

No cover page or  
referenced  
Exhibit A

SCHEDULE "A"

Affidavit of Liam Swain

I, Liam Swain of the City of Toronto in the Province of Ontario, MAKE OATH AND SAY

1. I am an articling student at the law firm of SBA Lawyers LLP lawyers for the Defendant FirstService Residential and as such had knowledge of the matters contained in this affidavit.

2. The Defendant makes this motion to strike the entirety of the Plaintiff's Claim and amendments thereto and have same dismissed pursuant to Rule 12.02 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.

Pleadings

3. The Plaintiff Yi Chin (Jenna) Chou filed a Plaintiff's Claim with the Markham Small Claims Court on August 6 2025. The Plaintiff's Claim makes the following legal allegations:

- 1. Criminal harassment
- 2. Fraud
- 3. Wrongful Convictions (Planned) and
- 4. Conspiracy (#806-9471, Samit Bradan Veerania, Haza Atkinson)

Several documents are attached to the Plaintiff's Claim but no facts are pleaded and no connection was made between the attachments and the pleadings Attached hereto and marked as Exhibit "A" is a true copy of the Plaintiff's Claim filed August 6 2025

4 While no facts were pleaded in the Plaintiff's Claim, I have reviewed the attachments affixed thereto and note that they refer to events which occurred in 2018 and 2019.

5 A court search was conducted on or around October 6, 2025. The court search indicates, and I verily believe, that as of October 6, 2025, the Plaintiff is involved, as the plaintiff, in 45 separate actions at the Small Claims Court. Attached hereto and marked as **Exhibit "B"** is a true copy of the Court Search dated October 6, 2025.

6 On October 20, 2025, the Defendant filed a Defence dated October 17, 2025. In it the Defendant pleads that the Defence was served for the purpose of preventing a notation in default, without prejudice to the right of the Defendant to bring any motion or take any other steps to have the claim dismissed. Attached hereto and marked as **Exhibit "C"** is a true copy of the Defence dated October 17, 2025.

7 At the Settlement Conference on December 12, 2025, the Plaintiff was ordered to amend her Plaintiff's Claim in accordance with Rule 7.01 so that it is "understandable." Attached hereto and marked as **Exhibit "D"** is a true copy of the Endorsement Record of Deputy Judge Wallach, dated December 12, 2025.

8 On December 16, 2025, the Plaintiff emailed three separate documents which she purported was her amended Plaintiff's claim pursuant to the Endorsement.

9 These documents are (1) a photograph of a Default Judgment cover page (2) a photograph of a document titled: "Chou v FSR Statement of Claim" and (3) a photograph

of a document outlining quantum of damages (collectively "Amended Plaintiff's Claim")

**Exhibit "E"** is a true copy of the "Amended Plaintiff's Claim".

10 The "Amended Plaintiff's Claim" makes bald allegations which 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.

11. There was no evidence attached to the "Amended Plaintiff's Claim."

12. The Plaintiff did not provide an Affidavit of Service and there is no indication that the "Amended Plaintiff's Claim" was filed with the Court.

**The Status of the Action**

13. I verily believe that the "Amended Plaintiff's Claim" should be struck and/or dismissed, pursuant to Rule 12.02(1)(a) and (c) and 12.02(2) 1., of the Rules of Small Claims Court because it discloses no reasonable cause of action and is inflammatory, a waste of time, a nuisance, and an abuse of the court's process.

14. I further verily believe that the Amended Plaintiff's Claim makes bald allegations without pleading sufficient facts to support such allegations, especially with respect to

*Just James responded*

*I did you*

*304*

*James*

*emabfs*

the more inflammatory allegations which vaguely accuses the Defendant of committing heinous acts such as rape, administering noxious substance ("drugging"), harassment, fraud and imprisonment. Even though the "Amended Plaintiff's Claim" contains more words than its predecessor, it is no more understandable. The Defendant cannot adequately respond to this claim given its vagueness and incoherency.

15. I further verily believe that the Plaintiff's Claim has no reasonable chance of success and is a waste of time given that the Plaintiff has provided no coherent evidence to support her allegations.

16. Also, all the alleged conduct appears to have occurred in 2018 and 2019. As such, her claim would be barred by the two-year limitation period under the *Limitations Act 2002*, even if they were proven to be true.

17. I further verily believe that the Defendant has incurred costs to defend this action and will continue to do so should the Plaintiff's Claim not be dismissed in its entirety.

18. I make this motion in support of the Defendant's motion to dismiss the Plaintiff's Claim and for no other reason or improper purpose.

Court  
SWOR

Handwritten signature and initials in blue ink.

2025  
before me

Court File No. SC-25-00002434-0000

**SWORN BEFORE ME** in person at the City of Toronto in the Province of Ontario on this 23<sup>rd</sup> day of December, 2025.

Commissioner for Taking Affidavits  
(or as may be)

**RYLAND MACDONALD**

*He is not*

*the complainant*

*City of Toronto*

*Way Jurisdiction  
of incident location*

*Liam Swain*

LIAM SWAIN

Court File No.: SC-25-00002434-0000

**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)

PART I: OVERVIEW

Why is this relevant in a FACTUM?!

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:

so why intentionally instead of abuse

Manipulate legal system by "commissioning" in Toronto

Identify disputed facts (clarified)

- a) Criminal harassment, ✓ dot email offer
- b) Fraud, ✓ This suicide 2017 vs 2019 Sam Mynit
- c) Wrongful Convictions (Planned); and ✓ Nov 2, 2019 + Nov. 20 & 23, 2019 arrest in sleep
- d) Conspiracy (#806-9471, Samit Bradan, Venetia, Haza, Allison) + 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 to court*

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

I did on 12/12/2025

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:

It's not (para 5)

- 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.

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,

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

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

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 of 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*.

repeated why? 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 11  
*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!*

*HLs 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

*cc. offense*

*frustrate*  
**Retaliation**

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.

*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 of 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 its 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

*R U a lawyer or a "commissioner" ?*

# 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.
- 2.1 In the case of a motion, order that the motion be stayed or dismissed.
- 3. Impose such terms as are just.

*No, grant me judgement*  
*Why? on what grounds?*  
*I was shamed to prison*

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

#### BASIC LIMITATION PERIOD

Basic limitation period

Motion to Strike Limitation Act sent 12/2/2015

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.

**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 <b>Chou</b>		
First name <b>Yi Chin</b>	Second name	Also known as <b>Jenna</b>
Address (street number, apt., unit) <b>57 Hopewell Street</b>		
City/Town <b>Kleinburg</b>	Province <b>Ontario</b>	Phone no. <b>416-571-3662</b>
Postal code <b>L4H 3Y2</b>	Email address <b>jenna.chou@gmail.com</b>	
Representative <b>self-represented</b>		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 <b>FirstService Residential</b>		
First name	Second name	Also known as
Address (street number, apt., unit) <b>2645 Skymark Avenue, Suite 101</b>		
City/Town <b>Mississauga</b>	Province <b>Ontario</b>	Phone no.
Postal code <b>L4W 4H2</b>	Email address	
Representative <b>Ryland MacDonald</b>		Law Society of Ontario no. <b>64134T</b>
Address (street number, apt., unit) <b>480 University Avenue, Suite 081</b>		
City/Town <b>Toronto</b>	Province <b>Ontario</b>	Phone no. <b>416-679-2781</b>
Postal code <b>M5G 1V2</b>	Email address <b>rmacdonald@sbalawyers.ca</b>	

Les formules des tribunaux sont affichées en anglais et en français sur le site  
[www.ontariocourtforms.on.ca](http://www.ontariocourtforms.on.ca). Visitez ce site pour des renseignements sur des formats accessibles.