

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

RESPONDENTS

RE: FACTUM FOR THE APPLICANT’S MOTION FOR DETERMINATION OF LIABILITY OF THE RESPONDENTS UNDER THE <i>HR CODE</i> AND NOCQ

Executive Summary

- I. This **Factum** or written argument (the “**Factum**”) is a required written submission to the **HRTO** (“**HRTO**”) by Mr. Kevin Alexander McLean, who alleges discrimination and adverse treatment, where his mental and physical disabilities (“**Disabilities**”) were ‘*a factor*’ in the aforementioned independent and intertwined adverse treatments by various **Respondents**, including the Toronto Police Services Board (the “**TPS**”) and **TPS Individual Respondents, Goldview Respondents** and his **Landlord**. This **Factum** will be cross-referenced, hyperlinked and bookmarked to the motion record after the 14 days to respond to this Request During a Proceeding (a “**Motion**”) expires. In light of the failures of the **Respondents** to comply with the HR Code, other governing statutes, regulations and rules, this Factum is a comprehensive overview of the current status as of June 11, 2025.
- II. The **Factum** outlines the legal framework for his claims, details the alleged misconduct against the *HR Code*, **HRTO** jurisprudence and SCC jurisprudence involving the below areas of human rights and discrimination and seeks remedies for the violations of his rights under the Ontario *Human Rights Code* (the “*HR Code*”) and the Canadian *Charter of Rights and Freedoms* (the “*Charter*”). The **TPS** and **Goldview Respondents** are subject to the supervisory, monitory and enforcement jurisdiction by way of section 1 of the *HR Code*. The **Landlord** is subject to the *HR Code* by way of section 2 of the *HR Code*. The AGO can fine any person for their violations of any the first eight sections of the *HR Code*.
- III. The definition of “factor” is: a fact, influence or circumstance (“**FIC**”) that contributes to a result or outcome. Like the definition of ‘factor’, the legal test for a finding of discrimination is whether a person’s protected characteristics or disabilities were a factor (fact, influence or circumstance that contributed to a result) in how a person, acting in a protected area, engaged in adverse treatment towards that person or persons with Protected Grounds.
- IV. The Court of Appeal for Ontario and HRTO have noted that in most cases under the *Code*, disadvantage can be assumed where there is adverse treatment [“**AT**”] based on a prohibited ground and that in most human rights cases it will not be necessary to go through a process of specifically proving what the disadvantage is: see *Hendershott v. Ontario (Community and Social Services)*, 2011 HRTO 482 at para. 45 (CanLII). The claimant must show that discrimination occurred on a “balance of probabilities,” that is, it is more reasonable and probable than not that discrimination took place. Once a *prima facie* case has been established, the burden shifts to the respondent to justify the conduct within the framework of the exemptions available under the *Code* (e.g. bona fide requirement defence). If it cannot be justified, discrimination will be found to have occurred.
- V. Discrimination does not have to be intentional. Intent is irrelevant for establishing that discrimination occurred. Discrimination is often hard to detect. Direct evidence pointing to discriminatory motives may not be available. Human rights decision-makers have recognized that cases may be shown through an analysis of all relevant factors, including evidence that is **circumstantial**. As well, human rights case law has established that a *Code* ground need only be *one factor*, of possibly several, in the decision or treatment for there to be a finding of discrimination: (i) *Gray v. A&W Food Service of Canada Ltd.* (1994), CHRR Doc 94-146 (Ont. Bd. Inq.); (ii) *Dominion Management v. Velenosi*, [1977] O.J. No. 1277 at para. 1 (C.A.); (iii) *Smith v. Mardana Ltd. (No. 1)* (2005), 52 C.H.R.R. D/89 at para. 22 (Ont. Div. Ct.); and (iv) *King v. CDI Career Development Institutes Ltd.* (2001), 39 C.H.R.R. D/322 (Sask. Bd. Inq.). The analysis of whether substantive discrimination has taken place should be flexible and look at the full context of the impact of the distinction on the affected individual or group. The contextual factors and relevant considerations may vary slightly based on the type of discrimination claimed (direct, adverse effect, systemic, profiling, etc.), or the ground alleged. However, the legal test and threshold for discrimination do not change.
- VI. Discrimination may take many different forms. For example, it may take place in a direct way. It can happen when individuals or organizations specifically exclude people in rental housing, employment or services,

withhold benefits that are available to others, or impose **extra burdens** that are not imposed on others, without a legitimate or *bona fide* reason. This discrimination is often based on negative attitudes, stereotypes and bias about people with mental health or addiction disabilities.

- VII. Discrimination may also happen indirectly. It may be carried out through another person or organization. For example, an agent of a landlord may “indirectly” discriminate against people who she perceives to have psychosocial disabilities, because the landlord has told her to screen out anyone who has a disability. The organization or person that sets out discriminatory conditions, and the organization or person that carries out this discrimination, can both be named in a human rights claim and held responsible.
- VIII. Discrimination is often subtle. It may be unlikely that discriminatory remarks will be made directly, or that someone will freely voice their stereotypical views as a rationale for their behaviour. Subtle forms of discrimination can usually only be detected after looking at all of the circumstances to determine if a pattern of behaviour exists. Individual acts themselves may be ambiguous or explained away, but when viewed as part of a larger picture, may lead to an inference that discrimination based on a *Code* ground was a *factor* in the treatment a person received. An inexplicable departure from usual practices may establish a claim of discrimination.
- IX. A poisoned environment is a form of discrimination. In employment, tribunals have held that the atmosphere of a workplace is a condition of employment as much as hours of work or rate of pay. A “term or condition of employment” includes the emotional and psychological circumstances of the workplace: *Smith v. Menzies Chrysler Inc.*, [2009] O.H.R.T.D. No. 1906 (QL); *Dhillon v. F.W. Woolworth Co.* (1982), 3 C.H.R.R. D/743 at para. 6691 (Ont. Bd. Inq.); *Naraine v. Ford Motor Co. of Canada (No. 4)* (1996), 27 C.H.R.R. D/230 at para. 50 (Ont. Bd. Inq.); and *Cugliari v. Telefficiency Corporation*, 2006 HRTO 7 (CanLII).)
- X. A poisoned environment may be created when unwelcome conduct or comments are pervasive within the organization, which may result in a hostile or oppressive atmosphere for one or more people from a *Code*-protected group. This can happen when a person or group is exposed to ongoing harassment. However, a poisoned environment is based on the nature of the comments or conduct and the impact of these on an individual rather than just on the number of times the behaviour occurs. Although the definition of harassment refers to a “repeated” course of conduct or comment, sometimes a single remark or action can be so severe or substantial that it results in a poisoned environment: *Dhanjal v. Air Canada*, *supra*, note 123, the Tribunal noted that the more serious the conduct, the less need there is for it to be repeated. Conversely, the Tribunal held the less serious the conduct, the greater the need to show its persistence. See also *General Motors of Canada Limited v. Johnson*, 2013 ONCA 502 (CanLII).
- XI. A consequence of creating a poisoned environment is that certain people are subjected to terms and conditions of employment, tenancy, or services that are quite different from those experienced by people who are not subjected to those comments or conduct. This gives rise to a denial of equality under the *Code*.
- XII. The HRTO in *Hendershott*, cited the SCC case in *B*, as follows:

“The Supreme Court explicitly found that it was not necessary for the claimant in that case to identify himself as a member of a historically disadvantaged group nor was the claimant required to demonstrate prejudice or stereotyping (at § 47).

Hendershott v. Ontario (Community and Social Services), 2011 HRTO 482 (CanLII), at para 47.

“[55] I would not interpret the discussion of prejudice or stereotyping as adding a new element to the traditional human rights analysis. I adopt the reasoning of the Court of Appeal that in most cases under the *Code*, prejudice and stereotyping will be inferred where the

claimant is able to link their identity to the prohibited ground and prove that the ground was a factor in the *disadvantage* they experienced.”

XIII. Prejudice may be inferred. As noted in *Hendershott*, the general principle remains:

“[72] I also conclude that there is no reason to depart from the general principle established in *Tranchemontagne* that prejudice or stereotyping may be inferred from the complainant's ability to establish that the prohibited ground is a factor in the adverse treatment she experienced.”

XIV. Once disability-related needs are known, the legal onus shifts to those with the duty to accommodate.

XV. There was no requirement for the **Applicant** to communicate the exact nature of his Disabilities to the Landlord and **Goldview Respondents** but they were aware of the same.

XVI. It is the TPS’ responsibilities to effectively inquire into whether a person that they are luring to a TPS station has disabilities that may require special attention or consideration.

XVII. The rules before the **HRTO** comprise of two separate rules known as follows:

- a. The Social Justice Ontario *Common Rules* (the “*Common Rules*”); and
- b. The **HRTO Specific Rules** (the “*Specific Rules*”).

XVIII. The *Common Rules* and *Specific Rules* (the “**HRTO Combined Rules**”), not being a regulations or regulations, are still paramount to the *SPPA*, where the statutory provisions conflict despite the *SPPA* being a statute passed by our Legislature and amended since 1990.

XIX. Mr. McLean details several incidents that he claims demonstrate discriminatory behaviour including that his Disabilities were ‘a factor’ in the adverse treatment that he underwent which remains ongoing:

- a. **Unlawful Arrest:** He alleges that he was arrested without a valid warrant or at all and without being informed of the reasons for his arrest, violating his *Charter* rights
- b. **Failure to Provide Medical Attention:** During his detention, he claims that his medical needs were ignored, including access to necessary medication and basic human necessities like toilet paper similar to that of *Dos Santos*; and
- c. **Mental Health Profiling:** Mr. McLean asserts that the Toronto Police Services engaged in profiling based on assumptions about his mental health by the hearsay and false comments made by the **Landlord** and **Goldview Respondents**, leading to discriminatory treatment.

XX. It is unassailable that Constable Romano utilized the **Applicant**’s mental disabilities against him by utilizing the possession of his medication to lure him to the **TPS 14th** Division on false pretenses. If there is an arrest warrant, why have the **TPS Respondents** not produced a copy of the same? Without the production of an arrest warrant and the pre-enquête materials, then it leaves the **HRTO** with the only evidence being the False Pretense Email, the DC Kolankowski Fictitious Warning, and the Illusory Warrant Representation. Certainly, the **Intake Court Endorsement [sic] [sic]** is not a Form 7 Arrest Warrant.

Definition and Scope of Disability; Profiling, Mental Health Profiling

XXI. The *HR Code* defines “**Disability**” broadly, encompassing various physical and mental impairments. This definition is crucial for understanding the rights of individuals with disabilities under the law. Disability includes physical disabilities, mental impairments, learning disabilities, and mental disorders. Subsection 10(3) of the *HR Code* ensures that individuals are protected from discrimination based on past or presumed disabilities. The right to equal treatment without discrimination due to disability is emphasized under the *HR*

Code. Section 15 of the *Charter* also entitles those disabled persons or those with protected characteristics to *differential treatment* in order to obtain procedural and substantive equality.

- XXII. “**Profiling**” is based on preconceived ideas about a person’s character. Those ‘ideas’ may turn out of to be incorrect or correct.
- XXIII. People with perceived or known mental health or addiction issues are commonly stereotyped as a risk to *public security* and *safety* even when there may be **little objective evidence** to support this perception. In this HRT0 Proceeding, the surfeit of independent evidence of the **Landlord**’s communications behind the scenes and in true cowardly form, provided her ideas about a variety of individuals including the **Applicant**.
- XXIV. In relation to others, the **Landlord** had a variety of thoughts about others. If there was a law, with penalties, for “running your mouth behind the backs of your family members and supposed loved ones”, the **Landlord** would need the
- XXV. While she thought her own daughter and son-in-law in Mr. Joswiak were know-it-all types with very little in the way of actual intelligence, her views of Mr. McLean were grounded in more ideas about who he was from a character, his level of danger, and threat to public safety.
- XXVI. Profiling based on mental health could happen in many different situations (for example, when receiving services, such as policing, education, in shops and restaurants, and when accessing government, community and other services).
- XXVII. Mental health profiling (“**Mental Health Profiling**” or “**MHP**”) is any action taken for reasons of safety, security or public protection that relies on stereotypes about a person’s mental health or addiction disability instead of on reasonable grounds, to single out a person for greater scrutiny or different treatment. A “stereotype” is a generalization about a person based on assumptions about qualities and characteristics of the group they belong to. While the **Landlord** misrepresented that the **Applicant** had a substance abuse problem, this appears to be consistent with what she was representing to Goldview. Case and point: the **Applicant** made a PIPEDA request of Goldview, and now a PIPEDA complaint, as Goldview’s response to that request for access to his own personal information and personal health information was that other person’s personal information was the property of the owners of the TSCC 2320.
- XXVIII. The distinction between **MHP** and criminal profiling is one with many differences. The growing instances of judicial notice, which is permissible under the *SPPA* section 16, of MHP is evident in decision of the Tribunal and our courts.
- XXIX. **Mental Health Profiling** is unlike from criminal profiling. Criminal profiling relies on actual behaviour or on information about suspected criminal activity by someone who meets the description of a specific individual.
- XXX. “**Profiling**” as a human rights concept arises from the experiences of people from racialized communities and Aboriginal people who have been subjected to racial profiling. There is a wealth of jurisprudence establishing the phenomenon of racial profiling. Although profiling based on mental health may look different that racial profiling, it can be just as damaging and alienating.ⁱ

Racial Profiling or Mental Health Profiling: rarely direct evidence – inferential and circumstantial evidence

- XXXI. There will rarely be direct evidence of profiling and, therefore, it must be proven by inference drawn from circumstantial evidence.ⁱⁱ The following factors are drawn from the case law on racial profiling. These factors

may be relevant when considering whether profiling based on mental health (“**Mental Health Profiling**”) was *a factor* for the adverse treatment:

- a. **Respondents’ Awareness:**
 - i. whether the **Respondents** are aware of the person’s mental health issue or addiction, or there is a perception that the person has a mental health issue or addiction;
- b. **Negative comments:**
 - i. Whether the **Respondents** made statements that show the existence of stereotyping or prejudice against someone with a mental health issue or addiction (e.g. negative comments);
- c. **No changing explanations:**
 - i. no explanation, or a contradictory or changing explanation, is given for why someone was subjected to greater scrutiny or different treatment, or an explanation is offered that does not accord with common sense;
- d. **Inexplicable deviations from normal practice:**
 - i. there were deviations from the normal practice that are hard to explain;
- e. **Unprofessional tone and words:**
 - i. an unprofessional manner was used, or the person was subjected to discourteous treatment (for example, through harsh questioning the person fit a certain profile);
- f. **unfounded suspicion or action in the face of a possibly innocent explanation;**ⁱⁱⁱ
- g. **misinterpreting** innocent conduct:
 - i. innocent or ambiguous conduct as incriminatory (e.g. failure to make eye contact);
- h. **overreaction** to perceived challenging behaviour; and
- i. **If no preconceived ideas, then what:**
 - i. events would have unfolded quite differently *if* the complainant were not known or perceived to have a mental health issue.

XXXII. The **Landlord** and **Goldview Respondents** represented that the **Applicant** had mental health issues, making negative remarks. They did not change their stance. Their usual practices in these areas are unclear but can be evidenced in response to this motion. The text messages show unwarranted suspicion, portraying the **Applicant** as a criminal falsely. The **Goldview Respondents** must provide evidence of how similar situations would have been handled without the **Applicant's** protected grounds.

XXXIII. In relation to the **TPS Respondents**, without document production and responding to motions, the best evidence is that of the **Applicant**.

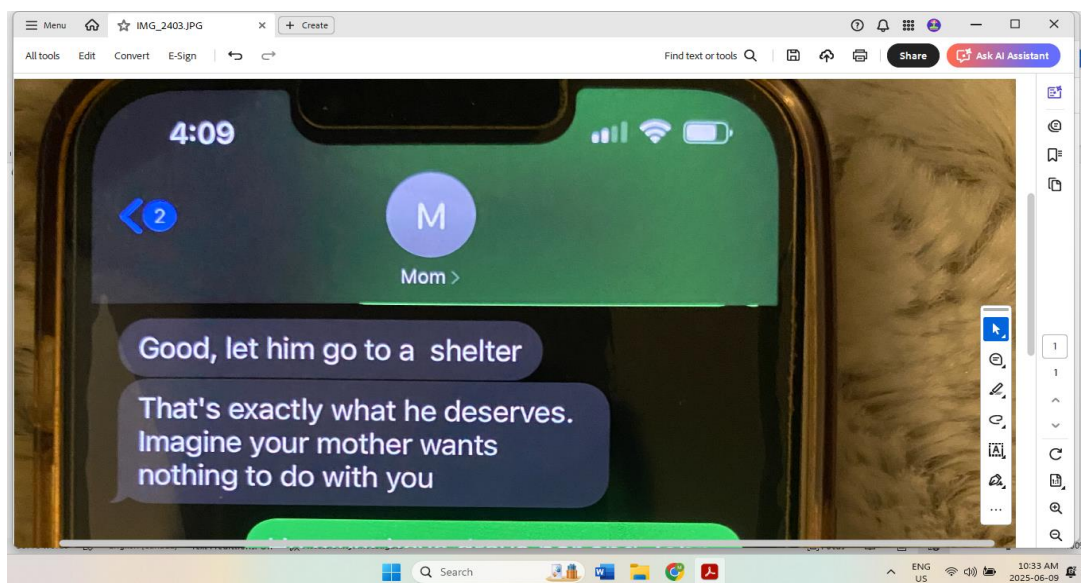
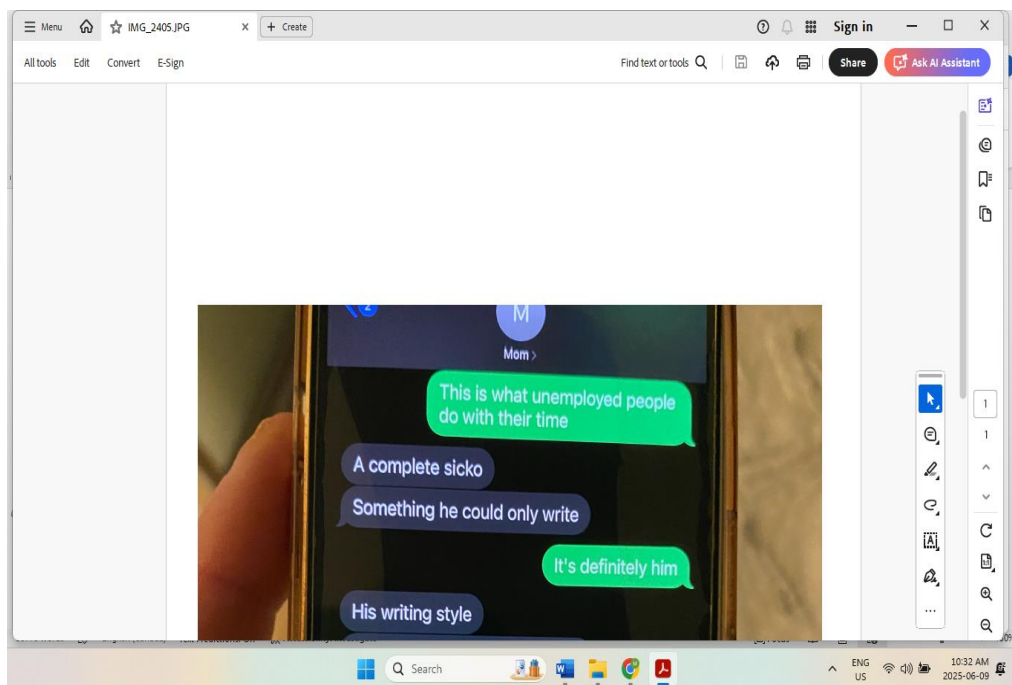
Overview of the Allegations

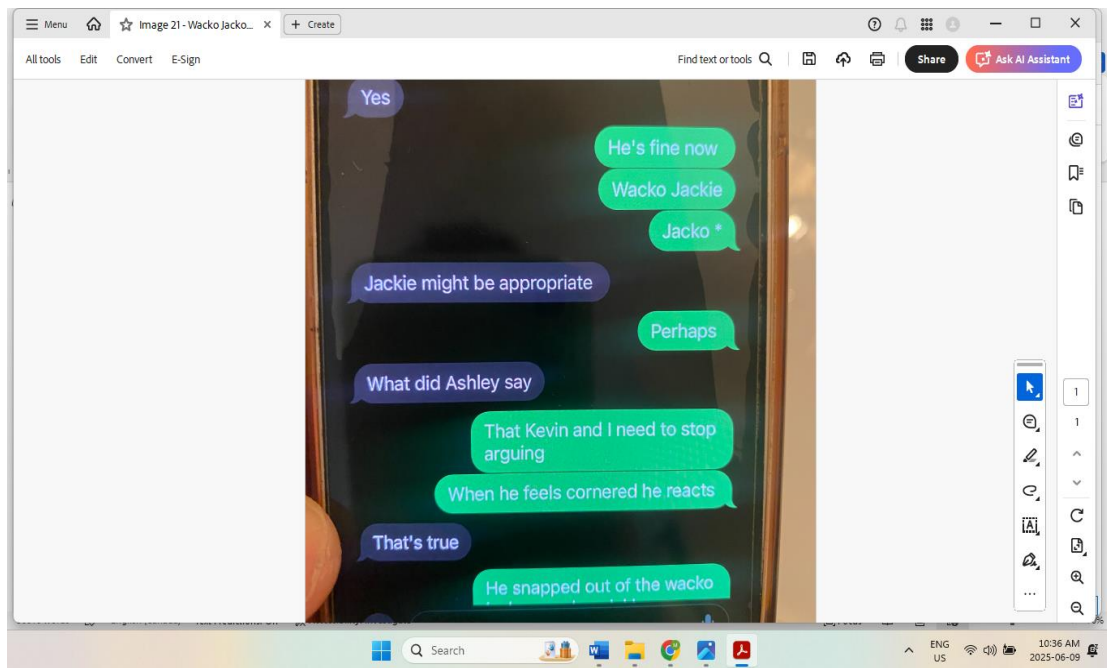
XXXIV. Mr. McLean asserts that he has faced discrimination due to his disabilities, including ADHD (a “**Mental Disability**” or “**Mental Disorder**”) and physical impairments arising out of a no-fault car accident on August 31, 2022 (the “**Disabilities**”).

XXXV. He claims that these **Disabilities** were factors in the adverse treatments he received from the **Respondents**, which included a campaign of harassment and vilification by the **Landlord** to the **Goldview Respondents**

with designs upon going to the police without factual or evidentiary foundation well before whenever ‘they did’.

- XXXVI. Not only did the **Landlord** represent to her daughter in text messages in 2022 and 2023, ‘then we go the police’, the next business day after the **Unlawful Lockouts** (also defined as the “**Adverse Lockouts**”) on September 20, 2024, with much of the **Applicant**’s property remaining inside Unit 410-775 King Street, Toronto, Ontario, M5V 2K3 (the “**Rental Unit**”) and unobtained as of today’s date despite requests made upon the **Landlord**’s legal counsel absent any response, Ms. Ferguson extorted the **Applicant** and permanently poisoned the environment of the lands and buildings at 775 King Street and 78 Tecumseth, Toronto, Ontario (the “**Minto Buildings**”). The Minto Buildings, inclusive of communal spaces within the lands, are owned by a non-natural person in “The Strata Condominium Corporation” 2320 (the “**TSCC 2320**”). In turn, individuals or person purchase shares in the TSCC 2320 like a shareholder in a private or public company. The individual obtains a share or shares in the strata condo corporation that is notionally and by public land title search connected to a unit with a right of access to communal areas within said strata corporation. In this **HRT0** Proceeding, said registered owner on title was one individual in Mrs. Aphrodite Artopoulos. She was the recipient of tens of thousands of dollars of funds from the **Applicant** from 2018 to 2024 while he resided at the Rental Unit, with access to the gym, public barbeque areas et al. On June 23, 2024, the **Applicant** became the sole resident and occupier of the Rental Unit as his common law spouse vacated and left him. This **HRT0** Proceeding is not about a family dispute between two individuals, where the **Applicant** thought they were in a loving and caring relationship as they were engaged and travelled the world together while assisting each other in their respective and joint paths, but it is about the discriminatory conduct of the **Landlord** towards the **Applicant**, how the **Landlord** unlawfully influenced the **Goldview Respondents**, and how one or all three of those **Respondents** then apparently unlawfully influenced the **TPS** and **TPS Respondents**. Behind the scenes, the **Landlord** had designs on going to the police without justification and on September 23, 2024, property manager Ms. Ferguson used the name of the police as a sword to unequally exclude the **Applicant** from his property and residency status. Ms. Ferguson, without discharging her duty to inquire (“**DTI**”) and duty to accommodate (“**DTA**”), threatened and harassed the **Applicant**, by informing him that if he was seen on the property the **Goldview Respondents** would call the police. Ms. Ferguson had no legal right to engage in the Extortionary Act. The Extortionary Act was treatment, and tritely adverse treatment. As seen from the independent evidence by way of text messages between the **Landlord** and Nicole, Nicole ascribed and attributed prejudices and stereotypes, along with falsehoods, about the **Applicant** to Ms. Ferguson. Those prejudicial attitudes, stereotypes and stigmatized thoughts about the **Applicant** included false notions that he was going crazy, engaging slashing the tires of a vehicle wherein he paid to utilize the same by way of lease payments, repairs et al.
- XXXVII. Ms. Ferguson also sent a letter to Nicole and the **Applicant** in October 2023 that alleged that there was daily smoking in the Rental Unit in August through September 2023. Unfortunately for Ms. Ferguson, her lies caught up with her as Nicole and the **Applicant** were in Greece from August 21 to October 1, 2023. It is unclear if the **Landlord** had any diabolical tactics and influence regarding the same.
- XXXVIII. The backstabbing, malicious, intentional, and **MHP** type comments by the **Landlord** commenced at times unknown to the **Applicant** but as early as 2020. Mental disabilities are colloquially known as the ‘invisible disabilities’ and the **MHP** and defamatory statements made by the **Landlord** to other persons were ‘invisible’ to the **Applicant**. Some of the **MHP** type comments were:





- XXXIX. In effect, the **Landlord** also created a poisoned environment which is prohibited by the *HR Code*. She also intentionally discriminated against the **Applicant** with the series of events against the **Applicant** that came to a recently discovered ‘head’ when she aided and abetted in the theft of the **Applicant**’s property on October 25, 2024. On the evidence, the Landlord engaged in this campaign shortly after the **Applicant** officially changed provincial residency status and paying the Landlord for rent each month which was in 2019.
- XL. The particulars of the threat and extortion by **Goldview Respondents** on September 23, 2024, was that if the **Applicant** was seen on the property (the land and buildings where the two Minto Buildings were situated), **Goldview Respondents** would call the police. It begged the question:
- was the **Applicant** not entitled to attend to obtain his property?; and*
 - was he not entitled to be treated equally under the law and/or treated differently to obtain procedural and substantive equality?*
- XLI. The central legal issue for discrimination is whether the **Goldview Respondents** treated the **Applicant** differently than others in the area of services under the *HR Code*, and/or whether his disabilities were a factor in the adverse treatment. The **Landlord**’s text messages with her daughter regarding what was attributed to Ms. Ferguson will be addressed, and Ms. Ferguson will have an opportunity to counter these claims. Additionally, Nicole, in collusion with the **Landlord**, represented that Ms. Ferguson intended to lock the **Applicant** out at various times. The **Applicant** was indeed locked out of Rental Unit 410 on September 20, 2024, and subsequently the entire Minto Buildings. It is presumed and alleged that Ms. Ferguson played a role in these adverse lockouts, which were contrary to the duty to inquire and duty to accommodate. Ms. Ferguson and Goldview were aware that the **Applicant** was the sole resident of the Rental Unit since June 23, 2024. Emails from July 2024 between the **Applicant** and Ms. Ferguson further demonstrate Goldview addressing issues related to the **Landlord**’s unlawful attempts at entry into the Rental Unit.
- XLII. The extortion by the **Goldview Respondents** occurred on September 23, 2024, around 1 p.m. The **TPS** obtained "NFA" information, presumably from Ms. Ferguson and Mrs. Artopoulos. It is perplexing how an individual, after six years as a condominium resident, corresponding with the Property Manager, and enjoying various privileges, could suddenly cease to be a resident within hours, with all their property still inside. The **TPS** should have known better, as they possessed the **Applicant**’s driver’s license number

from the Ministry of Transport (Ontario), indicating a fixed address. Therefore, the Form 2 Information was patently false. The **TPS** has also failed to comply with its obligations under the **HRTO Specific Rules** regarding NOM #1 and NOM #2, without explanation.

- XLIII. While **HRTO** proceedings differ from typical civil lawsuits, the *dominus litis* principle applies, emphasizing that the **HRTO** must conduct proceedings fairly, cost-effectively, and expeditiously to determine the merits. An **HRTO** complainant must actively pursue their cause of action to obtain justice. The **Applicant** has actively filed an **HRTO** Application, **NOCQ**, memorandum of law, 11 declarations, and two unopposed motions. The **Respondents**, however, claimed they needed more time but then failed to comply with the *HR Code*, *Social Justice Ontario Common Rules*, and **HRTO Specific Rules**. Even in seeking an extension, the **TPS Respondents** did not comply with **HRTO Specific Rules** by using a request form, suggesting an unwillingness to swear evidence. To date, no party has sworn evidence.
- XLIV. Although the **Applicant** respectfully disagreed with the direction that all **Respondents** were entitled to a full month extension for filing their Responses, the **TPS Respondents'** Response did not address all the pleaded facts, legal bases, and relief sought. The **TPS Respondents** did not include any of the required key evidence as per the **HRTO** Response form. Ms. Anguelova only obtained records from the ONCJ (Toronto: 10 Armoury Road) without including key evidence from her clients. In Ontario, the duty to preserve evidence arises with the reasonable anticipation of litigation, even before a lawsuit begins. The **HRTO** Application was filed in October 2024, and this concerns counsel's obligations to list and produce key evidence. The **TPS's** failure to do so necessitated NOM #2. It remains unclear if the **TPS** destroyed evidence, including materials related to the pre-enquête hearing, or if Ms. Anguelova has been willfully blind to or intentionally breaching her obligations
- XLV. Under section 43(9) of the *HR Code*, the **Respondents**, particularly the **TPS**, have breached a Tribunal order issued pursuant to a rule of the **HRTO** Combined Rules. Therefore, an adverse inference should be drawn against the **TPS Respondents**. The Form 2 Frugoni-Rojas Information was reportedly declared at 11:49 a.m. on September 23, 2024, and the **Intake Court Endorsement [sic]** appears to have been digitally signed at 12:59 p.m. on September 23, 2024. This document is false, as evidenced by Declaration #10 and its exhibits. The proximity of these events suggests they are not coincidental. We require the production of the underlying and associated records from the pre-enquête hearing, as they are highly relevant and constitute key evidence.
- XLVI. The **Landlord** in this **HRTO** Proceeding has abused the process by misrepresenting that the **Applicant** had initiated an unknown civil proceeding in court seeking the same relief, which was not the case. Furthermore, the **Landlord** engaged in highly intentional and malicious discrimination against the **Applicant** concerning the TDI Karat Theft on October 25, 2024, by aiding and abetting theft. This was an *intra*-proceeding matter, and the **Applicant** will seek further restitutionary and non-restitutionary relief against the **Landlord**. The **Landlord** has publicly stated that the **Applicant** was not a tenant; however, in text messages with her daughter, she represented the following

Mom >

Stop

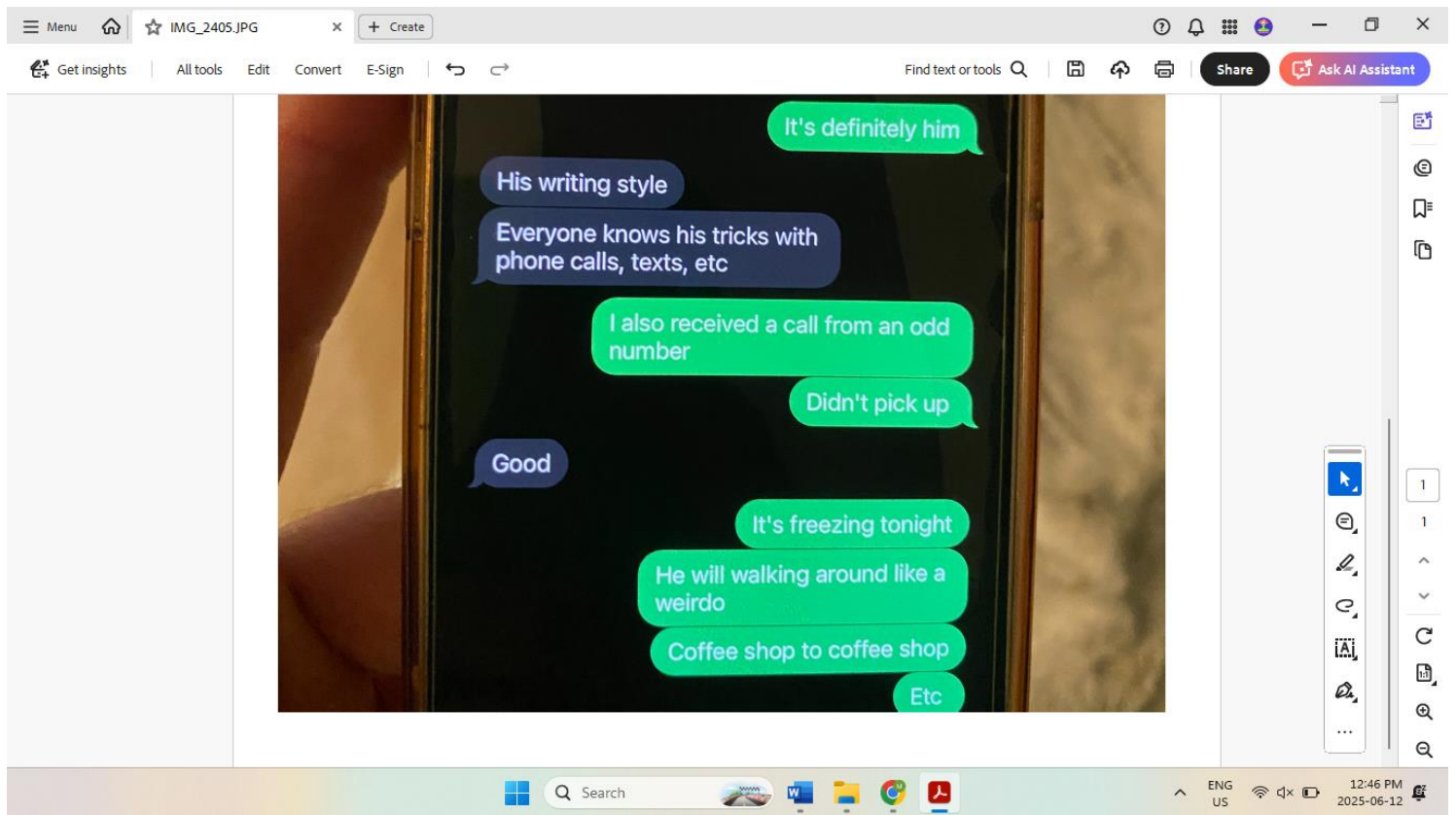
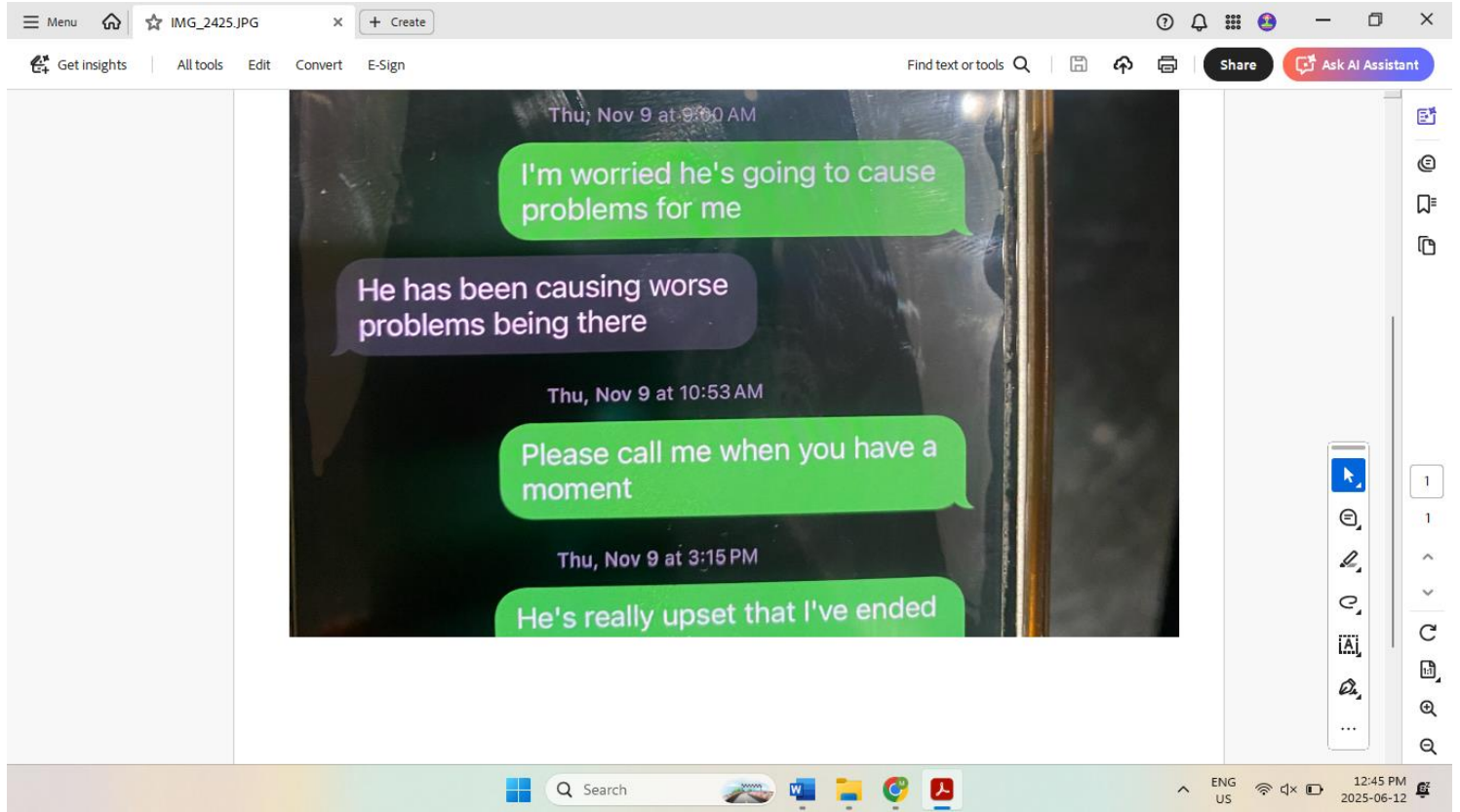
He plays dirty games with your emotions and mind. Shape on him!

He stayed at the condo rent free for yrs. +you supported him at his worst and yet we are trying to extort him?

Stop

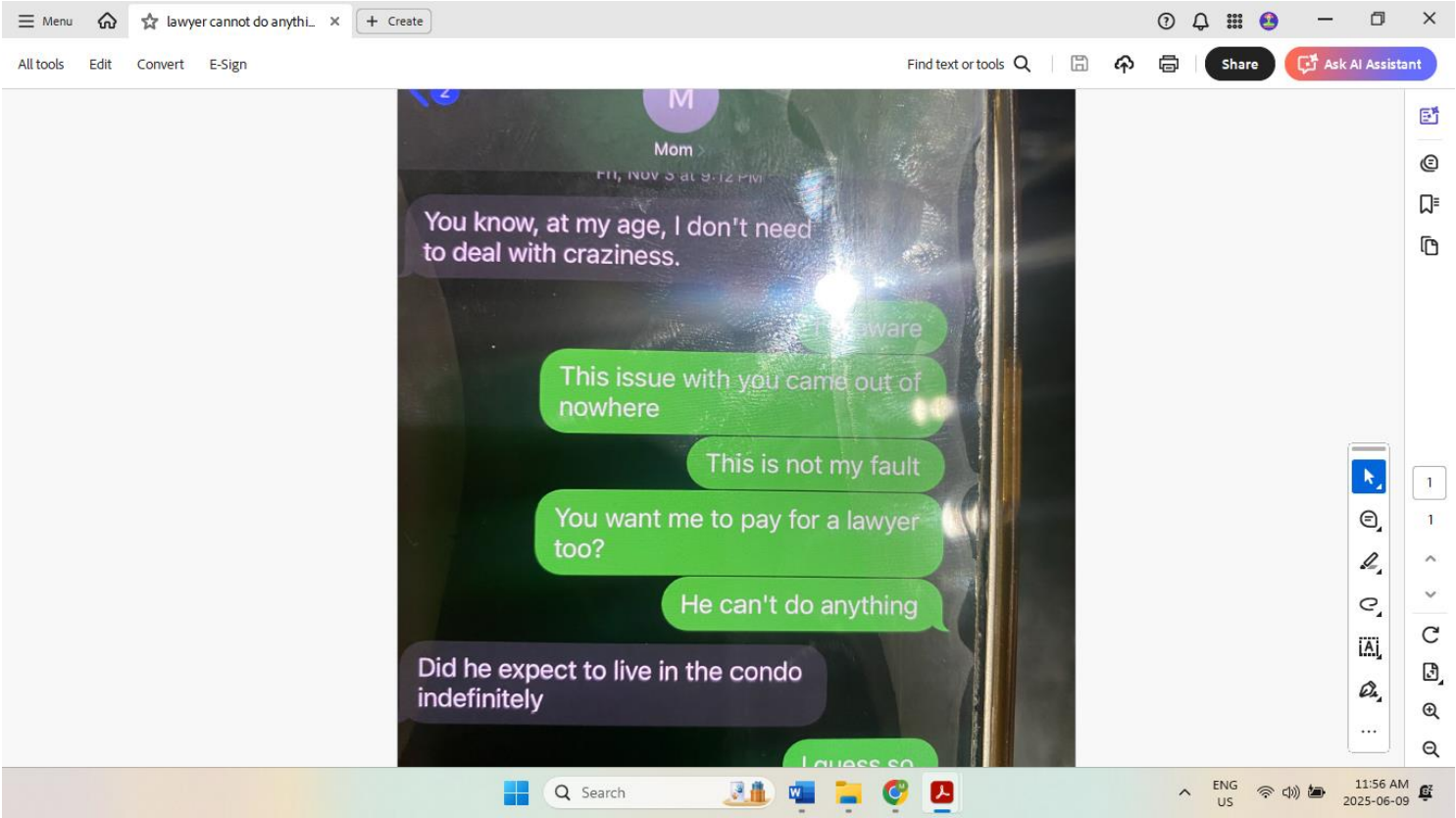
You are not helping

I am very angry

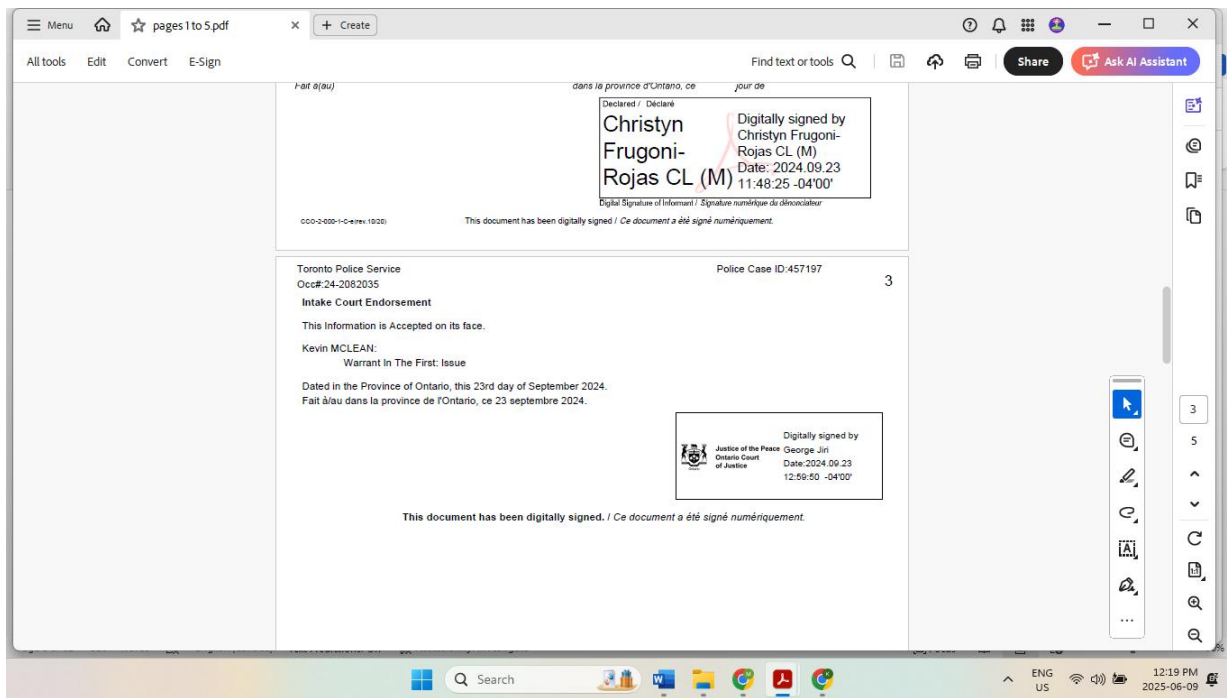


XLVII. This situation came to light through statements made by the **Landlord** and her daughter, Nicole, which suggest a clear admission that a lawyer would be unable to intervene, implying that the **Applicant** is indeed a tenant.

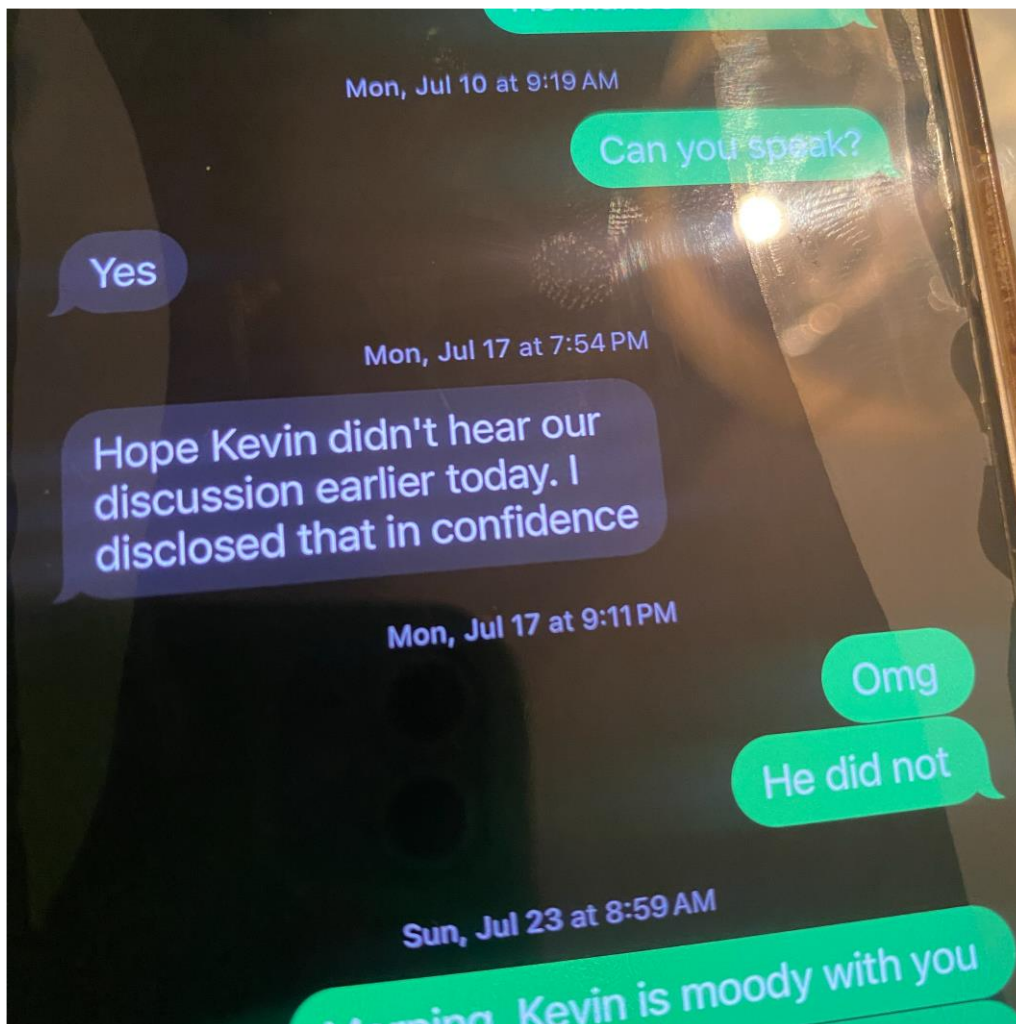
XLVIII. The evidence of public mischief, as outlined in the record of proceeding, directly points to this issue. Their statements, "a lawyer could not do anything," serve as an acknowledgement of the **Applicant's** status as a tenant, even though Nicole was not paying rent. This situation, as public interest matters like these which deal with the administrative boundaries between tribunals, warrants further investigation to understand the full implications and to ensure compliance with relevant regulations. It can be done after liability is found against the **Respondents** for their intentional breaches of the *HR Code*:



XLIX. How did the **Landlord**, in concert with Goldview, solve their ‘problem’ in unlawful fashion? The **Landlord** did so by engaging with a lawyer in Ms. Kanavas who then likely went to her fellow Seneca colleague or former student in Ms Frugoni-Rojas, a court officer (not a **TPS** officer), to swear a false declaration on September 23, 2024, after the Adverse Lockouts. What did the **TPS** do when confronted with the issue of not having a valid arrest warrant at all, on their person when executing an arrest, and when faced with the lawful demand for a copy of the same? They engaged in the creation of a false document in the Intake Court Endorsement:



- L. While the prejudicial and discriminatory attitudes were in full force behind the scenes, this does not detract from those attitudes having bearing on findings herein. A further example is:



LI. While she represented to the **Goldview Respondents** at some time in September 2024 presumably before the Adverse Lockouts that it was a private matter between the **Applicant** and the **Landlord**, and the **Applicant** was no longer a guest of Nicole when Nicole had vacated on June 23, 2024, the **Landlord** had filed two motions in her A2 Proceeding (later withdrawn) and the **Applicant**'s T2 Proceeding (since jurisdictionally transferred to the ONSC). Images of the 'open tribunal files' (i.e. to the public) are reproduced for ease of reference:

The screenshot shows a web browser window with the address bar displaying 'LTB-L-067798-24 a2_file...' and a 'Create' button. The browser's address bar also shows 'Find text or tools' and a 'Share' button. The page title is 'Tribunals Ontario' and the form is 'Application about a Sublet or an Assignment FORM A2 (Disponible en français)'. The form is for a Landlord and is filled out with the following information:

Applicant Information ☒ Landlord ☐ Tenant

First Name (if there is more than 1 applicant, complete a *Schedule of Parties* form and file it with this application.)
A P H Y

Last Name
A R T O P O U L O S

Company Name (if applicable)

Street Address
6 4 R O O S E V E L T R D

Unit/Apt/Suite Municipality (City, Town, etc.) Prov. Postal Code
T O R O N T O O N M 4 J 4 T 7

Day Phone Number Evening Phone Number Fax Number
(4 1 6) 4 6 9 5 2 6 9 () - () -

E-mail Address
a p h y . a r t @ g m a i l . c o m

Address of the Rental Unit Covered by this Application

Street Number Street Name
7 7 5 K I N G

Street Type (e.g. Street, Avenue, Road) Direction (e.g. East) Unit/Apt/Suite
S T W 4 1 0

LII. In that A2 filing, the **Landlord** represented that the **Applicant** was an unauthorized occupant since October 11, 2023, and the tenant had transferred the tenancy to another person without her consent, and that the **Applicant** was an unauthorized occupant:

Menu LTB-L-067798-24 a2_file... Create

All tools Edit Convert E-Sign Find text or tools Share Ask AI Assistant

This appears to be a long document. Save time by reading a summary. View Summary

Tribunals Ontario
Landlord and Tenant Board

Application about a Sublet or an Assignment
FORM A2
(Disponible en français)

PART 3: REASONS A LANDLORD CAN APPLY

If you are the landlord, shade the box completely next to each of your reasons for applying.

☒ **Reason 1:** The tenant transferred the tenancy to another person without my consent.
This person is an unauthorized occupant.

Shade the box(es) completely next to the order(s) you want the board to make. If the Board decides in your favour, it may decide to include a different remedy or remedies than the ones you selected.

I want the Board to:

☒ Issue an order ending the original tenancy and evicting the unauthorized occupant.
Indicate the date you were first aware that there was an unauthorized occupant in the unit:

1 0 / 1 0 2 0 2 3
dd/mm/yyyy

☐ Order the unauthorized occupant to pay me compensation for each day they remain in the rental unit.

How much rent was the tenant paying before they transferred occupancy of the rental unit:

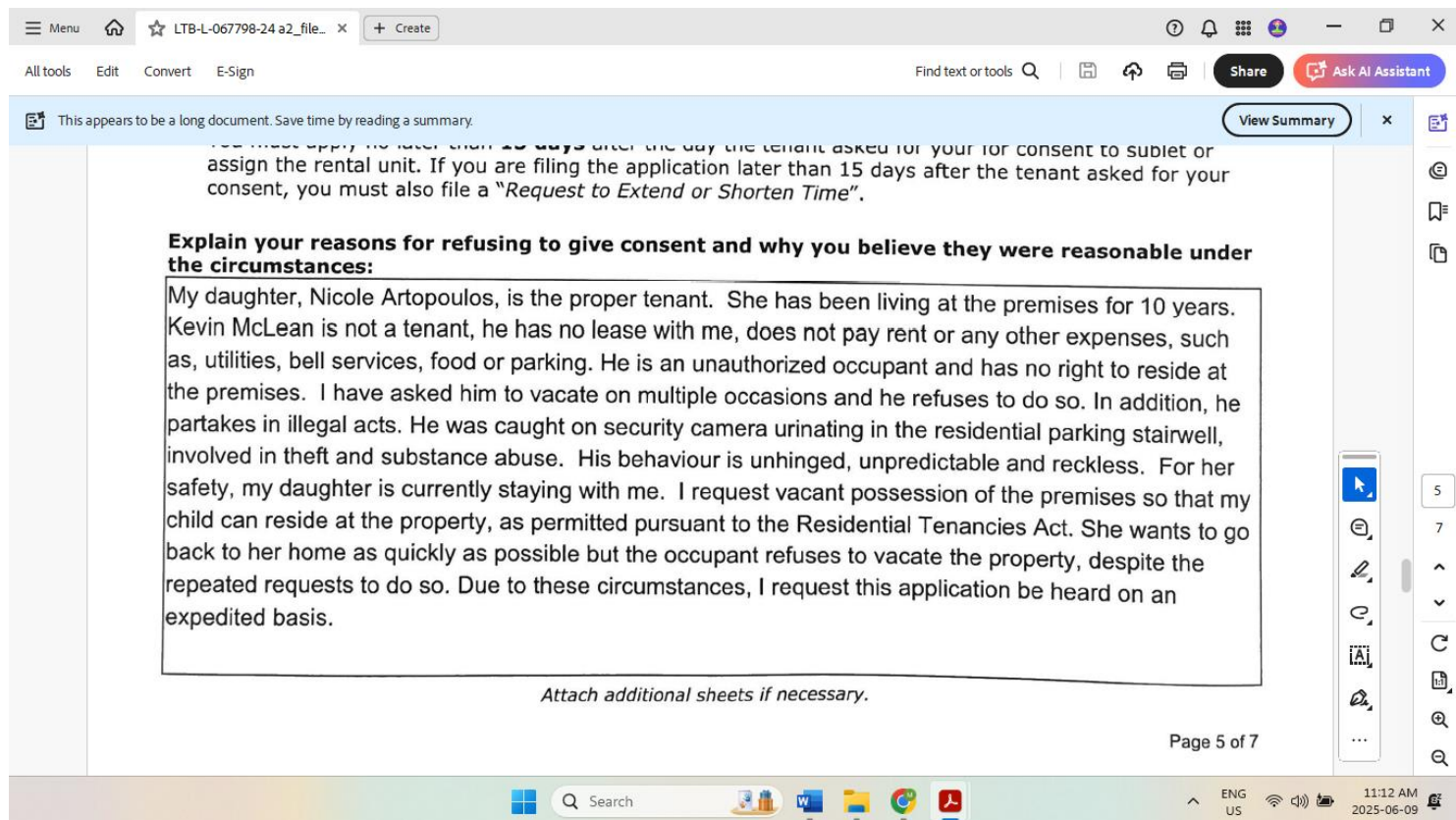
\$.

Shade the circle completely next to show whether the tenant is required to pay rent by the:

☐ month ☐ week ☐ other (specify)

Compensation is calculated from the date the landlord discovered the unauthorized occupant. If you believe a different start date should be used, indicate the start date and explain why you believe the occupant owes you money from that date.

- XV. The **Applicant** was and is relying on sections 100 and 104 of the *RTA* in the ONSC RTA Proceeding, not the *HR Code*, to argue that they became a tenant on December 11, 2023, since the **Landlord** did not apply to the LTB within 60 days of discovering an unauthorized occupant. This is a matter of statute. How could it be a private matter, as represented by Ms. Ferguson to the **Applicant**, when the **Landlord** filed documents in an open tribunal proceeding? The **Goldview Respondents** failed their statutory duties under the *HR Code*.
- XVI. In the A2 filing before the LTB, after being served with the **Applicant's** T2 Application, the **Landlord** made discriminatory and defamatory statements about the **Applicant**, although covered by absolute privilege. The required question by the LTB was why the **Landlord** refused consent, but the response lacked any explanation for denying consent to the 'proper tenant,' her daughter:



XVII. The **Landlord** represented in a written document under the penalty of an offence for making false statements that the **Applicant** was:

- a. Unhinged;
- b. Reckless; and
- c. Unpredictable.

XVIII. The **Landlord** also falsely accused the **Applicant** of:

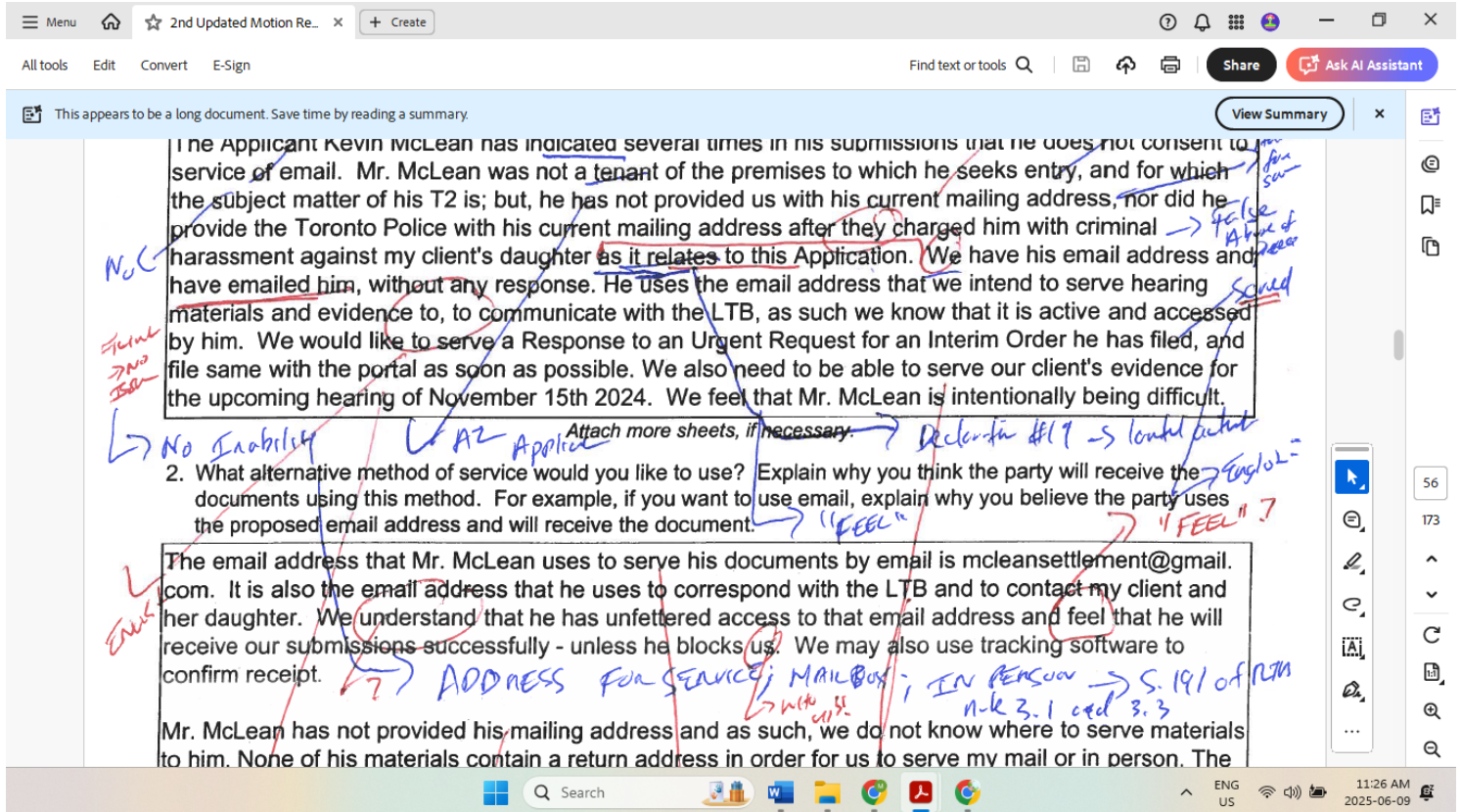
- a. Unspecified Substance abuse;
- b. Unparticularized Urinating in the stairwell; and
- c. Unspecified and unparticularized theft.

XIX. As can be seen from the above, the **Landlord** regularly admitted how angry she would get in other scenarios with persons other than the **Applicant**, and she would need to ‘calm down’ like a child or adolescent.

XX. The **Landlord** could not provide any particulars as they did not exist. The A2 Application was filed on August 9, 2024. The **Landlord** followed up that non-compliant filing with a motion to shorten time based on the five part legal test under the LTB Rules which was filed on August 20, 2024. She did the same in the T2 Proceeding, which was when the **Applicant** was the sole tenant in the Rental Unit. Both motions to shorten time failed abjectly. Now, the **Landlord** is not responding to motions in the **HRT0** Proceeding.

XXI. Like the **Landlord**’s misguided request herein regarding dismissal on account of a false premise, the **Landlord** fails to address the basics of the questions posed by tribunals. However, after being formally served with the **HRT0** Application on October 24, 2024, by registered mail delivery, the **Landlord** had already lost two motions in the LTB and the **Applicant** was successful with his motion to shorten time post the Adverse Lockouts, the **Landlord** in her quintessential style, “I do not say much” (which likely

means she does not say defamatory things to people's faces but rather she does covertly, surreptitiously and spinelessly) had a new legal counsel pop up in the LTB Proceeding. On October 24, 2024, a non-declared legal counsel in that LTB Proceeding in Ms. Niki Kanavas filed a request to serve the **Applicant** by way of alternative service without serving the **Applicant**. The **Applicant** had not consented to service via email with the **Landlord**. Neither the **Landlord** nor the **Applicant** had consented to being served by way of filings in the LTB Portal. In that filing, which was later obtained, Ms. Kanavas represented the following:



XXII. The Toronto Police Service (TPS) knew of the **Applicant**'s driver's license number, which included a driver's license and a fixed address. However, it appears that "NFA" was indicated on Form 2, suggesting that an agent for the **Landlord** may have misinformed the Tribunal (LTB). It is important to note that actions related to administrative tribunal proceedings, serving a lawful purpose, do not constitute criminal harassment. Additionally, Form 2 specifies a single date on which the **Applicant** did not communicate with Nicole. On October 24, 2024, the **Applicant** confirmed the improper filing in the LTB Portal on behalf of the **Landlord**, which was in violation of the RTA and LTB Rules. The **Applicant** subsequently filed a response on the morning of October 25, 2024, before attending medical appointments and physiotherapy. Upon returning, the **Applicant** briefly visited Moffer Coffee and then CAMH to use the restroom. At 1:11 p.m., as the **Applicant** departed for the washroom, Mr. David Karat, an employee of the TD Auto Insurance Group, searched through the **Applicant**'s carry-on bag and stole a backpack containing a wallet with identification, banking cards, credit cards, currency, and other personal information, as well as a phone, passport, medication, and other property. Subsequent unredacted images from CAMH, obtained through a FIPPA request, revealed the **Landlord** in the corridor, appearing to act as a lookout for Mr. Karat. This incident follows the **Landlord**'s false accusation of theft against the **Applicant** in August 2024, indicating a pattern of coordinated theft, including the theft of the **Applicant**'s medication.

10/25/2024 1:11:53 PM (EDT)
[7@1280x720]



B1-01 South East Corridor 3_030
CAMHNVR3B



XXIII. The **Applicant** draws to the attention of the Tribunal a series of concerns regarding the **Landlord's** legal representation and their subsequent actions. In January 2025, the **Landlord** changed legal counsel for the third time to a paralegal in Toronto, Ontario. Subsequently, the **Landlord** reverted to Ms. Kanavas before ultimately terminating her services. The pattern of deceit, malicious intent, and discrimination is evident in text messages exchanged between Nicole and Mrs. Artopoulos on November 1, 2023. In these messages, Nicole attributed statements to Ms. Ferguson. This exchange occurred after the Respondent **Landlord** and Goldview removed the **Applicant** from the system without notice on October 27, 2023, an action they later admitted was a mistake.

John just noticed it

Wed, Nov 1 at 2:55 PM

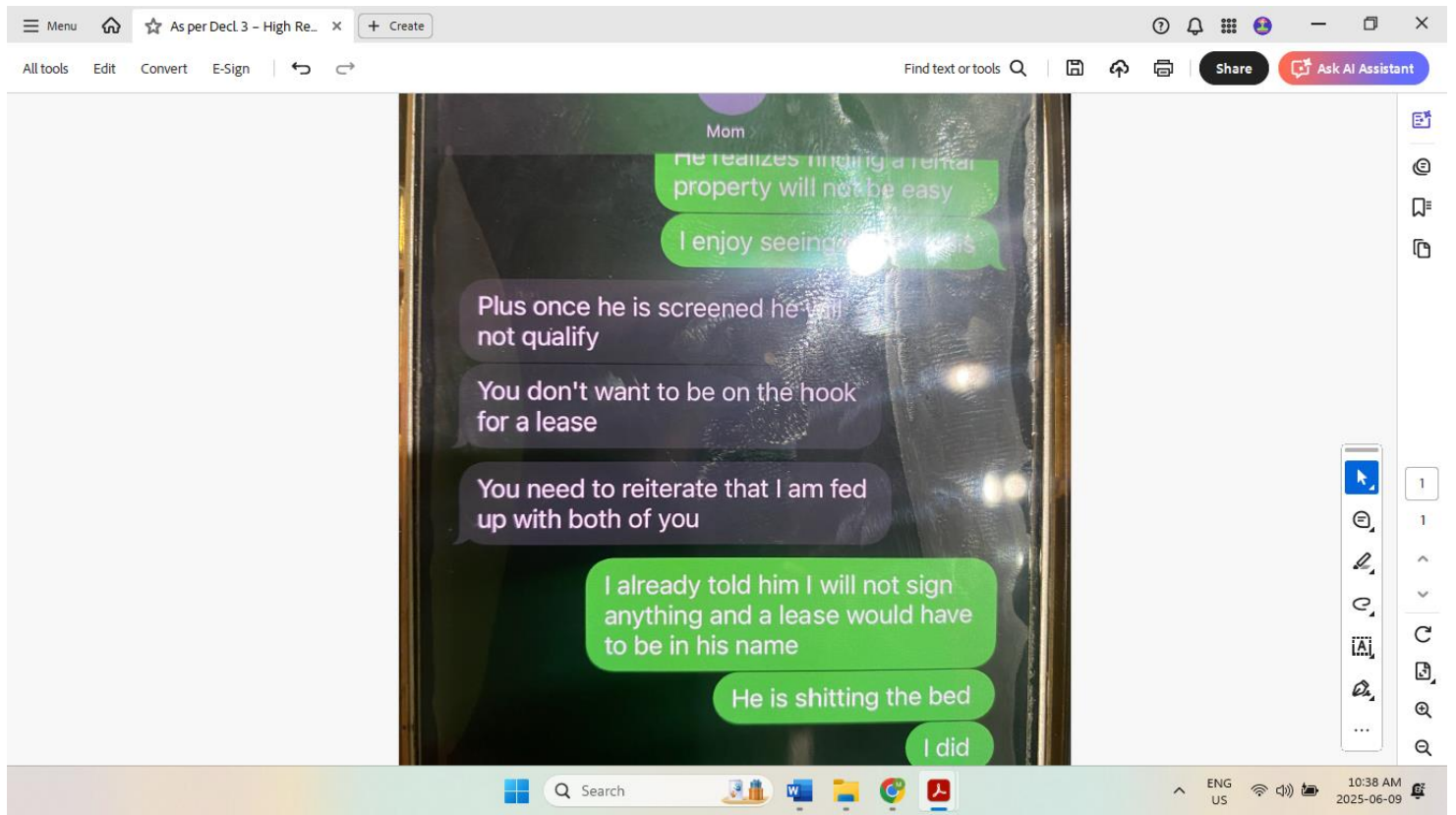
Latoya is removing her from the system

She spoke to me and said it was odd for me to send an email like that. She thinks Kevin has lost it. I told her about my tire and she thinks he is playing some sick games

I guess you spoke with her regarding his behavior

She said he really doesn't understand that the email I provided does nothing for him

XXIV. The next text message demonstrates the scheme of the **Landlord**, with her prejudicial attitudes, as reproduced:



I don't know

Sat, Nov 4 at 12:06 PM

What are you up to now

Nothing

I'm not ok

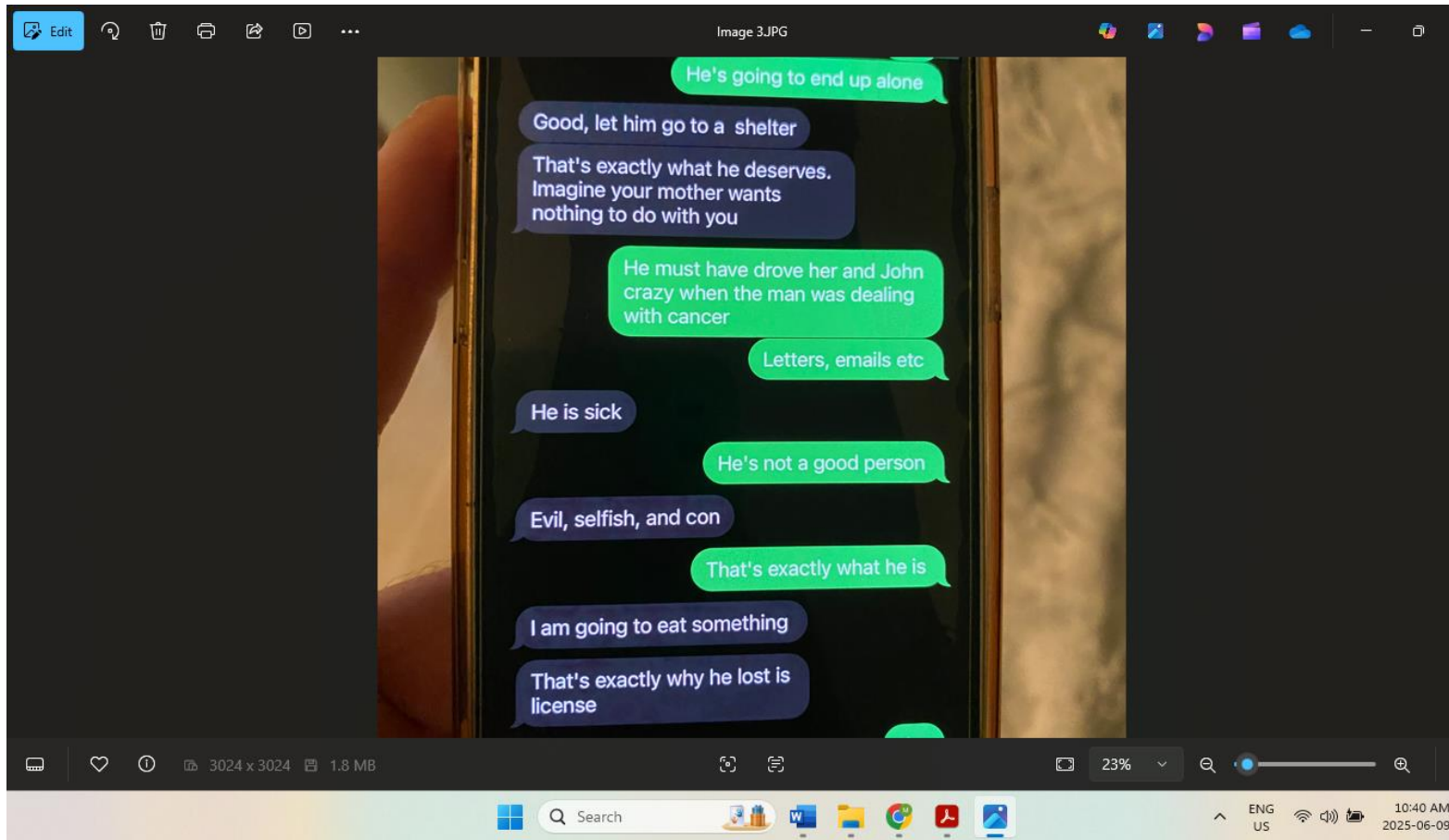
We brought Chance to the house

Why, is he bothering you again

No he's not



Sat, Nov 4 at 2:43 PM



XXV. The **Applicant** highlights an instance of tire slashing that occurred on the same vehicle some months prior, a fact unknown to the **Applicant** and Nicole at the time. The **Applicant** personally covered the cost of a replacement tire at Canadian Tire. The **Applicant** did not engage in any tire slashing, including that of the vehicle shared with Nicole. In retrospect, the timing of **Goldview Respondents'** emails to the **Applicant** on September 23, 2024, coupled with the Form 2 and the **Intake Court Endorsement [sic]**, suggests further suspicious circumstances. This raises the question of whether the **Goldview Respondents** were acting as agents of the municipal government within the Toronto Police Service (TPS). Furthermore, the **Applicant** asserts that the **TPS**, given the robust factual record now available regarding Charter issues, breached his Charter rights through the issuance of Form 2, the **Intake Court Endorsement [sic]**, and the events of October 2, 2024.

XXVI. If an arrest warrant had been issued by the **TPS** on September 23, 2024, it was, in accordance with parliamentary intent concerning Form 7, to be executed immediately. The "False Pretense Email" did not convey any urgency for the **Applicant** to appear at the 14th Division of the **TPS**. Instead, it indicated that the **TPS** 14th Division had received some of the **Applicant's** property from an unknown sender and at an unknown time, following the **Applicant's** demands for these items after the **Landlord** and Tenant Board granted his initial motion for expedited proceedings due to the prejudice suffered from discriminatory lockouts. The **Applicant** did not authorize any person to disclose his property to the **TPS**, nor did he authorize the **TPS** to receive it. There could not have been a valid arrest warrant or one that complied with the federal statutory requirements of the *Criminal Code* because had Mr. McLean not responded or sent an agent to the **TPS** PEMU seven days after that time, the **TPS** would not have immediately executed the purported arrest warrant.

XXVII. The "False Pretense Email" was followed by further deceptive actions by Constable Romano on October 2, 2024, at the **TPS** 14th Division. Detective Constable Kolankowski then engaged in further

deceit by presenting a document for the **Applicant** to sign to confirm receipt of his property, only to then claim the **Applicant** was under arrest and that he had warned Mr. McLean about communications with Nicole. Detective Constable Kolankowski's representation was impossible as they had just met, which we refer to as the "Fictitious Harassment Warning." This was succeeded by Constable Romano's representation of the "Illusory Arrest Warrant." The term 'Illusory' is used because neither the **Applicant** nor this Tribunal has seen it. The **Intake Court Endorsement [sic]** of September 23, 2024, includes a Police File Identification Number, which is absent from the Form 10 of October 2, 2024. Both documents, however, contain police occurrence numbers. The patent falsity of Form 2 lies in the fact that the **Applicant** never communicated with Nicole on September 22, 2024. This essentially constitutes false evidence, a false document, and a forged signature within the **Intake Court Endorsement [sic]**.

XXVIII. The **Applicant** underscores that the *Human Rights Code* holds quasi-constitutional status and necessitates a liberal interpretation to achieve its anti-discriminatory objectives.

Legal Framework

XV. The **Factum** discusses the *HR Code's* provisions against discrimination, including the duty to accommodate individuals with disabilities unless it causes undue hardship. McLean highlights that profiling based on preconceived notions about mental health can lead to discriminatory practices, which he claims occurred in his case.

Key Legal Principles

XVI. The *HR Code* mandates that accommodations be made for individuals with disabilities unless undue hardship is demonstrated. None of the **Respondents** have pleaded that there was undue hardship to accommodate the **Applicant** at various stages of their adverse treatments. Ergo, if the **Applicant** proves, on a balance of probabilities, that some or all of the **Respondents** discriminated against him, then the **Respondents** do not have any defence under the *HR Code* and the common law legal tests of undue hardship. Consequently, it becomes an issue of what remedies must the Tribunal grant on an individualistic and public interest level.

Fresh Evidence of Misconduct *intra* proceeding

XVII. Mr. McLean presents evidence, including video surveillance of an alleged theft of his property, to substantiate his claims against the **Landlord** in that she was apparently projecting about her own criminality regarding theft by the October 25, 2024, theft at CAMH. He argues that the authenticity of certain documents, such as the "**Intake Court Endorsement [sic]**," are invalid, false document, and forged documents which are all forms of adverse treatment against the **Applicant** wherein he alleges that he was treated in unequal fashion. It could also indicate fraudulent practices by the police.

Systemic issues involving the 14th Division

XVIII. Unfortunately, this 14th Division continues to struggle the basics of privacy rights and the *Charter*. In *Dos Santos*, The Honourable Justice M. Greene^{iv} 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.

- XIX. 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.”

- XX. 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.

- XXI. 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. “

- XXII. 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.

- XXIII. It is unclear whether Justice Greene was referring to broader systemic issues involving the 14th Division or the **TPS** as a whole. 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 other decisions.

- XXIV. 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. Former Sergeant Mark Morris of the **TPS** 14th Division^{v vi vii}

- 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;
 - a. 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.

XXV. 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.

XXVI. 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.

XXVII. 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:

<https://torontosun.com/news/crime/another-14-division-cop-in-hot-water-over-conduct-involving-women>

ii. 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.

iii. "We all have shitty days," was one message MacArthur sent the woman.

XXVIII. 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."

Remedies Sought in the **HRTO** Application

XV. Mr. McLean requests several remedies from the **HRTO** in this request *intra* proceeding including:

- a. A finding of discrimination against the **Respondents**;
- b. Certain findings of fact and law; and
- c. Streamlining of the steps in this **HRTO** Proceeding.

XVI. The **Applicant** continues to seek remedies at a future date of a restitutionary and non-restitutionary nature including policy changes and public interest remedies to prevent future discrimination against individuals with disabilities.

XVII. Prior to the second and third orders, a finding must be made that the **Respondents** discriminated against the **Applicant** so that the public interest can be engaged. Moreover, the **Applicant** seeks the findings involving breaches of his *Charter* rights in the **NOCQ** and Memorandum of Law from November 2024. The **HRTO** ensures compliance with its orders. If a party fails to comply, enforcement mechanisms may be pursued through the courts. The **HRTO's** approach emphasizes procedural fairness, evidence-based decision-making, and adherence to the principles of the Ontario *Human Rights Code* to resolve cases of discrimination effectively.

Implications for Systemic Change

XVIII. The case raises important questions about the intersection of mental health, discrimination, and the responsibilities of public institutions to uphold the rights of all individuals, particularly those with disabilities. The outcome of this case will, whether in the **Applicant's** favour or not, have significant implications for future **HRTO** decisions, conduct of landlords, conduct of property management companies when dealing with tenants as opposed to owners of shares in a strata corporation, and police procedures regarding the treatment of vulnerable populations.

XIX. This **Factum** emphasizes the need for systemic reforms within the **TPS** and the other **Respondents** to address ongoing issues of discrimination and to protect the rights of individuals with disabilities. Mr.

McLean argues that the **HRT0** must send a strong message regarding the importance of compliance with human rights standards to *prevent* further violations. In conclusion, Mr. McLean's submission outlines a comprehensive account of his experiences with the legal system and the alleged discriminatory practices he faced herein. He calls for accountability and systemic change to ensure that individuals with protected characteristics and disabilities are treated equitably within society and the legal framework.

1. The *Human Rights Code* (“*HR Code*”) is emphasized as having a quasi-constitutional status, requiring a liberal interpretation to achieve its anti-discriminatory goals. The Factum stresses the need for the **HRTO** to act against potential corruption and uphold justice. The *HR Code* requires liberal interpretation to meet anti-discrimination goals. The **HRTO** must address issues of fraudulent documents that mislead citizens and residents of Ontario along with any visitors who may be subject to the TPS and **Goldview Respondents**. The integrity of the legal system is at stake if such issues are not addressed.
2. Human rights applications with notices of constitutional questions are often more effective on a public level as the **HRTO** addresses discrimination or systemic misconduct related to the arrest along with being able to fashion remedies under section 24(1) of the Charter. Those who are aggrieved by a governmental entity under section 32(1) of the Charter and that governmental entity is engaged in activities that are in protected areas may seek remedies such as monetary compensation for injury to dignity, feelings, and self-respect, as well as non-monetary remedies like written apologies and policy changes. Moreover, parties have a direct right to judicial review, but not a statutory appeal, should they feel that the **HRTO** erred
3. Justice delayed is justice denied.
4. The **HRTO** deals with spoliation of documents by way of an adverse inference being drawn against a person or party for failing to comply with an order made under the Social Justice *Common Rules* and *HRTO Specific Rules*. But what is an order if not issued by the Tribunal? Moreover, what constitutes an order?
5. However, they do mention that under section 43(9) of the *Human Rights Code*, the **HRTO** can draw an adverse inference in cases of non-compliance with its rules or orders, including the failure to produce documents. This means the Tribunal may infer that missing or withheld documents would have been unfavorable to the non-complying party. If spoliation of documents is involved, this principle of drawing adverse inferences could be applied to address the issue, as it aligns with the approach of dealing with withheld evidence. The residual ground of conducting **HRTO** proceedings in accordance with the expeditious, just and cost-effective manner on the merits would provide that statutory authority for the Tribunal.
6. However, Tribunals are required to conduct proceedings in accordance with the *Charter* and *Charter* values because the Tribunal itself is considered, albeit *prima facie* paradoxically, a ‘court of competent jurisdiction’ under the *Charter* (see: section 24(1)).
7. The **NOCQ** process is outlined in the *HRTO Specific Rules*, detailing the requirements for questioning the constitutional validity of laws. The **Applicant** has complied with the necessary procedures to file the **NOCQ** and supporting documents:
 - a. the **Applicant** filed the **NOCQ** in accordance with Rule 4 of the *Specific Rules*.
 - b. Rule 4 of *HRTO Specific Rules* mandates delivery to Attorneys General and filing with the Tribunal at least 15 days before the argument.
8. The **Applicant** submitted a Memorandum of Law and a declaration in support of the **NOCQ**.
9. The **Applicant** alleges adverse treatment by the **Respondents**, particularly concerning his disabilities. The *HR Code* provides protections against discrimination based on various grounds, including disability. The **Applicant's** disabilities are central to the claims of discrimination under the *HR Code*. The **Respondents'**

actions are characterized as adverse treatment, which may constitute discrimination. The *HR Code* prohibits reprisals against individuals asserting their rights under the Act.

10. The **HRTO** has jurisdiction to determine questions of fact and law, and its rules are designed to facilitate fair and expeditious resolutions. The Tribunal's powers include making interim orders and requiring document production. The Tribunal must dispose of applications fairly and expeditiously, as per sections 39 and 40 of the *HR Code*. The Tribunal can impose conditions on interim orders under section 16.1 of the *SPPA*.
11. The Tribunal's rules allow for document production and examination of records to support the resolution of disputes.
12. Whatever one would call the “**Intake Court Endorsement [sic]**” it is a false document and a forgery. It meets one of the ten requirements for an arrest warrant. It is a police file document with a “police file identification” number contained therein and a police occurrence number. Proof that the **Applicant** was treated differently or adversely compared to others in similar circumstances. Evidence of actions, policies, or behaviors that led to unequal treatment.
13. The *HR Code* is the paramount provincial statute in that any other statute or provision therein that conflicts with it has no validity when measured against the *HR Code* and relevant provision. The *SPPA* has legal effect and practicality when its provisions do not conflict with any provision of the *HR Code*.
14. The uniqueness of the *HR Code* is most irregular when considering the doctrine of paramountcy and the hierarchy between statutes, regulations, rules, policies and guides. While legislation is often thought of in terms of statutes, pursuant to the Legislation Act 2006 (Ontario), which was part of an omnibus bill known as the *Access To Justice Act 2006*, the previous Interpretation Act was repealed and the Legislation Act replaced it. “Legislation” thereunder means “statutes and regulations”. However, a rule is not a regulation under the *HR Code*.

VOLUME #2: Where there is a lacuna in one piece of legislation, the <i>HR Code</i> fills that lacuna
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15. In fact, there is only one currently in force regulation under the *HR Code* which is the *Business Practices Permissible to **Landlords** in Selecting Prospective Tenants for Residential Accommodation*, O Reg 290/98. Ontario Regulation 290/98 under the *Human Rights Code* outlines permissible business practices for landlords when selecting prospective tenants for residential accommodation. The regulation allows landlords to request credit references, rental history, and authorization for credit checks from prospective tenants to assess their suitability (section 1). **Landlords** may also request income information, but only if they have already requested credit or rental history information (section 1). The regulation permits landlords to require a rent guarantee or a security deposit in accordance with the Residential Tenancies Act, 2006 (section 2). The regulation specifies that landlords can use income information to determine eligibility for rent-geared-to-income units without being bound by certain restrictions on income information requests (section 3). Importantly, the regulation prohibits landlords from refusing accommodation based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, or receipt of public assistance (section 4). The regulation was last amended by O. Reg. 95/18 and is consolidated from March 8, 2018, to the e-Laws currency date [Not applicable or not found]. **Landlords** may request credit references, rental history, and income information from prospective tenants, and use this information to assess tenant suitability (see: section 1). **Landlords** are prohibited from refusing accommodation based on specified grounds such as race, gender, and disability (see: section 4 of the *HR Code*).
16. Where there is a lacuna in a statute and associated regulations, the *HR Code* fills that lacuna.

17. The issue herein is not whether the **Landlord** refused accommodation to the **Applicant** but her conduct prior to the Unlawful Lockouts, thereafter and what remains ongoing from an *HR Code* standpoint. Contrary to her abuse of process herein, wherein she falsely alleged that the **Applicant** was seeking relief in a court proceeding (civil) that is the same as the relief herein and pursuant to the *HR Code*, section 45.2. No such civil proceeding ever existed at the time the **Landlord** sought such relief in the form of a dismissal, and it does not exist now.
18. The self-evident inferential motive by the **Landlord** in this regard was that she engaged in the aiding, abetting and facilitating of theft on October 25, 2024 (the “CAMH TDI Karat Theft”). This inferential motive in engaging in a procedural mechanism with no factual basis is supported by her failure to respond to the **Rule 23 Motion**.
19. The relevant subsection of the statute (*HR Code*) is subsection 42(2):
- “42 (2) Despite section 32 of the *Statutory Powers Procedure Act*, this Act, the regulations and the Tribunal rules prevail over the provisions of that Act with which they conflict.
20. Section 32 of the *SPPA* states:
- “**32** Unless it is expressly provided in any other Act that its provisions and regulations, rules or by-laws made under it apply despite anything in this Act, the provisions of this Act prevail over the provisions of such other Act and over regulations, rules or by-laws made under such other Act which conflict therewith.”

VOLUME #3: ORDERS SOUGHT IN THIS REQUEST FOR AN ORDER DURING THE PROCEEDING (THE “MOTION”)

21. In seeking relief against various individual respondents, the **Applicant** submits that harassment, including sexual harassment, as per the court in *Incognito* is excluded from the deemed liability provision in s 46.3(1) of the *HR Code*; this would be the case whether the vicarious liability claim was brought to the Human Rights Tribunal of Ontario or, as in this case, as part of an action under s. 46.1 of the *Code*. It is only the former that is relevant herein. As noted herein, harassment is unwelcome conduct despite a notice or warning of ‘cease and desist’. Harassment applies in accommodation but not in services as per the *HR Code*’s clear language. The tests are different under various pieces of provincial legislation but the upshot is that the **Landlord**’s misrepresentation that the **Applicant** was seeking relief in another court proceeding (civil in nature) relating to relief under section 46.1 of the *HR Code* was more abusive and discriminatory conduct by the **Landlord**.
- 22.
23. As noted by the court in *Incognito*, harassment, including sexual harassment, is excluded from the deemed liability provision in s 46.3(1) of the *Ontario Code*; this would be the case whether the vicarious liability claim was brought to the Human Rights Tribunal of Ontario or, as in this case, as part of an action under s. 46.1 of the *Code*. However, that does not mean the Tribunal can ignore the words in the enabling statute.
24. The **Applicant** seeks the orders in the Form 10 which are reproduced herein:

Volume #3(I) (A): TPS Respondents
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<i>HR Code</i>

- a. An Order and a finding that the **TPS** and **TPS Respondents** discriminated against the **Applicant** by his pleaded and particularized disabilities being *a factor* in the adverse treatment and adverse

decisions including the adverse consequences, adverse impact and/or effects he has undergone from the **TPS** and **TPS Respondents**;

Fale Document and Forgery Issued by **TPS** and **TPS Respondents**

- b. A finding of law that the Form 2 Frugoni-Rojas Information and **Intake Court Endorsement [sic]** produced by the **TPS Respondents** in their Response are false documents;
- c. A finding that **Intake Court Endorsement [sic]** produced by the **TPS Respondents** in their Response is a false document and contains a forgery on behalf of JP Jiri of the Brampton ONCJ;

Volume #3(I)(B): Goldview Respondents

- d. An Order and a finding that the **Goldview Respondents** discriminated against the **Applicant** by his pleaded and particularized disabilities being a *factor* in the adverse treatment he underwent from the **Goldview Respondents**;

Volume #3(I) (C): Mrs. Aphrodite Artopoulos

- e. An Order and a finding that Mrs. Artopoulos discriminated against the **Applicant** by his pleaded and particularized disabilities being a factor in the adverse treatment he underwent from Mrs. Artopoulos including the evidence in his Declaration #10 and #11 involving Mrs. Artopoulos;

VOLUME #3(II): SOUGHT FINDINGS

25. The **Applicant** seeks the following findings of the HRTO pursuant to the HR Code's statutory power to do so:

VOLUME #3(II)(A): Poisoned Environment

- f. A finding that the **Landlord** created a poisoned environment involving accommodation;
- g. A finding that the Goldview Respondents created a poisoned environment in the Minto Buildings and surrounding lands by their conduct;

VOLUME #3(II)(B): Duty to Inquire

Landlord

- h. A finding that the Landlord breached her duty to inquire with the **Applicant** as it related to his Disabilities before her adverse treatments towards the **Applicant**;

Goldview Respondents

- i. A finding that the **Goldview Respondents** breached her duty to inquire with the **Applicant** as it related to his Disabilities before her adverse treatments towards the **Applicant**;

TPS

- j. A finding that the TPS **Respondents** breached their duty to inquire with the **Applicant** as it related to his Disabilities before her adverse treatments towards the **Applicant** commencing in September 2024 or an earlier time known to the TPS;

VOLUME #3(II)(C): Duty to Accommodate

VOLUME #3(II)(C)(i): Landlord

- k. A finding that the Landlord breached her duty to accommodate the **Applicant** when she engaged in the Unlawful Lockouts on September 20, 2024;

VOLUME #3(II)(C)(ii): Goldview Respondents

- l. A finding that the **Goldview Respondents** breached their duty to accommodate the **Applicant** when they engaged in assisting or the factual acts of the Adverse Lockouts;
- m. A finding that the **Goldview Respondents** breached their duties to accommodate the **Applicant** when Ms. Ferguson engaged in the Extortionary Emails on September 23, 2024;

VOLUME #3(II)(C)(iii): TPS

- n. A finding that the TPS **Respondents** breached their duties to accommodate with the following particulars:
- i. Court Officer Rojas breached her duty to inquire and accommodate by swearing evidence that was false in material particulars on the alleged date of September 23, 2024;
 - ii. The TPS breached their duty to accommodate the **Applicant** when it created the false document with a forgery for a Justice of the Peace known as the **Intake Court Endorsement [sic]**;
 - iii. Constable Romano breached his duty to accommodate the **Applicant** by the False Pretense Email;
 - iv. DC Kolankowski and Constable Romano breached their duties to accommodate the **Applicant** when they deceived the **Applicant** into believing that he was to return from outside the TPS 14th Division to the inside of the 14th Division to sign a receipt for the unfettered access to his property that the TPS 14th Division apparently received on October 2, 2024;
 - v. DC Kolankowski breached his duty to accommodate the **Applicant** when he misled him by the Fictitious Harassment Warning;
 - vi. The TPS breached its duty to accommodate the **Applicant** by the above conduct and having a Detective from the 52nd Division be responsible for whether the **Applicant** was to be released or remain incarcerated;
 - vii. The TPS breached its duty to accommodate the **Applicant** when Sergeant Cassidy knew that he would input NFA in the Form 10, as per the Purported Rojas Information (Form 2), and that by luring him to the TPS 14th Division, it was putting himself and property at risk;
 - viii. The TPS breached its duty to accommodate by the particulars related to the lack of hygiene items in the jail cell of the 14th Division;
 - ix. The TPS breached its duty to accommodate the **Applicant** when it failed to seek, obtain and have on its officers at all times when executing the arrest, the alleged arrest warrant'

VOLUME #3(III): RELIEF FROM THE NOCQ THAT REMAINS OUTSTANDING

26. The **Applicant** continues to seek the relief from the NOCQ in the form of document production from the TPS (see: Appendix #1).

VOLUME #3(IV): RELIEF SOUGHT IN THE NOCQ AND MEMORANDUM OF LAW

27. The **Applicant** seeks the same relief from the NOCQ in November 2025 as Appendix #2.

VOLUME #3(V): AMENDING THE HRTO APPLICATION (NUNC PRO TUNC)

28. The **Applicant** seeks the following order:
- o. An Order amending the **Applicant's** **HRTO** Application to include any of the material facts discovered after May 4, 2025 as per his evidence and submissions as of June 12, 2025, and such order is granted *nunc pro tunc*;

VOLUME #3(VI): AN ORDER THAT THE RESPONDENTS CEASE ALL CONTRAVENTIONS OF THE HR CODE FORTHWITH

29. The **Applicant** seeks a mandatory and permanent order as follows:
- a. An Order that the Respondents cease all contraventions of the HR Code, specific to the **Applicant**, and where those contraventions of the HR Code involve other persons in the jurisdiction of the TPS (City of Toronto), Goldview Respondents (City of Toronto) and the Landlord (City of Toronto), the Respondents must forthwith cease engaging in any and all contraventions of the HR Code whether intended, contemplate, potential or actual;

VOLUME #3(VII): ANCILLARY AND FUTURE ORDERS

30. The **Applicant** seeks an order as follows:
- p. Such other relief and remedies that may arise between now and the deadline for the Respondents to file responsive forms, evidence and submissions.

VOLUME #4: HRTO Role's in addition to filling lacunas of other legislation and the HR Code being paramount to other conflicting statutes, regulations and rules

31. The **HRTO** plays the role of adjudicating claims of discrimination and violations of human rights under the **Ontario Human Rights Code**. In this case, the **HRTO** is tasked with:
- a. **Hearing the Applicant's Claims:** the **HRTO** is to hear and decide the NOM #3 of Mr. Kevin Alexander McLean's allegations of disability discrimination and adverse treatment by the **Respondents** along with the *Charter* violations and issue a 'reasons for decision' in relation to the same while deciding the outstanding NOM #2 at the same time as this NOM #3, prior to the remedies portion of this **HRTO** Proceeding and/or relying on the adverse inference doctrine;
 - b. **Evaluating Evidence:** The **HRTO** will assess the evidence provided by the **Applicant**, including his declarations, exhibits, and supporting documentation, as well as any counter-evidence submitted by the **Respondents**;

- c. **Determining Violations of the *Human Rights Code*:** The **HRTO** will determine whether the **Respondents** violated the **Applicant's** rights to equal treatment in services, goods, facilities, and accommodation without discrimination based on disability, as outlined in sections 1 and 2 of the *Code*;
- d. **Issuing Orders or Remedies:** If the **HRTO** finds that discrimination occurred, it has the authority to order remedies, such as compensation, policy changes, or other corrective actions to address the harm caused; and
- e. **Ensuring Procedural Fairness:** The **HRTO** ensures that all parties involved in the proceeding have an opportunity to present their case and respond to allegations, maintaining fairness and impartiality throughout the process.

32. In summary, the **HRTO** serves as the forum for resolving the **Applicant's** human rights complaint, along with Charter rights, and ensuring compliance with the Ontario *Human Rights Code*.

VOLUME #4(A): Evaluation of Evidence:

33. The **HRTO** evaluates the evidence to determine whether discrimination occurred under the Ontario *Human Rights Code*. It considers whether the **Applicant** was treated unequally based on a protected ground and whether the **Respondents** can justify their actions. As noted in the executive summary, the **Respondents cannot** justify their actions under the *HR Code* as they have not pleaded undue hardship under section 17 of the *HR Code* to accommodate the **Applicant**.

VOLUME #5: Summary of NOCQ, Memorandum of Law and NOM #1 for Expedited Proceedings

VOLUME #5(A): Motion for Expedited Human Rights Proceedings (“NOM #1”) and NOCQ Summary

34. The **Applicant** sought and continues to seek expedited proceedings under the *Human Rights Code* regarding alleged violations of his *Charter* rights by the Toronto Police Service (**TPS**) and other **Respondents** of the **TPS** and any individuals who were under a high degree of control of the **TPS** (governmental entity) (see: Appendix #2).

VOLUME #5(B): Allegations of *Charter* Violations

35. Mr. McLean alleges that the **TPS** engaged in unlawful actions that infringed upon his *Charter* rights, including unlawful arrest and seizure of property. He seeks declarations and findings regarding these violations:
- a. the **Applicant** claims unauthorized seizure of his property on October 2, 2024;
 - b. he argues that the **TPS** lacked a warrant for his arrest, violating his rights under sections 9, 8, 7, 10, 11, 12, and 15 of the *Charter*;
 - c. specific requests include declarations of unlawful detention, unreasonable search, and lack of reasonable grounds for arrest; and
 - d. he emphasizes the importance of a warrant in determining the legality of the arrest and subsequent actions.

VOLUME #5(C): Document Production and Timelines

36. The **Applicant** requested specific orders for document production from the **TPS** and other **Respondents**, along with established timelines for compliance.

VOLUME #5(D): Legal Framework and Context

37. The application referenced the legal framework surrounding *Charter* rights and the responsibilities of law enforcement. It highlights the significance of these rights in the context of public interest:
- a. The **Applicant** emphasizes the importance of *Charter* rights, particularly regarding unlawful arrest and detention;
 - b. He discusses the implications of the **TPS's** actions on individuals with protected characteristics, particularly in the context of mental health and disabilities; and
 - c. The application is framed as a public interest proceeding, addressing broader societal issues beyond the individual case.

VOLUME #5(E): Overview of Applicant's Claims and Background

38. The **Applicant**, Mr. McLean, alleges discrimination based on his protected characteristics, including ADHD and physical disabilities, resulting from adverse treatment by the **Respondents**, including the Toronto Police Service (**TPS**) and his landlord. He seeks remedies for procedural and substantive inequality, unlawful actions, and the ongoing adverse impact of these actions on his life.

VOLUME #5(F): Protected Characteristics and Adverse Treatment

39. The **Applicant** has ADHD and is physically disabled due to an automobile accident, which he claims led to discrimination in protected areas under the *Code*:
- a. ADHD diagnosed at age 16 by a leading psychiatrist in BC;
 - b. Currently designated as “CAT impaired” due to a combination of ADHD and physical disabilities from an accident; and
 - c. Claims of procedural and substantive inequality and discrimination based on his protected characteristics.

VOLUME #5(G): Allegations Against the Toronto Police Service

40. Mr. McLean alleges that the **TPS** engaged in unlawful actions that violated his rights and dignity:
- a. Claims include false pretenses, misrepresentation, unlawful arrest, unlawful search and seizure, unlawful detention and unlawful imprisonment;
 - b. Specific incidents include a misleading email from Constable Romano and a fabricated warning from DC Kolankowski; and
 - c. Allegations of demeaning treatment by Sergeant Cassidy, impacting his dignity and self-respect.

VOLUME #5(H): Landlord and Property Management Issues

41. The **Applicant's** landlord and property management company, Goldview, are accused of unlawful actions regarding his tenancy and property access:
- a. The landlord changed locks and deactivated the **Applicant's** FOB without notice while he was at medical appointments;
 - b. Allegations of extortion and threats made by Goldview against the **Applicant**;

- c. The **Applicant** claims he was unlawfully locked out and is seeking compensation under the Residential Tenancies Act (*RTA*);
 - i. *Nota bene* (current status): said *RTA* application is before the ONSC pursuant to damages under the *RTA* (not the *HR Code*).

VOLUME #5(I): Legal Framework and Rights Violations

- 42. The **Applicant** discusses the legal context surrounding his claims, particularly regarding search and seizure rights under the *Charter*:
 - a. Section 8 of the *Charter* protects against unreasonable search and seizure, emphasizing the protection of individuals over places;
 - b. The **Applicant** argues that the **TPS**'s actions constituted a violation of his rights, including unauthorized possession of his property; and
 - c. The law of consent is highlighted, indicating that any consent given was not valid due to coercion and lack of awareness of the consequences.

VOLUME #5(J): Emotional and Economic Impact of Discrimination

- 43. The **Applicant** outlines in this **Factum**, with further ongoing evidence to follow, emotional and economic toll of the alleged discrimination and unlawful actions:
 - a. claims of ongoing emotional distress, humiliation, and loss of dignity due to the treatment received.
 - b. economic interests were jeopardized by the unlawful actions of the **TPS** and the landlord; and
 - c. The **Applicant** seeks compensation for both tangible and intangible losses, referencing previous case law for support.

VOLUME #5(K): False Pretenses and Misrepresentation Claims

- 44. The **Applicant** asserts that the **TPS** engaged in false pretenses and misrepresentation leading to his unlawful arrest:
 - a. The "False Pretense Email" misled the **Applicant** regarding the nature of his visit to the **TPS**;
 - b. The email contained deceitful elements that exploited the **Applicant**'s vulnerabilities; and
 - c. The **Applicant** argues that the actions of the **TPS** were not only unlawful but also constituted a breach of trust and dignity.

VOLUME #5(L): Summary of Legal Precedents and Implications

- 45. The **Applicant** references legal precedents to support his claims of rights violations and the need for accountability:
 - a. cites cases demonstrating the impact of police deceit and the importance of protecting individual rights;
 - b. Emphasizes the need for systemic change within the **TPS** to address issues of dishonesty and misconduct; and
 - c. Argues that the ongoing nature of the discrimination and legal proceedings necessitates immediate remedies and recognition of harm.

VOLUME #5(M): Criminal Complaint Filings in Canada

46. In Canada, individuals generally cannot file criminal complaints on behalf of others, as the actual complainant or an authorized representative must submit the report. This principle is reinforced by various police department policies across Ontario:
- Individuals must file complaints for themselves or be authorized to do so;
 - Toronto Police Service (TPS) and Peterborough Police emphasize the necessity of the complainant's direct involvement;
 - Reports filed on behalf of third parties are not accepted; and
 - Filing a false police report is a criminal offense.
47. The Respondent **Landlord** can address the same in her responsive form under the *HR Code* along with declared evidence by her.

VOLUME #5(N): Harassment and Reporting Requirements

48. Harassment is defined as unwanted communication that continues despite *requests to cease* (“Warnings” Or “Requests To Cease”). Where an individual is entitled to provide formal legal notices, relied upon in evidence in an administrative proceeding there cannot be a charge of harassment. The **Landlord’s** then legal counsel admitted the same by her filing on October 24, 2024, with the LTB as she admitted The Sudbury Police provide guidelines on what constitutes harassment and the necessary steps for filing a complaint:
- Harassment includes repeated unwanted communications via various channels;
 - The Sudbury Police outline clear criteria for filing harassment complaints; and
 - The seriousness of harassment allegations necessitates proper reporting procedures.

VOLUME #5(O): Exceptions for Minors and Sexual Assault Victims

49. Minors and victims of sexual assault may have complaints filed on their behalf due to their vulnerable circumstances. This exception acknowledges the trauma and challenges faced by these individuals:
- Minors often have parents or guardians file complaints for them;
 - Victims of sexual assault may require support in reporting due to trauma; and
 - The legal system recognizes the need for special considerations in these cases.

VOLUME #5(P): Legal Framework and *Charter* Violations

50. The case discusses the implications of Charter violations in the context of unlawful arrests and searches. It highlights the importance of adhering to legal protocols during police operations:
- Section 29 of the *Criminal Code* mandates officers to have warrants available and on them during arrests unless it is not feasible to do so;
 - failure to produce a warrant upon request constitutes a breach of rights under Section 8 of the *Charter*; and
 - Section 8 breaches have never been saved under section 1 of the Charter.
51. The **TPS Respondents** will have the opportunity, unlike the **Applicant**, to tender evidence of how they acquired the **Applicant’s** property prior to October 2, 2024.

VOLUME #5(Q): Case Analysis: *Bohn* Decision Insights

52. The *Bohn* case illustrates the consequences of police procedural errors during arrests and searches. The court emphasized the necessity of following legal requirements to uphold individual rights. The BCCA found that

the absence of a warrant during the search rendered it unlawful. The trial judge acknowledged breaches of Section 10(b) rights regarding the right to counsel but did not find that it warranted the exclusion of evidence in failing to carry the relevant arrest warrant on the person of the peace officer as required by the *Criminal Code* and producing the same when demanded. The cumulative effect of *Charter* violations can lead to the exclusion of evidence.

53. In this **HRT** Proceeding, due to the now known fraud, false documents and forgeries, it is unclear what other fraud has occurred by the **TPS et al** but it can face the same in its response to the Form 10 by way of Form 11.

VOLUME #5(R): Mr. McLean's Personal Experience and Legal Challenges

54. Mr. McLean's narrative details his experiences with the legal system, particularly regarding his interactions with the Law Society of BC. His case highlights issues of privacy, unlawful searches, and the treatment of individuals with protected characteristics:
- a. Mr. McLean faced significant legal challenges with interim success and now ultimate success for not only himself but the public, related to his past with the Law Society of BC, which will be defunct in short order by legislative repeal in BC of the Legal Profession Act to the passed and Royal Assented *Legal Professions Act*;
 - b. He emphasizes the importance of privacy rights and the implications of unlawful searches; and
 - c. His experiences reflect broader issues of systemic failures in handling sensitive cases, and his experience is of benefit to the shaping of the law in Ontario,

VOLUME #5(S): *Mens rea* and Police Accountability

55. The case raises questions about the understanding and accountability of police officers regarding their actions. It discusses the implications of their decisions in the context of Mr. McLean's case:
- a. *Mens rea* refers to the intention behind criminal actions, crucial for establishing guilt;
 - b. The actions of Constable Romano and DCK are scrutinized for their understanding of legal consequences; and
 - c. Police officers are held to a higher standard of accountability in their written communications.

VOLUME #5(T): *Mens rea* and Subjective Awareness in Fraud

56. The case discusses the legal standards for determining *mens rea* in fraud cases, emphasizing the subjective awareness of the accused regarding the consequences of their actions. It highlights that an accused's belief in the morality of their actions is irrelevant to the determination of guilt:
- a. The test for *mens rea* is subjective, focusing on the accused's awareness of potential consequences.
 - b. An accused cannot avoid conviction by claiming ignorance of wrongdoing or believing their actions were honest;
 - c. Subjective awareness can sometimes be inferred from the actions of the accused; and
 - d. The focus is on whether the accused intentionally committed acts that could lead to deprivation of another's property.

VOLUME #5(R): Unauthorized Collection, Use, Access and Disclosure of Property, Personal Information, Personal Health Information, Confidential Information and Sensitive Personal Information

57. This section and relevant volume addressed the implications of the unauthorized collection and use of Mr. McLean's property and medication by the Toronto Police Service (**TPS**). It raises questions about the consequences of these actions and the potential for fraud;
- a. The unauthorized actions by **TPS** led to the deprivation of Mr. McLean's property and medication;
 - b. The case argues that Mr. McLean should not have faced arrest or detention for property that was rightfully his; and
 - c. The actions of **TPS** are framed as potentially leading to charges of public mischief against the complainant.

VOLUME #5(S): Discrimination and Protected Characteristics

58. The case explores whether Mr. McLean's protected characteristics or disabilities were factors in the adverse treatment he received from the **TPS** and other parties. It outlines the legal framework for discrimination under the *Human Rights Code*:
- a. The analysis includes whether Mr. McLean faced adverse decisions, treatment, or impacts due to his protected characteristics;
 - b. The case emphasizes the need to establish a connection between Mr. McLean's characteristics and the adverse actions taken against him; and
 - c. It discusses the potential for systemic issues within the **TPS** and other involved parties.

VOLUME #5(T): Summary of Section 380 Offence

59. This section summarizes the elements of the fraud offence under section 380 of the *Criminal Code*, focusing on the financial implications for Mr. McLean. It highlights the *mens rea* required for establishing criminal responsibility:
- a. The term "pecuniary" refers to financial losses suffered by Mr. McLean due to the actions of **TPS**;
 - b. The **TPS** is argued to have subjective knowledge of the unlawful acts and their potential consequences; and
 - c. The case references legal precedents to support claims of unlawful conduct by **TPS**.

VOLUME #5(U): False Pretense Email from Constable Romano

60. The case presents a hypothetical email that Constable Romano should have sent to Mr. McLean, outlining the proper communication regarding his property and the allegations against him:
- a. The email should have clarified the status of Mr. McLean's property and the nature of the allegations.
 - b. It emphasizes the importance of transparency and proper procedure in police communications.
 - c. The hypothetical email serves as a benchmark for assessing the appropriateness of the actual communication sent.

VOLUME #5(V): Issues of Fact and Law in HRTO Proceedings

61. This section outlines the various factual and legal issues that need to be resolved in the **HRTO** proceedings related to Mr. McLean's case:
- a. key factual issues include consent regarding the possession of Mr. McLean's property and the existence of an arrest warrant;
 - b. legal issues focus on the interpretation of protected characteristics and the responsibilities of the **TPS** and other parties; and

- c. The case emphasizes the need for a thorough examination of evidence and legal standards in the proceedings.

VOLUME #5(W): Constitutional Questions Raised

62. The case raises several constitutional questions regarding the actions of the **TPS** and the rights of Mr. McLean under the *Charter of Rights and Freedoms*:
- a. It questions whether the **TPS** acted within the bounds of the *Charter* during the arrest and seizure of property;
 - b. The case discusses the implications of not having a warrant and the potential breaches of Mr. McLean's rights or in the alternative, the having of an arrest warrant but refusing to produce a copy of the same when a demand and a request has been made; and
 - c. It highlights the need for the **HRT** to address these constitutional issues in its deliberations before issuing a reasons for decision.

VOLUME #5(X): Arrest Without Warrant by Peace Officer

63. This section outlines the conditions under which a peace officer may arrest an individual without a warrant, specifically focusing on indictable offenses and the limitations imposed by the *Criminal Code*:
- a. A peace officer can arrest without a warrant if they believe a person has committed or is about to commit an indictable offense.;
 - b. Arrests can also occur if a person is found committing a criminal offense or if there is a warrant in force for that person; and
 - c. Section 495(2) prohibits warrantless arrests for certain offenses if public interest can be served without arresting the individual.

VOLUME #5(Y): Prohibition Against Arrest Without Warrant

64. This section discusses the limitations on peace officers regarding warrantless arrests, emphasizing the need for reasonable grounds and public interest considerations:
- a. Peace officers cannot arrest without a warrant for certain indictable offenses listed in section 553;
 - b. Officers must have reasonable grounds to believe that arrest is necessary to establish identity, secure evidence, or prevent further offenses; and
 - c. If there are no reasonable grounds to believe the person will fail to attend court, arrest is not justified.

VOLUME #5(Z): Consequences of Arrest Without Warrant

65. This section explains the legal implications of an arrest made without a warrant, including the presumption of lawfulness unless proven otherwise:
- a. A peace officer acting under section 495(1) is deemed to be acting lawfully unless it is proven that they did not comply with subsection (2); and
 - b. Arrests made without a warrant can lead to legal challenges if the requirements of the *Criminal Code* are not met.

VOLUME #5(AA): Section 553 of the *Criminal Code*

66. This section details the offenses that can be tried without the accused's consent by a provincial court judge or Nunavut Court of Justice judge:
- a. Section 553 lists specific offenses for which a judge has absolute jurisdiction to try an accused; and
 - b. The relevance of this section is tied to the limitations on warrantless arrests for *certain* offenses.

VOLUME #5(BB): Interpretation of Section 495(2)(b) of the *Criminal Code*

67. This section discusses the interpretation of section 495(2)(b) regarding the necessity of a warrant for hybrid offenses:
- a. Law enforcement require a warrant to arrest individuals for hybrid offenses unless there are reasonable grounds for an indictable offense; and
 - b. The argument is made that the police's interpretation of the law was frivolous and lacked legal basis.

VOLUME #5(CC): The Importance of "May" in Arrest Context

68. This section emphasizes the significance of the word "may" in the context of police authority to arrest without a warrant:
- a. The use of "may" indicates discretion and suggests that the police did not have sufficient grounds to justify the arrest; and
 - b. The lack of evidence for an indictable offense further undermines the lawfulness of the arrest.

VOLUME #5(DD): Questioning the Motives of the TPS

69. This section raises concerns about the motives behind the Toronto Police Service's actions regarding Mr. McLean's arrest and property seizure:
- a. The TPS had Mr. McLean's property, including medication, without his consent; and
 - b. The possibility of providing a "Promise to Appear" instead of arresting him is highlighted.

VOLUME #5(EF): Legal Framework for Release from Custody

70. This section outlines the legal requirements for releasing a person arrested without a warrant. Officers must release individuals as soon as practicable unless there are reasonable grounds to believe detention is necessary. The peace officer's belief must be based on public interest considerations.

VOLUME #5(FF): Allegations of False Pretense Email

71. This section discusses the implications of the "False Pretense Email" in relation to Mr. McLean's arrest:
- a. The email is seen as a critical piece of evidence that could indicate the TPS's motives and actions.
 - b. The lack of a warrant and the nature of the email raise questions about the legality of the arrest.
 - c. (nota bene (current): the False Pretense Email remains along with the DC Kolankowski Fictitious Harassment Warning Misrepresentation and Illusory Warrant Representation albeit with additional facts regarding the latter)

VOLUME #5(GG): The Role of Reasonable Grounds in Arrest

72. This section explains the necessity of having reasonable grounds for an arrest to be lawful: (i) Reasonable grounds must be both objective and subjective, meaning the officer must believe there are grounds based on the circumstances; and (ii) The arrest must be justified at the time it occurs, not based on later developments.

VOLUME #5(HH): Distinction Between Detention and Arrest

73. This section clarifies the legal distinctions between detention and arrest under Canadian law:
- Detention does not require a warrant, but an arrest typically does unless specific conditions are met.
 - The circumstances under which an arrest can occur without a warrant are outlined in the *Criminal Code*.

VOLUME #5(II): Application of Law to Mr. McLean's Case

74. This section applies the legal principles discussed to the specific circumstances of Mr. McLean's arrest:
- The **TPS's** actions are scrutinized for compliance with the *Criminal Code* and the necessity of a warrant; and
 - The lack of evidence for an indictable offense at the time of arrest is emphasized.

VOLUME #5(JJ): Implications of Fictitious Warrant Misrepresentation

75. This section discusses the consequences of misrepresenting the existence of a warrant during an arrest:
- Misrepresentation undermines the integrity of the judicial process and the separation of powers; and
 - The **TPS's** actions are viewed as a serious breach of legal standards.

VOLUME #5(KK): Conclusion on Arrest Illegality

76. This section concludes that the arrest of Mr. McLean was unlawful based on the lack of a warrant and reasonable grounds. To the extent that there was an arrest warrant, why did the **TPS** manipulate documents in the **TPS** Information Package? Only time will tell. The arrest's legality is challenged based on the failure to meet the requirements set forth in the *Criminal Code*. The implications of the unlawful arrest extend to potential violations of Mr. McLean's rights under the *Charter* and the *Human Rights Code*. It may be that the **TPS** engages in this type of conduct on a regular basis but it can also be true that Mr. McLean's Disabilities were a factor in the manner in which they lured him, arrested him and have treated him thereafter.
77. The *HR Code* does not cease to exist after an **HRTO Application** is filed and served. Rather, the reprisal sections come to fruition.
78. Section 8 of the Code provides, in part, that every person has a right to claim and enforce their *Code* rights and to institute and participate in human rights proceedings without reprisal or threat of reprisal. Reprisal has been held to be a separate ground of liability distinct from the discrimination and harassment protections of the *Code*. The test for reprisal includes a requirement that there be some evidence of the respondent's intention to repress or evidence of a link between the complainant's invocation of rights and the respondent's subsequent conduct that is considered to be retaliatory. The respondent's intention may be inferred based on the complainant's reasonable perception that the respondent's action served as retaliation because of the complainant's assertion of rights: see *Jones, supra*, at § 107—15 and *Entrop v. Imperial Oil Ltd.* (No. 7) (1995), 1995 CanLII 18196 (ON HRT), 23 C.H.R.R. D/213, upheld with respect to reprisal (2000), 37 C.H.R.R. D/481, 2000 CanLII 16800 (Ont. C.A.). Damages can be awarded separately for a violation of s. 8: see *Ketola v. Value Propane Inc.* (No. 1) (2002), 44 C.H.R.R. D/20, 2002 CanLII 46510 (Ont.

Bd.Inq.) ("Ketola") and *Curling v. Torimiro* (No. 4), (2000), 38 C.H.R.R. D/216, 2000 CanLII 20870 (Ont. Bd.Inq.) ("Curling").

79. In *Smith v. Menzies Chrysler*, 2009 HRTO 1936, this decision emphasized that reprisals may take direct or indirect forms, including workplace harassment or adverse treatment.
80. The following is from the summary in *Menzies Chrysler*:

“In addition, the Tribunal found that David Smith's right to be free from reprisal for claiming his rights was violated. His employment was terminated because he objected to the poisoned work environment and expressed an intent to file a human rights complaint. *Menzies Chrysler* also made a complaint to the police about him alleging theft, because payments for a car he had purchased from the dealership were not fully paid. The complaint to the police was made even though *Menzies Chrysler* knew about the car purchase and its terms.

In addition, it ordered *Menzies Chrysler* to pay \$15,000 as compensation for the violation of his right to be free from reprisal.”

VOLUME #5(LL): Definition and Importance of Warrants

81. Warrants are legal documents issued by a judge or justice of the peace that authorize law enforcement to arrest or detain individuals. Section 493 of the *Criminal Code* of Canada specifies the definitions and forms of arrest and committal warrants, ensuring clarity and uniformity in their application. Accused includes individuals with appearance notices and those arrested for criminal offenses. "Judge" definitions vary by province, ensuring jurisdictional clarity. Arrest warrants (Form 7) and committal warrants (Form 8) must follow specific formats for legal validity. Standardized forms help protect the rights of the accused and the public.

VOLUME #5(MM): Distinction Between Arrest and Committal Warrants

82. Arrest warrants are issued for suspected offenders, while committal warrants are for individuals charged and awaiting trial. This distinction is crucial for maintaining public safety and ensuring the justice system operates effectively/ Arrest warrants allow immediate detention of suspected criminals. Committal warrants are used to hold charged individuals until trial. Section 493 ensures warrants meet legal requirements to protect rights.

VOLUME #5(NN): Legal Procedures for Issuing Warrants

83. Law enforcement must follow specific legal procedures to issue warrants, including demonstrating probable cause and presenting adequate evidence to a judge. Failure to adhere to these procedures can lead to legal challenges and dismissal of evidence. Officers must have probable cause to request a warrant. Judges require sufficient evidence to issue a warrant. Non-compliance with procedures can invalidate warrants and evidence.
84. But what about the misrepresentation that an arrest warrant existed at the time? This would fall under the principle and doctrine that fraud unravels everything (see: *Landreville*, 1978, SCC).

VOLUME #5(OO): Requirements for Valid Arrest Warrants

85. Arrest warrants must contain specific information about the individual to be arrested, including their name and physical description. This ensures that arrests are based on clear legal grounds. Form 7 must include

detailed information about the accused. Clarity and accuracy in warrant language are essential to avoid legal challenges. Any errors or omissions can lead to the exclusion of evidence.

VOLUME #5(PP): Implications of Unlawful Arrests

86. Arrests made without a valid warrant can be deemed unlawful and arbitrary, leading to potential legal repercussions for law enforcement. The absence of a warrant raises questions about the legitimacy of the arrest. Unlawful arrests can result in legal challenges against law enforcement. Officers must provide reasons for arrests if no warrant is present. The lack of a warrant undermines the authority of the police.
87. As seen in *R. v. Smith*, police officers, whether in Brampton, Hamilton or Toronto, are subject to the *Criminal Code* when creating and/or uttering false documents is at issue including that of forgery.
88. Misrepresentations about the existence of an arrest warrant prior or at the time of a without notice arrest to an individual is adverse treatment. Where such practices are utilized by the **TPS**, it undermines public confidence in the police, particularly the **TPS**.

VOLUME #5(QQ): Crown's Discretion in Prosecution (for context)

89. It is noted that if the Crown has an Intake Court Endorsement that masquerades as an 'arrest warrant', it may unknowingly exercise a discretion that it does not have. *Ergo*, the **TPS Intake Court Endorsement [sic]** forms part of a decision that is patently adverse to the **Applicant**. Were his disabilities a factor in that adverse decision? By review of the date of the **Intake Court Endorsement [sic]**, which is prima facie the 23rd day of September 2024, it was obviously unknown to the **Applicant** at the time or on October 2, 2024. As such, here are two different types of adverse treatment and hence the importance of the **Rule 23 Motion**.
90. The **TPS'** response to the **Rule 23 Motion** was the same, in that it came up with 'nothing', with its response to the two requirements under the *Criminal Code*:
 - a. The requirement that the **TPS** had a copy of the arrest warrant on it at all times when seeking to execute the same; and
 - b. The requirement that the **TPS** produce a copy of the same upon demand.
91. The Crown has specific discretionary grounds to elect to proceed by indictment or summary process based on the nature of the offense. Certain mandatory conditions require the Crown to proceed by indictment, particularly in cases involving violence or serious offenses:
 - a. Section 515 outlines conditions for detention and prosecution;
 - b. The Crown must show cause for detention if the accused is charged with serious offenses; and
 - c. Mandatory conditions prevent the Crown from discretion in specific violent cases.

VOLUME #5(RR): Legal Framework for Arrest and Detention

92. The legal framework surrounding arrest and detention emphasizes the need for warrants and adherence to legal standards. Section 495(3) provides protections for peace officers acting within their lawful duties.
 - a. Peace officers are deemed to act lawfully if they comply with legal requirements;
 - b. "Other proceedings" can include **HRT**O proceedings where police conduct is challenged; and
 - c. Bad faith actions by officers can lead to legal consequences.

VOLUME #5(SS): Summary of Legal Challenges and Implications

93. The case outlines various legal challenges related to the issuance and execution of warrants, emphasizing the importance of following legal protocols. Misleading information or unlawful conduct by law enforcement can invalidate warrants and lead to serious repercussions:
- a. Misleading information in warrants can lead to their invalidation;
 - b. The integrity of the warrant process is crucial for justice; and
 - c. Legal challenges can arise from improper police conduct or lack of evidence.

VOLUME #5(TT): Application of the *Charter* of Rights

94. The *Charter* applies broadly to government actions and is designed to protect individual rights against government overreach. It does not govern relations between private actors, emphasizing that the *Charter* is an instrument for checking government power. Section 32(1) outlines that the *Charter* applies to the Parliament and government of Canada, as well as provincial legislatures and governments. The *Charter* is intended to limit government powers over individuals, not to regulate private interactions. The application of the *Charter* is flexible and generous, preventing governments from evading their obligations by delegating powers to non-governmental entities.

VOLUME #5(UU): Government Entities and *Charter* Obligations

95. The *Charter* binds the actions of government entities, including municipalities and officials, ensuring compliance with constitutional rights. This includes actions taken by government officials in their official capacities. The *Charter* applies to all branches of government, including executive and legislative. Municipalities are considered government actors and are subject to the *Charter*. Government officials acting within their authority are bound by the *Charter*, while actions outside their duties may not attract *Charter* scrutiny.

VOLUME #5(VV): Non-Governmental Entities and *Charter* Application

96. Non-governmental entities may be subject to the *Charter* if they perform governmental functions or are heavily controlled by the government. However, the *Charter* generally does not apply to private entities. The *Charter* does not apply to private corporations or entities created for non-governmental purposes. Specific actions of non-governmental entities may attract *Charter* scrutiny if they implement government policies or are under significant government control. Ministerial approval does not automatically make a non-governmental entity's actions governmental.

VOLUME #5(WW): Judicial Functions and *Charter* Scrutiny

97. Courts are not considered government entities under the *Charter*, and the exercise of judicial functions does not automatically trigger *Charter* application. However, certain court orders may be subject to *Charter* scrutiny:
- a. The *Charter* may apply to court orders based on public interest or common law;
 - b. Private litigation does not invoke *Charter* rights unless government action is involved; and
 - c. Courts should consider *Charter* values when developing common law, but private parties cannot claim *Charter* violations against each other.

VOLUME #5(XX): Detention and Imprisonment Under the *Charter* (section 9 and 10)

98. Section 9 of the Charter protects individuals from arbitrary detention or imprisonment, emphasizing the importance of lawful authority in detaining individuals. The analysis of detention involves both physical and psychological factors. Arbitrary detention is defined as a lack of lawful authority or criteria governing the detention. The burden of proof lies with the individual to demonstrate that they were arbitrarily detained. Detention can occur instantaneously and does not require a lengthy duration to be considered unlawful.
99. “**Arbitrary**” is defined as: based on random choice or personal whim, rather than any reason or system
100. The bases to have an individual charged with a criminal offence and an arrest warrant are not ‘one and the same’. *Ergo*, if the **TPS** wish to show with evidence declared under penalty of perjury, it will need to admit that its practices include the above. It is the classic ‘two horns of a dilemma’. If the **TPS** admits that its practices are the above to avoid showing unequal adverse treatment of the **Applicant**, then it has a systemic problem of intentionally contravening the law.

VOLUME #5(YY): Reasonable Grounds for Arrest

101. The standard for lawful arrest requires reasonable and probable grounds, which must be objectively established. An arrest without a warrant is presumptively unreasonable if it does not meet this standard. The police must have reasonable grounds based on facts, not mere belief, to justify an arrest. Ignorance of the law is not a defense for law enforcement when making arrests. An unlawful arrest renders any subsequent searches or seizures unlawful under the *Charter*.

VOLUME #5(ZZ): Section 10 of the *Charter*: Rights on Arrest and Detention

102. Section 10 of the Charter outlines the rights of individuals upon arrest or detention, emphasizing the importance of being informed of the reasons for arrest, the right to counsel, and the ability to challenge the legality of detention. Individuals have the right to be informed promptly of the reasons for their arrest or detention. They have the right to retain and instruct counsel without delay and must be informed of this right. The validity of detention can be challenged through habeas corpus, and individuals must be released if the detention is unlawful. The section aims to ensure individuals can effectively challenge the lawfulness of their arrest or detention.

VOLUME #5(AAA): Definition and Context of Arrest

103. Arrest is defined in legal terms as either the physical seizure of a person or the pronouncement of arrest through words, which should be understood in context rather than formally. Arrest occurs through actual physical seizure or by pronouncing words of arrest to a compliant individual. The interpretation of "words of arrest" is contextual, focusing on what a reasonable person would understand from the situation. Legal precedents clarify that not every police interaction constitutes an arrest or detention.

VOLUME #5(BBB): Understanding Detention in Legal Terms

104. Detention, as defined in the *Charter*, involves significant physical or psychological restraint, and it is crucial to understand its implications in various contexts. Detention requires significant physical or psychological restraint, compulsion, or coercion. Psychological detention occurs when individuals feel compelled to comply with police directions. Changes in conditions of imprisonment can be considered a second detention, subject to review.

VOLUME #5(CCC): Police Conduct and Misrepresentation Issues

105. The case discusses issues of police conduct, particularly regarding misrepresentation and the implications of unlawful arrests. Police cannot retrospectively justify an arrest based on potential charges that were not initially presented. Misrepresentations by police officers can undermine the legitimacy of their actions and authority. The case highlights a specific case involving Constable Romano, who allegedly overstepped his authority.
106. Silence is not an option. Remaining silent in the face of misrepresentations can make the silent individual equally liable with the individual making the misrepresentations if the silent individual knows that the third party is relying on those representations.

VOLUME #5(DDD): Rights Against Unreasonable Search and Seizure

107. Section 8 of the *Charter* protects individuals against unreasonable search and seizure, emphasizing the importance of privacy and the need for prior judicial authorization. Section 8 guarantees the right to be secure against unreasonable search or seizure. The language of our Charter, unlike the US constitution, is disjunctive such an unreasonable seizure simpliciter or an unreasonable search simpliciter can offend section 8 of the Charter (see: *R. v. Dymnt*). The purpose of this section is to prevent unjustified intrusions into personal privacy before they occur. Privacy interests are central to Section 8, with overlaps with other Charter rights, particularly regarding dignity and autonomy.

VOLUME #5(EEE): Reasonableness of Searches and Seizures

108. The reasonableness of searches and seizures is determined by whether they are authorized by law, the law's reasonableness, and the manner in which the search is conducted. Searches must be authorized by law, and the law must be reasonable. The manner of conducting searches must also be reasonable to comply with constitutional standards. The analysis of reasonableness is contextual, considering the nature of the intrusion and the privacy interests involved.

VOLUME #5(EEE): Privacy Expectations in Various Contexts

109. The case outlines how privacy expectations vary based on context, including personal, territorial, and informational privacy. Privacy interests are strongest in personal contexts, such as bodily privacy and confidential communications. Territorial privacy is heightened in private dwellings, while informational privacy concerns the control over personal data. The reasonable expectation of privacy can persist even when control over the subject matter is lost involuntarily. This applies to the **Applicant's** property in his fixed address which counsel to the **Landlord** has not responded to which is further aggravated by not opposing NOM #2.
110. While there is much jurisprudence that the **HRT0** does not consider itself to have jurisdiction to monitor privacy breaches and offences, as that could be in the purview of the OIPC by reference to MFIPPA or FIPPA if the organization is a public institution or PIPEDA if is not, privacy breaches are tritely adverse treatment. There may be instances where a privacy breach like the TDI Karat Artopoulos Theft fits discriminatory conduct because the intentional, willfully blind or reckless act of theft or aiding and abetting in the same had a non-major factored element of the victim's personal characteristics or disabilities (collectively, defined as "Protected Grounds").

VOLUME #5(EEE)(i): Application of Law to Specific Facts

111. The application of legal principles to the facts at bar, particularly regarding the actions of the Toronto Police Service (**TPS**) and the implications of their conduct regarding Mr. McLean's property and medication raise

questions about consent and privacy rights. The legal test for consent was articulated in *R. v. Wills* (1990, ONCA). The **TPS** did not meet one of the six parts of that legal test.

112. This case emphasizes that the **TPS** had no right to inspect or seize Mr. McLean's property without proper authorization. The analysis therein included legal considerations of whether property was abandoned or unlawfully obtained.
113. The **Applicant** clearly did not abandon his property, whether it be the property from

VOLUME #5(FFF): Conclusion on Privacy and Consent

114. This **HRT0** with a discussion on the importance of consent in searches and the implications of third-party consent. Consent must be fully informed and voluntarily given to be valid. Third parties cannot waive the privacy rights of individuals, and consent for one purpose does not extend to others. The protection of privacy rights remains critical, even in cases involving shared or stolen property.

VOLUME #5(GGG): *Collins Test*: Justifying Warrantless Searches

115. The *Collins Test* outlines the criteria under which warrantless searches can be deemed reasonable, emphasizing the need for legal authorization, the reasonableness of the law, and the manner of execution. The onus is on the party justifying the search to meet these criteria. A warrantless search is presumptively unreasonable unless justified. The party seeking justification must prove:
- a. Authorization by law (statute, regulation, or common law);
 - b. The law itself is reasonable; and
 - c. The manner of the search is reasonable.
116. There was not law that authorized that creation of a false document and the uttering of the same into a court file. There is a limited exception under the *Criminal Code* for creating a false document but it does not apply to the facts herein.

VOLUME #5(HHH): Authorized Searches Under Common Law pursuant to arrest warrant

117. This section in the Memorandum of Law discussed the common law powers that allow searches incident to lawful arrests, detailing the conditions that must be met for such searches to be valid. A valid search incident to arrest requires: (i) Lawful arrest of the individual; (ii) The search must be truly incidental to the arrest; and (iii) The search must be conducted reasonably.
118. “Incidental” means: accompanying but not a major part of something.
119. Assuming the **TPS** had a valid arrest warrant on September 23, 2024, which the **Intake Court Endorsement [sic]** [sic] is not, it did not allow the **TPS** to conduct searches prior to arrest or not truly incidental
120. Searches can include property in possession at the time of arrest. Hence, what the **TPS** could not do on October 2, 2024, was done by the **Landlord** in conjunction with the TDIA Group. It is notable that her daughter was the individual insured in the policy with SNIC of the TDIA Group.

VOLUME #5(III): Reasonableness of the Law

121. The reasonableness of the law governing searches is assessed based on its balance between state interests and individual privacy rights. A reasonable law balances state interests with privacy rights. The context of the

search (administrative, regulatory, or criminal) affects its reasonableness. No strict test exists for reasonableness; it is context-dependent.

VOLUME #5(JJJ): Judicial Oversight and Accountability

122. Judicial oversight is crucial in ensuring that search and seizure powers are not abused, requiring mechanisms for review and accountability. Unreviewable discretionary powers violate section 8 of the *Charter*. Additional safeguards may be necessary for searches without prior authorization. Judicial review of the lawfulness of searches is essential. This is particularly apposite as to whether there was or was not an arrest warrant because the search and seizure powers incident to arrest are greater than when there is no validly issued Form 7 (Arrest Warrant).

VOLUME #5(KKK): Thresholds for Search Authorization

123. The standard for authorizing searches is typically "reasonable grounds to believe," which is a legal requirement in Canada. "Reasonable grounds to believe" ("RGB") is the common standard for search warrants. The existence of reasonable grounds is a question of law that the Crown must prove. Reasonable suspicion is a lower standard and generally insufficient for searches.

VOLUME #5(LLL): Section 15 of the *Charter*: Equality Rights

124. Section 15 of the *Charter* guarantees equality before the law and prohibits discrimination based on various grounds, emphasizing the need for equal protection and benefit under the law. Section 15(1) ensures equality without discrimination based on enumerated grounds. Section 15(2) allows for affirmative action to improve conditions for disadvantaged groups. The analysis of discrimination involves assessing the impact of laws on different groups.

VOLUME #5(MMM): Cruel and Unusual Punishment Under Section 12 of the *Charter*

125. Section 12 of the *Charter* protects individuals from cruel and unusual treatment or punishment, focusing on the dignity and worth of individuals. Section 12 prohibits treatments that are grossly disproportionate or inherently degrading. The analysis involves two prongs: severity of punishment and inherent nature of treatment. The treatment must be assessed in light of community standards and human dignity.
126. The punishment was based on the Illusory Arrest Warrant or an unproduced one at various stage. The continued failure to produce the same is a breach of the **Applicant's** section 8 rights (see: *Bohn*).

VOLUME #5(MMM): Section 24(1) of the *Charter*

127. Section 24(1) allows individuals whose rights or freedoms have been infringed to seek remedies from a competent court. It is part of a broader framework that includes sections 24(2) and 52(1) for addressing unconstitutional actions and laws. Section 24(1) provides remedies for infringed rights. It allows applications to a court of competent jurisdiction. It is discretionary within *certain* jurisdictional limits. Related provisions include section 24(2) for evidence exclusion and section 52(1) for invalid laws.

VOLUME #5(OOO): Purpose of Section 24(1) of the *Charter*

128. The purpose of section 24(1) is to enable individuals to seek appropriate and just remedies for infringements of their rights. The court has discretion in determining the remedy based on the circumstances of each case. Section 24(1) permits applications for remedies. The court and certain statutory tribunals', like the **HRTO** and OIPC, remedial power is discretionary. Remedies must be appropriate and just in context.

VOLUME #5(PPP): Relationship Between Sections 24(1), 24(2), and 52(1)

129. Sections 24(1), 24(2), and 52(1) serve distinct functions in addressing *Charter* violations. Section 52(1) deals with unconstitutional legislation, while section 24(1) provides individual remedies for government actions. Section 52(1) applies to unconstitutional legislation. Section 24(1) provides individual remedies for government actions. Remedies under section 52(1) and section 24(1) should generally not be combined.
130. They are not herein. There is no challenge to the *Criminal Code* sections regarding the same but the conduct of the **TPS** and **TPS Respondents**.

VOLUME #5(QQQ): Standing for Section 24(1) Remedies

131. Individuals whose rights have been directly infringed can apply for remedies under section 24(1). The section also allows for claims based on apprehension of future interference. Anyone whose rights are infringed can apply. Claims can be based on future interference. Third-party claims are generally not permitted.
132. The **Applicant** clearly has standing for the breaches of his *Charter* rights by the **TPS** and to the extents that the **Goldview Respondents** were acting as agents of the **TPS**.
133. The **Landlord**'s text messages well in advance of the frivolous and not pursued criminal charge by the Crown in any meaningful way, also without the production of any disclosure but perhaps on grounds of the **TPS** having destroyed and deleted actual documents and/or having manufactured the same in the terms of a fictitious arrest warrant.
134. The MAG Court Staff, are now faced with an **NOCQ** that is highly detailed and comprehensive in their failures therein which has been served on the AGO and AGC.

VOLUME #5(RRR): Competent Jurisdiction for Section 24(1) Remedies

135. Applications for section 24(1) remedies must be made to a court of competent jurisdiction, which does not extend the basic jurisdiction of courts. Statutory tribunals can also qualify as competent courts under certain conditions. Applications must be made to a competent court. Competent jurisdiction does not extend basic court jurisdiction. The oddity is that statutory tribunals can be competent if they can decide legal questions.

VOLUME #5(SSS): Available Remedies Under Section 24(1)

136. Section 24(1) provides a wide range of remedies, including damages, declaratory relief, and injunctive relief. The discretion in crafting remedies is broad but must be appropriate and just:
- Remedies include damages, declaratory relief, and injunctions;
 - Courts have wide discretion in crafting remedies
 - Remedies must be meaningful and effective.
137. Even apologies are contemplated by section 24(1) of the *Charter*. An apology in the context of an **HRTO** Proceeding is most meaningful because the duty of good faith upon public bodies including the **TPS** and **TPS Individual Respondents** requires it and their police officers, who are bound by oath to serve and protect (the public – not themselves),

VOLUME #5(TTT): Urgency and Expedited Proceedings

138. The **HRTO** can expedite proceedings under specific circumstances, particularly when urgent resolution is required. The **Applicant** must demonstrate urgency and provide supporting evidence:
- HRTO** can expedite proceedings for urgent cases;
 - Applicants** must show urgency and provide evidence; and
 - Urgent circumstances affect fair resolution of applications.

VOLUME #5(TTT)(i): Key Issues in the NOM Expedited Proceedings (“NOM #1”)

139. The **Applicant** must address specific issues regarding the urgency and necessity of expedited proceedings. This includes detailing changes to normal processes and the potential harm of delays:
- Applicants** must detail requested changes to processes;
 - Urgent circumstances must be clearly explained; and
 - Harm from delays must be articulated.
140. The **Applicant** detailed the requested changes to existing processes under the HR Code, Common Rules and Specific Rules, the urgent circumstances were clearly explained and the harm from delays were articulated. NOM #1 went unopposed and remains so as of today’s date.

VOLUME #5(UUU): Conclusion and Future Implications

141. The ongoing **HRTO Application** has significant implications for Mr. McLean and broader societal issues related to human rights. The resolution of these issues may lead to systemic changes and address ongoing violations:
- The application has broader implications for human rights;
 - Resolution may lead to systemic changes; and
 - Ongoing violations need urgent attention and resolution.

Legal Analysis of Torts in *Joseph v. RCMP* Case

142. The case of Ms. Joseph illustrates the interplay between various torts, including false arrest, false imprisonment, and assault. The court found that Ms. Joseph was unlawfully arrested and injured, confirming the presence of multiple tortious actions against her:
- Ms. Joseph was assaulted, confined, and injured.
 - Key torts identified: false arrest, false imprisonment, assault, and battery.
 - False arrest requires no reasonable grounds for arrest.
 - False imprisonment involves total confinement without lawful justification.
 - Assault is the intentional creation of apprehension of harmful contact.
 - The court concluded that Ms. Joseph experienced all identified torts.
143. The **Applicant** could not legally walk away if the **TPS** had a valid and endorse Form 7 Arrest Warrant but he could if they did not.

Legal Change of Position by TPS on the fly

144. The Toronto Police Service (**TPS**) faced significant breaches of the *Charter*, particularly regarding Mr. McLean's rights. The legal change of position on the ‘fly’ from a fictitious warning to an arrest warrant representation raises concerns about the lawfulness of the **TPS**'s actions:

- a. The **TPS**'s actions led to severe breaches of section 29 of the *Charter* and remain so as of today's date;
- b. Section 8 breaches followed due to the unlawful nature of the actions;
- c. Mr. McLean expressed an intense fear towards **TPS** officers, especially those potentially in plainclothes;
- d. The facts involved unlawful detention and potential retaliatory motives against Mr. McLean by the **TPS** at first instance as of today's date; and
- e. Mr. McLean seeks expedited proceedings and document production to support his claims.

145. *Was there ever an arrest warrant? Was there ever a Form 2 from Ms. Frugoni-Rojas? Is the Form 2 in the court file of the ONCJ, albeit having lost jurisdiction, the true, accurate and complete Form 2 sworn by Court Officer Rojas? The timing of the Court Officer Rojas Form 2 Information, if that is the full, complete and true document is suspiciously close to that of the Extortionary Acts by Ferguson on Monday, September 23, 2024.*

VOLUME #6: Summary of NOM #2: *Rule 23* Motion

- Filed and served on the respondent parties, and interested persons inclusive of the AGO and AGC on Wednesday, May 28, 2025; and
- Deadline for responsive materials under *Rule 23* for **Respondents** and Interested Persons: Wednesday, June 4, 2025

VOLUME #6(A): Legal Context

146. NOM #2 involves alleged discrimination and the validity of police documents requiring the preservation of documents, records and information. NOM #2 required the **Respondents** pursuant to *Rule 23* to respond not later than 7 days. The **Respondents** failed to tender any responsive documents and did not oppose the relief sought.
147. Their failure to do so necessitated this NOM #3 from the **Applicant** to the **Respondents**.

VOLUME #6(B): Importance of *Human Rights Code*

148. **The Factum** stresses the need for the **HRT** to act against potential corruption and uphold justice. The *HR Code* requires liberal interpretation to meet anti-discrimination goals. The **HRT** must address issues of fraudulent documents that mislead citizens. The integrity of the legal system is at stake if such issues are not addressed.

VOLUME #6(C): Allegations of Fraud and Document Manipulation

149. The **Applicant** questioned the authenticity of the "**Intake Court Endorsement [sic]**," as it is a false document. While there is no per se signature of JP Jiri on a TPS document, not that of the Form 7 of the Criminal Code, it is still a forgery because it misrepresents that JP 'digitally signed' the same on the date of September 23, 2024, at 11:59 a.m.
150. As the **Intake Court Endorsement [sic]** [sic] is a false document, police actions and the **Applicant's** treatment were without lawful authority. The **HRT** proceeding partly depends on whether this document (Intake Court Endorsement) is a valid arrest warrant. Regardless, adverse treatment in services remains an

issue. Additionally, if the **Applicant** had not demanded his property after an unsuccessful motion in the LTB Proceeding, the TPS might not have had it. Only the TPS can clarify.

VOLUME #6(D): Disclosure and Open Court Principle

151. The **Factum** discusses the importance of disclosure in legal proceedings, particularly regarding the open court or often tribunal principle, which ensures transparency and accountability. The **Applicant** seeks access to various records related to the issues in the HRTO Proceeding. The open court principle is essential for transparency in legal proceedings. The **Applicant** demands access to documents related to the "**Intake Court Endorsement [sic]**." Disclosure is necessary to uphold the rights of the **Applicant** and the integrity of the process as it ensures that the public institutions designed and purposes to serve and to protect do not destroy or delete documents when they receive notice of a potential administrative proceeding.
152. However, as per affidavit #11, arrest warrants are not always filed in the non-originating courthouse like ONCJ (Toronto) (10 Armoury)). The **TPS** did not do so. However, the **TPS** is required by law to have control and custody of a custody of the same. However, it refuses to produce the same.

VOLUME #6(E): Orders Sought by the Applicant in the *Rule 23* Motion

153. The **Applicant** requested multiple orders from the **HRTO**, including the preservation of records, production of documents, and affidavits from involved parties. These orders aim to ensure that all relevant information is available for the case. The **Applicant** seeks ten specific orders related to document production and preservation. Key orders include the **TPS** Production Order and preservation affidavit orders. The goal is to gather evidence to support claims of discrimination and misconduct, and lay an evidentiary foundation for any non-restitutionary, public interest and general remedies that will assist in making our society a better place.

VOLUME #6(F): New Evidence and Its Implications

154. The **Applicant** has presented new evidence, including video surveillance from CAMH, which allegedly shows theft of his property. This evidence is crucial for substantiating claims against the **Respondents**. New evidence includes video footage of a theft incident on October 25, 2024. The footage shows a male individual stealing the **Applicant's** property. The male individual is that of Mr. David Karat of TDIA Group, and he was representing the very underwriter, albeit contrary to the LSA and LSO By-Laws, where Nicole was the sole individual named insured. This evidence may impact the credibility of the **Respondents** and the case's outcome.

VOLUME #6(G): Broader Implications for Legal System

155. The **Rule 23 Motion** highlights the potential broader implications of the case for the legal system, particularly regarding police conduct and the treatment of individuals with disabilities. It calls for transparency and accountability in legal processes. The case raises questions about police practices and accountability. It emphasizes the need for transparency in legal proceedings involving vulnerable individuals. The outcome could influence future **HRTO** decisions and police procedures. There is a quasi-implied undertaking under the **HRTO** Specific Rule with respect to documents obtained that are idiosyncratic and new to a recipient party by a disclosing party or person. Despite that, the **TPS** have produced only that which was somehow placed in the court file at ONCJ at 10 Armoury Road, Toronto, Ontario.

VOLUME #6(H): Interim Remedies and Legal Tests

156. The **HRT** has *Specific Rules* governing interim remedies, which require the **Applicant** to demonstrate merit and balance of convenience. The legal test for interim remedies is distinct from the common law test.
- Rule 23.2* states that the Tribunal may grant an interim remedy if the application appears to have merit, the balance of harm favors the remedy, and it is just and appropriate.;
 - the appearance of merit is a lower threshold than the serious question to be tried standard; and
 - the balance of convenience must favor the **Applicant**, considering potential irreparable harm.

VOLUME #6(I): Adverse Treatment and Discrimination Claims

157. The **Applicant** alleges adverse treatment by the **Respondents**, particularly concerning his disabilities. The *HR Code* provides protections against discrimination based on various grounds, including disability. The **Applicant's** disabilities are central to the claims of discrimination under the *HR Code*. The **Respondents'** actions were adverse treatment so the only legal issue is whether the **Applicant's** Disabilities were 'a factor' in the various instances of adverse treatment. Each instance must be analyzed independently which may constitute discrimination. The *HR Code* prohibits reprisals against individuals asserting their rights under the Act.

VOLUME #6(J): Legal Framework and Powers of the Tribunal

158. The **HRT** has jurisdiction to determine questions of fact and law, and its rules are designed to facilitate fair and expeditious resolutions. The Tribunal's powers include making interim orders and requiring document production. The Tribunal must dispose of applications fairly and expeditiously, as per sections 39 and 40 of the *HR Code*. The Tribunal can impose conditions on interim orders under section 16.1 of the *SPPA*. The Tribunal's rules allow for document production and examination of records to support the resolution of disputes.

VOLUME #6(K): Irreparable Harm and Interim Relief

159. Irreparable harm is a critical consideration in granting interim relief, focusing on the inadequacy of damages as a remedy. The **Applicant** argues that the ongoing harm he faces necessitates immediate intervention. The concept of irreparable harm emphasizes that damages may not adequately compensate for ongoing violations of rights. The **Applicant** asserts that without interim relief, he will continue to suffer significant harm that cannot be remedied later. The same is applicable to the general public who fall within the purview of the likes of the following:
- TPS**;
 - 52nd Division;
 - 14th Division;
 - Court Officer Ms. Frugoni-Rojas;
 - Goldview Respondents**; and
 - The **Landlord** or persons of her ilk.
160. The Tribunal must consider whether the harm to the **Applicant** outweighs any potential harm to the **Respondents**. The **Respondents** never provided any evidence of harm or at all so there was nothing to weight on the proverbial scales of justice by that famous blind woman holding one scale in each hand.

VOLUME #6(L): Evidence and Document Production Requests

161. The **Applicant** seeks the production of documents and evidence from the **Respondents** to support his claims. The Tribunal has the authority to require parties to produce relevant documents. The **Applicant** argues that the destruction of documents could hinder his ability to present his case. The Tribunal can compel the production of documents that are within the control of the **Respondents**. The need for transparency and access to evidence is emphasized to ensure a fair hearing.

VOLUME #6(M): Conclusion on Interim Orders and Remedies

162. The **Applicant** contends that the requested interim orders are necessary to protect his rights and ensure a fair process. The Tribunal's role is to balance the interests of all parties while upholding the principles of justice. The **Applicant** believes that granting the interim orders will further the remedial objectives of the *HR Code*. The Tribunal must assess whether the requested remedies are just and appropriate in the circumstances. The overall goal is to ensure that the **Applicant's** rights are protected while allowing for a fair resolution of the underlying issues.

VOLUME #6(N): Assignment and Composition of Judicial Panels

163. The assignment of judges and the composition of panels are critical to ensuring fair judicial processes. Transparency in these administrative functions is necessary to maintain public trust in the judiciary. The minority in *MacKeigan* highlighted the need for testimony regarding panel composition. Avoiding multiple proceedings is essential, and administrative records should be disclosed when necessary. The rights of citizens injured by judicial misconduct must be balanced against the public interest in disclosure.
164. JP Jiri was a former police officer of the 52nd Division. He was assigned the Brampton Courthouse (ONCJ) in January 2024. The assignment to him could not have been by the judiciary *per se* as the **TPS** 52nd Division, where Detective Virani (Abudl) was located at the material times by his jurisdiction,

VOLUME #6(O): Conclusion on Judicial Independence and Accountability

165. The motion emphasizes the Importance of judicial independence while also advocating for accountability mechanisms to address potential judicial misconduct. The balance between these principles is vital for maintaining public confidence in the justice system. Judicial independence must be preserved to protect the integrity of the judiciary. Accountability measures are necessary to address misconduct and uphold public trust. The judiciary must operate transparently to ensure that justice is served fairly and impartially.
166. To respect the resources of the **HRT** and be fully transparent, it may be that the Intake Court Endorsement is a fictitiously created document and that the judiciary has no record of it. *Ergo*, the judiciary has no control of any of the underlying documents. The same may apply to the Crown. However, the **TPS** must have had copies of whatever documents it sent with its application to have the **Applicant** charged and for the purported arrest warrant.
167. Alternatively, it was all part of the quartet (or more) of lies by the **TPS** 14th Division. The **Applicant** cannot prove a negative. It is one of those things like conflicts of interest that as the SCC are not subject to proof or disproof.

VOLUME #7: SUMMARY OF THE APPLICANT'S DECLARATIONS AND EVIDENCE RELEVANT TO THIS NOM #3

168. As the **Respondents**, all three sets or groups, have breached the SJO *Common Rules* and **HRTO Specific Rules** by failing to tender any responsive forms, submissions and declarations to NOM #1 and NOM #2, the declarations and evidence referred to herein are that of the **Applicant**.

VOLUME #7(A): Declaration #1 of the Applicant

169. The declaration #1 outlined Mr. McLean's allegations, beliefs, and legal arguments regarding his arrest by the Toronto Police Service (**TPS**) on October 2, 2024, and related events. **The Factum** is divided into multiple volumes, each addressing specific aspects of the case. At the time, he was unaware of the following:
- a. Court Officer Ms. Frugoni-Rojas Information (Form 2) (if that is a valid document); and
 - b. The Intake Court Endorsement.

VOLUME #7(A)(i): Purpose of Declaration #1

170. Mr. McLean sought and continues to seek expedited proceedings from the **HRTO** due to alleged breaches of his rights under the *Human Rights Code*, *Charter*, and other laws. He also outlines his intent to deliver this declaration to relevant parties, including the Attorneys General.
171. The **Applicant** did so by email to the AGO and hard copy to the AGC which included his **NOCQ** and Memorandum Of Law.

VOLUME #7(A)(ii): Allegations Against TPS

172. Mr. McLean alleges that his arrest was unlawful, warrantless, and based on false pretenses, including a "Fictitious Warrant" and "Fictitious CH Warning" (Criminal Harassment warning). He claims **TPS** officers failed to provide evidence of a warrant or warning and did not conduct a proper investigation or any investigation. He accuses **TPS** of abusing its power, violating his privacy, and discriminating against him based on his disabilities by his Disabilities being a factor in most if not all of the adverse treatment.

VOLUME #7(A)(iii): Events Leading to Arrest

173. Mr. McLean describes disputes with his landlord and the property management company, including alleged unlawful lockouts and mishandling of his property and medication. He alleges that the criminal complaint against him was filed as retaliation for his legal actions in a **Landlord** and Tenant Board (LTB) proceeding. Mr. McLean references sections of the *Criminal Code*, *Charter* rights (Sections 8, 12, and 15), and *HR Code* to support his claims. He alleges cruel and unusual treatment, mental anguish, and adverse impacts due to the **TPS's** conduct.

VOLUME #7(A)(iv): Concerns About TPS Conduct:

174. Mr. McLean highlighted past misconduct by **TPS** officers at the 14th Division, citing media reports about inappropriate behavior and privacy violations. He expressed distrust in the **TPS** complaint process under the *Police Act* and intentional violations of the *Criminal Code*. That distrust remains today and it is intensified and heightened by the **TPS'** failure to produce a copy of the alleged arrest warrant.

VOLUME #7(A)(v): Demands and Relief Sought:

175. Mr. McLean requested the destruction of fingerprints, images, and videos taken during his arrest. He seeks an apology from **TPS** officers and remedies for the alleged unlawful acts. He reserved the right to pursue claims against non-**TPS Respondents**, including his landlord and property management company.

176. Mr. McLean asserts that his declaration is made for lawful purposes and emphasizes the severity of the alleged misconduct by **TPS** and its impact on him.
177. Since October and November 2024, nothing has improved with the **TPS** but rather its failure to produce a copy of the arrest warrant that Constable Romano represented that the **TPS** had, it has never seen the light of day or a disclosed court file.

VOLUME #7(B): DECLARATION #2: MARCH 31, 2025

Re: somewhat prophetic by Mr. McLean prior to learning of Mrs. Artopoulos involvement on May 4, 2025, by the unredacted images in the TDI Karat Artopoulos Theft
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178. The key allegations against Mrs. Artopoulos, as outlined in Kevin A. McLean's declaration, include:
- a. **Discrimination Based on Applicant's Disabilities:** Mr. McLean alleges that his physical and mental disabilities were a factor in adverse treatments or decisions by Ms. Artopoulos, particularly in the protected area of accommodation under section 2 of the *Human Rights Code*;
 - b. **Negative Stereotypes and Prejudices:** He claims that Mrs. Artopoulos holds negative stereotypes and prejudices towards individuals with mental disorders and disabilities;
 - c. **False Allegations:** Mr. McLean references documents filed *intra* proceedings before the LTB by Mrs. Artopoulos, where she allegedly made false allegations about him and referenced a "substance abuse" problem.
 - d. **Role in Property Theft:** He alleges that Ms. Artopoulos had a role in the theft of his property on October 25, 2024, and challenges her to provide evidence to the contrary.
 - e. **Failure to Accommodate:** Mr. McLean asserts that Ms. Artopoulos, along with Goldview Property Management Ltd. and Ms. Ferguson, failed to accommodate him in accordance with the *Human Rights Code* and common law, particularly in relation to changing the lock to Unit 410 and deactivating the FOB on September 20, 2024;
 - f. **Mental Health Profiling:** He accuses Ms. Artopoulos of engaging in actions that relied on stereotypes about his mental health or addiction disabilities, which he terms "**Mental Health Profiling**"; and
 - g. These allegations form the basis of Mr. McLean's claim of discrimination and adverse treatment by Ms. Artopoulos.

VOLUME #7(C): Declaration #5 of the Applicant
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179. The key allegations, based on belief made by the **Applicant** in this declaration are as follows:
- a. **Discriminatory Statements by the Landlord:** McLean cited a filed document by the **Landlord** in another social justice tribunal in that the **Landlord** made discriminatory, prejudicial and false remarks about him, including calling him "unhinged," "reckless," and "unpredictable." He also denies allegations of "theft" and "substance abuse" made against him.
 - i. The **Landlord** has never countered the same;
 - b. **Prejudicial Attitudes of the Landlord:** Mr. McLean claims the **Landlord** holds prejudicial and discriminatory attitudes toward individuals with protected characteristics, including mental and physical disabilities, racialized persons, and others. He provides examples of statements allegedly made by the **Landlord**, such as:
 - i. Anti-Semitic remarks about Jews.
 - ii. Disparaging comments about people of different racial backgrounds, including objections to interracial relationships of some of her extended family members;

iii. Stereotypical remarks about individuals of Polish descent, Eastern Europeans, and Black individuals; and

iv. Discriminatory comments about his use of Adderall.

- c. **Discriminatory Behavior in Services and Occupancy:** McLean asserted that the **Landlord's** prejudices extend to her professional conduct in providing services and occupancy-related matters, which fall under the jurisdiction of the **HRT0**.
- d. **Request for Sensitivity Training:** McLean has sought an order from the Tribunal requiring the **Landlord** to undergo sensitivity training related to disabilities, racialized persons, and other protected characteristics before being allowed to provide services or occupancy-related services.
- e. **Fraud in the Landlord's Undisclosed A2 Application:** McLean noted that the **Landlord** quit her A2 Application and failed in her motion to shorten time, suggesting she was more focused on expressing prejudicial views than addressing prescribed forms and questions;
- f. **Prejudices in Professional Conduct:** He alleges that the **Landlord's** prejudices extend to her professional conduct in providing services and occupancy-related matters, which falls under the jurisdiction of the **HRT0**;
- g. **Broad Discriminatory Tendencies:** McLean describes the **Landlord** as someone who intentionally discriminates against all persons with protected characteristics, including mental and physical disabilities, racialized individuals, and others; and
- h. The distinction herein is that the others she discriminated against were not subject to the purview of the **HRT0**.

180. These uncontroverted evidence highlighted Mr. McLean's concerns about discriminatory attitudes and behaviors that he believes violate human rights protections.

VOLUME #7(C)(i): Intentional Discrimination:

181. Mr. McLean believes the **Landlord's** discriminatory attitudes are deliberate and not subconscious, suggesting that she actively discriminates against individuals with protected characteristics.
182. In summary, Mr. McLean portrays the **Landlord** as someone who holds deeply ingrained prejudices and stereotypes, which he believes influence her behavior both in her private life and professional dealings.

Volume #7(D): Declaration #6: Applicant:

183. The main evidence herein made by the **Applicant** is that there is no ongoing court proceeding involving the same facts as his **HRT0** application where he is seeking an order under section 46.1 of the *Human Rights Code*. He asserts that the **Landlord's** request to dismiss his application is based on a false premise and asks the **HRT0** to dismiss the request unless the **Landlord** can produce evidence of such a court proceeding.
184. Like her silent aiding and abetting of theft of the **Applicant's** property the day after she was served with the **HRT0** Application, she went silent again. Additionally, he alleged that Ms. Aphrodite Artopoulos has abused the process of the Tribunal and intends to seek relief for such misconduct. For a professor of a post-secondary educational institution in Seneca, the **Landlord** is unable to answer a question in a form, provide facts and analyze law despite rotating lawyers like a merry-go-round.

Corroborative Evidence of the Landlord's Antisemitic Remarks

185. The **Applicant** does not pass any judgment relating to the An antisemite like the **Landlord** was true to form in her teaming up with Mr. Karat as he wore the Keffiyeh scarf which is a symbol of supporting Muslims in Palestine. Nobody said it more clearly than the **Landlord** when she represented, after the massacre of Jewish persons at a musical festival in Israel, "The Jews got what they deserved". The **Landlord** followed up that

antisemitic remark by standing looking for a far less heinous act by a Muslim on a non-Muslim individual in Mr. Karat of TDI on the **Applicant**.

Volume #7(E): Declaration #7 of the Applicant
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186. The key facts declared by Mr. Kevin McLean in his Declaration #7 are as follows:
- a. **Opposition to Deferral Request by TPS Respondents:** McLean opposed the Toronto Police Services Board (TPS) Respondents' request for deferral of his **HRTO** Application, as he was (and is) unaware of any ongoing proceeding before the "Toronto Police Service" that raises the same facts and issues. He requested evidence of such a proceeding and argues that the deferral request is based on a false premise;
 - i. The **TPS** never provided any such evidence;
 - b. **Legal Impossibility of Deferral:** Mr. McLean submitted that it would be legally impossible to defer the **HRTO** Application in favour of an alleged proceeding before the "Toronto Police Service," as no terms of compliance could be met;
 - c. **Opposition to Dismissal Request by Aphrodite Artopoulos:** Mr. McLean opposes Artopoulos' request to dismiss his **HRTO** Application based on an alleged ongoing court proceeding under section 46.1 of the *HR Code*. He asserts that no such proceeding exists and requests evidence of its existence;
 - d. **Request for Oral Submissions:** Mr. McLean emphasizes that the *HR Code* requires an opportunity for oral submissions before an application can be finally disposed of, and he welcomes the opportunity to make such submissions.
 - e. **Request for Orders:** Mr. McLean requests the **HRTO** to issue orders dismissing:
 - i. The **TPS Respondents'** deferral request due to lack of evidence of an ongoing proceeding before the "Toronto Police Service."
 - ii. Artopoulos' dismissal request due to lack of evidence of an ongoing court proceeding under section 46.1 of the *HR Code*.
 - f. **Adherence to *HR Code*:** Mr. McLean highlights sections 40 and 41 of the *HR Code*, which mandate fair, just, and expeditious resolution of applications, and requests the **HRTO** to proceed accordingly.
 - g. **Adoption of Previous Submissions:** Mr. McLean adopts the facts in his pleadings, NOM #1 (request to expedite proceedings), and written submissions for his **NOCQ** as evidence in this declaration.
 - h. **No Tribunal known as the "Toronto Police Services":** Mr. McLean questions the existence of a tribunal known as the "Toronto Police Service" and requests clarification from the **TPS Respondents**.
187. Additionally, Mr. McLean emphasized procedural fairness under the *HR Code*, requested the opportunity for oral submissions, and sought orders to dismiss both the deferral and dismissal requests to allow his **HRTO** Application to proceed expeditiously.
188. In the context of Declaration #7, section 46.1 of the *Human Rights Code* is significant because it is cited by respondent Aphrodite Artopoulos as the basis for her request to dismiss Kevin McLean's **HRTO** Application. However, Mr. McLean contented that no such court proceeding under section 46.1 existed, referring to it as an **"Imaginary Section 46.1 Court Proceeding."**
189. Section 46.1 of the *Human Rights Code* generally allows for applications to the **HRTO** to be dismissed if the issues raised are already being addressed in another legal proceeding and the same relief is being sought by way of reference to the *HR Code*. McLean challenged the validity of this claim, asserting that no evidence had been provided to support the existence of such a proceeding. He requested the **HRTO** to dismiss Ms. Artopoulos' request for dismissal on this basis.

190. It is now respectfully yet assertively submitted that the **Landlord's** aiding and abetting of the TDI Karat Artopoulos Theft, wherein her other daughter is managing partner of an insurance defence law firm, formerly in downtown Toronto and now on the edge of Markham and Toronto, so there is a connection therein to the insurance defence industry, came back to haunt her and she clumsily sought relief that had no basis in fact.

Volume #7(F): Declaration #8 of the Applicant
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191. The declaration #8 of the **Applicant** raised the following specific human rights issues:
- a. **Dismissal of HRTO Application by the Landlord:** The **Applicant** challenged the **Landlord's** request to dismiss his **HRTO** application, arguing that it is based on false premises. Specifically, the landlord claims there was a civil court action seeking relief under section 46.1 of the *Human Rights Code*, which the **Applicant** disputes; and
 - b. **Deferral Request by Toronto Police Services (TPS) Respondents:** The **Applicant** opposes the **TPS Respondents'** request for deferral of his **HRTO Application**, asserting that it is based on a false premise. The **TPS Respondents** claim there is an unknown proceeding before the Toronto Police Service involving similar facts and seeking similar relief, which the **Applicant** denies.
192. The **Applicant** was alleging, which went un-counteracted, procedural unfairness and misrepresentation by the **Respondents**, which could impact his ability to seek justice and protection under the *Human Rights Code*.
193. Exhibit "A" is significant because it serves as evidence in support of Mr. Kevin A. McLean's declaration. It is a copy of his filed and served motion record related to the case **R. v. McLean**, which he claims has been served to the Crown and all affected persons but has not yet been complied with according to the *Criminal Court Rules*.
194. By attaching Exhibit "A," Mr. McLean aimed to demonstrate transparency and provide documentation to substantiate his claims and motions before the **HRTO**. It underscored his effort to maintain full disclosure and support his arguments against the dismissal and deferral requests made by the **Respondents**. It is an entirely different approach than that of the **TPS, Goldview Respondents** and **Landlord**.
195. The implications of the Toronto Police Services (**TPS**) **Respondents'** request for deferral were and are as follows:
- a. **Potential Delay in HRTO Proceedings:** If the deferral request was granted, the **HRTO** may postpone addressing Mr. McLean's application until the alleged "unknown proceeding" before the Toronto Police Service is resolved. This could delay the **Applicant's** ability to seek relief under the *Human Rights Code* and without a measuring stick or frame of reference;
 - b. **Challenge to Procedural Fairness:** Mr. McLean argued that the deferral request was based on a false premise, as he denies the existence of any such proceeding involving similar facts or relief. If his claim was accurate, granting the deferral could undermine procedural fairness and hinder his access to justice; and
 - c. **Impact on the Applicant's Case:** A deferral could complicate Mr. McLean's ability to address his human rights concerns promptly, potentially affecting his legal strategy and the resolution of his claims against the **TPS Respondents**.
196. Overall, the **TPS** deferral request raised questions about the validity of the alleged proceeding and whether the deferral is justified, which could significantly affect the progress and outcome of Mr. McLean's **HRTO Application**. The **Applicant** confirmed that such an issue would be subject to a reconsideration if granted and a pure question of law and jurisdiction.

Volume #7(G): Declaration #9 of the Applicant

197. The **Applicant** references **Exhibit “A”** containing emails to the landlord's counsel. Mr. McLean intended to use fresh evidence in his **HRTO** proceeding.

Volume #7(G)(i): Email Correspondence

198. Mr. McLean demanded information about his property from the landlord's counsel. He claimed his property may be with the 52nd Division of Toronto Police Services. He discussed interactions with various police officers and the circumstances surrounding his property.
199. The **Landlord’s** counsel did not respond.

Volume #7(G)(ii): Allegations of Misconduct

200. Mr. McLean alleged theft of his property on October 25, 2024, involving police officers and court officials. He names Detective Richard Petrie and Court Officer Chrystin Frugoni-Rojas in his claims. Mr. McLean asserted that his disabilities were a factor in the adverse treatment he received.
201. However, when the **Applicant** learned of the identities of the thieves in Mr. Karat of TDI and Mrs. Artopoulos, he promptly apologized to Detective Petrie and the Court Officer Rojas.

Volume #7(H): Declaration #10 of the Applicant

202. **The Factum** is a declaration by Kevin A. McLean contesting the validity of evidence presented by Court Officer Christyn Frugoni-Rojas in a legal matter involving allegations against him, asserting claims of perjury and false documentation.

Volume #7(H)(i): Allegations, on belief, of False Information and Perjury

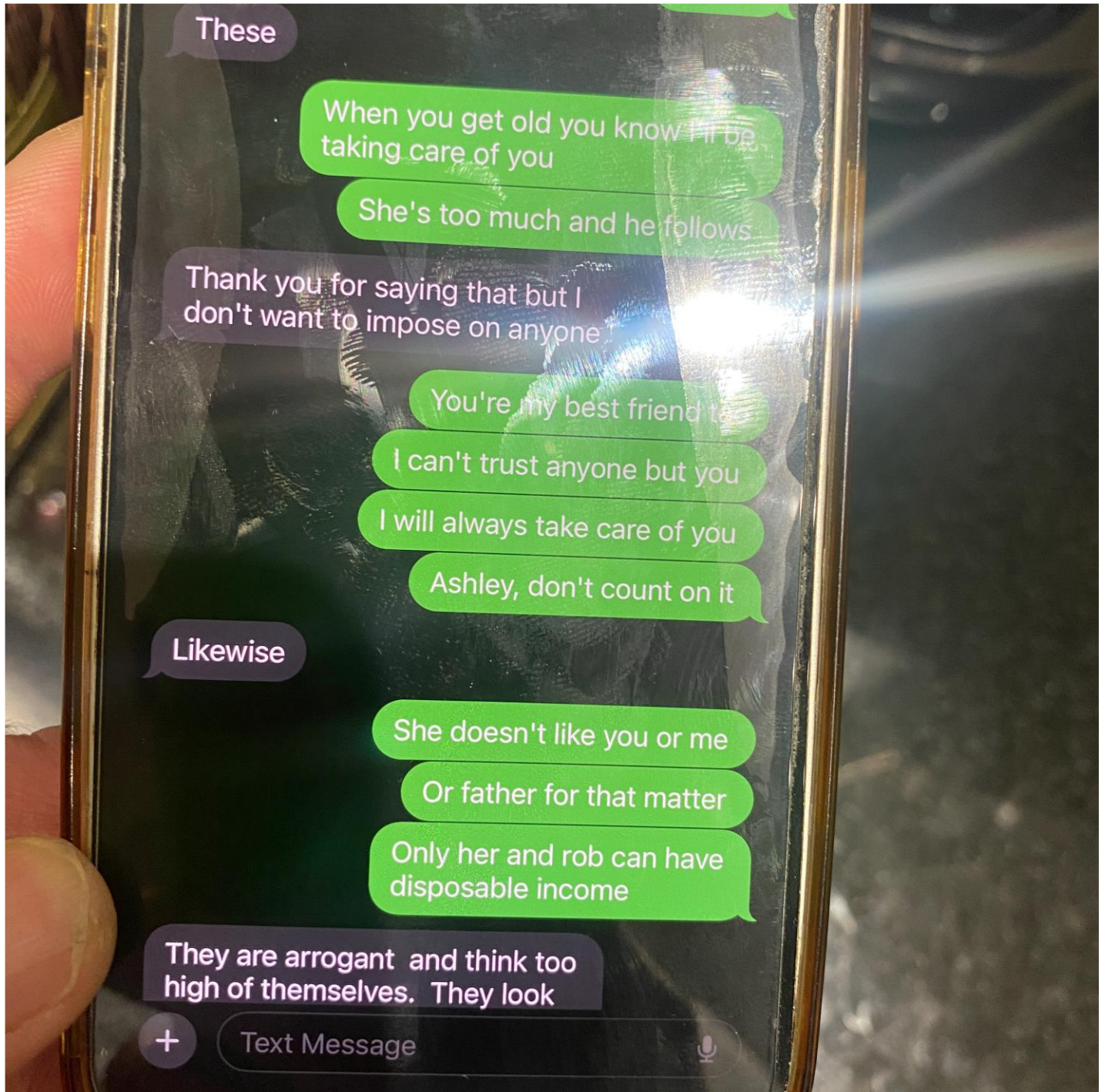
203. The **Applicant** alleged, on belief with sources of belief so cited, that Court Officer Christyn Frugoni-Rojas provided false information regarding his communications with the purported complainant, Ms. Nicole Artopoulos (“Nicole”), on September 22, 2024. He claimed that her statements constituted perjury and that the subsequent legal actions based on her information are void and void ab initio:
- a. Mr. McLean did not communicate with Ms. Artopoulos on the alleged date or on or around the same;
 - b. He believed that Mrs. Frugoni-Rojas perjured herself and failed to correct her statements;
 - c. The information provided by Frugoni-Rojas is labeled as a "false document" under the *Criminal Code*; and
 - d. Mr. McLean demanded access to the original documents to inspect their authenticity and metadata.

Volume #7(H)(ii): Context of the Dispute and Legal Proceedings

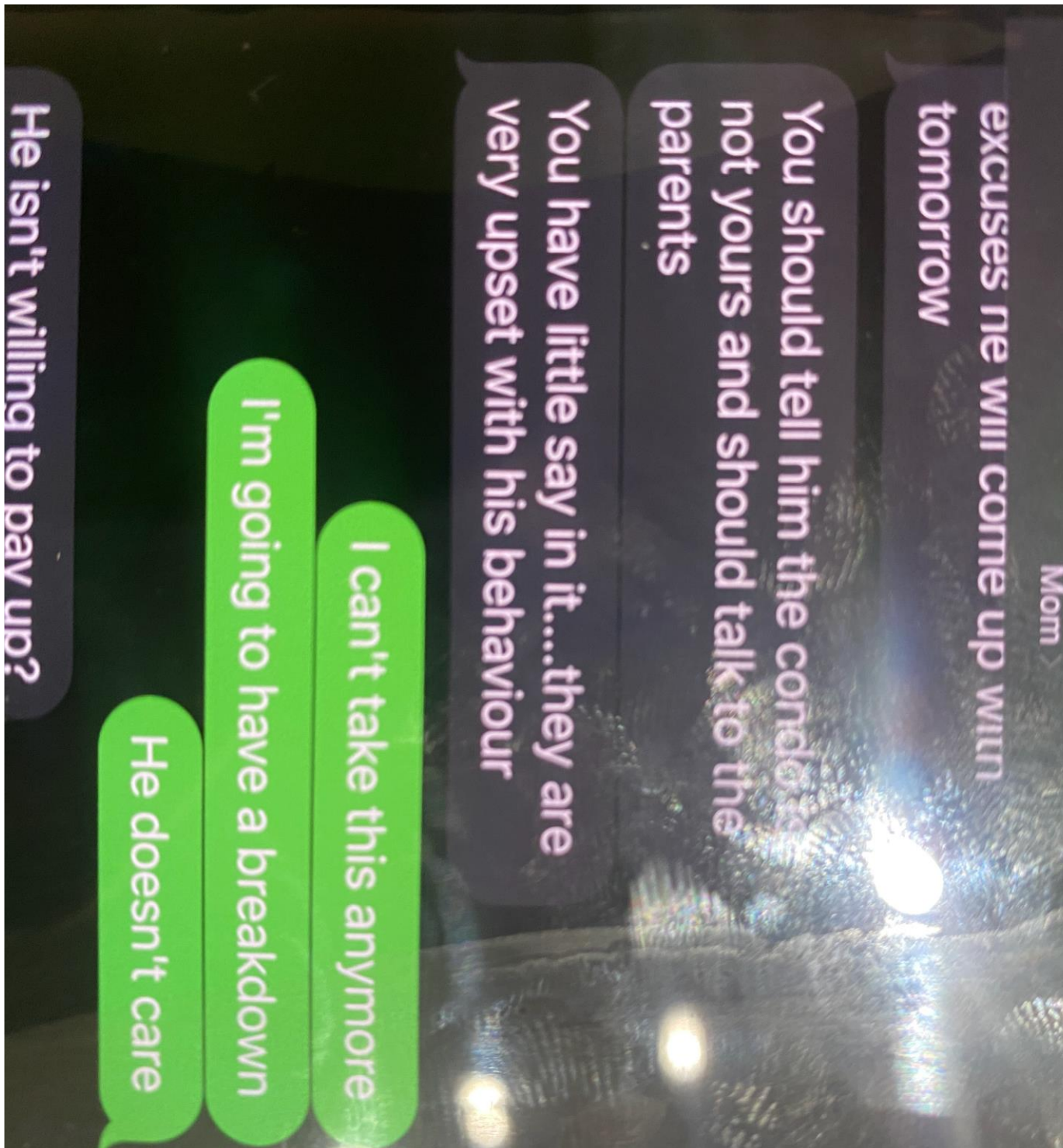
204. The declaration outlines a complex legal dispute involving Mr. McLean, Ms. Artopoulos, and the Toronto Police Services Board, among others, with allegations of harassment and wrongful eviction. Mr. McLean emphasizes the legal context surrounding his claims and the actions taken against him:
- a. McLean was unlawfully locked out of his rental unit on September 20, 2024;
 - b. He filed a T2 Application with the **Landlord** and Tenant Board (LTB) prior to the alleged incident;
 - c. The landlord filed an A2 Application against him, making unparticularized allegations; and

d. McLean is pursuing legal relief against the landlord for harassment and yet another example of familial conspiratorial agreement projection.

205. While Nicole cannot be subject to the HR Code vis-à-vis the **Applicant**, it is interesting to note, for circumstantial and context purposes, how the Landlord and her view every one else including family members:



206. And aiding and abetting an individual in Mr. Karat who is looking at some five to seven years in a federal penitentiary, along with that of the terminated Mr. Papadimitropoulos from TDIA Group, is not arrogant?
207. Perhaps it is not. But what it certainly was and is adverse treatment towards the **Applicant** in the middle of an HRT0 proceeding. This certainly meets the test for abuse of process.
208. If the condo is not Nicole's, which is consistent with the approach of the **Applicant** and in line with the Statue of Frauds and the public property registry, then the Landlord is subject to the HR Code and a protected area:



Volume #7(H)(iii): Examination of Legal Documents and Signatures

209. Mr. McLean scrutinized the legal documents involved, particularly the **Purported Rojas Information** and the **Intake Court Endorsement [sic]**, questioning their validity and the signatures involved. He argues that the documents do not meet the necessary legal standards. The Purported Rojas Information lacks a proper jurat and is not sworn. The **Intake Court Endorsement [sic]** is not a valid arrest warrant as it does not contain required elements. McLean highlights discrepancies in the French translation of the documents. He demands to see the original documents to verify their authenticity.

Volume #7(H)(iii): Issues with the Justice of the Peace

210. Mr. McLean raises concerns about the role of Justice of the Peace George Jiri in the issuance of the **Intake Court Endorsement [sic]**, suggesting potential conflicts of interest and jurisdictional issues. He questions the legitimacy of the process that led to his arrest. JP Jiri is alleged to have signed the **Intake Court Endorsement [sic]** without proper authority. McLean believes the endorsement was improperly issued outside of the Toronto region if that occurred. However as of today's date, the Brampton Courthouse has confirmed that no such evidence is contained in its records of JP Jiri being so involved in the same. He asserts that Mr. Jiri's prior association with the 52nd Division of the **TPS** raises questions about impartiality. McLean demands transparency regarding the issuance of any arrest warrant.

Volume #7(H)(iv): Summary of Legal Framework and Requirements

211. The declaration outlined the legal framework governing the issuance of arrest warrants and the requirements for valid legal documents under the *Criminal Code*. Mr. McLean emphasizes the importance of adhering to these legal standards:
- Arrest warrants must follow specific formats as outlined in the *Criminal Code* (Form 7);
 - The requirements include proper signatures, jurisdictional details, and clear charges;
 - McLean argued that the documents presented and produced in the court file at the ONCJ Toronto 10 Armoury Road do not comply with these legal standards; and
 - He highlighted the necessity of transparency and accountability in legal proceedings.

Volume #7(H)(v): Legal Framework for Arrest Warrants

212. The declaration of the **Applicant** outlined the legal stipulations regarding the issuance and endorsement of arrest warrants under the *Criminal Code*. It emphasizes the requirements for justices when signing warrants and the implications of electronic signatures:
- A justice cannot sign a summons or warrant in blank;
 - Justices can endorse warrants for the release of accused individuals under specific sections of the *Criminal Code*;
 - An appearance notice or undertaking is deemed confirmed if a justice authorizes release under section 499; and
 - A justice may issue a summons or warrant for an accused to attend a new trial or hearing.

Volume #7(H)(vi): Digital Signatures and Their Legal Validity

213. The declaration #10 included the legal definitions and requirements for electronic and digital signatures as per the *Canada Evidence Act* and *PIPEDA*. It distinguishes between electronic signatures and secure electronic signatures:

- a. electronic signatures are defined as symbols in digital form associated with electronic documents;
- b. Secure electronic signatures must meet specific regulatory requirements to be considered valid;
- c. A digital signature is an encrypted electronic signature that confirms the authenticity of the document; and
- d. The *Canada Evidence Act* allows electronic versions of documents to be admissible if signed with a secure electronic signature.

Volume #7(H)(vii): Issues with the Purported Warrant Document or “Intake Court Endorsement [sic]”

214. The case critiques the validity of a document referred to as the "Purported Rojas Information," arguing it does not meet the legal requirements for an arrest warrant. It highlights the absence of necessary signatures and proper formatting. The "Warrant in the First" is a colloquial term for an arrest warrant issued when a suspect cannot be located. **The Factum** lacks essential elements such as a proper header, date, and signature of a justice. The absence of a digital signature or certification authority raises questions about its authenticity. **The Factum** appears to be internal to the Toronto Police Service and does not comply with Form 7 requirements.

Volume #7(H)(viii): Allegations of Fraud and Misrepresentation

215. The case presents allegations of fraud and misrepresentation regarding the issuance of the **Intake Court Endorsement [sic]**. It cites legal precedents that establish fraud as a cause for nullity in legal proceedings. The entire proceeding is claimed to be a nullity due to alleged fraud, bad faith, and dishonesty. Legal precedents indicate that fraud vitiates judgments and all transactions. The unsigned **Intake Court Endorsement [sic]** is argued to be a false document, lacking the necessary legal authority. The author demands to see all associated documents to verify their authenticity. The **TPS Respondents** have failed to comply with the **HRTO Specific Rules** and the *HR Code* along with professional obligations of counsel are at issue.

Volume #7(H)(ix): Examination of Forgery and False Documents

216. The case discusses the legal definitions of forgery and false documents, referencing a case involving a police officer. It argues that the **Intake Court Endorsement [sic]** qualifies as a false document under the *Criminal Code*. A false document is defined as one that purports to be made by someone who did not authorize it. The intention to deceive is sufficient for a conviction of forgery, without needing to prove intent to defraud. The **Intake Court Endorsement [sic]** is argued to lack the required signature of a justice, rendering it invalid. Mr. McLean draws parallels to a case where a police officer was convicted for creating false documents.

Volume #7(H)(x): Concerns Over Document Authenticity and Disclosure

217. The case expresses concerns about the authenticity of the **Intake Court Endorsement [sic]** and the potential destruction of documents. It emphasizes the need for further disclosure from the Crown. The author fears that important documents may be destroyed or deleted if not protected by an injunction. There is a lack of responsiveness from the Crown regarding further disclosure of relevant documents. The author asserts that the **Intake Court Endorsement [sic]** is not a binding document and questions its legitimacy. The need for transparency and access to original documents is highlighted to ensure a fair defense.
218. **The Factum** primarily focuses on legal arguments and procedural issues related to criminal proceedings, including allegations of false documents, forgery, and procedural irregularities. It does not directly address

specific implications under the *Human Rights Code* of Ontario (*HR Code*). However, the following points may be relevant to *HR Code* considerations:

- a. **Disability Accommodation:** The **Applicant** identifies as disabled and mentions undergoing therapy related to alleged false arrest, detention, and incarceration. If the **Applicant's** disability impacts their ability to participate in legal proceedings, accommodations may be required under the *HR Code* to ensure equal access to justice;
- b. **Harassment Allegations:** The **Applicant** alleges harassment by the landlord and others, which may intersect with *HR Code* protections if the harassment is linked to prohibited grounds such as disability, race, or other protected characteristics;
- c. **Access to Justice:** The **Applicant** raises concerns about procedural fairness, including the alleged lack of disclosure and the authenticity of documents. If these issues disproportionately affect the **Applicant** due to their disability or other protected grounds, they could raise *HR Code* implications regarding equitable treatment;
- d. **Employment and Conduct of Court Officers:** The **Factum** discusses the role and actions of court officers, including allegations of misconduct. If any discriminatory behavior occurred during the interactions with court officers or other officials, it could potentially violate *HR Code* provisions; and
- e. **Housing and Accommodation Disputes:** The **Applicant** references disputes with the landlord, including allegations of unlawful lockouts and harassment. If these actions are connected to the **Applicant's** disability or other protected grounds, they may constitute discrimination under the *HR Code*.

219. To fully assess *HR Code* implications, additional information would be needed about the specific grounds of discrimination alleged and the context of the interactions described in the document. The "**Intake Court Endorsement [sic]**" mentioned in the document is significant because it appears to be a central point of contention regarding the validity of the legal proceedings against the **Applicant**. Below are the key aspects of its significance:

- a. **Authenticity and Validity**
 - i. The **Applicant** challenges the authenticity of the "**Intake Court Endorsement [sic]**," alleging that it is not a valid legal document. Specifically, the **Applicant** argues that it does not meet the requirements of a Form 7 (Warrant for Arrest) under the *Criminal Code*.
 - ii. The **Factum** lacks essential elements such as a judicial officer's signature, date, and place, which are mandatory for a valid arrest warrant. The **Applicant** claims that the "**Intake Court Endorsement [sic]**" is unsigned and does not contain a secure electronic or digital signature.
- b. **Legal Implications**
 - i. The **Applicant** alleges that the "**Intake Court Endorsement [sic]**" is a false document and may contain forgery. If proven, this could undermine the legal basis for the criminal charge and the **Applicant's** arrest.
 - ii. The **Applicant** argues that the absence of a valid arrest warrant or summons raises questions about the legality of the arrest and subsequent proceedings.
- c. **Procedural Irregularities**
 - i. The **Applicant** highlights discrepancies in the "**Intake Court Endorsement [sic]**," such as missing information (e.g., date of birth, territorial jurisdiction, and offence particulars). These omissions are presented as evidence that the document does not comply with legal standards
 - ii. The **Applicant** also questions whether the document was created by the named justice (JP George Jiri) or by another individual, suggesting potential misconduct or procedural errors.
- d. **Impact on the Case at Bar:**
 - i. The **Applicant's** defense hinges on the argument that the "**Intake Court Endorsement [sic]**" is not a valid legal document and that its use in the proceedings constitutes fraud, dishonesty, or bad faith.

- ii. If the "**Intake Court Endorsement [sic]**" is deemed invalid, the **Applicant** may argue that the entire criminal proceeding is void ab initio (invalid from the outset).
- e. **Broader Implications**
 - i. The **Applicant** raises concerns about the separation of powers between the judiciary and the executive, suggesting that the creation or use of the "**Intake Court Endorsement [sic]**" may violate constitutional principles.
 - ii. The **Applicant** also alleges that the document was used to deceive them, which could have implications for the integrity of the justice system.

220. In summary, the "**Intake Court Endorsement [sic]**" is significant because it is central to the **Applicant's** argument that the criminal proceedings against them are procedurally flawed and legally invalid. The **Applicant's** allegations of forgery, false documentation, and procedural irregularities could have serious implications for the case and the conduct of the parties involved. The "**Intake Court Endorsement [sic]**" differs from Form 7 (Warrant for Arrest) in several critical ways, as outlined in the document:

- a. **Title and Format**
 - i. **Form 7:** Clearly titled "Warrant for Arrest" and includes the prescribed format under the *Criminal Code*; and
 - ii. **Intake Court Endorsement [sic]:** Labeled as "**Intake Court Endorsement [sic]**" and does not use the title or format required for a Form 7.

Volume #7(H)(xi): Mandatory Elements

221. Form 7 includes several mandatory elements that are absent in the **Intake Court Endorsement [sic]**:
- a. **Header Requirement:** Form 7 explicitly states "FORM 7 (Sections 475, 493, 597, 800 and 803)" and "Warrant for Arrest."
 - b. **Directed Persons Location Requirement:** Specifies the territorial division and directs peace officers to act.
 - c. **Subject Particularization Requirements:** Includes the name, date of birth, and other identifying details of the accused.
 - d. **Offence Particulars Requirement:** Briefly describes the offence for which the accused is charged.
 - e. **Warrant Legal Bases Requirement:** Lists the legal grounds for issuing the warrant.
 - f. **Immediate Arrest Requirement:** Orders peace officers to immediately arrest the accused and bring them before a court.
 - g. **Temporal and Locus Signature Requirements:** Includes the date, place, and signature of the issuing justice; and
 - h. **Judicial Officer Signature:** Requires the signature of the justice issuing the warrant.
222. The **Intake Court Endorsement [sic]** lacks all of these elements:
- a. It does not specify the territorial division or direct peace officers to act.
 - b. It does not include the accused's date of birth or offence particulars;
 - c. It does not contain a judicial officer's signature with date and place

Volume #7(I): Declaration #11 of the Applicant

223. **The Factum** and this Declaration #11 raised several human rights issues, primarily centered around alleged discrimination and adverse treatment based on disability. The specific human rights issues included and continue to include:

- a. **Equal Treatment in Services:** the **Applicant** asserts a right to equal treatment under the *Human Rights Code* of Ontario with respect to services, goods, and facilities, without discrimination due to disability. He alleges adverse treatment by the Toronto Police Services Board and other **Respondents**, which he believes violated this right;
- b. **Equal Treatment in Accommodation:** the **Applicant** references his right to equal treatment in the occupancy of accommodation without discrimination due to disability. He suggests that actions by Mrs. Aphrodite Artopoulos, his landlord, may have infringed upon this right;
- c. **Discrimination Based on Disability:** the **Applicant** claims that his disabilities were a factor in the adverse treatment he received, including alleged misconduct by the Toronto Police Services Board, TD Insurance, and other **Respondents**. He believes this treatment was discriminatory and rooted in bias against his disabilities.;
- d. **Access to Justice:** The **Applicant** raises concerns about procedural fairness and transparency in legal processes, including the alleged falsification of documents and improper issuance of an arrest warrant. He argues that these actions may have denied him equal access to justice.
- e. **Harassment and Emotional Distress:** The **Applicant** describes instances of alleged harassment, emotional instability, and adverse actions by **Respondents**, which he believes were motivated by discriminatory intent and caused him significant distress; and
- f. **Property Rights:** The **Applicant** requests the return of his property allegedly possessed without authorization by one of the **Respondents**, which he ties to broader issues of discrimination and adverse treatment.

224. These issues collectively highlight the **Applicant's** belief that he has been treated unfairly and unequally due to his disability, in violation of the *Human Rights Code* of Ontario.

225. Declaration #11 addressed disability discrimination by highlighting the **Applicant's** belief, lawfully sourced or connected to those beliefs under declared oath, that his disabilities were a central factor or “a factor” in the adverse treatments he received from the **Respondents**. Key points included:

- a. **Allegations of Adverse Treatment:** The **Applicant** claims that he was treated differently than others in similar situations due to his disabilities. He cites specific incidents, such as alleged misconduct by the Toronto Police Services Board, TD Insurance albeit tied to the Landlord and potentially the TPS which it can clarify, and other **Respondents**, which he believes were motivated by discriminatory intent;
- b. **Impact of Disability on Interactions:** The **Applicant** describes instances where his disabilities were directly referenced or used as a basis for adverse actions. For example:
 - i. Mrs. Aphrodite Artopoulos allegedly expressed anger and dismay at his ability to overcome challenges despite his disabilities;
 - ii. Statements made by respondent **Landlord** suggested improper benefits or gains related to his disability under the Statutory Accident Benefits Schedule (SABS);
 - iii. **Legal and Procedural Concerns:** the **Applicant** raises concerns about the fairness and transparency of legal processes, including the issuance of an arrest warrant and the handling of court documents. He believes these actions were influenced by bias against his disabilities.
 - iv. **Human Rights Code Protections:** the **Applicant** explicitly invoked the *Human Rights Code* of Ontario, which guarantees equal treatment in services, goods, facilities, and accommodation without discrimination based on disability. He asserted under oath that the **Respondents** violated these protections; and
 - v. **Request for Accountability:** the **Applicant** challenged the **Respondents** to provide evidence to counter his claims and seeks the return of property he believes was taken unlawfully at least on or around September 20, 2024, and thereafter, tying these requests to broader issues of discrimination and adverse treatment.

226. Overall, Declaration #11 frames the **Applicant's** experiences as examples of disability discrimination, emphasizing his right to equal treatment and protection under the *Human Rights Code* of Ontario.
227. The key points relating to the Toronto Police Service (**TPS**) in the Declaration #11, which was served on the Respondents on Friday, May 30, 2025, are as follows:
- a. **False Arrest Allegations:**
 - i. The **Applicant**, Kevin A. McLean, alleges that he was falsely arrested on October 2, 2024, based on a "False Pretense Email," a "Fictitious DC Kolankowski Warning," and a "Fictitious Arrest Warrant."
 - ii. He questions the validity of the Intake Arrest Warrant and the involvement of **TPS** officers (unknown) in creating or relying on false documentation.
 - b. **Jurisdictional Concerns:**
 - i. The **Applicant** notes that **TPS** does not have jurisdiction in Brampton, Ontario, where the alleged originating courthouse may be located. He asserts that the Peel Regional Police Force has jurisdiction over Brampton.
 - c. **Requests for Records**
 - i. McLean demands access to records related to the arrest warrant, the application for the warrant, and any communications between **TPS** and the originating courthouse or justice involved in the case.
 - d. **Adverse Treatment:**
 - i. The **Applicant** claims that he was treated differently by **TPS** due to his disabilities, which he believes amounts to adverse treatment under the Ontario *Human Rights Code*.
 - e. **Specific TPS Officers Involved:**
 - i. The Declaration #11 mentions specific **TPS** officers, including Court Officer Frugoni-Rojas and Detective Rizwan Mohammed, in relation to the alleged false arrest and subsequent communications regarding service et al;
 - f. **Procedural Issues**
 - i. McLean raises concerns about the format and authenticity of the "**Intake Court Endorsement [sic]**" provided by **TPS**, questioning its compliance with legal requirements for arrest warrants under the *Criminal Code*.
 - g. **Service of Documents:**
 - 1. The **Applicant** confirms that he served **TPS** and its individual **Respondents** with his **Rule 23 Motion** and other related documents.
 - h. **Challenge to Evidence:**
 - 1. McLean challenges **TPS** and its legal counsel to provide evidence to counter his claims, including proof of the validity of the alleged or purported arrest warrant and the involvement of **TPS** officers in the alleged misconduct.
228. These points in evidence highlighted the **Applicant's** allegations of misconduct, jurisdictional issues, and procedural irregularities involving the Toronto Police Service in the context of his **HRTO Application**.

VOLUME #8: The Legal Framework for Discrimination Claims

229. The *Human Rights Code* (*HR Code*) plays a pivotal role in Kevin A. McLean's case as it provides the legal basis for his allegations of discrimination and adverse treatment. Its role can be summarized as follows. The *HR Code* establishes protections against discrimination based on specific grounds, including disabilities. Mr. McLean alleges that his physical and mental disabilities were a factor in the adverse treatments and decisions he experienced, making the *HR Code* central to his claim.

230. Mr. McLean asserts that the adverse actions he faced occurred in the protected area of accommodation under section 1 and 2 of the *HR Code*. This section ensures that individuals with disabilities are entitled to equal treatment in housing and other areas.

VOLUME #8(B): Duty to Accommodate:

231. The *HR Code* requires landlords, employers, and service providers to accommodate individuals with disabilities to the point of undue hardship. Mr. McLean claims that Ms. Artopoulos, Goldview Property Management Ltd., and Ms. Ferguson failed to fulfill this duty, particularly in relation to the lock change and FOB deactivation.

VOLUME #8(C): Prohibition of Stereotyping and Prejudice

232. The *HR Code* aims to prevent discrimination linked to prejudicial attitudes, negative stereotyping, and stigma surrounding disabilities. Mr. McLean alleges that Ms. Artopoulos holds negative stereotypes and prejudices against individuals with mental disorders and disabilities, which influenced her actions.

VOLUME #8(D): Legal Test for Discrimination:

233. Mr. McLean relies on the *HR Code*'s legal test for discrimination, which requires proving:
- a. That he has protected characteristics or more correctly disabilities under each of the protected areas;
 - b. That he experienced adverse treatments or decisions; and
 - c. That his disabilities were *a factor* in those adverse actions, treatments and/or decisions and, in the alternative, if not adverse treatments, then the treatments and decisions had adverse impacts, consequences and/r effects.

VOLUME #8(E): Mental Health Profiling:

234. The *HR Code* protects against profiling based on mental health or addiction disabilities. Mr. McLean alleges that actions taken by Ms. Artopoulos relied on stereotypes about his mental health, which he terms "**Mental Health Profiling.**"
235. In essence, the *HR Code* serves as the foundation for Mr. McLean's legal arguments, providing the principles and protections he invokes to establish his case of discrimination and seek liability against the **Respondents**. The concept of stereotyping in discrimination cases refers to the process of attributing generalized characteristics, assumptions, or behaviors to individuals based on their membership in a particular social group, rather than considering their individual traits or circumstances. In the context of human rights law, stereotyping is significant because it often leads to prejudicial treatment and discrimination. Key aspects of stereotyping in discrimination cases include:
- a. **Generalization:** Stereotyping involves applying *broad assumptions* to all members of a group, ignoring individual differences.
 - i. For example, assuming that all people with mental health disabilities are unreliable or incapable and/or engaged in conduct that they are not is a common negative treatment that those with ADHD receive from stereotyping;
 - b. **Negative Impact:** Stereotyping can result in adverse treatment, such as denial of opportunities, services, or accommodations, based on unfounded assumptions rather than objective evidence. Even if the adverse treatment is not per se known or discovered, or even direct upon the disabled individual, there can be an adverse impact on those with the likes of ADHD, OCD, bipolar et al;

- c. **Connection to Discrimination:** Stereotyping is often a factor in discrimination cases, as it perpetuates prejudice and historical disadvantages.
 - i. It can lead to decisions or actions that disadvantage individuals based on prohibited grounds under human rights laws, such as race, disability, or gender which are often intersectional with certain mental health disabilities;
- d. **Inference of Discrimination:** In many cases, stereotyping is inferred from circumstantial evidence, such as negative comments, deviations from normal practices, or unprofessional treatment. Direct evidence of stereotyping is rare; and
- e. **Legal Recognition:** Human rights tribunals and courts recognize **stereotyping** as a form of discrimination.
 - i. For example, in the case of *Hendershott*, the tribunal inferred stereotyping where the claimant linked their identity to a prohibited ground and demonstrated that the ground was a factor in the disadvantage they experienced;

236. Herein, the **Applicant** alleges prejudice in the form of negative stereotypes and attitudes toward his mental health and disabilities which he submits amounts to a form of discrimination. For example, he claims that Mrs. Artopoulos and others acted based on prejudicial assumptions, such as referencing a "substance abuse problem" and engaging in actions like lock changes and FOB deactivation, which he believes were influenced by discriminatory attitudes. The aforementioned Draconian and unlawful conduct occurred on September 20, 2024, with then Officer Solermo of the TPS 14th Division, on September 21, 2024, engaged in adverse treatment to the **Applicant** on September 21, 2024, when the **Applicant** sought assistance from the TPS as per the LTB Guidance relating to unlawful lockouts of tenants et al.

237. Discrimination based on disabilities occurs when an individual is:

- a. treated unfairly;
- b. denied opportunities; or
- c. subjected to adverse actions

because their disability(ies) are 'a factor' in the adverse treatment, adverse decisions, and/or adverse consequences, adverse effects and/or adverse impacts.

238. It can take various forms, including direct discrimination, failure to accommodate, and systemic barriers. Here are key elements that constitute discrimination based on disabilities:

- a. **Adverse Treatment or Decisions:**
 - i. Actions that disadvantage an individual because of their disability, such as denial of housing, employment, or services. Examples include refusing to hire someone with a disability or evicting, whether lawfully or unlawfully, and/or mistreating a tenant due to assumptions about their mental health;
- b. **Failure to Accommodate:**
 - i. Not providing reasonable accommodations to enable individuals with disabilities to access services, perform job duties, or participate in activities. Examples include failing to install wheelchair ramps, refusing to treat disabled persons differently to create procedural and substantive equality, or not providing assistive technologies.
- c. **Stereotyping and Prejudice:**
 - i. Relying on negative stereotypes or prejudices about individuals with disabilities, such as assuming they are less capable, unreliable, or a burden.
 - 2. Discrimination can be subtle, such as making negative comments or treating someone differently based on unfounded assumptions.
- d. **Withholding Benefits or Imposing Burdens:**

- i. Denying benefits or imposing additional burdens on individuals with disabilities compared to others without disabilities. For example, charging higher fees for services or requiring unnecessary documentation to prove a disability. By further example herein, locking out an individual without notice with no access to seminal medication, identification, documents, records and clothes. No one said it better (or worse) in 2023 when she represented to her daughter Nicole, “**Let him go crazy. Let him stay in a shelter**”.
- e. **Systemic Barriers:**
 - i. Policies, practices, or systems that disproportionately disadvantage individuals with disabilities.
- f. **Mental Health and Addiction Disabilities:**
 - i. Discrimination against individuals with mental health or addiction disabilities often involves stigma, negative stereotyping, and profiling.
 - 1. Examples include assuming someone with a mental health condition is dangerous or unreliable, or subjecting them to harsher scrutiny; and
- g. **Legal Protections:**
 - i. Under human rights laws, individuals with disabilities are entitled to equal opportunities and protection from discrimination. Employers, landlords, service providers, and others have a duty to accommodate disabilities unless it causes undue hardship.

VOLUME #8(F): Mental Health and Disabilities

- 239. Stereotyping is particularly relevant in cases involving mental health or addiction disabilities, as these are often subject to stigma and negative assumptions. Discrimination in such cases may be subtle and require examining patterns of behavior to identify stereotyping.
- 240. In *Mr. Kevin A. McLean's case v. TPS, Goldview Respondents et al*, he alleges that stereotyping played a role in the adverse treatments he experienced, particularly in the form of "**Mental Health Profiling**." He claims that negative attitudes and assumptions about his mental health and disabilities influenced the actions of the **Respondents**, leading to discriminatory outcomes. Prejudice in discrimination cases often manifests as negative attitudes, assumptions, or actions based on stereotypes or biases against individuals belonging to a protected group. The following are examples are certain types of discrimination in different contexts with some application of the law to the facts.

VOLUME #8(G)(I): Housing Discrimination
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- 241. Denying rental applications to individuals with mental health disabilities based on the assumption that they might be "problematic tenants" is evidence of discrimination. Refusing to accommodate a tenant's disability by failing to provide accessible facilities or making necessary adjustments.

VOLUME #8(G)(II): Service Denials (Property Management Company)
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- 242. Property management companies failing to accommodate tenants with ADHD by stigmatizing them by defaming them to owners and other residents, assuming they are liable for acts that they did not commit. In one instance, Ms. Ferguson, apparently by way of the case messages, informed Nicole, and Nicole relayed to Mrs. Artopoulos, that Ms. Ferguson thought the **Applicant** was responsible for tire slashing.

VOLUME #8(G)(III): Application of the Law to the Facts Herein
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243. Kevin A. McLean alleges discrimination based on his physical and mental disabilities. Specific examples include:
- a. The changing of locks and FOB deactivation, which he claims were adverse actions influenced by his disabilities.
 - b. Allegations that **Respondents** failed to accommodate him and acted based on negative stereotypes about mental health and addiction disabilities.
 - c. He also references "**Mental Health Profiling**," where actions were taken based on assumptions about his mental health rather than reasonable grounds.
244. These actions, if proven, could constitute discrimination under human rights laws. Mr. McLean alleges adverse treatment due to his physical and mental disabilities, including **MHP** and failure to accommodate his needs. Specific incidents include lock changes, FOB deactivation, unauthorized entry, and defamatory statements by his landlord and property management, as well as **TPS** actions that allegedly exploited his disabilities.

VOLUME #8(H): Negative Stereotypes and Prejudice

245. Mr. McLean asserts that **Respondents**, including Ms. Artopoulos, acted based on prejudicial attitudes and stereotypes about individuals with mental health and addiction disabilities. He references comments and actions, such as references to a "substance abuse problem," as evidence of discriminatory attitudes. While Adderall is a substance and a controlled one at that, it is not substance abuse when it is prescribed, monitored and evaluated by medical professionals, while Mr McLean submits to regular EKG's and blood testing.

VOLUME #8(H)(i): Systemic Issues:

246. Mr. McLean suggests broader systemic discrimination within **TPS** against individuals with disabilities, including "**Mental Health Profiling**," where adverse treatment is based on stereotypes rather than reasonable grounds.

VOLUME #8(H)(iii): Toronto Police Services

247. The role of police officers in **HRTTO** cases typically involves the following wherein they are **Respondents** in discrimination claims:
- a. **Organizational naming and individual naming:**
 - i. Police officers or police services may be named as **Respondents** in **HRTTO** cases if an **Applicant** alleges discrimination, harassment, or adverse treatment by the police based on protected grounds under the Ontario *Human Rights Code* (e.g., race, disability, gender identity, disabilities;
 - b. **Provision of Evidence:**
 - i. Police officers may be required to provide evidence, such as reports, records, or testimony, to address the allegations made by the **Applicant**;
 - c. **Defense Against Allegations:**
 - ii. Police officers and their legal representatives may present evidence and arguments to refute claims of discrimination or adverse treatment, demonstrating that their actions were lawful and non-discriminatory;
 1. Even if lawful, the adverse treatment may still be discriminatory;
 2. However, if not lawful, then the adverse treatment cannot be justified but whether a victim's Protected Grounds were a factor in the adverse treatment is a different issue.
 - a. The Mr. George Floyd abuse by the Minnesota Police Department, Derek Chauvin et al is a fitting example. The Minnesota Courts found that their conduct was unlawful and criminal. Was Mr. Floyd's racial characteristics a

factor in the misconduct of Mr. Chauvin and other officers, some of them racialized themselves? It is not possible to know as there was no human rights case in the state of Minnesota. Certainly, the police officers would refute the same and the estate of Mr. Floyd would contend otherwise.

d. **Compliance with Tribunal Orders:**

- i. Police officers may be required to comply with **HRTO** orders, such as producing documents, responding to motions, or attending hearings.

e. **Accountability for Conduct:**

- i. The **HRTO** may examine the conduct of police officers to determine whether it violated the **Applicant's** rights under the *Human Rights Code*. This can include reviewing interactions, arrests, or other actions taken by the officers.

248. The key allegations against the Toronto Police Services (**TPS**) as outlined in the filed, served and substantiated by SOD's are:

a. Unlawful Arrest and Detention:

- i. **TPS** allegedly arrested Kevin A. McLean without reasonable grounds, a valid warrant, or procedural fairness.
- ii. **TPS** is accused of misrepresenting the existence of a warrant and failing to provide Mr. McLean with a copy despite his requests.

b. Violation of *Charter* Rights:

c. Mr. McLean claims **TPS** violated sections 7, 8, 9, 10, and 12 of the Canadian *Charter* of Rights and Freedoms:

- i. Section 7: Right to life, liberty, and security of the person.
- ii. Section 8: Protection against unreasonable search and seizure.
- iii. Section 9: Protection against arbitrary detention or imprisonment.
- iv. Section 10: Rights upon arrest or detention, including the right to be informed of the reasons for arrest and the right to counsel.
- v. Section 12: Protection against cruel and unusual treatment or punishment.

d. Unreasonable Search and Seizure:

- a. **TPS** allegedly conducted searches and seizures of McLean's property and medication without consent, proper authorization, or a warrant, violating his privacy rights.

e. Cruel and Unusual Treatment:

- i. McLean alleges degrading treatment during detention, including inadequate jail conditions (e.g., lack of toilet paper, cold floors) and denial of access to medication.

f. **Mental Health Profiling:**

3. **TPS** is accused of discriminatory practices based on stereotypes and assumptions about Mr. McLean's mental health and addiction disabilities, leading to adverse treatment and failure to accommodate his needs.

g. Exploitation of Disabilities:

- i. **TPS** allegedly exploited Mr. McLean's physical and mental disabilities, including his need for medication, by using his vulnerabilities against him.

h. Failure to Inform of Rights:

- i. **TPS** allegedly failed to inform Mr. McLean of his rights, including the nature of the charges and his ability to seek legal counsel.

i. Entrapment and Misrepresentation:

- ii. **TPS** allegedly lured Mr. McLean to the 14th Division under false pretenses, including a misleading email and fabricated claims of a warrant, to arrest him.

j. Discriminatory Conduct:

- i. Mr. McLean claims **TPS** engaged in systemic discrimination and profiling against individuals with disabilities, particularly those with mental health or addiction issues.

k. Failure to Inquire, Investigate and Accommodate:

iii. **TPS** allegedly failed to conduct a proper investigation into the allegations against Mr. McLean, relying on unsubstantiated claims and acting without evidence or reasonable grounds.

l. Fabrication of Evidence:

i. **TPS** allegedly fabricated evidence, including claims of a warrant and prior warnings, to justify their actions.

m. Failure to Provide Medical Attention:

ii. **TPS** allegedly failed to address Mr. McLean's medical needs during detention, including a foot injury and access to medication.

n. Humiliation and Demeaning Conduct:

iii. **TPS** allegedly humiliated Mr. McLean by misrepresenting his residential status and engaging in discriminatory behavior.

o. Systemic Issues:

iv. Mr. McLean raises concerns about broader systemic misconduct within **TPS**, including discriminatory practices, procedural failures, and systemic profiling of individuals with disabilities.

249. These allegations collectively form the basis of Mr. McLean's claims against **TPS**, which he argues constitute violations of his *Charter* rights, discriminatory practices, and procedural misconduct.

VOLUME #8(H)(iv): Circumstances of Arrest with TPS

250. The circumstances of Mr. McLean's arrest, as described across the documents, include the following key points:

a. False Pretense Email:

i. Mr. McLean was lured to the Toronto Police Services (**TPS**) 14th Division under false pretenses via an email from Constable Romano. The email misrepresented the situation, suggesting he could retrieve his property and medication.

b. Misrepresentation of a Warrant:

ii. **TPS** allegedly claimed there was a warrant for Mr. McLean's arrest, but no warrant was produced despite his repeated requests. Mr. McLean asserts that **TPS** fabricated the existence of the warrant to justify the arrest.

c. Entrapment:

i. Mr. McLean alleges that **TPS** used the false pretense email and fabricated claims of a warrant to entrap him into coming to the police station.

b. Failure to Inform of Rights:

i. **TPS** allegedly failed to inform Mr. McLean of the charges against him or his rights, including the right to legal counsel, upon his arrest.

c. Unlawful Search and Seizure:

i. **TPS** seized Mr. McLean's property and medication from his rental unit without authorization, either directly or through his landlord.

d. Conditions During Detention:

i. Mr. McLean described degrading conditions during detention, including cold floors, lack of toilet paper, and denial of access to his medication. He also claims **TPS** failed to address his medical needs, including a foot injury.

e. Failure to Investigate:

i. **TPS** allegedly did not conduct any investigation or ask Mr. McLean questions about the allegations of criminal harassment before arresting him.

f. Discriminatory Conduct:

- i. **TPS** allegedly exploited Mr. McLean's physical and mental disabilities, including his need for medication, and engaged in discriminatory profiling based on stereotypes about individuals with disabilities.
- g. Fabrication of Evidence:
 - i. Mr. McLean alleges that **TPS** fabricated evidence, including claims of a warrant and prior warnings, to justify the arrest.
- h. Violation of *Charter* Rights:
 - i. Mr. McLean claims his arrest violated sections 7, 8, 9, 10, and 12 of the Canadian *Charter* of Rights and Freedoms, including arbitrary detention, unreasonable search and seizure, and cruel and unusual treatment.
 - ii. These circumstances collectively form the basis of Mr. McLean's allegations against **TPS**, including claims of entrapment, procedural misconduct, *Charter* violations, and discriminatory treatment.

VOLUME #8(H)(v): Implications of Landlord's prejudicial statements and attitudes
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251. The implications of the statements allegedly made by the **Landlord**, as outlined in Kevin A. McLean's declaration, are significant and multifaceted:
- a. **Potential Human Rights Violations:** The statements suggest discriminatory attitudes and behaviors that may violate the Ontario *Human Rights Code*, particularly in areas related to services, housing, and occupancy. If proven, these remarks could constitute discrimination based on protected characteristics such as race, ethnicity, disability, and religion.
 - b. **Impact on McLean's Case:** The alleged remarks about Mr. McLean, including calling him "unhinged," "reckless," and "unpredictable," as well as comments about substance abuse, theft et al which were entirely false, could be used to demonstrate prejudice and discriminatory treatment against him as an individual with disabilities;
 - c. **Broader Discriminatory Practices:** The **Landlord's** alleged remarks about other individuals—such as racialized persons, people of different ethnic backgrounds, and those with disabilities—may indicate systemic discriminatory attitudes that could affect her ability to provide equitable services or housing.
 - d. **Legal Consequences:** If the Tribunal finds the **Landlord's** statements to be discriminatory, she could face legal consequences, including orders for sensitivity training, restrictions on her ability to provide services, or other remedies deemed appropriate by the Tribunal. While framed as consequences for the Landlord, they are necessary for the betterment of society and its efficient functioning;
 - e. **Reputational Damage:** The allegations, if substantiated, could harm the **Landlord's** reputation, both personally and professionally, as they portray her as holding prejudicial and discriminatory views.
252. Overall, the implications of the **Landlord's** statements are serious, as they not only affect McLean's case but also raise broader concerns about her conduct and attitudes toward individuals with protected characteristics.

VOLUME #8(H)(vi): Rights Violated During Warrantless Arrest or Unlawful Arrest

253. The rights violated during a warrantless arrest, as explicitly mentioned in the NOM #3 motion records are the above violations of the lack of judicial authorization and failure to inform individuals of charges undermine procedural fairness and consistent rule of law procedural protections and substantive consistency.
254. **IN THIS HRTO APPLICATION, IT IS EVEN MORE EGREGIOUS WHEN THE TPS BELIEVE THAT IT CAN CREATE A FALSE DOCUMENT AND FORGED THE SIGNATURE OF A JP SOLELY BECAUSE THAT JP WAS A FORMER POLICE OFFICER OF THE 52ND DIVISION.**

255. **IT RAISES THE QUESTION WHICH MUST BE ANSWERED: WHEN WAS THE INTAKE COURT ENDORSEMENT CREATED BY THE TPS? WHEN WAS IT FORGED AND UTTERED WITHIN THE TPS AND THE PUBLIC AT LARGE?**

VOLUME #8(H)(vii): *HR Code* dealing with warrantless arrests and/or unlawful arrests

256. The *Human Rights Code* (*HR Code*) applies to unlawful arrests in the following ways:

1. **Protection Against Discrimination:** The *HR Code* prohibits discrimination based on protected characteristics such as race, sex, disability, and mental health. Police services, as providers of "services," must ensure equal treatment without discrimination during arrests and detention.
2. **Adverse Treatment and Impact**
 - i. Unlawful arrests can constitute adverse treatment if protected characteristics were a factor. This includes cruel or unusual treatment, failure to accommodate disabilities, and **MHP**.
3. **Duty to Accommodate**
 - i. Police services have a duty to accommodate individuals with disabilities unless doing so would cause undue hardship. Violations include denial of medication, failure to address mental health needs, and neglecting accessibility requirements during detention.
4. **Mental Health Profiling**
 - i. The *HR Code* protects against **MHP**, which involves actions based on stereotypes about a person's mental health or addiction disability rather than reasonable grounds.
5. **Systemic Discrimination**
 - ii. The *HR Code* addresses systemic issues such as discriminatory practices, poisoned environments, and inadequate training on mental health and diversity. Remedies can include policy changes, mandatory training, and public notices about rights.
6. **Intersectionality**
 - i. The *HR Code* recognizes intersectionality, where multiple protected characteristics amplify discrimination, such as physical and mental disabilities intersecting during adverse treatment.

257. The *HR Code* intersects with *Charter* rights, addressing violations of dignity, integrity, and autonomy during unlawful arrests. The *HR Code* provides a comprehensive framework for addressing individual and systemic violations of human rights in the context of unlawful arrests, ensuring accountability, remedies, and systemic reforms.

VOLUME #9: Legal Precedents

258. While a case involving Dr. Kelly and UBC and Dr. Kelly's being engaged with the residency program, the invisible disabilities of mental health disabilities with a highly functioning, highly educated individual like Dr. Kelly that is similar to that of the **Applicant**. There do not appear any such cases that are so similar on so many levels to the **Applicant** from a makeup standpoint along with the likes of Dr. Kelly being successful in his human rights application to the BC Human Rights Tribunal.

259. While *Kelly v. UBC* involved an educational institution in UBC (its medical school) and the post-graduate residency society employer ("**Providence**"), the principles of the duty to inquire, investigate and accommodate in relation to services are apropos in Ontario. There are differences as well considering the context to this HRTTO Application in that there was no 'poor performance issues' for the **Applicant** per se.

260. While some may point to the criminal charge or the fictitious warning from the Goldview Respondents to the **Applicant** (and Nicole) for alleged smoking when they were not even in the country or continent, both have no merit and are predicated on fraud.
261. JP Jiri could not have been involved in the Intake Court Endorsement as the ‘intake for criminal matters’, when such words are used is that of the ONSC (South Toronto at 393 University Avenue for intake matters) but 361 University Avenue for matters where the ONSC assumes jurisdiction to hear and decide the entire proceeding
262. For context and this according to the TPS:
- “The Criminal Intake Division of the [Toronto Police Service](#) is located at 393 University Avenue, 6th Floor, Toronto, ON M5G 1E6 according to the Ontario Courts. This is where criminal court cases are processed. The [Toronto Police Service website states](#) that this is the location for the Criminal Superior Court of Justice.”
263. 393 University Avenue, Toronto, is a court of Superior Court jurisdiction.
264. For context, the **Applicant** provides the following hyperlink and image to demonstrate that the ex parte aspects of hearings, whether civil or criminal for superior court matters, are on the 6th and 10th floor respectively:
- “Photos for Superior Court Of Justice



SUPERIOR COURT OF JUSTICE – TORONTO REGION
MASTERS COURT

NOTICE
Civil Ex Parte Court

Beginning September 8, 2015,
unless otherwise posted,
Civil Ex Parte motions will be heard
three days per week on
Tuesdays, Thursdays and Fridays.

Dated August 5, 2015

Please refrain from using your
phone while being served at the
counter appreciated

265. This makes far more sense and logic considering that Detective Virani was (and presumably still is) of the 52nd Division. So what is the TPS 52nd Division hiding? 52nd Division is referenced as well because it was only in the Intake Court Endorsement (September 23, 2024) is there a reference in the “header” to the Police Case ID Number. However, some 11 days later, the 14th Division did NOT have a Police Case ID Number. The timing also makes sense with respect to the timing of the declaration of Court Officer Rojas in that the 52nd division police officers along with her would have had less than a two minute walk from 255 Dundas Street, Toronto, to 393 University Avenue, Toronto. Put another way, it was a shorter walk than from 255 Dundas Street, Toronto, to 361 University Avenue.
266. Ergo, that is how an ‘intake court floor’ or ‘part of the floor’ of the ONSC (criminal jurisdiction) could not be the ‘originating courthouse’ but have a justice of the ONSC issue (or deny) a process including that of an arrest warrant.
267. In relation to the duty to accommodate, it is an exercise in common sense and flexibility, in which both the process and substance of the accommodation are relevant: *Meiorin; Kelly v. University of British Columbia* (No. 3), **2012 BCHRT 32** at para. 527 , upheld in *University of British Columbia v. Kelly*, 2016 BCCA 271.
268. All references below in Volume #9 are to the BC Human Rights Code and the BC Tribunal.

VOLUME #9(A): *Kelly v. UBC*

269. Dr. Carl Kelly, a medical resident at the University of British Columbia (“UBC”), faced termination from the Family Practice Residency Program due to unsuitability, which he attributed to his disabilities, including ADHD and a Non-Verbal Learning Disability. His termination led to the loss of his employment at Providence Health Care Society, prompting him to file a human rights complaint against UBC. Dr. Kelly has ADHD and a Non-Verbal Learning Disability (“NVLD”). He was enrolled in UBC's Family Practice Residency Program from 2005 to 2007. UBC terminated his enrollment on August 29, 2007, citing **unsuitability**. His termination resulted in the loss of his job at Providence Health Care Society.

VOLUME #9(A)(i): Allegations of Discrimination

270. Dr. Kelly alleged that UBC discriminated against him under sections 8 and 13 of the B.C. *Human Rights Code*, claiming he was not provided reasonable accommodations for his disabilities. The Tribunal found that UBC's actions adversely affected his educational and employment opportunities. Dr. Kelly claimed discrimination based on mental disability. He alleged UBC failed to accommodate his disabilities adequately. The Tribunal recognized the intermingled nature of his educational and employment relationship with UBC and Providence.

VOLUME #9(A)(ii): Tribunal's Findings on Accommodation

271. The Tribunal determined that UBC did not accommodate Dr. Kelly to the point of undue hardship, as they could have provided additional support such as remedial rotations and extended supervision. UBC's failure to consult with Dr. Kelly and implement recommended accommodations was deemed unreasonable. UBC could have offered further accommodations, including remedial rotations and one-on-one preceptors. The Tribunal found UBC's belief that accommodations would not work was impressionistic and not based on facts. Consultation with Dr. Kelly and consideration of his specific needs were lacking in UBC's approach.

VOLUME #9(A)(iii): Conclusion of the Tribunal

272. The Tribunal ruled that Dr. Kelly's complaints under both sections 8 and 13 of the *Human Rights Code* were **justified**, concluding that UBC failed to meet its *duty to accommodate* him. A subsequent hearing was set to address the remedies for the discrimination found. The Tribunal found Dr. Kelly's complaints justified under both sections of the *Code*. UBC did not prove a *bona fide* occupational requirement or justification for their actions. Remedies for the discrimination would be determined in a future hearing.

VOLUME #9(A)(iii): Dr. Kelly's Residency Training Overview

273. Dr. Kelly faced significant challenges during his residency training, leading to multiple evaluations and recommendations for remediation. His journey included failures in rotations, assessments for ADHD and NVLD, and ultimately a recommendation for **dismissal** from the Family Medicine Program.

VOLUME #9(A)(iv): Initial Performance and Failures

274. Dr. Kelly's early rotations were marked by poor performance, particularly in paediatrics, where he received a "fail" rating along with the following:
- Completed a 6.5-week paediatrics rotation with a "fail" rating.;
 - Transitioned to Family Medicine at UBC Health Clinic, where concerns about his performance were raised in January 2006; and
 - Failed the Family Medicine rotation and was advised to seek psychiatric help.

VOLUME #9(A)(v): Remediation and Support Measures

275. Following his failures, Dr. Kelly was provided with a structured remediation plan and support from mentors. Site Directors determined he would remediate his paediatrics rotation and assigned a mentor. Dr. Kelly was attached to the incoming PGY 1 group for St. Paul's Hospital if he successfully remediated. Daily feedback forms were implemented to provide immediate performance evaluations.

VOLUME #9(A)(vi): Progress and Continued Challenges

276. Dr. Kelly showed some improvement in subsequent rotations but continued to struggle with *certain* aspects of his training. Passed the paediatrics remediation rotation, including emergency, outpatient, and neonatal surgery blocks. Assigned to Family Practice Ward, where he faced challenges balancing patient load and introductory programs. Despite some improvements, concerns about his performance persisted, leading to further evaluations.

VOLUME #9(A)(vii): Psychological Assessments and Recommendations

277. Dr. Kelly underwent psychological assessments that identified ADHD and NVLD, leading to specific recommendations for support. Dr. Gibbins diagnosed Dr. Kelly with ADHD (inattentive type) and NVLD. Recommendations included clear instructions, memory aids, and a one-to-one resident-preceptor rotation for better support. Emphasis on the need for coping strategies and accommodations to enhance his learning experience.

VOLUME #9(A)(viii): Dismissal from the Family Medicine Program

278. Ultimately, Dr. Kelly was deemed unsuitable for the Family Medicine Program, leading to his dismissal. The Resident Performance Subcommittee recommended termination based on unsuitability. Dr. Kelly

appealed the decision, but the appeal was denied. His dismissal was based on the conclusion that his lifelong deficits could not be accommodated within the program.

VOLUME #9(A)(ix): Legal and Human Rights Proceedings

279. Dr. Kelly pursued legal action and human rights complaints against various institutions regarding his dismissal. Initially filed a human rights complaint in February 2008, which was amended later. UBC was added as a respondent after initial decisions not to proceed against them. The case involved multiple evaluations and responses from various parties, including psychological assessments and institutional reviews.

VOLUME #9(A)(x): Overview of Family Medicine Residency Program

280. The Family Medicine Residency Program is a two-year training program designed to equip residents with the skills and knowledge necessary for comprehensive family practice. It includes various rotations and evaluations to ensure residents can handle diverse medical situations. Family medicine encompasses care from "pre-birth to death." The program is structured into 13 blocks, with each block lasting four weeks. Residents must complete core rotations in internal medicine, pediatrics, obstetrics, surgery, psychiatry, and family medicine. Electives are also available for residents to choose from.

VOLUME #9(A)(xi): Dr. Kelly's Entry and Initial Challenges

281. Dr. Kelly began his residency later than usual due to administrative delays and faced challenges during his initial rotations, particularly in pediatrics. His performance was evaluated as below average, leading to concerns about his ability to progress. Dr. Kelly graduated from UOA and started his residency on November 1, 2005. His first rotation in pediatrics was shorter than usual, lasting only two weeks. Evaluations indicated he had a weak knowledge base and was below average compared to peers. He failed the pediatrics rotation, which was communicated to him after its conclusion.

VOLUME #9(A)(xii): Communication and Support from Faculty

282. Throughout his residency, Dr. Kelly received feedback and support from various faculty members, who recognized his potential but also noted significant challenges. Faculty discussions included concerns about his learning needs and mental health. Dr. Tereposky communicated concerns about Dr. Kelly's performance and potential failure in pediatrics. Faculty members acknowledged Dr. Kelly's health issues and agreed to provide support. Whiteside noted the need for interventions due to Dr. Kelly's ongoing medical condition.

VOLUME #9(A)(xiii): Evaluation and Remediation Process

283. Dr. Kelly's evaluations indicated a need for remediation, particularly after failing his pediatrics rotation. The program developed a plan to address his educational needs and provide additional support. A remediation plan was established after Dr. Kelly failed his pediatrics rotation. He was assigned a mentor and required to complete additional rotations to improve his skills. Evaluations indicated he needed to demonstrate improvement in specific areas to progress.

VOLUME #9(A)(xiv): Transition to Urban Site and Further Evaluations

284. Dr. Kelly was transitioned to an urban site for further training, where he continued to face challenges but also showed signs of improvement. His evaluations remained mixed, with some faculty expressing concerns about his ability to practice independently. Kelly was moved to an urban site to better support his learning needs.

Faculty noted improvements in his performance but also identified ongoing deficiencies. Discussions about his suitability for family medicine began to emerge among faculty.

VOLUME #9(A)(xiv): Final Evaluations and Outcomes

285. Despite some improvements, Dr. Kelly ultimately failed his family practice rotation, leading to further discussions about his future in the program. He was able to pass subsequent rotations, including CTU and emergency medicine, but concerns about his overall performance persisted. Dr. Kelly failed his family practice rotation, with evaluations indicating significant deficiencies. He passed the CTU rotation, which was noted as provisional due to its structured nature. Faculty continued to discuss his suitability for a career in family medicine, raising concerns about his ability to function independently.

VOLUME #9(A)(xv): Dr. Kelly's Remedial Family Practice Rotation

286. Dr. Kelly was struggling with his family practice rotations, prompting discussions about his need for a modified rotation and potential preceptors. Concerns were raised about his ability to integrate knowledge and respond to clinical demands effectively. Dr. Kernahan sought a family practice preceptor for Dr. Kelly after his emergency rotation. Dr. Calam expressed concerns about Dr. Kelly's consistent difficulties in clinical settings, suggesting a possible neuropsychological learning disability. Positive feedback noted his hard work and honesty, but overall evaluations indicated a need for significant improvement. Suggestions included a regular outpatient family practice clinic without special supports and a potential rotation at 3 Bridges.

VOLUME #9(A)(xvi): Evaluation and Concerns About Dr. Kelly

287. Despite passing some rotations, there were ongoing concerns regarding Dr. Kelly's performance and suitability for the program. Evaluators noted a lack of improvement over time and difficulties in clinical judgment and communication. Dr. Kelly passed his CTU rotation, but concerns persisted about his ability to meet training expectations. Evaluators reported a consistent pattern of difficulties in integrating knowledge and responding to clinical situations. Dr. Kernahan criticized the short specialty rotation evaluators for not providing in-depth evaluations. The Program considered sending Dr. Kelly out of province for family medicine training as a potential Plan B.

VOLUME #9(A)(xvii): Neuropsychological Assessment and Recommendations

288. Dr. Kelly underwent neuropsychological testing, which revealed ADHD and a nonverbal learning disability (NVLD). The findings prompted discussions about accommodations and the feasibility of continuing his training. Dr. Gibbins' report diagnosed Dr. Kelly with ADHD and NVLD, recommending specific accommodations for his training. Accommodations included longer familiarization periods, clear written instructions, and reduced time constraints. Dr. Kernahan acknowledged that the Program had already implemented some accommodations but deemed others impractical. The report emphasized that Dr. Kelly's deficits were lifelong, raising concerns about his ability to succeed in family medicine.

VOLUME #9(A)(xviii): Dismissal Recommendation and Program Response

289. In August 2007, Dr. Kernahan recommended Dr. Kelly's dismissal from the program, citing unsuitability for training. The recommendation was based on ongoing performance issues and the challenges posed by his disabilities. Dr. Kernahan's dismissal recommendation highlighted Dr. Kelly's lack of basic skills necessary for family medicine. The Program had made several accommodations, including extended rotations and increased supervision, but felt they were insufficient. The decision was influenced by the perception that Dr. Kelly's disabilities were lifelong and could not be adequately accommodated. The Family Residency

Subcommittee unanimously recommended dismissal, emphasizing the need for patient safety and the Program's obligations.

VOLUME #9(A)(xix): Final Outcomes and Implications

290. Dr. Kelly's situation raised significant concerns about the handling of residents with disabilities within the medical training program. The lack of effective communication and support ultimately led to his dismissal. Dr. Kelly's dismissal was based on a combination of performance evaluations and the neuropsychological assessment. The Program's approach was criticized for not adequately considering the potential benefits of recommended accommodations. There was no evidence of harm to patients or public safety during Dr. Kelly's training. The case highlighted the need for better support systems for residents with learning disabilities in medical education.

Volume #9(B): Dr. Kernahan's Response to Dr. Gibbins' Recommendations

291. Dr. Kernahan provided a detailed response to Dr. Gibbins' recommended accommodations for Dr. Kelly, expressing concerns about their feasibility and potential impact on the residency program. Her interpretations of the recommendations were often deemed overly broad and lacking in objective evidence. Dr. Gibbins recommended a longer familiarization period for Dr. Kelly, which Dr. Kernahan interpreted as requiring extended rotations, potentially disadvantaging other trainees. Kernahan did not provide specific examples of negative impacts on other residents due to accommodations made for Dr. Kelly. She acknowledged that Dr. Gibbins did not specify that a longer familiarization period was needed for every rotation, and that Dr. Kelly had successfully completed rotations without it. Kernahan's rejection of the recommendation was based on subjective perceptions rather than objective evidence.

Volume #9(C): Need for Clear Instructions

292. Dr. Gibbins suggested that Dr. Kelly would benefit from clear, ideally written, instructions for his tasks, which Kernahan argued was impractical in the context of clinical rotations. Kernahan stated that instructions are typically verbal in clinical settings and that residents are expected to function independently. There was no evidence that Kernahan explored the possibility of providing written instructions for objectives or goals. Dr. Kelly had received specific objectives in his remedial pediatrics rotation, which he **passed**.

Volume #9(D): Use of Templates or Checklists

293. Dr. Gibbins recommended using templates or checklists to assist Dr. Kelly in recalling key steps in processes, but Kernahan dismissed this idea as impractical for family medicine. Kernahan argued that family medicine is too variable for templates to be effective and emphasized the need for adaptability. She did not investigate whether checklists or templates could be utilized through technology. Kernahan's interpretation of the recommendation was rigid, failing to consider the potential benefits of clinical resources for reference.

Volume #9(E): Counseling and Support for ADHD

294. Dr. Gibbins advised that Dr. Kelly would benefit from working with a counselor experienced in ADHD, but Kernahan stated this was not available. Kernahan acknowledged that the program had mechanisms for career planning and counseling but did not discuss specific counseling options with Dr. Kelly. There was no evidence that the program considered requiring Dr. Kelly to participate in counseling as a condition of his residency. Kernahan did not explore whether Dr. Kelly's mentor could provide the recommended support.

Volume #9(F): Time Pressures in Residency

295. Dr. Gibbins noted that individuals with ADHD perform better with minimal time constraints, but Kernahan argued that time pressures are inherent in family practice. Kernahan believed Dr. Kelly needed to move quickly through tasks, which she felt was not feasible to alleviate. The program had previously modified a rotation to reduce Dr. Kelly's patient load, indicating some flexibility. Kernahan's focus on speed over skill development was criticized, as it overlooked strategies that could help Dr. Kelly manage time effectively.

Volume #9(G): One-on-One Resident-Preceptor Rotation

296. Kernahan testified that increased supervision for Dr. Kelly had not been successful, but it was also not deemed unsuccessful. Dr. Kason, who was assigned to assist Dr. Kelly, felt more time was needed for proper assessment. Kernahan expressed concerns about the feasibility of reducing clinical responsibilities for supervising physicians. Evidence showed that a potential placement for Dr. Kelly was available, but Kernahan ceased efforts to find a placement.

Volume #9(H): Pursuing Interests and Specialization

297. Dr. Gibbins recommended helping Dr. Kelly identify areas of specialization that fit his strengths, but Kernahan rejected this idea. Kernahan stated that family practice residency requires competency in all areas, with specialization occurring post-graduation. No reasonable explanation was provided for not exploring Dr. Kelly's specific interests or providing support in those areas. Kernahan agreed that there were no standards preventing accommodations as long as Dr. Kelly met residency requirements.

Volume #9(I): Program Modifications and Accommodations

298. Kernahan described modifications made for Dr. Kelly, but acknowledged that no accommodations were in place during his first pediatrics rotation. The first modification occurred when Dr. Kelly moved from a rural to an urban site in April 2006. Modifications included longer appointment times and extended rotations, but Dr. Kelly was still unsuccessful in the Mather/UBC Clinic rotation. Kernahan admitted that the program's involvement in structuring modifications was limited.

Volume #9(J): Dismissal and Appeal Process

299. Dr. Kelly was dismissed from the program for unsuitability, with no opportunity to respond to Kernahan's recommendations before the decision was made. The PG Deans supported Kernahan's recommendation for dismissal, citing efforts to accommodate Dr. Kelly. Dr. Kelly filed an internal grievance and appeal, both of which were ultimately **denied**. The Appeals Committee noted that the process leading to dismissal was abbreviated and not acceptable without the context of Dr. Kelly's disability.

Volume #9(K): Legal Framework and Discrimination Analysis

300. Dr. Kelly filed a complaint under the BC Code, asserting that UBC discriminated against him due to his mental disability. To establish a prima facie case of discrimination, Dr. Kelly needed to prove he had a mental disability, experienced adverse treatment, and that the disability was a factor in that treatment. The Tribunal found that Dr. Kelly had ADHD and NVLD, which UBC acknowledged, and that these disabilities impacted his performance. The Tribunal concluded that Dr. Kelly was treated adversely, particularly through the denial of remedial opportunities and his dismissal from the program.

Volume #9(M): Connection Between Disability and Adverse Treatment

301. The Tribunal found a clear link between Dr. Kelly's disabilities and the adverse treatment he experienced in the program.

302. Kernahan and the Appeals Committee recognized that Dr. Kelly's disabilities limited his ability to succeed in the program. The Tribunal noted that Dr. Kelly's performance was affected by his disabilities, despite some improvements.
303. The dismissal process was influenced by perceptions of Dr. Kelly's disabilities, leading to a finding of discrimination under the Code.

Volume #9(N): Duty to Accommodate Disabilities

304. The case discusses the legal framework surrounding the duty to accommodate individuals with disabilities in the context of employment and educational settings. It emphasizes the importance of demonstrating undue hardship and the need for flexibility in accommodating individuals' needs. The Supreme Court of Canada established three requirements for justifying conduct related to accommodation: rational connection to the function, good faith belief in necessity, and reasonable necessity without undue hardship. The term "impossible" relates to undue hardship, meaning accommodation should be explored until it imposes undue hardship on the employer. Factors influencing undue hardship include financial costs, workforce interchangeability, and potential interference with other employees' rights. The duty to accommodate requires employers to be sensitive and innovative in finding ways to support individuals with disabilities.

Some applicability to Ms. Ferguson and Goldview's unequal treatment of the **Applicant** when measured against the criminal conduct of the "North Neighbour"

305. As Ms. Ferguson will know and be able to swear evidence under oath, the neighbour to the North of Rental Unit 410 was a de facto prostitute or call girl bringing in a variety of men who were paying for sexual interactions with her. When the **Applicant** informed Ms. Ferguson of the same and that he had a video recording of this de facto stay-at-home prostitute, Ms. Ferguson did not wish to see the same. It was as if Ms. Ferguson was aware of the same but did not care about a young woman, clearly having her own issues, bringing in men at all hours of the night. The inference was that said woman was engaged in the Criminal Code contravention of soliciting prostitution from a rental unit.
306. Perhaps, some level of inquiry was required by Goldview into her disabilities or protected characteristics and how she could be assisted from not having such a risky lifestyle by engaging in such rampant sexual promiscuity.
307. The odd irony is that frivolous and falsely premised in-unit smoking complaint in August 2023 was from that **VERY RESIDENT**.

Volume #9(O): UBC's Accommodation Process for Dr. Kelly

308. The case evaluates whether the University of British Columbia (UBC) fulfilled its duty to accommodate Dr. Kelly's disabilities during his residency program. It highlights the procedural and substantive aspects of accommodation. UBC must prove it could not accommodate Dr. Kelly without incurring undue hardship, requiring a fact-specific inquiry. Both UBC and Dr. Kelly are responsible for participating in the accommodation search with common sense and flexibility. The accommodation process must be assessed holistically, considering both the procedural aspects and the substantive outcomes of the accommodations offered.

Volume #9(P): Evaluation of UBC's Actions

309. The case critiques UBC's actions regarding Dr. Kelly's accommodations, indicating that UBC did not adequately fulfill its obligations. It highlights the need for a more thorough evaluation of the accommodations

provided. UBC claimed it accommodated Dr. Kelly but failed to demonstrate that further accommodations would fundamentally change the program. The evidence suggests that UBC did not adequately consult Dr. Kelly or consider all recommended accommodations. UBC's reliance on **anecdotal evidence** and **subjective impressions** did not meet the standard required to demonstrate undue hardship.

310. Naturally, if the **Applicant** was engaged in theft, substance abuse et al, where is the evidence? Since the **Applicant** and the TPS are at odds with each other for obvious reasons, then why was he not charged with theft and breaches of the CDSA? Simply put, because it is one of those imaginary thoughts and ruminations in the mind of the Landlord, which she passes onto others, to ensure that her world fits the narcissistic utopia she wishes it was.
311. This is why police need to inquire, investigate and consider the sufficiency of the evidence of a complainant including that of agents to a complainant.

Volume #9(P): Findings on Dr. Kelly's Dismissal

312. The case concludes that UBC's decision to dismiss Dr. Kelly was premature and discriminatory, as it did not allow him the opportunity to demonstrate his abilities with reasonable accommodations. Dr. Kelly was not given a fair chance to succeed in the program, as accommodations were truncated due to his disability. The Appeals Committee found that if accommodations could be implemented without risking the program's integrity, further remediation should have been pursued. UBC's actions reflected negative perceptions of Dr. Kelly due to his disability, leading to a premature dismissal.

Volume #9(Q): Conclusion and Next Steps (as they then were)

313. The case concluded with a determination that UBC's actions constituted a violation of Dr. Kelly's rights under the Code, necessitating further hearings for appropriate remedies. The complaint under sections 8 and 13 of the Code was justified, leading to a mandatory order for UBC to **cease the contravention**. A further hearing will be scheduled to determine what additional remedies should be ordered in light of the findings.

VOLUME #10: DUTY TO ACCOMMODATE

314. In *British Columbia (Public Service Employee Relations Commission) v. British Columbia Government and Service Employees' Union*, 1999 CanLII 652 (SCC), [1999] 3 S.C.R. 3 [*Meiorin*], and *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, 1999 CanLII 646 (SCC), [1999] 3 S.C.R. 868 [*Grismer*] the Supreme Court of Canada set out three requirements that a respondent must demonstrate to justify its conduct:
1. it adopted the standard for a purpose or goal that is rationally connected to the function being performed;
 2. it adopted the standard in good faith, in the belief that it is necessary to the fulfillment of the purpose or goal; and
 3. the standard is reasonably necessary to accomplish its purpose or goals.
(*Meiorin*, at para. 54)
315. The Court in *Meiorin* elaborated on the third step of the analysis as follows:
- a. To show that the standard is reasonably necessary, it must be demonstrated that it is impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship upon the employer. (para. 54)

316. The Supreme Court clarified the meaning of the word “impossible” in *Hydro-Québec v. Syndicat des employés de techniques professionnelles et de bureau d’Hydro-Québec, section locale 2000 (SCFP-FTQ)*, 2008 SCC 43, where it stated that “impossible” relates to undue hardship. At para. 12, it states that: ... What is really required is not proof that it is impossible to integrate an employee who does not meet a standard, but proof of undue hardship, which can take as many forms as there are circumstances. ...
- And in the next paragraph:
- ... in the employment context, the duty to accommodate implies that the employer must be flexible in applying its standard if such flexibility enables the employee in question to work and does not cause the employer undue hardship. ...
317. The Supreme Court of Canada in *Meiorin*, sets out a framework for examining whether the duty to accommodate has been met. If *prima facie* discrimination is found to exist, the person responsible for accommodation must establish on a balance of probabilities that the standard, factor, requirement or rule:
- a. was adopted for a purpose or goal that is rationally connected to the function being performed;
 - b. was adopted in good faith, in the belief that it is necessary for the fulfilment of the purpose or goal; and
 - c. is reasonably necessary to accomplish its purpose or goal, in the sense that it is impossible to accommodate the claimant without undue hardship.
318. The following are considered (see: *Meiorin*, para. 65):
- a. whether the person responsible for accommodation investigated alternative approaches that do not have a discriminatory effect;
 - b. reasons why viable alternatives were not implemented;
 - c. ability to have differing standards that reflect group or individual differences and capabilities;
 - d. whether persons responsible for accommodation can meet their legitimate objectives in a less discriminatory manner;
 - e. whether the standard is properly designed to ensure the desired qualification is met without placing undue burden on those to whom it applies; and
 - f. whether other parties who are obliged to assist in the search for accommodation have fulfilled their roles.
319. The duty to accommodate requires that the most appropriate accommodation be determined and then be undertaken, short of undue hardship. The most appropriate accommodation is one that most respects the dignity of the individual with a disability, meets individual needs, best promotes integration and full participation, and ensures confidentiality
320. Accommodation is a process and is a matter of degree, rather than an all-or-nothing proposition, and can be seen as a continuum. At one end of this continuum there would be full accommodation that most respects the person's dignity. Next is phased-in accommodation over time, followed by the most appropriate accommodation only being implemented once sufficient reserve funds have been set aside. Alternative accommodation (that which would be less than “ideal”) might be next on the continuum when the most appropriate accommodation is not feasible. Alternative accommodation might also be accomplished at a later date if immediate implementation would result in undue hardship. Or, alternative accommodation might be implemented as an interim solution while the most appropriate accommodation is being phased in or implemented at a later date

321. The **Tribunal** has ruled that short of undue hardship, the highest point in the continuum of accommodation must be achieved (see: *Quesnel v. London Educational Health Centre*, (1995) 28 C.H.R.R. D/474 at para. 16 (Ont. Bd. of Inq.) [hereinafter “*Quesnel*”]).

VOLUME #10(C): But before the “Duty to Accommodate” (the “**DTA**”) – the Duty to Inquire (the “**DTI**”)

322. An Employer cannot passively wait despite no formal application or request for accommodation The OHRC provides the following example by way of cross-referencing to *certain* jurisprudence:

“Example: The **HRTO** found that an employer discriminated against a male employee with a visual impairment when it failed to inquire into whether he needed accommodation even after it became aware that he was experiencing difficulties on the job due to his **disability**.

Even though the man did not formally request accommodation, the **HRTO** stated “...the procedural duty to accommodate indicates that an employer cannot passively wait for an employee to request accommodation where it is aware of facts that indicate that the employee *may* be having difficulties because of disability; there is a duty to take the initiative to inquire in these circumstances.” (see: *Sears, supra* note 118 at para. 114; *Wall v. The Lippé Group*, 2008 **HRTO** 50 (CanLII) [“*Wall*”]; *Davis v. 1041433 Ontario Ltd. (No. 2)*, 2005 **HRTO** 37 (CanLII), at paras. 67-68. [“*Davis*”])

323. The **Landlord, Goldview Respondents** and **TPS Respondents** were NOT passive but that lack of passivity related to unlawful and discriminatory conduct.

VOLUME #11: Intersectionality between the *HR Code* and section 8, and why the forum of the **HRTO** is the most appropriate for all issues to be determined

324. Section 8 of the Canadian *Charter* of Rights and Freedoms and the Ontario *Human Rights Code* (*HR Code*) intersect in several key ways, particularly in their shared focus on protecting privacy, dignity, equality, and procedural fairness. Their intersection is evident in cases involving state actions, such as police conduct, and the treatment of individuals with disabilities or other protected characteristics. The main points of intersection include:

- a. Shared Values:
 - i. Both frameworks emphasize the protection of privacy, dignity, and autonomy. Section 8 safeguards against unreasonable search and seizure, while the *HR Code* prohibits discrimination and adverse treatment that undermine dignity and self-respect.
- b. Privacy Protections:
 - i. Section 8 focuses on preventing unjustified state intrusions into privacy, while the *HR Code* complements this by addressing discriminatory practices that infringe on privacy, particularly for individuals with disabilities or mental health conditions.
- c. Duty to Accommodate:
 - i. The *HR Code* imposes a duty to accommodate individuals with disabilities, ensuring their specific needs are considered. Failure to accommodate during a search or seizure could breach both Section 8 and the *HR Code*.
- d. Systemic Accountability:
 - i. Section 8 challenges systemic practices of unreasonable searches and seizures, while the *HR Code* addresses systemic discrimination, such as **MHP** and inadequate accommodations. Together, they provide a basis for challenging practices that undermine privacy, dignity, and equality.

- e. Legal Remedies:
 - i. Violations of Section 8 can lead to remedies such as exclusion of evidence, while *HR Code* violations can result in monetary compensation and systemic reforms. Both frameworks aim to uphold fairness and accountability.
- f. Application to Police Services:
 - i. The *HR Code* applies to services provided by police, ensuring their conduct complies with anti-discrimination provisions. Section 8 ensures that police actions, such as searches and seizures, are lawful and reasonable.
- g. Focus on Disabilities and Mental Health:
 - i. Both frameworks intersect in cases involving individuals with disabilities or mental health conditions, where privacy, dignity, and accommodation are central issues. Discriminatory or unreasonable searches and seizures targeting individuals based on protected grounds could violate both Section 8 and the *HR Code*.
- h. Primacy of Legal Protections:
 - i. The *HR Code's* primacy ensures its protections are upheld alongside *Charter* rights, reinforcing equitable treatment in situations involving Section 8.
 - ii. Example of Intersection:
 - a. If law enforcement conducts a search targeting an individual with a disability without considering their specific needs or accommodations, this could violate both Section 8 and the *HR Code*, providing grounds for remedies under both frameworks.
 - b. Together, Section 8 of the *Charter* and the *HR Code* provide comprehensive protections against privacy violations and discrimination, ensuring dignity, equality, and accountability in state actions and services.

VOLUME #12: Intersectionality between the <i>HR Code</i> and section 7 of the <i>Charter</i>

325. Section 7 of the *Canadian Charter of Rights and Freedoms* and the *Ontario Human Rights Code (HR Code)* intersect in their shared focus on protecting fundamental rights related to life, liberty, security, dignity, and equality. Their intersection is evident in cases where state actions or discriminatory practices harm individuals' rights. Key points of intersection include:
- a. Shared Values:
 - i. Both frameworks emphasize dignity, autonomy, fairness, and protection from harm, ensuring equitable treatment and respect for individual rights.
 - b. Protection of Life, Liberty, and Security:
 - i. Section 7 guarantees protection from state actions that threaten physical or psychological security, while the *HR Code* prohibits discrimination that undermines these rights in areas such as housing, services, and employment.
 - c. Dignity and Autonomy:
 - i. Section 7 addresses state actions that infringe on dignity and autonomy, while the *HR Code* targets discriminatory practices that harm these values.
 - d. Duty to Accommodate:
 - ii. The *HR Code* mandates accommodation for individuals with disabilities, ensuring their needs are met. Section 7 complements this by protecting against state actions that fail to consider individual circumstances.
 - e. Systemic Accountability:
 - iii. Section 7 challenges systemic practices that violate fundamental justice, while the *HR Code* addresses systemic discrimination, providing a basis for challenging harmful practices.
 - f. Legal Remedies:

- iv. Violations of Section 7 can lead to constitutional remedies, such as striking down laws or policies, while *HR Code* breaches may result in monetary compensation and systemic reforms. Both frameworks aim to uphold fairness and accountability.
 - g. Application to State Actions and Services:
 - v. The *HR Code* applies to services provided by public entities, ensuring compliance with anti-discrimination provisions, while Section 7 ensures state actions respect life, liberty, and security.
 - h. Focus on Vulnerable Populations:
 - vi. Both frameworks intersect in cases involving individuals with disabilities, mental health conditions, or other vulnerabilities, ensuring protections against discriminatory or harmful practices.
 - i. Primacy of Legal Protections:
 - vii. The *HR Code*'s primacy ensures its protections are upheld alongside *Charter* rights, reinforcing equitable treatment.
 - j. Example of Intersection:
 - viii. If law enforcement detains an individual with a disability without considering their specific needs, this could violate both Section 7 and the *HR Code*. Similarly, unlawful eviction or denial of medical treatment could harm dignity, security, and equality, potentially breaching both frameworks.
326. Together, Section 7 of the *Charter* and the *HR Code* provide comprehensive protections against harm, discrimination, and inequity, ensuring dignity, fairness, and accountability in state actions and services.
327. *What could be less accountable than fraudulent manipulating documents and impersonating a justice of the peace? Will the TPS do the same with a Provincial Court Judge or an ONSC Justice?*

<i>VOLUME #13: THE IMPORTANCE OF FINDINGS AT THIS STAGE OF THE PROCEEDING AS IT RELATES TO SANFORD V. KOOP</i>
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328. The *Sanford v. Koop* case, decided by the **HRT** in 2005, involved allegations of discrimination under the *Human Rights Code*. The case focused on the impact of discriminatory treatment on the complainant's dignity, feelings, and self-respect. The **HRT** considered several factors in determining the appropriate monetary compensation for the complainant, including:
- a. **Humiliation and Hurt Feelings:** The tribunal assessed the extent to which the complainant experienced humiliation and emotional distress due to the discriminatory conduct;
 - b. **Loss of Self-Respect and Confidence:** The tribunal evaluated how the complainant's self-esteem and confidence were affected by the adverse treatment;
 - c. **Experience of Victimization:** The tribunal considered the complainant's experience of being victimized as a result of the discrimination;
 - d. **Vulnerability of the Complainant:** The tribunal took into account the complainant's vulnerability, which may have exacerbated the impact of the discrimination; and
 - e. **Seriousness, Frequency, and Duration of the Offensive Treatment:** The tribunal analyzed the severity, repetition, and length of the discriminatory behavior to determine its impact on the complainant.
329. It conventionally and stereotypically does not get much more humiliating than being locked out of a rental unit, where you are the only payor during the time you have been in the City of Toronto, without notice and without any compliance with the *HR Code*, while your property remains inside the Rental Unit. However, that was merely the warm-up for this group of Respondents.

330. It did when Goldview then deactivated the **Applicant**'s FOB for the second time when it and the Landlord admitted it was a mistake (back in October 2023).
331. To add insult to injury, Ms. Ferguson then engaged in the Extortionary Act(s) on September 23, 2024, around noon.
332. When the **Applicant** did what the Landlord, and her presumed counsel behind the scenes, could not do, all while without a permanent roof over his head and without his clothes, identification and medication, in the LTB, and then provided notice that he would enter the Rental Unit, as per the LTB VC Delorenzi Order (implicit findings therein), with the assistance of the TPS as per Police Officer Solermo's advice to the **Applicant** on September 23, 2024, the TPS got in on the trickery, fraud, and deception. Or had it already?
333. When the **Applicant** continued to assert his legal rights in the LTB and HRT0, and complied with the service requirements on the TPS and Landlord (by regular mail and registered mail), the answer from the Landlord, at the very least, was to stalk and harass the **Applicant**, and aid and abet in the TDI Karat Artopoulos Theft on October 25, 2024. Not but a day had passed after the Landlord was served with the HRT0 Application and the **Applicant** had put the Landlord on notice by filing in the LTB Portal that requests for alternative services were not in accordance with the HRT0 Specific Rules.
334. Like the Landlord, her then counsel did not even come within he realm of answering the questions and queries on that LTB issued form. Notably, then counsel to the Landlord admitted that the **Applicant**'s communications with the Landlord's daughter were in relation to the LTB Proceeding. The **Applicant** did not disagree.
335. Notably the then former counsel in Ms Kanavas was a professor at Seneca College where Court Officer Frugoni-Rojas was a student. The very same Seneca that the Landlord taught at for some 25 years or so. The very same Seneca College that JP Jiri completed his Police Foundations at. The very same JP Jiri, who was former police officer Mr. George Jiri, who worked at the same 52nd Division of the TPS as the "Detective-in-Charge" in Detective Mr. Abdulhameed K. Virani.
336. Ms. Kanavas' office is at 55 University Avenue, Toronto.
337. It was Ms. Kanavas that was disseminating false information in the record of the LTB Proceeding that the **Applicant** did not provide his address.
338. How could the **Applicant** not have provided his address when it was on his very driver's license? If that was a false address, he would have been criminally charged for providing false information to the Ministry of Transport.
339. The **HRT0** awarded monetary compensation to the complainant for injury to dignity, feelings, and self-respect, emphasizing the importance of addressing the harm caused by discrimination. This case is often cited as a precedent for assessing damages in human rights cases, particularly in situations involving emotional and psychological harm. The **Applicant** emphasizes the need for systemic reforms to **TPS** practices and expedited proceedings to address broader issues of human rights compliance and public interest.

340. Mental health issues play a central role in this case, as the **Applicant**, Kevin Alexander McLean, alleges that his conditions, including ADHD and traumatic brain injury (TBI), were exploited and led to discrimination, adverse treatment, and procedural unfairness. The key roles of mental health issues in this case include:
- a. Discrimination and Profiling:
 - i. McLean claims that his mental health conditions resulted in profiling and discriminatory actions by the Toronto Police Services (**TPS**) and his landlord, violating the Ontario *Human Rights Code* and Section 15 of the Canadian *Charter* of Rights and Freedoms. He argues that stereotypes and assumptions about individuals with mental health conditions influenced the treatment he received.
 - b. Exploitation of Vulnerabilities:
 - ii. The **Applicant** alleges that **TPS** exploited his mental health vulnerabilities, such as manipulating his need for medication to lure him under false pretenses. This exploitation worsened his mental health challenges and contributed to procedural inequality.
 - c. Failure to Accommodate:
 - iii. McLean asserts that **TPS** and other **Respondents** failed to accommodate his mental health needs, including providing access to medication and humane treatment during detention. This failure to accommodate violates human rights legislation and exacerbated his mental health conditions.
 - d. Aggravation of Pre-Existing Conditions:
 - iv. Invoking the "thin-skull rule," McLean emphasizes that individuals with pre-existing mental health conditions are more susceptible to harm from additional stress or trauma. He claims that the actions of **TPS** and his landlord aggravated his conditions, causing significant distress and emotional harm.
 - e. Privacy Violations:
 - v. Allegations include unauthorized possession of his medication, which McLean argues caused heightened harm due to his mental health vulnerabilities.
 - f. Systemic Concerns:
 - vi. McLean highlights systemic issues, such as **MHP** and inadequate accommodations, and calls for reforms to ensure equitable treatment and accountability for individuals with mental health challenges.
 - g. Impact on Dignity and Procedural Fairness:
 - vii. The **Applicant** emphasizes the emotional harm, loss of dignity, and procedural inequality caused by the **Respondents'** actions, arguing that his mental health conditions were not adequately considered, undermining fairness and accountability.
341. These points underscore the **Applicant's** argument that his mental health conditions were central to the discrimination and harm he experienced, as well as indicative of broader systemic failures requiring urgent reform. These protections collectively ensure equitable treatment, accommodation, and remedies for individuals with disabilities, addressing both individual and systemic discrimination.

VOLUME #15: PRIMARY ISSUES TO BE ADDRESSED BY THE HRTD FOR FINDINGS OF LAW

342. The following questions are posed as the primary issues:
- a. *Is it more likely than not on a balance of probabilities that the **Applicant's** Disabilities were a factor the **TPS's** adverse treatment of the **Applicant**?*
 - b. *Is it more likely than not on a balance of probabilities that the **Applicant's** Disabilities were a factor the **Goldview Respondents'** adverse treatment of the **Applicant**?*
 - c. *Is it more likely than not on a balance of probabilities that the **Applicant's** Disabilities were a factor the **Landlord's** adverse treatment of the **Applicant**?*

343. The **Applicant** respectfully submits that with the **Respondents'** non-compliance in even putting up a single page of a document in relation to NOM #1 and NOM #2, the **TPS** failing to produce a copy of the now Form 7 mystery warrant, and Mrs. Artopoulos now being proven to be a criminal in the form of aiding and abetting a thief in Mr. Karat of TD Insurance Group, one day after she was served with the **HRT0** Application, a strong deterrent and denunciation message must be delivered forthwith from the **HRT0** to the public.
344. The **Applicant** respectfully submits that the **HRT0** must grant all of the others so the public interest remedies can be fashioned before the likes of the **Landlord, Goldview Respondents** and the **TPS** continue with their fraudulent schemes that have a disproportionate effect on those with protected characteristics and disabilities.
345. To respect the HRT0's resources, the Goldview Respondents and TPS Respondents must know from this independent evidence tendered that it is only a matter of time before the Landlord points the finger at them and claims she was innocent in the same. If she does with her other daughter and husband, the possibilities are endless. While the Applicant is free of her from a standpoint of immediate apprehension of fear from her, it is why the Mandatory Cease Contravention Order must be granted forthwith and in any event of the other relief sought.
346. The **Applicant** seeks the orders above with great respect and appreciation for the Tribunal's time and resources.

All of which is respectfully submitted on June 12, 2025



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

APPENDICES

Appendix #1

RELIEF IN THE NOCQ AND MEMORANDUM OF LAW FROM NOVEMBER 2024 WHICH REMAINS EXTANT

Document production:

An order that the **TPS Respondents** list and produce, to the **Tribunal, Applicant**, and Attorneys General, and OHRC any and all documents, records, or evidence in their control or possession that relate to the **Material Time** involving the **Applicant**, and other **Respondents** by October 27, 2024;

An order that the **Goldview Respondents** list and produce, to the **Tribunal, Applicant**, and Attorneys General, and OHRC any and all documents, records, or evidence in their control or possession that relate to the **Material Time** involving the **Applicant**, and other **Respondents** by October 27, 2024;

An order that the **Landlord** list and produce, to the **Tribunal, Applicant**, and Attorneys General, and OHRC any and all documents, records, or evidence in their control or possession that relate to the **Material Time** involving the **Applicant**, and other **Respondents** by October 27, 2024;

Specific Document Production for TPS by October 25, 2024 (see: (i) alleged criminal complaint; (ii) sworn information under oath to obtain an arrest warrant (“ITO”); (iii) submission of materials in support of obtaining an arrest warrant involving Mr. McLean; (iv) arrest warrant for Mr. McLean; and (iv) others

1. An Order that TPS produce a copy of any and all documents that evidence warnings that it, including but not limited to DC Kolankowski’s representation that he warned Mr. McLean about unspecified and unparticularized contact with an unspecified person, warned Mr. McLean about alleged harassment of an individual;
2. An Order that TPS produce a copy of any records that evidence a complaint made against Mr. McLean involving the allegation of criminal harassment under section 264(b) of the Criminal Code;
3. An Order that TPS produce a copy of an “information to obtain” an arrest warrant involving Mr. McLean on or before his arrest on or around 8:15 p.m. on Wednesday, October 2, 2024;
4. An Order that TPS produce a copy of its delivery of an ITO to a justice or a justice of the peace involving the represented warrant to arrest Mr. McLean that it had at the time of his arrest on or around 8:15 p.m. on Wednesday, October 2, 2024;
5. An Order that TPS produce a copy of its receipt of the represented warrant to arrest Mr. McLean (if any) that it received from a justice of the ONSC or justice of the peace;
6. An Order that TPS produce a copy of the signed warrant by a justice of the peace or ONSC justice in the requisite Form 7 under the Criminal Code;
7. An Order that to the extent that the TPS does not produce all of the above by October 25, 2024, Mr. McLean is entitled to proceed and the Tribunal is entitled to determine the issues herein on the basis that there was no duty to warn Mr. McLean about any alleged harassment and there was no warrant obtained involving arresting Mr. McLean prior to his arrest, search, seizure

Appendix #2: CHARTER RELIEF FROM NOCQ AND MEMORANDUM OF LAW FROM NOVEMBER 2024

A declaration, order, determination and/or finding that **TPS** and some of all of the **TPS Respondents** and some unknown **TPS** employees or agents, engaged in an unauthorized, unlawful or illegal seizure of Mr. McLean’s property by its delivery to it or by its picking up of the same from his residential

rental unit, particularized as Unit 410-775 King Street West, Toronto, Ontario, M5V 2K3 (“**Rental Unit 410**”) on or around October 2, 2024;

A declaration, order, determination and/or finding that the TPS and TPS **Respondents**, as a direct consequence of them not having a warrant for the arrest of Mr. McLean and Mr. McLean not being subject to any potential charge of an indictable offence in relation to the allegation and unproven charge pursuant to section 264(b) of the Criminal Code, that the TPS and TPS **Respondents** cannot rely upon section 25, 493, 495 et al of the Criminal Code as an exemption to a warrantless arrest, and thereby breached the following rights of the **Applicant** including but not limited to: i. Section 9 of the Charter;

ii. Section 8 of the Charter;

iii. Section 7 of the Charter;

iv. Section 10 of the Charter

v. Section 11 of the Charter;

vi. Section 12 of the Charter;

vii. Section 15 of the Charter; 1. More specifically, the TPS and TPS **Respondents** cannot meet any aspects of the disjunctive element of the Collins test that involved conduct in that while sections 25 and 495 of the Criminal Code are reasonable, their acts or omissions (which remain ongoing) were: a. The arrest was not authorized by statute, and thereby all searches, seizures, detentions, imprisonment and conduct thereafter was not authorized by statute or the common law powers incident to arrest; and

b. The arrest, searches, seizures, imprisonment, detentions et al were all not reasonable in their fact and in substance.

(collectively, the “Charter Violations”)

c. A declaration, order, determination and/or finding that the Constable Romano email contained misrepresentations, mistruths, and/or omissions and amounted to a “false pretense”;

d. A declaration, order, determination and/or finding that TPS and TPS **Respondents** conducted a warrantless arrest of the **Applicant**;

e. A declaration, order, determination and/or finding that TPS and TPS **Respondents** conducted a warrantless detention and imprisonment of the **Applicant**;

f. A declaration, order, determination and/or finding that TPS and TPS **Respondents** conducted warrantless searches or seizures of the **Applicant**;

g. A declaration, order, determination and/or finding that TPS and TPS **Respondents**’ retention of any seized or searched information on October 2, 2024, prior to Mr. McLean attending TPS 14th Division or thereafter, constitutes an unreasonable seizure and is contrary to section 7 and 8 of the Charter;

h. A declaration, order, determination and/or finding that that the TPS, including the recorded arresting officer DC Kolankowski, did not have reasonable grounds to believe that the **Applicant** was committing an indictable offence or had committed an indictable offence in relation to the charge of section 264(b) of the Criminal Code;

i. A declaration, order, determination and/or finding that Mr. McLean, at the time (or ever for that matter), was NOT subject to: 1. any of the discretionary provisions of the Criminal Code for the Crown to proceed (if he or she wished) by indictment as opposed to summary processes: a. while at large under s. 515 [bail release], 679 or 680 [release pending appeal or review of appeal] (s. 515(6)(a)(i));

b. "for the benefit of, at the direction of, or in association" with a criminal organization (s. 515(6)(a)(ii));

c. where the offence involved a weapon, being a firearm

prohibited ammunition or explosive substance, while the accused was subject to a prohibition order preventing possession of these items (s. 515(6)(a)(viii)); or

d. where the accused is not "ordinarily a resident in Canada" (s. 515(6)(b)).

ii. Was NOT subject to any of the necessary Criminal Code requirements or conditions that an allegation and charge of section 264(b) of the Criminal Code 1. where the offence was an allegation of violence against an "intimate partner" and the accused had been previously convicted of an offence of violence against an "intimate partner" (s. 515(6) (b.1));

2. where the offence alleged is a breach under s. 145(2) to (5) [i.e. escaped from lawful custody] while (s. 515(6)(c)); or

3. where the offence committed (or conspired to commit) was an offence under s. 5 to 7 of the CDSA that is punishable by life imprisonment (s. 515(6)(d));

j. A declaration, order, determination and/or finding that the TPS and TPS **Respondents** did not have any reasonable grounds to believe, even taking the ss. 264(b) of the Criminal Code charge at its highest, that the **Applicant** had committed an indictable offence at all or in relation to the above;

k. A declaration, order, determination and/or finding that any consent provided by Mr. McLean, whether in writing, orally or by conduct (in showing up to the TPS 14th Division on October 2, 2024) was vitiated and of no force and effect due to duress, coercion, misrepresentation, false pretence, and/or fraud;

l. A declaration, order, determination and/or finding that TPS shall destroy any and all fingerprints, pictures or records in its database in relation to any potential or future investigations involving Mr. McLean but for segregating the same for exclusive use in this HRTO Proceeding;

m. A declaration, order, determination and/or finding that TPS and TPS **Respondents** breached the **Applicant's** Charter right to not be arbitrarily detained or imprisoned under section 9 of the Charter;

n. An declaration, order, determination and/or finding that TPS and TPS **Respondents** breached the **Applicant's** guaranteed right to be free from unreasonable search or seizure;

o. A declaration, order, determination and/or finding that TPS and the TPS **Respondents** breached the **Applicant's** to life, liberty and security of the person and the TPS and the TPS **Respondents** breached the same while not being in accordance with the principles of fundamental justice;

p. Damages in favour of the **Applicant** and against TPS and the TPS **Respondents**;

VOLUME #1(B)(III): Section 9 of the Charter

VOLUME #1(B)(IV): Section 24(1): Remedies (see: Section 24(1) provides remedies against unconstitutional government action)

Actual and apprehended fear of Charter breach

"Appropriate and just" (equitable in nature)

s. A declaration, order, determination or finding that section 1 of the Charter has no applicability and cannot save any of the infringements upon the **Applicant's** Charter rights because the limits only apply when they are prescribed by law;

VOLUME #1(B)(V): Section 1 of the Charter

ENDNOTES

ⁱSee: OHRC dossier

ⁱⁱ*R. v. Brown* (2003), *ibid.* See also, *R. v. Richards* (1999), 120 O.A.C. 344 (C.A.), *Peart v. Peel (Regional Municipality) Police Services Board*, [2003] O.J. No. 2669 (Sup. Ct.) and *R. v. Khan* (2004), 244 D.L.R. (4th) 443 (Ont. Sup. Ct.).

ⁱⁱⁱFor example, see *McKay v. Toronto Police Services Board*

^{iv}A 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>).

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

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

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