

ONTARIO SUPERIOR COURT OF JUSTICE

B E T W E E N:

BARRIE MUNICIPAL NON-PROFIT HOUSING CORPORATION

Plaintiff / Responding Party

and

LEAH DYCK

Defendant / Moving Party

**NOTICE OF MOTION
(MOTION TO DISMISS)**

The Defendant / Moving Party, Leah Dyck will make a motion to a judge of the Ontario Superior Court on February 18, 2024 , at 9:30 AM, or as soon after that time as the motion can be heard via Zoom videoconference at the Barrie courthouse, 75 Mulcaster Street, Barrie, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard by video conference because it is opposed.

THE MOTION IS FOR:

1. An order made under section 137.1 of the Courts of Justice Act (CJA) to dismiss the defamation action brought against the Defendant by the Plaintiff;
2. An order made under section 137.1 (9) of the CJA directing the Plaintiff to pay to the Defendant damages if the judge finds that the Plaintiff brought the proceeding in bad faith or for an improper purpose;

3. Such further and other relief as to this Honourable Court may seem just.

THE GROUNDS FOR THE MOTION ARE:

4. The Plaintiff, the Barrie Municipal Not-Profit Housing Corporation (BMNPHC), also known as Barrie Housing, is a corporation incorporated pursuant to the Not-for-profit Corporations Act of Ontario. The Plaintiff is the largest housing services provider in the City of Barrie, and owns and operates 14 properties; 964 units, for the primary purpose of providing safe and affordable housing, to roughly 3,000 tenants.
5. The Defendant, Leah Dyck, has been a tenant of Barrie Housing since 2009.
6. The Defendant is also a registered charity: 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 Defendant coordinated the delivery of fresh food to +8,000 low-income recipients within the City of Barrie and the Township of Innisfil.
7. The Defendant uses her public platforms, Facebook and her website: www.FreshFoodWeekly.com, to publish the actions and behaviours of the Plaintiff that she witnesses, to inform the public.
8. The Defendant's tenancy, as well as her role in her charity provides her with qualified privileged access to both first and second-hand accounts of abuse and exploitation of disadvantaged tenants, regularly, by the Plaintiff.
9. The Plaintiff alleges that its "good" name and reputation were damaged by public statements made by the Defendant, pursuant to Libel and Slander Act.
10. The Plaintiff alleges that the Defendant has engaged in a malicious campaign of online defamation against the Plaintiff and its employees.

11. The Plaintiff alleges all the Defendant's posts are false, incorrect, misleading, and untrue, and are maliciously posted with the intention of maximizing the Defendant's audience for the primary purpose of denigrating the Plaintiff (and its employees) reputation and name.
12. The Defendant alleges the Plaintiff's defamation action is "strategic litigation against public participation" and brings this motion to dismiss the action under s. 137.1 of the Courts of Justice Act ("CJA"), often referred to as the "anti-SLAPP" law.
13. The Plaintiff is a large and powerful entity that is using litigation to intimidate the Defendant, a smaller and more vulnerable opponent, to silence her public expression. Therefore, because the public statements relate to a matter of public interest, the analysis in s. 137.1 of the CJA is engaged.
14. The contents of the Defendant's online postings are founded, correct and substantiated allegations of criminality against the Plaintiff and its employees, which include but are not limited to: fraud, corruption, major crimes, cover-ups of major crimes, comparisons to the Nazi regime, fostering an environment conducive to human trafficking, exploitation, discrimination and other illegalities.
15. Regardless of whether the Plaintiff's allegation that the words complained of are defamatory, the decision to dismiss the defamation action is based solely on this court's application of the statutory analysis set out in s. 137.1 of the CJA.
16. Because the public statements made by the Defendant relate to a matter of significant public interest, the s. 137.1 analysis is engaged.
17. Under the Protection of Public Participation Act, 2015, a Defendant can bring a motion to dismiss a SLAPP at any stage of the litigation process.
18. Such further and other grounds as the self-represented Defendant may seek and this Court permits.

THE FOLLOWING DOCUMENTARY EVIDENCE WILL BE USED:

19. Affidavits of Mary-Anne Denny-Lusk;
20. Affidavit of Soula White;
21. Affidavit of Ashley Sutherland;
22. Affidavit of Leah Dyck;
23. Such further and other evidence as the self-represented Defendant wills and this Honourable Court permit.

DATE: November 29, 2024

Leah Dyck
Self-represented Defendant
507-380 Duckworth St.
Barrie, ON L4M 6J8
Tel: (705) 718-0062
Email: Leah.dyck@icloud.com

TO **HGR Graham Partners LLP**
Lawyer of the Plaintiff
190 Cundles Road East, Suite 107
Barrie, ON L4M 4S5
Tel: (705) 737-1249 ext. 171
Email: RBrooks@hgrgp.ca

RCP-E 61A (February 1, 2021)

Courts of Justice Act

BACKSHEET

*BARRIE MUNICIPAL NOT-PROFIT
HOUSING CORPORATION*

-and-

LEAH DYCK

Plaintiff

Defendant

Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
BARRIE

Motion to Dismiss

LEAH DYCK
November 29, 2024

Leah Dyck
507-380 Duckworth St.
Barrie, ON L4M 6J8
Tel: (705) 718-0062
Email: leah.dyck@icloud.com

Self-represented Defendant

RCP-E 4C (September 1, 2020)