

Richmond Hill
Small Claims Court

SC-25-00002434-0000
Claim No.

8500 Leslie Street
Thornhill, Ontario L3T 7M8

Address

905-731-2664
Phone number

Plaintiff No. 1

Additional plaintiff(s) listed on attached Form 1A.

Last name, or name of company Chou		
First name Yi Chin	Second name	Also known as Jenna
Address (street number, apt., unit) 57 Hopewell Street		
City/Town Kleinburg	Province Ontario	Phone no. 416-571-3662
Postal code L4H 3Y2	Email address jenna.chou@gmail.com	
Representative self-represented		Law Society of Ontario no.
Address (street number, apt., unit)		
City/Town	Province	Phone no.
Postal code	Email address	

Defendant No. 1

Additional defendant(s) listed on attached Form 1A.

Last name, or name of company FirstService Residential		
First name	Second name	Also known as
Address (street number, apt., unit) 2645 Skymark Avenue, Suite 101		
City/Town Mississauga	Province Ontario	Phone no.
Postal code L4W 4H2	Email address	
Representative Ryland MacDonald		Law Society of Ontario no. 64134T
Address (street number, apt., unit) 480 University Avenue, Suite 081		
City/Town Toronto	Province Ontario	Phone no. 416-679-2781
Postal code M5G 1V2	Email address rmacdonald@sbalawyers.ca	

Les formulaires des tribunaux sont affichées en anglais et en français sur le site www.ontariocourtforms.on.ca. Visitez ce site pour des renseignements sur des formats accessibles.

Complete Part A or Part B below, then complete the affidavit in support of motion on page 3.

A. THIS COURT WILL HEAR A MOTION on _____, 20____, at _____ (Time)

or as soon as possible after that time.

This motion will be made by FirstService Residential (Name of party)

(choose one of the following)

by videoconference: _____ (Video conference details)

by teleconference: _____ (Telephone conference details)

in person, at: _____ (Address of court location and courtroom number)

for the following order:

the court's permission to extend time to (Specify) _____

set aside default judgment and noting in default.

set aside noting in default.

permission to file a Defence.

permission to file a Defendant's Claim.

set aside order dismissing claim as abandoned.

terminate garnishment and/or withdraw writ(s).

other:

An order to strike and/or dismiss the Plaintiff's Claim, in its entirety, without leave to amend, pursuant to Rule Rule 12.02(1)(a) and (c) and 12.02(2) 1. of the Small Claims Court Rules. Specifically for the following reasons:

- 1. There are insufficient facts and evidence to support the causes of action alleged;
- 2. No reasonable cause of action is disclosed;
- 3. The claim is inflammatory, a waste of time, a nuisance, and an abuse of the court's process; and
- 4. The limitation period for this claim had expired at the time it was filed.

ADDITIONAL PAGES ARE ATTACHED BECAUSE MORE ROOM WAS NEEDED.

DOCUMENTS ARE ATTACHED.

NOTE: IF YOU FAIL TO ATTEND A MOTION, an order may be made against you, with costs, in your absence.

B. This motion in writing is made by

(Name of party(ies))

for the following order: (select one)

assessing damages against

(Name of defendant(s))

who have/has been noted in default.

substituted service of a plaintiff's claim or defendant's claim on

(For a plaintiff's claim, name(s) of defendant(s); for a defendant's claim, name(s) of defendant(s) by defendant's claim)

other:

AFFIDAVIT IN SUPPORT OF MOTION

My name is Liam Swain

(Full name)

I live in Toronto, Ontario

(Municipality & province)

I swear/affirm that the following is true:

Set out the facts in numbered paragraphs. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

See attached Schedule "A"

AFFIDAVIT IN SUPPORT OF MOTION, continued

If more space is required, attach and initial extra pages.

Sworn/Affirmed before me (select one): in person OR by video conference

Complete if affidavit is being sworn or affirmed in person:

at the City of Toronto, in the Province of Ontario, on December 23, 2025

Signature of Commissioner (or as may be)

Signature of Deponent

14-00000

Complete if affidavit is being sworn/affirmed by videoconference and deponent and commissioner are in same city or town:

by _____ at the _____
 (deponent's name) (city, town, etc.)

of _____ in the _____
 (County, Regional Municipality, etc.)

of _____, before me on _____
 (date)

in accordance with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be)

 Signature of Commissioner (or as may be)

 Signature of Deponent

Complete if affidavit is being sworn/affirmed by videoconference and deponent and commissioner are not in same city or town:

by _____ at the _____
 (deponent's name) (city, town, etc.)

of _____ in the _____
 (County, Regional Municipality, etc.)

of _____, before me at the _____
 (city, town, etc.)

of _____ in the _____
 (County, Regional Municipality, etc.)

of _____, on _____ in accordance
 (date)

with O. Reg. 431/20, Administering Oath or Declaration Remotely.

Commissioner for Taking Affidavits (or as may be)

 Signature of Commissioner (or as may be)

 Signature of Deponent

WARNING: IT IS AN OFFENCE UNDER THE CRIMINAL CODE TO KNOWINGLY SWEAR OR AFFIRM A FALSE AFFIDAVIT.

Missing



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**ONTARIO
SUPERIOR COURT OF JUSTICE**

BETWEEN:

YI CHIN (JENNA) CHOU

Plaintiff

- and -

FIRSTSERVICE RESIDENTIAL

Defendant

**FACTUM OF THE DEFENDANT
FIRSTSERVICE RESIDENTIAL**

December 23, 2025

SBA Lawyers LLP
480 University Avenue
Suite 801
Toronto, Ontario M5G 1V2

Ryland MacDonald
(64134T)
rmacdonald@sbalawyers.ca
Tel: 416-679-2781 ext. 255
Fax: 647-689-4623

Lawyers for the Defendant,
First Service Residential

TO: Yi Chin (Jenna) Chou
jenna.chou@gmail.com
Tel: 416-571-3662

Plaintiff (Self-Represented)

Why is this relevant in a FACTUM??

PART I: OVERVIEW

1. The Defendant, FirstService Residential, brings this motion for an order to strike the Plaintiff's claim in its entirety and have the same dismissed pursuant to Rule 12.02(1)(a) and (c) and 12.02(2) 1. of the Rules of the Small Claims Court, O Reg 258/98, on the basis that it discloses no reasonable cause of action and is inflammatory, a waste of time, a nuisance, and an abuse of the court's process. (States legal issues)

PART II - FACTS

2. The Plaintiff commenced an action against the Defendant in the Markham Small Claims Court bearing Court File Number SC-25-00002434-0000 on August 26, 2025. The Plaintiff's Claim makes the following bald allegations. Intentionally instead of abuse so why

Identify disputed facts (checklist)

- a) Criminal harassment, ✓ 50+ emails offer
- b) Fraud, ✓ This suicide
- c) Wrongful Convictions (Planned); and ✓ Nov 2, 2019 + Nov 20 & 23, 2019 arrest in sleep
- d) Conspiracy (#806-6471 Samit Bradan Velentia, Hazza, Allinson) + Mario Deo 5-7 people (Back of documents, take 7) fingerprint

Several documents are attached to the Plaintiff's Claim, but no facts are pleaded, and no connection is made between the attachments and the pleadings.

you R too stupid to connect & purposely lying to discredit defendant. Plaintiff's Claim filed August 6, 2025, Affidavit of Liam Swain, sworn December 23, 2025, Exhibit "A".

3. A settlement conference was held on December 12, 2025 before Deputy Judge Wallach. In his order, Deputy Judge Wallach describes the Plaintiff's Claim as "incomprehensible" and ordered the Plaintiff to amend her claim to make it "understandable" and to comply with the Rules. Deputy Judge Wallach set a deadline of

It was Motion to strike (MDO?)
check

sent 12/12/2025 email

December 20, 2025 for the Plaintiff to serve and upload her Amended Claim, along with an Affidavit of Service.

Endorsement Record of Deputy Judge Wallach, Affidavit of Liam Swain, sworn December 23, 2025, Exhibit "D".

4. The Plaintiff emailed three separate documents, purported to be her amended Plaintiff's Claim pursuant to the Endorsement, to the Defendant on December 16, 2025.

Affidavit of Liam Swain, sworn December 23, 2025, para 8.

5. The amended Plaintiff's Claim consists of three separate documents:

- a) A photograph of a Default Judgement cover page;
- b) A photograph of a document titled "Chou v FSR Statement of Claim"; and
- c) A photograph of a document outlining quantum of damages.

So I did state the claim & damages

Affidavit of Liam Swain, sworn December 23, 2025, para 9.

6. Like the original Plaintiff's Claim, the Amended Plaintiff's Claim makes bald accusations. The bald accusations made in the Amended Plaintiff's Claim include:

- a) Falsified Chargeback Statements;
- b) Destroying my property rendering my property useless;
- c) Management Harassment;
- d) Wrongful Arrest;
- e) Wrongful Imprisonment;
- f) Wrongful Criminal Charges.

All in photos of docs w court

Amended Plaintiff's Claim, Affidavit of Liam Swain, sworn December 23, 2025, Exhibit "F".

I did on 12/12/2025

of the Rules of the Summary

7. The Plaintiff has not provided the Defendant with an Affidavit of Service or any other indication that the Amended Plaintiff's Claim was filed with the Court.

Affidavit of Liam Swain, sworn December 23, 2025, para 12.

PART III - ISSUES, LAW AND ARGUMENT

8. The Defendant submits that the issue for determination on this motion is whether the Plaintiff's Claim and the Amended Plaintiff's Claim, ought to be struck in their entirety and this action dismissed on the grounds that it:

- a) discloses no reasonable cause of action; and
- b) is inflammatory, a waste of time, a nuisance, or an abuse of the court's process.

He's not (para 5)

Rule 12.02 of the Rules of the Small Claims Court

9. Rule 12.02 of the Rules of the Small Claims Court permits the court, on motion, to strike out or amend all or part of any document that discloses no reasonable cause of action or defence, that may delay or make it difficult to have a fair trial, or that is inflammatory, a waste of time, a nuisance, or an abuse of the court's process. In connection with an order striking out or amending a document pursuant to the preceding,

the court may also order that the action be stayed or dismissed and impose such terms as are just.

FOR you are the one who is obstructing court process by manipulating

Rule 12.02 of the Rules of the Small Claims Court, O Reg 258/98. See Schedule "B".

* I had suffered more damages due to Judge Douglas staying my cases/claims since 2023

10. The Ontario Court of Appeal has interpreted this rule to be situated somewhere between Rules 20 (Summary Judgement) and 21 (Determination of an Issue Before Trial)

the plaintiff (me)

of the *Rules of Civil Procedure*. A motion brought under Rule 12.02 is brought in the spirit of the summary nature of Small Claims Court proceedings and involves an analysis of whether a reasonable cause of action has been disclosed or whether the proceeding should be ended at an early stage because its continuation would be "inflammatory", a "waste of time" or a "nuisance".

(pg 9, 11) repeated - waste ab courts & plaintiff's time to read

Van de Vrande v Butkowsky, 2010 ONCA 230, para 19. See Tab 1 of Schedule "A"

11. In determining whether a claim is inflammatory, a waste of time, a nuisance, or an abuse of the court's process, the court is to apply a lower threshold than is required in finding that actions are frivolous, vexatious, or an abuse of process pursuant to Rule 21.01(3)(d) of the *Rules of Civil Procedure*.

same words as criminal/civil code/HRTO

Van de Vrande v Burtkowsky, 2010 ONCA 230, para 20. See Tab 1 of Schedule "A"

12. In determining whether a claim ought to be struck, a judge must consider whether there is a meaningful chance of success.

repeated in (pg 9)
Wurdell v Paramount Safety Consulting Inc. & Ben Scipione, 2024 ONSC 669, para 36. See Tab 2 of Schedule "A"

13. In determining whether there is a meaningful chance of success and whether a claim ought to be struck the court is permitted under rule 12.02 to consider and weigh the evidence and make determinations of fact

Wurdell v Paramount Safety Consulting Inc. & Ben Scipione, 2024 ONSC 669, para 34-38. See Tab 2 of Schedule "A"

14. The Plaintiff's claim, as plead and as amended, does not disclose a reasonable cause of action. It makes bald, inflammatory allegations without pleading sufficient facts to support such allegations. There is no evidence to support these allegations.

I did

~~Yes there is!~~

It's in evidence docs.

Affidavit of Liam Swain, dated December 23, 2025, para 14.

15. In the absence of coherent pleadings of fact or provision of evidence supporting the allegations, the Plaintiff's Claim has no reasonable chance of success. It is a waste of time and ought to be struck and dismissed on that basis.

Not you to decide, abuse court process,

Affidavit of Liam Swain, dated December 23, 2025, para 15.

Limitations Act

16. Section 4 of the *Limitations Act, 2002* prohibits proceedings from being commenced in respect of a claim after the second anniversary of the day on which the claim was discovered.

cc. offense



frustration
Retaliation

Motion sent

Motion to Amok Limitation Act
emailed 12/12/2025

Limitations Act, 2002, SO 2002, c 24, Sched. B, s. 4. See Schedule "B".

17. In the Amended Plaintiff's Claim, the Plaintiff refers to alleged conduct that is limitation-barred on its face. The Plaintiff refers to falsified chargeback statements from June 2018 to November 2019, management harassment since May 2018, and wrongful imprisonment on November 2, 2019. Each of these allegations is statute barred. Even if there were facts plead to support these allegations, there would be no reasonable cause of action found due to the limitations concerns. Therefore, proceeding to trial, based on the allegations pled, would be a waste of time and resources.

(page 16/17)

there is no statute of limitation for criminal offenses & conspiracy.

Amended Plaintiff's Claim, Affidavit of Liam Swain, sworn December 23, 2025, Exhibit "F".

PART IV – CONCLUSION AND ORDER REQUESTED

18. Ultimately, the Plaintiff's Claim remains incomprehensible, as described by Deputy Judge Wallach, notwithstanding the Plaintiff's amendments. It does not disclose a reasonable cause of action. It is inflammatory, a waste of time, a nuisance, and an abuse of the court's process. It stands no meaningful chance of success.

amended claim

no it's not

not in the

Again, repeating to intimidate plaintiff & mislead court

19. The Defendant respectfully requests that this Honourable Court grant an order striking the Plaintiff's claim in its entirety and have the same dismissed.

to strike claim

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 23 day of December, 2025.

After amended claims sent 12/23/2025

Ryland MacDonald
SBA Lawyers LLP

Lawyers for the Defendant,
FirstService Residential

RU a lawyer or a "commissioner"?

SCHEDULE "A"
LIST OF AUTHORITIES

TAB

1. *Van de Vrande v Butkowsky*, 2010 ONCA 230
2. *Wurdell v Paramount Safety Consulting Inc. & Ben Scipione*, 2024 ONSC 669

SCHEDULE "B" STATUTES

O Reg 258/98: RULES OF THE SMALL CLAIMS COURT under *Courts of Justice Act*, RSO 1990, c C.43

RULE 12 AMENDMENT, STRIKING OUT, STAY AND DISMISSAL

Motion to Strike out or Amend a Document

12.02 (1) The court may, on motion, strike out or amend all or part of any document that,

- (a) discloses no reasonable cause of action or defence;
- (b) may delay or make it difficult to have a fair trial; or
- (c) is inflammatory, a waste of time, a nuisance or an abuse of the court's process.

(2) In connection with an order striking out or amending a document under subrule (1), the court may do one or more of the following:

- 1. In the case of a claim, order that the action be stayed or dismissed.
 - 2. In the case of a defence, strike out the defence and grant judgment. *No, grant*
 - 2.1 In the case of a motion, order that the motion be stayed or dismissed. *me*
 - 3. Impose such terms as are just. *Why? on what grounds? I was harmed to prison*
- Judgement*

Limitations Act, 2002, SO 2002, c 24, Sched B

BASIC LIMITATION PERIOD

Basic limitation period *Motion to strike limitation Act sent 12/12/2015*

4 Unless this Act provides otherwise, a proceeding shall not be commenced in respect of a claim after the second anniversary of the day on which the claim was discovered.