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## WITHOUT PREJUDICE\*

**THINKING OF BUYING A CONDO? Better think twice! DO YOU ALREADY OWN A CONDO AT MTCC #983? If so, and you're going on vacation...kill your cats!**

### Before we Begin

Before I begin there are a few things you should know about me. My name is Tara. I'm generally thought to be attractive, intelligent, well-spoken, empathetic, sane, rational, polite, "politically-correct", humorous, optimistic, presentable, reliable and productive. I have worked for the Canadian Imperial Bank of Commerce for two decades and have won awards. I'm the type of woman people inherently trust, ask for directions, and depend on for advice or consolation. I have a life plan. I don't have children, so many of the trials and tribulations faced by the average person do not affect me. I have had the same partner for 15 years; not the partner most people think of when they're searching for some new-age term for partner or same-sex relationship, but partner in the truest sense of the word. With all this, financial solvency and a debt-free home, you would think my life would be idyllic. And a year ago this statement would have been true.

And yet, I currently find myself in the kind of situation most people think is incredible (the beyond belief incredible, not the "holy mackerel, that MP3 player is incredible" incredible). The kind of situation you think you could never be involved in because you just wouldn't make the same mistakes. In speaking with friends or business associates about this situation I am reminded of early conversations with victims of impersonation - before you found out it could happen to anybody. You hear their words, you comprehend the meaning, but you just can't get past the suspicion that the alleged victim must have done something wrong.

As I type this I'm sitting in my "home" on stress leave, chain-smoking Canadian Marlboro cigarettes. There are two extra locks on the entrance door and video cameras everywhere. This dwelling is in some ways a fortress, in others a prison. In retrospect I can replay the chain of events that led to this situation, and can see each link in the process that got me here. But in recounting the story it is difficult, if not impossible, for most people to empathize with how, or why, such a thing would happen.

I'm a mess. My home is a mess. I have lost weight. I barely leave the premises except to obtain

small amounts of food, supplies and more cigarettes. I don't want to talk with people, and if I do, what they say annoys and stresses me all the more. For the foreseeable future I'm stuck. I can't move forward and I can't rewrite the past. I'm being persecuted by people I don't actually know for reasons I do not understand.

I'm going to talk about the ongoing process of my/our continued victimization as everything that has transpired has been for, and on, the public record. Further, as none of the laws and protections which were formerly in place to safeguard law-abiding people against this sort of victimization appear to be intact, I have nothing left to worry about but more of the same treatment. Two quotations from Winston Churchill come to mind, "Success is the ability to go from one failure to another with no loss of enthusiasm," and "If you're going through hell, keep going."

I'm not sure what will happen.

All I'm sure of at this point is that I should have killed my cats before I took a vacation.

## Going on A Fabulous Vacation

In March of 2011, my partner (Scott) and I packed and prepared to depart our home on a vacation of sorts. We had rented a luxury 2-bedroom condo for one month in downtown Toronto. We would stroll through the city streets, dine in charming restaurants, meet with friends and business associates, accomplish our goals in uncluttered and opulent surroundings. We had worked hard to deserve this and we were sure we could accomplish multiple goals while still being able to rest and relax.

If you are a parent, or a pet owner (not quite the same, but damned close for people who love their pets) you know the only weak link in taking extended time off is the requirement to provide safe, continued care for your loved ones. We would not leave our pets in an unfamiliar boarding establishment or with strangers so our close, long-time friends Peter and Jennifer had been commissioned to safeguard our home and pets. Little Trouble, Spot and Spaaz would be in good hands.

Everything went relatively well for several weeks. As we were vacationing in the same city, although 20 kilometers away, it was easy to check-in regularly with our friends for cat updates. It seemed as though we would easily accomplish all our goals.

## Vacation is Over

Coming out of a bank meeting on a warm, sunny day we got a telephone call. Peter was on the line, concerned about some sort of run-in he had experienced with building security. As nearly as we could tell a security guard had engaged Peter in conversation concerning his possession of keys and a security card for building access while not being "registered" with the building management company. If the condo owners did not rectify this situation immediately, providing authorization for Peter's access including his personal information, the building access card "could" and probably would be deactivated.

Several things should be mentioned at this time. The first is that Peter and Jennifer have been regular

visitors to our condo for years. They are young, well-spoken and flawlessly polite. Peter resembles a preppy accountant and Jennifer personifies one's vision of an attractive raven-haired artist. The second is that we have always been friendly with condo staff and on one occasion even repaired one of their computers for free. Our general 'look' and the interesting guests and products we occasionally receive make us easy to remember even in a two-building condominium complex, each with 20 floors. Add to this the fact that our response to several unaddressed "improprieties" by the condo board was to change our door locks years ago (which to date has not been an issue) and to formally dissolve any real or implied contract with the corporation, and we're pretty freaking memorable. Up until this time we have had a laissez faire relationship with the condo corporation in that we have been quiet, have paid all fees promptly, and allowed access to our suite for maintenance and repairs. Otherwise the only tangible evidence of our visibility has been when we are coming from, and going to, our home.

In response to the security guard's comments we stopped all scheduled activities to prepare a notice to Metropolitan Toronto Condominium Corporation Number 983 wherein they were informed that Peter was acting on our instructions and was to be left alone. We trust Peter and Jennifer enough to leave them in charge of our home and pets, and our endorsement should be sufficient for the condominium corporation. We were assuming liability for their actions and there is always legal remedy, is there not?

These were some of our thoughts on April 21st, 2011. A \$55.00 cab ride later we delivered the notice to the condo corporation in person and spent the evening in our condo with Peter and Jennifer having a nice dinner and petting our cats.

Later that evening as we all departed from the condo we found ourselves locked in the parking garage, unable to exit the facility or re-enter the building. An intercom call to building security informed us that all our access cards had been disabled and building security would not be coming to our assistance. We stayed trapped in the car in the parking garage until some disgruntled resident with a working access fob released us from the garage.

## **At the Front Desk Lobby**

Back at the front security desk we determined that someone named F. Manuel Fernandes, an employee of Maple Ridge Community Management Ltd., a third-party company hired to maintain the building, had ordered all our access cards to be disabled until such time as we were ready to 'comply' with the rules and regulations of the condo corporation.

We called the police department (12 Division - then 52 Division - Occurrence number 4032413) for assistance. After all, we had been locked into a parking garage and locked out of the building with no lawful excuse by someone who ostensibly was our employee. Unless I am mistaken it is against the law to coerce people into compliance by withholding something to which they are legally and lawfully entitled. In Canada I believe this falls under the category of extortion.

We spent hours in the front lobby waiting for the police to arrive. Intermittent calls to the police station provided the information that police officers were dealing with 'pressing' issues, which when resolved, would allow them to attend to our civil matter which they appeared to consider as the equivalent of a minor domestic dispute. As the night wore on we were advised by the police department to withdraw to another location, if possible, and they would contact us there. So we left the location and regrouped at a small downtown condo which was normally used as a rental property. In the early hours of the following day we gave our report to the peace officers who attended.

While the police detective we spoke with was not unsympathetic to our situation he was not convinced the actions of our "employees" could be successfully prosecuted as a crime. As we sat in the tiny downtown condo we took stock of our situation and pondered our options. We were effectively barred from accessing our home and our cats were alone and would die of thirst or starvation if something was not done quickly. Peter and Jennifer could not assist although they volunteered to help in any way possible. The police advised us to stay away from the condo until the situation had been resolved. Other than that they had effectively wished us well with our endeavors, the proverbial, "Good luck with that...let us know if your situation changes." and we were on our own. All planned business and personal ventures ground to a halt as we prepared to deal with this new issue.

It has been our experience that capitulating to the demands or threats of bullies only strengthens their resolve and starts a perpetual cycle of victimization. We were condo owners and shareholders in the condo corporation. Our employees were acting without our consent and vastly overstepping their bounds.

We delivered a new notice to Metropolitan Toronto Condominium Corporation Number 983, via F. Manuel Fernandes, demanding that they reinstate our access and informing them that THEIR non-compliance would be billed at a rate of \$5,000 per day until access was restored. This NOTICE was accepted by Metropolitan Toronto Condominium Corporation Number 983.

We moved into the tiny, empty condo downtown for what would turn into a 52-day Mexican standoff.

As the days passed and it became apparent that the condo corporation would not restore our access, Scott filed suit against Metropolitan Toronto Condominium Corporation Number 983 for \$100,000.00 (Court File No. CV-11-426968) and the reinstatement of his access to our home. It should be noted here that the acquisition of the "monetary remedy" being sought was irrelevant to us except for its guarantee that the case would be heard in the Superior Court of Justice. Even in the unlikely event that the condominium corporation had any justification for disabling the building access fob I had entrusted to Peter and Jennifer, it certainly had no justification for disabling the access of another separate party who had done nothing. It should also be emphasized that Scott alone filed suit against the condominium corporation. This is important later.

In response to this claim we were contacted by one Douglas H. Levitt of Horlick, Levitt, Di Lella LLP, Barristers and Solicitors. Surely this would be an opportunity for mediation, and cooler heads would prevail. We were looking for a speedy resolution that would get us back to our lives and business endeavors. This would unfortunately not be the case.

During early correspondence with Douglas H. Levitt WE, not Scott, were advised that Scott's case was groundless; that we should hire counsel as WE (again) were clearly out of our depth and putting ourselves in jeopardy. Both of us, not just Scott, were advised to report for mediation with the firm of Horlick, Levitt, Di Lella thereby enjoining both of us to the legal action; otherwise we were advised of their intention to cost us a lot of money and eventually take our home. If you're planning to sue someone into bankruptcy and take their home it is important to ensure that any other owners are likewise enjoined to the legal process, otherwise you will not be successful. This is in the Machievellian Handbook, #101.

Again, following our rule not to capitulate to bullies we declined the offer, and started making preparations to go to court.

Before we had even filed our Statement of Claim, the team of Levitt and Fernandes, third-party interlopers without standing, began their testosterone-fuelled retaliative assault.

During the 52 days (excluding lead time for the restoration of the access) we were restricted from accessing our condo, we would make the trip from downtown to our home every two or three days to make sure the cats had food and water. At first we tailgated in behind other residents. In later weeks we asked that the main door be opened. Still later, responding to the rude or snide remarks from security staff as they refused to open the door unless we asked nicely or used the word 'please' with the right inflection and sincerity, we simply demanded access be granted. During one such exchange Scott, frustrated by having to "jump through hoops" to be allowed access to his home, reached around under the counter and pressed the release button to open the door. The female security guard squealed about violations and threatened to call the police. We advised her to proceed and wondered if they would be any more successful than we had been in engaging the services of the police department. Nothing more happened this day.

Also during the 52 days we were were "locked out" of our home, the firm of Horlick, Levitt, Di Lella, began their legal campaign against us, first with Court File No. CV-11-430464, and later with Court File No. CV-11-440288. While the law suits were attributed to Metropolitan Toronto Condominium Corporation No. 983, no representative of the condominium board or the corporation has been directly involved in these suits at any time. Douglas H. Levitt (and partners), of the legal fiction, Horlick, Levitt, Di Lella, and F. Manuel Fernandes, from Maple Ridge Community Management Ltd., the third-party contractor providing building services, are the only participants. Their position was, and is, that we do not conform to the acts and statutes associated with condo living, specifically that they do not have keys to the front door of our home. Whatever your position is on this sort of thing, we do not deserve to work our whole lives to purchase a home and pay off the mortgage, pay all condominium fees, and subsequently be sued into bankruptcy and homelessness as a result.

## **The First Law Suit – Court File No. CV-11-430464**

We are both being sued. I informed the legal fiction of Horlick, Levitt, Di Lella, at the start that I DO NOT CONSENT to commerce or contract with their firm. I have maintained this position throughout the process with Metropolitan Toronto Condominium Corporation No. 983, the firm of Horlick, Levitt, Di Lella, The Ontario Superior Court of Justice, and a host of others, but they are all bound and determined to ignore my rights and to deny me the tender for law that money provides.

To be clear, discounting Scott and myself, there are no injured parties in this matter.

In the beginning with Court File No. CV-11-430464 Scott attended the hearings, first on September 16, 2011 and subsequently on October 14th, 2011. On both occasions he was surrounded by armed personnel and physically removed from the court, ostensibly for "asking questions".

On or about October 14th, 2011 there was a court order issued against both Scott and myself, with no endorsement from the presiding Justice, Wailan Low, ordering us to change our door locks and provide access to Metropolitan Toronto Condominium Corporation No. 983 and/or their agents. Failing our compliance, agents of Metropolitan Toronto Condominium Corporation No. 983, a lock-smith, and a police escort, would attend to force our compliance.

At this point we, and others, set about obtaining the transcripts for these two hearings by first

completing the requisite "forms" to obtain the transcripts, following up with phone calls and personal visits to the Court Reporters offices, and were met with either evasion, stone-walling, or the "belief" of all parties that Justice Wailan Low was denying the release of the transcripts. Agents of the Attorney General's office started abruptly "going on vacation" and leaving "Acting" personnel in their places. On one occasion Scott went in person to the Court Reporter's office and recorded his conversation with Anne Olah (Manager of Court Reporters: Give her a call at 416-327-5223), afterwhich he, and his entourage, were herded out of the building like cattle with threats of arrests and violence.

Thereafter Scott was referred to James Makris, Security Advisor, Justice Sector Security, for the Attorney General of Ontario. Thus far Mr. Makris has repeatedly failed to provide ANY remedy.

As I am a named party in this action, I continued to politely request the transcripts but was ultimately unsuccessful.

We have, to date, not been able to obtain the transcripts, denying us due process and our right to access the justice system.

[edit] I forgot to mention here that also during the October 14th, 2011 hearing, Peter disappeared from the court room half way through the session. Not until later that day did we find out he had been "removed" from the court room, subjected to intimidation tactics, repeatedly questioned and shunted around from holding area to basement to jail cell, for the heinous "crime" of alleged "recording". When we finally found him and demanded his release Peter was composed, but visibly shaken. Peter and Jennifer have remained good friends during this ordeal. They have stood with us through court appearances and police encounters. But the experience has changed them. Their former idealism and bravado, is slipping into the background, and is being slowly replaced by a distrust for many of the systems, rights and freedoms they took for granted, and a growing concern for their personal safety. [end edit]

## **The Locks are Changed**

On or about NOVEMBER 1st, 2011, agents of Metropolitan Toronto Condominium Corporation No. 983 did in fact attend at our home, 3 Hickory Tree Road, Unit 811, Toronto, Ontario, with two armed police officers. The police officers handled all the communication with us, informing us they had a Court Order to change our door locks.

The police officers refused to properly identify themselves (Unless one of them is actually named "Awesome"), had no copy of the "Order", did not know the name of the Justice who had issued the order, and upon reviewing our copy of the Court order were unable to find the Justice's name or endorsement.

Undeterred the police services representatives pressed on with the threat of violence, if we did not comply, and our locks were changed.

At this point, either being effectively barred from the judicial process in Scott's case, or NOT CONSENTING in mine, we have been forced to change our door locks, and have been informed, in absentia, that the court has endorsed the applicant's position ( Metropolitan Toronto Condominium Corporation No. 983) 'binding' us to any and all condominium rules and regulations. Further, there are additional restrictions beyond the requirements of other condominium owners in the building, like disallowing us from safeguarding our home in any way by putting locks in any part of our home that might impede the access of Metropolitan Toronto Condominium Corporation No. 983, and/or their agents, from accessing any part of our home.

There is an arbitrary “fine” issued against us for \$15,000.00 which the legal fiction of Horlick, Levitt, Di Lella has, equally arbitrarily, doubled to almost \$30,000.00. Douglas H. Levitt starts and continues his e-mail collection campaign.

It is important to note here that because of the suspicious or unlawful dealings of Metropolitan Toronto Condominium Corporation No. 983, Scott publicly dissolved all contracts, real or implied, with Metropolitan Toronto Condominium Corporation No. 983 in 2009.

This was accepted by Metropolitan Toronto Condominium Corporation No. 983.

I will not bore you with the onslaught of letters and e-mail messages we were forced to respond to. Suffice it to say the legal fiction of Horlick, Levitt, Di Lella continued to harass us and, at no time, responded to any of our requests or demands for substantiation.

It was not yet 2012 and the legal fiction of Horlick, Levitt, Di Lella, was already embarking on their next suit, Court File No. CV-11-440288, otherwise known as the “Take your Home” action.

Continuing with their campaign of harassment, the legal fiction known as Horlick, Levitt, Di Lella, had moved on to placing a lien on our home for almost \$38,000.00.

It should also be noted here that Scott and I laboured in equity to pay off our home mortgage in 2008. Unclear as to why it was even possible to convert a FRAUD into a lien on our debt-free home I went to the Toronto Land Registry office to investigate. Shockingly there was a charge by the Canadian Imperial Bank of Commerce for \$142,000.00. I made an appointment with my banking representative the next day, and we had the charge removed.

Nonetheless, the legal fiction of Horlick, Levitt, Di Lella, proceeded to place the lien on our home, and continued with Court File No. CV-11-440288.

In fear for his personal safety, and with the knowledge that third-party interlopers are attempting to “steal” his property, Scott informs all parties he will be restoring his own door locks to the front door.

At this point, while continuing to respond to ANY and ALL materials regarding this process, both Scott and I are afraid to attend any court sessions. We continue to be “acted upon” in absentia and NO ONE, not the courts, the police, the Attorney General of Ontario or its agents, the Law Society of Upper Canada, will do anything to help us.

I have continued to notify all parties that I DO NOT CONSENT to this process. I have contacted the Law Society of Upper Canada on several occasions and their polite response is that they cannot, or will not, provide any assistance, and that I should seek remedy by hiring a lawyer and volunteering to participate in the judicial process.

Some time in May we were found, again in absentia, in Contempt of Court for the original case, Court File No. CV-11-430464. There was an arbitrary “fine” of \$10,000.00 added to the other fraudulent amounts, which I suppose brings us up to about \$48,000.00 in fraudulent Canadian fees. We were given until July 10th to change our door locks, but I suppose the legal fiction of Horlick, Levitt, Di Lella decided not to act on this in as much as they, at this point, were actively seeking to steal our property.

There was a court hearing on July 20th for Court File No. CV-11-440288 (Take your House) in which there were to be dates set for mediation.

While I have been working on this document for a while, today's date is Saturday August 12, 2012.

On Wednesday, August 8th, 2012 we received an EVICTION form from the Sheriff's office, wherein one Joseph P. Van Tassel, referencing a court order we never received, COMMANDS us to 'vacate the property', OUR HOME, on or before August 27, 2012. Now they are simply ignoring their own process, and skipping the necessary steps. (Our Grandparents fought for this?) He further states that if we "fail to VACATE the rental unit/premises as directed by the above referenced Order by the date shown, I will, without further notice to you, carry out the Order as directed. This order is being executed pursuant to the instructions of: HORLICK LEVITT DILELLA Landlord/Agent or Mortgagee/Agent"

In a telephone conversation with Scott, Mr. Van Tassel, made it very clear that police support would be present in whatever capacity is required to carry out this Order.

## The Situation Today

A little over a year ago I was a happy woman, I had a 21 year career at the Canadian Imperial Bank of Commerce, and I was living my dream life with the man that I love. Now I am sick and disillusioned and don't know where to turn. I can't believe this is happening in Canada.

We worked hard to pay off our mortgage for this property and have always paid all condo fees promptly. While, in retrospect, I can see the sequence of events that led to our current situation, I sometimes sit staring quietly at nothing in particular and wishing I had never gone on vacation.

It is unlikely anyone will help us, and we have been given fewer than twenty days to vacate our HOME of 10 years. All of our possessions, our happy memories, our joy at finally owning our own home, may be taken away from us in less than 20 days.

I don't understand how people who are our neighbours and who ostensibly represent us, the condominium board for Metropolitan Toronto Condominium Corporation No. 983, find it acceptable to arbitrarily punish us, ignore our TRUST relationship, sue us into bankruptcy, and steal our property, potentially forcing us into homelessness.

On August 9th, 2012, when we spoke with James Makris, Justice Sector Security Office for the Attorney General of Ontario, I asked if he could expedite his assistance. After all, we have been speaking with this man for almost a year now, and he is intimately familiar with the situation. He very cheerily informed me we are not a priority, as other people are "ahead of us", and that he will not inconvenience anyone else to our benefit.

At this point, if nothing changes, I will be forced to believe that the tender for law that money provides is a complete FRAUD, and I have been unwittingly supporting that fraud, by working half my life to provide support for that mechanism, by working for CIBC, and paying off my debts. Where is MY consideration? I have been denied due process, and my rights have been denied by virtually everyone participating in this process.

I will try to save what few possessions I can and hope for the best. Scott refuses to "vacate" our home as he has claimed it as his HOME and his PROPERTY. I will stand with him. I honestly don't know what is going to happen to us, and to to our beloved cats.

But I cannot, and will never, understand how this can happen in this country.

Perhaps you might have better luck finding answers. Here is the contact information for all the parties mentioned:

**WE ARE: Scott and Tara**  
**#3 Hickory Tree Road**  
**Toronto Ontario Canada**  
**M9N 3W5**

**416-994-1700 - Call 24/7**

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The LEGAL FICTION of HORLICK LEVIT DI LELLA 100 Sheppard Ave E, suite 870 Toronto, ON M2N 6Z1, Canada <http://hldlawyers.com/> 416-512-7440

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Makris, Jim Phone: 416-327-4155 Email: [jim.makris@ontario.ca](mailto:jim.makris@ontario.ca) Address: Jim Makris Security Advisor - JUSTICE SECTOR SECURITY OFFICE McMurtry-Scott Bldg 5th Flr 720 Bay St Toronto ON M7A2S9

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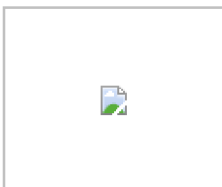
Joseph P. Van Tassel Sherrif \*no address given\* 416-327-5600

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F. Manuel Fernandes Maple Ridge Community Management Ltd. 3 Hickory Tree Road - unit 100 Toronto Ontario 416-243-5110

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SCOTT'S NOTICE in 2009 - accepted by MTCC983



Thursday, February Twelfth, 2009 C.E.

**I, JOHN SCOTT DUNCAN**

as a subject of **Her Majesty, Queen Elizabeth The SECOND, of the HOUSE OF WINDSOR,**

STANDING *SUI JURIS*, UNDER PENALTY OF PERJURY, AND WITHOUT MALICE, RESERVE ALL RIGHTS, AND MAKE OATH, AND SERVE NOTICE, AND CLAIM:

The Canadian Internet Registration Authority (CIRA) domain name "MTCC983.ca", for the purpose of unambiguously **HOSTING THIS NOTICE and PUBLICALLY VERIFYING THE DATE ON THIS NOTICE**, through a public service (<http://whois.cira.ca/>).

I am NOT, nor do I consent to be, or act as a **TRUSTEE**, for any PERSON, OR CORPORATION, other than Her Majesty, Queen Elizabeth the Second, of the HOUSE OF WINDSOR.

I am NOT, nor do I consent to be, or act as a **PUBLIC SERVANT**, for any PERSON, OR CORPORATION, other than Her Majesty, Queen Elizabeth the Second, of the HOUSE OF WINDSOR.

**I, JOHN SCOTT DUNCAN** on this date, Thursday, February Twelfth, 2009, DO HEREBY EXERCISE MY UNALIENABLE RIGHT, and dissolve any and all contracts, real, or implied with METROPOLITAN TORONTO CONDOMINIUM CORPORATION #983 (Hereafter "MTCC983"), as I believe MTCC983 is acting in bad faith. MTCC983 is currently conducting commerce UNLAWFULLY, as MTCC983 only has TWO DIRECTORS, and does not have the required number of LAWFUL DIRECTORS THEIR MANADATE, AND CURRENT LAW DEMANDS. This represents a breach of a public trust for which they have repeatedly refused to answer to.

I, JOHN SCOTT DUNCAN, claim my HOME, and assume FULL CIVIL AND COMMERCIAL LIABILITY for my actions, therein. I claim the right to control who accesses or enters my home. I claim the right to be secure in my home, and to conduct my affairs in peace. Remittance of all maintenance fees shall continue, uninterrupted, with the UNDERSTANDING, that those funds are my COMMUNITY obligations, and does NOT imply any other contract. Claims to the contrary are to be DIRECTLY FOR AND ON THE PUBLIC RECORD, in a *de jour* court, with said claimant assuming the same liability as MYSELF.

MTCC983 is not to interfere with the lawful activities, commerce, or access to the home of, MYSELF, JOHN SCOTT DUNCAN.

OFFICERS or AGENTS of MTCC983 interfere with the activities with the UNDERSTANDING that they are PERSONALLY liable for their actions.

CLAIMS OPPOSING TO, OR REGARDING THIS NOTICE, which occur 90 days from Today's date, being Thursday, February Twelfth, 2009 C.E., are made with the UNDERSTANDING that, the costs of responding to such claims are assumed by the PERSON or CORPORATION making the claim against this notice or the rights of JOHN SCOTT DUNCAN. I remind all interested parties of my rights, as described in the CRIMINAL CODE OF CANADA.

### **Defence with claim of right**

Section 39. (1) Every one who is in peaceable possession of personal property under a claim of right, and every one acting under his authority, is protected from criminal responsibility for defending that possession, even against a person entitled by law to possession of it, if he uses no more force than is necessary. ,and

CORPORATIONS or INDIVIDUALS are warned to respect the rights and property of JOHN SCOTT DUNCAN, and assume full liability for any and all injuries, and incidental damage, which may occur, and are caused, as a result of interfering with the rights and property of JOHN SCOTT DUNCAN.

[SIGNATURES AND SEALS REDACTED FOR PRIVACY] - [SWORN COPIES AVAILABLE ON REQUEST; FEE SCHEDULES APPLY] - [416-994-1700] © 2009 with ALL RIGHTS RESERVED

**Have you been directed to this site because of a lien placed on your unit by myself, or my trustees?**

This site will answer any questions you may have, and will explain everything that MTCC983 (and therefore YOU) have done to me.

Since Purchasing unit 811 of 3 Hickory Tree Road I have paid my common expenses (Currently \$873.10, monthly) on time and have NEVER been in arrears. My home has NO MORTGAGE, and I have always remained FREE OF ANY PUBLIC DEBT SINCE. All I have received in return, is FRAUD, abuse, and now, an "invented" mortgage, by Douglas H. Levitt, an individual, with NO STANDING, who has also (on your behalf) tried to declare me "mentally incapable" to seize my property. Now you (through Douglas H. Levitt) are threatening to forcibly remove me from my home. You are liable, and you WILL pay your debt to me.

All of this to protect F. Manuel Fernandes (Who ALSO has no standing) because he was called to account for LOCKING ME OUT OF MY HOME FOR 52 DAYS.

The previous, is a chronology of events which lead to this point, along with supporting documentation/media/recordings. Commentary will be in boxes as this paragraph is.

## TAKE NOTICE THAT:

ALL property INCLUDING the address, municipally known as 3 HICKORY TREE ROAD UNIT 811 TORONTO ONTARIO M9N 3W5 ARE SECURED UNDER THE PERSONAL PROPERTY SECURITIES ACT (**PPSACA13078**) AND SHALL BE CONSIDERED PERFECTED THEREIN.

J. SCOTT DUNCAN

## FUN FACT

Constitution Act, 1982 (79) Enacted as Schedule B to the Canada Act 1982 (U.K.) 1982, c. 11, which came into force on April 17, 1982

### PART I

Canadian charter of rights and freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the

rule of law:

Guarantee of rights and Freedoms rights and freedoms in Canada

1. The Canadian Charter of rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental freedoms

2. Everyone has the following fundamental freedoms:

- a) freedom of conscience and religion;
- b) freedom of thought, belief, opinion and expression, including freedom of the press
- c) freedom of peaceful assembly; and
- d) freedom of association.

...but

Application of Charter

32. (1) This Charter applies

- a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
- b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

Yes...it ONLY APPLIES TO THE GOVERNMENT!

REMEMBER: THE GOVERNMENT IS NOT A PERSON! The EQUITY THUGS COUNT ON YOUR IGNORANCE! KNOW YOUR RIGHTS! NONE of this is hidden!

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\*NO COMMERCE IS EXPECTED OR IMPLIED  
ALL RIGHTS ARE RESERVED