

**PETITION TO THE SENATE AND HOUSE OF COMMONS
OF HER MAJESTY'S 23RD PARLIAMENT OF CANADA ASSEMBLED
AND
TO BE TABLED IN THE HOUSE AND REFERRED TO
THE HOUSE OF COMMONS' STANDING COMMITTEE ON JUSTICE AND
HUMAN RIGHTS**

DATED THIS 21ST DAY OF MARCH 2022

WE, the undersigned citizens of Canada and residents of the Province of Ontario, in the East Region of the Superior Court of Justice of Ontario, in the City of Ottawa, and the federal ridings of Ottawa Centre and Ottawa-Vanier, and in the federal riding of Hull-Aylmer, draw the attention of the Senate and House of Commons to the following.

[1] **THAT**, your Petitioners say, the constitutional principal of **judicial independence** as expressed in the eighth paragraph¹ of Part III of *The Act of Settlement, 1701*, being part of the Constitution of Canada and providing judges commissions are subject to good behaviour² and judges are removable from office by the Crown only upon the Address of both Houses of Parliament, as confirmed in §99(1) of the *Constitution Act, 1867*, has in Canada come to be misinterpreted by public servants and judges and misunderstood by the public as meaning judges have **judicial immunity** from both civil and criminal liability for the consequences of their wrongful acts—in short, judges are above the law, and particularly the *Criminal Code*, which is not correct;

[2] **THAT**, your Petitioners say, the constitutional principle of the **separation of powers** as implemented in Canada by the provisions of the *Constitution Acts 1867 to 1982*, has since 1st of July 1867 been persistently eroded notwithstanding the provisions of the *Constitution Acts 1867 to 1982* until today, when, unconstitutionally, the constitutional separation of powers hardly exists in Canada, to the great disadvantage of, and detriment

¹ See [8] below.

² *Quamdiu se bene Gesserint*, being Latin meaning, for so long as he shall behave himself well.

and harm to, the citizens and residents of Canada, including Your Petitioners and, in particular, the Petitioner Overtveld;

[3] **THAT** this Petition brought on behalf of all Canadians is in part that of the Petitioner Overtveld, who is partially physically disabled and elderly, and is a victim of the fraudulent misappropriation of all his assets worth \$35 million by fraudsters who are criminal perfectionists and include his children, Joy and Todd, and his accountant, Gary Katz, who are a "criminal organization" as defined in §467.1(1) of the *Criminal Code*, holding him a prisoner, penniless in coercive but-for-caregiver solitary confinement with continuous emotional and psychological abuse from his children—family elder abuse—and their hirelings and he needs help dealing with them, but in the "good" Canada no one in authority will help the Petitioner Overtveld, that is, no one in the Executive element of the Government of Canada will help him, not Justice Minister Lametti, not RCMP Commissioner Brenda Lucki, not RCMP Constable Jim Metropoulos, nor RCMP Corporal Blake Burrows, no one in the Government of the Province of Ontario will help him, not Ontario Attorney General Doug Downey, not Assistant Deputy Attorney General Olah Dobush, Victims and Vulnerable Persons Division, not Public Guardian and Trustee Kenneth Goodman, not Karen Shaw, Acting Head of the OPGT's Guardianship Investigations Unit, and not Sarah Jones, the lawyer the PGT assigned to the defendant judicially reappointed 2011 attorney Joy Overtveld's Applications in which the PGT is named as a respondent, not the Ontario Provincial Police, Detective Inspector Darren Webster, Director, Anti-Rackets Branch, Investigation & Support Bureau, and not the City of Ottawa Police as represented by former Chief Soly and others including Detective Inspector Ripioli, no one in the Legislative element would help him, meaning, not his Member of Parliament the Hon. Catherine McKenna, PC, MP and not his wife's Member of Parliament the Hon. Mona Fortier, MP, and, to date, no judge of the Judicative element of the Government of the Province of Ontario will help the Petitioner Overtveld, not Superior Court of Justice of Ontario's Chief Justice Geoffrey Morawetz, not Regional Senior Judge, East Region, Calum MacLeod, not Justice Pierre Roger, not Justice Marc Labrosse, not Justice Sally Gomery, and not Court of Appeal Justice Tulloch, all Honourable of course, not the Canadian Judicial Council's Marc Giroux, Interim Executive Director, not the hordes of shyster lawyers who have no commitment to truth, law, justice, or access to justice including Borden Ladner Gervais LLP, Kathleen McDormand, and David Sherriff-Scott, Merovitz Potechin LLP, Chuck Merovitz, and Yasmin Vinograd, Lenczner

Slaght LLP and Anne Posno, who the judicially reappointed 2011 attorney fraudsters have hired, using the Petitioner Overtveld's money they misappropriated from him, paying these shysters to help them, the fraudsters, ease the Petitioner Overtveld into his grave, snickering all the way to the bank as he tries ineffectively to escape his imprisonment and to bring the fraudsters to account;

[4] **THAT** the criminal fraudsters include the Petitioner Overtveld's accountant Gary Katz, of Logan Katz LLP, Ottawa, a Fellow of CPA Ontario and TEP, and the Petitioner's children, Joy Overtveld, who is an L1 lawyer licensed by the Law Society of Ontario, and Todd Overtveld, who is a former office equipment repairman his sister now employs in Gi-Las, the Petitioner Overtveld's real estate operating company, as explained below;

[5] **THAT** these professional white-collar criminals Gary Katz and Joy Overtveld have connections to Justices of the East Region of Superior Court of Justice such that, for them, Justices have made Orders that are unjust, contrary to law, contrary to due process, biased against, prejudicial to, and injurious to, the Petitioner Overtveld and biased in favour of, helpful to, and valuable to the fraudsters including accountants Gary Katz and Logan Katz LLP, lawyer Joy Overtveld, and Todd Overtveld;

[6] **THAT** the Petitioner Overtveld's case evidences that the Executive element of the Government of Canada and Executive and Judicial elements of the Government of the Province of Ontario are fused, operate together, and give no regard whatsoever to compliance with Articles 1, 12, 13, 14, and 17 of the *UN Convention on the Rights of Persons with Disabilities*;³

[7] **THAT**, from near the beginning of our constitutional time, *Magna Carta, 1215* a part of the Constitution of Canada has provided in part as follows,

"40. *Sale denial or delay of justice* To no one will we sell, to no one will we deny, or delay right or justice....

"45. *Qualifications of officers* We will not make justiciars, constables, sheriffs or bailiffs except of such as know the law of the realm and are well inclined to observe it."

³ See [41] below.

[8] **THAT** *The Bill of Rights, 1689*, a part of the Constitution of Canada, provides in part,

"1. *Suspension of laws* That the pretended power of suspending laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal.

"2. *Dispensing with laws* That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late is illegal."

[9] **THAT** *The Act of Settlement, 1701*, a part of the Constitution of Canada, provides in Part III in part,

" That from and after the Time that the further Limitation by this Act all Matters and Things relating to the well governing of this Kingdom which are properly cognizable in the Privy Council by the laws and customs of this Realm shall be transacted there and all Resolutions taken thereupon shall be signed by such of the Privy Council as shall advise and consent to the same."

and

" That after the said Limitation shall take Effect as aforesaid Judges Commissions be made *Quamdiu se bene Gesserint* and their Salaries ascertained and established but upon the Address of both Houses of Parliament it may be lawful to remove them."

and in Part IV,

" And whereas the Laws of England are the Birthright of the People thereof and all the Kings and Queens who shall ascend the Throne of this Realm ought to administer the Government of the same according to the said Laws and all their Officers and Ministers ought to serve them respectively according to the same The said Lords Spiritual and Temporal and Commons do therefore further humbly pray That all the Laws and Statues of this Realm for securing the established Religion and Rights and Liberties of the People thereof and all other laws and statues of the same now in force may be ratified and confirmed. And the same are by His Majesty by and with the Advice and consent of the said Lords Spiritual and Temporal and Commons and by Authority of the same ratified and confirmed accordingly.

[10] **THAT** §24 of the *Constitution Act, 1876* provides,

" The Governor General shall from Time to Time, in the Queen's Name, by Instrument under the Great Seal of Canada, summon qualified Persons to the Senate; and, subject to the Provisions of this Act, every Person so summoned shall become and be a Member of the Senate and a Senator."

[11] **THAT** in dividing jurisdictions between the Dominion and the provinces the *Constitution Act, 1867* provides in part in §91 Parliament may,

"... make Laws for the Peace, Order, and good Government of Canada, in relation to all Matters not coming within the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater Certainty,... within the Classes of Subjects next hereinafter enumerated; that is to say, —

...

"27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the Procedure in Criminal Matters...."

and §91 concludes with the following words,

"...And any Matter coming within any of the Classes of Subjects enumerated in this Section shall not be deemed to come within the Class of Matters of a local or private Nature comprised in the Enumeration of the Classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces." [Emphasis added.]

[12] **THAT** §96 of the *Constitution Act, 1876* provides,

"The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

[13] **THAT** §99(1) of the *Constitution Act, 1876* provides,

"Subject to subsection two of this section, the Judges of the Superior Court shall hold office during good behaviour, but shall be removable by the Governor General on Address of the Senate and House of Commons."

[14] **THAT** on the 2nd November 1867, Her Majesty Queen Victoria's 1st Prime Minister of Canada, the Rt. Hon. Sir John A MacDonal, commenced unconstitutionally to usurp the constitutional power under §24 of the *Constitution Act, 1876* of the Governors General of Canada to appoint Senators and, since that date, each succeeding Prime Minister of Canada has continued unconstitutionally to usurp the constitutional powers of the Governors General of Canada to appoint persons to the Senate and no Senator of the Parliament of Canada has been constitutionally appointed;

[15] **THAT** on the 8th of April 1875, Her Majesty Queen Victoria's 2nd Prime Minister of Canada, the Rt. Hon. Alexander Mackenzie, commenced unconstitutionally to usurp the constitutional power under §96 of the *Constitution Act, 1876* of the Governors General of Canada to appoint Judges of the Superior, District, and County Courts in each Province and, since that date, each succeeding Prime Minister of Canada has continued unconstitutionally to usurp the constitutional powers of the Governors General of Canada to elevate persons to the Bench and no such Judge of the Superior, District, and County Courts in the Provinces of Canada has been constitutionally appointed;

[16] **THAT** when Her Majesty Queen Victoria's 7th Parliament of Canada first enacted the *Criminal Code* in S.C. 1892, c. 29 in §138 it codified the crime of contempt of statute as follows,

"138. Every one is guilty of an indictable offence and liable to one year's imprisonment who, without lawful excuse, disobeys any Act of the Parliament of Canada or of any legislature in Canada by wilfully doing any act which it forbids, or omitting to do any act which it requires to be done, unless some penalty or other mode of punishment is expressly provided by law."
[Emphasis added.]

[17] **THAT** the words, "...or of any legislature in Canada...." refer to Acts of the legislature of a province of Canada made under §92 of the *Constitution Act, 1867*;

[18] **THAT** in 1928 the Petitioner Overtveld was born in Holland;

[19] **THAT** on the 25th of March 1940, while the sons and daughters of Canada were going to Europe to fight the sons and daughters of Germany

misled by *Führer* Hitler, in Canada, His Majesty King George VI's 1st Prime Minister of Canada, the Rt. Hon. William Lyon Mackenzie King advised the Administrator of Canada, Chief Justice Sir Lyman Poore Duff, to make Order-in-Council PC 1940-1121, whereby Prime Minister King did unconstitutionally commence to usurp all the remaining powers that the Constitution of Canada assigns to the Governor General of Canada, thereby following the example, but without a referendum, of *Führer* Hitler combining the offices of *Präsident* and *Kanzler* to constitute himself *Führer* of Canada, and since that date each succeeding Prime Minister of Canada has continued unconstitutionally to usurp all of the constitutional powers of the Governors General of Canada;

[20] **THAT** on the 25th of April 1945, shortly before VE-Day, representatives of 50 governments met in San Francisco in conference and started drafting the UN Charter;

[21] **THAT** on the 25th of June 1945, the representatives of 51 governments adopted the Charter of the United Nations with objectives including maintaining international peace and security, protecting human rights, delivering humanitarian aid, promoting sustainable development, and upholding international law;

[22] **THAT** on the 24th of October 1945, the UN began its operations;

[23] **THAT** on the 10th December 1948 the UN General Assembly adopted *The Universal Declaration of Human Rights* at the Palais de Chaillot in Paris;

[24] **THAT** in 1953 the Petitioner Overtveld emigrated to Canada because in the Netherlands in WWII soldiers from Canada who fought there earned an excellent reputation for Canada, as a law-based fully democratic country;

[25] **THAT** the Petitioner Overtveld says, based on his life in Canada and the Province of Ontario over the past five years, he has learned by bitter experience, as will be related in this Petition, Canada is neither law-based nor fully democratic but rather is an authoritarian society with governments that pander to public servants and criminals coasting on a reputation it no longer deserves and it now illustrates the adage, "Get a

reputation for being an early riser and you can sleep in for the rest of your life;"

[26] **THAT** in 1953, His Majesty King George VI's 4th Parliament of Canada as advised by the Hon. Stuart Garson, PC, MP, KC, Minister of Justice in His Majesty King George VI's 2nd Canadian Ministry led by the Rt. Hon. Louis St Laurent, amended the *Criminal Code* and, in doing so, without explanation, after 61 years, abolished the crime of contempt of or disobedience to provincial statutes, which statutes deal *inter alia* with property and civil rights in the province, thus creating a serious and deplorable lacuna or gap or omission in the laws of Canada, by amending §138, which became §107 (now §126) as follows,

"107. Every one who, without lawful excuse, contravenes an Act of Parliament of Canada ^^^^^ by wilfully doing anything that it forbids or by wilfully omitting to do anything that it requires to be done is, unless some penalty or punishment is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years."
[Repealed words indicated by ^^^^^]

[27] **THAT** on the Application of the Petitioner Overtveld, the Hon. Sid Handleman, then incumbent Minister of Consumer and Commercial Relations of Ontario, under the *Business Corporations Act* of Ontario, on the 4th of January 1977, caused a corporation named Gi-Las Management and Maintenance Ltd. to be incorporated with the Petitioner Overtveld as its first and sole director, and he was its only shareholder;

[28] **THAT** at some time unknown, but probably after 1980, the Petitioner Overtveld says, accountant Gary Katz, in furtherance of his accounting and estate administration practices and firm Logan Katz LLP's business, engaged lawyer Charles M. Rotenberg to draft a form of power of attorney that would allow the attorneys under Katz's instruction to take the donor's property at will with impunity by means of a clause the Petitioner Overtveld characterizes as the "pickpocket clause" as follows.

"I authorize my attorney(s) to take physical possession of all of my property, including property held in a safety deposit box, property held in safekeeping by others on my behalf, and property held by others subject to some professional privilege, which privilege I waive for this purpose. For greater certainty, my attorney(s) shall be entitled to review my Will, in order to be able to manage my estate in a manner that is sensitive thereto, and so as to be able to act as my attorney(s) see(s) fit."

[18] THAT the Petitioner Overtveld says accountant Gary Katz commenced a practice of fraudulently contrary to §366(1) of the *Criminal Code* obtaining purportedly innocuous powers of attorney from wealthy older clients, particularly those institutionalized or suffering from some disability or both, ostensibly to enable their children to sign documents for and on behalf of their parents, but in reality containing the pickpocket clause completely inappropriate to the stated purpose for which the donor gave their children the power of attorney, thereby enabling the children, in bad faith, with criminal intent, to fraudulently take their parent's property whenever they wanted with impunity from claims of theft, meaning not contrary to §322(1) **Theft** of the *Criminal Code*, all as advised by accountant Katz who thereby ingratiated himself with the children in possession of their parent's property and enabled him or Logan Katz LLP to charge them accounting fees for empowering and advising them as aforesaid;

[29] **THAT**, the Petitioner Overtveld says, based on the deceitful way accountant Gary Katz obtains these purportedly innocuous powers of attorney, they are fraudulent forgeries contrary to §366(1) **Forgery** of the *Criminal Code* and the attorneys taking of the donor's property, while not theft, is criminal being contrary to §362(1)(a) **False pretence or false statement** or, in the alternative, contrary to §380(1) **Fraud** of the *Criminal Code*;

[30] **THAT** on the 16th of December 1966 the United Nations General Assembly adopted the *UN Convention on Economic, Social, and Cultural Rights* provides in part as follows.

"Article 5

"1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

"2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent...

"Article 11

"1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent...

"Article 12

"1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health."

[31] **THAT** on the 3rd of January 1976 the *UN Convention on Economic, Social, and Cultural Rights* came into force.

[32] **THAT** on the 30th day of August 1990 lawyer Charles M. Rotenberg made an assignment in bankruptcy, being Bankruptcy Estate No. 33-046509, having liabilities of \$543,823 and total assets of \$262,000;

[33] **THAT** in *R v. Askov*, [1990] 2 S.C.R. 1199, the Supreme Court of Canada held that under §11(b) of the *Charter* a person charged with a criminal offence must be tried within a reasonable time and that an institutional delay of up to six months could be justified, but a delay of more than six months and less than two years following the preliminary hearing was not reasonable and a ground for dismissing the charge;

[34] **THAT** on the 5th of December 1992, Her Majesty's 11th Legislative Assembly of the Province of Ontario led by Premier the Hon. Bob Rae unanimously enacted the *Substitute Decisions Act, 1992* and it came into force on April 3, 1995;

[35] **THAT**, your Petitioners say, as the Honourable Justice Labrosse has interpreted and applied the *Substitute Decisions Act, 1992* (Ontario) to the Petitioner Overtveld, that legislation unconstitutionally deprives the Petitioner Overtveld of all his capacity and civil rights in breach of the provisions and safeguards not only of the *Substitute Decisions Act, 1992* but also of the Constitution of Canada, and the *United Nations Convention on the Rights of Persons with Disabilities* and consequently, as a State Party that acceded to this *Convention*, to the territorial extent of the Province of

Ontario, Canada is in flagrant default of its obligations under Articles 1 and 12.

[36] **THAT** on the 9th of March 1996, Ontario Lieutenant Governor Jackman on the advice of Attorney General Harnick made *Ontario Regulation No. 100/96* under the *Substitute Decisions Act, 1992* that provides in part as follows,

Application

1. This Regulation applies to attorneys under continuing powers of attorney, statutory guardians of property, court-appointed guardians of property, attorneys under powers of attorney for personal care and guardians of the person.

Form of Accounts and Records

2. (1) The accounts maintained by an attorney under a continuing power of attorney and a guardian of property shall include,

(a) a list of all the incapable person's assets as of the date of the first transaction by the attorney or guardian on the incapable person's behalf, including real property, money, securities, investments, motor vehicles and other personal property;

(b) an ongoing list of assets acquired and disposed of on behalf of the incapable person, including the date of and reason for the acquisition or disposition and from or to whom the asset is acquired or disposed;

(c) an ongoing list of all money received on behalf of the incapable person, including the amount, date, from whom it was received, the reason for the payment and the particulars of the account into which it was deposited;

(d) an ongoing list of all money paid out on behalf of the incapable person, including the amount, date, purpose of the payment and to whom it was paid;

(e) an ongoing list of all investments made on behalf of the incapable person, including the amount, date, interest rate and type of investment purchased or redeemed;

(f) a list of all the incapable person's liabilities as of the date of the first transaction by the attorney or guardian on the incapable person's behalf;

(g) an ongoing list of liabilities incurred and discharged on behalf of the incapable person, including the date, nature of and reason for the liability being incurred or discharged;

(h) an ongoing list of all compensation taken by the attorney or guardian, if any, including the amount, date and method of calculation;

(i) a list of the assets, and value of each, used to calculate the attorney's or guardian's care and management fee, if any.

(2) An attorney under a continuing power of attorney and a guardian of property shall also keep, together with the accounts described in subsection (1), a copy of the continuing power of attorney, certificate of statutory guardianship or court order constituting the authority of the attorney or guardian, a copy of the management plan, if any, and a copy of any court orders relating to the attorney's or guardian's authority or to the management of the incapable person's property.

3. (1) The records maintained by an attorney under a power of attorney for personal care and a guardian of the person shall include,

(a) a list of all decisions regarding health care, safety and shelter made on behalf of the incapable person, including the nature of each decision, the reason for it and the date;

(b) a copy of medical reports or other documents, if any, relating to each decision;

(c) the names of any persons consulted, including the incapable person, in respect of each decision and the date;

(d) a description of the incapable person's wishes, if any, relevant to each decision, that he or she expressed when capable and the manner in which they were expressed;

(e) a description of the incapable person's current wishes, if ascertainable and if they are relevant to the decision;

(f) for each decision taken, the attorney's or guardian's opinion on each of the factors listed in clause 66 (4) (c) of the Act.

(2) An attorney under a power of attorney for personal care and a guardian of the person shall also keep a copy of the power of attorney for personal care or court order appointing the attorney or guardian, a copy of the guardianship plan, if any, and a copy of any court orders relating to the attorney's or guardian's authority or the incapable person's care.

Confidentiality and Disclosure of Accounts and Records

4. An attorney or guardian shall not disclose any information contained in the accounts and records except,

(a) as required by section 5 or permitted by section 6;

(b) as required by a court order;

(c) as required otherwise under the Act or any other Act; or

(d) as is consistent with or related to his or her duties as attorney or guardian.

5. (1) An attorney under a continuing power of attorney shall give a copy of the accounts and records he or she keeps in

accordance with section 2 to any of the following persons who requests it:

1. The incapable person.
2. The incapable person's attorney for personal care or guardian of the person.

(2) A guardian of property shall give a copy of the accounts and records he or she keeps in accordance with section 2 to any of the following persons who requests it:

1. The incapable person.
2. The incapable person's attorney for personal care or guardian of the person.
3. If the Public Guardian and Trustee is the guardian of property, the incapable person's spouse, except a spouse from whom the incapable person is living separate and apart within the meaning of the Divorce Act (Canada), or the incapable person's partner, child, parent, brother or sister.
4. The Public Guardian and Trustee, if he or she is not the incapable person's guardian of property or guardian of the person.

(3) An attorney for personal care shall give a copy of the records he or she keeps in accordance with section 3 to any of the following persons who requests it:

1. The incapable person.
2. The incapable person's attorney under a continuing power of attorney or guardian of property.

(4) A guardian of the person shall give a copy of the records he or she keeps in accordance with section 3 to any of the following persons who requests it:

1. The incapable person.
2. The incapable person's attorney under a continuing power of attorney or guardian of property.
3. The Public Guardian and Trustee, if he or she is not the incapable person's guardian of property or of the person.

Retention of Accounts and Records

6. (1) Every attorney and guardian shall retain the accounts and records required by this Regulation until he or she ceases to have authority and one of the following occurs:

1. The attorney or guardian obtains a release of liability from a person who has the authority to give the release.
2. Another person has acquired the authority to manage the incapable person's property or make decisions concerning the incapable person's personal care, as the case may be, and the attorney or guardian delivers the accounts or records to that person.

3. The incapable person has died and the attorney or guardian delivers the accounts or records to the incapable person's personal representative.

4. The attorney or guardian is discharged by the court on a passing of accounts under section 42 of the Act and either the time for appealing the decision relating to the discharge has expired with no appeal being taken or an appeal from the decision relating to the discharge is finally disposed of and the attorney or guardian is discharged on the appeal.

5. A court order is obtained directing the attorney or guardian to destroy or otherwise dispose of the accounts or records.

(2) Subsection (1) applies, with necessary modifications, to former attorneys and guardians.

7. Omitted (provides for coming into force of provisions of this Regulation).

[37] **THAT** on the 5th day of December 1997 lawyer Charles M. Rotenberg made a second assignment in bankruptcy, being Bankruptcy Estate No. 33-100855, having liabilities of \$193,300 and total assets of \$0;

[38] **THAT** on the 12th of November 2007, the Petitioner Overtveld entered into a Shareholders Agreement with Gi-Las Management and Maintenance Ltd. and others in which they agreed in §2.1(b) that the Petitioner Overtveld would be the director of Gi-Las during his lifetime; in §2.4 that Logan Katz LLP would be the accountants of Gi-Las; in §2.5 the shareholders unconditionally and irrevocably waive the requirement for the appointment of an auditor and for all financial years consent to the exemption therefrom in the *Business Corporations Act*; in §4.1 the parties agree that shares of Gi-Las may not be issued, sold, transferred, mortgaged, pledged, charged, or otherwise disposed of or encumbered except in accordance with the Shareholders Agreement; in §4.2 the parties agree that with the consent of the director a shareholder might transfer shares to a related party subject to the transferee becoming bound by the Shareholders Agreement and the transferor being jointly and severally liable with the transferee for the compliance with the transferor's obligations under the Shareholders Agreement; in §4.4 the parties agree that no transfer would become effective and no certificate for the transferred shares would be issued until the transferee had agreed in writing to be bound by the Shareholders Agreement and that the transferor continued to be bound by the Shareholders Agreement; in §6.1 each shareholder agrees to hold all information relating to Gi-Las in

confidence; in §6.1(b) the parties agree they may only use confidential information relating to Gi-Las with its consent and in furtherance of its business and any attempt to use such information otherwise will cause Gi-Las irreparable harm and be grounds for injunctive relief;

[39] **THAT** on the 10th day of March 2006, lawyer Charles M Rotenberg made a third assignment in bankruptcy, being Bankruptcy Estate No. 33-161170, having liabilities of \$607,528 and total assets of \$240,003;

[40] **THAT** in 2006, Her Majesty's 24th Legislative Assembly of the Province of Ontario led by the Hon. Dalton McGuinty enacted the *Access to Justice Act, 2006* S.O. 2006, c. 21, including, in Schedule F, the *Legislation Act, 2006*, §§1, 2, 13, and 15 of which provide in part as follows.

"1(1) In this Act,

"consolidated law" means a source law into which are incorporated,

(a) amendments, if any, that are enacted by the Legislature or filed with the Registrar of Regulations under Part III (Regulations) or under a predecessor of that Part, and

(b) changes, if any, that are made under Part V (Change Powers);

"e-Laws website" means the website of the Government of Ontario for statutes, regulations and related materials that is available on the Internet at www.e-laws.gov.on.ca or at another website address specified by a regulation made under subsection (3);

"legislation" means Acts and regulations;

"source law" means,

(a) in the case of an Act, the Act as enacted by the Legislature, and

(b) in the case of a regulation, the regulation as filed with the Registrar of Regulations under Part III (Regulations) or under a predecessor of that Part.

"(2) A reference in this Act to amendment in relation to legislation is also a reference to repeal or revocation, unless a contrary intention appears.

"(3) The Attorney General may, by regulation, specify another website address for the purpose of the definition of "e-Laws website" in subsection (1).

- "2 The Attorney General shall,
- (a) maintain the electronic database of source law and consolidated law for the e-Laws website so as to facilitate convenient and reliable public access to Ontario legislation; ...
- "13 Judicial notice shall be taken of the enactment and contents of an Act...
- "15 (1) Every Act of the Legislature shall be published on the e-Laws website and in print...."

[41] **THAT** on the 13th of December 2006 the United Nations General Assembly adopted the *UN Convention on the Rights of Persons with Disabilities* which provides in part as follows,

"Article 1 - Purpose

"The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

"Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

"Article 2 - Definitions

"For the purposes of the present Convention:

- ' "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology;
- ' "Language" includes spoken and signed languages and other forms of non-spoken languages;
- ' "Discrimination on the basis of disability" means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation;
- ' "Reasonable accommodation" means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the

enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;....

"Article 3 - General principles

"The principles of the present Convention shall be:

"(a) Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

"(b) Non-discrimination;

"(c) Full and effective participation and inclusion in society;

"(d) Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

"(e) Equality of opportunity;

"(f) Accessibility;

"(g) Equality between men and women;

"(h) Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities....

"Article 12: Equal recognition before the law

"1. States Parties reaffirm that persons with disabilities have the right to recognition everywhere as persons before the law.

"2. States Parties shall recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life.

"3. States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.

"4. States Parties shall ensure that all measures that relate to the exercise of legal capacity provide for appropriate and effective safeguards to prevent abuse in accordance with international human rights law. Such safeguards shall ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person's circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person's rights and interests.

"5. Subject to the provisions of this article, States Parties shall take all appropriate and effective measures to ensure the equal right of persons with disabilities to own or inherit property, to control their own financial affairs and to have equal access to

bank loans, mortgages and other forms of financial credit, and shall ensure that persons with disabilities are not arbitrarily deprived of their property.

"Article 13: Access to justice

"1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.

"2. In order to help to ensure effective access to justice for persons with disabilities, States Parties shall promote appropriate training for those working in the field of administration of justice, including police and prison staff.

"Article 14: Liberty and security of the person

"1. States Parties shall ensure that persons with disabilities, on an equal basis with others:

"(a) Enjoy the right to liberty and security of person;

"(b) Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.

"2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.

...

"Article 17: Protecting the integrity of the person

"Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.

...

"Article 33: National implementation and monitoring

"1. States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism

within government to facilitate related action in different sectors and at different levels.

"2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.

"3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process."

[42] **THAT** on the 30th of March 2007, Canada signed the *UN Convention on the Rights of Persons with Disabilities*;

[43] **THAT** on the 3rd of May 2008, after being signed by 20 states, the *UN Convention on the Rights of Persons with Disabilities* came into force.

[44] **THAT** on the 5th of May 2008, {Her Majesty in right of Ontario as represented by} the Hon. Christopher Bentley, Attorney General of Ontario, and {Her Majesty in right of Ontario as represented by} the Honourable Heather J. Smith, Chief Justice of the Superior Court of Justice of Ontario, entered into a Memorandum of Agreement respecting their respective roles and responsibilities in relation to the administration of {Her Majesty's} Courts in Ontario; {Omitted words added}

[45] **THAT** in 2008, His Excellency Lieutenant Governor Onley on the advice of Attorney General Bentley made Ontario Regulation No. 438/08 §64 of which revoked and replaced *Rule 77* of the *Rules of Civil Procedure* which came into force on 1 January 2010 and provides in part as follows.

77.01(1) *Purpose* The purpose of this Rule is to establish a case management system that provides case management only of those proceedings for which a need for the court's intervention is demonstrated and only to the degree that is appropriate, as determined in reliance on the criteria set out in this Rule.

(2) *General Principles* This Rule shall be construed in accordance with the following principles:

1. Despite the application of case management under this Rule to a proceeding, the greater share of the responsibility for managing the proceeding and moving it expeditiously to a trial, hearing or other resolution remains with the parties.

2. The nature and extent of the case management provided by a judge or case management master under this Rule in respect of a proceeding shall be

informed by any relevant practices, traditions, customs or judicial resource issues that apply locally in the region in which the proceeding is commenced or to which it is transferred. O. Reg. 438/08, s. 64.

77.02(1) *Application and Scope* This Rule applies to actions and applications commenced in or transferred to one of the following counties on or after January 1, 2010 and assigned to case management by an order under these rules:

1. The City of Ottawa.
2. The City of Toronto.
3. The County of Essex.

(2) *Exceptions* Despite subrule (1), this Rule does not apply to,

- (a) actions or applications placed on the Commercial List established by practice direction in the Toronto Region;
- (b) actions or applications under Rules 74 and 75 (Estates);
- (c) applications for the removal or replacement of personal representatives under the *Trustee Act*;
- (d) applications under Part V of the *Succession Law Reform Act*;
- (e) applications for guardianship of property or persons under the *Substitute Decisions Act, 1992*;
- (f) actions under Rule 64 (Mortgage Actions);
- (g) actions under Rule 76 (Simplified Procedure);
- (h) actions or applications under the *Construction Act*, except trust claims; and
- (i) actions or applications under the *Bankruptcy and Insolvency Act* (Canada).

...

(4) In the event of a conflict between a provision in this Rule and a provision in any other Rule, the provision in this Rule prevails.

[46] **THAT** on the 30th of March 2010, Canada acceded to the *UN Convention on the Rights of Persons with Disabilities* subject to the following Declaration and reservation.

"Declaration and reservation:

" Canada recognises that persons with disabilities are presumed to have legal capacity on an equal basis with others in all aspects of their lives. Canada declares its understanding that Article 12 permits supported and substitute decision-making arrangements in appropriate circumstances and in accordance with the law.

" To the extent Article 12 may be interpreted as requiring the elimination of all substitute decision-making arrangements, Canada reserves the right to continue their use in appropriate circumstances and subject to appropriate and effective safeguards. With respect to Article 12 (4), Canada reserves the right not to subject all such measures to regular review by an

independent authority, where such measures are already subject to review or appeal.

" Canada interprets Article 33(2) as accommodating the situation of federal states where the implementation of the Convention will occur at more than one level of government and through a variety of mechanisms, including existing ones."

[47] **THAT** in November 2010 the Petitioner Overtveld's daughter Joy Overtveld left her employment with the Department of Justice and commenced to work full time as an employee of Gi-Las Management and Maintenance Ltd. at the same salary as the Department of Justice had paid her;

[48] **THAT** at some time unknown accountant Gary Katz, bankrupt lawyer Charles M. Rotenberg, accountants Logan Katz LLP, and Petitioner Overtveld's daughter, Joy Overtveld, acting as a sophisticated white-collar criminal organization as defined in §467.1(1) of the *Criminal Code* (the Joy-Katz Organization) formed the malicious criminal intent to take possession of the Petitioner Overtveld's property by means of the form of continuing power of attorney for property developed by accountant Gary Katz as advised by bankrupt lawyer Charles M. Rotenberg that contains the "pickpocket" clause that authorizes the named attorneys, Joy Overtveld, Todd Overtveld, and Gary Katz, to take their donor, the Petitioner Overtveld's, property;

[49] **THAT** on the 14th of March 2011, accountant and named attorney Gary Katz knowingly deceived the then 83-year-old Petitioner Overtveld into signing without reading a document represented to be a simple power of attorney that would enable the named attorneys to sign corporate Gi-Las documents for the Petitioner Overtveld while he was on vacation away from Ottawa, but that in reality was the aforesaid continuing power of attorney for property within the definition in §7(1) of the *Substitute Decisions Act, 1992*, prepared by bankrupt lawyer Charles M. Rotenberg, containing the "pickpocket" provision authorizing the attorneys to take the Petitioner Overtveld's property, which provision was completely inconsistent with the purpose for which the Petitioner Overtveld, as donor, made the power of attorney, and accountant Katz did not disclose or explained the meaning of a continuing power of attorney or the included pickpocket provision to the Petitioner Overtveld, and as well he signed a power of attorney for personal care;

[50] **THAT**, the Petitioner Overtveld says, on the 14th of March 2011, when, trusting and relying on his accountant Gary Katz, the Petitioner Overtveld signed the aforesaid continuing power of attorney for property and power of attorney for personal care without reading them, the only other person there was accountant Gary Katz, by reason of which the signing of the continuing power of attorney for property did not comply with the requirements of §10(1) the *Substitute Decisions Act, 1992*;

[51] **THAT**, the Petitioner Overtveld says, on the 14th of March 2011, after the Petitioner Overtveld signed the aforesaid continuing power of attorney for property and power of attorney for personal care without reading them, accountant Gary Katz took both signed powers of attorney away without leaving a copy of them with the Petitioner Overtveld so he could, after the fact, read and review what he had signed;

[52] **THAT**, the Petitioner Overtveld says, accountant Gary Katz gave the signed powers of attorney to bankrupt lawyer Charles M. Rotenberg, who signed them in the place designated for the signature of a witness, as if he had been present and witnessed the Petitioner Overtveld's signature of them but was not, and he obtained the signature of another person who signed them in the place designated for the signature of a witness, as if that other person had been present and witnessed the Petitioner Overtveld's signature of them but was not;

[53] **THAT**, the Petitioner Overtveld says, bankrupt lawyer Charles M. Rotenberg prepared notarially certified true copies of the powers of attorney signed but not witnessed as aforesaid and gave them back to accountant Gary Katz;

[54] **THAT**, the Petitioner Overtveld says, accountant Gary Katz gave the originals and notarially certified true copies to lawyer and named attorney Joy Overtveld and they gave notarially certified true copies to the Petitioner Overtveld's financial institutions to establish the named attorneys authorizations to sign documents on the petitioner Overtveld's behalf;

[55] **THAT** on the 13th of October 2011, in Bankruptcy Estate No. 33-161170, bankrupt lawyer Charles M. Rotenberg applied to be discharged but his application for discharge was refused and he remains an undischarged bankrupt to this day;

[56] **THAT** on the 30th of January 2014, His Excellency Governor General Johnston, on the recommendation of the Hon. Peter McKay, Minister of Justice of Canada in Her Majesty The Queen's 11th Canadian Ministry led by the Rt. Hon. Stephen Harper, made Order-in-Council PC 2014-0101 appointing the Honourable Marc R. Labrosse, previously a lawyer with Vice Hunter Labrosse LLP in Ottawa, a Judge of the Ontario Superior Court of Justice at Ottawa *vice* Justice P.B. Annis who transferred to the Federal Court of Canada;

[57] **THAT** on the 22nd of April 2014, the Law Society of Ontario Tribunal, Hearing Division, found lawyer Charles M. Rotenberg to have engaged in professional misconduct misappropriating funds from money received in trust from a client and misapplying funds from money received in trust from a client and ordered him to surrender his license by May 2, 2014 at 5 p.m., failing which it would be revoked;

[58] **THAT** on the 19th of June 2015, His Excellency Governor General Johnston, on the recommendation of the Hon. Peter McKay, Minister of Justice of Canada in Her Majesty The Queen's 11th Canadian Ministry led by the Rt. Hon. Stephen Harper, made Order-in-Council PC 2015-0986 appointing the Honourable Pierre E. Roger, from Hearst, Ontario, previously a partner with Borden Ladner Gervais LLP in Ottawa from 1991 to 2010, and from 2010 a Case Management Master of the Ontario Superior Court of Justice in Ottawa sitting in civil and family matters, a Judge of the Ontario Superior Court of Justice in Ottawa *vice* Justice J.A. McMunagle (Ottawa), who resigned effective January 29, 2015;

[59] **THAT** on the 16th of June 2016, His Excellency Governor General Johnston, on the recommendation of the Hon. Judy Wilson Raybould, Minister of Justice of Canada in Her Majesty The Queen's 12th Canadian Ministry led by the Rt. Hon. Justin Trudeau, made Order-in-Council PC 2016-0550 appointing the Honourable Calum U.C. MacLeod a Judge of the Ontario Superior Court of Justice in Ottawa *vice* Madame Justice Heidi Levinson Polowin, who died on May 5, 2016;

[60] **THAT** in about February 2017, the Petitioner Overtveld fell, developed disabling sciatica, and became partially physically disabled, and from this time was not able to get out of bed or walk without assistance;

[61] **THAT** since February 2017, the Petitioner Overtveld has been bedridden and dependent on his children, Joy Overtveld and Todd Overtveld, as his 2011 attorneys for personal care, and hired caregivers to help him carry on the activities of his daily life;

[62] **THAT**, without third-party overseeing, his children, Joy Overtveld and Todd Overtveld, as his 2011 attorneys for personal care, neglected and physically and psychologically abused him;

[63] **THAT** on the 21st of June 2017, His Excellency Governor General Johnston, on the recommendation of the Hon. Judy Wilson Raybould, Minister of Justice of Canada in Her Majesty The Queen's 12th Canadian Ministry led by the Rt. Hon. Justin Trudeau, made Order-in-Council PC 2017-0941 appointing Sally E. Gomery, previously a partner at Norton Rose Fulbright LLP, a judge of the Superior Court of Justice in and for the Province of Ontario in Ottawa *vice* Justice R.J. Smith, who was to become supernumerary, both with effect on the 1st of July 2017;

[64] **THAT** on the 21st of July 2017, **TD Canada Trust (Mark Lalonde)** sent Petitioner Overtveld an email report that in the 12 months ended July 2017 \$800,000 had been transferred out of his investment account and in the 12 months ended July 2016 \$650,000 had been transferred out of his investment account, about which transfers the Petitioner Overtveld knew nothing;

[65] **THAT**, the Petitioner Overtveld says, when he questioned his daughter Joy Overtveld and his accountant Gary Katz, as his 2011 attorneys for property, about these unexpected transfers of \$1.45 million from his investment account, notwithstanding the requirements of *Ontario Regulation No. 100/96* under the *Substitute Decisions Act, 1992* that attorneys for property must keep records and that they must provide copies of those records to the donor of the power of attorney when asked, Joy Overtveld and Gary Katz refused to answer the Petitioner Overtveld's questions or to explain the transfers or otherwise account to the Petitioner Overtveld by providing him with copies of their records as required by *Ontario Regulation No. 100/96*;

[66] **THAT**, the Petitioner Overtveld says, he now believes, but cannot prove, that his daughter, Joy Overtveld, used part of this \$1.45 million to

pay the legal fees and expenses of her lawyer, Kathleen McDormand of Borden Ladner Gervais LLP, including inducement payments, in relation to Joy Overtveld's Application No. CV-17-73847 (Ottawa) to be appointed the guardian of her brother-in-law, Kam Tong Chan, and to annul his marriage to Nicole Presenty;

[67] **THAT**, the Petitioner Overtveld says, instead, his 2011 attorneys bought an adverse capacity opinion dated the 6th of September 2017 and addressed to Logan Katz LLP from a social worker, Leonard Burnstein, that the Ministry of the Attorney General had qualified under the *Substitute Decisions Act, 1992* as a capacity assessor, who said the Petitioner Overtveld lacked capacity to manage his property and lacked capacity to manage his personal care and, in obtaining said adverse capacity opinion,

- (a) the Petitioner Overtveld's daughter, Joy Overtveld, provided capacity assessor Burnstein with extensive information about Gi-Las in breach of §6.1(b) of the Gi-Las Shareholders Agreement; and
- (b) Burnstein joined the criminal Joy Katz Organization and participated in its deception of the Petitioner Overtveld by pretending to be a Logan Katz LLP employee giving the Petitioner Overtveld investment advice, when in fact he was secretly carrying out a capacity assessment without notifying the Petitioner Overtveld that he was conducting a capacity assessment and without notifying the Petitioner Overtveld that he had a right to refuse to submit to it in accordance with §72(2) of the *Substitute Decisions Act, 1992* and without providing the Petitioner Overtveld with written notice of his findings in accordance with §72(5) of the *Substitute Decisions Act, 1992*;

[68] **THAT** In the making of this false capacity opinion dated the 6th of September 2017, Joy Overtveld and Burnstein, and in the procuring of this false capacity opinion, Logan Katz LLP, each committed forgery contrary to §366(1) of the *Criminal Code* and at the direction of and in association with members of the Joy Katz Organization and for the benefit of the Joy Katz Organization contrary to §467.12(1) of the *Criminal Code*.

[69] **THAT** on the 15th of September 2017, Joy Overtveld somehow elected herself the sole director of Gi-Las in breach of §2.1(b) of the Gi-Las Shareholders Agreement that the Petitioner Overtveld would be the director of Gi-Las during his lifetime;

[70] **THAT**, in breach of their statutory fiduciary duties and duties of good faith and honesty owed to the Petitioner Overtveld under §§32(1) and 38(1) of the *Substitute Decisions Act, 1992*, the 2011 attorneys for property misused the 2011 continuing power of attorney for property and the Burnstein 2017 adverse capacity assessment opinion to obtain exclusive—meaning excluding the Petitioner Overtveld—control over all the Petitioner Overtveld's bank accounts;

[71] **THAT** on the 19th of December 2017, Gi-Las director Joy Overtveld appointed herself the Treasurer and the Secretary of Gi-Las Management and Maintenance Ltd.;

[72] **THAT** on the 31st of May 2018, in Joy Overtveld's Application No. CV-17-73847 to be appointed guardian of the property and person of her brother-in-law, Kam Tong Chan, the Honourable Justice MacLeod made an Order for Directions;

[73] **THAT**, the Petitioner Overtveld says, penniless and under the coercive and neglectful control of his children, Joy Overtveld and Todd Overtveld, as his 2011 attorneys for personal care, on the 12th of August 2018, he telephoned his confidant Enrique Jurado and pleaded for help;

[74] **THAT**, the Petitioner Overtveld says, with the help of his confidant Enrique Jurado, he reported to the City of Ottawa Police, who gave it File No. 18-215936, his 2011 attorneys for property, Joy Overtveld and Gary Katz, and their lawyer, Roger Ramonat, had stolen over \$1 million from his investment account;

[75] **THAT**, the Petitioner Overtveld says, on the 20th of September 2018 he entered into a written agreement with his confidant Enrique Jurado whom he hired to help him revoke the forged powers of attorney dated the 14th of March 2011, which accountant Gary Katz tricked him into signing without reading, and which the attorneys, Joy Overtveld, Todd Overtveld, and Gary Katz, were misusing to injure him;

[76] **THAT** at a time unknown, the 2011 attorneys for property engaged Roger Ramonat of MBC Law PC to prepare a trust deed;

[77] **THAT** on the 1st of November 2018, the 2011 attorneys for property, acting on behalf of the Petitioner Overtveld, as Settlor, entered into a Trust Deed to create The Gilles Overtveld Alter Ego Trust, with themselves as the Original Trustees, pursuant to which the 2011 attorneys as the Settlor gave the 2011 attorneys as the Original Trustees possession of all the Petitioner Overtveld's property and established testamentary trusts for the benefit of 2011 attorneys Joy Overtveld and Todd Overtveld, the Petitioner Overtveld's children contrary to §7(3) of the *Substitute Decisions Act, 1992*;

[78] **THAT** establishing the Gilles Overtveld Alter Ego Trust,

- (a) gave the 2011 attorneys for property an ostensible reason for being in possession, as the Original Trustees, of the Petitioner Overtveld's property being property obtained by crime arguably taking it outside §354 (1) of the *Criminal Code*; and
- (b) allowed the 2011 attorneys for property to open new bank accounts in the name of the Trust into which they transferred the contents of the Petitioner Overtveld's bank accounts enabling the 2011 attorneys for property to then close the Petitioner Overtveld's bank accounts making more difficult any investigation of their crimes;

[79] **THAT** on the 1st of November 2018, Dr Barbara Collins, a capacity assessor engaged by Enrique Jurado, examined the Petitioner Overtveld and issued a Capacity Assessment Report in which she found the Petitioner Overtveld did have capacity to assign and revoke powers of attorney for property;

[80] **THAT** responsive to this, on the 6th of November 2018, the Petitioner Overtveld's 2011 attorneys bought another adverse capacity opinion dated the 6th of September 2018 from a neurologist named Dr Francine Sarazin, also a capacity assessor, in which she found the Petitioner Overtveld did not have capacity to revoke and/or grant a new power of attorney for property but did have borderline capacity to grant/revoke powers of attorney for personal care;

[81] **THAT** on the 14th of November 2018, Dr Francine Sarazin, a capacity assessor, issued a further Capacity Assessment Report in which she found the Petitioner Overtveld did not have capacity to manage his

property, did not have capacity to manage his personal care, and did have capacity to consent to the release of his medical records.

[82] **THAT** on the 21st of November 2018, Gi-Las director Joy Overtveld appointed herself the President of Gi-Las Management and Maintenance Ltd.;

[83] **THAT** on the 12th of December 2018, the Petitioner Overtveld made a new power of attorney for property revoking his previous continuing power of attorney for property dated the 14th of March 2011 and appointing two new attorneys for property;

[84] **THAT** on the 17th of December 2018, the Petitioner Overtveld married Rachida Youmouri in a civil ceremony performed at Ottawa City Hall under Licence No. G0150687;

[85] **THAT** on the 18th of December 2018, the Petitioner Overtveld made a new power of attorney for personal care revoking his previous power of attorney for personal care dated the 14th of March 2011 and appointing three new attorneys for personal care;

[86] **THAT** on the 19th of December 2018, the Petitioner Gilles Jozias Overtveld, a Canadian citizen and resident of the City of Ottawa, Ontario, and Gi-Las Management and Maintenance Ltd., being corporation No. 349858 incorporated under the Business Corporations Act of Ontario having its Registered Office in the City of Ottawa, Ontario and acting by derivative right, commenced Action No. CV-18-78751 (Ottawa) in the Superior Court of Justice of Ontario at Ottawa and in ¶26 they record the plaintiff Petitioner Overtveld had filed a police report with the Elderly Abuse Section of the Ottawa Police and reported the Defendants Joy Overtveld, Gary Katz, and Roger Ramonat for theft of over \$1 million from his TD-Wealth Account and the Police assigned it Case No. 18-215936;

[87] **THAT** on the 18th of January 2019 the Honourable Justice Calum MacLeod held a Case Conference in Applications No. FC-17-2016 and CV-17-73847 in matters relating to Kam Tong Chan;

[88] **THAT**, your Petitioners say, commencing on or about the 18th of January 2019, the defendants to the Petitioner Overtveld's Action

No. CV-18-78751, through the intermediation of defendant Joy Overtveld and her lawyer Kathleen McDormand, of Borden Ladner Gervais LLP, and through James Law, an employee of the Ministry of the Attorney General of Ontario providing administrative services to the Superior Court of Justice of Ontario at Ottawa, commenced and carried on an *ex parte* out-of-court discussion contrary to *Rule 1.09* of the *Rules of Civil Procedure*⁴ with the Honourable Justice Roger, a former partner of Borden Ladner Gervais LLP, concerning the defendant 2011 attorneys' refusal to accept the Petitioner Overtveld's revocation of his 2011 powers of attorney and the defendants' response to his Statement of Claim in Action No. CV-18-78751;

[89] **THAT**, your Petitioners say, the conduct of James Law facilitating said *ex parte* out-of-court discussion contrary to *Rule 1.09* of the *Rules of Civil Procedure* between Joy Overtveld's lawyer Kathleen McDormand and the Honourable Justice Pierre Roger puts in issue the terms of, or compliance with the terms of, or the operation of, the Memorandum of Agreement dated May 5, 2008 referred to in [42] above;

[90] **THAT** on the 21st January 2019 His Honour Justice Calum MacLeod made a Case Conference Order/Direction in Application No. FC-17-2016 in which His Honour indicates in ¶¶12, 13, and 14 as follows.

"(12) In bringing these matters under common case management the court hopes to avoid procedural gridlock between the various actions, to avoid duplication between the various actions and if appropriate to have the various matters adjudicated together or one after the other by the same judge. The court may also make ADR orders as required.

"(13) The case management regimes in both the civil and family rules permit a single judge to be designated as the case management judge and to hear all motions in the proceeding. Except in an emergency all motions and case conferences shall be before me as the case management judge. I may however delegate a motion within the jurisdiction of a Master to one of the masters if I deem it appropriate.

"(14) Under the rules, the case management judge may not be the trial judge unless all parties agree in writing. As matters stand, I will not be the trial judge. It is my intention to have the trial judge identified at an early stage so that the adjudication of these matters may be scheduled as efficiently as possible."

⁴ Being *Ontario Regulation No. 194* made under the *Courts of Justice Act*.

[91] **THAT** the matters Justice MacLeod ordered be brought under common case management were Applications Nos. FC-15-2826, FC-17-2076, CV-17-73847, and CV-18-77772;

[92] **THAT** Application No. CV-17-73847 was an Application brought by Joy Overtveld, represented by lawyer Kathleen McDormand of the firm of Borden Ladner Gervais LLP, against Kam Tong Chan, Nicole Presentey, and The Office of the Public Guardian and Trustee; Joy Overtveld is Kam Tong Chan's sister-in-law, Nicole Presentey is his wife, and in Application No CV-17-73847 Joy Overtveld sought an order under §§22 and 55 of the *Substitute Decisions Act, 1992* appointing her the legal guardian of the property and person of her brother-in-law Kam Tong Chan;

[93] **THAT** Justice MacLeod brought Joy Overtveld's Application No. CV-17-73847 against Kam Tong Chan, Nicole Presentey, and The Office of the Public Guardian and Trustee under common case management with Applications Nos. FC-15-2826, FC-17-2076, and CV-18-77772 notwithstanding that *Rule 77.02(2)(e)* provides that Case Management under *Rule 77* does not apply to applications for guardianship under the *Substitute Decisions Act, 1992* and that in Application No. CV-17-73847 Joy Overtveld sought an order under §22 of the *Substitute Decisions Act, 1992* appointing her the guardian of her brother-in-law Kam Tong Chan;

[94] **THAT**, your Petitioners say, the Honourable Justice Calum MacLeod's Case Conference Order/Direction dated the 21st of January 2019 in Application No. FC-17-2016 exhibits an unconstitutional dispensation from His Honour to His Honour himself from compliance with *Rule 77.02(2)(e)* contrary to §2 of *The Bill of Rights, 1689*;

[95] **THAT**, your Petitioners say, in the Petitioner Overtveld's Action No. CV-18-78751, the defendants through Joy Overtveld and her lawyer Kathleen McDormand, of Borden Ladner Gervais LLP, selectively misinformed the Court by means of the undated binder called *Joy Overtveld's Document Brief* containing 1) the power of attorney for personal care dated March 14, 2011, 2) the continuing power of attorney for property dated March 14, 2011, 3) the capacity assessment of Dr (*sic*) Burnstein dated September 6, 2017, 4) the capacity assessment of Dr Sarazin dated November 6, 2018, 5) the opinion on decision making capacity of Dr Sarazin dated November 14, 2018, 6) the limited power of attorney for property

dated November 9, 2018, and 7) corporate search results dated January 8, 2019 - No match found for "Gilles Management and Maintenance Ltd."

[96] **THAT**, your Petitioners say, Joy Overtveld and her lawyer Kathleen McDormand, of Borden Ladner Gervais LLP, deliberately concealed by omitting from *Joy Overtveld's Document Brief* a) the capacity assessment opinion of the Petitioner Overtveld by Doctor Barbara Collins dated November 1, 2018, b) the Petitioner Overtveld's new continuing power of attorney for property dated December 12, 2018, and c) The Petitioner Overtveld's new power of attorney for personal care dated December 18, 2018;

[97] **THAT**, your Petitioners say, in 7) Joy Overtveld and her lawyer Kathleen McDormand, of Borden Ladner Gervais LLP, are seen to be attempting to transform a minor slip, a typo in the distinctive word—"Gilles" instead of "Gi-Las"—of the name of the corporate plaintiff, into a misnomer, which is contrary to the *Rules of Professional Conduct, Chapter 5, Relationship to The Administration of Justice, Section 5.1, The Lawyer As Advocate, Advocacy, Rule 5.1-1, Comment 8*,

"[8] In civil proceedings, a lawyer should avoid and discourage the client from resorting to frivolous or vexatious objections, attempts to gain advantage from slips or oversights not going to the merits or tactics that will merely delay or harass the other side. Such practices can readily bring the administration of justice and the legal profession into disrepute."

[98] **THAT** the *Substitute Decisions Act, 1992* provides in part as follows,

"2 (1) A person who is eighteen years of age or more is presumed to be capable of entering into a contract...

"(3) A person is entitled to rely upon the presumption of capacity with respect to another person unless he or she has reasonable grounds to believe that the other person is incapable of entering into the contract or of giving or refusing consent, as the case may be."

[99] **THAT**, your Petitioners say, in document 6) provided to the Court Dr Sarazin says at p. 5, "... I am of the opinion that Mr. Overtveld's capacity to grant/revoke a POA for Personal Care is borderline at best..." and this means he has capacity and it does not give reasonable grounds for believing the Petitioner Overtveld was not capable of entering into the power of attorney for personal care dated December 18, 2018 and thus is not sufficient

to interfere with reliance on the presumption in §2(1) of the *Substitute Decisions Act, 1992* the Petitioner Overtveld could make the power of attorney for personal care dated December 18, 2018 that he made;

[100] **THAT**, your Petitioners say, this is particularly the case in view of the *Substitute Decisions Act, 1999* duty in §66(8) to, as far as possible, foster the person's independence;

[101] **THAT**, your Petitioners say,

- (a) in the Capacity Assessment Report dated the 1st of November 2018 of Dr Barbara Collins which the defendants did not provide to Justice Roger, Dr Collins found the Petitioner Overtveld did have capacity to assign and revoke powers of attorney for property, and
- (b) in document 6) the defendants provided out-of-court to Justice Roger, Dr Sarazin says at p. 5, "... that Mr. Overtveld does not have capacity to revoke and/or grant a new power of attorney for Property;

[102] **THAT**, your Petitioners say, the foregoing opinions are contradictory and, taken together, cancel and do not give reasonable grounds for believing the Petitioner Overtveld was not capable of entering into the power of attorney for property dated December 12, 2018 and thus not sufficient to interfere with reliance on the presumption in §2(1) of the *Substitute Decisions Act, 1992* the Petitioner Overtveld could make the power of attorney for property dated December 12, 2018 that he made;

[103] **THAT** Rule 50.13(5) and (6) of the *Rules of Civil Procedure* provides as follows.

- (5) *Matters to be Dealt With* At the case conference, the judge or case management master may,
 - (a) identify the issues and note those that are contested and those that are not;
 - (b) explore methods to resolve the contested issues;
 - (c) if possible, secure the parties' agreement on a specific schedule of events in the proceeding;
 - (d) establish a timetable for the proceeding; and
 - (e) review and, if necessary, amend an existing timetable.
- (6) *Powers* At the case conference, the judge or case management master may, if notice has been given and it is appropriate to do so or on consent of the parties,
 - (a) make a procedural order;
 - (b) convene a pre-trial conference;

- (c) give directions; and
- (d) in the case of a judge,
- (i) make an order for interlocutory relief, or
- (ii) convene a hearing.

[104] **THAT** consequent to the *ex parte* out-of-court discussion contrary to *Rule 1.09* between the defendants' lawyer, Kathleen McDormand, and the Honourable Justice Roger, a Case Conference was scheduled and held in Action No. CV-18-78751 on January 30, 2019 before the Honourable Justice Labrosse, at which His Honour acted beyond his powers, and made an *ultra vires* Order prepared by defendants' lawyer Kathleen McDormand, in which His Honour DECLARES the Petitioner Overtveld's new 2018 power of attorney for property which revoked the old fraudulent 2011 continuing power of attorney for property is invalid, DECLARES the petitioner Overtveld's old fraudulent 2011 continuing power of attorney for property appointing Joy Overtveld, Todd Overtveld and Gary Katz remains in full force and effect and may be acted upon by them, STATES THAT the petitioner Overtveld's new 2018 power of attorney for personal care is invalid, FINDS THAT the petitioner Overtveld's old 2011 power of attorney for personal care appointing Joy Overtveld and Todd Overtveld remains in full force and effect and may be acted upon by them, ORDERS the attorneys under the old 2011 fraudulent continuing power of attorney for property to provide an accounting and commence an application to pass their accounts pursuant to *Rule 74.18* of the *Rules of Civil Procedure* by September 30, 2019, ORDERS that requests for payment for services rendered to or on behalf of the Petitioner Overtveld shall be submitted to Joy Overtveld, Todd Overtveld, and Gary Katz along with invoices and supporting documents for approval and that reasonable requests shall not be refused, ORDERS that Petitioner Overtveld's Action No. CV-18-78751 be stayed until further Order of the Court pending the application to pass accounts, and ORDERS that Justice Labrosse is to remain seized of the Action;

[105] **THAT** the Petitioner Overtveld says His Honour Justice Labrosse's Order dated January 30, 2019 in Action No. CV-18-78751 (Ottawa) deals with matters that are outside the matters *Rule 50.13(5)* specifies that at a case conference a judge may deal with;

[106] **THAT**, your Petitioners say, on the 30th of January 2019, the Honourable Justice Labrosse, a public officer, KNOWING that under *Rule 50.13(5)* the matters His Honour deals with in the Order dated January 30, 2019 in Action No. CV-18-78751 (Ottawa), which the Petitioner Overtveld

complains of, were not within the matters that His Honour could deal with at a Case Conference; KNOWING that under Rule 50.13(6) as a judge presiding at a Case Conference His Honour did not have the power to lawfully make the said Order; and KNOWING that said Order would materially and unjustly injure the Petitioner Overtveld; made the said Order notwithstanding the aforesaid knowledge, intending by making the said Order to materially benefit the defendant 2011 attorneys, and intending by making the said Order to materially and unjustly injure the Petitioner Overtveld or, in the alternative, made the said Order with knowing indifference that making it would materially and unjustly injure the Petitioner Overtveld;

[107] **THAT**, your Petitioners say, by making the Order dated January 30, 2019 in addition to maliciously reappointing the alleged criminal defendant 2011 attorneys Joy Overtveld, Todd Overtveld, and Gary Katz as the Petitioner Overtveld's attorneys for property, the Honourable Justice Labrosse (i) wrongfully aided and abetted them by stopping the City of Ottawa Police from investigating the Petitioner Overtveld's complaint about the alleged theft of over \$1 million of his money in Case No. 18-215936 and (ii) wrongfully answered the Petitioner Overtveld's complaints (a) to the Law Society of Ontario about licensee Joy Overtveld, and (b) to CPA Ontario about licensee Gary Katz, in each case about their professional misconduct as his attorneys for property taking over \$1 million of his money and refusing to account for it in contempt of *Ontario Regulation No. 100/96* made under the *Substitute Decisions Act, 1992*;

[108] **THAT** the Petitioner Overtveld says His Honour Justice Labrosse's profoundly unjust Order dated the 30th of January 2019 in Action No. CV-18-78751 (Ottawa),

- a. is *ultra vires* being in excess of His Honour's *Rule 50.13(6)* authority as a judge at a case conference,
- b. obstructs justice in a judicial proceeding, the Petitioner Overtveld's Action No. CV-18-78751, contrary to §139(2) of the *Criminal Code*,
- c. was committed for the benefit of the Joy Katz Organization contrary to §467.12(1) of the *Criminal Code*,
- d. exhibits malicious judicial prejudice against the Petitioner Overtveld,
- e. exhibits wrongful judicial bias in favour of the defendants *supressio veri* and *suggestio falsi*,

- f. is destructive of the Petitioner Overtveld's §§7, 12, and 15 *Charter* rights and freedoms as a Canadian,
- g. gives the defendants wrongful judicial authority over the Petitioner Overtveld's person and property keeping him in coercive but-for-caregiver solitary confinement and penniless to prevent him,
 - i. from complaining about the defendant judicially reappointed 2011 attorneys theft or misappropriation of all his property,
 - ii. from complaining about the Honourable Justice Labrosse's unjust and unlawful Order dated January 30, 2019 revoking his 2018 powers of attorney, judicially reappointing the defendant 2011 attorneys, and staying his Action No. CV-18-78751; and
 - iii. from responding to the defendant judicially reappointed 2011 attorneys' false Applications Nos. CV-19-81851, FC-19-1504, and CV-19-81713-0ES0;
- h. unlawfully prevents the Petitioner Overtveld from prosecuting his Action No. CV-18-78751 (Ottawa) thereby denying him justice for over three years,
- i. gives the defendant judicially reappointed 2011 attorneys judicial immunity from police investigation for their misappropriation of all the Petitioner Overtveld's property, and
- j. gives the defendant judicially reappointed 2011 attorneys judicial authority over the Petitioner Overtveld's person judicially enabling the defendants to wrongfully hold him incommunicado a prisoner and hostage in his own apartment in but-for-caregiver isolation to prevent him,
 - i. from complaining about the defendant judicially reappointed 2011 attorneys misappropriation of all his property,
 - ii. from complaining about the Honourable Justice Labrosse's unjust Order dated January 30, 2019 revoking his 2018 powers of attorney, judicially reappointing the defendant 2011 attorneys, and staying his Action No. CV-18-78751, and
 - iii. from responding to the judicially reappointed 2011 attorneys false Applications Nos. CV-19-81851, FC-19-1504, and CV-19-81713-0ES0, and
- k. incomprehensibly gives the defendant judicially reappointed 2011 attorneys *eight months* to finagle their records that Ontario Regulation

No. 100/96 under the *Substitute Decisions Act, 1992* requires them to keep current;

[109] **THAT**, your Petitioners say, as interpreted and applied by officials of the Ministry of the Attorney General of Ontario under Attorney General Downey and the Office of the Public Guardian and Trustee under Public Guardian and Trustee Kenneth R. Goodman, and by the Honourable Justices MacLeod, Roger, Labrosse, and Gomery of the East Region of the Superior Court of Justice of Ontario under Chief Justice Morawetz, this terrible *Substitute Decisions Act, 1992* legislation has enabled the Petitioner Overtveld's daughter, Joy, like King Lear's daughter Goneril, to discriminate against her father, the partially-physically-disabled but not demented, Petitioner Overtveld by deceitfully deeming him incompetent and thereby, with judicial assistance, judicially conferred immunity, and judicial impunity, to arbitrarily take away all his property, his debit and credit cards, his pension, and his ability to control his own financial affairs, to arbitrarily take away his self-respect, dignity, his access to his wife and friends, his autonomy, his freedom, his ability to make his own choices, his ability to communicate freely with others, his independence, his inclusion and participation in society and, with his partial physical disability, to disgracefully force him to live out his last days in but-for-caregiver solitary coercive confinement as if he were a piece of human refuse in a garbage can, very much like the character Nagg in Samuel Beckett's play *Endgame*;

[110] **THAT**, your Petitioners say, the defendant judicially reappointed 2011 attorneys whom the Petitioner Overtveld removed from office by making new powers of attorney dated the 12th and 18th of December 2018 that revoked the 2011 powers of attorney, unlawfully refused to accept this termination of their authority, and whom the Honourable Justice Labrosse unlawfully judicially reappointed by His Honour's malicious, unlawful, *ultra vires*, and wrongful Order dated the 30th of January 2019, have unlawfully and criminally deprived the Petitioner Overtveld of all his property, human rights, fundamental freedoms, dignity, and capacity and civil rights in breach of the provisions and safeguards not only of the *Substitute Decisions Act, 1992* and the Constitution of Canada but also of the *United Nations Convention on the Rights of Persons with Disabilities* and consequently, as a State Party that acceded to this *Convention*, to the territorial extent of the Province of Ontario, Canada is in flagrant default of its obligations under Articles 1 and 12.

[111] **THAT**, your Petitioners say, any and every reasonable person who acquaints themselves WITH the facts of the Petitioner Overtveld's Action No. CV-18-78751 (Ottawa), WITH the defendants *ex parte* out-of-court communications with the Honourable Justice Roger contrary to *Rule 1.09* and §467.12(1) of the *Criminal Code*, WITH the convening of the Case conference, AND WITH the making the aforesaid Order dated the 30th of January 2019 which the Petitioner Overtveld complains of, WOULD come to the legally inevitable conclusion that Their Honours Justices Roger and Labrosse can no longer expect the public to have any trust or confidence in them as qualified, competent, objective, fair, and impartial judges;

[112] **THAT** on the 7th of August 2019 the defendant judicially reappointed 2011 attorneys, *qua* or as the Petitioner Overtveld's attorneys, brought Application No. CV-19-81050 (Ottawa) against their principal, the donor of their power, the Petitioner Overtveld, for a judicial declaration as to his incapacity and their appointment as his guardians;

[113] **THAT**, your Petitioners say, Application No. CV-19-81050 (Ottawa) is (a) ill-formed, since the same person may not be applicant and respondent; (b) unnecessary since there are attorneys for property under a continuing power of attorney and attorneys for personal care under a power of attorney and the Petitioner Overtveld's capacity is irrelevant; and (c) proscribed by §22(3) of the *Substitute Decisions Act, 1992* which provides,

"(3) The court *shall not appoint a guardian* if it is satisfied that the need for decisions to be made will be met by an alternative course of action that,

"(a) does not require the court to find the person to be incapable of managing property; and

"(b) is less restrictive of the person's decision-making rights than the appointment of a guardian." [Emphasis added]

nevertheless, the Honourable Justice Labrosse continues to hear it as if it were genuine;

[114] **THAT**, your Petitioners say, on the 27th of August 2019 the defendant judicially reappointed 2011 attorneys, *qua* or as the Petitioner Overtveld's attorneys, brought Application No. FC-19-1504 (Ottawa) against Rachida Youmouri for the annulment of her marriage to the Petitioner Overtveld;

[115] **THAT**, your Petitioners say, on the 18th of October 2019, the Petitioner Overtveld wrote the defendant judicially reappointed 2011 attorneys stating THAT he did not instruct them to bring Application No. CV-19-81051, the Record of which is 493 pages, that he lacked the time and resources to read, understand, and properly respond to their Application No. CV-19-81051, THAT he had not appointed them his agents so they could deceitfully mismanage and misappropriate his property and mistreat him, THAT the Application is a preposterous misuse of their powers as his agents, that it is inconsistent with his best interests, desires, requirements, and requests, THAT its purpose is the continuation of their possession and control of his assets, 1) misusing his assets to pay for their defence of his Action for an accounting, 2) misusing his assets to pay for their Application in his name for a declaration of his incompetent to maintain them in control of his property and assets; 3) misusing his assets to pay for their Application No. FC-19-1504 in his name to annul his marriage to Rachida Youmouri; 4) misusing his assets to prevent him from using his assets to pursue his Action No. CV-18-78751 against them for an accounting; 5) misusing his assets to prevent him from using his assets to oppose their Application No. CV-19-81051 to have him declared incompetent; and 6) further misusing his assets to prevent him from using his assets to oppose their Application No. FC-19-1504 to annul his marriage to Rachida Youmouri, THAT Application No. CV-19-81051 is in direct opposition to their responsibility for the proper management of his property and it is completely contrary to *his* best interests in terms of *his* personal care, which the 2011 attorneys for personal care have persistently neglected, AND he instructed them to immediately to instruct his lawyers, Merovitz Potechin LLP, to discontinue and withdraw Application No. CV-19-81051;

[116] **THAT**, the Petitioner Overtveld says, the defendant judicially reappointed 2011 attorneys ignored his instructions to discontinue Application No. CV-19-81051, his lawyer's Merovitz Potechin LLP also ignored his instructions, and neither had the integrity and courtesy to acknowledge receipt of or reply to his letter;

[117] **THAT**, your Petitioners say, the defendant judicially reappointed 2011 attorneys brought this Application solely for *their* personal benefit because the Petitioner Overtveld's wife would deprive them of a portion of

his estate and, further, on the 18th of October 2019, the Petitioner Overtveld wrote the defendant judicially reappointed 2011 attorneys stating that he did not instruct them to bring Application No. FC-19-1504, that the Application is contrary to *his* best interests in terms of *his* personal care, which the 2011 attorneys for personal care have persistently neglected, and instructing them to immediately to instruct his lawyers, Merovitz Potechin LLP, to discontinue and withdraw the Application;

[118] **THAT**, the Petitioner Overtveld says, the defendant judicially reappointed 2011 attorneys ignored his instructions to discontinue Application No. FC-19-1504, his lawyer's Merovitz Potechin LLP also ignored his instructions, and neither had the integrity and courtesy to acknowledge receipt of or reply to his letter;

[119] **THAT**, the Petitioner Overtveld says, his letters dated the 18th of October 2019 represented and recorded his current wishes then for purposes of §§66(4)(b) and 32(1.2) of the *Substitute Decisions Act, 1992* and the defendant judicially reappointed 2011 attorneys ignored those wishes in contempt of their duties under the said sections of the *Substitute Decisions Act, 1992*;

[120] **THAT**, the Petitioner Overtveld says, in ignoring the Petitioner Overtveld's written instructions in his two letters dated the 18th of October 2019, the petitioner Overtveld's lawyers, Merovitz Potechin LLP, were refusing to accept their client's written instructions in breach of their professional duty as the Petitioner Overtveld's lawyers and for these several wrongful breaches of duties each of the defendant judicially reappointed 2011 attorneys and Merovitz Potechin LLP, Chuck Merovitz, and Yasmin Vinograd have liability to the Petitioner Overtveld;

[121] **THAT**, your Petitioners say, on the 30th of August 2019, the defendant judicially reappointed 2011 attorney Joy Overtveld arranged an outing for the Petitioner Overtveld to Wolfe Island in Lake Ontario off Kingston and as a consequence of this outing the Petitioner Overtveld got pneumonia and was hospitalized for 10 days;

[122] **THAT**, your Petitioners say, on the 30th of September 2019, the defendant judicially reappointed 2011 attorneys, *qua* or as the Petitioner

Overtveld's attorneys, brought Application No. 19-81713-0ES0 (Ottawa) to pass certain accounts before the Honourable Justice Labrosse;

[123] **THAT**, your Petitioners say, on the 9th of October 2019 some person or persons unknown—not the Petitioner Overtveld or his wife or his confidant Enrique Jurado—turned off the heat in the Petitioner Overtveld's apartment and opened the kitchen window wide when the temperature outside was 0°C dropping the temperature in the Petitioner Overtveld's apartment sufficiently to give him a serious chill before his evening caregiver arrived and closed the window and put the heat back on; when the petitioner Overtveld's wife arrived to give him his supper, out of an abundance of concern, , since he was still recovering from the pneumonia he contracted on his outing to Wolfe Island, she called 911 and the emergency responders decided it would be prudent to have the Petitioner Overtveld checked by hospital doctors; after hospital observation and warming, the Petitioner Overtveld was returned to his apartment;

[124] **THAT**, the Petitioner Overtveld says, his wife, Rachida Youmouri, out of concern for her husband, calling 911 and having him checked by Emergency Room doctors, angered the defendant judicially reappointed 2011 attorney Joy Overtveld;

[125] **THAT**, the Petitioner Overtveld says, two days later the judicially reappointed 2011 attorneys, through their lawyers Merovitz Potechin LLP (Yasmin Vinograd), in a letter dated the 11th day of October 2019, imposed arbitrary narrow two-hour-a-day restrictions on third-party, including his wife Rachida Youmouri and confidant Enrique Jurado, access to the Petitioner Overtveld;

[126] **THAT** consequent to the 30th August and 9th October incidents, the Petitioner Overtveld's wife, Rachida Youmouri, reported them to the City of Ottawa Police out of concern that these incidents were not unrelated accidents but rather were instances of intentional physical elder abuse and even attempted murder contrary to §§229(a)(i) or (b) and 239(b) of the *Criminal Code*;

[127] **THAT** on the 18th day of October 2019 the Petitioner Overtveld wrote the judicially reappointed 2011 attorneys a letter served via his lawyer to his lawyers acting for the judicially reappointed 2011 attorneys

instructing the judicially reappointed 2011 attorneys, and his lawyers Merovitz Potechin LLP (Yasmin Vinograd), to discontinue Applications No. CV-19-81051 (Ottawa) and FC-19-1504 (Ottawa) but neither his judicially reappointed 2011 attorneys nor his lawyers Merovitz Potechin LLP (Yasmin Vinograd) condescended to reply to his letter or complied with his instructions.

[128] **THAT**, the Petitioner Overtveld says, on the 9th of January 2020 responsive to a request by petitioner Overtveld that his 2011 attorneys pay him an allowance of \$3,000 per month, the Honourable Justice Labrosse made an Order in Application No. CV-19-81051 (Ottawa) in ¶7 of which His Honour ordered as follows,

"7. THIS COURT ORDERS THAT without prejudice to the Applicants' position that Mr. Overtveld is incapable of managing property and commencing on January 93 31, 2020, the Applicants, as Mr. Overtveld's Attorneys for Property, *are permitted* to provide Mr. Overtveld, on the last day of every month, with a *monthly allowance in the amount of \$500* from Mr. Overtveld's assets (the "Allowance"). The Allowance will be for Mr. Overtveld's personal use at his absolute discretion and the Applicants are required to account for such allowance only to the extent of showing that the Allowance was provided to Mr. Overtveld, through counsel. If, at any time after providing the Allowance to Mr. Overtveld, the Applicants have concerns regarding the use of the Allowance and/or with respect to abuse of the Allowance by third parties, the parties are hereby granted leave to seek the advice and guidance from this Honourable Court including with respect to termination and/or increase of the Allowance." [Emphasis added]

and since the making of this Order the judicially reappointed 2011 attorneys have not paid the Petitioner Overtveld one penny.

[129] **THAT**, your Petitioners say, the Honourable Justice Labrosse's paltry, ungenerous, and insufficient \$500 a month limit on the monthly allowance His Honour did not award to the Petitioner Overtveld is to inhibit him financially,

- i. from complaining about the defendant judicially reappointed 2011 attorneys misappropriation of all his property,
- ii. from complaining about the Honourable Justice Labrosse's unjust Order dated the 30th of January 2019 revoking his 2018 powers of attorney, judicially reappointing the defendant 2011 attorneys, and staying his Action No. CV-18-78751(Ottawa); and

- iii. from responding to the judicially reappointed 2011 attorneys false Applications Nos. CV-19-81051 (Ottawa), FC-19-1504(Ottawa), and CV-19-81713-0ES0(Ottawa);

[130] **THAT** on the 5th of February 2020, the Petitioner Overtveld met with lawyer George Windsor and two witnesses and signed an Indemnity Agreement and a Civil Lawyers Fee Agreement engaging lawyer George Windsor to bring an application for the Petitioner Overtveld, in his capacity as the 98% shareholder of Gi-Las Management and Maintenance Ltd. for the judicial appointment under §116(1) of the *Business Corporations Act* of Ontario of an Inspector to investigate the business and affairs of Gi-Las Management and Maintenance Ltd.

[131] **THAT** §161 of the *Business Corporations Act* of Ontario provides in part as follows,

"161(1) **Investigation** A registered holder or a beneficial owner of a security or, in the case of an offering corporation, the Commission may apply, *without notice* or on such notice as the court may require, to the court for an order directing an investigation to be made of the corporation or any of its affiliates.

(2) **Idem** Where, upon an application under subsection (1), it appears to the court that,

- (a) the business of the corporation or any of its affiliates is or has been carried on with intent to defraud any person;
- (b) the business or affairs of the corporation or any of its affiliates are or have been carried on or conducted, or the powers of the directors are or have been exercised, *in a manner that is oppressive or unfairly prejudicial to, or that unfairly disregards, the interests of a security holder*;
- (c) the corporation or any of its affiliates was formed for a fraudulent or unlawful purpose or is to be dissolved for a fraudulent or unlawful purpose; or
- (d) persons concerned with the formation, business or affairs of the corporation or any of its affiliates have in connection therewith acted fraudulently or dishonestly,

the court may order an investigation to be made of the corporation and any of its affiliates. [Emphasis added]

[132] **THAT**, your Petitioners say, on the 7th of February 2020, the defendant judicially reappointed 2011 attorney Joy Overtveld, as plaintiff, represented by Borden Ladner Gervais LLP (David Sherriff-Scott) commenced Action No. CV-20-82769 (Ottawa) naming Enrique M. (Tito) Jurado, Rachida Youmouri, and Robin Browne as defendants seeking damages for defamation for helping the Petitioner Overtveld create and maintain his website at www.joe2018.net;

[133] **THAT** on or about the 10th of February 2020, the applicants in Application No. CV-19-81851 convened an emergency Case Conference to be held on the 11th of February 2020 before Justice Labrosse;

[134] **THAT** on the 11th of February 2020, at the Case Conference in Application No. CV-19-81851 the applicants, represented by lawyer Chuck Merovitz, asked the Honourable Justice Labrosse to make an order prohibiting lawyer George Windsor from acting for the Petitioner Overtveld, but Justice Labrosse refused and told the applicants they would have to bring an ordinary motion on notice to enable him to make such an order;

[135] **THAT** on the 11th of February 2020, lawyer George Windsor met with the Petitioner Overtveld and reviewed with him a draft *ex parte* Application for the appointment of Lawrence Rosen of Rosen & Associates Limited, Toronto as Inspector of Gi-Las Management and Maintenance Ltd. and being satisfied with the form of the Application and supporting affidavit the Petitioner Overtveld swore the supporting Affidavit.

[136] **THAT** on hearing of the substance of the Case Conference in Application No. CV-19-81851 from his wife who had attended, the Petitioner Overtveld realized that one of his caregivers, Maritess Llagas, had taken his copy of the Civil Lawyer's Fee Agreement dated January 24, 2020 that he had signed on the 5th of February 2020 engaging lawyer George Windsor to apply for the appointment of an Inspector of Gi-Las Management and Maintenance Ltd. and had given it to the defendant judicially reappointed 2011 attorney Joy Overtveld;

[137] **THAT**, your Petitioners say, this caregiver taking of his copy of the Civil Lawyer's Fee Agreement dated January 24, 2020 that the Petitioner Overtveld had signed on the 5th of February 2020 and giving it to defendant judicially reappointed 2011 attorney Joy Overtveld violates not only the Petitioner Overtveld's right of privacy but also both his solicitor-client privilege and his litigation privilege, however, the Petitioner Overtveld points out, the fraudsters cunningly anticipated this in the wording of the fraudulent "pickpocket clause" the judicially reappointed 2011 attorneys had previously deceitfully inserted in the forged false continuing power of attorney for property dated March 14, 2011 which accountant Gary Katz hoodwinked the then 83-year-old Petitioner Overtveld into signing without reading, which the Honourable Justice

Labrosse in his Order dated January 30, 2019 validated, and which reads as follows,

"I authorize my attorney(s) to take physical possession of all of my property, including property held in a safety deposit box, property held in safekeeping by others on my behalf, and property *held by others subject to some professional privilege, which privilege I waive for this purpose*. For greater certainty, my attorney(s) shall be entitled to review my Will, in order to be able to manage my estate in a manner that is sensitive thereto, and so as to be able to act as my attorney(s) *see(s) fit*." [Emphasis added]

[138] **THAT**, on the 12th of February 2020, the Petitioner Overtveld through lawyer George Windsor filed as *ex parte* Application No. CV-20-82819 (Ottawa) his application for the appointment of Lawrence S. Rosen of Rosen & Associates Limited, Toronto as Inspector of Gi-Las Management and Maintenance Ltd. to investigate its business and affairs, being the owning and operating of residential apartments and commercial properties in Ottawa which the Petitioner Overtveld founded in 1977 and which in 2018 was worth \$25 million;

[139] **THAT**, on the 13th of February 2020, the defendant judicially reappointed 2011 attorneys, through their lawyers Merovitz Potechin LLP (Yasmin Vinograd), wrote a letter to lawyer Michael Rappaport acting for the Petitioner Overtveld's wife, Rachida Youmouri, making eleven self-serving spurious allegations against her, which the defendant judicially reappointed 2011 attorneys then use as purported grounds for changing the key code access to the Petitioner Overtveld's residence to wrongfully exclude her from access to him.

[140] **THAT**, the Petitioner Overtveld says, additionally, but not stated, changing the key code access to his residence excluded not only his wife Rachida Youmouri but also his confidant Enrique Jurado, his lawyer George Windsor, and everyone else except paid caregivers from access to the petitioner Overtveld and *vice versa* in violation of the Petitioner Overtveld's human rights;

[141] **THAT**, your Petitioners say, the defendant judicially reappointed 2011 attorneys probably changed the key code access to the Petitioner Overtveld's residence to exclude lawyer George Windsor, who previously on the 5th and 11th of February 2020 had met with the Petitioner Overtveld to sign the Civil Lawyers Fee Agreement and other documents and to review the proposed Application and swear the supporting

Affidavit that became Application No. CV-20-81051 (Ottawa), and cited spurious allegations against wife Rachida Youmouri to conceal the fact they were, by doing so, obstructing justice in judicial proceedings, namely in Action No. CV-18-78751, in Application No. CV-19-81051, and in Application No. CV-20-82819, all contrary to §139(2) of the *Criminal Code*;

[142] **THAT**, your Petitioners say, later on the 13th of February 2020, at 10:40 PM, the defendant judicially reappointed 2011 attorneys' through lawyer Chuck Merovitz wrote the Petitioner Overtveld's lawyer George Windsor an email as follows,

"Mr. Windsor. On behalf of the attorneys for Mr. Overtveld and on behalf of Joy and Todd Overtveld, who together have a controlling interest of Gilas (*sic*) Management and Maintenance Limited (*sic*), I hereby request notice of any court proceeding that you intend to bring. I trust that you will bring to the judges attention this email in the event that you choose to ignore this request. I also require you to advise me whether you represent Joe Overtveld in any capacity and in any legal proceeding. I look forward to an immediate response."

[143] **THAT** this email raises a material factual dispute, namely the Petitioner Overtveld maintains he is the 98% shareholder of Gi-Las Management and Maintenance Ltd. whereas the defendant judicially reappointed 2011 attorneys here and elsewhere assert they have a controlling interest in Gi-Las Management and Maintenance Ltd. and this factual dispute may explain the defendant judicially reappointed 2011 attorneys' extreme sensitivity to the appointment of an Inspector of Gi-Las;

[144] **THAT**, your Petitioners say, the next day on the 14th of February 2020, the defendant judicially reappointed 2011 attorneys, through lawyer Chuck Merovitz, wrote Maureen MacGillvray (*sic*) and Tina Johanson, believed to be employees of the Ministry of the Attorney General of Ontario providing administrative services to the Superior Court of Justice of Ontario at Ottawa, an *ex parte* out-of-court letter contrary to *Rule 1.09* regarding Court File No. 20-CV-82819, being the Petitioner Overtveld's Application for the appointment of an Inspector of Gi-Las, and stating in part,

"Mr. Overtveld has been deemed incapable of managing his property and personal care by two separate designated capacity assessors. As such, the Attorneys started acting on Mr. Overtveld's behalf, pursuant to his continuing power of attorney for property and power of attorney for personal care, both executed on March 14, 2011. On January 30, 2019, Justice Labrosse ordered that the continuing power of attorney for property and personal care that the Attorneys were acting under remained in full force and effect. Justice Labrosse

also ordered that the powers of attorney drafted by another lawyer and executed by Mr. Overtveld on November 9, 2018 were invalid.

"The Attorneys believe that Mr. Overtveld is incapable of understanding the contents of the Application.

"There are multiple court actions and applications ongoing between the Attorneys, Mr. Overtveld, and other persons in Mr. Overtveld's life.

- Court File No. CV-19-81051 - (application seeking declaration of incapacity)
- Court File No. FC-19-1504- (application for annulment of marriage)
- Court File No. 19-81713-ES - (application to pass accounts)
- Court File No. CV-18-78751 - (Civil action commenced by Mr. Overtveld against various individuals for purportedly stealing his assets)
- Court File No. CV-20-82769 - (defamation action on behalf of Joy Overtveld towards the persons in Mr. Overtveld's life purporting to act on his behalf)

"The Attorneys request the Application and/or motion be heard on notice, so that the Attorneys may be provided with an opportunity to respond."

[145] **THAT**, the petitioner Overtveld says, Mr Merovitz's statement the Applicant Overtveld is incapable of managing his property and it is being managed by the 2011 attorneys, neglects to state that the Petitioner Overtveld's property is being held by the same persons as Trustees and that one of them is also the sole director of the Corporation, which would have revealed obvious potential for self-dealing and fraud by the 2011 attorneys but this would have put the Court on high alert to protect the Petitioner Overtveld's rights by the appointment of the Inspector as requested; the reference to Justice Labrosse's Order dated January 30, 2019 is irrelevant; the attorneys belief that the applicant is incapable of understanding the contents of the Application is a deceitful self-serving fabrication that is irrelevant to the Application; and the other actions and application cited are also irrelevant to the Application for the appointment of an Inspector;

[146] **THAT**, your Petitioners say, this *ex parte* out-of-court letter to a judge contrary to *Rule 1.09* regarding Court File No. 20-CV-82819 was given to the Honourable Justice Gomery hearing the said Application and the conduct of Maurine MacGillivray or of Tina Johansson in giving this *ex parte* out-of-court letter to Justice Gomery contrary to *Rule 1.09* of the *Rules of Civil Procedure* puts in issue the terms of or compliance with the terms of or the operation of the Memorandum of Agreement dated May 5, 2008 referred to in [42] above;

[147] **THAT**, your Petitioners say, on the 19th of February 2020, the Honourable Justice Gomery issued a manuscript Endorsement in Application No. 20-CV-82819 in which Her Honour reasoned,

"To obtain such an order without notice, the applicant must present affidavit evidence to meet the requirements of showing an appearance of wrongdoing sufficient to authorize the commencement of an investigation; *Moore v. Assely* 213 ON SC 2227 at page 71.

"The applicant has sworn an affidavit stating that in his daughter is mismanaging the Corporation and *expropriating money from it*. There are obviously very serious allegations.

"In a letter to the court dated February 14, 2020, however, a lawyer acting for the applicant's daughter stated that the applicant has been deemed incapable of managing his property and personal care. The letter raises doubt about the applicant's ability to instruct counsel for the purpose of bringing this application.

"In the circumstances, I conclude that this application cannot proceed on an *ex parte* basis or in writing. This applicant must apply with notice to the other shareholders in the company and his attorneys pursuant to powers of attorney currently exercised on his behalf, and obtain a date for a hearing. [Emphasis added]

[148] **THAT** in this Endorsement, Her Honour wrongfully gives as much attention to the unsworn *ex parte* out-of-court letter that Her Honour received contrary to *Rule 1.09* as to the Application properly before Her Honour; further, the Petitioner Overtveld says, Her Honour must have spoken to someone else about it, because in his Application he does not allege his daughter is expropriating money from the Corporation and nor does the letter to the Court dated February 14, 2020 and, in any event, if he had, such a serious allegation would surely have justified the appointment requested; further, the Petitioner Overtveld says, when he subsequently amended his Application Record by adding parties to it to notify them in accordance with Her Honour's Endorsement and attempted to file it, the Court refused to accept it, and then the pandemic intervened; further, the Petitioner Overtveld says, §161(1) of the *Business Corporations Act* provides applications for the appointment of an inspector may made without notice for good reason; furthermore, the petitioner Overtveld notes in his Action No. CV-18-78751, a defendant is Logan Katz LLP, the firm of accountants that has been keeping Gi-Las Management and Maintenance Ltd.'s books of accounts and preparing its financial statements without audit for over twenty years, and it is represented by Norton Rose Fulbright Canada LLP (Jamie MacDonald) the same firm that, prior to Her Honour Justice Gomery's elevation to the Bench, as in [61] above, Her Honour was a partner.

[149] **THAT**, your Petitioners say, Her Honour's Endorsement is obviously made not only to protect the defendant judicially reappointed 2011 attorneys and the defendant Logan Katz LLP, but also to protect Her Honour's brother Justices, Justice Roger, who arranged the case conference on the 30th of January 2019, and Justice Labrosse, who made the wrongful Order dated the 30th of January 2019, both in the Petitioner Overtveld's Action No. CV-18-78751, to the great detriment of the Petitioner Overtveld, as the plaintiff in the said Action and as the Applicant in Application No. 20-CV-82819.

[150] **THAT** on the 12th of March 2020, Her Excellency Governor General Payette, on the recommendation of the Hon. Judy Wilson Raybould, Minister of Justice of Canada in Her Majesty The Queen's 12th Canadian Ministry led by the Rt. Hon. Justin Trudeau, made Order-in-Council PC 2020-0126 appointing the Honourable Justice Calum MacLeod, a Judge of the Superior Court of Justice of Ontario at Ottawa, the Regional Senior Judge for the East Region *vice* the Honourable Justice J.E. McNamara, who had elected to become a supernumerary judge with effect on December 31, 2019;

[151] **THAT** on the 5th of June 2020 the Petitioner Overtveld served the defendant judicially reappointed 2011 attorneys for property with a letter dated June 2, 2020 by registered mail asking them, in accordance with §5(1)1 of *Ontario Regulation No. 100/96*,⁵ to provide him with a copy of the accounts and records they kept in accordance with §2 of the said Regulation.

[152] **THAT** the defendant judicially reappointed 2011 attorneys for property, Joy Overtveld, Todd Overtveld, and Gary Katz, did not comply with §5(1)1 of *Regulation No. 100/96* and provide the Petitioner Overtveld with a copy of the accounts and records they are required to keep in accordance with §2 as requested or answer his letter dated June 2, 2020.

[153] **THAT** on the 5th of June 2020 the Petitioner Overtveld served the defendant judicially reappointed 2011 attorneys for personal care with a letter dated June 2, 2020 by registered mail asking them, in accordance

⁵ See ¶[34] above.

with §5(3)1 of *Ontario Regulation No. 100/96*, to provide him with a copy of the records they kept in accordance with §3 of the said Regulation.

[154] **THAT** the defendant judicially reappointed 2011 attorneys for personal care, Joy Overtveld and Todd Overtveld, did not comply with §5(3)1 of *Regulation No. 100/96* and provide the Petitioner Overtveld with a copy of the records they are required to keep in accordance with §3 as requested or answer his letter dated June 2, 2020.

[155] **THAT** the Gilles Overtveld Alter Ego Trust dated the 1st day of November 2018 provides in §2(a) as follows.

"2(a) *Payments of Capital and Income to the Settlor* During the lifetime of the Settlor [the Petitioner Overtveld by the , the Trustees shall pay to or for the benefit of the Settlor all of the net income of the Trust Fund and shall pay or apply the whole or such part or parts of the capital of the Trust Fund as the Trustees shall from time to time in their unfettered discretion determine, to or for the benefit of the Settlor at such time or times and in such manner and in such amounts as the Trustees shall in their unfettered discretion from time to time determine necessary or advisable for any reason whatsoever."

[156] **THAT** that while the defendant judicially reappointed 2011 attorneys for property have paid for the Petitioner Overtveld's in-home coercive confinement they have not paid him one cent of personal spending money or paid for any of the expenses and fees he has incurred bringing his actions against the defendant judicially reappointed 2011 attorneys for property or responding to the three false applications the defendant judicially reappointed 2011 attorneys for property have brought against him;

[157] **THAT** on the 5th day of June 2020 the Petitioner Overtveld served the defendant judicially reappointed 2011 attorneys for property with a letter dated June 2, 2020 by registered mail asking them, in their capacity as the Settlor, to explain to him why they created the Gilles Overtveld Alter Ego Trust and asking them, in their capacity as the Original Trustees of the Trust, to give him a copy of the accounts and records that they have kept showing the operations of the Trust for the year ended December 31, 2019;

[158] **THAT** the defendant judicially reappointed 2011 attorneys for property, Joy Overtveld, Todd Overtveld, and Gary Katz, as Settlor, did not provide the Petitioner Overtveld with any explanation for the creation of the Trust, and, as the Original Trustees of the Gilles Overtveld Alter Ego Trust, they did not give him copies of the accounts and records of the Trust showing him its operation for the year ended December 31, 2019 as requested and, in fact, of course, having *deemed* him incompetent, they did not deign to acknowledge receipt of or otherwise answer his letter dated June 2, 2020;

[159] **THAT** the Petitioner Overtveld says the defendant judicially reappointed 2011 attorneys for property, Joy Overtveld, Todd Overtveld, and Gary Katz, obtaining possession of his property under the forged fraudulent 2011 power of attorney for property is contrary to §362(1)(a) of the *Criminal Code* or, in the alternative, to §380(1) of the *Criminal Code*, and their knowing and wilful exercise of their discretion to refuse to pay him any money, to refuse to pay any of his legal or other fees and expenses, and to refuse to account to him are breaches of trust contrary to §336 of the *Criminal Code*, and their knowing and wilful coercive confinement of his person, or psychological tricks constitute emotional abuse, and their knowing and wilful refusal to pay any of his legal or other fees and expenses are intended by them to obstruct, pervert, and defeat the course of justice for the Petitioner Overtveld against them contrary to §139 (2) of the *Criminal Code*;

[160] **THAT**, the Petitioner Overtveld say, the defendant judicially reappointed 2011 attorney Joy Overtveld, as plaintiff in her Action No. CV-20-82769, through an out-of-court letter dated the 13th of August 2020 contrary to Rule 1.09 written by her lawyer, David Sherriff-Scott, told the Honourable Justice Labrosse there were now seven proceedings relating to her father, the Petitioner Overtveld, said she believed there was a need for prompt judicial control and management of them, and said she sought an additional case conference, this one in her Action No. CV-20-82769, to be heard concurrent with the case conference in Application No. CV-19-81713-0ES0 to be held on August 25th, 2020, to discuss her perceived need for judicial control and management of the seven proceedings.

[161] **THAT**, the Petitioner Overtveld says, responsive to the defendant judicially reappointed 2011 attorney Joy Overtveld *per* David Sherriff-Scott of Borden Ladner Gervais LLP's out-of-court communication contrary to

Rule 1.09 to the Honourable Justice Labrosse, on the 15th of September 2020 in a Case Conference in Applications Nos. CV-19-81713-0ES0 and CV-19-81051, the Honourable Justice Labrosse made a Case Conference Order, all parties having consented [orally on a poll by Justice Labrosse at the Case Conference] to the appointment of Justice Labrosse as the Case Management Judge under the Case Management Pilot Project – One Judge Model, subject to the approval of the Regional Senior Justice MacLeod, which was given two days later on the 17th of September 2020.

[162] THAT, the Petitioner Overtveld says,

- (a) without admitting its regularity, Application Nos. CV-19-81713-0ES0 is the defendant judicially reappointed 2011 attorneys application under Rule 74.18 of the *Rules of Civil Procedure* to pass their accounts;
- (b) Rule 77.02(2)(b) provides, "This Rule [Case Management] does not apply to,... (b) actions or applications under Rules 74 and 75 (Estates);" [Words added]
- (c) Application Nos. CV-19-81051 is the defendant judicially reappointed 2011 attorneys application under §§22 and 55 of the *Substitute Decisions Act, 1992* to have themselves appointed guardians of the property and person of the Petitioner Overtveld;
- (d) Rule 77.02(2)(e) provides, "This Rule [Case Management] does not apply to,... (e) applications for guardianship of property or persons under the *Substitute Decisions Act, 1992*;" [Words added]

and accordingly, in making their Order dated the 15th of September 2020 for case management under *Rule 77*⁶ of Applications Nos. CV-19-81713-0ES0 and CV-19-81051, the Honourable Justices MacLeod and Labrosse unconstitutionally dispensed themselves from compliance with paragraphs (b) and (e) of *Rule 77.02(2)* contrary to §2 of *The Bill of Rights, 1689*;⁷

[163] THAT, the Petitioner Overtveld says, the Honourable Justice MacLeod and Labrosse's unconstitutional Order dated the 15th of September 2020 for case management of the defendant judicially reappointed 2011 attorneys' Application No. CV-19-81051 under §§22 and 55 of the *Substitute Decisions Act, 1992* for guardianship of property and

⁶ See ¶[43] above.

⁷ See ¶[6] above.

person of the Petitioner Overtveld is like the Honourable Justice MacLeod's previous Order⁸ dated the 18th of January 2019 unconstitutionally extending case management to Joy Overtveld's Application No. CV-17-73847 under §§22 and 55 of the *Substitute Decisions Act, 1992* to be appointed the guardian of the property and person of her brother-in-law Kam Tong Chan.

[164] **THAT**, the Petitioner Overtveld says, each of the Honourable Justice MacLeod, in Application No. CV-17-73847, and the Honourable Justices MacLeod and Labrosse in Applications Nos. CV-19-81051 and CV-19-81713-0ES0 made similar unconstitutional case management orders for the same applicant, namely, the defendant judicially reappointed 2011 attorney, Joy Overtveld;

[165] **THAT** although His Honour's Order dated September 15, 2020 made that day in the Case Conference in Applications Nos. CV-19-81713-0ES0 and CV-19-81051 states,

"With respect to the Case Management Pilot Project - all parties consent to the appointment of Justice Labrosse as the Case Management Judge under the one judge model, subject to the approval of the Regional Senior Justice,"

the Honourable Justice Labrosse somehow interprets his Order as extending one-judge case management from Applications Nos. CV-19-81051 and CV-19-81713-0ES0 as well to the Petitioner Overtveld's Action No. CV-18-78751 and to the other two Applications—FC-19-1504 and CV-20-82819—and three Actions—CV-20-82769, CV-20-83017, and CV-20-84307—into which the Honourable Justice Labrosse magically transformed the Petitioner Overtveld's original Action, and this does not follow and is not a proper interpretation of His Honour's Order stated above;

[166] **THAT**, your Petitioners say, the parties demonstrated no need for the Court's intervention, that the Court's intervention is not appropriate in accordance with the criteria specified in Rule 77, and, your Petitioner state, the principal reason for applying one-judge case management to the above named Actions and Applications is to prevent any other judge from seeing the injustice and crimes on the Bench of their Honours Justices MacLeod Roger, Labrosse, and Gomery have done to and committed against the

⁸ See ¶[85] *et seq.* above.

Petitioner Overtveld all the while knowingly delaying any action in the expectation that the Petitioner Overtveld will die before his friends and lawyer are able to do anything meaningful on his behalf;

[167] **THAT**, your Petitioners say, in ¶18 of his Endorsement dated the 7th of December 2020 in Application No. CV-19-81051 the Honourable Justice Labrosse put His Honour on the horns of a dilemma when His Honour held,

"[18] [the Petitioner Overtveld's]... arguments about Gilles Jozias Overtveld being both the Applicant⁹ and a Respondent makes no sense. Mr. Overtveld is not the Applicant. The Applicants are the Attorneys. His arguments to this effect are dismissed and there is no basis to strike the applications on the form of the pleadings." [Words added]

because, either His Honour does not know the law of principal and agent, or His Honour is feigning ignorance of the law of principal and agent to avoid applying it against the defendant judicially reappointed¹⁰ 2011 attorneys, and in either case, His Honour disqualifies himself from holding judicial office under §45 of *Magna Carta*¹¹ which provides the Crown may only appoint as judges persons who know the law and will observe it.

[168] **THAT**, having been denied justice at every turn by judges of the East Region of the Superior Court of Justice of Ontario, the Petitioner Overtveld on the 26th of May 2021 commenced a new action, namely Action No. CV-21-1933 (Brampton) in the Central West Region of the Superior Court of Justice of Ontario;

[169] **THAT** on the 11th of June 2021, the defendant judicially reappointed 2011 attorneys Joy Overtveld, Todd Overtveld, and Gary Katz, now as well defendants to Petitioner Overtveld's Action No. CV-21-1933 (Brampton), through lawyer Anne Posno, Toronto, wrote the

⁹ The Applicants are stated to be, JOY OVERTVELD, TODD OVERTVELD, and GARY KATZ, in their capacity as ~~powers of attorneys~~ for property for Gilles Jozias Overtveld and JOY OVERTVELD and TODD OVERTVELD in their capacity as ~~powers of attorneys~~ for personal care for Gilles Jozias Overtveld, which legally means, GILLES JOZIAS OVERTVELD, by Joy Overtveld, Todd Overtveld and Gary Katz as his attorneys for property and Joy Overtveld and Todd Overtveld as his attorneys for personal care...

¹⁰ By His Honour in ¶¶1 to 3 of His Honour's *ultra vires* case conference Order dated the 30th of January 2019 in [103] above.

¹¹ See [7] above.

Honourable Justice Calum MacLeod, Regional Senior Judge, East Region, an out-of-court letter contrary to Rule 1.09, stating Action No. CV-21-1933 (Brampton) relates to the defendants' Action No. CV-20-82769 and their Applications Nos. FC-19-1504, CV-19-81051, and CV-19-81713-0ES0 which Justice Labrosse is case managing under Order dated September 15, 2020 and under *Consolidated Provincial Practice Direction Section B, Motions to Transfer a Civil Proceedings under Rule 13.1.02 of the Rules of Civil Procedure* they sought to set down a two-part motion to be heard in Ottawa, the first to change the venue of the Petitioner Overtveld's new Action No. CV-21-1933 (Brampton) from Brampton to Ottawa, and the second to strike it or parts of it out;

[170] **THAT**, three days later, on the 14th of June 2021, the Honourable Justice MacLeod issued an Order and Direction noting Action No. CV-21-1933 (Brampton) was related to proceedings in Ottawa the Honourable Justice Labrosse is case managing, **THAT** Joy Overtveld and the other defendant judicially reappointed 2011 attorneys, through their lawyer, sought to transfer the Brampton action to Ottawa under §§49 to 51 of the *Consolidated Provincial Practice Direction*, **THAT** previously under Rule 37.15 His Honour had designated Justice Labrosse as the judge to hear all motions in the Ottawa proceedings, **THAT** His Honour delegated his authority to deal with the Motion to transfer to Justice Labrosse, **AND THAT** the moving party may set the matter down to be heard by Justice Labrosse and obtain directions at an upcoming case conference;

[171] **THAT** the Petitioner Overtveld says this Order dated the 14th of June 2021 makes a mockery of *Rule 13.1.02(2)* which gives the plaintiff or applicant right to select the place of commencement of an action or application and exhibits an intention to conceal the crimes and injustices their Honours Justices Roger, Labrosse, Gomery and MacLeod had previously committed and visited upon the Petitioner Overtveld in Ottawa in the East Region by keeping them tightly under one-judge case management control of the Honourable Justice Labrosse in the East Region;

[172] **THAT** on the 16th June 2021, the Petitioner Overtveld, his wife Rachida Youmouri, and his confidant Enrique Jurado, through his lawyer, wrote the Honourable Chief Justice Morawetz related what had happened and was happening to the Petitioner Overtveld in Court in the East Region, with supporting documents, and asked the Chief Justice to

intervene by transferring the Ottawa Actions and Applications to any jurisdiction in Ontario other than the East Region and staying them until a final decision in Action No. CV-21-1933 (Brampton) had been reached, with exhibits, and he copied his letter and exhibits to Justice Minister Lametti and to Attorney General Downey;

[173] **THAT** on the 22nd of June 2021, Noreen Nathanson, Executive Legal Officer, replied on behalf of Chief Justice Morawetz saying His Honour would not look into the matter because it would be inappropriate.

[174] **THAT**, on the 23rd of June 2021, at a Case Conference the Honourable Justice Labrosse decided the request to transfer should proceed first on an expedited basis separately from the motion to strike and that Action No. CV-21-1933 (Brampton) be stayed pending the decision on the motion to strike;

[175] **THAT**, on the 24th of June 2021, the Honourable Justice Labrosse decided in Action No. CV-21-1933 (Brampton) Joy Overtveld and the other defendant judicially reappointed 2011 attorneys' Motion to transfer Action No. CV-21-00001933 (Brampton) from Brampton to Ottawa would proceed on July 29, 2021 for two hours and the various parties' motions to strike would proceed on August 6, 2021 for a full day;

[176] **THAT** on the 27th of July 2021, the Petitioner Overtveld served and filed a document titled Plaintiffs' Conditional Notice of Opposition to Motions - No Attornment or Submission to Jurisdiction of the East Region by analogy to the rules of private international law;

[177] **THAT** on the 29th of July 2021, the Honourable Justice Labrosse settled the form of His Honour's Order resulting from his Honour's Endorsement dated December 7, 2020;

[178] **THAT** on the 6th of August the Honourable Justice Labrosse heard the defendants' Rule 21 Motions in Ottawa to strike out Action No. CV-21-1933 (Brampton) or parts of it;

[179] **THAT** on the 8th of August 2021, the Honourable Justice Labrosse issued his Endorsement in the Motion to transfer and held it would be significantly better if the trial of Action No. CV-21-1933 (Brampton) took place in Ottawa and overwhelming in the interests of justice to have

Action No. CV-21-1933 (Brampton) transferred to Ottawa and renamed as Action No. CV-21-87127 (Ottawa);

[180] **THAT**, on the 23rd of September 2021, the Petitioner Overtveld, his wife, Rachida Youmouri, and his confidant, Enrique Jurado, wrote to the Ontario Provincial Police asking them to investigate the 2011 attorneys wrongdoing telling them that federally and appointed judges were involved in aiding and abetting the 2011 attorneys in misappropriating \$25 million of the Petitioner Overtveld's property and in maintaining their coercive control over the Petitioner Overtveld's person;

[181] **THAT** on the 27th of September 2021, the Honourable Justice Labrosse issued his Endorsement in the Rule 21 Motions to Strike, which the Petitioner Overtveld is attempting to appeal to the Court of Appeal for Ontario;

[182] **THAT**, on the 18th of October 2021, the Petitioner Overtveld, his wife Rachida Youmouri, and his confidant Enrique Jurado wrote an email to RCMP Commissioner Brenda Lucki asking her to cause the RCMP to investigate the 2011 attorneys wrongdoing because federally appointed judges were involved in aiding and abetting the 2011 attorneys in their misappropriation of \$25 million of the Petitioner Overtveld's assets and in maintaining their coercive control over the Petitioner Overtveld's person holding him in but-for-caregiver solitary confinement to prevent him from complaining about their misappropriation;

[183] **THAT**, on the 19th of October 2021, someone in Commissioner Lucki's office told Enrique Jurado that he would have to send a paper copy of the complaint to the RCMP Intake Office in Milton Ontario, which he did on the 20th of October 2021;

[184] **THAT** by letter dated the 3rd of November 2021 Constable Jim Metropoulos and Corporal Blake Burrows of the RCMP Central Intake Unit replied to Enrique Jurado saying they had reviewed his letter dated the 20th of October 2021 and determined the defendant judicially reappointed 2011 attorneys theft of \$25 million of the Petitioner Overtveld's property aided and abetted by federally appointed judges, which they deceitfully mischaracterize as a civil matter between family members, did not to meet the mandate or jurisdiction of the RCMP in Ontario, which is to investigate matters related to National Security,

Transnational and Serious Organized Crime, and Cyber Crime, and they returned the documents without opening a file;

[185] THAT on the 25th of November 2021, the Petitioner Overtveld, through his lawyer, wrote Ontario Attorney General Downey and Olah Dobush, Assistant Deputy Attorney General, Victims and Vulnerable Persons Division reporting the taking of all the Petitioner's property, the abusive mistreatment of his person, the Court's indifference and delay, expressing concerns for his well-being, and asking for provincial intervention and help;

[186] THAT on the 17th of December 2021, Ontario attorney General Downey, and Olah Dobush, replied to the Petitioner's letter dated the 25th of November 2021 asking for help, through Sarah E. Jones, saying because the defendant judicially reappointed 2011 attorneys' conduct was before the Court, and because all parties were represented, there was no role for Ontario Provincial Guardian and Trustee or its Guardianship Investigations Unit at this time;

[187] **THAT**, the Petitioner Overtveld notes, OPGT lawyer Sarah E. Jones is a former associate of Borden Ladner Gervais LLP, the same law firm,

- (a) which represented the defendant judicially reappointed 2011 attorney Joy Overtveld as Applicant in her Application No. CV-17-73847 to be appointed the guardian of Kam Tong Chan,
- (b) which represents the defendant judicially reappointed 2011 attorney Joy Overtveld as a defendant to the Petitioner Overtveld's Action No. CV-18-78751 (Ottawa), and
- (c) which represents the defendant judicially reappointed 2011 attorney Joy Overtveld as the plaintiff in her Action No. CV-20-82769;

[188] **THAT** on the 10th of January 2022, Detective Inspector Darren Webster, Director, Anti-Rackets Branch, Investigation & Support Bureau, Ontario Provincial Police replied to Enrique Jurado's letter dated the 23rd of September 2021 saying the OPP would not investigate the 2011 attorneys wrongdoing since the incident did not occur within the OPP's

jurisdiction and the Ottawa Police Service were currently investigating and had carriage of the matter;

[189] **THAT**, the Petitioner Overtveld says, by email dated the 31st of January 2022, Karen Shaw of the Victims and Vulnerable Persons Division, Office of the Public Guardian and Trustee, Client Services Branch, Investigations Unit, replied to the Petitioner Overtveld's lawyer saying, as noted by Ms Jones in [183] above, because the matter was before the Courts there was no role for the OPGT's Guardianship Investigations Unit;

[190] **THAT**, your Petitioners say, the Ottawa Police Service under former Chief Sloly have had carriage of and are supposed to have been investigating the theft of over \$1 million from the Petitioner Overtveld's investment account since December 2018 as File No. 18-215936 but in fact the Petitioner Overtveld believes they have done nothing since the defendant judicially reappointed 2011 attorneys showed them Justice Labrosse's *ultra vires* Order dated the 30th of January 2019 and in told them the matter was before the courts, except to attend periodically at the Petitioner Overtveld's residence for wellness checks and, at the request of the defendant judicially reappointed 2011 attorney Joy Overtveld, keep the Petitioner Overtveld from meeting with his friends and lawyer;

[191] **THAT** the defendant judicially reappointed 2011 attorney Joy Overtveld's four out-of-court letters contrary to *Rule 1.09*, (i) dated the 18th of January 2019 to Justice Roger,¹² (ii) dated the 14th of February 2020 given to Justice Gomery,¹³ (iii) dated the 13th of August 2020 to Justice Labrosse,¹⁴ and (iv) dated the 11th of June 2021 to Justice MacLeod¹⁵ and the Justices unquestioning acceptances of each of them evidence a relationship between the defendant judicially reappointed 2011 attorney Joy Overtveld and each of the said Justices of the East Region of the Superior Court of Justice of Ontario that compromises those Justices' fairness and impartiality as is borne out by their subsequent orders and endorsements that are highly favourable to the defendant judicially

¹² See [88] *et seq* above.

¹³ See [144] above.

¹⁴ See [160] above.

¹⁵ See [169] above.

reappointed 2011 attorney Joy Overtveld and highly prejudicial and unjust to her father the Petitioner Overtveld;

[192] **THAT**, contrary to the constitutional principle of the separation of powers, as that principle is implemented in the Constitution of Canada, the Judicative elements of the Government of Canada and of its provinces are become the merest divisions of the Executive elements of the Government of Canada and of its respective provinces, such that the Executive elements are protective of the judges and cause the police to refuse to investigate the Judges conduct in any matter that is before the Judges and *vice versa* such that civil court rooms in the Courthouse at Ottawa in the East Region of the Superior Court of Justice of Ontario are become crime scenes that are beyond criminal investigation by the police;

[193] **THAT I**, Gilles Jozias Overtveld, respectfully here record and submit that the views expressed in this Petition are my personal experience-based views, inferences, and conclusions; I emigrated to Canada in the year 1953 with \$5.00 in my pocket and succeeded beyond my wildest dreams; I am a law-abiding citizen; I provided for my family; I raised my children diligently and lovingly; in return, however, my children have treated me so very badly I brought an action against them in the expectation the Courts in Canada would treat the parties before them fairly and impartially;

[194] **THAT** the judges of the Superior Court of Justice of Ontario in the East Region at Ottawa rudely shattered my expectation of fair and impartial treatment by unjustly staying and delaying my action and by substituting for it applications by and favourable to the defendants which caused me, after a two and one-half year delay, in attempt to obtain fair, impartial, and expeditious treatment due to my uncertain life expectancy during this pandemic, to instruct my lawyer to move my outstanding litigation from Ottawa to a different venue, namely Brampton in the Central West Region;

[195] **THAT** sadly the judges of the East Region responded to my change of venue by subjectively monopolizing their East Region control over my new litigation regarding my property in their own self-interest to conceal their own prior judicial criminal misconduct in my earlier litigation in the East Region;

[196] **THAT** during my time as a party before the Justices in Ottawa I have learned from the media that other Justices in Canada have inflicted similar kinds of travesties of justice on other parties before them and so, to reduce the pain and suffering and to mitigate the injuries the Courts are inflicting on other Canadians, I instructed my lawyer to prepare this Petition to Parliament **AND THEREFORE** Your Petitioners Pray that The House of Commons' Standing Committee on Justice and Human Rights understand, regard, and accept this Petition as being brought by Your Petitioners in the public interest and on behalf of and for all Canadians;

[197] **THAT** the Executive element of the Government of Canada has declared the month of March to be Fraud Prevention Month and it is therefore appropriate that Your Petitioners, including the Petitioner Overtveld and his wife, confidant, friends, and supportive neighbours, bring this Petition to Parliament in the month of March 2022 not only seeking investigation by the Senate and House of Commons and police into the conduct of the named judges who have ignored truth, law, and justice and acted maliciously to knowingly and unjustly injure the Petitioner Overtveld in order to unjustly, unlawfully, and fraudulently benefit his 2011 attorneys, but also seeking legislative amendments to correct several obvious legislative faults that are in contradiction of the Constitution of Canada in the hope that these legislative amendments will, over time, check the misconduct of public officials including judges and thus improve democracy and justice in Canada where now, as was observed 373 years ago in England,

" ... we have found by sad experience, that generally men make little or nothing, to innovate in Government to exceed their time and power in places of trust, to introduce an Arbitrary and Tyrannical power, and to overturn all things into Anarchy and Confusion, where there are no penalties imposed for such destructive crimes and offences...."¹⁶

¹⁶ An Agreement of the Free People of England Tendered as a peace-offering to a distressed Nation by Lieutenant Colonel John Lilburn, Master William Walwyn, Master Thomas Prince, and Master Richard Overton, prisoners in the Tower of London, May the 1, 1649.

THEREFORE YOUR PETITIONERS CALL UPON THE STANDING COMMITTEE ON JUSTICE AND HUMAN RIGHTS OF THE HOUSE OF COMMONS OF CANADA AS FOLLOWS

FIRST to inquire into, and if thought appropriate, to cause Justice Minister Lametti to cause the relevant police force or forces to investigate the conduct of the Honourable Justice Calum U.C. MacLeod in relation to Joy Overtveld's Application No. CV-17-73847 for guardianship of her brother-in-law, Kam Tong Chan, now deceased;

SECOND to inquire into, and if thought appropriate, to cause Justice Minister Lametti to cause the relevant police force or forces to investigate the conduct of the Honourable Justice Calum U.C. MacLeod, Regional Senior Judge, East Region and the Honourable Justices Roger, Labrosse, and Gomery in relation to the Petitioner Overtveld's Action No. CV-18-78751 (Ottawa), Application No. CV-20-81051 (Ottawa), and Action No. CV-21-1933 (Brampton) *sub nom* Action No. CV-21-87127 (Ottawa), and in relation to the defendant judicially reappointed 2011 attorneys' Applications Nos. FC-19-1504, CV-19-81051, and CV-19-81713-0ES0,¹⁷ it appearing Joy Overtveld followed a similar *modus operandi* in each of Applications No. CV-17-73847 and CV-19-81051 and so they may afford similar fact evidence;

AND THIRD IF IT BE FOUND said Justices or any one or more of them misconducted themselves, then thereupon to jointly Address Her Excellency Governor General Simon under §99(1) of the *Constitution Act, 1867* for their removal as a Judge or Judges;

AND TO COMMENCE TO DISCOURAGE JUDGES AND OFFICIALS OF THE EXECUTIVE GOVERNMENT IN THE FUTURE FROM SUCH MALICIOUS CRIMINAL HARASSMENT OF CITIZENS OF CANADA AND TO COMMENCE TO DETER JUDGES AND OFFICIALS OF THE

¹⁷ Joy Overtveld's Action No. CV-20-82769, Michael Rappaport's Action No. CV-20-83017, and Alison Overtveld (Petitioner Overtveld's wife No. 2) Action No. CV-20-84307 are of lesser importance.

EXECUTIVE GOVERNMENT IN THE FUTURE FROM SUCH WICKED DERELICTIONS OF DUTIES OWED TO CITIZENS OF CANADA

FOURTH to cause to be enacted legislation amending the *Parliament of Canada Act* to prohibit the Governor in Council from appointing senators;

FIFTH to cause to be enacted legislation requiring the incumbent Minister of the Crown recommending the making of each and every Order-in-Council be personally named in the Order-in-Council and to personally sign the Executive recommendation to the Privy Council Office that Their Excellency the Governor General make the recommended Order;

SIXTH to cause to be enacted legislation amending the *Supreme Court Act* by replacing the words, "... Governor in Council..." where they appear in that Act including in §4(2) and any and all regulations under that Act with the words "... Governor General...";

SEVENTH to cause to be enacted legislation prohibiting the Governor in Council or the Minister of Justice from appointing any judge and as well the Chief Justice of Canada or the Registrar of the Supreme Court of Canada;

EIGHTH to cause to be enacted legislation amending the *Federal Court Act* by replacing the words, "... Governor in Council..." where they appear in that Act including in §5(2) and any and all regulations under that Act with the words, "... Governor General...";

NINTH to cause to be enacted legislation prohibiting the Governor in Council or the Minister of Justice from appointing a Chief Justice of the Federal Court of Appeal or a Chief Justice of the Federal Court, Trial Division or the Registrar of the Federal Court of Canada;

TENTH to cause to be enacted legislation amending the *Judges Act* replacing the words, "... Governor in Council..." and the words, "...Lieutenant Governor in Council...", where those words appear in that

Act including in §§26(5), 26.1(1), 26.1(1)(b), 28.1(2), 26.1(6), 26.1(9)(b), 42(1.1), 44.1(5)(e), 44.2(4), 44.2(4)(e), 47(2), 49, 52.22, 54(1)(b), 56(1)(a), 56(1)(b), 56(2), 57(1), 66(2), 66(3), 69(3), 70, 71, and 73 and any and all regulations made under that Act with the words "... Governor General..." or the words, "... Lieutenant Governor...", as appropriate;

ELEVENTH to cause to be enacted legislation amending the *Judges Act* by repealing Part II, being §§58 to 71 of that Act;

TWELFTH to cause to be enacted legislation amending the *Judges Act* by prohibiting ministries of the attorney general or any other Executive ministry from providing a court's administration or any part thereof;

THIRTEENTH to cause to be enacted legislation amending the *Supreme Court Act*, the *Federal Courts Act*, and the *Judges Act* by requiring all persons prior to being elevated to judicial office to take an oath of office in the following form,

"I,, do solemnly and sincerely promise and swear that I will honourably, faithfully, impartially, and conscientiously serve Her Majesty, and fulfil my judicial responsibilities and duties to the best of my skill, knowledge, and ability, and use the powers and trusts reposed in me as Chief Justice (or as one of the judges) of the [here name Court] to administer law and justice in mercy to all persons alike without fear, favour, or prejudice, in accordance with the Constitution and the laws of Canada and its provinces.

So help me God."

FOURTEENTH to cause to be enacted legislation prohibiting the Governor in Council or the Minister of Justice or the relevant provincial Premier or Attorney General from appointing the chief justice of an appellate court of a province or the chief justice of a superior court of a province or regional senior judges of any of the said courts or any registrar of any of the said courts;

FIFTEENTH to cause to be enacted legislation

- (a) amending the definition in §2 of "justice system participant" by deleting the word "...criminal..." where it appear in the introductory words of (b) so that after amendment it reads, "a person who plays a role in the administration of justice, including..."
- (b) amending §8 of the *Criminal Code* by adding to that section immediately after §8(1) as new §8(2) the following,

"8(2) The provisions of this Act apply to all persons in Canada including the Crown in right of Canada, federal civil servants, the Crown in right of a province of Canada, provincial civil servants, the Crown in right of a territory of Canada, territorial civil servants, and every justice system participant."

and renumbering §§8(2) and 8(3) as §§8(3) and 8(4),

- (c) amending §126 of the *Criminal Code* by restoring to that section the crime of contempt of provincial and territorial statute as follows,

"126. Every one who, without lawful excuse, contravenes an Act of Parliament of Canada or of any legislature in Canada by wilfully doing anything that it forbids or by wilfully omitting to do anything that it requires to be done is, unless some penalty or punishment is expressly provided by law, guilty of an indictable offence and is liable to imprisonment for two years."

SIXTEENTH to cause to be enacted legislation amending the *Parliament of Canada Act* to disqualify members of the Queen's Privy Council from holding the office of Speaker of the House of Commons;

SEVENTEENTH to cause to be enacted legislation amending the *Parliament of Canada Act* to provide the Prime Minister of Canada shall be that member of the House of Commons for the time being chosen or accepted by the House of Commons to be the Prime Minister of Canada;

EIGHTEENTH to cause to be enacted legislation prohibiting the same person from holding the offices of both Clerk of the Privy Council and Secretary to the Cabinet and providing that the Governor General shall appoint the Clerk of the Privy Council;

NINETEENTH to cause to be enacted legislation to amend the *Interpretation Act* to define "Ministry" to mean those members of the Queen's Privy Council for Canada who, for the time being, hold those Executive offices of the Crown designated by the incumbent Prime Minister, and to define "Cabinet" to mean those members of the Ministry who, for the time being, the Prime Minister calls on to advise him or her in the Government of Canada;

AND TWENTIETH to cause to be enacted legislation amending the *Parliament of Canada Act* to prohibit each of the Privy Council and the Cabinet from meeting within the precinct of the Parliament of Canada.

YOUR PETITIONERS' SIGNATURES AND ADDRESSES ARE AS FOLLOWS



GILLES JOZIAS OVERTVELD
a citizen of Canada residing at
Unit 2, 325 Frank Street
Ottawa, Ontario
K2P 0X1

Signature

Name - Please Print

Address

Signature

Name - Please Print

Address



FOR PRIVACY REASONS THE NAMES OF 27 SIGNATORIES HAVE NOT BEEN DISCLOSED HERE. THEY WERE COMPOSED OF SENIOR OR RETIRED WELL ESTABLISHED PROFESSIONALS RESIDING IN THE OTTAWA CENTRE ELECTORAL CONSTITUENCY WHERE THE PETITIONER, MR. GILLES J. OVERTVELD RESIDES.

City and Province

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