



## Freedom Party

*...Today's Choice For Tomorrow!*

Freedom Party Of Ontario  
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October, 1999

Dear Friends and Supporters,

Former London landlord **Elijah Elieff** has, at long last, filed a \$1.3 million Statement of Claim against those responsible for the personal defamation campaign waged against him from 1989 - present. In their collective effort to wrest control of his privately-owned Cheyenne Ave apartment buildings for taxpayer-funded co-op housing, those responsible for the actions against Mr. Elieff used every legal device at their disposal to defame and malign his reputation as a landlord and businessman. To add insult to injury, these same people had him falsely labeled a racist before an **Ontario Human Rights Commission** Board of Inquiry.

His reputation ruined, his means of income destroyed, and his property taken from him without equitable compensation, Elijah Elieff needs our help to ensure that his case gets a fair hearing and that justice is done!

**You are cordially invited and strongly encouraged to attend our fundraising and public awareness dinner event to be held:**

**Saturday, October 23, 1999**

**Doors open: 6:30 pm (buffet dinner @ approx. 7 pm)**  
at the:

**Seven Dwarfs Restaurant**  
**1659 Wharncliffe Road South,**  
**LONDON, Ontario N6L 1J9**  
(easy access from Hwy 401 - see map on page 4)

**Reservations: \$50 per plate\***

(\* partially tax-creditable; Your net cost as low as \$27.50)

Please make every effort to attend. This is without a doubt the most significant and far-reaching issue ever tackled by **Freedom Party**, and an innocent man's reputation and livelihood is at stake. More than that, everyone's freedom and security is on the line. What happened to Mr. Elieff could happen to you --- as it already has happened in the lives of many innocent victims!

(cont'd over.../2)



To bring the broader impact of Canada's quasi-judicial Human Rights Commissions to our attention, we'll be joined for this very important event by our guest speaker for the evening: **Rory Leishman**. As the national affairs columnist for the *London Free Press*, and as an editorial writer and columnist with other publications including the *National Post*, Rory has been calling for the abolishment of Human Rights Commissions for many years.

This, of course, is exactly **Freedom Party's** platform on the issue. Despite their benign-sounding name, so-called 'Human Rights Commissions' exist to exploit the racial differences of Canadians, and use those differences to justify a host of government policies that are redistributive in nature. I can assure you from personal experience that they have very little to do with either justice or equality. Even worse, the Boards of Inquiry (often referred to as 'tribunals') which operate under Human Rights legislation are quasi-judicial bodies that by-pass established principles of fundamental justice and actually encourage the use of 'hear-say' and statistics as the 'evidence' upon which they operate.

Rory will bring to light other HRC abuses and insights outside our immediate range of personal experience. To be sure, Elijah Elieff is not the only victim of this (lack of) process. The mayor of London and the mayors of other communities, along with members of the media are increasingly finding themselves in the very predicament that Elijah now finds himself.

Those of you who have been long-time **Freedom Party** members or supporters will recall the frustration, injustice, and outright misrepresentation by certain members of the media that were documented in the pages of *Freedom Flyer* and *Consent* between June 1993 and June 1998. Now Elijah's whole story is available under one cover: our special 40+ page edition of **Alert! - Uncovering the Hidden Agendas behind Ontario's Human Rights Commission**. Yet despite its length and detail, it only tells a part of the story --- the part that is now in the past.

Right now, Elijah's main concern is the future: how to right the wrongs perpetrated against him, and how to prevent similar injustices from becoming the official fabric of Canadian culture.

The first job is his. The second is ours.

That's why we're here to help, and why we need your help.

It is vital that we address the fundamental injustice of the whole Human Rights process and that we expose its inevitable misuse by those with a hidden political agenda. No case could be a better illustration of this abuse than the case of Elijah Elieff. Here is a man who was accused and convicted of being a 'racist', when the real purpose of those accusing him was to gain control of his apartment buildings to replace them with tax-payer funded co-op housing. And this was no *hidden* agenda; it was openly admitted to and touted as a 'human rights' issue and an 'affordable housing' issue.

(cont'd on next page.../3)



It is a story that most find difficult to believe.

"It can't happen here," say the critics. To which we reply: "But it HAS happened and it IS happening here."

As a consequence, Elijah's September 16, 1998 lawsuit names **Susan Eagle**, the **United Church of Canada**, **Neighbourhood Legal Services Inc.**, and the **National Bank of Canada** as defendants in a \$1.3 million claim which includes: damages for **conspiracy, abuse of process, intentional interference with contractual relations, inducing breach of contract**, and **unlawful interference with economic interests**. Additionally, he is seeking damages for **the improvident sale of his apartment buildings** by the National Bank of Canada and he also wants **an accounting of the rent money collected from his tenants by the other defendants during their campaign to gain control of his buildings**.

To be blunt, this will be an expensive and time-consuming undertaking and Elijah simply cannot afford to do it on his own. That's why he needs your help and ours. With legal fees quite possibly exceeding the \$50,000 mark, the **Cheyenne Court Challenge** is a privately administered account that has been established for those who wish exclusively to help Mr. Elieff in his cause. 100% of any monies payable to the **Cheyenne Court Challenge** will go towards his legal fees in this case. (Please note that these donations do not qualify for a tax-credit.)

For **Freedom Party** contributions (which are tax-creditable), any profits earned by our dinner and campaign fundraising event will be split 50/50 --- half will go to the **Cheyenne Court Challenge** and the other half will be used to cover our expenses incurred in publishing Elijah's story, media releases, our lobby to end the systemic abuses of Ontario's Human Rights Commission, public events, and help in the preparation of evidence and arguments for Mr. Elieff's claim.

A successful lawsuit is not only necessary for Elijah, but it will send a powerful message to the many others who routinely abuse the law of the land for personal gain at the expense of innocent victims.

All donations, contributions, and dinner reservations will receive our 40+ page special edition of **Alert! --- Uncovering the HIDDEN AGENDAS Behind Ontario's Human Rights Commission**. Discover the incredible story of Elijah Elieff from the point that **Freedom Party** got involved in 1993 to the present. You'll see the original *London Free Press* article that got him into trouble, the comments printed by **Freedom Party** that were officially banned by the Board of Inquiry, the arguments that I used to successfully defend him before that same Board of Inquiry, and details of the subsequent successful appeal launched by the Human Rights Commission which is blindly intent on finding discrimination anywhere it looks.



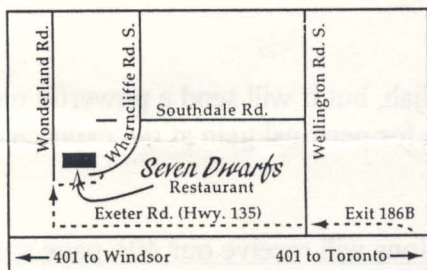
A sampling of some of the press clippings relating to Elijah's case are enclosed with this mailing. Among them are editorials by our dinner guest speaker, **Rory Leishman**, a response by London lawyer **Jeff Schlemmer** (who is also a defendant in the case, representing Neighbourhood Legal Services Inc.), and a sampling of other miscellaneous articles relating to Elijah's case and **Freedom Party's** involvement with it.

Once again, I encourage you to **make every effort to attend our Saturday, October 23 dinner event in London.** Even if you cannot make it to the dinner, your contributions and donations will still be greatly appreciated and are sorely needed. Just check the appropriate options on the enclosed blue response form, and your money will be directed to the option of your choice. (Also, another fund-raising dinner for Elijah will be held in Toronto on Saturday November 6, sponsored by the *Voice of Canadians*. Reservations are \$45; you can contact Dick Field at: 416-766-0895 for more details.)

It is only through your support that Elijah will be able to follow through on his legal claim to the end. It is only through your support that **Freedom Party** can help.

For us, there is no hidden agenda. If anyone wishes more information, whether about the status of Elijah's legal case, his expenses incurred, **Freedom Party's** involvement or my own personal involvement, we'll be more than happy to provide it. And yes, Elijah himself will be present at our dinner event.

This is not just his fight, but a fight for everyone who values individual freedom. I hope to hear from you soon and I look forward to meeting you on Saturday, October 23 in London. See you there!



Sincerely,  
FREEDOM PARTY OF ONTARIO

Robert Metz  
Ontario President

**P.S.** Remember, all dinner reservations are partially tax-creditable; additional contributions to Freedom Party are fully tax-creditable! **Time is limited! Call 1-800-830-3301 to reserve now, or use the post-paid envelope and response form enclosed for your convenience.**

**P.P.S.** Watch for our election edition of *Freedom Flyer* in the coming weeks ahead! With updates on our on-going activities, campaign results, feedback and comments on our party platform, and more on the Elijah Elieff case, this one is definitely worth the wait!



## Elijah Elieff

An immigrant from Macedonia, Elijah Elieff came to Canada with his wife and three children in March of 1973, "because I hated Communism" and to start a new life in a land of the free. Penniless (his father was killed by the communist regime in Macedonia for being part of a wealthier class), he began working at various odd jobs until a year later when he landed a job at the Ford plant in Talbotville. It was there that he worked and saved his money until he had enough to make a downpayment on two Cheyenne Ave. apartment buildings in London in 1984.

It was here that he opened his doors to other poor immigrants, mostly Asian, and often did not request his standard 'first-and-last-month's' rent payments from them. Unfortunately, unknown to Elijah at the time, his buildings had been targeted by four United Church branches who employed Rev. Susan Eagle as a paid lobbyist to have them converted into government-subsidized co-op housing. By 1989, most of the tenants in his buildings were Asian, a fact that was easily exploited, with the help of the London Free Press, to paint the troubles the landlord was having with keeping his buildings clean and in repair as being racially motivated. As a consequence of the campaign waged against him, he lost his apartment buildings, his submarine sandwich shop, and his reputation as a kind and caring landlord (as attested to by the vast majority of his tenants).

For the past few years Elijah has been a transport truck driver, though recently he found himself once again unemployed. While he will no doubt soon find employment again, this too has placed a greater sense of urgency for the need to help his legal cause.



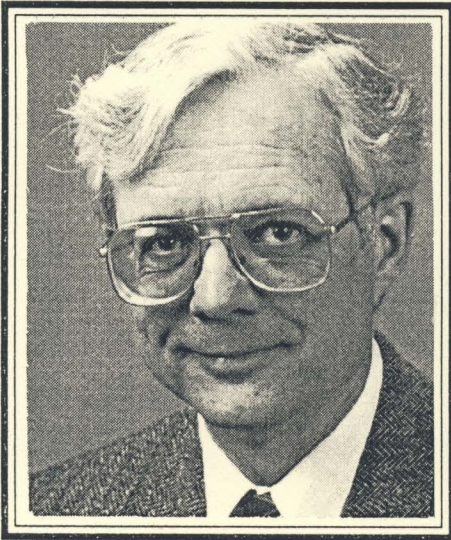
## Rory Leishman

Rory Leishman was born and raised in Indian Point, Burlington, Ontario. He holds an Honours BA in Political Studies and Economics from Queen's University in Kingston, Ontario. He did graduate work in political studies at Queen's and for a year in the Graduate college at Princeton University in Princeton, New Jersey.

In 1970, Leishman joined the Department of Political Science at the University of Western Ontario, where he taught courses on Canadian federalism, Quebec politics, and introductory political theory. From time to time, he has also conducted a seminar on development economics and reporting in the Graduate School of Journalism at Western.

In 1975, Leishman joined the London Free Press as an editorial writer and columnist. He has had articles published in several other newspapers and magazines, including the National Post, The Next City, The Presbyterian Record, Catholic Insight, The Interim and Pro-Life News. Now retired from the newspaper, he continues to serve on a freelance basis as a weekly national affairs columnist for the London Free Press.

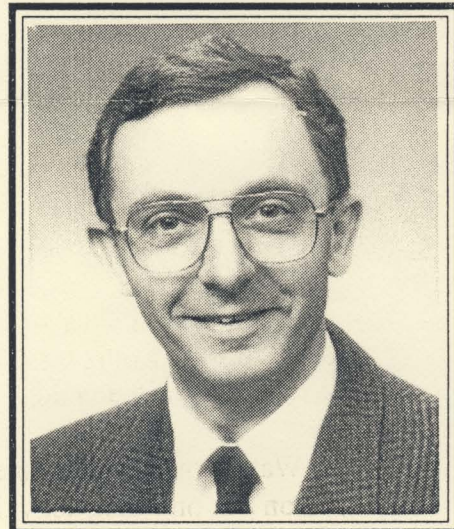
Leishman is a member of Civitas and the Centre for Renewal in Public Policy. In June 1997, he was honoured to receive the annual William Kurelek Award from Alliance for Life, "in recognition of an outstanding contribution to the development of respect and appreciation for the dignity and worth of human life." Leishman is happily married to a charming Nederlander, Caroline (Plomp) Leishman. They are members of Oakridge Presbyterian Church in London.



## Robert Metz

With a background in business administration and accounting, Robert Metz became a founding member of the Freedom Party of Ontario in 1984, and has been its full-time president since then. In that capacity, he has found himself in many roles, acting as writer, editor, and publisher of Fp's numerous publications and newsletters, as a candidate and party leader in past elections, and as public spokesman for the party on issues of policy and platform. He has also served as an executive member of many non-Fp ad hoc taxpayer and lobby groups.

In 1993, he volunteered to act as legal counsel for Elijah Elieff, a London landlord accused of discrimination before an Ontario Human Rights Commission, in one of the most controversial cases ever brought before the Commission. An outspoken advocate of individual freedom and responsibility in all aspects of political and social life, Bob has addressed many government commissions and public hearings. Since September 1997, he has also been a weekly talk-show commentator on CJBK Radio's (London) "Left, Right & Center", aired every Wednesday between 11am-noon, which explores issues of the day from various points on the political compass.





# An oppressive, perverse act



RORY LEISHMAN  
NATIONAL AFFAIRS

The case of Elijah Elieff should be an alarm to wake us up about the human rights legislation.

By Rory Leishman

Elijah Elieff can count himself lucky. The Ontario Human Rights Commission has failed in its initial attempt to hit him with more than \$450,000 in penalties for allegedly discriminating against Asian tenants in the apartment buildings he used to own at 95 and 105 Cheyenne Ave. (now Oakville Avenue) in London.

Elieff, an immigrant from Macedonia who bought the heavily mortgaged buildings in 1985, could not afford to prevent them from deteriorating into a filthy, cockroach-infested mess. The result was endless recriminations between him and his tenants, many of them refugees from Cambodia. On Nov. 8, 1989, The Free Press quoted him as having told a reporter: "They're like little pigs... they think they're still living in the jungle."

Was that remark legally libelous? We'll never know, because the question never came before a regular court. Instead, at the instigation of a community activist, Reverend Susan Eagle, one of Elieff's Cambodian tenants, Chippeng Hom, brought an action before the Ontario Human Rights Commission, charging Elieff with infringing "her rights to equal treatment in accommodation... due to her race, ancestry, place of origin, and ethnic origin."

The commission took almost three years to investigate and mediate the dispute. Throughout, Elieff denied that he was a racist and refused to apologize to Hom.

Finally, Ontario Citizenship Minister Elaine Ziemba exercised her authority under the Human Rights Code to appoint a board of inquiry into the matter. There was nothing unusual about this arrangement. All board adjudicators serve only part-time. They do not have the security of tenure or the political independence of a judge.

Is that not alarming? How does a trial before a politically appointed, part-time, human rights adjudicator relate to the common-law principles of fair and impartial justice that have evolved over centuries to protect the innocent?

However, despite the lack of safeguards, Ajit John, the person she selected to head up the board of inquiry proved his political impartiality last week, by throwing out the main charges against Elieff on grounds that commission counsel had failed to provide any evidence that Elieff's failure to repair the apartment buildings, "represented unequal treatment based on the race of the Asian tenants." Instead, John concluded that everyone in the building, regardless of race, suffered

the same poor living conditions.

Testifying on Elieff's behalf, Irina Secur, a former superintendent in the Cheyenne apartments, told the inquiry that some of the destruction in the Cheyenne buildings occurred, "because the Asian tenants fought among themselves." She also complained about children running wild, petty vandalism and misuse of apartment appliances.

"Cleaning the building became an impossible task for her," writes John in his decision. "She eventually left in 1987, bitter about the fact that Elieff appeared sympathetic to the plight of the immigrants, whom she blamed for the deteriorating conditions."

Another former superintendent, John Pipe, testified that an apartment occupied by non-Asians had been "trashed beyond recognition." John concluded that although Elieff, his wife, and two grown children tried to clean and repair the apartments themselves, the task was beyond them, especially as they were trying to make ends meet by simultaneously operating a take-out restaurant.

**FACES CHARGES:** However, John has not left Elieff completely off the hook. While rejecting the charge he discriminated against Asian tenants contrary to the Human Rights Code, John has found him guilty of harassing Hom after she had laid her complaint against him, by unduly raising her rent, cutting off her electricity and signalling her out for eviction. On this basis, John has ordered Elieff to pay Hom \$2,500 in compensation.

That's not nearly sufficient for Geri Sanson, counsel for the Ontario Human Rights Commission during the tribunal hearing. She says the commission is now contemplating an appeal of John's decision to the Ontario divisional court. That's bad news for Elieff who cannot afford a lawyer, but is not so destitute as to qualify for legal aid.

During the tribunal hearings, Sanson called on John to order Elieff to undergo a recognized course in anti-racism, to pay \$40,000 to Hom in compensation for injury to her dignity and self-respect, and to contribute \$409,900 to the Cheyenne Community Tenant's Board so that it could carry out repairs to his apartment buildings.

In support of such drastic penalties, Sanson cited various provisions of the Ontario Human Rights Code, particularly Section 41 which provides that in cases of unlawful discrimination, a board of inquiry may direct the offending party, "to do anything that, in the opinion of the board, the party ought to do to achieve compliance with this act."

What were Ontario legislators thinking when they passed such an oppressive provision into a so-called human rights act? Imagine what a tyrant would do with a law like that on the books. Is it not about time that all of us woke up to the dangers posed by perverse human rights legislation to freedom under law?

“Many incidents of disrepair and poor maintenance... raise the spectre of discrimination on the part of Mr. Elieff because a large proportion of the tenants... were Cambodian... However... the poor conditions in the apartment affected all tenants regardless of ethnic origin.”

”  
— Ajit John  
in his inquiry report

## Who's Right and Who Isn't?

The two editorial commentaries above (reprinted from the *London Free Press*, September 22, 1994 and October 1, 1994 respectively) clearly reflect opposing points of view about the same situation and circumstance. Unfortunately, the Divisional Court, in a subsequent appeal by the Human Rights Commission, sided with the arguments expressed by London lawyer Jeff Schlemmer. "Not a single point made by Schlemmer in this article is true," says Fp president Robert Metz. For a point-by-point refutation of Schlemmer's attack on Elijah Elieff, ask for our special 40+ page issue of 'Alert - Uncovering the Hidden Agendas Behind Our Human Rights Commissions' (provided free with any dinner reservations, contributions, or donations).

Make a point to attend our  
**Freedom Party Dinner Event**  
Saturday, October 23, 1999

Ontario's Human Rights Commission  
&  
The Cheyenne Court Challenge

SATURDAY, October 1, 1994

rebut v.t. force back; refute,. rebuttal n.

## REBUTTAL

# Elieff is no angel



JEFF SCHLEMMER is a London lawyer.

Rory Leishman may not like the Ontario Human Rights Commission, but he should not paint Elijah Elieff as a victim.

By Jeff Schlemmer

Regarding Rory Leishman's column, *An oppressive, perverse act*, (Sept. 22) about London landlord Elijah Elieff.

I acted against Elieff when he owned the apartments on Cheyenne Avenue. I was astonished by Leishman's statement that Elieff "could not afford to prevent (the buildings) from deteriorating into a filthy cockroach-infested mess."

The Cheyenne apartments were an appalling mess because Elieff refused to do adequate maintenance. I cannot imagine where Leishman obtained his information, unless he simply accepted Elieff and Elieff's employees' version of events. If Leishman saw the reports about Cheyenne apartments from The Free Press of the day he might recall Elieff was a notorious slumlord.

Certainly Elieff could have afforded to maintain his buildings. The Rent Control Act allows landlords to increase rents to carry out repairs. Any reputable property manager will tell you money must be spent on upkeep.

From the outset, Elieff refused to spend enough and the buildings fell apart. Elieff's aversion to maintenance ran so deep that when the plumbing broke, he left the lower floor flooded with raw sewage for months before the health authorities forced him to clean it up.

**DISOBEDIENCE:** Elieff repeatedly refused to obey the Landlord & Tenant Act and was therefore in the courts. We still have the court document on which he wrote extensive profanity, leaving little doubt what he thought of the London courts.

He was equally contemptuous of his tenants (and has yet to pay an outstanding order owed to the tenants). He fought the city, the health unit and the fire department over violations of health and safety laws. He repeatedly left his tenants without heat or utilities.

His tenants, many of them immigrants, suffered until Reverend Susan Eagle took up their cause and the various law enforcement agencies eventually forced Elieff to obey the law. For instance, London's bylaw on utilities cut-off was created in response to utilities shut-offs his apartments.

Elieff was successful before the Human Rights Commission because it found he treated his tenants abominably regardless of race. That does not make Elieff a victim.

The real tragedy of the decision is the apparent finding that if a person is nasty to everyone then it's okay to make remarks, such as the one about pigs from jungles quoted in your paper.

Leishman may not like the Ontario Human Rights Commission, but he should not try to paint Elieff as the victim in the Cheyenne apartment debacle.

Elieff obstinately chose to make his buildings into slums. His tenants and our city were the victims.

## CHEYENNE CHRONOLOGY:

**1989:**  
Landlord Elijah Elieff ordered to have his buildings on Cheyenne Avenue sprayed for cockroaches

**1990:**  
A tenant files a complaint against Elieff with the Ontario Human Rights Commission

**1992:**  
Elieff complies with order to clear blockage causing sewage floods in basement

**1993:**  
Elieff relinquishes control of the buildings

**1994:**  
Ontario Human Rights Commission board of inquiry finds Elieff did not discriminate against Asian tenants



# London landlord finds fans in Freedom party

The party leader vows to champion the cause of a man accused of discrimination.

The Freedom Party of Ontario plans to turn London landlord Elijah Elieff into a symbol of their campaign to promote the right to discriminate.

Party president Robert Metz and several other party members attended Elieff's hearing before the Ontario Human Rights Commission board of inquiry Mon-

day. Metz said the commission was unjust in investigating a complaint that Elieff discriminated against his Cambodian and Vietnamese tenants.

"What Mr. Elieff is being charged with is discrimination, which we feel is a basic right... we believe that a person with his own property and livelihood has

the right to discriminate on any grounds," said Metz.

Metz said Elieff's problem began when he allowed too many recent Asian immigrants into his building.

"That's his problem. He's here because he doesn't discriminate. That's the irony of the situation."

Metz said his party is trying to alert the public to proposed changes that would broaden and strengthen the powers of the commission to investigate dis-

crimination ingrained in a system as well as individual discrimination.

**FULL STORY:** Metz said the public doesn't know the full story about Elieff's problems and that he is a good example of a citizen who has suffered from bureaucratic harassment.

"We'll be telling his story from the beginning... if we have to go door to door to every house in the City of London."

I pointed out clearly to Daniszewski, in the presence of other witnesses, that the Ontario government is being hypocritical by telling its citizens that they may not discriminate on certain grounds, when the government itself routinely discriminates on those very grounds. In fact, on the cover of our most recent party newsletter, which many members of The Free Press receive, is the headline: Freedom Party Says 'No' To Discrimination, while inside we outlined point-by-point how our own government discriminates on the very grounds it prohibits its citizens from discriminating.

As to the specific case of Elijah Elieff, I have become convinced, on the basis of overwhelming documentation, that he has been made a victim of discrimination, and is certainly not a perpetrator of it. Because he is a landlord who also happens to be a white male, the law specifically discriminates against him on both counts and there is no "human rights commission" nor other agency of defence to which he can objectively appeal his case.

To add insult to injury, the dismal reporting of his case by The London Free Press, combined with a coldly calculated campaign to ruin his reputation and devalue his business and property by certain local politicians and representatives of the United Church, have unjustly portrayed this man to the community as something he definitely is not.

This is the real story behind the story of Elijah Elieff. Somebody has to tell the truth, and the fact that The Free Press won't do the job leaves that responsibility to others. Discrimination and harassment wear many faces and some hide behind the institutions set up to prevent them.

ROBERT METZ

Ontario president  
Freedom Party of Ontario  
London

JAN 7 1993

FP

## CIVICS 101 by JEFFREY REED

### Cheyenne Apartments in Tug of War

Who's to blame for the mess at 95 and 105 Cheyenne Ave.?

A myriad of problems have plagued the two northeast London apartment buildings for years. Everything from backed-up raw sewage to vandalism has turned the area into a war zone, which involves a war of words between tenants and landlord Elijah Elieff, who purchased the buildings in 1984.

A web has been spun since then. Briefly, many of the Cambodian and Vietnamese tenants have painted Elieff as nothing short of a slumlord. The landlord, a refugee from Yugoslavia, contends he "loves" the Asian refugees and therefore opened his doors to them, only to have his two buildings constantly damaged by some tenants.

An Ontario Human Rights Commission inquiry is slated to resume Feb. 2 at which time Elieff will continue to fight a complaint by tenant Chippeng Hom, who alleges she is suffering from living conditions tainted by discrimination. Elieff also continues to face the Middlesex-London Health Unit regarding required repairs to his apartments. He has been fined in the past for not completing city-ordered repairs.

This scribe is familiar with the Cheyenne situation. For two years in the early 1970s, I delivered about 70 copies of the now-defunct evening edition of the London Free Press to seven of the nine Cheyenne apartments. I grew up in a hurry. Neighbourhood gangs chased me for my collection money. I often covered my nose and mouth while sprinting down hallways, hurling papers at customers' doors. The stench of feces wiped across graffiti-covered walls and urine-soaked carpets was too much to take. The route also had its bonuses. I befriended many kind tenants, some of whom were overly generous at Christmas time. So what if their welfare cheques were being shared with the paperboy? It was Christmas.

At times, I was frightened. Elieff said he feels the same way, for different but related reasons. "I'm scared to death right now," Elieff told *Scene* in a January 4 telephone interview. "At the end, I probably will have to go and sue them all, launch a huge lawsuit against them all - sue the apartments first, city hall, (London) Free Press and Susan Eagle." In a Nov. 8, 1989 Free Press article, reporter Greg Van Moorsel quoted Elieff as saying some of his tenants are "like little pigs. They think they're still living in the jungle." These alleged remarks are part of the human rights commission's inquiry.

"All of that is fabrication from the Free Press... to sell their papers and make some money," Elieff said. Elieff called Reverend Susan Eagle, a United Church community worker supporting the Asian tenants, a "wicked lady (who is) trying to screw everything around for me." He said of Ward 3 Councillor Pat O'Brien, "I don't know what the hell is the matter with him. 'Elieff's frustration lies in the fact that the tenants, with Reverend Eagle and the city's help, are attempting to control their own destiny. Elieff said only "four or five tenants are paying rent to me, about six won't pay and the rest are paying Susan Eagle." He said a two-bedroom unit rents for about \$430, a one-bedroom about \$285. Many of the units are empty.

Eagle, who has worked with the Ward 3 tenants since 1984 said a trust fund holds the rent money which goes directly to an unpaid electricity bill, which totalled about \$13,000 before the New Year. "Elieff was asking me why I wasn't out bothering other landlords, and I told him it's because he hasn't given me time," Eagle said.

Councillor O'Brien outlined the tenants' plans under Eagle's guidance. "There's a serious effort being made to buy those buildings. We're trying to help in any way we can, to turn them into condos," O'Brien said of the city's efforts. The choices are "either clean up the housing conditions, or take the buildings over ourselves, which is now our preferable solution - co-op housing," Eagle said.

One tenant told *Scene* that Elieff has ignored his pleas for help regarding raw sewage flooding. Preap Touch, Cheyenne Community Tenants Board president, talked about a conversation he said he had with Elieff. "He just said church will take care of me. I don't know what church. One time he said, 'Go see Susan'," said Touch.

A fact's a fact. Elieff's two Cheyenne buildings are in constant need of repair. Renovations cost money, but rules are rules. Necessary repairs must be made for the sake of the tenants. One has to wonder if Elieff made the right choice in purchasing the buildings. Elieff guided me through 95 Cheyenne Ave. on Jan. 5, showing me one unit which he said was destroyed by tenants who left owing three months' rent. Huge holes appeared in the walls and doors were smashed to splinters. Elieff showed me another unit which had what he called "bullet holes" through a window. I'm no Clint Eastwood, but the clean holes did appear to be caused by pellets.

**Above:** The original December 29, 1992 *London Free Press* article that became the catalyst which caused Freedom Party to get involved in the Elijah Elieff case. **At Right:** Fp president Robert Metz responds to above article in a letter to the editor published in the *London Free Press* on January 7, 1993. **At Left & Below:** Another perspective on the Cheyenne situation as published by *Scene Magazine* (January 14 - January 27, 1993).

**Be sure to attend Freedom Party's Saturday October 23, 1999 Dinner Event in London!**

There are tenants who support Elieff. The landlord has also found support from the Freedom Party of Ontario. The Dec. 29, 1992 edition of the Free Press reported that the Freedom Party was turning Elieff "into a symbol of their campaign to promote the right to discriminate." Party president, Robert Metz, told *Scene* the Free Press article erred in this judgement. "We do not intend to turn him into a symbol, nor do we have a campaign to promote the right to discriminate," Metz said. "I sat through two days of hearings. Tenant after tenant and superintendent after superintendent were sitting with piles of invoices showing that Mr. Elieff had always complied with regulations, had always paid his bills on time... but simply cannot keep up to what has been called a wholesale vandalism of his property by tenants."

Metz continued his defence of Elieff, in relation to the hearing. "He never said any racist comments at all. The reporter went out of his way to make it sound like a racial statement. The real issue is that Susan Eagle, the United Church, the Free Press and a couple of politicians want Mr. Elieff's buildings for public housing. The Free Press has been doing a very systematic campaign against this man. "One must feel sorry for the tenants who want to provide safe homes for their families. They continue to live there, according to O'Brien and Eagle, because they don't have many choices in accommodation. "The system is at work," said Eagle, "but I'm not sure it's working."

### Elijah Elieff unjustly portrayed

While the quotes attributed to me in Hank Daniszewski's Dec. 29 article *London landlord finds fans in Freedom party* are accurate, the opening text of the article is misleading.

The article suggests the Freedom party "plans to turn London landlord Elijah Elieff into a symbol of their campaign to promote the right to discriminate." I said no such thing whatsoever to Daniszewski, nor is the Freedom party involved in any campaign to "promote" discrimination.

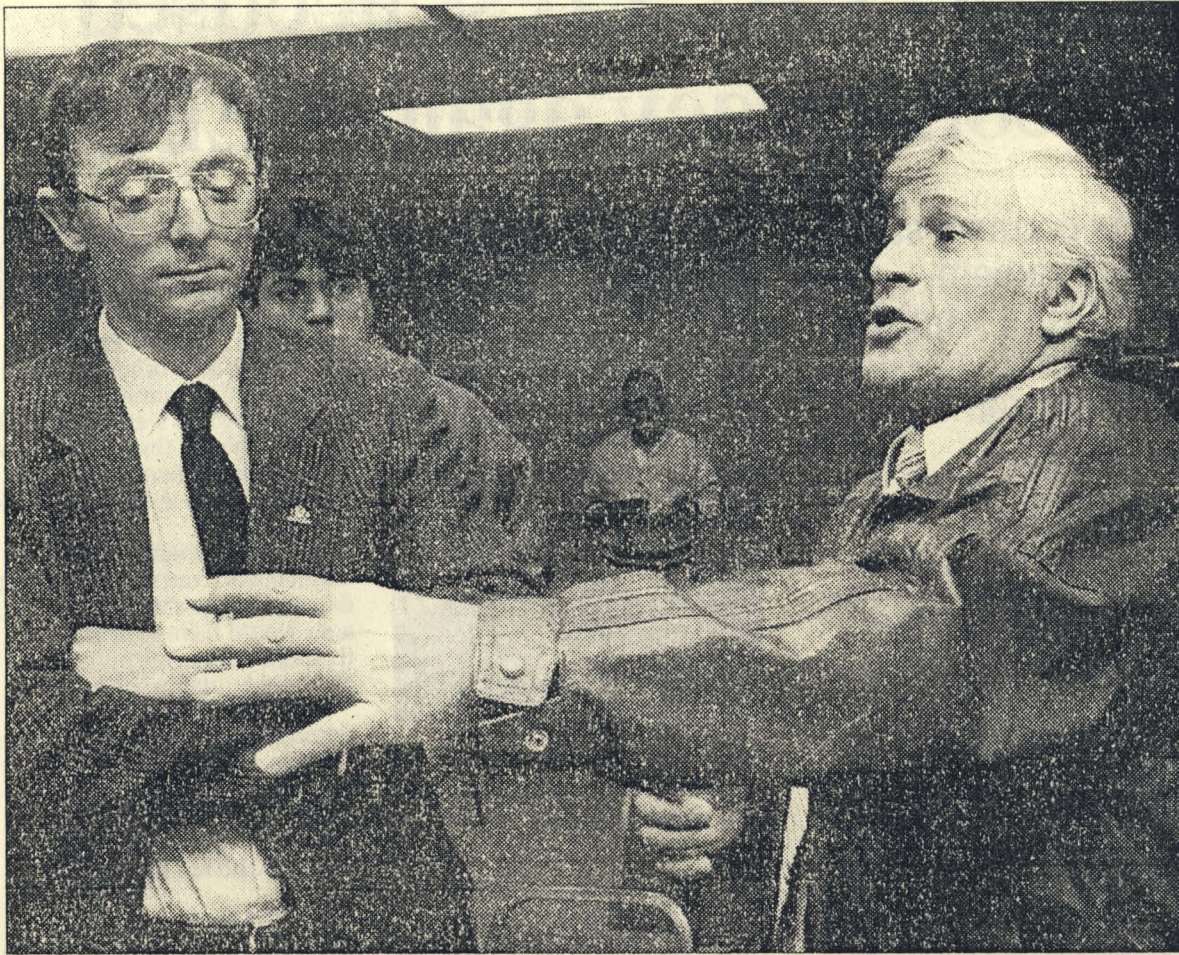
However, I did say that we planned to use the human rights commission's case against Elieff as an example of harassment and discrimination on the part of government — and that such discrimination is unjust and should be illegal. Daniszewski then asked me if this was a case of "reverse discrimination" and I replied that it was irrelevant, it's still discrimination and should not be permitted.



Landlord Elijah Elieff shows *SCENE* damage to an empty apartment at 95 Cheyenne Ave which he says was caused by tenants.  
Photo by Jeffrey Reed



## HUMAN RIGHTS



Sam McLeod/The London Free Press

Freedom party of Ontario leader Robert Metz, left, listens to London landlord Elijah Elieff during a break at an Ontario Human Rights Commission board of inquiry Tuesday. Elieff's alleged treatment of tenants at 95 and 105 Cheyenne Ave. is the reason for the hearing.

# Smear campaign alleged against London landlord

One long-time resident of a building owned by Elijah Elieff says the landlord 'really extended himself to understand' Asian tenants.

By Hank Daniszewski  
The London Free Press

The Freedom party of Ontario jumped to the defence of London landlord Elijah Elieff Tuesday.

An Ontario Human Rights Commission board of inquiry resumed hearings into charges Elieff discriminated against his Asian tenants at 95 and 105 Cheyenne Ave., but the hearings quickly bogged down in a series of procedural arguments and accusations that evidence was being leaked outside the hearing room.

Until now, Elieff has presented his own case, but Freedom party leader Robert Metz became Elieff's official spokesperson

### THE COMPLAINT

□ Chippeng Hom alleges her right to equal treatment for accommodation and freedom from harassment has been infringed by Elijah Elieff's comments so that her living conditions were "poisoned by discrimination."

Hom, who says she can't afford to move out of the building, says she continues to suffer in the conditions that Elieff justifies with his "stereotypical assumptions" that Cambodians like to live like pigs and like cockroaches.

The Ontario Human Rights Commission launched its investigation of Hom's complaint in April, 1990. A provincial board of inquiry began hearing the complaint in November, 1992.

Tuesday to argue that Elieff was the target of an organized smear campaign.

Two members of the Freedom party were called to the stand to deny accusations that they were sneaking out of the meeting room to tell Elieff about testimony from which he was excluded.

**SUPPORTIVE:** The board heard testimony from tenant Mary Mowat, despite objections from commission counsel Geri Sanson, who argued that Elieff had exhausted his list of witnesses. Mowat, who has lived in 95 Cheyenne Ave. since 1985, supported earlier testimony Elieff

did his best to clean up the property, repair vandalism and welcome his Asian tenants.

"Elijah really extended himself to understand these people," she said.

But under cross-examination, Mowat said she told Eagle to "go to the devil" because she was upset by her efforts to organize the tenants.

She also admitted to distributing a note to tenants in December, urging them not to pay their rents into a fund to cover utility bills Elieff has not paid.

The hearings are scheduled to continue today.



**CHEYENNE APARTMENTS**

# Eagle, Free Press accused of conspiracy against Elieff

His counsel says anti-racism training would be 'judicial cleansing.'

By Eric Bender  
The London Free Press

Proposed penalties for discrimination in landlord Elijah Elieff's human rights case are self-serving, Elieff's counsel said Wednesday at the conclusion of a 13-day hearing that began last November.

"They have little to do with Elijah Elieff but a lot to do with Susan Eagle," Robert Metz, leader of the Freedom Party of Ontario, told the board of inquiry.

Eagle, a minister, is a church-based community worker who has been involved for years with the tenants at Elieff's two apartment buildings at 95 and 105 Cheyenne Ave.

Metz claimed there was a "calculated, fully orchestrated lobby effort" by Eagle and backed by The London Free Press to smear Elieff and devalue his property so it could be taken over by Eagle as co-operative housing. He said the proposals "border on cruel and unusual punishment."

Noting that Ontario's human rights legislation gives a board of inquiry the right to impose "anything" to remedy human rights abuses or prevent it from happening in the future, Metz called the board "an unjustifiable board."

"Unlimited power leads to unlimited abuse of that power," Metz told board adjudicator Ajit John. Metz charged that the board was being used as "an instrument of reprisal against a landlord."

Metz described a proposal that Elieff put \$409,900 into a tenants' trust fund for capital repairs at the Cheyenne buildings as serving Eagle's aim to



Community worker Susan Eagle was accused of smearing landlord Elijah Elieff for her own personal gain.

gain control of the buildings.

He said an order to have Elieff pay for a \$6,000 full-page advertisement by his Asian tenants in The Free Press amounted to an "award" to newspaper for its support in the campaign against Elieff.

Metz said forcing Elieff to undertake anti-racism training would amount to "judicial cleansing."

"Damages being asked have very little to do with the complainant (tenant Chippeng Hom). It has everything to do with the collective. If you want to do something for the complainant, ask Elieff to buy her a house and a vacation. It would be cheaper," Metz said.

**DISMISSAL:** Metz asked for an "absolute dismissal" of the case against Elieff and that he be awarded costs.

He said Elieff had lost control of his apartments, had lost his downtown sandwich shop and was reduced to "driving a school bus for sick kids twice a day" for a living since "the campaign" against him began.

Elieff is the victim in this case, Metz said. He told the board there was a human rights infringement, but it was

on the part of The Free Press in misinterpreting Elieff and continually publishing his alleged remarks.

He said The Free Press was the only source of information about the Cheyenne situation and charged its slanted, biased reports shaped the public view of Elieff and poisoned the environment of the Asian tenants in his buildings.

Metz said Elieff can only claim costs from the board, not damages. Any claim for damages would have to arise through a separate civil suit, Metz said outside the hearing.

Metz contended Elieff's remark to a Free Press reporter that his Asian tenants were "like little pigs living in the jungle" was not racist, but meant to refer to any "messy" tenants who act like pigs.

**VANDALS:** They were also vandalizing his property — the real reason for his apartment problems, Metz said. Elieff's lack of fluency in English also prevented him from expressing himself properly, Metz contended.

Commission counsel Geraldine Sanson replied that Elieff was repeatedly given an opportunity to clarify his remark but he simply repeated it.

Metz spent most of the day citing Free Press reports that made Elieff look bad and noted "alarming" inaccuracies in them. He said The Free Press constantly labelled the Cheyenne situation a housing issue when it was really a landlord-tenant issue.

Sanson told the board housing is a human rights issue and reminded the board the first priority of the community effort involving Eagle was to get repairs done at the apartment buildings. Purchase of the property was a last resort, she said.

A decision in the case was reserved. John said he would attempt to issue a written judgment within 30 days.

**Above and Over:**

Two *London Free Press* articles, published eight months apart from each other (February 3, 1993 and September 30, 1993) are sadly among only a handful printed by the paper that hint at the true nature of the Cheyenne Ave controversy, in which (former) London landlord Elijah Elieff found himself embroiled. Over 150 negative articles and editorials about the landlord and his Cheyenne Ave apartments (between 1989-1994) helped to create the 'notoriety' that was so attractive to Ontario's Human Rights Commission.



# Freedom in peril



**RORY LEISHMAN**

National affairs columnist

## THE CASE

Elijah Elieff, the owner of apartment buildings at 95 and 105 Cheyenne Ave. in London, has been called before a board of inquiry under the Ontario Human Rights Code

Commission counsel Geraldine Sanson has called for more than \$450,000 in penalties

A London slum landlord is being persecuted in an extraordinary and alarming case.

By Rory Leishman

Elijah Elieff is a pariah. He is a slum landlord. Why should anyone care that he has been singled out for persecution by the Ontario Human Rights Commission?

Robert Metz, Ontario president of the Freedom party, knows the right answer: If even the lowliest citizen is oppressed, the liberty of everyone is jeopardized.

That's why Metz has donated his services as an advocate for Elieff before a board of inquiry under the human rights code. It is a most extraordinary and alarming case. During a hearing in London on Sept. 28, Geraldine Sanson, counsel for the commission, asked board adjudicator Ajit John to hit Elieff with more than \$450,000 in penalties for allegedly violating the rights of Chippeng Hom and other Southeast Asian tenants in apartment buildings at 95 and 105 Cheyenne Ave. in London.

Metz concedes the obvious: That Elieff's Cheyenne Avenue buildings "are in a constant state of disrepair" and have been the subject of "numerous board of health complaint filings." These are serious problems for consideration by building inspectors and public health officials. What, though, does the state of Elieff's buildings have to do with the human rights commission?

Sanson contends it's a question of discrimination. In a submission to the inquiry board, she maintained that Hom and other tenants in the Elieff's apartments suffer, "poor living conditions which are justified by Elieff by stereotypical assumptions that Cambodians like to live like pigs and that they like cockroaches. . . .

"The commission will be seeking a high award of damages for Hon," Sanson explained, "to allow her to improve her living conditions, as she is unable to move, and to repair her dignity and her self respect."

On this basis, the commission wants Elieff to pay \$40,000 to Hom in compensation for injury to her dignity and self-respect resulting from harassment, a poisoned living environment, denial of equal residential treatment and reprisal. In addition, Sanson has asked the inquiry board to order him to contribute \$409,900 to the Cheyenne Community Tenant's Board to carry out repairs to his apartment buildings.

That's not all. To make sure Elieff never sins again, the commission has gone so far as to request the inquiry board to compel him, his son and his building superintendents to attend a

recognized course in anti-racism.

This is unprecedented. Before the human rights commission came along, no agent of the government ever suggested that a citizen of Ontario should be legally obligated to take a course in politically correct thinking. Perhaps the Rae government might wish to recruit brain-washing experts from North Korea to make sure the job is done properly.

It's hard to believe that the kind of penalties sought by the commission are legal. Yet Section 41 of the human rights code plainly states that if a board of inquiry finds that some party has discriminated against a complainant contrary to the act, "the board may direct the party to do anything that, in the opinion of the board, the party ought to do to achieve compliance with this act."

Every landlord is vulnerable to this Draconian legislation. With sufficient provocation, the best of them might be tempted some time to blurt out: "Welfare tenants are making a mess of my buildings." In view of the Elieff precedent, such an intemperate outburst could carry huge penalties inasmuch as discrimination on the basis of "receipt of public assistance" is one of 15 grounds prohibited by the Ontario Human Rights Code.

**DENIAL:** Elieff is in default on his mortgage payments for the Cheyenne buildings and indignantly denies all accusations of discrimination. Nonetheless, suppose he is condemned by the inquiry board and cannot afford the fines levied against him or refuses to pay. What happens then?

In either case, he could be hauled before a divisional court for violating an order of the human rights tribunal and jailed. It has happened before.

People who cannot work up much sympathy for landlords might consider what happened to Daniel Brambilla, producer of the controversial musical Showboat. Last month, he was summoned to appear before the Toronto police board and given a dressing down by the board's chairperson, Susan Eng.

In view of angry complaints that the show will poison the environment for blacks, she asked: "If you had it to do all over again, would you do it again?" Brambilla politely suggested this was not a proper matter for police board consideration.

Eng responded tartly: "We don't take kindly to anyone who cavalierly engages in that kind of disruption. If they have unwittingly done that," she warned Brambilla, "I would want to know whether they would do it again."

Freedom under law has never been more gravely imperilled in Ontario. If Elieff is condemned at the instigation of the human rights commission, bells should be tolling, not just for him, but for the freedom of everyone.

Keynote speaker at Freedom Party's October 23 dinner event, Rory Leishman has been aware of the Cheyenne Ave situation for many years now, as attested to by the above editorial published in the *London Free Press* on October 14, 1993.



## HUMAN RIGHTS

SEP 17 1994

# Commission upset as inquiry clears Elieff of discrimination

A notice of appeal will be filed in the case of the Cheyenne Avenue landlord.

By Dahlia Reich  
The London Free Press

The Ontario Human Rights Commission is "disappointed" with the conclusions of a board of inquiry that found former London landlord Elijah Elieff was not discriminatory in his poor treatment of tenants.

The inquiry, called in 1992 to investigate a complaint of discrimination by tenant Chippeng Hom, a native of Cambodia, ruled this week in favor of Elieff because all the tenants, regardless of race, were treated poorly.

"Many incidents of disrepair and poor maintenance of municipal standards raise the spectre of discrimination on the part of Mr. Elieff because a large proportion of the tenants, like Ms. Hom, were Cambodian," the inquiry concluded. "However, at the time of the complaint, the poor conditions in the apartment (building) affected all tenants regardless of ethnic origin."

**RACIST COMMENTS:** The inquiry concluded that racist comments by Elieff reported in The London Free Press "were actually made as reported." A 1989 article quoted Elieff, previous owner of 95 and 105 Cheyenne Ave., saying his Cambodian and Vietnamese tenants were "like little pigs ... they

think they're still living in the jungle."

At the same time, the inquiry awarded Hom \$2,500 in general and punitive damages, saying she was subjected to reprisals from Elieff for launching the complaint.

The inquiry, by an independent board, was called by the Ontario Human Rights Commission after a 1990 investigation by the commission into Hom's complaint. Hom alleged her right to equal treatment for accommodation and freedom of harassment was infringed upon by Elieff's comments and that her living conditions were "poisoned by discrimination."

**REVIEW:** The commission is not happy with the decision and "will be filing a notice of appeal ... to preserve the commission's rights in the event that they decide to pursue an appeal," said Geri Sanson, the commission's lawyer during the hearing.

The commission will review the decision and decide if there is basis for an appeal before making a final decision, Sanson said.

Community development worker Susan Eagle, who has been an advocate for the Cheyenne tenants for years, said Friday she is "completely mystified" by the inquiry's findings.

Hom said she is "not happy" about the findings and that, after nearly five years, the issue has not been resolved. She said she will consider appealing.

Elieff was not available for comment.

## WHAT'S NEXT

► Chippeng Hom, who still lives in the Cheyenne apartments, will decide whether to launch an appeal. She can do so independent of the Ontario Human Rights Commission.

► The commission is reviewing the findings of the inquiry and will also decide whether to launch an appeal.

-reprinted from the  
London Free Press

At Left:  
September 17, 1994

At Right:  
December 6, 1996

## COURTS

DEC 6 1996

## Tenants rejoice at racism decision

Landlord Elijah Elieff had been absolved of a discrimination charge. An appeal tribunal reversed the ruling.

By Michelle Shephard  
Free Press Reporter

It was a celebration of her dignity, rather than the \$3,500 award.

Chippeng Hom and supporters said Thursday night that they had finally won their seven-year battle with landlord Elijah Elieff.

The Ontario Human Rights Commission and Hom won an appeal of a board of inquiry decision that had absolved Elieff of discrimination against his Cambodian apartment tenants.

The controversial landlord was accused seven years ago of discriminatory treatment of the Asian tenants of his cockroach-infested apartments.

The board of inquiry said his actions weren't discriminatory and awarded Hom \$2,500 for general and punitive damages.

Three justices of Ontario court, general division, heard the appeal in October and released their decision Thursday. They said the action was

See RACISM page B9 ►

## TENANTS: Ruling reversed

► From page B1

DEC 6 1996

discriminatory, creating "a poison environment" and awarded Hom \$6,000 — \$3,500 more than ordered by the board of inquiry.

"The racial slurs against the one group constitute the differential treatment," the decision said.

A board of inquiry had originally cleared Elieff of any discriminatory action since all tenants were subjected to the deplorable conditions of the buildings.

Elieff had blamed minister and community worker Susan Eagle and London Free Press reporters for organizing a campaign against him.

"This is an acknowledgement of the wrongdoing of the landlord and it shows that people cannot treat their tenants like that without legal action," Eagle said Thursday.

Elieff claims he has lost about \$90,000 since the complaints in 1992. He was out of town Thursday night and not available for comment.

Tenants had complained about remarks Elieff had made to a Free Press reporter. He was quoted as saying his tenants were, "like little pigs ... they think they're still living in the jungle."

Cynthia Harper, representing Hom, said she was "pleasantly surprised" by the outcome.

"One must question the motives of those who 'rejoice' at a finding of racism, but who are 'upset' when it is discovered that no racism exists," commented Fp president Robert Metz following the decision of the Human Rights Commission's appeal. Metz represented Elieff before the Board of Inquiry free of charge but because he is not a lawyer, was unable to represent Elieff in the Divisional Court.

For the whole story on the Cheyenne Ave controversy, be sure to ask for our special 40+ page issue of 'Alert - Uncovering the Hidden Agendas Behind Our Human Rights Commissions' (provided free with any dinner reservations, contributions, or donations).