENT FOR ENTRY AS IN DR486521; CITY OF OSHAWA and
 - c. **Property Identifier** (PIN): 16425-1979 (LT) pertaining to **Fraudulent Instruments** and the Involvement of a **Fraudulent Person** as per a ‘fictitious person’

(defined as “**Fleetwood Drive Home**”)

Dear Director of Titles:

1. This communication serves as a formal, comprehensive, and urgent application for the immediate rectification of the land title register pertaining to the property located at 591 Fleetwood Drive, Oshawa, Ontario (the "Fleetwood Drive Home"), uniquely identified by Property Identifier (PIN) 16425-1979 (LT). This critical request is unequivocally

predicated upon the compelling and demonstrable registration of instruments that are, beyond peradventure, fraudulent, and which were registered on or after October 19, 2006. Such circumstances manifestly invoke the imperative for direct and decisive rectification by your esteemed office, pursuant to the explicit authority conferred by Section 57(13)(b) of the *Land Titles Act*, R.S.O. 1990, c. L.5 (the "*LTA*").

2. In tandem with this primary request, and given the potent prima facie evidence that a registered instrument within this chain of title may be fraudulent, I respectfully urge the immediate entry of a caution on the aforementioned property's title (the "**Caution Request**"). This interim measure is vital to forestall any further, potentially compounding, dealings with the registered land, a discretionary power expressly vested in the Director of Titles under Section 15(6) of the *LTA*.
3. For your official records and in the interest of comprehensive transparency, it is important to note that a formal complaint detailing these grave concerns and the individuals involved has concurrently been lodged with the **Law Society of Ontario** ("**LSO**").
4. The gravamen of this complaint centres on a disconcerting series of synchronized transactions involving two distinct residential properties in Oshawa, Ontario: 625 Grandview Street South (the "Grandview Street Home") and the subject Fleetwood Drive Home.
5. Our thorough and meticulous investigation has entailed a comprehensive review of numerous underlying instruments on title for both properties, encompassing both deleted and active records, all of which collectively form the irrefutable evidentiary foundation for the assertions herein. Copies of these critical documents, meticulously sourced from the official OnLand portal and bearing various relevant dates, are appended hereto as Attachment #1 (Fleetwood Drive Home) and Attachment #2 (Grandview Street Home), with consecutively numbered pages to facilitate ease of reference.
6. Our exhaustive investigation has brought to light an exceptionally troubling revelation: irrefutable evidence suggesting that Ms. Julia Marie **DUNK** has engaged in the employment of two conspicuously distinct surnames in legal documentation pertaining to these properties, specifically "**DUNK**" and "Karat". While Ms. Julia Marie **DUNK** is, as publicly verifiable, a duly registered paralegal licensee of the LSO (P10606) and is listed under her verified legal name in the official LSO Directory, documents directly pertinent to the Fleetwood Drive Home transaction unequivocally and consistently identify a "Ms. Julia Marie Karat". It is my unshakeable conviction, based on the totality of the evidence, that "Ms. Julia Marie Karat" constitutes a "fictitious person," falling squarely within the unambiguous ambit of subsection (b) of the "fraudulent person" definition as explicitly codified within the *LTA*. The purported existence of "Ms. Julia Marie Karat" as a distinct legal entity is, to my profound and reasoned belief, entirely fabricated.

7. This conviction is profoundly fortified by the inexplicable and, frankly, professionally indefensible utilization of two disparate surnames for an individual ostensibly sharing the exact same birthdate (December 8, 1991 for Julia Marie Karat) by Himelfarb Proszanski LLP. Ms. Romena Tina Pinto of Himelfarb Proszanski LLP acted as counsel for the "transferees" of the Fleetwood Drive Home on February 6, 2025. In this critical transaction, the surname "Karat" was consistently utilized for Ms. Julia. Strikingly, merely four days later, on February 10, 2025, Ms. Romena Pinto of the same firm acted for the transferors, Mr. David Karat and Ms. Julia **DUNK**, in the conveyance of the Grandview Street Home. In this latter transaction, Ms. Julia **DUNK** explicitly confirmed her name as Julia **DUNK** and provided her address as 591 Fleetwood Drive, Oshawa, Ontario. It strains credulity to any reasonable observer to suggest that a legal professional, or specifically Ms. Pinto, could have been genuinely oblivious to Ms. **DUNK**'s correct and legally recognized surname given their clear professional association and the extremely proximate nature of these two significant real estate transactions.
8. Our meticulous review of the property records indicates the following critical timeline and factual discrepancies, which underscore the fraudulent nature of the Fleetwood Drive Home transaction:
 - a. **April 2020: Acquisition of Grandview Street Home:** Mr. David Karat and Ms. Julia **DUNK** acquired the Grandview Street Home from Mr. David Stratton and Mrs. Donna Marie Stratton for \$555,000.00. A mortgage of \$545,490.00 was secured with Scotia Mortgage Corporation, reflecting an approximate 98.5% leverage. Ms. Tsenter and Mr. Meirovici of FIJ Law LLP acted for Ms. **DUNK** and Mr. Karat in this transaction;
 - b. **November 7, 2024: Agreement to Purchase Fleetwood Drive Home:** Mr. David Karat and Ms. Julia **DUNK** purportedly entered into an agreement to purchase the Fleetwood Drive Home for \$955,000.00. This agreement was consummated without the prior listing for sale of the Grandview Street Home, suggesting a pre-arranged scheme;
 - c. **November 15, 2024: Listing of Grandview Street Home:** Mr. David Karat and Ms. Julia **DUNK** listed the Grandview Street Home for sale at \$599,000.00;
 - d. **November 26, 2024: Purported Agreement of Purchase and Sale for Grandview Street Home:** An agreement was purportedly reached for the sale of the Grandview Street Home;
 - e. **February 6, 2025: Fleetwood Drive Home Transaction:** Ms. Romena Pinto of Himelfarb Proszanski LLP acted for the "transferees" of the Fleetwood Drive Home. The land transfer tax statements and the pivotal Charge/Mortgage documents against the title of the Fleetwood Drive Home were prepared and signed by Ms. Manisha Sondhi, presumably a real estate law clerk or legal assistant at Himelfarb Proszanski LLP. The transferees were identified with a client number of 20240993. Crucially, the documents associated with this transaction, specifically the Transfer (DR2381774) and the Charge (DR2381775), utilized the surname "Karat" for Ms. Julia **DUNK**; and

- f. **February 10, 2025: Grandview Street Home Transaction:** Ms. Romena Pinto of Himelfarb Proszanski LLP acted for the transferors, Mr. David Karat and Ms. Julia **DUNK**, in the sale of the Grandview Street Home to Mrs. Dorothy During-Gibbs, Mr. Michael Gibbs, and Mr. Peter Gibbs. Ms. Julia **DUNK** explicitly confirmed her name as Julia **DUNK** and her address as 591 Fleetwood Drive, Oshawa, Ontario. The transferor client number was 20250034. On the same day, TD Bank became the mortgagee for the Grandview Street Home.
9. This factual matrix squarely implicates and demands rigorous application of the definitions provided in Part I, Preliminary, of the *LTA*:
 - a. **"fraudulent instrument"** means an instrument, (a) under which a fraudulent person purports to receive or transfer an estate or interest in land, ... or (d) that perpetrates a fraud as prescribed with respect to the estate or interest in land affected by the instrument; and
 - b. **"fraudulent person"** means a person who executes or purports to execute an instrument if, ... (b) the person is a fictitious person, or (c) the person holds oneself out in the instrument to be, but knows that the person is not, the registered owner of the estate or interest in land affected by the instrument.
10. As authoritatively affirmed by the Divisional Court in *1168760 Ontario Inc. v. 6706037 Canada Inc.*, 2019 ONSC 4702, the term "fictitious person" within the *LTA* is to be interpreted in its plain and ordinary meaning as a person who does not exist. This judicial interpretation directly aligns with the fundamental legislative intent behind the 2006 *LTA* amendments, which were specifically designed to combat the pernicious problem of title fraud perpetrated through the assumption or creation of false identities. My submission is that the entity identified as "Ms. Julia Marie Karat" falls unequivocally and squarely within this established legal definition of a fictitious person. The trial judge in *1168760 Ontario Inc. v. 6706037 Canada Inc.* erred in applying a broader concept of a fictitious person derived from the *Bills of Exchange Act*, as that particular legislative regime serves a distinctly different purpose from the *LTA*. In the context of the *LTA*, the focus must remain on whether the person is genuinely non-existent, for example, someone who created a false identity to transfer title.
11. Consequently, I fervently contend that all land title documents involving the Fleetwood Drive Home, wherein "Ms. Julia Marie Karat" is a named party, constitute "Fraudulent Instruments" under the *LTA*. Specifically, the Transfer of the Fleetwood Drive Home (DR2381774) and the Charge in favour of TD Bank (DR2381775), both registered on February 6, 2025, are fundamentally tainted. Since these instruments purport to involve a fictitious person, they are, in my considered legal opinion, void *ab initio* and thus utterly devoid of legal force or effect from their very inception. This inherent legal nullity dictates that the purported transfer of the Fleetwood Drive Home and the subsequent charge against its title are legally invalid and unenforceable, and mandate their voidance by the Director of Titles of the Ontario Government.
12. It is absolutely crucial to distinguish the present circumstances from the factual predicates adjudicated in *1168760 Ontario Inc. v. 6706037 Canada Inc.*. In that seminal case, the Divisional Court overturned the trial judge's finding that the transfer was a

"fraudulent instrument" because the seller, Bertrand, was a real, existing person and the registered owner who possessed the inherent legal authority to convey the property. The fraud committed by Bertrand, while undeniably significant and reprehensible, was rooted in a false affidavit and did not, as the court found, vitiate his legal authority to transfer the property or render the instrument itself a forgery in the traditional sense. The Court explicitly stated that the fraud "could not be found in the instrument" itself.

13. Conversely, the instant matter presents a profound and fundamental distinction: the central allegation here is that "Ms. Julia Marie Karat" is a fictitious person—an entity that simply does not exist. This directly implicates Section 1(b) of the "fraudulent person" definition within the *LTA*. An instrument executed by or purporting to involve a fictitious person is, by its very nature, a nullity and inherently void. Therefore, the Transfer (DR2381774) and the Charge (DR2381775) of the Fleetwood Drive Home, having been ostensibly executed by or involving a fictitious person, fall squarely within the explicit definition of a "fraudulent instrument" under the *LTA*.
14. The Director of Titles possesses the unambiguous and critical statutory authority to direct rectification in the first instance, without awaiting a separate judicial determination. Section 57(13)(a) of the *LTA* precisely permits the rectification of the register if "a registered instrument would be absolutely void if unregistered". As elaborated, an instrument involving a fictitious person is a legal nullity and void *ab initio*. Even absent an explicit judicial pronouncement, the Director is empowered to ascertain this fact based on the compelling and irrefutable evidence provided, particularly the stark and irreconcilable incongruity of Ms. **DUNK**'s and "Ms. Karat's" identities, coupled with Himelfarb Proszanski LLP's involvement in transactions bearing both names within such a compressed timeframe. Furthermore, and crucially, Section 57(13)(b) explicitly grants the Director the power to direct rectification when "satisfied, on the basis of **evidence** that the Director of Titles specifies... that a **FRAUDULENT INSTRUMENT** *has been* registered on or after October 19, 2006". The comprehensive evidence herein adduced, demonstrating the involvement of a fictitious person, should amply satisfy this statutory criterion.ⁱ Moreover, there is no dispute that Fraudulent Instruments were registered against title of the Fleetwood Drive Home in the form of a "Transfer" and a "Charge".
15. I therefore implore the Director of Titles to exercise the robust statutory authority and discretion vested in your office to rectify the register by immediately **voiding** the aforementioned fraudulent instruments (DR2381774 and DR2381775), thereby meticulously restoring the integrity, accuracy, and public trust in the land title for 591 Fleetwood Drive Home. Thank you for your immediate and decisive attention to this exceptionally serious matter, which has profound implications for the sanctity of land titles in Ontario
16. Thank you for the important work you do and as statutorily authorized and duty bound generally and specifically in relation to ss. 57(13)(b) of the *LTA*.

Sincerely,

A handwritten signature in black ink, appearing to read "Ka McLean", with a horizontal line extending from the end of the signature.

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

Enclosures:

1. Comprehensive title search and instrument searches involving the Fleetwood Drive Home;
and
2. Comprehensive title search and instrument searches involving the Grandview Street Home.

Should you need any sworn evidence from me, I can provide it upon request.