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Andrea Gonsalves
Direct Line: 416-593-3497
andrcag@stockwoods.ca

April 12, 2022

**Delivered by Process Server
and by email jironside@fivepointsmedia.ca**

John Ironside - and -
Five Points Media at 3B Solutions
Big Blue Box Studio
310 Innisfil Street
Barrie, Ontario, L4N 303

Dear Mr. Ironside:

Re: Defamation Notice

We are legal counsel to Jason Hejja. He has retained us in respect of defamatory, malicious and damaging statements you and Five Points Media have made about him on various internet locations including the Five Points Media website (fivepointsmedia.ca), the Ontario Community Awareness Network ("OCAN") Facebook page (www.facebook.com/ocanetwork.ca/), and Change.org. He demands that you retract your defamatory statements and confirm you will cease all public statements about him. I urge you to consult with a lawyer about the contents of this letter.

We take the position that notice is not required under the *Libel and Slander Act* for the medium in which you chose to publish your defamatory statements. Without prejudice to that position, if notice is required this letter constitutes notice under the *Libel and Slander Act* that your statements are actionable and our client intends to assert his legal rights against you.

Between February 27, 2022 and March 24, 2022, you have published a number of internet posts containing defamatory statements about Mr. Hejja. The posts are attached to this letter and are as follows:

1. <https://www.fivepointsmcmedia.ca/housinQ-lanlord-ahusc-hc,trO1.html>, published February 27, 2022
2. <https://ww,v.fivepointsmcmedia.ca!J10usinQ-lancllord-abusc-bcar0'.html>, published March 2, 2022
3. <https://www.fivepointsmcmedia.ca/justicc-for-bcar-pctition-pro1110-2022.htm1>, published March 10, 2022

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TD NORTH TOWN, 77 KING STREET W. TORONTO, ONT. M5X 1C5 • TEL: 416-593-7000 • FAX: 416-593-9345

4. <https://www.fivepointsmedia.ca/housing-landlord-abuse-bear01.html>, published March 18, 2022
5. <https://www.fivepointsmedia.ca/housing-landlord-abuse-bear01.html>, published March 20, 2022
6. <https://www.fivepointsmedia.ca/housing-landlord-abuse-bear01.html>, published March 24, 2022
7. <https://www.change.org/p/ontario-government-turns-a-blind-eye-to-fraud-and-negligence-against-a-barrie-father-who-died-in-a-frozen-trailer-why-are-they-not-seeking-charges-for-child-custody>, published March 10, 2022
8. Various posts on the OCAN Facebook page, www.facebook.com/ocanetwork.ca/, between February 27, 2022 and March 24, 2022 (collectively, the "Defamatory Publications").

Mr. Hejja objects to each and every one of the Defamatory Publications in its entirety as defamatory of him. Without limiting the scope of our client's complaint, the statements about which our client complains in each Defamatory Publication include the following:

1. <https://www.fivepointsmedia.ca/housing-landlord-abuse-bear01.html>, published February 27, 2022

- Title: "A Slumlord's Abuses Are Exposed When a Tenant is Found Dead in a Trailer During Winter"
- "That is where the mobile summer camper trailer was parked in which this human being endured -30-degree temperatures with nothing more than a blanket for protection."
- "Bear and public money through Disability paid an absentee and negligent landlord more in rent per month than is true of what some people pay for an apartment."
- "The inadequate 'rented residence' was not insulated, other than by some Styrofoam and building materials we had donated to Bear out of our renovations. It was also heated only by a grossly inadequate plug-in space heater. It had no plumbing, only a chemical toilet that was constantly frozen in the winter, and no cooking facilities."
- "Bear was collecting Disability and he was a desperate man who had nowhere else to go. So, he reluctantly agreed to rent this trailer for the unbelievable sum of \$700.00 per month."
- "'somebody' was using the backyard presumably to make money as a parking lot for snowmobiles and commercial trailers."
- "We all know that the greed of landlords in Barrie is virtually out of control, but what kind of a monster charges a disabled man \$700.00 a month to live in what amounts to a metal and cloth box with no insulation or other protection against the elements?"
- "We cannot allow this kind of shameless greed to continue in our city, which is being committed all too often at the ultimate cost of the poor and vulnerable."
- "if his living conditions are deemed by the coroner to be a contributing factor to Bear's death, we will be pushing for charges to be laid against the landlord(s). At the very least, Criminal Negligence could apply"

2. <https://www.fivepointsmcmedia.ca/housing-landlord-abuse-hear02.html>, published March 2, 2022

- Title: "Slumlord Blocks Family from Recovering Property of Tenant Found Dead in a Trailer During Winter"
- "This is the deepening story of negligence and fraud committed by a Barrie slumlord against a disabled man. On February 26th, 2022, Jay Marche, known to his friends as Bear, was found dead within a poorly heated and uninsulated camping trailer that was rented to him during sub-zero temperatures for the cost of \$700.00 per month, paid for by the Ontario Disability Support Program."
- "[Marche's family] came to 306 Innisfil St. to collect whatever belongings their son, uncle, brother, and stepson had left in the uninsulated trailer for which the Ontario Disability Support Program had paid the landlord, Jason Hejja, \$700.00 per month so this man could endure temperatures below -30 degrees without adequate heat and no insulation."
- "They then came to our studio looking for help after learning that the negligent landlord had padlocked the door with an entirely new latch that was not there when Bear was found nearly dead in the cold metal box he was forced by poverty to call home."
- "the landlord illegally locked the trailer, evidently with the intent being to restrict the family from gaining access to the truth of his negligence."
- "When police arrived, they called Jason Hejja to ask for the padlock combination. He refused to provide it and said he would come to the trailer in about 40 minutes. The officers also seemed unable to understand the obvious stalling tactic."
- "This is the story of how a man with disabilities was found dead in a grossly inadequate uninsulated summer trailer during sub-zero temperatures which Jason Hejja rented as a room for the price of \$700.00 a month that he collected directly from ODSP. The facts speak for themselves."
- "the landlord, Jason Hejja, tried to bully my camera and me off site, going so far as to threaten me with arrest. He also tried to coerce Bear's family members to bust open the trailer. After I left, I am told the slumlord tried to buy off Bear's mother with an offer of transferring ownership to her."
- "For Jason Hejja to make such a self-serving comment [a reference to you allegedly calling Brown a "traitor"] given the circumstances demonstrates a level of callousness and self-absorption nonnally reserved for narcissists and sociopaths."
- "Jason Hejja removed his padlock but then claimed not to have a key to the trailer that had been mysteriously double-locked immediately after Bear's death. We all saw this as an obvious attempt to delay the matter further"
- "The police officers also recommended strongly that the slumlord do his own dirty work."
- "the door finally opened, and it became obvious why Jason Hejja did not want the family or our cameras to gain access before he could sanitize the living hellhole that Jason Marche had endured throughout the winter before ultimately losing his battle.."

- "Jason Hejja asked to be able to take pictures before the family entered the trailer, and he insisted that I not go inside. Both demands were vetoed by the police and the family who saw his motivations as self-serving. Bear's niece had to argue vehemently with the slumlord, raising the level of emotional strain for all."
- "I photographed everything that seemed in any way relevant to the civil and hopefully criminal cases that are soon expected to be levied against Jason Hejja and his partners. I then recorded an emotional appeal on camera by Diane who is seeking both real justice for her son and changes in laws that will protect others who have been abused by landlords like Jason Hejja."
- "when it comes to Jason Hejja I saw neither remorse nor any sense of responsibility. He was clearly interested in one thing only, covering his own best interests. Upon leaving the site, I asked the slumlord if he wanted to say his piece on camera. I thought maybe he would express some remorse, or perhaps try to make people understand how he felt justified in charging \$700.00 a month for a fellow human being to live in an uninsulated metal and cloth coffin that was devoid of adequate heat, had no insulation, no working plumbing, and no functioning cooking facilities. His only response was to say, "I have no time for this" and "I simply don't care"."

3. **<https://www.fivepointsmedia.ca/justice-for-bear-petition-promo-2022.html> (text & video), published March 10, 2022**

- "Those who follow our page will know the story of Jason (Bear) Marche, a Barrie man and father who on February 26th, 2022, was found dead in an uninsulated and illegal trailer he rented from a slumlord named Jason Hejja."
- "Our goal is to push for the prosecution of the slumlord who showed no concern for the health or safety of two tenants who collected Disability. He also defrauded ODSP, which is paid for by all taxpayers, by misrepresenting the trailer as being a legal dwelling."
- "We hope this video will inspire others to sign and to help us put pressure on the municipal and provincial governments to take action against the slumlord, instead of sweeping this under the rug in their own best interests."
- Video title: "Help make a slumlord pay for abuses and fraud after a Barrie man is found dead in an illegal rental trailer"
- "Slumlord Jason Hejja Illegal Apartments Rented Exclusively to the Disabled"
- "Defrauding ODSP"
- "Slumlord Should be Charged - Negligence"
- "No insulation - Always cold - Freezing pipes - No cooking"
- Marche "was found dead in an uninsulated death trap"
- "the slumlord Jason Hejja illegally blocked access" to the trailer
- "there was no working kitchen inside this metal coffin"
- "the slumlord Jason Hejja needs to be held accountable for renting an illegal deathtrap especially to someone suffering a disability" with graphics of prison bar doors closing over a video still image of you

- "Please sign our petition seeking charges against the slumlord"

4. **<https://www.fivepointsmedia.ca/housing-local-politicians-and-media-evade-facts-to-protect-slumlord-after-man-dies-in-frozen-trailer-2022.html>**, published March 18, 2022

- Title: "Local Politicians and Media Evade Facts to Protect Slumlords After Man Dies in Frozen Trailer, 2022"
- "On February 26th, 2022, a likable Barrie man and father, Jason (Bear) Marche, was found dead in an uninsulated and poorly heated trailer in the backyard of 306 Innisfil St. Bear was not homeless. ODSP had paid the slumlord \$700.00 of taxpayer money every month to rent what he claimed was a legal dwelling but was in truth little more than a freezing cold metal box without running water, cooking, or working sewage facilities."
- "So far, no other media outlet in Simcoe County has told the truth of this story, and Conservative politicians are refusing to act regarding transparent crimes."
- "There has been one other media story, to which we have provided a link below. The 'article' at Simcoe.corn is not journalism. It is one-sided reporting, otherwise known as propaganda. The writer did not speak with Bear's mother nor with his other family members, and they did not even try to reach other tenants or people nearby to the house who knew the truth. That was not the purpose of the story. The 'journalist' spoke to one person, the slumlord Jason Hejja, and the writer simply regurgitated whatever he said verbatim."
- "why would either of them tell the truth or take action to hold the slumlord, Jason Hejja, accountable, especially as he has told me personally that he is essentially the property manager and a small investment holder, and that the house is owned by a group of unidentified local businesspeople."
- "So, what do we do when the mainstream media will not report on a story ethically, and Conservative politicians will not take action to expose the truth of the fraud and negligence committed by the slumlord that could have led to the death of a constituent?"
- "We feel this will help to explain why these sworn servants of the people refuse to act against a man or group of people who at the very least defrauded ODSP."

5. **<https://www.fivepointsmedia.ca/housing-social-media-post-eliminates-any-chance-for-denial-by-conservative-mpp-andrea-khanjin-2022.html>**, published March 20, 2022

- "Andrea Khanjin, the Conservative MPP for Barrie-Innisfil who is seeking re-election this year, has refused to reply in any way to our calls for an investigation into the fraud committed by the slumlord, Jason Hejja, who rented to our friend Jason (Bear) Marche an uninsulated and poorly heated deathtrap of a trailer that he was found dead in on February 26th, 2022."
- "My issue has been a request for an investigation that would, under Section 380 of the Criminal Code of Canada, result in criminal charges being laid against Jason Hejja, the slumlord who owns or represents 306 Innisfil St. It is in the backyard of that house that

your constituent, Jason (Bear) Marche, a man under the protection of the Ontario Disability Support Program, was found dead in a frozen trailer on February 26, 2022."

- "There is little doubt to those that take the time to review the evidence that Hejja financially defrauded the ODSP, and as such the taxpayers of Ontario, by accepting by direct deposit \$700.00 a month for the rent of an "apartment" that did not exist. In truth, Hejja was providing to a disabled man an uninsulated and poorly heated trailer with no working plumbing, cooking facilities, or sewage."
- "So, why would the current government not be eager to recover the money paid for this deathtrap and charge the slumlord with fraud? Could it be the owners are supporters of your campaign and you simply don't want to bite the hand that feeds you? Why else would you be trying to bury this story? Or, could it be that by running with this story we are opening up a world of trouble for local slumlords, all too many of them, who cheat the taxpayers of Ontario while at the same time abusing those who suffer at the lowest economic levels of our society?"

6. **<https://www.fivepointsmedia.ca/housing-are-local-mpps-using-the-death-of-a-disabled-man-for-political-gains-2022.html>, published March 24, 2022**

- "Finally, late in the afternoon of Monday, March 21, 2022, an anonymous member of Andrea Khanjin's staff sent to us a reply to our request for information regarding the transparent crime of fraud that has been committed against the taxpayers of Ontario by Jason Hejja. He is the slumlord who owns or operates the house at 306 Innisfil St. in Barrie where our friend Jason (Bear) Marche was found dead on February 26th in an illegal, uninsulated, poorly heated trailer that had no working plumbing, no cooking facilities, and no access to sewage. The slumlord was charging ODSP \$700.00 a month for that deathtrap."
- "Our response, included below, asks how the act of fraud as committed against the taxpayers of Ontario through deception by the slumlord to the MCCSS through ODSP has ANY connection of ANY kind with property standards."
- "This information comes directly from the government's own website, located at <https://www.ontario.ca/page/attorney-general> 'Criminal prosecutions - The Attorney General is responsible for the prosecution of criminal offences. Prosecutors are agents of the Attorney General and conduct the prosecutions.'
This official statement by the government of Ontario would suggest that the Attorney General could at the very least initiate the investigation and prosecution of the slumlord's obvious offence under Section 380 of the Criminal Code of Canada, especially as it was committed against the taxpayers of Ontario."

7. <https://www.change.org/p/ontario-goYcrnmen t-tur ns-a-b lnd-cH-to-fraud-and-uegligen ce-after-a-barrie-father-is-fou nd-dead-in-a-frozc n-trailc r-wh y-arc-th cv-not-sccking-chargcs-for-chcating-odsp>, published March 10, 2022

- Title: "Jason Marche died in a frozen trailer as a slumlord defrauded taxpayers through ODSP"
- "Public money provided through the Ontario Disability Support Program paid a slumlord \$700.00 per month in rent."
- "The illegal 'rented residence' was not insulated, other than by some Styrofoam and building materials that had been donated to Bear by concerned neighbours. It was also heated only by a grossly inadequate plug-in space heater. It had no working plumbing, only a chemical toilet that was constantly frozen in the winter, and no functional cooking facilities."
- "Bear was a desperate man who had nowhere else to go. So, he reluctantly agreed to rent this trailer."
- "We demand justice for our friend Bear by seeking criminal prosecution for negligence against the slumlord, Jason Hejja, and his partners who appear to be in hiding, or at the very least for fraud against ODSP."

Mr. Hejja also complains about various posts on the Ontario Community Awareness Network Facebook page between February 27, 2022 and March 24, 2022, which repeat the statements set out above.

The statements in the Defamatory Publications are defamatory of and concerning Mr. Hejja in their plain and ordinary meaning and in their express and implied meanings. Without limiting the defamatory natural and ordinary meanings and innuendos of the Defamatory Publications, the words you published about our client in the Defamatory Publications meant and were reasonably understood to mean, that:

- a. Mr. Hejja is a slumlord.
- b. Mr. Hejja committed abuses toward Marche that played a role in his death.
- c. Mr. Hejja is responsible for conditions of the trailer, which played a role in Mr. Marche's death.
- d. At the time of Mr. Marche's death, the inside of the trailer was -30 degrees and Mr Hejja took no steps to insulate or heat the RV, or to otherwise make it suitable for living in such temperatures.
- e. Mr. Hejja was and is an absentee and negligent landlord. He cared only for taking rent money from a vulnerable individual, Mr. Marche.
- f. Mr. Hejja knowingly rented to Marche a trailer that was not suitable for human life.
- g. Mr. Hejja knowingly rented to Marche a trailer that did not have adequate heat, insulation, plumbing or cooking facilities.
- h. Mr. Hejja had a callous disregard for Marche's life, well-being, health and/or safety, and cared only about his own interests.
- i. Mr. Marche did not want to rent the trailer for \$700/month and did so only because Mr. Hejja took advantage of him.

- j. Mr. Hejja is a shameless, greedy monster who preyed on the poor, the vulnerable, and/or those with disabilities.
- k. Mr. Hejja has engaged in criminal conduct.
- l. Mr. Hejja engaged in criminal negligence and fraud.
- m. Mr. Hejja should be criminally charged and prosecuted.
- n. Mr. Hejja belongs in prison.
- o. The provincial and federal governments should take action against Mr. Hejja for his criminal conduct.
- p. Mr. Hejja is a bully and he threatened you with a trespass notice without legal basis.
- q. Mr. Hejja tried to buy off or bribe Mr. Marche's mother so she would not pursue him for his wrongdoing.
- r. The police consider Mr. Hejja a slumlord who was stalling so his wrongdoing would not be detected.
- s. Mr. Hejja wanted to cover up the conditions in the trailer, which he was aware of, before anyone else could see.
- t. Mr. Hejja felt no remorse or responsibility with respect to Mr. Marche's death.
- u. The reporting in Simcoe.com, which presents Mr. Hejja's side of the story, is untrue propaganda.
- v. Mr. Hejja has cheated the taxpayers of Ontario.
- w. Mr. Hejja defrauded and deceived the Ontario Disability Support Program.

These allegations are completely false and unfounded. Without conducting any investigation you have presented as fact statements that are entirely false, inaccurate or egregiously misleading. Based on nothing other than conjecture and your animus towards Mr. Hejja, you have presented a highly distorted picture of reality to the public. You have chosen to publish these statements to the widest possible audience through public websites. You have repeated, and indeed intensified, your defamatory allegations about Mr. Hejja over several weeks, and you have called for others to amplify and repeat the defamatory statements.

Your conduct reveals a deliberate destructive campaign of insinuations about Mr. Hejja that appear calculated to destroy his reputation. Your published statements indicate that one of your aims was to have the Defamatory Publications appear on a Google search of Mr. Hejja's name, including so that his employer or prospective employers would discover your damaging statements about him. You are actively promoting a public campaign to have him charged and prosecuted. Your actions plainly appear to be motivated by a malicious intent to cause Mr. Hejja harm.

You published the Defamatory Publications with utter disregard for the truth, which includes the following:

- Mr. Hejja undertook significant efforts and made upgrades to ensure the trailer was suitable for year-round occupancy, including through cold winter months.
- At the time Mr. Hejja rented the trailer to Mr. Marche it had fully working interior lights, kitchen sink, toilet, shower, bathroom sink, microwave, stove and oven, fridge, electric kettle, a single burner electric cooktop, and electric toaster/convection oven. There was also a space heater in the RV.

- Mr. Hejja was reluctant to rent the trailer to Mr. Marche. It was only after Mr. Marche asked repeatedly and assured Mr. Hejja that he was prepared for the work of living in a trailer that Mr. Hejja agreed. Mr. Marche said he wanted a small space of his own and Mr. Hejja wanted to help him.
- During the time Mr. Marche rented the trailer, he raised a handful of minor issues with Mr. Hejja. Mr. Hejja addressed these issues promptly. Beyond these minor issues, Mr. Marche did not tell Mr. Hejja there were any problems with the trailer or anything that needed repair or improvement.
- The police have investigated the circumstances of Mr. Marche's death and no charges or allegations of wrongdoing have been made against Mr. Hejja.

We understand that you have an acrimonious history with Mr. Hejja. You live next door to his rental property and have complained for some time about the tenants at that property. Your public defamatory campaign against Mr. Hejja appears to be motivated by your personal grievances towards him and a desire to visit harm upon him, rather than a genuine interest in communicating the truth.

The defamatory statements you have made are extremely serious. You chose to circulate them to an audience where they have the greatest potential to cause harm to our client. Your statements and actions have caused and will continue to cause serious personal and reputational harm to Mr. Hejja, as well as cause him financial harm, humiliation, ridicule and emotional and psychological distress.

Your actions constitute defamation and other causes of action for which you are legally responsible. There is no defence recognized in law for your actions in knowingly making such harmful, false allegations. Our client reserves his rights to pursue all remedies available to him at law in respect of your conduct.

To mitigate the damages the Defamatory Publications are causing to Mr. Hejja he demands that you immediately:

1. remove all the Defamatory Publications from the Five Points Media website, the OCAN Facebook page, and the Change.org website;
2. immediately cease all defamatory statements about our client and undertake not to make or repeat any further defamatory statements about him;
3. post on the Five Points Media website and the OCAN Facebook page an unequivocal retraction of your statements and an unequivocal apology to Mr. Hejja, using the following statement:

Since February 27, 2022 we published several statements on this site about Jason Hejja that were entirely false and unfounded. We should not have

made these statements, as they were untrue, and we retract them fully. We recognize our statements have caused harm to Mr. Hejja, which we deeply regret. We unequivocally apologise to him for our actions.

together with a link to a factually accurate account of events, either written by us or written by you and vetted and approved by us.

We require a response by **5:00 pm on Monday, April 18, 2022**, confirming that you agree to and have complied with these terms. If we do not hear from you or your legal counsel by that date, our client may take any and all appropriate legal steps to protect his interests, including commencing legal action against you for damages and seeking injunctive relief, without further notice to you.

As you have been put on notice of our client's legal claims, we require that you immediately take steps to preserve all documents (including electronically stored information) in your possession, power or control that are relevant to the matters addressed in this notice. All records must be preserved intact and unmodified.

Please also note that any new publication by you of any further defamatory statements about our client may result in him taking legal action against you without notice. Having been put on notice of the matters set out in this letter, we will consider any further statements to be clear evidence of malice, warranting aggravated and punitive damages.

It is important that you do not disclose this letter or its contents to anyone except legal counsel. We will consider doing so to constitute further publication of the defamatory statements set out herein causing further harm to our client, and to be evidence of malice.

Please be further advised that, pursuant to the *Trespass to Property Act*, our client, as an occupier of 306 Innisfil Rd, Barrie, gives notice that you have no permission to enter onto the premises of 306 Innisfil Rd for any purpose or activity and are expressly prohibited from entry onto the premises. This prohibition includes the land and the structures at 306 Innisfil Rd. If you enter onto the premises at 306 Innisfil Rd., you will be committing trespass and may be held criminally and civilly liable. Our client intends to assert all of his rights under the *Trespass to Property Act*.

I look forward to a response from you or your lawyer by April 18, 2022.

Yours truly,



Andrea Gonsalves
AG/ac

Enclosures