

Schedule “A”

Form 10: Request to Add a Party

1. The Applicant, Leah Dyck seeks to add the Ministry of Municipal Affairs and Housing (“MMAH”) to the Human Rights Tribunal of Ontario (“HRTO”) lawsuit with HRTO file number 2024-57438.
2. The Deputy Minister’s failure to provide the Applicant with access to information pertaining to the Deputy Minister’s decision under section 22 (a) of the *Freedom of Information and Protection of Privacy Act* (“Act”).
3. Using the *Act’s* access to information procedures, the Applicant requested information from the MMAH about the number of bedrooms per Rent-Geared-to-Income (“RGI”) unit pertaining to the 14 housing projects owned and operated by Barrie Housing.
4. All of the Respondents have conspired together to prevent The VanDyck Foundation from accessing information needed to apply for any kind of grant.
5. This conspiracy causes harm to the Applicant, as well as to her registered charity’s beneficiaries, which is a violation of section 4 (1), a, b, e, f, h, and k of the *Housing Services Act, 2011* (“HSA”).
6. The basis of all the Respondents’ conduct is discrimination. All of the Respondents are engaged in discrimination via interference in economic relations, which exacerbates poverty and homelessness in the County of Simcoe, as well as contravenes the County of Simcoe’s system of housing and homelessness service plan(s) via the above mentioned *HSA* violations.
7. The Applicant has clearly explained to all the Respondents her intentions pertaining to the requested information at issue, which is to use this information to get appraisals for sheltered refrigerated mailbox clusters. The purpose of constructing sheltered refrigerated mailbox clusters is to provide a population-wide fresh food delivery service to low-income residents who are not able to afford to food, via The VanDyck Foundation, within The VanDyck Foundation’s service area.

8. All of the Respondent's discriminatory actions are based on grounds relating to personal characteristics of the Applicant, which includes her gender, family status, disability status and her receipt of social assistance status.
9. Since the Applicant serves a population group with identical personal characteristics to herself, all of the Respondents have therefore discriminated against The VanDyck Foundation's beneficiaries.
10. All of the Respondents hold pejorative attitudes based on strongly held views about the appropriate capacities and limits of the Applicant. This discrimination is motivated by an intentional desire to obstruct the Applicant's potential, which perpetuates her disadvantage. All of the Respondents' actions have perpetuated and promoted the view that the Applicant is less capable, and less worthy of recognition and value as a human being and as a member of Canadian society.
11. All of the Respondents hold pejorative attitudes based on strongly held views about the appropriate benefits that should be made available to the beneficiaries of the Applicant. This discrimination is motivated by an intentional desire to obstruct the amount, type and frequency of benefits that should be made available to beneficiaries of the Applicant, which has caused the onset and worsening of chronic disease(s) among these beneficiaries. All of the Respondents' actions have perpetuated and promoted the view that the Applicant and the Applicant's beneficiaries are less worthy of being and have less value as human beings and as members of Canadian society.
12. The Respondents' discriminatory actions have the effect of imposing burdens, obligations, and disadvantages on the Applicant, which are not imposed upon others, and which withholds and limits her access to opportunities, benefits, and advantages, which are available to other members of society.
13. Considering the historical disadvantage faced by women, victims of abuse and disabled persons, all the Respondents have failed to not just not discriminate, but they've all also failed to execute preferential treatment, which is required in order to ameliorate the actual situation of the Applicant and the beneficiaries of the Applicant.

The Parties

14. Leah Dyck, whom is The VanDyck Foundation. Leah Dyck is the sole Trustee of The VanDyck Foundation, with charitable status number 77364 5148 RR0001. The VanDyck Foundation serves and therefore represents a population group of disadvantaged, disabled women. Between June 2022 and January 2024, the Applicant coordinated the delivery of fresh food to +8,000 low-income recipients within the City of Barrie and the Township of Innisfil.

AND

15. The Respondent, the Barrie Municipal Non-Profit Housing Corporation (“BMNPHC”), also known as “Barrie Housing”, is the largest housing services provider in the City of Barrie. The BMNPHC owns and operates 14 properties; 964 units, for the primary purpose of providing safe and affordable housing, to roughly 3,000 tenants.

AND

16. The Respondent, the City of Barrie is a “single-tier” Municipality continued as a body corporate pursuant to the provisions of the *The City of Barrie Act, 1970*, S.O. 1970. The City is a municipality within the meaning of the *Municipal Act, 2001*, S.O. 2001 (the “Municipal Act, 2001”). Barrie is governed by a City Council that oversees a wide range of municipal services and votes on virtually every aspect of City governance. The members of City Council are currently not nearly as diverse as the population of Barrie at large, with women, racialized and disabled communities all significantly underrepresented.

AND

17. The Respondent, the Corporation of the County of Simcoe, an “upper tier” Municipality and the provincially appointed consolidated Services System Manager under the *HSA* for the geographic areas of the County of Simcoe, and the separated cities of Barrie and Orillia. The County of Simcoe acts as one of the 47 service managers in the province of Ontario. As the System Service Manager, the County administers the funding of a number of housing programs on behalf of the Province of Ontario, as represented by the Ministry of Municipal Affairs and Housing of Ontario, including Rent-Geared-to-Income (“RGI”) programs.

AND

18. The Respondent, the Simcoe County Housing Corporation (“SCHC”), whom is the largest housing services provider in the County of Simcoe and is also owned by the County of Simcoe. The SCHC currently owns and operates 1,317 RGI units, and 472 affordable units across the County of Simcoe.

AND

19. The Respondent, the Ministry of Municipal Affairs and Housing. The MMAH is responsible for the HSA. The purpose of the HSA is to provide for community-based planning and delivery of housing and homelessness services with general provincial oversight and policy direction. The MMAH receives official plan amendments from the County of Simcoe for review and decision.

Overview

20. On May 21, 2024, at 2:15 PM, the Applicant emailed Jen Liptrot, the Regional Director at the Eastern Municipal Services Office of the MMAH and asked her if the MMAH would consider funding the refrigerated mailbox concept.

21. Jen Liptrot ignored the Applicant’s email.

22. On June 28, 2024, the Applicant submitted an email to local architect [REDACTED], President and CEO of [REDACTED], located in Barrie, Ontario. In the Applicant’s online submission, she made the following statement:

“... I was wondering if your firm might consider creating and donating a few drawings for: ‘Food Securing Infrastructure in Social Housing’, for us, for the sole purpose of illustrating to others some ideas that we have on how social housing units could be renovated to improve food security? I’m hoping these drawings will help others visualize how food security infrastructure additions could significantly improve social housing tenant’s quality of life. I’m also able to issue you a charitable tax receipt for the full value of the gift donation as well... A couple ideas we have... include: ... - A portable refrigerated mailbox casing, very similar to the apartment-building-style mailbox casings in condo’s and apartment buildings. (Ideally, refrigerated mailbox sizes would reflect the number of rooms in the unit it’s for) ...”

23. In [REDACTED]'s response email, [REDACTED] made the following statement:

“Hi Leah, Thanks for reaching out. This sounds interesting and I like your story. Would like to hear more about this and what you are looking to achieve. Do you have time for a call next Wednesday, July 3rd at either 11am or 2pm? ...”

24. The Applicant and [REDACTED] ended up having the call on July 4, 2024 at 11:06 AM and the call lasted 52 minutes in duration.

25. Shortly after this call, the Applicant submitted a *Freedom of Information and Protection Privacy Act* (“FIPPA”) request to the Ministry of Municipal Affairs and Housing for the number of bedrooms per RGI unit for each of the 14 housing projects owned and operated by the BMNPHC.

26. On July 12, 2024, at 3:35 PM, Danait Alemseged, the Senior Information Management and Privacy Advisor in the Corporate Services Branch at the MMAH, called the Applicant but the Applicant missed her call.

27. On July 15, 2024, at 9:33 AM, Danait Alemseged emailed the Applicant and made the following statements:

“...The Ministry of Municipal Affairs and Housing has received your Freedom of Information Request for the following:

- This is a request under this jurisdiction’s freedom of information legislation for records held by The Ministry of Municipal Affairs and Housing.*

I’m seeking a list of all the property addresses in the Barrie Municipal Non-Profit Housing Corporation (BMNPHC) property portfolio, as well as a list of all the property addresses in the Simcoe County Housing Corporation (SCHC) property portfolio, as of June 29, 2024.

- For each property, how many one bedroom units are there? Of these, how many are subsidized units?*

- *For each property, how many two bedroom units are there? Of these, how many are subsidized units?*
- *For each property, how many three bedroom units are there? Of these, how many are subsidized units?*
- *For each property, how many four bedroom units are there? Of these, how many are subsidized units?*
- *For each property, how many five bedroom units are there? Of these, how many are subsidized units?*

Finally, if properties have changed portfolio's between January 2008 and June 2024, we need a list of the properties that changed portfolios, including the date in which the change occurred.

- *Time period: From January 01, 2008 to June 29, 2024*

Would you have some time to discuss the request this week? Please let me know and we'll agree on the time. Looking forward to discussing this FOI request with you."

28. Danait Alemseged called the Applicant on July 16, 2024, at 10:02 AM and the call lasted five minutes. During this call, Danait informed that Applicant that the MMAH did not have the requested information in their possession and informed the Applicant that she would need to request this information from the BMNPHC.
29. On July 16, 2024, the Applicant submitted by mail, a Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") request to the County of Simcoe seeking the number of bedrooms per RGI unit of Barrie Housing's 14 housing projects.
30. On July 29, 2024, Danait Alemseged delivered by email to the Applicant a letter which included the following statement:

*"...The Act requires the Ministry to issue an access decision within 30 calendar days from the date the request was received. However, in certain circumstances, the Ministry may extend the prescribed 30 days by a reasonable amount of time. In accordance with Section 27(1)(a) of the Act, we wish to advise you that the time has been extended for an additional 30 days as the request necessitates a search through a large number of records. As such, the time for processing your request has been extended to **August 28, 2024**..."*

31. The Applicant was confused as to why Danait needed to extend this date as she had already informed the Applicant that the requested records were not in the Ministry's possession and therefore, the Ministry was not able to release them.
32. On August 14, 2024, the City of Barrie hosted a City Council Meeting, and created a by-law preventing the Applicant from obtaining the number of bedrooms per RGI unit within the BMNPHC's 14 housing projects, which is essential for an appraisal, which would have allowed the Applicant to know the estimated costs of constructing a sheltered refrigerated mailbox cluster, which is mandatory when applying for grants. During this City Council Meeting, the following statements were made by Mayor Alex Nuttall:

"... It's moved by Deputy Mayor Thomson, seconded by Councillor Nixon that section a of the first general committee report dated August 14, 2024 be adopted. ECD006-24, confidential acquisition of property rights, trade secret, or scientific technical, commercial, financial, or other labour relations information supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person or group of persons economic development opportunity. This is report, again, ECD006-24. Are there any comments or questions on this report? And sorry, I've left out two items here: 8.1, which is confidential matter relating to a trade secret or scientific, technical, commercial, financial, or labor relations information. Supplied in confidence, the municipality or local board, which if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with contractual or other negotiations of a person or group of persons board assignment. And this is, 8.1 and 8.2 confidential personal information matter naming of municipal assets... all in favour, and it's approved."

33. On August 20, 2024, at 1:12 PM, Danait Alemseged delivered by email a letter to the Applicant. Within this letter, Danait made the following statement:

"... A decision has been made by Martha Greenberg, Deputy Minister of the Ministry of Municipal Affairs and Housing to withhold records in full. Records are exempt under section 22(a) of the Act - Information available to the public... You may request

the Information and Privacy Commissioner to review this decision within thirty days from the date of this letter ...”

34. Section 22(a) of the Freedom of Information and Protection Privacy Act states:

“Information soon to be published

22 A head may refuse to disclose a record where,

(a) the record or the information contained in the record has been published or is currently available to the public;”

35. The Applicant’s requested information was and is not published or currently available to the public.

36. On August 22, 2024, the County of Simcoe’s Director of legal services, Zarah Walpole, delivered by email to the HRTO Registrar, and all the Respondents in the Applicant’s HRTO matter, its response to the Applicant’s HRTO request for production of documents. In Zarah Walpole’s response submission, she made the following statements:

(a) “7. The County supports public access to information and uses its best efforts to comply with its obligations under the Municipal Freedom of Information and Protection of Privacy Act, 1990.”

(b) “9. In Schedule “A”, the Respondents attach the requested information that they are entitled to disclose and for which they have documentation.”

37. The Schedule “A” attachment in Zarah Walpole’s HRTO submission included a chart of all the RGI units in Simcoe County which deliberately left the number of bedrooms spaces blank.

38. On August 22, 2024, at 8:12 PM, the Applicant emailed one of the lawyer’s for the County of Simcoe, Alex Freeman-Carter, the lawyer for the City of Barrie, Ethan McIsaac, and Riley Brooks, with the following statements:

“...I’m not sure if you guys were honestly trying to be cooperative and didn’t realize the info you provided wasn’t what I was looking for or if you’re deliberately being uncooperative, but I was aware that info was publicly available online. I’m looking for the specific number of RGI units by bedroom number, per property. In the original FOI, I layout the format. I know the layout I provided appears similar to the layout you provided, but it is not the same. The reason I want this information is simply to know the size of mailbox a unit needs. I cannot figure this out without knowing how many bedrooms a unit has, and I only care about the RGI units. This info will allow an architect to do the drawings, which will provide an appraisal, which is imperative when requesting funds for grants...”

39. On August 23, 2024, at 6:22 AM, the Applicant submitted a Response to the Respondent’s Form 11, and another Form 10, and a document titled; ‘Feeding Barrie.pdf’. In paragraph 6 of my Form 10, the Applicant stated:

“I am asking that the respondents produce the documents I’ve been seeking since June 29, 2024. It’s been nearly two months since I’ve requested this simple, easy-to-access information that is not available publicly.”

40. The Respondents have not provided this information.